

RESOLUTION No. 2007-074

**A RESOLUTION OF THE
BOARD OF COUNTY COMMISSIONERS OF OURAY COUNTY, COLORADO
FOR PRELIMINARY AND FINAL PLAN APPROVAL OF THE
CIMARRON MESA NORTH PUD**

WHEREAS, Cimarron Mesa North, LLC (“Applicant”) has filed an application for Preliminary Plan/Plat and Final Development Plan approval of the Cimarron Mesa North PUD (“Application”) located on a 39.682-acre parcel of property located at 511 County Road 22, Ouray County, Colorado (“Property”);

WHEREAS, the Board of County Commissioners of Ouray County, Colorado (“Board”) heard comments on the Application and the Applicant’s request for Preliminary Development Plan approval and Final Development Plan approval at its regularly scheduled and noticed meeting on October 22, 2007; and

WHEREAS, the Board has reviewed the Application and supporting materials, Staff Report and various other information supplied to the Board regarding the Application; and

WHEREAS, based upon the Application, supporting materials, Staff Report and public comments, the Board has determined that the Application meets the conditions and criteria as set forth in the Ouray County Land Use Code (“LUC”) at Section 6.10 (C)(6)(g) and Section 6.10 (D)(7) of the LUC and otherwise complies with the applicable provisions of the LUC for approval of the Preliminary Development Plan/Plat and Final Development Plan approval for Cimarron Mesa North PUD; and

WHEREAS, the Board reviewed and approved the PUD Agreement and the Final Development Agreement to be executed by the Applicant.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF OURAY COUNTY, COLORADO, AS FOLLOWS:

1. The Preliminary Development Plan/Plat and the Final Development Plan for the Cimarron Mesa North PUD are approved, subject to the following conditions:
 - a. Within 90 days of approval, or on or before January 22, 2008, the Applicant shall sign the PUD Agreement and the Final Development Agreement and shall submit a bond in the amount of \$16,750.00 for the benefit of the Board of County Commissioners of Ouray County. If the PUD Agreement, Final Development Agreement and the bond have not been submitted by the Applicant on or before January 22, 2008, the approvals set forth herein shall be revoked.
 - b. Prior to final plat recording, the Applicant shall supply evidence to the Ouray County Land Use Administrator of the purchase of Tri-County water taps for each lot.
 - c. Prior to final plat recording, all roads within the Cimarron Mesa North subdivision shall be constructed to a Local Service Road standard and all such construction shall comply with the conditions and requirements set forth in Section 23 of the LUC.

- d. Prior to final plat recording, the Applicant shall enter into an agreement with the Board for the revegetation of the Property, including an appropriate bond, cash deposit or letter of credit in an amount recommended by the Ouray County Weed Coordinator as security for the revegetation of the Property and all other disturbed areas. The security shall remain in place for at least three years from approval of the revegetation agreement.
- e. Prior to recording the final plat, the Applicant shall ensure that the homeowners association for Cimarron Mesa North has been properly formed.
- f. Prior to final plat recording, the Applicant shall ensure that the water rights owned by the Applicant and historically used on the Property are properly conveyed to the homeowners association for Cimarron Mesa North.
- g. Prior to final plat recording, the Applicant shall insert language in Section 3.3 of the Covenants, Conditions & Restrictions addressing water rights and irrigation.
- h. Prior to final plat recording the Applicant shall obtain approval for the mail delivery facilities to serve the Property from the U.S. Postal Service and the Ouray County Road and Bridge Superintendent for compliance with any right-of-way policy and Applicant shall provide written evidence of such approvals to the Land Use Administrator.
- i. Prior to construction of all required improvements as set forth in the PUD Agreement, the Applicant shall obtain a PUD Construction Permit. The application for the Construction Permit shall include construction plans and drawings for all required improvements and shall meet all of the requirements of Section 6.10 D (8).
- j. Applicant shall comply with any/all regulations in place at the time of recording the final plat.
- k. This approval is contingent upon Land Use staff providing an approved resolution regarding the May 22, 2007 review by the Planning Commission.
- l. Prior to final plat recording, all subdivision monumentation shall be set, as required by Section 7.2 L of the Ouray County Land Use Code.
- m. Prior to final plat recording, all street signs and traffic control devices, as required by Sections 7.2 K and 7.3 B(13) and 23.2 W shall be installed by the Applicant in accordance with Ouray County standards and the Ouray County Road and Bridge Superintendent shall approve such installation.
- n. Prior to recording of the final plat, all requirements of Section 6.10 D (8) and 6.10 D (9) shall have been met.
- o. Prior to final plat approval by the Board, all necessary and appropriate plat notes shall be included on the final plat and the final plat shall be reviewed and approved by the Ouray County Attorney.

2. Once all conditions of the Preliminary Plan and Final Development Plan approval and all requirements of the PUD Agreement have been met and appropriate certifications have been received from the Ouray County Land Use Administrator, Ouray County Attorney and the Ouray County Road and Bridge Superintendent, the Applicant may submit its Final Plat for approval by the Board.
3. Applicant shall submit its Final Plat for approval by the Board on or before October 22, 2010 or the approvals set forth herein shall be void and shall be reconsidered only in accordance with all the provisions of the LUC as it may then have been amended.

APPROVED AND ADOPTED THIS ____ DAY OF NOVEMBER 2007, RATIFYING ACTION TAKEN ON OCTOBER 22, 2007.

BOARD OF COUNTY COMMISSIONERS
OF OURAY COUNTY, COLORADO

Attest:

Don Batchelder, Chair

Heidi M. Albritton, Vice Chair

Michelle Nauer, Clerk and Recorder
By: Linda Munson-Haley, Deputy Clerk of the Board

K. Keith Meinert, Commissioner Member