

**A RESOLUTION OF THE
BOARD OF COUNTY COMMISSIONERS OF OURAY COUNTY, COLORADO
TO APPROVE AN AMENDMENT TO LOT 328 OF FAIRWAY PINES ESTATES FILING NO. 3A-1**

WHEREAS, a Final Plan/Plat for Fairway Pines Estates, filing No. 3A-1 was recorded with the Ouray County Clerk and Recorder on December 24, 1999 as Reception No. 166607 ("Filing 3A-1 Plat") and such Filing 3A-1 Plat included a plat note designating lots on such plat as multi-family or cluster lots, including Lot 328 as a cluster lot allowing a density of 6 units; and

WHEREAS, the owner of Lot 328, Fairway Pines Estates filing No. 3A-1 is Trianon Capital, Inc. ("Applicant") and the owner has made an application to amend the Filing 3A-1 Plat to reduce the allowable density of Lot 328 to one single-family residence and to eliminate the additional five units of density ("Application"); and

WHEREAS, the Ouray County Planning Commission reviewed the Application on August 19, 2008 at a public hearing and the Ouray County Planning Commission recommended approval of the amendment to the Filing 3A-1 Plat subject to conditions; and

WHEREAS, in accordance with Section 6.13 of the Ouray County Land Use Code ("LUC"), Applicant provided notice of the public hearing to all property owners within Filing 3A-1 as well as adjacent property owners; and

WHEREAS, the Board reviewed the Application at its regularly scheduled and noticed meeting on September 22, 2008 and heard comments from the Ouray County Land Use Staff, the owner and the public and the Board finds that the application meets the requirements of Section 6.13 of the LUC; and

WHEREAS, the Board was presented with and was relying on a letter dated May 21, 2008 from Collins Cockrel & Cole (*Exhibit A*), the attorneys for the Fairway Pines Sanitation District ("District"), which letter stated that the Board of Directors for the Fairway Pines Sanitation District had reviewed the request of the owner of Lot 328 for a waiver of the requirement for connection to the District sewer system and that the District had consented to the waiver based on certain conditions, i.e., that the waiver would apply to one single-family residence and that Lot 328 would not be excluded from the District and would be required to pay the District tax levy;

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

1. The amendment to Lot 328 to reduce the density from six (6) units of density to one (1) unit of density as shown on the Filing 3A-1 Plat is approved, with the following conditions:
 - a. A final amended plat (Mylar) shall be presented to the Board for approval and signature;
 - b. A plat note shall be added to the amended plat for Lot 328 to reflect that the density for the lot has been reduced from six units of density to one unit of density and that the five units of density eliminated via the amendment are permanently vacated and shall no longer be available for any future development; and
 - c. The owner shall be required to comply with the conditions as set forth in the District's May 21, 2008 letter, as follows:

- (i) The District waiver applies only for one single-family residence. Any other improvements on Lot 328 must be connected to the District's sewer system, if and when a main is extended into this development area; and
- (ii) Because of the District's outstanding bonded indebtedness and statutory requirements, Lot 328 will not be excluded from the District and must continue to pay the district tax levy.

APPROVED AND ADOPTED THIS ____ DAY OF OCTOBER, 2008, RATIFYING ACTION TAKEN ON SEPTEMBER 22, 2008.

BOARD OF COUNTY COMMISSIONERS
OF OURAY COUNTY, COLORADO

Attest:

K. Keith Meinert, Chair

Don Batchelder, Vice Chair

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

Heidi M. Albritton, Commissioner Member