

RESOLUTION NO. 2010-025
Amending Resolution 2007-032

**A RESOLUTION OF THE
BOARD OF COUNTY COMMISSIONERS OF OURAY COUNTY, COLORADO
TO AMEND RESOLUTION NO. 2007-032 AND TO AMEND CERTAIN LANGUAGE CONTAINED IN
THE PUD AGREEMENT FOR CORAL BELL ESTATES PERTAINING TO IMPROVEMENTS TO
CORAL BELL DRIVE AND SETTING CERTAIN DEADLINES FOR FINAL PLAT APPROVAL**

WHEREAS, on June 25, 2007 the Board of County Commissioners of Ouray County, Colorado ("Board") approved the Preliminary Plan and Final Development Plan for Coral Bell Estates PUD; and

WHEREAS, as part of such approval the Board also approved a Planned Unit Development Agreement for Coral Bell Estates ("PUD Agreement") which set forth certain deadlines for the completion of improvements and infrastructure for Coral Bell Estates; and

WHEREAS, the PUD Agreement included language at Paragraph 2.1 that: "The required improvements are all those required by the Code and as may be identified in the Preliminary Development Plan, including specifically the improvements to Coral Bell Drive to a local service standard (18 feet driving lane and 2 feet for shoulder) and the intersection of Coral Bell Drive and CR 22..."; and

WHEREAS, at a regularly scheduled meeting on January 4, 2010 the Board heard discussion about the referenced language and the proposed improvements to Coral Bell Drive from the County Planner, Mark Castrodale, and John Peters as the agent for the developer of Coral Bell Estates, LK Enterprise, LLC: and

WHEREAS, it was represented to the Board by John Peters that the specific requirements for Coral Bell Drive could not be met and that there were some locations where the width of the roadway and the shoulders would be less than 22 feet; and

WHEREAS, at the conclusion of the discussion, the Board directed Staff to work with the Developer in the spirit of the PUD Agreement; however, the developer was directed to prepare drawings of Coral Bell Drive and the intersection of Coral Bell Drive and County Road 22 that would show the details of the entire roadway, to scale, and showing fluctuations in the fence line and the location of the power poles and the deviations proposed from the specified width, and that such drawings be satisfactory to the Road and Bridge Superintendent and the County Engineer; and

WHEREAS, the developer of Coral Bell Estates, LK Enterprise, LLC, has submitted modified construction drawings for improvements to Coral Bell Drive and to the intersection of Coral Bell Drive and County Road 22 that show the detail specified by the Board; and

WHEREAS, the Road and Bridge Superintendent and the County Engineer have reviewed and approved the revised construction drawings dated April 14, 2010, which detail improvements to Coral Bell Drive and the intersection of Coral Bell Drive and County Road 22; and

WHEREAS, final plat approval for Coral Bell Estates was to be completed by June 25, 2010; however the developer requested an extension of that date at the Board's meeting on June 14, 2010 and the Board granted such request, continuing final plat approval to July 26, 2010 in order for the developer to complete all required improvements and meet all conditions of approval; and

WHEREAS, by letter dated July 21, 2010 the developer requested an additional extension of time to complete required improvements and meet all conditions of approval and the Board considered such request at its regular meeting on July 26, 2010 and was agreeable to allowing additional time with the condition that no further extensions would be granted:

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

1. Paragraph 1.a. of Resolution 2007-032 shall be amended to read as follows:

All road improvements shall be referenced in the PUD Agreement and shall be completed per the revised final development plan construction drawings prepared by John Peters & Associates dated April 14, 2010 with the exception of paving of the internal roadway. The Ouray County Road & Bridge Superintendent and the Ouray County Engineer have reviewed and approved the modified construction drawings and all construction must be completed in accordance with such drawings.

2. Paragraph 2.1 of the PUD Agreement shall be amended to read as follows:

Improvements. Any and all improvements shall be constructed and installed or assurances made therefore prior to the recordation of the Final Plat for the subject development and prior to the issuance of any building permit on the Property. All such improvements shall be constructed in accordance with any deadlines set by the Board or as set forth in the Code. The required improvements are all those required by the Code and as may be identified in the Preliminary Development Plan, including specifically the improvements to Coral Bell Drive and the intersection of Coral Bell Drive and CR 22, as shown and described on the drawings prepared by John Peters & Associates dated April 14, 2010 and as approved by the Ouray County Engineer and the Ouray County Road and Bridge Superintendent in writing on June 29, 2010 (collectively "Improvements"). All such improvements shall be installed in accordance with the standards and specifications as may be set forth in the Code at Sections 7 and 23. The specific improvements to be completed by the Developer prior to approval of the Final Plat are all those improvements and requirements listed on the attached Exhibit "A".

3. On or before August 26, 2010 the developer shall submit all materials and information to show that all conditions and requirements have been met for final plat approval. Materials should clearly demonstrate that all conditions and requirements set forth in Resolution 2007-032 and the Planned Unit Development Agreement dated July 2, 2007 have been met. Failure to submit all materials in a complete form by August 26, 2010 may result in Final Development Plan approval for Coral Bell Estates being considered null and void and no further action will be taken by the Board for Final Plat approval and the developer will be required to resubmit for Final Development Plan approval.
4. If all materials and information are properly submitted as noted above, the Board's review of the request for Final Plat approval of the Coral Bell Estates PUD will occur on September 13, 2010. Such review will include a determination by the Board that all conditions and requirements have been satisfactorily completed in order for the Board to consider approval of the final plat for Coral Bell Estates PUD.

APPROVED AND ADOPTED THIS 2nd DAY OF AUGUST 2010, RATIFYING ACTION TAKEN ON JULY 26, 2010.

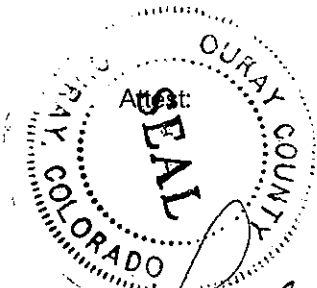
BOARD OF COUNTY COMMISSIONERS
OF OURAY COUNTY, COLORADO

- ABSENT -

Lynn M. Padgett, Chair

K. Keith Meinert, Vice Chair

Heidi M. Albritton, Commissioner Member



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

EXHIBIT "A"

The Developer agrees to cause the below listed improvements to be constructed and completed in accordance with the preliminary and final plans and in accordance with the plans and drawings prepared by John Peters and Associates dated March 1, 2007 ("Drawings") and as such may be modified by the Ouray County Engineer and the Ouray County Road and Bridge Superintendent to comply with Ouray County Road Standards, and in accordance with the applicable design, improvements, and construction standards of the Ouray County Land Use Code, including the County's road, and other infrastructure specifications (including but not limited to water and sewer), and shall cause such improvements to be completed by the date specified below. "As-built" plans and drawings will be submitted to the Ouray County Land Use Department, as each required improvement is completed. All improvements shall be designed and constructed in accordance with good and customary engineering practices. All utility installations shall be completed in accordance with the applicable standards and specifications as may be required by the individual utility company. Prior to recording of the final plat, Developer shall be required to submit a certificate from each utility company certifying that all installations have been properly completed and accepted by the utility company. All road work shall be completed in accordance with the Ouray County Road Specifications including the requirements for testing and inspections as set forth at Section 23.1E(6) and (7) and 23.3 A and B and final approval of such road improvements shall be required by the Ouray County Road and Bridge Superintendent prior to final plat recording and all test results shall be presented to the Ouray County Road and Bridge Superintendent prior to recording of the final plat. The road improvements shall include the improvement of Coral Bell Drive to a Local Service Standard as described in the Code and improvements to the intersection of CR 22 and Coral Bell Drive as set forth in the Drawings.

<u>Public Improvements</u>	<u>Completion Date</u>
All road subbase	9/15/07
All road base, paving, asphalt	9/15/07
Road and traffic control signs	9/15/07
Drainage system, ditches and culverts	9/15/07
✓ Water and Fire prevention system	9/15/07
✓ Natural gas	9/15/07
✓ Power	9/15/07
Telephone	9/15/07
<u>Private Improvements</u>	<u>Completion Date</u>
Road dedication	9/15/07