

ARAPAHOE
PLANNED UNIT DEVELOPMENT DESIGNATION

This Planned Unit Development Designation, to be known as the Arapahoe Planned Unit Development Designation, is approved this 14th day of May, 1990 by the Board of County Commissioners of Summit County, Colorado, hereinafter referred to as the "County", for certain real property located in Summit County and described in attached Exhibit A, hereinafter referred to as the "Property". This designation establishes the general uses which shall be permitted on the Property, a general development plan and a statement of development guidelines and conditions which must be adhered to by Peter Witter, hereinafter referred to as the "Owner/Developer". This designation also specifies improvements which must be made and conditions which must be fulfilled in conjunction with this designation by the Owner/Developer.

A. PERMITTED USES AND DEVELOPMENT PLAN

Use and development of the Property shall be in substantial compliance with the Development Plans attached as Exhibit B hereto, and with the following specific requirements:

1. Permitted Uses

A lodge consisting of the following:

- 58 lodging rooms
- 1 manager's unit

The employee unit shall be identified at the site plan stage of review. A covenant between the County and the Owner/Developer describing the restriction on the manager unit shall be recorded prior to issuance of any building permit for the motel. The restrictions shall guarantee the use of the unit to the on-site manager of the motel.

Maximum building area for the motel shall not exceed 25,003 square feet including all interior spaces.

2. Parking

A total of 59 parking spaces meeting County standards shall be provided on the property.

3. Setbacks and Building Height

Setbacks for all improvements on the property shall be determined at the site plan stage of review. It is the intent of this designation to minimize the impact of the motel on adjoining residential areas. Setbacks shall be consistent with this intent.

Building height shall not exceed 35 feet as determined in the Summit County Land Use and Development Code.

387500
SUMMIT COUNTY
CLERK AND RECORDER
MAY 21 11 00 AM '90
COLLEEN RICHMOND

4. Platting

A final plat of the Property incorporating the Oro Grande Canal area shall be recorded prior to issuance of any building permits.

5. Development Schedule

The Owner/Developer intends to install all utilities and construct foundations during the summer of 1990.

6. Wood Burning Devices

The Owner/Developer shall install no more than three (3) wood burning devices. This shall be restricted to two (2) high-efficiency wood stoves and one fireplace.

7. Architectural Design

Architectural design shall compliment Mountain View Plaza and the proposed Base II Hotel. Exterior materials shall be natural or subdued wood or stucco siding with nonreflective tiles. Signage shall compliment the exterior design.

B. UTILITIES AND IMPROVEMENTS

Utilities, improvements and services are to be provided in the development of the Property as set forth in this section.

1. Water System

Water is to be provided by the Snake River Water District. Construction of water mains shall be in conformance with the regulations of the District.

2. Sewer System

Sanitary sewer service is to be provided by the Snake River Sewer Plant. Construction of sewer mains shall be in conformance with the regulations of the Plant.

3. Access

Access to the Property shall be provided from Highway 6 by Road 1000 at the east end of the property.

4. Fire Protection

Fire protection is to be provided by the Snake River Fire Protection District, and the Owner/Developer shall meet all fire protection requirements of the District.

5. Landscaping

Landscaping shall be installed in accordance with the detailed landscaping plan as approved by the County.

6. Pedestrian Circulation

A defined pedestrian connection between the Base II Motel property and Mountain View Plaza shall be incorporated in the site plan. This connection shall, to the extent possible, be separate from the parking and access drives. The pedestrian connection shall be coordinated with pedestrian circulation of the Base II Motel and shall be constructed by the developer as part of the site plan improvements.

C. GENERAL PROVISIONS

1. Breach of Provisions of PUD Designation

If at any time any provision or requirement stated in the planned unit development designation has been breached by the Owner/Developer, the County may withhold approval of any or all site plans or plat maps, or the issuance of any or all grading or building permits or occupancy permits applied for on the Property, until such breach has been remedied; provided, however that the County shall not take affirmative action on account of such breach until it shall have first notified the Owner/Developer in writing and afforded the Owner/Developer a reasonable opportunity to remedy the same.

2. Binding Effect

The PUD designation shall run with the land and be binding upon the Owner/Developer, their respective successors, representatives and assigns, and all persons who may hereafter acquire an interest in the Property or any part thereof, with the exception that provisions of this designation may be modified through an amendment in accordance with the procedure stated in the County Development Review Procedures. This designation shall be recorded in order to put prospective purchasers or other interested persons on notice as to the terms contained herein.

3. Amendments

Amendments to the provisions of a planned unit development designation shall be reviewed and acted upon as a rezoning application, subject to the County's procedures for zoning amendments and to the requirement for findings under the Planned Unit Development Act of 1972 at CRS 24-67-106(3)(b).

4. Enforcement

The provisions of the planned unit development designation and the development plan relating to the use of land and the location of common open space shall run in favor of Summit County and shall be enforceable at law or in equity by the County without limitation on any power or regulation otherwise granted by law. Other provisions of the planned unit development designation and the development plan shall run in favor of the residents, occupants, and owners of the planned unit development but only to the extent expressly provided in, and in accordance with the terms of, the planned unit development designation and the development plan. Provisions not expressly stated as running in favor of the residents, occupants, or owners of the planned unit development shall run in favor of the County.

5. Notices

All notices required by this designation shall be in writing and shall be either hand delivered or sent by certified mail, return receipt requested, postage prepaid, as follows:

Notice to County:

Board of County Commissioners
P.O. Box 68
Breckenridge, CO 80424

Notice to Owner/Developer

Peter Witter
P.O. Box 4786
Dillon, CO 80435

All notices so given shall be considered delivered three days after the mailing thereof. Either party, by notice so given, may change the address to which future notices shall be sent.

6. Entire Designation

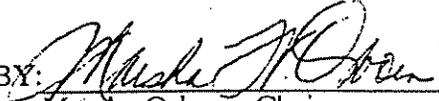
This designation contains all provisions and requirements incumbent upon the Owner/Developer relative to the Arapahoe Planned Unit Development, except as modified by subsequent action of the Board of County Commissioners in accordance with procedures set forth in the Summit County Land Use and Development Code and the Colorado Planned Unit Development Act (CRS 24-67-106) for amending planned unit developments, and except that nothing contained herein shall be construed as waiving any requirements of the County's Land Use and Development Code or other regulations otherwise applicable to the development of the Property.

7. Effective Date

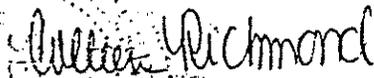
This designation must be signed by both the Summit County Board of County Commissioners and the Owner/Developer and must be recorded by the Summit County Clerk and Recorder in order to become effective. The effective date shall be the date of recordation.

IN WITNESS WHEREOF, the County and the Owner/Developer have executed this Designation as of the date first above written.

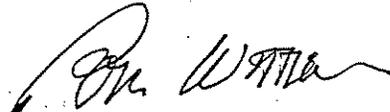
BOARD OF COUNTY COMMISSIONERS
OF SUMMIT COUNTY, COLORADO

BY: 
Marsha Osborn, Chairman

ATTEST:


Colleen Richmond, Clerk and Recorder

ARAPAHOE PUD

BY: 
Peter Witter

PARCEL A:

A parcel of land situated in the northeast quarter of the northeast quarter (NE1/4 NE1/4) and the northwest quarter of the northeast quarter (NW1/4 NE1/4) of Section 24, Township 5 South, Range 77 West of the Sixth Principal Meridian, County of Summit, State of Colorado, being more particularly described and bounded as follows:

A portion of the Board's property for the Oro Grande No. 1 Canal being approximately 255 feet by 40 feet, being bounded on the southeast by U.S. Highway No. 6, on the northwest by the Arapahoe Motel site, on the southwest by the west boundary of the Arapahoe Motel site extended, and on the northeast by the west boundary of Razor Drive which is 50.00 feet, more or less, west of the west boundary of Tract "B" of the Sonne P.U.D. also being the east boundary of Razor Drive, as shown on D.W.D. drawing Dr. 402 No. 1292.

PARCEL B:

A Tract of land being a portion of the Northeast 1/4 of Section 24, Township 5 South, Range 77 West of the Sixth Principal Meridian, Summit County, Colorado. Said Tract of land being more particularly described as follows:

Beginning at the Northwest corner of a Parcel of land described in Book 183 at Pages 575 through 577 in the office of the Summit County Clerk and Recorder;

thence North 77 degrees East along the South line of Loveland Pass Village, a subdivision as filed for record in said office of the Summit County Clerk and Recorder under Reception No. 91804 a distance of 255.00 feet;

thence South 13 degrees East along the West line of a fifty foot wide access road described in Book 154 at Page 429 in said office of the Summit County Clerk and Recorder, a distance of 210.00 feet;

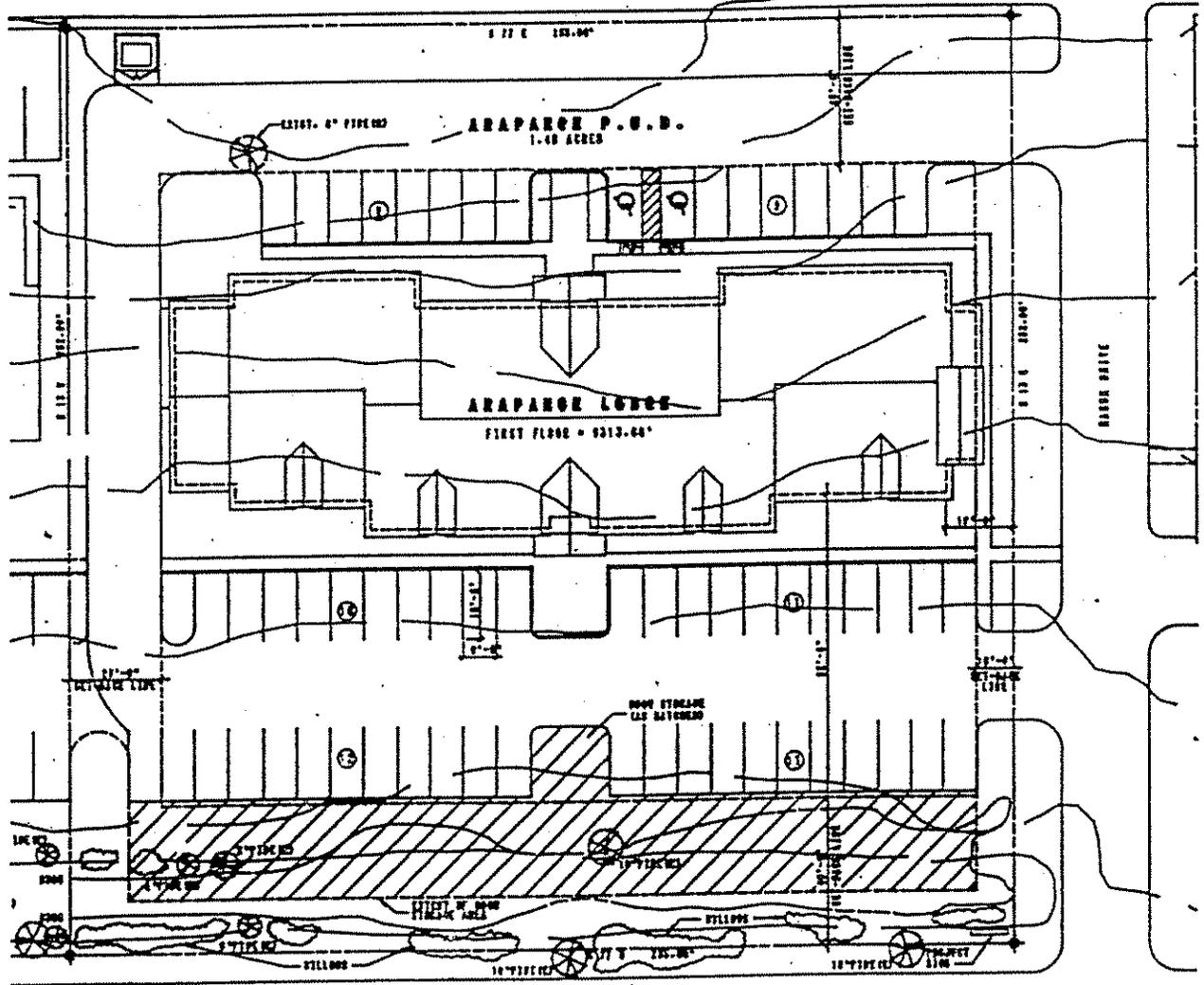
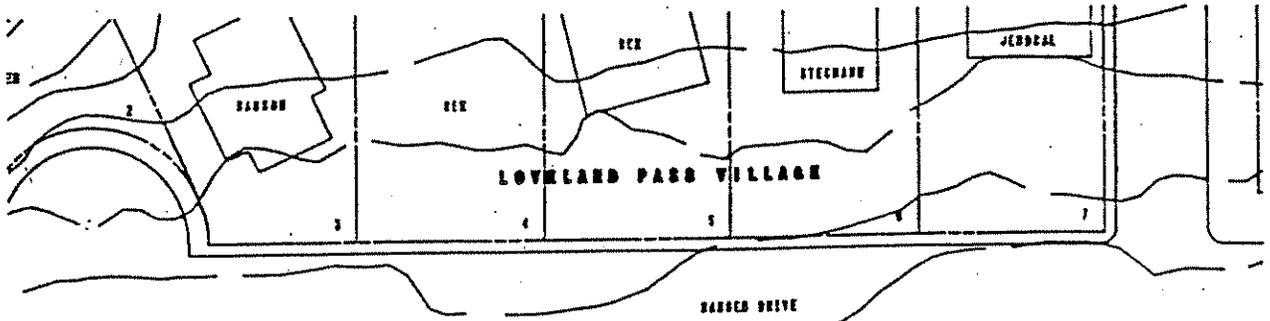
thence South 77 degrees West along the North line of the Oro Grande Canal No. 1 as described in Book 154 at Pages 319 through 321 in said office of the Summit County Clerk and Recorder a distance of 255.00 feet;

thence North 13 degrees West along the East line of a parcel of land described under Reception Numbers 179674 through 179676 in said office of the Summit County Clerk and Recorder a distance of 210.00 feet to the point of beginning.

Excepting from above described legal, any portion of the road described in Book 154 at Page 429 and any portion of Water Board Property described in Book 154 at Page 319 from above described legal description.

Arapahoe PUD _____

Exhibit A



VS. HIGHWAY 6

Arapahoe PUD
Exhibit B



SITE PLAN
SCALE: 1"=20'-0"

**WITTER
JENNINGS
ARCHITECTS**

P.O. BOX 4785
KEYSTONE, COLORADO 80435
303/468-2277

ARAPAHOE P.U.D.
KEYSTONE, COLORADO

DATE
APRIL 2, 1981
PROJ. NO.
68604
SHEET

A-1

