

**GREY FOX PUD
PLANNED UNIT DEVELOPMENT DESIGNATION**

The Grey Fox Planned Unit Development Designation, approved the 10th day of May, 1993 by the Board of County Commissioners of Summit County, Colorado, revised on the 11th day of July 1994, is hereby revised again on this 12th day of August, 1996. This designation establishes uses permitted on the property, its development plan and phasing, and specific development regulations which must be adhered to by Daniel McCrerey and his successors and assigns, who is owner and development, and is 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." This Planned Unit Development Designation applies to certain real property located in Summit County and described in attached Exhibit A, hereinafter referred to as the "Property."

A. PERMITTED USES AND DEVELOPMENT PLAN

Use and development of the property shall be in accordance with the Development Plan attached hereto as Exhibit B and the following specific requirements:

1. Permitted Uses

Eight single family units. Four accessory apartments meeting all criteria of the Summit County Land Use and Development Code shall be permitted on lots 1, 4, 5, 6 & 8.

B. DEVELOPMENT STANDARDS

1. Building Height

Building heights shall not exceed 35 feet as defined in the Uniform Building Code.

2. Setbacks

Building envelopes shall be designated at the preliminary plat stage.

3. Parking

At least two parking spaces shall be required for each residence. No parking shall be permitted on County roads.

4. Wetlands

It is the intent of this PUD to preserve wetlands from development wherever possible. The Owner/Developer is required to obtain 404 permits as required by the U.S. Army Corps of Engineers wherever necessary for roads and utilities. Wetland areas should remain free of development other than roads and utilities.

5. Animal Restrictions

Animals are permitted as accessory uses for the private use and enjoyment of single family homeowners subject to guidelines established by the Summit County Land Use and Development Code. Due to the proximity of Grey Fox to critical elk range the association shall develop rules and regulations in coordination with the Colorado Division Wildlife which, at a minimum, shall require that any authorized animal shall be kept on a leash when outside its owner's house and

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Doris L Brill - Summit County Recorder

may include requirements for dog runs. The protective covenants affecting Highland Meadows shall authorize the homeowners association to enforce rules and regulations pertaining to dog ownership, including the imposition of fines for violations of said rules and regulations.

C. REQUIRED IMPROVEMENTS

1. Access

Access to the property and to all building sites shall be provided by roads built to applicable County standards. The access off shall meet all requirements of the State Highway Department which may include combining the access with other accesses on the west side of the highway.

2. Water Systems

Water supply for the development shall be provided by East Dillon Water District. Construction of all water lines shall be in conformance with the regulations of the district. Adequate fire flows shall be provided as determined by the Snake River Fire District.

3. Sewer Systems

Sewer service for the development shall be provided by the Snake River Sewer District. Construction of all sewer lines shall be in conformance with the regulations of the district.

4. Fire Protection

The entire property is located within the Snake River Fire District. All development on the property shall meet all fire protection requirements of the District.

5. Vegetation Management

A vegetation management program to reduce wildfire hazard and susceptibility to mountain pine beetle infestation and to enhance wildlife habitat and tree vigor on the property shall be prepared. The plan shall be reviewed by the Colorado State Forest Service and submitted concurrent with the plat for the project. The plan, once approved by the Colorado Forest Service shall be implemented prior to recordation of any final plat for the property or guaranteed in the subdivision improvements agreement.

6. Utilities and Easements

All new utility lines shall be installed in full accordance with the standards of each utility provider and County Subdivision Regulations. Easements for all utilities shall be shown on the final plat.

D. IMPLEMENTATION

1. Platting Requirements

- a. **Preliminary and final plats:** A preliminary and final plat shall be approved by the County prior to any development that involves selling or conveying any interest in the property to others. Densities of development indicated in Exhibit B represent maximum permitted densities and levels of use and each proposed development phase must meet all applicable standards and requirements as contained in the Summit County Land Use and Development Code unless such standards and requirements are specifically waived or modified by the terms of this designation.

E. GENERAL PROVISIONS

1. Enforcement

The provisions of the planned unit 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.

2. Breach of Provisions of PUD Designation

If any time any provision or requirements 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.

3. 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.

4. 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).

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

Daniel McCreery
PO Box 937
Frisco, CO 80443

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 Grey Fox 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 Summit County 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.

8. PUD Review Requirements

The Summit County Land Use and Development Code, Chapter 12, includes procedures and requirements for review of all Planned Unit Developments. The Owner/Developer shall be on notice of these requirements and shall insure that information necessary for the periodic review is made available to the County within the time frames as may be established in Chapter 12. The Owner/Developer further understands that failure to provide the necessary information or to proceed with the review process may result in development approvals within the PUD being withheld.

9. Relationship to Original PUD Designation and Previous Amendments

To the extent the provisions of this revised PUD Designation are the same in substance to the provisions of earlier approved versions of this PUD designation, they shall be considered as continuations thereof and not new enactments. Where provisions of this revised PUD Designation conflict with earlier approved versions of the Grey Fox PUD Designation the provisions of this revised PUD Designation shall supersede and replace such provisions.

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

BOARD OF COUNTY COMMISSIONERS
OF SUMMIT COUNTY, COLORADO

/s/ Joe Sands
Joe Sands, Chairman

ATTEST:

s/s Doris Brill
Doris Brill, Clerk and Recorder

/s/ Daniel McCreery
Daniel McCreery

APPROVAL OF AMENDMENTS

The foregoing document is the Grey Fox Planned Unit Development Designation as approved and signed by the Summit County Board of County Commissioners on the 11th day of July and recorded at Reception No. 472147 and as amended by the Summit County Board of County Commissioners as follows:

Resolution No.

Reception No.

The planned unit development document dated the 10th day of May, 1994 and recorded at Reception No. 461411 and revised to incorporate the amendments approved as noted above shall remain in force as revised. The foregoing document is issued as a continuation of the original document. Copies of the original Grey Fox Planned Unit Development Designation and the amendments noted above are available from the Summit County Clerk and Recorder.

Adopted this 11th day of July, 1994

BOARD OF COUNTY COMMISSIONERS
OF SUMMIT COUNTY, COLORADO


Rick Hum, Chairman

ATTEST:


Doris L. Brill, Clerk and Recorder



STDP, rev

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

BOARD OF COUNTY COMMISSIONERS
OF SUMMIT COUNTY, COLORADO

Joe Sandy
Joe Sandy, Chairman

J.H.
7/11

ATTEST:

Doris L. Brill
Doris Brill, Clerk and Recorder

Daniel McCrerey

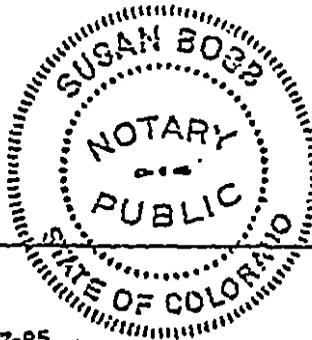
Daniel McCrerey
Daniel McCrerey

ATTEST:

Susan Bobb

Susan Bobb
Notary Public

My Commission Expires 9-27-95
Susan Bobb / Notary
203 Lincoln Ave.
Breckenridge, CO 80424



The foregoing instrument was acknowledged before me this 17th day of December 1993, by Daniel McCrerey.

Witness my hand and official seal.

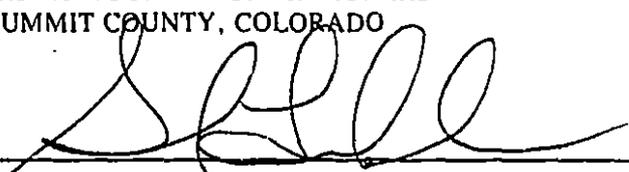
APPROVAL OF AMENDMENTS

The foregoing document is the Grey Fox Planned Unit Development Designation as amended and approved by the Summit County Board of County Commissioners on the 12th day of August by Resolution No. 96-75.

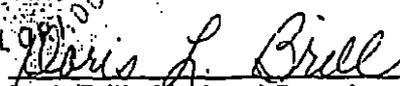
The planned unit development document dated the 10 day of May, 1993 and recorded at Reception No. 461411, as revised on July 19, 1994 and recorded at Reception No. 472146 and further revised to incorporate the amendments approved as noted above shall remain in force as revised. The foregoing document is issued as a continuation of the original document. Copies of the original Grey Fox Planned Unit Development Designation and the amendments noted above are available from the Summit County Clerk and Recorder.

Adopted this 12th day of August, 1996.

BOARD OF COUNTY COMMISSIONERS
OF SUMMIT COUNTY, COLORADO

BY: 
Gary M. Lindstrom, Chairman




Doris Brill, Clerk and Recorder

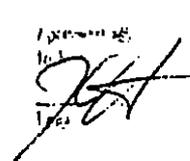


EXHIBIT "A"

LEGAL DESCRIPTION

DAVID GROSSBARD TRACT

A PARCEL OF LAND LYING ENTIRELY WITHIN SECTION 27, TOWNSHIP 5 SOUTH, RANGE 77 WEST OF THE SIXTH PRINCIPAL MERIDIAN, SUMMIT COUNTY, COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WESTERLY LINE OF SUMMIT COVE, FILING NO. 2, AS FILED FOR RECORD IN THE OFFICE OF THE CLERK AND RECORDER, SUMMIT COUNTY, COLORADO, AND LYING ON THE SOUTHERLY RIGHT-OF-WAY LINE OF SUMMIT DRIVE, AN EXISTING 60 FOOT WIDE COUNTY ROAD; THENCE ALONG SAID WESTERLY LINE A DISTANCE OF 199.42 FEET TO THE SOUTHWEST CORNER OF SAID SUMMIT COVE, FILING NO. 2; THENCE ON A DEFLECTION ANGLE TO THE RIGHT OF $90^{\circ}00'00''$ ALONG THE SOUTH LINE OF THE NORTHWEST 1/4 OF SAID SECTION 27 A DISTANCE OF 298.34 FEET; THENCE ON A DEFLECTION ANGLE TO THE RIGHT OF $33^{\circ}00'00''$ A DISTANCE OF 335.00 FEET; THENCE ON A DEFLECTION ANGLE TO THE RIGHT OF $51^{\circ}58'35''$ A DISTANCE OF 234.79 FEET; THENCE ON A DEFLECTION ANGLE TO THE RIGHT OF $38^{\circ}27'02''$ A DISTANCE OF 219.05 FEET TO A POINT ON THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF A PROPOSED 60 FOOT WIDE COUNTY ROAD; THENCE ALONG SAID RIGHT-OF-WAY LINE FOR THE FOLLOWING TWO (2) COURSES:

- 1) ON A DEFLECTION ANGLE TO THE RIGHT OF $106^{\circ}07'58''$ A DISTANCE OF 375.00 FEET TO A POINT OF CURVATURE;
- 2) 244.08 FEET ALONG THE ARC OF A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF $54^{\circ}33'35''$ AND A RADIUS OF 256.32 FEET TO THE POINT OF BEGINNING

CONTAINING 4.427 ACRES MORE OR LESS EXCEPTING THEREFROM A PROPOSED 60 FOOT WIDE COUNTY ROAD CONTAINING 0.427 ACRES MORE OR LESS LEAVING A NET AREA OF 4.000 ACRES MORE OR LESS.

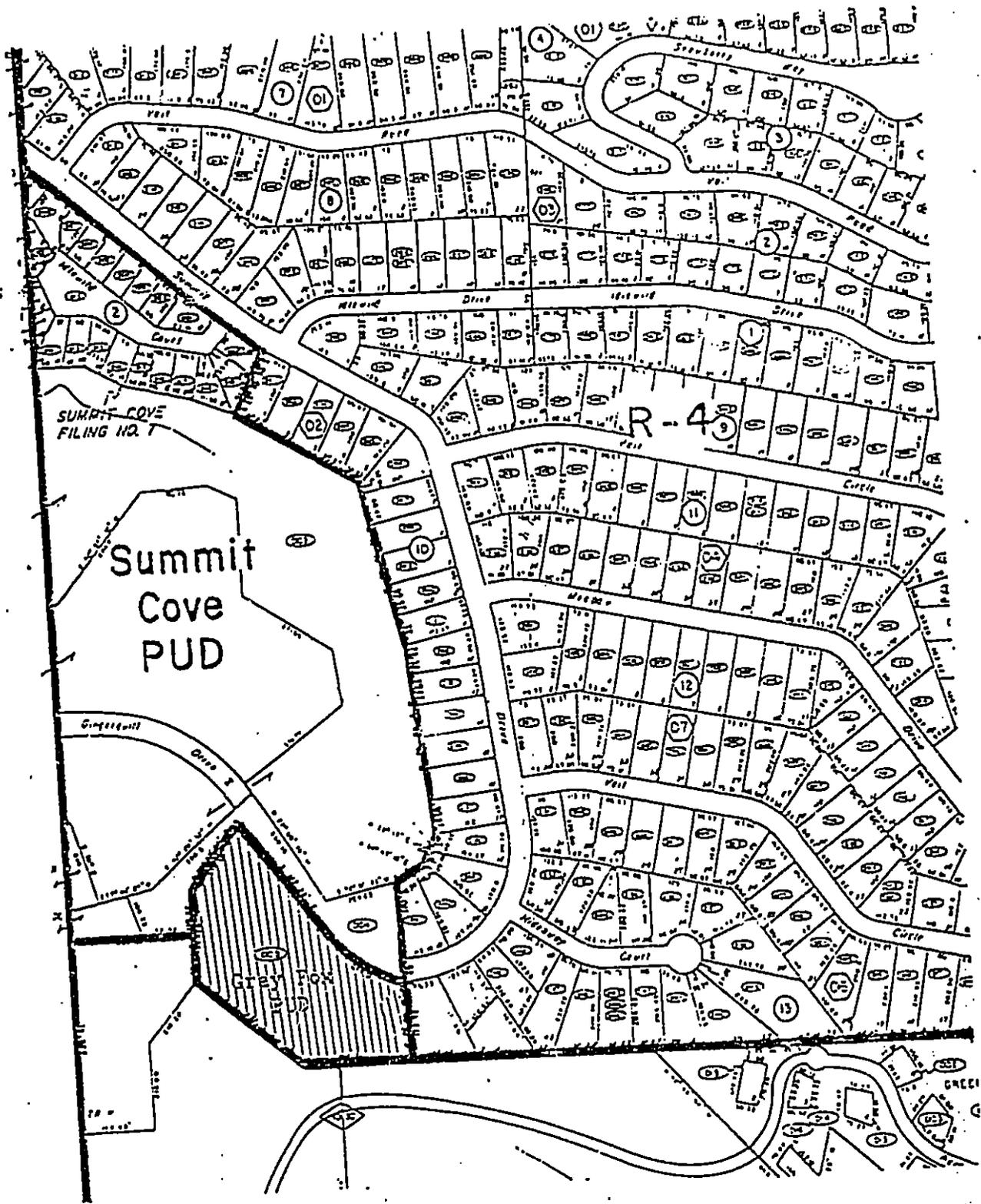
I, WILLIAM E. ARNFIELD, BEING A REGISTERED LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THE ABOVE DESCRIPTION WAS WRITTEN BY ME AND IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

DATE: July 1, 1974

William E. Arnfield
WILLIAM E. ARNFIELD
COLORADO LAND SURVEYOR



EXHIBIT B



OFFICIAL ZONING MAP

Grey Fox Planned Unit Development
ADOPTED BY THE SUMMIT COUNTY BOARD OF
COUNTY COMMISSIONERS



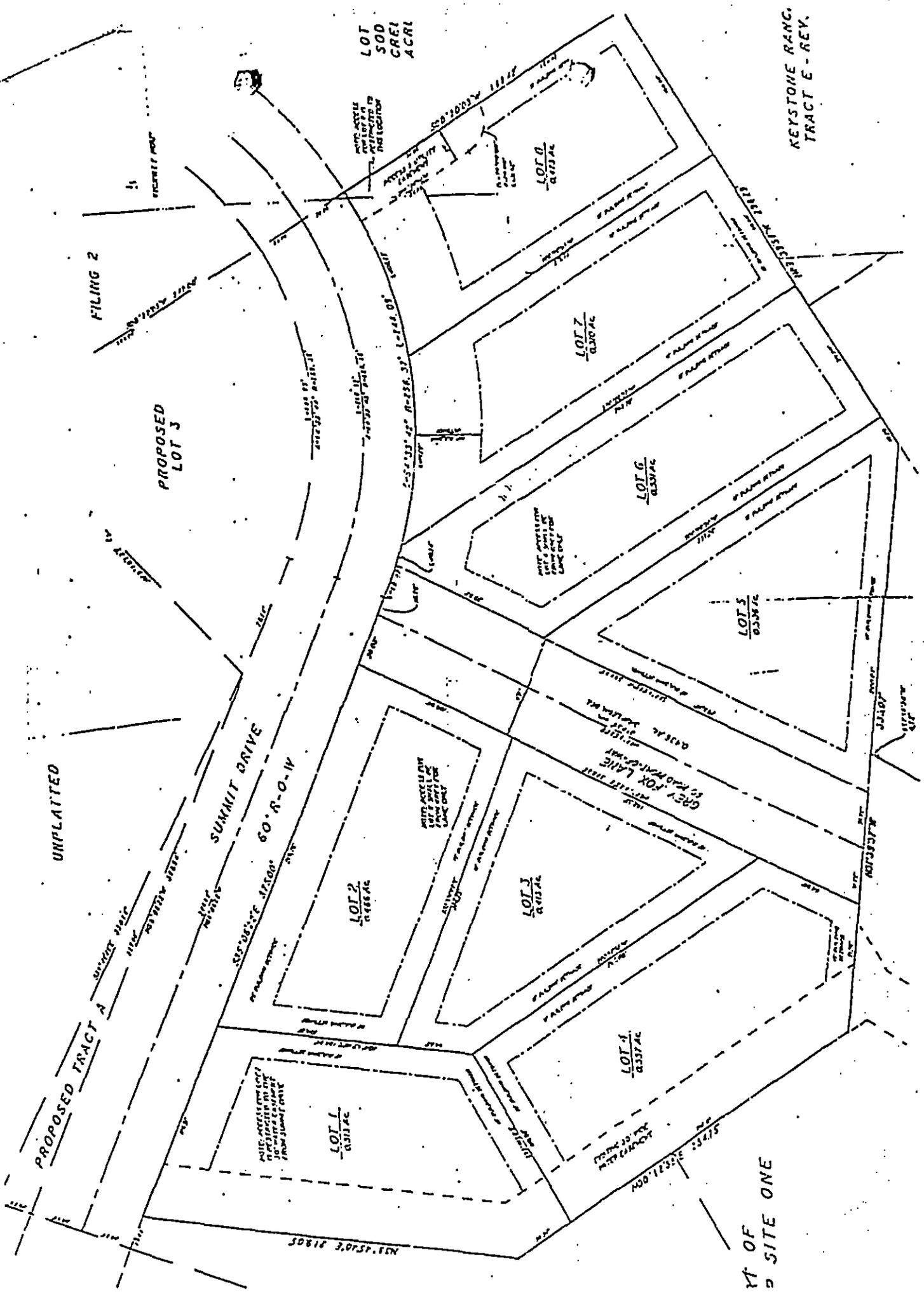
SUMMIT
COUNTY

FOR:

DATE:
RESOLUTION NO.

May 10, 1993
93 - 37

Joe Sands, Chairman



UNPLATTED

PROPOSED TRACT A

SUMMIT DRIVE

PROPOSED LOT 3

FILING 2

LOT 1
0.337 AC

LOT 2
0.455 AC

LOT 3
0.337 AC

LOT 4
0.337 AC

LOT 5
0.337 AC

LOT 6
0.337 AC

LOT 7
0.337 AC

LOT 8
0.337 AC

LOT 9
0.337 AC

LOT 10
0.337 AC

LOT 500
500 ACRES

KEYSTONE RANG.
TRACT E-REV.

1/4 OF SITE ONE