

MINILA
PLANNED UNIT DEVELOPMENT DESIGNATION

378090
MAY 7
CITY OF SUMMIT
CLERK

This Planned Unit Development Designation, to be known as the Minila Planned Unit Development Designation, is approved this 12th day of December, 1988, 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 summary of development guidelines and conditions which must be adhered to by Theodore and Betsy Rogers, 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

One single family residence, one detached garage and any of the permitted or accessory uses of the RU Residential zoning district as described in the Summit County Land Use and Development Code now in effect or as hereafter amended.

2. Parking

At least two (2) parking spaces shall be required for the residence and at least two (2) guest parking spaces shall be required. The guest parking spaces can be in front of the garage or in tandem in the driveway. No parking shall be permitted on Montezuma Road.

3. Setbacks and Building Height

Setbacks for structures in the Minila PUD shall be as follows:

Principal Structures:

Front and Rear Yards	50 feet
Side Yards	35 feet

Accessory Structures:

Front and Rear Yards	50 feet
Side Yards	7.5 feet

Building height shall not exceed 55 feet for principal structures and 24 feet for accessory structures.

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

Domestic water is to be provided by an on site well.

2. Sewer System

Sanitation facilities are to be provided by an on site septic system approved by the Summit County Environmental Health Department.

3. Access

Primary access to the Minila PUD shall be provided via Montezuma Road (County Road #5).

4. Landscaping

Revegetation of the mine tailings shall be required in accordance with the Summit County Grading and Excavation Regulations.

C. GENERAL PROVISIONS

1. Breach of Provisions of PUD Designation

If any time any provision or requirement stated in this designation has been breached in a material way 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 building permits applied for on the property until such material breach has been remedied; provided, however, that the County shall not take any affirmative action on account of such material breach until it shall have first notified the owner/developer in writing and afforded a reasonable opportunity to remedy same.

2. Binding Effect

This planned unit development designation shall run with the land and be binding upon the owner/developer and the County and 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 amendment in accordance with the procedure stated in C.2. 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 this planned unit development designation shall be reviewed and acted upon in the same manner as any 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 C.R.S. 24-67-106(3)(b)[1973 as amended].

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
PO Box 68
Breckenridge, CO 80424

Notice to Owner/Developer

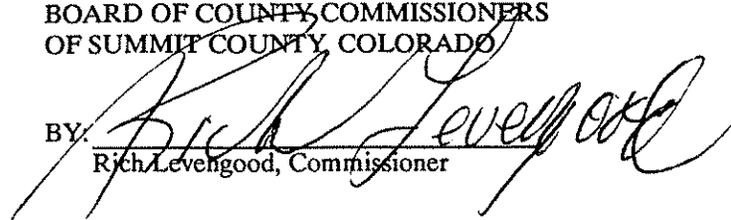
Theodore and Betsy Rogers
1112 Park Ave., Apt 5A
New York, New York 10128

6. Entire Designation

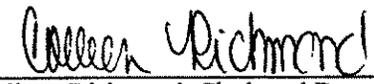
This designation contains all provisions and requirements incumbent upon the owner/developer relative to the Minila Planned Unit Development, and nothing contained herein shall be construed as waiving any requirements of the County's Land Use and Development Code or other regulations otherwise applicable to the development of the property.

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

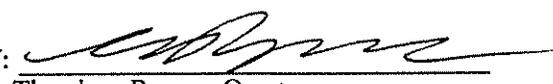
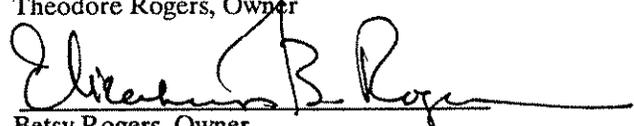
BOARD OF COUNTY COMMISSIONERS
OF SUMMIT COUNTY, COLORADO

BY: 
Rich Levegood, Commissioner

ATTEST:


Colleen Richmond, Clerk and Recorder

MINILA PUD

BY: 
Theodore Rogers, Owner

Betsy Rogers, Owner

ATTEST:

pud/minila

EXHIBIT A
MINILA PUD

LEGAL DESCRIPTION

Minila Lode, Mineral Survey No. 16359, Section 26, Township 6 South, Range 78
West of the Sixth Principal Meridian.

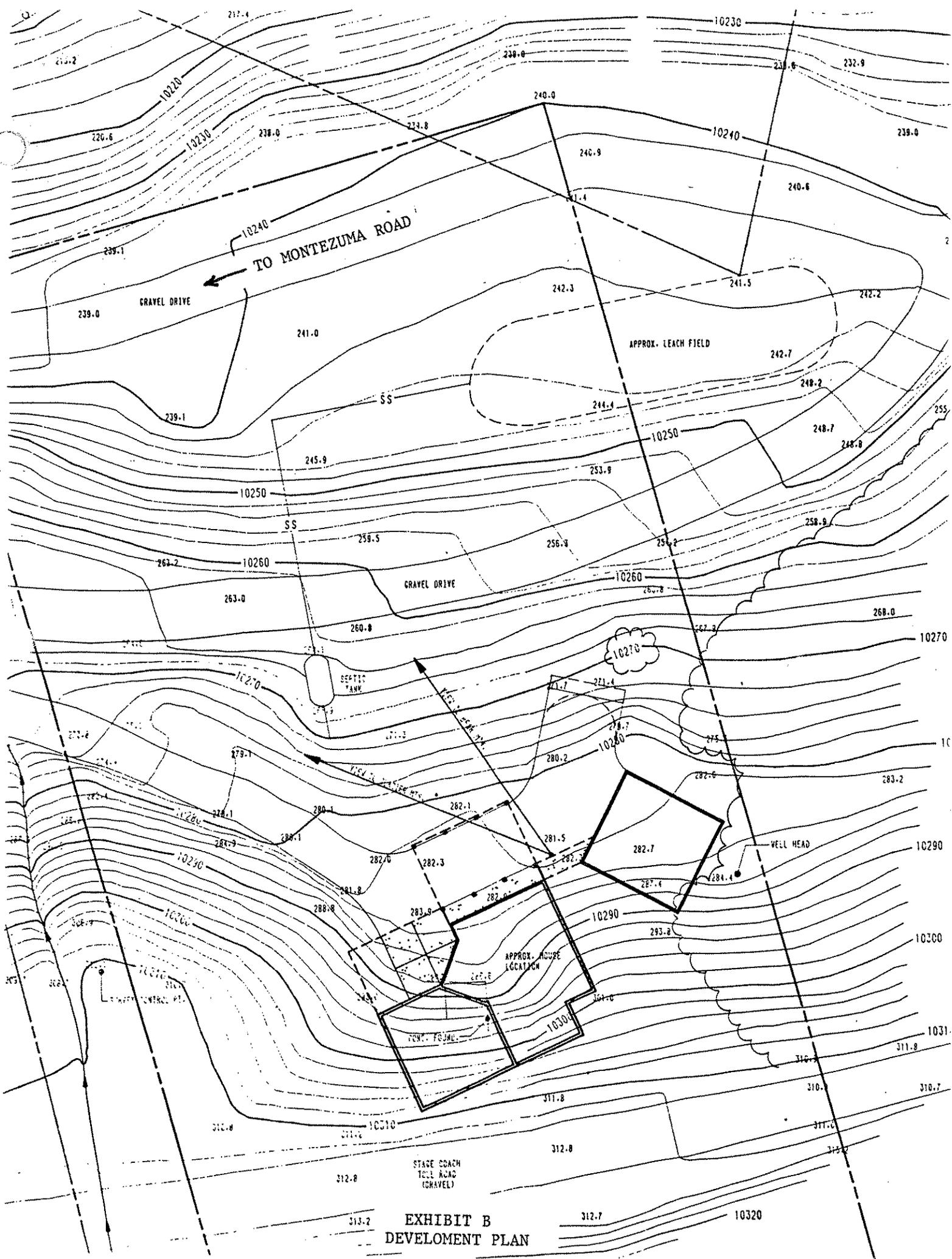


EXHIBIT B
DEVELOPMENT PLAN