

**SUMMIT CENTER
PLANNED UNIT DEVELOPMENT DESIGNATION**

The Summit Center Planned Unit Development Designation, approved the 15th day of June, 1983 by the Board of County Commissioners of Summit County, Colorado, is hereby revised this 23rd day of June, 1997. This designation establishes uses permitted on the property, its development plan and phasing, and specific development regulations which must be adhered to by SPCG LLC and its successors and assigns, who is owner and developer, 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

- a. 23 non-restricted dwelling units including 17 one bedroom and six two bedroom units. Two additional one bedroom units shall be deed restricted as employee housing units and located in the proposed commercial buildings. The unrestricted units are divided among the three proposed multi-family residential buildings. Approximate size of the units ranges from 515 to 1,043 square feet. The total number of residential dwelling units, both market rate and those that are deed restricted, shall be 25.
- b. 8,000 square feet of commercial space in two buildings, for uses serving the needs and convenience of the Summit Cove neighborhood. Specific uses may include a convenience grocery store, Laundromat, dry cleaner, professional office space, day care center, neighborhood restaurant/coffee shop, drug store, video store, or other similar uses approved by the Planning Department. A gas station/gas pumps and liquor store are expressly prohibited.

2. Character of Commercial Buildings

The architectural character of the commercial buildings shall be compatible with the residential character of the Summit Cove area, and shall be approved by the Snake River Planning Commission prior to development.

3. Employee Housing Restrictions

The two employee housing units shall be reserved for employee housing through a covenant between the Owner/Developer and the County or its designee such as the Summit County Housing Authority, in a form satisfactory to the County Attorney, to be executed prior to the issuance of the first certificate of occupancy for each phase of the development in which the units are included.

4. Permitted Density

Overall density, based on a 1,200 square foot per unit area equivalent, is 6.57 units/acre.

B. DEVELOPMENT STANDARDS

1. Building Height

Building heights shall not exceed 30 feet as defined in Section 3505.06 et.seq. of the Summit County Land Use and Development Code.

2. Parking

The Owner/Developer shall provide a total of 88 parking spaces. 44 for the multi-family residential units and 44 for the commercial space and employee housing units. Two handicapped parking spaces will be provided for the commercial buildings. No parking shall be permitted on County roads.

3. Public Use Area Fees:

Prior to recordation of a condominium plat for the multi-family residential units and pursuant to Section 8601 of the Summit County Land Use and Development Code the Owner/Developer is required to pay a \$575/unit public use area fee for a total of \$13,225.

4. Signs

All signs shall comply with the Summit County Sign Regulations (Section 9001 et.seq. of the Summit County Land Use and Development Code) now in effect or hereafter amended. In addition, the Owner/Developer shall submit to and have approved by the County prior to development a low lighting and PUD signage plan, which is compatible with the residential character of the surrounding area.

C. REQUIRED IMPROVEMENTS

1. Access

Access within the development shall be provided by a system of paved, private drives as shown on the Development Plan. The access system shall be privately owned and maintained. The access shall meet all requirements of the Summit County Land Use and Development Code.

2. Water Systems

Water supply for the development shall be provided by East Dillon Water District. Adequate fire flows shall be provided as determined by the Snake River Fire District.

3. Sewer Systems

Sewage disposal service for the development shall be provided by the Snake River Wastewater Treatment Plant operated by the County. The applicant shall be responsible for constructing all sewer lines and dedicating all associated easements necessary for the property's development.

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. Landscaping

Landscaping shall be installed in accordance with a detailed landscaping plan to be submitted and approved at the time of site plan approval. The plan shall include at least 140 trees.

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 granted prior to development.

D. 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
PO Box 68
Breckenridge, CO 80424

Notice to Owner/Developer

SPCG LLC
c/o Steve Letofsky
PO Box 549
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 Summit Center 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. 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 enactment's. Where provisions of this revised PUD Designation conflict with earlier approved versions of the Summit Center PUD Designation the provisions of this revised PUD Designation shall supersede and replace such provisions.

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. 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 withheld.

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, Chairman

ATTEST:

/S/Doris L. Brill, Clerk and Recorder

/S/Joseph Weaver

/S/James Robertson

/S/Terry Novak

APPROVAL OF AMENDMENTS

The foregoing document is the Summit Center Planned Unit Development Designation as approved and signed by the Summit County Board of County Commissioners on the ____ day of _____ and recorded at Reception No. _____ and as amended by the Summit County Board of County Commissioners as follows:

Resolution No. **97-73**

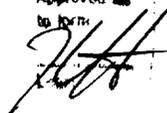
Reception No.

The planned unit development document dated the 15th day of June, 1983 and recorded at Reception No. 2848:0 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 Summit Center Planned Unit Development Designation and the amendments noted above are available from the Summit County Clerk and Recorder.

Adopted this 23rd day of June, 1997.

BOARD OF COUNTY COMMISSIONERS
OF SUMMIT COUNTY, COLORADO

BY: 
Gary M. Lindstrom, Chairman

Approved as to form





Doris L. Brill, Clerk and Recorder

EXHIBIT A

G. SURVEY NOTES OF SUBDIVISION PERIMETER SURVEY AND COPIES OF ALL MONUMENT RECORDS REQUIRED PURSUANT TO THE COLORADO REVISED STATUTES.

Note: Also see Summit Center plat enclosed with drawing submittal.

A TRACT OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 21, TOWNSHIP 70 SOUTH, RANGE 77 WEST OF THE SIXTH PRINCIPAL MERIDIAN, SUMMIT COUNTY, COLORADO FILED FOR RECORD UNDER RECEPTION NO. 218024 IN THE OFFICE OF THE SUMMIT COUNTY CLERK AND RECORDER AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE EAST ONE-QUARTER CORNER OF SAID SECTION 21, THENCE S 81°43'48" W A DISTANCE OF 338.06 FEET TO THE TRUE POINT OF BEGINNING BEING THE NE CORNER OF SAID TRACT; THENCE SOUTHWESTERLY ALONG THE WEST RIGHT-OF-WAY LINE OF COVE BLVD.,

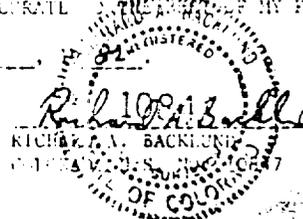
A PLATTED EIGHTY FOOT WIDE RIGHT-OF-WAY, FOR THE FOLLOWING THREE COURSES:

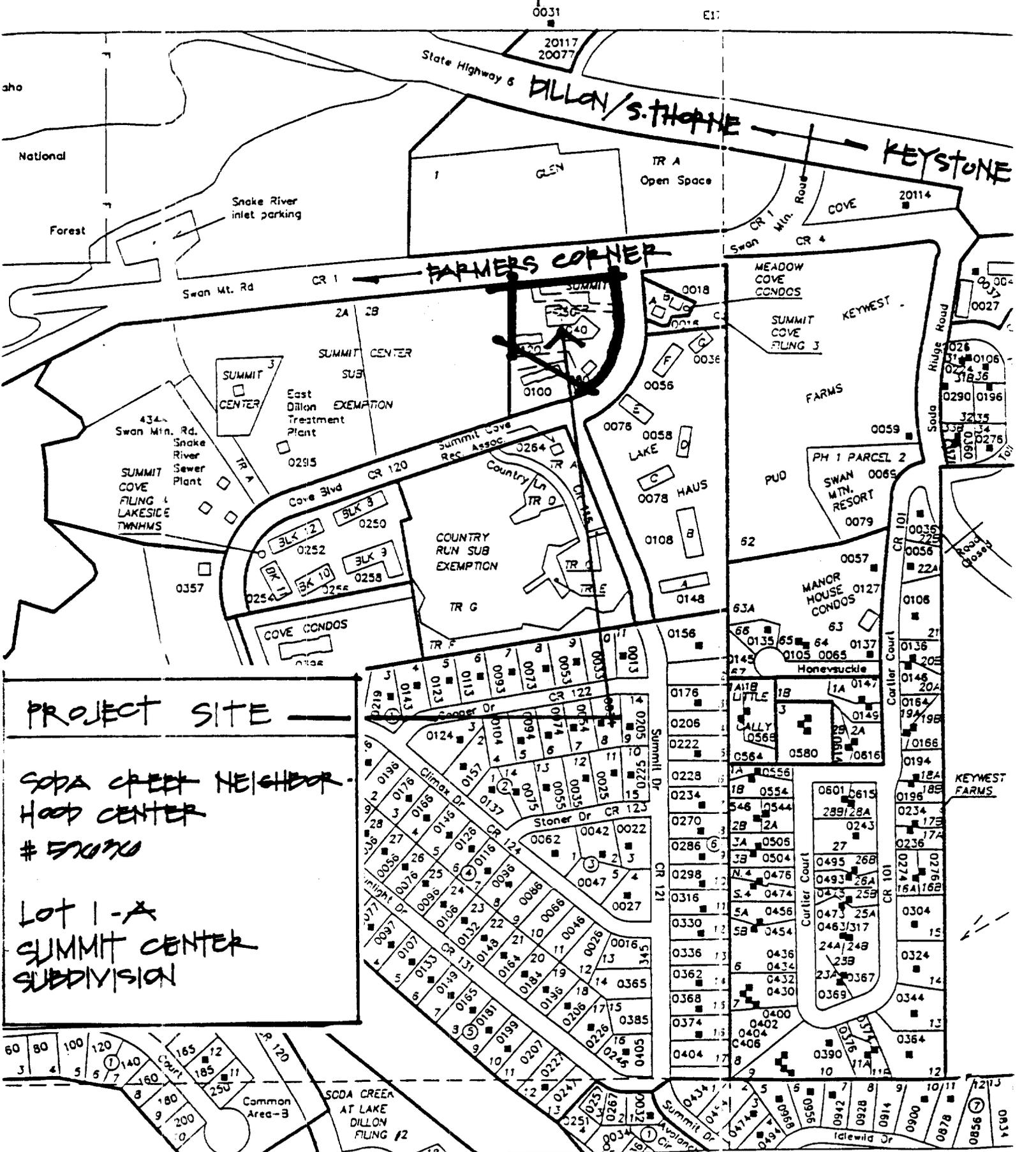
- 1) S 05°56'45" E A DISTANCE OF 153.28 FEET;
- 2) 321.38 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A CENTRAL ANGLE OF 78°21'25", A RADIUS OF 235.00 FEET AND A CHORD WHICH BEARS S 33°13'58" W 296.92 FEET DISTANT;
- 3) S 72°24'40" W A DISTANCE OF 186.68 FEET;

THENCE N 00°09'35" W A DISTANCE OF 423.29 FEET TO A POINT IN THE SOUTH RIGHT-OF-WAY LINE OF SWAN MOUNTAIN ROAD, A 125 FOOT WIDE RIGHT-OF-WAY; THENCE N 24°03'15" E ALONG SAID SOUTH RIGHT-OF-WAY LINE A DISTANCE OF 327.57 FEET TO THE TRUE POINT OF BEGINNING, CONTAINING 125812 SQUARE FEET OR 2 834 ACRES, MORE OR LESS.

I, RICHARD A. BACKLUND, BEING A REGISTERED LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THIS LEGAL DESCRIPTION WAS WRITTEN BY ME AND UNDER MY SUPERVISION AND THAT IT IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF.

DATED THIS 20TH DAY OF APRIL





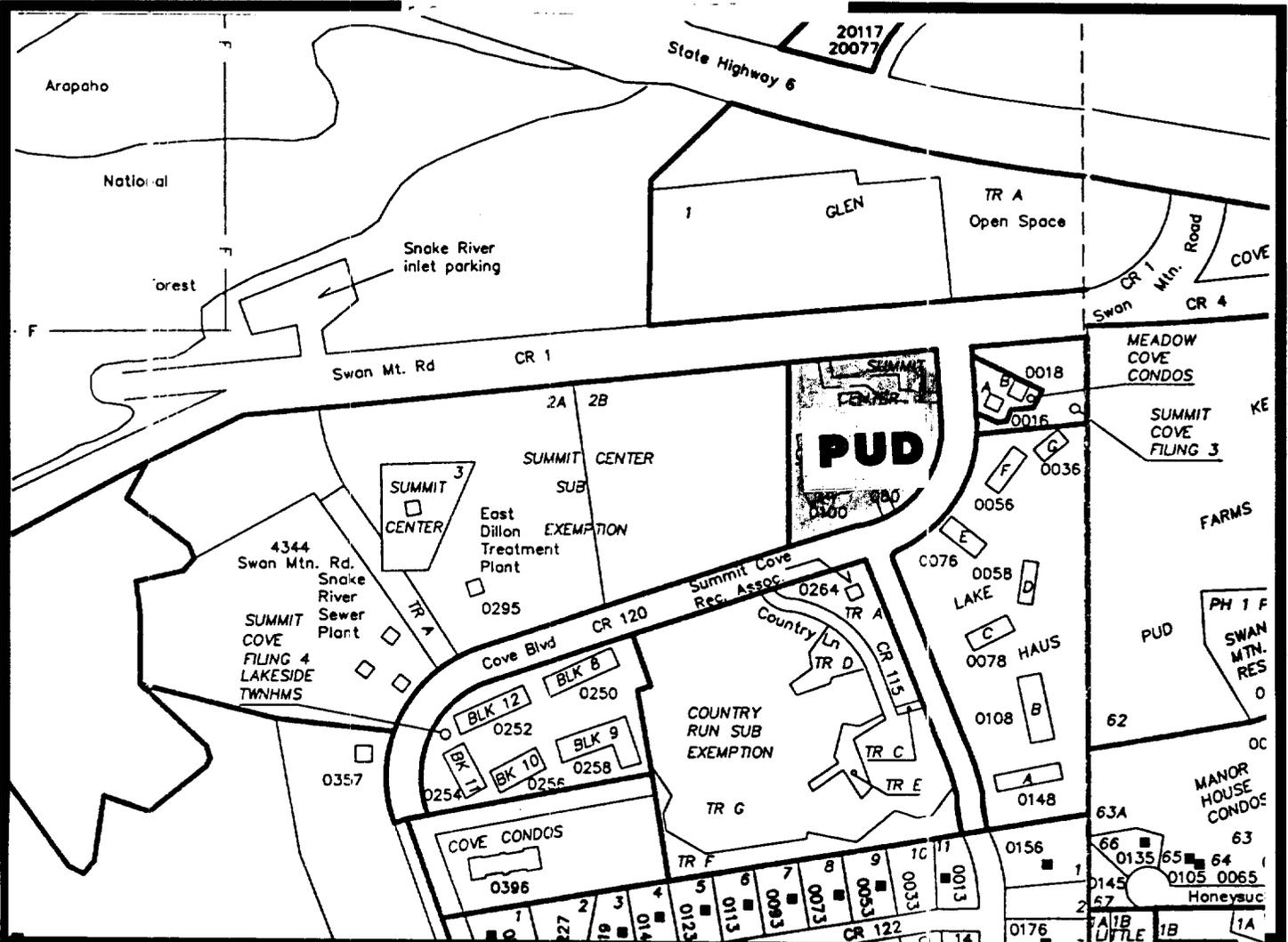
PROJECT SITE

SODA CREEK NEIGHBORHOOD CENTER # 57070

**LOT 1-A
SUMMIT CENTER SUBDIVISION**

This map is for address purposes only. It is not necessarily accurate by surveying standards.

EXHIBIT C



OFFICIAL ZONING MAP

FOR:
 ADOPTED BY THE SUMMIT COUNTY BOCC

DATE:
 RESO#:

Gary M. Lindstrom, Chairman



SUMMIT
 COUNTY