

**SWAN MEADOW AT LAKE DILLON
PLANNED UNIT DEVELOPMENT DESIGNATION**

Phase III of the Summit View Estates Planned Unit Development Agreement, approved the 15th day of September, 1981 by the Board of County Commissioners of Summit County, Colorado, is hereby revised and renamed the Swan Meadow at Lake Dillon this 13th day of December, 1993 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 Thompson Enterprises Inc., 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 accordance with the Development Plan attached hereto as Exhibit B and the following specific requirements:

1. Permitted Uses

The permitted uses for the property shall be 39 single family units, 22 duplex units and 24 townhome units. No manufactured units shall be permitted.

2. Conditional and Accessory Uses

Accessory and conditional uses shall be as defined for the R-6 zone in the Summit County Land Use and Development Code. Accessory apartments shall not be permitted. NO dogs shall be permitted in the townhome portions of the property. A maximum of 1 dog and 1 cat shall be permitted for each single family and duplex unit. All single family and duplex units shall be designed to accommodate room for a future one car garage if a garage is not included in the original design.

B. DEVELOPMENT STANDARDS

1. Building Height

Building heights shall not exceed 35 feet as defined in the Land Use and Development Code.

2. Setbacks

Setbacks shall be as designated on the final plat.

3. Parking

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

4. Public Use Areas

Except as such payment is specifically deferred herein, the Applicant shall pay to the County a public use areas fee in lieu of land dedication in accordance with the County's Subdivision Regulations. Credit toward the fee shall be given for the trailhead facility.

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SUMMIT COUNTY RECORDER

5. Wildlife Protection

The Owner/Developer shall implement measures to prevent pets from this development from worrying, chasing or harassing wildlife within the subdivision or off site and to prevent motorized vehicles from accessing adjacent US Forest Service lands. A "living fence" as defined in Colorado Division of Wildlife literature shall be constructed unless alternative mitigation measures are approved. Alternative protection measures to the living fence may be implemented if recommended by the Colorado Department of Wildlife and US Forest Service and approved by the Board of County Commissioners. Wildlife protection measures must commence with construction of the first units.

6. Designated Open Space

The open space areas as shown conceptually on Exhibit B shall be used exclusively for open space recreation uses. The wetland areas shall remain free of development other than roads, trails and utilities.

7. Covenants and Architectural Approval

All properties shall be subject to a declaration of covenants, conditions and restrictions acceptable to the owner/developer. Prior to application for a grading permit from Summit County the applicant must show evidence that all plans have been submitted to the Architectural Review Committee.

8. Landscaping

The Architectural Design Guidelines referenced in the declaration shall provide for minimum landscaping requirements and encourage xeriscaping and drought resistant vegetation. All duplex and townhome units will be required to submit a landscape plan in conformance with Summit County Landscape Guidelines.

C. REQUIRED IMPROVEMENTS

1. Access

Access to the property and to all building sites shall be provided by roads built to applicable County standards. Off site road improvements are required as stated in Section C.7.

2. Water Systems

Water supply shall be provided by the East Dillon Water District. Adequate fire flows shall be provided as determined by the Snake River Fire Protection District. Easements for water lines shall be obtained/provided by the applicant.

3. Sewer Systems

Sewer service shall be provided by the Snake River Waste Water Treatment Plant. Easements and upgrading of the existing collection system shall be provided as required by the district.

4. Fire Protection

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

5. Utilities and Easements

All new utility lines shall be installed underground 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 and/or obtained prior to final approval.

6. Wood-burning Appliances

Wood burning appliances are prohibited from all development in Swan Meadow at Lake Dillon PUD.

7. Off Site Improvements

The existing design of Cove Boulevard and intersections of Cove Boulevard/Royal Coachman and Cove Boulevard/Sunlight Drive are currently not adequate to handle the additional traffic which will be generated by this and the adjacent Soda Creek at Lake Dillon development. The owner/developer shall cooperate with the adjacent project to insure that improvements to the two intersections are completed prior to any platting. Improvements to Cove Boulevard shall be completed prior to platting of 53 units (in either development). If the developers can not agree on completing improvements, no additional units will be approved in this development until the improvements are completed. The looped water line and emergency access road shall be constructed concurrent with the first phase of development.

8. Project Phasing

- Phase 1 - Lots 1-13, 12 townhomes commencing in 1994
- Phase 2 - Lots 14-54, 12 townhomes commencing on or before 1995-6

D. IMPLEMENTATION

1. Platting Requirements

The proposal shall comply with all County Subdivision Regulations.

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

Thompson Enterprises, Inc.
8000 E. Prentice Ave. B-5
Englewood, CO 80111

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 Swan Meadow Village 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.

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 Sands, Chairman



ATTEST:



Doris L. Brill, Clerk and Recorder

Thompson Enterprises Inc.

 12/30/93

ATTEST:

 12/30/93

SWAN MEADOW AT LAKE DILLON

FILING NO. 3

LEGAL DESCRIPTION

EXHIBIT A

PARCEL I:

A PARCEL OF LAND IN THE WEST 1/2 OF SECTION 28, TOWNSHIP 5 SOUTH, RANGE 77 WEST OF THE 6TH PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT FROM WHENCE THE SOUTHWEST CORNER OF SAID SECTION 28 BEARS SOUTH 44 DEGREES 37 MINUTES 12 SECONDS WEST 1860.42 FEET DISTANT, THENCE

SOUTH 89 DEGREES 57 MINUTES 03 SECONDS EAST A DISTANCE OF

ALTA COMMITMENT
SCHEDULE A

Application No. ML1789

548.00 FEET, THENCE

NORTH 01 DEGREES 17 MINUTES 57 SECONDS EAST A DISTANCE OF
424.00 FEET, THENCE

NORTH 62 DEGREES 17 MINUTES 57 SECONDS EAST A DISTANCE OF
302.00 FEET, THENCE

NORTH 07 DEGREES 32 MINUTES 57 SECONDS EAST A DISTANCE OF
503.00 FEET, THENCE

NORTH 79 DEGREES 49 MINUTES 37 SECONDS WEST A DISTANCE OF
909.39 FEET, THENCE

SOUTH 00 DEGREES 11 MINUTES 17 SECONDS EAST A DISTANCE OF
1223.07 FEET TO THE POINT OF BEGINNING, COUNTY OF SUMMIT, STATE
OF COLORADO.

PARCEL II:

A TRACT OF LAND BEING A PORTION OF THE WEST 1/2 OF SECTION 28,
TOWNSHIP 5 SOUTH, RANGE 77 WEST OF THE 6TH PRINCIPAL MERIDIAN,
BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT WHENCE THE SOUTHWEST CORNER OF SAID
SECTION 28, BEARS SOUTH 44 DEGREES 37 MINUTES 12 SECONDS WEST
1860.42 FEET DISTANCE, THENCE

SOUTH 89 DEGREES 57 MINUTES 03 SECONDS EAST A DISTANCE OF
548.00 FEET TO THE TRUE POINT OF BEGINNING, THENCE

CONTINUING SOUTH 89 DEGREES 57 MINUTES 03 SECONDS EAST A
DISTANCE OF 250.00 FEET, THENCE

NORTH 08 DEGREES 49 MINUTES 37 SECONDS EAST A DISTANCE OF
1444.54 FEET, THENCE

NORTH 36 DEGREES 53 MINUTES 37 SECONDS WEST A DISTANCE OF
425.00 FEET, THENCE

SOUTH 09 DEGREES 17 MINUTES 57 SECONDS WEST A DISTANCE OF
402.32 FEET, THENCE

SOUTH 31 DEGREES 57 MINUTES 03 SECONDS EAST A DISTANCE OF
362.00 FEET, THENCE

SOUTH 07 DEGREES 32 MINUTES 57 SECONDS WEST A DISTANCE OF
503.00 FEET, THENCE

SOUTH 62 DEGREES 17 MINUTES 57 SECONDS WEST A DISTANCE OF

ALTA COMMITMENT

SCHEDULE A

Application No. ML2783

302.00 FEET, THENCE

SOUTH 01 DEGREES 17 MINUTES 57 SECONDS WEST A DISTANCE OF 424.00 FEET TO THE TRUE POINT OF BEGINNING, COUNTY OF SUMMIT, STATE OF COLORADO.

PARCEL III:

A PARCEL OF LAND IN THE WEST 1/2 OF SECTION 28, TOWNSHIP 5 SOUTH, RANGE 77 WEST OF THE 6TH PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT FROM WHENCE THE SOUTHWEST CORNER OF SECTION 28 BEARS SOUTH 44 DEGREES 37 MINUTES 12 SECONDS WEST 1860.42 FEET DISTANT, THENCE

NORTH 00 DEGREES 11 MINUTES 17 SECONDS WEST A DISTANCE OF 1223.07 FEET TO THE TRUE POINT OF BEGINNING, THENCE

NORTH 00 DEGREES 11 MINUTES 17 SECONDS WEST A DISTANCE OF 102.91 FEET, THENCE

NORTH 00 DEGREES 11 MINUTES 24 SECONDS WEST A DISTANCE OF 1357.00 FEET TO THE SOUTHWEST CORNER OF A TRACT OF LAND DESCRIBED UNDER RECEPTION NO. 215478, THENCE

NORTH 89 DEGREES 10 MINUTES 29 SECONDS EAST ALONG THE SOUTH BOUNDARY OF THAT TRACT DESCRIBED UNDER RECEPTION NO. 215478 A DISTANCE OF 390.09 FEET TO A POINT OF CURVATURE, THENCE

793.97 FEET ALONG THE ARC OF A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 36 DEGREES 53 MINUTES 37 SECONDS AND A RADIUS OF 1231.03 FEET, THENCE

SOUTH 36 DEGREES 53 MINUTES 37 SECONDS EAST A DISTANCE OF 227.22 FEET, THENCE

SOUTH 09 DEGREES 17 MINUTES 57 SECONDS WEST A DISTANCE OF 402.32 FEET, THENCE

SOUTH 31 DEGREES 57 MINUTES 03 SECONDS EAST A DISTANCE OF 362.00 FEET, THENCE

NORTH 79 DEGREES 49 MINUTES 37 SECONDS WEST A DISTANCE OF 909.39 FEET TO THE TRUE POINT OF BEGINNING, EXCEPT THAT PORTION PLATTED AS SWAN MEADOW VILLAGE, FILING NO. 2 AMENDED, COUNTY OF SUMMIT, STATE OF COLORADO.

