

516416 1996-06-05 11:26 12pg
Doris L Brill - Summit County Recorder

AMERICAN PLANNED UNIT DEVELOPMENT DESIGNATION

The American Planned Unit Development Designation, approved the 27th day of August, 1990 by the Board of County Commissioners of Summit County, Colorado, is hereby revised this 28 day of May, 1996. This designation establishes uses permitted on the property, its development plan and phasing, and specific development regulations which must be adhered to by Bernard Young, Jack Yinger, Wanda Yinger, John James, Beverly James, and Margaret Deaver, and their 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 (8) single family dwellings, together with normal accessory uses such as garages and outdoor storage buildings. In addition, the facilities of the Town of Breckenridge's Peak 7 Water Storage & Treatment Plant.

2. Accessory and Conditional Uses

1. Stables for the private use of up to two (2) horses per lot by the owners of property shall be a conditional use on the property. This requires a conditional use permit issued by the planning Division pursuant to Section 3802 of the Summit County Land Use & Development Code.
2. Bed & Breakfasts in conformance with Section 3803 of the Summit County Land Use & Development Code with a maximum of three guest rooms shall be a conditional use on the property. This use requires a conditional use permit issued by the Upper Blue Planning Commission.
3. Home Occupations in conformance with Section 3810 of the Summit County Land Use & Development Code shall be permitted with registration of the activity required with the Planning Division.
4. Caretaker or guest quarters of up to 800 square feet shall be permitted uses as defined in Section 3804 of the Summit County Land Use & Development Code.
5. No development other than fencing, driveways, and utilities shall be located outside designated building envelopes which are to be indicated on the final subdivision plat for the property.

B. DEVELOPMENT STANDARDS

1. Building Height

Building heights shall not exceed 35 feet for principal structures and 25 feet for accessory structures as defined in the Summit County Land Use & Development Code, Section 3505.06.

516416 1996-06-05 11:26 12pg

2. **Setbacks**

Setbacks for structures shall be as provided by the building envelopes established on the final subdivision plat for the property. In no event shall any principal structure be built within 25 feet of any lot line within the subdivision.

3. **Parking**

At least two (2) parking spaces for each dwelling unit and one (1) per guest/caretaker's quarters shall be provided. No parking shall be permitted within any County right-of-way or common driveway.

4. **Designated Open Space Areas/Public Use Areas**

As conceptually shown in Exhibit B, an open space and drainage easement shall be dedicated as private open space for the exclusive use of residents of the American Subdivision.

5. **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.

6. **Signs and Lighting**

All signs shall comply with the Summit County Sign Regulations as now in effect or hereafter amended.

7. **Site Plan Review**

The project shall comply with Section 12600 of the Summit County Land Use and Development Codes.

C. REQUIRED IMPROVEMENTS

1. **Access**

Access shall be provided through Summit County Road #3 via driveways and common driveways designated on Exhibit B. Combined access to lots 1 & 2, Block 1 shall be required unless County regulations can be met with separate driveways. Plans for all driveways shall be reviewed and approved by the County Engineer.

Unless easements can be obtained, the road accessing Lots 1,2,3 & 4, Block 2 shall be designed so not to trespass onto adjacently privately held parcels.

2. **Water Systems**

Water supply for the development shall be provided by the Blue River Water District in accordance with the rules and regulations of the District. Prior to final plat approval the developer shall install, or guarantee installation, of two (2) fire hydrants and a short line extension. One hydrant shall be located at the edge of the common driveway easement between Lots 1 & 2, Block 1. The short line extension shall run from the existing district main to the point of entry of the private drive between Lots 1 & 4, Block 2 with the installation of the second hydrant at this point.

Prior to final plat approval the developer shall provide the Blue River Water District with a utility easement within the existing private access easement between Lots 1,2,3 & 4, Block 2 and extending to the north property line as shown in Exhibit B.

3. Sewer Systems

Sewer service shall be provided by on-site, subsurface disposal systems subject to approval by the Summit County Environmental Health Division. If it is determined by the County that the area should be provided with sewer lines in the future, the Owner/Developer agrees to participate in any local improvements district formed for the purpose and/or pay his proportionate share in any coordinated effort by neighboring property owners to provide sewer lines to the area.

4. Fire Protection

Fire protection shall be provided by the Red, White & Blue Fire District. The development of the property shall meet all fire protection standards of the District. Prior to approval of the final plat, the Owner/Developer shall be required to provide a hammerhead or cul-de-sac turnaround serving the west four lots as the access is greater than 150 feet. Prior to the issuance of building permits fire hydrants shall be required in accordance with the Uniform Fire Code.

All roof coverings in the development are required to be Class A or B in areas of severe or moderate fire hazard.

5. Vegetation Management

A vegetation management program to reduce potential wildfire hazard on the property 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 approved by the County prior to the issuance of building permits for the property. Said plan shall be required to address mitigating fire hazards by developing fire breaks, general fuel reduction/thinning, and development of "defensible space" around each structure proposed to be built. The general fuel reduction/thinning program shall be completed prior to the issuance of building permits within the subdivision.

6. Utilities and Easements

All electricity, phone, and cable shall be underground.

D. GENERAL PROVISIONS

1. 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 by 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, the planned unit development designation and the development plan. Provisions not expressly stated as running in favor of the residents, occupants, and owners of the planned unit development shall run in favor of the County.

2. Breach of Provisions of the 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 to 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 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 County procedures for zoning amendment, 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 the County

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

Notice to the Owner/Developer

Bernard Young, Jack Yinger, Wanda Yinger, John James, Beverly James, Margaret Deaver,
c/o Gauss Engineering
PO Box 2184
Breckenridge, CO 80424

All notices so given shall be considered delivered three days after the mailing thereof, excluding weekends or official holidays. 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 American 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. **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 American PUD Designation the provisions of this revised PUD Designation shall supersede and replace such provisions.

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 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 above written

BOARD OF COUNTY COMMISSIONERS
OF SUMMIT COUNTY, COLORADO

BY: /S/ Marsha W. Osborn
Marsha W. Osborn, Chairman

ATTEST:

BY: /S/ Colleen Richmond
Colleen Richmond, Clerk and Recorder

GRANTOR:

Bernard Young
BERNARD YOUNG

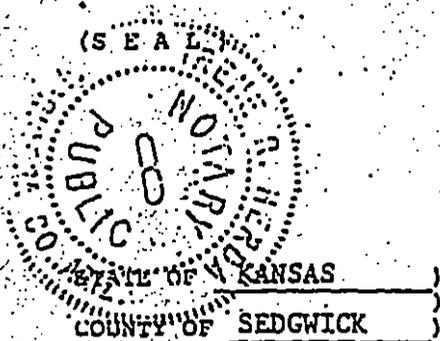
STATE OF ARIZONA
COUNTY OF MARICOPA

The foregoing AMERICAN SUBDIVISION P.U.D. AGREEMENT was acknowledged before me this 19th day of APRIL, 1991 by BERNARD YOUNG

Witness my hand and official seal.

My commission expires: 4/27/93

Gene R. Herka
Notary Public



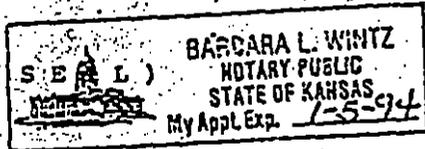
GRANTOR:

Jack Yinger
JACK YINGER

The foregoing AMERICAN SUBDIVISION P.U.D. AGREEMENT was acknowledged before me this 25th day of March, 1991 by JACK YINGER

Witness my hand and official seal.

My commission expires:



Barbara L. Wintz
Notary Public

GRANTOR:

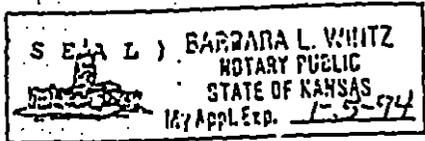
Wanda Yinger
WANDA YINGER

STATE OF KANSAS
COUNTY OF SEDGWICK

The foregoing AMERICAN SUBDIVISION P.U.D. AGREEMENT was acknowledged before me this 25th day of March, 1991 by WANDA YINGER

Witness my hand and official seal.

My commission expires:



Barbara L. Wintz
Notary Public

GRANTOR:

John James
JOHN JAMES

STATE OF KANSAS)
COUNTY OF SEDGWICK)

The foregoing AMERICAN SUBDIVISION P.U.D. AGREEMENT was
acknowledged before me this 25th day of March, 1991 by
JOHN JAMES

Witness my hand and official seal.
My commission expires:

Barbara L. Wintz
Notary Public



GRANTOR:

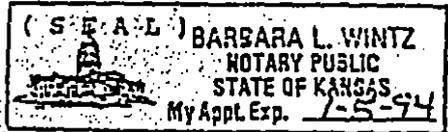
Beverly James
BEVERLY JAMES

STATE OF KANSAS)
COUNTY OF SEDGWICK)

The foregoing AMERICAN SUBDIVISION P.U.D. AGREEMENT was
acknowledged before me this 25th day of March, 1991 by
BEVERLY JAMES

Witness my hand and official seal.
My commission expires:

Barbara L. Wintz
Notary Public



GRANTOR:

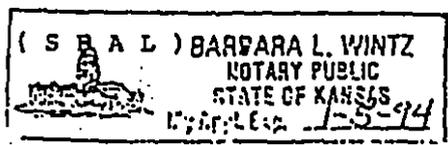
Margaret Deaver
MARGARET DEEVER

STATE OF KANSAS)
COUNTY OF SEDGWICK)

The foregoing AMERICAN SUBDIVISION P.U.D. AGREEMENT was
acknowledged before me this 25th day of March, 1991 by
MARGARET DEEVER

Witness my hand and official seal.
My commission expires:

Barbara L. Wintz
Notary Public



APPROVAL OF AMENDMENTS

The foregoing document is the American Planned Unit Development Designation as amended and approved by the Summit County Board of County Commissioners on the 28th day of May by Resolution No. 96-53.

The planned unit development document dated the 27th day of August, 1990 and recorded at Reception No. 403097 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 American Planned Unit Development Designation and the amendments noted above are available from the Summit County Clerk and Recorder.

Adopted this 28 day of May, 1996.



BOARD OF COUNTY COMMISSIONERS
OF SUMMIT COUNTY, COLORADO

A large, stylized handwritten signature in black ink, appearing to read "Gary M. Lindstrom".

Gary M. Lindstrom, Chairman

Approved as
to form

A smaller handwritten signature in black ink, possibly initials or a name, located below the "Approved as to form" text.

ATTEST:

A handwritten signature in black ink, appearing to read "Doris L. Brill".
Doris L. Brill, Clerk and Recorder

EXHIBIT A
LEGAL DESCRIPTION

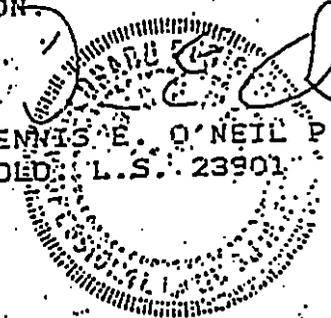
A TRACT OF LAND BEING A PORTION OF THE AMERICAN PLACER, U.S. MINERAL SURVEY NO. 13491, LYING WHOLLY WITHIN THE NE 1/4 OF SECTION 26, T. 6. S., R. 78 W. OF THE 6TH PM., COUNTY OF SUMMIT, STATE OF COLORADO BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT CORNER NO. 3 OF M.S. NO. 13491 BEING A US BLM BRASS CAP MONUMENT AND IN FACT BEING THE "TRUE POINT OF BEGINNING"; THENCE N 89 34' 55" E ALONG THE 3-4 LINE OF SAID PLACER AND ALSO ALONG THE NORTHERLY LINE OF THAT TRACT OF LAND DESCRIBED BY WARRANTY DEED FILED IN THE OFFICE OF THE SUMMIT COUNTY CLERK AND RECORDER UNDER RECEPTION NO. 294184, A DISTANCE OF 1315.64 FEET TO A POINT OF INTERSECTION WITH THE WESTERLY LINE OF "WINTERWOOD", A SUBDIVISION FILED IN THE RECORDS OF THE SUMMIT COUNTY CLERK AND RECORDER UNDER RECEPTION NO. 129259 AND 129260; THENCE S 00 27' 18" E ALONG SAID WESTERLY LINE OF WINTERWOOD, A DISTANCE OF 578.37 FEET TO A POINT OF INTERSECTION WITH THE NORTHERLY RIGHT-OF-WAY LINE OF COUNTY ROAD NO. 3; THENCE ALONG SAID RIGHT OF WAY 179.50 FEET ON THE ARC OF A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 73 05' 02", A RADIUS OF 140.72 FEET AND A CHORD WHICH BEARS S 67 41' 51" W, 167.57 FEET DISTANT TO A POINT OF TANGENCY; THENCE CONTINUING ALONG SAID RIGHT OF WAY, S 31 10' 00" W, A DISTANCE OF 135.46 FEET TO A POINT OF CURVATURE; THENCE 242.04 ALONG SAID RIGHT-OF-WAY LINE ON THE ARC OF A CURVE TO THE LEFT HAVING A CENTRAL ANGLE 3 58' 14", A RADIUS OF 3492.60 FEET, AND A CHORD WHICH BEARS S 29 08' 20" W, 241.99 FEET DISTANT TO A POINT OF INTERSECTION WITH THE NORTHERLY BOUNDARY OF "THE SLOPE", A SUBDIVISION AS FILED FOR RECORD IN THE OFFICE OF THE SUMMIT COUNTY CLERK AND RECORDER UNDER RECEPTION NO. 118171; THENCE S 89 05' 04" W, ALONG THE NORTHERLY LINE OF "THE SLOPE" AND "THE UPPER SLOPE", A SUBDIVISION FILED FOR RECORD IN THE OFFICE OF THE SUMMIT COUNTY CLERK AND RECORDER AS RECORDED AT RECEPTION NO. 118172, A DISTANCE OF 1184.95 FEET TO THE SOUTHEAST CORNER OF THAT PARCEL OF LAND DESCRIBED BY WARRANTY DEED AS RECORDED IN THE OFFICE OF THE SUMMIT COUNTY CLERK AND RECORDER UNDER RECEPTION NO. 227954; THENCE N 00 29' 51" W ALONG THE EASTERLY LINE OF SAID PARCEL, A DISTANCE OF 254.05 FEET THE NORTHEAST CORNER OF SAID PARCEL THENCE; S 88 16' 33" W, THE NORTH LINE OF SAID PARCEL A DISTANCE OF 281.14 FEET TO A POINT ON THE 2-3 LINE OF SAID AMERICAN PLACER. THENCE; N 00 43' 41" W ALONG SAID 2-3 LINE, A DISTANCE OF 729.38 FEET TO CORNER NO. 3 OF SAID AMERICAN PLACER, THE "TRUE POINT OF BEGINNING", CONTAINING 1,600,933 SQUARE FEET OR 36.752 ACRES, MORE OR LESS.

9/25/90

DAL

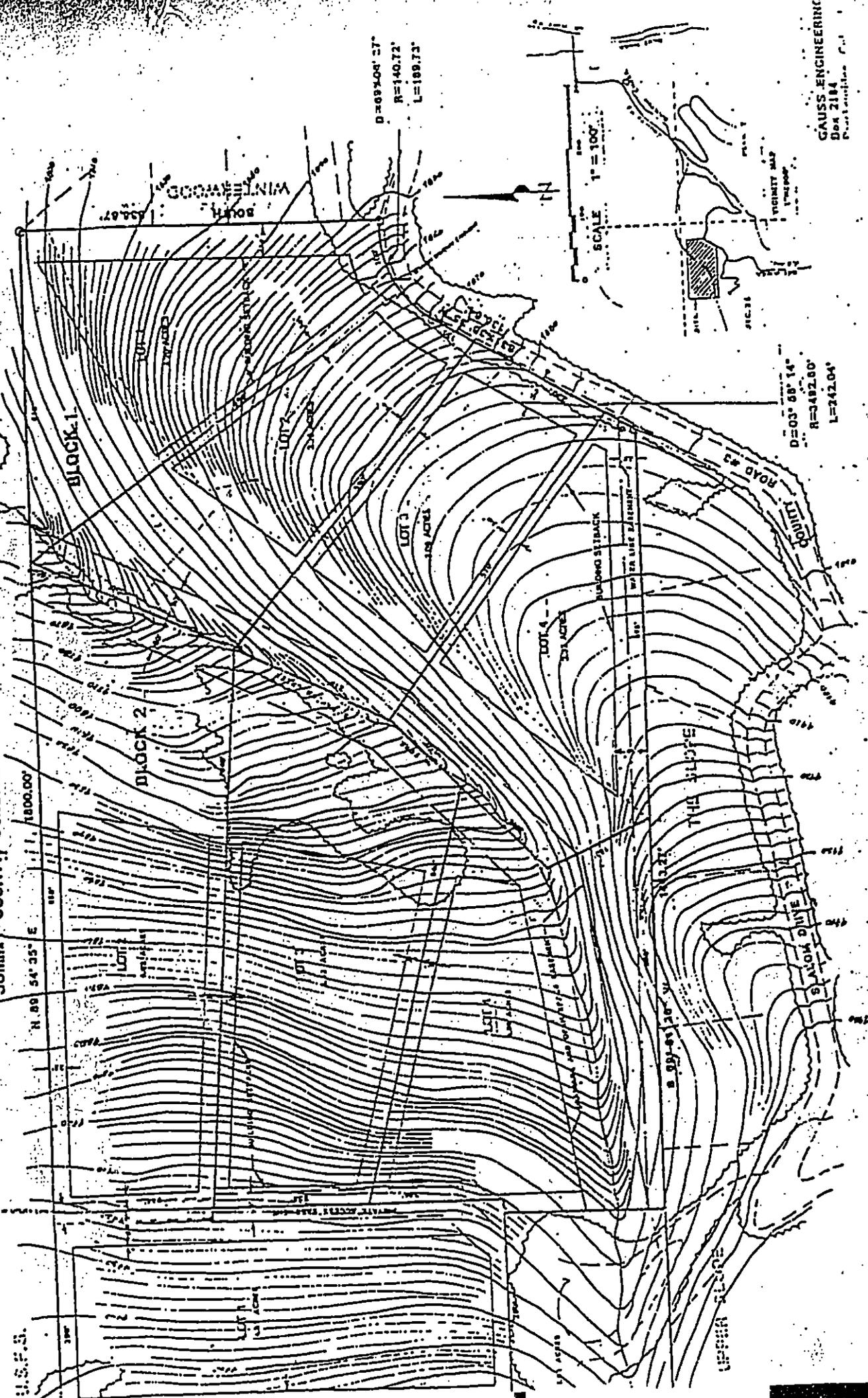
I DENNIS E. O'NEIL BEING A REGISTERED LAND SURVEYOR IN THE STATE OF COLORADO DO HEREBY CERTIFY THAT THE ABOVE LEGAL DESCRIPTION WAS PREPARED BY ME AND UNDER MY SUPERVISION.


DENNIS E. O'NEIL P.L.S.
COLD. L.S. 23901


AMERICAN SUBDIVISION

EXHIBIT U

A PORTION NE 1/4 SECTION 26, T6S, R78W, 6TH P.M.,
SUMMIT COUNTY, COLORADO



GAUSS ENGINEERING
Box 214
Fort Collins, Colorado

D=683.04' 27°
R=140.72'
L=189.73'

D=03° 58' 14"
R=3492.60'
L=742.04'

SCALE 1" = 100'

U.S.G.P.S.

VICINITY MAP

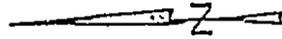
ADJUTANT
PAGE 27
T.S.S. R. 75M.



APPROVED BY	DATE
CHECKED BY	DATE
DRAWN BY	
SCALE	
PROJECT NO.	
SHEET NO.	
SHEET TOTAL	
DATE	
DRAWN BY	
CHECKED BY	
APPROVED BY	



1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
---	---	---	---	---	---	---	---	---	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	-----



ADJUTANT
PAGE 31
T.S.S. R. 75M.
SEC. 25

