

**GLEN HAVEN
PLANNED UNIT DEVELOPMENT DESIGNATION**

The Planned Unit Development Designation, as Glen Haven, approved on the 14th day of September 1992 is hereby revised on March 8, 1999 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 Edgar and Cynthia Downs hereinafter referred to as 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

Two single family dwellings in the locations designated on Exhibit B. Accessory apartments meeting all requirements of Section 3801 are permitted if adequate water rights are obtained.

B. DEVELOPMENT STANDARDS

1. Building Height

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

2. Setbacks

Building envelopes meeting the criteria in A.1 above shall be 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.

4. Designated Open Space Areas

- a. **Public use areas:** Pursuant to Section 8601 of the Summit County Land Use and Development Code the Owner/Developer is required to provide lands for public use or pay fees in lieu thereof.
- b. **Private Open Space:** The area described as the south parcel of Government Lot 12 as shown on the second page of Exhibit A, will be retained as open space for use by the owner of Lot 1R in this PUD.

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. River Access

The property shall not be fenced or otherwise obstructed so as to prohibit individuals from navigating the Blue River. Fishing shall be allowed while individuals are navigating the Blue

River.

C. REQUIRED IMPROVEMENTS

1. Access

The property shall be served by a common driveway from Highway 9. The driveway shall meet all State and County requirements.

2. Water Systems

The property will be served by an individual on-site wells subject to approval of the State Water Engineer. In the event accessory apartments are proposed, additional water rights are necessary.

3. Fire Protection

The entire property is located within the Red, White, and Blue Fire District. All development on the property shall meet all fire protection requirements of the District.

4. 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 final plan for the project. The plan, once approved by the Colorado State Forest Service shall be implemented prior to recordation of any final plat for the property or guaranteed in the subdivision improvements agreement.

5. 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.

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

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.

Notice to Owner/Developer

Edgar and Cynthia Downs
P.O. Box 1817
Breckenridge, CO 80424

6. Entire Designation

This designation contains all provisions and requirements incumbent upon the Owner/Developer relative to the Glen Haven 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 enactment's. Where provisions of this revised PUD Designation conflict with earlier approved versions of the 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 written above.

BOARD OF COUNTY COMMISSIONERS
OF SUMMIT COUNTY, COLORADO

/S/ Joe Sands

Joe Sands, Chairman

ATTEST:

/S/ Doris Brill

Doris Brill, Clerk and Recorder

/S/ Edgar and Cynthia Downs

Edgar and Cynthia Downs, Applicant

APPROVAL OF AMENDMENTS

The foregoing document is the Glen Haven Planned Unit Development Designation as amended and approved by the Summit County Board of County Commissioners on the 8th day of March by Resolution No. 99-24.

The planned unit development document dated the 14th day of September, 1992 and recorded at Reception No. 429821 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 Planned Unit Development Designation and the amendments noted above are available from the Summit County Clerk and Recorder.

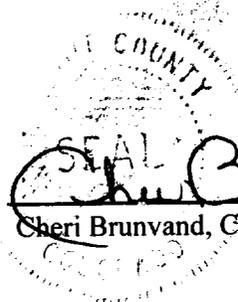
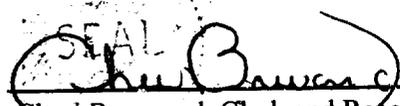
Adopted this 8th day of March, 1999.

BOARD OF COUNTY COMMISSIONERS
OF SUMMIT COUNTY, COLORADO


Thomas A. Long, Chairman



ATTEST:



Cheri Brunvand, Clerk and Recorder