

GOLD KING PLACER, LOT 24

PLANNED UNIT DEVELOPMENT DESIGNATION  
(As Revised: April 11, 1988)

The Gold King Placer, Lot 24, Planned Unit Development Designation, approved the 20th day of December, 1984, by the Board of County Commissioners of Summit County, Colorado, is hereby revised this 11th day of April, 1988. This designation establishes uses permitted on the property, its development plan and phasing, and specific development regulations which must be adhered to by Christine and Larry McCleary and Lana and Glen McCleary, and their successors and assigns, who are the owners and developers of the property, and are hereinafter referred to as the "owner/developers". This designation also specifies improvements which must be made and conditions which must be fulfilled in conjunction with this designation by the owner/developers. This Planned Unit Designation applies to certain real property located in Summit County and described in attached Exhibit A, hereinafter referred to as the "property".

A. USES PERMITTED AND DEVELOPMENT PLAN. Use and development of the property shall be in accordance with the Development Plan attached as Exhibit "B" hereto, and the following specific requirements:

1. Permitted Uses. Permitted uses for the Property shall be two single family dwelling units with one caretakers unit in each residential unit. Two development areas shall be platted as lots, for development of one single family unit with one caretakers unit on each lot.

Single family units in Gold King Placer (Lot 24) may include caretakers units. Caretakers units are not to be offered or used as rental units. Caretakers units are intended for the use of persons related to the property owner by blood or marriage, guests of the owner or employees of the owner who exchange security and/or caretaker services for housing. Caretakers units shall comply with the following criteria:

- a. Each caretakers unit shall be provided with one additional parking space in the driveway in addition to the two spaces required for the single family unit.
- b. The property owner shall pay additional water and/or sewer tap fees and charges for the caretakers unit if so required by the supplier of water and/or sewer service.
- c. The use of the caretakers unit shall be restricted to members of the property owner's family, or guests or employees of the property owner by a covenant recorded against the property. The covenant shall grant enforcement power to Summit County.
- d. Homes which contain caretakers units shall retain a single family character in both function and design. The caretaker unit shall be completely contained within the primary residence or garage serving the primary residence.

In addition to the above criteria, a caretakers unit may have a separate kitchen and may have a separate entrance from that of the single family home with which it is associated. It is the property owners responsibility to insure the use and occupancy of a caretakers unit located on his property complies with the requirements of this section. Any caretakers unit shall be reviewed and approved by the Summit County Planning Department prior to issuance of building permits for the unit.

Building heights shall be restricted to 35 feet as calculated under the Uniform Building Code.

Setbacks shall be 25 feet front and rear, and 15 feet on the sides.

2. Parking. Parking standards shall be as required in the Summit County Zoning Regulations for single family units.
3. Public Use Area Fees. The Applicant shall pay \$250.00 per unit as required under the Summit County Subdivision Regulations' Public Use Area fee requirements.
4. Development Schedule. One single family residence exists. The second would be developed by 1999.
5. Platting. A final plat for the property shall be submitted to and approved by the County prior to development of a second unit.

B. UTILITIES AND IMPROVEMENTS. Public utilities, improvements and services shall be provided in the development of the Property as set forth in this section. Detailed specifications and time schedules for their construction shall be set forth in the Improvements Agreement required as a condition of the final plat approval.

1. Water System. Water shall be supplied by onsite wells, as approved by the Colorado Division of Water Resources.

2. Sewer System. Sewer shall be provided by onsite leachfield system, and shall be approved by the County Health Department.

3. Access. Access is to be provided by County Road 303. A 750 foot section of the road, and hammerhead turnaround located on the property, shall be improved to a local road standard: 20 foot gravel surface, with two foot shoulders on either side.

The owner/developer shall participate and cooperate in any future road improvement district formed for the subdivision. The County acknowledges that after the formation of the District, the owner/developer may seek an equitable credit against his proposed assessment based on the cost of road improvements made by the owner/developer after the execution of this agreement, but prior to the formation of the District. The County will consider the owner/developer's request at the time of the assessment hearing for any such Improvement District. The credit will be related to the standard

the owner/developer used in building the road section required by Section B.3 of this Agreement. If the District uses a higher standard the owner/developer will be expected to pay the cost of upgrading the road further.

**C. GENERAL PROVISIONS**

1. **Breach of Agreement.** If at any time any provision or requirement in this designation has been breached by the owner/developer, the County may withhold approval of any or all site plans or plats or the issuance of any or all building permits applied for on the Property until such breach has been remedied provided, however, that the County shall not take any 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.
2. **Binding Effect.** This Designation shall run with the land and be binding upon the owner/developer and the County, 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 C.3. This Designation shall be recorded in order to put prospective purchasers or other interested persons on notice as to the terms contained herein. A release executed by the County shall be binding and shall release the owner/developer and the Property from any claim by the County under the terms hereof.
3. **Amendments.** Amendments to the provisions of this planned unit development designation shall be considered amendments to the County's Zoning Regulations, and shall be reviewed and acted upon in the same manner as a rezoning application. Action on the proposed amendments shall be taken by the Summit County Board of County Commissioners after conducting a public hearing for which notice has been published at least 30 days prior in a newspaper of general circulation and mailed to all property owners within and abutting this planned unit development.
4. **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 66  
Breckenridge, CO 80424

**Notice to Owner/Developer:**

Glen and Lana McCleary  
P.O. Box 103E  
Breckenridge, CO 80424

Christine and Larry McCleary  
1795 Foothills Drive, South  
Golden, CO 80401

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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.

5. Entire Designation.

This designation contains all provisions and requirements incumbent upon the owner/developer and the County relative to the Gold King Placer, Lot 24, Planned Unit Development, and nothing contained herein shall be construed as waiving any requirements of the County's Zoning and Subdivision Regulations, Common Review Procedures, or other regulations otherwise applicable to the development of this property.

6. 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 Gold King Placer, Lot 24, PUD designation, the provisions of this revised PUD designation shall supersede and replace such provisions.

7. Effective Date

This revised PUD 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.

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:

Rich Levensgood, Chairman

Approved as  
to form

ATTEST:

Colleen Richmond, Clerk and Recorder

*[Signature]*  
Legal

Owner/Developer:

Lot 24B

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By: \_\_\_\_\_  
Glenn McCleary

ATTEST: \_\_\_\_\_  
Lana McCleary

Secretary \_\_\_\_\_

STATE OF COLORADO )  
COUNTY OF \_\_\_\_\_ ) ss.

My Commission expires: \_\_\_\_\_

Notary Public \_\_\_\_\_

Address \_\_\_\_\_

Lot 24A

By: \_\_\_\_\_  
Christine McCleary

ATTEST: \_\_\_\_\_  
Larry McCleary

Secretary \_\_\_\_\_

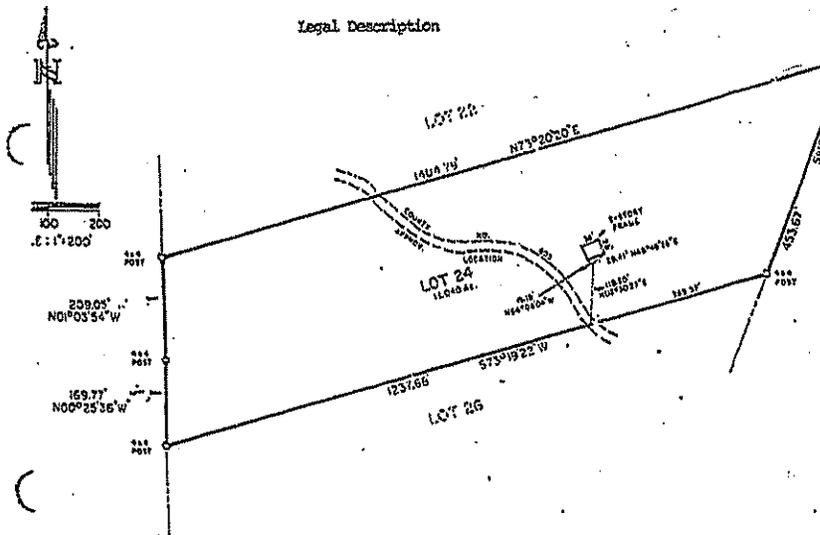
STATE OF COLORADO )  
COUNTY OF \_\_\_\_\_ ) ss.

My Commission expires: \_\_\_\_\_

Notary Public \_\_\_\_\_

Address \_\_\_\_\_

EXHIBIT "A"  
 Legal Description



DESCRIPTION

Lot 24, Gold King No. 1 Placer M.S. 13658, Section 7, Township 7 South, Range 77 West of the 6th Principal Meridian, situate in the County of Summit, State of Colorado and more particularly described as follows:  
 Beginning at the northwest corner of said Lot 24, which point is the true point of beginning, thence  
 N 73°20'20" E 1,404.79 feet, thence  
 S 19°59'00" W 453.67 feet, thence  
 S 73°19'22" W 1,237.68 feet, thence  
 N 00°25'36" W 169.77 feet, thence  
 N 01°03'54" W 208.05 feet to the true point of beginning,  
 Containing: 11.040 acres, more or less.

SURVEYOR'S CERTIFICATE

I, Raymon D. McGinnis, a Colorado Registered Land Surveyor, do hereby certify that this improvement survey was prepared for Glen McCleary, and that the improvements on the above described parcel on this date, January 5, 1984, except utility connections, are entirely within the boundaries of the parcel, that there are no encroachments upon the described premises by improvements on any adjoining premises, and that there are no easements crossing or burdening said premises, except as shown, to the best of my knowledge.  
 Survey completed January 5, 1984.  
 SCL-147

EXHIBIT "B"  
Development Plan

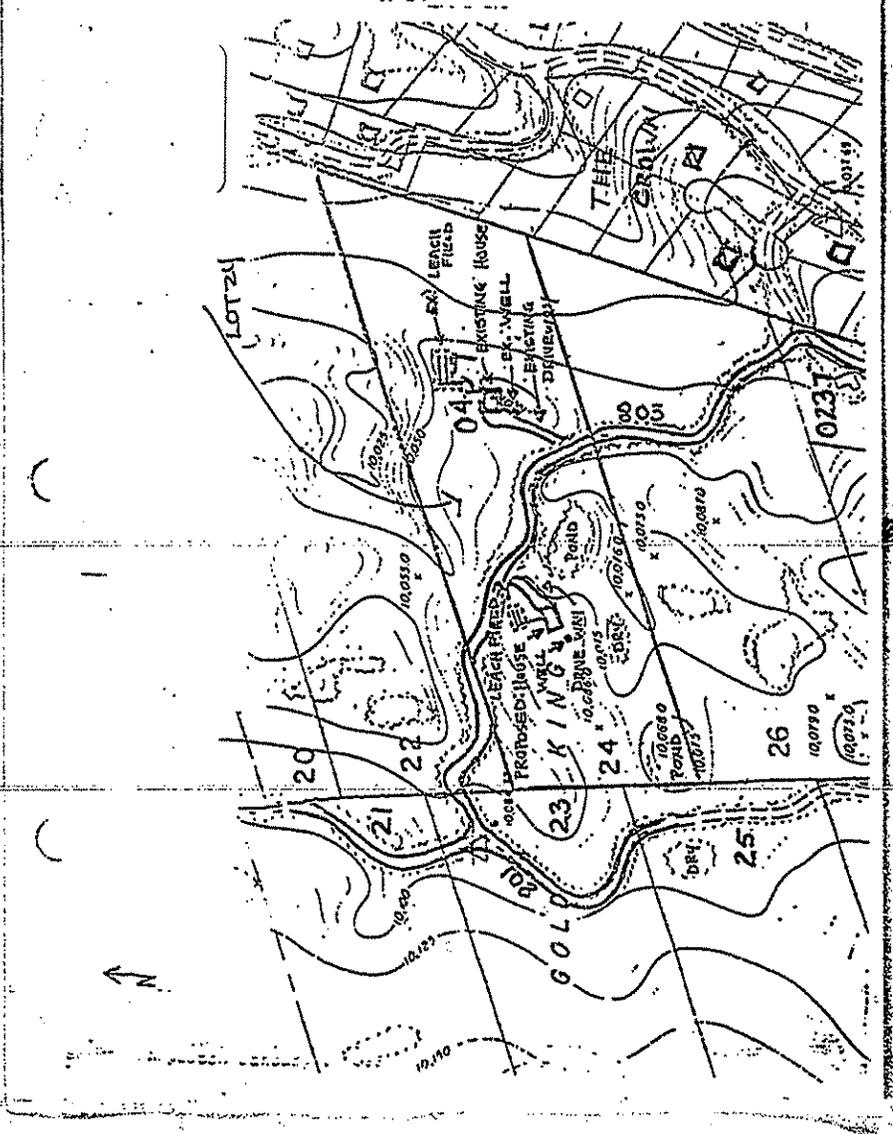
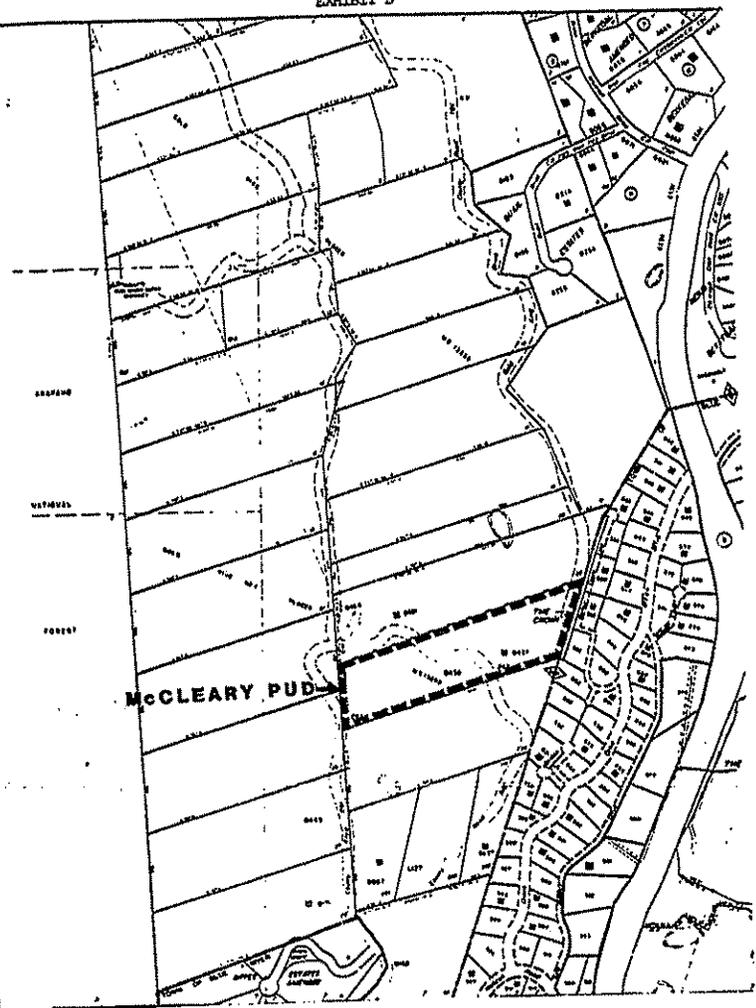


EXHIBIT B



OFFICIAL ZONING MAP

FOR: McCleary Planned Unit Development

ADOPTED BY THE SUMMIT COUNTY BOARD OF COUNTY COMMISSIONERS

DATE: April 11, 1988

RESOLUTION NUMBER: RR-

Rich Levengood, Chairman