

OVERLOOK ESTATES

PLANNED UNIT DEVELOPMENT AGREEMENT

MAR 25 9 11 AM '85
COUNTY CLERK

294127

THIS AGREEMENT is made and entered into this 20 day of March 1985, by and between the Board of County Commissioners of Summit County, Colorado, hereinafter referred to as the "County", and Gordon L. Heuer and Julius Monge, whose address is Box 1797, Breckenridge, Colorado, hereinafter jointly referred to as the "Applicant".

WHEREAS, the Applicant is the owner of certain real property located in Summit County, Colorado, as particularly described in attached Exhibit "A" hereto, said real property being hereinafter referred to as the "Property"; and

WHEREAS, the Applicant has requested approval of a rezoning of the property from A-1 Agricultural to PUD Planned Unit Development for a development known as Overlook Estates; and

WHEREAS, the County desires to insure that certain conditions are fulfilled by the Applicant in the development of the property in order to protect the public health, safety and welfare.

NOW, THEREFORE, in consideration of the premises and other good and valuable consideration hereby receipted for, the parties hereto agree as follows:

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 with the following specific requirements:

1. Permitted Uses. Permitted uses for the Property shall be seven single family dwelling units to be developed on seven lots. Setbacks shall be 25 feet front, 25 feet rear, and 15 feet side. Building heights shall not exceed 35 feet, with "height" being as defined in the Summit County Building Code. Prior to issuance of the Building Permit for any dwelling unit in this development, a site plan for that unit shall be submitted to the County Planning Department for review and approval.
2. Platting. A final plat of the Property shall be submitted to and approved by the County prior to any development.

3. Parking and Driveways. Prior to issuance of Building Permits for any lot or cluster or lots, the applicant shall construct parking and driveways for each dwelling unit as conceptually shown on Exhibit "B". The number of parking spaces shall be determined by County regulations in effect at the time of development, but shall not be less than shown on Exhibit "B".
 4. Public Use Areas. The applicant shall pay \$1750.00 in fees as satisfaction of Public Use Area fee requirements.
 5. Development Schedule. The applicant intends to initiate development in 1985 and complete development by 1989.
- B. UTILITIES AND IMPROVEMENTS. Utilities and improvements shall be provided in the development of the Property as set forth in this section. Detailed specifications shall be set forth in the final plat submission, and time schedules for their construction shall be set forth in the Improvements Agreement required as a condition of final plat approval.
1. Water System. Water shall be provided by Tyrollean Terrace Water District. Annexation by the District must be completed prior to the final plat approval.
 2. Sewer System. Sewer service shall be provided by the Breckenridge Sanitation District. Annexation by the District must be completed prior to the final plat approval.
 3. Access. Access to the property shall be provided by a system of paved private drives. The access driveways shall be both privately owned and privately maintained. The applicant, in coordination with the County, shall obtain access easements as needed for Robber's Nest Road to serve Lot 1 development.
 4. Fire Protection. Fire protection is to be provided by the Red, White and Blue Fire Protection District, and the Applicant shall meet all fire protection requirements of the District.
 5. Landscaping. Landscaping shall be installed in accordance with a landscape plan as conceptually shown on Exhibit B.
- C. GENERAL PROVISIONS.
1. Breach of Agreement. If at any time any provision of this Agreement has been breached by the Applicant, 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 Applicant in writing and afforded the Applicant a reasonable opportunity to remedy the same.

2. Binding Effect. This Agreement shall run with the land and be binding upon the Applicant 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. This Agreement 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 release the Applicant and the property from any claim by the County under the terms hereof.
3. Notices. All notices required under this Agreement 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 Applicant:

Mr. Gordon Heuer
Mr. Julius Monge
P. O. Box 1797
Breckenridge, CO 80424

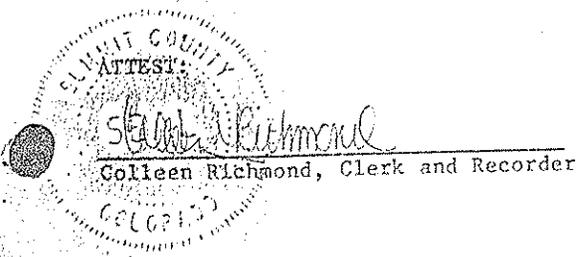
All notices so given shall be considered delivered three days after the mailing thereof. Either party, by notice so given, may change the address to which future notices shall be sent.

4. Entire Agreement. This Agreement constitutes the entire agreement between the parties, 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 the property.

IN WITNESS WHEREOF, the County and the Applicant have executed this Agreement as of the date first above written.

BOARD OF COUNTY COMMISSIONERS
OF SUMMIT COUNTY COLORADO

BY: Don Peterson



OVERLOOK ESTATES LEGAL DESCRIPTION

A TRACT OF LAND BEING A PORTION OF THE BALLARD, CHICAGO AND HIDDEN TREASURE LODES, MS 6704, LOCATED IN THE NORTHWEST ONE QUARTER SECTION 5 T7S R77W BPM, SUMMIT COUNTY COLORADO, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT CORNER 1 MS 6704, WHENCE THE WEST ONE QUARTER CORNER SAID SECTION 5 BEARS N 89°33'59" W 104.62 FEET DISTANT; THENCE ALONG THE BOUNDARY OF SAID MS 6704 FOR THE FOLLOWING SEVEN COURSES:

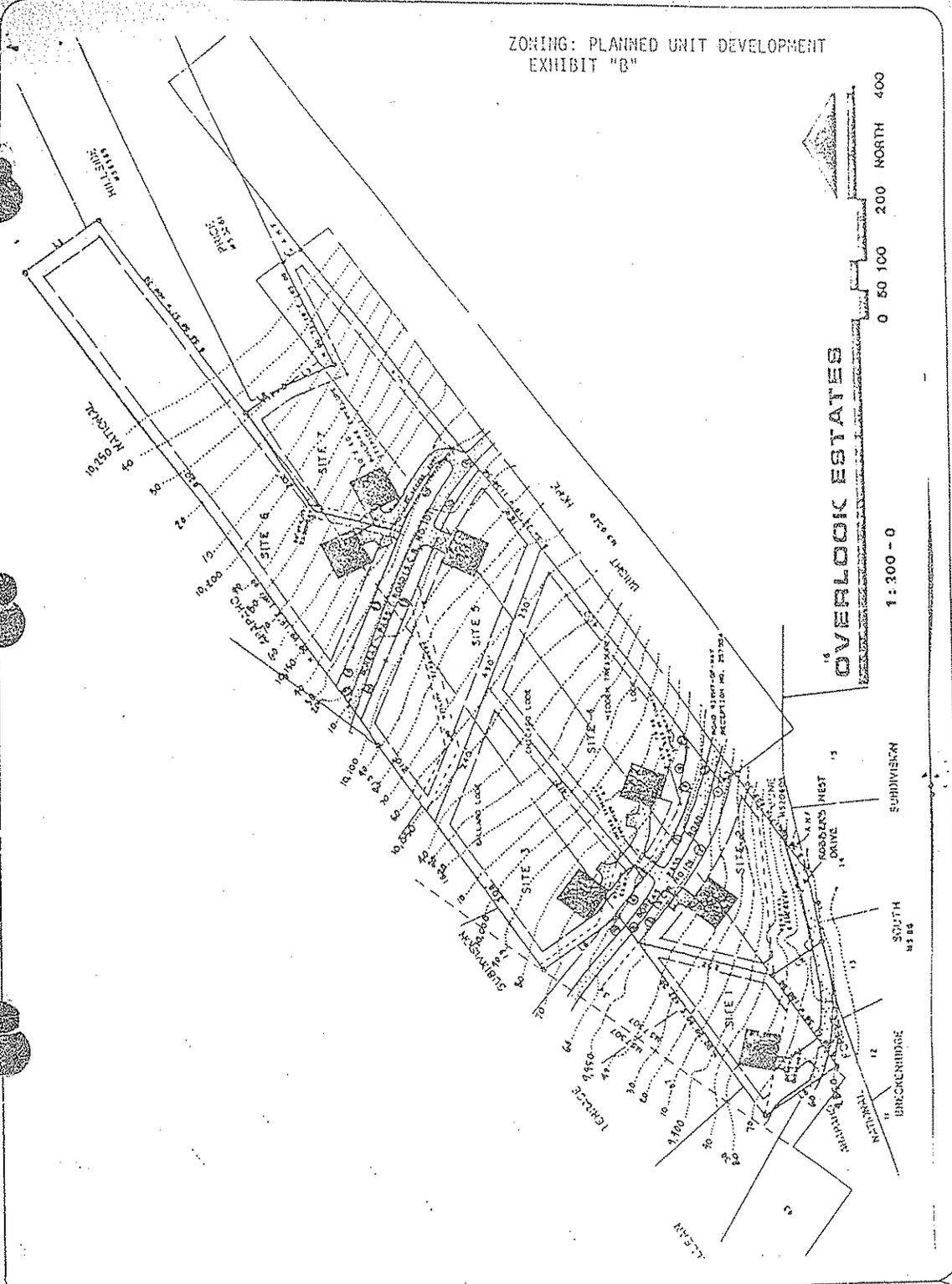
- 1.) N 34°03'02" W A DISTANCE OF 147.48 FEET TO CORNER 2;
- 2.) N 55°55'58" E A DISTANCE OF 423.58 FEET TO CORNER 9
- 3.) N 34°54'08" W A DISTANCE OF 153.31 FEET TO CORNER 10
- 4.) N 56°06'10" E A DISTANCE OF 478.42 FEET TO THE POINT OF INTERSECTION OF THE 10-11 LINE OF MS 6704 AND THE 4-1 LINE OF MS 7307;
- 5.) N 56°06'10" E A DISTANCE OF 978.64 FEET TO CORNER 11;
- 6.) S 34°04'48" E A DISTANCE OF 149.75 FEET TO CORNER 12;
- 7.) S 55°59'57" W A DISTANCE OF 408.29 FEET TO CORNER 3;

THENCE ALONG THE 3-4 LINE MS 6704 S 34°03'11" E A DISTANCE OF 77.54 FEET TO THE POINT OF INTERSECTION WITH THE 1-6 LINE MS 3261; THENCE S 22°50'03" E A DISTANCE OF 90.49 FEET TO CORNER 6 MS 3261; THENCE ALONG THE 6-5 LINE MS 3261 N 66°51'06" E A DISTANCE OF 193.98 FEET TO THE POINT OF INTERSECTION WITH THE 6-7 LINE MS 6704; THENCE ALONG THE 6-7 LINE MS 6704 S 34°12'48" E A DISTANCE OF 37.30 FEET TO THE POINT OF INTERSECTION WITH THE 3-2 LINE MS 6328; THENCE S 54°26'19" W A DISTANCE OF 1139.56 FEET TO CORNER 2 MS 6328; THENCE ALONG THE 2-1 LINE MS 6328 S 35°33'41" E A DISTANCE OF 27.93 FEET TO THE POINT OF INTERSECTION WITH THE 7-8 LINE MS 6704; THENCE ALONG THE 7-8 LINE MS 6704 S 56°02'17" W A DISTANCE OF 205.30 FEET TO THE POINT OF INTERSECTION WITH THE 61-60 LINE MS 86; THENCE ALONG THE 61-60 LINE MS 86 S 78°39'30" W A DISTANCE OF 121.74 FEET TO THE POINT OF INTERSECTION WITH THE 8-5 LINE MS 6704; THENCE N 33°34'39" W A DISTANCE OF 103.19 FEET TO CORNER 5 MS 6704; THENCE S 56°01'58" W A DISTANCE OF 189.96 FEET TO THE POINT OF BEGINNING AND CONTAINING 597.899 SQUARE FEET OR 13.726 ACRES MORE OR LESS.

EXCEPTING THEREFROM THE EXISTING ROAD RIGHT-OF-WAY AS FILED FOR RECORD UNDER RECEPTION NO. 257554 IN THE OFFICE OF THE SUMMIT COUNTY CLERK AND RECORDER AND AS SHOWN HEREON, CONTAINING 1.114 ACRES, MORE OR LESS.

LEAVING A NET AREA OF 12.812 ACRES, MORE OR LESS.

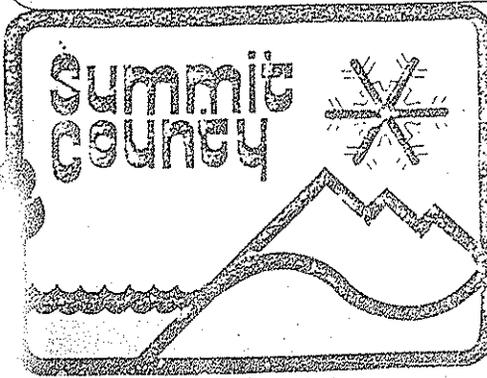
ZONING: PLANNED UNIT DEVELOPMENT
EXHIBIT "B"



OVERLOOK ESTATES

0 50 100 200 NORTH 400

1:300-0



OFFICIAL ZONING MAP

FOR: OVERLOOK ESTATES P.U.D.

ADOPTED BY THE SUMMIT COUNTY BOARD OF
COUNTY COMMISSIONERS

DATE: 3/20/85

RESOLUTION NUMBER: 85-46

Don Peterson

Don Peterson, Chairman