

**SUNSET POINT
Planned Unit Development Designation**

This Planned Unit Development Designation, to be known as Sunset Point PUD, is approved this 21st day of December, 1990, 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 uses permitted on the property, its development plan and phasing, and specific development regulations which must be adhered to by Dan Flanagan and Chris Berg, who are the owners and developers of the property, 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.

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 shall be as follows: Five single family residential units. Home occupations, as described in Section 3810 of the Summit County Development Code now in effect or hereafter amended, shall be allowed.

2. Accessory and Conditional Uses

Allowable accessory and/or conditional uses shall be those uses described as accessory and/or conditional uses in the R-2 zone district in Section 3404 of the Summit County Development Code now in effect or hereafter amended. Approval of accessory and/or conditional uses shall go through the same processes and procedures as described in the Summit County Development Code.

3. Animal Keeping

Animal keeping shall be restricted the same as in the R-2 zone district as described in the Summit County Land Use and Development Code Section 3602. Dogs shall be restrained at all times by means of fenced yard, pen, run or leash.

4. Building Height

Building height, as defined in the Summit County Development Code, shall not exceed 35 feet.

5. Parking

The owner/developer shall provide parking spaces for each single family residence as follows:

No garage	three spaces
1 car garage	1 interior, 2 exterior spaces
2 car garage	2 interior, 1 exterior spaces

Parking is not allowed on county roads, private roads, common driveways, cul-de-sacs or hammerhead turnarounds.

6. Setback Requirements

Setbacks for the lots in the Sunset Point PUD shall be as follows:

Front	Lots 1,2,4 & 5 = 25 feet : Lot 3 = 10 feet
Side	10 feet
Rear	Lot 1 = 200 feet
	Lots 2, 3 & 4 = north edge of sewer easement as shown on plat
	Lot 5 = 50 feet

7. Public Use Areas

In accordance with the County's Subdivision Regulations, the owner/developer shall pay public use area fees in lieu of land dedication. The fees shall be paid prior to recordation of the final plat, or if the property is platted in phases, for each phase as it is recorded.

8. Site Plan Review

Prior to the issuance of building permits for any lot within the Sunset Point PUD, the County must review and approve a site plan. Site plan reviews shall be conducted by the Planning Department staff. Said review shall not exceed 10 calendar days following acceptance of a submittal as having adequate information for review.

The following information shall be submitted to the Planning Department for the review:

- a detailed site plan
- floor plans and elevations
- grading and drainage plan
- erosion control plan
- landscaping/revegetation plan
- utility company approvals
- site improvements agreement

Each home shall be designed such that the impact of building on steep slopes in visible locations, will be mitigated.

Mitigation measures shall include the following:

1. Avoid placement of such items as parking areas which require large, flat-surface areas on steep slopes.
2. Design structures so that they are stepped or otherwise fit with the terrain.
3. Provide financial commitment to implement revegetation program.
4. Design architecture of buildings so that they blend in with surrounding landscape by using appropriate colors and materials.
5. Plans will be reviewed by an engineer registered in the State of Colorado.

9. Platting

A final plat of the property shall be submitted to and approved by the County prior to issuance of any building or grading permits for development.

10. Vegetation Management Plan

A vegetation management plan is required and shall be approved by the Colorado State Forest Service.

B. UTILITIES AND IMPROVEMENTS

Public utilities, improvements and services are to 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 final plat approval. All utility lines will be located underground.

1. Water System

Water is to be provided by the Woodmoor Water District. Construction of water mains shall be in conformance with the regulations of the District.

2. Sewer System

Sanitary sewer service is to be provided by the Woodmoor Sewer District. Construction of sewer mains shall be in conformance with the regulations of the District. All ground disturbed by construction of utility lines shall be revegetated in accordance with the landscape plan and graded back to its original slope.

3. Access

Access to the property is provided from Club House Road (Co. Rd. 525). Each lot within the Sunset Point PUD shall have driveway access onto Club House Road.

4. Fire Protection

Fire protection is to be provided by the Red White and Blue Fire Protection District, and the owner/developer shall meet all fire protection requirements of the District.

5. Landscaping

Landscaping shall be installed in accordance with the detailed landscaping plan as approved by the County as part of a site plan review and approval pursuant to paragraph A.8.

C. GENERAL PROVISIONS

1. Breach of Provisions of PUD Designation

If at any time any provision or requirement stated in this designation has been breached by the owner/developer, the County may withhold approval of any or all site plans or platmaps, 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 planned unit development 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 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.

3. Amendments

Amendments to the provisions of this planned unit development designation shall be reviewed and acted upon in the same manner as any rezoning application, subject to the County's procedures for zoning amendments and to the requirements for findings under the Planned Unit Development Act of 1972 at C.R.S. 24-67-106(3)(1973 ed.). Action in any proposed amendment 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 68
Breckenridge, CO 80424

Notice to Applicant:

Dan Flanagan, Chris Berg
P.O. Box 4600
Breckenridge, CO 80424

5. Entire Designation

This designation contains all provisions and requirements incumbent upon the owner/developer relative to the Sunset Point 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 the property.

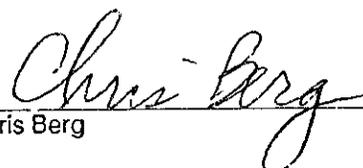
IN WITNESS WHEREOF, the County and the owner/developer have executed this designation as of the date first above written.

BOARD OF COUNTY COMMISSIONERS
OF SUMMIT COUNTY, COLORADO

BY: 
Marsha W. Ostorn, Chairman

ATTEST:

Colleen Richmond, Clerk and Recorder

BY: 
Chris Berg

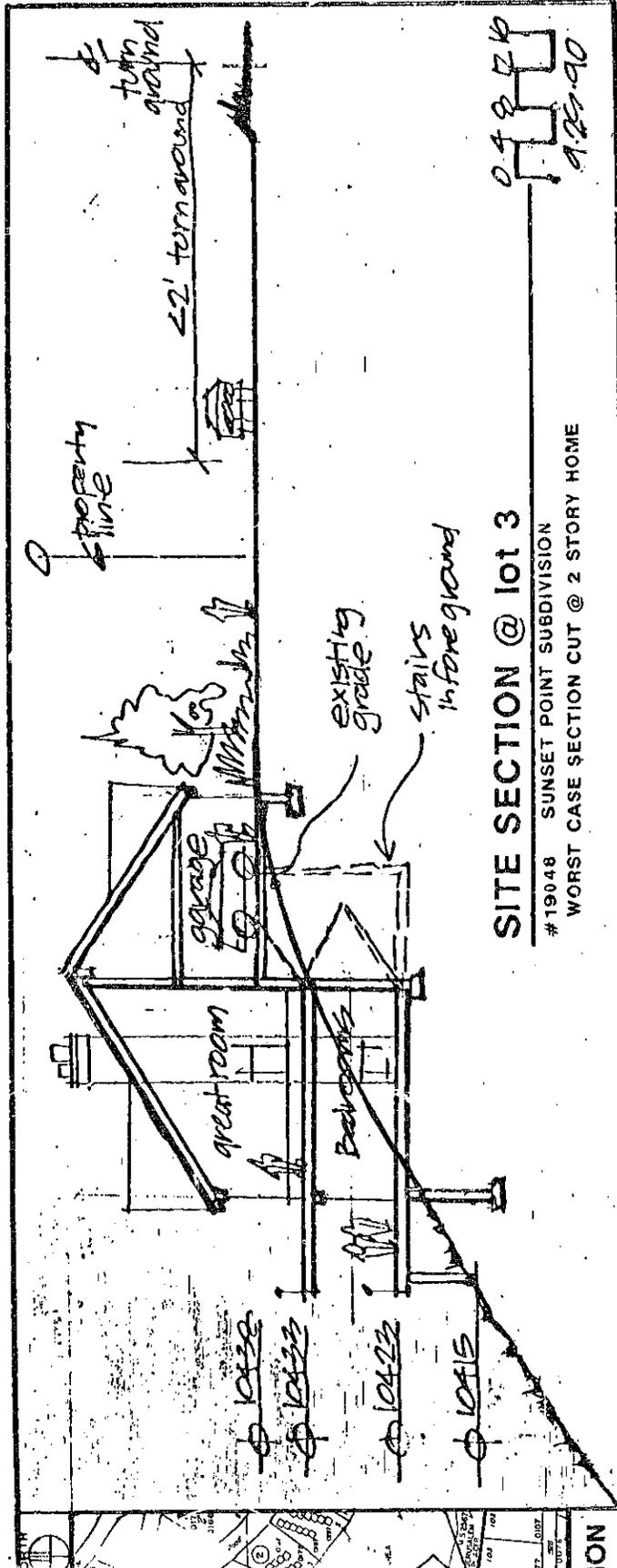
BY: 
Dan Flanagan

**LEGAL DESCRIPTION
SUNSET POINT PUD**

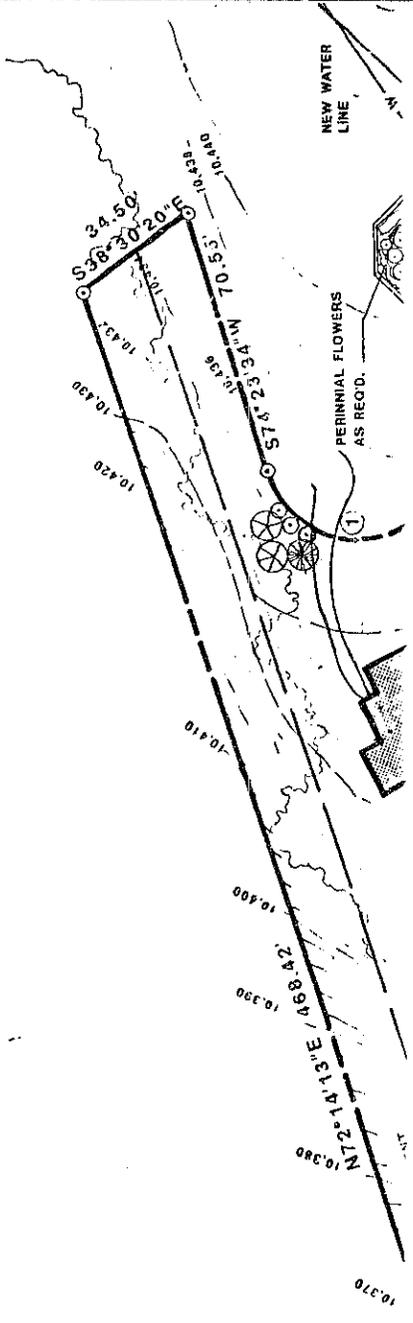
Know all persons by these presents: That Chris Berg and Dan Flanagan, being the owners of the land described as follows:

TRACT 'A', A REPLAT OF WOODMOOR AT BRECKENRIDGE, UNDER RECEPTION NO. 137448 SHEET 2 OF 2, SECTION 5, TOWNSHIP 7 SOUTH, RANGE 77 WEST OF THE 6TH PRINCIPLE MERIDIAN, SITUATED IN THE COUNTY OF SUMMIT, STATE OF COLORADO CONTAINING 4.225 ACRES MORE OR LESS.

pub/SunsetPoint



SITE SECTION @ lot 3
 #19048 SUNSET POINT SUBDIVISION
 WORST CASE SECTION CUT @ 2 STORY HOME



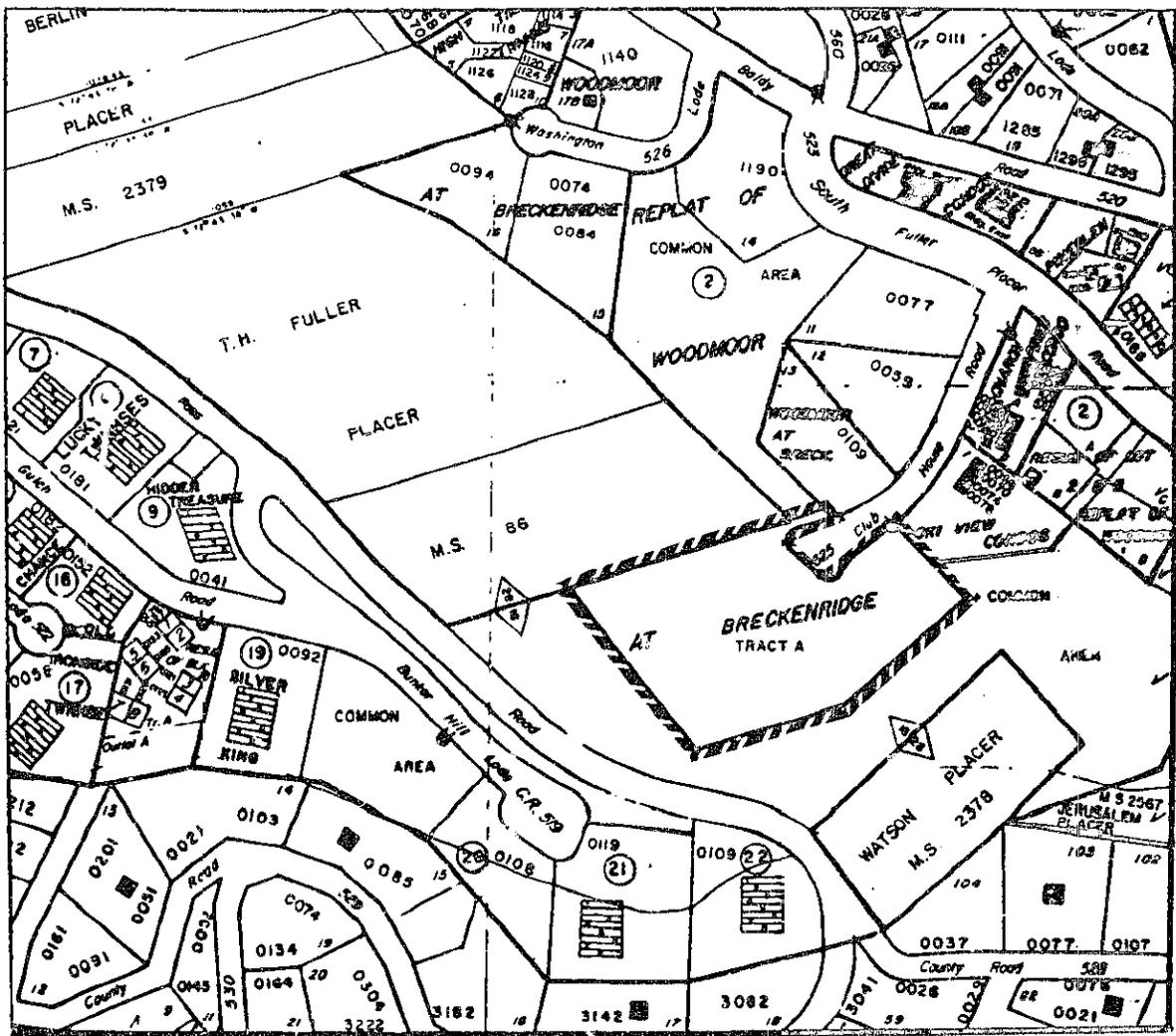
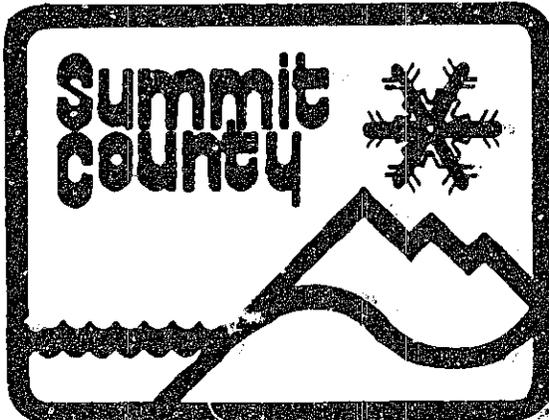


EXHIBIT A



OFFICIAL ZONING MAP

FOR: SUNSET POINT PUD (Tract A Woodmoor @ Breck.)

ADOPTED BY THE SUMMIT COUNTY BOARD
OF COUNTY COMMISSIONERS

DATE: December 21, 1990

RESOLUTION NUMBER: 90-107 & 90-108

Marsha W. Osborn

Marsha W. Osborn, Chairman