

Summit Estates  
Planned Unit Development Designation  
(As Revised: April 23, 1990)

38  
SUMMIT COUNTY  
CLERK  
MAY 14  
COLLECTOR

The Summit Estates Planned Unit Development Designation approved the 10th day of February 1986, by the Board of County Commissioners and revised the 22nd day of December 1989 is hereby revised this 23rd day of April, 1990. This designation establishes uses permitted on the property, its development plan and phasing, and specific development regulations which must be adhered to by Kuras Investment Associates who is the owner and developer of the property, and is hereinafter referred to as the "owner/developer". This designation also specifies improvements 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**

The goal of the Summit Estates PUD is to provide for rural estate type single family development in a manner which minimizes site disturbance and maintains existing vegetation and natural systems to the fullest extent possible.

**1. Permitted Uses.**

Uses and development of the property shall be in general accordance with the Development Plan attached as Exhibit B hereto. The development plan is conceptual. Actual location of lots, building sites, roads, and other necessary improvements shall be determined through the detailed submittal and final plat approvals for subdivision of each phase of the development. A total of 66 single family units, one per site, is permitted.

Building heights shall not exceed 35 feet with height as defined in the Summit County Building Code. All buildings shall be located within building envelopes on lots as conceptually shown on Exhibit B. Final building envelope locations shall be shown on the final plat(s) of the property. When necessary due to topography or other physical hardship, up to five (5) percent of a building footprint may be located outside the designated building envelope with prior permission from the Summit County Planning Department. All proposed building on the property must receive site plan approval from the Summit County Planning Department.

**2. Conditional Uses**

Caretaker units meeting all criteria of Section 3804 of the Summit County Land Use and Development Code may be permitted if a conditional use permit is approved in conformance with Chapter 12 of the Summit County Land Use and Development Code.

**2. Platting.**

The detailed submittal for subdivision and final plat for each phase of the property shall be submitted to and approved by the County prior to any development. Detailed submittal and final plat applications for each phase may be combined.

3. Parking.

No parking shall be allowed in any County road, private road, common driveway, cul-de-sac or hammerhead turnaround. Off street parking shall be provided for each single family unit.

4. Open Space Areas.

As conceptually shown on Exhibit B, Parcels A, B, C, and D shall be retained as private open space for the exclusive use of the residents of the property and their guests. Final delineation of open space areas will occur at the detailed submittal/final plat approval stage of each applicable phase of the development unless otherwise specified in this designation. No buildings, roads, or grading shall be allowed within the private open space parcels. Vegetation management may be carried out in accordance with an approved vegetation management program.

5. Vegetation Management Program.

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 focus on removal of dead wood and brush with minimal tree cutting. The plan shall be reviewed by the Colorado State Forest Service and submitted concurrent with detailed submittal for subdivision.

6. Development Schedule.

It is anticipated that development of the PUD will occur in phases over a three year period beginning in 1986 or 1987. Detailed submittals for subdivision and final plats for each phase will be submitted to and approved by the County prior to development.

7. Covenants.

Concurrent with submittal of the first final plat for the property the owner/developer shall submit covenants for the entire property. The covenants shall provide for formation of a homeowners association with responsibility for architectural control and maintenance of all private roads, common driveways and private open space within the property. The owner/developer shall obtain county approval for those portions of the covenants concerning maintenance of private roads, common driveways and open space prior to approval of any final plat, and the covenants shall be recorded concurrent with recording the first final plat of building sites on the property.

## 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 submittal. Time schedules for construction of improvements shall be set forth in the subdivision improvements agreement which must accompany the final plat approval.

### 1. Water System.

Water supply will be provided by on site wells subject to approval by the State Engineer, Division of Water Resources. The Water supply system shall provide adequate fire flows as determined by the Red, White and Blue Fire District.

### 2. Sewer Systems.

Sewage disposal shall be provided by on site septic systems subject to the approval of the County Environmental Health Department. Percolation test results and profile hole evaluations for each proposed on site system shall be submitted with the detailed submittal for subdivision. No lots shall be platted until adequate sewage disposal is demonstrated.

### 3. Access.

Access to the property and all building sites shall be provided by roads and common driveways built to County specifications. Final road designs shall be approved by the County Engineer prior to approval of a final plat. The County reserves the right to accept or reject responsibility for year round maintenance, including snow removal, on all dedicated public roads. Maintenance of all private roads and driveways and all roads not accepted by the County shall be the responsibility of the developer or of the Summit Estates Homeowners Association. Access to all dwelling units shall be maintained at all times.

The owner/developer recognizes that the Galena Gulch jeep trail which crosses the property may have prescriptive access rights. Any such access rights or an equivalent access will be provided in cooperation with the owners in the area. The final plat shall include easements for all historical, prescriptive access routes or approved alternative routes.

### 4. Tiger Road Improvements.

The developer acknowledges that improvements to Tiger Road will be necessary in the future. It is understood that the developer and other adjacent landowners will benefit from any improvement of Tiger Road. At this time it is unknown at what point Tiger Road will require improvement, including paving. Prior to approval of any final plat for development of building sites, the owner/developer shall join in any common financing arrangement with other parties established by the County for improving Tiger Road. If no such financing arrangement has been established by the County upon approval of the first plat, the County

can require the developer to satisfy the obligation to improve Tiger Road by one of the following methods.

- 1) A covenant be recorded for each property ownership in the subdivision requiring that each lot join a future improvement district formed by the County to improve Tiger Road; or
- 2) A fee be established by the County to be paid by the property owners in the subdivision to fully satisfy this requirement.

5. Fire Protection.

Fire protection is to be provided by the Red, White and Blue Fire District. All development on the property shall meet all fire protection requirements of the District.

6. Utilities and Easements.

All new utility lines shall be installed within the PUD in accordance with the standards of each utility provider and County Subdivision Regulations. Easements for all utilities shall be shown on the final plat.

C. 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 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 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 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

Notice to Applicant:

Kuras Investment Associates  
7902 Mockingbird Lane  
San Antonio, TX 78229

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.

### 6. Entire Designation

This designation contains all provisions and requirements incumbent upon the owner/developer and the County relative to the Summit Estates 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.

### 7. 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 Summit Estates

PUD designation, the provisions of this revised PUD designation shall supersede and replace such provisions.

8. 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:   
Marshal W. Osborn, Chairman

ATTEST:

  
Colleen Richmond, Clerk and Recorder

KURAS INVESTMENT ASSOCIATES

By:   
Kevin M. Smith

A TRACT OF LAND LOCATED IN SECTIONS 16 AND 17, TOWNSHIP 6 SOUTH, RANGE 77 WEST OF THE SIXTH PRINCIPAL MERIDIAN, SUMMIT COUNTY, COLORADO. SAID TRACT BEING A PORTION OF THE IOWA AND OHIO PLACERS, U.S. MINERAL SURVEY NO. 12475 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT CORNER NO. 4 OF SAID OHIO PLACER, THENCE S 00°23'00" E ALONG THE 405 LINE OF SAID OHIO PLACER A DISTANCE OF 318.04 FEET TO THE SOUTHWEST CORNER OF A PARCEL OF LAND DESCRIBED UNDER RECEIPTION NO. 322787 IN THE OFFICE OF THE SUMMIT COUNTY CLERK AND RECORDER, SAID POINT BEING THE TRUE POINT OF BEGINNING; THENCE EASTERLY ALONG THE SOUTH LINE OF SAID PARCEL DESCRIBED UNDER RECEIPTION NO. 322787 FOR THE FOLLOWING THREE COURSES:

- 1) N 84°33'38" E A DISTANCE OF 1518.31 FEET;
- 2) N 70°38'46" E A DISTANCE OF 1670.06 FEET;
- 3) S 70°14'25" E A DISTANCE OF 644.86 FEET TO A POINT ON THE 4-5 LINE OF SAID IOWA PLACER;

THENCE S 00°05'29" E ALONG SAID 4-5 LINE A DISTANCE OF 256.08 FEET; THENCE N 62°59'16" W A DISTANCE OF 479.79 FEET; THENCE S 77°30'44" W A DISTANCE OF 600.00 FEET; THENCE S 66°15'44" W A DISTANCE OF 360.00 FEET TO THE NORTHEAST CORNER OF LOT 27, SUMMIT ESTATES, FILING NO. 1, A PROPOSED SUBDIVISION; THENCE WESTERLY ALONG THE NORTH LINE OF SAID SUMMIT ESTATES FOR THE FOLLOWING FIVE COURSES:

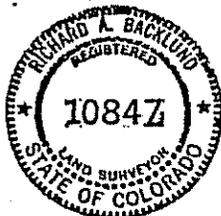
- 1) S 66°15'44" W A DISTANCE OF 226.82 FEET;
- 2) S 63°44'12" W A DISTANCE OF 67.82 FEET;
- 3) N 87°35'32" W A DISTANCE OF 582.31 FEET;
- 4) S 87°36'12" W A DISTANCE OF 612.66 FEET;
- 5) S 84°50'24" W A DISTANCE OF 892.66 FEET TO THE NORTHWEST CORNER OF SAID SUMMIT ESTATES FILING NO. 1, ALSO BEING A POINT ON SAID 4-5 LINE OF THE OHIO PLACER; THENCE N 00°23'00" W ALONG SAID 4-5 LINE A DISTANCE OF 36.21 FEET TO THE TRUE POINT OF BEGINNING, CONTAINING 587061 SQUARE FEET OR 13.4771 ACRES, MORE OR LESS.

THE BEARING BASE FOR THIS LEGAL DESCRIPTION IS THE BLM BEARING OF S 00°23' E ALONG THE 4-5 LINE OF THE OHIO PLACER MONUMENTED BY AN EXISTING STONE AT CORNER NO. 4 OF SAID OHIO PLACER AND A PIN AND CAP L.S. NO. 10847 AT THE NORTHWEST CORNER OF SUMMIT ESTATES, FILING NO. 1.

I, RICHARD A. BACKLUND, BEING A REGISTERED LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THIS LEGAL DESCRIPTION WAS WRITTEN BY ME AND UNDER MY SUPERVISION, THAT IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

DATE SEPTEMBER 11, 1989

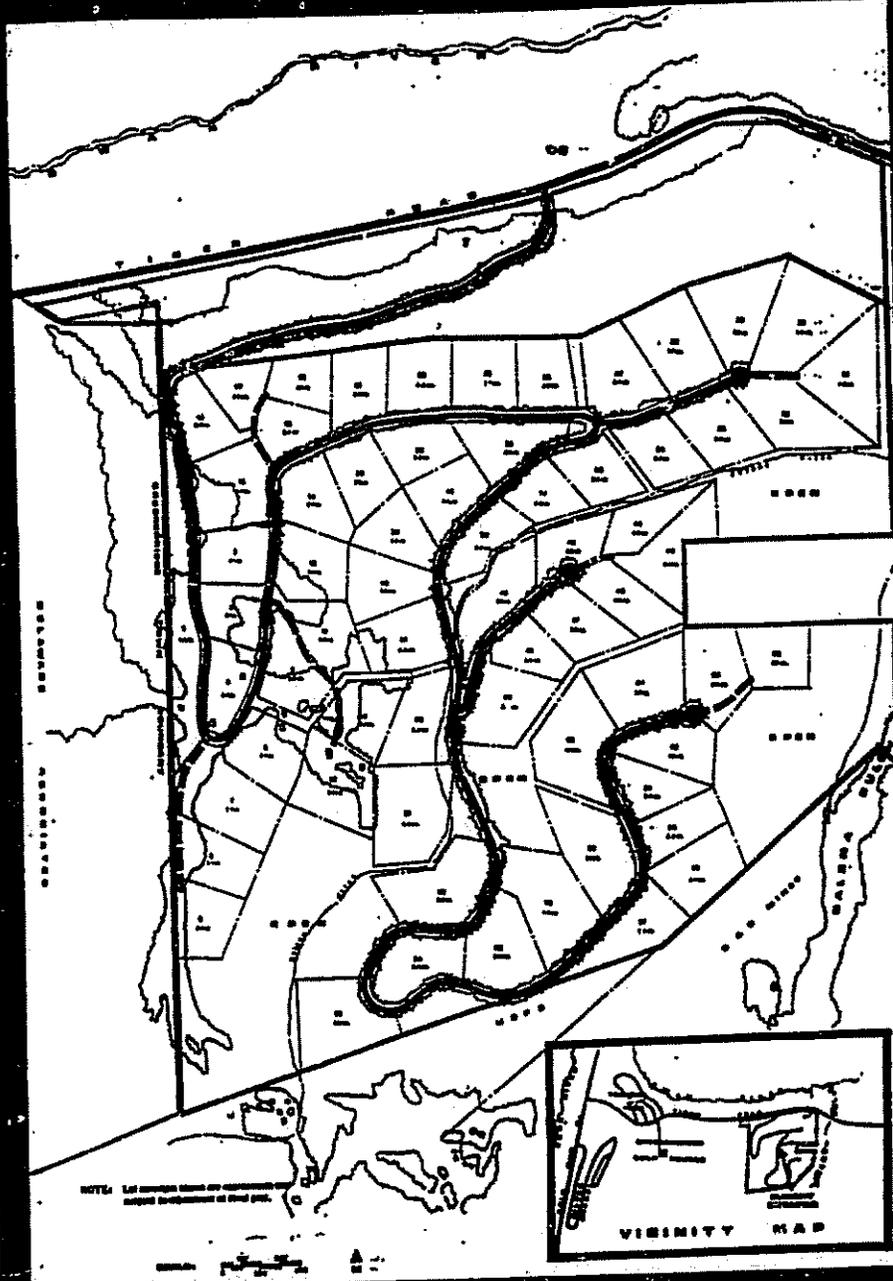
BY R. A. Backlund  
RICHARD A. BACKLUND  
COLORADO L.S. NO. 10847



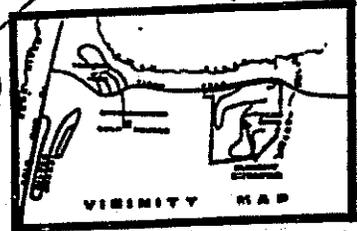
# 6262

Summit Estates PUD

Exhibit A



NOTE: SEE GENERAL PLAN OF DEVELOPMENT FOR FURTHER DEVELOPMENT OF THIS PLAN.



**SUMMIT ESTATES**  
CONCEPTUAL SITE PLAN



EXHIBIT B



OFFICIAL ZONING MAP

FOR: SUMMIT ESTATES  
 ADOPTED BY THE SUMMIT COUNTY BOARD OF COUNTY COMMISSIONERS  
 DATE: April 23, 1990  
 RESOLUTION NUMBER: BOCC 90-23

*Marsha W. Osborn*  
 Marsha W. Osborn, Chairman