



**GIBERSON PRESERVE
PLANNED UNIT DEVELOPMENT DESIGNATION**

This Planned Unit Development Designation, to be known as the Giberson Preserve Planned Unit Development, hereinafter referred to as the "Designation", was approved this 10th day of April, 1989, by the Board of County Commissioners of Summit County, Colorado, and revised on the 22nd day of July 2014 and further revised this 8th day of August, 2017 by the Board of County Commissioners of Summit County, Colorado, 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 that shall be permitted on the Property, a general development plan and a statement of development guidelines and conditions which must be adhered to by the owner/developer of the Property, Howard and Lura Belle Giberson, hereinafter referred to as the "Owner/Developer" and successors and assigns of 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. PERMITTED USES AND DEVELOPMENT PLAN

Use and development of the Property shall be in substantial compliance with the Development Plans attached as Exhibit "B" hereto, and with the following specific requirements:

1. Permitted Uses

The following uses are permitted within the Giberson Preserve Planned Unit Development:

Giberson Preserve

<u>Lot/Tract</u>	<u>Use</u>
1	1 single family home (existing)
2	1 single family home (existing)
3	1 single family home
5	1 single family home
6	1 single family home
7	1 single family home
8	1 single family home
9	1 single family home
10	1 single family home
11	1 single family home
12	1 single family home
13	1 single family home
A	Agricultural/Open Space
B	Access and Utility Easement
C	Agricultural/Open Space
D & E	Agricultural/Open Space

Single family lots shall be permitted all accessory and conditional uses included in the R-2 zoning district in the Summit County Land Use and Development Code. Permitted uses in the agricultural/open space areas shall be limited to those uses directly and customarily related to the cultivation or raising of agricultural products and livestock; and recreational uses by the homeowners and/or residents of the Property. Examples include grazing livestock, growing hay, barns and stables, and pedestrian and equestrian trails. Where a use is proposed to be established in an agricultural/open space area and such use includes the construction of buildings or structures, the Owner/Developer shall obtain approval of a site plan prior to the issuance of any building permits. Site plans shall be submitted, reviewed and action taken in accordance with the County Development Review Procedures.

2. Building Height and Setbacks

Building heights shall not exceed 35 feet on the residential portions of the PUD and 50 feet in the agricultural areas. Building height shall be determined based on the current definition in the County Land Use and Development Code. Setbacks shall be 25 feet for the principle structure from the front and rear Property lines and 15 feet from all side Property lines. Garages and/or parking platforms may be located 5 feet from the front Property line and shall conform to all other setback requirements. Other accessory structures shall meet all setback requirements for the principle structure.

3. Parking

All residential units are required to provide a minimum of two off-street parking spaces which may be in a garage. All exterior parking spaces shall have all weather surface such as gravel, asphalt or concrete paving.

4. Public Use Areas

The Summit County Subdivision Regulations require the dedication of public open space within each new subdivision or the payment of an in-lieu fee. The regulation allow for a waiver of this requirement if sufficient land is reserved for aesthetic natural features and wildlife areas. The development is reserving 174 acres for these purposes and is hereby determined to have met the public open space requirement.

5. Caretakers Units

Single family units in the Giberson PUD may include caretaker units. Caretaker units shall be as defined in the Summit County Land Use and Development Code. Prior to the establishment of a caretaker unit, the property owner proposing such unit shall obtain approval for a conditional use permit in accordance with the provisions of the Summit County Land Use and Development Code pertaining to caretaker units.

B. UTILITIES AND IMPROVEMENTS

Public utilities, improvements and services are to be provide in the development of the Property as set forth in the section. Detailed specification and time schedules for their construction shall be set forth in the Improvements Agreement required as a condition of final plat approval.

1. Water Systems

Water is to be provided by existing domestic wells for lots 1 and 2. Lots 3 through 13 will be served by a community system. The homeowners association is responsible for the provision and maintenance of the system.

2. Sewer Systems

Sewer service is to be provided for each residential lot through individual sewage disposal systems located on each lot. If necessary, individual systems may be located in the agricultural/open space tracts.

3. Access

Access to residential lots shall be provided by a private road as shown on the development plan. All roads within the development shall be maintained by the homeowners association unless or until they are accepted by Summit County for maintenance. The homeowners association shall be entirely responsible for all costs associated with road maintenance. If the homeowners desire County maintenance, all costs associated with upgrading the roads to acceptable County Road and Bridge Standards shall be borne by the homeowners association.

4. Fire Protection

Fire protection shall be provided by the Lake Dillon Fire Protection District ("Fire District"). All development on the Property shall meet all fire protection requirements of the Fire District or its assign. All structures shall meet the requirements of the Building and Fire Codes in place at the time of building permit submittal.

5. Maintenance Responsibilities

The County has reviewed and approved the Restrictive Covenants of the Giberson Preserve Homeowners Association, Inc. (the "Covenants") dated November 12, 2016, delineating the responsibilities for the maintenance of the roads (including the road dedicated to the County and the two drives serving Lots 7, 8, 9 and 10 and Lots 11, 12, and 13, all as shown on the Plat), sewer systems, water systems, and landscaping in common areas as an obligation of the homeowners association. The Covenants include a provision that if the homeowners association fails to perform so that public health and safety are affected, then the County has the authority to enforce the maintenance responsibilities, either through obtaining compliance from the homeowners association or by taking corrective action and billing the association for the cost. The Covenants are recorded at Reception No. 1148458.

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 Planned Unit Development 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 promptly 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 Owner/Developer:

Howard & Lura Belle Giberson
PO Box 114
Frisco, CO 80443

All notices so given shall be considered delivered three (3) days after the mailing thereof, excluding weekends or official holidays. 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 relative to the Giberson Preserve 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 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 first written above.

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/Rich Levensgood, Commissioner

By: Rich Levensgood, Commissioner

ATTEST:

/S/ Colleen Richmond, Clerk and Recorder

Colleen Richmond, Clerk and Recorder

OWNER/DEVELOPER

/S/ Howard Giberson

By: Howard Giberson

/S/ Lura Belle Giberson

By: Lura Belle Giberson

APPROVAL OF AMENDMENTS

The foregoing document is the Giberson Preserve Planned Unit Development Designation as approved by the Summit County Board of County Commissioners on the 10th Day of April, 1989 and under at Reception No. 369510 and as amended by the Summit County Board of County Commissioners as follows:

Resolution Number	Reception Number
14-42	1062745
17-57	<u>1148869</u>

The planned unit development document dated the 10th day of April 1989, and recorded at Reception No. 369510 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 August 2017.



COUNTY OF SUMMIT
STATE OF COLORADO
BY AND THROUGH ITS
BOARD OF COUNTY COMMISSIONERS


Karn Stiegelmeier, Chair

ATTEST:

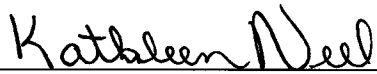

Kathleen Neel, Clerk and Recorder

Exhibit A

Giberson Preserve, located in the Buffalo and Lusher Placers and the Dooley Homestead Sections 22, 23, 26, and 27, T 5 S, R 78 W, Sixth P.M.

And as described in the plat recorded under Reception number 374700.

