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Kathleen Neel - Summit County Recorder

19 Pages

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**SWAN RIVER VALLEY
PLANNED UNIT DEVELOPMENT DESIGNATION**

This Planned Unit Development Designation, to be known as Swan River Valley, originally approved on the 9th day of December, 1985 and revised on the 13th of April, 1988; the 23rd of May, 1988; the 25th of August 1989; the 25th of September, 1989; the 8th of January, 1990; the 11th of October, 1994; the 22nd day of September, 1997; the 22nd day of January, 2001; and the 26th day July, 2005 by the Board of County Commissioners of Summit County, Colorado, hereinafter referred to as the "County," is hereby further revised this 23rd day of November, 2010 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 which shall be permitted on the Property, a general development plan and a statement of development guidelines and conditions which must be adhered to by Natomas Real Estate Company and their successors and assigns, who is the owner and developer of the property, and 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.

Where this PUD Designation does not address a specific development standard or requirement of the Summit County Land Use and Development Code (the "Code"), the provisions of the Code shall apply. Where the PUD Designation addresses a specific development standard or requirement, the provisions of this PUD Designation shall supersede the provisions of the Code.

A. PERMITTED USES AND DEVELOPMENT PLAN

The goals of the Swan River Valley PUD are to minimize disturbance of existing vegetation and natural systems, maintain the rural character of the Swan River Valley by decreasing densities as the distance from the Town of Breckenridge increases, to restore and revegetate appropriate areas of the existing rock piles to more closely resemble their original, natural appearance, and to provide for development of single family sites which are screened so that views of structures from Tiger Road are minimized. Use and development of the property shall be in accordance with the Development Plan attached hereto as Exhibit B and the following specific requirements:

1. Permitted Uses

a. Residential Use

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 the subdivision of each phase of the development. A total of 59 single family units, one per site, is permitted as follows (amended by Resolution 89-52):

<u>Parcel</u>	<u>Acres</u>	<u>Units</u>
A	64.74	27
B	30.35	8
C	67.44	12
D	148.12	12

Minor changes to the number and location of residential lots and dwelling lots in Exhibit B may be permitted at the detailed submittal/final plat approval stage for each development phase, subject to County approval. In no event shall the maximum number of units on the property exceed 59 single family units without County approval.

Each single family unit may contain a guest quarters no larger than 800 sq. ft. and clearly incidental to the single family. Guests' quarters shall be restricted to use by the guests of the homeowner only. Separate rental and/or sale of guests units is prohibited. Prior to the issuance of a certificate of occupancy for a guest quarters, a caretaker unit restrictive covenant must be executed to the satisfaction of the County.

B. DEVELOPMENT STANDARDS

1. Building Height

Building heights shall not exceed 35 feet as defined in Section 3505.06 et.seq. of the Summit County Land Use & Development Code.

2. Setbacks

All buildings shall be located on lots as conceptually shown in Exhibit B. Building setbacks shall be as follows:

<u>Parcel</u>	<u>Tiger Road*</u>	<u>Front</u>	<u>Rear</u>	<u>Side</u>
A	As per the building envelopes as defined on the final plat recorded on January 8, 1991			
B	250'	N/A	25'	15'
C	50'	25'	25'	15'
D**	150' except for Lots 8,9, & 10 which will maintain a 75' setback	N/A	25'	15'

*Setback requirements from Tiger Road shall take precedence over any front, rear, or side setback.

**With exception for the construction of common driveways and the installation of utilities within those driveways, no disturbance of those dredge tailings, natural features such as isolated water bodies, or vegetation within the setback for Lots 8,9, & 10, Tract 1, Parcel D shall be allowed without approval from the Planning Department that such site disturbance will not significantly reduce the level of screening provided by those dredge tailings, natural features and vegetation.

Site plan approval shall be required by the County Planning Department prior to the issuance of building permits for all residential structures.

3. Parking

At least two parking spaces shall be required for each residence. No parking shall be permitted on County roads.

4. Open Space Areas/Easements

As shown on revised Exhibit B, Parcels A-1, B-1, and C-1 shall be retained as private open space easements for the exclusive use of the residents of the property and their guests. Open space areas shown conceptually in Exhibit B are intended for illustration purposes only. 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, grading, or substantial alteration of vegetation shall be allowed within the private open space parcels. A public access right-of-way shall be dedicated at the final plat stage to the County or other appropriate entity through Parcel D, Tract 4 for the purpose of providing access to adjacent public and private lands. The above mentioned dedication shall provide for agreed upon access and crossing rights for the owners of the adjoining Lots 11 & 12 as may be necessary to assure access to residential building sites.

5. Development Schedule

It is anticipated that development of the PUD will occur in phases in 1988/89. Development of the entire project will require a minimum of four to five years. Detailed submittal for subdivision and final plats for each phase will be submitted to and approved by the County prior to development.

6. Covenants

Prior to detailed submittal/final plat application for lots in Parcels A, B, and C, the owner shall submit covenants for the property. The covenants shall provide for formation of a homeowners association with responsibility for maintenance of all private roads and private common open space within the property. The covenants shall be recorded concurrent with recording of the final plat of building sites within the PUD.

7. Grading

It is understood that due to the presence of extensive dredge tailings on the site, that substantial regrading will be necessary to create building sites which meet the overall development goals of the PUD. Grading plans shall be submitted to and approved by the County prior to approval of detailed site plans for each residence. It is understood that some grading on the site will be necessary prior to a final plat. Where the existing dredge tailings are highly visible from Tiger Road, no grading of these tailings shall be allowed prior to approval by the County. With the exception for the construction of common driveways and the installation of utilities within those driveways, no grading or removal of dredge tailings within the front setback of Lots 8, 9, & 10, Tract 1, Parcel D shall be allowed without approval from the Planning Department that such site disturbance will not significantly reduce the level of screening provided by those dredge tailings, natural features, and vegetation.

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

1. Water Systems

Water shall be provided by on-site wells subject to the approval of the State Engineer, Division of Water Resources.

2. Sewer Systems

It is proposed that sewer service to the entire development be provided by on-site septic systems. If it is determined that on-site septic systems are not feasible, sewer service must be provided by a central sewage treatment facility through the Breckenridge Sanitation District or other approved system. No lots will be platted until feasibility of adequate sewage disposal has been determined and approved by the County Health Department.

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 the 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 roads not accepted by the County shall be the responsibility of the applicable Homeowners Association. Access to all dwelling units shall be maintained at all times.

The owner recognizes the existence of possible prescriptive rights on the portions of the Galena Placer south of Tiger Road. Before any development can take place in that area, any existing legal access rights must be ensured.

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 future improvement of Tiger Road. At this time, it is unknown at what point Tiger Road will require improvement, including paving. Prior to approval of the first final plat of building sites for Parcel A, the 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 approval for Parcel A, 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 Parcel A requiring that each lot join a future improvement district for the County to improve Tiger Road; or
- 2) a fee established by the County to be paid by the owners of Parcel A to fully satisfy this requirement.

5. Fire Protection

Fire protection is to be provided by the Red, White, & 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.

7. Swan River Improvements

The developer agrees to grant the Division of Wildlife an easement to the entire length of the Swan River through the property for purposes of rehabilitation and improvement of fisheries habitat. This easement shall be donated to the Division of Wildlife upon approval of the first detailed submittal for subdivision. In Parcel D, the easement shall run for 25 feet from the bank on either side of the river.

8. Landscaping & Grading

Landscaping and grading plans for each phase of development shall be submitted to and approved by the County prior to approval of the site plan.

9. Vegetation Management

No substantial alteration of vegetation, except the minimum necessary for development of roads, installation of utilities, and construction of individual homes shall be allowed. Prior to approval of a detailed submittal for subdivision of any portion of the property, a vegetation management program to reduce the potential for pine beetle infestation on that portion of the property shall be submitted. The plan shall be reviewed by the Colorado State Forest Service and approved by the County prior to any final plat approval.

D. IMPLEMENTATION

1. Platting Requirements

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. At the time of final platting for each phase of development, the applicant shall consult with the U.S. Army Corp of Engineers in preparing a map showing those areas within the proposed subdivision that are effected by "404" regulations governing wetlands, which map shall be recorded with the PUD Designation.

E. GENERAL PROVISIONS

1. Breach of Provisions of PUD Designation

If any time, any provision or requirements 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 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

The PUD 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 the 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 considered amendment 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 68
Breckenridge, CO 80424

Notice to Owner/Developer

Natomas Real Estate Company
11211 Gold County Boulevard
Rancho Cordova, CA 95670

The Millers
P.O. Box 804
Breckenridge, CO 80424

GTC Partnership
c/o Bennett Grove
P.O. Box 271
Frisco, CO 80443

C. Garrison
6924 Elm St.
Raytown, MO 64133

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 Swan River Valley Planned Unit Development, except that 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.

6. Relationship to the 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 Swan River Valley PUD Designation, the provisions of this revised PUD Designation shall supersede and replace such provisions.

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 of recordation.

BOARD OF COUNTY COMMISSIONERS
OF SUMMIT COUNTY, COLORADO
BY: /S/ RICH LEVENGOOD
Rich Levengood, Chairman

ATTEST:

/S/ COLLEEN RICHMOND
Colleen Richmond Clerk & Recorder

NATOMAS REAL ESTATE COMPANY

BY: /S/ RICHARD PLATH

ATTEST:

/S/ CHARLOTTE M. KLENTZ

JOSEPH S. AND GRANT MILLER

BY: /S/ JOSEPH S. MILLER

GCT PARTNERSHIP

BY: /S/ BENNETT GROVE

CHARLES A. GARRISON

BY: /S/ Charles A. Garrison

BOARD OF COUNTY COMMISSIONERS
OF SUMMIT COUNTY COLORADO

/S/ JOE SANDS
Joe Sands, Chairman

ATTEST:

/S/ DORIS BRILL
Doris Brill, Clerk and Recorder

/S/ ARLO COX
Arlo Cox, Developer

* Denotes the original signatories to the Swan River Valley PUD Designation, originally approved on December 9, 1985.

APPROVAL OF AMENDMENTS

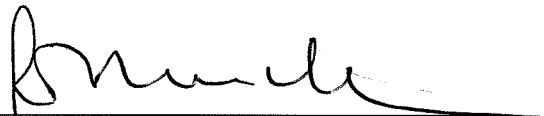
The foregoing planned unit development designation amends and supercedes the original Swan River Valley Planned Unit Development Designation as approved by the Summit County Board of County Commissioners on December 9, 1985 and recorded at Reception Number 310204, and as amended by the Summit County Board of County Commissioners as follows:

Resolution No.	Reception No.
#88-25	414879
#89-52	375008
#90-1	381608
#94-97	478492
#01-09	653472
#05-60	797942

The planned unit development document dated the 23rd day of November, 2010 under Resolution No. 2010-80 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 Swan River Valley Planned Unit Development Designation and the amendments noted above are available from the Summit County Clerk and Recorder.


Adopted this 23rd day of November, 2010.

BOARD OF COUNTY COMMISSIONERS
OF SUMMIT COUNTY, COLORADO



Robert H. S. French, Chairman

ATTEST:



Kathleen Neel, Clerk & Recorder

6-2-19

Amendment to Exhibit A---Swan River Valley PUD Legal Description

Exhibit A is hereby amended to exclude the following property:

Parcel A, General exemption plat of Lot 1, Swan Valley Estates and a portion of Tract B, Homestead Entry Survey No. 235, the plat of which was recorded on May 31, 2001 under reception No. 653473, County of Summit, State of Colorado.

Tract 3, Parcel D, Swan River Valley, the plat of which was recorded on January 14, 1987 under reception No. 331274, County of Summit, State of Colorado.



A TRACT OF LAND BEING A PORTION OF THE KIMBALL PLACER, U.S. MINERAL SURVEY NO. 1151, A PORTION OF THE DAVENPORT PLACER, U.S.M.S. NO. 1149, A PORTION OF THE GALENA PLACER, U.S.M.S. NO. 12475 AND ALL OF THE QUEEN PLACER, U.S.M.S. NO. 19103 AND ALL OF THE BEDROCK PLACER, U.S.M.S. NO. 1116, LOCATED IN SECTIONS 15, 16, 17 AND 21, TOWNSHIP 6 SOUTH, RANGE 77 WEST OF THE SIXTH PRINCIPAL MERIDIAN, SUMMIT COUNTY, COLORADO. SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT CORNER NO. 6 OF SAID KIMBALL PLACER ALSO BEING CORNER NO. 1 OF SAID DAVENPORT PLACER, THENCE N 57°44'07" W A DISTANCE OF 739.13 FEET TO CORNER NO. 7 OF SAID KIMBALL PLACER; THENCE N 20°54'48" W A DISTANCE OF 1480.19 FEET TO CORNER NO. 3 OF SAID KIMBALL PLACER; THENCE S 58°11'47" E A DISTANCE OF 1382.61 FEET TO CORNER NO. 4 OF SAID KIMBALL PLACER; THENCE S 80°39'31" E A DISTANCE OF 737.82 FEET TO CORNER NO. 5 OF SAID KIMBALL PLACER, ALSO BEING CORNER NO. 2 OF SAID DAVENPORT PLACER; THENCE ALONG THE BOUNDARY OF SAID DAVENPORT PLACER FOR THE FOLLOWING SIX COURSES:

- 1) N 86°19'13" E A DISTANCE OF 1830.55 FEET TO CORNER NO. 3;
- 2) N 77°26'10" E A DISTANCE OF 1304.75 FEET TO CORNER NO. 4;
- 3) N 71°41'40" E A DISTANCE OF 2649.32 FEET TO CORNER NO. 5;
- 4) S 79°14'03" E A DISTANCE OF 1166.02 FEET TO CORNER NO. 6;
- 5) S 43°39'25" E A DISTANCE OF 1270.69 FEET TO CORNER NO. 7;
- 6) S 00°19'05" E ALONG THE 7 - 8 LINE A DISTANCE OF 269.69 FEET TO CORNER NO. 5 OF SAID QUEEN PLACER;

THENCE ALONG THE BOUNDARY OF SAID QUEEN PLACER FOR THE FOLLOWING THREE COURSES:

- 1) N 89°34'21" E A DISTANCE OF 338.16 FEET TO CORNER NO. 4;
- 2) S 89°57'51" E A DISTANCE OF 63.24 FEET TO CORNER NO. 3;
- 3) S 56°20'21" E A DISTANCE OF 104.78 FEET TO CORNER NO. 2, ALSO BEING CORNER NO. 5 OF SAID BEDROCK PLACER;

THENCE ALONG THE BOUNDARY OF SAID BEDROCK PLACER FOR THE FOLLOWING SEVEN COURSES:

- 1) S 47°39'06" E A DISTANCE OF 1918.02 FEET TO CORNER NO. 4;
- 2) S 66°14'41" E A DISTANCE OF 1365.00 FEET TO CORNER NO. 3;
- 3) S 87°49'41" E A DISTANCE OF 1155.00 FEET TO CORNER NO. 2;
- 4) S 12°50'39" W A DISTANCE OF 586.80 FEET TO CORNER NO. 1;
- 5) N 81°10'21" W A DISTANCE OF 1091.01 FEET TO CORNER NO. 8;
- 6) N 66°36'23" W A DISTANCE OF 1578.34 FEET TO CORNER NO. 7;
- 7) N 63°43'37" W A DISTANCE OF 1837.30 FEET TO CORNER NO. 6, ALSO BEING CORNER NO. 1 OF SAID QUEEN PLACER AND CORNER NO. 8 OF SAID DAVENPORT PLACER;

THENCE N 60°03'01" W A DISTANCE OF 1008.32 FEET TO CORNER NO. 9 OF SAID DAVENPORT PLACER, ALSO BEING CORNER NO. 12 OF SAID GALENA PLACER; THENCE S 59°44'51" E A DISTANCE OF 320.03 FEET TO CORNER NO. 13 OF SAID GALENA PLACER; THENCE S 00°12'19" E ALONG THE 13 - 14 LINE OF SAID GALENA PLACER A DISTANCE OF 850.77 FEET; THENCE S 77°37'29" W A DISTANCE OF 1496.38 FEET TO A POINT ON THE 7 - 8 LINE OF SAID GALENA PLACER; THENCE N 00°21'59" W A DISTANCE OF 1747.92 FEET TO CORNER NO. 8 OF SAID GALENA PLACER ALSO BEING A POINT ON THE 12 - 13 LINE OF SAID DAVENPORT PLACER; THENCE N 00°25'24" W A DISTANCE OF 95.17 FEET TO A POINT ON THE SOUTH SIDE OF SUMMIT COUNTY ROAD NO. 6; THENCE ALONG SAID SOUTH SIDE OF COUNTY ROAD NO. 6 FOR THE FOLLOWING FIVE COURSES:

SWAN RIVER VALLEY PUB

- 1) N 66°18'15" W A DISTANCE OF 560.22 FEET;
- 2) S 89°16'35" W A DISTANCE OF 313.23 FEET;
- 3) S 66°47'35" W A DISTANCE OF 596.41 FEET;
- 4) S 73°59'35" W A DISTANCE OF 482.87 FEET;
- 5) S 80°10'30" W A DISTANCE OF 1882.83 FEET;

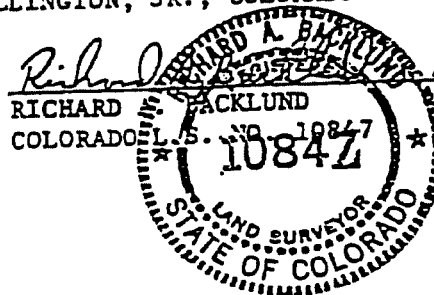
THENCE S 00°42'55" E A DISTANCE OF 127.10 FEET TO A POINT ON THE 14 - 15 LINE OF SAID DAVENPORT PLACER, ALSO BEING CORNER NO. 4 OF THE OHIO PLACER, U.S.M.S. NO. 12475; THENCE ALONG THE BOUNDARY OF SAID DAVENPORT PLACER FOR THE FOLLOWING FIVE COURSES:

- 1) S 84°13'43" W A DISTANCE OF 547.77 FEET TO CORNER NO. 15;
- 2) N 48°46'32" W A DISTANCE OF 369.25 FEET TO CORNER NO. 16;
- 3) S 85°08'28" W A DISTANCE OF 1160.15 FEET TO CORNER NO. 17;
- 4) S 08°12'32" E A DISTANCE OF 289.17 FEET TO CORNER NO. 18;
- 5) S 84°13'58" W A DISTANCE OF 699.92 FEET TO CORNER NO. 1,

BEING THE POINT OF BEGINNING;

CONTAINING 310.91 ACRES, MORE OR LESS.

I, RICHARD A. BACKLUND, BEING A REGISTERED LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THIS LEGAL DESCRIPTION WAS PREPARED BY ME AND UNDER MY SUPERVISION FROM LEGAL DESCRIPTIONS PREPARED BY R.B. WELLINGTON, JR., COLORADO L.S. NO. 17509.



SWAN RIVER VALLEY PUD

Exhibit A
 Page 2 of 3

A parcel of land located in Section 16, Township 6 South, Range 77 West of the 6th Principal Meridian, County of Summit, State of Colorado and more particularly described as follows:

Beginning at a point on the east line of the northeast quarter of Section 16 from which the northeast corner of Section 16 bears N00°12'17"W, 870.06 feet;

thence S33°26'48"W, 601.94 feet along the westerly boundary of a parcel of land described under reception number 612173 to corner 21 of Homestead Entry Survey No. 235 (H.E.S. 235);

thence N00°02'10"W, 272.61 feet along the 21-22 line of H.E.S. 235 to corner 22 of H.E.S. 235;

thence N43°27'41"W, 971.22 feet along the 22-23 line of H.E.S. 235;

thence S64°34'42"E, 1107.21 feet to the point of beginning.

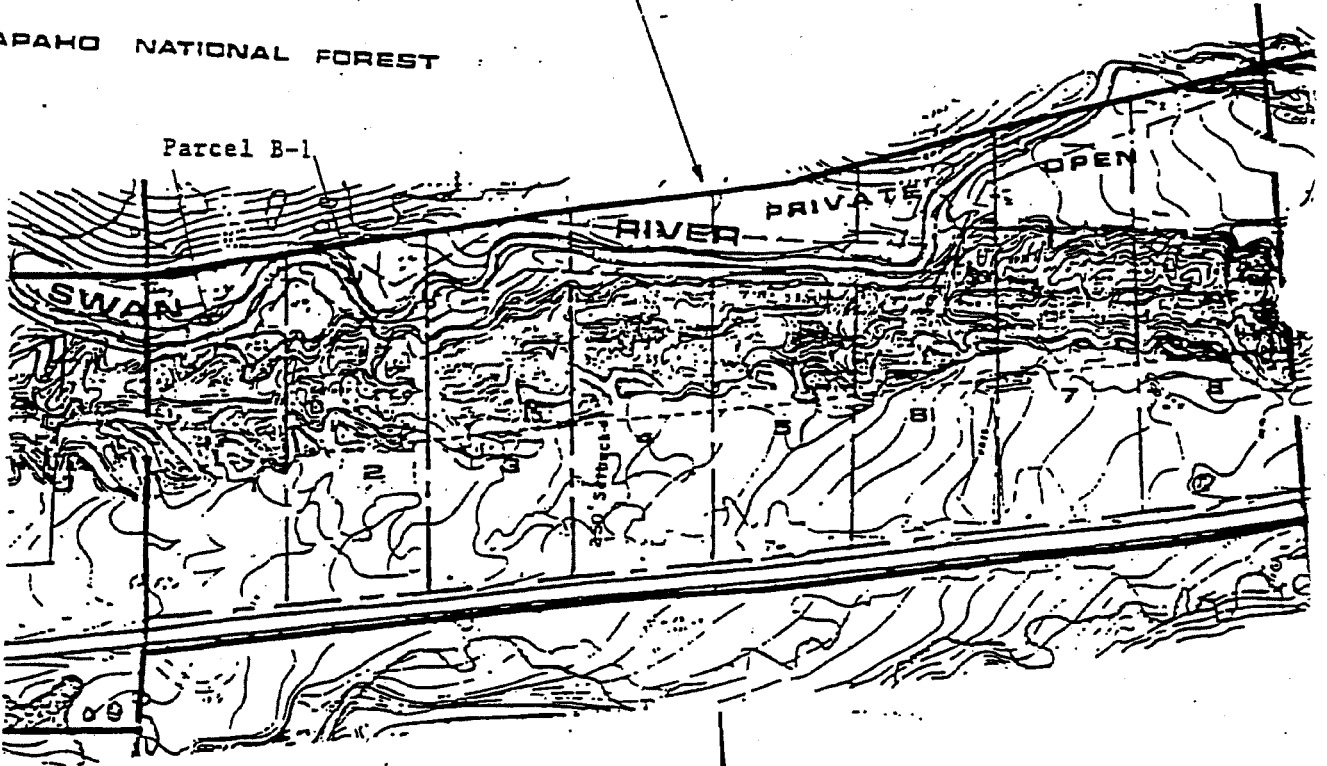
Described parcel contains 5.49 acres more or less.

PARCEL B

8 - 3 ACRE LOTS

ARAPAHO NATIONAL FOREST

Parcel B-1



SWAN RIVER VALLEY PUD

PARCEL C

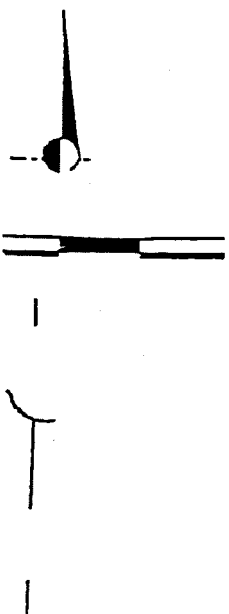
12 - 3 TO 12 ACRE LOTS

HORSESHOE

SULCH

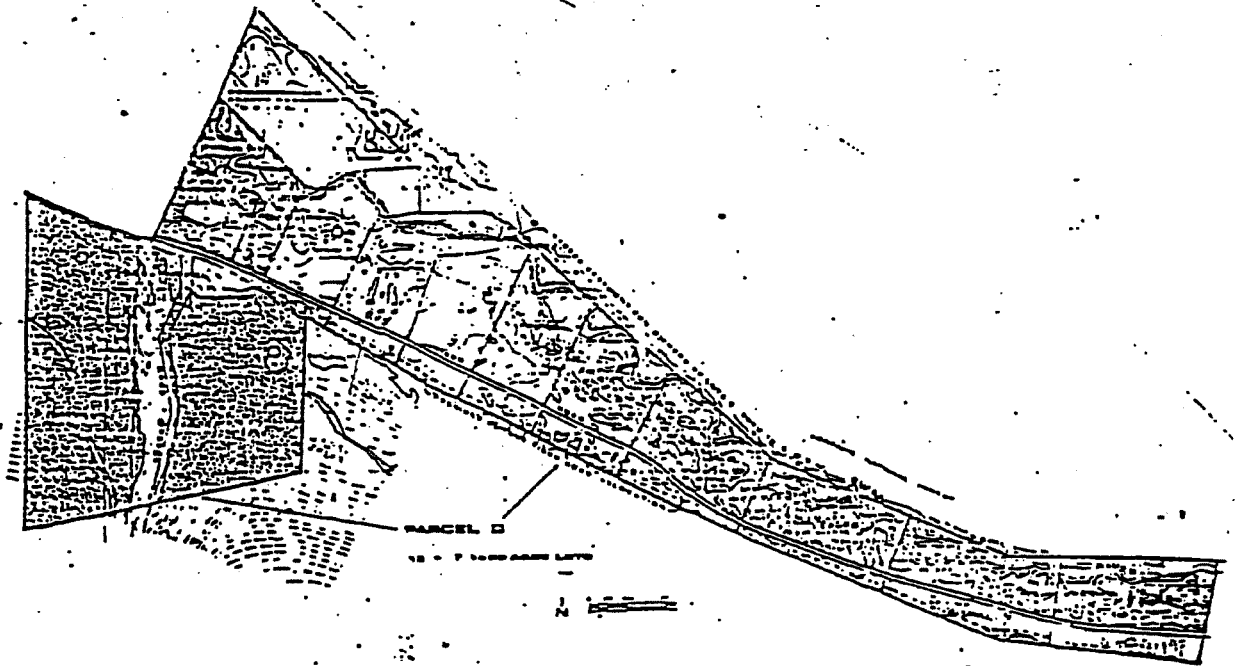
NO PROPERTY
ACCESS TO
U.S.P.

LIMIT



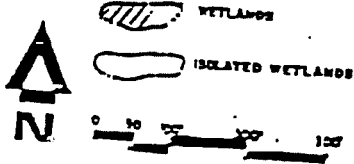
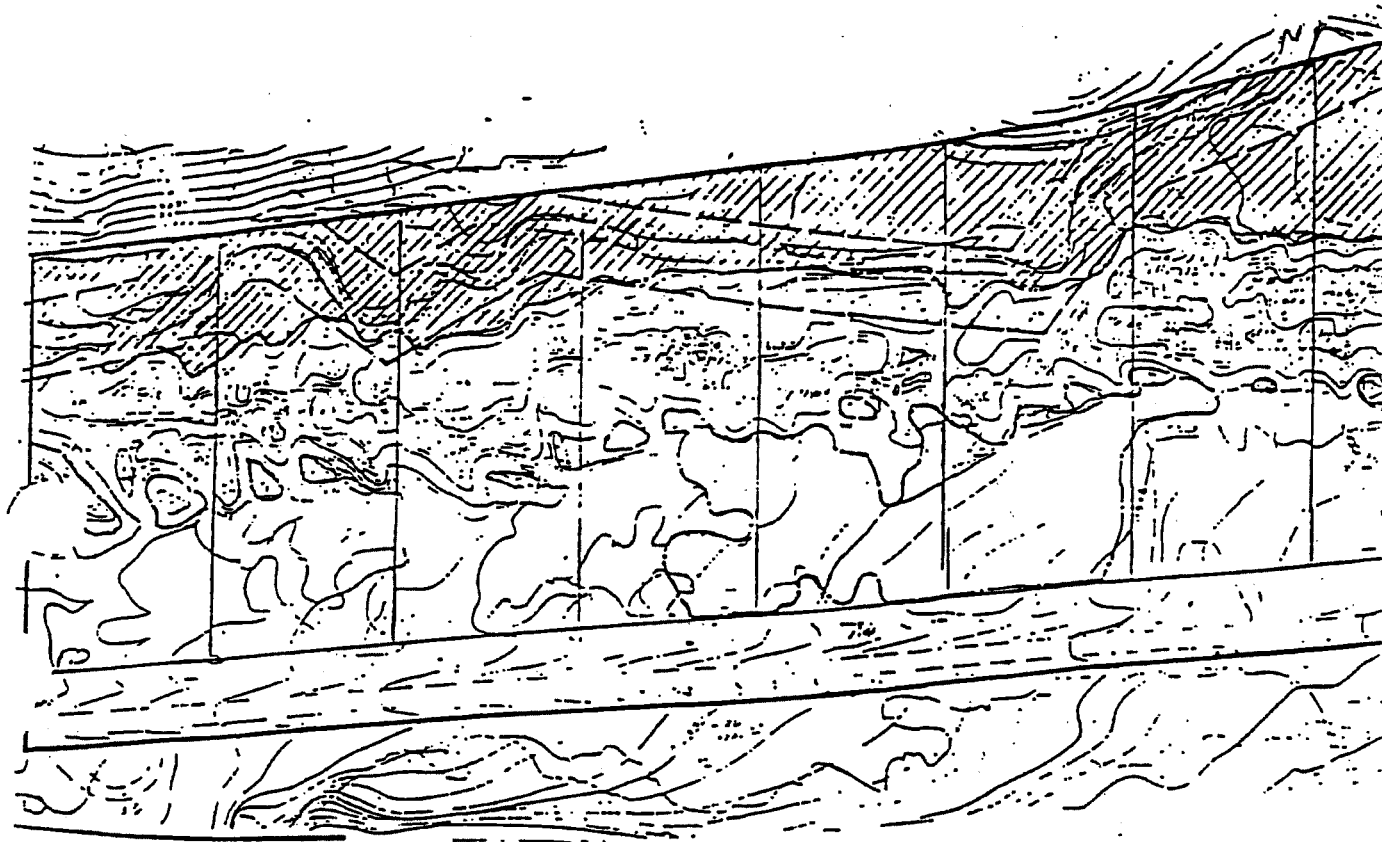
SWAN RIVER VALLEY PUD

Exhibit B
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SWAN RIVER VALLEY PUD

Exhibit B
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WETLANDS MAP
PARCEL B

SWAN RIVER VALLEY PUD

Exhibit B
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WETLANDS BNDRY.(ADJACENT)

ISOLATED WETLANDS

ADJACENT WETLANDS TO BE FILLED

ISOLATED WETLANDS TO BE FILLED

NOTE: No construction or placing of any fill materials is allowed within designated ADJACENT WETLANDS except on bridges.

WETLANDS MAP

PARCEL C - SWAN RIVER VALLEY, P.U.D.

SCALE 1" = 100'
 G.I. 2
 DATE OF PHOTO: 9/21/82
 8-422

