

**TOWN OF MINTURN, COLORADO  
RESOLUTION NO. 16 - SERIES 2014**

**A resolution of the Town of Minturn, Colorado, approving a preliminary  
subdivision plat for property located at 1973 Main Street**

**WHEREAS**, the Local Government Land Use Control Enabling Act of 1974, §§29-20-101, et seq., C.R.S.; Article 23 of Title 31, C.R.S.; and other applicable laws grant broad authority to the Town of Minturn, Colorado ("Town") to plan for and regulate the development and use of land on the basis of the impact thereof on the community and surrounding areas; and

**WHEREAS**, the Town has adopted as Chapters 16 and 17 of the Minturn Town Code regulations governing the zoning and subdivision of properties within the Town; and

**WHEREAS**, the Frances R Quintana Declaration of Trust is the owner of real property know as Eagle County parcel identification number is 2103-363-00-009 (the "Property"); and

**WHEREAS**, the Property is currently zoned as mixed use; and

**WHEREAS**, at its July 9, 2014 meeting, the Planning and Zoning Commission determined that the proposed preliminary subdivision plat is consistent with the requirements imposed by the Minturn Code, the Town's land use goals and plans, and recommended approval of the preliminary subdivision plat subject to certain conditions; and

**WHEREAS**, at its August 20, 2014 meeting, the Town Council of the Town of Minturn determined that the proposed preliminary subdivision plat is consistent with the requirements imposed by the Minturn Code, the Town's land use goals and plans, and affirms the recommendation of the Planning and Zoning Commission and approves the preliminary subdivision plat subject to the conditions contained herein.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MINTURN, COLORADO, THAT:**

Section 1. Findings of Fact. The Council incorporates the foregoing recitals as findings and determinations, and conclusively makes all of the Findings of Fact, Determinations, and Conclusions contained herein.

Section 2. Approval of Preliminary Subdivision Plat. The Council hereby approves the preliminary subdivision plat for the Property attached hereto as **Exhibit A**.

Section 3. Conditions of Preliminary Plat Approval. Approval of the preliminary subdivision plat is expressly made subject to the following terms and conditions which must be satisfied prior to the approval of a final subdivision plat for the Property:

1. That all statements made by the applicant in the application and in meetings before the Planning & Zoning Commission and the Town Council be considered conditions of approval, unless modified in the following recommendations;
2. Consistent with the mixed use zone district, development on the Property may include a commercial use for up to fifty (50) percent of the subdivided Property area. All remaining areas will be limited to single family residential uses. Construction and site design for residential uses will be governed by residential zoning standards;
3. As part of an application for approval of a final subdivision plat, applicant will submit to the Town engineered construction plans for all on-site and off-site public improvements consistent with the Town Code;
4. As part of an application for approval of a final subdivision plat, applicant will submit to the Town a pro-forma title commitment for the Property together with a letter from a Title Officer or Attorney who has examined the mineral estate owners for the Property, as required by C.R.S. § 24-65.5-103;
5. As part of an application for approval of a final subdivision plat, applicant will submit to the Town a detailed landscape plan for the Property, open space and common areas, including landscaping along State Highway 24, that complies with Chapter 16 Article 16 of the Town Code;
6. As part of an application for approval of a final subdivision plat, applicant will submit to the Town plans for a 3' wide crushed gravel trail to be designed into the landscaping on the Property along Highway 24 to permit access to existing US Forest Service Trails. The 3' wide crushed gravel trail shall be considered a public improvement to be constructed by the applicant;
7. As part of an application for approval of a final subdivision plat, applicant will submit to the Town a site design for the Property and other applicable evidence that demonstrates that: (a) garage doors for residences within the subdivision will be a minimum of fifteen (15) feet from the curb of the interior private subdivision roadway, (b) the road intersection between the interior private subdivision roadway and State Highway 24 is at least eighteen (18) feet wide, (c) water and sewer taps will be located between the home constructed on a lot and the internal private subdivision roadway, and (d) architectural renderings demonstrating that enhanced architectural features have been designed and are required for the sides of any homes fronting State Highway 24;
8. As part of an application for approval of a final subdivision plat, applicant will submit to the Town an approved access permit from CDOT;
9. As part of an application for approval of a final subdivision plat, applicant will submit to the Town engineered drainage plans for the Property that demonstrate that snowmelt and storm water can adequately be accommodated on the Property;
10. As part of an application for approval of a final subdivision plat, applicant will submit to the Town a Phase I Environmental Assessment for the Property,

- and if recommended by applicant's environmental consultant or requested by the Town, a Phase II Environmental Assessment;
11. As part of an application for approval of a final subdivision plat, applicant will submit to the Town a plat that designates Lots 2 & 3 as "corner" lots. Corner lots must comply with Section 16-16-90 Clear Vision Code. Corner lot front set back is 10 feet and the side set back fronting State Highway 24 is 10 feet;
  12. At the time of final plat approval, applicant shall make a financial contribution equal to the cost of the construction of a concrete sidewalk 5 feet in width, along the length of the Property's Highway 24 frontage, to be placed in the Town Sidewalk Fund;
  13. As part of an application for approval of a final subdivision plat, applicant will submit to the Town documents for the Town's approval to establish a homeowners association that: (a) allows for maintenance of the common areas, including the access and utility easement, the common landscape areas and the internal private subdivision roadway, (b) contains design guidelines for the character of homes that requires that the color, material and architectural features of homes within the subdivision vary from lot to lot;
  14. That the Applicant pays all fees associated with the Town's review and approval of the subdivision site plan applications, including but not limited to attorney, engineering, planning, administrative and public notifications costs;
  15. Prior to approval of a final subdivision plat, applicant will enter into a Subdivision Improvement Agreement as provided for in Section 17-7-10 of the Town Code detailing the public improvements to be completed, security to be posted, warranty obligations, and dedication obligations in a form acceptable to the Town.

Section 4. All Other Laws Applicable. Except as hereinabove provided, all provisions of the zoning, subdivision and other ordinances or regulations of the Town shall apply to the Property.

Section 5. Severability. If any section, subsection, clause, phrase or provision of this Resolution, or the application thereof to any person or circumstance, shall to any extent, be held by a courts of competent jurisdiction to be invalid, void or unconstitutional, the remaining sections, subsections, clauses, phrases and provisions of this Resolution, or the application thereof to any person or circumstance, shall remain in full force and shall in no way be affected, impaired or invalidated.

**INTRODUCED, READ, APPROVED AND ADOPTED THIS 20<sup>TH</sup> DAY OF AUGUST, 2014.**

TOWN OF MINTURN, COLORADO

*Hankus Flaherty*  
Hankus Flaherty, Mayor

ATTEST:

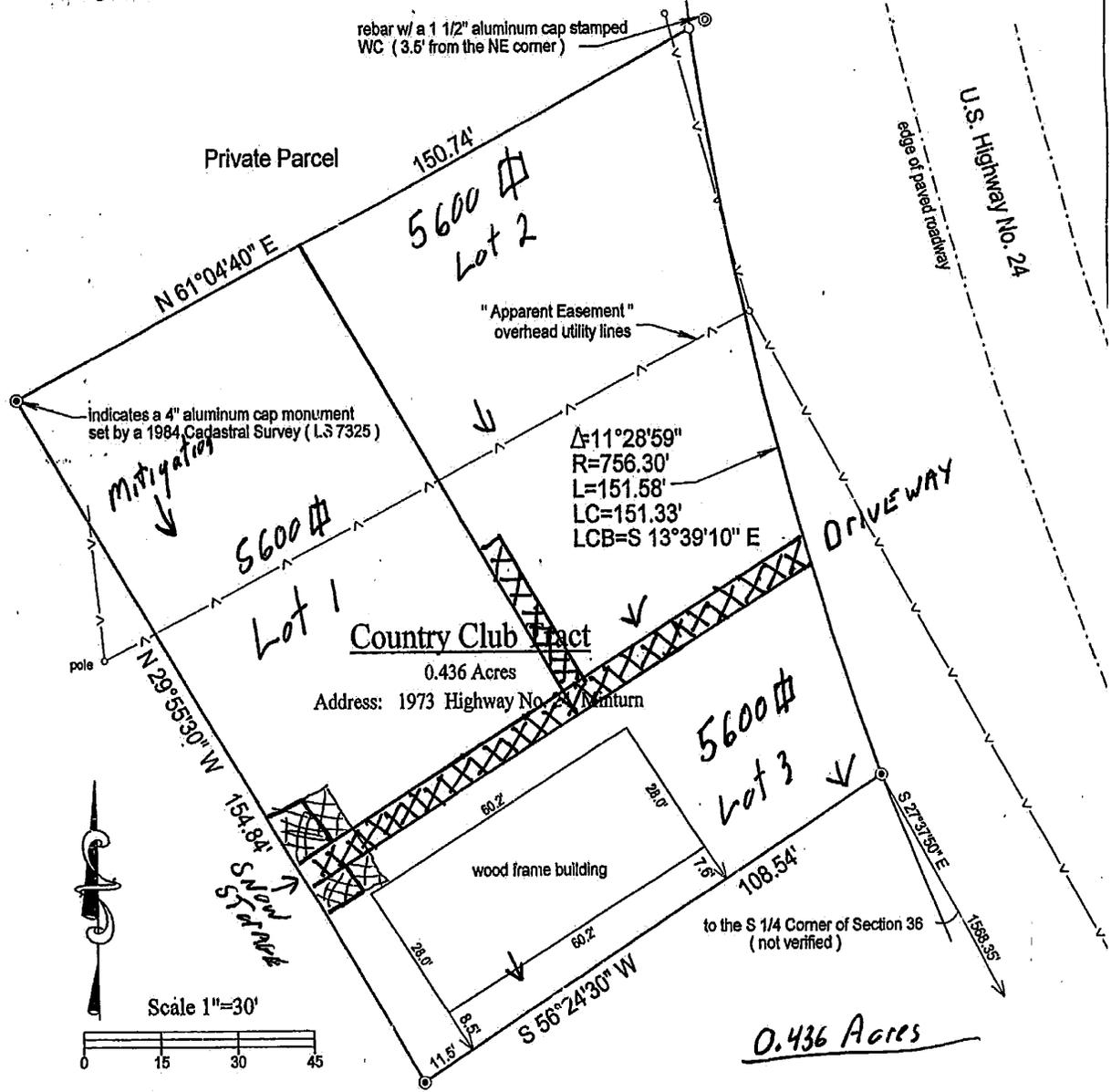
By: *Jay Brunvand*  
Jay Brunvand, Town Clerk



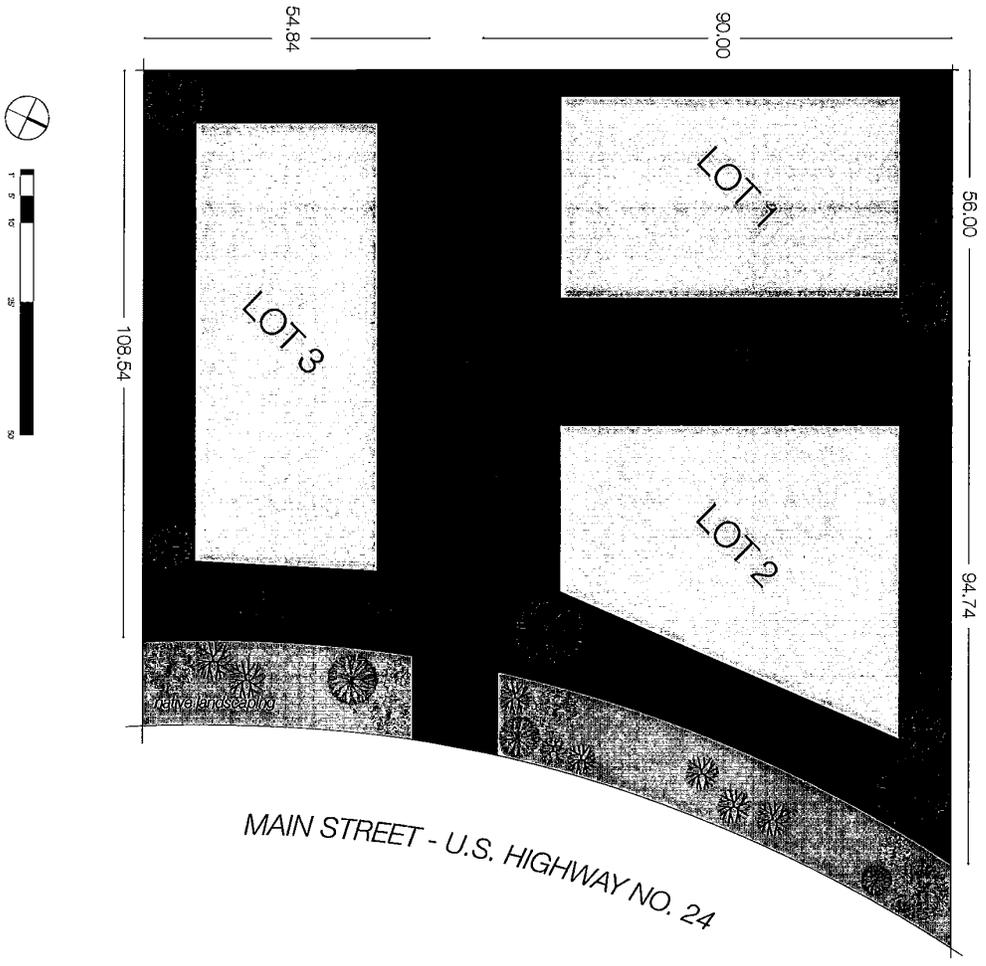
**Notes:**

Recorded information and the legal description was provided by Randy Quintana. The legal description was taken from a deed recorded at Reception No. 244602. The monument and fencing described in this description have been lost and were replaced by the monuments set in more recent surveys ( by others ) and are described on the drawing below.

11-29-08  
 PROFESSIONAL LAND SURVEY



Note: According to Colorado law, you must commence any legal action based upon any defect on this certificate within three years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten



# CROSS CREEK PLACE

1973 HWY 24 MINTURN, CO

LEGEND: THE RIGHT

- Five 3/4" dia. - 15' H.
- Aspen Tree - 4' girth

GENERAL NOTES  
 Distances will conform to project data sheets - 7/24/14