

TOWN OF MINTURN, COLORADO  
ORDINANCE NO. 4 – SERIES 2016

AN ORDINANCE OF THE TOWN OF MINTURN,  
COLORADO APPROVING THE FINAL SUBDIVISION PLAT  
FOR THE CROSS CREEK SUBDIVISION.

**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 (“Minturn” or the “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**, Cross Creek Development (the “Developer”) has submitted an application and final plat to subdivide land in the Cross Creek character area (the “Cross Creek Subdivision”) into three residential lots for development of three residential duplexes; and

**WHEREAS**, on June 22, 2016 the Minturn Planning and Zoning Commission found the Final Plat for the Cross Creek Subdivision to be in compliance with the requirements and intent of the Minturn Town Code and the Town’s land use goals and plans, and recommended to the Town Council for approval the Final Subdivision Plat subject to certain additional conditions; and

**WHEREAS**, on July 6, 2016 the Minturn Town Council conducted a duly-noticed public hearing and reviewed the Final Plat for the Cross Creek Subdivision and found the document to be consistent with the approved Preliminary Plat, and that all conditions of the Preliminary Plat approval have been met; and

**WHEREAS**, the Minturn Town Council finds that the Final Subdivision Plat has been submitted in compliance with Article 6 of Chapter 17 of the Minturn Town Code; and

**WHEREAS**, the Town Council desires to approve the Final Plat for the Cross Creek Subdivision, subject to all terms and conditions set forth by the Planning and Zoning Commission in its June 22, 2016 Report.

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

SECTION 1. 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. That certain Final Plat for the Cross Creek Subdivision, attached as **Exhibit A** and incorporated by this reference, is hereby approved, subject to all terms and conditions attached hereto as **Exhibit B**.

SECTION 3. The Mayor of the Town of Minturn is hereby authorized to indicate the Town Council's approval of the Final Plat for the Cross Creek Subdivision by signing the Final Plat.

SECTION 4. The Developer shall comply with all of the Developer's representations made in any applications and in statements during the public hearings before the Minturn Planning and Zoning Commission and the Minturn City Council, which shall be conditions of approval with which the Developer shall comply. The Developer shall comply in full with the Minturn Town Code and Public Works requirements.

SECTION 5. The Town Clerk is hereby directed to record this Ordinance, the Final Plat of the Cross Creek Subdivision, any subsequent Amendments thereto, and any other associated documents in the Office of the Clerk and Recorder of Eagle County, Colorado with thirty (30) days of approval and to file one (1) certified copy of the Final Plat, any subsequent amendments, and this Ordinance with the Eagle County Assessor.

SECTION 6. The Minturn Town Council's approval of this Final Subdivision Plat creates a vested property right pursuant to the Minturn Town Code and Article 68 of Title 24, C.R.S., as amended, for a period of five (5) years from the effective date of this Ordinance. As a condition of the granting of such vested right, the Developer shall, at its expense, publish the vested rights notice required by C.R.S. § 24-68-103(c) and the Minturn Town Code § 16-21-710 *et seq.*, and the Developer shall comply with all the other procedural requirements set forth therein.

SECTION 7. Except as hereinabove provided, all provisions of the zoning, subdivision, and other ordinances or regulations of the Town shall apply to the Property.

SECTION 8. If any section, subsection, clause, phrase or provision of this Ordinance, 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 Ordinance, 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 BY TITLE, APPROVED ON THE FIRST READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEB SITE THE 6<sup>TH</sup> DAY OF JULY, 2016. A PUBLIC HEARING ON THIS ORDINANCE SHALL BE HELD AT THE REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF MINTURN, COLORADO ON THE 20<sup>TH</sup> DAY OF JULY, 2016 AT 6:30 P.M. AT THE MINTURN TOWN HALL 302 PINE STREET, MINTURN COLORADO 81645.

TOWN OF MINTURN, COLORADO



\_\_\_\_\_  
Matt Scherr, Mayor

ATTEST:

By:   
\_\_\_\_\_  
Jay Brunvand, Town Clerk



THE TOWN OF MINTURN, COLORADO, ~~ORDAINS~~ THIS ORDINANCE ENACTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEB SITE THIS 20<sup>TH</sup> DAY OF JULY 2016.

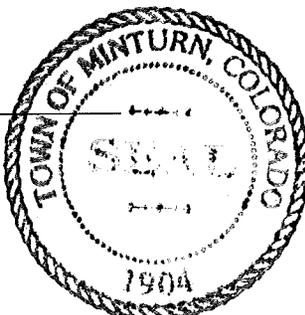
TOWN OF MINTURN, COLORADO



\_\_\_\_\_  
Matt Scherr, Mayor

ATTEST:

By:   
\_\_\_\_\_  
Jay Brunvand, Town Clerk



**Exhibit A**  
**Final Plat for the Cross Creek Subdivision**



## EXHIBIT B

1. That all statements made by the applicant in the application and in meetings before the Planning Commission and the Town Council are conditions of approval unless modified in the following conditions.

2. All residences on the Property shall be developed using the residential zoning standards in the Cross Creek Character Area.

3. All comments of Town staff on the Final Plat, Engineered Construction Plans and HOA documents be adopted and incorporated.

4. That the Town and Applicant enter into a subdivision improvement agreement that meets the requirements of the Town Code and that is acceptable to the Town attorney.

5. That the applicant will receive applicable design review approvals prior to construction of any structures on the Property.

6. The contemporaneously with recording the Final Plat, applicant will demonstrate incorporation of a homeowners association, registration with the State of Colorado, and recordation in the public records of a declaration of covenants.

7. The applicant will pay all fees required by the Town code and associated with the Town's review and approval of the Final Plat and associated documents, including but not limited to attorney, engineer, planning, administrative and public notification costs.

8. That the final plat include the following language: The zoning for parcels adjacent to the Property allows for mixed uses and commercial uses. Properties zoned mixed use or commercial use are not governed by residential zoning criteria and may be subject to commercial standards for noise, light emissions, hours of operation, traffic, and other zoning use criteria.

9. The landscape berm proposed for the Property shall be constructed and landscaped in conformance with the CDOT issued permit, except that the berm shall not extend past the point where the Property's southern property line intersects Highway 24.

10. The landscape berm may be extended past where the property's southern property line intersects with HWY 24 upon approval by the Town Planner, after consultation with the USFS, CDOT, Eco Transit, Minturn Public Works Dept, and the Developer.

Thu, Jul 07, 2016  
12236122

12:02:57

Ad Ticket #5

**Acct:** 1032852  
**Phone:** (970)827-5645  
**E-Mail:** MANAGER@MINTURN.OR  
**Client:**  
**Caller:** Jay Brunvand

**Name:** Town of Minturn  
**Address:** P.O. Box 309

**City:** MINTURN  
**State:** CO

**Zip:** 81645

**Receipt**

**Ad Name:** 12236122A

**Original Id:** 0

**Editions:** 8VD/8VDI/

**Class:** 0990

**Start:** 07/08/16

**Stop:** 07/08/16

**Color:**

**Issue** 1

**Copline:** vd Ordinance No. 4-2016

**Rep:** Pam Schultz

TOWN OF MINTURN, COLORADO  
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OF THE TOWN OF MINTURN, COLORADO ON  
THE 20TH DAY OF JULY, 2016 AT 6:30 P.M. AT  
THE MINTURN TOWN HALL 302 PINE STREET,  
MINTURN COLORADO 81645.

TOWN OF MINTURN, COLORADO  
Matt Scherr, Mayor

ATTEST:  
By:  
Jay Brunvand, Town Clerk

Published in the Vail Daily July 8, 2016.  
(12236122)

Ad shown is not actual print size

Lines:	28
Depth:	2.35
Columns:	1
Discount:	0.00
Commission:	0.00
Net:	0.00
Tax:	0.00
<b>Total</b>	<b>14.56</b>
Payment	0.00

Thu, Jul 21, 2016  
12262916

11:06:43

Ad Ticket #5

**Acct:** 1032852  
**Phone:** (970)827-5645  
**E-Mail:** MANAGER@MINTURN.OR  
**Client:**  
**Caller:** Jay Brunvand  
**Receipt**

**Name:** Town of Minturn  
**Address:** P.O. Box 309

**City:** MINTURN  
**State:** CO  
**Zip:** 81645

**Ad Name:** 12262916A

**Original Id:** 0

**Editions:** 8VD/8VDI/

**Class:** 0990

**Start:** 07/25/16

**Stop:** 07/25/16

**Color:**

**Issue** <sup>1</sup>

**Copyline:** a vd Ordinance No. 4-2016

**Rep:** Pam Schultz

**TOWN OF MINTURN, COLORADO  
ORDINANCE NO. 4 - SERIES 2016**

Lines:	23
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Columns:	1
Discount:	0.00
Commission:	0.00
Net:	0.00
Tax:	0.00
<b>Total</b>	<b>11.96</b>
Payment	0.00

AN ORDINANCE OF THE TOWN OF MINTURN, COLORADO APPROVING THE FINAL SUBDIVISION PLAT FOR THE CROSS CREEK SUBDIVISION.  
THE TOWN OF MINTURN, COLORADO, ORDAINS THIS ORDINANCE ENACTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEB SITE THIS 20TH DAY OF JULY 2016.

TOWN OF MINTURN, COLORADO  
Matt Scherr, Mayor

ATTEST:

By Jay Brunvand, Town Clerk

Published in the Vail Daily July 25, 2016.  
(12262916)

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