

ORDINANCE NO. 6  
(Series of 1990)

AN ORDINANCE OF THE TOWN OF EAGLE, COLORADO, AMENDING THE ZONE DISTRICT MAP OF THE TOWN OF EAGLE BY REZONING CERTAIN PROPERTY WITHIN THE TOWN OF EAGLE, COLORADO.

WHEREAS, the Town of Eagle has enacted a comprehensive zoning ordinance which is contained in Title 4 of the Eagle Municipal Code; and

WHEREAS, the applicant, K.D.C., Inc., has requested the subject property be rezoned as Mobile Home Park/Planned Unit Development (MHP/PUD) pursuant to the Planned Unit Development Act of 1972, Sections 24-67-101, *et seq.*, C.R.S., and Chapter 4.11 of the Eagle Municipal Code; and

WHEREAS, public notice has been given as required by Sections 4.03.060 and 4.05.030 of the Eagle Municipal Code; and

WHEREAS, a public hearing on said application was held on June 12, 1990, as required by Sections 4.03.070, 4.05.030, and 4.11.040 of the Eagle Municipal Code; and

WHEREAS, the Board of Trustees finds and determines that the applicant has met its burden of providing evidence that the requested rezoning will encourage innovations in residential developments so that the needs of the population will be met by greater variety and type, design, and lay-out of buildings and land uses and more efficient use of open space; and

WHEREAS, the Board of Trustees finds and determines that the applicant has met its burden of providing evidence that the requested rezoning will promote the most appropriate use of the property in question and will improve the design, character, and quality of the new development; and

WHEREAS, the Board of Trustees finds and determines that the applicant has met its burden of providing evidence that the requested rezoning pursuant to its PUD Development Plan and Zoning Plan will achieve beneficial relationships with the surrounding area, will preserve the unique, natural, and scenic features of the landscape, and will preserve open space as development occurs; and

WHEREAS, the Board of Trustees finds and determines that the applicant has met its burden of providing evidence that the requested rezoning and proposed Planned Unit Development will provide for necessary recreational amenities; and

WHEREAS, the Board of Trustees finds and determines that the requested rezoning and Planned Unit Development Plan and Zoning Plan submitted by the applicant is in general conformity with the master plan or comprehensive plan for the Town of Eagle; and

WHEREAS, the Board of Trustees finds and determines that the requested rezoning is compatible with surrounding land uses, and is consistent with the Town's goals, policies, and plans and that the area for which the rezoning is requested has changed substantially such that the proposed rezoning better meets the needs of the community.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF EAGLE, COLORADO:

Section 1. That Chapter 4.04 of the Eagle Municipal Code, including the Zone District Map of the Town of Eagle, established by and incorporated into said Chapter pursuant to Section 4.04.020 be, and the same hereby is, amended so as to provide that the following described property situate in the Town of Eagle, County of Eagle, State of Colorado, to-wit:

Those portions of Tracts 67 and 45 in Section 32, T. 4 S., R. 84 W. of the 6th P.M., and that portion of Tract 45 in Section 5, T. 5 S., R. 84 W. of the 6th P.M. according to the Independent Resurvey of the said Townships and Range, accepted by the General Land Office June 6, 1923, and more particularly described as follows:

Beginning at Corner No. 4 of the aforesaid Tract 67, thence West along and conforming to the Westerly Tract line of Tract 45 identical with the Easterly Tract line of Tract 46D, T. 5 S., R. 84 W. of the 6th P.M., S.1°48'W. 150.0 feet; thence N.88°49'E. 156.7 feet to the Westerly right-of-way boundary line of the Denver and Rio Grande Western Railroad; thence N.40°06'E. along and

conforming to the Westerly right-of-way boundary line of the Denver and Rio Grande Railroad a distance of 644.7 feet to a point, said point originally being described as a point being 534 feet northerly along the Denver and Rio Grande Western Railroad right-of-way boundary from a point where the Denver and Rio Grande Western Railroad intersects and crosses the township line between Townships 4 S. and 5 S., R. 84 W. of the 6th P.M.; thence N.70°57'W. an undetermined distance to the center or the thread of the Eagle River; thence Southwesterly along the center or thread of the Eagle River to a point from whence Corner No. 4 of Tract 67 bears S.55°32'E. 235 feet more or less; thence S. 55°32'E. 235 feet more or less, to the point of beginning.

According to the deed recorded in Book 140 at Page 541 of the Eagle County Records;

be, and the same hereby is, rezoned Mobile Home Park/Planned Unit Development (MHP/PUD).

Section 2. The Subdivision and Planned Unit Development Agreement -- Brooks Lane Subdivision, attached hereto as Exhibit "A," is hereby incorporated herein by this reference.

Section 3. Pursuant to the Applicant's Planned Unit Development Plan and the Subdivision and Planned Unit Development Agreement -- Brooks Lane Subdivision, incorporated herein, the permitted use on Lot 1 of the Brooks Lane Subdivision shall be limited to one single family dwelling, as defined in Title 4 of the Eagle Municipal Code. The permitted uses for Lot 2 shall be limited to the placement of nine residential mobile home dwellings, as defined in Title 4 of the Eagle Municipal Code.

Section 4. Zone District regulations, as set forth in Chapters 4.04 and 4.09 of the Eagle Municipal Code and design standards as set forth in Chapters 4.07 and 4.09 of the Eagle Municipal Code shall apply to the Planned Unit Development authorized hereunder. Provided, however, all streets and parking areas may be surfaced with six inches of road base in lieu of a hard surface. All roads within the proposed development shall be sixteen feet (16') wide. All streets in the Planned Unit Development as shown in the PUD Zoning and Development Plan shall be private streets and shall be maintained by the operator of the mobile home park.

Section 5. Upon adoption of this Ordinance, the amendment herein contained shall be promptly entered onto the appropriate page of the official Zone District Map, showing general location, effective date, and nature of the change. One copy of the approved application and this Ordinance shall be retained in the records of the Building Official in order to insure the development proceeds in conformance with the requirements of the approved zone district and this Ordinance.

INTRODUCED, READ, PASSED, ADOPTED, AND ORDERED PUBLISHED at a regular meeting of the Board of Trustees of the Town of Eagle, Colorado, held on April 30, 1991, and approved by the Mayor on APRIL 30, 1991.

TOWN OF EAGLE, COLORADO,

By James H. Seantey  
Mayor

ATTEST:

Marilyn Miller  
Town Clerk

Publication Date:

May 16, 1991

Trustee Cunningham introduced, read and moved the adoption of the ordinance titled,

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and upon adoption that it be published pursuant to law and recorded in the Book of Ordinances.

Trustee McDonough seconded the motion. On roll call, the following Trustees voted "Aye": Beasley, Ewing,  
Cunningham, Hewetson, McDonough,  
\_\_\_\_\_

Trustees voting "Nay": \_\_\_\_\_,  
\_\_\_\_\_, \_\_\_\_\_,  
\_\_\_\_\_

**LEGAL DESCRIPTION**

Those portions of Tracts 67 and 45 in Section 32, T. 4 S., R. 84 W. of the 6th P.M. and that portion of Tract 40 in Section 32, T. 4 S., R. 84 W. of the 6th P.M. according to the Independent Resurvey of the said Townships and Range, recorded by the General Land Office June 8, 1928 and more particularly described as follows:

Beginning at corner No. 4 of the abovesaid Tract 67, thence West along and conforming to the westerly tract line of Tract 40 immediately with the easterly tract line of Tract 40, 100.00 feet to the 100.00' x 100.00' corner of the 150.00' x 100.00' tract; thence S 08° 49' 13" E 136.71 feet to the westerly right-of-way boundary line of the Denver and Rio Grande Western Railroad; thence S 41° 04' E along and conforming to the westerly right-of-way boundary line of the Denver and Rio Grande Western Railroad a distance of 224.7 feet to a point originally being described as a point being 134 feet northerly of the Denver and Rio Grande Western Railroad right-of-way boundary from a point where the Denver and Rio Grande Western Railroad intersects and crosses the township line between townships 4 S. and 5 S., R. 84 W. of the 6th P.M.; thence S 08° 49' 13" E an undetermined distance to the center of the Bureau of the Eagle River; thence southwesterly along the center of the Bureau of the Eagle River to a point from whence corner No. 4 of Tract 67 bears S 57° 02' E, 235 feet more or less to corner No. 4 of Tract 40, 237 feet more or less to the point of beginning.

As shown in the deed recorded in Book 140 at Page 541 of the Eagle County records.

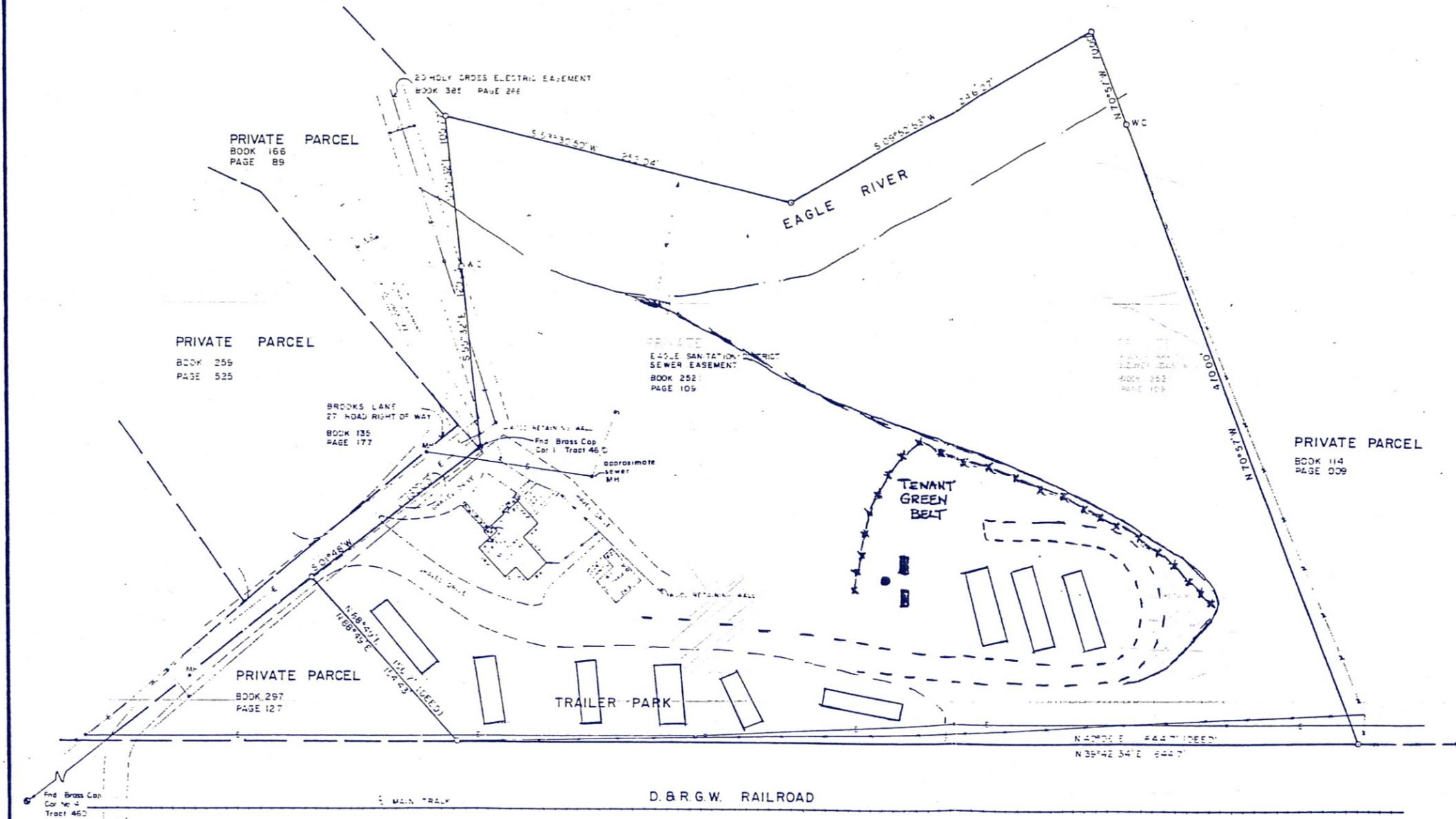
**SURVEYOR'S CERTIFICATE**

I, John L. Mackinnon, do hereby certify that I as a registered Land Surveyor licensed under the laws of the State of Colorado, that this improvement survey was performed under my direct supervision, responsibility and checking.

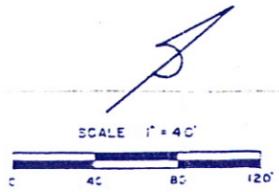
I further certify that the improvements on the above described parcel on this date, September 29, 1989, except utility connections, are entirely within the boundaries of the parcel, except as shown, that there are no encroachments upon the described premises by permanent improvements on any adjoining premises, except as indicated, and that there are no apparent evidence of any easement crossing or burdening any part of said parcel, except as noted.

SEPTEMBER 29, 1989  
DATE

*John L. Mackinnon*  
John L. Mackinnon, P.L.S. & P.L.S. 12566  
By: *JLM*



- NOTES**
1. Surveyed in September 1989.
  2. Street address is 400 Brooks Lane, Eagle Colorado.
  3. Bearings are based on the platted G.L.O. bearing of S 01° 46' 00" W between found 2.0" Brass Cap monuments along the east line of Tract 40 with a distance of 1164.22 feet between monuments.
  4. Indicates 3.5" G.L.O. brass cap monument found.
  5. Indicates meter with aluminum cap L.S. 12566.
  6. Railroad boundary line based on the projection of existing right-of-way fence lines east and west of the property boundaries as they currently exist.
  7. There was no final title policy available for this survey so there are no easements or rights-of-way of record other than what is shown on this survey. This survey is based on title commitment number 8405531 prepared by Stewart Title of Eagle County, Inc. dated August 18, 1989.
  8. No recorded easement for power lines or phone lines were noted for the existing lines along the easterly boundary of the property which encroach upon the premises.
  9. NOTICE: According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discover such defect in no event, any action must commence on or after the date of this survey be commenced more than ten years from the date of the certification shown hereon.



**MSE Mackinnon Surveying & Engineering**

REGISTERED SURVEYOR  
 prepared for  
 Max Bann & Clinton Watkins  
 Sec. 32, T4S, R84W - Sec. 5, T5S, R84W, 6th P.M.

DATE	29 Sep 89	BY	JLM
CHECKED BY		DATE	