

RESOLUTION NO. 19
(Series of 2014)

A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF EAGLE, COLORADO, APPROVING A SUBDIVISION SKETCH PLAN AND PRELIMINARY PLAN FOR THE PROPERTY TO BE KNOWN AS THE HAYMEADOW PLANNED UNIT DEVELOPMENT AND APPROVING A SITE SPECIFIC DEVELOPMENT PLAN ESTABLISHING VESTED PROPERTY RIGHT PURSUANT TO ARTICLE 68 OF TITLE 24, C.R.S., AND CHAPTER 4.17 OF THE EAGLE MUNICIPAL CODE.

WHEREAS, by Title 4 of the Eagle Municipal Code, the Town of Eagle enacted subdivision regulations for the Town, known as the Town of Eagle Land Use and Development Code; and

WHEREAS, the Board of Trustees of the Town of Eagle has received an application from Abrika Properties, LLC, a Florida limited liability company (the "Applicant"), for approval of a Subdivision Sketch Plan and Preliminary Plan for property known as the Haymeadow Planned Unit Development ("Development"); and

WHEREAS, on September 6, 2013, the Town Planner deemed the application complete; and

WHEREAS, following public notice and hearings as required by law, the Town of Eagle Planning and Zoning Commission recommended approval of the Subdivision Sketch Plan and Preliminary Plan with conditions on November 19, 2013; and

WHEREAS, notice of public hearings on Applicant's application for approval of the Subdivision Sketch Plan and Preliminary Plan before the Planning and Zoning Commission has been given as required by Sections 4.03.060 and 4.12.020(J) of the Eagle Municipal Code and notice of public hearing before the Board of Trustees has been given as required by Sections 4.03.060 and 4.12.020(H) of the Eagle Municipal Code; and

WHEREAS, a series of public hearings considering said Applicant's proposed PUD Subdivision Sketch Plan and Preliminary Plan were held commencing on December 10, 2013 and concluding on March 25, 2014, as required by Chapter 4.12 of the Eagle Municipal Code; and

WHEREAS, the Applicant has requested the Board of Trustees to designate the Subdivision Preliminary Plan, as approved, together with the PUD Zoning Plan, as approved, the PUD Development Plan, as approved and the Annexation and Development Agreement for the Haymeadow Planned Unit Development as a site specific development plan ("Site Specific Development Plan") pursuant to Article 68 of Title 24, C.R.S. and Chapter 4.17 of the Eagle Municipal Code; and

WHEREAS, it is the intent of the Board of Trustees that its approval of the Subdivision Preliminary Plan, as approved by the Board of Trustees, shall constitute approval of a Site Specific Development Plan establishing a vested property right for the time period described in the Annexation and Development Agreement, dated March 25, 2014, entered into by the Town and the Applicant pursuant to Article 68 of Title 24, C.R.S. and Chapter 4.17 of the Eagle Municipal Code.

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

Section 1. The Board of Trustees of the Town of Eagle finds and determines that the Subdivision Sketch Plan and Preliminary Plan for the Haymeadow PUD meets the requirements contained in the Town's Land Use and Development Code, Title 4 of the Eagle Municipal Code, and is in general conformance with the Town's goals, policies and plans, including the Eagle Area Community Plan (2010).

Section 2. The Subdivision Sketch Plan and Preliminary Plan for the property known as the Haymeadow PUD is hereby approved.

Section 3. The Subdivision Preliminary Plan, as approved, is hereby designated as and shall constitute an approved Site Specific Development Plan for the Haymeadow PUD pursuant to Article 68 of Title 24, C.R.S., and Chapter 4.17 of the Eagle Municipal Code and by virtue of such approval, a vested property right therein has been created to be effective and continue in duration for the time periods described in that certain Annexation and Development Agreement dated March 25, 2014, entered into between the Town and the Applicant. In order to maintain said vested property right, Applicant or a metropolitan district must "Start Construction", as said term is defined in the Annexation and Development Agreement, of public improvements serving lots in the first Subdivision Final Plat within five (5) years from the date of "Final Approval", as said term is defined the Annexation and Development Agreement.

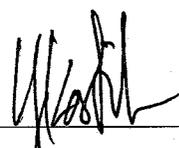
Section 4. Within fourteen (14) days after the approval of this Resolution, the Town Clerk, on behalf of the Town of Eagle, is hereby authorized and directed to:

- A. Publish concurrently with the publication of the within Resolution, a notice advising the general public that the Subdivision Preliminary Plan, as approved by the Board of Trustees, together with the PUD Zoning Plan, the approved PUD Development Plan and the Annexation and Development Agreement for the Haymeadow PUD constitute approval of a site specific development plan establishing a vested property right in accordance with the terms contained in Section 3 of this Resolution, pursuant to Article 68 of Title 24, C.R.S., and pursuant to Chapter 4.17 of the Eagle Municipal Code.

INTRODUCED, READ, PASSED AND ADOPTED at a regular meeting of the Board of Trustees of the Town of Eagle, Colorado, held on March 25, 2014.

TOWN OF EAGLE, COLORADO

By:



Yuri Kostick, Mayor

ATTEST:



Sarah Braucht, Town Clerk