

**TOWN OF EAGLE, COLORADO
ORDINANCE NO. 22
(Series of 2020)**

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF EAGLE, COLORADO ANNEXING TO THE TOWN CERTAIN UNINCORPORATED TERRITORY LOCATED IN EAGLE COUNTY, ZONING THE PROPERTY PLANNED UNIT DEVELOPMENT, APPROVING THE ASSOCIATED FINAL PLAT, AND APPROVING THE ASSOCIATED ANNEXATION AND DEVELOPMENT AGREEMENT CREATING VESTED PROPERTY RIGHTS (RED MOUNTAIN RANCH)

WHEREAS, Eagle River Commercial LLC, Griffin Development LLC and Red Mountain Ranch Partnership, LLLP (collectively "Applicants") are the owners of the real property in unincorporated Eagle County described in the attached **Exhibit A**, attached hereto and incorporated herein by this reference (the "Property");

WHEREAS, on July 10, 2020, Applicants filed a petition for annexation of the Property to the Town;

WHEREAS, by resolution adopted on July 28, 2020, the Town Council found the petition to be in substantial compliance with C.R.S. § 31-12-107(1);

WHEREAS, on September 22, 2020, the Town Council conducted a properly-noticed public hearing and determined that the Property is eligible for annexation to the Town;

WHEREAS, also on September 22, 2020, the Town Council conducted a properly-noticed public hearing on the proposed zoning of the Property as Planned Unit Development ("PUD") as set forth in the PUD Guide dated September 15, 2020 (the "PUD Guide");

WHEREAS, also on September 22, 2020, the Town Council considered the request for approval of an associated final plat for the Property (the "Final Plat");

WHEREAS, also on September 22, 2020, the Town Council considered the associated Annexation and Development Agreement (the "ADA"), which establishes vested rights in the PUD Guide; and

WHEREAS, the Town Council finds that it is desirable and necessary, and in the best interest of the public health, safety and welfare, that the Property be annexed to the Town, that the Property be zoned PUD, that the PUD Guide be approved as the zoning of the Property, that the Final Plat be approved, and that the Annexation and Development Agreement be approved.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF EAGLE, COLORADO AS FOLLOWS:

Section 1. Annexation.

a. The Property is hereby annexed to the Town. Upon the effective date of this Ordinance, the Property shall become subject to the jurisdiction of the Town.

b. Prior to the effective date of this Ordinance, the Town Clerk shall file for recording three certified copies of this Ordinance and three copies of the Annexation Map with the Eagle County Clerk and Recorder, and shall keep one copy of the Annexation Map and the original of this Ordinance in the Town Clerk's office.

c. The Town Clerk shall request that the Eagle County Clerk and Recorder file one certified copy of this Ordinance and one copy of the Annexation Map with the Division of Local Government of the Department of Local Affairs and the same with the Colorado Department of Revenue.

Section 2. ADA. The ADA is hereby approved in substantially the form attached hereto, subject to final approval by the Town Attorney. Upon such approval, the Mayor is authorized to execute the ADA on behalf of the Town.

Section 3. Zoning.

a. The Town Council hereby finds and determines that the PUD zoning, as set forth in the PUD Guide, satisfies all applicable criteria in the Eagle Municipal Code.

b. Based on the foregoing, the Property is hereby zoned PUD, as more particularly set forth in the PUD Guide dated September 15, 2020, and the PUD Guide is approved as the zoning of the Property.

Section 4. Final Plat.

a. The Town Council hereby finds and determines that the Final Plat satisfies all applicable criteria in the Eagle Municipal Code.

b. Based on the foregoing, the Final Plat is hereby approved.

Section 5. Vested Rights. Pursuant to Section 16 of the ADA, the PUD Guide constitutes a site specific development plan, and approval of the PUD Guide creates vested rights pursuant to C.R.S. § 24-68-101, *et seq.*, and the Eagle Municipal Code. Applicants shall be responsible for publication of the notice required by C.R.S. § 24-68-103(1)(c), and Applicants' failure to publish such notice shall render the vested rights null and void.

Section 6. Severability. If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Town

Council hereby declares that it would have passed this Ordinance and each part or parts hereof irrespective of the fact that any one, or part, or parts be declared unconstitutional or invalid.

Section 7. Safety. This Ordinance is deemed necessary for the protection of the public health, safety and welfare.

Section 8. Effective Date. Pursuant to Section 6.03 of the Eagle Home Rule Charter, this Ordinance shall take effect 10 days after publication following adoption.

INTRODUCED, READ, PASSED, ADOPTED AND ORDERED PUBLISHED ON SEPTEMBER 22, 2020.

ATTEST:



Jenny Rakow, Town Clerk



TOWN OF EAGLE, COLORADO



Scott Turnipseed, Mayor

**EXHIBIT A
LEGAL DESCRIPTION**

A parcel of land situate in Sections 26, 27, 33, and 34, Township 4 South, Range 84 West, of the Sixth Principal meridian, being a portion of Tracts 58, 59 and 70, of said Township and Range, County of Eagle, State of Colorado, being a portion of those lands described in Land Survey Plat No. 574, 575, and 576, as deposited in the Eagle County Eagle County Land Survey Plat Records, more particularly described as follows:

Beginning at a point on the south line of Highway 6 right of way and subject property; thence departing said south line S 73°54'09" E, 166.17 feet; thence N 83°53'51" E, 164.57 feet; thence N 03°16'32" E, 207.75 feet; thence N 88°53'49" E, 1444.68 feet; thence N 00°03'48" E, 1304.45 feet; thence N 89°56'08" E, 1452.88 feet; thence N 01°26'49" W, 410.52 feet to the approximate centerline of the Eagle River; thence along said approximate centerline of the Eagle River S 74°05'42" E, 61.00 feet; thence N 89°29'45" E, 168.06 feet; thence N 60°21'13" E, 237.26 feet; thence N 41°29'08" E, 382.43 feet; thence N 36°38'50" E, 287.00 feet; thence N 47°37'56" E, 301.83 feet; thence N 53°45'25" E, 221.64 feet; thence N 56°52'49" E, 306.49 feet; thence N 67°43'57" E, 484.77 feet; thence S 85°00'54" E, 131.72 feet; thence S 75°53'38" E, 341.87 feet; thence N 83°57'06" E, 341.07 feet; thence N 71°13'40" E, 310.58 feet; thence N 57°40'11" E, 499.51 feet; thence N 42°33'26" E, 259.34 feet; thence N 32°48'52" E, 262.87 feet; thence N 21°21'27" E, 271.70 feet; thence N 18°01'29" E, 171.02 feet; thence N 38°30'11" E, 154.44 feet; thence N 52°40'07" E, 201.11 feet; thence departing said approximate centerline of the Eagle River N 26°50'41" W, 63.81 feet to the south line of Highway 6 right of way; thence along said south line of Highway 6 right of way S 63°08'01" W, 3932.72 feet; thence in a southwesterly direction with a non-tangent curve turning to the left with a radius of 11410.00 feet, having a chord bearing of S 61°05'01" W and a chord distance of 816.31 feet, having a central angle of 04°06'00" and an arc length of 816.48 feet; thence S 59°02'01" W, 2572.80 feet; thence in a southwesterly direction with a tangent curve turning to the left with a radius of 2242.00 feet, having a chord bearing of S 42°41'01" W and a chord distance of 1262.26 feet, having a central angle of 32°42'00" and an arc length of 1279.56 feet to a 1350; thence S 26°20'01" W, 267.31 feet to the Point of Beginning.

Containing 106.194 acres more or less.