

**TOWN OF PONCHA SPRINGS, COLORADO
RESOLUTION NO. 2010 - 4**

**A RESOLUTION ACKNOWLEDGING APPROVAL OF THE FINAL
ACCEPTANCE OF DEVELOPMENT IMPROVEMENTS ASSOCIATED
WITH THE RODEO PARK PLANNED UNIT DEVELOPMENT**

WHEREAS, Pine Creek Homes, Inc., as the master developer of the Rodeo Park Planned Unit Development located in the Town of Poncha Springs, is obligated to construct certain improvements identified in drawings prepared by Crabtree Group, Inc. and approved by the Town on August 19, 2003; and

WHEREAS, the Developer, Don Dill, President of Pine Creek Homes, Inc., notified the Town that construction of the project was completed in August of 2008 and requested the One year warranty from the Developer, Pine Creek Homes, Inc., be effective starting August 31, 2008 when the project was completed; and

WHEREAS, The Developer, Don Dill provided the following documentation to the Town as required by the Homeowners Association Covenants, Resolutions 2003-3, 2003-8 and the Subdivision Improvements Agreement:

1. **Easements:** A copy of the Grant of Easement, from Dave and Alice Smith to the Town of Poncha Springs and Pine Creek Homes, recorded with Chaffee County on October 20, 2003 at Reception # 339249 for a 20' wide sewer easement.

A copy of the Deed of Easement, by and between Dave Smith and Alice Smith and Pine Creek Homes, Inc., recorded in Chaffee County on April 13, 2005 at reception #350151, for a storm drainage easement 10' wide, being 5 foot each side of the described centerline.

The remaining road and trail easements were dedicated to the Town by plat notes.

2. **HOA:** A copy of the By Laws of Rodeo Park Homeowners Association (not recorded), and a copy of the Declaration of Protective and Restrictive Covenants Rodeo Park Common Interest Community recorded in Chaffee County on January 25, 2005 at reception #348698, an Addendum to Declaration of Protective and Restrictive Covenants Rodeo Park Common Interest Community recorded with Chaffee County on January 25, 2005 at Reception #348698, and an Addendum II to Declaration of Protective and Restrictive Covenants Rodeo Park Common Interest Community recorded in Chaffee County on May 4, 2006 at reception #358223.
3. **Private Park:** A photograph of the Rodeo Park Tot Lot showing that the split rail fence was installed around the perimeter as required by the Town.

4. **Future Road Improvements:** Check #2006 from Rodeo Park Homeowners Association in the amount of \$1,800.00 to meet the requirements of Resolution 2003-8 for an account to be created jointly between the Town and the HOA to fund future road construction within the easement as a continuation of Pahlone Parrkway to Highway 50. The Town of Poncha Springs opened a joint account at Collegiate Peaks Bank, 540 Hwy 50, Salida, CO 81201, for the Town and Rodeo Park HOA in which the \$1,800.00 funds were deposited on November 18, 2009.

7. **Construction debts:** Upon approval from the Town Administrator, Pat C. Alderton, the Developer provided to the Town a Property Profile Report from Chaffee County Closing Corporation dated October 6, 2009, in lieu of placing and Advertisement for and payment of construction debts in the local newspaper.

8. **Acceptance of Streets and Public Utilities by the Board:** Rodeo Park Drive will remain a private drive maintained by the Homeowners Association. The Public Works Director stated at the November 9, 2009, Board meeting that the developer has met all requirements set out by the Board, noting he (the Public Works Director) is fine with acceptance of the Development Improvements as of 2008.

9. **Asbuilt Drawings:** On behalf of the Developer, CrabtreeGroup, Inc. provided to the Town the “As-Built” Engineering Plans with a “Certificate of Completion” for Rodeo Park.

10. **Letter of Completion:** A letter stating that Rodeo Park was completed in August of 2008, and requested that the one year warranty from the developer, Pine Creek Homes, Inc., be effective starting August 31, 2008, when the project was completed. On November 9, 2009, the Board’s motion approved acceptance of Rodeo Park Subdivision Improvements as of August 31, 2008. The Board’s motion culminates the Developer’s one year warranty and as of August 31, 2009, the Town is responsible for improvements that are dedicated to the Town. Improvements dedicated as Private are the responsibility of the Homeowners Association.

On March 10, 2010, the Public Works Director, Greg Smith, provided a letter stating that the Town’s Public Works Crew flushed the short section of the Rodeo Park sewer line as documented in the Board’s November 9, 2009 motion.

NOW, THEREFORE, BE IT RESOLVED That the Board of Trustees of the Town of Poncha Springs at a public meeting on November 9, 2009 approved a motion to accept Rodeo Park Subdivision Improvements as of August 31, 2008, the developer having met all requirements set out by the Town; the developer is to coordinate with the Town’s Public Works Crew to flush the short section of the sewer line as agreed; the Town will open the joint account with the funds provided by Rodeo Park HOA to fund future road construction of the continuation of Pahlone Parkway to Highway 50; as outlined in Resolution #2003-8; seconded by Trustee Roberts. Motion carried unanimously.

PASSED AND APPROVED, this 22nd day of March, 2010, by the Poncha Springs Board of Trustees.

/s/ _____
Mark F. Thonhoff, Mayor

ATTEST:

/s/ _____
Diana K. Heeney
CMC/Treasurer