

RESOLUTION #2007-6

A RESOLUTION GRANTING STEP TWO APPROVAL TO THE LITTLE RIVER RANCH II SUBDIVISION

WHEREAS, Little River Ranch, Inc. received Step One approval for the Little River Ranch II Subdivision on July 10, 2006; and

WHEREAS, a Step Two review of the subdivision has been made by the Planning and Zoning Commission; and

WHEREAS, the Planning and Zoning Commission has made a recommendation to the Board of Trustees for Step Two approval of the subdivision.

NOW THEREFORE BE IT RESOLVED, that Step Two approval of the Little River Ranch II Subdivision is made by the Board of Trustees subject to the following terms and conditions:

1. The Town approves the plat dated, **May 23, 2007**.
2. The Poncha Springs Lane bridge will be replaced with a 26' wide traffic and 6' wide pedestrian bridge meeting the Town standards for load rating. Per the July 9, 2007 Board of Trustees minutes, the bridge will be replaced when thirty building permits have been issued. The thirty permits are to be defined as a combined total issued in Little River Ranch I and II. Three months prior to construction, the applicant will submit an engineered set of construction drawings, an Army Corps of Engineers Permit, or a letter from the Corps stating a permit is not required, and a bridge building permit application.
3. Trails will be soft surface as shown on Exhibit B, and as shown on the trail plan submitted June 5, 2006.
4. All streets will be built to alternate street standards as set out on the construction drawings, including Hutchinson Lane west of Poncha Springs Lane. Hutchinson Lane east will be annexed as an outlot. It will be maintained by the Canyons HOA, and the developer will post public road, privately maintained signs. The developer will provide a copy of the HOA agreement to maintain Hutchinson Lane by January 1, 2008.
5. A 10' wide hot water line easement will be provided on each property line for the six lots that the line crosses. This provides a 20' easement for the hot water line through these six lots.
6. All lots will require engineered foundations. A plat note has been provided to that effect. The plat note will be expanded to reference the Terracon report.

7. A 1% real estate transfer assessment will be paid to the Town, by the seller, for every sale of property in the subdivision, excluding the first sale from the developer. A plat note will reflect this requirement. A real estate transfer fee covenant agreement will be executed.
8. The floodplain will be delineated on the construction drawings (as opposed to the plat), and will provide a 60' setback from the center of the river for those lots on the plat.
9. Compliance with all CDOT requirements as negotiated between CDOT and the developer.
10. A written ditch agreement with the Farrows will be submitted to the Town within 30 days. A plat note will reference the reception numbers of the ditch agreements.
11. The following changes will be made to the covenants:
 - a. Section 5.9 will be changed to add approval by the Board of Trustees as well as the Architectural Review Committee or Board of Directors.
 - b. Section 5.2B will be changed from "home occupations" to "in-home small businesses" to be consistent with the LUC.
 - c. Section 10.3 will be removed.
 - d. Section 2.1 will be changed to clarify the possibility of additional special assessments.
 - e. Section 6.1 will be the section that advises the homeowners that the sewer service lines are their responsibility, and that once the Town takes them over, the main lines will be maintained by the Town.
12. System Development Fees: The developer will pay \$1,000 per lot for a portion of the water acquisition fee and \$2,000 per lot for sewer plant investment fee. Upon the Step 2 approval of the LRR-II subdivision, \$1,000 per lot will be due. Another \$1,000 per lot will be due one year from Step 2 approval, and the remaining \$1,000 per lot will be due two years from Step 2 approval.

As lots are sold during the two-year period, the entire water acquisition and sewer plant investment fees in effect on the date of sale shall be paid out of the proceeds at closing (currently those fees are \$3,000 for water and \$2,000 for sewer). Credit on the amount due upon the anniversary dates shall be given to the amounts paid upon the sale of each lot. At the time of building permit application, each lot owner shall pay the remaining system development fees without having to pay for water acquisition or sewer plant investment.
13. Stub roads will be labeled "future road connection."

14. Tower Lane will be removed due to concerns that it is essentially a drainage channel.
15. Maintenance of the drainage structures and common areas will be an obligation of the HOA, with the Town having the right, but no obligation, to maintain and bill the costs to the HOA. This will be covered by a plat note.
16. A plat note will be added advising property owners in LRR-II that the Town may enforce the Fire Mitigation Plan, approved by Jim Wingert, CCFPD Fire Chief.
17. A plat note will be added: "Construction of residential or commercial occupied structures other than picnic pavilions, gazebos, parks and HOA amenities shall be prohibited on common area lots."
18. A plat note will be added: "Each lot may only have one driveway access to a street."
19. Total acreage, total residential DRA, total ETC neighborhood center and total common area will be added to the land use table on the final plat.
20. A signature line will be added to the plat for the Title Company assuring that all public dedications are free and clear of any liens or encumbrances.
21. The plat note about the drawing being the property of the surveyor will be changed to read: This drawing may not be modified or used for any other project or extension of this project except by express written consent of the Surveyor. The Surveyor shall not be liable or responsible for any claims, liability or costs arising out of any reuse or modification of this drawing by others.
22. Lot J will be identified as a possible utility lot, and will revert to open space for the Town if not used.
23. The developer shall enter into a Subdivision Improvements Agreement satisfactory to the Town of Poncha Springs Board of Trustees.

PASSED AND APPROVED BY THE TOWN OF PONCHA SPRINGS BOARD OF TRUSTEES, this 29th day of **October, 2007**.

/s/ _____
Mark F. Thonhoff, Mayor

ATTEST:

/s/ _____
Diana K. Heeney
CMC/Treasurer