

DEC 15 2004

RESOLUTION  
2004 BCC 77

A RESOLUTION APPROVING THE SERVICE PLAN  
OF A WATER DISTRICT LOCATED  
IN SECTION 1, TOWNSHIP 1 NORTH, RANGE 60 WEST

WHEREAS, on November 4, 2004, the Board of County Commissioners of Morgan County, Colorado held a public hearing pursuant to Section 32-1-204 C.R.S. on a proposed service plan for the Prairie View Ranch Water District LLC located in the E½ of Section 1, Township 1 North, Range 60 West Of the 6<sup>th</sup> P.M., and

WHEREAS, notice of the public hearing was properly published, and

WHEREAS, the Board of County Commissioners received testimony and evidence from the applicant and his attorney, and

WHEREAS, there was no public comment or testimony regarding the proposed service plan.

NOW BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MORGAN COUNTY, COLORADO:

1. The proposed Service Plan for the Prairie View Ranch Water District LLC located in the E½ of Section 1, Township 1 North, Range 60 West Of the 6<sup>th</sup> P.M. is hereby approved

DATED this 14<sup>th</sup> day of December, 2004, *nunc pro tunc* November 4, 2004.

BOARD OF COUNTY COMMISSIONERS  
MORGAN COUNTY, COLORADO

Michael E. Harms

Michael E. Harms, Chairman

Mark A. Arndt

Mark A. Arndt, Commissioner

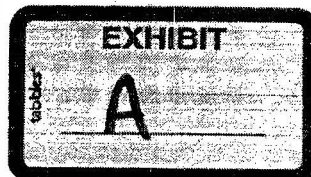
John A. Crosthwait

John A. Crosthwait, Commissioner

ATTEST:

Fay A. Johnson

Fay A. Johnson, Clerk to the Board



**RESOLUTION**  
**2004 BCC 38**

**A Resolution Approving a Planned Development Zone  
in Section 1, T. 1 N., R. 60 W.**

**WHEREAS**, on April 13, 2004, and June 15, 2004 the Board of County Commissioners of Morgan County, Colorado held properly noticed public hearings pursuant to the Morgan County Zoning Regulations on the application of Prairie View Ranch for a Planned Development Zone to create a 89 lot mixed use subdivision in the E ½ of Section 1 , Township 1 North, Range 60 West, of the 6<sup>th</sup> P.M. known as Prairie View Ranch Planned Development and located near the intersection of County Roads 6 and F, and

**WHEREAS**, the notice of public hearing was properly published and the subject property was properly posted, and

**WHEREAS**, the Board of County Commissioners received testimony and evidence from the applicant, and

**WHEREAS**, the Board of County Commissioners received the testimony of the Morgan County Planning Administrator who recommended approval of the application, and

**WHEREAS**, the Morgan County Planning Commission recommended approval of this application, and

**WHEREAS**, the Board of County Commissioners received public comment of this application.

**NOW BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF  
MORGAN COUNTY , COLORADO:**

1. The application of Prairie View Ranch for a Planned Development Zone to create a 89 lot mixed use subdivision in the E ½ of Section 1 , Township 1 North, Range 60 West, of the 6<sup>th</sup> P.M. known as Prairie View Ranch Planned Development and located near the intersection of County Roads 6 and F is hereby granted.

2. The Board of County Commissioners finds that the proposed project is in compliance with the Morgan County Comprehensive Plan and that the criteria of Section 3-455 of the Morgan County Zoning Regulations have been met by the application and the terms and conditions of this resolution. Specifically:

a. The Morgan County Comprehensive Plan is complied with in that the proposed project is compatible with existing land uses and there is access to established

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infrastructure (page 43, Morgan County Comprehensive Plan, 1996)

b. The project conforms with the policies for traffic and roads in rural areas (pages 69-70, Morgan County Comprehensive Plan, 1996).

c. The project is consistent with existing land uses in the neighborhood.

3. The entire contents of the application and the provisions of this Resolution shall constitute the Planned Development Zone Final Plan as referred to in the Morgan County Zoning Regulations and shall be binding on the applicant and its successors and shall be the terms and conditions of this permit. This shall include construction of roads, access, and placement of culverts as set out in the application and in testimony at hearings.

4. The covenants as submitted by the applicant are approved and binding on the applicant and its successors as a condition of this permit. Any proposed changes to the covenants must be submitted to the county for approval. Minor changes may be approved administratively by the County Planning Administrator. Major changes must be approved by the Board of County Commissioners. Determination of what is a major or minor change shall be at the sole discretion of the County Planning Administrator.

5. All uses, conditions, restrictions, design standards, and all other applications of the covenants submitted as part of the application shall be the design standards for this Planned Development Zone which may be enforced by Morgan County pursuant to the Morgan County Zoning Regulations. In areas and subjects not addressed by the covenants Morgan County Zoning Regulations pertaining to the Estate Residential (ER) Zone shall apply to this Planned Development Zone for residential lots, Commercial (C) Zone for commercially designated lots, and Light Industrial (LI) zone for lots designated for utilities use.

6. Any past, present, or future drainage problems on this site are the responsibility of the applicant and its successors and not the responsibility of Morgan County.

7. The applicant is required, as a condition of this permit, to furnish any purchaser or other successor in interest to any lot in this Planned Development with a copy of the Morgan County Right to Farm Policy as adopted by Resolution 96BCC41 on July 23, 1996, and the Receipt and Statement of Understanding of said policy. The Policy and the Receipt and Statement of Understanding shall be recorded as addenda to any deeds conveying the permitted property from the applicant to any purchasers or other successors.

8. Applicable County road construction standards in force at the time of the start of construction shall apply to the private road to be constructed except that any subgrade compaction requirements may be waived by the Morgan County Road and Bridge Superintendent if existing soil conditions in this area provide for adequate compaction and subgrade conditions.

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9. A Special District shall be formed by the applicant no later than December 1, 2004 for the delivery of water and any other municipal services. This District shall be formed pursuant to Title 32 of the Colorado Revised Statutes. If this District is not formed by December 1, 2004 this approval shall be void unless the time for formation is extended by official action of the Board of County Commissioners. Upon formation of the Special District title to all assets of the developer regarding the water delivery system shall be transferred to the District.

10. An irrevocable letter of credit or other acceptable financial surety in the amount of 110% of the construction costs of infrastructure including paved roads, water, and electric utilities. This financial surety may be for each of the individual phases or may be for the entire project. The amount of the financial surety must be in the amount of 100% of the costs of the portion of the infrastructure to be built. The portion of the financial surety dedicated to the paving of roads may not be released or transferred to a subsequent phase without the approval of the Board of County Commissioners. A decision on whether to require the paving of roads in a particular phase or the entire project shall be made by the Board of County Commissioners no earlier than when 80% or more of the lots in a particular phase have been sold or when 50% or more of the homes in a particular phase have been constructed and occupied, which ever is later. Any financial surety which is scheduled to expire must be replaced by a new acceptable surety or renewed no less than six (6) month prior to the date of expiration.

11. The interior roadways of the Planned Development shall be maintained by the applicant and its successor, the Homeowner's Association and not by Morgan County.

12. A developer's agreement shall be executed between the applicant and Wiggins School District RE-50 within 45 days of the date of this resolution. Failure of the applicant and the School District to come to a mutually acceptable agreement will be grounds for this permit to be considered by the Board of County Commissioners for revocation or suspension after notice to the applicant and the School District and a public hearing. An unreasonable position on the part of the applicant in negotiating an agreement may be grounds for the Board of County Commissioners revoking this agreement. An unreasonable position or demands on the part of the School District may be grounds for the Board of County Commissioners to not require any developer's agreement.

13. The applicant may be required to bear the cost of the installation of a turn lane on Road F at the entrance to the development. The county shall decide whether or not this turn lane is required no later than when 80% or more of the lots in Phase I have been sold or when 50% or more of the homes in Phase I have been constructed and occupied, which ever is later. An acceptable financial surety to cover the cost of construction of the turn lane shall be included with the financial surety for Phase II in the decision is made to require the turn lane.

14. Further subdivision of any lot in this Planned Development shall be controlled by the then current Morgan County Zoning Regulations.

15. The Board of County Commissioners retains continuing jurisdiction on this permit to address possible future problems with the site in compliance with the Final Planned Development Plan. The county also retains jurisdiction and the right and authority of county personnel to inspect the site at any reasonable time.

16. The applicant and its successors and assigns shall be responsible for complying with the Final Planned Development Plan. Noncompliance with the final Planned Development Plan may be reason for revocation of this permit and Resolution by the Board of County Commissioners after notice to the applicant or his successors and hearing.

**DATED** this \_\_\_\_ Day of \_\_\_\_\_, 2004 *nunc pro tunc* June 29, 2004.

**BOARD OF COUNTY COMMISSIONERS**  
**MORGAN COUNTY, COLORADO**

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Michael E. Harms, Chairman

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Mark A. Arndt, Commissioner

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John A. Crosthwait, Commissioner

(SEAL)

**ATTEST:**

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Fay A. Johnson  
Clerk to the Board