

Wednesday, August 25, 2004

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Mineral County, Colorado

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From: Jennifer Hall

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Message: Les- Attached is a draft of the letter you discussed with Boots. Bob Honts will be calling you to discuss the letter before it is finalized.

Jennifer

No Confirmation Copy

Number of pages including cover sheet:

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Attorney Number:	<u>5244</u>	Client/Matter:	<u>41568-0001</u>	Time Deadline:	<u> </u>
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DRAFT

Dear Mr. Honts:

You have requested my determination of what information must be submitted for the Final Plat for the Village at Wolf Creek Planned Unit Development in the context of the provisions of Resolution #00-13 of the Mineral County Board of County Commissioners and the provisions of Section 2.3 of the Mineral County Subdivision Regulations pertaining to a Final Plat. Since the Final Plat to be filed does not allow the sale of any lots or blocks within the PUD until a Supplement to the Final Plat is filed for a phase, the Regulations need to be read in that context and in the context of the intent of the Resolution as set forth in Section 2.11. Since there is a request for the approval of Phase 1 under Section 1.3.1 of the Resolution, the requirements for the Supplement to the Final Plat for Phase 1 will be different than those for the Final Plat.

Therefore, my determination is that for the Final Plat for the entire PUD, sections 2.3.1.1 through 2.3.1.5 and 2.3.1.7 and 2.3.1.8 shall be complied with as written. This also applies to the Supplement to the Final Plat for Phase 1. Since the dedications of easements will take place at the time of the approval of the Supplement to the Final Plat for phases, Section 2.3.1.6 does not apply to the Final Plat, though easements of record must be shown on the Final Plat. Similarly, since there are no dedications to Mineral County, the Certificate of Acceptance and Dedication provisions of Section 2.3.1.9 do not apply to the Final Plat. These sections do apply to the Supplement to the Final Plat for Phase 1. The Final Plat Checklist should reflect this determination for the Final Plat and for the plat for Phase 1. I understand that the Final Plat and Supplement to Final Plat for Phase 1 will have numerous plat notes and restrictions as required by the Resolution and we have received a copy of those that have been proposed.

Concerning the Final Plat Supplementary Information, the information required in Sections 2.3.2.1 through 2.3.2.15 do not apply to the Final Plat. They do apply to the Supplement to the Final Plat for Phase 1 with the understanding that the centerlines of the streets and utility lines satisfies the requirement of plans and profiles and the preliminary construction plans for Phase 1 structures are sufficient to satisfy Section 2.3.2.15 provided that final construction plans must be submitted for approval by Mineral County prior to the commencement of any construction of any such structures. The April 2002 Master Drainage Plan satisfies Section 2.3.2.16 with the condition that final construction plans must be submitted for approval by Mineral County prior to the commencement of construction of any drainage facilities. The letters and Subdivision Improvements Agreement to be submitted under Section 2.3.2.17 need to address the facilities and improvements for Phase 1 only. Section 2.3.2.18 is satisfied by the plat notes and restrictions to be included on both plats. Lastly, a proposed deed of dedication may be submitted with the understanding that it must be signed upon the signing and approval of the Final Plat and Supplement to the Final Plat for Phase 1.

Please do not hesitate to call if you have any questions or comments.

Les Cahill