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FACSIMILE TRANSMITTAL SHEET

TO: Sam Brown
 COMPANY:

FROM: Dawn (Bob Honts)
 DATE:

FAX NUMBER: 303 544 9218

TOTAL # PAGES:

RE:

- urgent for review please comment please reply

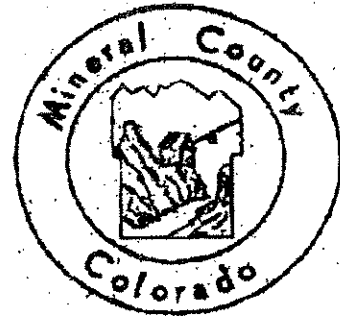
Notes/Comments:

Here is the assigned Les Cahill letter approved by Cahill, Wilder and Boots Ferguson.

F.Y.I.
Bob

BOARD OF COUNTY COMMISSIONERS

MINERAL COUNTY
P.O. BOX 70
CREEDE, COLORADO 81130
(719) 658-2331



October 1, 2004

Bob Honts, President / CEO
Village AT Wolf Creek
1402 San Antonio, Suite 102
Austin, TX 78701

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 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 Supplemental Resolution is adopted and 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 and a Subdivision Improvements Agreement and irrevocable Letter of Credit will be required before approval of Phase 1, the requirements for final approval of Phase 1 and the Supplemental Resolution for Phase 1 will be different than those for the Final Plat.

Therefore, my determination is that for the Final Plat for Phase 1, Sections 2.3.1 through 2.3.1.8 shall be complied with as written. These requirements for the remaining phases of the PUD shall be required as each ADNP is submitted. This also applies to the Supplemental Resolution for Phase 1. Since the dedications of the easements will take place at the time of the final approval of each phase plat, Section 2.3.1.6 also applies only to the Final Plat for Phase 1, though easements of record also 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 Final Plat for Phase 1, for Property Owners Association dedication. The Final Plat Checklist should reflect this determination for the Final Plat and for the Final Plat for Phase 1. I understand that the Final Plat will have numerous plat notes and restrictions as required by Resolution 00-13 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

Final Plat for Phase 1 with the understanding that the centerline and elevation sections at 100 foot intervals of the streets and utility lines satisfies the requirements for plans and profiles as defined in Sections 2.3.2.2 through 2.3.2.9 and construction plans required under Sections 2.3.2.10 and 2.3.2.15 are required to be submitted prior to the commencement of any construction of any such structures. With respect to 2.3.2.14, design bench marks on plans must be submitted prior to the commencement of construction based on the exterior boundary information on the Final Plat. The Final Plat for Phase 1 must include the 'as built' locations based on GPS field procedures that are as accurate as solar or Polaris computations. 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 the Final Plat and by reference on all phase plats. Lastly, a proposed deed of dedication must be submitted with the Final Plat with the understanding that it must be executed upon the signing and approval of the Supplemental Resolution for Phase 1.

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

Sincerely,



Leslie Cahill
Land Use Administrator