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Cheri Brunvand-Summit County Recorder 9/25/2000 14:18 DF:

**TOWN OF BLUE RIVER, COLORADO
RESOLUTION NO. 10
SERIES OF 2000**

A RESOLUTION OF THE TOWN OF BLUE RIVER, COLORADO ("TOWN"), APPROVING TIMBER CREEK ESTATES ACQUISITION CORP. LLC'S ("TCAC") REQUEST TO CHANGE THE NAME OF THE "FINAL PLAT FOR TIMBER CREEK ESTATES PHASE I" TO "THE FINAL PLAT FOR TIMBER CREEK ESTATES PHASE I, FILING 2, AND FOR THE "FINAL PLAT FOR TIMBER CREEK ESTATES PHASE II" TO "THE FINAL PLAT FOR TIMBER CREEK ESTATES PHASE II, FILING 3; TCAC'S REQUEST FOR TOWN APPROVAL AND EXECUTION OF THESE PLATS AS PRESENTED, SUBJECT TO FINAL REVIEW BY THE TOWN ATTORNEY AND TOWN ENGINEER; TCAC'S REQUEST TO PAVE THE ENTRY ROAD LEADING TO WHISPERING PINES LANE (AT THE TIMBER CREEK ESTATES PROPERTY LINE); TCAC'S REQUEST TO INSTALL A TEMPORARY MARKETING SIGN ON TRACT D (NEAR THE JUNCTION OF THE ENTRANCE ROAD T THE PROPERTY); AND TCAC'S REQUEST FOR A VARIANCE TO INCREASE THE MARKETING SIGN SIZE TO 32 SQUARE FEET

WHEREAS, Timber Creek Estates Acquisition Corp, LLC, ("TCAC") is under contract to purchase the Timber Creek Estates Property (which is more particularly described on Exhibit A ("Property"), attached hereto and incorporated herein by reference) from Timber Creek Estates, LLC, ("TCE"), and thus TCAC is the equitable owner of the Timber Creek Estates Property; and

WHEREAS, on July 26, 2000, the Town passed Ordinance 4, Series of 2000 that rezoned the Property from R-1 to Planned Residential Development (PRD) in order to allow for a mix of single family residential lots and duplex lots within the property, and approved modifications to Resolution No. 2, Series of 2000 regarding the conditions associated with the Timber Creek Estates Phase I and Phase II final plats; and

WHEREAS, on September 11, 2000, TCAC submitted a valid development application to the Town with TCE'S approval, asking the Town to approve several land use related requests concerning the TCE Property, and TCE does not object to these requests or to the Town's actions thereto; and

WHEREAS, on September 19, 2000, at a regular meeting of the Town Board of Trustees, TCAC asked the Town to approve its requests to: change the name of "The Final Plat for Timber Creek Estates Phase I" to "The Final Plat for Timber Creek Estates Phase I, Filing 2, and for "The Final Plat for Timber Creek Estates Phase II" to "The Final Plat for Timber Creek Estates Phase II, Filing 3; approve and execute these plats as presented, subject to final review by the town attorney and town engineer; pave the entry road leading to Whispering Pines Lane (at the Timber Creek Estates Property line); install a temporary marketing sign on tract D (near the junction of the entrance road to the property); increase the marketing sign size to 32 square feet; and

WHEREAS, on September, 19, 2000, the Town reviewed and approved TCAC's above noted requests, found the requests to be proper and beneficial to the overall development of the Property, and in the best interests of the public health, safety and welfare of the Town, subject to this Resolution.


NOW, THEREFORE, BE IT RESOLVED BY THE TOWN BOARD OF TRUSTEES FOR THE TOWN OF BLUE RIVER THAT:

1. Approval of TCAC's PLAT RE-NAMING Request. The Town hereby approves TCAC's request to re-name the Final plats for the Property from "The Final Plat for Timber Creek Estates Phase I" to "**The Final Plat for Timber Creek Estates Phase I, Filing 2**, and from "The Final Plat for Timber Creek Estates Phase II" to "**The Final Plat for Timber Creek Estates Phase II, Filing 3**. The Filing 2 Plat contains lots 1, 2A, 2B, 3, 5B, 7, 8A, 8B, 21B, 22A, 22B, 23A, 23B, 24A, 24B, 28, 29, 33, 34, 36, Tract W and Tract A. The Filing 3 Plat contains lots 4A, 4B, 5B, 10A, 10B, 10C, 11A, 11B, 12A, 12B, 13, 14, 15A, 15B, 16A, 16B, 17A, 17B, 18A, 18B, 19A, 19B, 20A, 20B, 20C, 30A, 30B. The Town finds that this change in nomenclature is a non-substantive change to the prior approvals, and will help clarify the location and identity of the lots that could be sold to third parties. As such, this change should make it easier to refer to specific lots within the filings and easier for potential lot purchasers to purchase lots, an title companies to track any encumbrances on such lots. Any other prior Town approval documents relating to the Property may be changed to reflect these plat name modifications.
2. Approval of TCAC's PLAT APPROVAL AND EXECUTION Request. The Town hereby approves the Filing 2 and 3 plats for the Property, authorizes Mayor Larry Nelson to execute these plats as presented, subject to final review and approval by the Town attorney and Town engineer. TCAC hereby further agrees and acknowledges that it desires to have Mayor Larry Nelson execute these plats any other documents that need to be modified pursuant to paragraph (1) above, and waives any possible claim of any kind, whether known or unknown, as to any alleged conflicts of interest involving either the Town, its Board or Mayor Nelson.
3. Approval of TCAC'S ROAD PAVING Request. The Town hereby approves TCAC's request to pave the public easement entry road leading to Whispering Pines Lane (at the Timber Creek Estates Property line) in the fall of 2000, pursuant to the Town Code including it's duly adopted road improvements and paving standards, provided however, TCAC shall maintain the improvements constructed on and to this road, and may ultimately assign this obligation to the Property's Homeowner's Association, which shall be a covenant running with the Property. Finally, the Town shall undertake snowplow removal of this section of the road consistent with Town practice.
4. Approval of TCAC'S SIGN Requests. The Town hereby approves TCAC's requests to:
(a) install a temporary marketing sign on tract D (near the junction of the entrance road to the property);
and (b) increase the marketing sign size from the currently allowed 24 square feet (under the Town's sign code) to 32 square feet, provided however, these sign request approvals are subject to annual review and approval by the Town commencing from the date that the sign is erected by TCAC on Tract D or anywhere on the Property.

THIS RESOLUTION was passed and adopted by the Town of Blue River, Colorado, Board of Trustees this 19th day of September 2000, by a vote of 6 to 0.

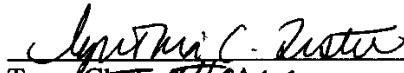
TOWN OF BLUE RIVER

By:



Mayor ~~Clerk~~ *Pro Tem*

ATTEST:



Town ~~Clerk~~ *attorney*

AGREED AND ACCEPTED BY THE TIMBER CREEK ESTATES ACQUISITION CORP.,LLC.



By: Peter Davis, Member