



**TOWN OF SILT
RESOLUTION NO. 13
SERIES OF 2022**

A RESOLUTION REINSTATING THE CAMARIO PLANNED UNIT DEVELOPMENT PHASE II FINAL SUBDIVISION PLAN AND PLAT IN THE TOWN OF SILT, GARFIELD COUNTY, STATE OF COLORADO, SUBJECT TO CONDITIONS.

WHEREAS, the Town of Silt ("Town") is a Colorado home rule municipality organized under Article XX of the Colorado Constitution and with the authority of the Silt Home Rule Charter; and

WHEREAS, the Local Government Land Use Control Enabling Act of 1974, C.R.S. §§ 29-20-101, et seq.; Article 23 of Title 31, C.R.S.; and other applicable laws grant broad authority to the Town to plan for and regulate the development and use of land on the basis of the impact thereof on the community and surrounding area; and

WHEREAS, Ignacio Mendoza, Juvencio Gutierrez, and Urbano Carranza Bel Tran are the owners, and I, J & U, L.C.C. was the owner at the time of the relevant land use approvals, (collectively "Owner") of a 9.511 acre property known as the 1990 Grand Annexation (portion) and the Camario Planned Unit Development ("Camario PUD") Phase II Annexation, hereinafter collectively known as the "Property", located north of Grand Avenue and north of the Lyon Residential Planned Unit Development, and more particularly described on **Exhibit A**, attached hereto; and

WHEREAS, Ken Ash and Sreenath Rayalla ("Buyer") desire to purchase the Property; and

WHEREAS, on or about July 22, 2002, the Board of Trustees ("Board") adopted Ordinance 7, Series of 2001, approving the 1990 Grand Annexation and the 1190 Grand Annexation and Development Agreement, setting forth specific conditions for development of the Subject Property, and such documents were later recorded with Garfield County Clerk and Recorder on October 9, 2002 as Reception No. 612254 and Reception No. 612255, respectively; and

WHEREAS, on or about April 9, 2007, the Board approved Resolution 21, Series of 2007, approving the Camario PUD Phase I Final Plan and Final Plat, with conditions, and recorded such resolution on June 22, 2007 as Reception No. 726114, and establishing twenty-one (21) multi-family units; and

WHEREAS, on or about May 17, 2007, the Board approved an Amended and Restated Annexation and Development Agreement ("ARADA") for the

Camario PUD, and recorded such agreement on June 22, 2007 as Reception No. 726115, which governed the entire 1990 Grand Annexation; and

WHEREAS, on or about August 13, 2012, the Board approved Ordinance 17, Series of 2012, annexing that property known as the Camario Phase II Annexation, also known as the "T" Parcel, and which document also included the Annexation and Development Agreement for the T parcel and a portion of the 1990 Grand Annexation, which was later recorded on June 24, 2015 as Reception No. 864395; and

WHEREAS, on or about August 13, 2012, the Board approved Ordinance 18, Series of 2012, zoning the T Parcel and the remainder of the 1990 Grand Annexation (not including Phase I Final Plat lots), as a Planned Unit Development, which was later recorded on June 24, 2015 as Reception No. 864396; and

WHEREAS, on or about August 13, 2012, the Board approved Resolution 37, Series of 2012, approving the Camario PUD Phase II Sketch/Preliminary Plan, within a portion of the 1990 Grand Annexation and within the Camario PUD Phase II Annexation, which was later recorded on June 24, 2015 as Reception No. 864397; and

WHEREAS, on or about November 10, 2016, Owner submitted the Camario Phase II Final Plat and Final Plan revised application for the Subject Property, which the Town deemed complete and, pursuant to Title 16 of the Silt Municipal Code ("Code"), processed the application as required by the Code; and

WHEREAS, on or about December 6, 2016, the Town Planning & Zoning Commission ("Commission") considered the Final Plat, following a public hearing, and recommended to the Board approval of the Camario PUD Phase II Final Plat and Final Plan, with conditions; and

WHEREAS, on or about January 9, 2017, following a public hearing, the Board considered the Camario PUD Phase II Final Plat and Final Plan and adopted a resolution approving the same, subject to conditions; and

WHEREAS, on or about January 23, 2017, following a public hearing, the Board adopted Ordinance 1, Series of 2017, which corrected a typographical error regarding the number of allowable units within the Camario Phase II PUD by repealing and replacing Ordinance 18, Series of 2012 to allow for 74 units rather than the 65 units erroneously stated in the previous ordinance, which was recorded as Reception No. 888681; and

WHEREAS, Owner did not proceed with development of the Property, the Camario PUD Phase II Final Plat approval expired, and the Camario PUD Phase II Final Plat was not recorded; and

WHEREAS, Buyer desires to develop the Property according to the plans and specifications stated in the Camario PUD Phase II Final Plat and Final Plan submitted on November 10, 2016 and approved by the Town on December 6, 2016 with conditions, resubmitted to the Town on December 16, 2016 and approved by the Town on January 9, 2017 and has requested that the Town reinstate the previously adopted Final Plat and Final Plan, subject to the conditions then imposed by the Town and any additional conditions as necessary to facilitate the orderly development of the Property; and

WHEREAS, The Board has determined that in order to reinstate the previously approved Final Plat, Buyer shall submit an updated application that addresses the conditions imposed by the Board in 2017 and shall comply with the notice and public hearing requirements of Sections 16.10.010 – 16.10.080 of the Code (minor subdivision sketch plan and final plan review) for hearings on the application before the Planning Commission and the Board of Trustees; and

WHEREAS, on April 19, 2022, Buyer submitted an updated Final Plat application for the Camario PUD Phase II to the Town of Silt; and

WHEREAS, on May 17, 2022, the Planning Commission considered updated Final Plat application, held a public hearing on the same, and recommended that the Board reinstate the Camario PUD Phase II Final Plat and Final Plan; and

WHEREAS, following a public hearing, on May 23, 2022, the Board of Trustees has determined that it is in the best interest of the Town to reinstate the Camario PUD Phase II Final Plat and Final Plan subject to the conditions set forth in this Resolution.

NOW, THEREFORE, BE IT RESOLVED, BY THE BOARD OF TRUSTEES OF THE TOWN OF SILT, COLORADO THAT:

The Camario PUD Phase II Final Plat is hereby reinstated for a period of 180 days and shall expire on November 19, 2022, unless security for the public improvements has been provided to the Town and the Final Plat has been recorded, subject to the following conditions:

1. That all statements made in the application and in meetings before the Planning Commission and the Board of Trustees are conditions of approval, unless modified in the following conditions; and
2. That all fees incurred by the Town for review of this application, including but not limited to public notification, copying, printing, legal, engineering, planning and recordation costs have been paid; and

3. That the Town and Applicant reach agreement on the terms and conditions for an updated Amended and Restated Subdivision Improvements and Development Agreement (“ARSIDA”) and the same is approved by the Board at a public meeting; and
4. Applicant and Town reach agreement regarding the reconfigured use of the park parcel and recreation facilities, and the payment of the construction costs related to the same; and
5. Applicant and Town reach agreement regarding the Orchard Avenue extension construction standards and payment of the construction costs related to the same; and
6. Applicant provides updated, engineered stamped cost estimates for the required public improvements to the Town; and
7. Applicant submits to the Town an updated Declaration of Covenants, Conditions, and Restrictions (CCR) to encompass both Camario Phase I and Phase II and records the same contemporaneously with the updated ARSIDA and Final Plat; and
8. Applicant pays any dedication or impact fees required under the Town Code at the appropriate stage of construction; and
9. Applicant addresses any outstanding Town comments on the Final Plat and associated construction, drainage, and signage plans, and Applicant submits an updated Final Plat for recordation; and
10. Applicant submits an up-to-date title commitment and current information identifying the ownership of the Property and the Final Plat is updated consistent with the title commitment; and
11. Applicant submits the required security for public improvements to the Town in the amount provided for in the updated, executed Amended and Restated Subdivision Improvements and Development Agreement.

INTRODUCED, READ, PASSED AND ADOPTED at a regular meeting, following a public hearing, of the Board of Trustees of the Town of Silt, Colorado held on the 23 day of May, 2022.

ATTEST:


Town Clerk Sheila M. McIntyre, CMC

TOWN OF SILT


Mayor Keith B. Richel





**Exhibit A
 Legal Description**

The Land referred to herein is located in the County of Garfield, State of Colorado, and described as follows:

Parcel A:

Tract C,
 CAMARIO SUBDIVISION, according to the Plat thereof recorded June 27, 2007 as Reception No. 726116.

Parcel B:

T-Parcel:

A parcel of land situate in the SW¼ of Section 2, Township 6 South, Range 92 West of the 6th P.M., County of Garfield, State of Colorado. Said parcel of land being a portion of the parcels of land as described in Book 938, Page 68 and Book 1211, Page 561 and Book 1125, Page 344 of the Garfield County Clerk and Recorder's Office. Said parcel of land being more particularly described as follows:

Commencing at the Southwest corner of Section 2, a 3¼" aluminum cap L.S. No. 36572 in place, thence N. 88°29'20" E. 210.49 feet to the Southwest corner of a parcel of land as described in Book 938, Page 68 as filed with the Garfield county Clerk and Recorder's Office; said point also being a point on the Northerly Right-of-Way line of County Road No. 218 (Grand Avenue). The True Point of Beginning;
 thence departing said Northerly Right-of-Way line N. 00°00'43" W. along the Westerly line of said parcel of land 751.49 feet to a point on the Southerly line of a parcel of land as described in Book 1125, Page 344 as filed with the Garfield County Clerk and Recorder's Office;
 thence departing said Westerly line N. 80°04'27" W. and along said Southerly line 115.75 feet to the Southwesterly corner of said parcel of land;
 thence departing said Southerly line N. 00°03'46" E. along the Westerly line of said parcel of land 108.20 feet;
 thence departing said Westerly line S. 80°58'14" E. 417.22 feet to a point on the Easterly line of said parcel of land;
 thence S. 01°50'42" W. along said Easterly line 158.28 feet to a point on the Southerly line of said parcel of land;
 thence along said Southerly line the following three (3) courses:
 1.) N. 46°03'40" W. 33.41 feet;
 2.) N. 77°48'20" W. 27.10 feet;
 3.) N. 72°13'19" W. 124.78 feet to a point on the Easterly line of a parcel of land as described in Book 1211, Page 561 as filed with the Garfield County Clerk and Recorder's Office;
 thence departing said Southerly line S. 00°05'06" W. along said Easterly line 474.58 feet;
 thence continuing along said Easterly line S. 00°06'59" E. 246.25 feet to a point on said Northerly Right-of-Way line;
 thence departing said Easterly line S. 89°00'16" W. along said Northerly Right-of-Way 123.34 feet to the Point of Beginning.