

**TOWN OF SILT
RESOLUTION NO. 7
SERIES OF 2019**

A RESOLUTION APPROVING A 3rd AMENDMENT TO THE PAINTED PASTURES SUBDIVISION ('PAINTED PASTURES') SUBDIVISION IMPROVEMENTS AND DEVELOPMENT AGREEMENT ('SIDA'), WITHIN THE TOWN OF SILT, GARFIELD COUNTY, STATE OF COLORADO

WHEREAS, Owner is the owner of certain real property (the "Property") which has been annexed to the Town and is more particularly described upon the final plan for the Painted Pastures Subdivision (the "Subdivision") and which property is more specifically described on **Exhibit A**, attached hereto and incorporated herein by reference; and

WHEREAS, on or about June 11, 2007, the Board of Trustees ("Board") approved Ordinance 19, Series of 2007, recorded in the office of the Garfield County Clerk and Recorder on May 15, 2008 as Reception Number 748619, approving the Raley Ranch Project Annexation, also known as the Painted Pastures Annexation; and

WHEREAS, on or about July 9, 2007, the Board approved Ordinance 20, Series of 2007, recorded in the office of the Garfield County Clerk and Recorder on May 15, 2008 as Reception Number 748620, approving R-2 Medium Density zoning on the Property; and

WHEREAS, on or about November 26, 2007, the Board approved Resolution 50, Series of 2007, recorded in the office of the Garfield County Clerk and Recorder on May 15, 2008 as Reception Number 748622, approving the Painted Pastures Final Plan and Final Plat; and

WHEREAS, on or about November 26, 2007, the Owner and the Town entered into an initial Subdivision Improvements and Development Agreement ("SIDA"), recorded in the office of the Garfield County Clerk and Recorder on May 15, 2008 as Reception Number 748626; and

WHEREAS, on or about May 15, 2008, the Owner and the Town entered into that certain Annexation and Development Agreement for the Painted Pastures Subdivision ("ADA") dated July 26, 2007 and recorded in the office of the Garfield County Clerk and Recorder on May 15, 2008 as Reception Number 748619; and

WHEREAS, on or about July 26, 2010, the Board approved Resolution 24, Series of 2010, a resolution approving a 1st Amendment to the SIDA, recorded in the office of the Garfield County Clerk and Recorder on September 27, 2010 as Reception Number 791968; and



WHEREAS, on or about February 8, 2016, the Board approved Resolution 3, Series of 2016, a resolution approving a 2nd Amendment to the SIDA for the Painted Pastures subdivision, recorded in the office of the Garfield County Clerk and Recorder on March 30, 2016 as Reception Number 875325; and

WHEREAS, on or about February 13, 2017, the Board approved Resolution 5, Series of 2017, a resolution approving an Amended and Restated Annexation and Development Agreement for Painted Pastures subdivision, recorded in the office of the Garfield County Clerk and Recorder on March 14, 2017, as Reception No. 890118; and

WHEREAS, on or about January 24, 2019, Owner submitted to the Town an application for a 2nd Amended and Restated Annexation and Development Agreement, requesting extension of vested rights for a period of three years; and

WHEREAS, on or about January 24, 2019, Owner submitted to the Town an application for a 3rd amendment to the SIDA, requesting allowance for the Town to issue up to thirty-six certificates of occupancy for Painted Pastures Phase I, prior to construction of the State Highway improvements as contemplated in this agreement; and

WHEREAS, the Owner and the Town now desire to enter into this 3rd Amendment to the Subdivision Improvements and Development Agreement (“3rd Amendment”) in order to set forth certain conditions related to the Town’s issuance of certificates of occupancy within the subdivision.

NOW, THEREFORE, the Board of Trustees has determined that the 3rd Amendment to the Painted Pastures SIDA is hereby approved according to the following conditions:

Section 1

The 3rd Amendment to the Painted Pastures SIDA is approved and attached hereto as Exhibit B.

Section 2

The 3rd Amendment to the Painted Pastures SIDA is to be used in concert with the Painted Pastures SIDA, the 1st Amendment to the Painted Pastures SIDA, and the 2nd Amendment to the Painted Pastures SIDA, except as expressly stated in the 3rd Amendment to the Painted Pastures SIDA.

INTRODUCED, READ, PASSED AND ADOPTED at a regular meeting of the Board of Trustees of the Town of Silt, Colorado held on the 25th day of February 2019.



Reception#: 919002
04/09/2019 10:21:02 AM Jean Alberico
4 of 8 Rec Fee:\$48.00 Doc Fee:0.00 GARFIELD COUNTY CO

Exhibit A

Single-Family Lots 1-107, including Open Space Parcels and Rights-of-Way, Painted Pastures Final Plat as recorded May 15, 2008 as Reception No. 748623

Multi-Family Lots 1001 – 1006 (48 units), Painted Pastures Amended Final Plat as recorded August 9, 2009 as Reception No. 773723

TOWN OF SILT,
COUNTY OF GARFIELD,
STATE OF COLORADO

EXHIBIT "B"

3RD AMENDMENT TO THE SUBDIVISION IMPROVEMENTS AND DEVELOPMENT AGREEMENT

FOR PAINTED PASTURES SUBDIVISION

THIS 3RD AMENDMENT TO THE SUBDIVISION IMPROVEMENTS AND DEVELOPMENT AGREEMENT (the "3rd Amendment") is made and entered into this 25th day of February, 2019, by and between the TOWN OF SILT, COLORADO, a Colorado municipal corporation ("Town"), and Raley Ranch Project, L.L.C., a Colorado limited liability company, its successors, assigns, and its legal or other representatives (the "Owner").

RECITALS

WHEREAS, Owner is the owner of certain real property (the "Property") which has been annexed to the Town and is more particularly described upon the final plan for the Painted Pastures Subdivision (the "Subdivision") and which property is more specifically described on **Exhibit A**, attached hereto and incorporated herein by reference; and

WHEREAS, on or about June 11, 2007, the Board of Trustees ("Board") approved Ordinance 19, Series of 2007, recorded in the office of the Garfield County Clerk and Recorder on May 15, 2008 as Reception Number 748619, approving the Raley Ranch Project Annexation, also known as the Painted Pastures Annexation; and

WHEREAS, on or about July 9, 2007, the Board approved Ordinance 20, Series of 2007, recorded in the office of the Garfield County Clerk and Recorder on May 15, 2008 as Reception Number 748620, approving R-2 Medium Density zoning on the Property; and

WHEREAS, on or about November 26, 2007, the Board approved Resolution 50, Series of 2007, recorded in the office of the Garfield County Clerk and Recorder on May 15, 2008 as Reception Number 748622, approving the Painted Pastures Final Plan and Final Plat; and

WHEREAS, on or about November 26, 2007, the Owner and the Town entered into an initial Subdivision Improvements and Development Agreement ("SIDA"), recorded in the office of the Garfield County Clerk and Recorder on May 15, 2008 as Reception Number 748626; and

WHEREAS, on or about May 15, 2008, the Owner and the Town entered into that certain Annexation and Development Agreement for the Painted Pastures Subdivision ("ADA") dated July 26, 2007 and recorded in the office of



the Garfield County Clerk and Recorder on May 15, 2008 as Reception Number 748619; and

WHEREAS, on or about July 26, 2010, the Board approved Resolution 24, Series of 2010, a resolution approving a 1st Amendment to the SIDA, recorded in the office of the Garfield County Clerk and Recorder on September 27, 2010 as Reception Number 791968; and

WHEREAS, on or about February 8, 2016, the Board approved Resolution 3, Series of 2016, a resolution approving a 2nd Amendment to the SIDA for the Painted Pastures subdivision, recorded in the office of the Garfield County Clerk and Recorder on March 30, 2016 as Reception Number 875325; and

WHEREAS, on or about February 13, 2017, the Board approved Resolution 5, Series of 2017, a resolution approving an Amended and Restated Annexation and Development Agreement for Painted Pastures subdivision, recorded in the office of the Garfield County Clerk and Recorder on March 14, 2017, as Reception No. 890118; and

WHEREAS, on or about January 24, 2019, Owner submitted to the Town an application for a 2nd Amended and Restated Annexation and Development Agreement, requesting extension of vested rights for a period of three years, as well as an allowance for an acceleration lane and a turn lane to replace the subdivision's previously approved roundabout; and

WHEREAS, on or about January 24, 2019, Owner submitted to the Town an application for a 3rd amendment to the SIDA, requesting allowance for the Town to issue up to thirty-six building permits and thirty-six certificates of occupancy for Painted Pastures Phase I, prior to construction of the State Highway improvements as contemplated in this Agreement; and

WHEREAS, the Owner and the Town now desire to enter into this 3rd Amendment to the Subdivision Improvements and Development Agreement ("3rd Amendment") in order to set forth certain conditions related to the Town's issuance of certificates of occupancy within the subdivision.

NOW, THEREFORE, for and in consideration of the mutual promises and covenants contained herein, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Town and Owner agree as follows:

3rd AMENDMENT TO THE SUBDIVISION IMPROVEMENTS AND DEVELOPMENT AGREEMENT

ARTICLE 1. CONSTRUCTION OF PAINTED PASTURES PROPOSED ROUNDABOUT AND TRAIL IMPROVEMENTS

Article IV of the 2nd Amendment to the SIDA is hereby amended and restated in its entirety with the following:

Owner shall complete construction on the Painted Pastures Roundabout and Trail Improvements prior to the Town's issuance of the thirty-seventh building permit for a residential unit within the Painted Pastures Subdivision. Town shall not issue a building permit or certificate of occupancy for the thirty-seventh residential unit within the Painted Pastures Subdivision until or unless the Roundabout and Trail Improvements have been completed and have been accepted by the Town and the Colorado Department of Transportation ("CDOT"). Owner shall submit to the Town any and all required Access Permit applications, fees, cost estimates and construction plans that may be required by CDOT for the Town's review and approval at least forty-five days prior to submittal to CDOT in order to effect the construction of the Roundabout and Trail Improvements as required herein.

ARTICLE II. EFFECT

All other terms and conditions of the SIDA, the 1st Amendment to the SIDA, and the 2nd Amendment to the SIDA, except as expressly amended herein, shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have executed this 3rd Amendment as of the day and year first above written.

TOWN OF SILT, COLORADO

By Keith B Richel
Keith Richel, Mayor

ATTEST:

Sheila M. McIntyre
Town Clerk Sheila M. McIntyre, CMC



