

**CITY OF LEADVILLE, COLORADO
RESOLUTION NO. 8
Series of 2019**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
LEADVILLE, COLORADO CONDITIONALLY APPROVING THE
LEADVILLE RAILYARD, FILING 1, COMBINED PRELIMINARY PLAN
AND FINAL PLAT AND APPROVING A SUBDIVISION
IMPROVEMENT AGREEMENT BY AND BETWEEN THE CITY OF
LEADVILLE AND THE DEVELOPER OF LEADVILLE RAILYARD,
FILING 1, COMBINED PRELIMINARY PLAN AND FINAL PLAT**

WHEREAS, the City of Leadville is authorized pursuant to Title 31, Article 23, C.R.S. and the City of Leadville Subdivision Regulations, codified at Chapter 16 of the Leadville Municipal Code, to regulate the subdivision of land; and

WHEREAS, PEL•ONA Architects & Urbanists (the “Applicant”), on behalf of High Country Developers, LLC, a Colorado limited liability company, as the property owner (the “Owner/Developer”), has submitted an application for approval by the City of Leadville of a combined preliminary plan and final plat in accordance with Section 16.20.020(C) of the Leadville Municipal Code (the “Final Plat”) for property legally described in **Exhibit A**, attached hereto and incorporated herein (the “Property”); and

WHEREAS, a copy of the Final Plat is on file with the City Clerk and is incorporated into this Resolution by reference; and

WHEREAS, the Final Plat subdivides the Property into lots, blocks and tracts as depicted therein; and

WHEREAS, the Leadville Planning and Zoning Commission considered the Final Plat during a duly noticed public hearing held and conducted on May 22, 2019, and continued to May 29, 2019, and following such hearing recommended conditional approval of the Final Plat to City Council; and

WHEREAS, the City Council considered the Final Plat during a duly noticed public hearing conducted on June 4, 2019; and

WHEREAS, City Council’s public hearing on the Final Plat has been concluded; and

WHEREAS, the administrative record for this case includes, but is not limited to, the City of Leadville Subdivision Regulations, the Leadville Municipal Code, City of Leadville Comprehensive Plan, all other applicable ordinances, resolutions and regulations, the staff files and reports of the Planning case managers for this case, including RG & Associates and Community Planning Strategies, any and all submittals by the Applicant, Owner/Developer, and members of the public, and the tape recordings and minutes of both the Planning and Zoning Commission and City Council meetings at which this application was considered; and

WHEREAS, the Applicant and Owner/Developer have agreed to all conditions of approval as stated in this Resolution; and

WHEREAS, the City Council has determined that the Final Plat meets all applicable requirements of the City of Leadville Subdivision Regulations and advances the public health, safety, convenience and general welfare of the residents of the City, subject to the conditions of approval as hereinafter delineated; and

WHEREAS, Section 16.36.010 of the Leadville Municipal Code (“LMC”) does not permit the approval of a subdivision application unless and until a subdivision improvement agreement executed by the Owner/Developer is completed and presented to the City Council for review and consideration; and

WHEREAS, specifically, Section 16.36.010(A) states as follows:

“For any subdivision for which public improvements are to be constructed (either on-site or off-site), no subdivision approval shall be granted by the city unless and until a subdivision improvement agreement executed by the landowner, applicant and developer is completed and presented to the city council for review and consideration”; and

WHEREAS, the City Council desires to approve the Subdivision Improvement Agreement for the public improvements associated with the Property in the form on file with the City Clerk, a copy of which has been presented to City Council for review and consideration at City Council’s July 2, 2019 regular meeting (the “SIA”); and

WHEREAS, the City Council finds that the SIA conforms to the requirements set forth in Section 16.36.010(B) of the Code; and

WHEREAS, the City Council desires to conditionally approve the Final Plat and approve the SIA in the form presented to City Council and on file with the City Clerk.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Leadville, Colorado as follows:

Section 1. The foregoing recitals are incorporated herein by reference as findings and determinations of City Council.

Section 2. The City Council hereby finds that the evidence presented to City Council at the public hearing was competent and sufficient to establish that the applicable standards set forth in Section 16.12.080 of the LMC (“Standards for approval of a major subdivision”) were satisfied. The City Council hereby conditionally approves the Final Plat, subject to the Conditions of Approval set forth in Section 4 of this Resolution below.

Section 3. The City Council hereby (a) approves the SIA with the Developer in substantially the form on file with the City Clerk’s office and presented to City Council at the

July 2, 2019 regular meeting, a copy of which is incorporated herein by reference; (b) authorizes the City Administrative Services Manager and the City Attorney, in consultation with the Mayor, to make such changes as may be necessary to correct any non-material errors or language in the SIA that do not increase the obligations of the City; and (c) authorizes the Mayor to execute the SIA when in final form and following the date on which the applicable conditions set forth in Section 4 of this Resolution below have been satisfied. Following mutual execution of the SIA between the City and High Country Developers, LLC, the SIA shall be recorded in the real property records of Lake County, Colorado. The SIA shall be recorded on the same date that the Final Plat is recorded, as authorized by Section 7 of this Resolution below.

Section 4. That the Final Plat designated as the Leadville Railyard, Filing 1, a Re-Plat of Lot 1, Leadville Railyard, be approved subject to the following conditions of approval:

- a. The Applicant and Owner/Developer shall resolve and correct any technical issues as directed by City staff and City consultants prior to submitting the Final Plat in mylar form to the City; and
- b. The Applicant and Owner/Developer shall pay all fees and costs incurred by the City and its consultants in reviewing and processing the Final Plat application; and
- c. That the Owner/Developer execute the Escrow Agreement (as defined in the SIA) within sixty (60) days following the effective date of the SIA.
- d. That no building permits shall be issued for any structure within the boundaries of the Property until such time as the Escrow Agreement has been fully executed and the Escrow Funds are on deposit with the City.
- e. The Applicant and Owner/Developer shall satisfy all additional specific conditions on approval of the Final Plat, as specifically set forth in **Exhibit B**, attached hereto and incorporated herein.

(collectively, the "Conditions of Approval").

Section 5. The City Council hereby finds and determines that the Conditions of Approval are necessary to protect the health, safety and welfare of the City and its residents.

Section 6. Subject to review and approval of the Final Plat mylar by the City, including the City's planning consultant and City Attorney, and following the date on which all applicable Conditions of Approval have been satisfied, the Mayor shall be authorized to sign the Final Plat mylar.

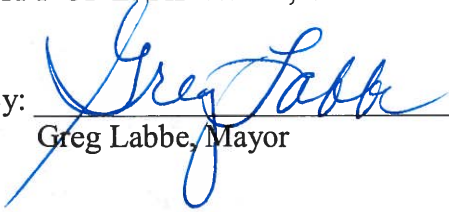
Section 7. Approval of the Final Plat shall be deemed effective upon signing by the Owner/Developer and Mayor in conformance herewith and recording of said Final Plat with the Lake County Clerk and Recorder's Office.

Section 8. Effective Date. This Resolution shall take effect upon its adoption by the City Council.

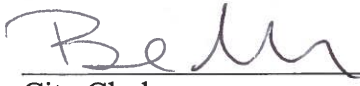
0 ADOPTED the 2 day of July, 2019, by a vote of 7 in favor, 0 against, and 0 absent.

CITY OF LEADVILLE, COLORADO

By: _____


Greg Labbe, Mayor

ATTEST:



City Clerk

Exhibit B

Additional Conditions of Approval

1. The updated Mineral Belt Trail Easement shall be executed and recorded with the Lake County Clerk and Recorder prior to recording of the Final Plat.
2. Variances for all design standards not met by the design shall be approved or approved with conditions by the City of Leadville City Council; for any variance request denied by City Council, the applicant must meet the City's design standards.
3. The Final Plat shall be revised as necessary to properly show a two-foot (2') buffer and eight-foot (8') sidewalk along the western property boundary adjacent to Highway 24 as discussed in the January 2, 2018 public meeting.
4. A note shall be added to sheet one of the Final Plat stating: Vehicular access to 13th Street shall be provided from the alley east of Lot 1, Block 1 with final alignment determined by review of updated trip generation information or a traffic study conformance letter submitted at the time of site plan review for Lot 1, Block 1.
5. A note shall be added to sheet one of the Final Plat stating: Concerning Detention Basin Pond 1 ("Pond 1") located within Lot 1, Block 1 and Detention Basin Pond 2 ("Pond 2") located within Outlot A, the Owner/Developer or Owner/Developer's successors or assigns shall:
 - a. Update Pond 1 five (5) years after the recordation of the Final Plat to meet the then-current Urban Storm Drainage Criteria Manual standards if at that time such Pond 1 remains in use and underground drainage facilities, as contemplated by the Final Plat application, have not yet been constructed; and
 - b. Update Pond 2 ten (10) years after the recordation of the Final Plat to meet the then-current Urban Storm Drainage Criteria Manual standards if at that time such Pond 2 remains in use and underground drainage facilities, as contemplated by the Final Plat application, have not yet been constructed.
6. A note shall be added to Sheet one of the Final Plat stating: All nonresidential uses shall be subject to site plan review and approval by the City prior to issuance of building permits for the applicable non-residential lots. The note shall be in a form acceptable to the City.

Exhibit A

Legal Description

LOT 1, LEADVILLE RAILYARD MINOR PLAT, LOCATED IN THE NE ¼ OF SECTION 23, THE SW ¼ OF SECTION 13, THE SE ¼ OF SECTION 14, AND THE NW ¼ OF SECTION 24, TOWNSHIP 9 SOUTH, RANGE 80 WEST OF THE 6TH PRINICIPAL MERIDIAN, CITY OF LEADVILLE, LAKE COUNTY, STATE OF COLORADO

Consisting of 37.21 acres, more or less.