

**CITY OF LEADVILLE, COLORADO  
RESOLUTION 17  
Series of 2017**

**A RESOLUTION OF THE CITY COUNCIL OF THE  
CITY OF LEADVILLE, COLORADO ACKNOWLEDGING EXECUTION  
OF PARKVILLE WATER DISTRICT WATER LINE EXTENSION  
AGREEMENT FOR CERTAIN PROPERTY DESCRIBED AS RAILYARD  
@ LEADVILLE**

WHEREAS, the Railyard @ Leadville property (also known as Railroad Property Annexation Nos. 1 – 4), consisting of 44.1 acres more or less, including certain rights-of-way, was annexed to the City of Leadville by Ordinance No. 1, Series 2017, adopted January 24, 2017 and recorded in the real property records of Lake County, Colorado on March 16, 2017 at Reception No. 369783;

WHEREAS, the Subject Property is currently zoned Highway-Commercial; and

WHEREAS, the Subject Property is owned by High Country Developers, LLC, a Colorado limited liability company (“Owner”); and

WHEREAS, Owner has submitted an application for PUD Overlay District zoning; and

WHEREAS, the Leadville Planning and Zoning Commission (“Planning Commission”) accepted the rezoning application as complete on August 23, 2017; and

WHEREAS, Owner has not yet submitted a sketch plan or initiated the subdivision of the Subject Property, except for the Leadville Railyards Minor Subdivision Plat, which will, at the request of the Owner, not be recorded in the Lake County real property records; and

WHEREAS, other than the minor subdivision referenced above, Owner has not initiated any other subdivision or platting of the Subject Property;

WHEREAS, the Owner desires to extend certain water mains through portions of the Subject Property in the fall of 2017, prior to final consideration of the PUD Overlay District zoning for the Subject Property by City Council and prior to submittal of a subdivision application for the Subject Property; and

WHEREAS, the Owner has entered into a Water Line Extension Agreement with the Parkville Water District dated August 16, 2017 (the “Extension Agreement”); and

WHEREAS, a copy of the Extension Agreement is on file in the City Clerk’s office; and

WHEREAS, Section 3.6 of the Extension Agreement requires that Owner obtain approval of the final plans and specifications (related to the water mains) from Parkville Water District; and

WHEREAS, City Council desires to formally acknowledge: (1) the execution of the Extension Agreement by the Owner and Parkville Water District; and (2) Owner's request to proceed with water line installation prior to the City of Leadville considering the PUD Overlay District zoning or any final plat(s) for the Subject Property.

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

**Section 1.** The City Council hereby acknowledges receipt of the Extension Agreement between the Owner and the Parkville Water District.

**Section 2.** The City Council acknowledges the Owner's request to proceed with water line installation prior to: (a) City Council approval of the PUD Overlay District zoning associated with the Subject Property; and (b) City approval of any sketch plan, preliminary plat, or final plat associated with the Subject Property.

**Section 3.** Any and all costs or expenses associated with the relocation or removal of the water lines to be installed by Owner following the date of installation under the applicable terms of the Extension Agreement shall be borne by Owner exclusively, including any and all costs and expenses incurred as a result of the water lines being installed prior to approval of the PUD Overlay District zoning or final plat(s) for the Subject Property. The City of Leadville shall have no liability for Owner's election to install water lines prior to the approval of PUD Overlay District zoning or platting for the Subject Property. If the relocation or removal of the water lines installed by Owner is necessitated by the final plat(s) approved for the Subject Property or the PUD Overlay District zoning ultimately approved by City Council, the City shall not participate or share in any such costs, but all such costs and expenses shall be borne exclusively by the Owner, or Owner's successors or assigns.

**Section 4.** Section 16.12.070(c)(3) of the Leadville Municipal Code (*Final plat – Contents of application*) requires, as part of the final plat application, the submittal of a final utility plan for delivery of water, sewer and electric services to and throughout the Subject Property. City Council hereby confirms that as of the date of this Resolution, Owner has not submitted a final plat application or final utility plan to the City for review.

**Section 5.** **Effective Date.** This Resolution shall take effect upon its adoption by the City Council.

ADOPTED the 5<sup>th</sup> day of September, 2017, by a vote of 7 in favor, 0 against, and 0 absent.

CITY OF LEADVILLE, COLORADO

By: Greg Labbe  
Greg Labbe, Mayor

ATTEST:

Be...  
City Clerk