

**TOWN OF SILT
RESOLUTION NO. 5
SERIES OF 2023**

**A RESOLUTION APPROVING THE FINAL PLAT FOR THE AUTUMN RIDGE
MINOR SUBDIVISION 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, on or about July 29, 2022 John and Joy Zeller, Deric Walter and David C. Moore, as owners of the subject property have applied for a Minor Subdivision Approval for property 3.07 acres in size located at 88321 Highway 6 and 24 in the Town of Silt, and more particularly described on **Exhibit A**, attached hereto; and

WHEREAS, on or about January 22, 1990 the Board of Trustees of the Town of Silt adopted Ordinance 1 – Series of 1990 annexing the subject property and such documents were later recorded with the Garfield County Clerk and Recorder on March 16, 1990 as Reception No. 410683; and

WHEREAS, on or about January 22, 1990 the Board of Trustees of the Town of Silt approved the Annexation Map for the subject property and such documents were later recorded with the Garfield County Clerk and Recorder on March 16, 1990 as Reception No. 410682; and

WHEREAS, following a public hearing on or about September 6, 2002, the Town of Silt Planning and Zoning Commission approved the Sketch Plan for the Autumn Ridge Minor Subdivision with conditions; and

WHEREAS, on or about January 9, 2023 the Board of Trustees held a public hearing on the Final Plat for the Autumn Ridge Minor Subdivision reviewing the proposed final plat establishing two (2) lots for the subject property; and

WHEREAS, on or about January 9, 2023, the Board approved the Final Plat for the Autumn Ridge Minor Subdivision and directed the staff to draw up a Subdivision Improvements Agreement related to the installation of infrastructure and utilities for the subject property; and



WHEREAS, following a public hearing, on January 9, 2023, the Board of Trustees has determined that it is in the best interest of the Town to approve the Final Plat for the Autumn Ridge Minor Subdivision 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 Final Plat for the Autumn Ridge Minor Subdivision is hereby approved 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 a Subdivision Improvements Agreement ("SIA") and the same is approved by the Board at a public meeting; and
4. That the applicant shall be required to obtain a Site Plan Review Approval or further subdivision approvals for Lot 2 if they wish to build more than two (2) dwelling units; and
5. That the applicant update the signature block in the Certificate of Dedication and Ownership for the new owning entity and such administrative documents as an updated Title Commitment, statement of Authority and Operating Agreement for the LLC and they are subject to approval of the Town Attorney; and
6. That the shares in the Lower Cactus Valley Ditch be dedicated to the town and that the town lease back the shares to the owner for no cost except for the payment of assessments to the Lower Cactus Valley Ditch; and
7. That the plat notes # 3 and # 5 related to responsibility for repairing damages to utility easements and clarifying rights of the owner of lot 2 to utilize such easements will be revised to the satisfaction of the Town Attorney; and



8. That the proposed ditch maintenance easement depicted on the final plat be reviewed and approved by the Lower Cactus Valley Ditch Company (a.k.a. Grand River Ditch Company); and
9. That the dedication of the 10-foot utility easement on the east side of the property be clarified that it runs in the favor of Lot 1 and that the proper dedication be added to the Certification; and
10. That the location of the PSCo easement recorded at Book 539, Page 382 be clarified and if located outside of the subject property that it be removed from the updated Title Commitment; and
11. That the easement across the property in favor of the Town of Silt recorded in Book 741, page 946 be identified on the plat with the proper callout; and
12. That the applicant provide an updated Access Permit from the Colorado Department of Transportation for any development on the property; and
13. That any conditions from the town's contract engineer related to the final civil drawings be considered conditions of approval and be incorporated into the Subdivision Improvements Agreement or any other document as determined by the Town Attorney.
14. Applicant pays any dedication or impact fees required under the Town Code
15. That prior to recordation of the final plat, the waterline either be moved to a location on Lot 1 or that an easement be depicted on the plat encompassing the waterline.

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 9th day of January, 2023.

ATTEST:


Town Clerk Sheila M. McIntyre, CMC

TOWN OF SILT

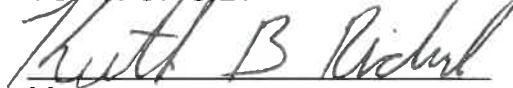

Mayor





Exhibit A Legal Description

A tract of land in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 10, Township 6 South, Range 92 West of the 6th P.M., in Garfield County, Colorado and being more particularly described as follows:

Beginning at a point on the Northerly Right-of-Way line of U.S. Highway 6 & 24 at its intersection with the Westerly line of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ said Section 10 and from which the monument at the intersection of the centerlines of Main Street and 9th Street in the Town of Silt bears S. 88°12'37" W. a distance of 1357.15 feet;

thence North along the Easterly line of that real property described in Book 575 at Page 39, Garfield County records, and continuing North along the Easterly line of Block 3 of the J-C Addition to the Town of Silt, for a distance of 281.43 feet to the Southwest corner of the Mazuchi Addition Filing No. 1 to the Town of Silt;

thence S. 77°48'08" E. and along the Southerly line of the said Mazuchi Addition Filing No. 1, a distance of 119.33 feet;

thence S. 84°24'09" E. and continuing along the Southerly line of said Mazuchi Addition Filing No. 1, and along the Southerly line of the Mazuchi Addition Filing No. 2, a distance of 231.53 feet;

thence S. 70°36'36" E. and along the Southerly line of the said Mazuchi Addition Filing No. 2 a distance of 246.96 feet to the Northwest corner of the Country Cousin Addition to the Town of Silt, recorded as Document No. 284727, Garfield County records;

thence S. 03°37'00" W. and along the Westerly line of said Country Cousin Addition, a distance of 155.15 feet to a point on the Northerly Right-of-Way line of said Highway 6 & 24;

thence N. 89°41'15" W. a distance of 6.83 feet; thence continuing along said Northerly Right-of-Way line N. 89°40'42" W. a distance of 563.41 feet to the point of beginning.