

**TOWN OF NEW CASTLE, COLORADO
RESOLUTION NO. TC 2022-18**

A RESOLUTION OF THE NEW CASTLE TOWN COUNCIL APPROVING A
SUBDIVISION IMPROVEMENTS AGREEMENT FOR LAKOTA CANYON RANCH
FILING 6B1

WHEREAS, RG Lakota I, LLC (“Applicant”), is the owner of certain real property located within Lakota Canyon Ranch in the Town of New Castle, Colorado, more particularly described on **Exhibit A** hereto (the “Property”); and

WHEREAS, the Property constitutes a portion of Filing 6 (also known as Deer Valley) of the Lakota Canyon Ranch PUD, which filing was approved by Ordinance No. 2007-16, recorded on February 4, 2008, at Reception No. 742255; and

WHEREAS, Filing 6 was approved for the phased subdivision and development of up to 81 lots; and

WHEREAS, a final plat for Filing 6A containing 32 lots was previously approved and recorded, leaving 49 lots available for development in Filing 6B; and

WHEREAS, Applicant desires to split Filing 6B into two phases; and

WHEREAS, Applicant has submitted a land use application to the Town seeking approval of a final plat (the “Final Plat”) to subdivide the Property into 26 single-family lots (“Filing 6B1”) and Future Filing 6B2; and

WHEREAS, pursuant to Ordinance 2007-16, the Filing 6B1 plat may be approved administratively, provided that Town Council approves a subdivision improvements agreement for the filing by resolution; and

WHEREAS, Town Council now desires to approve the Subdivision Improvements Agreement for Lakota Canyon Ranch Filing 6B1 (the “SIA”) attached hereto as Exhibit B as provided in this Resolution.

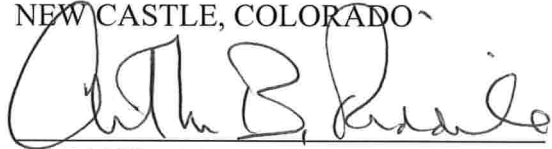
NOW, THEREFORE, BE IT RESOLVED BY THE NEW CASTLE TOWN COUNCIL:

1. Recitals. The foregoing recitals are incorporated by reference as findings and determinations of the Council.
2. Approval of SIA. Town Council hereby approves the SIA in substantially the form attached as Exhibit B, subject to non-substantive edits approved by the Town Attorney, and the Mayor is hereby authorized to sign the same on behalf of the Town. Approval of the SIA is subject to the following conditions:

- A. All representations of the Applicant made verbally or in written submittals presented to the Town in conjunction with its application and before Town Council shall be considered part of the application and binding on the Applicant.
 - B. The Applicant shall comply with all applicable building, residential, electrical, and municipal code requirements when developing the Property.
 - C. Applicant shall comply with all applicable conditions and requirements set forth in Ordinance 2007-16 and the PUD Plan for Filing 6.
 - D. Within thirty (30) days of recording the Filing 6B1 Final Plat, Applicant shall submit a revised and updated subdivision exemption/exclusion map (the "Exemption Map") depicting all approved lots and boundary line adjustments within the Lakota Canyon Ranch PUD as of the date of the submittal. The Exemption Map may be approved on an administrative level and recorded in the real estate records of Garfield County without further action by the Planning Commission or Town Council, provided that such Exemption Map shall not create any new lots or parcels or redefine the boundaries of such parcels.
 - E. Prior to the issuance of the first building permit within Filing 6B1, Applicant shall conduct or cause to be conducted any grading, vegetation removal or trimming, and/or other maintenance needed to make those emergency access roads adjacent to Filing 6B1 passable in the event of an emergency. Such emergency access roads are those roads address in the Emergency Access Easement Agreement recorded at Reception No. 618292 that benefits the Property. Town staff and the fire marshal shall approve the condition of the emergency access roads prior to issuance of the first building permit.
 - F. Applicant shall pay all impact fees, including, but not limited to, water rights dedication fees, tap fees, and recreation fees, as provided in the SIA.
 - G. Applicant shall address the comments and concerns of the Town Engineer and Public Works Director to the satisfaction of Town staff and update its development plans and cost estimate accordingly prior to recordation of the SIA and Final Plat.
 - H. The SIA shall be recorded along with the Final Plat, which Final Plat shall be approved by Town staff and the Town Attorney.
 - I. Applicant shall reimburse the Town for any and all expenses incurred by the Town regarding this approval, including without limitation all costs incurred by the Town's outside consultants such as legal and engineering costs.
4. Effective Date. This Resolution shall take effect upon passage.

INTRODUCED, PASSED, AND ADOPTED by a vote of ___ to ___ at a regular meeting of the New Castle Town Council held on June 21, 2022.

TOWN COUNCIL OF TOWN OF
NEW CASTLE, COLORADO



Art Riddile, Mayor

ATTEST:

 CMC
Melody Harrison, Town Clerk



EXHIBIT A
Legal Description

Future Filing 6B,
Lakota Canyon Ranch, Filing 6A according to the plat thereof recorded February 4,2008 at
Reception No. 742260

Less and except the following:

The following lots described in that certain Final Plat Lakota Canyon Ranch, Filing 6A and located
in the County of Garfield, State of Colorado:

LOT 9: A RESUB OF PARCEL C3, BNDY LINE ADJ PLATE OF PARCEL A1, A1-2 &C3

LOT 13: A RESUB OF PARCEL C3, BNDY LINE ADJ PLATE OF PARCEL A1, A1-2 &C3

LOT 15: A RESUB OF PARCEL C3, BNDY LINE ADJ PLATE OF PARCEL A1, A1-2 &C3

LOT 16: A RESUB OF PARCEL C3, BNDY LINE ADJ PLATE OF PARCEL A1, A1-2 &C3

LOT 17: A RESUB OF PARCEL C3, BNDY LINE ADJ PLATE OF PARCEL A1, A1-2 &C3

LOT 25: A RESUB OF PARCEL C3, BNDY LINE ADJ PLATE OF PARCEL A1, A1-2 &C3

LOT 30: A RESUB OF PARCEL C3, BNDY LINE ADJ PLATE OF PARCEL A1, A1-2 &C3

LOT 31: A RESUB OF PARCEL C3, BNDY LINE ADJ PLATE OF PARCEL A1, A1-2 &C3

EXHIBIT B
Subdivision Improvements Agreement