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**RESOLUTION NO. 1608**

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**A RESOLUTION OF THE GOLDEN CITY COUNCIL  
APPROVING THE CANYON VIEW SUBDIVISION FILING NO.  
3 FINAL PLAT AND AUTHORIZING THE EXECUTION OF A  
SUBDIVISION DEVELOPMENT AGREEMENT WITH RESPECT  
THERE TO**

WHEREAS, the Brickyard Holdings LLC (subdivider) has submitted a proposed final subdivision plat for property within the City of Golden, State of Colorado, entitled Canyon View Subdivision Filing No. 3; and


WHEREAS, the City of Golden Planning Commission conducted a public hearing on Case No. PC 05-32, the Preliminary Plat for Canyon View Subdivision Filing No. 3 on August 17, 2005 and recommended to the City Council that the Preliminary Plat be approved, and City Council approved the Preliminary Plat on September 8, 2005; and

WHEREAS, the City of Golden Planning Commission conducted a public hearing on Case No. PC 05-42, the Final Plat on October 5, 2005 and then on October 27, 2005, the Golden City Council conducted a public hearing upon the proposed Final Plat entitled Canyon View Subdivision Filing No. 3.

THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GOLDEN, COLORADO:

Section 1. The Final Plat for Canyon View Subdivision Filing No. 3 is hereby approved subject to the following conditions:

- a. The subdivider shall pay a cash fee in the amount of \$228,300.00 for the pro-rata share in the cost of improvements to the City's water tank servicing this site. The cash fee shall be paid prior to the issuance of a grading permit for the site.
- b. The subdivider shall pay a cash fee in lieu of providing a school land dedication of \$37,018.00 prior to recording the final plat. The requirement is in accordance with the city subdivision ordinance and annexation agreement.
- c. The subdivider shall pay a cash fee in lieu of providing water rights of \$4,400 per dwelling unit and an additional \$500 per thousand square feet of common irrigated landscape, in accordance with city subdivision ordinance and annexation agreement. These fees are valid for up to one year from the final plat approval and after such time will be recalculated as per the Kilgroe Annexation No. 3 Official Development Plan.
- d. The subdivider shall pay applicable fees incurred as a result of the application approval, including, but not limited to, utility, remapping, public land dedication, cash-in-lieu fees, legal notice and legal review, and recording fees.
- e. The subdivider shall submit, within ninety (90) days of the date of this approval, all documents required by the Golden Municipal Code for finalization of the subdivision plat.


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- f. Within ninety (90) days of the date of this resolution the subdivider shall execute a subdivision development agreement in a form satisfactory to the city attorney which shall provide, inter alia, that the subdivider(s) shall design, construct, install and warrant all public improvements on the property or otherwise serving the property at the developer's expense and provide financial surety, performance and maintenance guarantees for the same in a form and with such guarantor as may be satisfactory to the city attorney and city manager, including but not limited to the following improvements:
1. Domestic water and wastewater facilities as are necessary to serve the subdivision, said design and construction to be in accordance with plans approved by the city engineer, as in conformance with the city's engineering regulations.
  2. The design and construction of all streets, trails, and sidewalks within the subdivision. The design and construction shall be in accord with the plans approved by the city engineer, as in compliance with the city's engineering regulations.
  3. All drainage systems, including erosion abatement as are necessary to serve the subdivision, said design and construction to be in accord with the plans approved by the city engineer, as in compliance with the city's engineering regulations. Off-site drainage systems in designated easements shall consist of storm drainage detention and release facilities.
  4. Street lighting, street signs, handicap ramps and street intersection, pavement markings, and such other street and sidewalk fixtures as may be required by the city engineer to comply with the city's ordinances and engineering specifications.
  5. Establishment of a Homeowners Association with powers and authority to fulfill its obligations to own and maintain common areas within the subdivision.
  6. In lieu of providing financial surety, performance and maintenance guarantees, the Subdivision Development Agreement may include a provision whereby conveyance of lots or tracts within the subdivision are prohibited, and Certificates of Occupancy withheld, until such time as all public improvements areas required by the Subdivision Development Agreement are fully completed and initially accepted by the city, or the subsequently, the applicant provides the financial surety.

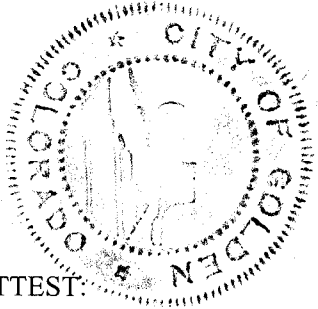
Section 2. The dedication of all streets, avenues, right-of-way, tracts, and easements, and all other places designated for public use as shown upon the final plat of the Canyon View Subdivisions No. 3 is hereby accepted by the City of Golden, subject however, to the condition that the city shall not undertake maintenance of any street or avenue, right-of-way, tract, easement or other place designated for public use until after construction of said public improvement has been satisfactorily completed by the land owner and accepted in writing by the City of Golden.

Section 3. The Mayor and City Clerk are hereby authorized and directed to certify upon the final subdivision plat, the city's approval and acceptance thereof. The City Clerk is hereby authorized and directed to file the subdivision plat with the Jefferson County Clerk and Recorder's office upon fulfillment of all conditions as indicated herein.

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Section 4. Unless otherwise extended by City Council, the approval of the Canyon View Subdivisions Filing No. 3 shall be null and void if the conditions are not complied with within ninety (90) days of the date of this resolution.

Adopted this 10th day of November, 2005.



C. J. Baroch  
Charles J. Baroch  
Mayor

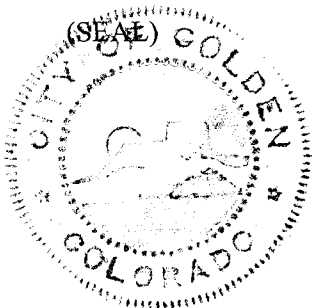
ATTEST:

Susan M. Brooks, MMC  
Susan M. Brooks, MMC  
City Clerk

APPROVED AS TO FORM:

James A. Windholz  
James A. Windholz  
City Attorney

I, Susan M. Brooks, City Clerk of the City of Golden, Colorado, do hereby certify that the foregoing is a true copy of a certain Resolution adopted by the City Council of the City of Golden, Colorado at a regular meeting thereof held on the 10<sup>th</sup> day of November, A.D., 2005.



ATTEST: Dominga Fausle  
Susan M. Brooks, City Clerk of the City of  
Golden, Colorado