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Commissioner Cates moved adoption  
of the following Resolution:

6/11/98

BOARD OF COUNTY COMMISSIONERS

COUNTY OF EAGLE, STATE OF COLORADO

RESOLUTION NO. 98-154

APPROVAL OF AMENDED AND RESTATED PLANNED UNIT  
DEVELOPMENT GUIDELINES OF HOMESTEAD OPEN SPACE

WHEREAS, the Board of County Commissioners of Eagle, State of Colorado ("Board"), is authorized pursuant to C.R.S. §24-67-106, to enforce and modify provisions of a planned unit development; and

WHEREAS, the Board has determined this amendment serves to correct a technical error and is not a substantial modification of the provisions of the Homestead Planned Unit Development; and

WHEREAS, the Board finds that the modification, of the provisions of the plan is consistent with the efficient development and preservation of the entire planned unit development, and does not affect in a substantially adverse manner either the enjoyment of land abutting upon or across a street from the planned unit development or the public interest, and is not granted solely to confer a special benefit upon any person; and

WHEREAS, On May 11, 1981, the Board approved the preliminary plan ("Preliminary Plan") of the Homestead (hereinafter "Homestead PUD"); and

WHEREAS, the balance of the open space provided for by the Preliminary Plan is within or contiguous with Filing 2; and

WHEREAS, the Preliminary Plan for Homestead PUD and the amendments thereto were approved based upon such open space; and

WHEREAS, a PUD Control Guide for the open space is required to conform such space to its zoning pursuant to the Homestead PUD Preliminary Plan approval; and



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WHEREAS, the Planned Unit Development Guidelines of Homestead Open Space and the Homestead Open Space Map were recorded on April 30, 1996, in Book 693 at Page 463; and

WHEREAS, the attached Amended and Restated Planned Unit Development Guidelines of Homestead Open Space is the accurate and correct legal description that coincides with the recorded map; and

NOW, THEN, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF EAGLE, STATE OF COLORADO:

THAT, the Eagle County Board of County Commissioners hereby approves this amended and restated Planned Unit Development guidelines of Homestead Open Space.

THAT, this document shall be recorded in the Records of the Eagle County Clerk and Recorder.

THAT, this resolution is necessary for the health, safety and welfare of the citizens of Eagle County.

MOVED, READ AND ADOPTED by the Board of County Commissioners of the County of Eagle, State of Colorado, at its regular meeting held the 14th day of December, 1998.



ATTEST:

Sara J. Fisher  
Clerk to the Board of  
County Commissioners

COUNTY OF EAGLE, STATE OF  
COLORADO, By and Through Its  
BOARD OF COUNTY COMMISSIONERS

By:

James E. Johnson, Jr., Chairman

George A. Gates  
George A. Gates, Commissioner

Johnette Phillips  
Johnette Phillips, Commissioner

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Commissioner Phillips seconded adoption of the foregoing resolution. The roll having been called, the vote was as follows:


Commissioner James E. Johnson, Jr.

aye  
Commissioner George A. Gates

aye  
Commissioner Johnnette Phillips

aye  
This Resolution passed by 3-0 vote of the Board of County Commissioners of the County of Eagle, State of Colorado.

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**AMENDED & RESTATED  
PLANNED UNIT DEVELOPMENT GUIDELINES  
OF  
HOMESTEAD OPEN SPACE**

**RECITAL**

The Homestead Owners Association, Inc., a Colorado non-profit corporation, and the County of Eagle, State of Colorado, executed and caused to be recorded on April 30, 1996 in Book 693 at Page 463 the Planned Unit Development Guidelines of Homestead Open Space whereas certain restrictions and limitations were imposed upon real property more particularly described therein.

The Homestead Owners Association and Eagle County are desirous to subject all the open space shown on the Homestead Open Space Map to the restrictions of the Planned Unit Development Guidelines of Homestead Open Space.

**PURPOSE**

The purpose of this Guide is to clarify approximately 401 acres of deeded ground for Homestead Open Space described situate, lying and being in the County of Eagle and State of Colorado, to wit:

SECTION 8: E1/2 SE1/4, plus a parcel in SE1/4, NE1/4

SECTION 9: SE1/4 NW1/4, SW1/4 NE1/4, NW1/4 SW1/4, N1/2 SE1/4, SE1/4 SE1/4,  
plus a parcel in SW1/4, NW1/4

SECTION 10: NW1/4 SW1/4

All of Township 5 South, Range 82 West of the 6th P.M., County of Eagle, State of Colorado,

Except a parcel located in Section 9, Township 5 South, Range 82 West of the Sixth Principal Meridian, Eagle County, Colorado according to the Dependent Resurvey and Survey of said Township and Range as approved on September 7, 1977; said parcel being more particularly described as follows:

Beginning at the Northeast Sixteenth Corner of said Section 9; thence along the East line of the Southwest Quarter of the Northeast Quarter (SW1/4,NE1/4) of said Section 9, S.00o52'13"W. 365.00 feet; thence S.89o19'04"W. 365.00 feet; thence N.00o52'13"E. 365.00 feet to a point on the North Line of said SW1/4,NE1/4; thence along said North Line, N.89o19'04"E. 365.00 feet to the point of beginning.

As shown on The Homestead Open Space Map recorded April 30, 1996 in Book 693 at Page 463.



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**ARTICLE I**

**DEFINITIONS**

Section 1. "Open Space" shall mean and refer to all real property described above.

**ARTICLE II**


**RESTRICTIONS**

Section 1. Use of Open Space.

The Open Space will remain in an undisturbed natural state, except as vegetation disturbance is necessary for use by utilities or other public agencies to provide services. Vehicular uses are prohibited in the Open Space with an exception for the reservation of an easement reserved to serve the Allen 80 acre parcel (Legal Description). Recreation Facilities for the benefit of the Homestead Owners Association may be constructed. Any recreational structures would require a Special Use Permit from Eagle County. No use shall be made of the Open Space which in any manner violates the statutes, rules or regulations of any governmental authority having jurisdiction over the Open Space.

The purpose of the above open space is to preserve the land in its predominantly natural undisturbed condition, to provide a natural buffer between developed portions of the Homestead P.U.D. and surrounding wildlife habitat, and to provide open space for use by Homestead Owners Association residents. Permitted uses are as follows:

1. recreation trails
2. equestrian trails
3. picnic tables and related facilities, and
4. utilities, provided they are located within designated easements.

  
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Submitted by THE HOMESTEAD OWNERS ASSOCIATION, INC. a Colorado corporation

ATTEST:

David Elson  
Secretary

By: Bill Andree  
President

STATE OF COLORADO )  
  )ss:  
COUNTY OF EAGLE )

The foregoing instrument was acknowledged before me this 15 day of August, 1998, by The Homestead Owners Association, Inc.

WITNESS my hand and official seal.

My commission expires: 3.8.01

Jeannie J. Hoff  
Notary Public

APPROVED this 4th day of December, 1998.

COUNTY OF EAGLE, STATE OF COLORADO



[Signature]  
James Johnson, Jr., Chairman

ATTEST:

Sara J. Fisher  
Clerk of the Board of County Commissioners

George A. Gates  
George Gates, Commissioner

Johnette Phillips  
Johnette Phillips, Commissioner

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