

RESOLUTION NO. 3-96

A RESOLUTION APPROVING THE OVERALL DEVELOPMENT PLAN OF THE BERTHOUD HEIGHTS EAST P.U.D., A SUBDIVISION OF TRACT "B" OF MOORE ANNEXATION OF THE TOWN OF BERTHOUD, LARIMER COUNTY, COLORADO

WHEREAS, the Board of Trustees and the Planning Commission of the Town of Berthoud have reviewed the Overall Development Plan (ODP) prepared by Messner Engineering Associates for Lawrence L. Bebo and reviewed the Addendum to the Annexation Petition filed for the Moore Annexation as its terms relate to and are incorporated into the ODP;

WHEREAS, Section 30-16-800 of the Town of Berthoud Development Code requires that an application for a Planned Unit Development must have an overall development plan as described in Section 30-16-801; and,

WHEREAS, the Board of Trustees and the Planning Commission have reviewed the ODP of the Berthoud Heights East P.U.D., a Subdivision of Tract "B" of Moore Annexation, Berthoud, Colorado and found it to be in substantial compliance with Section 30-16-801;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF BERTHOUD, LARIMER COUNTY, COLORADO:

1. That upon annexation of the Moore property and in accordance with the Addendum to the Annexation Petition the Town will proceed to zone the property as a Planned Unit Development to be improved in accordance with the ODP of the Berthoud Heights East P.U.D., a Subdivision of Tract "B" of Moore Annexation, Berthoud, Colorado as submitted to the Town of Berthoud on December 19, 1995.

2. The Town reserves the right to reevaluate all or any portion of the ODP of the Berthoud Heights East P.U.D., a Subdivision of Tract "B" of Moore Annexation or the Town of Berthoud Development Code prior to the approval of the Final Development Plans for each phase of Berthoud Heights East P.U.D., a Subdivision of Tract "B" of Moore Annexation.

3. The Town further finds and declares that the ODP for the Berthoud Heights East P.U.D., a Subdivision of Tract "B" of Moore Annexation does not constitute a site specific development plan for any phase of the development until approval is granted to the Final Development Plan for each phase of the Berthoud Heights East P.U.D., a Subdivision of Tract "B" of Moore Annexation Development which may occur subsequent to annexation and zoning. No vested rights shall accrue to the property owner until that time and the property owner understands and has stated that she/he agrees with the Town's position.

This resolution was read, passed, and ordered published by the Board of Trustees of the Town of Berthoud at its regular meeting on February 13, 1996.

DATED this 13th day of February, 1996.

TOWN OF BERTHOUD:


Richard D. Strachan - Mayor

ATTEST:


Mary K. Cowdin - Town Clerk