

4 pg.
No fee

761587

761587
1 of 4

12/12/2019 11:05 AM
R\$0.00 D\$0.00

Debra A Green
Park County Clerk

**PARK COUNTY, COLORADO
BOARD OF COUNTY COMMISSIONERS
Resolution No. 2019-57**

A RESOLUTION APPROVING THE REZONING FROM MINING TO RESIDENTIAL OF PART OF THE SW ¼ OF SECTION 9, TOWNSHIP 9 SOUTH, RANGE 78 WEST, COMMONLY KNOWN AS THE STEPHENS LODGE, MINERAL SURVEY NO. 4053, AND NUMBERED AS 4455 COUNTY ROAD 12, ALMA, COLORADO.

WHEREAS, the Applicant, Michael Florio, has applied to rezone the property described above from Mining to Residential; and

WHEREAS, at a regularly scheduled public meeting of the Park County Board of County Commissioners, preceded by the required public notice, the Board of County Commissioners conducted a public hearing on the application for rezoning at which it reviewed the application and supporting documentation, the recommendations of the Planning Department and the Park County Planning Commission, and considered the testimony of the Applicant and patrons; and

WHEREAS, based on the testimony and evidence presented at the public hearing the Board of County Commissioners determines and finds that compliance with the standards for approval of a rezoning set forth in Section 5-203 of the Park County Land Use Regulations has been demonstrated by clear and convincing evidence.

NOW, THEREFORE, BE IT RESOLVED THAT:

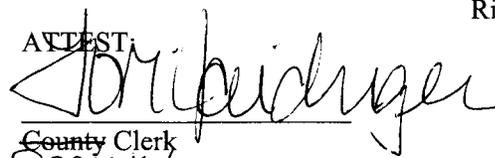
The application to rezone the above-described real property from Mining to Residential is approved with the following conditions:

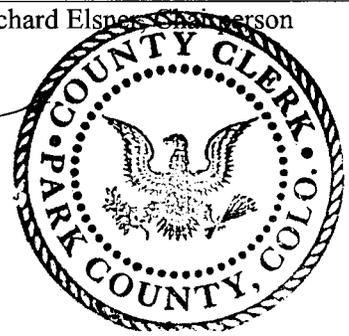
1. Development on the property shall be substantially consistent with Exhibit A, the rezoning site plan prepared by Florio Architecture and dated July 3rd 2019, which is attached to and incorporated into this Resolution.
2. Applicant shall record documentation disclosing the potential for geologic hazards at the property, assuming the risk associated with non-mining use of the property and indemnifying the County from all injury and claims resulting from said use of the property, which documentation shall be satisfactory to the County attorney.
3. Prior to the BOCC considering a final resolution on this application, the applicant shall have obtained the County attorney's approval of the documentation described in condition no. 2, above.

Moved, seconded, and passed this 12th day of December, 2019.

PARK COUNTY BOARD OF COUNTY COMMISSIONERS


Richard Elsnor, Chairman

ATTEST:

County Clerk
Deputy



761587

761587
3 of 4

12/12/2019 11:05 AM
RS\$0.00 D\$0.00

Debra A Green
Park County Clerk

760459

760459
1 of 2

11/4/2019 10:58 AM
RS\$18.00 D\$0.00

Debra A Green
Park County Clerk

DEED RESTRICTIONS

WHEREAS, the undersigned, John Ireland (the "Owner"), is the owner of the following property located in Park County, Colorado ("the Property"):

Legal Description:

The Stephens Lode Mining Claim, U.S. Mineral Survey No. 4053, embracing a portion of Section 9, Township 9 South, Range 78 West of the 6th P.M.

Situs Address:

4455 County Road 12, Alma, Colorado 80420

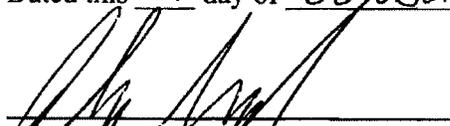
WHEREAS, the Property consists of 10.33 acres previously zoned as Mining; and

WHEREAS, the Park County Board of County Commissioners approved the Owner's application to rezone the Property from Mining to Residential on September 5, 2019, subject to certain conditions.

NOW THEREFORE, the Owner hereby represents, covenants and agrees as follows:

1. The Owner acknowledges the potential for unmapped geologic hazards on the Property and assumes all risks associated with such unmapped geologic hazards.
2. The Owner assumes all risks associated with non-mining use of the Property.
3. The Owner shall indemnify, hold harmless and release the County of Park, its officers, employees, and/or agents from any and all suits, actions, claims, judgements, obligations, or liabilities of every nature and description it may now have, or which it may have in the future related to, or resulting from, the use of the Property as residential.
4. These Deed Restrictions shall run with the land and be binding upon the Owner, tenants and any subsequent owners and tenants, their successors, heirs or assigns. Any lease of said Property also shall be subject to Restrictions contained herein.

Dated this 17 day of October, 2019.



John Ireland, Owner

761587

761587
4 of 4

12/12/2019 11:05 AM
R\$0.00 D\$0.00

Debra A Green
Park County Clerk

760459

760459
2 of 2

11/4/2019 10:58 AM
RS18.00 D\$0.00

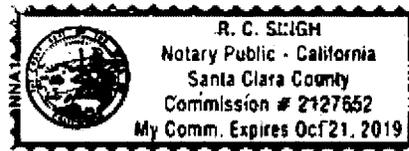
Debra A Green
Park County Clerk

STATE OF COLORADO)
)ss.
COUNTY OF _____)

The foregoing instrument was acknowledged before me this _____ day of _____, 2019,
by John Ireland, an individual.

My commission expires: _____.

(SEAL)



Notary Public

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California, County of Santa Clara)ss. On 10/17/2019 before me R.C. Singh,
Notary Public, personally appeared JOHN IRELAND
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to
the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized
capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of
which the person(s) acted, executed the instrument. I certify, under PENALTY OF PERJURY under the laws of the
State of California that the foregoing paragraph is true and correct. WITNESS my hand and official seal.