

Recorded at 10:47 o'clock A M. December 13, 1993

Reception No. 206134 Andrew E. Perea Recorder.

THE BOARD OF TRUSTEES OF THE TOWN OF LA JARA

COUNTY OF CONEJOS AND STATE OF COLORADO

ORDINANCE NO. 93 -- 1

AN ORDINANCE GRANTING A ZONING CHANGE WITH
RESPECT TO THE APPLICATION FOR A ZONING CHANGE
FILED BY LeROY POLKOWSKE AND JAN POLKOWSKE

WHEREAS, there has been submitted to the Town of La Jara an Application for Zoning Change filed by LeRoy Polkowske and Jan Polkowske, of La Jara, Colorado, hereinafter referred to as "Applicants", with respect to Lots 9 through 37, inclusive, and Tract A of the Sunset Subdivision lying within the incorporated limits of the Town of La Jara as more particularly shown on the recorded plat thereof on file in the Office of the Clerk and Recorder of Conejos County, Colorado, of which the Applicants are the owners thereof and by which they requested that the present zoning classification of "Residential" be changed to "Residential/Mobile Home", and,

WHEREAS, The application was considered by the La Jara Planning Commission at a public meeting thereof held at the La Jara Town Hall on September 22, 1993, after due and proper notice thereof as required by law and Town Ordinance, and

WHEREAS, the Planning Commission has recommended approval of the zoning change as requested by the Applicants, and,

WHEREAS, a public hearing on the zoning change application and for the consideration of the recommendation of the La Jara Planning Commission was held before the Board of Trustees of the Town of La Jara sitting as the Zoning Board of the Town on October 14, 1993, at the Northerners Senior Citizens Center, 413 Main Street, La Jara, Colorado, at 7:00 P.M. after due and proper notice by publication as required by law and the Zoning Ordinance of the Town of La Jara, and

WHEREAS, At such hearing, presided over by the Michael H. Trujillo, Esq., as the Hearing Officer appointed by the Board of Trustees, and at which were present Mayor Atilano S. Mondragon; Trustee Joe Silva, Jr.; Trustee Eddie Sowards; Trustee Larry Buhr; and Trustee Jack Hoogendoorn, (Absent: Trustee Greg Williams) the Applicants and several witnesses appeared in support of such application, and several persons appeared in opposition thereto, all of whom were given an opportunity to give testimony, present evidence, and cross-examine witnesses and voir dire exhibits received in the course of the hearing, and

WHEREAS, at the conclusion of the hearing, the Board of Trustees considered and deliberated in an open public meeting the merits of the Applicants' application, the testimony given and received in support of and in opposition to the zoning change application, the exhibits offered and received in support and in opposition with respect thereto, and

WHEREAS, after consideration and deliberation, it was, resolved, by motion duly made by Larry Buhr, Trustee, and seconded by Eddie Sowards, Trustee, to approve the Application for Zoning Change as requested by the Applicants. A roll-call vote was taken as follows: AYES: Trustees Jack Hoogendoorn; Larry Buhr; Eddie

Sowards; and Mayor Atilano S. Mondragon. NAYS: None. ABSTAINING: Joe Silva, Jr. who declared a conflict of interest.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF LA JARA, COLORADO, AS FOLLOWS:

Section One - Generally: That the Application for Zoning Change submitted by the Applicants, LeRoy Polkowske and Jan Polkowske, requesting a zoning change from the present zoning classification of RESIDENTIAL to RESIDENTIAL/MOBILE HOME be and the same is hereby, granted.

Section Two - Legal Description: The zoning classification change as hereinabove set forth shall pertain to only the following:

Lots 9 through 37, inclusive, and Tract A of the Sunset Subdivision as more particularly shown on the plat thereof as filed for record in the Office of the Clerk and Recorder of Conejos County, Colorado, on the 18th day of September, 1985, under Reception No. 189543 in Book 7 of Plats at Page 152.

Section Three - Protective Covenants: That, in the interest of protecting existing property values and for the purpose of promoting the health, safety, morals and welfare of the present and future inhabitants of the Town residing within the incorporated limits of the Sunset Subdivision, and for the further purpose of promoting coordinated and sound development of the area and to encourage innovation in residential development so that housing demands may be met by a greater variety of types and design of housing units consistent with the Zoning Ordinance and the Building Code of the Town, the Applicants are strongly encouraged to adopt and implement, after consultation with the present owners of property within the subdivision, Protective Covenants Running with the Land to be complied with by future purchasers from and tenants of the Applicants.

Section Four - Compliance: That the zoning classification change as requested by the Applicants is expressly and specifically conditioned on the Applicants, their heirs, personal representatives, successors and assigns at all times hereafter complying with any and all rules, regulations, and provisions of the Zoning Ordinance and the Building Code of the Town of La Jara and all other rules and regulations pertaining to land uses of the new zoning classification as adopted and/or amended from time to time by the Board of Trustees of the Town of La Jara.

Section Five - Authorization: That the Town Clerk of the Town of La Jara be, and she is hereby, authorized to amend the Zoning Map of the Town of La Jara consistent with the changes made to the zoning classification as herein set forth.

Section Six - Validity: If any part or parts of this Ordinance are for any reason held to be invalid, such a decision shall not affect the validity of the remaining portions of this Ordinance. The Board of Trustees hereby declares that it would have passed this Ordinance and each part or parts thereof irrespective of the fact that any one part or parts be declared invalid.

Section Seven - Repeal: Any or all Ordinances or parts of Ordinances of the Town of La Jara, Colorado, in conflict or inconsistent therewith, are hereby repealed, *PROVIDED, HOWEVER*, that the repeal of any Ordinances or parts of Ordinances of the Town of La Jara, Colorado, shall not revive any other section of any Ordinance or Ordinances heretofore repealed or superseded.

Section Eight - Publication: The Town Clerk shall certify to the passage of this Ordinance, cause notice of its contents and

passage to be published as provided by law, and a copy thereof transmitted to the Chairman of the Planning Commission of the Town of La Jara, Colorado.

Section Nine - Effective Date: This Ordinance shall be in full force and effect thirty days after its final passage and publication as provided by law.

PASSED BY THE BOARD OF TRUSTEES OF THE TOWN OF LA JARA, COLORADO, AND SIGNED THIS 10TH OF NOVEMBER, 1993.

THE BOARD OF TRUSTEES OF THE
TOWN OF LA JARA,

By: Atilano S. Mondragon
Atilano S. Mondragon, Mayor



Helen J. Hutchins
Helen J. Hutchins,
La Jara Town Clerk