

**CITY OF CENTRAL, COLORADO
ORDINANCE NO. 14-03**

**AN ORDINANCE EXTENDING THE PERIOD OF VESTED PROPERTY RIGHTS
FOR A SITE SPECIFIC DEVELOPMENT PLAN KNOWN AS THE FINAL PLAT FOR
EUREKA HEIGHTS VILLAGE FILING NO. 2 AND ESTABLISHING AN
EXPIRATION DATE OF SUCH VESTED PROPERTY RIGHTS
OF DECEMBER 31, 2021**

WHEREAS, Prospectors Run LLC (“Applicant”) previously submitted to the City of Central for approval a final plat designated as Eureka Heights Village Filing No. 2 (“Final Plat”) for property legally described as Eureka Heights Village Filing No. 2 Final Plat, City of Central, County of Gilpin, State of Colorado, Reception No. 133771 (the “Property”); and

WHEREAS, the City Council considered and approved the Final Plat on November 28, 2006; said Final Plat was recorded on February 15, 2007 in the real property records of Gilpin County, Colorado at Reception No. 133771; and

WHEREAS, by City of Central Ordinance No. 07-10, the City Council approved the Final Plat as a “Site Specific Development Plan” and thereby approved vested property rights for the Final Plat for a period of three (3) years; and

WHEREAS, subsequent to the City’s approval of the three year vested property rights application, the Applicant sought an extension of such period to a total of five years, which request was granted by the City Council via Ordinance No. 08-06; and

WHEREAS, Ordinance No. 08-06 thus extended the expiration of the vested property rights period associated with the Final Plat to May 26, 2013; and

WHEREAS, in accordance with Section 17-103(b) of the Municipal Code, the Applicant wishes to further extend the vested rights period of the Final Plat to December 31, 2016 due to the poor economy and other factors noted in a letter dated April 26, 2010 from Prospectors Run, LLC to the City of Central; and

WHEREAS, in accordance with Section 17-103(b) of the Municipal Code, the Applicant wishes to further extend the vested rights period of the Final Plat to December 31, 2021 due to the poor economy and other factors noted in a letter dated June 5, 2014 from Prospectors Run, LLC to the City of Central; and

WHEREAS, public notice has been properly given of such proposed Application for Extension of Vested Property Rights Period for the Final Plat by publication in the *Weekly Register Call*, a newspaper of general circulation within the City; and

WHEREAS, a public hearing was held before the City Council on the 9th day of June, 2014, at 6:00 p.m., at which time evidence and testimony were presented to the City Council concerning said Site Specific Development Plan and the extension of vested property rights for a five (5) year period to 2021; and

WHEREAS, pursuant to the authority vested in City Council by Article 68 of Title 24,

C.R.S., as amended, and Article V of Chapter 17 of the Municipal Code, the Council hereby determines that the extension of vested property rights for the Final Plat/Site Specific Development Plan is in conformance with Article V of Chapter 17 of the Municipal Code.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CENTRAL, COLORADO, THAT:

Section 1. The recitals contained above are incorporated herein by reference and are adopted as findings and determinations of the City Council.

Section 2. The City Council hereby reaffirms its approval of the Final Plat of Eureka Heights Village Filing No. 2 as a Site Specific Development Plan within the meaning of Section 24-68-102, C.R.S.

Section 3. The period of vested property rights on the Site Specific Development Plan is hereby extended for an additional two (2) years and seven (7) months period. The period of vested property rights on the Site Specific Development Plan, as granted by Ordinance No. 07-10 and extended by Ordinance No. 08-06 and this Ordinance No. 10-06, shall expire at 5 p.m. on December 31, 2016. Any failure to abide by any of the terms and conditions attendant to this approval shall result in the forfeiture of said vested property rights. Failure to properly record all plats and agreements required of the Applicant to be recorded by the City ordinances, regulations and policies, shall also result in forfeiture of said vested property rights.

Section 4. Approval of the Final Plat as a Site Specific Development Plan shall be subject to all rights of referendum and judicial review; except that the period of time permitted by law for the exercise of such rights shall not begin to run until the date of publication provided for in Section 17-105 of the Municipal Code.

Section 5. Zoning of the Property is not part of this Site Specific Development Plan and therefore no approvals hereunder shall result in the creation of a vested property right with respect to the zoning of the Property.

Section 6. Nothing in this Ordinance shall exempt the Site Specific Development Plan from subsequent reviews and approvals required by this approval or by the general rules, regulations and ordinances of the City, provided that such reviews and approvals are not inconsistent with this approval.

Section 7. The establishment of this vested property right shall not preclude the application of ordinances or regulations which are general in nature and are applicable to all property subject to land use regulations by the City including, but not limited to, building, fire, plumbing, electrical and mechanical codes. In this regard, as a condition of this Site Specific Development Plan approval, the Applicant shall abide by any and all such building, fire, plumbing, electrical and mechanical codes, unless an exemption is granted by the City in writing.

Section 8. As required by Section 17-105 of the Municipal Code, notice of the

approval and creation of vested property rights effected by this Ordinance shall be made by publication by the City Clerk no later than fourteen (14) days following such approval.

Section 9. This Ordinance shall become effective immediately following publication, public hearing and the approval of City Council following second reading in accordance with Sections 5.9 and 5.10 of the City Charter.

INTRODUCED AND READ by title only on first reading at the special meeting of the City Council of the City of Central on the 9th day of June, 2014, at Central City, Colorado.

CITY OF CENTRAL, COLORADO

Ronald E. Engels, Mayor

Approved as to form:

Marcus McAskin, City Attorney

ATTEST:

Reba Bechtel, City Clerk

PASSED AND ADOPTED on second reading, at the regular meeting of the City Council of the City of Central on the 1st day of July, 2014.

CITY OF CENTRAL, COLORADO

Ronald E. Engels, Mayor

ATTEST:

Reba Bechtel, City Clerk

POSTED IN FULL AND PUBLISHED BY TITLE AND SUMMARY in the Weekly Register Call newspaper on June 12, 2014.

POSTED AND PUBLISHED BY TITLE AND SUMMARY AS AMENDED ON SECOND READING in the Weekly Register Call newspaper on July 3, 2014.

CITY OF CENTRAL, COLORADO

Ronald E. Engels, Mayor

ATTEST:

Reba Bechtel, City Clerk