

TOWN OF WINDSOR

ORDINANCE NO. 2017-1551

AN ORDINANCE APPROVING THE AMENDED AND RESTATED GREAT WESTERN ANNEXATION AND DEVELOPMENT AGREEMENT, AND APPROVING EXTENDED VESTED PROPERTY RIGHTS AS SET FORTH THEREIN

WHEREAS, the Town of Windsor (“Town”) is a home rule municipality with all powers conferred under Colorado law; and

WHEREAS, the Town has in place a comprehensive system of land use regulations, the purpose of which is to promote the public health, safety and welfare; and

WHEREAS, the Town Board has by Resolution No. 2017-25 approved that certain Great Western 2nd Annexation Amended Master Plan (“Master Plan Amendment”), which amended that certain Great Western Second, Third & Fourth Annexations Master Plan (collectively and as amended by the Master Plan Amendment, the “Great Western Master Plan”); and

WHEREAS, the Town Board has by Ordinance No. 2017-1549 approved that certain planned unit development zoning for the property described in the Master Plan Amendment (the “PUD Zoning”); and

WHEREAS, the Town Board, Great Western Development Company, Inc. (“Applicant”) and certain affiliates of the Applicant previously have entered into that certain Great Western Annexation and Development Agreement for the property subject to the Great Western Master Plan (as subsequently amended, the “Original Development Agreement”); and

WHEREAS, in light of and relating to the substantial land use changes set forth in the Master Plan Amendment and the PUD Zoning, the Applicant has requested that the Town Board approve and enter into an amendment to, and restatement of, the Original Development Agreement in form and substance as attached hereto as Exhibit A (“Amended and Restated Agreement”); and

WHEREAS, the Applicant has requested that the Town Board approve the Great Western Master Plan, the PUD Zoning and the Amended and Restated Agreement (collectively, the “Development Approvals”) as site specific development plans establishing vested property rights for a term of 25 years in accordance with Section 24-68-101 et seq., C.R.S. and Article XXVI of the Town Municipal Code (collectively, “Vested Property Rights Law”), and pursuant to the terms and conditions of the Amended and Restated Agreement; and

WHEREAS, development of the property subject to the Development Approvals will require investments in public facilities which will serve the needs of the subject property and the Town, completion of these facilities shall require substantial investments by the Applicant, and the Applicant is willing to make such investments only if there are assurances that the development of such property shall be allowed to proceed to ultimate completion as provided in the Amended and Restated Agreement; and

WHEREAS, the Vested Property Rights Law provides for the establishment of vested property rights in order to ensure reasonable certainty, stability and fairness in the land use planning process and in order to stimulate economic growth, secure the reasonable investment-backed expectations of landowners and foster cooperation between the public and private sectors in the area of land use planning, and the Vested Property Rights Law further authorizes the Town Board to enter into development agreements with landowners providing for an extended period of vesting of property development rights; and

WHEREAS, development in accordance with the Development Approvals will provide for orderly growth, ensure reasonable certainty in the land use planning process and otherwise achieve the goals and purposes for which the Vested Property Rights Law was enacted, and these benefits and the other benefits to the Town contemplated by the Amended and Restated Agreement, together with the public benefits served by the orderly development of the subject property, is in the best interest of the Town and furthers the public health, safety, welfare; and

WHEREAS, in accordance with the requirements for approval of site specific development plans, vested property rights and development agreements under the Town Municipal Code, the Town Charter and Vested Property Rights Law, the request has been reviewed by staff, the Town Board has conveyed a public hearing and heard relevant evidence with respects to the merits of such request; and

WHEREAS, based on the evidence presented at the public meeting, the Town Board concludes that the Amended and Restated Development Agreement should be approved, and, based on evidence presented at the public hearing, the Town Board concludes that the Development Approvals should be approved as site specific development plans establishing vested property rights for a term of 25 years pursuant to the terms of the Amended and Restated Agreement and Vested Property Rights Law.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN BOARD OF THE TOWN OF WINDSOR, COLORADO, AS FOLLOWS:

Section 1. Approval of Amended and Restated Agreement:

The Amended and Restated Agreement is hereby approved by the Town Board, and the Mayor and Town Clerk are authorized to execute and deliver the Amended and Restated Agreement, and to cause the Amended and Restated Agreement to be recorded in the real property records of the Clerk and Recorder for Weld County .

Section 2. Approval of Site Specific Development Plans and Vested Property Rights:

The Great Western Master Plan, the PUD Zoning and the Amended and Restated Agreement are hereby approved by the Town Board as site specific development plans pursuant to Vested Property Rights Law, establishing vested property rights for the property subject to such site specific development plans for a term of 25 years, subject to the terms and conditions of the Amended and Restated Agreement.

Introduced, passed on first reading and ordered published this 27th day of November, 2017.

TOWN OF WINDSOR, COLORADO,
a home rule municipality

By: Kristie Melendez
Kristie Melendez, Mayor

ATTEST:

Patti Si



Introduced, passed on second reading and ordered published this 11th day of December, 2017.

TOWN OF WINDSOR, COLORADO,
a home rule municipality

By: Kristie Melendez
Kristie Melendez, Mayor

ATTEST:

Patti Si

