AGENDA ITEM or FINAL CONTRACT REVIEW SUBMITTAL FORM

AgendaTitle:

Action Requested: Motion

Parties to the Agreement:

Term Begins: **Term Ends:** **Grant Contract #:**

Summary:
Attached are the draft minutes from the 12/17/13 meeting.

Fiscal Impact: None.

Submitted by: Katherine Haase **Submitter's Email Address:** khaase@gunnisoncounty.org

Finance Review: ○ Required ◉ Not Required

Comments:

Reviewed by: Discharge Date:

County Attorney Review: ○ Required ◉ Not Required

Comments:

Reviewed by: Discharge Date: Certificate of Insurance Required

Yes ○ No ○

County Manager Review:

Comments:

Reviewed by: GUNCOUNTY1\MBIRNIE Discharge Date: 1/14/2014

○ Consent Agenda ◉ Regular Agenda ○ Worksession Time Allotted:

Agenda Date: 1/21/2014 Follow Up Agenda Date:

Revised April 2013

GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING MINUTES
December 17, 2013

The December 17, 2013 meeting was held in the Planning Commissioners' boardroom in the Blackstock Government Center located at 221 N. Wisconsin Street, Gunnison, Colorado. Present were:

Paula Swenson, Chairperson
Phil Chamberland, Vice-Chairperson
Jonathan Houck, Commissioner
Matthew Birnie, County Manager
Katherine Haase, Clerk to the Board
Others Present as Listed in Text

CALL TO ORDER: Chairperson Swenson called the meeting to order at 8:28 am.

AGENDA REVIEW: Consent Agenda Item #10 was pulled from the Consent Agenda so that action could be taken as the Design Review Committee.

MINUTES APPROVAL: **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to approve the meeting minutes for November 5, 2013 and November 26, 2013, as amended. Motion carried unanimously.

1. Draft Meeting Minutes; 11/5/13. Commissioner Chamberland asked that the minutes reflect the reconvening of the regular meeting after the conclusion of the public hearing. The Board agreed to this ministerial change.
2. Draft Meeting Minutes; 11/26/13. Commissioner Chamberland asked that "baggage bags" be corrected to "baggage tags" within the Gunnison River Valley Local Marketing District discussion. The Board agreed to this ministerial change.

CONSENT AGENDA: **Moved** by Commissioner Houck, seconded by Commissioner Chamberland to approve the Consent Agenda, excluding Item #10. Motion carried unanimously.

1. Acknowledgement of County Manager Authorization to Submit; El Pomar Foundation Grant Application; Gunnison County Oral Health Project; 1/15/14 thru 12/31/14; $20,000
2. Lease Agreement; Community Church of Gunnison; Courtrooms, Meeting Space and Storage at 117 N. Iowa Street, Gunnison, CO 81230; 1/1/14 thru 6/30/15; $33,300
3. Professional Services Agreement; Gunnison Watershed School District RE1J; Services to the Office of Juvenile Services Regarding Assessment, Service Planning, Case Management and Clinical Services to Promote Health and Wellness to Individuals and Families Referred from Gunnison County Family Advocacy and Support Team through the Office of Juvenile Services; 12/17/13 thru 6/30/14
4. Agreement; CML RW Security; Services for Preventative Maintenance to Security Control Systems and Security Equipment at the Gunnison County Detention Center; 12/17/13 thru 12/31/15; $10,997.50
5. Acknowledgment of County Manager Signature; Colorado Department of Public Health and Environment Budget Modification; Immunization Core Services; Purchase Order #OE FHA EPI13000-070; Addition of Supplemental Federal Funds for the Period of 11/15/13 thru 12/31/13; $2,559
6. Ratification of Commissioner Signatures; Employee Length of Service Awards; Jeffery Brekke and James Kint for 30 Years; Deborah Moore, Duane Taramarcaz, Susan MacIntosh, Stella Dominguez and Leanne Lee for 25 Years; Kathy Ashwood, Sean McCormick, Robert Summer and Jeffery Guy for 20 Years; Rachel Magruder, Luke McCrain, Ian Clark and Neal Starkebaum for 15 Years; Frank Vader, Melody Marks, Sharon Deetz, Charles Cadwell, Al Falsetto, Elena Pedersen, Annette Fry, Jill Young, Michelle Spain, Robert Blackett and Sarah Ross for 10 Years; $4,350
7. Agreement for Services; T & A Enterprises, Inc.; Janitorial Services for Offices at 711 Rio Grande, 234 N. Main Street, Suite 3C, and 108 E. Georgia, Gunnison, CO 81230; 12/1/13 thru 3/31/15; $40,000
8. Memorandum of Understanding and Interagency Operating Agreement between Community Options Incorporated and Gunnison Watershed School District (Administrative Unit which provides Child Find in Gunnison and Hinsdale County and includes collaboration with Gunnison County Public Health)
9. Acknowledgment of Deputy County Manager Signature; Amendment 7A to Exhibit B of Service Agreement Dated 7/6/06; 1/1/14 thru 6/30/14; $6,605.56
10. **Pulled for Discussion and Separate Action:** Public Works Department Cold Storage Facility Construction; $85,000
11. Acknowledgement of County Manager Signature; Preconstruction Management Contract; GE Johnson Construction Company, Inc.; Gunnison County Courthouse Construction Project
12. Acknowledgement of County Manager Signature; Proposal for Asbestos Abatement Consulting Services; CTL Thompson; Gunnison County Courthouse Construction Project
13. CTSI Colorado Counties Casualty and Property Pool Agreement for Partially Self-Funded Program, Gunnison County, January 1, 2014 through December 31, 2014
14. Second Addendum to Lease Agreement for the Ohio City Town Hall; 1/1/14

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15. Grant Application; Tony Grampsas Youth Services; Gunnison County Substance Abuse Prevention Project; 7/1/14 thru 6/30/15; $49,982.25
16. Contractor Agreement; Mesa Mechanical, LLC; Retrofit Plumbing, Gas Piping and Heating Ventilation at the Facilities Maintenance Shop, Located at 275 S. Spruce, Gunnison, CO to Serve as the County Morgue for the Coroner; 12/17/13 thru 12/31/13; Not to Exceed $27,000
17. Contract Amendment; Race to the Top Grant; Early Childhood Council Staff Hours; 7/1/13 thru 6/30/15; $40,000
18. Ground Transportation Agreement, Gunnison-Crested Butte Regional Airport; CB Specialty Services, LLC; 12/1/13 thru 11/30/14
19. Ground Transportation Agreement, Gunnison-Crested Butte Regional Airport; Crested Butte Shuttle Company, LLC; 12/1/13 thru 11/30/14

CONSENT AGENDA ITEM #10: This item was pulled from the Consent Agenda so that it could be approved as the Design Review Committee, per the Gold Basin Industrial Park regulations. **Moved** by Chairperson Swenson, seconded by Commissioner Houck to approve, as the Design Review Committee, the Public Works Department cold storage facility construction in the amount up to $85,000 as presented. Motion carried unanimously.

SCHEDULING: The Upcoming Meetings Schedule was discussed and updated.

COUNTY MANAGER'S REPORT: County Manager Birnie was present for discussion.

1. Courthouse Construction Project Update.
    a. Certificates of Participation. County Manager Birnie informed the Board that the Certificates of Participation would be marketed later in the morning with an average rate of 4.52%. Closing is on 12/30/13, and there will be closing documents for signature. The County will be allowed to pay off the certificates any time after the first 10 years.
    b. Colorado Department of Local Affairs Grant Funding. County Manager Birnie informed the Board that the project was awarded $1,000,000, the maximum allowed by DOLA. He asked the Board to begin considerations for boardroom setup. Preliminarily, the Board stated the need for projection in such a way that all persons in the room can easily see the presentation. The Board also asked that the layout be configured so that all discussion participants can easily participate in and feel part of the conversation. County Manager Birnie noted that the layout will also need to ensure that the audience can easily hear the conversation going on at the table.
2. 2013 Gunnison County Citizen Survey. County Manager Birnie informed the Board that the survey results have been received and that the results will be discussed during a work session in the near future.

DEPUTY COUNTY MANAGER'S REPORT AND PROJECT UPDATES: Deputy County Manager Marlene Crosby was present for discussion.

1. Gunnison Basin Industrial Park Update. Deputy County Manager Crosby thanked the Board for the earlier approval of the cold storage facility. She explained that, once the animal shelter is active, there will be enough owner/tenant representation on the Design Review Committee to preclude the Board from having to serve.
2. Trailhead Issues. Deputy County Manager Crosby informed the Board that Whitepine Road is experiencing issues as winter recreation increases, and she will evaluate options to mitigate the issues. With the exception of one permit per each of the two property owners, there is no overnight parking allowed at the Slate River trailhead; she will be recommending enforcement this season. Lastly, she stated that there have not been any problems on Brush Creek.
3. Employee Retirement; Bill Coleman. Deputy County Manager Crosby invited the Board to Mr. Coleman's retirement party, which was scheduled to begin at 2:00 pm on 12/20 at the Public Works facility. The employment vacancy is being advertised to the public.
4. Taylor River Road Project Update. Deputy County Manager Crosby informed the Board that the first bill has been received, and that it was for $884,000. A final bill is expected in the future. The County's portion of the total cost will be $1,132,000, which is well below the original estimate of up to $1,400,000.

COMMISSIONER ITEMS: This discussion began earlier than scheduled due to a gap in the meeting.

Commissioner Chamberland:

1. Broadband Update. Commissioner Chamberland informed the Board that he met with the broadband group in Fairplay, CO on 12/16. The group is interested in proposing legislation this year. The group hopes that the first round of grants will total approximately $3,000,000 and, after approximately five years, up to $20,000,000 per year will be granted. The group discussed placing a cap on grant amounts.

Commissioner Houck:

1. Agricultural Incubator Grant Update. Commissioner Houck informed the Board that DOLA has extended the grants into 2014 and that work continues by the group.

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2. Quartz Creek to Pitkin Access. Commissioner Houck met with GIS Manager Mike Pelletier and US Forest Service representatives to discuss this issue. Discussions are ongoing.
3. Tin Cup Roads. Commissioner Houck informed the Board that he let Tin Cup residents know that road improvement opportunities will be evaluated as the County crews are in the area doing other work. He also suggested that the residents discuss the bypass option with the US Forest Service since it isn't a County issue.

Commissioner Swenson:

1. Western State Colorado University President Position. Chairperson Swenson informed the Board that the hiring committee has whittled the list of finalists down to five. Interviews will take place on 1/10/14, and the finalists will visit the campus in February.
2. Colorado Counties, Inc. (CCI) Winter Conference. Chairperson Swenson confirmed that she attended the conference at the beginning of December and that she had nothing unusual to report.

INSTRUMENT OF RELEASE; FEDERAL AVIATION ADMINISTRATION; 160 ACRES OF LAND AT THE GUNNISON-CRESTED BUTTE REGIONAL AIRPORT: Assistant Finance Director Ben Cowan was present for discussion.

Assistant Finance Director Cowan explained that the value of this land swap would be $1,080,000, and that the Recycling Center was included. He stated that, if the Recycling Center remains in its current location, the County will need to pay rent to the Airport. The Board agreed that the Center should remain since the public is familiar with the location. Demolition of the previous Public Works facility should occur in 2014. **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to approve the Instrument of Release made by the United States of America, acting through the Federal Aviation Administration, to the County of Gunnison, Colorado and authorize the Chairperson's signature. Motion carried unanimously.

PROCLAMATION; RADON AWARENESS MONTH IN THE COUNTY OF GUNNISON, COLORADO; JANUARY 2014: **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to approve the Proclamation on Radon Awareness Month in the County of Gunnison, Colorado, January 2014. Motion carried unanimously.

BREAK: The meeting recessed from 9:27 until 10:09 am in order to call to order as the Gunnison/Hinsdale Board of Human Services (see separate minutes).

DESIGNATION OF CCI 2014 STEERING COMMITTEE PROXY: **Moved** by Commissioner Houck, seconded by Commissioner Chamberland to keep Renee Brown as our representative for Health and Human Services issues, fill out the required information for CCI, and approve signatures. Commissioner Chamberland confirmed that Ms. Brown wants to remain the proxy. Motion carried unanimously.

BREAK: The meeting recessed from 10:12 until 10:16 am for a short break.

BOUNDARY LINE ADJUSTMENT; ROCK CREEK RANCH: Assistant Community Development Director Neal Starkebaum was present for discussion and provided a large map illustrating the adjustment. **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to approve the Boundary Line Adjustment at Rock Creek Ranch and authorize signature. Motion carried unanimously.

LOT CLUSTER APPLICATION; LOT 12, 13, 28 AND 29, BLOCK 23; LOTS 14, 15, 26 AND 27, BLOCK 23; SCHOFIELD TOWNSITE, COUNTY OF GUNNISON, COLORADO; FITZGERALD AND KERRY YOUNG: Community Development Department Services Manager Beth Baker was present for discussion. She explained that this cluster of eight lots would result in less than an acre. Building and septic permits have been applied for. **Moved** by Commissioner Houck, seconded by Commissioner Chamberland to approve the Lot Cluster Application by the Youngs as presented. Motion carried unanimously.

CORRESPONDENCE: This discussion began earlier than scheduled due to a gap in the meeting.

1. Club 20; Membership Renewal. Commissioner Chamberland expressed his desire to renew this membership, and Chairperson Swenson noted that she was also in agreement. Commissioner Houck explained that he would defer to the other commissioners since he has not had much exposure to the Club 20 organization. **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to join the Club 20 again this year. Motion carried unanimously.

ROCKY MOUNTAIN BIOLOGICAL LABORATORY LAND EXCHANGE: County Attorney David Baumgarten, Paralegal Rachel Magruder and attorney Jim Starr were present for discussion. Paralegal Magruder provided the final plats, which were signed immediately following the resolution adoptions.

1. Resolution Granting an Exemption for a Division of Land from the Definition of the Terms "Subdivision" and "Subdivided Land" for the Land Exchange between the Corporation of the Rocky Mountain Biological Laboratory at Gothic and the Spanns and Rescinding and Repealing Resolution

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No: 2013-09. **Moved** by Commissioner Houck, seconded by Commissioner Chamberland to adopt Resolution #2013-30, a Resolution Granting an Exemption for a Division of Land from the Definition of the Terms "Subdivision" and "Subdivided Land" for the Land Exchange between the Corporation of the Rocky Mountain Biological Laboratory at Gothic and the Spanns and Rescinding and Repealing Resolution No: 2013-09. Motion carried unanimously.

2. Resolution Vacating Certain Streets, Alleys, Blocks and Lots within that Portion of the Townsite of Gothic, Colorado Owned by the Corporation of the Rocky Mountain Biological Laboratory at Gothic and Rescinding and Repealing Resolution No: 2013-08. **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to approve Resolution #2013-31, a Resolution Vacating Certain Streets, Alleys, Blocks and Lots within that Portion of the Townsite of Gothic, Colorado Owned by the Corporation of the Rocky Mountain Biological Laboratory at Gothic and Rescinding and Repealing Resolution No: 2013-08. Motion carried unanimously.
3. Resolution Vacating the Alley, Block and Lots, if any, within Block 37 and those Portions of Smelter Street, Gothic Street and Cliff Street Adjacent to Block 37, within the Townsite of Gothic and Rescinding and Repealing Resolution No: 2013-16. **Moved** by Commissioner Houck, seconded by Commissioner Chamberland to adopt Resolution #2013-32, a Resolution Vacating the Alley, Block and Lots, if any, within Block 37 and those Portions of Smelter Street, Gothic Street and Cliff Street Adjacent to Block 37, within the Townsite of Gothic and Rescinding and Repealing Resolution No: 2013-16. Motion carried unanimously.

CORRESPONDENCE (continued):

2. Otten Johnson; Reserve Metropolitan District No. 2. County Attorney Baumgarten and Community Development Director Russ Forrest were present for discussion. Attorney Bill Kyriagis from Otten Johnson Robinson Neff & Ragonetti participated via telephone. Mr. Kyriagis thanked the Board for being able to appear via telephone to represent his firm's client, Compass Mortgage Corporation, and he thanked the County Attorney's Office for working with his firm on this process. He explained that the Reserve Metropolitan District No. 2 has an $18.4M loan with Compass, and that payment is based on a covenant to impose a required mill levy. Revenues from that mill levy pay the loan. He asked that the Board certify the 56.073 mills for debt service, as identified in loan documents. He stated that a lawsuit was filed in the Denver District Court naming the District and the District's Board of Directors as defendants. Chairperson Swenson added that the judge has ordered the District to provide the proper certification by 12/20 when the Board is scheduled to certify the mill levies. That court order did not address the 50 mills for operations and maintenance, although Mr. Kyriagis stated that the Board of Directors will need to address that issue as the debt service takes priority. He stated that he would appear by phone again for the Board's meeting on 12/20.

GUNNISON COUNTY COURTHOUSE PROJECT; POSSIBLE EXECUTIVE SESSION: County Attorney Baumgarten and Community Development Director Forrest were present for discussion.

Community Development Director Forrest informed the Board that he and Deputy County Attorney Art Trezise appeared at the Gunnison City Council meeting on 12/10. He explained that the proposed off-street parking is less than required by the 2006 PUD, but that he believes the Council accepted the County's rationale, which included the argument that the new facility will be less square footage and house fewer employees than the current facility. He noted that the City and County legal teams disagree on whether or not an application needs to be submitted to the City. The Council has stated the willingness to participate in an expedited process. City of Gunnison Director of Community Development Steve Westbay supplied a schedule and provided assurance that any permit requests to save the historical portion of the facility would be granted. County Manager Birnie stated that, because of those assurances, the County will submit a PUD amendment application to accommodate the City's procedures and that, if any problems arise during the City's process, the project will not be deterred.

UNSCHEDULED CITIZENS: There were no Unscheduled Citizens present for discussion.

ADJOURN: **Moved** by Commissioner Houck, seconded by Commissioner Chamberland to adjourn the meeting. Motion carried unanimously. The meeting adjourned at 10:57 am.

_____
Paula Swenson, Chairperson

_____
Phil Chamberland, Vice-Chairperson

_____
Jonathan Houck, Commissioner

Minutes Prepared By:

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_____
Katherine Haase, Deputy County Clerk

Attest:

_____
Stella Dominguez, County Clerk

GUNNISON COUNTY BOARD OF COMMISSIONERS TEXT INCLUSION INTO MINUTES

BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GUNNISON, COLORADO
RESOLUTION NO: 13-30

A RESOLUTION GRANTING AN EXEMPTION FOR A DIVISION OF LAND FROM THE DEFINITION OF THE TERMS "SUBDIVISION" AND "SUBDIVIDED LAND" FOR THE LAND EXCHANGE BETWEEN THE CORPORATION OF THE ROCKY MOUNTAIN BIOLOGICAL LABORATORY AT GOTHIC AND THE SPANNS AND RESCINDING AND REPEALING RESOLUTION NO: 2013-09

WHEREAS, pursuant to C.R.S. §30-28-101(10)(d), the Board of County Commissioners of the County of Gunnison, Colorado (hereinafter the "Board") may exempt a division of land from the statutory definition of the terms "subdivision" and "subdivided land" if the Board determines that such division is not within the purposes of Title 30, Article 28, Part I, Colorado Revised Statutes; and

WHEREAS, The Corporation of the Rocky Mountain Biological Laboratory at Gothic (hereinafter "RMBL") and Lee L. Spann and Polly M. Spann (hereinafter the "Spanns") own certain real property located in the Townsite of Gothic, Colorado (hereinafter "Gothic") as identified on the Plat titled "Plat of Spann Subdivision Exemption Located In Block 1, Gothic City NE1/4 Sec. 3, T13S, R86W, 6th PM County of Gunnison, State of Colorado", created by Stephen Jessoe, P.L.S. of All County Survey, dated October 31, 2013 and recorded in the records of the Office of the Clerk and Recorder of Gunnison County, Colorado on _____, 2013, bearing Reception No:_____ (hereinafter the "Subdivision Exemption Plat"); and

WHEREAS, as a means of simplifying use and expansion of RMBL, RMBL has applied for vacation of all streets, alleys, blocks and lots within that portion of Gothic owned by RMBL; and

WHEREAS, currently legal access to the Spanns' parcel is via platted streets and alleys, the same streets and alleys are among those RMBL is seeking to have vacated; and

WHEREAS, on February 6, 2013, RMBL and the Spanns entered into a Land Exchange Agreement to provide for a more appropriate alternate parcel for the Spanns that will be accessible through a grant of easement conveyed by RMBL rather than by platted streets and alleys while enabling RMBL to further pursue vacation of the streets, alleys, blocks and lots. The parcels to be exchanged are identified on the Subdivision Exemption Plat; and

WHEREAS, RMBL provides an internationally renowned center for scientific research and education and it is in the best interest of the public to support the endeavors of this institution while ensuring that the Spanns have an accessible parcel; and

WHEREAS, the Board believes that the division of land identified in the above referenced Land Exchange Agreement and the Subdivision Exemption Plat is not within the purposes identified in Title 30, Article 28, Part I, Colorado Revised Statutes.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of the County of Gunnison, Colorado that, pursuant to C.R.S. §30-28-101(10)(d), the Board shall and hereby does grant an exemption from the definition of the terms "subdivision" and "subdivided land" for the division of land identified in the Land Exchange Agreement dated February 6, 2013 by and between The Corporation of the Rocky Mountain Biological Laboratory at Gothic and Lee L. Spann and Polly M. Spann in the Townsite of Gothic, Colorado and also as identified on the Final Plat titled "Plat of Spann Subdivision Exemption Located In Block 1, Gothic City NE1/4 Sec. 3, T13S, R86W, 6th PM County of Gunnison, State of Colorado", created by Stephen Jessoe, P.L.S. of All County Survey, dated October 31, 2013 and recorded in the records of the Office of the Clerk and Recorder of Gunnison County, Colorado on _____, 2013, bearing Reception No:_____.

THIS SUBDIVISION EXEMPTION SHALL BE GRANTED ONLY UPON THE FOLLOWING TERMS AND CONDITIONS:

1. Approval by the Board of County Commissioners of the County of Gunnison, Colorado of Resolution No: 2013-___, A Resolution Vacating Certain Streets, Alleys, Blocks and Lots Within That Portion of the Townsite of Gothic, Colorado Owned by The Corporation of the Rocky Mountain Biological Laboratory at Gothic and Rescinding and Repealing Resolution No: 2013-08.
2. Approval by the Board of County Commissioners of the County of Gunnison, Colorado of Resolution No: 2013-____, A Resolution Vacating the Alley, Block and Lots, if any, Within Block 37 and those Portions of Smelter Street, Gothic Street and Cliff Street Adjacent to

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Block 37, within the Townsite of Gothic and Rescinding and Repealing Resolution No: 2013-16.

3. This Resolution shall not become effective until after it has been recorded in the records of the Office of the Clerk and Recorder of Gunnison County, Colorado concurrently with the following:
   A. The Board of County Commissioners of the County of Gunnison, Colorado, Resolution No: 2013-___, A Resolution Vacating Certain Streets, Alleys, Blocks and Lots Within That Portion of the Townsite of Gothic, Colorado Owned by The Corporation of the Rocky Mountain Biological Laboratory at Gothic and Rescinding and Repealing Resolution No: 2013-08.
   B. The Board of County Commissioners of the County of Gunnison, Colorado of Resolution No: 2013-____, A Resolution Vacating the Alley, Block and Lots, if any, Within Block 37 and those Portions of Smelter Street, Gothic Street and Cliff Street Adjacent to Block 37, within the Townsite of Gothic and Rescinding and Repealing Resolution No: 2013-16.
   C. The final plats identifying all street, alley, block and lot vacations requested by RMBL and the Spanns along with identification of the subdivision exemption request made by RMBL and the Spanns.
   D. Any and all conveyances of parcels and easements as agreed upon and identified in the Land Exchange Agreement dated February 6, 2013 by and between The Corporation of the Rocky Mountain Biological Laboratory at Gothic and Lee L. Spann and Polly M. Spann.

FURTHERMORE, Resolution 2013-09, previously approved by the Board of County Commissioners of the County of Gunnison, Colorado, shall be and hereby is rescinded, repealed and replaced with the resolution herein.

INTRODUCED by Commissioner Houck, seconded by Commissioner Chamberland, and adopted this 17th day of December, 2013.

BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO

Chamberland – yes; Houck – yes; Swenson – yes.

BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GUNNISON, COLORADO
RESOLUTION NO: 13-31

A RESOLUTION VACATING CERTAIN STREETS, ALLEYS, BLOCKS AND LOTS WITHIN THAT PORTION OF THE TOWNSITE OF GOTHIC, COLORADO OWNED BY THE CORPORATION OF THE ROCKY MOUNTAIN BIOLOGICAL LABORATORY AT GOTHIC AND RESCINDING AND REPEALING RESOLUTION NO: 2013-08

WHEREAS, the Board of County Commissioners of the County of Gunnison, Colorado (hereinafter the "Board"), by virtue of Colorado law, has authority over certain lands and has become the owner of certain platted streets and alleys within the unincorporated Townsite of Gothic; and

WHEREAS, the Board has determined that not all of said streets and alleys are necessary for public access to privately owned property within the Townsite of Gothic, Colorado; and

WHEREAS, the Board has received a petition from The Corporation of the Rocky Mountain Biological Laboratory at Gothic (hereinafter "RMBL"), an owner of real property in the Townsite of Gothic, for vacation of the streets, alleys, blocks and lots as identified on the one page plat titled "Plat of RMBL Street, Alley, Lot, & Block Vacation Before Vacation NE1/4 & E1/2 NW1/4 Sec. 3, T13S, R86W, 6th PM County of Gunnison, State of Colorado" created by Stephen Jessoe, P.L.S. of All County Survey, dated October 31, 2013 and recorded in the records of the Office of the Clerk and Recorder of Gunnison County, Colorado on _____, 2013, bearing Reception No:_____ and as more specifically described as follows:

ONLY WITH REGARD TO THAT PORTION OF THE TOWNSITE OF GOTHIC, COLORADO OWNED BY RMBL, all those streets, alleys, blocks and lots within the original Plat of Gothic City, recorded on September 22, 1879 at Reception No. 1365, the First Addition to the City of Gothic recorded July 3, 1880 at Reception No. 2676, Plat of Gothic City and First Addition to the City of Gothic recorded July 29, 1880 at Reception No. 3495, and the L.A. Waits 2nd Addition to the Town of Gothic recorded November 1, 1881 at Reception No. 19799, EXCEPT Gunnison County Road 317, a 75' right-of-way labeled "Main Street" per said Plats, also known as the Gothic Road, located and situate in the North Half (N1/2), Section Three (3), Township Thirteen (13) South, Range Eighty-Six (86) West, Sixth Principal Meridian, AND EXCEPT THAT NO BLOCK OR LOT NOT OWNED BY RMBL, OR THAT PORTION OF A BLOCK OR LOT NOT OWNED BY RMBL, SHALL BE VACATED,
County of Gunnison,
State of Colorado; and

WHEREAS, the real property owned by RMBL after approval of the vacation request is identified on the plats titled "Plat of RMBL Street, Alley, Lot, & Block Vacation After Vacation NE1/4 & E1/2 NW1/4 Sec. 3, T13S, R86W, 6th PM County of Gunnison, State of Colorado" created by Stephen Jessoe, P.L.S. of All County Survey, dated October 31, 2013 and recorded in the records of the Office of the Clerk and Recorder of Gunnison County, Colorado on _____, 2013, bearing Reception No:_____ and "Plat of RMBL Street, Alley, Lot, & Block Vacation Gunnison County Approvals After June 6, 1989 E1/2

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NW1/4 and NE1/4, Sec. 3, T13S, R86W, 6th P.M. County of Gunnison, State of Colorado" created by Stephen Jessoe, P.L.S. of All County Survey, dated October 31, 2013 and recorded in the records of the Office of the Clerk and Recorder of Gunnison County, Colorado on _____, 2013, bearing Reception No:_____; and

WHEREAS, currently there is real property within the requested vacation of streets, alleys, lots and blocks described above that would be impacted which is owned by Lee L. Spann and Polly M. Spann (hereinafter the "Spanns"); and

WHEREAS, on February 6, 2013, RMBL and the Spanns entered into a Land Exchange Agreement to provide for a more appropriate alternate parcel for the Spanns that would be accessible through a grant of easement conveyed by RMBL rather than by platted streets and alleys. In conjunction with the Land Exchange Agreement, a request for a subdivision exemption has been submitted to the Board; and

WHEREAS, in consideration of the Land Exchange Agreement, the vacation of the above described streets, alleys, blocks and lots will not hinder any property owners of any lands from having access to their respective land nor disrupt existing travel modes or changed or anticipated conditions in traffic or development patterns; and

WHEREAS, there will be no adverse impact to the natural environment, community needs or public health, safety and welfare from the vacation of the above described streets, alleys, blocks and lots; and

WHEREAS, RMBL provides an internationally renowned center for scientific research and education and it is in the best interest of the public to support the endeavors of this institution while also ensuring that the Spanns have an accessible parcel; and

WHEREAS, the notices required by Colorado law for such vacation of streets, alleys, lots and blocks have been given and a public hearing on such vacation has been conducted; and

WHEREAS, on June 4, 2013 the Board approved Resolution No: 2013-08 vacating the streets, alleys, blocks and lots described herein. However, references in Resolution No: 2013-08 have since changed and for the sake of clarity Resolution No: 2013-08 should be rescinded, repealed and replaced with the resolution herein.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of the County of Gunnison, Colorado that the streets, alleys, blocks and lots shall be and hereby are vacated as identified on the one page plat titled "Plat of RMBL Street, Alley, Lot, & Block Vacation Before Vacation NE1/4 & E1/2 NW1/4 Sec. 3, T13S, R86W, 6th PM County of Gunnison, State of Colorado" created by Stephen Jessoe, P.L.S. of All County Survey, dated October 31, 2013 and recorded in the records of the Office of the Clerk and Recorder of Gunnison County, Colorado on _____, 2013, bearing Reception No:_____ and as more specifically described as follows:

> ONLY WITH REGARD TO THAT PORTION OF THE TOWNSITE OF GOTHIC, COLORADO OWNED BY RMBL, all those streets, alleys, blocks and lots within the original Plat of Gothic City, recorded on September 22, 1879 at Reception No. 1365, the First Addition to the City of Gothic recorded July 3, 1880 at Reception No. 2676, Plat of Gothic City and First Addition to the City of Gothic recorded July 29, 1880 at Reception No. 3495, and the L.A. Waits 2nd Addition to the Town of Gothic recorded November 1, 1881 at Reception No. 19799, EXCEPT Gunnison County Road 317, a 75' right-of-way labeled "Main Street" per said Plats, also known as the Gothic Road, located and situate in the North Half (N1/2), Section Three (3), Township Thirteen (13) South, Range Eighty-Six (86) West, Sixth Principal Meridian, AND EXCEPT THAT NO BLOCK OR LOT NOT OWNED BY RMBL, OR THAT PORTION OF A BLOCK OR LOT NOT OWNED BY RMBL, SHALL BE VACATED,
> County of Gunnison,
> State of Colorado.

The real property owned by RMBL after the vacation of the streets, alleys, lots and blocks is identified on the plats titled "Plat of RMBL Street, Alley, Lot, & Block Vacation After Vacation NE1/4 & E1/2 NW1/4 Sec. 3, T13S, R86W, 6th PM County of Gunnison, State of Colorado" created by Stephen Jessoe, P.L.S. of All County Survey, dated October 31, 2013 and recorded in the records of the Office of the Clerk and Recorder of Gunnison County, Colorado on _____, 2013, bearing Reception No:_____ and "Plat of RMBL Street, Alley, Lot, & Block Vacation Gunnison County Approvals After June 6, 1989 E1/2 NW1/4 and NE1/4, Sec. 3, T13S, R86W, 6th P.M. County of Gunnison, State of Colorado" created by Stephen Jessoe, P.L.S. of All County Survey, dated October 31, 2013 and recorded in the records of the Office of the Clerk and Recorder of Gunnison County, Colorado on _____, 2013, bearing Reception No:_____.

APPROVAL OF THE VACATION OF THE ABOVE DESCRIBED STREETS, ALLEYS, BLOCKS AND LOTS SHALL BE CONTINGENT ONLY UPON THE FOLLOWING TERMS AND CONDITIONS:

1. Approval by the Board of County Commissioners of the County of Gunnison, Colorado of Resolution No: 2013-____, A Resolution Granting An Exemption for a Division of Land from the Definition of the Terms "Subdivision" and "Subdivided Land" for the Land Exchange Between The Corporation of the Rocky Mountain Biological Laboratory at Gothic and the Spanns and Rescinding and Repealing Resolution No: 2013-09
2. Approval by the Board of County Commissioners of the County of Gunnison, Colorado of Resolution No: 2013-____, A Resolution Vacating the Alley, Block and Lots, if any, Within Block 37 and those Portions of Smelter Street, Gothic Street and Cliff Street Adjacent to Block 37, within the Townsite of Gothic and Rescinding and Repealing Resolution No: 2013-16.

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3. This Resolution shall not become effective until after it has been recorded in the records of the Office of the Clerk and Recorder of Gunnison County, Colorado concurrently with the following:
   A. The Board of County Commissioners of the County of Gunnison, Colorado of Resolution No: 2013-____, A Resolution Granting An Exemption for a Division of Land from the Definition of the Terms "Subdivision" and "Subdivided Land" for the Land Exchange Between The Corporation of the Rocky Mountain Biological Laboratory at Gothic and the Spanns and Rescinding and Repealing Resolution No: 2013-09.
   B. The Board of County Commissioners of the County of Gunnison, Colorado of Resolution No: 2013-____, A Resolution Vacating the Alley, Block and Lots, if any, Within Block 37 and those Portions of Smelter Street, Gothic Street and Cliff Street Adjacent to Block 37, within the Townsite of Gothic and Rescinding and Repealing Resolution No: 2013-16.
   C. The final plats identifying all street, alley, block and lot vacations requested by RMBL and the Spanns along with identification of the subdivision exemption request made by RMBL and the Spanns.
   D. Any and all conveyances of parcels and easements as agreed upon and identified in the Land Exchange Agreement dated February 6, 2013 by and between The Corporation of the Rocky Mountain Biological Laboratory at Gothic and Lee L. Spann and Polly M. Spann.
4. It is the specific intent of the Board that the vacation of the above described streets and alleys shall accrue to and vest in the record owner(s) pursuant to the provisions of C.R.S. § 43-2-302.

FURTHERMORE, Resolution 2013-08, previously approved by the Board of County Commissioners of the County of Gunnison, Colorado, shall be and hereby is rescinded, repealed and replaced with the resolution herein.

INTRODUCED by Commissioner Chamberland, seconded by Commissioner Houck, and adopted this 17th day of December, 2013.

BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO

Chamberland – yes; Houck – yes; Swenson – yes.

BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GUNNISON, COLORADO
RESOLUTION NO: 2013-32

A RESOLUTION VACATING THE ALLEY, BLOCK AND LOTS, IF ANY, WITHIN BLOCK 37 AND THOSE PORTIONS OF SMELTER STREET, GOTHIC STREET AND CLIFF STREET ADJACENT TO BLOCK 37, WITHIN THE TOWNSITE OF GOTHIC AND RESCINDING AND REPEALING RESOLUTION NO: 2013-16

WHEREAS, the Board of County Commissioners of the County of Gunnison, Colorado (herein "Board"), by virtue of Colorado law, has authority over certain lands and has become the owner of certain platted streets and alleys within the unincorporated Townsite of Gothic; and

WHEREAS, the Board has determined that not all of said streets and alleys are necessary for public access to privately owned property within the Townsite of Gothic, Colorado; and

WHEREAS, The Corporation of the Rocky Mountain Biological Laboratory at Gothic (herein "RMBL") and Lee and Polly Spann (herein "Spanns") have made a request to the Board to vacate the alley, block and lots, if any, within Block 37 and those portions of Smelter Street, Gothic Street and Cliff Street adjacent to Block 37, within the Townsite of Gothic as identified on the Plat of Gothic City and First Addition to the City of Gothic recorded on July 29, 1880 at Reception No. 3495, and in Book 358 at page 198 in the records of the Office of the Clerk and Recorder of Gunnison County, Colorado; and

WHEREAS, this vacation request is in conjunction with the vacation request made by RMBL for the vacation of all streets, alleys, blocks and lots within that portion of the Townsite of Gothic, Colorado owned by RMBL and the subdivision exemption request made by RMBL and the Spanns; and

WHEREAS, the vacation of the above described streets, alley, block and lots, if any, will not hinder any property owners of any lands from having access to their respective land nor disrupt existing travel modes or changed or anticipated conditions in traffic or development patterns; and

WHEREAS, there will be no adverse impact to the natural environment, community needs or public health, safety and welfare from the vacation of the above described alley, block, lots and streets; and

WHEREAS, the notices required by Colorado law for such vacation have been given and a public hearing on such vacation has been conducted; and

WHEREAS, on July 2, 2013 the Board approved Resolution No: 2013-16 vacating the alley, block and lots, if any, within Block 37 and those portions of Smelter Street, Gothic Street and Cliff Street adjacent to Block 37, within the Townsite of Gothic described herein. However, references in Resolution No: 2013-16 have since changed and for the sake of clarity Resolution No: 2013-16 should be rescinded, repealed and replaced with the resolution herein.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of the County of Gunnison, Colorado that the alley, block and lots, if any, within Block 37 and those portions of Smelter Street, Gothic Street and Cliff Street adjacent to Block 37, within the Townsite of Gothic, County of Gunnison, State of

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Colorado as identified on the Plat of Gothic City and First Addition to the City of Gothic recorded on July 29, 1880 at Reception No. 3495, and in Book 358 at page 198 in the records of the Office of the Clerk and Recorder of Gunnison County, Colorado shall be and hereby are vacated.

APPROVAL OF THE VACATION OF THE ABOVE ALLEY, BLOCK AND LOTS, IF ANY, WITHIN BLOCK 37 AND THOSE PORTIONS OF SMELTER STREET, GOTHIC STREET AND CLIFF STREET ADJACENT TO BLOCK 37, TOWNSITE OF GOTHIC, COUNTY OF GUNNISON, STATE OF COLORADO SHALL BE CONTINGENT ONLY UPON THE FOLLOWING TERMS AND CONDITIONS:

1. Approval by the Board of County Commissioners of the County of Gunnison, Colorado of Resolution No: 2013-___, A Resolution Vacating Certain Streets, Alleys, Blocks and Lots Within That Portion of the Townsite of Gothic, Colorado Owned by The Corporation of the Rocky Mountain Biological Laboratory at Gothic and Rescinding and Repealing Resolution No: 2013-08.
2. Approval by the Board of County Commissioners of the County of Gunnison, Colorado of Resolution No: 2013-____, A Resolution Granting An Exemption for a Division of Land from the Definition of the Terms "Subdivision" and "Subdivided Land" for the Land Exchange Between The Corporation of the Rocky Mountain Biological Laboratory at Gothic and the Spanns and Rescinding and Repealing Resolution No: 2013-09.
3. This Resolution shall not become effective until after it has been recorded in the records of the Office of the Clerk and Recorder of Gunnison County, Colorado concurrently with the following:
   A. The Board of County Commissioners of the County of Gunnison, Colorado, Resolution No: 2013-___, A Resolution Vacating Certain Streets, Alleys, Blocks and Lots Within That Portion of the Townsite of Gothic, Colorado Owned by The Corporation of the Rocky Mountain Biological Laboratory at Gothic and Rescinding and Repealing Resolution No: 2013-08.
   B. The Board of County Commissioners of the County of Gunnison, Colorado, Resolution No: 2013-____, A Resolution Granting An Exemption for a Division of Land from the Definition of the Terms "Subdivision" and "Subdivided Land" for the Land Exchange Between The Corporation of the Rocky Mountain Biological Laboratory at Gothic and the Spanns and Rescinding and Repealing Resolution No: 2013-09.
   C. The final plats identifying all street, alley, block and lot vacations requested by RMBL and the Spanns along with identification of the subdivision exemption request made by RMBL and the Spanns.
   D. Any and all conveyances of parcels and easements as agreed upon and identified in the Land Exchange Agreement dated February 6, 2013 by and between RMBL and the Spanns.
4. It is the specific intent of the Board that the vacation of the above described alley and streets shall accrue to and vest in the record owner(s) pursuant to the provisions of C.R.S. § 43-2-302.

FURTHERMORE, Resolution 2013-16, previously approved by the Board of County Commissioners of the County of Gunnison, Colorado, shall be and hereby is rescinded, repealed and replaced with the resolution herein.

INTRODUCED by Commissioner Houck, seconded by Commissioner Chamberland, and adopted this 17th day of December, 2013.

BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO

Chamberland – yes; Houck – yes; Swenson – yes.

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