



**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 12/18, 2013, bearing Reception No: 624793 (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 12/18, 2013, bearing Reception No: 624793.

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: 2013-31, 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.
2. Approval by the Board of County Commissioners of the County of Gunnison, Colorado of 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.
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: 2013-31, 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.



- B. The Board of County Commissioners of the County of Gunnison, Colorado of 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.
- 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

By Paula Swenson
Paula Swenson, Chairperson

By Phil Chamberland
Phil Chamberland, Vice Chairperson

By Jonathan Houck
Jonathan Houck, Commissioner

ATTEST:

[Signature]
Deputy County Clerk

