

RESOLUTION NO. 31

SERIES 2011

A RESOLUTION ESTABLISHING THE ANTELOPE HILLS SEWER DIVISION OF THE GUNNISON COUNTY WATER AND SEWER DISTRICT AND THE ANTELOPE HILLS WATER DIVISION OF THE GUNNISON COUNTY WATER AND SEWER DISTRICT.

WHEREAS, Gunnison County, Colorado (the "County") is a duly created and organized county existing under the Constitution and laws of the State of Colorado (the "State"); and

WHEREAS, the members of the Board of County Commissioners of the County (the "Board") have been duly elected and qualified; and

WHEREAS, pursuant to Part 4 of Article 20 of Title 30, C.R.S., the County owns, operates and maintains a water and sewer system for the County and its inhabitants (the "System"); and

WHEREAS, in order to provide for the operation and maintenance of the System, the County, pursuant to Resolution No. 9, Series 1991, established the Gunnison County Water and Sewer District (the "District") and

WHEREAS, said resolution provides for the establishment of divisions within such District; and

WHEREAS, pursuant to Resolution No. 91-29, the County previously established the Antelope Hills Division of the District to provide for water and sewer services to the residents of the Antelope Hills Division; and

WHEREAS, the Board has determined that it is in the best interest of the County and its inhabitants to establish separate divisions of the System to be known as the Antelope Hills Sewer Division of the Gunnison County Water and Sewer District (the "Antelope Hills Sewer Division") boundaries of which are set forth in the map attached hereto as **Exhibit A**, and the Antelope Hills Water Division of the Gunnison County Water and Sewer District (the "Antelope Hills Water Division"), the boundaries of which are set forth in the map attached hereto as **Exhibit B** (the "Antelope Hills Water Division"); and

WHEREAS, the Board has determined and hereby determines that there is a need for the construction of a water system within the Antelope Hills Water Division, and

WHEREAS, the Antelope Hills Sewer Division and the Antelope Hills Water Division shall each be operated as enterprises within the meaning of Article X, Section 20 of the Colorado Constitution ("TABOR") and Section 37-45.1-101 et seq., C.R.S.; and

WHEREAS, it is the intent of the County to maintain the Enterprises as a water activity enterprise, and a sewer activity enterprise, and to formally establish the Antelope Hills Sewer Division and the Antelope Hills Water Division as enterprises under Article X, Section 20 of the Colorado Constitution, Section 37-45.1-101 et seq., C.R.S., and other applicable laws; and

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY, COLORADO:

SECTION 1. Enterprise Declaration, Creation and Repealer. There is hereby established the Antelope Hills Sewer Division of the Gunnison County Water and Sewer District, and the Antelope Hills Water Division of the Gunnison County Water and Sewer District, the boundaries of such divisions to be as shown in the maps attached hereto as Exhibit A and Exhibit B respectively. The Board further (i) recognizes and confirms that each such Division is an "enterprise" within the meaning of the TABOR, and (ii) declares its intent that the Enterprise be operated and maintained so as to exclude its activities from the application of TABOR.

Resolution No. 91-29, adopted and approved by the Board on August 6, 1991, is hereby repealed and replaced with this Resolution.

SECTION 2: Ratification and Approval of Prior Actions. All actions heretofore taken by the Board, either collectively or by any of its individual members, or officers and employees of the County, not inconsistent with the provisions of this Resolution, relating to the Antelope Hills Sewer Division, the Antelope Hills Water Division, or actions to be taken in respect thereof, are hereby ratified, approved, and confirmed.

SECTION 3. Severability. If any section, paragraph, clause, or provision of this Resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect any of the remaining provisions of this Ordinance, the intent being that the same are severable.

SECTION 4. Repealer. All orders, resolutions, bylaws, or regulations of the County, or parts thereof, inconsistent with this Resolution are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any ordinance, resolution, bylaw, order or other instrument, or part thereof, heretofore repealed. Neither this repealer nor any other provision of this Resolution shall be construed to adversely affect or impair any contract entered into by the County or any enterprise thereof prior to the effective date of this Resolution.

SECTION 5. Effective Date. This Resolution shall take effect immediately upon adoption.

INTRODUCED by Commissioner Swenson, and seconded by Commissioner Chamberland, and passed this 23rd day of August, 2011.

BOARD OF COUNTY COMMISSIONERS
GUNNISON COUNTY, COLORADO







ATTEST:



County Clerk and Recorder






Utility Department Antelope Hills Sewer Line Service Area

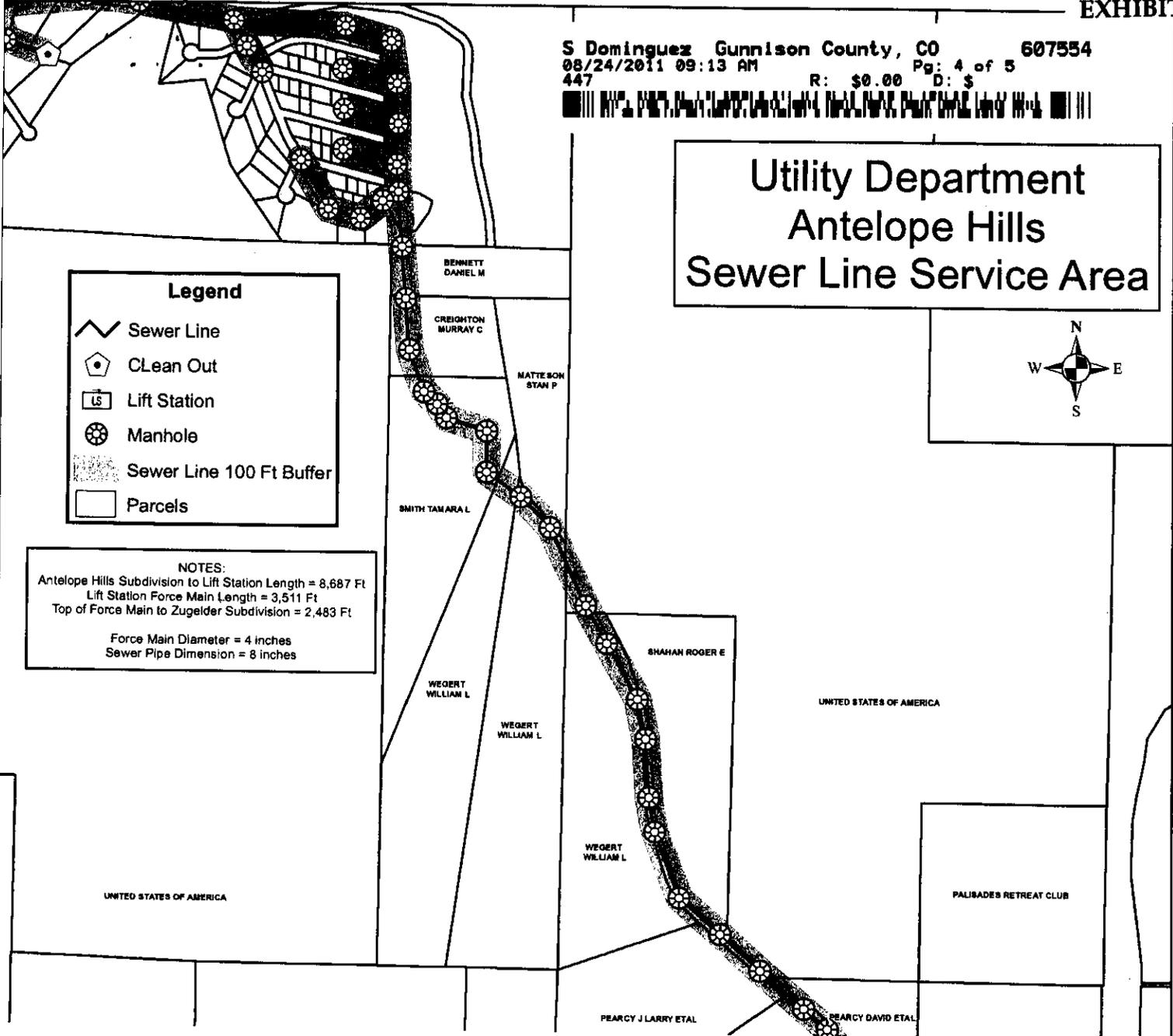


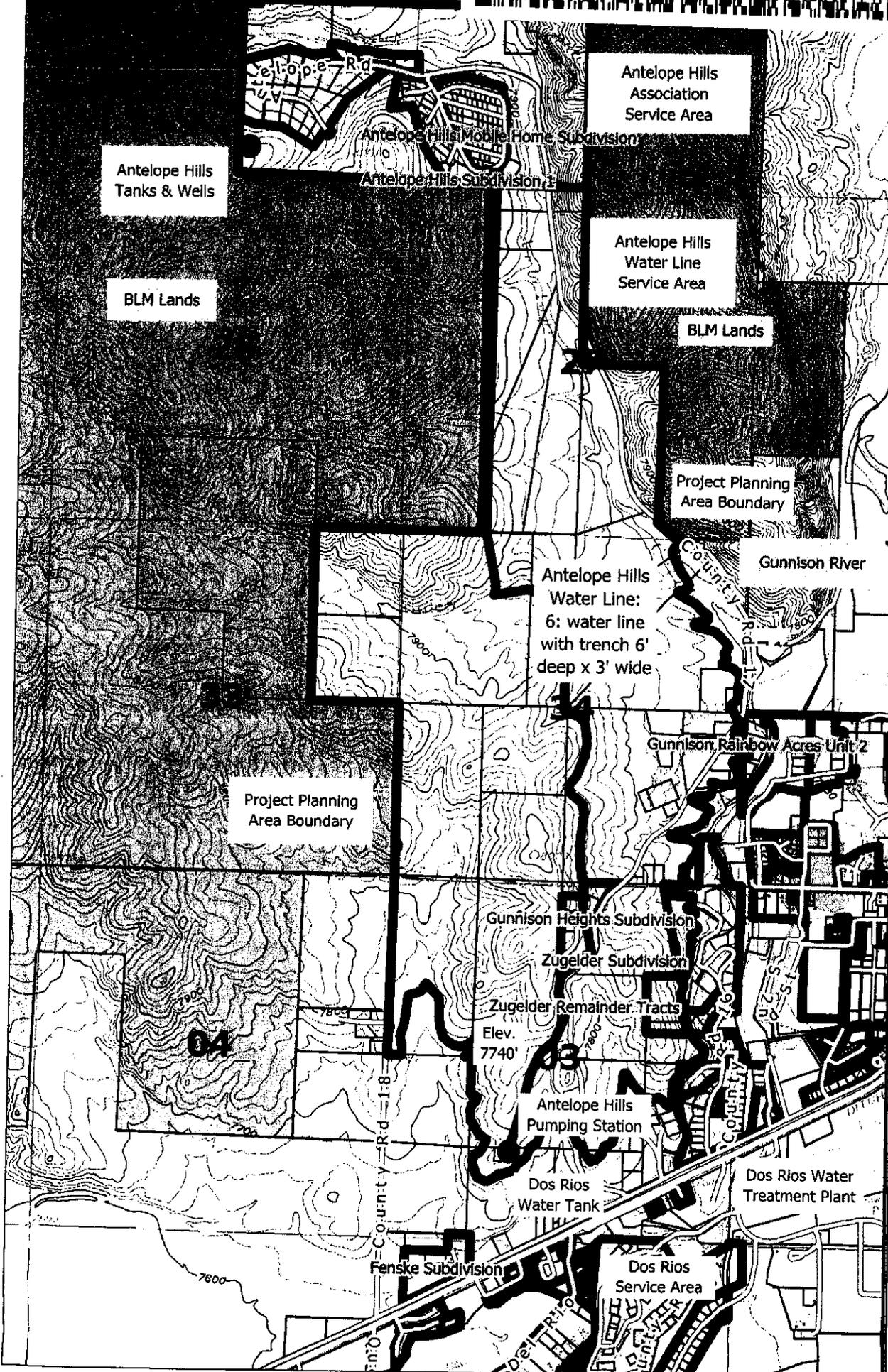
Legend

- Sewer Line
- Clean Out
- Lift Station
- Manhole
- Sewer Line 100 Ft Buffer
- Parcels

NOTES:
 Antelope Hills Subdivision to Lift Station Length = 8,687 Ft
 Lift Station Force Main Length = 3,511 Ft
 Top of Force Main to Zugelder Subdivision = 2,483 Ft

Force Main Diameter = 4 inches
 Sewer Pipe Dimension = 8 inches





Antelope Hills Water Extension Project

0 1200 ft US

Printed on 8/23/2011

LEGEND

-  Antelope Hills Water Line
-  Service Areas
-  Water Tanks
-  100-yr Floodplain
-  Private Parcels
-  BLM Lands

Environmental Report Map

This map was prepared by Gunnison County and represents generalized geographic data for general planning purposes only. The data portrayed should not be relied upon to establish legal title, boundary lines, the precise location of improvements, ownership, maintenance, easements, or public right-of-ways.