



**BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO**

RESOLUTION NO: 11-37

**A RESOLUTION AMENDING RESOLUTION NO. 22, SERIES 2004, A RESOLUTION
APPROVING THE FINAL PLAN FOR FILING 2B OF BUCKHORN RANCH
(FORMERLY AVION)**

WHEREAS, the Board of County Commissioners of the County of Gunnison, Colorado (hereinafter the "Board") approved Land Use Change No: 1978-02 for Buckhorn Ranch, Filing 2b on April 7, 2004 through Resolution No: 22, Series 2004 recorded in the records of the Office of the Clerk and Recorder of Gunnison County, Colorado on April 26, 2004, bearing Reception No: 541321; and

WHEREAS, one of the conditions of approval for Land Use Change No: 1978-02 was that Brush Creek Airport, L.L.C., a Colorado limited liability company, (hereinafter the "Developer") was to construct 32 affordable housing units within the Buckhorn Ranch, Filing 2b, as identified in paragraph 1(g) of Resolution No: 22, Series 2004; and

WHEREAS, the Developer has constructed 24 affordable housing units leaving eight affordable housing units to be constructed; and

WHEREAS, the Board, the Developer and Brookside Custom Homes, Inc., a Colorado corporation (hereinafter "Brookside"), have executed the "Agreement Regarding Affordable Housing", dated September 20, 2011 (hereinafter the "Agreement"); and

WHEREAS, the Agreement:

1. Requires that Brookside convey to the Board four affordable housing units and the development rights and infrastructure for the remaining eight affordable housing units to be constructed; and
2. Waives Developer's obligation to construct the remaining eight affordable housing units;
3. Releases the Affordable Housing Deed Restrictions for the nineteen (19) affordable housing units in Stallion Park not conveyed to the Board; and

WHEREAS, it is in the best interest of the public that the Board receive the four affordable housing units and the development rights and infrastructure for the remaining eight affordable housing units to be constructed; and

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of the County of Gunnison, Colorado that the approval of Land Use Change No: 1978-02 for Buckhorn Ranch, Filing 2b through Resolution No: 22, Series 2004, recorded in the records of the Office of the Clerk and Recorder of Gunnison County, Colorado on April 26, 2004, bearing Reception No: 541321, shall be and hereby is amended to reflect that the condition to construct 32 affordable housing units within Buckhorn Ranch, Filing 2b, as identified in paragraph 1(g) of Resolution No: 22, Series 2004, is hereby waived in consideration of the Developer having completed the construction of 24 affordable housing units and Brookside conveying to the Board, four affordable housing units and the development rights and infrastructure for the remaining eight affordable housing units to be constructed.

FURTHERMORE, this Resolution Amending Resolution No: 22, Series 2004, A Resolution Approving the Final Plan for Filing 2B of Buckhorn Ranch (Formerly Avion) shall not be effective until such time as it is recorded in the Office of the Clerk and Recorder of Gunnison County, Colorado.

INTRODUCED by Commissioner Swenson, seconded by Commissioner Chamberland, and adopted this 20th day of September, 2011.

BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO

By [Signature]
Hap Channell, Chairperson

By [Signature]
Paula Swenson, Vice Chairperson

By [Signature]
Phil Chamberland, Commissioner

ATTEST:

[Signature]
Deputy County Clerk

