



**BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY
RESOLUTION NO. 2024-_____**

**A RESOLUTION DELEGATING TO THE COUNTY MANAGER AUTHORITY
TO NEGOTIATE AND EXECUTE ALL CONTRACTS, AGREEMENTS, APPLICATIONS
AND OTHER DOCUMENTS AND TAKE ALL ACTIONS ON BEHALF OF GUNNISON
COUNTY RELATED TO THE WHETSTONE PROPERTY AND THE WHETSTONE
COMMUNITY HOUSING DEVELOPMENT PROJECT AND RATIFYING
ALL PREVIOUS ACTIONS THERETO**

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

WHEREAS, the Gunnison County Board of County Commissioners (the "Board") is authorized pursuant to C.R.S. § 30- 11-101(1)(b) to purchase and hold real property for the use of the County; and

WHEREAS, the Board is authorized pursuant to C.R.S. § 30- 11-101(1)(d) to make all contracts and do all other acts in relation to property; and

WHEREAS, the Board is authorized pursuant to C.R.S. § 30-11-101(c) to sell, convey or exchange any real property owned by the County and to make such order respecting the same as may be deemed conducive to the interests of the inhabitants; and

WHEREAS, the Board is authorized pursuant to C.R.S. § 30-11-107(1)(a) to make such order concerning the property belonging to the County as it deems expedient; and

WHEREAS, the Board is authorized pursuant to C.R.S. § 30-11-107(aa) to establish policies and procedures regarding entering into contracts that bind the County and delegate its power to enter into such contracts where amounts and requirements comply with such policies; and

WHEREAS, pursuant but not limited to the foregoing authorities, the Board is authorized and empowered by the laws of the State of Colorado to ratify and confirm past acts and decisions of the County Manager and other officers and employees of the County; and

WHEREAS, the Board affirms its authority to retroactively approve and ratify actions taken by the County Manager in the best interest of the County as well as to further formalize all past delegations of authority to the County Manager and other County officers and employees by motion of the Board of County Commissioners; and

WHEREAS, by motion on November 20, 2018, the Board authorized the County Manager to execute all documents related to the purchase by the County of that parcel of real property located at 25315 Hwy 135 and legally described as a tract of land in the NW1/4 SE1/4, Section 12, Township 14 South, Range 86 West ("Whetstone Property"); and



WHEREAS, on February 5, 2019, the Board adopted Resolution 2019-4, titled “A Resolution Authorizing the Financing of a Portion of the Acquisition Price of Certain Real Property and, in Connection Therewith, Authorizing the Leasing of Certain Real Property and the Execution and Delivery by the County of a Site Lease, a Lease Purchase Agreement, and Other Documents and Matters Relating to Certain Certificates of Participation, Series 2019; Setting Forth Certain Parameters and Restrictions with Respect to the Financing; Authorizing Officials of the County to Take All Actions Necessary to Carry Out the Transactions Contemplated Hereby; Ratifying Action Previously Taken; and Providing for Other Matters Related Thereto”, which ratified previous actions by the County Manager and further authorized the County Manager and other County staff to execute documents related to financing of the purchase of the Whetstone property; and

WHEREAS, on February 16, 2021, the Board adopted Resolution 2021-1, titled “A Resolution Delegating Signatory Authority to County Manager for Affordable Housing Deed Restrictions”, which authorized the Gunnison County Manager, on behalf of the Board, “to sign all documents [and] to enter into contracts that bind the County in the transfer of affordable housing units” and further ratified all prior actions of the County Manager related to the transfer of affordable housing units; and

WHEREAS, in May 2021, the County, through its Community and Economic Development and Sustainability and Operations Departments initiated the Whetstone Community Housing Project LUC-22-000049 (“Whetstone Project”); and

WHEREAS, on March 1 2022, the County Manager, pursuant to the authority delegated to him by the Board and on behalf of the County, executed a Memorandum of Understanding for an Assessment of Town Water and Sanitary Sewer Infrastructures Capabilities to serve the Whetstone Workforce Housing Development between the Town of Crested Butte and Gunnison County; and

WHEREAS, the County submitted its Whetstone Community Housing Land Use Change application on September 9, 2022 pursuant to the *Gunnison County Land Use Resolution*, as amended (“LUR”); and

WHEREAS, on February 7, 2023, the Board adopted Resolution No. 2023-2, approving the County’s application for sketch plan approval of the Whetstone Project; and

WHEREAS, on April 18, 2023, the Board adopted Resolution 2023-11, authorizing the County Manager, on behalf of the Board to purchase real property located at 25476 State Highway 135 near Crested Butte, Colorado and proximate to the Whetstone property for the purpose of securing land that would permit further development of the traffic intersection intended to serve the Whetstone Project; and

WHEREAS, on September 18, 2023, the County Manager, pursuant to the authority delegated to him by the Board and on behalf of the County, executed an Intergovernmental Agreement between the Town of Crested Butte and Gunnison County for the extension of utilities to the Whetstone Project; and



WHEREAS, on November 16, 2023, the County Manager, pursuant to the authority delegated to him by the Board and on behalf of the County, executed a Development and Construction Management Agreement with Servitas, LLC for the Whetstone Project; and

WHEREAS, on January 4, 2023, the County submitted a request for extension of submittal deadline pursuant to Section 7-202 of the LUR, and on January 16, 2024 the Board approved the extension request; and

WHEREAS, the County Manager and the Board anticipate that the County Manager will be required to execute additional agreements and contracts and take such additional and appropriate steps to further develop, finance and complete the Whetstone Project in order to provide attainable housing in Gunnison County; and

WHEREAS, because the LUR requires the Board to decide whether to approve the Whetstone project pursuant to the LUR, the Board finds it in the best interest of the County to delegate to the County Manager and to the staff of the County the authority to both administer the Whetstone Property and pursue regulatory approval of the Whetstone project; and

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Gunnison County, Colorado that:

1. The foregoing recitals are incorporated herein by reference and adopted as findings and determinations of the Board.

2. The Board hereby delegates to the County Manager or his or her designee the authority to take all acts and negotiate and execute all contracts, agreements, applications, and other such documents necessary and appropriate relating to the Whetstone Property and the Whetstone Project, including but not limited to:

- a. All acts, agreements or documents necessary to acquire, purchase, lease, assignment, exchange or sale of the Whetstone Property and surrounding properties;
- b. All acts, agreements, or documents necessary for the sale, lease, assignment, transfer or dedication of any property interest held or acquired by the County with regard to the Whetstone property, including but not limited to the assignment, transfer or lease of water rights, easements, rights of way and the dedication, assignment or transfer of roads, utility infrastructure or improvements to the Whetstone Property;
- c. All acts, agreements, or documents necessary for continued pursuit of the application for a land use change permit for the Whetstone Project



under the LUR;

- d. All acts, agreements, or documents necessary to secure utility services to the Whetstone Project including but not limited to any agreements necessary for potential municipal annexation of the Whetstone Property;
- e. All acts, agreements, or documents necessary to lease residential units to prospective residents or tenants of the Whetstone Property; and
- f. All acts, agreements, or documents necessary for the development, construction, and financing of the Whetstone Project, including but not limited to all contracts or agreements with any other governmental entity, financial institution, broker, lender, developer, designer, builder, attorney, accountant or other such contractor or good or service provider for the development, construction, and financing of the Whetstone Project;

3. All action heretofore taken not expressly inconsistent with the provisions of this Resolution by the Board or the officers, agents or employees of the County, including but not limited to the County Manager relating to the Whetstone Property and the Whetstone Project, including but not limited to those actions set forth in the foregoing recitals, and also including but not limited to:

a. The acquisition, purchase, lease, assignment, exchange or sale of the Whetstone Property and surrounding properties;

b. The sale, lease, assignment, transfer or dedication of any property interest held or acquired by the County with regard to the Whetstone property, including but not limited to the assignment, transfer or lease of water rights, easements, rights of way and the dedication, assignment or transfer of roads, utility infrastructure or improvements to the Whetstone Property;

c. The application for and pursuit of a land use change permit for the Whetstone Project under the LUR;

d. All agreement(s) with the Town of Crested Butte, special districts and other service providers to provide utility services to the Whetstone Project, including but not limited to any agreement, application or other such paper or process related to potential annexation of the Whetstone Property by the Town of Crested Butte; and

e. All agreement(s) with any other governmental entity, financial institution, broker, lender, developer, designer, builder, attorney, accountant or other such contractor or good or service provider for the development, construction, and financing of the Whetstone Project;

Are hereby ratified, approved and confirmed *nunc pro tunc*.



4. The Board hereby finds and determines pursuant to the Constitution and laws of the State of Colorado that the acquisition of the Site and the financing of a portion of the costs thereof, including the costs of executing and delivering the Certificates, pursuant to the terms set forth in the Site Lease and the Lease, is in the best interest of the County and serves a valid public purpose and the Board hereby authorizes and approves the same.

5. The County Manager, and other employees and officials of the County are hereby authorized and directed to execute and deliver for and on behalf of the County any and all additional certificates, documents and other papers, and to perform all other acts that they may deem necessary or appropriate in order to implement and carry out the transactions and other matters authorized by this Resolution. The approval hereby given to the various documents referred to above includes an approval of such additional details therein as may be necessary and appropriate for their completion, deletions therefrom and additions thereto as may be approved by the County Manager prior to the execution of the documents, except that all such documents shall be provided to the County Attorney or his or her designee for review for legal sufficiency prior to execution. The execution of any instrument by the appropriate officers of the County herein authorized shall be conclusive evidence of the approval by the County of such instrument in accordance with the terms hereof.

6. Nothing in the resolution shall be construed to afford any person or entity any cause of action against the County or any of its officials, officers, employees, agents or attorneys, nor create any intended or incident third-party beneficiaries.

7. All orders, instructions, motions and resolutions, or parts thereof, inconsistent with this Resolution are hereby repealed to the extent only of such inconsistency. This paragraph shall not be construed to revive or revise any ordinance, motion, order, or resolution, or part thereof, heretofore repealed. To the extent any ambiguity exists between any ordinance, resolution, motion, order, statement or instruction by the Board, whether existing before or after passage of this Resolution, this Resolution shall control. No statement or writing by any Board member, whether in a meeting of the Board or not, shall purport to amend, alter, supplement or override the express terms of this Resolution, and no such statement or writing may be relied upon by any person in relation to this Resolution.

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

9. This Resolution shall be in full force and take effect immediately upon its passage and approval, and shall remain in effect unless and until repealed or amended



by subsequent Resolution.

INTRODUCED by Commissioner Puckett Daniels, seconded by Commissioner Smith, and adopted this 6th day of February 2024.

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

By [Signature]
Jonathan Houck, Chairperson

By [Signature]
Elizabeth Smith, Vice-Chairperson

By [Signature]
Laura Puckett Daniels, Commissioner

Attest:
[Signature]
Deputy County Clerk

