

TOWN OF GYPSUM, COLORADO

ORDINANCE NO. 03 (SERIES 2018)

AN ORDINANCE AMENDING ORDINANCE NO. 2011-13 TO CORRECT A CLERICAL ERROR AND CONFIRMING THE ESTABLISHMENT OF A VESTED PROPERTY RIGHT UNDER C.R.S SEC. 24-68-103 FOR PARCEL 1, BUCKHORN VALLEY P.U.D. EXEMPTION PLAT II, AS RECORDED IN THE OFFICE OF THE EAGLE COUNTY, COLORADO CLERK AND RECORDER ON DECEMBER 26, 2007 AT RECEPTION NO. 200733479.

WHEREAS, the Town of Gypsum (“**Town**”) is a home rule municipality duly organized and existing under Article XX of the Colorado Constitution and the Town’s Home Rule Charter effective October 21, 1982; and

WHEREAS, on August 9, 2011, the Town approved Ordinance 2011-13 (the “**Vesting Ordinance**”) on second reading following a public hearing, whereby the Town established vested property rights as more particularly described therein with regard to certain properties located within the Town as more particularly described in the Vesting Ordinance; and

WHEREAS, the description of the property to which the vested property rights were intended to apply included a reference to “Parcel 1,” together with other parcels as set forth on the Buckhorn Valley Exemption Plat III, as recorded in the Office of the Eagle County, Colorado Clerk and recorded on October 5, 2010, at Reception No. 201019988 (“**Exemption Plat III**”); and

WHEREAS, although Parcel 1 is referenced on Exemption Plat III, the full legal description for Parcel 1 was mistakenly left out of the Vesting Ordinance and the Town wishes to correct the error and to confirm that Parcel 1, Buckhorn Valley PUD Exemption Plat II (“**Parcel 1**”) is one of the “**CDDR Properties**” as described within the Vesting Ordinance, and to confirm that the vested property rights described in Section 4 of the Vesting Ordinance apply to Parcel 1, as well as to the other CDDR Properties irrespective of the incomplete legal description;

NOW THEREFORE, be it ordained by the Town of Gypsum, Colorado, that:

Section 1- Correction of Clerical Error. The definition of the “**CDDR Properties**” contained in the Fourth “**Whereas**” paragraph of, and used throughout the Vesting Ordinance is hereby corrected to read: “Tract A, Tract B, Tract C, Tract B, Parcel K, Parcel L, and Parcel M, Buckhorn Valley P.U.D. Exemption Plat III; and Parcel 1, Buckhorn Valley PUD Exemption Plat II, as recorded in the Office of the Eagle County Clerk and Recorder at Reception No. 200733479.”

Section 2- Confirmation of Vested Rights. The vested property rights established pursuant to Section 4 of the Vesting Ordinance shall apply to Parcel 1, Buckhorn Valley PUD Exemption Plat II, as recorded in the Office of the Eagle County Clerk and Recorder at

DULY MADE AND PASSED AT ITS MEETING HELD ON THE 24<sup>TH</sup> DAY OF  
APRIL, 2018, BY A VOTE OF \_\_\_\_\_ IN FAVOR AND \_\_\_\_\_ AGAINST.

TOWN OF GYPSUM

By: \_\_\_\_\_

Stephen M. Carver, Mayor

Attest:

\_\_\_\_\_  
Danette Schlegel, Town Clerk

( S E A L )

**TOWN OF GYPSUM, COLORADO**

**ORDINANCE NO. 04  
SERIES 2018**

**AN ORDINANCE PROVIDING FOR THE EXTENSION OF  
VESTED DEVELOPMENT RIGHTS IN THE  
BUCKHORN VALLEY P.U.D PRELIMINARY PLAN AND THE HAWKS NEST  
SUBDIVISION OF BUCKHORN VALLEY PRELIMINARY PLAN**

WHEREAS, the Town of Gypsum ("Town") is a home rule municipality duly organized and existing under Articles XX of the Colorado Constitution and the Town's Home Rule Charter effective October 21, 1982; and

WHEREAS, on July 11, 2000, the Town Council approved a preliminary plan for the Buckhorn Valley P.U.D. (the "PUD"), which preliminary plan was recorded on April 6, 2006 at Reception Number 200608769 with the Eagle County Clerk and Recorder (the "Buckhorn Preliminary Plan"); and

WHEREAS, the Town Council adopted Ordinance No. 13 (Series 2011) on August 9, 2011, which extended the Buckhorn Preliminary Plan for three (3) years, granted vested right in a number of documents related to the PUD, and provided that any plat for any phase of the PUD within three (3) years of the Buckhorn Preliminary Plan approval, or the last phase approved, shall preserve the Buckhorn PUD Preliminary Plan for another three (3) years; and

WHEREAS, pursuant to Resolution No. 06 (Series 2014) adopted on April 22, 2014, the Town Council approved a final plat for Filing I of the Hawks Nest Subdivision ("Hawks Nest") within the PUD, as well as the Hawks Nest Subdivision of Buckhorn Valley Preliminary Plan ("Hawks Nest Preliminary Plan"); and

WHEREAS, pursuant to Resolution No. 12 (Series 2015) adopted April 28, 2015, the Town Council approved a final plat for Filing II of Hawks Nest; and

WHEREAS, pursuant to Section 17.36.045 of the Gypsum Municipal Code, an owner of real property that has received vested property rights may request up to two three-year extensions or reinstatements of the vested property rights so long as such vested rights have not been expired for more than six (6) years; and

WHEREAS, BV Devco, LLC and BV Firewheel, LLC (collectively, "Developers") own the undeveloped portions of the area within the PUD (the "Property"); and

Buckhorn Preliminary Plan and Hawks Nest Preliminary Plan, will automatically extend one time for an additional three (3) years from the end of the initial extension period, subject to the following conditions:

1. At the end of the initial extension period, the Developers (or Property owner at the time) are in compliance with all obligations to and agreements with the Town, the Property and the Developers (or Property owner at the time) have no outstanding or delinquent taxes, assessments or fees, and the Town's Community Development Director determines that the original site specific development plan is still viable;
2. Developers shall pay all costs occasioned by the Town as a result of the extension of vested property rights by this Ordinance, including publication of notices, hearings and review by consultants; and
3. Developers (or the Property owner at the time) have not submitted a request to the Town, in writing, to terminate the vested rights, nor submitted any land use approvals or site specific development plans for the Property that conflict with the Buckhorn Preliminary Plan or Hawks Nest Preliminary Plan.

**Section 2.** **Public Inspection.** Copies of this Ordinance and the Gypsum Municipal Code are available for public inspection at the office of the Gypsum Town Clerk.

**Section 3.** **Public Hearing.** A public hearing on this Ordinance shall be held on the 24<sup>th</sup> day of April, 2018, at 7:00 p.m. at the Town of Gypsum Town Hall, 50 Lundgren Boulevard, Gypsum, Colorado.

**Section 4.** **Effective Date.** This Ordinance shall become effective as a permanent Ordinance five (5) days after publication, following final adoption after a public hearing held on the 24th day of April, 2018, at 7:00 p.m., at the Gypsum Town Hall, 50 Lundgren Blvd., Gypsum, Colorado.

**Section 5.** **Severability.** If any portion of this Ordinance is found to be void or ineffective, it shall be deemed severed from this Ordinance and the remaining provisions shall remain valid and in full force and effect.

INTRODUCED ON SECOND READING, READ, CONSIDERED AT A PUBLIC HEARING AND FINALLY ADOPTED, PASSED AND APPROVED WITH AMENDMENTS, IF ANY, AND ORDERED POSTED AND PUBLISHED, BY THE TOWN COUNCIL OF THE TOWN OF GYPSUM, COLORADO, UPON A MOTION DULY MADE AND PASSED AT ITS MEETING HELD ON THE 24TH DAY OF APRIL, 2018, BY A VOTE OF \_\_\_\_\_ IN FAVOR AND \_\_\_\_\_ AGAINST.

TOWN OF GYPSUM

By: \_\_\_\_\_  
Stephen M. Carver, Mayor

Attest:

\_\_\_\_\_  
Danette Schlegel, Town Clerk

(S E A L)