

TOWN OF GYPSUM, COLORADO

ORDINANCE NO 01.
SERIES (2019)

**An Ordinance to Repeal and Readopt Section 5 of Title 10.01.020 Subsections (9) and (11)
regarding on street parking.**

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, the Town's regulations regarding International Codes are contained in Chapter 10.01.020 of Title 10 of the Gypsum Municipal Code ("Code"); and

WHEREAS, The Town Council desires for Chapter 10.01.020 of Title 10 of the Code to be as up to date and comprehensive as possible; and

WHEREAS, the Town Council wishes to amend or repeal and readopt portions of Chapter 10.01.020 of Title 10 of the Code regarding enforcement of parking regulations.

NOW, THEREFORE, be it ordained by the Town Council of the Town of Gypsum, Colorado, as follows:

Title 10: Subsection 1204 of Section 10.01.020. Repeal and Re-adoption of subsection (9) of the Gypsum Municipal Code.

(9) No person shall stop, stand or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or an official traffic control device, in any of the following places at the designated times: (Ord. ~~1301~~, ~~1997~~2019, SI)

a) On any street or highway within any residential, commercial or light industrial ~~zoned~~ district ~~and neighborhood commercial district~~ between the hours of 7:00 a.m. and 5:00 p.m. This subsection shall not apply: (Ord. ~~13~~, ~~1997~~01, 2019, SI)

(i) From 5.00 p.m. Friday to 7.00 a.m. Monday; (Ord. ~~13~~, ~~1997~~01, 2019, SI)

(ii) Adjacent to residences on First Street and Second Street between Eagle Street and Railroad Avenue which do not have driveways; (Ord. ~~1301~~, ~~1997~~2019, SI)

(iii) ~~(iii)~~ Adjacent to residences located on Eagle Street which do not have driveways; or (Ord. 13, 1997, SI)

(iii) On Federal, State and Town holidays. (Ord. ~~13~~, ~~1997~~01, 2019, SI)

b) On any street or highway adjacent to Gypsum parks between 11:00 p.m. and 6:00 a.m. (Ord. ~~13,199701, 2019~~, SI)

c) In addition to any other restrictions contained within the Gypsum Municipal Code for the parking of vehicles, things or objects, no person shall stop, stand or park, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or a traffic control device, at any time on any street, highway, or public right-of-way or easement, any recreation vehicle, camper, fifth-wheel trailer, trailer, tractor, farm machinery, boat, commercial vehicle, machinery, construction equipment, dump truck, junk vehicle, inoperable vehicle, unlicensed vehicle, or any other object or thing. (Ord. ~~13,199701, 2019~~, SI)

d) Should any vehicle violate this subsection 9 resulting in the inability of Gypsum to collect trash ~~and garbage~~ as regularly scheduled, such vehicle may be immediately removed and impounded. If an ~~unscheduled additional~~ trip is required by Gypsum to collect trash ~~or garbage~~, the owner or operator of the vehicle shall be fined ~~\$25.00 the monthly residential trash collection fee multiplied times the number of such violations within the last five (5) years.~~ (Ord. 13, 1997, SI) (Ord. 13-2010) (Ord. 01, 2019)

e) In addition to Town Enforcement Officers, this subsection 9 may be enforced by, ~~a fine~~, summons for violations issued ~~by~~, and unauthorized vehicles authorized to be removed and impounded, at the owners expense, by any Gypsum refuse collection driver or other Public Works Department employee involved in refuse collection or snow removal who is so authorized by the Town Manager. (Ord.13, 1997, S 1) (Ord. 13-2010) (Ord. 01, 2019)

f) Any vehicle displaying a valid, state issued disabled parking permit on the rearview mirror or on the vehicle's license plates may park in any of the areas otherwise restricted by subsections (9) (a) and (9) (b) of this subsection 1204, except on trash or snow days as defined in Section 10.01.020 (a) of the Gypsum Municipal Code, in which case the vehicle may be removed or impounded pursuant to such subsections. (Ord. 13-2010) (Ord. 01, 2019)

g.) Enforcement is as follows:

- i. First violation of the parking restrictions listed above will result in a warning. Unless it is a trash or snow day then immediate removal can occur at owner's expense.
- ii. Second violation of the parking restrictions listed above will result in a ticket being issued by the Eagle County Sheriff's office.
- iii. Third violation of the parking restrictions listed above will be an immediate tow at owner's expense.

iv. Fourth violation of the parking restrictions above may result in a summons to court. (Ord. 01, 2019)

(11) Guest parking permits shall be issued at the ~~Town of Gypsum Community Development~~ offices for areas where no on street parking restrictions exist ~~in the covenants~~. In addition to any other restrictions contained within the Gypsum Municipal Code for the parking of vehicles, such permits shall be issued pursuant to the following guidelines:

Commented [CS1]: No parking areas aren't just in subdivisions with covenants.

- a) Parking permits shall be issued with no fee.
- b) Parking permits for up to six (6) guest cars ~~on for~~ one day will be issued for a residence as many as two (2) times annually.
- c) Parking permits for a maximum of two (2) guest cars at a time, for a period not to exceed fourteen (14) days will be issued for a residence as many as two (2) times annually.
- d) Parking permits must be displayed on front windshield or dash when cars are parked on the street. Failure to properly display a permit may result in removal or impoundment of the vehicle. ~~pursuant to subsection 6 of section 10.01.020.A1 of the Gypsum Municipal Code.~~
- e) Commercial service vehicles shall be allowed to park on-street without a ~~special~~ permit while parked adjacent to a property to which the operator of the vehicle is providing service; but only during the time services are actually being provided. ~~This paragraph (e) of subsection 1204 (8) shall not allow operators of service vehicles to park in restricted on-street areas, including areas adjacent to the residence of the operator, except while actively providing service.~~
- f) On-street parking, even with a permit and even for commercial service vehicles, shall not be allowed on trash or snow days as defined in subsections ~~6 and 7 of section 10.01.020.A19 subsection e~~ of the Gypsum Municipal Code. Violation of this provision may result in removal or impoundment of the vehicle pursuant to subsections ~~6 or 7 of section 10.01.020.A19 subsection e~~ of the Gypsum Municipal Code.

Commented [CS2]: This language no longer applies.

Commented [CS3]: This is being stated twice.

Section 3. 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 4. Public Hearing. A public hearing on this Ordinance shall be held on the 26th day of February, 2019, at 7:00 p.m., at the Town of Gypsum Town Hall, 50 Lundgren Boulevard, Gypsum, Colorado.

Section 5. 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 26th day of February, 2019, at 7:00 p.m., at the Gypsum Town Hall, 50 Lundgren Boulevard, Gypsum, Colorado.

Section 6. 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, READ AND ORDERED PUBLISHED BY THE TOWN COUNCIL OF THE TOWN OF GYPSUM, COLORADO, UPON A MOTION DULY MADE, AND PASSED AT FIRST READING OF REGULAR MEETING HELD AT THE TOWN OF GYPSUM ON THE 12th day OF FEBRUARY, 2019, BY A VOTE OF ___ IN FAVOR AND ___ AGAINST.

TOWN OF GYPSUM

By: _____
Stephen M. Carver, Mayor

Attest:

Danette Schlegel, Town Clerk

FINALLY ADOPTED, PASSED AND APPROVED ON FEBRUARY 26th, 2019.

TOWN OF GYPSUM

By: _____
Stephen M. Carver, Mayor

Attest:

Danette Schlegel, Town Clerk

TOWN OF GYPSUM, COLORADO

Ordinance No. 02 (Series 2019)

AN ORDINANCE ANNEXING CERTAIN LANDS KNOWN AS THE GREEN ANNEXATION, TO THE TOWN OF GYPSUM, COLORADO.

WHEREAS, a petition ("Petition") for the annexation of a tract of land known as the GREEN ANNEXATION, described on Exhibit A attached hereto and incorporated herein by this reference (the ""Property"), has been submitted to the Town of Gypsum; and

WHEREAS, the Town Council has adopted Resolution No. 06 (Series 2019) Initiating Annexation Proceedings for Certain Property to be known as the Green Annexation and Finding the Petition to be in Substantial Compliance with Section 31-12-107, C.R.S.; and

WHEREAS, the Petition has been signed by more than fifty percent (50%) of the owners of the Property who own more than fifty percent (50%) of the Property, exclusive of streets and alleys; and

WHEREAS, all applicable requirements of the Gypsum Municipal Code have been fulfilled; and

WHEREAS, the Town Council has held a public hearing, received evidence, and adopted Resolution No. 08 (Series 2019) Setting Forth Findings of Facts and Conclusions Regarding the Green Annexation;

WHEREAS, the Property is eligible for annexation in accordance with the Municipal Annexation Act of 1965;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF GYPSUM, COLORADO, as follows:

Section 1 - INCORPORATION: The recitals set forth above are incorporated and ordained as if set forth in this section in full.

Section 2 - ANNEXATION: The Property is hereby annexed to the Town of Gypsum, Colorado.

Section 3 - ANNEXATION CONDITIONS: The annexation of the Property is subject to the terms and conditions of the Annexation Agreement approved by the Town Council on 26th day of March 2019 between the Town of Gypsum and the landowners petitioning for annexation.

Section 4 - FILINGS: Within thirty (30) days after the effective date of this Ordinance, the Town Clerk shall:

- a. File one copy of the annexation map with the original of the Annexation Ordinance in the office of the Clerk of the Town of Gypsum, Colorado.
- b. File a certified copy of the Annexation Ordinance and map of the area annexed containing a legal description of such area with the County Clerk and Recorder.

Section 5 - PUBLIC HEARING: A public hearing on this Ordinance shall be held on the 26th day of March 2019 at 7:00 p.m. at the Town Council Chambers, Gypsum Town Hall, 0050 Lundgren Boulevard Gypsum, Colorado.

Section 6 - EFFECTIVE DATE: This Ordinance shall become effective as a permanent ordinance five days after publication following final passage.

Section 7 - 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, READ, AND ORDERED PUBLISHED BY THE TOWN COUNCIL OF THE TOWN OF GYPSUM, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS REGULAR MEETING HELD AT THE TOWN OF GYPSUM, ON THE 12TH DAY OF FEBRUARY 2019. BY A VOTE OF _____ IN FAVOR AND _____ AGAINST.

TOWN OF GYPSUM, COLORADO

By:

Stephen M. Carver, Mayor

ATTEST:

Danette Schlegel, Town Clerk

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 26TH DAY OF FEBRUARY 2019, BY A VOTE OF _____ IN FAVOR AND _____ AGAINST.

TOWN OF GYPSUM, COLORADO

By:

Stephen M. Carver, Mayor

ATTEST:

Danette Schlegel, Town Clerk

EXHIBIT A DESCRIPTION OF PROPERTY

A Parcel of land situated in Tract 89, Section 18, according to the Supplemental Plat of the Independent Resurvey of Township 5 South, Range 85 West, of the 6th Principal Meridian, as approved by the Survey General June 20, 1922, Eagle County State of Colorado, and being known as, Lot 1 IK Bar Ranches, according to the Amended Final Plat, recorded November 1, 1995, at Reception No. 575879, with all bearings contained hereon based on an assumed and previously platted bearing of S 5' 54' 14" W, between the Northeast Corner of said Lot 1, IK Bar Ranches, a found 2.5" Brass Cap, U.S.G.L.O. marking Angle Point No. 6, Tract 73, found against a fence post flush with ground and the Southwest Corner Lot 1, Chatfield Corners, Filing II, recorded on January 27, 2003 at Reception No. 821515, a found 1.5" Aluminum Cap on #5 Rebar, LS #22589, being a 1' Witness Corner easterly to the true corner and Accepted as a point on line 40.55 feet northerly from the said Southeast Corner of Lot 1, IK Bar Ranches, being more particularly described as follows;

Beginning at said Angle Point No. 6, Tract 73, also being the north line of said Tract 89, thence S 5'54'14"W 1383.37 feet to a point on the South line of said Tract 89, also being the north line of Tract 90, also being the approximate centerline of Cottonwood Pass Road, whence Angle Point No. 4, of said Tract 89 bears N 86°53'39" E a distance of 2715.75 feet to a 3.5" Aluminum Cap, down 1.5 feet, LS #26967, being a 20 foot witness corner easterly to the true Angle Point No. 4 of Tract 89, thence along said south line of Tract 89, north line of Tract 90 and the approximate centerline of Cottonwood Pass Road, S 86°53'59" W a distance of 1163.97 feet to the Southwest corner of Lot 1, IK Bar Ranch and also being the Southeast corner of Wilson 3. Wilson Ranch Parcels, as recorded on May 26, 2017 in Reception No. 201709969, being a found 2" Aluminum Cap, on #5 rebar, set in asphalt, LS #37902, whence Angle Point No. 3, of said Tract 89 bears S 86°53'39" W a distance of 1362.88 feet, a found 2.5" Brass Cap, U.S.G.L.O., on a 1" pipe, up 1.5'; thence the following thirteen (13) courses along an old fence line, along the east line of said Wilson 3 Parcel;

- 1) N 0°48'00" W a distance of 30.02 feet to a found 1.5" Aluminum Cap, on #5 Rebar, LS #26967
- 2) N 0°59'31" W a distance of 62.64 feet to a found 1.5" Aluminum Cap, on #5 Rebar, LS #26967
- 3) N 3°33'55" E a distance of 52.43 feet to a found 1.5" Aluminum Cap, on #5 Rebar, LS #26967
- 4) N 0°35'53" E a distance of 53.51 feet to a found 1.5" Aluminum Cap, on #5 Rebar, LS #26967
- 5) N 2°57'13" W a distance of 67.94 feet to a found 2" Brass Shiner set on old fence post, LS #26967
- 6) N 0°22'21" W a distance of 105.14 feet to a found 1.5" Aluminum Cap, on #5 Rebar, LS #26967
- 7) N 3°06'29" W a distance of 46.04 feet to a found 1.5" Aluminum Cap, on #5 Rebar, LS #26967
- 8) N 1°33'28" W a distance of 87.55 feet to a found 1.5" Aluminum Cap, on #5 Rebar, LS #26967
- 9) N 33°58'04" E a distance of 6.48 feet to a found 1.5" Aluminum Cap, on #5 Rebar, LS #26967
- 10) N 0°59'43" W a distance of 111.67 feet to a found 1.5" Aluminum Cap, on #5 Rebar, LS #26967
- 11) N 0°10'12" W a distance of 213.80 feet to a found 2" Brass Shiner set on old fence post, LS #26967
- 12) N 0°41'16" W a distance of 236.12 feet to a found 1.5" Aluminum Cap, on #5 Rebar, LS #26967
- 13) N 34°04'39" E a distance of 136.66 feet to a found 2" Aluminum Cap, on #5 Rebar, LS #37902, also being a point on the line of a Parcel of land known as the Serafin Parcel, recorded March 15, 1995 at Book 663 Page 285; thence continuing along an old fence line and along the said Serafin Parcel the following three courses;

- 1) S 83°56'56" E a distance of 365.65 feet to a found 1.25" Plastic Cap, on #5 Rebar, LS #5441
- 2) N 37°28'35" E a distance of 197.53 feet to a found 1.25" Plastic Cap, on #5 Rebar, LS #5441
- 3) N 17°24'07" E a distance of 120.85 feet to a point on the north line of said Tract 89 and the south line of Tract 73, whence Angle Point No. 2 Tract 89 bears S 88°19'59" W a distance of 1938.59 feet to a found 2.5" Brass Cap, U.S.G.L.O., on a 1" pipe up 1' and also being Angle Point No. 5 of Tract 73; thence along the south line of Tract 89 and the north line of Tract 73, N 88°19'59" E a distance of 716.52 feet to the Point of Beginning.

Said Parcel Containing 36.302 Acres+– and is also contiguous with the current Town of Gypsum's Boundary by 1383.37 feet. The Perimeter of said Parcel is 5157.87 feet making the contiguous line 26.8% of the Perimeter Parcel Boundary and meeting the 1/6 contiguity requirement for this Annexation.

TOWN OF GYPSUM, COLORADO

**Ordinance No. 03
(Series 2019)**

**AN ORDINANCE APPROVING RURAL RESIDENTIAL
ZONING FOR THE GREEN PROPERTY WITHIN THE
TOWN OF GYPSUM.**

WHEREAS, the Town of Gypsum has within Title 18 of its Municipal Code provided zoning regulations for the purpose of promoting the health, safety, morals and general welfare of the Town; and

WHEREAS, the Town annexed certain real property into the Town now known as the Green property and which is legally described on Exhibit "A" as attached hereto and incorporated herein by this reference (the "Property"); and

WHEREAS, the Town gave Annexation approval for the Property on March 26, 2019; and

WHEREAS, an Application to establish a Rural Residential Zone District for the Property has been filed with the Town by Scott and Cappie Green; as set forth in the Zone Map (Exhibit B).

WHEREAS, the Rural Residential Zone District was considered at a public meeting held before the Gypsum Planning Commission on March 6, 2019, at which time recommendations for approval of the Rural Residential, was made by the Planning Commission to the Town Council; and

WHEREAS, in accordance with Title 18 of the Gypsum Municipal Code and following a public hearing held on March 26, 2019, the Town Council considered the Rural Residential Zone District and approved the same; and

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

Section 1. Approval of Rural Residential District Zone. Based upon the Annexation Application for the Property as approved by the Town Council on March 26, 2019, the applied for Rural Residential Zone District for the Property; as set forth in the Annexation Application is hereby approved.

Section 2. Change in the Zoning Map. The existing official zoning map of the Town of Gypsum dated January 12, 2016 is hereby amended to change the zoning for the

Property to a Rural Residential Zone District in accordance with the approved Zone Map for the Property with the following condition;

- 1. Applicant shall reimburse costs incurred to the Town of Gypsum for amending and updating this section of the zoning map.

Section 3. Public Hearing. A public hearing on this ordinance shall be held on the 26th day of March, 2019 at 7:00 P.M. at the Town Council chambers of Town Hall at 0050 Lundgren Boulevard, Gypsum, Colorado.

Section 4. Effective Date. This ordinance shall become effective as a permanent ordinance five (5) days after publication following final passage.

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, READ AND ORDERED PUBLISHED BY THE TOWN COUNCIL OF THE TOWN OF GYPSUM, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS REGULAR MEETING HELD AT THE TOWN OF GYPSUM ON THE 12TH DAY OF FEBRUARY 2019, BY A VOTE OF ____ IN FAVOR AND ____ AGAINST.

TOWN OF GYPSUM

By: _____
Steve Carver, Mayor

ATTEST:

Danette Schlegel, Town Clerk

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 9TH DAY OF MARCH 2019, BY A VOTE OF ____ IN FAVOR AND ____ AGAINST.

TOWN OF GYPSUM

By: _____
Steve Carver, Mayor

ATTEST:

Danette Schlegel, Town Clerk

EXHIBIT A DESCRIPTION OF PROPERTY

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- 3) N 17°24'07" E a distance of 120.85 feet to a point on the north line of said Tract 89 and the south line of Tract 73, whence Angle Point No. 2 Tract 89 bears S 88°19'59" W a distance of 1938.59 feet to a found 2.5" Brass Cap, U.S.G.L.O., on a 1" pipe up 1' and also being Angle Point No. 5 of Tract 73; thence along the south line of Tract 89 and the north line of Tract 73, N 88°19'59" E a distance of 716.52 feet to the Point of Beginning.

Said Parcel Containing 36.302 Acres+— and is also contiguous with the current Town of Gypsum's Boundary by 1383.37 feet. The Perimeter of said Parcel is 5157.87 feet making the contiguous line 26.8% of the Perimeter Parcel Boundary and meeting the 1/6 contiguity requirement for this Annexation.

**EXHIBIT B
ZONING MAP**

**TOWN OF GYPSUM
RESOLUTION NO. 07 (SERIES 2019)**

**A RESOLUTION ADOPTING THE 2018-2023 EAGLE COUNTY, CO
HAZARD MITIGATION PLAN UPDATE AND AUTHORIZING THE MAYOR OF THE
TOWN OF GYPSUM TO SIGN OF THE APPROVED AGREEMENT**

WHEREAS, all jurisdictions within Eagle County, Colorado have exposure to natural hazards that increase the risk to life, property, environment, and the County and local economy; and

WHEREAS; pro-active mitigation of known hazards before a disaster event can reduce or eliminate long-term risk to life and property; and

WHEREAS, The Disaster Mitigation Act of 2000 (Public Law 106-390) established new requirements for pre and post disaster hazard mitigation programs; and

WHEREAS; Eagle County along with a coalition of municipalities and special districts with like planning objectives has been formed to create consistent mitigation strategies within Eagle County; and

WHEREAS, the coalition has completed a planning process that engages the public, assesses the risk and vulnerability to the impacts of natural hazards, develops a mitigation strategy consistent with a set of uniform goals and objectives, and creates a plan for implementing, evaluating and revising this strategy;

NOW, THEREFORE, BE IT RESOLVED that the Town of Gypsum, CO.:

- 1) Adopts as approved by FEMA in its entirety, the 2018-2023 Eagle County Hazard Mitigation Plan (the "Plan") as the jurisdiction's Natural Hazard Mitigation Plan, and resolves to execute the actions identified in the Plan that pertain to this jurisdiction.
- 2) Will use the adopted and approved portions of the Plan to guide pre- and post-disaster mitigation of the hazards identified.
- 3) Will coordinate the strategies identified in the Plan with other planning programs and mechanisms under its jurisdictional authority.
- 4) Will continue its support of the Mitigation Planning Committee as described within the Plan.
- 5) Will help to promote and support the mitigation successes of all participants in this Plan.
- 6) Will incorporate mitigation planning as an integral component of government and partner operations.

7) Will provide an update of the Plan in conjunction with the County no less than every five years.

INTRODUCED, READ, APPROVED, ADOPTED AND RESOLVED this ____ day of February, 2019.

TOWN OF GYPSUM

By: _____
Mayor

ATTEST:

Town Clerk