

**TOWN COUNCIL  
TOWN OF GYPSUM, STATE OF COLORADO**

**RESOLUTION NO. 08 (SERIES 2021)**

**A RESOLUTION OF THE TOWN OF GYPSUM APPROVING THE BUCKHORN  
VALLEY PHASE 6 FINAL PLAT AND SUBDIVISION IMPROVEMENTS  
AGREEMENT**

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

WHEREAS, the Town of Gypsum has the power and authority to adopt regulations regarding the subdivision of land and to enjoin any such subdivision which does not comply with such regulations, pursuant to Sections 31-23-214 and 31-23-216, C.R.S.; and

WHEREAS, the Town Council of the Town of Gypsum (“Council”) has adopted Title 17 of the Gypsum Municipal Code (G.M.C.) governing the subdivision and regulation of land and Title 18 of the G.M.C. governing zoning; and

WHEREAS, pursuant to Sections 18.08.170 and 17.20.050, G.M.C., final plats for a planned unit development (PUD) shall be considered at a Gypsum Planning and Zoning Commission (“Planning Commission”) meeting and recommendations as a result of this review will be made to the Council who may approve, deny, or approve the application with conditions; and

WHEREAS, BV Firewheel, LLC (the “Applicant”) is the owner of Parcel 1 of the Buckhorn Valley PUD Exemption Plat II Recorded at the Eagle County Clerk and Records Office at Reception No. 202015162, located in Gypsum, Colorado; and

WHEREAS, Gold Dust Capital Partners, LLC (the “Buyer”) is under contract to purchase a portion of Parcel 1 and has submitted an application (“Application”) on November 9, 2020, for approval of Phase 6 Final Plat (the “Final Plat”) identified on Exhibit A, attached hereto and incorporated herein, located in Gypsum, Colorado; and

WHEREAS, pursuant to Sections 18.08.170 and 17.20.050 of the G.M.C., a public hearing before the Planning Commission on the Application was held on February 3, 2021 at 7:00 p.m. and the Planning Commission recommended approval of the Final Plat; and

WHEREAS, the Council hereby finds that pursuant to Section 17.70.010 of the G.M.C., all public notice requirements for the public hearing before the Planning Commission and the meeting for the Council were met, as follows:

- a. Public Notice was published in the Eagle Valley Enterprise on January 21, 2021;
- b. On January 22, 2021 notice of the hearing before the Planning Commission and hearing before the Town Council was mailed to property owners within three hundred feet of the Property;

- c. On January 21, 2021 Public Notice was physically posted at the Property prior to the public hearings of which an affidavit of posting has been received.

WHEREAS, Applicant has complied with the requirements of Sections 18.08.170 and 17.20.030, G.M.C., for the Final Plat; and

WHEREAS, a Subdivision Improvements Agreement for Buckhorn Valley Phase 6 (the "SIA") outlining terms and obligations related to the construction of the Final Plat is identified on Exhibit B, attached hereto and incorporated herein; and

WHEREAS, the Council has considered the criteria of Section 17.20.050., G.M.C., in reviewing the subdivision application, including (1) the comments and recommendations of Town staff, (2) comments of the general public, and (3) impacts on adjoining areas and the Town as a whole.

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

1. **Incorporation of Recitals and Findings.** The above Recitals and Findings of the Planning Commission are hereby incorporated into this Resolution.
2. **Final Plat Approved.** The Final Plat of Buckhorn Valley Phase 5, a Resubdivision of Parcel 1, Buckhorn Valley P.U.D. – Exemption Plat II, attached hereto as Exhibit A and incorporated herein, is approved with the conditions set forth in this Resolution.
3. **Conditions.** This Resolution and the Final Plat and the SIA approvals are conditioned on the following:
  - a) The Applicant meets the criteria of Section 17.20.050(e).
  - b) That as otherwise modified by representations of the applicant in this application, all material representations of the applicant in this application, correspondence and public meetings shall be adhered to and considered conditions of approval, unless otherwise amended by other conditions.
  - c) If the actual out-of-pocket costs of the Town in reviewing the application are greater than the amount of the deposit paid by applicant, applicant shall pay the additional out-of-pocket costs incurred by the Town no later than within 30 days of receipt of an invoice.
  - d) Any needed revisions to the final plat as a result of the plat review must be completed prior to recording the final plat.
  - e) All water, sewer, fire, traffic light and any other required fees shall be paid prior to recording the final plat.
  - f) Any needed revisions to the construction drawings and cost estimate must be completed prior to recording the final plat.
  - g) Letter of credit or cash for Construction Security, in the amount of the cost estimate, must be received prior to recording the final plat.

h) Approval is contingent upon the sale of the property from BV Firewheel, LLC to Gold Dust Capital Partners, LLC.

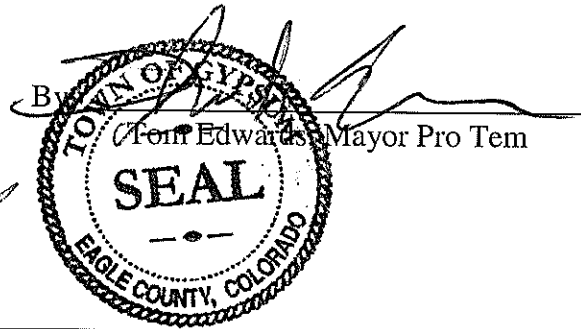
4. **Recording of Final Plat.** The Final Plat, attached hereto as Exhibit A and the SIA, attached hereto as Exhibit B incorporated herein, shall be recorded only after all conditions set forth in paragraph 3 herein are satisfied.

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

6. **Effective date.** This Resolution shall become effective and be in force immediately upon approval.

Approved and resolved this 9 day of FEBRUARY 2021 at a regular meeting of the Town Council of the Town of Gypsum, Colorado by a vote of 5 in favor and 0 against.

TOWN OF GYPSUM



ATTEST:

By: [Signature]  
Lily Ludewig, Interim Town Clerk