

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

RESOLUTION NO. 10 (SERIES 2022)

**A RESOLUTION OF THE TOWN OF GYPSUM APPROVING THE FINAL PLAT
AMENDMENT AND SUBDIVISION IMPROVEMENTS AGREEMENT FOR ROCKY
MOUNTAIN COMMERCE PARK LOT 2A CREATING LOT 2C AND 2D**

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

WHEREAS, pursuant to Section 17.20.070(a)(2), G.M.C., final plat amendments 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, FCAP RMCP, LLC (the “Applicant”) is the owner of Lot 2A, Rocky Mountain Commerce Park, according to the plat recorded March 15, 2021 under Eagle County Clerk and Records Office, Reception No. 202105927; and

WHEREAS, Applicant has submitted an application (“Application”) on April 31, 2022, for approval of the Rocky Mountain Commerce Park Final Plat Amendment of Lot 2A (the “Final Plat Amendment”) identified on Exhibit A, attached hereto and incorporated herein, located in Gypsum, Colorado; and

WHEREAS, pursuant to Section 17.20.070(a)(2)(c) of the G.M.C., a public hearing before the Planning Commission on the Application was held on July 6, 2022 at 7:00 p.m. and the Planning Commission recommended approval of the Final Plat Amendment; 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. On June 16, 2022 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;
- b. On June 6, 2022 Public Notice was physically posted at the Property prior to the public hearings of which an affidavit of posting has been received.

WHEREAS, a Subdivision Improvements Agreement for Rocky Mountain Commerce Park Lot 2A (the "SIA") outlining terms and obligations related to the Final Plat Amendment is identified on Exhibit B, attached hereto and incorporated herein; and

WHEREAS, the Council has considered the criteria of Sections 17.20.070(a)(2)(b), 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 Amendment Approved.** The Final Plat Amendment of Rocky Mountain Commerce Park Lot 2A, attached hereto as Exhibit A and incorporated herein, is approved with the conditions set forth in this Resolution.

3. **Conditions.** This Resolution, the Final Plat Amendment and the SIA approvals are conditioned on the following:

a. The Applicant meets the criteria of Section 17.20.070(a)(2).

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.

4. **Recording of Final Plat Amendment.** The Final Plat Amendment, attached hereto as Exhibit A and the SIA, attached hereto as Exhibit B incorporated herein, shall be recorded only after all fees outlined in the SIA have been paid.

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 26 day of July 2022 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



By: _____

~~Steve Carver, Mayor~~

Tom Edwards Mayor Pro Tem

ATTEST:


By:  _____
Becky Close, Town Clerk



EXHIBIT A

FINAL PLAT AMENDMENT OF ROCKY MOUNTIAN COMMERCE PARK LOT 2A

EXHIBIT B

SUBDIVISION IMPROVEMENTS AGREEMENT