

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

RESOLUTION NO. 11 (SERIES 2020)

**A RESOLUTION APPROVING SUBDIVISION OF AIRWALK BUSINESS PARK,
PARCEL B, FINAL PLAT AMENDMENT**

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., major 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, ILB Partners I, LLC (the “Applicant”) is the owner of the real property (the “Property”) identified on Exhibit A, attached hereto and incorporated herein, located in Gypsum, Colorado; and

WHEREAS, on January 31, 2020, the Applicant submitted an application (“Application”) for approval of a major plat amendment attached hereto as Exhibit B and incorporated herein (“Final Plat Amendment”) to subdivide the Property; and

WHEREAS, pursuant to Sections 17.20.070(a)(2)(c) of the G.M.C., a public hearing before the Planning Commission on the Application was held on April 22, 2020, 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, 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 April 2, 2020;
- b. On April 2, 2020 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 March 16, 2020 Public Notice was physically posted at the Property prior to the public hearings and confirmed by planning staff.

WHEREAS, Applicant has complied with the requirements of Section 17.20.070(a)(2) of the G.M.C. for the Final Plat Amendment; and

WHEREAS, the Council has considered the criteria of Section 17.02.070(a)(2) of the G.M.C., in reviewing the subdivision application, including (1) the comments and recommendations of Town staff, (2) the recommendations of the Planning Commission, (3) comments of the general public, and (4) 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 Airwalk Business Park, Parcel B Final Plat Amendment attached hereto as Exhibit B and incorporated herein, is approved with the conditions set forth in Section 3 of this Resolution.

3. **Conditions.** This Resolution and the approval of the Final Plat Amendment are conditioned on the following:

(a) 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.

(b) 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.

(c) Updated plat shall be provided prior to recording, removal or reference of noted 6a at easement.

(d) All fees due at final plat shall be paid prior to recording the Final Plat Amendment.

4. **Recording of Final Plat Amendment.** The Final Plat Amendment, attached hereto as Exhibit B and incorporated herein, shall be recorded only after all conditions set forth in paragraph 3 herein are satisfied but no later than May 31, 2020.

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.

EXHIBIT A

LEGAL DESCRIPTION

PARCEL B, AIRWALK BUSINESS PARK, ACCORDING TO THE SUBDIVISION PLAT RECORDED JUNE 18, 2008, AT RECEPTION NO. 200812895, EAGLE COUNTY, COLORADO.

EXHIBIT B

AIRWALK BUSINESS PARK PARCEL B FINAL PLAT AMENDMENT

Approved and resolved this 28th day of April 2020 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

ATTEST:

By: 
Danette Schlegel, Town Clerk

