

TOWN COUNCIL
TOWN OF GYPSUM, STATE OF COLORADO

RESOLUTION NO. 15 (SERIES 2020)

**A RESOLUTION EXTENDING THE DEADLINE FOR THE
DEVELOPER OF THE SIENA LAKE PUD TO MEET CERTAIN
CONDITIONS TO RECORD THE SECOND AMENDED FILING 1 FINAL
PLAT AND CONTINUE VESTED PROPERTY RIGHTS
GRANTED IN THE FIRST AMENDMENT TO THE
SUBDIVISION IMPROVEMENT 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 members of the Town Council (“Council”) have been duly elected, chosen and qualified; and

WHEREAS, 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, pursuant to Resolution No. 25 (Series 2018) and Section 29 of the Agreement, the Town Council conditionally approved a Subdivision Improvement Agreement (“Agreement”) with Developer, provided that the Agreement would automatically terminate on January 15, 2019 if the Developer had not met certain conditions, including recording of the Agreement, Planned Unit Development (PUD) Guide, and Filing I Final Plat; and

WHEREAS, on May 10, 2018, Developer submitted an application for a Final Plat for Filing 1 of the Project which was conditionally approved pursuant to Resolution No. 26 (Series 2018); and

WHEREAS, pursuant to Resolution No. 04 (Series 2019), the Town Council repealed Resolution No. 26 (Series 2018), conditionally reapproved the Siena Lake Filing 1 Final Plat, and extended the deadline to record the Agreement, PUD Guide, and Final Plat for Filing 1 to September 15, 2019; and

WHEREAS, pursuant to Resolution No. 05 (Series 2019), the Town Council conditionally approved the Siena Lake Filing 1 Final Plat Amendment on January 8, 2019; and

WHEREAS, Resolution No. 28 (Series 2019) repealed Resolution No. 04 (Series 2019), reapproved the Siena Lake Filing 1 Final Plat, and extended the deadline to record the Agreement, PUD Guide, and Final Plat for Filing I to June 30, 2020; and

WHEREAS, the Agreement obligates the Developer to provide certain infrastructure improvements and facilities to serve the Siena Lake Planned Unit Development and mitigate the impact of the project on the Town and requires certain improvements be constructed; and

WHEREAS, the Final Plat for Filing I, PUD Guide, and Agreement have not been recorded because the Developer has not paid the fees required pursuant to the Agreement; and

WHEREAS, on August 5, 2019, the Applicant submitted an application (“Application”) to amend the Filing 1 Final Plat to un-plat the eight-one (81) lots created with the Filing 1 Final Plat, allowing the Developer to construct infrastructure separate from and in advance of the platting of residential or commercial lots within the Property; and

WHEREAS, Resolution No. 38 (Series 2019) approved the Second Amended Final Plat for Filing 1 Siena Lake PUD and the First Amendment to the Subdivision Improvement Agreement, subject to the Applicant meeting certain conditions by June 30, 2020; and

WHEREAS, the Applicant has requested an extension of time to meet the conditions set forth in Resolution No. 38 (Series 2019) and the Town wishes to provide for an extension to April 1, 2021;

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

1. Extension of Plat Condition Deadline. The deadline for Applicant to complete the following conditions necessary for approval of the Second Amended Final Plat for Filing 1 Siena Lake Planned Unit Development, attached as Exhibit B to Resolution 38 (Series 2020), is extended to April 1, 2021:

(a) 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.

(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 the 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) Plat must be revised to change the Access Easement between Kali Lane and Kana Way to a Public Utility Easement and widen this easement from 14' to 20'.

2. Effect on Approval of First Amendment to the Subdivision Improvement Agreement. The First Amendment to the Subdivision Improvement Agreement ("First Amendment"), attached as Exhibit C to Resolution 38 (Series 2020), and the vested property rights granted therein shall automatically terminate on April 1, 2021, if, by such date, Developer has not met the conditions listed above to record the Filing 1 Final Plat, the PUD Guide, and the First Amendment with the Eagle County Clerk and Recorder.

3. Amendment of Subdivision Improvement Agreement. The Mayor is authorized to execute a Second Amendment the Subdivision Improvement Agreement extending the deadline in Section 29 to April 1, 2021.

4. Effective Date. This Resolution shall become effective immediately upon adoption by the Town Council.

5. Severability. If any part, section, subsection, sentence, clause or phrase of this Resolution is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining provisions.

Approved and Resolved this 9th day of June, 2020 at a regular meeting of the Town Council of the Town of Gypsum, Colorado by a vote of 7 in favor and 0 against.

TOWN OF GYPSUM

By: 
Steven Carver, Mayor

ATTEST:

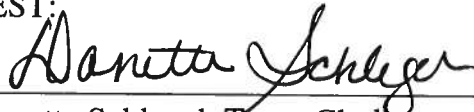
By: 
Danette Schlegel, Town Clerk



EXHIBIT A
Legal Description