

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

**RESOLUTION NO. 04 (SERIES 2019)**

**A RESOLUTION REPEALING RESOLUTION NO. 26 (SERIES 2018) AND REAPPROVING THE SIENA LAKE FILING I FINAL PLAT**

WHEREAS, the Town of Gypsum, Colorado (“Town”), is a home rule municipality duly organized and existing under Article XX of the Colorado Constitution and the Town’s 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”) had adopted Title 17 of the Gypsum Municipal Code governing the subdivision and regulation of land; and

WHEREAS, on August 14, 2018, the Council approved Resolution No. 26 (Series 2018) identified on Exhibit A, attached hereto and incorporated herein, which approved Filing I Final Plat for the Siena Lake project for Red Table Ventures, LLC; and

WHEREAS, Red Table Ventures, LLC (the “Applicant”) is the owner of the real property (the “Property”) identified on Exhibit B, attached hereto and incorporated herein, located in Gypsum, Colorado; and

WHEREAS, Red Table Ventures, LLC has requested the extension of a deadline made as condition of approval number 8 of Resolution No. 26 (Series 2018) which is a deadline of January 15, 2019 to record the Subdivision Improvements Agreement, PUD Guide, and Final Plat for Filing I; and

WHEREAS, town engineer on the project, Jim Hancock, also requests an extension of a deadline made as condition of approval number 7 of Resolution No. 26 (Series 2018) which was a deadline of September 30, 2018, to have final construction drawings and related materials submitted to Jim by the applicant because response comments have not been provided by Jim to the Red Table Ventures, LLC; and

WHEREAS, condition items 3-6 of Resolution No. 26 (Series 2018) have already been met and therefore are not included in this resolution; and

WHEREAS, the Council hereby finds that 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 November 15, 2018;
- b. On November 20, 2018, 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 December 19, 2018, Public Notice was physically posted at the Property prior to the public hearings of which an affidavit of posting has been received.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF GYPSUM, COLORADO, THAT THE COUNCIL WISHES TO REPEAL THE PREVIOUSLY APPROVED RESOLUTION NO. 26 (SERIES 2018) AND APPROVE THIS RESOLUTION WITH THE FOLLOWING CONDITIONS:

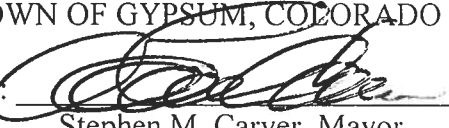
1. **Incorporation of Recitals and Findings.** The above Recitals and Findings of the Planning Commission are hereby incorporated into this Resolution.
2. **Final Plat Approved.** The Siena Lake Filing I Final Plat, a Replat of Parcel A Saddle Ridge Commercial Subdivision and recorded under Reception No. 200811496; together with Tract 1 Parcel B Saddle Ridge Commercial Subdivision/Parcel 2 Ewing Exemption Boundary Line Adjustment Plat as recorded under Reception No. 201700247; together with Government Lots 7 and 8 in Section 2, Government Lot 1 in Section 11, Township 5 South, Range 85 West of the Sixth Principal Meridian; together with Tract A Buckhorn Valley P.U.D Phase 3 as recorded under Reception No. 913691, Town of Gypsum, Eagle County, Colorado, attached hereto as Exhibit C and incorporated herein, is approved with the conditions set forth in Section 3 of this Resolution.
3. **Conditions.** This Resolution and the Final Plat approvals are conditioned on the following:
  - 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. Final construction drawings and related materials must be completed and approved by Jim Hancock no later than February 15, 2019 or prior to recording of Subdivision Improvements Agreement whichever comes first.
  - d. This approval becomes null and void if the Subdivision Improvements Agreement, PUD Guide, and Final Plat for Filing I are not recorded by September 15, 2019.
4. **Recording of the Final Plat.** The Final Plat, attached hereto as Exhibit C and incorporated herein, shall be recorded only after all conditions set forth in paragraph 3 herein are satisfied but no later than September 15, 2019.

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 8<sup>th</sup> day of January, 2019, at a regular meeting of the Town Council of the Town of Gypsum, Colorado, by a vote of 6 in favor and 0 against.

TOWN COUNCIL  
TOWN OF GYPSUM, COLORADO

By: \_\_\_\_\_

  
Stephen M. Carver, Mayor

ATTEST:

  
Danette Schlegel, Town Clerk



**EXHIBIT A**  
**RESOLUTION NO. 26 (SERIES 2018)**

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

**RESOLUTION NO. 26 (SERIES 2018)**

**A RESOLUTION APPROVING THE SIENA LAKE FILING 1 FINAL PLAT**

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 17.20.050, 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, Red Table Ventures, 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 April 6, 2018, the Applicant submitted an application (“Application”) for approval of a final plat attached hereto as Exhibit B and incorporated herein (“Final Plat”) to subdivide the Property; and

WHEREAS, pursuant to Sections 17.20.050 and 17.16.030(10)(d) of the G.M.C., a public hearing before the Planning Commission on the Application was held on July 11, 2018, 2018 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, 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 May 17 and again on June 21, 2018;
- b. On June 20, 2018 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 May 13, 2018 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, the Council has considered the criteria of Section 17.02.050., 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 Siena Lake Filing 1 Final Plat, a Replat of Parcel A Saddle Ridge Commercial Subdivision and recorded under Reception No. 200811496; together with Tract 1 Parcel B Saddle Ridge Commercial Subdivision / Parcel 2 Ewing Exemption Boundary Line Adjustment Plat as recorded under Reception No. 201700247; together with Government Lots 7 and 8 in Section 2, Government Lot 1 in Section 11, Township 5 South, Range 85 West of the Sixth Principal Meridian; together with Tract A Buckhorn Valley P.U.D Phase 3 as recorded under Reception No. 913691, Town of Gypsum, Eagle County, Colorado, 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 Final Plat approvals are conditioned on the following:

1. 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.
2. 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.
3. Subdivision Improvements Agreement must be executed no later than August 17, 2018.
4. Additional language is added to the Subdivision Improvements Agreement requiring it to be recorded prior to January 15, 2019 or it becomes null and void before executing on August 17, 2018.
5. The Resource Engineering Report must be revised to reflect the Subdivision Improvements Agreement and resubmitted by August 17, 2018.
6. Lana Gallegos and Randy Kipp are still reviewing the revised final plat documents for accuracy. Any further changes still required by the town staff must be made prior to recording.

7. Final construction drawings and related materials must be completed and approved by Jim Hancock no later than September 30, 2018 or prior to recording of Subdivision Improvements Agreement whichever comes first.
8. This approval becomes null and void if the Subdivision Improvements Agreement, PUD Guide, and Final Plat for Filing I are not recorded by January 15, 2019.


4. **Recording of Final Plat.** The Final Plat, attached hereto as Exhibit B and incorporated herein, shall be recorded only after all conditions set forth in paragraph 4 herein are satisfied but no later than January 15, 2019.

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 14th day of August, 2018 at a regular meeting of the Town Council of the Town of Gypsum, Colorado by a vote of 4 in favor and 0 against.

TOWN OF GYPSUM

By:   
Steve Carver  
Mayor

ATTEST:

By:   
Danette Schlegel, Town Clerk



**EXHIBIT A**  
**LEGAL DESCRIPTION OF PROPERTY**

PARCEL A:

PARCEL A, SADDLE RIDGE COMMERCIAL SUBDIVISION, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 2, 2008 UNDER RECEPTION NO. 200811496, EAGLE COUNTY CLERK AND RECORDER'S OFFICE, COUNTY OF EAGLE, STATE OF COLORADO.

PARCEL B:

A PORTION OF 2001 PROPERTIES, LLC/GREENMAN BOUNDARY LINE ADJUSTMENT PLAT NO 4 AS RECORDED UNDER RECEPTION NO. 200609718 EAGLE COUNTY CLERK AND RECORDER'S OFFICE, COUNTY OF EAGLE, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID BOUNDARY LINE ADJUSTMENT PLAT, SAID POINT ALSO BEING ANGLE POINT NO. 1 OF TRACT NO. 54, A BRASS CAP; THENCE S 0°01'25" E ALONG THE EAST LINE OF SAID PARCEL, A DISTANCE OF 2469.30 FEET TO THE SOUTHWEST CORNER OF GOVERNMENT LOT 1; THENCE S 0°01'25" E CONTINUING ALONG SAID EAST LINE, A DISTANCE OF

186.21 FEET; THENCE N 89°54'15" W, A DISTANCE OF 267.20 FEET TO A POINT ON THE SOUTH LINE OF SAID BOUNDARY LINE ADJUSTMENT PLAT; THENCE N 89°54'15" W ALONG SAID SOUTH LINE, A DISTANCE OF 294.48 FEET; THENCE N 03°06'40" W, A DISTANCE OF 168.42 FEET; THENCE N 88°18'16" W A DISTANCE OF 202.30 FEET; THENCE S 39°31'38" W A DISTANCE OF 225.02 FEET TO A POINT ON SOUTH LINE OF SAID BOUNDARY LINE ADJUSTMENT PLAT; THENCE N 89°54'15" W ALONG SAID SOUTHERLY LINE, A DISTANCE OF 484.30 FEET TO THE SOUTHWEST CORNER OF SAID BOUNDARY LINE ADJUSTMENT PLAT; THENCE ALONG THE WESTERLY LINE OF SAID PLAT THE FOLLOWING SEVEN (7) COURSES:

- 1) N 02°28'39" E, A DISTANCE OF 1375.32 FEET;
- 2) S 89°26'57" W, A DISTANCE OF 642.16 FEET;
- 3) N 02°32'35" W, A DISTANCE OF 179.78 FEET;
- 4) N 24°45'37" W, A DISTANCE OF 124.64 FEET;
- 5) N 43°41'18" W, A DISTANCE OF 153.67 FEET;
- 6) N 33°55'11" W, A DISTANCE OF 157.71 FEET;
- 7) N 55°10'17" W, A DISTANCE OF 111.26 FEET TO THE SOUTHWEST CORNER OF PARCEL A, SADDLE RIDGE COMMERCIAL SUBDIVISION AS RECORDED UNDER RECEPTION NO.

200811496;

THENCE ALONG THE SOUTHERLY AND EASTERLY LINE OF SAID PARCEL A THE FOLLOWING SIX (6) COURSES.

- 1) N 88°58'35" E, A DISTANCE OF 878.80 FEET;
- 2) N 51°52'13" E, A DISTANCE OF 627.52 FEET;
- 3) S 37°35'19" E, A DISTANCE OF 102.55 FEET;
- 4) N 52°29'59" E, A DISTANCE OF 191.91 FEET;
- 5) N 90°00'00" E, A DISTANCE OF 190.26 FEET;
- 6) N 00°00'00" W, A DISTANCE OF 257.56 FEET TO A POINT ON THE NORTH LINE OF 2001 PROPERTIES, LLC/GREENMAN BOUNDARY LINE ADJUSTMENT PLAT NO. 4; THENCE S 89°02'25" E ALONG THE NORTH LINE OF SAID PLAT, A DISTANCE OF 551.05 FEET TO THE POINT OF BEGINNING.

NOTE: PARCEL B LEGAL DESCRIPTION PREPARED BY:  
BRUCE D. LEWIS, PE  
FOR AND ON BEHALF OF BOUNDARIES UNLIMITED INC.



PARCEL C:

GOVERNMENT LOTS 7 AND 8 IN SECTION 2, AND GOVERNMENT LOT 1 IN SECTION 11,  
ALL IN TOWNSHIP 5 SOUTH, RANGE 85 WEST OF THE SIXTH PRINCIPAL MERIDIAN, TOWN  
OF GYPSUM, COUNTY OF EAGLE, STATE OF COLORADO.

PARCEL D:

TRACT A, BUCKHORN VALLEY P.U.D. - PHASE THREE, ACCORDING TO THE PLAT RECORDED  
APRIL 27,  
2005 UNDER RECEPTION NO. 913694, COUNTY OF EAGLE, STATE OF COLORADO.

**EXHIBIT B**  
**FINAL PLAT**

## EXHIBIT B

### LEGAL DESCRIPTION OF PROPERTY

#### PARCEL A:

PARCEL A, SADDLE RIDGE COMMERCIAL SUBDIVISION, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 2, 2008 UNDER RECEPTION NO. 200811496, EAGLE COUNTY CLERK AND RECORDER'S OFFICE, COUNTY OF EAGLE, STATE OF COLORADO.

#### PARCEL B:

A PORTION OF 2001 PROPERTIES, LLC/GREENMAN BOUNDARY LINE ADJUSTMENT PLAT NO. 4 AS RECORDED UNDER RECEPTION NO. 200609718 EAGLE COUNTY CLERK AND RECORDER'S OFFICE, COUNTY OF EAGLE, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID BOUNDARY LINE ADJUSTMENT PLAT, SAID POINT ALSO BEING ANGLE POINT NO. 1 OF TRACT NO. 54, A BRASS CAP; THENCE S 0°01'25" E ALONG THE EAST LINE OF SAID PARCEL, A DISTANCE OF 2469.30 FEET TO THE SOUTHWEST CORNER OF GOVERNMENT LOT 1; THENCE S 0°01'25" E CONTINUING ALONG SAID EAST LINE, A DISTANCE OF

186.21 FEET; THENCE N 89°54'15" W, A DISTANCE OF 267.20 FEET TO A POINT ON THE SOUTH LINE OF SAID BOUNDARY LINE ADJUSTMENT PLAT; THENCE N 89°54'15" W ALONG SAID SOUTH LINE, A DISTANCE OF 294.48 FEET; THENCE N 03°06'40" W, A DISTANCE OF 168.42 FEET; THENCE N 88°18'16" W A DISTANCE OF 202.30 FEET; THENCE S 39°31'38" W A DISTANCE OF 225.02 FEET TO A POINT ON SOUTH LINE OF SAID BOUNDARY LINE ADJUSTMENT PLAT; THENCE N 89°54'15" W ALONG SAID SOUTHERLY LINE, A DISTANCE OF 484.30 FEET TO THE SOUTHWEST CORNER OF SAID BOUNDARY LINE ADJUSTMENT PLAT;

THENCE ALONG THE WESTERLY LINE OF SAID PLAT THE FOLLOWING SEVEN (7) COURSES:

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2) S 89°26'57" W, A DISTANCE OF 642.16 FEET;

3) N 02°32'35" W, A DISTANCE OF 179.78 FEET;

4) N 24°45'37" W, A DISTANCE OF 124.64 FEET;

5) N 43°41'18" W, A DISTANCE OF 153.67 FEET;

6) N 33°55'11" W, A DISTANCE OF 157.71 FEET;

7) N 55°10'17" W, A DISTANCE OF 111.26 FEET TO THE SOUTHWEST CORNER OF PARCEL A, SADDLE RIDGE COMMERCIAL SUBDIVISION AS RECORDED UNDER RECEPTION NO. 200811496;

THENCE ALONG THE SOUTHERLY AND EASTERLY LINE OF SAID PARCEL A THE FOLLOWING SIX (6) COURSES:

1) N 88°58'35" E, A DISTANCE OF 878.80 FEET;

2) N 51°52'13" E, A DISTANCE OF 627.52 FEET;

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4) N 52°29'59" E, A DISTANCE OF 191.91 FEET;

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NOTE: PARCEL B LEGAL DESCRIPTION PREPARED BY:

BRUCE D. LEWIS, PE

FOR AND ON BEHALF OF BOUNDARIES UNLIMITED INC.

PARCEL C:

GOVERNMENT LOTS 7 AND 8 IN SECTION 2, AND GOVERNMENT LOT 1 IN SECTION 11, ALL IN TOWNSHIP 5 SOUTH, RANGE 85 WEST OF THE SIXTH PRINCIPAL MERIDIAN, TOWN OF GYPSUM, COUNTY OF EAGLE, STATE OF COLORADO.

PARCEL D:

TRACT A, BUCKHORN VALLEY P.U.D. - PHASE THREE, ACCORDING TO THE PLAT RECORDED APRIL 27,

2005 UNDER RECEPTION NO. 913694, COUNTY OF EAGLE, STATE OF COLORADO.

**EXHIBIT C**

**FINAL PLAT SIENA LAKE PUD FILING I**