

**BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO**

RESOLUTION NO: 13-9

**A RESOLUTION GRANTING AN EXEMPTION FOR A DIVISION OF LAND FROM
THE DEFINITION OF THE TERMS "SUBDIVISION" AND "SUBDIVIDED LAND" FOR
THE LAND EXCHANGE BETWEEN THE CORPORATION OF THE ROCKY
MOUNTAIN BIOLOGICAL LABORATORY AT GOTHIC AND THE SPANNS**

WHEREAS, pursuant to C.R.S. §30-28-101(10)(d), the Board of County Commissioners of the County of Gunnison, Colorado (hereinafter the "Board") may exempt a division of land from the statutory definition of the terms "subdivision" and "subdivided land" if the Board determines that such division is not within the purposes of Title 30, Article 28, Part I, Colorado Revised Statutes; and

WHEREAS, The Corporation of the Rocky Mountain Biological Laboratory at Gothic (hereinafter "RMBL") and Lee L. Spann and Polly M. Spann (hereinafter the "Spanns") own certain real property located in the Townsite of Gothic, Colorado (hereinafter "Gothic") as identified on the Final Plat titled "Plat of Spann Subdivision Exemption Located in Block 1, Gothic City NE1/4 Sec. 3, T13S, R86W, 6th PM County of Gunnison, State of Colorado", created by Stephen Jessoe, P.L.S. of All County Survey, dated _____, 2013 and recorded in the records of the Office of the Clerk and Recorder of Gunnison County, Colorado on _____, 2013, bearing Reception No: _____ (hereinafter the "Subdivision Exemption Plat"); and

WHEREAS, as a means of simplifying use and expansion of RMBL, RMBL has applied for vacation of all streets, alleys, blocks and lots within that portion of Gothic owned by RMBL; and

WHEREAS, currently legal access to the Spanns' parcel is via platted streets and alleys, the same streets and alleys are among those RMBL is seeking to have vacated; and

WHEREAS, on February 6, 2013, RMBL and the Spanns entered into a Land Exchange Agreement to provide for a more appropriate alternate parcel for the Spanns that will be accessible through a grant of easement conveyed by RMBL rather than by platted streets and alleys while enabling RMBL to further pursue vacation of the streets, alleys, blocks and lots. The parcels to be exchanged are identified on the Subdivision Exemption Plat; and

WHEREAS, RMBL provides an internationally renowned center for scientific research and education and it is in the best interest of the public to support the endeavors of this institution while ensuring that the Spanns have an accessible parcel; and

WHEREAS, the Board believes that the division of land identified in the above referenced Land Exchange Agreement and the Subdivision Exemption Plat is not within the purposes identified in Title 30, Article 28, Part I, Colorado Revised Statutes.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of the County of Gunnison, Colorado that, pursuant to C.R.S. §30-28-101(10)(d), the Board shall and hereby does grant an exemption from the definition of the terms "subdivision" and "subdivided land" for the division of land identified in the Land Exchange Agreement dated February 6, 2013 by and between The Corporation of the Rocky Mountain Biological Laboratory at Gothic and Lee L. Spann and Polly M. Spann in the Townsite of Gothic, Colorado and also as identified on the Final Plat titled "Plat of Spann Subdivision Exemption Located in Block 1, Gothic City NE1/4 Sec. 3, T13S, R86W, 6th PM County of Gunnison, State of Colorado", created by Stephen Jessoe, P.L.S. of All County Survey, dated _____, 2013 and recorded in the records of the Office of the Clerk and Recorder of Gunnison County, Colorado on _____, 2013, bearing Reception No: _____.

THIS EXEMPTION SHALL BE GRANTED ONLY UPON THE FOLLOWING TERMS AND CONDITIONS:

1. Approval by resolution of the Board of County Commissioners of the County of Gunnison, Colorado, of The Corporation of the Rocky Mountain Biological Laboratory at Gothic's request for the vacation of the following streets, alleys, blocks and lots:

ONLY WITH REGARD TO THAT PORTION OF THE TOWNSITE OF GOTHIC, COLORADO OWNED BY RMBL, all those streets, alleys, blocks and lots within the original Plat of Gothic City, recorded on September 22, 1879 at Reception No. 1365, the First Addition to the City of Gothic recorded July 3, 1880 at Reception No. 2676, Plat of Gothic City and First Addition to the City of Gothic recorded July 29, 1880 at Reception No. 3495, and the L.A. Waits 2nd Addition to the Town of Gothic recorded November 1, 1881 at Reception No. 19799, EXCEPT Gunnison County Road 317, a 75' right-of-way labeled "Main Street" per said Plats, also known as the Gothic Road, located and situate in the North Half (N1/2), Section Three (3), Township Thirteen (13) South, Range Eighty-Six (86) West, Sixth Principal Meridian, AND EXCEPT THAT NO BLOCK OR LOT NOT OWNED BY RMBL, OR THAT PORTION OF A BLOCK OR LOT NOT OWNED BY RMBL, SHALL BE VACATED,

County of Gunnison,
State of Colorado.

2. By no later than September 4, 2013, a Final Plat will be received and approved by the Office of the Gunnison County Attorney identifying this subdivision exemption.
3. This Resolution shall not become effective until after recording the Final Plat and this Resolution in the records of the Office of the Clerk and Recorder of Gunnison County, Colorado concurrently with the following:
 - A. The Resolution of the Board of County Commissioners of the County of Gunnison, Colorado, of The Corporation of the Rocky Mountain Biological Laboratory at Gothic's request for the vacation of the following streets, alleys, blocks and lots:

ONLY WITH REGARD TO THAT PORTION OF THE TOWNSITE OF GOTHIC, COLORADO OWNED BY RMBL, all those streets, alleys, blocks and lots within the original Plat of Gothic City, recorded on September 22, 1879 at Reception No. 1365, the First Addition to the City of Gothic recorded July 3, 1880 at Reception No. 2676, Plat of Gothic City and First Addition to the City of Gothic recorded July 29, 1880 at Reception No. 3495, and the L.A. Waits 2nd Addition to the Town of Gothic recorded November 1, 1881 at Reception No. 19799, EXCEPT Gunnison County Road 317, a 75' right-of-way labeled "Main Street" per said Plats, also known as the Gothic Road, located and situate in the North Half (N1/2), Section Three (3), Township Thirteen (13) South, Range Eighty-Six (86) West, Sixth Principal Meridian, AND EXCEPT THAT NO BLOCK OR LOT NOT OWNED BY RMBL, OR THAT PORTION OF A BLOCK OR LOT NOT OWNED BY RMBL, SHALL BE VACATED,

County of Gunnison,
State of Colorado.

- B. Final Plats identifying this subdivision exemption and the street, alley, block and lot vacation.
- C. Any and all conveyances of parcels and easements as agreed upon and identified in the Land Exchange Agreement dated February 6, 2013 by and between The Corporation of the Rocky Mountain Biological Laboratory at Gothic and Lee L. Spann and Polly M. Spann.

INTRODUCED by Commissioner Houck, seconded by Commissioner Chamberland, and adopted this 4th day of June, 2013.

BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON,
COLORADO

By Paula Swenson
Paula Swenson, Chairperson

By Phil Chamberland
Phil Chamberland, Vice Chairperson

By Jonathan Houck
Jonathan Houck, Commissioner

ATTEST:

[Signature]
Deputy County Clerk

