



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

RESOLUTION NO: 2024 - 24

**A RESOLUTION AUTHORIZING THE ACCEPTANCE OF REAL PROPERTY
AND A PUBLIC ROAD BY THE COUNTY IN RELATION TO
THE MOUNT EMMONS LAND EXCHANGE**

WHEREAS, pursuant to Colo. Rev. Stat. § 30-11-101(1)(b), Gunnison County has the legal authority to acquire and hold real property for the use of the County;

WHEREAS, pursuant to Colo. Rev. Stat. § 30-11-101(1)(c), Gunnison County has the legal authority to make such order respecting real property owned by Gunnison County as the Board may deem conducive to the interests of the inhabitants of Gunnison County and to lease the same in the best interest of the County;

WHEREAS, pursuant to Colo. Rev. Stat. § 30-11-101(1)(d), Gunnison County has the legal authority to make all contracts and do all other acts in relation to the property necessary to the exercise of Gunnison County's corporate or administrative powers;

WHEREAS, pursuant to C.R.S. § 43-2-201(1)(a), the Board of County Commissioners of the County of Gunnison is authorized to accept the dedication of a road as a public highway under County jurisdiction and control;

WHEREAS, in 2016 Mt. Emmons Mining Company (MEMC) acquired the Mt Emmons mine near Crested Butte, Colorado (Mine) and since then has evaluated the mine reclamation, water treatment plant and other mine facilities and established a dialogue with the community to determine the best future scenario for mine reclamation, water treatment, and recreational access;

WHEREAS, On February 12, 2016, Gunnison County, as well as divisions of the Colorado Department of Public Health and the Environment (CDPHE) and the Colorado Department of Natural Resources (DNR), and the Town of Crested Butte, entered into a Memorandum of Understanding for Mt. Emmons (2016 MOU);

WHEREAS, MEMC submitted a letter to the USFS dated February 19, 2021 requesting the USFS consider a land exchange by and between MEMC and the USFS whereby MEMC would acquire approximately Four Hundred Fifty (450) acres of USFS managed property partially containing the WTP and supporting facilities and infrastructure in exchange for approximately One Hundred Sixty (160) acres of MEMC owned property that is commonly referred to as the Three Peaks Ranch ("Land Exchange");

WHEREAS, on or about July 20, 2021, MEMC executed a second MOU between it, Gunnison County, and Crested Butte, wherein the County agreed to support the Land Exchange proposal in exchange for MEMC agreeing to a conservation easement over a



portion of the Mine and a mineral extinguishment agreement to permanently withdraw the right to extract minerals from the Mine and MEMC conveying a portion of the mine property to Gunnison County in fee a short (and lengthwise insignificant) segment of the Kebler Pass Road (County Road 12), as well as the Kebler Pass Winter Trailhead, both of which are presently under the jurisdiction of the United States Forest Service (USFS) and operated by the County pursuant to a Federal Roads and Trails Act Easement granted by USFS to the County (“Kebler Pass Road Property”);

WHEREAS, in order to timely and efficiently close the exchange transaction, including but not limited to the federal patent issued to MEMC, the conservation easement, the mineral extinguishment agreement, and the acceptance of the dedication and grant by MEMC of the Kebler Pass Road Property, the Board of the Board of County Commissioners of the County of Gunnison finds it necessary to delegate its authorities to the County Manager;

WHEREAS, by Resolution No. 2022-22 enacted on May 17, 2022, the Board of County Commissioners of the County of Gunnison delegated to the County Manager the authority to negotiate and execute contracts, for the purchase of real property on behalf of the County for County purposes;

WHEREAS, the Board of County Commissioners of the County of Gunnison desires to accomplish the Land Exchange and accept that property from MEMC described above;

NOW THEREFORE, BE IT RESOLVED, by the Board of County Commissioners that:

1. County officials and staff perform all actions and execute all documents, instruments, deeds, contracts and agreements necessary to effectuate the Land Exchange, the acceptance by the County of the Kebler Pass Road Property, and all related agreements;

2. All acts by County officials and staff taken prior to the date of this Resolution and consistent with the delegation of authority set forth this Resolution are hereby ratified as if fully approved and authorized by the Board of County Commissioners on the date such act(s) occurred.

3. If any section, subsection, paragraph, clause or other provision of this Resolution for any reason is held to be invalid or unenforceable, the invalidity or unenforceability of such section, subsection, paragraph, clause or other provision shall not affect any of the remaining provisions of this Resolution, the intent being that the same are severable.

4. Nothing in this Resolution shall be construed to afford any person or entity any cause of action against the County or any of its officials, officers, employees, agents or attorneys, nor create any intended or incidental third-party beneficiaries.



INTRODUCED by Commissioner Smith, seconded by
Commissioner Puckett Daniels, and adopted this 18th day of June, 2024.

BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO

By: [Signature]
Jonathan Houck, Chairperson

By: [Signature]
Elizabeth Smith, Vice Chairperson

By: [Signature]
Laura Puckett-Daniels, Commissioner

ATTEST:

[Signature]
Deputy County Clerk

