



**GUNNISON COUNTY HOUSING AUTHORITY
RESOLUTION NO. 2024-001**

**A RESOLUTION DELEGATING TO THE EXECUTIVE SECRETARY OF THE
GUNNISON COUNTY HOUSING AUTHORITY THE AUTHORITY TO
NEGOTIATE AND EXECUTE ALL CONTRACTS, AGREEMENTS,
APPLICATIONS AND OTHER DOCUMENTS AND TO TAKE ALL
NECESSARY AND PROPER ACTIONS RELATED TO THE WHETSTONE
COMMUNITY HOUSING DEVELOPMENT AND RATIFYING ALL PREVIOUS ACTIONS
THERETO**

WHEREAS, the Gunnison County Housing Authority (“CHA”) is a county housing authority created and operating under the Constitution and laws of the State of Colorado, particularly C.R.S. § 29-4-501 *et seq.*;

WHEREAS, the Gunnison County Board of County Commissioners first authorized the creation of the CHA by Resolution Nos. 1979-33 and 1979-34;

WHEREAS, the current and operating CHA was formed on August 17, 1982, pursuant to the Certificate of Formation of the Gunnison County Housing Authority, said Certificate being accepted by the Colorado Division of Housing on August 18, 1982;

WHEREAS, CHA is authorized pursuant to C.R.S. § 29-4-505 to “make and execute contracts and other instruments necessary or convenient to the exercise of the powers of the authority”, to “to exercise any of the public powers granted to city housing authorities” and to “do all acts and things necessary or convenient to carry out the powers” of CHA;

WHEREAS, pursuant to its bylaws first adopted by Gunnison County Resolution No. 1979-34 and C.R.S. § 29-4-504(5), the CHA Board has appointed the County Manager to act as the Executive Secretary of CHA;

WHEREAS, pursuant to its bylaws and C.R.S. § 29-4-504(5), the CHA Board “may delegate to one or more of its agents or employees such powers or duties as it may deem proper[;]”

WHEREAS, pursuant but not limited to the foregoing authorities, the CHA Board is authorized and empowered by the laws of the State of Colorado to ratify and confirm past acts and decisions of the Executive Secretary and other agents, officers and employees of CHA;

WHEREAS, the CHA Board affirms its authority to retroactively approve and ratify actions taken by the Executive Secretary in the best interest of CHA as well as to further formalize all past delegations of authority to the Executive Secretary and other County officers and employees by the CHA Board;

WHEREAS, by deed from the Gunnison County Board of County Commissioners, CHA has acquired or will acquire parcel(s) of real property, including that located at 25115 Hwy



135 and legally described as a tract of land in the NW1/4 SE1/4, Section 12, Township 14 South, Range 86 West, and known as the “Whetstone Property”, for the purpose of CHA to construct, administer and operate a community workforce housing development on said property, known as the “Whetstone Project”;

WHEREAS, by Resolution No. 2024-35, the Gunnison County Board of County Commissioners approved the Preliminary and Final Plan for the Whetstone Project under the *Gunnison County Land Use Resolution* (“LUR”);

WHEREAS, the Executive Secretary and the CHA Board anticipate that the Executive Secretary will be required to execute additional agreements and contracts and take such additional and appropriate steps to construct, further develop, finance, administer, operate and complete the Whetstone Project in order to provide attainable workforce housing in Gunnison County;

WHEREAS, the CHA Board finds it in the best interest of the CHA to delegate to the Executive Secretary and to the staff of the County the authority to construct, operate and administer the Whetstone Property and the Whetstone Project;

NOW, THEREFORE, BE IT RESOLVED by the Board of the Gunnison County Housing Authority that

1. The foregoing recitals are incorporated herein by reference and adopted as findings and determinations of the CHA Board.

2. The Board hereby delegates to the Executive Secretary, who is also the County Manager, or his or her designee, the authority to take all acts and negotiate and execute all contracts, agreements, applications, and other such documents necessary and appropriate relating to the Whetstone Property and the Whetstone Project, including but not limited to:

a. All acts, agreements or documents necessary to acquire, purchase, lease, assign, exchange, sale, or encumber the Whetstone Property and surrounding properties;

b. All acts, agreements, or documents necessary for the sale, lease, assignment, transfer or dedication of any property interest held or acquired by CHA with regard to the Whetstone Property, including but not limited to the assignment, transfer or lease of water rights, easements, rights of way and the dedication, assignment or transfer of roads, utility infrastructure or improvements to the Whetstone Property;

c. All acts, agreements, or documents necessary for continued compliance with the land use change permit for the Whetstone Project issued by the Gunnison County Board of County Commissioners under Resolution No. 2024-35;



d. All acts, agreements, or documents necessary to secure utility services to the Whetstone Project including but not limited to compliance with existing agreements necessary for such utilities and for potential municipal annexation of the Whetstone Property;

e. All acts, agreements, or documents necessary to lease residential units to residents or tenants of the Whetstone Property; and

f. All acts, agreements, or documents necessary for the development, construction, and financing of the Whetstone Project, including but not limited to all contracts or agreements with any other governmental entity, financial institution, broker, lender, developer, designer, builder, attorney, accountant or other such contractor or good or service provider for the development, construction, and financing of the Whetstone Project.

3. All action heretofore taken not expressly inconsistent with the provisions of this Resolution by the CHA Board or the officers, agents or employees of the County, including but not limited to the Executive Secretary relating to the Whetstone Property and the Whetstone Project, including but not limited to those actions set forth in the foregoing recitals, and also including but not limited to:

a. The acquisition, purchase, lease, assignment, exchange, sale or encumbrance of the Whetstone Property and surrounding properties;

b. The sale, lease, assignment, transfer or dedication of any property interest held or acquired by CHA with regard to the Whetstone property, including but not limited to the assignment, transfer or lease of water rights, easements, rights of way and the dedication, assignment or transfer of roads, utility infrastructure or improvements to the Whetstone Property;

c. Compliance with the land use change permit for the Whetstone Project under the LUR;

d. All agreement(s) with the Town of Crested Butte, special districts and other service providers to provide utility services to the Whetstone Project, including but not limited to any agreement, application or other such paper or process related to potential annexation of the Whetstone Property by the Town of Crested Butte; and

e. All agreement(s) with any other governmental entity, financial institution, broker, lender, developer, designer, builder, attorney, accountant or other such contractor or good or service provider for the development, construction, and financing of the Whetstone Project;

Are hereby ratified, approved and confirmed *nunc pro tunc*.



4. The Executive Secretary, and other employees and officials of Gunnison County are hereby authorized and directed on behalf of CHA to execute and deliver for and on behalf of the County any and all additional certificates, documents and other papers, and to perform all other acts that they may deem necessary or appropriate in order to implement and carry out the transactions and other matters authorized by this Resolution. The approval hereby given to the various documents referred to above includes an approval of such additional details therein as may be necessary and appropriate for their completion, deletions therefrom and additions thereto as may be approved by the Executive Secretary prior to the execution of the documents, except that all such documents shall be provided to the County Attorney or his or her designee, or other counsel for the CHA, for review for legal sufficiency prior to execution. The execution of any instrument by the appropriate officers of CHA herein authorized shall be conclusive evidence of the approval by CHA of such instrument in accordance with the terms hereof.

5. Nothing in the resolution shall be construed to afford any person or entity any cause of action against CHA, Gunnison County, or any of their respective officials, officers, employees, agents or attorneys, nor create any intended or incident third-party beneficiaries.

6. All orders, instructions, motions and resolutions, or parts thereof, inconsistent with this Resolution are hereby repealed to the extent only of such inconsistency. This paragraph shall not be construed to revive or revise any ordinance, motion, order, or resolution, or part thereof, heretofore repealed. To the extent any ambiguity exists between any ordinance, resolution, motion, order, statement or instruction by the Board, whether existing before or after passage of this Resolution, this Resolution shall control. No statement or writing by any CHA Board member, whether in a meeting of the Board or not, shall purport to amend, alter, supplement or override the express terms of this Resolution, and no such statement or writing may be relied upon by any person in relation to this Resolution.

7. 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.

8. This Resolution shall be in full force and take effect immediately upon its passage and approval, and shall remain in effect unless and until repealed or amended by subsequent Resolution.

INTRODUCED by Commissioner Smith, seconded by Commissioner Puckett Daniels, and adopted this day of Nov 19th 2024.



**GUNNISON COUNTY HOUSING
AUTHORITY**

By


Jonathan Houck, Chairperson

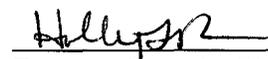
By


Elizabeth Smith, Vice-Chairperson

By


Laura Puckett Daniels, Commissioner

Attest:


Deputy County Clerk

