



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

RESOLUTION NO: 2013-20

**A RESOLUTION GRANTING AN EXEMPTION FOR A DIVISION OF LAND
FROM THE DEFINITION OF THE TERMS "SUBDIVISION" AND "SUBDIVIDED
LAND" FOR A PARCEL OF LAND LOCATED WITHIN SECTIONS 2, 3, 4, 10 AND 11,
TOWNSHIP 50 NORTH, RANGE 2 EAST, N.M.P.M., COUNTY OF GUNNISON,
STATE OF COLORADO**

WHEREAS, pursuant to C.R.S. 30-28-101(10)(d), the Board of County Commissioners of the County of Gunnison, Colorado (herein 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 C.R.S. 30-28-101 et seq.; and

WHEREAS, the Board, historically and currently, exercises that authority sparingly; and

WHEREAS, The Trust for Public Land (herein "TPL") and the Gunnison Valley Housing Foundation (herein "GVHF") have made a request to the Board for a subdivision exemption for that parcel of land consisting of approximately 960 acres legally described under the "Certificate of Ownership and Dedication" (herein the "Parcel") on the plat titled "Plat of Fossil Ridge Exemption – A Subdivision Exemption Plat Depicting A Division of Land Located In And Being A Portion of Sections 2, 3, 4, 10 and 11, T.50 N., R.02E., of the N.M.P.M., Gunnison County, Colorado; (Includes all of GLO Tract 37 and Part of GLO Tract 38 According to the Independent Resurvey of July 27, 1933 as Accepted on March 2, 1934 by the Assistant Commissioner of the Department of the Interior, General Land Office)", created by Schmueser Gordon Meyer, dated July 9, 2013, recorded in the records of the Office of the Clerk and Recorder of Gunnison County, Colorado on August 16, 2013, bearing Reception No: 622153 (herein the "Plat"); and

WHEREAS, the Board is informed of the following:

1. TPL is the current owner of the above referenced Parcel.
2. As an option identified in the Donation Agreement entered into among Ralph E. Clark, III and Judy P. Clark, TPL and GVHF, dated October 18, 2010, and pursuant to the Lot Split Facilitation Agreement entered into between TPL and GVHF, dated July 31ST, 2013, TPL will convey a 15 acre, more or less, parcel of land legally described and identified as "Proposed Parcel A" on the Plat (herein "Parcel A") to GVHF.



3. TPL also will convey to GVHF a nonexclusive, sixty foot (60') access and utility easement from that road commonly referred to as Forest Service Road 743 to Parcel A as identified on the Plat (herein the "Access Road").

4. A historic cabin and outbuildings are located on Parcel A which GVHF intends to maintain and preserve so that it may be utilized by the GVHF for Nordic skiing activities and other compatible uses not otherwise prohibited.

5. The Donation Agreement addresses how the balance of the remaining 945.15 acres, more or less, of the Parcel, legally described and identified as "Proposed Parcel B" (herein "Parcel B") on the Plat, will be used.

6. An approximate 40 foot section of the Access Road crosses National Forest System land. GVHF will relocate this section of road off of the National Forest System land and unto Parcel B by no later than September 1, 2013. The United States Forest Service supports the relocation of the 40 foot section of the Access Road as evidenced by the letter from John R. Murphy, District Ranger, received July 12, 2012.

7. An Agreement Creating Restrictive Covenants has been entered into by and among TPL, GVH and the Board recorded in the records of the Office of the Clerk and Recorder of Gunnison County, Colorado on August 16, 2013, bearing Reception No: 622152 (herein "Covenants"). The Covenants place certain restrictions on Parcel A including but not limited to no commercial, industrial or residential development and prior to the construction of any structure and/or improvements to the historic cabin, GVHF will apply for and obtain all necessary permits required by Gunnison County and the State of Colorado.

WHEREAS, identification of the Parcel as exempt from the definitions of "subdivision" and "subdivided land" pursuant to C.R.S. 30-28-101(10)(d), will significantly assist in expediting the land exchange opportunities available for Parcel B; and

WHEREAS, it is a significant public benefit:

1. To further the intent of the Donation Agreement to preserve 960.15 acres of land from the impact of development; and

2. To maintain and preserve the historic cabin located on Parcel A so that it may be utilized by GVHF for Nordic skiing activities and other compatible uses not otherwise prohibited.



NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of the County of Gunnison, Colorado that the division of the Parcel consisting of 960 acres into two separate parcels, Parcel "A", a 15-acre, more or less, parcel and Parcel "B", a 945.15-acre, more or less, Parcel as legally described and identified on the plat titled "Plat of Fossil Ridge Exemption – A Subdivision Exemption Plat Depicting A Division of Land Located In And Being A Portion of Sections 2, 3, 4, 10 and 11, T.50 N., R.02E., of the N.M. P.M., Gunnison County, Colorado; (Includes all of GLO Tract 37 and Part of GLO Tract 38 According to the Independent Resurvey of July 27, 1933 as Accepted on March 2, 1934 by the Assistant Commissioner of the Department of the Interior, General Land Office)", created by Schmueser Gordon Meyer, dated July 9, 2013, recorded in the records of the Office of the Clerk and Recorder of Gunnison County, Colorado on August 16, 2013, bearing Reception No: 622153 shall be and hereby is exempt from the terms "subdivision" and "subdivided land", pursuant to C.R.S. 30-28-101(10)(d).

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

1. This Resolution shall not become effective until after recording this Resolution in the records of the Office of the Clerk and Recorder of Gunnison County, Colorado concurrently with the following:
 - A. The plat titled "Plat of Fossil Ridge Exemption – A Subdivision Exemption Plat Depicting A Division of Land Located In And Being A Portion of Sections 2, 3, 4, 10 and 11, T.50 N., R.02E., of the N.M. P.M., Gunnison County, Colorado; (Includes all of GLO Tract 37 and Part of GLO Tract 38 According to the Independent Resurvey of July 27, 1933 as Accepted on March 2, 1934 by the Assistant Commissioner of the Department of the Interior, General Land Office)", created by Schmueser Gordon Meyer, dated July 9, 2013,
 - B. The Special Warranty Deed conveying Parcel A from TPL to GVHF.
 - C. The Utility and Access Easement conveying a sixty foot (60') access and utility easement from that road commonly referred to as Forest Service Road 743 to Parcel A as identified on the Plat from TPL to GVHF.
 - D. The Agreement Creating Restrictive Covenants by and among TPL, GVH and the Board placing certain restrictions on Parcel A.

INTRODUCED by Commissioner Chamberland seconded by Commissioner Houck, and adopted this 6th day of August, 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:
Sobriacho
Deputy County Clerk

The seal of Gunnison County, Colorado, is circular with a double-line border. The outer ring contains the text "GUNNISON COUNTY" at the top and "COLORADO" at the bottom. In the center, the word "SEAL" is prominently displayed between two horizontal lines.

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