RESOLUTION NO. 11
SERIES 2015

A RESOLUTION OF THE CITY OF GUNNISON, COLORADO, RECOGNIZING THAT THE ANNEXOR OF THE GUNNISON RISING ANNEXATION HAS FULFILLED CERTAIN OBLIGATIONS OF THE ANNEXATION AGREEMENT RELATED TO THE RIGHT TO SUBDIVIDE AND DEVELOP REAL PROPERTY COMPRISING THE ANNEXATION TERRITORY

WHEREAS, in December, 2009, the City Council adopted the Gunnison Rising Annexation Ordinance (Ordinance 12, Series 2009) and this approval was under the pretext of conditions established by the *Gunnison Rising Annexation Agreement* (December 3, 2009); and

WHEREAS, the *Annexation Agreement* is a contractual document containing provisions that address a variety of topics including, but not limited to, completing a Highway Access Control Plan with the Colorado Department of Transportation (CDOT), establishing a Master Stormwater Drainage Plan, and demonstrating the adequacy of domestic water quality originating from the Tomichi Basin; and

WHEREAS, under the *Annexation Agreement* terms, the developer is required to complete a Highway Access Control Plan, establish a Master Stormwater Drainage Plan, and demonstrate the adequacy of the domestic water quality from the Tomichi Basin, prior to any subdivision or development of the annexation territory property; and,

WHEREAS, after detailed scoping and review, the Highway Access Control Plan was completed in 2013, and it resulted in the execution of an Intergovernmental Agreement between the Board of County Commissioners, CDOT and the City of Gunnison; and

WHEREAS, the City Council adopted Ordinance 10, Series 2013, which integrated the developed Master Stormwater Drainage Plan into the *Gunnison Rising PUD Standards*; and

WHEREAS, based on a letter dated April 17, 2015, from Dick Bratton (Gunnison Valley Properties, LLC), the Annexor has decided that the Gunnison Rising domestic water source would originate from the City's existing delivery system in the Gunnison Basin, and meaning that the water quality assessment is no longer needed; and

WHEREAS, while the specific design details for the domestic water delivery system have not been established, the Annexor will be responsible for costs and construction of any required upgrades.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GUNNISON, COLORADO, THAT:

Based on the facts presented herein, related pre-subdivision conditions established under the *Gunnison Rising Annexation Agreement* have now been met and the Annexor may commence with subdivision and development of the annexed territory under the provisions of the *Annexation Agreement* and the *Gunnison Rising PUD Development Standards*.

If in the future, the Annexor desires to develop a domestic water source in the Tomichi Basin, the conditions of the *Annexation Agreement*, Section 15.2 (Water Supply Quality), shall apply in their entirety.

INTRODUCED, READ AND ADOPTED at a regular meeting of the City Council of the City of Gunnison, Colorado, held this 26th day of May, 2015.

CITY OF GUNNISON, COLORADO
CITY SEAL

Richard Hugan
Mayor

(SEAL)

Paul A Davidson
City Clerk