

RESOLUTION NO. 15

SERIES 2015

**RESOLUTIONS OF THE CRESTED BUTTE
TOWN COUNCIL ACKNOWLEDGING THE
TOWN COUNCIL'S PLEDGE TO THE
CENTER FOR THE ARTS IN CONNECTION
WITH THE CENTER'S EXPANSION OF ITS
FACILITIES ON TOWN PROPERTY**

WHEREAS, the Town of Crested Butte, Colorado (the "**Town**") is a home rule municipality, duly and regularly organized and now validly existing as a body corporate and politic under and by virtue of the Constitution and laws of the State of Colorado;

WHEREAS, Section 4.7 of the Crested Butte Town Charter provides that the Council may act, other than legislatively, by resolutions;

WHEREAS, the Crested Butte community desires expanded arts facilities located in Crested Butte, which such facilities would be sufficient to accommodate, among other things, performance theaters, outdoor concerts space, multipurpose community space, visual arts workshops and display space, office and administrative space and support space;

WHEREAS, by Resolution No. 6, Series 2006; Resolution No. 15, Series 2009; and Resolution No. 15, Series 2015 (collectively, the "**Support Resolutions**"), the Town Council expressed its support for such expansion, provided that financial viability, scale and architecture within the unique context of Crested Butte, impacts of traffic and parking, availability of facilities to pedestrian and transit access and the conservation of existing community facilities and amenities are addressed to the satisfaction of the Town in connection with such expansion;

WHEREAS, the Center for the Arts (the "**Center**") has requested that the Town Council pledge funds and in-kind services totaling \$1,000,000.00 in support of the Center's efforts to expand its arts facilities in Town Park by replacing the existing Center facilities with new, modern facilities; and

WHEREAS, the Town Council desires to pledge funds and in-kind services totaling \$1,000,000.00 in support of the Center's efforts to expand and replace its existing arts facilities in Town Park, such funds and in-kind services being important in the effort to expand its arts facilities and such expansion being in the best interest of the health, safety and welfare of the Town, its residents and visitors.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF CRESTED BUTTE, COLORADO, THAT:

1. **Findings.**

- 1.1 The arts serve an important public purpose.

1.2 The arts play an important role in creating a healthy, vibrant community, rich in diversity of creative artistic experiences.

1.3 Expanding and replacing the Center's existing facilities in Town Park will greatly enhance the growth of these creative artistic experiences.

1.4 The Town pledging funds and in-kind services to the Center will assist the Center in its efforts to expand and replace its existing arts facilities in Town Park.

1.5 Expanding and replacing the Center's existing arts facilities are in the best interest of promoting the arts and thus support the health, safety and welfare of the Town, its residents and visitors.

1.6 The Center is an economic driver and expanding the Center's capacity will create economic benefit for the Town.

2. **Pledge; No Multi-Year Fiscal Obligation.**

2.1 The Town hereby agrees to pledge \$1,000,000.00 in good and available funds and in-kind services, as allocated by the Town Council in its sole and absolute discretion, subject to the terms hereof (the "**Pledge**"). The maximum cash contribution shall be \$500,000.00 and shall come from the Sales Tax Fund – Interest Reserve. The Town shall provide the Pledge funds and services only upon the Town Council's satisfaction that the Center's expansion and replacement of the existing Center arts facilities is prepared to break ground, with funding sufficient to complete the project as approved by the Town and only following the Center entering into construction and facilities lease agreements with the Town Council and a review of the facility operation pro forma data.

2.2 Notwithstanding anything in these Resolutions to the contrary, (i) nothing contained in these Resolutions shall constitute a pledge of the full faith and credit of the general tax revenues, funds or moneys of the Town except the amount appropriated for the purpose of making payments hereunder during the current fiscal year, (ii) the Town is not obligated hereby to make any payments in any fiscal year beyond the fiscal year for which funds are appropriated for the payment thereof or to make payments from any funds of the Town other than funds appropriated for the payment of current expenditures, (iii) all payment obligations of the Town under these Resolutions, including, without limitation, the Town's obligation to pay the Pledge funds, are from year-to-year only and do not constitute a multiple fiscal-year direct or indirect financial obligation of the Town, (iv) the agreement hereunder to pay the Pledge funds is subject to annual renewal and such agreement to pay shall be terminated upon the occurrence of an event of non-appropriation and, in such event, (x) all payments from the Town under these Resolutions shall terminate, and (y) the Center expressly waives hereby all remedies and claims against the Town in connection therewith.

3. **Construction and Lease Arrangements.** The Center shall enter into such construction and facilities lease agreements with the Town Council before commencing with construction, such arrangements contemplating, without limitation, sureties, insurance, 99-year lease term, minimum operating reserves and audit.

4. **Town Ownership.** The improvements the Center is causing to be constructed shall become appurtenances to Town-lands and become Town-owned structures at or before completion as agreed to by the parties.

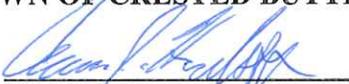
5. **License Agreement.** Prior to the Center conducting any activities on Town property in connection with the expanding and replacing the Center's existing arts facilities (i.e., boring, testing, etc.), the Center shall enter into a license agreement with the Town permitting such activities. Such license agreement shall be approved by the Town Council pursuant to Section 31-15-713, C.R.S.

6. **Public Purpose; No Partnership.** The transactions contemplated in these Resolutions shall be structured by the parties to serve a public purpose. No partnership shall be deemed to exist between the Town and the Center.

7. **Support Resolutions.** The Support Resolutions shall remain in full force and effect and shall be complied with as if the terms thereof were stated verbatim herein.

INTRODUCED, READ AND ADOPTED BEFORE THE TOWN COUNCIL OF THE TOWN OF CRESTED BUTTE, COLORADO THIS 6th DAY OF July 2015.

TOWN OF CRESTED BUTTE, COLORADO

By: 
Aaron J. Huckstep, Mayor

ATTEST:

Lynelle Stanford, Town Clerk

(SEAL)

