

**RESOLUTION NO. 2
SERIES 2008**

A RESOLUTION OUTLINING THE INTENT OF THE TOWN COUNCIL TO SUPPORT THE RE1J SCHOOL DISTRICT IN THE EXPANSION OF THE COMMUNITY SCHOOL ONTO TOWN PROPERTY AND THE RELOCATION OF THE TOMMY VILLANUEVA FIELD PROVIDED THE RE1J SCHOOL DISTRICT BOND IS APPROVED BY THE VOTERS

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 Town Charter provides that the Town Council may act, other than legislatively, by resolution;

WHEREAS, the RE1J School District (the "**District**") has expressed to the Town Council its need to expand the Crested Community School (the "**Community School**") to accommodate growing demands for space and facilities being placed on the School by the community;

WHEREAS, in order to fund such expansion the District has informed the Town Council that it will attempt to gain approval of the voters for a bond issue (the "**Bond**") during the next general election cycle;

WHEREAS, in addition to raising the necessary funds to accommodate said expansion through the Bond, the District has expressed the need to expand the School onto Town property in the general location of Tommy Villanueva Field ("**Tommy V. Field**");

WHEREAS, the Town Staff has determined, in working closely with the District, that expansion of the School onto Tommy V. Field will require that the existing baseball field located thereon must be relocated to other Town property identified as the general location of the Town barn on the Town ranch property (the "**New Field Location**"); and

WHEREAS, Town Council supports the expansion of the School onto Town property in the general location of Tommy V. Field and the relocation of the baseball field currently located on Tommy V. Field to the New Field Location provided that the following conditions are *first* met: (1) the Bond is approved by the voters during the next election cycle, (2) the District incurs all costs and expenses in connection with the relocation and construction of a replacement baseball field acceptable to the Town at the New Field Location, and (3) the District and the Town agree upon an intergovernmental agreement (the "**IGA**") addressing certain matters to the satisfaction of the Town Council such as, among other things, traffic issues in and around the Community School and Red Lady Avenue, the use of energy efficient and green building practices in the development and construction of said Community School expansion, maintenance of the Community School grounds, including, without limitation, snow removal and field maintenance, and the shared use of facilities and

amenities by the community at the Community School, including, without limitation, parking.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF CRESTED BUTTE, COLORADO, THAT the expansion of the Community School onto Town property in the general location of Tommy V. Field and, in connection therewith, the relocation of the existing baseball field from Tommy V. Field to the New Field Location are in the best interests of the Town subject to the following conditions precedent:

1. The Bond funding the transactions and obligations contemplated herein and to be memorialized in the IGA shall be approved by the voters. Should the Bond not be so approved, the resolutions set forth herein shall be void *ab initio*.

2. The District shall incur all costs and expenses in connection with the relocation and construction of a replacement baseball field acceptable to the Town at the New Field Location.

3. The District and the Town shall agree upon the IGA which shall address to the satisfaction of the Town Council such items as, among other things as shall be of importance to the Town Council, (a) traffic issues in and around the Community School and Red Lady Avenue, (b) the use of energy efficient and green building practices in the development and construction of the Community School expansion, (c) maintenance of the Community School grounds, including, without limitation, snow removal and field maintenance, and (d) the shared use of facilities and amenities by the community at the Community School, including, without limitation, parking.

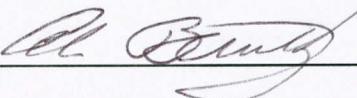
4. The public shall have the unfettered opportunity to comment and have weighted input on the use of Town property for the expansion of the Community School, the relocation of the baseball field from Tommy V. Field to the New Field Location and the other transactions and obligations contemplated herein, including, without limitation, the terms of the IGA.

5. In all cases, the interests of the community as a whole shall be considered paramount in the efforts to expand the Community School and execute the transactions contemplated herein

INTRODUCED AND FIRST READ BEFORE THE TOWN COUNCIL, THIS 25th DAY OF AUGUST, 2008.

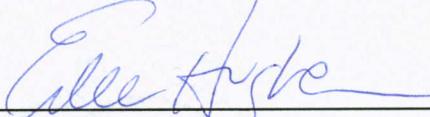
ADOPTED BY THE TOWN COUNCIL THIS 25th DAY OF AUGUST, 2008.

**TOWN OF CRESTED BUTTE,
COLORADO**

By:  _____

Alan Bernholtz, Mayor

ATTEST


Eileen Hughes, Town Clerk

(SEAL)