

RESOLUTION NO. 37

SERIES 2016

RESOLUTIONS OF THE CRESTED BUTTE TOWN COUNCIL APPROVING THE AGREEMENT FOR THE USE OF PUBLIC PROPERTY WITH JEREMY RUBINGH FOR THE CRESTED BUTTE CREATIVE DISTRICT PROJECT RED PROMISE

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, the Town was designated a Certified Colorado Creative District in 2016;

WHEREAS, Ordinance 14, Series 2016 created the Crested Butte Creative District Commission ("CBCD") and established guidelines for the use of public property for art which requires the permission of the Town Council;

WHEREAS, the CBCD recommends that the Town enter into an agreement with Jeremy Rubingh (the "Applicant") for the Small Grants for individual creatives Red Promise project (the "Project");

WHEREAS, the agreement with Agreement sets forth certain obligations and responsibilities for the use of Town property;

WHEREAS, the Town Council hereby finds that it is in the best interest of the health, safety and general welfare of the citizens and visitors of the Crested Butte to enter into an agreement with Applicant for the above-stated purposes, and in connection therewith, adopt and execute the agreement referenced herein.

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

1. **Findings.** The Town Council hereby finds that entering into an agreement with the Applicant's for the performance of executing the Project for the Town in connection with CBCD is in the best interest of the Town, its residents and visitors.
2. **Approval; Authorization of Town Manager.** Based on the foregoing, the Town Council hereby approves the agreement with the Applicant in substantially the same form as attached hereto as Exhibit "A" (the "Agreement"). The Town Manager is hereby authorized to execute the Agreement.

INTRODUCED, READ AND ADOPTED BEFORE THE TOWN COUNCIL THIS 7th
DAY OF November, 2016.

TOWN OF CRESTED BUTTE, COLORADO

By: Glenn Michel
Glenn Michel, Mayor

ATTEST

Lynelle Stanford
Lynelle Stanford, Town Clerk

(SEAL)



EXHIBIT "A"

Agreement with Applicant

[attach form here]

Town of Crested Butte

P.O. Box 39 Crested Butte, Colorado 81224

-National Trust for Historic Preservation's 2008 Dozen Distinctive Destinations Award Recipient-

-A National Historic District-

Phone: (970) 349-5338
FAX: (970) 349-6626
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November 7, 2016

Jeremy Rubingh
PO Box 2314
Crested Butte, CO 81224

RE: Agreement for Small Grants for Individual Creatives- Red Promise

Dear Mr. Rubingh,

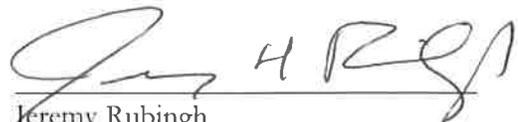
Congratulations on being selected by the Creative District Commission's Small Grants for Individual Creatives for your Red Promise Project ("Project"). As you are aware, this project will require the use of public property. The intent of this letter is to outline the conditions of approval and your assigned obligations as they relate to the project. The following conditions have been assigned to your project:

- Staff will review content contained on the proposed plaque prior to it being purchased.
- You are responsible for purchasing the red light bulb and coordinating with the Public Works staff for its installation. You are responsible for supplying new light bulbs during the duration of the project as needed.
- You shall notify the Public Works Department prior to project installation and complying with any requests relating to the staging of the project.
- Maintenance of the project during its installation is your sole responsibility.
- The project may be revisited by the Town Council and required to be uninstalled at any time over the next 2 years.
- Unless otherwise expressly granted by the Town Council, the lamp post and public property around the lamp post shall be returned to its original condition by November 1, 2018.

Thank you for your participation in the Small Grants for Individual Creatives program. By signing below you acknowledge and agree to comply with the stated conditions.



Dara MacDonald
Town Manager



Jeremy Rubingh
Red Promise Project Applicant