

**TOWN OF GRANBY**

**Board of Trustees**

MEETING DATE: APRIL 28, 2020

- Consent Agenda**
- Resolution or Ordinance**
- Citizen Requests**
- Public Hearing**
- Committee/Staff Reports:**
  - TOWN CLERK**
  - FINANCE DIRECTOR**
  - BUILDINGS AND STREETS**
  - ECONOMIC DEVELOPMENT**
  - PUBLIC SAFETY**
  - RECREATION**
  - WATER DEPARTMENTS**
  - MAYOR**
  - TOWN MANAGER**
  - TOWN ATTORNEY**
- Other**
- Executive Session**
- Workshop**

TIME OF AGENDA ITEM: 6:15 PM

**Agenda Request No. 1**

**MEETING TO BE HELD AT:**  
**Town Hall, Zero Jasper Avenue**  
**Granby, CO 80446**

**(1) DISCUSSION AND APPROVAL OF RESOLUTION 2020-04-28, A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF GRANBY CONFIRMING THE BOARD'S APPROVAL OF DISSOLUTION OF THE RECREATION, OPEN SPACE AND HOUSING FOUNDATION AND TERMINATING THE RELATED COVENANTS / TOWN MANAGER / TOWN ATTORNEY**  
**6:15 PM**



**KROB LAW OFFICE, LLC**  
Attorneys at Law

**MEMORANDUM**

**To: Board of Trustees of the Town of Granby**

**From: Krob Law Office, LLC**

**Date: April 28, 2020**

**Re: Resolution confirming dissolution of authority**

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At the Board of Trustees' meeting on March 24, 2020, the Board elected to approve the dissolution request by the Board of the Recreation, Open Space and Housing Foundation ("ROSH"). The agenda item provided for discussion related to the ROSH board, and therefore, the Resolution previously provided to the Board for consideration of such dissolution was not included. The Board's action is appropriate, but requires written action.

In order to properly terminate the transfer covenant, section 14 of the Transfer Covenant requires the advanced written consent of the Foundation and the Town of Granby acting by and through its Board of Trustees. Further, the writing must be duly recorded in the records of Granby County, Colorado.

Accordingly, the resolution provided for the Board's consideration meets the requirements of the original Covenant and effectuates the Board's intent to approve the ROSH's dissolution and eliminate the associated Covenant.

**TOWN OF GRANBY  
BOARD OF TRUSTEES  
RESOLUTION 2020-04-28**

**A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF  
GRANBY CONFIRMING THE BOARD'S APPROVAL OF DISSOLUTION OF  
THE RECREATION, OPEN SPACE AND HOUSING FOUNDATION AND  
TERMINATING THE RELATED COVENANTS**

**WHEREAS**, the Board of Trustees of the Town of Granby, Colorado, pursuant to Colorado statute is vested with the authority of administering the affairs of the Town of Granby, Colorado;

**WHEREAS**, certain covenants were entered by developers within the Town of Granby which created the Recreation, Open Space and Housing Foundation ("the Foundation"), a nonprofit organization operating within the Town of Granby, and required payments be made upon certain sales of the subject properties;

**WHEREAS**, the covenants were recorded at Reception No. 2003-010318 and 2005-007928, Grand County Clerk and Recorder on August 14, 2003, and July 26, 2005, respectively ("the Covenants");

**WHEREAS**, pursuant to their terms the Covenants may only be terminated with the advanced written consent of the Foundation and the Board of Trustees of the Town of Granby;

**WHEREAS**, pursuant to the Articles of Incorporation of the Foundation, the Foundation may only be dissolved with the written approval of the Town of Granby Board of Trustees;

**WHEREAS**, on March 16, 2020, the Foundation Board provided the Board of Trustees of the Town of Granby a letter indicating the Foundation Board had determined it was the appropriate time to terminate the Covenants and dissolve the Foundation; and

**WHEREAS**, on March 24, 2020, the Board of Trustees considered the Foundation Board's letter and declined to approve such dissolution; and

**WHEREAS**, on April 14, 2020, the Board of Trustees reconsidered the Foundation Board's request to dissolve the Foundation and found it in the best interest of the citizens of the Town of Granby to approve the dissolution of the Foundation and terminate the Covenants; and

**WHEREAS**, the Board of Trustees voted to approve dissolution of the Foundation and now desires to confirm such action by Resolution;

**NOW THEREFORE BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF GRANBY, COLORADO, AS FOLLOWS:**

- A. The Board hereby confirms that it approved the dissolution of the Recreation, Open Space & Housing Foundation to be effective on June 1, 2020.
- B. The Board confirms the termination of the Covenants, recorded at Reception Number 2003-0010318 and 2005-007928, Grand County Clerk and Recorder on August 14, 2003, and July 26, 2005, respectively. Such termination is to be effective April 28, 2020.
- C. The Board directs the Town clerk to record this resolution with the Grand County Clerk and Recorder upon its execution.
- D. Validity. If any part of this resolution is held to be unconstitutional or invalid for any reason such decision shall not affect the validity or constitutionality of the remaining portions of this resolution. The Board of Trustees hereby declares that it would have approved this resolution and each part or parts thereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.
- E. Repeal. Existing resolutions or parts of resolutions covering the same matters as embraced in this resolution are hereby repealed and all resolutions or parts of resolutions inconsistent with the provisions of this resolution are hereby repealed, except that this repeal shall not affect or prevent collection of any impact fees incurred of any resolution or covenant hereby repealed prior to the taking effect of this resolution.

**MOVED, SECONDED AND ADOPTED BY THE BOARD OF TRUSTEES OF THE TOWN OF GRANBY, COLORADO THIS 28<sup>TH</sup> DAY OF APRIL, 2020.**

TOWN OF GRANBY  
BOARD OF TRUSTEES

Votes Approving: \_\_\_\_\_  
Votes Opposed: \_\_\_\_\_  
Absent: \_\_\_\_\_  
Abstained: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Deborah K. Hess, CMC  
Town Clerk

By: \_\_\_\_\_  
Paul Chavoustie  
Mayor