

**TOWN OF MINTURN, COLORADO  
RESOLUTION NO. 04 - SERIES 2015**

**A RESOLUTION ADOPTING PROCEDURES TO GUIDE THE LEASE OF TOWN  
PROPERTY IN THE LIONSHEAD CHARACTER AREA**

WHEREAS, the Town of Minturn owns certain real property located in the Lionshead Character Area near the cemetery on the north-east side of the Eagle River; and

WHEREAS, a portion of this property has been leased to third parties for light industrial uses for decades (the "Lease Lot"); and

WHEREAS, payments from leases of the Lease Lot provide an important source of revenue to the Town which is used to enhance the quality of life in Minturn; and

WHEREAS, the Town has also located and operates its public works facility on this property; and

WHEREAS, there currently are vacant areas on the Lease Lot that historically have been used for light industrial purposes that the Town desires to lease; and

WHEREAS, the Town has undertaken improvements to the Lease Lot to facilitate additional uses including: adding width to the berm, adding top soil and native landscaping on the berm; removing unwanted rock spoils from the usable area; relocating a tenant; changing the location of the driveway cut; and conducting a general cleanup of the area; and

WHEREAS, the Town desires to adopt protocols for leasing portions of the Lease Lot to future third parties; and

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF MINTURN AS FOLLOWS:

1. The Town desires to continue the historic practice of allowing the Lease Lot to be leased to third parties to provide space for light industrial activities. Making the lease lot available promotes the public use of economic development, providing jobs in Minturn, and providing goods and services to local businesses and the community.
2. Leases to third parties shall represent the fair market value of the leased space within the community. Current lease rates are further described on Exhibit A. Proceeds from leases of the Lease Lot shall be deposited into the general fund for use by the Town.
3. After improvements are made and when space in the Lease Lot is available, the Town shall make the possibility of leasing the property generally known to third parties. This may include posting a notice on the Town's website or, in the discretion of the Town Manager, publishing notices in the newspaper or promoting the space with realtors and leasing brokers.

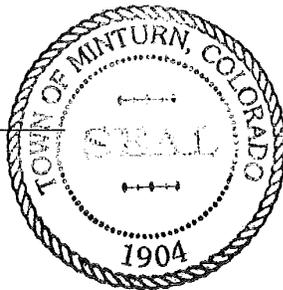
4. The Town Manager shall have the authority to enter into a temporary lease for space in the Lease Lot for a period not to exceed 60 days. All temporary leases shall pay rent based on the most current lease rates approved by Council.
5. Lessees at the Lease Lot shall apply for and receive a conditional use permit from the Town. Lessee shall be responsible for making and processing an application for the conditional use permit. The conditional use permit shall adequately describe impacts to public facilities (i.e. traffic, roads, utilities, water demand) and to adjoining properties (i.e. light, dust, noise, vibration).
6. The Town and the Lessee shall enter into a lease agreement reviewed by the Town attorney and approved by the Town Council. Town Council may approve a lease in its sole discretion. The Lease may be approved concurrently with the conditional use permit.

INTRODUCED, READ, APPROVED, ADOPTED AND RESOLVED this 3<sup>rd</sup> day of June, 2015.

By: *Hankye Fleharty*  
Mayor

ATTEST

By: *[Signature]*  
Town Clerk



## EXHIBIT A

The lease rate for Minturn owned land for light industrial activities at the "Leased Lot" shall follow the table below, which table may be updated by Council by majority vote from time to time. Determination of future changes in the lease rate shall be made based on a survey of rates charged for similar light industrial property in Minturn and neighboring areas. Any final lease rate will be approved within a lease agreement approved by Town Council (which may vary from the lease rate in this table).

Within the below categories the lease rate may be adjusted by the level of intensity of the activities on the Town's property including such factors as: number of trips per day accessing the site, noise levels, fugitive dust, odors and fumes and general activity at the site.

### Lots up to 7500 Square Feet

The lease rate shall be between \$2.00--\$2.50 per square foot per year.

### Lots larger than 7500 Square Feet

The lease rate shall be between \$1.30—\$2.00 per square foot per year.