

**TOWN OF GRAND LAKE
RESOLUTION NO. 29-2011**

**A RESOLUTION WAIVING THE REQUIREMENTS OF MUNICIPAL CODE
SECTION 12-10-1, *AFFORDABLE HOUSING FEES*, FOR ROCKY MOUNTAIN
REPERTORY THEATRE'S NEW EMPLOYEE RESIDENCE TO BE LOCATED AT
LOT 9, BLOCK 19, TOWN OF GRAND LAKE**

WHEREAS, According to Municipal Code Chapter 12-2-1-3, the Town Board of Trustees may waive the provisions of the Affordable Housing Fee; and

WHEREAS, the Town and Rocky Mountain Repertory Theatre have entered into an Agreement (attached as Exhibit A).

NOW THEREFORE BE IT RESOLVED BY THE GRAND LAKE BOARD OF TRUSTEES AS FOLLOWS:

PART 1. The Board of Trustees hereby agrees to waive the requirements set forth in Municipal Code Section 12-10-1, *Affordable Housing Fees*, in accordance with the terms and conditions outlined in the attached fee waiver Agreement.

**DULY MOVED, SECONDED, AND ADOPTED BY THE BOARD OF TRUSTEES OF
THE TOWN OF GRAND LAKE THIS 24TH DAY OF OCTOBER, 2011.**

(SEAL)

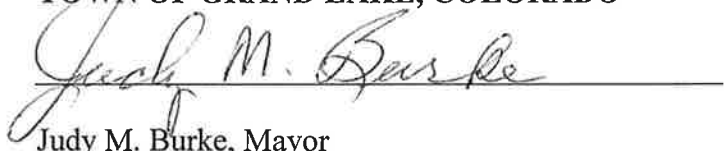
Votes Approving:	4
Votes Opposing:	0
Votes Abstaining:	1
Absent:	2

ATTEST:

**BOARD OF TRUSTEES OF THE
TOWN OF GRAND LAKE, COLORADO**



Ronda Kolinske, CMC, Town Clerk


Judy M. Burke, Mayor

**AGREEMENT
BETWEEN
THE TOWN OF GRAND LAKE, COLORADO
AND
THE ROCKY MOUNTAIN REPERTORY THEATRE**

THIS AGREEMENT ("Agreement") is entered into as of the 21st day of October, 2011 by and between the Town of Grand Lake, Colorado (the "Town"), a municipality incorporated under the Laws of the State of Colorado, and the Rocky Mountain Repertory Theatre ("RMRT"), a not-for-profit corporation, incorporated under the laws of the State of Colorado.

WHEREAS, RMRT has been in existence and has provided housing for its employees in Grand Lake, Colorado, from May, 1968 to the present; and

WHEREAS, during this period, RMRT has produced and presented summer theater and other programs in the Town's Community Center and other facilities in Grand Lake, Colorado; and

WHEREAS, RMRT recently constructed a new theater to be used for theatrical and other productions of RMRT, its affiliates and designees, which is located on the parcel of real property described as follows: Block 12, Lots 6-8, Town of Grand Lake a/k/a 404 Vine Street ("the Theater"); and

WHEREAS, before construction of the Theater, the Town had provided space and facilities to RMRT to enable RMRT to continue to provide its programs; and

WHEREAS, the construction of the Theater had freed Town space previously used by RMRT, and the construction of the Theater has been a benefit to the Town in terms of both freeing up such space for the Town's use and allowing continuation of RMRT's significant cultural and commercial contributions to the Town; and

WHEREAS, RMRT owns, operates and maintains affordable housing in Grand Lake for approximately thirty (30) of its summer program employees at the Betty Dick Off Broadway Cabins at 450 Broadway (the "Off Broadway Cabins") and RMRT Riverside Cabins at 262 and 268 North Inlet (the "Riverside Cabins"), and also provides donated and rented housing, the cost of which is budgeted in RMRT's operating fund each year, such owned, donated and rented housing is collectively referred to as the "Employee Housing"; and

WHEREAS, RMRT believes that the availability of affordable housing is necessary and essential in order to attract and retain talented employees and, therefore, it intends to continue to provide the Employee Housing for such employees; and

WHEREAS, pursuant to Grand Lake Municipal Code ("Code") Section 12-10-1(1), the Town has adopted an Affordable Housing Fee (the "Fee") to mitigate the housing need impact of new development and, pursuant to Code Section 12-10-2(2), the Town may offset and alternatively satisfy the Fee by entering into an agreement with a project developer to provide mitigation of such impact; and

WHEREAS, the parties recognize that RMRT's summer program activities have a limited impact on local housing needs due to the relatively small number of its summer program employees, the currently owned and operated Employee Housing, the limited duration of the summer program, and the expectation that the construction of the Theater is not expected to create any additional housing needs; and

WHEREAS, the Town and RMRT entered into an agreement dated March 8, 2010 (the "Theater Agreement") pursuant to which the Town, with the adoption of Town of Grand Lake Resolution No. 9-2010, waived any Fee that might be applicable to the construction of the Theater in consideration for RMRT's commitment to continue to make the Employee Housing available for use by its summer program

EXHIBIT A

employees for a period of fifteen (15) years from the date of the Theater Agreement the "Effective Date"); and

WHEREAS, pursuant to its commitment to continue to provide Employee Housing for use by its summer program employees under the Theater Agreement, RMRT is constructing a new employee residence of approximately 3120 square feet, with approximately 80 square feet of exterior decking, on the property where the Off Broadway Cabins are located, more specifically at Block 19, Lots 9-12, Town of Grand Lake a/k/a 709 Lake Avenue (the "Employee Residence"); and

WHEREAS, in consideration for RMRT's acknowledgement and agreement that the Employee Residence will be considered part of the Employee Housing and will be subject to the representations and commitments of RMRT as provided in the Theater Agreement, the Town is willing to enter into this agreement to waive the Fee as it would otherwise apply to the construction of the Employee Residence.

NOW, THEREFORE, the parties agree as follows:

1. The Board of Trustees of the Town of Grand Lake has determined that the Fee of \$3140 would otherwise be owed by RMRT to the Town in connection with the construction of the Employee Residence pursuant to applicable provisions of the Town Code, as identified in Resolution No. 7-2009, will be waived. Such waiver is in recognition of the reasons stated in the Theater Agreement and is subject to the terms and provisions provided herein.

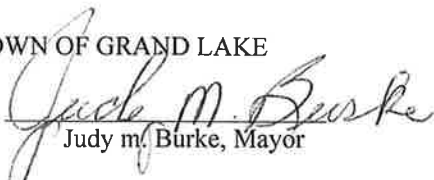
2. In consideration of the Town's waiver of the Fee, RMRT hereby agrees that the Employee Residence will, for all purposes under the Theater Agreement, be deemed part of the Employee Housing and will be subject to the representations, commitments and agreements of RMRT contained in the Theater Agreement with respect to the Employee Housing, including, without limitation, RMRT's agreement that RMRT will continue to make the Employee Housing (including, without limitation, the Employee Residence) available for use by its summer program for a period of fifteen (15) years from the Effective Date.

3. This Agreement, along with the Theatre Agreement, contain the entire agreement of the parties relating to the subject matter hereof and incorporates, merges and supersedes any and all contemporaneous and prior oral or written agreements, discussions, representations or understandings relating thereto.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date set forth above.

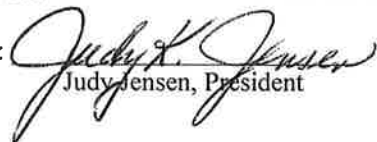
TOWN OF GRAND LAKE

By


Judy M. Burke, Mayor

ROCKY MOUNTAIN REPERTORY THEATRE

By:


Judy Jensen, President



TOWN OF
GRAND LAKE

Date: October 21, 2011

To: Mayor Judy Burke and Town Board of Trustees
From: Abbi Jo Wittman, Town Planner *AW*
RE: Consideration of Resolution No. ~~X~~²⁹-2011
Attached: Draft Resolution No. X-2011 with Agreement
Resolution No. 9-2010 with Agreement

In August of this year the Town Board received a request from Rocky Mountain Repertory Theatre (RMRT) for the Board's consideration of a waiver of Affordable Housing Fees that are owed to the Town in association with the construction of a new employee residence at the Off-Broadway Cabins site (Lots 9-12, Block 19, Town of Grand Lake). At that time the Board seemed favorable to entering into an Agreement of this nature. Staff has drafted Resolution No. X-2011 based on Town of Grand Lake Resolution No. 9-2010 (which waived the same Fees for the construction of RMRT's theater).

The Board should discuss this matter. If the Board is favorable, the Board should move to adopt Resolution No. X-2011: *A Resolution Waiving the Requirements of Municipal Code Section 12-10-1, Affordable Housing Fees, for Rocky Mountain Repertory Theatre's New Employee Residence Project to be Located at Lot 9, Block 19, Town of Grand Lake* and to authorize the Mayor to enter into the attached fee-waiver Agreement with RMRT.

Jim Peterson: conflict of interest

Dot Weber, Present

Tom Weyant 1st
2nd Elmer

All Aye
4-0
1 Abstain
2 Absent

**TOWN OF GRAND LAKE
RESOLUTION NO. 9 - 2010**

**A RESOLUTION WAIVING THE REQUIREMENTS OF MUNICIPAL CODE
SECTION 12-10-1, *AFFORDABLE HOUSING FEES*, FOR ROCKY MOUNTAIN
REPERTORY THEATRE'S NEW THEATRE PROJECT TO BE LOCATED AT LOTS
6-8, BLOCK 12, TOWN OF GRAND LAKE**

WHEREAS, RMRT has been in existence and has provided housing for its employees in Grand Lake, Colorado, from May, 1968 to the present; and

WHEREAS, during this period, RMRT has produced and presented summer theater and other programs in the Town's Community Center and other facilities in Grand Lake, Colorado; and

WHEREAS, RMRT plans to construct new facilities (the "Project") in order to continue offering its programs in Grand Lake, Colorado; and

WHEREAS, the Project is to consist of the construction of an (approximately) 12,654 square foot, 300-seat theatre to be used for theatre productions of RMRT, its affiliates and designees, and is to be located on the parcel of real property described as follows: [Block 12, Lots 6-8, Town of Grand Lake a/k/a 404 Vine Street] ("the Property"); and

WHEREAS, the Town has provided space and facilities to RMRT to enable RMRT to continue to provide its programs; and

WHEREAS, the Town has need for space currently used by RMRT, and the construction of such new facilities by RMRT is a benefit to the Town in terms of both freeing up such space for the Town's use and allowing continuation of RMRT's significant cultural and commercial contributions to the Town; and

WHEREAS, RMRT owns, operates and maintains affordable housing in Grand Lake for approximately thirty (30) of its summer program employees, which represents 97% of RMRT's total employees, at the Betty Dick Off Broadway Cabins at 450 Broadway (the "Off Broadway Cabins") and RMRT Riverside Cabins at 262 and 268 North Inlet (the "Riverside Cabins"), and also provides donated and rented housing, the cost of which is budgeted in RMRT's operating fund each year, such owned, donated and rented housing is collectively referred to as the "Employee Housing"; and

WHEREAS, RMRT believes that the availability of affordable housing is necessary and essential in order to attract and retain talented employees and, therefore, it intends to continue to provide the Employee Housing for such employees; and

WHEREAS, pursuant to Grand Lake Municipal Code ("Code") Section 12-10-1(1), the Town has adopted an Affordable Housing Fee (the "Fee") to mitigate the housing need impact of new development and, pursuant to Code Section 12-10-2(2), the Town may offset and alternatively satisfy the Fee by entering into an agreement with a project developer to provide mitigation of such impact; and

WHEREAS, the parties recognize that RMRT's summer program activities have a limited impact on local housing needs due to the relatively small number of its summer program employees, the currently owned and operated Employee Housing, the limited duration of the summer program, and the expectation that the Project is not expected to create any additional housing needs; and

WHEREAS, the Town and RMRT desire to enter such an agreement (attached herein) upon the terms and conditions set forth below and the Town, based upon the representations of RMRT that intends to continue to provide Employee housing for its employees and the fact that RMRT has provided housing for its employees since 1968, is willing to enter into an agreement without a deed restriction on property owned by RMRT.

NOW THEREFORE BE IT RESOLVED BY THE GRAND LAKE BOARD OF TRUSTEES AS FOLLOWS:

PART 1. The Board of Trustees hereby agrees to waive the requirements set forth in Municipal Code Section 12-10-1, *Affordable Housing Fees*, in accordance with the terms and conditions outlined in the attached fee waiver agreement.

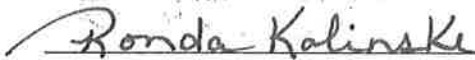
DULY MOVED, SECONDED, AND ADOPTED BY THE BOARD OF TRUSTEES OF THE TOWN OF GRAND LAKE THIS 8TH DAY OF MARCH, 2010.

(SEAL)


ATTEST:

Votes Approving:	5
Votes Opposing:	0
Votes Abstaining:	1
Absent:	1

**BOARD OF TRUSTEES OF THE
TOWN OF GRAND LAKE, COLORADO**

_____

Ronda Kolinske, CMC, Town Clerk

_____

Judy M. Burke, Mayor

AGREEMENT
BETWEEN
THE TOWN OF GRAND LAKE, COLORADO
AND
THE ROCKY MOUNTAIN REPERTORY THEATRE

THIS AGREEMENT ("Agreement") is entered into as of the 8th day of March, 2010 by and between the Town of Grand Lake, Colorado (the "Town"), a municipality incorporated under the Laws of the State of Colorado, and the Rocky Mountain Repertory Theatre ("RMRT"), a not-for-profit corporation, incorporated under the laws of the State of Colorado.

WHEREAS, RMRT has been in existence and has provided housing for its employees in Grand Lake, Colorado, from May, 1968 to the present; and

WHEREAS, during this period, RMRT has produced and presented summer theater and other programs in the Town's Community Center and other facilities in Grand Lake, Colorado; and

WHEREAS, RMRT plans to construct new facilities (the "Project") in order to continue offering its programs in Grand Lake, Colorado; and

WHEREAS, the Project is to consist of the construction of an (approximately) 12,654 square foot, 300-seat theatre to be used for theatre productions of RMRT, its affiliates and designees, and is to be located on the parcel of real property described as follows: [Block 12, Lots 6-8, Town of Grand Lake a/k/a 404 Vine Street] ("the Property"); and

WHEREAS, the Town has provided space and facilities to RMRT to enable RMRT to continue to provide its programs; and

WHEREAS, the Town has need for space currently used by RMRT, and the construction of such new facilities by RMRT is a benefit to the Town in terms of both freeing up such space for the Town's use and allowing continuation of RMRT's significant cultural and commercial contributions to the Town; and

WHEREAS, RMRT owns, operates and maintains affordable housing in Grand Lake for approximately thirty (30) of its summer program employees at the Betty Dick Off Broadway Cabins at 450 Broadway (the "Off Broadway Cabins") and RMRT Riverside Cabins at 262 and 268 North Inlet (the "Riverside Cabins"), and also provides donated and rented housing, the cost of which is budgeted in RMRT's operating fund each year, such owned, donated and rented housing is collectively referred to as the "Employee Housing"; and

WHEREAS, RMRT believes that the availability of affordable housing is necessary and essential in order to attract and retain talented employees and, therefore, it intends to continue to provide the Employee Housing for such employees; and

WHEREAS, pursuant to Grand Lake Municipal Code ("Code") Section 12-10-1(1), the Town has adopted an Affordable Housing Fee (the "Fee") to mitigate the housing need impact of new development and, pursuant to Code Section 12-10-2(2), the Town may offset and alternatively satisfy the Fee by entering into an agreement with a project developer to provide mitigation of such impact; and

WHEREAS, the parties recognize that RMRT's summer program activities have a limited impact on local housing needs due to the relatively small number of its summer program employees, the currently owned and operated Employee Housing, the limited duration of the summer program, and the expectation that the Project is not expected to create any additional housing needs; and

WHEREAS, the Town and RMRT desire to enter such an agreement upon the terms and conditions set forth below and the Town, based upon the representations of RMRT that it intends to

continue to provide Employee Housing for its employees and the fact that RMRT has provided housing for its employees since 1968, is willing to enter into this agreement without a deed restriction on property owned by RMRT:.

NOW, THEREFORE, the parties agree as follows:

1. The Fee that would otherwise be owed by RMRT to the Town in connection with the development of the Project on the Property pursuant to the provisions of the Town Code requirements for affordable housing are \$1.00 per square foot of commercial development space, as identified in Resolution No. 7-2009.

2 The Board of Trustees of the Town of Grand Lake has determined the Fee of \$12,654 that would otherwise be due and owing in connection with the Project will be waived in recognition of (a) RMRT's past and present commitment to provide affordable Employee Housing, (b) the limited impact of RMRT's summer program activities on local housing needs and the anticipated lack of any additional impact on housing needs resulting from the Project, upon continuing compliance by RMRT with the provisions of this Agreement, and (c) RMRT's historical and projected annual expenditures for housing for its employees.

3. In consideration of the Town's waiver of the Fee, RMRT hereby agrees to continue to make available for use by its summer program employees the Employee Housing. RMRT's obligation under this Agreement shall continue for a period of fifteen (15) years from the date of this Agreement.

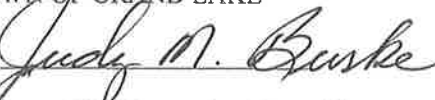
4. If RMRT does not continue to provide Employee Housing as provided in Section 3, in whole or in part, or seeks to sell or otherwise dispose of Employee Housing, in whole in or part, during the term of this Agreement, RMRT must notify the Town no less than thirty (30) days before it takes such actions, and on or before the date of taking such action, RMRT shall (1) identify replacement arrangements for Employee Housing that are satisfactory to the Town Board of Trustees or will (2) pay such Fee as would be due had the Project been developed at the time of such actions, based on the Fee then in effect.

5. This Agreement contains the entire agreement of the parties relating to the subject matter hereof and incorporates, merges and supersedes any and all contemporaneous and prior oral or written agreements, discussions, representations or understandings relating thereto.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date set forth above.

TOWN OF GRAND LAKE

By

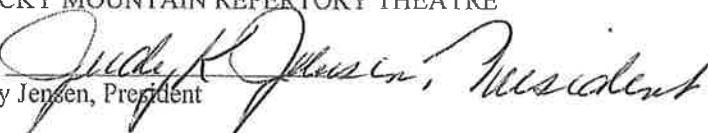


Name: Judy M. Burke

Title: Mayor

ROCKY MOUNTAIN REPERTORY THEATRE

By:


Judy Jensen, President



TOWN OF
GRAND LAKE

Date: August 17, 2011

To: Mayor Judy Burke and Town Board of Trustees
From: Abbi Jo Wittman, Town Planner *AJW*

RE: Affordable Housing Fee Waiver Request
Attached: RMRT Request Letter (dated August 17, 2011)
Resolution No. 9-2010 (with Attachments)
Resolution No. X-2011

On August 17, 2011 the Town received a request from Rocky Mountain Repertory Theatre (RMRT) for the Board's consideration of a waiver of Affordable Housing Fees (Fee) associated with a (soon to be) proposed building permit application for the construction of a new six-bedroom, lodge-style, employee housing unit on 450 Broadway (otherwise known as the 'Betty Dick Off Broadway Cabins'); the unit proposed at this time would be an addition to the existing housing units located in this area. RMRT's request does remind the Board of the 2009 agreement between the Town and RMRT which waived the Fee for the construction of their new theatre structure (located on Vine Street and Grand Avenue) on the basis that RMRT provides 97% of their staff with housing.

The Board should discuss this matter with RMRT for Board determination as to whether or not the Board would be favorable to entering into a new, or modifying the existing Agreement, with RMRT for the waiver of the Fee. Based on discussions between the Town Board and RMRT, staff will draft an agreement and bring an executed agreement back to the Town Board for the Board's formal consideration as an item of business in a regular meeting. Similar to the process the Town has followed in the past, staff has drafted a resolution (attached) for the Board's consideration to allow for the release of the building permit while a decision has been made about a possible waiver of fees or the payment of fees in full.

Staff is proposing to follow a similar method, as it has in the past, as a building permit application has not yet been submitted by the property owner. While the general contractor for the project has indicated the proposed structure, including unfinished basement, will be 3120 square feet with two, sixteen square foot patios, Town staff would feel most comfortable drawing up an agreement (or modifying the existing one) when a permit application is submitted for final determination of the entirety of the structure and the total Fee waived.

If the Board is favorable to the request, the Board should to approve Resolution No. X-2011: *A Resolution Authorizing the Release of an Approved Building Permit for a Proposed Employee Housing Structure to be located at Lots 9-12, Block 19, Town of Grand Lake.*



ROCKY MOUNTAIN

REPERTORY THEATRE

MUSIC, MOUNTAINS & MAGIC

RECEIVED AUG 17 2011

Board of Trustees

Judy Jensen
President

Susan Sidell Brandt
Vice President

Bill Herbert
Treasurer

Dot Weber
Secretary

Ed Bittle
Claudia Diamond
Linda Dickinson
Bernie Dvorak
Reed James
Jeanne Kafer
Gini Kinder
Dick Lacouture
Steve Litt
Suzi Maki
Carol McMurry
JoAnn Roberts
Bob Scott
Eugene Zachman
Trustees

Michael Querio
Artistic Director

Carol Wolff
Executive Director

Scott Haden
Managing Director

Clare Arena Haden
Company Manager

Jeff Duke
Artistic Associate

Town of Grand Lake
August 17, 2011
1026 Park Avenue
Grand Lake, Colorado 89447
Attn: Abbi Jo Wittman – Town Planner

Re: Rocky Mountain Repertory Theatre (RMRT) waiver of affordable housing requirements

Dear Ms. Wittman,

Consistent with our agreement relating to affordable housing which was approved by the Town of Grand Lake by Resolution No. 9 – 2010 and entered into as of March 8, 2010 (the "Agreement"), RMRT requests that the Town of Grand Lake waive the fees and other requirements associated with the Town's affordable housing requirements as they may relate to the construction of a new employee residence. The residence is to be located at the Betty Dick Off Broadway Cabins at 450 Broadway and is part of our continuing commitment to provide employee housing for its summer-program employees pursuant to the Agreement.

We sincerely appreciate the support the Town continues to show for RMRT. Thank you in advance for your consideration.

Sincerely yours,

Judy Jensen
Rocky Mountain Repertory Theatre
President

**TOWN OF GRAND LAKE
RESOLUTION NO. 20 - 2011**

**A RESOLUTION AUTHORIZING THE RELEASE OF AN APPROVED BUILDING PERMIT
FOR A PROPOSED EMPLOYEE HOUSING STRUCTURE TO BE LOCATED AT LOTS 9-12,
BLOCK 19, TOWN OF GRAND LAKE**

WHEREAS, Municipal Code Section 12-10-1(the Code), *Affordable Housing Fees*, indicates the Town Building Official shall not issue any building permit for new construction until such time as Affordable Housing Fees, as set by resolution adopted by the Town Board of Trustees, are paid in full; and,

WHEREAS, the Code further states the fee required may be satisfied, in whole or in part, by the means which are agreed to between the Town and the Owner; and,

WHEREAS, on August 17, 2011, the Town Board of Trustees received a fee waiver request from Rocky Mountain Repertory Theatre (the Owner); and

WHEREAS, on August 22, 2011, the Town Board of Trustees discussed this matter with the owner, and was favorable to considering a fee waiver on the basis that Rocky Mountain Repertory Theatre currently provides free housing to 97% of its theatre troupe; and

WHEREAS, to expedite the building permit review process, the Town Board discussed its willingness to work with Rocky Mountain Repertory Theatre on developing an agreement for the waiver of the fees, and was comfortable in releasing the permit prior to a signed agreement being in effect, as long as one was signed prior to the Certificate of Occupancy.

NOW THEREFORE BE IT RESOLVED BY THE GRAND LAKE BOARD OF TRUSTEES AS FOLLOWS:

PART 1. The Board of Trustees hereby authorizes Staff to release an approved building permit without the payment of Affordable Housing Fees.

PART 2. Town Staff is directed not to issue a Certificate of Occupancy unless the requirements set forth in Municipal Code 12-10-1 have been met, either through the payment of the Affordable Housing Fees by the Owner, or by a signed agreement for waiver of the fees.

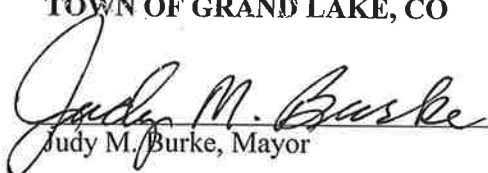
**DULY MOVED, SECONDED, AND ADOPTED BY THE BOARD OF TRUSTEES OF THE
TOWN OF GRAND LAKE THIS 22ND DAY OF AUGUST, 2011.**

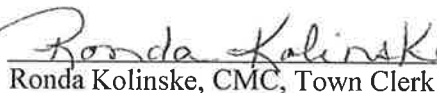
(SEAL)

Votes Approving:	4
Votes Opposing:	0
Votes Abstaining:	1
Absent:	2

**BOARD OF TRUSTEES OF THE
TOWN OF GRAND LAKE, CO**

ATTEST:


Judy M. Burke, Mayor


Ronda Kolinske, CMC, Town Clerk