

**AN ORDINANCE OF THE TOWN COUNCIL OF BASALT, COLORADO, APPROVING
A NEW EASEMENT FOR A ROOF OVERHANG AND ROOF GUTTER AND A
LICENSE AGREEMENT FOR MAINTENANCE ON THE TOWN PROPERTY
ADJACENT TO 519 PARK CIRCLE, DESCRIBED AS LOT 519, BLOCK 5, ELK RUN
PUD, BASALT, COLORADO**

**Ordinance No. 16
Series of 2014**

RECITALS

1. Jason M. Groves and Shayla D. Groves ("Applicants"), submitted a request in April of 2014, for the Town to grant an easement on the Town's property located directly south of the Applicants' property at 519 Park Circle to permit the construction and maintenance of a roof overhang extension and a new roof gutter on the existing garage.

2. The former owners of 519 Park Circle entered into a Land Exchange Agreement with the Town of Basalt in 1995. As a part of the agreement, the Town exchanged a portion of Arbaney Park (directly west of the Applicants' property) for a portion of the former side-yard of 519 Park Circle. As a result of the land exchange, the Applicants' lot lines were adjusted and re-platted accordingly. As a consequence of the lot line adjustment, a portion of the existing garage at 519 Park Circle is now located on the southernmost property boundary, with the existing garage roof overhang projecting into the Town's property by three inches.

3. The Applicants are making improvements to their garage at 519 Park Circle, which lessen the volume of structure in the required setbacks and that lessen the existing setback non-conformity. The Applicants would like to extend roof overhang to 12 inches with a roof gutter along the south eave of the garage to improve the roof drainage to drain water away from the residence and away from the Town's property. The Applicants have requested a five (5) foot wide easement to accommodate the construction, installation, maintenance, and repair of the roof overhang extension and gutter for the length of the south wall of the garage.

4. At a public meeting on May 27, 2014, the Basalt Town Council approved this ordinance on first reading and scheduled second reading for June 24, 2014, at a meeting

Please return to:
TOWN OF BASALT
101 Midland Avenue
Basalt, CO 81621

beginning no earlier than 6:00 PM at the Basalt Town Hall, 101 Midland Avenue, Basalt, Colorado. Throughout the meeting, evidence and testimony was offered by the Applicants, Staff and members of the public.

5. At a public hearing on June 24, 2014, the Town Council heard evidence and testimony from the Applicants, Town Staff, and members of the public.

6. The Basalt Town Council finds and determines the Applicants' request described herein to be consistent with the applicable provisions of the Town Code.

7. The Town Council finds and determines it is in the best interests of the Town to approve this Ordinance. Further, the Town Council finds and determines this Ordinance is reasonably necessary to promote the legitimate public purposes of the public health, safety and welfare.

NOW, THEREFORE, BE IT ORDAINED by the Basalt Town Council of Basalt, Colorado, as follows:

1. The 519 Park Circle Easement Agreement, attached hereto as **Exhibit A**, is hereby approved and the Mayor of the Town of Basalt is hereby authorized to execute the Easement Agreement on behalf of the Town Council.

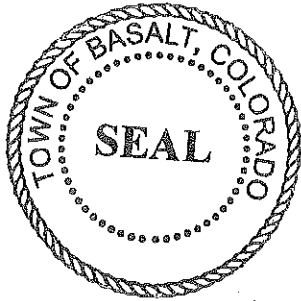
2. The approvals and conditions contained herein shall be binding on and inure to the benefit of the heirs, successors, and assigns of the Applicants and the owners of the Property.

3. If any part, section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance and the Town Council hereby declares it would have passed this Ordinance and each part, section, subsection, sentence, clause or phrase thereof regardless of the fact that any one or more parts, sections, subsections, sentences, clauses or phrases be declared invalid.

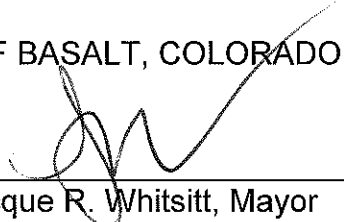
4. This Ordinance shall be effective 14 days after final publication of the Ordinance in accordance with the Town Home Rule Charter.

READ ON FIRST READING, ORDERED PUBLISHED AND SET FOR SECOND READING
TO BE HELD ON June 24, 2014 by a vote of 5 to 0 on May 27, 2014.

READ ON SECOND READING AND ADOPTED, by a vote of 5 to 0 on June 24, 2014.



TOWN OF BASALT, COLORADO

By: 
Jacques R. Whitsitt, Mayor

ATTEST:

By: 
Pamela K. Schilling, Town Clerk

Ord16-519ParkCircleEasementAgreement

First Publication: Thursday, June 5, 2014
Final Publication: Thursday, July 3, 2014
Effective date: Thursday, July 17, 2014