

**Town of Basalt, Colorado  
Ordinance No. 19  
Series of 2014**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BASALT,  
COLORADO, GRANTING APPROVAL FOR MINOR SUBDIVISION  
CONDOMINIUMIZATION TO AMEND THE 40 SUNSET DRIVE COMMERCIAL  
CONDOMINIUM MAP, BASALT, COLORADO**

**RECITALS**

A. The Town of Basalt ("Town"), acting by and through its Town Council ("Town Council"), has the power to grant Minor Subdivision approval for Condominiumization to amend the condominium map for the building located at 40 Sunset Drive, known as the 40 Sunset Drive Commercial Condominiums, Town of Basalt, County of Eagle, which is more particularly described in Exhibit "A" attached hereto (the "Property"). The owners of the Units 2, 6, and 9, Clearwater Properties LLC and Mountain Goat Properties, LLC, (the "Applicant") applied with the Town for an amendment to 40 Sunset Drive Commercial Condominium Map ("Application") to reflect existing and proposed interior changes to the building.

B. The Town of Basalt Technical Review Committee considered whether formal public notice is required for this Minor Subdivision Condominiumization request and pursuant to Section 17-83(b)(2), Town Code, has determined that the Town Council may consider the request at a public hearing without the requirement for formal public notice.

C. At a public meeting held on June 10, 2014, the Town Council considered this Ordinance on first reading and scheduled a public hearing and second reading for this Ordinance for June 24, 2014, for a meeting beginning no earlier than 6:00 pm at the Basalt Town Hall, 101 Midland Avenue, Basalt, Colorado.

D. At a public hearing and second reading on June 24, 2014, the Town Council heard evidence and testimony as offered by the Town Staff and members of the public.

E. The Town Council finds and determines it is in the best interests of the Town to approve this Ordinance. The Town Council finds and determines this Ordinance is reasonable and consistent with the Town Code.

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 TOWN COUNCIL OF THE TOWN OF BASALT, COLORADO AS FOLLOWS:**

A. FINDINGS. The Town Council hereby incorporates by reference and conclusively makes the above findings.

B. CONDITIONS.

1. The Clearwater Properties LLC and the Mountain Goat Properties, LLC application for Minor Subdivision approval to amend the 40 Sunset Drive Commercial Condominium Map is hereby approved, subject to the following conditions:

(a) The Applicant shall comply with Applicant's representations set forth in the Application.

(b) The Applicant shall comply with all material representations made by Applicant in the hearings before the Town Council.

(c) The project shall comply with all requirements of the Town Code including compliance with Town of Basalt Building Department requirements and Basalt and Rural Fire Protection District recommendations.

(d) Prior to obtaining the necessary signatures and recording the amended condominium map, the Applicant shall amend the proposed condominium map to include the following language:

"Any demising walls that may be built in the future separating Units 2 and 3 shall comply with the Town's Fire Code and any other applicable requirements of the Town's Building Code. If any of the sales or construction require the elimination or changes to the demising walls in Units 2, 3, 5 6, 8, or 9, the condominium map shall be amended to reflect the actual conditions."

(e) The Town Attorney and Town Planner will review for approval, the amended condominium declaration prior to authorizing signatures and recording the amended condominium plat.

(f) The Applicant shall comply with Section 17- 65(2)d.1., Town Code, regarding 90-day notice to existing tenants and procedures giving existing tenants option to purchase. The Applicant shall execute the condominium agreement included as attachment 7 in the Application submittal prior to the earlier of recording the amended condominium map or within 14 days of the effective date of this ordinance and provide an executed copy to the Town.

2. The Mayor and Town Clerk are hereby authorized to execute the Minor Subdivision Condominium Map for the Property on behalf of the Town after approval of such Map by the Town Attorney.

C. MISCELLANEOUS.

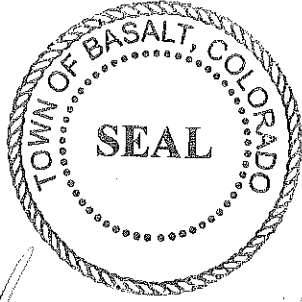
1. The approvals and conditions contained herein shall be binding on and inure to the benefit of the heirs, successors and assigns of the Applicant and the owners of the Property.

2. This Ordinance, after fully executed, shall be recorded in the office of the Clerk and Recorder of Eagle County.

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.

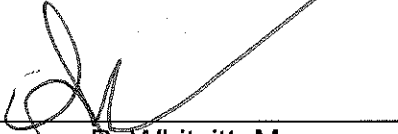
READ ON FIRST READING, ORDERED PUBLISHED AND SET FOR PUBLIC HEARING TO BE HELD ON June 24, 2014, by a vote of 4 to 0 on June 10, 2014.

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



TOWN OF BASALT, COLORADO

By:

  
Jacque R. Whitsitt, Mayor

ATTEST:

  
Pamela K. Schilling, Town Clerk

Ord19\_\_40SunsetCondominium

First Publication: Thursday, June 19, 2014  
Final Publication: Thursday, July 3, 2014  
Effective Date: Thursday, July 17, 2014

**EXHIBIT "A"**  
Real Property Description

Units 2, 6, and 9, 40 Sunset Drive Commercial Condominiums as recorded in the Eagle County Records as Reception No. 738729, Town of Basalt Colorado.