

**AN ORDINANCE OF THE TOWN COUNCIL OF BASALT, COLORADO, APPROVING
A LICENSE AGREEMENT FOR THE CONSTRUCTION OF A RETAINING WALL IN
THE SOPRIS DRIVE RIGHT-OF-WAY AT 400 SOPRIS DRIVE, BASALT,
COLORADO**

**Ordinance No. 20
Series of 2014**

RECITALS

1. James H. Perry and Margery Deutz ("Applicants"), submitted a request in May of 2014, for a License Agreement to move the existing retaining wall approximately four (4) feet into the Town's Sopris Drive Right-of-Way to help the viability of an existing mature Spruce Tree near the existing wall and to line up with the retaining wall on the neighboring property for aesthetic continuity.

2. The Town of Basalt ("Town"), acting by and through its Town Council ("Town Council"), has the power to grant approval of a License Agreement to permit use of the Town's right-of-way by an individual property owner.

3. At a public meeting on June 24, 2014, the Basalt Town Council approved this ordinance on first reading and scheduled second reading for July 22, 2014, at meeting 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.

4. At a public hearing on July 22, 2014, the Town Council heard evidence and testimony from the Applicants, Town Staff, and members of the public.

5. 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.

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

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

1. The 400 Sopris Drive License Agreement attached hereto as **Exhibit A** is hereby approved and the Mayor of the Town of Basalt is hereby authorized to execute the License Agreement on behalf of the Town.

2. 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.

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 July 22, 2014 by a vote of 5 to 0 on June 24, 2014.

READ ON SECOND READING AND ADOPTED, by a vote of 6 to 0 on July 22, 2014.

TOWN OF BASALT, COLORADO

By: 

Jacques R. Whitsitt, Mayor

ATTEST:

By: *Pamela K. Schilling*
Pamela K. Schilling, Town Clerk



Ord20-400SoprisDriveLicenseAgreement

First Publication: Thursday, July 3, 2014
Final Publication: Thursday, July 31, 2014
Effective date: Thursday, August 14, 2014