

**Town of Basalt, Colorado
Ordinance No. 26
Series of 2014**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BASALT,
COLORADO, APPROVING THE FIRST AMENDED FINAL PLAT OF BASALT
RIVERFRONT PARK SUBDIVISION PURSUANT TO SECTION 17-83,
BASALT MUNICIPAL CODE**

RECITALS

A. The Town of Basalt ("Applicant") approved the Final Plat of Basalt Riverfront Park Subdivision in December 8, 2004 for property the Town owned in order to create a Lot 1 which the Town subsequently sold to the Roaring Fork Conservancy (RFC). The RFC intends to construct a river center on Lot 1.

B. In 2010, the Applicant entered into an Option Purchase Agreement with the Rocky Mountain Institute (RMI) to sell a portion of Lot 2 where RMI intends to build the RMI Innovation Center (office and convening center). The Council subsequently approved an amendment to the Option Agreement in January of 2014. The 2014 Amended Option Agreement required the Town to pay for and process the subdivision plat to create the new Lot 2B being acquired by RMI. During RMI's development review process, the Applicant determined that it was beneficial to move the proposed RMI building and lot slightly to the east with a corresponding move of the RFC River Center building so that there could be more land between the pond and the proposed RFC River Center.

C. The application requests an amended minor subdivision approval to create Lot 2B, to slightly increase the boundaries of Lot 1 and to update the easements through vacating some of the prior easements and creating new ones to reflect current land use approvals and environmental permits.

D. RMI approves of the new configuration and size of the proposed Lot 2B.

E. RFC approves of the new configuration and size of Amended Lot 1.

F. The Town of Basalt Technical Review Committee considered whether formal public notice is required for this request pursuant to Section 17-83(b)(2), Town Code and determined that the Town Council may consider the

request at a public meeting without the requirement for formal public notice.

G. At a public meeting held on August 26, 2014, the Town Council considered this Ordinance on first reading and scheduled a public hearing and second reading for this Ordinance for September 9, 2014, for a meeting beginning no earlier than 6:00 pm at the Basalt Town Hall, 101 Midland Avenue, Basalt, Colorado.

H. At a public hearing and second reading on September 9, 2014, the Town Council heard evidence and testimony as offered by the Town Staff and members of the public.

I. 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 public health, safety and welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BASALT, COLORADO AS FOLLOWS:

A. FINDINGS.

1. The Town Council incorporates the above recitals as findings and determinations and conclusively makes all of the findings of fact, determinations and conclusions contained herein.

2. Based on the evidence, testimony, exhibits and comments from the public, Applicant and Town staff, the Town Council finds and determines that the Applicant's requests are consistent with the applicable provisions of the Town Code including but not limited to Section 17-83, Town Code, provided Applicants adheres to the conditions identified in this Ordinance.

3. The Property is appropriate for a minor subdivision because it satisfies the Conditions of 17-83 for minor subdivision applications in that it: does not create new residential units; involves a lot line adjustment; vacation and location of easements; and involves property owned by the Town of Basalt.

B. CONCLUSIONS.

1. Based on the Application, testimony, exhibits and comments from the public, Applicant and Town Staff, the Town Council hereby grants approval for the first amended final plat of Basalt Riverfront Park Subdivision subject to the following conditions:

a. Applicant shall comply with all material

representations made by the Applicant in the Application and before the Town Council.

b. The Applicant shall submit a Minor Subdivision Plat consistent with all material representations made by the Applicant and the conditions contained herein for review and approval by the Town Planner and Town Attorney prior to execution and recording. The plat shall include all required signature blocks, plat notes, ownership and dedication language, title certifications, easements, adjusted lot lines and updates and corrections noted by the Planning Department. The Mayor and Town Clerk are authorized to sign the Minor Subdivision Plat after review and approval by the Town Attorney.

c. The Applicant shall prepare and submit any other documents necessary to effectuate this approval.

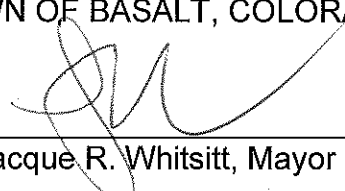
2. This Ordinance, after being fully executed and after appropriate publication, shall be recorded in the office of the Clerk and Recorder of Eagle County.

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 SEPTEMBER 9 by a vote of 6 to 0 on August 26, 2014

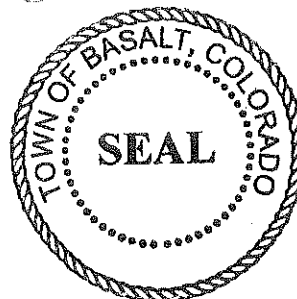
READ ON SECOND READING AND ADOPTED, by a vote of 7 to 0 on September 9, 2014.

TOWN OF BASALT, COLORADO

By: 
Jacques R. Whitsitt, Mayor

ATTEST:


Pamela Schilling, Town Clerk



First Publication: Thursday, September 4, 2014
Final Publication: Thursday, September 18, 2014
Effective date: Thursday, October 2, 2014

Ord26-1st Amended Final Plat Basalt RiverfrontParkMinorSub.doc