

**TOWN OF BASALT, COLORADO**  
**Ordinance No. 07**  
**Series of 2015**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BASALT,  
COLORADO, APPROVING AN APPROPRIATION OF FUNDS TO BE USED  
TOWARD THE ACQUISITION OF A CONSERVATION EASEMENT AND  
PUBLIC TRAILS EASEMENT ON THE EMMA FARMS PROPERTY**

**RECITALS**

A. The Emma Farms Property is located just outside the Town of Basalt, but possesses natural, scenic, recreational, and agricultural values that are important to the citizens of Basalt, and development of the Emma Farms Property would result in loss of important high quality agricultural soils which may contribute to local food production in perpetuity.

B. Pursuant to a contract dated March 2, 2015 ("Contract") between the owner of the Property and Pitkin County, the owners desire to convey a conservation easement on the Property consisting of approximately 49.43 acres to Pitkin County and Aspen Valley Land Trust. The Contract is scheduled to be ratified by the Pitkin Board of County Commissioners on March 25, 2015. Pitkin County is scheduled to pay up to \$500,000 towards the purchase of the conservation easement and public trail easement.

C. Eagle County has agreed to contribute up to \$1,500,000 towards the purchase of a conservation easement and public trail easement on the Property and associated transaction costs.

D. The Town Council of the Town of Basalt, and Pitkin and Eagle County, Colorado, through their respective Board of County Commissioners, wish to contribute in the acquisition of the Emma Farms Property.

E. The voters of Basalt established an Open Space Sales tax for the purposes of capital improvement projects approved by the Town Council for parks, open space acquisition, and trail projects.

F. The Town is authorized to contribute funds to acquire such property outside its municipal boundaries.

After recording:  
Return to Town of Basalt  
101 Midland Avenue  
Basalt, CO 81621

G. The Basalt Parks, Open Space and Trails Committee has recommended that the Town allocate \$50,000 of the Town's open space fund to purchase the Emma Farms Property.

H. Section 4.1 of the Home Rule Charter requires that appropriations must be approved by the Town Council by ordinance, and the transaction details, including Basalt's inclusion in the conservation easement, requires an appropriation.

I. It is in the best interests of the Town to approve this Ordinance, which is consistent with the Home Rule Charter and the Town Code, and which is reasonably necessary to promote the legitimate purposes of the public health, safety, and welfare of the Town of Basalt.

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

Section 1. The Town Council hereby authorizes an appropriation of \$50,000 towards the acquisition of conservation easement and trail easement on the Emma Property as described in **Exhibit A**, attached hereto. The Town allocates the funds from the Town's Open Space and Sales Tax.

Section 2. In consideration for the \$50,000 paid by the Town of Basalt for the contribution, the Town of Basalt shall be named in the conservation easement and trail easement as an entity which must be notified about any sort of difficulty with the management and implementation of the easements, and will be entitled to reimbursement if the land is ever converted by a condemnation or a judicial extinguishment or other action.

Section 3. The conservation easement and trail easement shall be reviewed and approved by the Town Attorney for the purposes of ensuring that the Town's interests are protected before execution by the County.

Section 4. The Mayor of the Town of Basalt, Colorado, is hereby authorized to execute the above-referenced agreement and any ancillary documents on behalf of the Town of Basalt, as necessary to fulfill the terms of this ordinance.

Section 5. This Ordinance, upon full execution, shall be recorded in the records of the Clerk and Recorder both Pitkin County and Eagle County.

Section 6. 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 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 April 28, 2015 by a vote of 6 to 0 on March 24, 2015.

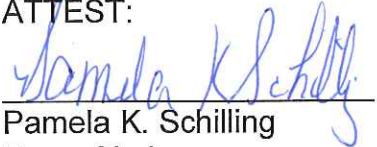
READ ON SECOND READING AND ADOPTED, by a vote of 7 to 0 on April 28, 2015.



TOWN OF BASALT, COLORADO

By   
Jacquie R. Whitsitt, Mayor

ATTEST:

  
Pamela K. Schilling  
Town Clerk

First Publication: Thursday, April 2, 2015  
Second Publication: Thursday, May 7, 2015  
Effective Date: Thursday, May 21, 2015

Exhibit A  
Legal Description

LEGAL DESCRIPTION

THE THIRD CONSERVATION PARCEL consists of Lots 3, 4 and 5 as shown on the Final Plat of Emma Farms recorded January 11, 2008, as Reception No. 200800849 in the Office of the clerk and Recorder of Eagle County, Colorado together with the portion of Lot 6 which is located within Pitkin County as shown on the Emma Farms Subdivision Exemption Plat, recorded March 24, 2009 as Reception No. 557445 in the Office of the Clerk and Recorder of Pitkin County, Colorado.