

**Town of Basalt, Colorado
Ordinance No. 3
Series of 2007**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BASALT,
COLORADO, GRANTING APPROVAL FOR MINOR SUBDIVISION
CONDOMINIUMIZATION TO AMEND THE 104 MIDLAND AVENUE
CONDOMINIUM PLAT, 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 plat for the building located at 104 Midland Avenue, known as the 104 Midland Avenue building, Town of Basalt, County of Eagle, which is more particularly described in Exhibit "A" attached hereto (the "Property"). The owners of the Units 202, 203, and 204, Little Snell, LLC. and KT104, LLC, applied with the Town for an amendment to 104 Midland Avenue Planned Community Plat ("Application") to reflect interior changes to the second floor of the building. The building on the Property is an historic landmark as defined by Section 16-392, Town Code, and, as such, is entitled to certain benefits and restrictions as set forth in Article XVIII, Chapter 16, Town Code.

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 February 27, 2007, the Town Council considered this Ordinance on first reading and scheduled a public hearing and second reading for this Ordinance for March 13, 2007, 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 March 13, 2007, 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. The TRC finds and determines that this Ordinance will not impact the Historic Landmark Structure on the property.

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 Little Snell LLC. application for Minor Subdivision approval to amend the 104 Midland Avenue 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) The existing partition wall in the reconfigured Unit 202 shall be modified to maintain emergency access to the north exit prior to recording the amended condominium plat.

(e) The Applicant shall amend the plat to combine Units 201 and 203 into one condominium unit to be known as Unit 201/203 prior to recording the plat to reflect existing conditions.

(f) If either the Unit 201/203 space or the newly configured Unit 202 are ever partitioned off into two (2) or more separate office spaces, the building permit to partition off the spaces shall be reviewed by TRC for compliance with the applicable building and fire codes in effect at the time of application. A plat note describing this requirement shall be included on the plat. In the instance where the Unit 201/203 space and/or Unit 202 are divided back into two (2) office spaces each to reflect the original condominium approvals, the owner shall be required to submit an application to amend the condominium plat for review and approval by the TRC.

(g) The Applicant shall provide the amended condominium declaration for review by the Town Attorney prior to recording the amended condominium plat. The updated condominium declaration shall reserve the ability for the owners of Units 201 and 202 to add a common hallway back to the second floor of the building without a vote of the condominium association in the event that each of the units are ever separated back into multiple office spaces.

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.

3. As a designated Landmark Structure, the off-street parking standards and requirements for the commercial portion of the property are reduced by 100% of the off-street parking requirements as provided in the Basalt Municipal Code and therefore no parking is required for the additional commercial portion of the condominium.

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 March 13, 2007 by a vote of 6 to 0 on February 27, 2007.

READ ON SECOND READING AND ADOPTED, by a vote of 7 to 0 on March 13, 2007.

TOWN OF BASALT, COLORADO

By: _____
Leroy Duroux, Mayor

ATTEST:

Pamela K. Schilling, Town Clerk

Ord03-104 MidlandCondominium
Bill to: 10-24-178

First Publication: Thursday, March 8, 2007
Final Publication: Thursday, March 22, 2007
Effective Date: Thursday, April 5, 2007

EXHIBIT "A"
Real Property Description

Units 202, 203, and 204, 104 Midland Avenue Planned Community as recorded in the Eagle County Records as Reception No. 900710, Town of Basalt Colorado.

Also known as 104 Midland Avenue, Basalt, Colorado, Eagle County