

**Town of Basalt, Colorado
Ordinance No. 06
Series of 2007**

**AN ORDINANCE OF THE TOWN COUNCIL OF BASALT, COLORADO,
APPROVING A QUIT CLAIM DEED AND EASEMENT AGREEMENT WITH THE COLORADO
DIVISION OF WILDLIFE WITH RESPECT TO THE CHRISTINE LAKE DAM
REHABILITATION**

RECITALS

A. The Colorado Division of Wildlife intends to enter into a construction contract to rehabilitate the Christine Lake Dam by reconstructing the dam and constructing related piping, outlet works and spillway facilities.

B. Certain land owned by the Town of Basalt (hereinafter "Town") is required to construct the Lake Christine spillway channel.

C. Portions of the Lake Christine Dam are designed to be constructed within the Two Rivers Road right-of-way owned by the Town (formerly the State Highway 82 right-of-way owned by the State of Colorado, Department of Transportation)

D. The Lake Christine outlet piping and spillway channel will cross beneath Two Rivers Road within the right-of-way owned by the Town (formerly the State Highway 82 right-of-way owned by the State of Colorado, Department of Transportation).

E. The Town acquired from John W. Walker, by deed dated March 10, 2005, recorded as Reception No. 909415 of the records of Eagle County, Colorado, a parcel of land containing approximately 1,000 square feet (the Walker Property) for the purpose of making it available for the Lake Christine Dam Rehabilitation.

F. The Town wishes to convey the Walker Property by quit claim deed to the State of Colorado, acting by and through the Department of Natural Resources for the use and benefit of the Colorado Division of Wildlife and Wildlife Commission (hereinafter "State"), to use in the Lake Christine Dam Rehabilitation.

G. C.R.S. 31-15-713 (1)(b) authorizes the Town Council to dispose of the property by Ordinance.

H. The Town further wishes to convey to the State two permanent easements over and across the Town's Two Rivers Road right-of-way, as described in the attached Easement Agreement, according to the terms of said Easement Agreement.

I. At a public meeting on Tuesday, March 27, 2007, the Town Council considered this Ordinance on first reading and scheduled a public hearing and second reading for this Ordinance on Tuesday, April 10, 2007.

J. At a public hearing and second reading on April 10, 2007, the Town Council heard evidence and testimony as offered by the Town Staff and members of the public.

K. The Town Council finds and determines that it is in the best interests of the Town to approve this Ordinance. The Town Council finds and determines that this Ordinance is reasonable and consistent with the Town Code and state statutes. Further, the Town Council finds and determines that 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 Basalt, Colorado, that the Quitclaim Deed attached hereto as Exhibit A is hereby approved and the Mayor of the Town of Basalt is hereby authorized to execute the Quitclaim Deed on behalf of the Town Council, and that the Easement Agreement attached hereto as Exhibit B is hereby approved and the Mayor of the Town of Basalt is hereby authorized to execute the Easement Agreement on behalf of the Town Council.

READ ON FIRST READING, ORDERED PUBLISHED AND SET FOR PUBLIC HEARING TO BE HELD ON TUESDAY, APRIL 10, 2007, by a vote of 5 to 0 on March 27, 2007.

READ ON SECOND READING AND ADOPTED, by a vote of _ to _ on April 10, 2007.

TOWN OF BASALT, COLORADO

By: _____
Leroy Duroux, Mayor

ATTEST:

Pamela Schilling, Town Clerk

First Publication: Thursday, April 5, 2007
Final Publication: Thursday, _____, 2007
Effective Date: Thursday, _____, 2007