



**Town of Basalt, Colorado
Ordinance No. 04
Series of 2010**

5/20

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BASALT, COLORADO, GRANTING A MINOR SUBDIVISION AMENDMENT TERMINATING THE CONDOMINIUMIZATION APPROVAL GRANTED PURSUANT TO ORDINANCE NO. 22, SERIES OF 2003 FOR THE KELLER PROPERTY LOCATED AT 415 EAST SOPRIS DRIVE

RECITALS

A. The Town of Basalt ("Town"), acting by and through its Town Council ("Town Council"), has the power to amend the development approvals for the Keller Condominiumization approved pursuant to Ordinance No. 4, Series of 2002 recorded as Reception No. 796005, extended by Ordinance 22, Series of 2003, recorded at Reception No. 869290 in the Eagle County records.

B. The Condominium Declaration of Keller Condominiums is recorded as reception No. 869291 in the Eagle County records.

C. The subject property has remained more or less in the same state and condition as when the original condominiumization approval was granted; containing a duplex residence and detached garage. The approvals for the third dwelling unit expired.

D. Christopher D. Keller, ("Applicant") who owns all of the property constituting the Keller Condominiums, has requested this "termination agreement" which shall effectively supersede and replace in their entirety all previously recorded and unrecorded plats, maps, declarations and other condominiumization related approval documents encumbering his property located at 415 East Sopris Drive, Basalt, Colorado as formalized in the Condominium Map recorded at Reception No. 869292.

E. The Town of Basalt Technical Review Committee considered whether formal public notice is required for this Minor Subdivision and Condominium amendment 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.

F. The condominium plat did not make any additional dedications of rights of way or easements to the Town or other utilities.

G. Unit A and Unit B are the only units in the Keller Condominiums. The Applicant is the only unit holder and owns all of the property in the Keller Condominiums.

H. At a public meeting held on February 23, 2010 the Town Council considered the termination request on first reading and scheduled a public hearing and second reading for this ordinance for March 9, 2010, for a meeting beginning no earlier than 6:00 pm at the Basalt Town Hall, 101 Midland Avenue, Basalt, Colorado.

I. At a public hearing and second reading on March 9, 2010, the Town Council heard evidence and testimony as offered by the Town Staff and members of the public.

J. The Town Council finds and determines the termination request contained herein is reasonable and consistent with the applicable provisions of the Town Code. Further, the Town Council finds and determines the following amendment 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. CONCLUSIONS.

1. The condominium approval pursuant to the Condominium Declaration of Keller Condominiums recorded as Reception #869291 as well as the Keller Condominium Plat, recorded as Reception #869292 and approved pursuant to Ordinance No. 4, Series 2002, recorded as Reception #796005 and extended by Ordinance No. 22, Series of 2003, recorded as Reception #869290 is hereby terminated subject to the following conditions:

a. A Termination Agreement acceptable to the Town Attorney and substantially in the form presented at the March 9, 2010 meeting shall be executed by the Applicant and any lienholders no later than May 7, 2010 for the property included in Exhibit A or this approval shall be null and void. The

Applicant shall provide to the Town Attorney adequate information from a title company in order to identify accurately the owners and lien holders who must execute the Termination Agreement.

b. The property at 415 East Sopris Drive reverts to its status, as a portion of Lot 2, in Block 4 of the Townsite of Basalt without the recorded condominium plat. The legal description for the property is included in Exhibit A. The Town is not requiring the Applicant to record a new subdivision or site plan map because no easements or rights-of-way were granted by the condominium subdivision and no new development was authorized at the time this ordinance was approved. Therefore, the Town does not feel that a public purpose would be served by requiring a new subdivision map.

c. The existing duplex is a legal use on the property which was rezoned to the R-3 Zone District by Ordinance No. 6, series of 2000. The duplex may remain on the property but converting the duplex to a single family dwelling unit, adding a third dwelling unit or enlarging any of the buildings on the site would require Town Council approval under the procedures in the Town Code at the time the change is requested.

d. Since the approvals for the third unit are expired, the requirement for one of the three units to be resident occupied is not applicable.

2. The approvals contained herein and the conditions contained herein shall be binding on and inure to the benefit of the heirs, successors and assigns of the Applicant.

3. The Ordinance, after fully being executed and after appropriate publication, shall be recorded in the Office of the Clerk and Recorder of Eagle County.

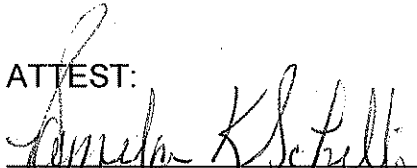
4. If any part, section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance and the Town Council hereby declares it would have passed this Ordinance and each part, section, 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 9, 2010, by a vote of 7 to 0, on February 23, 2010.


READ ON SECOND READING AND ADOPTED, by a vote of 7 to 0 on March 9, 2010 at a public hearing.

TOWN OF BASALT, COLORADO

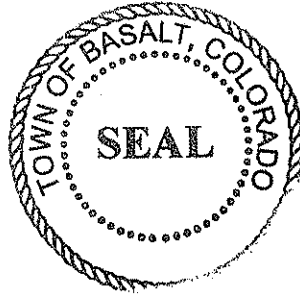
ATTEST:



Pamela Schilling, Town Clerk

By: 

Leroy Duroux, Mayor



Ord04 KellerCondo Termination

First Publication: Thursday, March 4, 2010
Final Publication: Thursday, March 18, 2010
Effective date: Thursday, April 1, 2010

Exhibit A

A TRACT OF LAND LYING WITHIN THE TOWN LIMITS OF THE TOWN OF BASALT, EAGLE COUNTY, COLORADO, BEING A PART OF LOT 2, IN BLOCK 4 OF THE TOWN OF BASALT, SITUATED IN TRACT NO. 47, SECTION 7, TOWNSHIP 8 SOUTH, RANGE 86 WEST OF THE SIXTH PRINCIPAL MERIDIAN, LYING SOUTHERLY OF A 50.00 FOOT ROADWAY AS CONSTRUCTED AND IN PLACE, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT WHENCE AN IRON POST WITH A BRASS CAP, PROPERLY MARKED FOR THE EAST ¼ CORNER OF SAID SECTION 7 BEARS NOTH 30°25'47" EAST, 391.58 FEET;
THENCE SOUTH 65°40'00" WEST, 118.00 FEET;
THENCE NORTH 00°20'00" WEST, 118.71 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID 50.00 ROADWAY;
THENCE NORTH 85°29'00" EAST, 34.91 FEET ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID 50.00 FOOT ROADWAY;
THENCE NORTH 69°02'00" EAST, 77.98 FEET ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID 50.00 FOOT ROADWAY;
THENCE SOUTH 00°20'00" EAST, 100.74 FEET, TO THE POINT OF BEGINNING.

COUNTY OF EAGLE
STATE OF COLORADO



TERMINATION
OF
KELLER CONDOMINIUMS
DECLARATION AND PLAT MAP
BASALT, COLORADO

THIS TERMINATION OF KELLER CONDOMINIUMS DECLARATION
AND PLAT MAP located in Basalt, Colorado, is made this 19th day of
April, 2010, by Christopher D. Keller ("Owner").


RECITALS:

1. Owner is the legal and equitable owner of the real property situated in the Town of Basalt, Eagle County, Colorado, more particularly described in Exhibit A hereto,
2. The Keller Condominiums were approved by the Town of Basalt pursuant to Ordinance No. 4, Series of 2002, recorded at reception No. 796005 of the records of Eagle County, Colorado, and extended by Ordinance No. 4, Series of 2003, recorded at Reception No. 869290, of the records of Eagle County, Colorado.
3. The plat map of the Keller Condominiums is recorded at Reception No. 869292, of the records of Eagle County, Colorado. No Declaration of Covenants has been recorded.
4. There is an existing deed of trust on the property in favor of Wells Fargo Bank, 119 S. Mill Street, Aspen, Colorado. This termination shall be effective upon receipt of written consent thereto from Wells Fargo Bank.

NOW THEREFORE, the Owner declares a revocation and termination of the Keller Condominiums Declaration and Plat Map and they shall henceforth be of no force and effect, subject to the condition contained in paragraph 4 above.

IN WITNESS WHEREOF the undersigned has executed this termination.


Christopher D. Keller


Edward A. DeBus
for Wells Fargo Bank

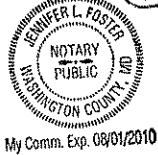
[Notary block on following page]

STATE OF ~~COLORADO~~)
Maryland
Frederick) SS.
COUNTY OF ~~BLKIN~~)

On this 15th day of April, 2010, before me personally appeared Edward A. DeBus, known to be the person described in and who executed the foregoing instrument, and acknowledged that he executed the same as his free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal in the County and State aforesaid, the day and year first above written.

My commission expires: August 1, 2010



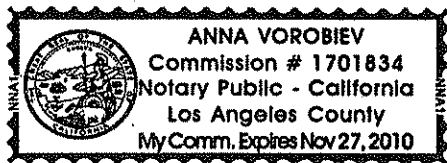
[Signature]
Notary Public

STATE OF ~~COLORADO~~)
California
Los Angeles) SS.
COUNTY OF *Los Angeles*)

On this 19th day of April, 2010, before me personally appeared CHRISTOPHER D. KELLER, known to be the person described in and who executed the foregoing instrument, and acknowledged that he executed the same as his free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal in the County and State aforesaid, the day and year first above written.

My commission expires: 11-27-10



[Signature]
Notary Public