



**Town of Basalt, Colorado
Ordinance No. 5
Series of 2010**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BASALT,
COLORADO, GRANTING AN EXTENSION OF VESTED RIGHTS FOR SUB-
PARCELS 4C AND 4D, PARCEL 4, SOPRIS MEADOWS SUBDIVISION/PUD,
BASALT, COLORADO**

4/21-

RECITALS

A. The Town of Basalt ("Town"), acting by and through its Town Council ("Town Council"), has the power to grant Vested Property Rights. Nadineco, LLC. ("Applicant") applied to the Town on February 5, 2010, requesting approval to extend the vested property rights on Sub-Parcels 4C and 4D, Parcel 4 of the Sopris Meadows Subdivision/PUD to construct approximately 80 residential dwelling units. The Applicant requested to extend the vested property rights by 1 year.

B. Seven (7) years of vested rights were originally granted for Sub-Parcels 4C and 4D pursuant to Ordinance No. 17, Series of 1996 and Section 7(n) of the Sopris Meadows PUD and Amended Annexation Agreement recorded at Reception No. 585757 in the records of the Eagle County Clerk and Recorder's Office, established that the vested rights for parcels within the Sopris Meadows PUD would be 7 years from the date of the recording of a final plat on each individual parcel or sub-parcel in Sopris Meadows.

C. The Final Plat of Sopris Meadows Two, Filing No. 3 of Parcel 4C was recorded at Reception No. 834226 in the Office of the Eagle County Clerk and Recorder's Office on May 21, 2003, starting the 7 year vested rights period for Parcel 4C and providing an expiration date of May 21, 2010.

D. The Final Plat of Sopris Meadows Two, Filing No. 4 of Parcel 4D was recorded at Reception No. 830146 in the Office of the Eagle County Clerk and Recorder's Office on April 16, 2003, starting the 7 year vested rights period for Parcel 4D and providing an expiration date of April 16, 2010.

E. At a public meeting held on February 23, 2010, the Town Council heard evidence and testimony as offered by the Town Staff, the Applicant, and members of the public. At a public meeting held on February 23, 2010, the Town Council considered this Ordinance on first reading and scheduled a public

Please return to:
TOWN OF BASALT
101 Midland Avenue
Basalt, CO 81621

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.

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

G. 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 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 Sub-Parcel 4C and Sub-Parcel 4D Vested Rights Extension is hereby approved, subject to the following conditions:

(a) The length of the extension shall be limited to 1 year from the expiration of the original vested rights granted to each of the Sub-Parcels. The new expiration date for Sub-Parcel 4C shall be May 21, 2011, unless the Sopris Meadows design guidelines amendment application is not submitted as described in Condition 1(g) below. The new expiration date for Sub-Parcel 4D shall be April 16, 2011 unless the Sopris Meadows design guidelines amendment application is not submitted as described in Condition 1(g) below.

(b) All other terms and conditions established in Ordinance No. 17, 1996, TRC Certificate No. 10, Series of 2004, and TRC Certificate No. 1, Series of 2010, except as specifically amended herein shall remain in full force and effect.

(c) The Applicant shall be required to meet all building and life safety code requirements in place at the time of building permit submittal.

(d) At the time of building permit issuance the Applicant shall pay all applicable building permit and impact fees in effect.

(e) All residential units constructed on the Sub-Parcels 4C and 4D shall comply with the Town's newly adopted Efficient Building Regulations as would be required regardless of this vested rights extension.

(f) The Applicant shall develop a plan for review and approval by the TRC to provide dust suppression, noxious weed spraying, and potential visual mitigation for the dirt storage piles on Parcels - 4C, 4D, and 5 of the Sopris Meadows PUD within 60 days of the effective date of this ordinance. The Applicant shall carry out and complete the approved plan prior to July 1, 2010.

(g) The Applicant shall submit a complete application for an amendment to the Sopris Meadows PUD Design Guidelines and a phasing plan. The vested rights shall expire 6 months from the effective date of this ordinance if the Applicant has not submitted a complete application to the Town within 4 months of the effective date of this ordinance. However, the TRC may extend the 4 month time period for submitting a complete application by 2 months based on a finding by the TRC that the Applicant is working in good faith to submit a complete application. The Applicant shall have the ability to appeal the TRC action to the Town Council.

(h) The Applicant shall comply with all material representations made by the Applicant in the meetings before the Town Council.

C. MISCELLANEOUS.

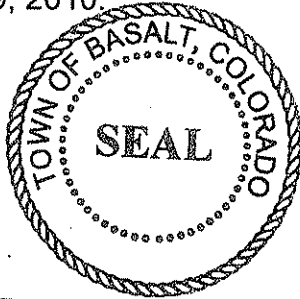
1. The approvals and conditions contained herein shall be binding on and inure to the benefit of the heirs, successors and assigns of the Applicant and the owners of the Property.

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 9, 2010 by a vote of 6 to 1 on February 23, 2010.

READ ON SECOND READING AND ADOPTED, by a vote of 5 to 2 on March 9, 2010.



TOWN OF BASALT, COLORADO

By: Leroy Duroux
Leroy Duroux, Mayor

ATTEST:

Pamela K. Schilling
Pamela K. Schilling, Town Clerk

Ord5-Parcel4C_4DSoprisMeadowsExtensionVestedRights.doc

Bill to: 24--219

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