

**Town of Basalt, Colorado
Ordinance No. 04
Series of 2011**

**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**

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 in August of 2010, requesting approval to amend the Sopris Meadows Multi-Family Design Controls and to establish a phasing plan for eighty-four (84) dwelling units approved on Parcel 4, Sopris Meadows Subdivision/PUD. During the review of the application described above, the Applicant requested that the vested rights for Parcels 4C and 4D be extended for an additional two (2) months so that the Applicant could consider and formulate a community benefits proposal associated with the application described above.

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. The Amended Annexation Agreement referenced above also 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. The Vested Rights for Parcel 4C were further extended by one year pursuant to Ordinance No. 5, Series of 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

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for Parcel 4D and providing an expiration date of April 16, 2010. The Vested Rights for Parcel 4D were further extended by one year pursuant to Ordinance No. 5, Series of 2010.

E. At a public meeting held on February 22, 2011, 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 22, 2011, the Town Council considered this Ordinance on first reading and scheduled a public hearing and second reading for this Ordinance for March 8, 2011, 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 8, 2011, 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 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 two (2) months from the expiration dates granted to each of the Sub-Parcels in Ordinance No. 5, Series of 2010, except that the Town Manager may extend the expiration dates by an additional one month if action is not taken by the Town Council by April 26, 2011 on the associated PUD amendment application described in Recital A herein. The new expiration date for Sub-Parcel 4C shall be July 21, 2011, unless further extended by the Town Manager. The new expiration date for Sub-Parcel 4D shall be June 16, 2011, unless further extended by the Town Manager.

(b) All other terms and conditions established in Ordinance No. 17, 1996, TRC Certificate No. 10, Series of 2004, TRC Certificate No. 1, Series of 2010, and Ordinance No. 5, Series of 2010 except as specifically amended herein shall remain in full force and effect.

(c) The Applicant shall comply with all material representations made by the Applicant in their correspondence and in the meetings before the Town Council to continue to have discussions with Town Staff towards the goal of formulating a community benefits program in conjunction with the Applicant's proposal to amend the Sopris Meadows Multi-Family Design Controls and to establish a 10-year phasing plan for multi-family development on Parcels 4C and 4D, of the Sopris Meadows Subdivision/PUD.

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 8, 2011 by a vote of 6 to 0 on February 22, 2011.

READ ON SECOND READING AND ADOPTED, by a vote of 6 to 0 on March 8, 2011.

TOWN OF BASALT, COLORADO

By: _____
Leroy Duroux, Mayor

ATTEST:

Pamela K. Schilling, Town Clerk

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Bill to: 24--219

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