

**Town of Basalt, Colorado
Ordinance No. 06
Series of 2011**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BASALT,
COLORADO, GRANTING ANNEXATION FOR A METES AND BOUNDS
PARCEL OF LAND TO BE INCORPORATED INTO THE SUMMERSET LANE
RIGHT-OF-WAY, BASALT, COLORADO**

RECITALS

A. The Town of Basalt ("Town"), acting by and through its Town Council ("Town Council"), has the power to grant Annexation. Town Staff ("Applicant") applied to annex a metes and bounds parcel for incorporation into the Summerset Lane Right-of-Way. The Property is more particularly described in Exhibit A.

B. Southside LLC. deeded the Property to the Town by a Special Warranty Deed recorded at Reception No. 577614 in the Pitkin County Clerk and Recorder's Office.

C. At a public hearing held on March 8, 2011, the Town Council considered this Ordinance on first reading and continued and set a public hearing and second reading for this Ordinance for March 22, 2011, at 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 22, 2011, the Town Council heard evidence and testimony as offered by the Town Staff, the Applicant, 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. 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 findings provided herein.

1. The Town Council finds that the Applicant's request is consistent with the applicable provisions of the Town Code, provided the Applicant adheres to the conditions identified in this Ordinance.
2. Based on the evidence, testimony, exhibits, and comments from the public, Applicant and Town staff, the Town Council finds and determines the annexation and proposed zoning subject to the conditions of approval included herein, is consistent with the Town Master Plan.

B. **CONDITIONS.** The annexation of the Property described in **Exhibit A** attached hereto is hereby approved in order for the Property to be incorporated into the Summerset Lane Right-of-Way.

1. The Property described in **Exhibit A** attached hereto is hereby annexed to and made a part of the Town of Basalt, Colorado; the Mayor and Town Clerk are authorized to execute an Annexation Map.
2. Within thirty (30) days after passage of this Ordinance, the Town Clerk of the Town of Basalt, Colorado, on behalf of the Town shall:
 - a. File one copy of the Annexation Map and the original of this Annexation Ordinance in the office of the Town Clerk of the Town of Basalt, Colorado;
 - b. File for recording two certified copies each of this Annexation Ordinance and an Annexation Map containing the legal descriptions of the annexed area with the County Clerk and Recorder for Pitkin County, Colorado with directions to the County Clerk and Recorder to file one certified copy of this Annexation Ordinance and one copy of the Annexation Map with the Division of Local Government of the Department of Local Affairs of the State of Colorado; and
 - c. File one certified copy of this Annexation Ordinance and one copy of the Annexation Map in the office of the County Assessor of Pitkin County, Colorado.

C. MISCELLANEOUS.

1. The approvals and conditions contained herein and attached hereto 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 Pitkin 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 22, 2011 by a vote of 6 to 0 on March 8, 2011.

READ ON SECOND READING AND ADOPTED, by a vote of 5 to 0 on March 22, 2011.

TOWN OF BASALT, COLORADO

By: _____
Leroy Duroux, Mayor

ATTEST:

Pamela K. Schilling, Town Clerk

Ord06-SummersetLaneROWAnnex(Pokorny).doc

Bill to: 24--166

First Publication: Thursday, March 17, 2011
Final Publication: Thursday, March 31, 2011
Effective Date: Thursday, April 14, 2011

Exhibit A

Property Description

A PARCEL OF LAND SITUATED IN TRACT NO. 59, OF SECTION 18, TOWNSHIP 8 SOUTH, RANGE 86 WEST OF THE 6TH P.M., SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT WHENCE AN IRON POST WITH A BRASS CAP FOUND IN PLACE AND PROPERLY MARKED FOR THE WITNESS POINT TO ANGLE POINT NO. 2 OF SAID TRACT NO. 59, BEING THE SAME AS ANGLE POINT NO. 6 OF TRACT NO. 45, ANGLE POINT NO. 1 OF TRACT NO. 62 AND ANGLE POINT NO. 4 OF TRACT NO. 46, ALL IN SAID TOWNSHIP AND RANGE, BEARS S 59°22'40"E., A DISTANCE OF 254.68 FEET AND N 38°22'40"W., A DISTANCE OF 1648.78 FEET; SAID POINT ALSO BEING THE NORTHEAST CORNER OF THAT PROPERTY DESCRIBED IN THAT DOCUMENT RECORDED AS RECEPTION NO. 540241 OF THE PITKIN COUNTY CLERK AND RECORDER'S OFFICE;

THENCE S 59°22'40"E., A DISTANCE OF 3.05 FEET TO THE NORTHWEST CORNER OF SAID SOUTHWEST CORNER OF SOUTHSIDE PLANNED UNIT DEVELOPMENT- PHASE IV, ACCORDING TO THE FINAL PLAT THEREOF RECORDED APRIL 15, 2003 AS RECEPTION NO. 481424; THENCE ALONG THE WESTERLY BOUNDARY LINE OF SAID SOUTHSIDE PLANNED UNIT DEVELOPMENT- PHASE IV THE FOLLOWING FOUR (4) COURSES:

1) S 00°57'32"E., A DISTANCE OF 84.05 FEET;
2) S 01°28'27"W., A DISTANCE OF 72.99 FEET;
3) S 00°32'31"W., A DISTANCE OF 34.65 FEET;
4) S 01°04'42"W., A DISTANCE OF 97.21 FEET TO THE SOUTHWEST
CORNER OF SAID SOUTHSIDE PLANNED UNIT DEVELOPMENT- PHASE IV;
SAID POINT ALSO BEING THE SOUTHEAST CORNER OF SAID PROPERTY
DESCRIBED IN THAT DOCUMENT RECORDED AS RECEPTION NO. 540241;
THENCE N 00°00'00"E., ALONG THE EASTERLY BOUNDARY LINE OF SAID
PROPERTY DESCRIBED IN THAT DOCUMENT RECORDED AS RECEPTION
NO. 540241, A DISTANCE OF 290.40 FEET; TO THE POINT OF BEGINNING.
SAID PARCEL OF LAND CONTAINING 666 SQUARE FEET, MORE OR LESS.

COUNTY OF PITKIN

STATE OF COLORADO