

**Town of Basalt, Colorado
Ordinance No. 08
Series of 2011**

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BASALT, COLORADO, APPROVING THE MINOR SUBDIVISION OF BASALT COMMUNITY CAMPUS AND PARK PLAT, A MINOR SUBDIVISION PURSUANT TO SECTION 17-83 FOR PROPERTY OWNED BY RNR, LTD, WHICH IS UNDER CONTRACT FOR PURCHASE BY THE ROARING FORK COMMUNITY DEVELOPMENT CORPORATION, A NON-PROFIT CORPORATION FOR THE MAJORITY OF LOT K, UTE CENTER SUBDIVISION (CURRENTLY KNOWN AS THE PAN AND FORK MOBILE HOME PARK)

RECITALS

A. The Application for approving a minor subdivision plat for the Pan and Fork Mobile Home Park Property (Property) as described in was submitted by the Town of Basalt in cooperation with the Roaring Fork Community Development Corporation, a nonprofit corporation. The current owner, RNR Ltd., has given permission to process the minor subdivision. The Roaring Fork Community Development Corporation is under contract to purchase the property from RNR Ltd. The current owner, RNR, Ltd. reserves the right to withdraw or reject the minor subdivision application in the event the closing of the property does not occur. As used herein the term "owner" means whomever holds title at the time of the action.

B. The Application requests minor subdivision approval of the Property described in **Exhibit A** to create two lots.

C. The Town of Basalt Technical Review Committee reviewed the minor subdivision Application at its meeting on April 7, 2011, and made recommendations on the minor subdivision application.

D. At a public meeting held on April 12, 2011, the Town Council considered this Ordinance on first reading and scheduled a public hearing and second reading for this Ordinance for April 26, 2011 for a meeting beginning no earlier than 6:30 pm at the Basalt Town Hall, 101 Midland Avenue, Basalt, Colorado.

E. At a public hearing and second reading on April 26, 2011, the Town Council heard evidence and testimony as offered by the Town Staff and members of the public.

F. 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.

1. The Town Council incorporates the above recitals as findings and determinations and conclusively makes all of the finding of fact, determinations and conclusions contained herein.

2. Based on the evidence, testimony, exhibits and comments from the public, Applicant and Town staff, the Town Council finds and determines that the Applicant's requests are consistent with the applicable provisions of the Town Code, including but not limited to Section 17-83, Town Code, provided Applicants adhere to the conditions identified in this Ordinance.

3. The subdivision of the Property is a minor subdivision pursuant to Section 17-4(11)(a) 1, Town Code, as amended, because the subdivision is a division of a parcel of land into three (3) lots or less.

4. While no new development will be authorized by the recording of the minor subdivision plat, the subdivision is consistent with and furthers the Town of Basalt River Master Plan. The Town hydrologist and the Town TRC have found that the lot lines for Lot 1 are consistent with the future development area shown on the mapping included in the River Master Plan and the lot lines for Lot 2 reflect the future park and restoration area shown on the River Master Plan.

B. CONCLUSIONS.

1. Based on the Application, testimony, exhibits and comments from the public, Applicant and Town Staff, the Town Council hereby grants approval for a Minor Subdivision subject to the following conditions:

a. Applicant shall comply with all material representations

made by the Applicant in the Application and before the Town Council.

b. The Applicant shall submit to the Town an amended Minor Subdivision Plat consistent with all material representations made by the Applicant and the conditions contained herein for review and approval by the Town Planner and Town Attorney prior to execution and recording. The plat shall include all required signature blocks, plat notes, ownership and dedication language, title certifications, easements, any adjustments, updates and corrections noted by the Planning Department. The Mayor and Town Clerk are authorized to sign the Minor Subdivision Plat after review and approval by the Town Attorney.

2. The minor subdivision is being prepared to allow the Roaring Fork Community Development Corporation to purchase the property and the Town to purchase Lot 2 from Roaring Fork Community Development Corporation. In the event the Contract shall be terminated or shall fail to close on the closing date provided therein, as the same may be extended as provided therein, then RNR, has the ability at its discretion to record a subdivision plat subject to the conditions in this ordinance and the following additional restriction:

a. There shall be a unity of title between Lot 1 and Lot 2, and Lot 2 shall not be sold separately from Lot 1 unless the title for Lot 2 is conveyed to the Town of Basalt or there is a conservation or river easement placed on Lot 2 to the benefit of the Town of Basalt that has been approved by the Town Attorney and that restricts the use of Lot 2 to open space, park, and river master plan improvements subject to removal of the mobile homes.

3. If the Roaring Fork Community Development Corporation chooses to purchase the property and record the plat, one of the following must occur in order to record the plat:

a. The Town of Basalt shall simultaneously purchase Lot 2 upon the recording of the Plat; or

b. There shall be a unity of title between Lot 1 and Lot 2, and Lot 2 shall not be sold separately from Lot 1 unless the title for Lot 2 is conveyed to the Town of Basalt or there is a conservation or river easement placed on Lot 2 to the benefit of the Town of Basalt that has been approved by the Town Attorney and that restricts the use of Lot 2 to open space, park, and river master plan improvements subject to removal of the mobile homes.

4. Before recording the plat, the owner shall record an encroachment easement for the benefit of the Town of Basalt for the RFTA bus shelter facility and adjacent area substantially in compliance with the easement presented at the Council's April 26, 2011 Council meeting.

5. Before recording the plat, the Applicant and the Town shall work with the Owner to address an area of ownership overlap between property the Midland Addition property the Town owns, and revise the plat as necessary to address the resolution of this issue.

6. The Mayor of the Town of Basalt, Colorado, is hereby authorized to execute the above-referenced agreements and any ancillary documents on behalf of the Town of Basalt, as necessary to fulfill the terms of the Agreement.

7. This plat does not authorize redevelopment of the property. Additional Town of Basalt approvals will be necessary before any redevelopment occurs on the property. Currently Lots 1 and 2 of the Basalt Community Campus Plat are encumbered by the easement and utilities as shown on Sheet 1 of the Basalt Community Campus and Park Plat and described in schedule 2b of the referenced title work and are located within areas of special flood hazards as depicted on the Flood insurance rate maps for the Town of Basalt. The owner(s) will at the time of future development seek to vacate and/or relocate said easements and utilities and seek to change the floodplain designations consistent with the Town's River Master Plan.

8. The Town has received referral comments from review agencies. The comments will be useful as the owner(s) prepare plans for the property. The TRC has found that no additional conditions are necessary at this time to address the referral comments as nothing in the Application or this approval is inconsistent with the referral comments received during the review process for the minor subdivision plan.

9. The minor subdivision approval expires if the subdivision plat has not been recorded one year from the effective date of this ordinance.

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

11. This Ordinance, after being fully executed and after appropriate publication, shall be recorded in the offices of the Clerk and Recorder of Eagle County.

10. 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 APRIL 26, 2011, by a vote of 6 to 0 on April 12, 2011.

READ ON SECOND READING AND ADOPTED, by a vote of 5 to 0 on April 26, 2011

TOWN OF BASALT, COLORADO

By: _____
Leroy Duroux, Mayor

ATTEST:

Pamela Schilling, Town Clerk

Ord. 08 Basalt Community Campus and Park Plat

First Publication: Thursday, April 21, 2011
Final Publication: Thursday, May 5, 2011
Effective Date: Thursday, May 19, 2011

**EXHIBIT A
TO
TOWN OF BASALT ORDINANCE NO. 08, SERIES of 2011**

Lot K, of the Ute Center Subdivision, according to the Ute Center Subdivision Plat recorded at Reception No. 434185 in the Eagle County Clerk and Recorder's Office. Excepting therefrom a parcel of land from Lot K that was conveyed to the Town as recorded at Reception No. 645039 in the Eagle County Clerk and Recorder's Office and any property currently owned by the Town of Basalt.