

**Town of Basalt, Colorado
Ordinance No. 18
Series of 2011**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BASALT,
COLORADO, GRANTING AN EXTENSION OF APPROVALS ESTABLISHED
IN ORDINANCE NO. 10, SERIES OF 2009 FOR INDUSTRIAL AND
COMMUNITY HOUSING DEVELOPMENT AT 237 PARK AVENUE, LOT 30,
BASALT INDUSTRIAL PARK, BASALT, COLORADO**

RECITALS

A. The Town of Basalt ("Town"), acting by and through its Town Council ("Town Council"), has the power to extend development approvals. Holland & Hart LLP on behalf of Summit Bank and Trust ("Applicant") applied to the Town on August 9, 2011, requesting approval to extend the development approvals for the industrial building with two (2) community housing units to be constructed at 237 Park Avenue. Development approvals were originally granted for 237 Park Avenue pursuant to Ordinance No. 10, Series of 2009, and were to expire on July 14, 2010. A subsequent one year extension of the approvals was granted on August 24, 2010 pursuant to Ordinance No. 12, Series of 2010. The Applicant requests to further extend the development approvals by six (6) months

B. The Town Staff recommends that the extension of development approvals be granted, subject to conditions.

C. At a public meeting held on August 23, 2011, the Town Council considered this Ordinance on first reading and set a public hearing and second reading for this Ordinance for September 27, 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 September 27, 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 above findings.

B. CONDITIONS.

1. The 237 Park Avenue Extension of Development Approvals is hereby approved, subject to the following conditions:

(a) The new expiration date shall be September 27, 2012. Additionally, at his sole discretion, the Town Manager may further extend the approvals by up to six months.

(b) All other terms and conditions established in Ordinance No. 10, Series of 2009, 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) The deed restricted community housing units shall comply with the Town's Community Housing Guidelines in place at the time of building permit issuance.

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

(f) 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 September 27, 2011 by a vote of 6 to 0 on August 23, 2011.

READ ON SECOND READING AND ADOPTED, by a vote of 7 to 0 on September 27, 2011.

TOWN OF BASALT, COLORADO

By: _____
Leroy Duroux, Mayor

ATTEST:

Pamela K. Schilling, Town Clerk

Ord18-237ParkAveExtension2011.doc

Bill to: 24--205

First Publication: Thursday, September 1, 2011

Final Publication: Thursday, October 6, 2011

Effective Date: Thursday, October 20, 2011

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