

**Town of Basalt, Colorado
Ordinance No. 23
Series of 2011**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BASALT,
COLORADO, AMENDING THE APPROVALS GRANTED IN ORDINANCES
NO. 18, SERIES OF 2009, AND NO. 16, SERIES OF 2011, TO ESTABLISH A
NEW RECORDING DEADLINE FOR THE STOTT'S MILL PUD/ANNEXATION,
BASALT, COLORADO**

RECITALS

A. The Town of Basalt ("Town"), acting by and through its Town Council ("Town Council"), has the power to amend subdivision and PUD development approvals. MSP1 LLC. ("Applicant") applied to the Town on October 31, 2011, requesting approval to extend the Stott's Mill recording deadline granted in Ordinance No. 18, Series of 2009, and further amended by Ordinance No. 16, Series of 2011. The property subject to the application is more fully described in **Exhibit A** attached hereto.

B. At a public meeting held on November 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 November 22, 2011, at a meeting beginning no earlier than 6:00 pm at the Basalt Town Hall, 101 Midland Avenue, Basalt, Colorado.

C. At a public meeting and second reading on November 22, 2011, the Town Council heard evidence and testimony as offered by the Town Staff, the Applicant, and members of the public.

D. 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 proposed recording deadline extension request for the Stott's Mill Subdivision/PUD approvals is hereby approved. The new recording deadline for recording the necessary documents to effectuate the Stott's Mill approvals is January 8, 2011.

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

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

TOWN OF BASALT, COLORADO

By: _____
Leroy Duroux, Mayor

ATTEST:

Pamela K. Schilling, Town Clerk

Ord23-StottsMillAmendment.doc

Bill to: 24-111

First Publication: Thursday, November 17, 2011

Final Publication: Thursday, December 1, 2011

Effective Date: Thursday, December 15, 2011

Exhibit A to Ordinance No. 23, Series of 2011

The Property:

PROPERTY DESCRIPTION

A PARCEL OF LAND SITUATED IN GOVERNMENT TRACT 59, SECTION 18, TOWNSHIP 8 SOUTH, RANGE 86 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF PITKIN, STATE OF COLORADO LYING NORTHERLY OF THE DENVER AND RIO GRANDE WESTERN RAILROAD NORTHERLY RIGHT-OF-WAY, SOUTHERLY OF THE HOME SUPPLY DITCH CENTERLINE, WESTERLY OF THE EASTERLY BOUNDARY OF SAID TRACT 59, AND EASTERLY OF THE EASTERLY BOUNDARY OF GOVERNMENT TRACT 62, ALSO LOCATED IN SAID SECTION, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT ANGLE POINT NO.7 OF SAID TRACT 59, A BRASS CAP FOUND IN PLACE; THENCE N 00°48'57" E 468.71 FEET ALONG SAID TRACT 59 EASTERLY BOUNDARY TO A POINT ON SAID DENVER AND RIO GRANDE WESTERN RAILROAD RIGHT-OF-WAY, THE POINT OF BEGINNING; THENCE LEAVING SAID BOUNDARY N 57°19'47"W., ALONG THE NORTHERLY BOUNDARY LINE OF SAID DENVER AND RIO GRANDE WESTERN RAILROAD RIGHT-OF-WAY A DISTANCE OF 1080.27 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY OF SOUTH SIDE DRIVE; THENCE LEAVING SAID RAILROAD RIGHT-OF-WAY N 00°56'41"E ALONG THE EASTERLY RIGHT-OF-WAY OF SOUTH SIDE DRIVE A DISTANCE OF 617.68 FEET TO A POINT IN THE CENTERLINE OF THE HOME SUPPLY DITCH; THENCE LEAVING SAID EASTERLY RIGHT-OF-WAY THE FOLLOWING TWENTY-TWO (22) COURSES ALONG THE CENTERLINE OF SAID DITCH:

1. S71°30'44"E A DISTANCE OF 56.82 FEET
2. S52°47'38"E A DISTANCE OF 45.26 FEET
3. S71°16'14"E A DISTANCE OF 45.18 FEET
4. S77°30'53"E A DISTANCE OF 51.82 FEET
5. S55°29'58"E A DISTANCE OF 42.09 FEET
6. S64°52'48"E A DISTANCE OF 35.10 FEET
7. N77°18'12"E A DISTANCE OF 44.99 FEET
8. N84°16'01"E A DISTANCE OF 47.61 FEET
9. N62°06'35"E A DISTANCE OF 31.56 FEET
10. N38°04'24"E A DISTANCE OF 78.37 FEET
11. N50°24'51"E A DISTANCE OF 50.37 FEET
12. N44°49'09"E A DISTANCE OF 50.79 FEET
13. N54°25'44"E A DISTANCE OF 33.75 FEET
14. S70°22'45"E A DISTANCE OF 50.06 FEET

15. S77°27'06"E A DISTANCE OF 60.23 FEET
16. S76°09'47"E A DISTANCE OF 44.40 FEET
17. S50°00'52"E A DISTANCE OF 30.88 FEET
18. S28°25'48"E A DISTANCE OF 51.32 FEET
19. S26°14'19"E A DISTANCE OF 98.77 FEET
20. S31°09'46"E A DISTANCE OF 51.73 FEET
21. S58°48'51"E A DISTANCE OF 51.97 FEET
22. N82°37'03"E A DISTANCE OF 82.93 FEET TO POINT ON
THE EASTERLY BOUNDARY OF SAID TRACT 59; THENCE LEAVING
THE CENTERLINE OF SAID DITCH S00°48'57"W ALONG SAID TRACT
BOUNDARY A DISTANCE OF 1015.25 FEET TO THE POINT OF
BEGINNING; SAID PARCEL CONTAINING 18.014 ACRES, MORE OR
LESS.