

**Town of Basalt, Colorado
Ordinance No. 5
Series of 2005**

ORDINANCE OF THE TOWN COUNCIL OF BASALT, COLORADO, APPROVING AN AMENDMENT TO THE FINAL DEVELOPMENT PLAN PUD CONTROL DOCUMENT FOR WILLITS TOWN CENTER (REGARDING THE REVIEW PROCESS FOR BULKHEAD HEIGHT) AND APPROVING HEIGHT VARIANCE FOR A CLOCK TOWER ON BLOCK 5, WILLITS TOWN CENTER AND APPROVING A NEW PLAT FOR FILING NO. 5, WILLITS TOWN CENTER

RECITALS

A. JAYCO LLC, a Colorado limited liability company ("Applicant"), applied to the Town of Basalt, Colorado ("Town"), for approval of amendment to the Final Development Plan PUD Control Document for Willits Town Center, recorded as Reception No. 763044 ("PUD Control Document"), as originally approved by Ordinance No. 14, Series of 2001, recorded as Reception No. 763042 of the Eagle County records and for replacement of the plat for Filing No. 5, Willits Town Center.

B. The Technical Review Committee ("TRC") considered the application at a meeting held on April 8, 2005 and subsequently considered and approved amendments prior to April 26, 2005. The TRC approved certain requests which the TRC may approve in accordance with Section 1.11 of the PUD Control Document. Further the TRC recommended the Town Council approve the application.

C. At a public meeting held on April 12, 2005, the Town Council considered this Ordinance on first reading and scheduled a public hearing and second reading for this Ordinance for April 26, 2005, for 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 April 26, 2005, the Town Council heard evidence and testimony as offered by the Town Staff 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 Basalt, Colorado, that based on the application, reports, evidence, testimony, exhibits and comments from the public, Applicant and Town staff, it hereby makes the following findings of fact and grants the following approvals for the Willits Town Center Planned Unit Development.

A. FINDINGS OF FACT.

1. The application is appropriate for review as a one-step review. By motion made and approved April 8, 2005, the TRC waived the requirement for public notice and public hearing.

2. The amendment is in general conformity with the intent and purposes of the Development Plan for Willits Town Center ("WTC"), as amended.

3. The amendment reasonably conforms with the intent and purposes of the Basalt Master Plan.

4. Any variations from Town Code or amendments to the Development Plan are designed to accomplish the purposes of planned unit developments as described in the Town Code.

5. The amendment to the Development Plan will compliment and be integrated into the existing development in the area and particularly within WTC.

6. The amendment to the Development Plan will not have an adverse environmental impact, excessively increase traffic hazards or congestion, overload utilities or otherwise be detrimental to the general welfare of the community and to the WTC and will not affect in a substantially adverse manner either the enjoyment of land abutting on or across the street from the WTC or the public interest.

7. The proposed Plat of Willits Town Center, Filing No. 5 (Block 5), is in accordance with the requirements of Chapter 17, Town Code.

8. It is in the best interests of the citizens of the Town of Basalt that this application be approved.

B. CONDITIONS OF APPROVAL.

1. The Mayor of the Town of Basalt and the Town Clerk are hereby authorized to affirm the approval of the Town Council by signing and delivery for recording the Third Amendment to the Final Development Plan PUD Control Document for Willits Town Center, as set forth in **Exhibit A**, attached hereto and incorporated herein by this reference.

2. A maximum height variance is hereby granted for the construction of a clock tower on Block 5, Willits Town Center in accordance with the Building Plans submitted to the Town Building Department and subject to the conditions set forth in TRC Certificate No. 2, Series of 2005, Section 6a.

3. Ordinance No. 14, Series of 2001 approved the final plat for Willits Town Center which was recorded July 25, 2001, as Reception No. 763043 of the Eagle County Records. Said Ordinance No. 14, Series of 2001 also approved, at Section B.6.f., the Final Plat of Willits Town Center, Filing No. 5 (Block 5). Such plat of Filing No. 5 was never recorded. Applicant has submitted a new Final Plat of Willits Town Center, Filing No. 5 which relocates and modifies the location, dimensions and ownership of the alley on such Block 5. The Town Council hereby approves the Final Plat Willits Town Center, Filing No. 5 (Block 5) subject to review and approval by the Town Attorney and compliance with the findings and conditions contained in TRC Certificate No. 2 Series of 2005 including Section 6.c.

4. This Ordinance, after fully executed, shall be recorded in the office of the Clerk and Recorder of Eagle County, Colorado.

5. 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, 2005 by a vote of 7 to 0 on April 12, 2005.

READ ON SECOND READING AND ADOPTED, by a vote of 4 to 0 on April 26, 2005.

TOWN OF BASALT, COLORADO

By: _____
Leroy Duroux, Mayor

ATTEST:

Pamela Schilling, Town Clerk

First Publication: Thursday, April 21, 2005
Final Publication: Thursday, May 5, 2005
Effective date: Thursday, May 19, 2005

**THIRD AMENDMENT TO FINAL DEVELOPMENT PLAN AND PUD CONTROL
DOCUMENT FOR WILLITS TOWN CENTER
(Exhibit A to Ordinance No. 05, Series of 2005)**

This THIRD AMENDMENT TO FINAL DEVELOPMENT PLAN AND PUD CONTROL DOCUMENT FOR WILLITS TOWN CENTER is entered by the TOWN OF BASALT, COLORADO, and JAYCO LLC, a Colorado limited liability company, effective May 19, 2005.

RECITALS:

A. Pursuant to Ordinance No. 14, Series of 2001, the Board of Trustees of the Town of Basalt, Colorado ("Town"), granted final development approval ("Approval Ordinance") for a Planned Unit Development known as Willits Town Center. The Approval Ordinance was recorded as Reception No. 763042.

B. Jayco LLC, a Colorado limited liability company ("Owner"), is the owner of the Willits Town Center.

C. The Approval Ordinance approved the recording of the Final Plat and Zone District Map of the Willits Town Center Planned Unit Development, which Final Plat was recorded as Reception No. 763043 of the Eagle County records ("Final Plat").

D. The Final Plat subdivides the Willits Town Center into certain Rights of Way, Tracts and Blocks (the "Property").

E. The Approval Ordinance approved the execution by the Town of Exhibit A to the Approval Ordinance, entitled "Final Development Plan PUD Control Document for Willits Town Center," which was recorded as Reception No. 763044 of the Eagle County records ("PUD Control Document"). The PUD Control Document controls the development of the Property. The PUD Control Document was amended by the First Amendment to Final Development Plan and PUD Control Document for Willits Town Center recorded as Reception No. 897436 of the Eagle County Records ("First Amendment"). The PUD Control Document was further amended by the Second Amendment to Final Development Plan and PUD Control Document for Willits Town Center recorded as Reception No. 914000 of the Eagle County Records ("Second Amendment").

F. Owner and the Town desire to amend the PUD Control Document as set forth herein.

G. Pursuant to Section 1.11 of the PUD Control Document, the Town Council approved Amendment and Restatement of the last sentence of Section 3.9(e) of the PUD Control Document by Ordinance No. 05, Series of 2005.

NOW, THEREFORE, the parties agree as follows:

1. The last sentence of Section 3.9(e) of the PUD Control Document is deleted and replaced with the following:

“Additional bulkheads and/or changes in the dimensional limitations on bulkheads may be approved by administrative review.”

APPROVED AND EFFECTIVE AS OF MAY 19, 2005

TOWN OF BASALT, COLORADO:

OWNER:
JAYCO LLC, a Colorado limited liability
company

By: _____
Leroy Duroux, Mayor

By: _____
Paul G. Adams, Manager

ATTEST:

By: _____
Clay Crossland, Manager

Pamela K. Schilling, Town Clerk

