

**AN ORDINANCE OF THE TOWN COUNCIL OF BASALT, COLORADO, APPROVING
AN EASEMENT AGREEMENT WITH HOLY CROSS FOR THE INSTALLATION OF
TRANSFORMERS AND UNDERGROUND POWER LINES ON PARCEL 2E, OF THE
SOPRIS MEADOWS SUBDIVISION/PUD, BASALT, COLORADO**

**Ordinance No. 23
Series of 2019**

RECITALS

1. One Willits Place LLC ("Applicant"), submitted a request to install two transformers and underground electrical service lines on Parcel 2E of the Sopris Meadows Subdivision/PUD to serve the townhomes being constructed on Block 11 of the Willits Town Center PUD.
2. Town Staff determined that the proposed location of the transformers is appropriate in that they will be most hidden from public view in the location that they are proposed on town-owned Parcel 2E.
3. Holy Cross Energy determined that there is a need for the transformers and the underground power lines to be placed in a dedicated underground right-of-way easement.
4. The Town of Basalt ("Town"), acting by and through its Town Council ("Town Council"), has the power to grant approval of an Easement Agreement to permit use of the Town-owned property for utility purposes.
5. Holy Cross Energy prepared the Underground Right-of-Way Easement Agreement attached hereto as Exhibit "A".
6. At a public meeting on September 24, 2019, the Basalt Town Council approved this ordinance on first reading and scheduled second reading for October 8, 2019, at meeting beginning no earlier than 6:00 PM at the Basalt Town Hall, 101 Midland Avenue, Basalt, Colorado. Throughout the meeting, evidence and testimony was offered by the Applicant, Staff and members of the public.
7. At a public hearing on October 8, 2019, the Town Council heard evidence and testimony from the Applicants, Town Staff, and members of the public.

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TOWN OF BASALT
101 Midland Avenue
Basalt, CO 81621

8. The Town Council finds and determines it is in the best interests of the Town to approve this Ordinance. 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 Basalt Town Council of Basalt, Colorado, as follows:

1. The Parcel 2E, Sopris Meadows Easement Agreement attached hereto as **Exhibit A** is hereby approved and the Mayor of the Town of Basalt is hereby authorized to execute the Easement Agreement on behalf of the Town.

2. The approvals and conditions contained herein shall be binding on and inure to the benefit of the heirs, successors and assigns of Holy Cross and the owners of the Property.

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.

4. This Ordinance shall be effective 14 days after final publication of the Ordinance in accordance with the Town Home Rule Charter.

READ ON FIRST READING, ORDERED PUBLISHED AND SET FOR SECOND READING TO BE HELD ON October 8, 2019 by a vote of 6 to 0 on September 24, 2019.

READ ON SECOND READING AND ADOPTED, by a vote of 5 to 0 on October 8, 2019.

TOWN OF BASALT, COLORADO

By: 
Jacquie R. Whitsitt, Mayor

ATTEST:

By: *Pamela K. Schilling*
Pamela K. Schilling, Town Clerk



Ord23-Parcel2EEasementAgreement

First Publication: Thursday, October 3, 2019
Final Publication: Thursday, October 17, 2019
Effective date: Thursday, October 31, 2019