

ORDINANCE NO. 35

SERIES 2010

AN ORDINANCE AUTHORIZING THE TRANSFER OF TOWN-OWNED PROPERTY LEGALLY DESCRIBED AS TRACT 4, BLOCK 78, PARADISE PARK SUBDIVISION TO THE CRESTED BUTTE FIRE PROTECTION DISTRICT IN EXCHANGE FOR, AND IN CONSIDERATION OF, THE CRESTED BUTTE FIRE PROTECTION DISTRICT'S TRANSFER OF TRACT 10, BLOCK 77, PARADISE PARK SUBDIVISION TO THE TOWN

WHEREAS, the Town of Crested Butte, Colorado (the "Town") is a home rule municipality duly and regularly organized and now validly existing as a body corporate and politic under and by virtue of the Constitution and the laws of the State of Colorado;

WHEREAS, the Town Council is authorized pursuant to §§ 31-25-501 and 31-25-302, C.R.S., as amended, to enter into agreements in order to, in pertinent part, acquire interests in land necessary, suitable or proper for public interests;

WHEREAS, the Town presently owns fee title to Tract 4, Block 78, Paradise Park Subdivision, Town of Crested Butte, Gunnison County ("Tract 4") ;

WHEREAS, the Crested Butte Fire Protection District ("CBFPD") owns fee title to Tract 10, Block 77, Paradise Park Subdivision, Town of Crested Butte, Gunnison County ("Tract 10") ;

WHEREAS, the Town staff has recommended that the Town swap title to Tract 4 for Tract 10 with the CBFPD in order to, among other things, complete the build out of Block 77, Paradise Park (excepting therefrom the Gunnison County Housing Authority triplex tract);

WHEREAS, said swap of Tract 4 for Tract 10 will not involve the payment of any funds by either party, other than the customary closing costs and fees attendant to such transfer;

WHEREAS, the CBFPD has similarly approved said swap of Tract 4 for Tract 10;
and

WHEREAS, the Town Council hereby finds that it is necessary and suitable, and in the best interest of the Town and the health, safety and welfare of the residents and visitors of Crested Butte, that the above-described properties be swapped by the Town, in accordance with the terms and requirements of this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CRESTED BUTTE, COLORADO, THAT,

Section 1. Authorization to Swap Ownership of Properties. The Town Council, pursuant to the Crested Butte Municipal Code and the laws of the State of

Colorado, hereby authorizes the Town, for One and No/100 Dollars (\$1.00), plus customary closing costs and fees, to swap Tract 4 for Tract 10, and, in order to accomplish such transactions, authorizes and directs the Mayor and Town Clerk to appropriately execute any all documents approved by the Town Attorney necessary and appropriate to consummate said swap.

Section 2. Severability. If any section, sentence, clause, phrase, word or other provision of this ordinance is for any reason held to be unconstitutional or otherwise invalid, such holding shall not affect the validity of the remaining sections, sentences, clauses, phrases, words or other provisions of this ordinance, or the validity of this ordinance shall stand notwithstanding the invalidity of any section, sentence, clause, phrase, word or other provision.

Section 3. Savings Clause. Except as amended hereby, the Crested Butte Municipal Code, as amended, shall remain valid and in full force and effect. Any provision of any ordinance previously adopted by the Town which is in conflict with this ordinance is hereby repealed as of the enforcement date hereof.

INTRODUCED, READ AND SET FOR PUBLIC HEARING THIS 1st DAY OF NOVEMBER, 2010.

ADOPTED BY THE TOWN COUNCIL UPON SECOND READING IN PUBLIC HEARING THIS 15th DAY OF NOVEMBER, 2010.

TOWN OF CRESTED BUTTE, COLORADO

By: *Leah B. Williams*
Leah B. Williams, Mayor

ATTEST:

Eileen Hughes
Eileen Hughes, Town Clerk

(Seal)

