

**ORDINANCE NO. 35**

**SERIES 2007**

**AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF A RECREATION EASEMENT BY THE TOWN OF CRESTED BUTTE FROM HIDDEN MINE RANCH, LLC ON PART OF THE HIDDEN MINE RANCH SUBDIVISION.**

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

**WHEREAS**, Hidden Mine Ranch, LLC, a Colorado limited liability company (“Company”) is the owner of the Hidden Mine Ranch Subdivision; and

**WHEREAS**, the Company has offered to grant a Recreation Easement on a portion of the Hidden Mine Ranch Subdivision to the Town for the purpose of allowing the public certain uses of a trail upon certain terms and conditions; and

**WHEREAS**, the proposed trail will possess recreational values of great importance to the people of the Town of Crested Butte; and

**WHEREAS**, Section 4.9 of Chapter 1 of the 1987 Crested Butte Municipal Code allows the Town to place limitations upon the use of private property by adoption of an ordinance; and

**WHEREAS**, the Town Council finds that it would be in the best interest of the health, safety and welfare of the Town’s residents and visitors to accept the Recreation Easement.

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

**Section 1.** Acceptance of Recreation Easement. The Town Council hereby accepts the Recreation Easement attached hereto and incorporated herein by reference from the Company, and agrees to all of the terms and conditions thereof.

**Section 2.** Authorization for Execution. The Town Council hereby authorizes the Mayor, Town Clerk, and other appropriate Town officials to execute any and all documents necessary and convenient for the purpose of accepting and entering into the subject Recreation Easement.

**Section 3. 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 as an entirety, it being the legislative intent that this ordinance shall stand notwithstanding the invalidity of any section, sentence, clause, phrase, word or other provision.

**Section 4. Savings Clause.** Except as hereby amended, the 1987 Crested Butte Municipal Code shall remain valid, and in full force and effect. Any provision of any ordinance previously adopted by the Town of Crested Butte which is in conflict with this ordinance is hereby repealed as of the effective date hereof.

**INTRODUCED, READ AND SET FOR PUBLIC HEARING THIS  
3<sup>rd</sup> DAY OF DECEMBER, 2007.**

**ADOPTED BY THE TOWN COUNCIL UPON SECOND READING  
AND PUBLIC HEARING THIS 17<sup>th</sup> DAY OF DECEMBER, 2007.**

**TOWN OF CRESTED BUTTE, COLORADO**

By: \_\_\_\_\_  
Alan Bernholtz, Mayor

ATTEST:

\_\_\_\_\_  
Eileen Hughes, Town Clerk

(SEAL)