

ORDINANCE NO. 10

SERIES 2011

AN ORDINANCE APPROVING THE SECOND AMENDMENT TO SECOND AMENDED GUIDELINES, RULES, REQUIREMENTS, AND ADMINISTRATIVE PROCEDURES GOVERNING AFFORDABLE HOUSING IN BLOCKS 77 AND 78 OF THE PARADISE PARK AFFORDABLE HOUSING SUBDIVISION TOWN OF CRESTED BUTTE

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

WHEREAS, the Town Council has adopted the Second Amended Guidelines, Rules, Requirements, and Administrative Procedures Governing Affordable Housing in Blocks 77 and 78 of the Paradise Park Affordable Housing Subdivision Town of Crested Butte dated September 24, 2007 and recorded in the Office of the Clerk and Recorder of Gunnison County, Colorado on October 17, 2007 at Reception No. 579618, as amended by Ordinance No. 33, Series 2007 adopted December 3, 2007, as further provided record notice of by that certain Notice of Recordation dated December 3, 2007 and recorded in the Office of the Clerk and Recorder of Gunnison County, Colorado on December 17, 2007 at Reception No. 581060, as amended by the Amendment to Second Amended Guidelines, Rules Guidelines, Rules, Requirements, and Administrative Procedures Governing Affordable Housing in Blocks 77 and 78 of the Paradise Park Affordable Housing Subdivision Town of Crested Butte dated May 17, 2011 and recorded in the Office of the Clerk and Recorder of Gunnison County, Colorado on May 17, 2011 at Reception No. 605641 (the "Guidelines");

WHEREAS, the Guidelines currently do not allow owners of owner occupied units to rent their units unless they get an approved leave of absence from the Town;

WHEREAS, due to the downturn in the local and national economies, the time it takes to sell real property in Crested Butte is taking longer than in the past;

WHEREAS, the Town staff has determined that the Guidelines should be amended to allow owners of owner occupied units to rent their units for a limited amount of time when they move out of Gunnison County, subject to certain specified restrictions;

WHEREAS, allowing owners who move out of the county to rent their units for a limited time will give them a more reasonable time to sell their unit;

WHEREAS, the Town Council has found that it is reasonable to allow owners of deed restricted units in the Paradise Park Subdivision to rent their owner occupied units for a short time while the units are for sale and, therefore, the Guidelines should be amended to allow owners of owner occupied units to rent their units for a limited amount of time when they move out of Gunnison County, subject to certain specified restrictions; and

WHEREAS, the Town Council finds that said revisions to the Guidelines herein set forth accomplish the Town staff's goals of amending the Guidelines to allow owners of owner occupied units to rent their units for a limited amount of time when they move out of Gunnison County, subject to certain specified restrictions, the same being in the best interest of the general health, safety and welfare of the residents and visitors of the Town.

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

Section 1. Second Amendment to Guidelines. The Town Council hereby adopts the Second Amendment to Second Amended Guidelines, Rules, Requirements, and Administrative Procedures Governing Affordable Housing in Blocks 77 and 78 of the Paradise Park Affordable Housing Subdivision Town of Crested Butte attached hereto as **Exhibit "A"** (the "**Second Amendment**").

Section 2. Binding Effect. Except as amended by the Second Amendment, the Guidelines shall remain in full force and effect. The Town Council hereby re-affirms its adoption of the Guidelines, as amended by the Second Amendment. The Guidelines shall remain a covenant running with the land on the property described therein.

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 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 effective date hereof.

INTRODUCED, READ AND SET FOR PUBLIC HEARING THIS 16th DAY OF MAY, 2011.

ADOPTED BY THE TOWN COUNCIL UPON SECOND READING AND
PUBLIC HEARING THIS 6th DAY OF JUNE, 2011.

TOWN OF CRESTED BUTTE

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

ATTEST:

By: *Eileen Hughes*
Eileen Hughes, Town Clerk

[SEAL]
TOWN OF CRESTED BUTTE
CORPORATE SEAL
JULY 2, 1880
GUNNISON COUNTY, CO



EXHIBIT "A"
(Second Amendment)

[attach here]

Exhibit A

RECORDING REQUESTED BY:
WHEN RECORDED RETURN TO:

Town of Crested Butte
Attn: Town Clerk
507 Maroon Avenue
P.O. Box 39
Crested Butte, CO 81224

**SECOND AMENDMENT TO SECOND AMENDED GUIDELINES, RULES,
REQUIREMENTS, AND ADMINISTRATIVE PROCEDURES GOVERNING
AFFORDABLE HOUSING IN BLOCKS 77 AND 78 OF THE PARADISE PARK
AFFORDABLE HOUSING SUBDIVISION TOWN OF CRESTED BUTTE**

**THIS SECOND AMENDMENT TO SECOND AMENDED GUIDELINES,
RULES, REQUIREMENTS, AND ADMINISTRATIVE PROCEDURES
GOVERNING AFFORDABLE HOUSING IN BLOCKS 77 AND 78 OF THE
PARADISE PARK AFFORDABLE HOUSING SUBDIVISION TOWN OF
CRESTED BUTTE (“Amendment”) is made this 7th day of June, 2011,
with an effective date of October 15, 2007 (the “Effective Date”) by the **TOWN OF
CRESTED BUTTE, COLORADO** (the “Town”), a Colorado home rule municipality,
with an address of P.O. Box 39, 507 Maroon Avenue, Crested Butte, Colorado 81224.**

SECOND AMENDMENT TO GUIDELINES:

The Town hereby makes the following amendments to the Second Amended Guidelines, Rules, Requirements, and Administrative Procedures Governing Affordable Housing in Blocks 77 and 78 of the Paradise Park Affordable Housing Subdivision Town of Crested Butte dated September 24, 2007 and recorded in the Office of the Clerk and Recorder of Gunnison County, Colorado on October 17, 2007 at Reception No. 579618, as amended by Ordinance No. 33, Series 2007 adopted December 3, 2007, as further provided record notice of by that certain Notice of Recordation dated December 3, 2007 and recorded in the Office of the Clerk and Recorder of Gunnison County, Colorado on December 17, 2007 at Reception No. 581060, as amended by the Amendment to Second Amended Guidelines, Rules Guidelines, Rules, Requirements, and Administrative Procedures Governing Affordable Housing in Blocks 77 and 78 of the Paradise Park Affordable Housing Subdivision Town of Crested Butte dated May 17, 2011 and recorded in the Office of the Clerk and Recorder of Gunnison County, Colorado on May 17, 2011 at Reception No. 605641 (collectively, the “Guidelines”):

“Section 3. Ownership of Units and Maintaining Eligibility for Ownership.

B. Occupancy:

3. The Town Manager may temporarily suspend the requirement in subparagraph 1. above that units must be occupied by owners as their sole and exclusive residence, subject to the provision on Leaves of Absence described in Section 3.D.

- a. The Town Manager may temporarily suspend the owner occupancy requirement in subparagraph 1. when the Town Manager finds the following circumstances to be true:
 - i. an owner makes a written request to the Town to rent his/ her unit, for no more than six months,
 - ii. The Unit owner has been actively trying to sell the unit for at least six months, and
 - iii. The owner has moved out of Gunnison County and does not intend to return.
- b. Owner occupied units that are rented when the owner has moved out of the county shall only be rented to Qualified Renters, as described in Section 4. Rentals and such renters shall be qualified by the Town as described in Section 4.B.
- c. Prior to the end of the six month rental term, if the Unit has not been sold, the owner may request a second six month rental term. At the end of the second rental term the Unit may no longer be rented and, if the owner has not returned to live in the Unit, the Unit shall be sold to a Qualified Buyer as provided herein."

IN WITNESS WHEREOF, the Town hereby executes and delivers this Amendment as of the date first written above.

TOWN OF CRESTED BUTTE, COLORADO,
a Colorado home rule municipality

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

ATTEST:

By: *Eileen Hughes*
Eileen Hughes, Town Clerk

[SEAL]



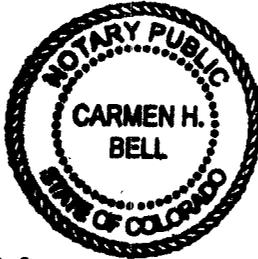
STATE OF COLORADO)
) ss.
COUNTY OF GUNNISON)

The foregoing Second Amendment to Second Amended Guidelines, Rules, Requirements, and Administrative Procedures Governing Affordable Housing in Blocks 77 and 78 of the Paradise Park Affordable Housing Subdivision Town of Crested Butte was acknowledged before me this 7th day of June, 2011, by Leah B. Williams, Mayor of the Town of Crested Butte, Colorado, a Colorado home rule municipality, on behalf of said municipality.

WITNESS my hand and official seal.

My commission expires: 7/16/2011

Carmen H Bell
Notary Public



My Commission Expires 07/16/2011.



My Commission Expires 07/16/2011