

**ORDINANCE NO. 18**

**SERIES 2013**

**AN ORDINANCE ACCEPTING THE DEED OF CONSERVATION EASEMENT FROM THE CRESTED BUTTE LAND TRUST REGARDING THE REAL PROPERTY LEGALLY DESCRIBED AS TOWNSHIP 13 SOUTH, RANGE 86 WEST, 6TH P.M., SECTION 20: SE1/4NE1/4 AND SECTION 21: N1/2SW1/4NW1/4, COUNTY OF GUNNISON, STATE OF COLORADO**

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, Crested Butte Land Trust (the "**CBLT**") is currently under contract to purchase and acquire certain real property (the "**Coralhouse Property**") comprised of 99.62 acres, more or less, located in the Slate River drainage, Gunnison County, State of Colorado;

WHEREAS, the Town staff has been working with the CBLT, at the direction of Town Council, for the Town to receive a conservation easement over the Coralhouse Property upon the CBLT's closing on the purchase;

WHEREAS, the Town Council determined that receiving a conservation easement over Coralhouse Property will serve to protect and preserve the natural, scenic, open space, recreational and other values relative to the Coralhouse Property, and that the receipt of the conservation easement would work to substantially prevent the diminution and/or impairment of such values;

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, maintain interests in land, including, without limitation, entering into contracts that run with the land like conservation easements, for lands both inside and outside the boundaries of Crested Butte, necessary, suitable or proper for the preservation or conservation of open space and vistas of recreational, aesthetic and other public interests; and

WHEREAS, the Town Council hereby finds that it is necessary, suitable and proper for the preservation and conservation of open space and vistas of recreational, aesthetic and other public interests, and to protect and preserve the natural, scenic, open space, recreational and other values relative to the Coralhouse Property, the same being in the best interest of the Town and the health, safety and welfare of the residents and visitors of Crested Butte, that the Town receive a conservation easement from the CBLT encumbering the Coralhouse Property upon the

CBLT's closing on the purchase thereof, pursuant to the terms and conditions set forth hereinbelow.

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

**Section 1. Authorization to Receive Conservation Easement Encumbering the Coralhouse Property and Pursuant thereto to Enter into a Deed of Conservation Easement Memorializing the Terms of Such Grant.** In order to protect and preserve the natural, scenic, open space, recreational and other values relative to the real property legal described as Township 13 South, Range 86 West, 6th P.M., Section 20: SE1/4NE1/4 and Section 21: N1/2SW1/4NW1/4, NW1/NW1/4, County of Gunnison, State of Colorado, the Town Council hereby authorizes the Town, upon and subject to the CBLT's closing on the purchase of the Coralhouse Property, to receive a conservation easement from the CBLT over the foregoing described real property, and in connection therewith, authorizes the Mayor and Town Clerk to appropriately execute the attached deed of conservation easement ("**Coralhouse CE**") contemplating the terms and conditions relative to such grant in substantially the same form as **Exhibit "A"** attached hereto. In conjunction therewith, the Town Council hereby authorizes the Mayor and the Town Clerk to execute and deliver any and all additional documents necessary and proper to consummate the transactions contemplated in the Coralhouse CE. The Town Clerk shall cause the Coralhouse CE to be recorded in the official real property records of the Clerk and Recorder of Gunnison County, Colorado contemporaneously with the vesting of title to the Coralhouse Property in the CBLT.

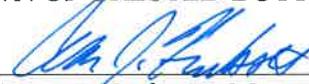
**Section 2. Severability.** If any section, sentence, clause, phrase, word or other provision of this ordinance is for any reason held to be unconstitutional or otherwise invalid, such holding shall not affect the validity of the remaining sections, sentences, clauses, phrases, words or other provisions 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 19<sup>th</sup> DAY OF AUGUST, 2013.

ADOPTED BY THE TOWN COUNCIL UPON SECOND READING IN PUBLIC HEARING THIS 16<sup>th</sup> DAY OF SEPTEMBER, 2013.

TOWN OF CRESTED BUTTE, COLORADO

By:   
Aaron J. Huckstep, Mayor

ATTEST:

*Shelley Jansen*  
Shelley Jansen, Town Clerk

[ATTEST]

