

ORDINANCE NO. 27

SERIES 2018

**AN ORDINANCE OF THE CRESTED BUTTE TOWN
COUNCIL AUTHORIZING THE AMENDMENT OF LAND
USE CONDITIONS AND RESTRICTIVE COVENANTS**

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 the Constitution and the laws of the State of Colorado;

WHEREAS, the Town Council is authorized pursuant to § 14.4 of the Town Charter to sell and convey Town-owned property;

WHEREAS, the Town owns an interest in certain Land Use Conditions and Restrictive Covenants as part of the Restrictive Covenant Agreement recorded July 7, 2016 under reception No. 640385 ("Restrictive Covenants");

WHEREAS, the Town required these Restrictive Covenants encumber real property and improvements located at 123 Elk Avenue, Crested Butte, Colorado 81224 ("Property"), and the Town has approved a change in some of the uses of the Property since the Restrictive Covenants were recorded;

WHEREAS, the Restrictive Covenants will be amended with different land use conditions and covenants that apply to the current uses on the property; 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 Restrictive Covenants should be amended, as set forth hereinbelow.

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

Section 1. Authorization to Release Town-owned Restrictive Covenant. The Town Council, pursuant to the Crested Butte Town Charter and the laws of the State of Colorado, hereby authorizes the Town to amend the Restrictive Covenants recorded July 7, 2016 under reception No. 640385 on the following described property, to wit:

Block 20,
Lots 27-28,
Town of Crested Butte,
State of Colorado.

commonly known as 123 Elk Avenue, Crested Butte, Colorado 81224 (the "Property").

The Town Council further authorizes and directs the Town Manager and Town Clerk to appropriately execute any additional documents necessary and appropriate to consummate the release of the Restrictive Covenants and the replacement of such Restrictive Covenants with land

use conditions and covenants that apply to the current uses on the Property, following approval thereof by the Town Attorney.

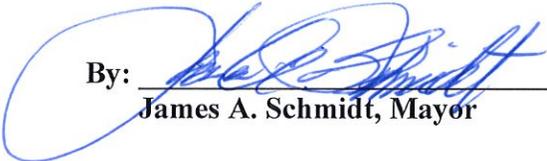
Section 2. Severability. If any section, sentence, clause, phrase, word or other provision of this ordinance is for any reason held to be unconstitutional or otherwise invalid, such holding shall not affect the validity of the remaining sections, sentences, clauses, phrases, words or other provisions 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 conflicts with this ordinance is hereby repealed as of the enforcement date hereof.

INTRODUCED, READ AND SET FOR PUBLIC HEARING THIS 19th DAY OF November, 2018.

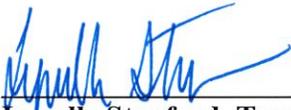
ADOPTED BY THE TOWN COUNCIL UPON SECOND READING IN PUBLIC HEARING THIS 3rd DAY OF December, 2018.

TOWN OF CRESTED BUTTE, COLORADO

By: 

James A. Schmidt, Mayor

ATTEST:


Lynelle Stanford, Town Clerk

[SEAL]

