

**ORDINANCE NO. 29**

**SERIES 2018**

**AN ORDINANCE OF THE CRESTED BUTTE TOWN  
COUNCIL AUTHORIZING THE RELEASE 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 Notice of Zoning Conditions and Restrictive Covenants recorded December 11, 1997, under reception No. 480370 ("Restrictive Covenants") of the Gunnison County Clerk and Recorder;

**WHEREAS**, the Town required these Restrictive Covenants encumber real property and improvements located at 225 Butte Avenue, Crested Butte, Colorado 81224 ("Property"), and the Town has approved a release of the covenant in Paragraph 2.B. of the Restrictive Covenants requiring a long term rental unit as defined by the Crested Butte Municipal Code to be maintained on of the Property (hereinafter referred to as the "Long-term Rental Covenant"); 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 Long-term Rental Covenant should be discontinued and released, 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 and instructs the Town to release the following described property from the Long-term Rental Covenant in Paragraph 2.B. of the Restrictive Covenants recorded December 11, 1997, under reception No. 480370 ("Restrictive Covenants") of the Gunnison County Clerk and Recorder, to wit:

Lot 29, Kapushion Subdivision,  
according to the plat thereof bearing Reception No. 459077,  
Town of Crested Butte,  
State of Colorado.

commonly known as 225 Butte Avenue, Crested Butte, Colorado 81224 (the "Property").

The Town Council further authorizes and directs the Town Manager and Town Clerk to appropriately execute Exhibit 1 hereto together with any additional documents necessary and appropriate to consummate the release of the Long-term Rental Covenant following approval of such additional documentation by the Town Attorney.

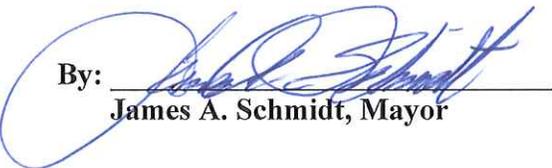
**Section 2. Severability.** If any section, sentence, clause, phrase, word or other provision of this ordinance is for any reason held to be unconstitutional or otherwise invalid, such holding shall not affect the validity of the remaining sections, sentences, clauses, phrases, words or other provisions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

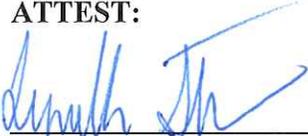
INTRODUCED, READ AND SET FOR PUBLIC HEARING THIS 3<sup>rd</sup> DAY OF December, 2018.

ADOPTED BY THE TOWN COUNCIL UPON SECOND READING IN PUBLIC HEARING THIS 17<sup>th</sup> DAY OF December, 2018.

TOWN OF CRESTED BUTTE, COLORADO

By:   
James A. Schmidt, Mayor

ATTEST:

  
Lynelle Stanford, Town Clerk

