

**ORDINANCE NO. 36**

**SERIES 2017**

**AN ORDINANCE OF THE CRESTED BUTTE TOWN  
COUNCIL AUTHORIZING THE RELEASE OF 1991  
RESTRICTIVE COVENANT FOR PARKING**

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

**WHEREAS**, the Town owns a parking easement pursuant to that Notice of Zoning Conditions and Restrictive Covenants recorded at Reception No. 430432 on November 14, 1991 ("Restrictive Covenant");

**WHEREAS**, the Town required this Restrictive Covenant to provide off-site parking for customers of a bed and breakfast located at 213 Third Avenue, Crested Butte, CO 81224, and that bed and breakfast is no longer in business;

**WHEREAS**, the Restrictive Covenant also provides that once the bed and breakfast located at 213 Third Avenue is no longer used for this purpose, the off-site parking required under the Restrictive Covenant may be discontinued;

**WHEREAS**, the owners of the property encumbered by the Restrictive Covenant at 210 Gothic Avenue, Crested Butte, Colorado 81224, have requested the Town to release the Restrictive 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 Restrictive Covenant should be discontinued and released as requested by the owners of the property at 210 Gothic Avenue, 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 release the following described property from the Restrictive Covenant recorded at Reception No. 430432, to wit:

Lots 11 and 12, Block 16, Town of Crested Butte, County of Gunnison, State of Colorado

Also known as 210 Gothic Avenue, Crested Butte, CO 81224.

The Town Council authorizes and directs the Town Manager and Town Clerk to appropriately execute any and all documents necessary and appropriate to consummate the release of the Restrictive Covenant 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 is in conflict with this ordinance is hereby repealed as of the enforcement date hereof.

INTRODUCED, READ AND SET FOR PUBLIC HEARING THIS 20<sup>th</sup> DAY OF November, 2017.

ADOPTED BY THE TOWN COUNCIL UPON SECOND READING IN PUBLIC HEARING THIS 4<sup>th</sup> DAY OF December, 2017.

TOWN OF CRESTED BUTTE, COLORADO

By: J. P. [Signature]  
Jackson Petito, Mayor

ATTEST:

[Signature]  
Lynelle Stanford, Town Clerk

[SEAL]

