

ORDINANCE NO.4

SERIES 2019

AN ORDINANCE OF THE CRESTED BUTTE TOWN COUNCIL AUTHORIZING THE RELEASE OF DEED RESTRICTIONS ON CERTAIN PROPERTIES IN THE PARADISE PARK SUBDIVISION AND REPLACEMENT WITH NEW DEED RESTRICTIONS

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; and,

WHEREAS, the Town owns an interest in certain Deed Restrictions recorded August 29, 2002, at Reception No. 523290, August 29, 2002 at Reception No. 536326, and October 31, 2003, at Reception No. 641510 of the records of the Gunnison County Clerk and Recorder ("Deed Restrictions"); and,

WHEREAS, the Town required these Deed Restrictions to encumber real property and improvements located on Block 76, Block 77, Block 78, Block 79, and Block 80, Paradise Park Subdivision, Town of Crested Butte, Gunnison County, Colorado, according to the Final Plat recorded at Reception No. 523289; and,

WHEREAS, the Town has authorized a replat of Block 76, Paradise Park Subdivision, that changes the number of Lots within Block 76 from 7 Lots to 6 Lots; and,

WHEREAS, the replat of Block 76 was recorded on February 22, 2019, at Reception No. 658805; and,

WHEREAS, some of the uses on certain properties in the Paradise Park Subdivision have changed since the Deed Restrictions were recorded and the Deed Restrictions will be replaced with different land use conditions and deed restrictions that will apply to the following properties in the Paradise Park Subdivision:

Block 76, Lots 1, 2, 3, 4, 5, and 6

Block 77, Lot 10

Block 78, Lots 1, 3, 4 and 6

Block 79, Lots 2, 4, 10, 11, 16, 18, and 19

Block 80, Lots 1 and 3

Paradise Park Subdivision, Town of Crested Butte, Gunnison County, Colorado (the "Property"); and

WHEREAS, a map of the Lots comprising the Property is attached hereto as **Exhibit A** and the new replacement deed restrictions that will encumber the Property are attached hereto as **Exhibit B**; and,

WHEREAS, the Crested Butte Fire Protection District now owns Lot 4, Block 78, and has agreed to execute an Acknowledgment of the replacement deed restrictions that are attached hereto as **Exhibit B**; 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 Deed Restrictions should be released and replaced, as set forth herein.

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

Section 1. Authorization to Release Town-owned Deed Restrictions. 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 Deed Restrictions recorded August 29, 2002, at Reception No. 523290, August 29, 2002 at Reception No. 536326, and October 31, 2003, at Reception No. 641510, of the Gunnison County Clerk and Recorder, to wit:

- Block 76, Lots 1, 2, 3, 4, 5, and 6
- Block 77, Lot 10
- Block 78, Lots 1, 3, 4 and 6
- Block 79, Lots 2, 4, 10, 11, 16, 18 and 19
- Block 80, Lots 1 and 3

Paradise Park Subdivision Town of Crested Butte, Gunnison County, Colorado (the "Property"). A map of the Lots comprising the Property is attached hereto as **Exhibit A**.

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 Deed Restrictions and the replacement of such Deed Restrictions with land use conditions and deed restrictions that apply to the current uses on the Property, following approval thereof by the Town Attorney.

Section 2. New Deed Restrictions. The Town Council hereby approves the new deed restrictions in the form attached hereto as **Exhibit B** that will replace the Deed Restrictions that are being released and hereby authorizes the Town Manager and the Town Clerk to record these new deed restrictions against the Property following approval thereof by the Town Attorney.

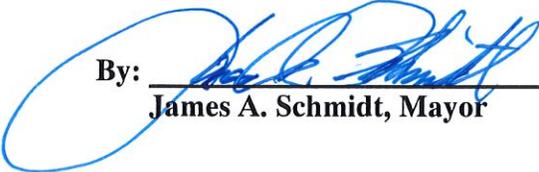
Section 3. Severability. If any section, sentence, clause, phrase, word or other provision of this ordinance is for any reason held to be unconstitutional or otherwise invalid, such holding shall not affect the validity of the remaining sections, sentences, clauses, phrases, words or other provisions of this ordinance, or the validity of this ordinance 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 conflicts with this ordinance is hereby repealed as of the enforcement date hereof.

INTRODUCED, READ AND SET FOR PUBLIC HEARING THIS 19th DAY OF February, 2019.

ADOPTED BY THE TOWN COUNCIL UPON SECOND READING IN PUBLIC HEARING THIS 4th DAY OF March, 2019.

TOWN OF CRESTED BUTTE, COLORADO

By: 
James A. Schmidt, Mayor

ATTEST:


Lynelle Stanford, Town Clerk

[SEAL]

