

RESOLUTION NO. 18

SERIES 2014

**RESOLUTIONS OF THE TOWN COUNCIL APPROVING  
THE AMENDMENT TO THE DEED OF EASEMENT  
AGREEMENT, VACATION AGREEMENT AND  
SETTLEMENT AGREEMENT SETTING THE FINAL  
CONSTRUCTED AND SURVEYED LOCATION OF THE  
LUPINE TRAIL THROUGH SMITH HILL RANCHES**

WHEREAS, the Town of Crested Butte, Colorado ("**Town**") is a home rule municipality duly and regularly organized and validly existing as a body corporate and politic under and by virtue of the Constitution and laws of the State of Colorado;

WHEREAS, the Town was given a certain Deed of Easement Agreement, Vacation Agreement and Settlement Agreement ("**Easement Agreement**") on June 30, 2010 recorded in the real property records of the Clerk and Recorder of Gunnison County, Colorado on June 30, 2010 at Reception No. 599312;

WHEREAS, the Easement Agreement establishes terms and conditions upon which the Town may construct a public trail, defined within the Easement Agreement as the "**Trail**," across certain real property described therein;

WHEREAS, Paragraph 3.1 of the Easement Agreement provides that once the Town constructs the Trail within the "**Trail Area**," as defined in the Easement Agreement, the Town shall cause an as-built survey of said Trail to be prepared and delivered to the owners of the burdened real property for their approval;

WHEREAS, Paragraph 3.1 of the Easement Agreement further provides that upon the owners' of the burdened property approval of the survey of the as-built location of the Trail, the Town and such owners shall amend the Easement Agreement by replacing its Exhibit "C" describing the Trail Area with the new as-built location of the Trail;

WHEREAS, the Town has constructed the Trail within the Trail Area, and has provided the owners of the burdened property with the as-built survey of the Trail;

WHEREAS, the Town staff has reviewed and approved the as-built survey of the Trail and, accordingly, recommends that the Town Council authorize execution of an amendment to the location of the Trail Area; and

WHEREAS, the Town Council, having previously found that the terms of the Easement Agreement were acceptable and appropriate, and finding hereby that the Town staff has approved the as-built survey of the Trail, hereby finds that it is necessary and appropriate to amend the Easement Agreement, and, insodoing, amend the location of the Trail Area, such

amendment being in the best interest of the Town and the general health, safety and welfare of the residents and visitors of Crested Butte.

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

1. **Findings.** The Town Council hereby finds that amending the Easement Agreement as contemplated herein is in the best interest of the Town and the health, safety and welfare of the residents and visitors of Crested Butte.

2. **Authorization.** Based on the foregoing, the Town Council hereby authorizes the Mayor to execute the Amendment to Deed of Easement Agreement, Vacation Agreement and Settlement Agreement (the "**Amendment**") setting the final constructed and surveyed location of the Lupine Trail through Smith Hill Ranches in the form attached hereto as **Exhibit "A."**

INTRODUCED, READ AND ADOPTED BEFORE THE TOWN COUNCIL THIS 3<sup>rd</sup> DAY OF November, 2014.

TOWN OF CRESTED BUTTE, COLORADO

By:   
Aaron J. Huckstep, Mayor

ATTEST

  
Lynelle Stanford, Town Clerk

(SEAL)



**EXHIBIT "A"**

**Amendment**

[attach form here here]

