

**RESOLUTION NO. 23**

**SERIES 2019**

**A RESOLUTION OF THE CRESTED BUTTE TOWN  
COUNCIL AUTHORIZING THE RELEASE OF THE  
GRANT OF RECREATIONAL EASEMENT DATED  
JULY 15, 1994 BETWEEN THE TOWN OF CRESTED  
BUTTE AND ROBERT C. SCHUTT, JR. AND  
SUZANNE M. SCHUTT**

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 laws of the State of Colorado; and

WHEREAS, the Town and Schutt previously entered into an Agreement to Grant a Recreational Trail Easement in July 1994 recorded at Reception No. 454070 of the Gunnison County Clerk and Recorder ("Agreement"), under which the Schutts granted the Town an easement and right-of-way over a portion of the Schutt's property for use as a bicycle and pedestrian right-of-way commonly known as the Deli Trail; and

WHEREAS, Section 12 of the Agreement states, among other things, that this Agreement shall be automatically renewed for a term of one year at the expiration of each term hereof, unless the Town or Schutt provides the other with written notice of intent not to renew the Agreement at least sixty (60) days prior to the end of the then current one year term; and

WHEREAS, the current one year term under the Agreement expires on October 31, 2019; and

WHEREAS, on August 10, 2019, the Schutts notified the Town that they desired to terminate the Agreement and that they did not want to renew the Agreement for another year; and

WHEREAS, the Town has relocated the right-of-way for Deli Trail so that it no longer crosses the Schutt's property; and

WHEREAS, the Schutts have requested the Town to execute a written release of the Agreement for filing with the Gunnison County Clerk and Recorder.

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

1. The Town of Crested Butte hereby authorizes the Mayor or other representative of the Town to execute the Release attached hereto as **Exhibit A** and

deliver such Release to the Schutts because the Schutts have terminated the Agreement in accordance with its terms and the Town no longer needs the right-of-way across the Schutt property for the Deli Trail.

INTRODUCED, READ AND ADOPTED BEFORE THE TOWN COUNCIL  
THIS 7<sup>th</sup> DAY OF OCTOBER, 2019.

TOWN OF CRESTED BUTTE, COLORADO

By: 

James A. Schmidt, Mayor

ATTEST

  
Lynelle Stanford, Town Clerk

(SEAL)



