

**ORDINANCE NO. 13**

**SERIES 2010**

**AN ORDINANCE APPROVING THE DEED OF CONSERVATION EASEMENT GRANTING A CONSERVATION EASEMENT TO THE CRESETD BUTTE LAND TRUST FOR THE LANDS REFERRED TO AS "PHASE I" OF THE KOICHEVAR PROPERTIES PURCHASE BY THE TOWN OF CRESETD BUTTE FROM THE TRUST FOR PUBLIC LAND DESCRIBED AS TOWNSHIP 13 SOUTH, RANGE 86 WEST, 6TH P.M., SECTION 21: E1/2SE1/4NW1/4; NE1/4NW1/4; SECTION 27: S2/3NW1/4SE1/4; S1/2SE1/4 COUNTY OF GUNNISON, STATE OF COLORADO**

**WHEREAS**, the Town of Crested Butte, Colorado ("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 staff has been working with The Trust for Public Lands (TPL), at the direction of Town Council, to conserve from development a certain 312.849, more or less, acres of certain real property located in the Slate River and Washington Gulch drainages, Gunnison County, State of Colorado;

**WHEREAS**, TPL is currently under contract to purchase and acquire said property from the record title owners thereof and, upon said purchase and acquisition, desires to convey fee title of the same to the Town, and thereafter to have a conservation easement placed on said property;

**WHEREAS**, the Town Council intends to purchase and acquire said property from TPL, and thereafter to place a conservation easement on said property;

**WHEREAS**, initially, the Town will be purchasing and acquiring 166, more or less, acres of the total 312.849 acres of the above-described property ("Phase I Lands");

**WHEREAS**, upon the Town acquiring title to the Phase I Lands, the Town desires to place the same into a conservation easement to be held by the Crested Butte Land Trust (CBLT);

**WHEREAS**, the Town Council finds that granting a conservation easement to the CBLT will serve to protect and preserve the natural, scenic, open space, recreational and other values relative to the Phase I Lands of great important to the Town, and that such a grant of conservation easement would work to substantially prevent the diminution and/or impairment of such values;

**WHEREAS**, the Town Council is authorized, pursuant to §§ 31-25-501 and 31-25-302, C.R.S., as amended, to enter into agreements in order to, in pertinent part, maintain interests in land, including, without limitation, entering into contracts that run with the land like conservation easements, for lands owned by the Town both inside and outside of the boundaries of Crested Butte, necessary, suitable or proper for the preservation or conservation of open space and vistas of recreational, aesthetic and other public interests; and

**WHEREAS**, the Town Council hereby finds that it is necessary, suitable and proper for the preservation and conservation of open space and vistas of recreational, aesthetic and other public interests, and to protect and preserve the natural, scenic, open space, recreational and other values relative to the Phase I Lands, the same being in the best interest of the Town and the health, safety and welfare of the residents and visitors of Crested Butte, that the Town grant a conservation easement to the CBLT encumbering the Phase I Lands, pursuant to the terms and conditions set forth hereinbelow.

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

**Section 1. Authorization to Grant to CBLT a Conservation Easement Encumbering the Phase I Lands and to, Pursuant thereto, Enter into a Deed of Conservation Easement Memorializing the Terms of Such Grant.** In order to protect and preserve the natural, scenic, open space, recreational and other values relative to the real property (Phase I Lands) legally described as Township 13 South, Range 86 West, 6th P.M., Section 21: E1/2SE1/4NW1/4; NE1/4NW1/4; Section 27: S2/3NW1/4SE1/4; S1/2SE1/4 County of Gunnison, State of Colorado, the Town Council hereby grants a conservation easement to the CBLT over the foregoing described real property, and in connection therewith, authorizes the Mayor and Town Clerk to appropriately execute the attached deed of conservation easement contemplating the terms and conditions relative to such grant in substantially the same form as **Exhibit "A"** attached hereto ("**Phase I Lands CE**"). In conjunction therewith, the Town Council hereby authorizes the Mayor and the Town Clerk to execute and deliver any and all additional documents necessary and proper to consummate the transactions contemplated in the Phase I Lands CE. The Town Clerk shall cause the Phase I Lands CE to be recorded in the official real property records of the Clerk and Recorder of Gunnison County, Colorado contemporaneously with the transfer of title to the Phase I Lands from TPL to the Town.

**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 17<sup>th</sup> DAY OF MAY, 2010.

ADOPTED BY THE TOWN COUNCIL UPON SECOND READING IN PUBLIC HEARING THIS 14<sup>th</sup> DAY OF JUNE, 2010.

TOWN OF CRESTED BUTTE, COLORADO

By: *Leah B. Williams*  
Leah B. Williams, Mayor

ATTEST:

*Eileen Hughes*  
Eileen Hughes, Town Clerk

(SEAL)



**Exhibit "A"**

**Phase I Lands CE**

**[attach here]**