

ORDINANCE NO. 33

SERIES 2007

AN ORDINANCE AMENDING THE SECOND AMENDED GUIDELINES, RULES, REQUIREMENTS AND ADMINISTRATIVE PROCEDURES GOVERNING AFFORDABLE HOUSING IN BLOCKS 77 AND 78 OF THE PARADISE PARK AFFORDABLE HOUSING SUBDIVISION, TOWN OF CRESTED BUTTE

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;

WHEREAS, on September 4, 2007, the Town adopted the Second Amended Guidelines, Rules, Requirements and Administrative Procedures Governing Affordable Housing in Blocks 77 and 78 of the Paradise Park Affordable Housing Subdivision, Town of Crested Butte (the "**Second Amended Guidelines**") pursuant to Ordinance 18, Series 2007;

WHEREAS, the Town Staff has determined that the Second Amended Guidelines do not clearly state that Town employees, Mountain Express and essential services employees (collectively "**Town Employees**") may continue to own a unit after their employment with the Town has concluded;

WHEREAS, the Town Council has determined that it is their intent to allow said former Town Employees to continue to own a unit after their employment with the Town has concluded, provided that said former Town Employees continue to meet the eligibility qualifications set forth in the Second Amended Guidelines; and

WHEREAS, the Town Council has determined that the below changes to the Second Amended Guidelines are necessary to memorialize their intent as to allowing former Town Employees to continue to own a unit after their employment with the Town has concluded, and the below changes are in the best interest of the health, safety and welfare of the residents and visitors of the Town.

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

Section 1. The Town Council hereby amends the Second Amended Guidelines by replacing Section 3.C.2., entitled Exceptions to Complying with Eligibility Qualifications, with the following:

“Section 3.C.2. Exceptions to Complying with Eligibility Qualifications.
Each owner shall continue to comply with the applicable Eligibility Qualifications except for the following:

- a. Maximum Income Limits and Assets Limits.
- b. An owner who reaches the age of fifty-nine and one-half (59 ½) years and/or otherwise demonstrates retirement from full-time work need not continue to comply with the following Qualified Buyer requirements: Work in Gunnison County, and Percentage of Income in the County.
- c. Owners of Town Employee Units need not continue to comply with the Eligibility Qualifications in Section 1.B.1.g. “Qualified Buyers of Town Employee Units” after termination of work with the Town, Mountain Express, or an essential service.”

Section 2. In order to reflect the revisions to the Second Amended Guidelines described in Section 1 above, the Town Council hereby instructs the Town Clerk, upon adoption of this Ordinance, to cause the Notice of Recordation attached hereto as **Exhibit “A”** to be recorded in the Office of the Clerk and Recorder of Gunnison County, State of Colorado.

Section 3. 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 as an entirety, it being the legislative intent that this ordinance shall stand notwithstanding the invalidity of any section, sentence, clause, phrase, word or other provision.

Section 4. The 1987 Crested Butte Municipal Code, except as previously amended and further amended hereby, 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 19th DAY OF NOVEMBER, 2007.

ADOPTED BY THE TOWN COUNCIL UPON SECOND READING AND PUBLIC HEARING THIS 3rd DAY OF DECEMBER, 2007.

TOWN OF CRESTED BUTTE

By: _____
Alan Bernholtz, Mayor

ATTEST:

By: _____
Eileen Hughes, Town Clerk

[SEAL]

EXHIBIT "A"

**RECORDING REQUESTED BY:
WHEN RECORDED RETURN TO:**

Town of Crested Butte
Attn: Town Clerk
P.O. Box 39
Crested Butte, CO 81224

NOTICE OF RECORDATION

This Notice of Recordation shall constitute record notice of the following amendment to the Second Amended Guidelines, Rules, Requirements, and Administrative Procedures Governing Affordable Housing in Block 77 and 78 of the Paradise Park Affordable Housing Subdivision, Town of Crested Butte dated September 24, 2007 and recorded in the Office of the Clerk and Recorder of Gunnison County, State of Colorado on October 17, 2007 at Reception No. 579618 ("**Second Amended Guidelines**"):

The Second Amended Guidelines have been amended by Ordinance No. 33, Series 2007, adopted _____, 2007 by the Town of Crested Butte, by replacing Section 3.C.2., entitled Exceptions to Complying with Eligibility Qualifications, with the following:

- "Section 3.C.2. Exceptions to Complying with Eligibility Qualifications.
Each owner shall continue to comply with the applicable Eligibility Qualifications except for the following:
- a. Maximum Income Limits and Assets Limits.
 - b. An owner who reaches the age of fifty-nine and one-half (59 ½) years and/or otherwise demonstrates retirement from full-time work need not continue to comply with the following Qualified Buyer requirements: Work in Gunnison County, and Percentage of Income in the County.
 - c. Owners of Town Employee Units need not continue to comply with the Eligibility Qualifications in Section 1.B.1.g. "Qualified Buyers of Town Employee Units" after termination of work with the Town, Mountain Express, or an essential service."

DATED THIS _____ DAY OF DECEMBER, 2007

TOWN OF CRESTED BUTTE

By: _____
Alan Bernholtz, Mayor

ATTEST:

By: _____
Eileen Hughes, Town Clerk

[SEAL]

STATE OF COLORADO)
)ss.
COUNTY OF GUNNISON)

The foregoing Notice of Recordation was acknowledged before me this ___ day of _____, 2007, by Alan Bernholtz, Mayor of the Town of Crested Butte, Colorado, a Colorado home rule municipality, on behalf of said municipality.

WITNESS my hand and official seal.

My commission expires: _____.

Notary Public