

ORDINANCE NO. 14

SERIES 2007

AN ORDINANCE AUTHORIZING AN ADDENDUM TO THE LAND CONSERVATION COVENANT BETWEEN VERZUH RANCH, INC. AND THE TOWN DATED AUGUST 7, 2000 TO AMEND THE WATER RIGHTS TO BE USE TO IRRIGATE THE SUBJECT PROPERTY SET FORTH IN THE COVENANT TO CONFORM WITH THE ANNEXATION AGREEMENT BETWEEN THE PARTIES OF EQUAL DATE

WHEREAS, the Town of Crested Butte, Colorado (the "**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 and Verzuh Ranch, Inc. ("**Verzuh**") entered into that certain Annexation Agreement (the "**Agreement**") dated August 7, 2000 that, among other things, contemplated Verzuh dedicating certain water rights to irrigate private open space (the "**Private Open Space**") on the annexed property (the "**Property**"), all as further described in the Agreement;

WHEREAS, the Town and Verzuh entered into that certain Land Conservation Covenant (the "**Covenant**") dated August 7, 2000 that imposed certain requirements on the Property, including, without limitation, the dedication of water rights to irrigate the Private Open Space;

WHEREAS, the Town Staff has determined that the Covenant incorrectly states said water rights dedicated to irrigate the Private Open Space and such error is inconsistent with the Agreement;

WHEREAS, the Town Staff has determined that the Agreement properly states the agreed upon water rights dedicated to irrigate the Private Open Space and recommends that the Town Council amend the Covenant so that the Covenant reflects the water rights dedicated to irrigate the Private Open Space as set forth in the Agreement;

WHEREAS, the Town Staff has recommended that the Town enter into the attached Addendum to Land Conservation Covenant (the "**Addendum**") to amend the Covenant as described above; and

WHEREAS, the Town Council has determined that the below Addendum to the Covenant is in the best interest of the health, safety and general 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. Acceptance of Addendum to the Covenant. The Town Council hereby accepts the Addendum to the Covenant attached hereto as **Appendix "A"** (the **"Addendum"**) and agrees to the terms and conditions set forth therein.

Section 2. Authorization for Execution. The Town Council hereby authorizes the Mayor and Mayor Pro Tem to execute any and all documents necessary and convenient for purposes of accepting and consummating the transactions contemplated in the Addendum.

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 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. Savings Clause. Except as hereby amended, the Crested Butte Town Code of 1987 (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 21 DAY OF May, 2007.

ADOPTED BY THE TOWN COUNCIL UPON SECOND READING IN PUBLIC HEARING THIS 4 DAY OF JUNE, 2007.

TOWN OF CRESTED BUTTE, COLORADO

By: _____
Alan Bernholtz, Mayor

ATTEST:

Eileen Hughes, Town Clerk

(SEAL)

APPENDIX "A"

Addendum to Land Conservation Covenant

[attach here]