

ORDINANCE NO. 10

SERIES 2010

AN ORDINANCE ACCEPTING AN EASEMENT FOR A PUBLIC TRAIL THROUGH THE ALPENGLOW RANCH (F/K/A NICCOLI RANCH) AND APPROVING THE PUBLIC TRAIL EASEMENT GRANTING SUCH EASEMENT

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 and the Crested Butte Land Trust ("Land Trust") entered into that certain Deed of Conservation Easement recorded in the real property records of the Office of the Clerk and Recorder of Gunnison County, Colorado on November 8, 2007 at Reception No. 580138 ("Conservation Easement") by which the Town accepted a conservation easement in and to that certain real property described therein ("Niccoli Corridor Tract", or herein "Easement Area");

WHEREAS, the Town and the Land Trust amended the Conservation Easement by that certain Amendment to Deed of Conservation Easement ("Amendment") dated May __, 2010 and recorded in the real property records of the Office of the Clerk and Recorder of Gunnison County, Colorado on _____, 2010 at Reception No. _____ wherein, among other things, the Land Trust confirmed that it granted to the Town a public trail easement pursuant to a public trail easement agreement to be executed by the Town and the Land Trust;

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, acquire interests in land, including, without limitation, easements, both inside and outside the boundaries of Crested Butte, necessary, suitable or proper for public interests, including the for the establishment of a public trail;

WHEREAS, the Town Council has directed Town staff to negotiate the terms and conditions for the acquisition of a public trail easement through the Easement Area and/or through adjoining property owned by the Land Trust and described in the Amendment as the Ranch Homestead Area; and

WHEREAS, the Town staff has negotiated an agreement for the grant of the public trail easement by the Land Trust, and the Town Council, finding that the terms of the same are acceptable and appropriate, hereby finds that it is necessary and suitable, and in the best interest of the Town and the health, safety and welfare of the residents and visitors of Crested Butte, that the above-described public trail easement be accepted as set forth hereinbelow.

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

Section 1. Acceptance of Public Trail Easement. The Town Council hereby accepts the grant of the public trail easement and approves the agreement for the same attached hereto as **Appendix "A"** ("**Trail Easement**"). Upon execution of the Trail Easement, the Town and the Land Trust shall cause the same to be recorded in the official real property records of the Clerk and Recorder of Gunnison County, Colorado contemporaneously with the recording of the Amendment. In furtherance thereto, the Town Council authorizes and directs the Mayor and the Town Clerk to appropriately execute the Trail Easement and any and all other documents necessary and appropriate to consummate the grant of the public trail easement.

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 17th DAY OF MAY, 2010.

ADOPTED BY THE TOWN COUNCIL UPON SECOND READING IN PUBLIC HEARING THIS 7th DAY OF JUNE, 2010.

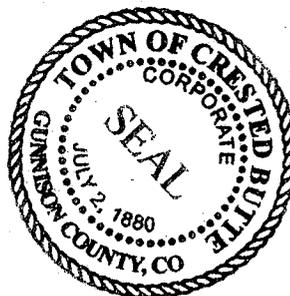
TOWN OF CRESTED BUTTE, COLORADO

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

ATTEST:

Eileen Hughes
Eileen Hughes, Town Clerk

(SEAL)



APPENDIX "A"

Trail Easement

[attach here]