

ORDINANCE NO. 25

SERIES 2007

**AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF
A CONSERVATION EASEMENT BY THE TOWN OF
CRESTED BUTTE FROM THE CRESTED BUTTE LAND
TRUST ON THE NICCOLI CORRIDOR TRACT**

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 public under and by virtue of the Constitution and laws of the State of Colorado;

WHEREAS, the Crested Butte Land Trust (the "CBLT") is the owner of that certain real property know as the Niccoli Corridor Tract (the "Property");

WHEREAS, the Property possesses certain conservation values of great importance to the residents and visitors of the Town;

WHEREAS, the CBLT has offered to grant a conservation easement to the Town on a portion of the Property for the purpose of conserving and maintaining in perpetuity the conservation values of that portion of the Property effected by the conservation easement; and

WHEREAS, the Town Council finds that it is in the best interest of the health, safety and welfare of the Town's residents and visitors to accept said conservation easement as further described in this ordinance.

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

Section 1. Acceptance of Conservation Easement. The Town Council hereby accepts the conservation easement as described in the Deed of Conservation Easement attached hereto and incorporated herein as Exhibit "A", and agrees to all of the terms and conditions thereof.

Section 2. Notification of Sale. If the Crested Butte Land Trust decides to sell the five acre Ranch Headquarters Tract, which is described in the Deed of Conservation Easement, it shall first notify the Town of the proposed sale. Notification shall be in writing and shall be given to the Town at least 30 days prior to the proposed sale.

Section 3. Authorization for Execution. The Town Council hereby authorizes the Mayor, Town Manager and other Town officials to execute any and all documents necessary and convenient for the purpose of accepting and entering into the subject Deed

of Conservation Easement and for purposes of consummating the transactions contemplated therein.

Section 4. 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 5. Savings Clause. Except as hereby amended, the 1987 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 of Crested Butte which is in conflict with this ordinance is hereby repealed as of the enforcement date hereof.

INTRODUCED, READ AND SET FOR PUBLIC HEARING THIS 4TH DAY OF September, 2007.

ADOPTED BY THE TOWN COUNCIL UPON SECOND READING AND PUBLIC HEARING THIS 1 DAY OF October, 2007.

TOWN OF CRESTED BUTTE, COLORADO

By: Alan Bernholtz
Alan Bernholtz, Mayor

ATTEST:

By: Eileen Hughes
Eileen Hughes

(SEAL)