

ORDINANCE NO. 3

SERIES 2006

AN ORDINANCE AUTHORIZING ACCEPTANCE OF THE ASSIGNMENT OF A CONSERVATION EASEMENT BY THE TOWN OF CRESTED BUTTE FROM THE CRESTED BUTTE LAND TRUST ON THE DEPASQUALE PROPERTY FOR CONSERVATION PURPOSES AND THE ASSUMPTION BY THE TOWN OF THE CONSERVATION VALUES IDENTIFIED IN THE CONSERVATION EASEMENT.

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 laws of the State of Colorado; and

WHEREAS, Joya DePasquale ("Owner") is the owner of real property in the County of Gunnison, Colorado. The Owner has granted to the Crested Butte Land Trust a conservation easement over a certain portion of her property, for year-round recreational use by the public, over a certain trail within approximately 9.81 acres which is located within her property (Deed of Conservation Easement attached hereto as Exhibit A); and

WHEREAS, the trail possesses recreational values of great importance to the people of the Town of Crested Butte, and, specifically, will enhance recreational opportunities for the people visiting or residing in the Town; and

WHEREAS, the Town of Crested Butte has accepted a number of other conservation easements deemed in the public good, and has the staff and knowledge necessary to conduct the activities necessary to hold such easements; and

WHEREAS, Section 4.9 of Chapter 1 of the 1987 Crested Butte Municipal Code (the "Town Charter") allows the Town to place limitations upon the use of private property by adoption of an ordinance; and

WHEREAS, the Town Council finds that it would be in the best interest of the health, safety and welfare of the Town's residents and visitors to accept the assignment from the Crested Butte Land Trust of the Conservation Easement and to assume the Conservation Values contained in the Conservation Easement (Assignment and Assumption attached hereto as Exhibit B).

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

Section 1. Acceptance of Assignment of Conservation Easement and Assumption of Conservation Values. The Town Council hereby accepts the assignment of Conservation Easement attached hereto from the Crested Butte Land

Trust, and agrees to all of the terms and conditions of the Conservation Easement granted to the Crested Butte Land Trust. Further, the Town agrees to assume the Conservation Values identified therein.

Section 2. Authorization for Execution. The Town Council hereby authorizes the Mayor, Town Clerk, and other appropriate Town officials to execute any and all documents necessary and convenient for the purpose of accepting the attached Assignment and Assumption of Conservation Easement.

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 1987 Crested Butte Municipal Code 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, AND FIRST READ BEFORE THE TOWN COUNCIL THIS 6 DAY OF February, 2006.

ADOPTED BY THE TOWN COUNCIL UPON SECOND READING AND PUBLIC HEARING THIS 21 DAY OF February, 2006.

TOWN OF CRESTED BUTTE, COLORADO

By: _____
Alan Bernholtz, Mayor

ATTEST:

Eileen Hughes, Town Clerk