

ORDINANCE NO. 15

SERIES 2018

**AN ORDINANCE OF THE CRESTED BUTTE TOWN
COUNCIL AUTHORIZING THE RELEASE OF LAND USE
CONDITIONS AND RESTRICTIVE COVENANTS**

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 the Constitution and the laws of the State of Colorado;

WHEREAS, the Town Council is authorized pursuant to § 14.4 of the Town Charter to sell and convey Town-owned property;

WHEREAS, the Town owns an interest in certain covenants and land use conditions under that Restrictive Covenant Agreement recorded December 12, 2016 at Reception No. 643784 (“**Restrictive Covenants**”);

WHEREAS, the Town required these Restrictive Covenants encumber real property and improvements located at 520 Third Street, Crested Butte, Colorado 81224 (“**Property**”) owned by the MURRAY E. AND JANE M. BANKS JOINT TRUST (“**Owner**”), whose address is P.O. Box 342, Crested Butte, CO 81224-0342;

WHEREAS, Owner applied to the Town on November 17, 2017 (“**Application**”) to move an existing historic shed onto a new foundation and construct an addition to the historic single family residence to the accessory building for the Property pursuant to Section(s) 16-4-560 to 16-4-570, *et seq.* of the Crested Butte Municipal Code (the “**Code**”);

WHEREAS, on March 27, 2018, the Board of Zoning and Architectural Review (the “**Board**”) conducted a public hearing on Owner’s Application;

WHEREAS, at such public hearing, the Board approved Owner’s Application pursuant to Section 16-9-70 of the Code (collectively, the “**Approvals**”), and the Board placed certain conditions on the Approvals as further described herein; and

WHEREAS, Owner has agreed to satisfy such conditions and to place the following covenants against the Property, which will replace the Restrictive Covenants; and

WHEREAS, the Town Council 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 Restrictive Covenants should be released, as set forth hereinbelow.

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

Section 1. Authorization to Release Town-owned Restrictive Covenant. The Town Council, pursuant to the Crested Butte Town Charter and the laws of the State of

Colorado, hereby authorizes the Town to release the following described property from the Restrictive Covenants recorded at Reception No. 643784, to wit:

Block 34
South 10 feet of Lot 20, and all of Lot 21
Town of Crested Butte
State of Colorado

commonly known as 520 Third Street, Crested Butte, Colorado 81224 (the "Property").

The Town Council further authorizes and directs the Town Manager and Town Clerk to appropriately execute any additional documents necessary and appropriate to consummate the release of the Restrictive Covenants and the replacement of such Restrictive Covenants with land use conditions and covenants that apply to the current proposed and approved uses on the Property, following approval thereof by the Town Attorney.

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 conflicts with this ordinance is hereby repealed as of the enforcement date hereof.

INTRODUCED, READ AND SET FOR PUBLIC HEARING THIS 21st DAY OF May, 2018.

ADOPTED BY THE TOWN COUNCIL UPON SECOND READING IN PUBLIC HEARING THIS 4th DAY OF June, 2018.

TOWN OF CRESTED BUTTE, COLORADO

By: [Signature]
James A. Schmidt, Mayor

ATTEST:
[Signature]
Lynelle Stanford, Town Clerk

