

**ORDINANCE NO. 2**

**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 Land Use Conditions and Restrictive Covenants as part of Agreements recorded June 21, 2012 at Reception No. 613673, July 12, 2012 at Reception No. 614085, and October 16, 2015 at Reception No. 636065 (“Restrictive Covenants”);

**WHEREAS**, the Town required these Restrictive Covenants encumber real property and improvements located at 405 Fourth Street, Crested Butte, Colorado 81224, and some of the uses of that property have changed since the Restrictive Covenants were recorded;

**WHEREAS**, the Restrictive Covenants will be replaced with different land use conditions and covenants that apply to the current uses on the property; 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 discontinued and 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. 613673, at Reception No. 614085, and at Reception No. 636065, to wit:

Block 27,  
Lots 1-4,  
Town of Crested Butte,  
State of Colorado.

commonly known as 405 Fourth 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 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 5<sup>th</sup> DAY OF February, 2018.

ADOPTED BY THE TOWN COUNCIL UPON SECOND READING IN PUBLIC HEARING THIS 21<sup>st</sup> DAY OF February, 2018.

TOWN OF CRESTED BUTTE, COLORADO

By:   
James A. Schmidt, Mayor

ATTEST:

  
Lynelle Stanford, Town Clerk

