ORDINANCE NO. 4

SERIES 2015

AN ORDINANCE OF THE CRESTED BUTTE TOWN COUNCIL EXTENDING THE VESTED PROPERTY RIGHTS FOR THE PLANNED UNIT DEVELOPMENT FOR SIXTH STREET STATION, LLC FOR LOTS 1-5 AND 28-32, BLOCK 1 AND LOTS 1-5 AND 28-32, BLOCK 12, TOWN OF CRESTED BUTTE

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 Colorado Constitution and laws of the State of Colorado;

WHEREAS, pursuant to Article XX of the Colorado Constitution, as implemented through the Town of Crested Butte Charter, Title 31, Article 23, and Title 20, Article 29, C.R.S., the Local Government Land Use Control Enabling Act of 1974, the Town has the authority to enact and enforce land use regulations;

WHEREAS, pursuant to Chapter 16, Article 20 of the Crested Butte Municipal Code (the "**Code**"), vested property rights granted by the Town shall have a three-year term;

WHEREAS, Sixth Street Station, LLC ("**Applicant**") was granted a vested property right for a Planned United Development (PUD) by the Town's Board of Zoning and Architectural Review (the "**Board**") for Lots 1-5 and 28-32, Block 1 and Lots 1-5 and 28-32, Block 12, Town of Crested Butte (the "**Subject Property**");

WHEREAS, such vested property right expired effective May 15, 2015;

WHEREAS, Applicant has requested that the Town extend the term of such vested property right an additional three years from its expiration date;

WHEREAS, the Board, at its June 30, 2015 meeting, considered Applicant's request to extend such vested property right and recommended for Town Council approval the extension of the vested property right for an additional three years from its expiration date;

WHEREAS, pursuant to Title 24, Article 68, C.R.S., extensions to vested property rights must be formally approved by ordinance of the Town Council;

WHEREAS, the Board, as the Town board with authority under the Code to grant the vested property for the PUD has recommended to the Town Council that it formally approve the extension of Applicant's vested property for the PUD for the Subject Property for an additional three years from its expiration date; and

WHEREAS, based on the foregoing, the Town Council desires to approve the extension

of Applicant's vested property for the PUD for the Subject Property for an additional three years from its expiration date, the same being in the best interest of the general health, safety and welfare of the Town and the residents and visitors of Crested Butte.

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

Section 1. **Approval of Extension of Vested Property Right**. Pursuant to Article XX of the Colorado Constitution, as implemented through the Town of Crested Butte Charter, Title 31, Article 23 and Title 20, Article 29, C.R.S., the *Local Government Land Use Control Enabling Act of 1974*; Title 24, Article 68, C.R.S.; and Chapter 16, Article 20 of the Code, the vested property right of Applicant for the PUD for the Subject Property granted by the Board as further described in that certain Vested Rights Agreement (the "**Agreement**") dated January 7, 2013 and recorded in the official real property records of the Clerk and Recorder of Gunnison County, Colorado on January 17, 2013 at Reception No. 618020 is hereby extended three years and shall theretofore expire on May 15, 2018; provided that, the Agreement shall be equally extended and any and all conditions previously placed on the PUD by the Board shall remain in full force and effect as if fully set forth in this approval of extension of such vested property right as a condition thereto.

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 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.

INTRODUCED, READ AND SET FOR PUBLIC HEARING THIS 6th DAY OF July, 2015.

ADOPTED BY THE TOWN COUNCIL UPON SECOND READING IN PUBLIC HEARING THIS 20th DAY OF July, 2015.

TOWN OF CRESTED BUTTE, COLORADO

By: _____
Aaron J. Huckstep, Mayor

ATTEST:

_____
Lynelle Stanford, Town Clerk

[SEAL]

TOWN OF CRESTED BUTTE CORPORATE SEAL JULY 2, 1880 GUNNISON COUNTY, CO