

ORDINANCE NO. 27

SERIES 2013

**AN ORDINANCE AUTHORIZING THE PURCHASE BY THE TOWN OF CRESTED BUTTE FROM THE TRUST FOR PUBLIC LAND OF THOSE CERTAIN LANDS INCLUDED IN "PHASE III" OF THE KOICHEVAR PROPERTIES PURCHASE LEGALLY DESCRIBED AS TOWNSHIP 13 SOUTH, RANGE 86 WEST, 6TH P.M., SECTION 28: E1/2NE1/4; EXCEPT THAT PORTION OF THE 70.2 ACRE TRACT RECORDED AT RECEPTION NO. 599303 AND 599304, LYING WITHIN E1/2NE1/4, COUNTY OF GUNNISON, STATE OF COLORADO**

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 virtue of the Constitution and the laws of the State of Colorado;

WHEREAS, pursuant to Ordinance No. 11, Series 2010, the Town Council entered into that certain Purchase, Sale and Option to Purchase Agreement (the "**Agreement**") with The Trust for Public Land (TPL) dated June 21, 2010, for, in pertinent part, the option to acquire 41.7 acres, more or less, of real property legally described in the Agreement under "Phase III" therein, and as set forth in the title of this ordinance hereof (the "**Phase III Property**");

WHEREAS, the Town Council now desires to consummate the purchase and acquire the Phase III from TPL as contemplated in the Agreement; and

WHEREAS, the Town Council hereby finds that it is necessary, suitable and proper for the preservation and conservation of open space and vistas of recreational, aesthetic and other public interests, and therefore in the best interest of the Town and the health, safety and welfare of the residents and visitors of Crested Butte, that the Phase III Property be purchased 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 Purchase the Phase III Property.** The Town Council, pursuant to the Crested Butte Municipal Code and the laws of the State of Colorado, hereby authorizes the Town, for the sum of \$749,000.00 (the "**Phase III Purchase Price**") plus customary closing costs and fees, to purchase and acquire the real property (Phase III) legally described as Township 13 South, Range 86 West, 6th P.M., Section 28: E1/2NE1/4; except that portion of the 70.2 acre tract recorded at Reception No. 599303 and 599304 lying within the E1/2NE1/4, County of Gunnison, State of Colorado, and authorizes and directs the Mayor and

the Town Manager to appropriately execute any and all documents necessary and appropriate to consummate said purchase following approval by the Town Attorney.

**Section 2. Appropriation of Funds for the Purchase of the Phase II Property.**

The Town Council hereby appropriates the sum of \$749,000.00 plus customary closing costs and fees for the purchase of the above-described real property out of Town's Land Transfer Excise Tax Fund, and authorizes the expenditure of said sum for such purpose.

**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 shall stand notwithstanding the invalidity of any section, sentence, clause, phrase, word or other provision.

**Section 4. 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 is in conflict with this ordinance is hereby repealed as of the enforcement date hereof.

INTRODUCED, READ AND SET FOR PUBLIC HEARING THIS 18<sup>th</sup> DAY OF November, 2013.

ADOPTED BY THE TOWN COUNCIL UPON SECOND READING IN PUBLIC HEARING THIS 2<sup>nd</sup> DAY OF December, 2013.

TOWN OF CRESTED BUTTE

By: *Aaron J. Huckstep*  
Aaron J. Huckstep, Mayor

ATTEST:

*Shelley Jansen*  
Shelley Jansen, Town Clerk

