

**ORDINANCE NO. 8
SERIES 1991**

AN ORDINANCE REAFFIRMING ORDINANCE NO. 7, SERIES 1980, ANNEXING TO THE TOWN OF CRESTED BUTTE APPROXIMATELY 6.2 ACRES OF LAND LOCATED IMMEDIATELY WEST OF BLOCKS 7 AND 18 OF THE TOWN, REZONING A PORTION OF SUCH LAND FROM "T" TOURIST TO "R1B" RESIDENTIAL AND APPROVING A PLAN FOR DEVELOPMENT OF ROADS AND OTHER PUBLIC AND PRIVATE IMPROVEMENTS SERVICING SUCH LAND.

WHEREAS, by Ordinance No. 7, Series 1980, the Town Council of the Town of Crested Butte annexed approximately 6.2 acres of land located immediately West of Blocks 7 and 18 of the Town (herein "6.2 Acre Parcel"), having the following legal description:

Township 14 South, Range 86 West, 6th P.M.

Section 3: The SURFACE RIGHTS ONLY of a tract of land in the NE-1/4NW-1/4 of said section, more particularly described as follows:

Beginning at a point on the West line of the Town of Crested Butte 468 feet South of the Northwest corner, of said Town, thence running 466-1/2 feet West to a point; thence South 585-1/2 feet to a point; thence East 466-1/2 feet to a point on the West boundary line of the Town of Crested Butte; thence North 585-1/2 feet along the said line to the point of beginning.

**County of Gunnison,
State of Colorado.**

WHEREAS, the "Municipal Annexation Act of 1965" of the State of Colorado provides in C.R.S. Section 31-12-116(2)(a)(I) that actions to review a municipal annexation shall be brought within sixty days of the effective date of the annexation ordinance, and

WHEREAS, the Town Council wishes to reaffirm the annexation accomplished by Ordinance No. 7, Series 1980, and

WHEREAS, Phillip Coombs (herein "Coombs") owns the 6.2 Acre Parcel and wishes to develop a lodge and 8 residential housing sites on the 6.2 Acre Parcel in accordance with the Plat of Treasury Hill and Declarations of Protective Covenants for Treasury Hill, Lots 1-8, which Plat and Declarations are incorporated herein by reference, and

WHEREAS, Coombs requests the Town Council to rezone the property described on attached Exhibit A (herein "Treasury Hill, Lots 1-8") from "T" to "R1B" Residential and to provide certain municipal services in connection with the development of such land in accordance with the Agreement between Coombs and the Town, which Agreement is attached hereto as "Exhibit B" and incorporated herein by this reference, and

WHEREAS, in consideration for the terms and conditions of the Agreement for development of the 6.2 Acre Parcel, the Town Council wishes to waive performance of any requirements of annexation contained in Ordinance No. 7, Series 1980, which have not already been met.

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

Section 1. Reaffirmation of Annexation; Waiver of Prior Conditions. The Town Council of the Town of Crested Butte hereby reaffirms the annexation accomplished by Ordinance No. 7, Series 1980, annexing the 6.2 Acre Parcel to the Town. In consideration for performance of the terms and conditions of the attached Agreement for development of the 6.2 Acre Parcel, the Town Council hereby waives performance of any requirements of annexation contained in Ordinance No. 7, Series 1980, which have not already been met.

Section 2. Rezoning from "T" Tourist to "R1B" Residential; Conditions on Rezoning. The Zoning District Map of the Town of Crested Butte is hereby amended by rezoning the following real property from "T" Tourist to "R1B" Residential:

A parcel of land situated in the NE-1/4NW-1/4 of Section 3, Township 14 South, Range 86 West of the 6th Principal Meridian, Gunnison County, Colorado; being more particularly described as follows:

Commencing at the N-1/4 corner of said Section 3; thence S00 00'00"E, being the basis of Bearing, along the east line of the NW-1/4 of said Section 3 a distance of 468.00 feet; thence N90 00'00"W a distance of 181.50 feet to the Point of Beginning;

thence N90 00'00"W a distance of 285.00 feet;
thence S00 00'00"W a distance of 320.00 feet;
thence S90 00'00"E a distance of 385.00 feet;
thence N00 00'00"E a distance of 298.00 feet;
thence N90 00'00"W a distance of 100.00 feet;
thence N00 00'00"E a distance of 22.00 feet to the Point of Beginning.

Said parcel contains 2.778 acres more or less.

This amendment shall be reflected on the official Zoning District Map of the Town.

Section 3. Authorization to Execute Agreement. The Town Council Authorizes the Mayor and Town Clerk to execute the attached Agreement for development of the 6.2 Acre Parcel.

Section 4. Savings Clause. Except as hereby amended, the Crested Butte Municipal Code shall remain 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.

Section 5. 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 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 First DAY OF July, 1991.

ADOPTED BY THE TOWN COUNCIL UPON SECOND READING AND PUBLIC HEARING THIS _____ DAY OF _____, 1991.

TOWN OF CRESTED BUTTE, COLORADO

(seal)

By _____
Wesley A. Light, Mayor

ATTEST:

Kerry Folger, Town Clerk