

**Town of Basalt, Colorado  
Ordinance No. 16  
Series of 2015**

**ORDINANCE OF THE TOWN COUNCIL OF BASALT, COLORADO, VACATING AN  
ALLEY IN BLOCK NO. 7, WILLITS TOWN CENTER PUD**

RECITALS

A. Willits Town Center LLC, ("Applicant"), applied to the Town of Basalt, Colorado ("Town"), for approval for vacation of an alley in Block 7, of the Willits Town Center PUD ("Property") as further described on the Final Plat of the Willits Town Center PUD recorded in Reception No. 763043 with the Eagle County Clerks and Records Office.

B. The Technical Review Committee ("TRC") considered the application and recommended approval of the request. Further amendments necessary for the development of Block 7 may be considered by the TRC in accordance with Section 1.11 of the Willits Town Center PUD Control Document.

C. At a public meeting held August 25, 2015, the Town Council considered this Ordinance on first reading and scheduled a public hearing and second reading for this Ordinance for September 8, 2015, for a meeting beginning no earlier than 6:00 pm at the Basalt Town Hall, 101 Midland Avenue, Basalt, Colorado.

D. At a public hearing and second reading on September 8, 2015 the Town Council heard evidence and testimony as offered by the Town Staff and members of the public.

E. The Town Council finds and determines it is in the best interests of the Town to approve this Ordinance. The Town Council finds and determines this Ordinance is reasonable and consistent with the Town Code. Further, the Town Council finds and determines this Ordinance is reasonably necessary to promote the legitimate public purposes of the public health, safety and welfare.

**NOW, THEREFORE, BE IT ORDAINED** by the Town Council of Basalt, Colorado, that based on the application, reports, evidence, testimony, exhibits and comments from the public, Applicant and Town staff, it hereby makes the following findings of fact and grants the following approvals for the Willits Town Center Planned Unit Development.

A. FINDINGS OF FACT.

1. The Application is appropriate for review through a "one step" review process in accordance with Section 1.11 of the Willits Town Center PUD Control Document.

2. The amendments are in general conformity with the intent and purposes of the Development Plan for Willits Town Center ("WTC"), as amended.

3. Section 3.13 of the Willits Town Center PUD Control Document contains criteria for vacation of alleys. This Approval is granted based on the provisions contained therein that allow the Developer to apply to the Town pursuant to the one-step review procedures to vacate Alleys which do not meet said criteria.

4. The amendments reasonably conform with the intent and purposes of the Basalt Master Plan.

5. Any variations from Town Code or amendments to the Development Plan are designed to accomplish the purposes of planned unit developments as described in the Town Code.

6. The amendments to the Development Plan will compliment and be integrated into the existing development in the area and particularly within the WTC.

7. The amendments to the Development Plan will not have an adverse environmental impact, excessively increase traffic hazards or congestion, overload utilities or otherwise be detrimental to the general welfare of the community and to the WTC and will not affect in a substantially adverse manner either the enjoyment of land abutting on or across the street from the WTC or the public interest.

8. It is in the best interests of the citizens of the Town of Basalt that this application be approved.

B. CONDITIONS OF APPROVAL.

1. Ordinance No. 14, Series of 2001 approved the final plat for Willits Town Center which was recorded July 25, 2001, as Reception No. 763042 of the Eagle County Records. Said Ordinance No. 14, Series of 2001 also approved, at Section B.6.k., the Final Plat of Willits Town Center, Filing No. 7 (Block 7). The Applicant has submitted a new Final Plat of Willits Town Center, Filing No. 7 which modifies said plat and vacates the location of the alley on such Block 7. The Town Council hereby approves the Final Plat Willits Town Center, Filing No. 7 (Block 7), subject to review and approval by the Town Attorney and compliance with the findings and conditions contained herein and authorizes the Mayor and Town Clerk to affirm the approval of the Town Council by signing the new Final Plat.

2. Approval of the Alley vacation is subject to the following conditions:
  - a. The Applicant shall not file another plat within Willits Town Center until the Applicant has obtained a building permit and started construction of the building on the southern portion of Block 7.
  - b. Alternatively, in the event that the Applicant wishes to file a plat to construct a new building in Willits Town Center before obtaining a building permit and starting construction of a building on the southern portion of Block 7, the Applicant shall provide financial security in a method deemed acceptable to the Town and in an amount deemed appropriate by the Town (based on a civil engineer's cost estimate plus 10%) to restore the southern half of Block 7. The financial security shall remain active until the site is either restored or a Certificate of Occupancy is issued on the building to be constructed on the southern half of the Block 7.

This financial security shall be posted by the Applicant and an associated Development Agreement entered into between the Applicant and the Town prior to the issuance of a construction permit for a building on a property other than the southern portion of Block 7. Restoration of the southern half of Block 7 in this scenario includes filling the hole to bring grade up at all locations on the Property to the adjacent sidewalk grade and revegetating the southern half of the Property (not covered by the building to be constructed on the northern half of the Property) with native grass seed and temporary irrigation approved by the Town.

The Applicant shall restore the southern half of Block 7 if they do not obtain a building permit and commence construction on the building to be built on the southern half of Block 7 within two (2) years after the issuance for the first CO on the Block 7 north building. The Town may access the financial security and restore the southern portion of Block 7 any time after two (2) years have elapsed from the issuance of the first CO on the Block 7 north building if the Applicant has not commenced construction on the southern half of Block 7 or has started construction and the site has been deemed to be abandoned at the sole discretion of the Town. The Town Council may extend by motion the deadlines set forth in this subsection.

3. Condition No. 2 is written based on the Applicants' representation that the underground parking garage would not be constructed on the southern portion of Block 7 until such time as they are ready to construct the entire building on the southern portion of

Block 7. In the event that this representation changes, the Applicant would be required to come back and amend this approval.

4. The Applicant shall execute and record a revised plat showing the alley vacation prior to the issuance of a full building permit on Block 7.

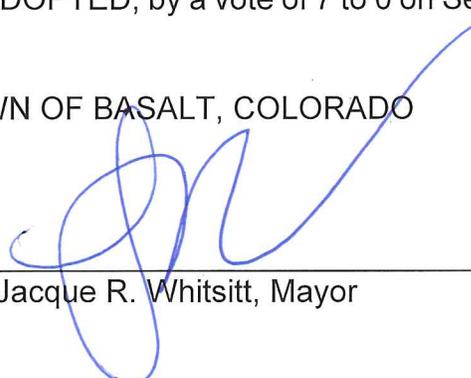
5. This Ordinance, after fully executed, shall be recorded in the office of the Clerk and Recorder of Eagle County, Colorado.

6. If any part, section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance and the Town Council hereby declares it would have passed this Ordinance and each part, section, subsection, sentence, clause or phrase thereof regardless of the fact that any one or more parts, sections, subsections, sentences, clauses or phrases be declared invalid.

READ ON FIRST READING, ORDERED PUBLISHED AND SET FOR PUBLIC HEARING TO BE HELD ON September 8, 2015, by a vote of 5 to 0 on August 25, 2015.

READ ON SECOND READING AND ADOPTED, by a vote of 7 to 0 on September 8, 2015.

TOWN OF BASALT, COLORADO

By: 

Jacquie R. Whitsitt, Mayor

ATTEST:

  
Pamela Schilling, Town Clerk

First Publication: Thursday, September 3, 2015  
Final Publication: Thursday, September 17, 2015  
Effective date: Thursday, October 1, 2015

