

**TOWN OF BASALT
Ordinance No.
Series of 2016**

**ORDINANCE OF THE TOWN COUNCIL OF BASALT, COLORADO, AUTHORIZING
THE CONVEYANCE OF REAL PROPERTY, BEING A PORTION OF THE TOWN'S
PROPERTY LOCATED AT 30 SHINING MOUNTAIN WAY, SNOWMASS, CO 81654**

RECITALS

A. By Ordinance No. 28, Series of 2014, the Town Council approved a contract whereby the Town would acquire property owned by Rocky Mountain Institute ("RMI"), in order to fulfill RMI's affordable housing mitigation requirements in connection with the development of its new Innovation Center in Basalt.

B. By deed dated February 4, 2015, the Town acquired the Property, the address of which is 30 Shining Mountain Way, Snowmass, CO 81654 ("the Property").

C. A survey of the Property identifies encroachments into the Property as a result of a fence constructed by RMI on the Property over twenty (20) years ago, near, but not on, the Property line.

D. The effect of the fence location has been the continuous use and occupancy of small portions of the Property by two of its neighbors, Judith A. Byrns and Dani Mulhern-Brodsky. They have legitimate claims of adverse possession of 0.095 +/- ac. And 0.046 +/- ac. of the 6.852 +/- ac. Property, which represent clouds on the Town's title.

E. By Administrative Decision No. 69-2015, Pitkin County approved a subdivision exemption for a lot line adjustment, which authorizes the adjustment of the Property's boundaries consistent with the fence line.

F. The conveyance of these portions of the Property is in the best interests of the Town because it removes clouds on title and avoids potential litigation, and because the conveyances do not impair the Town's ownership and use of the Property.

**NOW THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF
BASALT, COLORADO, AS FOLLOWS:**

Section 1. The Town Council hereby authorizes the Mayor to execute the quitclaim deeds, attached hereto as Exhibits A and B.

Section 2. This Ordinance and Exhibits A and B after being fully executed shall be recorded in the offices of the Eagle County and Pitkin County Clerk and Recorder.

Section 3. The effective date of this ordinance shall be two weeks after its final publication.

READ OF FIRST READING, ORDERED PUBLISHED AND SET FOR PUBLIC HEARING TO BE HELD ON Aug 9, 2016, by a vote of 5 to 0 on July 26, 2016.

READ ON SECOND READING AND ADOPTED, by a vote of 6 to 0 on August 9, 2016.

TOWN OF BASALT, COLORADO

By: 
Jacque Whitsitt, Mayor

ATTEST:

By: 
Pamela K. Schilling, Town Clerk



First Publication: 8/4/2016
Final Publication: 8/18/2016
Effective date: 9/1/2016

QUITCLAIM DEED

THIS DEED is dated August 9 2016 is made between Town of Basalt, Colorado, the "Grantor", of the County of Eagle and State of Colorado, and Judith A. Byrns, the "Grantee," whose legal address is 25 Shining Mountain Way, CO 81654 of the County of Pitkin and State of Colorado.

WITNESS, that the Grantor, for and in consideration of the sum of TEN DOLLARS, (\$ 10.00), the receipt and sufficiency of which is hereby acknowledged, does hereby remise, release, sell and QUITCLAIM unto the Grantee, and the Grantee's heirs and assigns, forever, all the right, title, interest, claim and demand which the Grantor has in and to the real property, together with any improvements thereon, located in the County of Pitkin and State of Colorado, described as follows:

SEE EXHIBIT A ATTACHED HERETO

also known by street address as: N/A
and assessor's schedule or parcel number: N/A

TO HAVE AND TO HOLD the same, together with all and singular the appurtenances and privileges thereunto belonging, or in anywise thereunto appertaining, and all the estate, right, title, interest and claim whatsoever of the Grantor, either in law or equity, to the only proper use, benefit and behoof of the Grantee, and the Grantee's heirs and assigns, forever.

IN WITNESS WHEREOF, the Grantor has executed this deed on the date set forth above.

Town of Basalt, Colorado

By: [Signature]
Jacque Whitsitt
Mayor

STATE OF COLORADO)
) ss.
_____ County of Eagle)

The foregoing instrument was acknowledged before me this 22nd day of August, 2016, by Jacque Whitsitt.

Witness my hand and official seal.
My commission expires: 8/13/2017

[Signature]
Notary Public

Hjch Country Engineering, 1517 Blake Ave. Ste. 101, Glenwood Springs, CO 81601
Name and Address of Person Creating Newly Created Legal Description (§ 38-35-106.5, C.R.S.)





TRANSFER PARCEL A TOWN OF BASALT TO BYRNS

A PARCEL OF LAND SITUATED IN TRACTS 81 AND 82, SECTION 34, TOWNSHIP 8 SOUTH, RANGE 86 WEST OF THE 6TH PRINCIPAL MERIDIAN; SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT ANGLE POINT NO. 6 OF SAID TRACT 81, A GLO BRASS CAP IN PLACE; THENCE N03°29'53"E A DISTANCE OF 607.67 FEET TO THE NORTHWEST CORNER OF THAT PROPERTY DESCRIBED IN BOOK 456 AT PAGE 611 IN THE PITKIN COUNTY CLERK AND RECORDER'S OFFICE, THE POINT OF BEGINNING; THENCE S39°25'01"E ALONG THE WESTERLY BOUNDARY OF SAID PROPERTY A DISTANCE OF 312.68 FEET TO A POINT IN AN EXISTING FENCE LINE EXTENDED; THENCE LEAVING SAID WESTERLY BOUNDARY N46°00'53"W ALONG SAID EXTENDED FENCE LINE AND EXISTING FENCE A DISTANCE OF 17.76 FEET; THENCE CONTINUING ALONG SAID EXISTING FENCE LINE N43°36'31"W A DISTANCE OF 134.23 FEET; THENCE CONTINUING ALONG SAID EXISTING FENCE LINE N43°58'42"W A DISTANCE OF 90.03 FEET; THENCE CONTINUING ALONG SAID EXISTING FENCE LINE N42°39'25"W A DISTANCE OF 29.93 FEET; THENCE CONTINUING ALONG SAID EXISTING FENCE LINE N44°28'39"W A DISTANCE OF 61.46 FEET TO AN ANGLE POINT IN SAID FENCE LINE; THENCE LEAVING SAID FENCE LINE N30°58'15"W A DISTANCE OF 1.49 FEET TO THE SOUTHWEST CORNER OF THAT PROPERTY DESCRIBED IN RECEPTION NO. 348183 IN THE AFOREMENTIONED PITKIN COUNTY CLERK AND RECORDER'S OFFICE, THENCE N89°48'53"E ALONG THE SOUTHERLY BOUNDARY OF THE PROPERTY DESCRIBED IN SAID RECEPTION NO. 348183 A DISTANCE OF 33.45 FEET TO THE POINT OF BEGINNING; SAID PARCEL CONTAINING 4,124 SQUARE FEET OR 0.095 ACRES, MORE OR LESS.

QUITCLAIM DEED

THIS DEED is dated August 22, 2016, is made between Town of Basalt, Colorado, the "Grantor", of the County of Eagle and State of Colorado, and Dani Mulhern-Brodsky, the "Grantee," whose legal address is 146 Picket Pin Way, Snowmass, CO 81654 of the County of Pitkin and State of Colorado.

WITNESS, that the Grantor, for and in consideration of the sum of TEN DOLLARS, (\$10.00), the receipt and sufficiency of which is hereby acknowledged, does hereby remise, release, sell and QUITCLAIM unto the Grantee, and the Grantee's heirs and assigns, forever, all the right, title, interest, claim and demand which the Grantor has in and to the real property, together with any improvements thereon, located in the County of Pitkin and State of Colorado, described as follows:

SEE EXHIBIT A ATTACHED HERETO

also known by street address as: N/A
and assessor's schedule or parcel number: N/A

TO HAVE AND TO HOLD the same, together with all and singular the appurtenances and privileges thereunto belonging, or in anywise thereunto appertaining, and all the estate, right, title, interest and claim whatsoever of the Grantor, either in law or equity, to the only proper use, benefit and behoof of the Grantee, and the Grantee's heirs and assigns, forever.

IN WITNESS WHEREOF, the Grantor has executed this deed on the date set forth above.

Town of Basalt, Colorado
By: Jacque Whitlitt
Mayor

STATE OF COLORADO)
County of Eagle) ss.

The foregoing instrument was acknowledged before me this 22nd day of August, 2016, by Jacque Whitlitt.

Witness my hand and official seal.
My commission expires 08-12-2017
PAMELA K SCHILLING
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID # 19974010257
MY COMMISSION EXPIRES 08-12-2017

Pamela K Schilling
Notary Public

High Country Engineering, 1517 Blake Ave. Ste. 101, Glenwood Springs, CO 81601
Name and Address of Person Creating Newly Created Legal Description (§ 38-35-106.5, C.R.S.)

Document Type: QUIT CLAIM DEED

Document Status: Recorded and Verified Document

Reception Number: 631705

Recorded Date: 08/25/2016 09:45:00 AM

Number of Doc₂
Pages:

Consideration Amt.:

Name Information

Seller/Owner:

BASALT TOWN OF

Buyer:

MULHERN-BRODSKY DANI

Legal Description

| Lot 81 | Sct 34 | Twn 8 | Rng 86

| Lot 82 | Sct 34 | Twn 8 | Rng 86

Remarks / Notes

Remarks:

Related Documents

No associated documents.