

**Town of Basalt, Colorado
Ordinance No. 26
Series of 2013**

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BASALT, COLORADO, GRANTING A MINOR SUBDIVISION TO AMEND THE COMMON LOT LINE BETWEEN THE PROPERTIES LOCATED AT 366 PARK AVENUE AND 402 PARK AVENUE, LOTS 23 AND 24, FILING NO. 2, BASALT INDUSTRIAL PARK SUBDIVISION, BASALT, COLORADO

RECITALS

A. The Town of Basalt ("Town"), acting by and through its Town Council ("Town Council"), has the power to grant approval of a Minor Subdivision to amend the common lot lines between the properties located at 366 Park Avenue and 402 Park Avenue, described as Lots 23 and 24, Filing No. 2, of the Basalt Industrial Park. Stutsman Tri-Alliance Ltd. ("Applicant") submitted an application for Minor Subdivision in October of 2013. Said application is for property more particularly described in **Exhibit "A"** attached hereto.

B. At a public hearing on November 12, 2013, the Town Council approved this Ordinance on first reading, continued and scheduled a public hearing and second reading for this Ordinance for December 10, 2013, for a meeting beginning no earlier than 6:00 pm at the Basalt Town Hall, 101 Midland Avenue, Basalt, Colorado. The Town's Technical Review Committee (TRC) waived the public noticing requirement pursuant to the provisions established in Town Code Section 17-83(a)(1), *Minor Subdivision*, finding that there were no potential impacts that would result on properties within 300 feet of the subject property.

C. At a continued public hearing and second reading on December 10, 2013, the Town Council heard evidence and testimony as offered by the Town Staff, the Applicants, and members of the public.

D. The Town Council finds and determines it is in the best interests of the Town to approve this Ordinance. 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 THE TOWN OF BASALT, COLORADO AS FOLLOWS:

A. **FINDINGS.** The Town Council hereby incorporates by reference and conclusively makes the following findings:

1. Based on the evidence, testimony, exhibits, and comments from the public, Applicants and Town Staff, the Basalt Town Council finds and determines as follows in accordance with Town Code Article IV, Chapter 17 for the purpose of a Minor Subdivision:

2. The application conforms to the provisions of Chapter 17 of the Town Code provided that the conditions contained in this ordinance are satisfied.

3. The application will not have an adverse impact or otherwise be detrimental to the general welfare of the community.

4. Based on the evidence, testimony, exhibits, and comments from the public, Applicants, Town Staff; the Town Council finds and determines that the proposed application is generally consistent with the 2007 Basalt Master Plan, subject to compliance with the conditions contained herein.

B. **APPROVAL AND CONDITIONS OF APPROVAL.** The Town Council hereby approves the Stutsman Minor Subdivision Application to amend the common lot line between the properties at 366 Park Avenue and 402 Park Avenue to add a storage building to the 366 Park Avenue from 402 Park Avenue, subject to the following conditions:

Representations:

1. The Applicant shall comply with all representations set forth in the Application.
2. The Applicant shall comply with all material representations made in hearings before the Town Council.

Lot Configuration and Approval Documents:

3. The Town Planner and Town Attorney will review the final Minor Subdivision Plat before it is executed and recorded in the Office of the Eagle County Clerk and Recorder. The amended lots lines on the final Minor Subdivision Plat shall be generally consistent with the lot lines as shown on the draft plat prepared by Sopris Engineering with a revision date of October 8, 2013 that is included in the Minor Subdivision Application.

The plat shall be recorded within 180 days of the effective date of this ordinance or the approvals shall be void. The Town Planner may

extend the time period within which the Minor Subdivision Plat must be recorded by up to 180 days. The Applicant shall provide an updated title policy to the Town prior to recording the final plat in order for the Town to verify that all owners and lienholders have approved of the final plat.

Future Development:

4. Once the Minor Subdivision Plat is executed and recorded, development rights on the properties subject to this approval shall be based on the new lot boundaries established herein.

Amendments:

5. The Town Planner may review and approve of minor amendments to the approval documents necessary to effectuate the intent of the final development approvals. The Applicant shall have the ability to appeal a Town Planner decision on a minor amendment to the Town Council at a public meeting in which (15) days written notice of the public meeting has been provided to the appellants.
- C. The approvals and conditions contained herein shall be binding on and inure to the benefit of the heirs, successors and assigns of the Applicant and the owners of the Property.
- D. This Ordinance, after fully executed, shall be recorded in the office of the Eagle County Clerk and Recorder.
- E. The effective date of this ordinance shall be fourteen days after the final publication of the ordinance.
- F. 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.

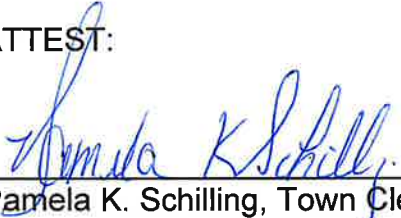
READ ON FIRST READING, ORDERED PUBLISHED AND SET FOR PUBLIC HEARING TO BE HELD ON December 10, 2013 by a vote of 5 to 0 on November 12, 2013.

READ ON SECOND READING AND ADOPTED, by a vote of 5 to 0 on
December 10, 2013.

TOWN OF BASALT, COLORADO

By: 
Jacquie R. Whitsitt, Mayor

ATTEST:


Pamela K. Schilling, Town Clerk

Ord26_366ParkAve
Bill to: 10-24-490



First Publication: Thursday, November 21, 2013
Final Publication: Thursday, December 19, 2013
Effective Date: Thursday, January 2, 2014

Exhibit "A"

Legal Description

Lots 23 and 24, Filing No. 2, Basalt Industrial Park Subdivision as shown on the Plat recorded at Reception No. 378371 in the Eagle County Records.