

**Town of Basalt, Colorado  
Ordinance No. 03  
Series of 2017**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BASALT,  
COLORADO, GRANTING APPROVAL FOR MINOR SUBDIVISION TO  
CONDOMINIUMIZE THE MIDLAND MALL BUILDING AT 132 MIDLAND  
AVENUE, BASALT, COLORADO**

**RECITALS**

A. The Town of Basalt ("Town"), acting by and through its Town Council ("Town Council"), has the power to grant Minor Subdivision approval for Condominiumization for the commercial building located at 132 Midland Avenue, Town of Basalt, which is more particularly described in Exhibit "A" attached hereto (the "Property"), into three (3) commercial condominium units.

B. The Town of Basalt Technical Review Committee considered whether formal public notice is required for this Minor Subdivision Condominiumization request and pursuant to Section 17-83(b)(2), Town Code, has determined that the Town Council may consider the request at a public hearing without the necessity of public notice unless determined otherwise by the Town's Technical Review Committee.

C. At a public meeting held on April 11, 2017, the Town Council considered this Ordinance on first reading and scheduled a public hearing and second reading for this Ordinance for April 25, 2017, 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 April 25, 2017, 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.

F. 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 above findings.

B. CONDITIONS.

1. The 132 Midland Avenue application for Minor Subdivision approval to condominiumize the building into three (3) commercial condominium spaces is hereby approved, subject to the following conditions:

(a) The Applicant shall comply with Applicant's representations set forth in the Application.

(b) The Applicant shall comply with all material representations made by Applicant in the hearings before the Town Council.

(c) The project shall comply with all requirements of the Town Code including compliance with Town of Basalt Building Department requirements and Basalt and Rural Fire Protection District recommendations.

(d) The Town Attorney and Town Planner will review for approval, the condominium map and declaration prior to authorizing signatures and recording the condominium map.

(e) The 90-day notice requirement to existing tenants of proposed Units 4A and 4B as required by Town Code Section 17-65(2)d.1, is waived at the consent of the tenants of Units 4A and 4B as the tenants of Units 4A and 4B are under contract to purchase the units.

(f) Development in the area identified as "future development area" requires necessary Town approvals in accordance with the current Municipal Code.

(g) The Applicant shall grant a five (5) foot wide public drainage easement to the Town of Basalt on the southeast corner of the property where the existing drainage ditch crossed the property. The drainage easement shall be executed and recorded prior to or concurrently with recording the condominium map and within 180 days of the effective date of this ordinance.

(h) The Applicant shall dedicate a public pedestrian easement on the Applicant's property between the south face of the building

and the southern property line to accommodate the existing sidewalk that is frequently used by the public. The public pedestrian easement shall be executed and recorded prior to or concurrently with recording the condominium map and within 180 days of the effective date of this ordinance.

(i) The Applicant shall execute and record the final condominium map and declarations within 180 days of the effective date of this ordinance or the condominium approvals are null and void. The Town Planner may extend the recording deadline.

2. The Mayor and Town Clerk are hereby authorized to execute the Minor Subdivision Condominium Map for the Property on behalf of the Town after approval of such Map by the Town Attorney.

### C. MISCELLANEOUS.

1. 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.

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


3. 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 April 25, 2017, by a vote of 6 to 0 on April 11, 2017.

READ ON SECOND READING AND ADOPTED, by a vote of 6 to 0 on April 25, 2017.

TOWN OF BASALT, COLORADO

By:

  
Jacque R. Whitsitt, Mayor

ATTEST:

  
Pamela K. Schilling, Town Clerk

Ord03\_MidlandMallCondominium

First Publication: Thursday, April 20, 2017  
Final Publication: Friday, April 28, 2017  
Effective Date: Friday, May 12, 2017



**EXHIBIT "A"**  
Real Property Description

A TRACT OF LAND IN THE TOWN OF BASALT, COLORADO, SITUATED IN SECTIONS 7 AND 18, (TRACT 45), TOWNSHIP 8 SOUTH, RANGE 86 WEST, OF THE 6TH P.M., DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT WHENCE ANGLE POINT NO. 3 OF TRACT 47 (BEING ALSO ANGLE POINT NO. 2 OF TRACT 48, SECTION 7, TOWNSHIP 8 SOUTH, RANGE 86 WEST OF THE 6TH P.M.) BEARS EAST A DISTANCE OF 30.00 FEET; THENCE NORTH A DISTANCE OF 92.00 FEET; THENCE EAST A DISTANCE OF 30.23 FEET; THENCE N 00°10'34" E A DISTANCE OF 67.00 FEET; THENCE WEST A DISTANCE OF 85.43 FEET; THENCE NORTH 43.67 FEET TO A POINT IN AN EXISTING WOOD FENCE; THENCE S 80°26'54" W ALONG SAID WOOD FENCE A DISTANCE OF 30.55 FEET; THENCE LEAVING SAID WOOD FENCE S 00°02'10" E A DISTANCE OF 205.80 FEET; THENCE EAST A DISTANCE OF 85.00 FEET; THENCE NORTH A DISTANCE OF 8.00 FEET TO THE POINT OF BEGINNING. COUNTY OF EAGLE, STATE OF COLORADO.