

TOWN OF BASALT, COLORADO  
ORDINANCE NO. 08  
SERIES OF 2017

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BASALT, COLORADO, EXTENDING AND INCREASING THE CORPORATE LIMITS OF THE TOWN OF BASALT, COUNTY OF PITKIN, STATE OF COLORADO FOR THE BASALT MINI-STORAGE EXPANSION PURSUANT TO THE PROVISIONS OF THE COLORADO MUNICIPAL ANNEXATION ACT BY ANNEXING TO THE TOWN, LAND CONTIGUOUS TO AND NOT EMBRACED WITHIN THE PRESENT LIMITS OF THE TOWN OF BASALT KNOWN AS THE BASALT MINI-STORAGE EXPANSION PROPERTY AND PORTIONS OF SOUTHSIDE DRIVE AND FIOU LANE, GRANTING APPROVAL OF INITIAL ZONING FOR THE PROPERTY, AND APPROVING A PRELIMINARY/FINAL SUBDIVISION, AND FINAL SITE PLAN REVIEW TO CONSTRUCT 81,000 SQUARE FEET OF MINI-STORAGE (BASALT MINI-STORAGE EXPANSION APPLICATION)

RECITALS:

A. On or about December 15, 2015, a Petition for Annexation (the "Petition") and an Annexation Map were filed with the Town of Basalt by DavidCo LLC. ("Applicant") as owner of 100% of the land area described in the Petition as the Basalt Mini-Storage Expansion Property and on behalf of the Town as owner of portion of the Southside Drive and Fiou Lane Rights-of-Way to be annexed. The legal description of the Property is attached hereto and incorporated herein by this reference as **Exhibit A** (the "Property").

B. The Town Council approved Resolution No. 02, Series of 2016 on January 16, 2016, granting annexation substantial compliance. The Town Council also approved Resolution No. 13, Series of 2016, on March 22, 2016, granting annexation eligibility. Additionally, the Town Council approved Resolution No. 29, Series of 2016, granting Subdivision Sketch Plan Sketch Site Plan approvals to the Basalt Mini-storage Expansion Project.

C. The Planning and Zoning Commission considered the Final Site Plan and associated requests at a public hearing on April 4, 2017, at which evidence and testimony was offered by the Applicant, Staff and members of the public. The Planning and Zoning Commission recommended that Town Council approve with conditions, the Final Site Plan and associated development review requests.

Please return to:  
TOWN OF BASALT  
101 Midland Avenue  
Basalt, CO 81621

D. At a public hearing held on April 25, 2017, the Town Council approved the ordinance on first reading and set a public hearing and second reading for the ordinance for May 9, 2017.

E. At a continued public hearing and second reading on May 9, 2017, the Town Council heard evidence and testimony as offered by the Town Staff, the Applicant, and members of the public.

F. The Town Council finds and determines it is in the best interests of the Town to approve the application. The Town Council finds and determines the annexation of the Property and approval of this ordinance is reasonably necessary to promote the legitimate public purposes of the public health, safety and welfare.

G. The Town Council finds that the Property is eligible for annexation in accordance with the Municipal Annexation Act and including the following findings:

1. The applicable requirements of §§ 31-12-104 and 31-12-105, C.R.S., have been met and satisfied including the following:
  - a. Not less than one-sixth of the perimeter of the Property is contiguous to the Town of Basalt, Colorado;
  - b. A community of interest exists between the Property and the Town of Basalt, Colorado;
  - c. The Property is urban in character or will be urbanized in the near future;
  - d. The area proposed for annexation is integrated with or capable of being integrated with the Town;
  - e. In establishing the boundaries of the area proposed for annexation, no land held in identical ownership whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate has been divided into separate tracts or parcels.
  - f. No tract or parcel of real estate comprising twenty (20) acres or more with an assessed valuation including buildings and improvements in excess of two hundred thousand dollars (\$200,000.00) for ad valorem taxes for the previous year has been included within the area proposed for annexation without the written consent of the land owner; and

g. The proposed annexation will not have the effect of extending a municipal boundary more than three miles in any direction from any point of the current municipal boundary except with respect to a parcel of property held in identical ownership at least 50% of which is within the three mile limit.

2. The Petition has been signed by the owners of more than 50% of the Property.

3. No additional terms or conditions with regard to the requested annexation are imposed except pursuant to an annexation agreement approved and agreed to by 100% of the owners.

4. An annexation election is not required and the Town is authorized pursuant to § 31-12-111, C.R.S., to annex the area described in the Petition by Ordinance.

5. Pursuant to Sections 31-12-108 & 31-12-109, C.R.S., notice and hearings were conducted.

6. The property subject to the application is located completely within the Town's Urban Growth Boundary established in the 2007 Basalt Master Plan.

7. The Application satisfies the zoning and subdivision review standards in the Town Code.

**NOW, THEREFORE, BE IT ORDAINED** by the Town Council of the Town of Basalt:

1. The Town Council incorporates the recitals and all exhibits as references, findings of fact, determinations, and conclusively makes all of the findings of fact, determinations and conclusions contained herein and a determination pursuant to C.R.S. 29-20-301 that there is adequate water supply.

2. The Property described as in the Petition and described on **Exhibit A** attached hereto is hereby annexed to and made a part of the Town of Basalt, Colorado; the Annexation Map of the Property and including other tracts annexed simultaneously herewith is approved; and the Mayor and Town Clerk are authorized to execute the Annexation Map.

3. The annexation of the Property is expressly conditioned on the execution and recording of the Annexation Agreement between the Town and the Applicant. If the Annexation Agreement is not executed and recorded within 180 days of the effective date of the final approvals (unless extended as provided herein), this Ordinance shall be void and of no further effect and the Property shall not be annexed. The Annexation Agreement is incorporated herein by reference and is hereby approved

with such reasonable changes and modifications as are not inconsistent herewith and as are expressly approved by the Town Planner and the Town Attorney to effectuate the intentions of the parties or to comply with applicable law. The Mayor or Mayor Pro Tem of the Town are hereby authorized and directed to execute, and the Town Clerk or any deputy Town Clerk are authorized to authenticate and affix the seal of the Town to the Annexation Agreement, and the Town Manager is further authorized to execute and authenticate such other documents, instruments or certificates as are deemed necessary or desirable in connection therewith. The execution of any instrument by said officials shall be conclusive evidence of the approval by the Town of such instrument in accordance with the terms of such instrument and this Ordinance. The Town Planner may extend the Annexation Agreement deadline at the request of the Applicant.

4. The Town Clerk of the Town of Basalt, Colorado, on behalf of the Town shall comply with the filing and recording requirements of Section 31-12-113, C.R.S.

5. The Town hereby approves the land use approvals necessary to develop the 81,000 square feet of expansion to the Basalt Mini-Storage. The Project is rezoned as follows and is hereby approved subject to the conditions set forth in **Exhibit B** attached hereto:

- a. IN (Industrial) for the Basalt Mini-Storage Expansion Property
- b. P (Public) for those portions of Southside Drive and Fiou Lane subject to the Annexation

6. An approval packet comprised of the Basalt Mini- Storage Annexation Agreement; this Ordinance; the Basalt Mini-Storage Subdivision Improvements Agreement, a copy of the Annexation Map and the Final Plat; and each of the documents approved by this Ordinance and Exhibits thereto shall be assembled by the Applicant, reviewed for completeness by the Town Planner and when determined complete, shall be noted as such in writing by the Applicant and the Town Planner and labeled "Final Development Approval" for the development, which shall be available for review at the office of the Town and is incorporated herein by this reference as if set forth in full. The Applicant shall comply in all respects with the Final Development Approval.

7. The Official Zoning Map for the Town shall be and is hereby amended to show the zoning designation of the Property as described herein.

8. 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.

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

10. 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 TUESDAY, May 9, 2017, by a vote of 6 to 0 on April 25, 2017.

READ ON SECOND READING AND ADOPTED, by a vote of 7 to 0 on May 23, 2017.

TOWN OF BASALT, COLORADO

By:   
Jacquie R. Whitsitt, Mayor

ATTEST:

By:   
Pamela K. Schilling, Town Clerk



Ord08\_\_-AnnexBasaltMiniStorage.doc

First Publication: Thursday, May 4, 2017  
Final Publication: Thursday, May 18, 2017  
Effective date: Thursday, June 1, 2017

## EXHIBIT A

### PROPERTY DESCRIPTION

(Property to be Zoned IN)

A PARCEL OF LAND SITUATED IN A PORTION OF TRACT 59 IN SECTION 18, TOWNSHIP 8 SOUTH, RANGE 86 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF PITKIN, STATE OF COLORADO; SAID PARCEL OF LAND ALSO BEING A PORTION OF THAT PROPERTY RECORDED IN BOOK 774 AT PAGE 522-525 IN THE PITKIN COUNTY CLERK AND RECORDER'S OFFICE; SAID PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT ANGLE POINT NO. 3 OF SAID TRACT 59 (WITH ALL BEARINGS HEREIN BEING RELATIVE TO A BEARING OF N.00°48'57"E. BETWEEN ANGLE POINT NO. 7 AND ANGLE POINT NO. 8 OF TRACT 59, BOTH FOUND GLO BRASS CAPS IN PLACE); THENCE N.00°05'50"E. ALONG THE WESTERLY BOUNDARY LINE OF SAID TRACT 59 A DISTANCE OF 1174.50 FEET TO THE SOUTHWEST CORNER OF THAT ANNEXATION PARCEL AS SHOWN ON THE ANNEXATION PLAT OF BASALT BUSINESS CENTER WEST, FILING II ANNEXATION, RECORDED DECEMBER 29, 1997 AS RECEPTION NO. 411948 OF THE PITKIN COUNTY RECORDS, THE TRUE POINT OF BEGINNING; THENCE S.89°03'19"E. ALONG THE SOUTHERLY BOUNDARY LINE OF SAID ANNEXATION PARCEL OF BASALT BUSINESS CENTER WEST A DISTANCE OF 135.01 FEET; THENCE LEAVING SAID SOUTHERLY BOUNDARY LINE S.23°02'06"W. A DISTANCE OF 346.39 FEET TO SAID WESTERLY BOUNDARY LINE OF SAID TRACT 59; THENCE N.00°05'50"E. ALONG SAID WESTERLY BOUNDARY LINE OF SAID TRACT 59 A DISTANCE OF 321.00 FEET TO THE POINT OF BEGINNING.

SAID PARCEL OF LAND CONTAINING 21,668 SQUARE FEET OR 0.497 ACRES, MORE OR LESS.

AND

A PARCEL OF LAND SITUATED IN A PORTION OF TRACT 59 IN SECTION 18, TOWNSHIP 8 SOUTH, RANGE 86 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF PITKIN, STATE OF COLORADO; SAID PARCEL OF LAND ALSO BEING A PORTION OF THAT PROPERTY RECORDED IN BOOK 774 AT PAGE 522-525 IN THE PITKIN COUNTY CLERK AND RECORDER'S OFFICE; SAID PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT ANGLE POINT NO. 3 OF SAID TRACT 59 (WITH ALL BEARINGS HEREIN BEING RELATIVE TO A BEARING OF N.00°48'57"E. BETWEEN ANGLE POINT NO. 7 AND ANGLE POINT NO. 8 OF TRACT 59, BOTH FOUND GLO BRASS CAPS IN PLACE); THENCE N.00°05'50"E. ALONG THE WESTERLY BOUNDARY

LINE OF SAID TRACT 59 A DISTANCE OF 853.50 FEET TO THE TRUE POINT OF BEGINNING; THENCE N.23°02'06"E. A DISTANCE OF 346.39 FEET TO A POINT ON THE SOUTHERLY BOUNDARY LINE OF THAT ANNEXATION PARCEL AS SHOWN ON THE ANNEXATION PLAT OF BASALT BUSINESS CENTER WEST, FILING II ANNEXATION, RECORDED DECEMBER 29, 1997 AS RECEPTION NO. 411948 OF THE PITKIN COUNTY RECORDS; THENCE S.00°05'50"W. A DISTANCE OF 682.61 FEET; THENCE N.89°54'10"W. A DISTANCE OF 135.00 FEET TO SAID WESTERLY BOUNDARY LINE OF TRACT 59; THENCE N.00°05'50"E. ALONG SAID WESTERLY BOUNDARY LINE A DISTANCE OF 363.61 FEET TO THE POINT OF BEGINNING.

SAID PARCEL OF LAND CONTAINING 70,620 SQUARE FEET OR 1.621 ACRES.

PUBLIC RIGHT-OF-WAY PROPERTY TO BE ANNEXED:

(Property to be Zoned P Public)

A PARCEL OF LAND SITUATED IN A PORTION OF TRACT 59 IN SECTION 18, TOWNSHIP 8 SOUTH, RANGE 86 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF PITKIN, STATE OF COLORADO; SAID PARCEL OF LAND ALSO BEING A PORTION OF THAT PROPERTY RECORDED IN BOOK 774 AT PAGE 522-525 IN THE PITKIN COUNTY CLERK AND RECORDER'S OFFICE; SAID PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT ANGLE POINT NO. 3 OF SAID TRACT 59 (WITH ALL BEARINGS HEREIN BEING RELATIVE TO A BEARING OF N.00°48'57"E. BETWEEN ANGLE POINT NO. 7 AND ANGLE POINT NO. 8 OF TRACT 59, BOTH FOUND GLO BRASS CAPS IN PLACE); THENCE N.33°35'12"E. A DISTANCE OF 464.43 FEET TO A POINT ON THE SOUTHERLY BOUNDARY OF SAID PROPERTY, SAID POINT ALSO BEING ON THE WESTERLY LINE OF AN 80 FOOT WIDE ROAD RIGHT-OF-WAY AS DESCRIBED IN THAT DOCUMENT RECORDED AS RECEPTION NUMBER 379113 OF THE PITKIN COUNTY RECORDS, THE TRUE POINT OF BEGINNING; THENCE N.00°56'41"E. ALONG SAID WESTERLY LINE A DISTANCE OF 1074.12 FEET; THENCE CONTINUING ALONG SAID WESTERLY LINE N.07°40'59"E. A DISTANCE OF 241.68 FEET TO A POINT ON THE SOUTHERLY BOUNDARY OF THE FINAL PLAT OF BASALT BUSINESS CENTER WEST RECORDED AS RECEPTION NUMBER 345113 OF THE PITKIN COUNTY RECORDS; THENCE LEAVING SAID WESTERLY LINE S.89°02'08"E. ALONG SAID SOUTHERLY BOUNDARY A DISTANCE OF 305.30 FEET; THENCE LEAVING SAID SOUTHERLY BOUNDARY S.15°02'58"E. ALONG THE WESTERLY BOUNDARY OF THE FINAL PLAT OF BASALT BUSINESS CENTER SOUTH RECORDED AS RECEPTION NUMBER 356525 OF THE PITKIN COUNTY RECORDS A DISTANCE OF 52.02 FEET; THENCE LEAVING SAID WESTERLY BOUNDARY N.89°02'07"W. A DISTANCE OF 244.99 FEET TO A POINT ON THE EASTERLY LINE OF SAID 80 FOOT WIDE ROAD

RIGHT-OF-WAY; THENCE S.07°40'59".W ALONG SAID EASTERLY LINE A DISTANCE OF 191.73 FEET TO A POINT ON THE BOUNDARY OF SAID PROPERTY RECORDED IN BOOK 774 AT PAGE 522-525 IN THE PITKIN COUNTY CLERK AND RECORDER'S OFFICE; THENCE N.89°03'19".W ALONG SAID BOUNDARY LINE A DISTANCE OF 40.46 FEET; THENCE CONTINUING ALONG SAID BOUNDARY LINE S.00°56'41".W A DISTANCE OF 1073.43 FEET; THENCE CONTINUING ALONG SAID BOUNDARY LINE N.89°26'49".W A DISTANCE OF 40.04 FEET TO THE POINT OF BEGINNING.

SAID PARCEL OF LAND CONTAINING 74,100 SQUARE FEET OR 1.701 ACRES.



## EXHIBIT B

### Representations:

1. The Applicant shall comply with all material representations made by the Applicant in the Application, including the supporting documents and in meetings before the Planning and Zoning Commission and Basalt Town Council.

### Community Benefits/Annexation:

2. The Development shall comply with Town's Sustainable Building Regulations to the satisfaction of the Town's Building Official.
3. The Development shall satisfy the annexation policy for a minimum 1% RETA to be used for community benefits. Property which sells for \$1 Million or more shall have an additional 1% RETA so that the RETA is a total of 2%.
4. The Applicant shall relocate the fence between the Applicant's Property and The Grange Family Ranch to the true property line and between the Grange family ranch and the Town Shop Property/Fiou Lane Right-of-Way pursuant to Ordinance No. 17, Series of 2015. The first 900 linear feet of fence running from the north shall be constructed within 90 days of the effective date of the ordinance approving the Mini-storage Final Plan. The Applicant shall construct the balance of the fence prior to the earlier of the issuance of the first certificate of occupancy on the mini-storage expansion or one year from the effective date of the ordinance approving the Mini-storage Final Plan. The Town will pay its proportional share as provided in Ordinance No. 17, Series of 2015.
5. The final annexation documents will include provisions to ensure that the undeveloped southside properties currently owned by the Applicant, but not included in this annexation, are developed in a manner that supports Community goals and shall include at a minimum:
  - i. Provisions specifying that the additional properties not be developed without land use approvals through the Town of Basalt and annexation to the Town; and,
  - ii. Provisions specifying that the buildings adjacent to South Side Drive or Fiou Lane will not be mini-storage/self-storage.

6. The Town P&Z will reevaluate the Light Industrial Designation in the scheduled Master Plan update for the other properties owned by the Applicant in southside that are not part of this annexation application.

**Community Character and Community Housing Requirements:**

7. Pursuant to Town Code Section 16-413, the Applicant has submitted an Employee Impact and Housing Analysis indicating that the Mini-Storage will only generate .5 employees as activities such as accounting, snowplowing, and maintenance are outsourced for the existing and proposing mini-storage. The TRC finds that the outsourced activities must be taken into account when determining the employee generation of a development application. As a result, the TRC has determined that it is reasonable to expect the generation of two (2) full-time employees as a result of this Application when the outsourced activities are taken into consideration.

The Applicant shall pay cash-in-lieu for the generation of two (2) full-time employees at a Category 1 level pursuant to the cash-in-lieu provisions in the Community Housing Guidelines at the time of the first building permit. The Applicant may spread the cash-in-lieu payment over the four (4) buildings so that cash-in-lieu is paid for the generation of .5 employees at the time of building permit issuance on each building.

In the event that the Applicant or the Applicant's successor dedicates the 1.3 acre parcel adjacent to the Rio Grande Trail referenced in the Amended and Restated Annexation Agreement for the Midland Addition Subdivision to the Town of Basalt, then the Applicant or Applicant's successor shall receive credit for the affordable housing fees paid and said credit shall be applied to other Town fees associated with this application or application for the balance of the Davidco LLC property.

**Site Plan, Design, and Development Program:**

8. All exterior lighting shall comply with the Town's exterior lighting requirements and be downcast and fully-shielded. The exterior lighting plan shall be submitted to the Town Planner for review and approval prior to the issuance of the first building permit in the development. Additionally, as part of the initial building permit application, the Applicant shall also submit a plan for the window material to be used in the second floor architectural bays to ensure that the material is non-reflective and has semi-opaque properties. The plan shall require review and approval by the TRC prior to issuance of a building permit.

9. The Applicant shall comply with the construction management plan included in the Final Site Plan submittal, including the installation of construction fencing west of the proposed development to ensure the development does not disrupt the cattle on the neighboring Grange Property.
10. The landscaping on the site shall be consistent with the landscaping plan included in the Final Plan Application. Landscaping consistent with the landscaping plan shall be planted to the east of each individual building within six (6) months of completion of construction on each building.
11. The Development shall be generally consistent with elevations included in the Final Plan Application as determined by the Town Planner.
12. The Applicant shall comply with the sign representations in the Final Plan Application. Signage shall satisfy the sign requirements for the IN Zone District in the Town Code. Additionally, signage shall meet the sign lighting requirements in the Town Code. The Applicant shall apply for and obtain a sign permit prior to installing any signage on the property.

**Transportation Issues and Related Infrastructure:**

13. The Applicant shall pay their fair share of the traffic improvements selected by the Town to increase traffic flow out of Southside based on the Applicant's fair-share of the trips identified in the Southside Traffic Study conducted by SGM on 10/11/16 as further described below.

The Town is assuming a conservative \$500,000 for the cost of the Mini Roundabout Improvement until final plans and cost estimates are prepared and certified by an engineer for Improvement and accepted by the Town Engineer. Therefore, the Applicants' share of the cost of the Mini Roundabout Improvement is \$43,739. The Applicant shall pay a fee in the amount \$10,934.75 at the time of building permit for each building in order to equal its fair share of the construction costs, of a mini roundabout at Cody Lane and Basalt Avenue ("Mini Roundabout Improvement"). The Town may use this money towards the implementation of traffic improvements in the Southside area. This is in addition to the impact fees included in Condition No. 14 below.

14. The Applicant shall participate in or contribute on a proportional basis to the future cost of making the transportation improvements that will be necessary to mitigate the cumulative impacts of traffic growth from this and other expected projects. The Applicant shall pay a transportation fee at the time of building permit issuance for each of the individual buildings:

Type of Development	Fee
Commercial and Industrial Development	\$1.00 per net square foot to be built (excluding circulation and mechanical areas)

15. The Applicant shall pay \$5,500 prior to the issuance of the first building permit towards the implementation of traffic-calming on Southside Drive.
16. The proposal to make Meadowview and Alexander Lanes, west of Southside Drive, private roads with the necessary emergency access and utility easements is acceptable. The gates to be provided shall meet the specifications set forth in Fire Marshal, Bill Harding's comments dated January 25, 2016. The Applicant shall install informational signs (non-advertising) at the Southside Drive entrance to the private roads indicating that there is no through public access and that the roads are private with the language to be approved by the Public Works Director.

**Engineering and Related Technical Issues:**

17. The access gate locations are acceptable to the Town as long as the Applicant understands that they are responsible for keeping Meadowview and Alexander Lanes, west of South Side Drive, open and free of parked vehicles.
18. Prior to the issuance of a building permit, the Applicant shall demonstrate compliance with ex-Fire Marshall, Bill Harding's comments dated January 25, 2016 and Deputy Fire Marshal, Brooke Stott's comments dated January 31, 2017.
19. Prior to the issuance of a building permit, the Applicant shall demonstrate compliance with the Basalt Sanitation District's comments from Wyatt Popp of Olsson and Associates dated February 6, 2017. A 30-foot wide utility easement shall be granted for the 8-inch sewer main and the landscaping shall not occur in the utility easement.

**Water Issues:**

20. The Basalt Mini-Storage Expansion project shall be subject to certain surcharges, as provided in the Municipal Code, for connecting to the existing water distribution system and for reimbursement of costs incurred by the Town in designing and constructing the Southside Water Tank. Payment of the surcharge fees as calculated by the Town Building Official shall be paid prior to the issuance of the first building permit.

21. The Applicant shall meet the basic water rights dedication requirement of the Town Code by dedicating, by special warranty deed, .07 cfs in the Home Supply Ditch as described in the Water Demand Analysis for Basalt Mini-Storage prepared by Becky Nichols dated December 12, 2016. This dedication shall occur within 180 days of the effective date of the final plan approval and prior to issuance of the first building permit in the development.
22. The Town shall lease back portions of these water right priorities for continuation of raw water irrigation within the Basalt Design District Parcels
23. The Applicant shall provide raw water irrigation to any landscaped areas.
24. Implement to the satisfaction of Town Engineer, the recommendations of SGM's 2006 water distribution analysis, which identifies the need for improved looping of water lines in this area of Southside as proposed in the Application.

**Pedestrian Easement and Pedestrian Path:**

25. The temporary public pedestrian and construction easement shall be dedicated within 60 days of final development review approval or prior to the issuance of a building permit. The temporary easement shall be valid until the Applicant's property on the south side of Fiou Lane is developed. Any time after the Final Approval, the Town may construct the path or have others construct the path prior to the Applicant constructing the path if the Town so chooses. The Applicant shall dedicate a 10-foot wide temporary public pedestrian easement and a separate construction license on the Basalt Design District Property directly south of the Fiou Lane and east of Southside Drive. The Applicant shall develop a temporary asphalt path of a width similar to the path existing on the east side of Southside Drive so that pedestrians will not have to cross the road to walk from the Rio Grande Trail to the Basalt Avenue underpass. The temporary asphalt path shall be constructed by the Applicant prior to the issuance of a CO on the first mini-storage building unless others construct before that time.

The temporary public pedestrian easement and construction license shall be dedicated within 60 days of final development review approval or prior to the issuance of a building permit. The temporary easement and temporary construction license shall be valid until the Applicant's property on the south side of Fiou Lane and east of Southside Drive is developed. Any time after the Final Approval, the Town may construct the path or

have others construct the path prior to the Applicant constructing the path if the Town so chooses.

**Phasing and Vested Rights:**

26. The 8-inch looped water line shall be installed prior to the issuance of a certificate of occupancy on the first storage building to be constructed on the property. The looped, all-weather, class 6 gravel road shall be provided prior to the issuance of a certificate of occupancy on the first storage building and installation of the finished asphalt surface on the looped road shall be required prior to the earlier of: 1) the issuance of a building permit on the third of the four (4) storage buildings, or 2) six (6) years from the issuance of a final development approval. Additionally, the final approval document shall identify the Applicant's acceptance that the 2-year warranty on the looped water line will not commence until an asphalt surface is installed over the waterline. The private roads within the mini-storage and accessing the mini-storage shall be maintained in good condition at all times.
  
27. The final approval documents shall require the following phasing in order to retain vesting on the property:
  - a. A building permit on the first building shall be obtained within one year of the effective date of a final ordinance of approval; and,
  - b. A building permit on the second building shall be obtained within 2.5 years of obtaining a building permit on the first building; and,
  - c. A building permit on the third building shall be obtained within 3 years of obtaining a building permit on the second building; and,
  - d. A building permit on the fourth building shall be obtained within 3 years of obtaining a building permit on the third building.
  - e. In the event that the Applicant obtains a building permit early on any one of the building identified above, the subsequent permit threshold will not be moved up.
  - f. Within nine and a half (9.5) years of obtaining final development approvals on the mini-storage, building permits shall be obtained

and construction will be commenced on each of the four (4) ministorage buildings proposed.

- g. Once a building permit is received from the Town on a building, the Applicants shall pursue construction with no cessation or lapse in construction of greater than six (6) months.

**Approval Documents:**

28. The Final Annexation Map, Annexation Agreement, Subdivision Improvements Agreement, and other documents determined necessary by the Town Attorney and Town Planner to effectuate the intent of these approvals shall be executed and recorded within 180 days of the effective date of the final plan approval and prior to issuance of the first building permit in the development. If the necessary final development documents are not recorded within 180 days, the approvals are null and void. The Town Planner may approve an extension to the recording deadline.

The final development documents shall be reviewed and approved by the Town Attorney and Town Planner prior to execution and recordation. Additionally, the Applicant shall post financial security in a form approved by the Town Planner and Town Attorney for any public improvements to be installed concurrently with executing the Subdivision Improvements Agreement.

**Insubstantial Amendments:**

29. The Town Planner may review and approve minor amendments to this approval to effectuate the intent of the final development approvals. The Applicant shall have the ability to appeal a Town Planner's decision on a minor amendment to the Town Council pursuant to the appeals process established in Town Code Section 16-11, *Procedures for Code Interpretations and Appeals*.