

**Town of Basalt, Colorado
Ordinance No. 22
Series of 2020**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BASALT,
COLORADO, GRANTING AN EXTENSION OF VESTED RIGHTS FOR THE
STOTT'S MILL DEVELOPMENT IN BASALT, COLORADO**

RECITALS

A. The Town of Basalt ("Town"), acting by and through its Town Council ("Town Council"), has the power to grant vested property rights.

B. By Ordinance No. 20, Series of 2017, the Town Council reinstated and amended approvals for the "Stott's Mill Development" on real property described in Exhibit A hereto, which includes 113 dwelling units, two parks, a daycare, and associated infrastructure, as well as vested rights related to the development.

C. On August 20, 2020, MSP1, LLC ("Applicant") applied to the Town requesting approval to extend the vested rights on the Stott's Mill Development by twelve months in order to be able to complete the infrastructure required by Condition No. 48 in Exhibit B of Ordinance No. 20, Series of 2017 prior to the expiration of vested rights.

D. As requested by the Applicant, the Town Staff recommends approval of the twelve-month extension of vested rights for the Stott's Mill Development from the existing expiration date of vested rights.

E. At a public hearing held on October 13, 2020, the Town Council considered this Ordinance on first reading and set and continued a public hearing and second reading for this Ordinance for October 27, 2020, for a meeting beginning no earlier than 6:00 pm at the Basalt Town Hall, 101 Midland Avenue, Basalt, Colorado.

F. At a public hearing and second reading on October 27, 2020, the Town Council heard evidence and testimony as offered by the Town Staff, the Applicant, and members of the public.

G. 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 THE TOWN OF BASALT, COLORADO AS FOLLOWS:

A. RECITALS. The foregoing recitals are incorporated herein as findings of Town Council.

B. CONDITIONS.

1. The extension of vested rights for the Stott's Mill Development approval is hereby approved, subject to the following conditions:

a. The length of the extension of vested rights shall be twelve (12) months from the prior date of expiration. The new vested rights expiration date shall be October 19, 2021.

b. All other terms and conditions established in Ordinance No. 20, Series of 2017 shall remain in full force and effect except that the Town Council directs the Technical Review Committee (TRC) to process an amendment to require the infrastructure required by Condition No. 48 in Ordinance No. 20, series of 2017 to be completed prior to October 19, 2021.

c. The Applicant shall be required to meet all building and life safety code requirements in place at the time of building permit submittal, including the wildfire mitigation regulations.

d. The Applicant shall comply with the Sustainable Building Requirements in place at the time of building permit submittal.

e. The Applicant shall install standard street signs approved by the Public Works Director at the Meadowview Lane and Alexander Lane intersections with Southside Drive in the Town's Southside Drive Right-of-Way prior to commencing construction activities. The street signs shall identify that the streets in the Southside Subdivision are for "local traffic" only. However, temporary signs may be installed at the approval of the Town Planner until permanent signs are able to be approved by the Town and acquired by the Applicant for installation.

f. The final approval documents listed in Condition No. 47 of Exhibit B in Ordinance No. 20, Series of 2017 shall be executed and recorded within ninety (90) days of the effective date of this approval, unless extended in writing by the Town Planner.

g. The Applicant shall comply with all material representations made by the Applicant in the Application and in the meetings before the Town Council.

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 Pitkin 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.

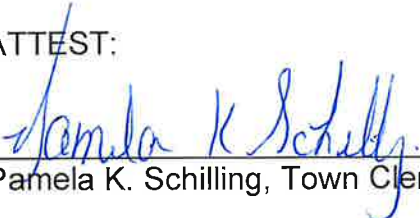
READ ON FIRST READING, ORDERED PUBLISHED AND SET FOR PUBLIC HEARING TO BE HELD ON October 27, 2020, by a vote of 7 to 0 on October 13, 2020.

READ ON SECOND READING AND ADOPTED, by a vote of 7 to 0 on October 27, 2020.

TOWN OF BASALT, COLORADO

By: 
William G. Kane, Mayor

ATTEST:


Pamela K. Schilling, Town Clerk



First Publication: Thursday, October 22, 2020
Final Publication: Thursday, November 5, 2020
Effective Date: Thursday, November 19, 2020

EXHIBIT A

Property Description:

A PARCEL OF LAND SITUATED IN GOVERNMENT TRACT 59, SECTION 18, TOWNSHIP 8 SOUTH, RANGE 86 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF PITKIN, STATE OF COLORADO LYING NORTHERLY OF THE DENVER AND RIO GRANDE WESTERN RAILROAD NORTHERLY RIGHT-OF-WAY, SOUTHERLY OF THE HOME SUPPLY DITCH CENTERLINE, WESTERLY OF THE EASTERLY BOUNDARY OF SAID TRACT 59, AND EASTERLY OF THE EASTERLY BOUNDARY OF GOVERNMENT TRACT 62, ALSO LOCATED IN SAID SECTION, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT ANGLE POINT NO.7 OF SAID TRACT 59, A BRASS CAP FOUND IN PLACE; THENCE N 00°48'57" E 468.71 FEET ALONG SAID TRACT 59 EASTERLY BOUNDARY TO A POINT ON SAID DENVER AND RIO GRANDE WESTERN RAILROAD RIGHT-OF-WAY, THE POINT OF BEGINNING; THENCE LEAVING SAID BOUNDARY N 57°19'47"W., ALONG THE NORTHERLY BOUNDARY LINE OF SAID DENVER AND RIO GRANDE WESTERN RAILROAD RIGHT-OF-WAY A DISTANCE OF 1080.27 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY OF SOUTH SIDE DRIVE; THENCE LEAVING SAID RAILROAD RIGHT-OF-WAY N 00°56'41"E ALONG THE EASTERLY RIGHT-OF-WAY OF SOUTH SIDE DRIVE A DISTANCE OF 617.68 FEET TO A POINT IN THE CENTERLINE OF THE HOME SUPPLY DITCH; THENCE LEAVING SAID EASTERLY RIGHT-OF-WAY THE FOLLOWING TWENTY-TWO (22) COURSES ALONG THE CENTERLINE OF SAID DITCH:

1. S71°30'44"E A DISTANCE OF 56.82 FEET
2. S52°47'38"E A DISTANCE OF 45.26 FEET
3. S71°16'14"E A DISTANCE OF 45.18 FEET
4. S77°30'53"E A DISTANCE OF 51.82 FEET
5. S55°29'58"E A DISTANCE OF 42.09 FEET
6. S64°52'48"E A DISTANCE OF 35.10 FEET
7. N77°18'12"E A DISTANCE OF 44.99 FEET
8. N84°16'01"E A DISTANCE OF 47.61 FEET
9. N62°06'35"E A DISTANCE OF 31.56 FEET
10. N38°04'24"E A DISTANCE OF 78.37 FEET
11. N50°24'51"E A DISTANCE OF 50.37 FEET
12. N44°49'09"E A DISTANCE OF 50.79 FEET
13. N54°25'44"E A DISTANCE OF 33.75 FEET
14. S70°22'45"E A DISTANCE OF 50.06 FEET
15. S77°27'06"E A DISTANCE OF 60.23 FEET
16. S76°09'47"E A DISTANCE OF 44.40 FEET

17. S50°00'52"E A DISTANCE OF 30.88 FEET
18. S28°25'48"E A DISTANCE OF 51.32 FEET
19. S26°14'19"E A DISTANCE OF 98.77 FEET
20. S31°09'46"E A DISTANCE OF 51.73 FEET
21. S58°48'51"E A DISTANCE OF 51.97 FEET
22. N82°37'03"E A DISTANCE OF 82.93 FEET TO A POINT
ON THE EASTERLY BOUNDARY OF SAID TRACT 59; THENCE LEAVING
THE CENTERLINE OF SAID DITCH S00°48'57"W ALONG SAID TRACT
BOUNDARY A DISTANCE OF 1015.25 FEET TO THE POINT OF BEGINNING;
SAID PARCEL CONTAINING 18.014 ACRES, MORE OR LESS.