

**Town of Basalt, Colorado
Ordinance No. 24
Series of 2020**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BASALT,
COLORADO, GRANTING AN EXTENSION OF VESTED RIGHTS FOR THE
BASALT MINI-STORAGE EXPANSION PROJECT 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. 08, Series of 2017, the Town Council approved the Basalt Mini-Storage Expansion on real property described in Exhibit A hereto, which includes approximately 81,000 sf of mini-storage in four (4) buildings and associated infrastructure, as well as vested rights related to the development.

C. On August 27, 2020, Northfork LLC on behalf of Southfork LLC (“Applicant”) applied to the Town requesting approval to extend the vested rights on the Basalt Mini-Storage Expansion by twelve months in order to delay submittal of a building permit application on the second building in the development and to extend the time period by which all of the buildings have to be completed by twelve months.

D. As requested by the Applicant, the Town Staff recommends approval of the twelve-month extension of vested rights for the Basalt Mini-storage from the existing expiration date of vested rights and contractual phasing.

E. At a public hearing held on October 27, 2020, the Town Council considered this Ordinance on first reading and set and continued a public hearing and second reading for this Ordinance for November 10, 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 November 10, 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 and contractual phasing for the Basalt Mini-Storage Expansion 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 building permit requirement dates shall be as follows:

i. The Applicant shall obtain a building permit on the second building prior to January 12, 2022; and,

ii. The Applicant shall obtain a building permit on the third building within three (3) years of obtaining a building permit on the second building in the development; and,

iii. The Applicant shall obtain a building permit on the fourth building in the development within three (3) years of obtaining a building permit on the third building in the development; and,

iv. Within ten and a half years from the effective date of Ordinance No. 08, Series of 2017, building permits shall have been obtained and construction commenced on all of the four (4) mini-storage buildings. This date shall be January 1, 2027.

b. 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.

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

d. The Applicant shall add a Solar Gard window film to the clerestory windows on all facades or tinted windows approved by the Town Planner on all facades of the final three buildings that provide a 50% reduction in visible light transmittance. Additionally, the Applicant shall retrofit the existing mini-storage building with the window film on all facades within sixty (60) days of the effective date of this ordinance. The window film specifications shall be reviewed and approved by the Town Planner prior to installation.

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

f. All other terms and conditions established in Ordinance No. 08, Series of 2017 shall remain in full force and effect.

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 November 10, 2020, by a vote of 6 to 1 on October 27, 2020.

READ ON SECOND READING AND ADOPTED, by a vote of 7 to 0 on November 10, 2020.

TOWN OF BASALT, COLORADO

By: 
William G. Kane, Mayor

ATTEST:


Pamela K. Schilling, Town Clerk

EXHIBIT A

Property Description:

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.