

ORDINANCE NO. 7

SERIES 1995

AN ORDINANCE ANNEXING PROPERTY KNOWN AS THE
KAPUSHION ADDITION NO. 2 TO THE TOWN OF
CRESTED BUTTE, COLORADO.

WHEREAS, the Town of Crested Butte, Colorado is a home rule municipality duly and regularly organized and now validly existing as a body corporate and politic under and by virtue of the Constitution and laws of the State of Colorado; and

WHEREAS, Ruth M. Kapushion has submitted a Petition for Annexation (hereafter "Petition") to the Town of Crested Butte for the annexation of a tract of land known as the Kapushion Addition No. 2, which Petition has been found by the Town Council of the Town of Crested Butte to be in substantial compliance with the relevant provisions of the Colorado Municipal Annexation Act of 1965, and Article 15-4 of the 1987 Crested Butte Municipal Code; and

WHEREAS, said Petition has been signed by the owners of one hundred percent of the area proposed to be annexed, exclusive of streets and alleys; and

WHEREAS, all applicable requirements of said Article 15-4 have been fulfilled; and

WHEREAS, the Town Council hereby finds that the criteria to be considered before acting on this annexation request, as set forth in Section 15-4-8.3.2. of the 1987 Crested Butte Municipal Code have been satisfied; and

WHEREAS, the subject property is eligible for annexation in accordance with the Colorado Municipal Annexation Act of 1965, as amended.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CRESTED BUTTE, COLORADO, THAT,

Section 1. Annexation. The Town Council of the Town of Crested Butte hereby annexes to the Town the following described property:

A tract of land located in the S1/2, SE1/4, SECTION 34, T13S, R86W, 6th P.M., Gunnison County, Colorado, described as follows: beginning at a point on the South Line of said Section 34 (also on the North R-O-W of Butte Ave. in the Town of Crested Butte) from whence the Southeast Corner of said Section 34 bears S89° 45'31"E 1052.82'; thence N00°01'42"W 158.03'; thence N86°26'05"W 818.00'; thence N00°01'42"W 324.23'; thence S89°58'18"W 370.00'; thence S 00°01'42"E 301.62'; thence N 86°26'05" W 422.99' to the West line of said S1/2, SE1/4; thence S00°59'56"W 250.90' to the S1/4 Corner of said Section 34; thence S89°45'31"E 1604.31' to the point of beginning, containing 10.19 Acres more or less.

Section 2. The annexation of said described property is subject to the conditions, covenants and agreements set forth in the Annexation Agreement which has been executed by the annexor, Ruth M. Kapushion, and presented in final form at this meeting, and the Mayor and Town Clerk are hereby authorized and directed to forthwith execute said Annexation Agreement on behalf of the Town.

Section 3. In annexing said described property to the Town of Crested Butte, the Town does not assume any obligation respecting the construction of water mains sewer lines, gas mains, electric service lines, streets or any other services or utilities in connection with the property hereby annexed except as set forth in the Annexation Agreement, or as may be provided by the ordinances of the Town of Crested Butte.

Section 4. Within fifteen days after the effective date of this Ordinance, the Town Clerk is hereby authorized and directed to:

- A. file one copy of the annexation map with the original of this annexation ordinance in the office of the Town Clerk for the Town of Crested Butte, Colorado; and
- B. file for recording two certified copies of this annexation ordinance and the map of the area annexed containing a legal description of such area with the Gunnison County Clerk and Recorder.

Section 5. Severability. If any section, sentence, clause, phrase, word or other provision of this ordinance is for any reason held to be unconstitutional or otherwise invalid, such holding shall not affect the validity of the remaining sections, sentences, clauses, phrases, words or other provisions of this ordinance, or the validity of this ordinance as an entirety, it being the legislative intent that this ordinance shall stand notwithstanding the invalidity of any section, sentence, clause, phrase, word or other

provision.

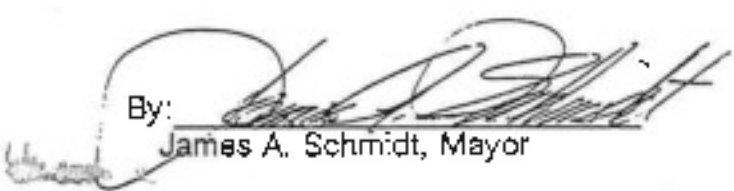
Section 6. Savings Clause. Except as hereby amended, the 1987 Crested Butte Municipal Code shall remain valid, and in full force and effect. Any provision of any ordinance previously adopted by the Town of Crested Butte which is in conflict with this ordinance is hereby repealed as of the enforcement date hereof.

INTRODUCED, AND FIRST READ BEFORE THE TOWN COUNCIL THIS SIXTH DAY OF MARCH, 1995.


ADOPTED BY THE TOWN COUNCIL UPON SECOND READING AND PUBLIC HEARING THIS 22nd DAY OF March, 1995.

TOWN OF CRESTED BUTTE, COLORADO

By:


James A. Schmidt, Mayor

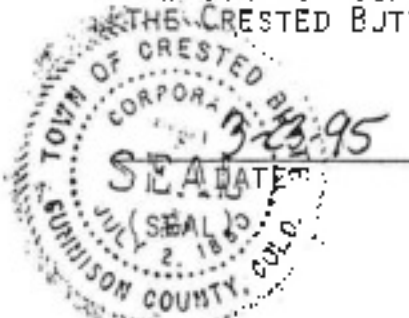
ATTEST:

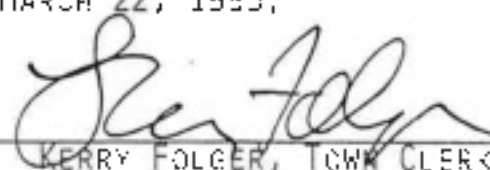

Kerry Folger, Town Clerk

(SEAL)

STATE OF COLORADO }
COUNTY OF GUNNISON } ss.

I, KERRY FOLGER, TOWN CLERK FOR THE TOWN OF CRESTED BUTTE, COLORADO, DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. 7, SERIES 1995 AS ADOPTED BY THE CRESTED BUTTE TOWN COUNCIL ON MARCH 22, 1995.




KERRY FOLGER, TOWN CLERK

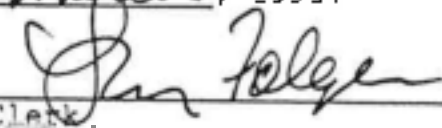
CERTIFICATE

I, Kerry Folger, Town Clerk of the Town of Crested Butte, Colorado, do hereby certify that the attached plat is one of the original plats filed with the Town Council of Crested Butte, Colorado, on March 22, 1995, at which time a petition for Annexation of said territory to be known as 'Kapushion Addition No. 2' to the Town of Crested Butte, Colorado, was filed with said Council.

I further certify that by Ordinance No. 7, Series 1995, legally passed and adopted by the Town Council of Crested Butte, Colorado, and effective on March 22, 1995, the territory described and referred to on said plat as Kapushion Addition No. 2 was annexed to said Town.

I further certify that attached hereto is a true and correct copy of Ordinance No. 7, Series 1995.

Dated this 28th day of March, 1995.



Town Clerk