

**TOWN OF MINTURN
ORDINANCE 11 – SERIES 2010**

AN ORDINANCE ESTABLISHING ZONING ON A PARCEL OF LAND KNOWN AS THE QUINTANA COUNTRY CLUB TRACT ANNEXATION TO THE TOWN OF MINTURN, COLORADO AND AMENDING THE OFFICIAL ZONING MAP OF THE TOWN OF MINTURN, CO.

WHEREAS, the Town of Minturn, Colorado annexed the Quintana Country Club Tract, County of Eagle, State of Colorado, more particularly described as a parcel of land located in Section 36, Township 5 South, Range 81 West of the 6th Principal Meridian according to the Dependent Resurvey of said Township and Range approved by the U.S. Department of Interior General Land Office in Denver, Colorado on September 13, 1943; said tract of land being more particularly described as follows, to wit: Beginning at Corner No. 1 located on the westerly right-of-way boundary line of U.S. Highway No. 24 from which the South Quarter Corner of Section 36 bears S 27°37'50" E1568.35 feet distant; and also an iron pin Witness Corner for Corner No. 1 with an aluminum cap marked "W.C. "bears N 56°24'30"E,9.45 feet distant from Corner No. 1; thence continuing along said highway right-of-way boundary line 151.58 feet on a curve to the right having a radius of 756.30 feet, the chord of which bears N 13°39'10" W, 151.33 feet to Corner No. 2 from which an iron pin Witness Corner for Corner No. 2 with an aluminum cap marked " W.C. "bears N 61°04'40" E, 2.26 feet distant; thence departing from said highway right-of-way boundary line and following an existing fence line S 61°04'40" W, 150.74 feet to Corner No. 3, an iron pin monument with an aluminum cap marked "PROP. COR. " ; thence S 29°55'30" E, 154.84 feet to Corner No. 4, an iron pin monument with an aluminum cap marked "PROP. COR. " ; thence following the existing fence N 56°24'30" E, 108.54 feet to Corner No.1, the place of beginning; said tract of land containing 0.436 of an acre, more or less.

WHEREAS, an application has been filed with the Town of Minturn to amend the Zone District Map of the Town of Minturn through the inclusion of the area known as the Quintana Country Club Tract Annexation, within the Mixed – Use Zone District of the Cross Creek Character Area; and

WHEREAS, public notice was provided per section 16-21-610 of the Minturn Municipal Code; and

WHEREAS, the Minturn Planning Commission held a public hearing on October 27, 2010 to review the application and made a recommendation to the Minturn Town Council to zone the parcel Mixed-Use; and

WHEREAS, a public hearing was held before the Minturn Town Council on November 17, 2010 and after review of presented evidence, testimony, exhibits, review of the Town Master Plan, comments of public officials and referred agencies, comments from the public and recommendation from Town Staff, the Town Council finds as follows:

1. That proper publication and public notice were provided as required by law for hearings before the Planning Commission and Town Council; and

2. The proposed amendment is consistent with the purposes, goals, policies and Character Area Zoning Map of the Master Plan. The subject property is being annexed to the Town and there is no existing Town zoning on the property. The proposed amendment will zone property and create consistency with the existing Zone District Map by creating this new designation.
3. The proposed amendment is compatible with existing and proposed uses surrounding the subject land.
4. The proposed amendment is necessary because there will be a change in condition due to the fact that the property is being annexed into the Town and therefore the property is required by state law to be zoned.
5. The proposed amendment will not result in significantly adverse impacts on the natural environment, including but not limited to water, air, noise, storm-water management, wildlife habitat, vegetation, and wetlands.
6. The proposed amendment does address a demonstrated community need. The zoning for the property, after annexation, will provide for the orderly and planned development of the property. As well, it will provide for more property and sales tax revenue for the Town.
7. The proposed amendment will result in a logical and orderly development pattern. The proposed amendment will not constitute spot zoning.
8. The resulting development can logically be provided with necessary public facilities and services.
9. The proposed amendment is changing to such a degree that it is in the public interest to encourage a new use or density in the area.

NOW, THEREFORE, THE TOWN OF MINTURN, COLORADO, ORDAINS as follows:

SECTION 1. The amendment to the Zoning Map of the Town of Minturn, Colorado provided for herein shall take effect in accordance with the Charter and ordinances of the Town of Minturn, and the Mayor and Town Clerk are hereby authorized to execute such documents as may be required to reflect amendment herein authorized and to file a certified copy of such document with the Clerk and Recorder of Eagle County, Colorado.

SECTION 2. Severability. If any part, section, sub-section, 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 for the Town of Minturn, Colorado hereby declares it would have passed this Ordinance and each part, section, sub-section, sentence, clause or phrase thereof, irrespective of the fact that any one or more parts, sections, sub-sections, sentences, clauses or phrases be declared invalid.

SECTION 3. The Town Council hereby finds, determines and declares that this Ordinance is necessary and proper for the health, safety and welfare of the Town of Minturn and the inhabitants thereof.

SECTION 4. The repeal or the repeal and re-enactment of any provision of the Minturn Municipal code as provided in this ordinance shall not affect any right which has accrued, and

duty imposed, any violation that occurred prior to the effective date hereof, any prosecution commenced, nor any other action or proceeding as commenced under or by virtue of the provision repealed and re-enacted. The repeal of any provision hereby shall not revive any provision or any ordinance previously repealed or superseded unless expressly stated herein.

INTRODUCED, READ BY TITLE, APPROVED ON THE FIRST READING, APPROVED AND ORDERED PUBLISHED IN FULL THE 17th DAY OF November, 2010. A public hearing on this ordinance shall be held at the regular meeting of the Town Council of the Town of Minturn, Colorado, on the 1 day of Dec, 2010, at 7 P.M. in the Minturn Town Center in the Town of Minturn, Colorado.

Henriette Fleherty
Mayor

Attest:

[Signature]
Town Clerk



INTRODUCED, READ BY TITLE, PASSED ON SECOND READING, APPROVED AND ORDERED PUBLISHED BY TITLE ONLY THIS 1 DAY OF Dec, 2010.

Henriette Fleherty
Mayor

Attest:

[Signature]
Town Clerk

