

**TOWN OF MINTURN, COLORADO
ORDINANCE NO. 01 – SERIES 2016**

**AN ORDINANCE OF THE TOWN OF MINTURN,
COLORADO APPROVING THE FINAL SUBDIVISION
PLAT FOR THE GROUSE CREEK SUBDIVISION.**

WHEREAS, the Local Government Land Use Control Enabling Act of 1974, §§29-20-101, et seq., C.R.S.; Article 23 of Title 31, C.R.S.; and other applicable laws grant broad authority to the Town of Minturn, Colorado (“Minturn” or the “Town”) to plan for and regulate the development and use of land on the basis of the impact thereof on the community and surrounding areas; and

WHEREAS, the Town has adopted as Chapters 16 and 17 of the Minturn Town Code regulations governing the zoning and subdivision of properties within the Town; and

WHEREAS, Intermountain Landscaping & Maintenance Inc. (the “Developer”) is under contract to purchase a portion of property owned by the Union Pacific Railroad Company as depicted on **Exhibit A**, attached and incorporated herein by this reference (the “Property”); and

WHEREAS, the Property is currently zoned as a PUD holding area, but an application to rezone the Property as commercial in the Grouse Creek Character Area has been submitted; and

WHEREAS, on February 10, 2016 the Minturn Planning and Zoning Commission found the Final Plat for the Grouse Creek Subdivision to be in compliance with the requirements and intent of the Minturn Town Code and the Town’s land use goals and plans, and recommended to the Town Council for approval the Final Subdivision Plat and zoning change subject to certain additional conditions; and

WHEREAS, on March 2, 2016 the Minturn Town Council conducted a duly-noticed public hearing and reviewed the Final Plat for the Grouse Creek Subdivision and found the document to be consistent with the approved Preliminary Plat, and that all conditions of the Preliminary Plat approval have been met; and

WHEREAS, the Minturn Town Council finds that the Final Subdivision Plat has been submitted in compliance with Article 6 of Chapter 17 of the Minturn Town Code; and

WHEREAS, the Town Council desires to approve the Final Plat for the Grouse Creek Subdivision, subject to all terms and conditions set forth by the Planning and Zoning Commission in its February 10, 2016 Report.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MINTURN, COLORADO, THAT:

SECTION 1. The Council incorporates the foregoing recitals as findings and determinations, and conclusively makes all of the Findings of Fact, Determinations, and

Conclusions contained herein.

SECTION 2. That certain Final Plat for the Grouse Creek Subdivision is hereby approved, subject to all terms and conditions contained herein and attached hereto, including:

- Lot 2 will be incorporated into the Meadow Mountain Business Park parcel within 90 days of the approval of the Final Subdivision Plat;
- Snow removal may not be dumped into the river;
- The implementation of the approved landscape plan; and
- The Planning Department shall approve the final site plan with the sheds, greenhouse, fences, and barriers with necessary building permits.
- A storm water quality management plan needs to be implemented for a paved lot in place of the management plan for the present approval for the gravel lot. The storm water quality management plan will deal with storm water run-off, pollutants, sediments and erosion control.

SECTION 3. The Mayor of the Town of Minturn is hereby authorized to indicate the Town Council's approval of the Final Plat for the Grouse Creek Subdivision by signing the Final Plat.

SECTION 4. The Developer shall comply with all of the Developer's representations made in any applications and in statements during the public hearings before the Minturn Planning and Zoning Commission and the Minturn City Council, which shall be conditions of approval with which the Developer shall comply. The Developer shall comply in full with the Minturn Town Code and Public Works requirements.

SECTION 5. The Town Clerk is hereby directed to record this Ordinance, the Final Plat of the Grouse Creek Subdivision, any subsequent Amendments thereto, and any other associated documents in the Office of the Clerk and Recorder of Eagle County, Colorado with thirty (30) days of approval and to file one (1) certified copy of the Final Plat, any subsequent amendments, and this Ordinance with the Eagle County Assessor.

SECTION 6. The Minturn Town Council's approval of this Final Subdivision Plat creates a vested property right pursuant to the Minturn Town Code and Article 68 of Title 24, C.R.S., as amended, for a period of three (3) years from the effective date of this Ordinance. As a condition of the granting of such vested right, the Developer shall, at its expense, publish the vested rights notice required by C.R.S. § 24-68-103(c) and the Minturn Town Code § 16-21-710 *et seq.*, and the Developer shall comply with all the other procedural requirements set forth therein.

SECTION 7. Except as hereinabove provided, all provisions of the zoning, subdivision, and other ordinances or regulations of the Town shall apply to the Property.

SECTION 8. If any section, subsection, clause, phrase or provision of this Ordinance, or the application thereof to any person or circumstance, shall to any extent, be held by a courts of competent jurisdiction to be invalid, void or unconstitutional, the remaining sections,

subsections, clauses, phrases and provisions of this Ordinance, or the application thereof to any person or circumstance, shall remain in full force and shall in no way be affected, impaired or invalidated.

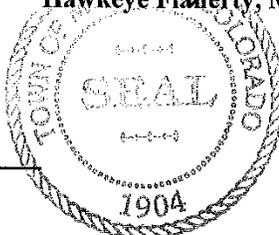
INTRODUCED, READ BY TITLE, APPROVED ON THE FIRST READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEB SITE THE 17TH DAY OF FEBRUARY, 2016. A PUBLIC HEARING ON THIS ORDINANCE SHALL BE HELD AT THE REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF MINTURN, COLORADO ON THE 2ND DAY OF MARCH, 2016 AT 6:30 P.M. AT THE MINTURN TOWN HALL 302 PINE STREET, MINTURN COLORADO 81645.

TOWN OF MINTURN, COLORADO


Hawkeye Flaherty, Mayor

ATTEST:

By: 
Jay Brunvand, Town Clerk



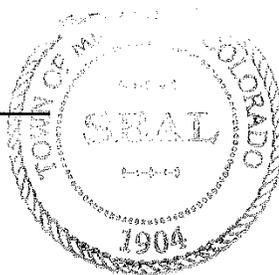
THE TOWN OF MINTURN, COLORADO, ORDAINS THIS ORDINANCE ENACTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEB SITE THIS 2ND DAY OF MARCH, 2016.

TOWN OF MINTURN, COLORADO


Hawkeye Flaherty, Mayor

ATTEST:

By: 
Jay Brunvand, Town Clerk



Wed, Feb 24, 2016
11942199

09:36:52

Ad Ticket #5

Acct: 1032852
Phone: (970)827-5645
E-Mail: MANAGER@MINTURN.OR
Client:
Caller: Jay Brunvan
Receipt

Name: Town of Minturn
Address: P.O. Box 309

City: MINTURN
State: CO

Zip: 81645

Ad Name: 11942199A

Editions: 8VD/8VDI/

Start: 02/26/16

Color:

Copline: PN Ord. 1 2016 & 2 2016

Original Id: 0

Class: 0990

Stop: 02/26/16

Issue 1

Rep: Pam Schultz

Lines:	54
Depth:	4.51
Columns:	1
Discount:	0.00
Commission:	0.00
Net:	0.00
Tax:	0.00
Total	27.87
Payment	0.00

TOWN OF MINTURN, COLORADO
ORDINANCE NO. 1 - SERIES 2016
AN ORDINANCE OF THE TOWN OF MINTURN,
COLORADO APPROVING THE FINAL SUBDI-
VISION PLAT FOR THE GROUSE CREEK SUBDI-
VISION.

INTRODUCED, READ BY TITLE, APPROVED ON
THE FIRST READING AND ORDERED PUB-
LISHED BY TITLE ONLY AND POSTED IN FULL
ON THE OFFICIAL TOWN WEB SITE THE 17TH
DAY OF FEBRUARY, 2016. 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 2ND DAY OF MARCH, 2016 AT 6:30 P.M. AT
THE MINTURN TOWN HALL 302 PINE STREET,
MINTURN COLORADO 81645,
TOWN OF MINTURN, COLORADO

Hawkeye Flaherty, Mayor
ATTEST:
Jay Brunvand, Town Clerk

TOWN OF MINTURN, COLORADO
ORDINANCE NO. 2 - SERIES 2016

AN ORDINANCE OF THE TOWN OF MINTURN,
COLORADO REZONING THE GROUSE CREEK
SUBDIVISION AS COMMERCIAL.

INTRODUCED, READ BY TITLE, APPROVED ON
THE FIRST READING AND ORDERED PUB-
LISHED BY TITLE ONLY AND POSTED IN FULL
ON THE OFFICIAL TOWN WEB SITE THE 17TH
DAY OF FEBRUARY, 2016. 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 2ND DAY OF MARCH, 2016 AT 6:30 P.M. AT
THE MINTURN TOWN HALL 302 PINE STREET,
MINTURN COLORADO 81645.

TOWN OF MINTURN, COLORADO

Hawkeye Flaherty, Mayor

ATTEST:

By: Jay Brunvand, Town Clerk

Published in the Vail Daily on February 26, 2016.
(11942199)

Ad shown is not actual print size

Mon, Mar 07, 2016
11972248

09:48:37

Ad Ticket #5

Acct: 1032852
Phone: (970)827-5645
E-Mail: MANAGER@MINTURN.OR
Client:
Caller: Jay Brunvand,

Name: Town of Minturn
Address: P.O. Box 309

City: MINTURN
State: CO

Zip: 81645

Receipt

Ad Name: 11972248A

Original Id: 0

Editions: 8VD/8VDI/

Class: 0990

Start: 03/09/16

Stop: 03/09/16

Color:

Issue 1

Copyline: Ordinance 1-2016 Grouse Creek S

Rep: Pam Schultz

TOWN OF MINTURN, COLORADO
ORDINANCE NO. 01 - SERIES 2016

Lines:	23
Depth:	1.93
Columns:	1
Discount:	0.00
Commission:	0.00
Net:	0.00
Tax:	0.00
Total	11.96
Payment	0.00

AN ORDINANCE OF THE TOWN OF MINTURN, COLORADO APPROVING THE FINAL SUBDIVISION PLAT FOR THE GROUSE CREEK SUBDIVISION.

THE TOWN OF MINTURN, COLORADO, ORDAINS THIS ORDINANCE ENACTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEB SITE THIS 2ND DAY OF MARCH, 2016.

TOWN OF MINTURN, COLORADO
Hawkeye Flaherty, Mayor
ATTEST:
By:
Jay Brunvand, Town Clerk

Published in the Vail Daily March 9, 2016.
(11972248)

Ad shown is not actual print size