

**TOWN OF RED CLIFF, COLORADO  
ORDINANCE 10, SERIES 2015**

**AN ORDINANCE PLACING THE RECENTLY ANNEXED CARIBOE MINE IN THE GOVERNMENT, PARK AND EMPLOYEE HOUSING — GPEH ZONE DISTRICT AND AMENDING THE ZONING DISTRICT MAP FOR THE TOWN OF RED CLIFF TO REFLECT SUCH ACTION.**

**WHEREAS**, the Town of Red Cliff (“Town”) is a municipal corporation and body politic organized under the laws of the State of Colorado and possessing the maximum powers, authority and privileges to which it is entitled under Colorado law;

**WHEREAS**, the Town owns a 50% undivided interest in a parcel of real property located in Eagle County, Colorado, commonly known as the Cariboe Mine, consisting of approximately 2.58 acres, and more particularly described as:

The Cariboe Lode Mining Claim (U.S. Mineral Survey No. 6509), as patented and described in United States Patent dated March 11, 1892, and certified copies of which are recorded November 29, 1929 in Book 113 at Page 315 under Reception Number 50885, and April 28, 2008 under Reception No. 200808920

together with all appurtenances thereto.

**WHEREAS**, by a series of ordinances completed simultaneously, considered together and enacted on this date in accordance with Colorado’s Municipal Annexation Act of 1965, C.R.S. § 31-12-101, *et seq.*, the Town has annexed the Cariboe Mine to the Town;

**WHEREAS**, because of its recent annexation to the Town, the Cariboe Mine is not presently placed in or subjected to any of the regulations pertaining to any of the Town’s zone districts;

**WHEREAS**, pursuant to C.R.S. § 31-12-115, the Town may institute the procedure outlined in state statutes or municipal charter to make newly annexed land subject to zoning at any time after a petition for annexation or petition for annexation election has been found to be valid in accordance with C.R.S. § 31-12-107 so long as such proposed zoning ordinance is not passed prior to passage of an annexation ordinance;

**WHEREAS**, the Town has annexed the Cariboe Mine to the Town for the purpose of effectuating certain critical improvements to the communications systems available in and to the Town;

**WHEREAS**, consistent with this intent, the Town intends to construct and own a communications tower system on the Cariboe Mine in order to provide better, modernized communication systems to the Town and its inhabitants;

**WHEREAS**, the § 16-3-10 of the Town Code divides the Town into eight different zone districts, including a zone district identified as “Government, Park and Employee Housing — GPEH”;

**WHEREAS**, § 16-4-60(a) of the Town Code specifies that the intent of the Government, Park and Employee Housing — GPEH zone district is to provide sites for parks, community centers, park and

recreation facilities, water storage, treatment and distribution systems, fire station, governmental facilities and public and/or private housing units for Town are employees;

**WHEREAS**, § 16-4-60(b)(1) of the Town Code identifies “all buildings for governmental uses” as an allowed use in the Government, Park and Employee Housing — GPEH zone district;

**WHEREAS**, the communication tower system the Town intends to construct and own on the Cariboe Mine constitutes a governmental facility and a building for governmental use as those terms are used in § 16-4-60 of the Town Code;

**WHEREAS**, based on the foregoing, the Town’s Board of Trustees (“Board”) finds and determines that it is appropriate for the Cariboe Mine to be placed in the Government, Park and Employee Housing — GPEH zone district;

**WHEREAS**, the communications system presently available to the Town and its inhabitants is wholly insufficient to allow for the timely and effective delivery of emergency services to the Town and its inhabitants;

**WHEREAS**, the lack of timely and effective delivery of emergency services to the Town and its inhabitants as a result of the Town's antiquated communications systems poses a substantial and continuing danger to the Town and its inhabitants;

**WHEREAS**, the Town intends to rectify its antiquated communications systems and thereby allow for more timely and effective delivery of emergency services to the Town and its inhabitants through construction of a new communications tower system on the Cariboe Mine to serve the Town and its inhabitants;

**WHEREAS**, delays in effectuating zoning of the Cariboe Mine may substantially delay the Town’s ability to construct a new communication tower system on the Cariboe Mine and provide the sort of modern communications systems to the Town and its inhabitants that allows for more timely and effective delivery of emergency services;

**WHEREAS**, substantial delays in the Town’s ability to provide the sort of modern communications systems to the Town and its inhabitants that allows for more timely and effective delivery of emergency services will cause the Town and its inhabitants to continue to be subjected to the substantial and continuing dangers posed by the lack of timely and effective delivery of emergency services; and,

**WHEREAS**, the Board has determined that the foregoing circumstances constitute a special emergency and that immediate passage of this ordinance is necessary for the preservation of the public peace, health and safety of the Town.

**NOW, THEREFORE, THE TOWN OF RED CLIFF ORDAINS:**

Section 1: Zoning. The Cariboe Mine is hereby placed in and subjected to the requirements pertaining to the Government, Park and Employee Housing — GPEH zone district.

Section 2: Map. The zoning district map for the Town is hereby amended to reflect annexation of the Cariboe Mine to the Town and placement of the Cariboe Mine in the Government, Park and Employee Housing — GPEH zone district.

Section 3: Findings. The Board hereby finds and determines that this ordinance is necessary and proper to protect the public peace, health, safety and welfare of the Town of Red Cliff and its inhabitants.

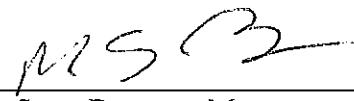
Section 4: Determination. The Board hereby determines that the circumstances described above constitute a special emergency and that this ordinance is necessary for the preservation of the public peace, health and safety.

Section 5: Severability. If any section, paragraph, clause, provision or part of this ordinance is for any reason held to be invalid or unenforceable, the remainder of this ordinance shall continue in full force and effect, it being the intent of the Board of Trustees that this ordinance would have been adopted even if such invalid or unenforceable matter had not been included therein. It is further declared that if any section, provision or part of this ordinance, or the application thereof to any person or circumstance, is held invalid, the remainder of the ordinance and the application thereof to other persons shall not be affected thereby.

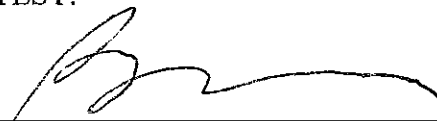
Section 6: Effective Date. This ordinance shall become effective as of the date hereof in accordance with § 2-3-50 of the Town of Red Cliff Municipal Code.

INTRODUCED, TITLE READ IN FULL, APPROVED, ADOPTED AND ORDERED PUBLISHED ON THIS 10TH DAY OF SEPTEMBER 2015.

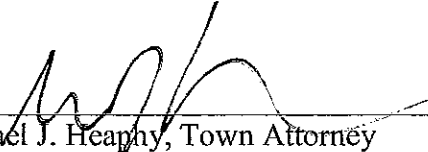
TOWN OF RED CLIFF, COLORADO

  
\_\_\_\_\_  
M. Scott Burgess, Mayor

ATTEST:

  
\_\_\_\_\_  
Barb Smith, Town Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Michael J. Heaphy, Town Attorney