

CITY OF LEADVILLE, COLORADO
Ordinance No. 3
Series of 2017

**AN ORDINANCE ZONING CERTAIN LAND KNOWN AS
THE RAILROAD PROPERTY FROM 60 B BUSINESS IN
UNINCORPORATED LAKE COUNTY TO COMMERCIAL
HIGHWAY BUSINESS (C) IN THE CITY OF LEADVILLE,
COLORADO AND AMENDING THE OFFICIAL ZONING
MAP OF THE CITY**

WHEREAS, application has been made by High Plains Development Company, LLC as owner and applicant (“Applicant”) to annex to the City of Leadville and initially zone certain property commonly known as the Railroad Property as more fully described on Exhibit A attached hereto (the “Property”) to Commercial Highway Business zoning district; and

WHEREAS, the City of Leadville Planning and Zoning Commission considered the zoning request at a duly noticed public hearing on January 11, 2017 and subsequently forwarded its recommendation to City Council; and

WHEREAS, subsequent public notice has been properly given of such zoning request, by publication on February 2, 2017 in the Herald Democrat, a newspaper of general circulation within the City of Leadville, by posting of said Property and by mail notification of adjacent property owners in accordance with the City of Leadville Municipal Code; and

WHEREAS, pursuant to Section 17.92.030 of the City of Leadville Municipal Code, a public hearing was held before the City of Leadville City Council at 800 Harrison Avenue, Leadville, on February 21, 2017 at 6:30 p.m., at which time evidence and testimony were presented to the City Council concerning said zoning request; and

WHEREAS, the administrative record for this case includes, but is not limited to, the City of Leadville Municipal Code, City of Leadville Comprehensive Plan, and all other applicable ordinances, resolutions and regulations, zoning application and accompanying maps, reports, studies and all other submittals of the Applicant, any evidence or correspondence submitted by members of the public at the public hearing, and the staff files and reports pertaining to this application; and

WHEREAS, pursuant to Article 23 of Title 31, C.R.S. as amended, City Council has determined that the proposed zoning of the Property, subject to the conditions set forth herein, furthers the public health, safety, convenience and general welfare of the community; generally conforms with the City Comprehensive Plan; is compatible with surrounding uses; and otherwise meets the applicable criteria set forth in Sections 17.52.040 and 17.92.060(J) City of Leadville Municipal Code; and

WHEREAS, approval of this Ordinance on first reading is intended only to confirm that the City Council desires to comply with state law and the Leadville Municipal Code by setting a public hearing in order to provide the Applicant and the public an opportunity to present

testimony and evidence regarding the application. Approval of this Ordinance on first reading does not constitute a representation that the City Council, or any member of the City Council, supports, approves, rejects, or denies the application.

NOW, THEREFORE, BE IT ORDAINED by the City of Leadville City Council as follows:

Section 1. The recitals contained above are incorporated herein by reference and are adopted as findings and determinations of the City Council.

Section 2. The City of Leadville City Council hereby grants and approves zoning of the Property described in Exhibit A to Commercial Highway Business (C) and amends the Official Zoning Map accordingly.

Section 3. The zoning of the Property is subject to the following conditions of approval:

1. Any additional conditions of approval imposed by City Council during the February 21, 2017 public hearing, as agreed to by the property owner.

Section 4. Severability. Should any one or more sections or provisions of this ordinance or enacted hereby be judicially determined invalid or unenforceable, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance, the intention being that the various sections and provisions are severable.

Section 5. Effective Date. This Ordinance shall become effective thirty days after publication following final passage.

Exhibit A

THAT PORTION OF THE SIZER PLACER U.S. SURVEY NO. 388, SEARL PLACER U.S. SURVEY NO. 436 AND THE CAPITOL PLACER U.S. SURVEY NO. 977, LOCATED WITHIN SECTION 23 AND 24, TOWNSHIP 9 SOUTH, RANGE 80 WEST OF THE 6TH PRINCIPAL MERIDIAN, LAKE COUNTY, COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT CORNER NO. 4 OF SAID SEARL PLACER, U.S. SURVEY NO. 436, ALSO BEING CORNER NO. 2 OF THE JACOBSON PLACER, U.S. SURVEY NO. 380. A FOUND 2" BRASS CAP FROM WHICH CORNER NO. 1 OF SAID JACOBSON PLACER A FOUND 2" BRASS CAP BEARS N. 65° 00' 00" W., A DISTANCE OF 2,865.39 FEET AND THE SOUTH ONE-QUARTER CORNER OF SAID SECTION 13, A FOUND STONE BEARS S. 61° 11' 22" E., A DISTANCE OF 1,265.53 FEET; THENCE S. 82° 31' 53" W., A DISTANCE OF 742.23 FEET TO CORNER NO. 2 OF A PARCEL OF LAND AS DESCRIBED IN 498 AT PAGE 6 OF LAKE COUNTY RECORDS,

THENCE N. 68° 58' 22" W. ALONG THE SOUTH LINE OF SAID PARCEL DESCRIBED IN BOOK 498 AT PAGE 6, A DISTANCE OF 486.84 FEET TO THE EASTERLY LINE OF A PARCEL OF LAND AS DESCRIBED IN BOOK 319 AT PAGE 79 OF LAKE COUNTY RECORDS; THENCE S. 20° 26' 00" W. ALONG SAID EASTERLY LINE OF PARCEL DESCRIBED IN BOOK 319 AT PAGE 79, A DISTANCE OF 377.97 FEET TO THE SOUTHEASTERLY CORNER OF SAID PARCEL DESCRIBED IN BOOK 319 AT PAGE 79;

THENCE N. 69° 12' 00" W. ALONG THE SOUTHERLY LINE OF SAID PARCEL DESCRIBED IN BOOK 319 AT PAGE 79, A DISTANCE OF 162.23 FEET TO THE EASTERLY RIGHT-OF-WAY OF U.S. HIGHWAY 24 AS DESCRIBED IN 261 AT PAGE 191 OF LAKE COUNTY RECORDS;

THENCE S. 20° 20' 05" W. ALONG SAID EASTERLY RIGHT-OF-WAY OF U.S. HIGHWAY 24, A DISTANCE OF 59.89 FEET TO THE NORTH LINE OF A PARCEL OF LAND AS DESCRIBED IN BOOK 377 AT PAGE 264, LAKE COUNTY RECORDS;

THENCE S. 69° 12' 00" E. ALONG SAID NORTH LINE OF A PARCEL OF LAND DESCRIBED IN BOOK 377 AT PAGE 264, A DISTANCE OF 188.13 FEET TO THE NORTHEASTERLY CORNER OF SAID PARCEL DESCRIBED IN BOOK 377 AT PAGE 264;

THENCE S. 20° 26' 00" W. ALONG THE EASTERLY LINE OF SAID PARCEL AS DESCRIBED IN BOOK 377 AT PAGE 264, A DISTANCE OF 275.00 FEET TO THE SOUTHEASTERLY CORNER OF SAID PARCEL AS DESCRIBED IN BOOK 377 AT PAGE 264;

THENCE S. 69° 12' 00" E. TO SAID EASTERLY RIGHT-OF-WAY OF U.S. HIGHWAY 24 AS DESCRIBED IN BOOK 261 AT PAGE 191, A DISTANCE OF 187.55 FEET ; THENCE S. 20° 20' 05" W. ALONG SAID EASTERLY RIGHT-OF-WAY OF U.S. HIGHWAY 24 AS DESCRIBED IN BOOK 261 AT PAGE 191, A DISTANCE OF 336.33 FEET TO THE BEGINNING OF A TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 961.00 FEET, OF WHICH THE CHORD BEARS S. 06° 40' 17" W., A DISTANCE OF 454.06 FEET;

THENCE ALONG THE ARC OF SAID CURVE AND SAID EASTERLY RIGHT-OF-WAY OF U.S. HIGHWAY 24 AS DESCRIBED IN BOOK 261 AT PAGE 191, A DISTANCE OF 458.38 FEET THROUGH A CENTRAL ANGLE OF 27° 19' 35" TO THE 1-2 LINE OF SAID SEARL PLACER TO THE POINT OF BEGINNING;

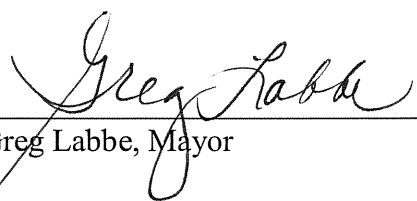
THENCE N. 65° 00' 00" W. ALONG THE SAID SEARL PLACER, ALSO BEING THE NORTHERLY LINE OF SAID CAPITAL PLACER, A DISTANCE OF 27.42 FEET TO THE EASTERLY RIGHT-OF-WAY OF U.S. HIGHWAY 24 AS SHOWN ON CONSTRUCTION DRAWINGS FOR TENNESSEE PASS DATED 1936, AND THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 971.18 FEET, THE CHORD OF WHICH BEARS S. 10° 34' 42" E., A DISTANCE OF 145.81 FEET;

THENCE ALONG THE ARC OF SAID CURVE AND SAID EASTERLY RIGHT-OF-WAY OF U.S. HIGHWAY 24 AS SHOWN ON CONSTRUCTION DRAWINGS FOR TENNESSEE PASS, A DISTANCE OF 145.94 FEET THROUGH A CENTRAL ANGLE OF 08° 36' 37";

THENCE S. 14° 53' 00" E., ALONG SAID EASTERLY RIGHT-OF-WAY OF U.S. HIGHWAY 24 AS SHOWN ON CONSTRUCTION DRAWINGS FOR TENNESSEE PASS, A DISTANCE OF 1243.56 FEET TO THE SOUTHERLY LINE OF THE DEPOT GROUND AS SHOWN ON COOPER'S SUBDIVISION PLAT RECORDED JULY 26, 1881 AND THE NORTHERLY RIGHT-OF-WAY LINE OF 12TH STREET;

THENCE N. 75° 22' 00" E. ALONG SAID SOUTHERLY LINE OF THE DEPOT GROUND AS SHOWN ON COOPER'S SUBDIVISION PLAT AND SAID NORTHERLY RIGHT-OF-WAY OF 12TH STREET, A DISTANCE OF 660.97 FEET TO THE SOUTHEASTERLY CORNER OF SAID DEPOT GROUND AS SHOWN ON COOPER'S SUBDIVISION PLAT;

INTRODUCED, READ, APPROVED AND ORDERED PUBLISHED in full on first reading this 24 day of January 2017.



Greg Labbe, Mayor

ATTEST:



Bethany Maher, Deputy City Clerk

PUBLISHED in full in The Herald Democrat, a newspaper of general circulation in the City of Leadville, Colorado, on February 2, 2017.

PASSED AND ADOPTED ON FINAL READING AND ORDERED PUBLISHED BY TITLE ONLY, with any amendments, this _____ day of _____, 2017.

CITY OF LEADVILLE, COLORADO

Greg Labbe, Mayor

ATTEST:

Bethany Maher, Deputy City Clerk

PUBLISHED in full, as amended, in The Herald Democrat, a newspaper of general circulation in the City of Leadville, Colorado, on _____, 2017.

THENCE N. 16° 34' 00" W. ALONG THE EASTERLY LINE OF SAID DEPOT GROUND AS SHOWN ON COOPER'S SUBDIVISION PLAT, A DISTANCE OF 871.82 FEET TO THE NORTHEASTERLY LINE OF THE SIZER PLACER ALSO BEING THE SOUTHWESTERLY LINE OF THE SEARL PLACER, AND CORNER NO. 5 OF SAID PARCEL OF LAND DESCRIBED IN BOOK 51 AT PAGE 331, BOOK 66 AT PAGE 268, AND BOOK 375 AT PAGE 461, LAKE COUNTY RECORDS;
THENCE N. 05° 40' 33" E. ALONG THE EASTERLY LINE OF SAID PARCEL AS DESCRIBED IN BOOK 51 AT PAGE 331, BOOK 66 AT PAGE 268 AND BOOK 375 AT PAGE 461, A DISTANCE OF 258.91 FEET; THENCE N. 84°19'27" W., A DISTANCE OF 741.52 FEET TO THE POINT OF BEGINNING.
SAID PARCEL CONTAINS 19.00 ACRES, MORE OR LESS, AND HAVING A PERIMETER OF 3,950.14 FEET.

THAT PORTION OF THE SIZER PLACER U.S. SURVEY NO. 388, SEARL PLACER U.S. SURVEY NO. 436 AND THE CAPITOL PLACER U.S. SURVEY NO. 977, LOCATED WITHIN SECTION 13, 14, 23 AND 24, TOWNSHIP 9 SOUTH, RANGE 80 WEST OF THE 6TH PRINCIPAL MERIDIAN, LAKE COUNTY, COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT CORNER NO. 4 OF SAID SEARL PLACER, U.S. SURVEY NO. 436, ALSO BEING CORNER NO. 2 OF THE JACOBSON PLACER, U.S. SURVEY NO. 380. A FOUND 2" BRASS CAP FROM WHICH CORNER NO. 1 OF SAID JACOBSON PLACER A FOUND 2" BRASS CAP BEARS N. 65° 00'00" W., A DISTANCE OF 2,865.39 FEET AND THE SOUTH ONE-QUARTER CORNER OF SAID SECTION 13, A FOUND STONE BEARS S. 61° 11' 22" E., A DISTANCE OF 1,265.53 FEET; THENCE S. 82°31' 53" W., A DISTANCE OF 742.23 FEET TO CORNER NO. 2 OF A PARCEL OF LAND AS DESCRIBED IN 498 AT PAGE 6 OF LAKE COUNTY RECORDS,
THENCE N. 68° 58' 22" W. ALONG THE SOUTH LINE OF SAID PARCEL DESCRIBED IN BOOK 498 AT PAGE 6, A DISTANCE OF 486.84 FEET TO THE EASTERLY LINE OF A PARCEL OF LAND AS DESCRIBED IN BOOK 319 AT PAGE 79 OF LAKE COUNTY RECORDS; THENCE S. 20° 26' 00" W. ALONG SAID EASTERLY LINE OF PARCEL DESCRIBED IN BOOK 319 AT PAGE 79, A DISTANCE OF 377.97 FEET TO THE SOUTHEASTERLY CORNER OF SAID PARCEL DESCRIBED IN BOOK 319 AT PAGE 79, AND TO THE POINT OF BEGINNING;
THENCE N. 69° 12' 00" W. ALONG THE SOUTHERLY LINE OF SAID PARCEL DESCRIBED IN BOOK 319 AT PAGE 79, A DISTANCE OF 162.23 FEET TO THE EASTERLY RIGHT-OF-WAY OF U.S. HIGHWAY 24 AS DESCRIBED IN 261 AT PAGE 191 OF LAKE COUNTY RECORDS;
THENCE S. 20° 20' 05" W. ALONG SAID EASTERLY RIGHT-OF-WAY OF U.S. HIGHWAY 24, A DISTANCE OF 59.89 FEET TO THE NORTH LINE OF A PARCEL OF LAND AS DESCRIBED IN BOOK 377 AT PAGE 264, LAKE COUNTY RECORDS;
THENCE S. 69° 12' 00" E. ALONG SAID NORTH LINE OF A PARCEL OF LAND DESCRIBED IN BOOK 377 AT PAGE 264, A DISTANCE OF 188.13 FEET TO THE NORTHEASTERLY CORNER OF SAID PARCEL DESCRIBED IN BOOK 377 AT PAGE 264;
THENCE S. 20° 26' 00" W. ALONG THE EASTERLY LINE OF SAID PARCEL AS DESCRIBED IN BOOK 377 AT PAGE 264, A DISTANCE OF 275.00 FEET TO THE SOUTHEASTERLY CORNER OF SAID PARCEL AS DESCRIBED IN BOOK 377 AT PAGE 264;
THENCE N. 69°12'00" W., A DISTANCE OF 187.65 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY 24 AS DESCRIBED IN BOOK 261 AT PAGE 191 OF LAKE COUNTY RECORDS; THENCE S. 20° 20' 05" W. ALONG SAID EASTERLY RIGHT-OF-WAY OF U.S. HIGHWAY 24, A DISTANCE OF 363.33 FEET TO THE BEGINNING OF A TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 961.10 FEET, OF WHICH THE CHORD BEARS S. 06° 40' 17" W., A DISTANCE OF 454.05 FEET;
THENCE ALONG THE ARC OF SAID CURVE AND SAID EASTERLY RIGHT-OF-WAY OF U.S. HIGHWAY 24 AS DESCRIBED IN BOOK 261 AT PAGE 191, A DISTANCE OF 458.38 FEET THROUGH A CENTRAL ANGLE OF 27°19'35" TO THE 1-2 LINE OF SAID SEARL PLACE;
THENCE S. 84°19'27" E., A DISTANCE OF 741.52 FEET, TO A POINT ON THE EASTERLY LINE OF A PARCEL DESCRIBED IN BOOK 51 AT PAGE 331, AND BOOK 375 AT PAGE 461;
THENCE N. 05° 40' 33" E. ALONG THE EASTERLY LINE OF SAID PARCEL AS DESCRIBED IN BOOK 51 AT PAGE 331, BOOK 66 AT PAGE 268 AND BOOK 375 AT PAGE 461, A DISTANCE OF 604.42 FEET TO CORNER NO. 6 OF SAID PARCEL DESCRIBED IN BOOK 51 AT PAGE 331, BOOK 66 AT PAGE 268 AND BOOK 375 AT PAGE 461;

THENCE N. 18° 33' 42" E. ALONG SAID EASTERLY LINE OF PARCEL DESCRIBED IN BOOK 51 AT PAGE 331, BOOK 66 AT PAGE 268 AND BOOK 375 AT PAGE 461, A DISTANCE OF 354.31 FEET; THENCE N. 71°26'18" W., A DISTANCE OF 498.73 FEET TO THE POINT OF BEGINNING. SAID PARCEL CONTAINS 15.78 ACRES, MORE OR LESS, AND HAVING A PERIMETER OF 3,893.59 FEET.

TOGETHER WITH

THAT PORTION OF THE SIZER PLACER U.S. SURVEY NO. 388, SEARL PLACER U.S. SURVEY NO. 436 AND THE CAPITOL PLACER U.S. SURVEY NO. 977, LOCATED WITHIN SECTION 13, 14, 23 AND 24, TOWNSHIP 9 SOUTH, RANGE 80 WEST OF THE 6TH PRINCIPAL MERIDIAN, LAKE COUNTY, COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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THENCE N. 68° 58' 22" W. ALONG THE SOUTH LINE OF SAID PARCEL DESCRIBED IN BOOK 498 AT PAGE 6, A DISTANCE OF 486.84 FEET TO THE EASTERLY LINE OF A PARCEL OF LAND AS DESCRIBED IN BOOK 319 AT PAGE 79 OF LAKE COUNTY RECORDS; THENCE S. 20° 26' 00" W. ALONG SAID EASTERLY LINE OF PARCEL DESCRIBED IN BOOK 319 AT PAGE 79, A DISTANCE OF 377.97 FEET TO THE SOUTHEASTERLY CORNER OF SAID PARCEL DESCRIBED IN BOOK 319 AT PAGE 79;

THENCE S 71°26'18" E, A DISTANCE OF 498.73 FEET TO THE EASTERLY LINE OF A PARCEL DESCRIBED IN BOOK 51 AT PAGE 331, BOOK 66 AT PAGE 268 AND BOOK 375 AT PAGE 461; THENCE N. 18°33'42" E., ALONG SAID EASTERLY LINE OF PARCEL DESCRIBED IN BOOK 51 AT PAGE 331, BOOK 66 AT PAGE 268 AND BOOK 375 AT PAGE 461, A DISTANCE OF 356.83 FEET TO THE POINT OF BEGINNING;

SAID PARCEL CONTAINS 4.15 ACRES, MORE OR LESS, AND HAVING A PERIMETER OF 1,720.37 FEET.