

**TOWN OF MINTURN, COLORADO
ORDINANCE NO. 03 - SERIES 2024**

**AN ORDINANCE APPROVING DISCONNECTION OF
REAL PROPERTY FROM THE TOWN OF MINTURN.**

WHEREAS, the Town of Minturn (“Town”) is a Colorado home rule municipality organized pursuant to Article XX of the Colorado Constitution and with the authority of the Town of Minturn Home Rule Charter for which the Minturn Town Council (“Town Council”) is authorized to act; and

WHEREAS, the Town Council has authority pursuant to the Home Rule Charter and C.R.S. §§ 31-16-101, *et seq.* to adopt and enforce all ordinances; and

WHEREAS, in the exercise of this authority, the Town Council has previously adopted § 16-1-70 of the Minturn Municipal Code (“Municipal Code”), concerning annexation and disconnection; and

WHEREAS, Municipal Code § 16-1-70(b) provides that real property may be disconnected from the Town pursuant to the procedures and substantive standards set forth in that section and in C.R.S. §§ 31-12-501 *et seq.*; and

WHEREAS, pursuant to C.R.S. § 31-12-501(1) and Municipal Code § 16-1-70(b), the Town Council has received an application for disconnection (the “Application”) of the “Disconnected Parcels” (as defined in the Application) from the Town, which Disconnected Parcels are legally described in Exhibit A and graphically depicted in Exhibit B; and

WHEREAS, the Town Council finds that the requirements of C.R.S. §§ 31-12-501 *et seq.* for disconnection of the Disconnected Parcels from the Town have been satisfied, in that: (1) the owner of the Disconnected Parcels has applied to the Town for disconnection; (2) the owner of the Disconnected Parcels has also provided notice and a copy of the application for disconnection to the Board of County Commissioners of Eagle County and to the board of directors of any affected special district pursuant to C.R.S. § 31-12-501(1); and (3) the best interests of the Town will not be prejudiced by the disconnection of the Disconnected Parcels; and

WHEREAS, the Town Council finds that the requirements of Municipal Code § 16-1-70(b) for disconnection of the Disconnected Parcels from the Town have been satisfied, in that: (1) the Application is complete pursuant to Municipal Code § 16-1-70(b)(2); and (2) disconnection will not prejudice the best interests of the Town as defined in Municipal Code § 16-1-70(b)(3); and

WHEREAS, in February of 2008, in connection with the annexation and then-contemplated development of certain real property, which real property included, but is not limited to, the Disconnected Parcels, the Town approved: (1) zoning pursuant to Ordinance No. 12-2008; (2) Preliminary Planned Unit Development Plan and Environmental Impact Report pursuant to Resolution No. 18-2008; and (3) Preliminary Subdivision Plat pursuant to Resolution No. 19-2008; (collectively, and together with the Town resolutions and/or

ordinances approving such instruments, “**Prior Approvals**”), which Prior Approvals will be terminated as applied to the Disconnected Parcels as part of the disconnection; and

WHEREAS, between 2006 and 2012, in connection with the annexation and then-contemplated development of certain real property, which real property included, but is not limited to, the Disconnected Parcels, the Town entered into the: (1) Wastewater Service Agreement pursuant to Ordinance No. 1-2006; (2) Battle Mountain Annexation Agreement and Vested Property Rights Development Agreement pursuant to Ordinance No. 10-2008; (3) Water Service Agreement pursuant to Ordinance No. 11-2008; (4) Agreement Regarding Escrows and Funding pursuant to Resolution No. 5-2012; (5) three Escrow Agreements subsequently amended pursuant to Resolution Nos. 6-2012, 7-2012, 8-2012, 12-2012, and 13-2012; and (6) Memorandum of Understanding Relating to Battle Mountain Project pursuant to Resolution No. 27-2016 (collectively, and together with the Town resolutions and/or ordinances approving such instruments, “**Prior Agreements**”) with the then-owner(s) of the Disconnected Parcels, which Prior Agreements and any vested property rights established pursuant to C.R.S. §§ 24-68-101 *et seq.* will be terminated as applied to the Disconnected Parcels as part of the disconnection; and

WHEREAS, upon due consideration being given to the Application, the Town Council is of the opinion that the best interests of the Town will not be prejudiced by the disconnection of the Disconnected Parcels from the Town.

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

1. Incorporation of Recitals. The foregoing recitals are incorporated herein as if set forth in full.
2. Disconnection Approved. Disconnection of the Disconnected Parcels from the Town is hereby approved and, subject to satisfaction of the recording requirement identified in Section 6 below, the Disconnected Parcels shall be disconnected from the Town.
3. Termination of Prior Approvals. The Town Council hereby terminates the Prior Approvals as applied to the Disconnected Parcels described in Exhibit A attached hereto. Accordingly, the Disconnected Parcels are released from the encumbrance of the Prior Approvals, which are of no further force or effect as applied to the Disconnected Parcels and any parties to such Prior Approvals are released from all rights, obligations, and liabilities arising out of such Prior Approvals as they may pertain to the Disconnected Parcels.
4. Termination of Prior Agreements. The Town Council hereby terminates the Prior Agreements as applied to the Disconnected Parcels described in Exhibit A attached hereto. Accordingly, the Disconnected Parcels are released from the encumbrance of the Prior Agreements, which are of no further force or effect as applied to the Disconnected Parcels and the parties to such Prior Agreements are released from all rights, obligations, and liabilities arising out of such Prior Agreements as they may pertain to the Disconnected Parcels
5. Termination of Vested Property Rights. Vested property rights for the Disconnected Parcels that have been established pursuant to C.R.S. §§ 24-68-101 *et seq.* and/or by virtue of the


Battle Mountain Annexation Agreement and Vested Property Rights Development Agreement (Ordinance 10, Series 2008) are hereby extinguished.

6. Recording. Following the legal effective date of this ordinance, the Town Clerk is hereby authorized and directed to file for record with the Eagle County Clerk and Recorder two certified copies of this disconnection ordinance, and to request that the Eagle County Clerk and Recorder file the second certified copy with the Division of Local Government and the Department of Local Affairs as provided by C.R.S. § 24-32-109. The Town Clerk is further authorized and directed to take all other ministerial and filing actions required or appropriate to effectuate the action of the Town Council in approving disconnection of the Disconnected Parcels.

7. Effective Date. This ordinance shall take effect thirty (30) days after publication in accordance with Section 11.5 of the Minturn Home Rule Charter; provided, however that said disconnection shall be made legally effective only upon satisfaction of the recording requirements set forth in Section 6 of this ordinance.

INTRODUCED, READ BY TITLE, APPROVED ON THE FIRST READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEBSITE THE 20TH DAY OF MARCH 2024. 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 3RD DAY OF APRIL 2024 AT 5:30PM. AT THE MINTURN TOWN HALL 302 PINE STREET, MINTURN COLORADO 81645.

TOWN OF MINTURN, COLORADO



Earle Bidez, 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 WEBSITE THIS 3RD DAY OF APRIL 2024.

THIS ORDINANCE WILL BE LEGALLY EFFECTIVE THIRTY (30) DAYS AFTER PUBLICATION FOLLOWING THE DATE ON WHICH TOWN COUNCIL APPROVED THIS ORDINANCE ON SECOND READING; PROVIDED, HOWEVER, THIS ORDINANCE WILL NOT BE RECORDED WITH THE EAGLE COUNTY CLERK AND RECORDER PRIOR TO THE LEGAL EFFECTIVE DATE OF THIS ORDINANCE.

TOWN OF MINTURN, COLORADO

Earle Bidez, Mayor

ATTEST:

By: _____
Jay Brunvand, Town Clerk

EXHIBIT A
LEGAL DESCRIPTION OF DISCONNECTED PARCELS

The following tracts of real property which, collectively, comprise the Disconnected Parcels:

Parcel 1: Rex Flats, Tracts E, F, G, and H (Battle North)

Rex Flats

An area of land located in Sections 1, 2, and 11 of Township 6 South, Range 81 West of the Sixth Principal Meridian, Eagle County, Colorado.

Beginning at corner number 8 of MS 19856 River Bend Mill Site whence angle point 7 of H.E.S. 41 being an original stone monument bears *S 08°01'50" E* a distance of 285.50 feet; thence *N 73°03'36" E* a distance of 114.40 feet; thence *N 00°06'36" E* a distance of 101.02 feet to a point on the southern boundary of U.S. Highway 24 right-of-way as described in the Colorado Department of Transportation

U.S. Highway 24 Boundary Agreement approved July 20, 2018 and recorded in the Eagle County Clerk and Recorder's office July 27, 2018 at reception number 201812787; thence along said U.S. Highway right-of-way *S 55°00'36" E* a distance of 95.06 feet to a point on the 3-4 line of MS 19856 River Bend Mill Site; thence along said 3-4 line *S 11°05'59" W* a distance of 246.97 feet; thence leaving said 3-4 line *N 38°38'30" E* a distance of 23.65 feet to a point on the western boundary of the Union Pacific Railroad right-of-way; thence along said railroad right-of-way the following nine courses:

1. *S 14°36'28" W* a distance of 130.66 feet;
2. 299.94 feet along the arc of a *tangent* curve to the *right* having a radius of 29800.64 feet, a central angle of *00°34'36"*, and the chord bears *S 14°53'46" W* a distance of 299.94 feet;
3. 346.51 feet along the arc of a *tangent* curve to the *right* having a radius of 1687.09 feet, a central angle of *11°46'05"*, and the chord bears *S 21°04'06" W* a distance of 345.90 feet;
4. 117.33 feet along the arc of a *tangent* curve to the *right* having a radius of 2298.64 feet, a central angle of *02°55'28"*, and the chord bears *S 28°24'53" W* a distance of 117.32 feet;
5. *S 89°10'02" W* a distance of 66.59 feet;
6. *S 30°39'47" W* a distance of 22.42 feet;
7. *S 00°49'58" E* a distance of 109.10 feet;
8. *S 30°39'47" W* a distance of 884.09 feet;
9. *N 13°07'52" W* and distance of 39.09 feet;

thence leaving said railroad right-of-way, *N 53°11'20" W* a distance of 209.22 feet to the center of the Eagle River; thence the following fourteen courses along said center of the Eagle River:

1. *N 39°00'16" W* a distance of 132.00 feet;
2. *N 02°48'58" W* a distance of 158.00 feet;

3. *N 15°15'48" W* a distance of *154.00* feet;
4. *N 16°33'40" W* a distance of *326.72* feet;
5. *N 11°21'54" W* a distance of *374.00* feet;
6. *N 24°25'48" W* a distance of *132.00* feet;
7. *N 07°08'39" W* a distance of *140.00* feet;
8. *N 19°18'51" E* a distance of *106.00* feet;
9. *N 38°27'21" E " E* a distance of *172.00* feet;
10. *N 33°39'49" E* a distance of *288.54* feet;
11. *N 33°39'49" E* a distance of *68.33* feet;
12. *N 40°53'40" E* a distance of *200.00* feet;
13. *N 76°34'22" E* a distance of *74.00* feet;
14. *S 88°07'28" E* a distance of *508.06* feet;

thence leaving said center of the Eagle River *N 58°05'40" E* a distance of *123.33* feet to a point on the 7- 8 line of H.E.S. 41; thence *S 08°01'50" E* a distance of *387.68* feet along said 7-8 line of H.E.S. 41; to the point of beginning, containing 43.78 acres more or less.

Tract E

A parcel of land located in Sections 1, 11 and 12 of Township 6 South, Range 81 West of the Sixth Principal Meridian and consisting of that portion of Mineral Surveys 2367 John C. Godfrey, 5712 Rosa M. and Peru Lodes, 19500 Brooklyn Placer Lode, 19960 General Pershing Lode, 20043 May No. 5 Lode, 20257 May Nos. 13, 14, 15, I Have It and Lincoln Highway Lodes, 20292 Big Timber and St. Patrick Lodes, 20293 Cave Lode, and 20461 May Nos. 4 and 16 Lodes situated westerly and southerly of the western right-of-way for U.S. Highway 24 as described in the Boundary Agreement recorded July 27, 2018 at reception number 201812787 and easterly of the easternmost right-of-way for Union Pacific Railroad, being more particularly described as follows:

Beginning at Corner No. 2 of said Cave Lode from whence the Southwest corner of Section 36, Township 5 South, Range 81 West of the 6th P.M., being a 2-1/2 inch GLO Brass Cap found in place bears *N 20°54'18" W* a distance of *10659.37* feet; thence feet along the 2-3 line of said Cave Lode *N 45°07'27" W* a distance of *356.25* to a point on the eastern right-of-way for the Union Pacific Railroad; thence along said eastern right-of-way for the Union Pacific Railroad the following five courses:

1. *N 77°36'39" E* a distance of *20.62* feet along the southern boundary of the unpatented Cleveland No. 2 Lode;
2. *N 18°04'49" W* a distance of *301.49* feet along a line which is parallel to and offset 100-feet easterly from the centerline of the eastern corridor of said Union Pacific Railroad;
3. *S 77°36'39" W* a distance of *75.37* feet along line 2-3 of said Peru Lode;
4. *N 18°04'49" W* a distance of *600.75* feet along a line which is parallel to and offset 25-feet easterly from the centerline of the eastern corridor of said Union Pacific Railroad;
5. *N 77°36'39" E* a distance of *75.37* feet along the 6-7 line of said Rosa M Lode to a point on the eastern right-of-way for the Union Pacific Railroad, said point being on a line offset 100-feet easterly from the centerline of the eastern corridor of said Union Pacific Railroad;

Thence continuing along the 6-7 line of said Rosa M Lode $N 77^{\circ}36'39'' E$ a distance of 21.52 feet to Corner No. 3 of said St. Patrick Lode; thence $N 17^{\circ}11'16'' W$ a distance of 2.67 feet along the 2-3 line of said St. Patrick Lode to Corner No. 3 of said Brooklyn Placer; thence $S 76^{\circ}33'32'' W$ a distance of 21.53 feet along the 3-4 line of said Brooklyn Placer to a point on the eastern right-of-way for the Union Pacific Railroad, said point being 100-feet easterly from the centerline of the eastern corridor of said Union Pacific Railroad; thence along said eastern right-of-way for the Union Pacific Railroad the following twenty-two courses:

1. $N 18^{\circ}04'49'' W$ a distance of 299.21 feet along a line which is parallel to and offset 100-feet easterly from the centerline of the eastern corridor of said Union Pacific Railroad;
2. $S 77^{\circ}36'39'' W$ a distance of 50.25 feet along the northerly boundary of the unpatented No. 33 Lode;
3. $N 18^{\circ}04'49'' W$ a distance of 723.16 feet along a line which is parallel to and offset 50-feet easterly from the centerline of the eastern corridor of said Union Pacific Railroad;
4. 135.32 feet along the arc of a *tangent* curve to the *right* having a radius of 2434.10 feet, a central angle of $03^{\circ}11'07''$, and the chord bears $N 16^{\circ}29'15'' W$ a distance of 135.30 feet, said curve being parallel to and offset 50-feet easterly from the centerline of the eastern corridor of said Union Pacific Railroad;
5. 150.44 feet along the arc of a *tangent* curve to the *right* having a radius of 553.78 feet, a central angle of $15^{\circ}33'54''$, and the chord bears $N 07^{\circ}06'45'' W$ a distance of 149.98 feet said curve being parallel to and offset 50-feet easterly from the centerline of the eastern corridor of said Union Pacific Railroad;
6. $N 13^{\circ}07'52'' W$ a distance of 81.85 feet along the westerly boundary of the unpatented Henry Clay Lode;
7. 244.56 feet along the arc of a *non tangent* curve to the *right* having a radius of 3794.72 feet, a central angle of $03^{\circ}41'33''$, and the chord bears $N 10^{\circ}05'01'' E$ a distance of 244.52 feet, said curve being parallel to and offset 25-feet easterly from the centerline of the eastern corridor of said Union Pacific Railroad;
8. 226.02 feet along the arc of a *tangent* curve to the *right* having a radius of 711.48 feet, a central angle of $18^{\circ}12'05''$, and the chord bears $N 21^{\circ}01'50'' E$ a distance of 225.07 feet, said curve being parallel to and offset 25-feet easterly from the centerline of the eastern corridor of said Union Pacific Railroad;
9. $N 76^{\circ}52'08'' E$ a distance of 48.45 feet along the northerly boundary of the unpatented Henry Clay Lode;
10. $N 30^{\circ}39'47'' E$ a distance of 58.25 feet along a line which is parallel to and offset 75-feet easterly from the centerline of the main line of said Union Pacific Railroad;
11. $S 82^{\circ}41'41'' W$ a distance of 63.42 feet along the southerly boundary of the unpatented San Louis Lode;
12. $N 30^{\circ}39'47'' E$ a distance of 190.27 feet along a line which is parallel to and offset 25-feet easterly from the centerline of the main line of said Union Pacific Railroad;
13. $N 82^{\circ}41'41'' E$ a distance of 63.42 feet along the northerly boundary of the unpatented San Louis Lode;
14. $N 30^{\circ}39'47'' E$ a distance of 184.78 feet along a line which is parallel to and offset 75-feet easterly from the centerline of the main line of said Union Pacific Railroad;
15. $S 00^{\circ}49'58'' E$ a distance of 82.31 feet along the westerly boundary of the unpatented Astor Eureka Placer claim;

16. $N 30^{\circ}39'47'' E$ a distance of 352.10 feet along a line which is parallel to and offset 118-feet easterly from the centerline of the main line of said Union Pacific Railroad;
17. 117.60 feet along the arc of a *tangent* curve to the *left* having a radius of 2441.64 feet, a central angle of $02^{\circ}45'34''$, and the chord bears $N 29^{\circ}17'00'' E$ a distance of 117.59 feet, said curve being parallel to and offset 118-feet easterly from the centerline of the main line of said Union Pacific Railroad;
18. $S 89^{\circ}10'02'' W$ a distance of 49.17 feet along the southerly boundary of the unpatented Astor Eureka Placer claim;
19. 63.46 feet along the arc of a *non tangent* curve to the *left* having a radius of 2398.64 feet, a central angle of $01^{\circ}30'57''$, and the chord bears $N 27^{\circ}42'37'' E$ a distance of 63.46 feet, said curve being parallel to and offset 75-feet easterly from the centerline of the main line of said Union Pacific Railroad;
20. 367.05 feet along the arc of a *tangent* curve to the *left* having a radius of 1787.09 feet, a central angle of $11^{\circ}46'05''$, and the chord bears $N 21^{\circ}04'06'' E$ a distance of 366.41 feet, said curve being parallel to and offset 75-feet easterly from the centerline of the main line of said Union Pacific Railroad;
21. 300.95 feet along the arc of a *tangent* curve to the *left* having a radius of 29900.64 feet, a central angle of $00^{\circ}34'36''$, and the chord bears $N 14^{\circ}53'46'' E$ a distance of 300.95 feet, said curve being parallel to and offset 75-feet easterly from the centerline of the main line of said Union Pacific Railroad;
22. $N 14^{\circ}36'28'' E$ a distance of 309.21 feet along a line which is parallel to and offset 75-feet easterly from the centerline of the main line of said Union Pacific Railroad to a point on said western right-of-way of U.S. Highway 24;

thence the following nineteen courses along said western right-of-way of U.S. Highway 24:

1. $S 55^{\circ}00'36'' E$ a distance of 299.10 feet;
2. $N 56^{\circ}45'57'' E$ a distance of 216.37 feet;
3. $N 29^{\circ}39'07'' E$ a distance of 275.58 feet;
4. $N 02^{\circ}26'21'' E$ a distance of 269.62 feet;
5. $N 37^{\circ}48'55'' E$ a distance of 427.27 feet;
6. $S 61^{\circ}41'50'' E$ a distance of 114.28 feet;
7. $S 16^{\circ}35'49'' W$ a distance of 567.34 feet;
8. $S 48^{\circ}39'59'' W$ a distance of 175.60 feet;
9. $S 09^{\circ}52'34'' W$ a distance of 532.21 feet;
10. $S 47^{\circ}54'05'' W$ a distance of 673.50 feet;
11. $S 16^{\circ}36'56'' W$ a distance of 631.44 feet;
12. $S 42^{\circ}50'33'' E$ a distance of 206.37 feet;
13. $S 10^{\circ}21'25'' E$ a distance of 389.77 feet;
14. $S 47^{\circ}30'31'' E$ a distance of 350.91 feet;
15. $S 13^{\circ}25'37'' E$ a distance of 237.62 feet;
16. $S 47^{\circ}15'23'' W$ a distance of 356.18 feet;
17. $S 16^{\circ}21'06'' W$ a distance of 394.80 feet;
18. $S 06^{\circ}53'19'' E$ a distance of 612.04 feet;
19. $S 22^{\circ}20'58'' E$ a distance of 832.28 feet to a point on the 1-2 line of said Cave Lode;

thence along said 1-2 line of Cave Lode, $S 77^{\circ}36'39'' W$ a distance of 363.34 feet to the point of beginning. Tract E containing 71.84 acres more or less.

Tract F

A parcel of land located in Sections 11 and 12 of Township 6 South, Range 81 West of the Sixth Principal Meridian and consisting of that portion of Mineral Survey 19500 Brooklyn Placer situated easterly of the eastern right of way of the western corridor and westerly of the western right-of-way of the eastern corridor for the Union Pacific Railroad, being more particularly described as follows:

Beginning at a point on said western right-of-way of the eastern corridor for the Union Pacific Railroad, said point being on a line offset 50-feet westerly from the centerline of the eastern corridor of said Union Pacific Railroad, whence the Southwest corner of Section 36, Township 5 South, Range 81 West of the 6th P.M., being a 2-1/2 inch GLO Brass Cap found in place bears $N 20^{\circ}06'13'' W$ a distance of 8,054.90 feet; thence along said western right-of-way of the eastern corridor the following three courses, said right-of-way being parallel to and offset 50-feet westerly from the centerline of the eastern corridor of said Union Pacific Railroad:

1. 214.72 feet along the arc of a *non tangent* curve to the *left* having a radius of 653.78 feet, a central angle of $18^{\circ}49'04''$, and the chord bears $S 05^{\circ}29'10'' E$ a distance of 213.76 feet;
2. 140.88 feet along the arc of a *tangent* curve to the *left* having a radius of 2534.10 feet, a central angle of $03^{\circ}11'07''$, and the chord bears $S 16^{\circ}29'15'' E$ a distance of 140.86 feet;
3. $S 18^{\circ}04'49'' E$ a distance of 1014.66 feet to a point on the 4-5 line of said MS 19500 Brooklyn Placer;

thence along said 4-5 line of said MS 19500 Brooklyn Placer, $S 77^{\circ}39'37'' W$ a distance of 300.62 feet to the eastern right-of-way of the western corridor for the Union Pacific Railroad; thence along the eastern right-of-way of the western corridor for the Union Pacific Railroad the following five courses, said right-of-way being parallel to and offset 25-feet easterly from the centerline of the western corridor of said Union Pacific Railroad:

1. 193.66 feet along the arc of a *non tangent* curve to the *right* having a radius of 788.65 feet, a central angle of $14^{\circ}04'10''$, and the chord bears $N 23^{\circ}10'39'' W$ a distance of 193.17 feet;
2. 124.90 feet along the arc of a *tangent* curve to the *right* having a radius of 1638.73 feet, a central angle of $04^{\circ}22'01''$, and the chord bears $N 13^{\circ}57'33'' W$ a distance of 124.87 feet;
3. $N 11^{\circ}46'32'' W$ a distance of 509.04 feet;
4. 130.25 feet along the arc of a *tangent* curve to the *right* having a radius of 2634.59 feet, a central angle of $02^{\circ}49'57''$, and the chord bears $N 10^{\circ}21'34'' W$ a distance of 130.23 feet;
5. 502.96 feet along the arc of a *tangent* curve to the *right* having a radius of 823.26 feet, a central angle of $35^{\circ}00'13''$, and the chord bears $N 08^{\circ}33'32'' E$ a distance of 495.17 feet;

thence $S 63^{\circ}56'22'' E$ a distance of 86.97 feet; to the point of beginning. Tract F containing 8.01 acres more or less.

Tract G

A parcel of land located in Section 11 of Township 6 South, Range 81 West of the Sixth Principal Meridian and consisting of that portion of Mineral Survey 19500 Brooklyn Placer situated westerly of the western right-of-way of the western corridor for the Union Pacific Railroad, being more particularly described as follows:

Beginning at the intersection of the 5-6 line of said MS 19500 Brooklyn Placer and said western railroad right-of-way whence the Southwest corner of Section 36, Township 5 South, Range 81 West of the 6th P.M., being a 2-1/2 inch GLO Brass Cap found in place bears *N 17°20'46" W* distance of 9,365.21 feet; thence along the western right-of-way of the western corridor for the Union Pacific Railroad 14.46 feet along the arc of a *non tangent* curve to the *left* having a radius of 838.65 feet, a central angle of *00°59'17"*, and the chord bears *S 28°37'12" E* a distance of 14.46 feet, said right-of-way being parallel to and offset 25-feet westerly from the centerline of the western corridor of said Union Pacific Railroad, to a point on the 4-5 line of said MS 19500 Brooklyn Placer; thence along said 4-5 line of said MS 19500 Brooklyn Placer *S 77°39'37" W* a distance of 3.12 feet to corner number 5 of said MS 19500 Brooklyn Placer; thence along the 5-6 line of said MS 19500 Brooklyn Placer *N 16°11'23" W* a distance of 13.91 feet to the point of beginning. Tract G containing 21 square feet or 0.0005 acres more or less.

Tract H

A parcel of land located in Section 12 of Township 6 South, Range 81 West of the Sixth Principal Meridian and consisting of that portion of Mineral Surveys 5712 Peru Lode and Rosa M. Lode situated westerly of the western right-of-way for the eastern corridor for the Union Pacific Railroad, being more particularly described as follows:

Beginning at corner number two of said MS 5712 Peru Lode, whence the Southwest corner of Section 36, Township 5 South, Range 81 West of the 6th P.M., being a 2-1/2 inch GLO Brass Cap found in place bears *N 19°14'39" W* a distance of 10,013.77 feet; thence along the 1-2 line of said MS 5712 Peru Lode *N 12°33'49" W* a distance of 298.89 feet to corner numbers 1 and 5 of said MS 5712 Peru and Rosa M. Lodes. thence along the 5-6 line of said MS 5712 Rosa M. Lode *N 12°33'49" W* a distance of 277.96 feet to a point on the western right-of-way for the eastern corridor for the Union Pacific Railroad, said right of way being parallel to and offset 25-feet westerly from the centerline of the eastern corridor of said Union Pacific Railroad; thence along said western right-of-way for the eastern corridor for the Union Pacific Railroad *S 18°04'49" E* a distance of 579.71 feet to a point on the 2-3 line of said MS 5712 Peru Lode; thence along said 2-3 line of MS 5712 Peru Lode *S 77°36'39" W* a distance of 55.73 feet to the point of beginning. Tract H containing 0.37 acres more or less.

Parcel 2: Gilman Property (Battle South)

A parcel of land located in Sections 12 and 13, Township 6 South, Range 81 West of the Sixth Principal Meridian, Eagle County, Colorado.

Beginning at a point on the 3-4 line of the Coolidge Lode (MS #20293); also being the 1-2 line of the Cave Lode (MS #20293); and the western boundary of the U.S. Highway 24 right-of-way as described in the Boundary Agreement recorded July 27, 2018 in the Eagle County Clerk and Recorder's office at reception number 201812787, whence the South Quarter Corner of Section 36, Township 5 South, Range 81 West of the 6th P.M., being a 2-1/2 inch GLO Brass Cap found in place bears N 08°25'46" W a distance of 9988.76 feet; and from whence the Southwest corner of said Section 36, being a 2-1/2 inch GLO Brass Cap found in place bears S 89°58'35" W a distance of 2694.09 feet; thence along said right-of-way the following twenty-three (23) courses:

1. S 22°20'58" E a distance of 265.88 feet;
2. S 47°00'56" E a distance of 294.43 feet;
3. S 12°36'07" E a distance of 369.21 feet;
4. S 08°55'00" W a distance of 424.02 feet;
5. S 12°06'21" E a distance of 306.40 feet;
6. S 64°26'53" E a distance of 317.25 feet;
7. N 75°03'03" E a distance of 289.94 feet;
8. N 48°44'48" E a distance of 372.35 feet;
9. N 61°36'41" E a distance of 850.71 feet;
10. S 64°09'19" E a distance of 292.05 feet;
11. S 17°39'35" W a distance of 626.41 feet;
12. S 04°01'16" E a distance of 527.58 feet;
13. S 20°35'11" W a distance of 385.25 feet;
14. S 20°57'40" W a distance of 406.86 feet;
15. S 17°58'17" W a distance of 105.50 feet;
16. S 11°28'50" W a distance of 152.15 feet;
17. S 03°47'09" E a distance of 171.58 feet;
18. S 04°41'56" E a distance of 351.99 feet;
19. S 44°03'55" E a distance of 480.77 feet;
20. S 78°00'57" E a distance of 496.76 feet;
21. S 50°06'29" E a distance of 205.43 feet;
22. S 12°46'19" W a distance of 522.84 feet;
23. S 04°14'48" W a distance of 80.72 feet;

To the intersection of said right-of-way and the 2-3 line of the Mamie Lode (MS #781); thence departing said point S 89°53'50" W a distance of 235.86 feet; thence continuing the following seventeen (17) courses:

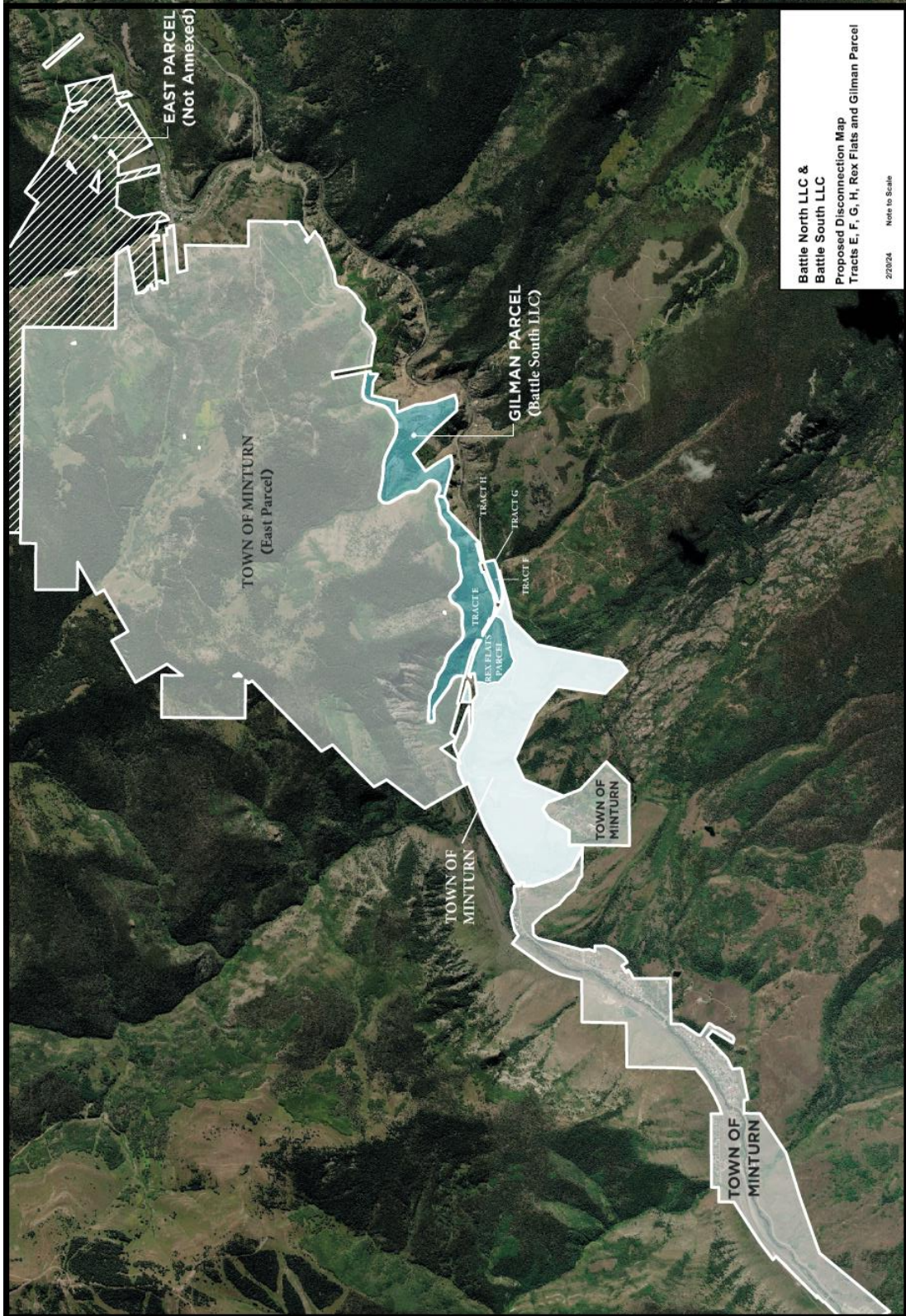
1. N 29°13'18" E a distance of 293.41 feet;
2. N 04°18'55" E a distance of 427.87 feet;
3. N 79°06'52" W a distance of 796.21 feet;
4. N 04°21'10" W a distance of 361.84 feet;
5. S 67°13'01" W a distance of 626.85 feet;

6. S 81°30'30" W a distance of 569.84 feet;
7. S 69°30'35" W a distance of 702.54 feet;
8. N 20°25'12" W a distance of 200.64 feet;
9. N 00°06'47" E a distance of 307.43 feet;
10. N 46°57'32" E a distance of 1044.73 feet;
11. N 42°03'38" E a distance of 889.41 feet;
12. N 35°31'47" W a distance of 675.33 feet;
13. S 54°00'31" W a distance of 975.90 feet;
14. N 08°51'48" W a distance of 394.02 feet;
15. N 14°09'10" E a distance of 1014.80 feet;
16. N 28°42'12" W a distance of 241.37 feet;
17. N 03°03'58" W a distance of 239.97 feet;

To corner No. 2 of the Coolidge Lode (MS #20293); thence along the 2-3 line of the said Coolidge Lode N 45°07'27" W a distance of 712.37 feet to Corner No. 3 of said Coolidge Lode also being Corner No. 2 of the Cave Lode (MS #20293); thence along the 3-4 line of said Coolidge Lode also being the 1-2 line of said Cave Lode N 77°36'39" E a distance of 363.34 feet to the Point of Beginning.

Said parcel containing 100.159 acres more or less.

EXHIBIT B
GRAPHIC DEPICTION OF DISCONNECTED PARCELS



TOWN OF MINTURN, COLORADO
ORDINANCE NO. 02 - SERIES OF 2024

AN ORDINANCE OF THE TOWN OF MINTURN,
COLORADO, REZONING LOT 3A SOUTH
MINTURN ADDITION SUBDIVISION FROM
SOUTH TOWN CHARACTER AREA COMMERCIAL
ZONE DISTRICT TO SOUTH TOWN CHARACTER
AREA RESIDENTIAL ZONE DISTRICT

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 20th DAY OF MARCH 2024.

TOWN OF MINTURN

Earle Bidez, Mayor

Attest

Jay Brunvand, Town Clerk

TOWN OF MINTURN, COLORADO
ORDINANCE NO. 03 - SERIES 2024

AN ORDINANCE APPROVING DISCONNECTION
OF REAL PROPERTY FROM THE TOWN OF
MINTURN INTRODUCED, READ BY TITLE,
APPROVED ON THE FIRST READING AND
ORDERED PUBLISHED BY TITLE ONLY AND
POSTED IN FULL ON THE OFFICIAL TOWN
WEBSITE THE 20TH DAY OF MARCH 2024. 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 3RD DAY OF APRIL 2024 AT
5:30PM, AT THE MINTURN TOWN HALL 302 PINE
STREET, MINTURN COLORADO 81645. TOWN
OF MINTURN, COLORADO Earle Bidez, Mayor
ATTEST: By: Jay Brunvand, Town Clerk

INTRODUCED, READ BY TITLE, APPROVED
ON THE FIRST READING AND ORDERED
PUBLISHED BY TITLE ONLY AND POSTED IN
FULL ON THE OFFICIAL TOWN WEBSITE THE
20TH DAY OF MARCH 2024. 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 3RD DAY OF APRIL 2024 AT 5:30PM, AT
THE MINTURN TOWN HALL 302 PINE STREET,
MINTURN COLORADO 81645.

TOWN OF MINTURN, COLORADO

Earle Bidez, Mayor

ATTEST:

By:
Jay Brunvand, Town Clerk

TOWN OF MINTURN, COLORADO
ORDINANCE NO. 04 – SERIES 2024

AN ORDINANCE OF THE TOWN OF MINTURN,
COLORADO AMENDING CHAPTER 19, ARTICLE
9 OF THE MINTURN MUNICIPAL CODE

INTRODUCED, READ BY TITLE, APPROVED
ON THE FIRST READING AND ORDERED
PUBLISHED BY TITLE ONLY AND POSTED IN
FULL ON THE OFFICIAL TOWN WEBSITE THE
20th DAY OF MARCH, 2024. 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 3RD DAY OF APRIL, 2024 AT 5:30 p.m. AT
THE MINTURN TOWN HALL 302 PINE STREET,
MINTURN COLORADO 81645.

TOWN OF MINTURN, COLORADO

Earle Bidez, Mayor

ATTEST:

By: Jay Brunvand, Town Clerk

**PUBLISHED IN THE VAIL DAILY ON SATURDAY,
MARCH 23, 2024.**

Glenwood Springs – Main Office

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P. O. Drawer 2030
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Suite 4102J
Aspen, CO 81611

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Fax: 970.945.7336

**Direct Mail to Glenwood Springs*

DATE: March 21, 2024
TO: Mayor and Council
FROM: Karp Neu Hanlon, P.C.
RE: Battle Mountain termination of PUD zoning from 2008

As part of the Battle Mountain settlement agreement, the parties agreed:

(e) Disconnection of Gilman Property. In connection with the contemplated Settlement, the Town has proposed and Battle South has agreed to effect disconnection of the Gilman Property. Accordingly, Battle South will submit to Town Council an application for disconnection of the Gilman Property by ordinance pursuant to C.R.S. §§ 31-12-501, *et seq.* The disconnection becoming legally effective will fully release Battle, the Town and the Gilman Property from any further rights, obligations and liabilities under or with respect to the Prior Agreements and the PUD Preliminary Plan relating to the Gilman Property.

As was previously discussed with Council, the Town’s consultation with Battle Mountain concluded that in addition to Gilman, the disconnection should include the “roster pile” areas along the Eagle River together with Rex Flats. These properties are all contaminated, included in the superfund site, and not easily developable in the future.

Battle Mountain has submitted a complete application for disconnection of the above referenced lands in accordance with Town Code §16-1-70(b)(2). C.R.S. § 31-12-501 provides that a disconnection is appropriate when in the “best interests of the municipality”. Under the Town Code, the “best interests of the municipality” includes:

- a. Resolution of any current, pending, or threatened legal actions;
- b. Resolution of any commitments, claims, or obligations required by any agreement, or terms of an agreement relating to the property proposed for disconnection;
- c. The impact of disconnection upon the Town's ability to maintain infrastructure and rights-of-way that were dedicated to a public entity;

d. That disconnection will not create an enclave as defined by C.R.S. § 31-12-106, or sever the contiguity of the Town's boundaries without adequately providing for access and the provision of utilities and services to areas that will remain within the Town.

The proposed disconnection meets these requirements. The disconnection is in furtherance of resolving the Battle Mountain litigation. The disconnection will not hamper the Town's ability to maintain infrastructure. The disconnection will not create an enclave as the Mountain Property will still be connected to the Town's boundaries. Most importantly, the disconnection will remove heavily contaminated land from the Town's boundaries.

Staff recommends approving the disconnection ordinance.