

ORDINANCE NO. 2005-1
TOWN OF RICO
REZONING THE RGS TRACT AND ROY'S TRACT COMMERCIAL PUD AND
PUBLIC FACILITIES

WHEREAS, the Rico Planning Commission took action to recommend rezoning the RGS Tract and Roy's Tract as Commercial PUD and Public Facilities as described in this ordinance, after conducting a public hearing on December 16th, 2004, and,

WHEREAS, the Board of Trustees conducted public hearings on January 19th, 2005, and February 16th, 2005, prior to taking final action on this ordinance;

WHEREAS, after considering all public comments and findings of fact the Board of Trustees finds that amending the Official Zone District Map of the Rico Land Use Code will promote the goals, objectives and policies of the Rico Regional Master Plan and will promote the health, safety and general welfare of the Rico community;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF RICO, COLORADO, the following:

SECTION 1. RICO LAND USE CODE AMENDMENTS ADOPTED

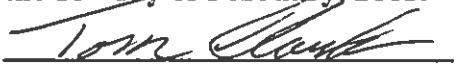
The Official Zone District map is hereby amended to designate the portion of the RGS Tract and Roy's Tract and portions of Lots 3 through 20, Block 28, Town of Rico, currently owned by Rico Land and Cattle as Commercial PUD. The portion of the described properties which are hereby zoned Commercial PUD are bounded by River Street/Depot Hill Road to the East, Depot Hill road to the South, the existing road along the historic railroad grade to the west (existing roadway connecting Hancock Street to Depot Hill Road), and the south line of Block 29/Block 12 to the North. The remaining portions of the RGS Tract and Roy's Tract are hereby zoned public facilities.

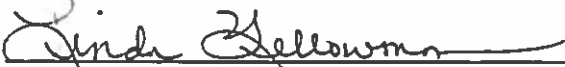
SECTION 2. EFFECTIVE DATE. This Ordinance shall be effective immediately upon final adoption.

SECTION 3. POSTING AND PUBLISHING. This Ordinance shall be posted at the Town Hall, Rico Post Office and the Town's Website.

INTRODUCED, READ, APPROVED AND ADOPTED BY THE BOARD OF TRUSTEES OF THE TOWN OF RICO on the 19th day of December, 2005.

READ AND APPROVED ON SECOND AND FINALLY READ AFTER CONDUCTING A PUBLIC HEARING BY THE BOARD OF TRUSTEES OF THE TOWN OF RICO on the 16th day of February, 2005.


By: Tom Clark, Mayor


Attest: Linda Yellowman, Town Clerk
[Town Seal]


Approved as to Form: Eric James Heil, Town Attorney

**ORDINANCE NO. 2005-2
TOWN OF RICO**

**REDUCING THE MINIMUM DISTANCE FROM A SCHOOL
FOR NEW LIQUOR LICENSE**

WHEREAS, C.R.S. §12-47-313(1)(D)(I) provides that a new liquor license can not be issued within 500 feet of a school; however, C.R.S. §12-47-313(1)(d)(III) provides that a municipality may reduce or eliminate the minimum distance from a school; and,

WHEREAS, the Board of Trustees finds that the Rico Elementary School is located in the middle of Rico's main street commercial district and that reduction of the minimum distance will allow reasonable ability to apply for a liquor license without creating negative impacts to the school,

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF RICO, COLORADO, the following:

SECTION 1. MINIMUM DISTANCE FROM SCHOOL REDUCED

The minimum distance from any school in Rico required for the application of a license to sell malt, vinous, or spirituous liquor is hereby reduced from 500 feet to 200' for HOTEL AND RESTAURANT LICENSES as defined in C.R.S. §12-47-401 and 411.

SECTION 2. EFFECTIVE DATE.

This Ordinance shall become effective immediately upon final adoption.

SECTION 3. POSTING AND PUBLISHING. This Ordinance shall be posted at the Rico Post Office and Rico Town Hall and published on the Rico website at www.ricocolorado.org.

INTRODUCED, READ, APPROVED AND ADOPTED BY THE BOARD OF TRUSTEES OF THE TOWN OF RICO on the 19th day of January, 2005.

READ AND APPROVED ON SECOND AND FINALLY READ AFTER CONDUCTING A PUBLIC HEARING BY THE BOARD OF TRUSTEES OF THE TOWN OF RICO on the 16th day of February, 2005.



By: Tom Clark, Mayor



Attest: Linda Yellowman, Town Clerk

[Town Seal]



Approved as to Form: Eric James Heil, Esq., Town Attorney

ORDINANCE NO. 2005-3

TOWN OF RICO

AUTHORIZING THE ACCEPTANCE OF A PROPERTY DONATION

WHEREAS, Margaret Matzick has offered to donate several parcels of land along the River Corridor ("Properties"); and,

WHEREAS, C.R.S. §31-15-101(1)(d) authorizes municipalities to acquire real property and the Rico Home Rule Charter §14.1 authorizes the Trustees to acquire property by Ordinance; and,

WHEREAS, the Board of Trustees finds that acquiring the Properties is in compliance with the Rico Regional Master Plan;

WHEREAS, the Board of Trustees finds that acquisition of the Property will promote the health, safety and general welfare of the Rico community;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF RICO, COLORADO, the following:

SECTION 1. ACCEPTANCE OF PROPERTY DONATION AUTHORIZED

The Mayor, or his designee, and Town Clerk are hereby authorized to execute this ordinance, restrictive covenant and other documents related to accepting the donation of Rico Tr. E. BI 35 (2.5 acres), Winfield Tr N or RGS (2.22 acres) and the Winfield Tract N (5.16 acres).

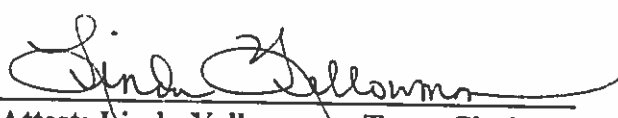
SECTION 2. EFFECTIVE DATE. This Ordinance shall be effective immediately upon final adoption.

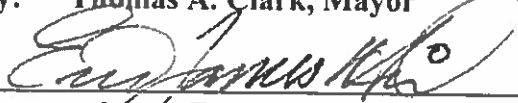
SECTION 3. POSTING AND PUBLISHING. This Ordinance shall be posted at the Town Hall, Rico Post Office and the Town's Website.

INTRODUCED, READ, APPROVED AND ADOPTED BY THE BOARD OF TRUSTEES OF THE TOWN OF RICO on the 2nd day of May, 2005.

READ AND APPROVED ON SECOND AND FINALLY READ AFTER CONDUCTING A PUBLIC HEARING BY THE BOARD OF TRUSTEES OF THE TOWN OF RICO on the 27th day of July, 2005.


By: Thomas A. Clark, Mayor


Attest: Linda Yellowman, Town Clerk
[Town Seal]


Approved as to Form: Eric James Heil, Esq.
Town Attorney

ORDINANCE NO. 2005-4
TOWN OF RICO
VACATING A PORTION OF EDER STREET

WHEREAS, §480 of the Rico Land Use Code and Colorado Revised Statutes §43-2-301 *et seq* sets forth procedures and standards for the vacation of road rights-of-way, and,

WHEREAS, Margaret Matzick has offered to donate approximately 9 acres of land for open space in the planned River Park area and has requested the vacation of a portion of Eder Street to consolidate her land ownership;

WHEREAS, the Board of Trustees conducted a public hearing on May 18th, 2005, prior to taking any action and posted a notice of such public hearing at least 10 days prior to such hearing and mailed the notice of the public hearing to all property owners within 200' of the subject road right-of-way to be vacated at least 20 days prior to such hearing; and,

WHEREAS, the Board of Trustees finds that all the requirements of §484 Rico Land Use Code and Colorado Revised Statutes §43-2-303 have been met and that such vacation is in compliance with the Rico Regional Master Plan and further finds that such vacation will benefit the health, safety and general welfare of the Rico community;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF RICO, COLORADO, the following:

SECTION 1. PORTION OF EDER STREET VACATED. The portion of Eder Street located east of Picker Street and between Lot 1, Block 35, and Lot 20, Block 37 is hereby vacated. The vacated portion of Eder Street shall be included in the Residential Zone District and the Town's Major Street Map shall be amended to reflect this vacation. Title to the vacated portion of Eder Street shall vest in the owners of Lot 1, Block 35 and Lot 20, Block 37, and shall be designated Lot 20 A, Block 37, which lot shall consist of the vacated portion of Eder Street.

SECTION 2. EFFECTIVE DATE. This Ordinance shall be effective immediately upon final adoption.

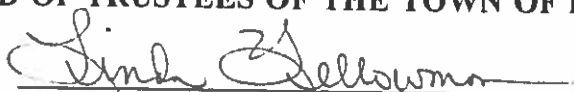
SECTION 3. POSTING AND PUBLISHING. This Ordinance shall be posted by title only at the Town Hall, Rico Post Office and the Town's Website.

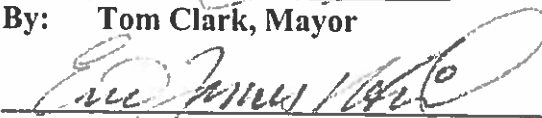
SECTION 4. RECORDING. This ordinance shall be recorded in the office of the Dolores County Clerk and Recorder in accordance with §43-1-202.7.

INTRODUCED, READ, APPROVED AND REFERRED TO PUBLIC HEARING ON MAY 18TH, 2005, BY THE BOARD OF TRUSTEES OF THE TOWN OF RICO on the 2nd day of May, 2005.

READ AND APPROVED ON SECOND AND FINALLY READ AFTER CONDUCTING A PUBLIC HEARING BY THE BOARD OF TRUSTEES OF THE TOWN OF RICO on the 27th day of July, 2005.


By: Tom Clark, Mayor


Attest: Linda Yellowman, Town Clerk
[Town Seal]


Approved as to Form: Eric James Heil, Town Attorney

ORDINANCE NO. 2005-4
TOWN OF RICO
VACATING A PORTION OF EDER STREET

WHEREAS, §480 of the Rico Land Use Code and Colorado Revised Statutes §43-2-301 *et seq* sets forth procedures and standards for the vacation of road rights-of-way, and,

WHEREAS, Margaret Matzick has offered to donate approximately 9 acres of land for open space in the planned River Park area and has requested the vacation of a portion of Eder Street to consolidate her land ownership;

WHEREAS, the Board of Trustees conducted a public hearing on May 18th, 2005, prior to taking any action and posted a notice of such public hearing at least 10 days prior to such hearing and mailed the notice of the public hearing to all property owners within 200' of the subject road right-of-way to be vacated at least 20 days prior to such hearing; and,

WHEREAS, the Board of Trustees finds that all the requirements of §484 Rico Land Use Code and Colorado Revised Statutes §43-2-303 have been met and that such vacation is in compliance with the Rico Regional Master Plan and further finds that such vacation will benefit the health, safety and general welfare of the Rico community;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF RICO, COLORADO, the following:

SECTION 1. PORTION OF EDER STREET VACATED. The portion of Eder Street located east of Picker Street and between Lot 1, Block 35, and Lot 20, Block 37 is hereby vacated. The vacated portion of Eder Street shall be included in the Residential Zone District and the Town's Major Street Map shall be amended to reflect this vacation. Title to the vacated portion of Eder Street shall vest in the owners of Lot 1, Block 35 and Lot 20, Block 37, and shall be designated Lot 20 A, Block 37, which lot shall consist of the vacated portion of Eder Street.

SECTION 2. EFFECTIVE DATE. This Ordinance shall be effective immediately upon final adoption.

SECTION 3. POSTING AND PUBLISHING. This Ordinance shall be posted by title only at the Town Hall, Rico Post Office and the Town's Website.

SECTION 4. RECORDING. This ordinance shall be recorded in the office of the Dolores County Clerk and Recorder in accordance with §43-1-202.7.

INTRODUCED, READ, APPROVED AND REFERRED TO PUBLIC HEARING ON MAY 18TH, 2005, BY THE BOARD OF TRUSTEES OF THE TOWN OF RICO on the 2nd day of May, 2005.

READ AND APPROVED ON SECOND AND FINALLY READ AFTER CONDUCTING A PUBLIC HEARING BY THE BOARD OF TRUSTEES OF THE TOWN OF RICO on the 27th day of July, 2005.

By: Tom Clark
Tom Clark, Mayor

Attest: Linda Yellowman
Linda Yellowman, Town Clerk
[Town Seal]

Approved-as to Form: Eric James Heil
Eric James Heil, Town Attorney



QUITCLAIM DEED

THIS DEED, made this 13 day of Sept., 2007 between the Margaret R. Matzick (Peterson), whose legal address is 178 S. 4th Ave., Brighton, Colorado 80601-2032 (Grantor), and the Town of Rico, a municipal corporation, whose legal address is Rico Town Hall, PO Box 56, Rico, Colorado 81332 (Grantee).

WITNESSETH, that Grantor, for and in consideration of the sum of ten dollars, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged and accepted, has remised, released, sold and quitclaimed, and by these presents does remise, release, sell, and quitclaim unto the Grantee, its heirs, successors, and assigns, forever, all the right, title interest, claim and demand which the Grantor has in the real property, together with improvements, if any, situate, lying and being in the Town of Rico, County of Dolores and State of Colorado, described as follows:

That parcel commonly referred to as Rico Tr. E. Bl. 35 (2.5 acres); Winfield Tr. N. or R.G.S. (2.22 acres); and Winfield Tract N. (5.16 acres)

TO HAVE AND TO HOLD the same, together with all and singular the appurtenances and privileges thereunto belonging, or in anywise thereunto appertaining, and all the state, right, title, interest and claim whatsoever, of the Grantor, either in law or equity, to the only proper use, benefit and behalf of the Grantee, its heirs and assigns forever.

IN WITNESS WHEREOF, the Grantor has executed this deed effective as of the date set forth above.

GRANTOR:

Margaret R. Matzick FRA Margaret R. Peterson
Margaret Matzick (Peterson)

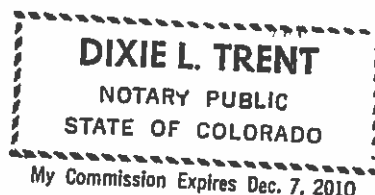
STATE OF COLORADO

01)
Adams) ss.
COUNTY OF ~~DOLORES~~

The foregoing instrument was acknowledged before me this 13 day of Sept. 2007 by Margaret R. Matzick.

WITNESS my hand and Official Seal

My commission expires Dec. 7, 2010



Dixie L. Trent
Notary Public

**RESTRICTIVE COVENANT ON Rico Tr. E. Bl 35, Winfield Tr N of RGS and Winfield Tract N.
(the "Properties")**

This restrictive covenant ("COVENANT") is entered into between the Town of Rico ("Grantor") and Margaret Matzick ("Grantee"), 178 South 4th Ave., Brighton, CO 80601, on the 13 day of Sept, 2007. Grantor and Grantee are hereinafter referenced collectively as the "Parties", and references to "Party" or "Parties" shall include all heirs, successors and/or assigns.

RECITALS

Whereas, Margaret Matzick has donated the following real property located in the Town of Rico (hereinafter "Properties") for Open Space preservation purposes;

**That parcel commonly referred to a Rico Tr. E. Bl. 35 (2.5 acres);
Winfield Tr. N. of R.G.S. (2.22 acres); and Winfield Tract N. (5.16 acres)**

Whereas, Matzick desires to retain the right to enforce the preservation of the Properties as Open Space.

Now, therefore, inconsideration of mutual covenants and promises contained herein, the Parties agree as follows:

1. The use of the Properties are hereby restricted to non-development open space uses and public utilities. Permitted uses include passive recreation; construction of trails and a bridge for public passive non-motorized recreation access to or across the Dolores River; interpretive or directional signage; activities or construction for the primary purpose of preserving, restoring or enhancing natural vegetation or wetland areas; activities or construction for the primary purpose of remediation or treatment of mine discharges or other environmental releases; activities or construction for the primary purpose of improving drainage; and activities or construction for the purpose of installing or maintaining public utilities including but not limited to sewer collection lines and a lift station.
2. This Covenant shall burden and run with the Property.
3. This Covenant shall benefit the adjoining property owned by Margaret Matzick, described as Lots 19 and 20, Block 37; the portion of Eder Street vacated by Ordinance No. 2005-4; and, Lots 1 through 12, Block 35; and Lots 5 through 17 and Lots 26 through 36, Block 34;
4. This Covenant shall be recorded at the Dolores County Clerk and Recorder's office.
5. The duration of this Covenant shall be fifty (50) years.
6. The Grantor agrees that it shall promptly restore and re-vegetate any portion of the Properties which are disturbed in the course of exercising permitted uses in Paragraph 1.
7. The laws of the State of Colorado shall apply to this Covenant and the venue for any dispute concerning this Covenant shall be in Dolores County.
8. In the event of any controversy, claim or dispute relating to or arising from the provisions of this Covenant, the prevailing Party shall be entitled to recover legal fees and related expenses (including court costs and costs of any expert witness or consultants) including, without limitation, all post judgment fees and expenses, and costs of collection.

This RESTRICTIVE COVENANT is hereby agreed to and executed by the Parties:

GRANTOR:

Margaret R. Matzick

PKA Margaret R. Peterson

STATE OF COLORADO)
COUNTY OF Adams) ss.
~~DOLORES~~)

Dixie L. Trent, acknowledged the foregoing instrument before me this 13 day of Sept., 2007.

Witness my hand and official seal.

My commission expires: Dec. 7, 2010



My Commission Expires Dec. 7, 2010

Dixie L. Trent
Notary Public

(SEAL)

[Signature]
Grantee

STATE OF COLORADO)
COUNTY OF DOLORES) ss.
)

JOSEPH CROKE, acknowledged the foregoing instrument before me this 30TH day of July, 2007.

Witness my hand and official seal.

My commission expires: ~~My Commission Expires~~ 10/20/2010

Linda M. Yellowman
Notary Public

