

## ORDINANCE NO. 3

Series of 2021

### **AN ORDINANCE APPROVING A CERTAIN PARCEL OF LAND OWNED BY THE TOWN OF VAIL AS DESIGNATED OPEN SPACE PURSUANT TO SECTION 13.11 OF THE VAIL TOWN CHARTER (THE “CHARTER”)**

WHEREAS, in 2019 the Town of Vail accepted the donation of a 48.13 acre parcel of land in the Town of Vail located in East Vail on the south side of Bighorn Road, and legally described as set forth in **Exhibit A**, attached hereto and made a part hereof by this reference (the “Property”);

WHEREAS, consistent with the donation of the Property, and the Charter, The Town Open Space Board of Trustees has evaluated the Property for the purpose of forwarding a recommendation to the Town Council as to whether to designate the Property as Designated Open Space pursuant to Section 13.11 of the Charter; and

WHEREAS, on January 15, 2021 the Open Space Board of Trustees voted unanimously to recommend to the Town Council that the Property be Designated Open Space.

### **NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF VAIL, COLORADO, THAT:**

Section 1. The Town Council hereby finds that the Property meets the criteria for Designated Open Space as set forth in Section 13.11 of the Charter, and hereby designates the Property as Designated Open Space pursuant to the Charter.

Section 2. If any part, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance; and the Town Council hereby declares it would have passed this ordinance, and each part, section, subsection, sentence, clause or phrase thereof, regardless of the fact that any one or more parts, sections, subsections, sentences, clauses or phrases be declared invalid.

Section 3. The amendment of any provision of the Vail Town Code in this ordinance shall not affect any right which has accrued, any duty imposed, any violation that occurred prior to the effective date hereof, any prosecution commenced, nor any other action or proceeding as commenced under or by virtue of the provision amended. The amendment of any provision hereby shall not revive any provision or ordinance previously repealed or superseded unless expressly stated herein.

Section 4. All bylaws, orders, resolutions and ordinances, or parts thereof, inconsistent herewith are repealed to the extent only of such

inconsistency. This repealer shall not be construed to revise any bylaw, order, resolution or ordinance, or part thereof, theretofore repealed.

INTRODUCED, READ ON FIRST READING, APPROVED, AND ORDERED PUBLISHED ONCE IN FULL ON FIRST READING this 2nd day of February, 2021 and a public hearing for second reading of this Ordinance is set for the 16th day of February, 2021, in the Council Chambers of the Vail Municipal Building, Vail, Colorado.

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Dave Chapin, Mayor

ATTEST:

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Tammy Nagel, Town Clerk

READ AND APPROVED ON SECOND READING AND ORDERED PUBLISHED this 16th day of February, 2021.

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Dave Chapin, Mayor

ATTEST:

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Tammy Nagel, Town Clerk