

1                                   **CITY OF LITTLETON, COLORADO**

2  
3                                   **ORDINANCE NO. 15**

4  
5                                   **Series, 2019**

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7                   **INTRODUCED BY COUNCILMEMBERS: COLE & SCHLACHTER**

8  
9                   **AN ORDINANCE OF THE CITY OF LITTLETON, COLORADO,**  
10                   **CONCERNING AN AMENDMENT TO A CONSERVATION EASEMENT**  
11                   **THAT ENCUMBERS THE PROPERTY AT 2707 WEST MAIN STREET**  
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13  
14                   **WHEREAS**, in 1973, the City of Littleton designated the Carnegie Library  
15 building on the property located at 2707 West Main Street as a local historic landmark; and  
16

17                   **WHEREAS**, on January 7, 1983 the property owner and the City of Littleton  
18 entered into an agreement titled “Conservation Easement in Gross” recorded January 24, 1983 at  
19 reception number 2240833; and  
20

21                   **WHEREAS**, the property owner requests approval of a draft amendment,  
22 attached to and hereby incorporated as Exhibit A, to the Conservation Easement in Gross to  
23 potentially allow new pergola structures as an exception to the easement; and  
24

25                   **WHEREAS**, on April 15, 2019, the City of Littleton historical preservation board  
26 held a public meeting to review the proposed amendment to the conservation easement in gross  
27 and voted unanimously to deny the amendment; and  
28

29                   **WHEREAS**, on the 7<sup>th</sup> day of May, 2019, the city council held a public hearing  
30 on the proposed amendment to the conservation easement in gross; and  
31

32                   **WHEREAS**, the city council considered evidence and testimony concerning the  
33 proposed draft amendment to the conservation easement.  
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35                   **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF**  
36 **THE CITY OF LITTLETON, COLORADO, THAT:**  
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38                   **Section 1:** The city council finds that the proposed amendment to the  
39 conservation easement in gross is consistent with the interests of the City of Littleton and will  
40 not have a detrimental impact to the historic character of the Main Street Historic District.  
41

42                   **Section 2:** The city council hereby approves the amendment to the conservation  
43 in gross made January 7, 1983 and recorded January 24, 1983, Reception No. 2240833 as shown  
44 in Exhibit A.  
45

46                   **Section 3:** The city council hereby directs the city attorney to make any necessary  
47 modifications to the form of the amendment and cause such amendment to be fully executed and  
48 recorded as a proper amendment to the original Conservation Easement in Gross.  
49

1                   **Section 4:** Severability. If any part, section, subsection, sentence, clause or  
2 phrase of this ordinance is for any reason held to be invalid, such invalidity shall not affect the  
3 validity of the remaining sections of this ordinance. The City Council hereby declares that it  
4 would have passed this ordinance, including each part, section, subsection, sentence, clause or  
5 phrase hereof, irrespective of the fact that one or more parts, sections, subsections, sentences,  
6 clauses or phrases may be declared invalid.

7  
8                   **Section 5:** Repealer. All ordinances or resolutions, or parts thereof, in conflict  
9 with this ordinance are hereby repealed, provided that this repealer shall not repeal the repealer  
10 clauses of such ordinance nor revive any ordinance thereby.

11  
12  
13                   INTRODUCED AS A BILL at a regularly scheduled meeting of the City Council  
14 of the City of Littleton on the 16<sup>th</sup> day of April, 2019, passed on first reading by a vote of 7 FOR  
15 and 0 AGAINST; and ordered published by posting at Littleton Center, Bemis Library, the  
16 Municipal Courthouse and on the City of Littleton Website.

17                   PUBLIC HEARING on the Ordinance to take place on the 7<sup>th</sup> day of May, 2019,  
18 in the Council Chamber, Littleton Center, 2255 West Berry Avenue, Littleton, Colorado, at the  
19 hour of 6:30 p.m., or as soon thereafter as it may be heard.

20                   PASSED on second and final reading, following public hearing, by a vote of \_\_\_\_\_FOR  
21 and \_\_\_\_\_ AGAINST on the 7<sup>th</sup> day of May, 2019 and ordered published by posting at Littleton  
22 Center, Bemis Library, the Municipal Courthouse and on the City of Littleton Website.

23                   ATTEST:

24 \_\_\_\_\_  
25 Wendy Heffner  
26 CITY CLERK

\_\_\_\_\_  
Debbie Brinkman  
MAYOR

27  
28                   APPROVED AS TO FORM:

29  
30 \_\_\_\_\_  
31 CITY ATTORNEY

EXHIBIT A

AMENDMENT TO CONSERVATION EASEMENT IN GROSS

THIS AMENDMENT to Conservation Easement in Gross made January 7, 1983 and recorded January 24, 1983, Rec.No. 2240833, Book 3781 page 347, between D. L. K. General Partnership, Grantor and the City of Littleton, a municipal corporation existing pursuant to the laws of the State of Colorado, the Grantee.

NOW THEREFORE, the above Easement is hereby Amended by including the following exception:

Except Grantor may affix to the patio on the eastside of the structure, four season Pergola(s) Acceptance of this grant by the Grantee shall be evidenced by the signature of an officer or executive administrator of the Grantee on this instrument or such other instrument which references this document.

The Grantee shall have and hold this Easement with all privileges thereunto belonging to in anywise thereunder forever.

Grantor:

D.L.K. a General Partnership

By: \_\_\_\_\_

STATE OF COLORADO )

)

COUNTY OF ARAPAHOE )

Subscribed and Sworn to before me this \_\_\_\_day \_\_\_\_\_, 2019

By \_\_\_\_\_

Witness my hand and seal

My commission expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public

Accepted:

\_\_\_\_\_  
By:

Title: