

Confidential Attorney-Client Communication

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CONFIDENTIAL MEMORANDUM

TO: MAYOR and COUNCIL MEMBERS

FROM: James R. True

CC: Sara Ott
Kate Johnson
Luisa Berne

DATE: July 9, 2024

RE: Entrance to Aspen Vote

I have been asked by City Council to provide an opinion as to whether certain decisions regarding the Entrance to Aspen would require a new citizen vote. Although the question may seem simple, the answer may become quite complicated depending on what the direction of Council ultimately is. At this point, this opinion addresses the need for a citizen vote if the alignment of a proposed entrance crosses on or over City open space in a manner other than as approved in a 1996 ballot question.

What is known as the debate over the “Entrance to Aspen” includes proposals for new construction of a roadway and bridge over the Marolt Open Space and the Thomas property, often referred to as the “straight shot”, and proposals for improvements of what is known as the existing alignment, the “S-curves” from Main Street, over 7th and Hallum, then across the existing Castle Creek Bridge. Various different versions of construction and re-construction along these alignments have been considered over the years. The “straight shot” would follow the Main Street right-of-way as it passes 7th Street, although the exact alignment as it continues west has had different proposals.

It is well recognized that any reasonable Entrance to Aspen solution other than utilizing the existing alignment will cross the Marolt Open Space. Doing so would always implicate Aspen’s Charter, specifically, Section 13.4. *Restrictions on the sale or change in use of property*, which states:

Council shall not sell, exchange or dispose of public building, utilities or real property in use for public purposes, including real property acquired for open space purposes, without first obtaining the approval of a majority of the electors voting thereon. Additionally, the city council shall not cause or permit the change in use of the real property acquired for open space purposes, other than for recreational, agricultural or underground easement purposes, without first

obtaining the approval of a majority of the electors voting thereon. No real property acquired for open space purposes shall be sold, exchanged, disposed of, or converted to other uses other than for recreational, agricultural or underground easement purposes, unless such open space is replaced with other open space property of equivalent or greater value as of the date of sale or conversion as determined by the City Council by resolution following a public hearing taking into consideration monetary, environmental, and aesthetic values.¹

This memo will not address the question of whether the grant of an above ground easement would be deemed an exchange or sale of real property. That issue is not relevant to the discussions here. What is relevant is the import of the second sentence, which very clearly requires the vote of the electorate in order to change the “use” of property acquired for open space purposes.

In considering the status of the Entrance to Aspen questions and the use of the properties that will be used for the alignments, the first step is to review the acquisition of the properties. A large portion, 25.5 acres, of the Marolt Ranch was purchased from Opal Marolt in 1983 out of open space funds. See, Ordinance #15, Series of 1983. At that time, Ms. Marolt made a charitable donation of an additional 10 acres. See, Resolution #20, Series of 1983.²

The Thomas property, a portion of which is also part of the Entrance to Aspen, was acquired in a series of transactions commencing in 1956. It has been represented that the portion of the property that is affected by the Entrance to Aspen was actually acquired for transportation purposes, although other portions were acquired with park dedication fees.

In 1988, voters approved a change of use of a portion of the Marolt property for affordable housing. Subsequently, the voters were asked to consider both properties for the Entrance to Aspen.

There have been numerous votes on the Entrance to Aspen. However, although some votes predated this vote, I am going to focus on ballot issues commencing in 1990. The Ballot issues and the Statement and Certificate of Determination of Election for such votes considered here are each attached hereto.

February 13, 1990:

The first election to be considered here was in 1990 and consisted of two questions. The first, Question 7, requested approval of the grant of rights of way for the purpose the construction of a four-lane entrance into Aspen. This question passed overwhelmingly with a vote of 1475 (68.1%) yes and 1042 (31.9%) no.

Question 8 on that ballot asked whether the voters preferred this four-lane project over what was referred to as the “Direct Connection” or over the “Existing Alignment.” The voters chose the Direct Connection by a vote of 1495 (58.9%) to 1042 (41.1%).³

¹ The sentences highlighted in blue were added following a Charter Amendment adopted by the voters in the election of 1999. However, this language does not change the analysis and opinions contained herein.

² Ordinance #15 does not set forth the funds from which the purchase was made. However, it has been represented in the previous ballot questions that it was acquired with open space funds. With regard to the donation, there were representations that the donation was conditioned on use of the property as open space or for cultural purposes but there is no deed restriction to this property.

³ It is interesting to note that this February special election had a 71% turnout. This is a high percentage even for general elections. It is likely that this turnout was a reflection of the fact that there were three very controversial questions on the

It is important to note, and this will be emphasized later that this “Direct Connection” was not identical to the “Modified Direct” that was the subject of the 1996 election, discussed below.

There were two ballot issues in 1994 regarding the Entrance to Aspen but they were both rejected by the voters and are not relevant to this discussion.

November 5, 1996:

City Question 2A on the 1996 ballot asked the following:

Shall City Council be authorized to use or convey to the State of Colorado, Department of Transportation, necessary rights of way across City owned property, including the Marolt Property, acquired for open space purposes, and the Thomas Property, acquired for transportation purposes, for a two lane parkway and a corridor for a light rail transit system (to be constructed when the financing is available); subject to the following?

Only if:

- The light rail transit system shall be built only after adequate financing mechanisms and final design details are identified and approved by a public vote.
- The use of the corridor shall be contingent upon environmental and historic resource mitigation measures including but not limited to:
 - Cut and cover tunnel of at least 400’ [remaining bullet points omitted]

This vote passed solidly with a vote of 1656 (59.1%) in favor and 1147 (40.9%) against.

Record of Decision - 1998:

As you all know, construction of a roadway that would potentially rely on Federal funds is a complicated process that may require action through the National Environmental Protection Act (NEPA), including a formal Environmental Impact Study (EIS), then adoption of a Record of Decision (ROD). With regard to the Entrance to Aspen, this process was undertaken, and a ROD was adopted in 1998. The ROD adopted the “Modified Direct” alignment as the preferred alternative. However, the ROD also recognized the difficulty in funding a light rail system and approved this preferred alternative but authorized the construction of a dedicated busway until the light rail system was funded. The 1996 ballot issue contained a caveat on the construction of a “corridor for a light rail transit system” with such construction when “financing is available.” However, it did not address the use of Marolt and Thomas Properties for an interim busway.

November 2, 1999

Initiative 200, was ballot measure to authorize the increase of \$20,000,000 in debt, without increasing taxes, “for the purpose of contributing to the construction of a light rail transportation system...” The ballot issue contained the following paragraph:

D. And that defeat of this debt authorization, or lack of approval of the debt

ballot. First, was the proposed ban on the sale of animal products, aka the “Fur ban”. The Fur Ban was receiving national attention. The second was a decision on the development of the property now occupied by the Ritz. The third was this entrance to Aspen question.

authorization required from Pitkin County, will result in the initial construction of the phased modified direct alternative, as described in the draft supplemental environmental impact statement, and confirmed in the above identified Record of Decision, consisting of the development of phased exclusive bus lanes on the same alignment approved for construction of an eventual light rail transportation system; said light rail system intended to serve as the first section of an eventual valley wide rail project, and funding hereby approved acting as part of the mandatory local match for federal funding for the larger system.

Since this vote to fund a train system failed, this paragraph D became relevant to these discussions. However, although this arguably grants approval of a phased approach, including approval of an interim busway, it is difficult to assert that modification of use of open space was the actual intent of the voters, since the specific question was a debt increase. Nonetheless, this was argued by some at the time that it did provide the authority to proceed with the ROD.

Memo of John Worcester – November 8, 1999.

Following the adoption of the 1996 Ballot proposal and the failure of the 1999 vote, there was apparently a great deal of discussion regarding the ROD and moving forward with development of the entrance with an interim busway.

In response to these requests, John Worcester, then City Attorney, issued a memo expressing his opinion on whether the ROD could move forward without another vote on the issue. The argument in favor of this ability was based on the 1990 vote and the above paragraph within the 1999 ballot initiative. As noted above, the 1990 vote authorizes a direct alignment that was different than what was considered in 1996, and the 1999 vote was specifically for issuance of debt.

Mr. Worcester's conclusion, which I believe was correct and which I would have supported at the time, was that the City could move forward with the ROD but, in all likelihood, the growing opposition to the preferred alternative would mount a formal campaign that would most likely prevail on this issue if it were litigated.

In his 1999 Memo, John Worcester stated:

Based upon all of the above, my recommendation is that if Council wishes to proceed with the bus system described in the Record of Decision that it seek clear authorization for such a use on the Marolt property from the electors in order to be in compliance with Section 13.4 of the City Charter. If not, the City will undoubtedly face a legal challenge. While some arguments could be made to defend such a challenge, it is my opinion that the City would have a tough time defending such arguments. Even if the City won such a challenge, opponents could wage a strong public campaign that the City was not following the actual intent of the voters in approving a four lane highway long discarded by CDOT and the voters when they approved the 1996 ballot measure for a two lane parkway and transit corridor for light rail.

Although the request for the authorization to proceed with a busway was not placed on the ballot until May 2001, it has to be assumed that this was done based, at least in part, on Mr. Worcester's 1999 opinion.

May 8, 2001:

As noted above, the 2001 election appears to have been designed to resolve the issue raised by Mr. Worcester by seeking specific voter approval of the interim busway.

The language of Question No. 4, is clear:

Shall the City Council be authorized to use or to convey to the State of Colorado necessary rights of way (including temporary construction easement) across City owner property including, but not limited to, the Marolt and Thomas properties, acquired for open space and transportation purposes, for a two lane parkway, and separate transit lanes to be used exclusively for buses until such time as the community supports the construction and funding of a light rail transit system; subject to the following measures and conditions:

- The proposed two lane parkway and exclusive bus lanes shall be constructed and used in the future only as permitted by the August 1998 Colorado Department of Transportation Record of Decision....
- ...
- Approval of this ballot measure shall not be construed as superseding the approval granted by the electorate in November 1996 for the use of City owned property for the construction of a two lane parkway and corridor for light rail transit system?

In a significantly closer vote, this ballot issue failed with 913 (46.4%) in favor and (1056) 53.6% opposed.

2002 Easement

Although the 2001 vote failed and the 2002 advisory vote that preferred the S-curves, discussed below, had not yet occurred, City Council, nonetheless, decided to proceed with the issuance of the easement to CDOT authorized by the 1996 vote. This easement, which is attached hereto, essentially reflects the ballot language. In fact, the specific grant states that the City:

... grants to [CDOT], here referred to as Grantee, a right-of-way easement to construct, operate and maintain a two lane parkway and a corridor for a light rail transit system (to be constructed when the financing is available), but for no other purpose or purposes, ...

The easement sets forth specific conditions on which the grant is made. Most of the conditions reflect the terms of the 1996 vote. However, one of the conditions refers to the ROD.

Given the grant of the easement, the City must take into account Colorado law on the use of easements and CDOT's rights as the beneficiary of the easement.

Generally, the owner of an easement, has the right to use the area of the easement consistent with the grant. The question arises when the use of the easement is expanded beyond the specific grant and is considered inconsistent with the grant. Standard easement law allows the reasonable expansion of an

easement. The argument would be that bus use and train use are both mass transit alternatives, so the change from one to the other is not an expansion, or if deemed an expansion, an insignificant one.

There are three substantive arguments counter to this suggestion. First is that the City, through its own initiative, brought this issue to the electorate and this change was specifically rejected by the electorate. Second is that the easement itself is limiting, specifying a grant for a purpose "but for no other purpose or purposes." The third is that even if it had not been specifically rejected, by the voters, it is still a change of use of Open Space and the City's Charter would be controlling.

With regard to CDOT's rights as the beneficiary of the 2002 easement, easement holders have in the past asserted that as long as their use was within the granted dimensions of the easement and that the use was generally consistent with the purposes of the easement and did not interfere with the rights of the grantor, then some expansion of use would be allowed. However, it appears that the Supreme Court rejected that concept in the case of *Lazy Dog Ranch v. Telluray Ranch Corporation*, 965 P.2d 1229 (Colo. 1998). There the Court said that the question of use is dependent on the specific terms of the grant. If the terms of the grant are ambiguous then extrinsic evidence can be used to determine the intent of the grant. However, if the grant is clear, then it must be applied as written.

In this instance, the grant is very clear. However, even if deemed to be ambiguous because of the reference therein to the ROD or for other reasons, allowing consideration of the intent of the grant, the most definitive statement of that intent is the 2001 vote, which failed to approve a modified version of the grant consistent with the ROD.

November 5, 2002:

In the November 5, 2002 election the City and County had advisory votes regarding the alignment of the Entrance to Aspen. The County vote was 3079 (51%) in favor of the "S" curves and 2963 (49%) in favor of the "modified direct" alignment.

The City vote was 1405 (55.6%) in favor of the "S" curves and 1123 (44.4%) in favor of the "modified direct" alignment.

Friends of Marolt Park v. U.S. Department of Transportation, et al.:

In 1999, following the completion of the Record of Decision, a group of local citizens, who had formed the entity known as the Friend of Marolt Park (FMP), filed suit against the Department of Transportation, CDOT, the City of Aspen, and others challenging the ROD. There were two specific challenges asserted. First, the FMP alleged that there was a violation of procedural requirements of National Environmental Policy Act (NEPA"), 42 U.S.C. §§ 4321-4370f because of the failure to allow additional comments regarding the phased approach. Second, was that the action violated § 4(f) of the Transportation Act, 49 U.S.C. § 303(c) which asserted that the approval of the phased approach will cause the construction of a highway design which does not minimize harm to Marolt Park as required by the Transportation Act. The 10th Circuit Court of Appeals held in *Friends of Marolt Park v. U.S. Dep't of Transp.*, 382 F.3d 1088 (10th Cir. 2004) that there was no violation of NEPA. However, the Court determined that the allegations regarding § 4(f) were not ripe, i.e. the case was premature. In finding that this claim was premature, the Court stated:

The ROD indicates that before the phased project can be built, Aspen voters must approve a right-of-way transfer for the construction of two highway lanes, two bus lanes, and the light rail. Likewise, the non-phased project cannot go forward without

voter approval of a funding plan for the light rail. Thus, any impact on FMP from the USDOT's decision "rests upon contingent future events that may not occur as anticipated, or indeed may not occur at all." *Texas v. United States*, 523 U. S. 296,300 (1998) (quotations omitted).

Consequently, the Court denied the challenge to the NEPA procedures and dismissed the challenge to § 4(f) of the Transportation Act on ripeness grounds.

City Council Alternatives:

Each of these votes, some of which passed, some of which failed, are all extremely important to consider in evaluating the proper way to proceed now, some 22 years after the last vote regarding the "Straight Shot".⁴ Based on these election results, Colorado law on easements, and the determination of the Federal Court in the Friends of Marolt litigation, my conclusion is substantially the same as that of John Worcester in 1999 and I will paraphrase his opinion to some degree.

If Council wishes to proceed with the bus system described in the ROD, it is my recommendation that it seek clear authorization for such a use on the Marolt property from the electors in order to be in compliance with Section 13.4 of the City Charter. Although the City can decide to accept the CDOT's position to move forward without a vote, the City and CDOT will undoubtedly face a legal challenge. While some arguments could be made to defend such a challenge, it is my opinion that the City would have a very difficult time defending such arguments.

Consequently, it is my opinion that if the City is pursuing the preferred alternative, it should seek voter approval, or it would substantially risk having a court enjoin the effort by finding that the City was violating its own Charter.

Citizen initiative authority:

If Council were to choose to move forward with the preferred alternative without a vote, it is possible that citizens would seek approval of a petition to place this matter on the ballot. This effort was specifically attempted by Tony Vagneur and Jeffrey Evans in 2007. However, upon a challenge by other citizens, a hearing officer rejected the petitions, holding that the subject matter was administrative and not legislative. Citizens can only exercise their rights to initiative and referendum regarding legislative matters. The Colorado Supreme Court upheld that determination in the case of *Vagneur v. City of Aspen*, 295 P.3d 493 (CO 2013). A similar petition now would certainly face a similar challenge and a similar result.

We are scheduled to discuss this in executive session at the Regular Meeting. In the meantime, let me know if you have any questions.

Thanks.

⁴ There was a 2007 vote that approved the use of City Open Space for Highway 82. However, this was specifically concerning proposed busways between Buttermilk and the Roundabout. It did not address any aspect of the Highway east of the Roundabout.

Statement and Certificate of Determination of an Election held in

Aspen, Colorado, on Tuesday the

3,139 reg 2664 voted 71%

134

day of

February

19 90

NUMBERS OF WARDS AND PRECINCTS AND VOTES CAST IN EACH

NAMES OF CANDIDATES
OR PROPOSITIONS

OFFICE VOTED FOR

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PCT.Total N
of
Votes C

QUESTION NO. 1: IN ORDER TO INSURE AN INCREASING SUPPLY OF AFFORDABLE HOUSING, SHALL THE CITY OF ASPEN ISSUE A GENERAL OBLIGATION BOND NOT TO EXCEED SIX MILLION DOLLARS (\$6,000,000.00) FOR THE PURPOSE OF CONSTRUCTING AND EQUIPPING A HOUSING FACILITY ON A PORTION OF THE MAROLT/THOMAS PROPERTY.

"Shall the City Council of the City of Aspen, Colorado, be authorized to issue general obligation bonds in an amount not to exceed Six Million Dollars (\$6,000,000.00), the term not to exceed thirty (30) years and at interest rates not to exceed ten percent (10%) for the purpose of constructing and equipping a housing facility on a portion of the Marolt/Thomas Property, which housing facility may be leased to the Aspen/Pitkin County Housing Authority or such other non-profit corporation as City Council may determine appropriate? The Housing Project shall not exceed one hundred twenty (120) housing units and related facilities, including, but not limited to, a cafeteria, parking, roadway, walkways and landscaping."

FOR THE QUESTION 8 →

AGAINST THE QUESTION 9 →

1	2	3	4
698	452	574	161
192	136	237	92

1885

657

QUESTION NO. 2: AMENDMENT TO THE SIXTH PENNY SALES TAX ORDINANCE LIMITING THE USE OF SIXTH PENNY SALES TAX REVENUES TO PARKS, TRAILS, AND OPEN SPACE USES.

"Shall Section 7 of ordinance No. 16 (Series of 1970), the sixth penny sales tax ordinance, be repealed and reenacted to read as follows:

Section 7. Expenditures and Ear-marking of Revenues. All revenue from this retail sales tax collected on and after July 1, 1990 shall be set aside in a separate fund entitled "Parks and Open Space Fund." The monies of said fund shall be expended by the City Council solely for the acquisition of parks, trails and open space real property, for the construction of improvements on any real property, owned or purchased by the City for parks, trails and open space purposes, for maintenance of real property owned by the City and used for parks, trails and open space, and for the payment of indebtedness incurred for acquisition or improvement of parks, trails and open space real property, food tax refunds payable by the City, and for such expenditures as may be necessary to protect real property or the improvements thereon owned by the City for parks, trails and open space purposes. Additionally, the revenue on this tax may be used for the payment of sales tax revenue bonds previously issued by the City of Aspen prior to January 1, 1990 which are secured by or payable out of the sales tax imposed by Ordinance No. 16, Series of 1970."

FOR THE QUESTION 18 →

AGAINST THE QUESTION 19 →

1	2	3	4
716	451	633	181
136	103	129	62

1981

430

QUESTION NO. 3: AUTHORIZING THE ADOPTION OF ORDINANCE 81, SERIES OF 1989, IMPOSING AN ADDITIONAL POINT FORTY-FIVE PERCENT (.45%) SALES TAX WITHIN THE CITY OF ASPEN TO BE EARMARKED FOR AFFORDABLE HOUSING AND DAY CARE.

"Shall the City Council adopt Ordinance 81, Series of 1989, which ordinance imposes an additional .45% sales tax upon the sale of personal property and the furnishing of services within the City of Aspen; provides for the earmarking of these revenues and use solely for the purpose of providing affordable housing and day care opportunities within Aspen and Pitkin County, including, but not limited to, land acquisitions, capital improvements and payment of indebtedness therefore; and providing that this tax take effect July 1, 1990 and automatically terminate on June 30, 2000?"

FOR THE QUESTION 25 →

AGAINST THE QUESTION 26 →

1	2	3	4
527	327	394	115
373	271	422	137

1363

1203

STATE OF COLORADO

We, the undersigned, Conservators of the Election Returns of an Election held in said

Aspen, Colorado

in the State of Colorado

13th

day of

February19 90

NUMBERS OF WARDS AND PRECINCTS AND VOTES CAST IN EACH

NAMES OF CANDIDATES
OR PROPOSITIONS

OFFICE VOTED FOR

Total N
of
Votes CaA. V.
PCT.

QUESTION NO. 4: AUTHORIZATION TO PROHIBIT THE SALE OF FURS.

"Shall the City Council adopt Ordinance 70, Series of 1989, which prohibits the commercial sale of furs of wild animals within the City of Aspen? For existing inventory, this ordinance will take effect one year from the date of its adoption. This ordinance does not prohibit the wearing of furs, nor does it prohibit either the sale or the wearing of furs from domestic animals.

The City of Aspen has previously shown its concern for the cruelty and dangers of the leghold trap by the adoption of Ordinance 10 of 1986, which prohibits the use of the leghold trap, and Ordinance 56 of 1986, which prohibits the sale of furs from animals caught in leghold traps. It has become clear that even experts cannot know with any certainty the source of furs offered for retail sale, and ranches wild furbearing animals suffer not only cruelty in death but cruel and unregulated conditions during a lifetime of unnatural confinement. The purpose of this ordinance would be to lessen the suffering of furbearing wild animals by prohibiting the commerce in fur products."

FOR THE QUESTION 33 →

AGAINST THE QUESTION 34 →

356 264 270 168

558 401 556 186

898

1701

QUESTION NO. 5: SHALL THE ELECTORATE ADOPT ORDINANCE 69, SERIES OF 1989, IN ONE OF TWO FORMS, WHICH ORDINANCE APPROVES THE AMENDED ASPEN MOUNTAIN PUD SUBDIVISION.

"Shall Ordinance 69, Series of 1989, be adopted approving the Amended Aspen Mountain Planned Unit Development Subdivision in one of two forms? (Electors may choose either Option A or Option B, but not both.)

Option A (Hadid/Ritz-Carlton Proposal)

- Shall the Amended Aspen Mountain PUD/Subdivision be approved subject to the following:
1. Ordinance 69 is hereby adopted in the same form as Resolution 29, Series of 1988, by which the Aspen City Council previously approved the amendment of the Aspen Mountain Subdivision/PUD (including the Ritz-Carlton Hotel).
 2. In addition, Developer shall, in good faith, process a land use application for affordable housing suitable for the 8/10ths of an acre on Main Street known as the Bavarian Inn property.

Option B (City Council Proposal)

- Shall the Amended Aspen Mountain PUD/Subdivision be approved subject to the following:
1. The conditions contained in the "First Amended and Restated Planned Unit Development/Subdivision Agreement Aspen Mountain Subdivision," the amended Final Plat of the Aspen Mountain Subdivision, and conditions recommended by the Planning and Zoning Commission (to the extent not amended by the Agreement or Final Plat); AND
 2. The applicant provide off-site housing for 106 additional employees, less any employees no longer required by reason of any reduction in the number of hotel rooms (292) or other uses now proposed. The housing shall be consistent with the Affordable Housing Guidelines of the Housing Authority in place at the time of final approval of the housing; AND
 3. The external floor area for the entire Planned Unit Development be reduced by 60,413 square feet; the hotel on Lot One not exceed 128,941 square feet (consistent with the underlying zoning); and the maximum height of the hotel on Lot One not exceed 44.8 feet (160% of the allowable height).

Option A (Hadid/Ritz-Carlton Proposal) 54 →

Option B (City Council Proposal) 55 →

499 362 530 170

423 249 303 84

1561

1059

13th day of February 1990

17. + 18. 00

Toi

Vot

Option B, Existing Alignment 113

351	272	314	105
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1042

community housing projects, for payment of debt related thereto, and the repayment of the fund for open space acquisitions contributed to employee housing purposes, which tax exemption will expire on December 31, 1994, and will exempt the first \$100,000 of every transfer and all deed-restricted employee housing units.

QUESTION NO. 7

AUTHORIZATION TO THE CITY COUNCIL TO SELL, EXCHANGE, OR GRANT NECESSARY RIGHTS OF WAY ACROSS CITY OWNED LAND FOR THE FOUR LANEING OF HIGHWAY 82 ALONG TWO POSSIBLE ALIGNMENTS.

"Shall the City Council of the City of Aspen, Colorado, be authorized to sell, exchange or grant necessary rights-of-way across, City owned properties, including properties acquired for open space purposes, to facilitate construction of a four lane entrance into the City of Aspen as set forth in either Option A — Direct Connection or Option B — Existing Alignment described more fully in Question No. 8 below?"

QUESTION NO. 8

AUTHORIZATION TO THE CITY COUNCIL TO IMPLEMENT ONE OF TWO ALTERNATIVE ALIGNMENTS IN CONJUNCTION WITH THE FOUR LANEING OF STATE HIGHWAY 82.

"Shall the City Council of the City of Aspen be authorized to implement Option A — Direct Connection or Option B — Existing Alignment as more fully described hereinbelow?"

OPTION A — Direct Connection

Option A — Direct Connection proposes a new alignment for State Highway 82 which will divert from the existing right-of-way north of the Maroon Creek Bridge across various City owned parcels, including the Zoline parcel, Maroon Creek parcel, Plum Tree Playing Field and Golf Course parking lot, then travel along the existing highway to the Marolt-Thomas parcels, then traversing the Marolt-Thomas parcels and connecting directly to Main Street by construction of a new four-lane bridge over Castle Creek. The City Council shall be authorized to sell, exchange or grant necessary rights-of-way across the aforementioned City owned parcels subject to the following:

— The State of Colorado will compensate the City of Aspen for the portions of the Marolt-Thomas, Golf Course, Plum Tree, Zoline and Maroon Creek properties used for the new roadway which are currently held for open space.

— The State of Colorado will vacate the existing highway alignment from the intersection of Seventh Street and Main Street to the point where the new roadway leaves the existing alignment.

— The portion of State Highway 82 between Cemetery Lane and the point where the new roadway leaves the existing alignment shall be converted to open space.

— The present traffic signal at Cemetery Lane and State Highway 82 will be removed and a new signal installed at the new intersection of Seventh Street and Main Street to control traffic volume entering Aspen and accommodate side street traffic.

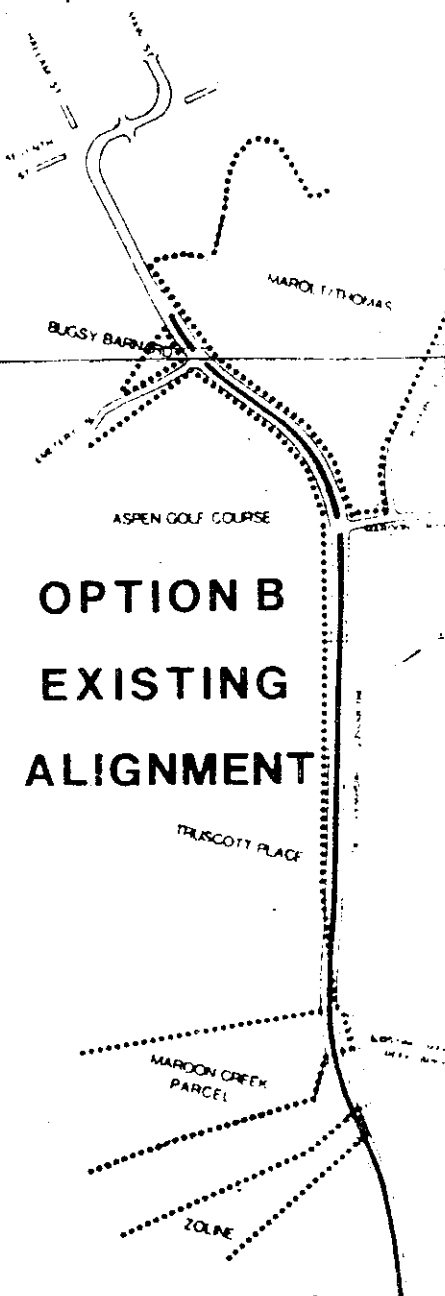
The following exhibit shows the direct connection concept of a new four-lane entrance to Aspen.

following: — The State of Colorado will compensate the City of Aspen for the portions of the Marolt-Thomas, Golf Course, Plum Tree, Maroon Creek, Zoline and Buggy Barnard properties used for the new roadway which are currently held as open space.

— The two existing 90 degree turns at Seventh and Hallam and Seventh and Main will be widened to accommodate four lanes of traffic in a manner designed to minimize adverse impacts on the surrounding neighborhoods.

— Expansion east of Castle Creek Bridge will be done in a manner which minimizes private property acquisition.

The following exhibit shows the existing alignment concept of a new four-lane entrance to Aspen.



OPTION B EXISTING ALIGNMENT

OPEN SPACE REQUIREMENTS

OPEN SPACE
CONVERTED
TO HIGHWAY USE 80 AC

HIGHWAY LAND
CONVERTED
TO OPEN SPACE 00 AC

TOTAL OPEN SPACE
REQUIRED FOR
EXISTING ALIGNMENT 80 AC

(Elector may select either Option A — Direct Connection or Option B — Existing Alignment, but not both.)

Option A, Direct Connection

Option B, Existing Alignment

POLLING PLACES

Precincts 1, 6 and 7 — St Mary's Catholic Church

Precincts 2 & 3 — Upper Elementary School

When he was arrested Kohoutek was free on bond in connection an incident at the Aspen Airport Business Center where he allegedly threatened construction worker with a gun. Kohoutek has a history of

**"The witnesses
a purposeful
— Dallas.**

drug abuse, drunk driving and violence in the Aspen area where he was busted as recently as two weeks ago for a DUI.

Dallas Police Lt William Craven, chief of the department's hit-and-run division, would speculate after the arrest of Kohoutek's motive.

Chased The Man

Eyewitnesses told police that a red Jeep Cherokee was traveling on a four-lane road in northwest Dallas when the driver apparently spotted a pedestrian on the other side of the road. Craven said witnesses described the Cherokee making a U-turn crossing over a grassy median and chasing the pedestrian.

The pedestrian scrambled onto a sidewalk. The Cherokee followed onto the sidewalk, accelerated and struck the man.

"The witnesses said it seemed like a purposeful act," Craven said.

Stunned eyewitnesses began chasing the red Cherokee and cornered it in a nearby parking lot. Police said the eyewitnesses were able to get a detailed description of the vehicle. They knew, for instance, the front-end damage it sustained and that it carried a temporary paper license on its back window. The windows were tinted, nobody could give a good description of the driver, police said.

The Cherokee left the parking lot before police arrived.

Tips Pour In

The victim, 26-year-old Rafael Rojas Caracheo of Dallas, was pronounced dead at the scene, police said.

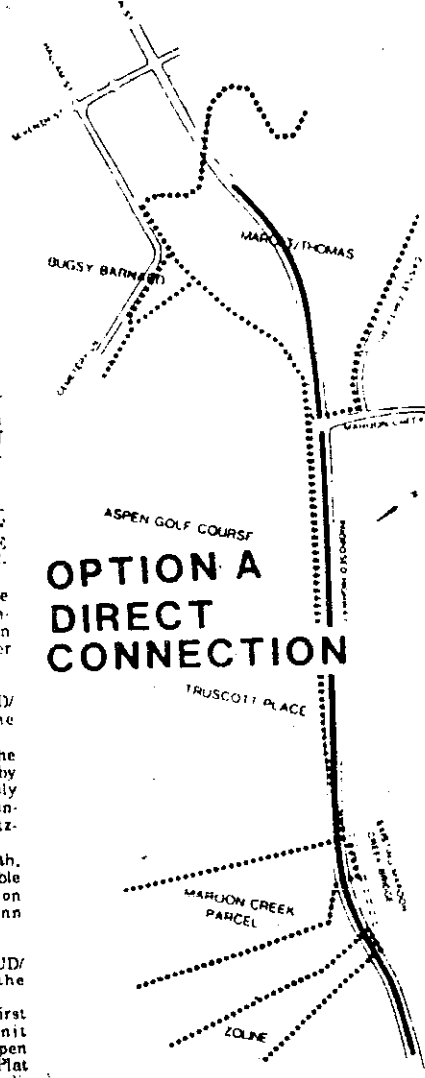
On Saturday night, the

...in 1988, he
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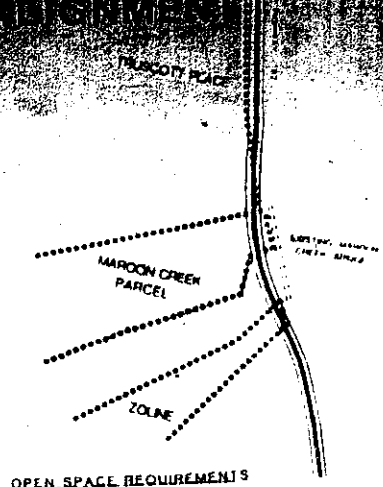
...ORDINANCE NO. 4
AUTHORIZATION TO PROHIBIT THE
SALE OF FURS.
"Shall the City Council adopt Ordinance 70,
Series of 1989, which prohibits the commercial
sale of furs of wild animals within the City of
Aspen? For existing inventory, this ordinance
will take effect one year from the date of its
adoption. This ordinance does not prohibit the
wearing of furs, nor does it prohibit either the
sale or the wearing of furs from domestic
animals.
The City of Aspen has previously shown its
concern for the cruelty and dangers of the leg-
hold trap by the adoption of Ordinance 10 of 1986,
which prohibits the use of leghold trap, and
Ordinance 56 of 1986, which prohibits the sale
of furs from animals caught in leghold traps. It
has become clear that even experts cannot know
with any certainty the source of furs offered for
retail sale, and ranches wild furbearing ani-
mals suffer not only cruelty in death but cruel
and unregulated conditions during a lifetime of
unnatural confinement. The purpose of this
ordinance would be to lessen the suffering of
furbearing wild animals by prohibiting the com-
merce in fur products."
QUESTION NO. 5
SHALL THE ELECTORATE ADOPT ORDI-
NANCE 69, SERIES OF 1989, IN ONE OF
TWO FORMS, WHICH ORDINANCE
APPROVES THE AMENDED ASPEN MOUN-
TAIN PUD SUBDIVISION.
"Shall Ordinance 69, Series of 1989, be
adopted approving the Amended Aspen Moun-
tain Planned Unit Development Subdivision in
one of two forms? (Electors may choose either
Option A or Option B, but not both.)
Option A (Hadi/Ritz-Carlton Proposal)
Shall the Amended Aspen Mountain PUD/
Subdivision be approved subject to the
following:
1. Ordinance 69 is hereby adopted in the
same form as Resolution 29, Series of 1988, by
which the Aspen City Council previously
approved the amendment of the Aspen Moun-
tain Subdivision/PUD (including the Ritz-
Carlton Hotel).
2. In addition, Developer shall, in good faith,
process a land use application for affordable
housing suitable for the 8/10ths of an acre on
Main Street known as the Bavarian Inn
property.
Option B (City Council Proposal)
Shall the Amended Aspen Mountain PUD/
Subdivision be approved subject to the
following:
1. The conditions contained in the "First
Amended and Restated Planned Unit
Development/Subdivision Agreement Aspen
Mountain Subdivision," the amended Final Plat
of the Aspen Mountain Subdivision, and con-
ditions recommended by the Planning and Zoning
Commission (to the extent not amended by the
Agreement or Final Plat); AND
2. The applicant provide off-site housing for
106 additional employees, less any employees
no longer required by reason of any reduction in
the number of hotel rooms (292) or other uses
now proposed. The housing shall be consistent
with the Affordable Housing Guidelines of the
Housing Authority in place at the time of final
approval of the housing; AND
3. the external floor area for the entire
Planned Unit Development be reduced by
60,413 square feet; the hotel on Lot One not
exceed 128,941 square feet (consistent with the
underlying zoning); and the maximum height of
the hotel on Lot One not exceed 44.8 feet (160%
of the allowable height).
Option A (Hadi/Ritz-Carlton Proposal) —
Option B (City Council Proposal) —
QUESTION NO. 6
AUTHORIZING THE REPEAL OF THE

...The portion of State Highway 82 between
Cometary Lane and the point where the new
roadway leaves the existing alignment shall be
converted to open space.
The present traffic signal at Cometary
Lane and State Highway 82 will be removed and
a new signal installed at the new intersection of
Seventh Street and Main Street to control traf-
fic volume entering Aspen and accommodate
side street traffic.
The following exhibit shows the direct con-
nection concept of a new four-lane entrance to
Aspen.



OPTION A DIRECT CONNECTION

OPEN SPACE REQUIREMENTS	
OPEN SPACE CONVERTED TO HIGHWAY USE	127 AC
HIGHWAY LAND CONVERTED TO OPEN SPACE	27 AC
TOTAL OPEN SPACE REQUIRED FOR DIRECT CONNECTION	100 AC



OPEN SPACE REQUIREMENTS	
OPEN SPACE CONVERTED TO HIGHWAY USE	80 AC
HIGHWAY LAND CONVERTED TO OPEN SPACE	00 AC
TOTAL OPEN SPACE REQUIRED FOR EXISTING ALIGNMENT	80 AC

(Electors may select either Option A — Direct
Connection or Option B — Existing Alignment,
but not both.)
Option A, Direct Connection
Option B, Existing Alignment
POLLING PLACES
Precincts 1, 6 and 7 — St Mary's Catholic
Church
Precincts 2 & 3 — Upper Elementary School
Precincts 4 & 5 — Christ Episcopal Church
Those electors who are otherwise fully qual-
ified to vote on said questions at such election,
but who are or will be unable to appear at the
polling places on the date of the election, may
apply in writing at the office of the City Clerk, at
the Aspen City Hall, for an absentee ballot, or at
any time during business hours, on or before
February 9, 1990.
The votes cast shall be recorded on voting
machines and said election shall be held, con-
ducted and the returns thereof shall be
returned, canvassed and declared, as nearly as
may be in the manner prescribed by law for the
special election of municipal officers.
IN WITNESS WHEREOF, the City Council
has caused this Notice to be given as of this 9th
day of January, 1990.
Kathryn S Koch
City Clerk
Published in: Aspen Times
Published on: February 1 and 8, 1990
Section 5
To the extent any provisions of this resolution
are inconsistent with the provisions of Resolu-
tion 40, Series of 1989; the provisions of this
resolution shall prevail.
Dated: January 16, 1990.
William L Stirling, Mayor
I, Kathryn S Koch, duly appointed and acting
City Clerk, do certify that the foregoing is a true
and accurate copy of that resolution adopted by
the City Council of the City of Aspen, Colorado,
at a meeting held January 9, 1990.
Published in the Aspen Times February 1 and 8,
1990.

PUBLIC NOTICE
TOWN OF SNOWMASS VILLAGE
HOUSING AUTHORITY
SPECIAL MEETING
A SPECIAL MEETING OF THE
SNOWMASS VILLAGE HOUSING AUTHORITY
WILL BE HELD ON FEBRUARY 5, 1990 IN
THE TOWN CONFERENCE ROOM, 0016
KEARNS ROAD, SNOWMASS CENTER
BUILDING, SNOWMASS VILLAGE,
COLORADO.
Respectfully Submitted,
Trudi Worlton
Deputy Town Clerk
Posted: January 25, 1990
Published in the Aspen Times February 1, 1990.

[illegible]

NAMES OF CANDIDATES OR PROPOSITIONS		OFFICE VOTED FOR	NUMBERS OF WARDS AND PRECINCTS AND VOTES CAST IN EACH																	A. V. PCT.	Total No. of Votes Cast																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																								
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November 21, 99

1932	voted
5402	registered

day of November 2 1999

REFERENDUM 2C

A REFERRED QUESTION TO AUTHORIZE AN INCREASE IN CITY DEBT FOR A DEDICATED, EXCLUSIVE BUSWAY

SHALL THE CITY OF ASPEN DEBT BE INCREASED BY AN AMOUNT NOT TO EXCEED \$16,000,000 WITH A MAXIMUM REPAYMENT COST OF \$38,000,000 (BUT WITH NO INCREASE IN THE CITY'S EXISTING TAXES) FOR THE PURPOSE OF BUYING OR CONSTRUCTING CAPITOL IMPROVEMENTS NECESSARY TO OPERATE A PERMANENTLY DEDICATED, EXCLUSIVE BUSWAY ON STATE HIGHWAY 82 FROM BUTTERMILK SKI AREA ACROSS THE MAROLT OPEN SPACE AND CONNECTING WITH MAIN STREET IN ACCORDANCE WITH ALL THE TERMS AND CONDITIONS IN THE ENTRANCE TO ASPEN RECORD OF DECISION AND THAT:

A) SUCH CAPITAL IMPROVEMENTS TO INCLUDE BUT NOT BE LIMITED TO:

- 1) EXPANSION OF RUBEY PARK TRANSIT CENTER,
- 2) BUS LOADING PLATFORMS AND TRANSIT STOPS ALONG HIGHWAY 82,
- 3) EXPANSION OF BUS MAINTENANCE AND STORAGE FACILITIES,
- 4) PURCHASE OF NEW CLEAN BURNING ALTERNATIVE FUEL BUSES, AND REPLACEMENT OF EXISTING DIESEL BUSES,
- 5) FUELING CENTER FOR CLEAN BURNING ALTERNATE FUEL VEHICLES,

B) PASSAGE OF THIS DEBT AUTHORIZATION WILL ONLY RESULT IN THE CONSTRUCTION OF SAID DEDICATED BUSWAY IN THE EVENT THAT PITKIN COUNTY'S HALF PENNY TRANSIT SALES TAX IS COMMITTED BY THE VOTERS OF PITKIN COUNTY TO FUNDING THE ONGOING OPERATIONS SUBSIDY OF IMPROVED RFTA SERVICES CONNECTING TO AND USING SAID BUSWAY, AS WELL AS SETTING ASIDE ANNUALLY SUFFICIENT RESERVES FROM THE ONE HALF PENNY TRANSIT SALES TAX FOR THE EVENTUAL UPGRADE OF THE INTERIM BUSWAY TRANSIT SYSTEM TO A LIGHT RAIL TRANSIT SYSTEM.

C) APPROVAL OF THIS DEBT AUTHORIZATION SHALL ALSO CONSTITUTE AUTHORIZATION TO THE CITY COUNCIL TO USE OR CONVEY TO THE STATE OF COLORADO, DEPARTMENT OF TRANSPORTATION, NECESSARY RIGHTS OF WAY ACROSS CITY OWNED PROPERTY, INCLUDING THE MAROLT PROPERTY, ACQUIRED FOR OPEN SPACE PURPOSES, AND THE

THOMAS PROPERTY, ACQUIRED FOR TRANSPORTATION PURPOSES, FOR A TWO LANE PARKWAY AND A CORRIDOR FOR BUSES AS DESCRIBED IN THE COLORADO DEPARTMENT OF TRANSPORTATION'S RECORD OF DECISION FOR THE ENTRANCE TO ASPEN PROJECT; PROVIDED, HOWEVER, THAT THE USE OF THE CORRIDOR SHALL BE CONTINGENT UPON ENVIRONMENTAL AND HISTORIC RESOURCE MITIGATION MEASURES IDENTIFIED IN THE RECORD OF DECISION; AND THE DEFEAT OF THIS DEBT AUTHORIZATION SHALL CONSTITUTE A DENIAL OF THE USE OF THE ABOVE REFERENCED CITY PROPERTY AS A CORRIDOR FOR BUSES; AND

SUCH DEBT TO CONSIST OF THE ISSUANCE AND PAYMENT OF REVENUE BONDS, PAYABLE FROM THE CITY OF ASPEN'S PARKING REVENUE AND GENERAL FUNDS, WHICH BONDS SHALL BE EXPRESSLY CONDITIONED AND BINDING IN THEIR TERMS TO THE USE OF CITY OPEN SPACES FOR THE SOLE PURPOSE OF A PERMANENT, DEDICATED, EXCLUSIVE BUSWAY UNTIL SUCH TIME AS THE CITY OF ASPEN UPGRADES SAID BUSWAY TO A LIGHT RAIL SYSTEM; AND

WHICH BONDS SHALL BEAR INTEREST AND MATURE, BE SUBJECT TO REDEMPTION, WITH OR WITHOUT A PREMIUM, AND BE ISSUED, DATED, AND SOLD, AT SUCH TIME OR TIMES, AT SUCH PRICES (AT, ABOVE, OR BELOW PAR) AND IN SUCH MANNER AND CONTAINING SUCH TERMS, NOT INCONSISTENT HEREWITH, AS THE CITY COUNCIL MAY DETERMINE, AND SHALL ANY EARNINGS (REGARDLESS OF AMOUNT) FROM THE INVESTMENT OF SUCH BONDS CONSTITUTE VOTER APPROVED REVENUE CHANGE?

Referendum 2C

Yes 111 ➡

No 112 ➡

NUMBERS OF WARDS AND PRECINCTS AND VOTES CAST IN EACH

A. V.
PCT.

Total No.
of
Votes Cast

1	2	4	5	6	7	9	Early
---	---	---	---	---	---	---	-------

110	156	133	137	8	83	4	138	36	805
126	160	109	134	11	81	5	209	61	894

Statement and Certificate of Determination of an Election held in _____, Colorado, on _____ the

day of

November 2 19 99

NAMES OF CANDIDATES OR PROPOSITIONS		OFFICE VOTED FOR	NUMBERS OF WARDS AND PRECINCTS AND VOTES CAST IN EACH															Total No. of Votes Cast																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																							
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REFERENDUM 2D		AUTHORIZATION TO SPEND \$158,275.00 IN EXCESS PROPERTY TAXES																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																							

Statement and Certificate of Determination of an Election held in _____, Colorado, on _____ the _____ day of November 2 1979

NAMES OF CANDIDATES OR PROPOSITIONS	OFFICE VOTED FOR	NUMBERS OF WARDS AND PRECINCTS AND VOTES CAST IN EACH												A. V. PCT.	Total No. of Votes Cast					
										1	2	4	5			6	7	9	Early	
REFERENDUM 2G AUTHORIZATION TO SELL A 37 ACRE PORTION OF THE 219 ACRE BURLINGAME RANCH TO RECOVER MONIES OF THE HOUSING DAY CARE FUND USED TO PURCHASE THE PROPERTY																				
Shall the City of Aspen be authorized to sell on the free market a 37 acre lot located adjacent to the West Buttermilk Subdivision to reimburse the City's Affordable Housing/Day Care Fund which was used to purchase the 219 acre Burlingame Ranch for affordable housing, provided that prior to any sale, the lot is deed restricted to limit the potential development of the site to ensure compatibility of any future development to the surrounding neighborhood; said restrictions to include (a) a single family residence with an attendant occupied employee accessory dwelling unit, (b) an identified building envelope of approximately 30,000 square feet with the remaining 36 acre portion of the parcel encumbered by a conservation easement, (c) a limitation on the size of the principal residence by limiting the floor area ratio (FAR) up to 5,000 sq. ft. or up to 7,000 sq. ft. with the purchase and designation of two (2) Pitkin County Transferable Development Rights (TDR's); (d) a height limitation on any buildings of 24 feet as measured from existing natural grade, and (e) landscaping limitations to include xeriscaping and fire safety protection zones?																				
		Referendum 2G																		
Yes 124 ➡																				
No 125 ➡																				
																</				

November 7, 29

[illegible]

day: f

the and

gth

TOTAL VOTED	2,023
TOTAL REGISTERED	5314

We, the undersigned, Canvassers of the Election
on Tuesday the 28th

NUMBERS OF WARDS AND PRECINCTS AND VOTES CAST IN EACH

Returns of an Election held in said City of Aspen, in the State of Colorado,
(City or Town of)
day of MAY, A. D. 2007, for the election of MAYOR, COUNCIL &

Net - 1 no.

We, the undersigned, Canvassers of the Election
on Tuesday the 8th

[illegible]

Statement and Certificate of Determination of an Election held in _____

day

[illegible]

STATE OF COLORADO,

County of PITKIN

6 QUESTIONS

We, the undersigned, Canvassers of the Election
on Tuesday the 8th

2 Returns of an Election held in said City of Aspen, in the State of Colorado,
(City or Town of)
day of May, A. D. 2007, for the election of MAYOR, CITY COUNCIL

STATE OF COLORADO, } ss. We, the undersigned, Canvassers of the Election
County of PITKIN } on Wednesday the 28th
COUNCIL # 6 QUESTIONS

[illegible]

Returns of an Election held in said City of Aspen, in the State of Colorado,
 day of May, A. D. 2002, for the election of MAYOR, CITY

Statement and Certificate of Determination of an Election held in _____
8th day

NAMES OF CANDIDATES OR PROPOSITIONS	OFFICE VOTED FOR										
QUESTION NO. 6											
MUNICIPAL GOLF COURSE AND TRUSCOTT PLACE REDEVELOPMENT											
Shall the City of Aspen be authorized to enter into long term leases or to sell approximately 2.032 acres of land and two buildings with 46 housing units within the existing Truscott Affordable Housing (Lot 3 of the Third Amended Plat of the Aspen Golf Course Subdivision), to a partnership of which the Aspen/Pitkin County Housing Authority, or other non-profit organization, shall be the controlling general partner, to facilitate favorable tax exempt financing for the development of additional affordable housing at Truscott Place? This financing will allow the City of Aspen to decrease the necessary subsidy for 99 new units and the redevelopment of 46 existing units by approximately three million dollars (\$3,000,000).											
										YES 92	➔
										NO 93	➔

RIGHT-OF-WAY EASEMENT

The City of Aspen, a home rule municipality of the County of Pitkin, State of Colorado, with its principal office located at 130 S. Galena St., Aspen, Colorado 81611, here referred to as Grantor, in consideration of TEN AND NO/100 DOLLARS (\$10.00) and other valuable consideration the receipt and sufficiency of which is hereby acknowledged, including the agreements contained in this instrument and that certain Memorandum of Understanding between Grantor, Grantee and the Federal Highway Administration dated July 27, 1998, grants to the State of Colorado, Department of Transportation, whose legal address is 4201 East Arkansas Avenue, Denver, Colorado 80222 of the City and County of Denver, Colorado, here referred to as Grantee, a right-of-way easement to construct, operate and maintain a two lane parkway and a corridor for a light rail transit system (to be constructed when the financing is available), but for no other purpose or purposes, portions of Grantor's property described in Exhibit 1 appended hereto and incorporated herein as if fully set forth (the "Right-of-Way"). This grant is made on the following terms and conditions:

1. The light rail transit system shall be built only after adequate financing mechanisms and final design details are identified and approved by public vote of the citizens of the Grantor.
2. The two lane parkway and corridor for a light rail transit system shall be constructed in full compliance with all provisions relating to the construction of a two lane parkway and light rail transit system of that certain State Highway 82 Entrance to Aspen Record of Decision, Project STA 082A-008, issued by the Colorado Department of Transportation and Federal Highway Administration in August 1998, and that certain Memorandum of Understanding between Grantor, Grantee, and the Federal Highway Administration dated July 27, 1998, including, but not limited to, all environmental and historic mitigation measures identified therein. The platform width and maximum total right-of-way width for each corridor section of the two lane parkway and corridor for a light rail transit system shall be no greater than as described in Table 1 on page 2 of the Record of Decision.
3. The use of the Right-of-Way shall be contingent upon environmental and historic resource mitigation measures including, but not limited to:
 - a. A cut and cover tunnel of no less than 400 feet to return public open space approximately 2 acres or more of Marolt open space.
 - b. The return to open space of the portion of State highway 82 between Cemetery Lane and the Maroon Creek intersection to be abandoned by CDOT.
 - c. The acquisition of other deed restricted open space of equal value and equal or greater acreage to replace any net loss in open space.

d. An alignment of the two-lane parkway and corridor for a light rail transit system that is designed to be as sensitive as possible to the location of the historic Holden Smelting and Milling Complex and Museum.

e. The total use of open space shall be the minimum possible, consistent with good design.

f. The design of the proposed bridge shall be sensitive to the environment and community character.

g. A landscaping plan to include plantings, berms and depressions, and other methods to mitigate environmental and neighborhood concerns along the entire two-lane parkway and corridor for a light rail transit system.

4. Before the start of any construction on any part of the Right-of-Way referenced herein, Grantor shall have reviewed and approved all landscaping plans, final highway, bridge and light rail corridor designs, and final bid packages applicable thereto, and all plans developed to ensure compliance with the above referenced Memorandum of Understanding, the Record of Decision, and the environmental and historic resource mitigation requirements set forth at paragraph 3 above.

5. Before Grantee commences any ground disturbing activity on any portion of the Right-of-Way referenced herein necessary for preliminary engineering or design work, Grantor shall have reviewed and approved all such proposed activity to ensure that the proposed disturbance is the minimum reasonably necessary and if construction is not commenced within one year, Grantee shall re-vegetate and landscape immediately after the completion of such activity.

In witness whereof, Grantor, by its duly authorized representatives, has executed this instrument on the date set opposite his or her signature below.

City of Aspen, a Home Rule Municipality

Date: 8-15-02

By: Stephen H. Barwick
Stephen H. Barwick,
City Manager of the City of Aspen

State of Colorado)
) ss.
County of Pitkin)

The foregoing instrument was acknowledged before me this 15th day of August, 2002, by Stephen H. Barwick, City Manager of the City of Aspen.

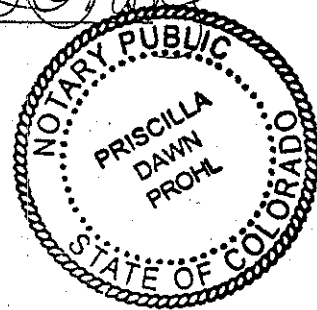
Witness my hand and official seal.

My commission expires:

Notary Public

JPW-08/14/2002- right-of-way-cdot_080802

Priscilla Dawn Prohl / Notary Public
My Commission Expires 6/25/2003
601 E. Hopkins
Aspen, CO 81611



PROJECT NUMBER: NH 0821-055 UNIT 1

PARCEL NUMBER: A-101

Project Code: 12639

Date: April 26, 1999

DESCRIPTION

A tract or parcel of land No. A-101 of the Department of Transportation, State of Colorado, Project No. NH 0821-055 Unit 1 containing 2.355 acres, more or less, in the Southwest Quarter of Section 12, Township 10 South, Range 85 West, of the Sixth Principal Meridian, in Pitkin County, Colorado, said tract or parcel being more particularly described as follows:

BEGINNING at a point on the Southerly Right of Way line of Colorado State Highway 82 (Proj. No. AWP 2012-B, Nov. 1937), from which the West Quarter corner of said Section 12 bears North 48° 21' 33" West, a distance of 718.67 feet;

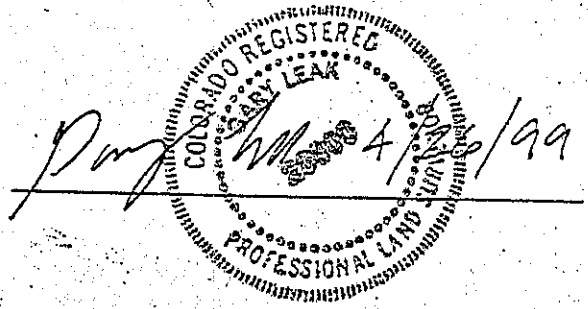
1. Thence along said Southerly Right of Way line and along the arc of a curve to the left with a radius of 1,196.00 feet, a central angle 19° 44' 58", an arc length of 412.25 feet and a (chord which bears North 85° 07' 58" East, a distance of 410.22 feet);
2. Thence continuing along said Southerly Right of Way line, North 75° 15' 29" East, a distance of 148.50 feet.
3. Thence South 57° 28' 43" East, a distance of 137.80 feet.
4. Thence South 42° 18' 36" East, a distance of 128.80 feet.
5. Thence South 33° 13' 52" East, a distance of 281.19 feet to the Westerly line of Marolt Ranch, a subdivision plat recorded at Plat Book 12, Page 1, in the records of Pitkin County Colorado;
6. Thence South 26° 19' 05" West along said Westerly line, a distance of 152.63 feet.
7. Thence North 39° 24' 44" West, a distance of 128.36 feet.
8. Thence North 34° 22' 28" West, a distance of 221.35 feet.
9. Thence North 48° 18' 20" West, a distance of 173.36 feet.

10. Thence North $73^{\circ} 48' 09''$ West, a distance of 139.90 feet.
11. Thence North $84^{\circ} 59' 33''$ West, a distance of 372.82 feet to the POINT OF BEGINNING.

The above described parcel contains 102,603 square feet (2.355 acres), more or less.

BASIS OF BEARING: North $00^{\circ} 35' 28''$ East, 2,634.28 feet, along the West line of the Northwest Quarter of Section 12, Township 10 South, Range 85 West, of the Sixth Principal Meridian. The Northwest corner of Section 12 being a 3.5" B.L.M. Brass cap, 1954. The West Quarter corner of Section 12 being a 2.50" G.L.O. Brass cap, on iron pipe.

PREPARED BY:
Gary W. Leak, PLS 26600
MK Centennial
P.O. Drawer 1307
Arvada, CO 80001



Statement and Certificate of Determination of an Election held in _____
 _____ 5th day

_____ Aspen _____, Colorado, on Tuesday the
of November 2002

NAMES OF CANDIDATES OR PROPOSITIONS	OFFICE VOTED FOR				
		1	2	3	4
<p>COUNTY</p> <p>REFERENDUM 1C STATE HIGHWAY 82 ALIGNMENT AT THE ENTRANCE TO ASPEN</p> <p>Which alignment for the Entrance to Aspen do you prefer? (Choose only one).</p> <p><input type="radio"/> "S" Curves (existing alignment); or</p> <p><input type="radio"/> Modified Direct Alignment across the Marolt/Thomas property</p>		215	191	217	20
		157	122	177	24
<p>CITY</p> <p>CITY OF ASPEN</p> <p>REFERENDUM 2C AMENDMENT TO CITY OF ASPEN HOME RULE CHARTER - PUBLICATION OF ORDINANCES</p> <p>Shall Ordinance No. 32, Series of 2002, be adopted? This ordinance proposes to amend the City of Aspen Home Rule Charter by changing the requirement for the full text publication of ordinances and instead allow for proposed and adopted ordinances to be published by title only.</p> <p><input type="radio"/> YES</p> <p><input type="radio"/> NO</p>		98	89	112	13
		131	133	124	18

[illegible]

STATE OF COLORADO, }
County of _____ } ss.

We, the undersigned, Canvassers of the Election
on _____ the _____

returns of an Election held in said _____, in the State of Colorado,
(City or Town of)
day of _____, A. D. 20_____, for the election of _____

