

1. TO SIGN A PETITION

- A. Read the warning at the top of the page.
- B. To sign a petition you must be a registered voter at the time of signing.
- C. No person may sign for another.
- D. The petition circulator may not assist a signer.
- E. If a signer is disabled and needs assistance, a third party should provide that assistance. The third party providing assistance shall sign his or her name and address and state that (s)he rendered assistance to the disabled elector.

FILED Document
 DISTRICT COURT 9th JD
 FICIANE DOC 10/13/08
 TIME DATE: Mar 13 2008 11:22AM MDT
 CASE NUMBER: 2008CV30833
 Filing ID: 18998851

2. HOW TO SIGN THE PETITION

- A. Print clearly.
- B. The petition form has two lines, both of which must be fully completed.
- C. Use black ink. Do not use ditto marks to provide information on a signature line.
- D. A signer must use the residence address where he or she is registered to vote.
- E. Do not use a post office box. Street name and number must be provided.
- F. The signer must complete all portions of a signature line.
- G. A signer must not place a zip code or birth date under "Signing Date".
- H. Corrections: If a small correction is made, the signer should initial the change. If a larger correction is required, the signer should completely cross out the incorrect information and proceed to use the next two blank lines.

3. TO CIRCULATE A PETITION

- A. Read the warning at the top of each page.
- B. There can only be one circulator for each petition section.
- C. A petition section may not be left on a table unattended or passed among potential signers if the circulator is not accompanying the petition section. The circulator must witness every signature as it is written.
- D. Do not take the petition section apart. If the original staples are removed the petition section will not count.
- E. Do not sign your own petition section.
- F. Make sure that all the required information is complete before a signer leaves your presence.

4. WHAT TO DO WHEN THE CIRCULATOR HAS FINISHED COLLECTING SIGNATURES

- A. Every valid signature counts. Signatures on partially completed petition sections may count.
- B. A petition section must be properly notarized. Take the petition to a notary public, who will then notarize the affidavit. Do not sign or date your affidavit before you appear before the notary.
- C. No additional signatures may be collected after the affidavit has been notarized.
- D. The notarized petition section should then be immediately returned in person or by mail to:

Jeffrey Evans Box 324, Basalt, CO 81621
 Curtis Vagneur Box 1471, Aspen, CO 81612

NOTE: This page is for information only, and should not be stapled to the petition section which follows. Additional laws pertaining to initiative circulators and signers are provided in Colorado Revised Statutes, Title 31, Article 11, and can be found at:

<http://198.187.128.12/colorado/lpext.dll?f=templates&fn=fs-main.htm&2.0>



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Do not sign this petition unless you have read or have had read to you the proposed initiative or referred measure or the summary in its entirety and understand its meaning.

CITIZEN INITIATED ORDINANCE - DIRECT CONNECTION

Shall the State of Colorado, Department of Transportation (CDOT) be authorized to construct, operate and maintain a four lane highway configuration consisting of two general highway lanes and two vehicle and/or transit lanes (HOV) with a transit envelope next to the highway lanes, on property conveyed to CDOT by the City of Aspen, including the Marolt property?

PETITION TO INITIATE

IN ACCORDANCE WITH ARTICLE V OF THE CITY CHARTER OF THE CITY OF ASPEN, WE, THE UNDERSIGNED REGISTERED VOTERS OF THE CITY OF ASPEN, RESPECTFULLY ORDER AND DEMAND THAT THE FOLLOWING PROPOSED ORDINANCE BE ADOPTED OR SUBMITTED TO THE LEGAL VOTERS OF THE CITY FOR THEIR ADOPTION OR REJECTION AT THE POLLS AT THE GENERAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 6, 2007.

Each of the signers hereto says:

I sign this petition in my own proper person only. I am a registered voter of the City of Aspen. My residence address and the date of my signing this petition are correctly written immediately after my printed name. I hereby designate the following persons to represent me in all matters affecting this petition:

Jeffrey Evans Box 324, Basalt, CO 81621
Curtis Vagneur Box 1471, Aspen, CO 81612

Ordinance NO. _____
(Series 2007)

AN ORDINANCE APPROVING SPECIFIC USES FOR PROPERTY CONVEYED TO THE STATE OF COLORADO, DEPARTMENT OF TRANSPORTATION.

WHEREAS, the City Council of the City of Aspen approved Resolution No.34, Series of 2002, Right-Of-Way Easement, on April 22, 2002, granting to the Colorado Department of Transportation "necessary right-of-way easements across City owned property for a two lane parkway and a corridor for a light rail transit system," while acknowledging that this system was "subject to certain specific conditions set forth in the ballot language" of the municipal ballot question 2A of November 1996, *Use Of City Owned Property For*

Transportation Corridor, from which they derived the authority to approve said grant; and

WHEREAS, the conditions set forth in the ballot language of November 1996 include the stipulation that “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”; and

WHEREAS, the conditional voter approval of November 1996 was also the basis for the designation of the two lane parkway and a corridor for a light rail transit system as the preferred alternative in the State Highway 82 Entrance to Aspen Record of Decision, Project STA 082A-008, August 1998, as well as further specific agreements between the City of Aspen, State of Colorado Department of Transportation, and Federal Highway Administration contained in the Memorandum of Understanding, July 27, 1998, regarding allowed uses for the conveyed right-of-way; and

WHEREAS, the absence of public support for the two lane parkway and light rail option, evidenced in part by the defeat of municipal ballot measures 200 – *Light Rail Project*, and 2C - *Debt Increase for Dedicated Exclusive Busway*, November 2, 1999, has rendered the preferred alternative of the aforementioned Record of Decision and Memorandum of Understanding inoperative, and has subsequently invalidated the authorization for conveyance of the right-of-way easement; and

WHEREAS, the core policy from which the two lane parkway and a corridor for a light rail transit system was developed is described in the Record of Decision at *II. The Preferred Alternative, Meeting Project Purpose and Need, 2. Transportation Capacity*, as: “though the highway system will operate under congestion, this congestion is considered part of the disincentive for single occupancy vehicle (SOV) travel and will increase transit usage”; and

WHEREAS, the United State Court of Appeals, Tenth Circuit, in case No. 02-1480, *Friends of Marolt Park v. United States Department of Transportation*, affirmed the right of the defendants to select an option, “not identified as the preferred option in the final EIS, as long as the selected option was fully evaluated”; and

WHEREAS, the allowed uses as defined and delineated in the aforementioned Right-Of-Way Easement and Memorandum of Understanding for the parcels of land described in Exhibit 1 in the Right-Of-Way Easement, prevent implementation of any fully evaluated option other than a two lane parkway and a corridor for a light rail transit system; and

WHEREAS, a fully evaluated option first developed in the State Highway 82 East of Basalt to Aspen Draft Environmental Impact Statement 4(f) Evaluation Project FC 082-1(14), August 1989, and carried forward into the State Highway 82 Entrance to Aspen Draft Environmental Impact Statement Section 4(f) Evaluation, Project STA 082A-008, August 1995, identified as “Alternative D: Modified Direct Alignment, At-Grade, with Separate Transit Envelope”, is by this action recognized as the preferred alternative of the citizens of Aspen for the Entrance to Aspen.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASPEN, COLORADO:

The City of Aspen hereby authorizes and approves the conveyance of the real property or an interest in the real property more fully described in Exhibit 1 of Resolution No.34, Series of 2002, Right-Of-Way Easement to the State of Colorado, Department of Transportation for the purposes set forth hereinafter and for no other purpose, and hereby rescinds all enactments or authorizations inconsistent herewith:

Section 1

The State of Colorado, Department of Transportation (CDOT) is hereby authorized to construct, operate and maintain a four lane highway configuration which substantially conforms to the design described herein, subject to the following terms and conditions:

1. The highway shall be built after completion of a reevaluation if required pursuant to 23 CFR 771.129 and issuance of a revised Record of Decision (ROD) if required pursuant to 23 CFR 771.127.
2. Acceptance and implementation of this authorization by CDOT and the Federal Highway Administration shall accrue no funding obligation for any expenditure necessary to the performance of paragraph 1 above.
3. Except as provided herein, the highway shall be constructed in full compliance with all provisions relating to the construction of the Direct Connection highway configuration described in the State Highway 82 East of Basalt to Aspen Draft Environmental Impact Statement 4(f) Evaluation Project FC 082-1(14), August 1989; and the equivalent design identified as "Alternative D: Modified Direct Alignment, At-Grade, with Separate Transit Envelope", consisting of two general highway lanes and two vehicle and/or transit lanes (HOV) with a transit envelope next to the highway lanes, contained in the State Highway 82 Entrance to Aspen Draft Environmental Impact Statement, 4(f) Evaluation, Project STA 082A-008, issued by the Colorado Department of Transportation and Federal Highway Administration in August 1995.
4. The appropriate intersection design for the Maroon/Castle/Highway 82 intersection, and the optimum location for the transition from Main Street to Highway 82 HOV/Transit lanes, shall be at the sole discretion of the State of Colorado, Department of Transportation.
5. Lane management for the two HOV/Transit lanes shall be consistent with, and no more restrictive than, access limitations enforced on the Basalt to Buttermilk segment of Highway 82.

6. The transit envelope shall be accommodated by the adequacy of the alignment conveyed, and by bridge engineering sufficient to facilitate addition of a light rail transit system at such time as community support and financing become available.
7. The use of the conveyed property shall be contingent upon environmental and historic resource mitigation measures including, but not limited to:
 - a. A curved alignment which avoids encroachment on the community garden and hang-gliding and para-sailing landing zone, depicted in schematic form in Figure 1 appended hereto.
 - 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. An alignment that is designed to be as sensitive as possible to the location of the historic Holden Smelting and Milling Complex and Museum.
 - d. The total use of open space shall be the minimum possible, consistent with good design.
 - e. The design of the proposed bridge shall be sensitive to the environment and community character.
 - f. A landscaping plan to include plantings, berms and depressions, and other methods to mitigate environmental and neighborhood concerns along the entire corridor.
8. The City of Aspen warrants that adjustment of the boundaries of the conveyed property are encouraged for any qualitative purposes, whether such action serves better engineering, highway function, or mitigation performance, and any such adjustment which results in a net increase in the acreage of property conveyed to CDOT as identified in Exhibit 1 shall require no further compensation or consideration to the city, in recognition of the sufficiency of the property already conveyed to the city.
9. Any ground disturbing activity necessary for preliminary engineering or design work performed by CDOT on any portion of the property referenced herein shall be the minimum reasonably necessary, and if construction is not scheduled to commence within one year, CDOT shall re-vegetate and landscape immediately after the completion of such activity.

Section 2

The City of Aspen acknowledges that implementation of this authorization requires abandonment of the policy described in the Entrance to Aspen Record of Decision, Project STA 082A-008, August 1998, which employs traffic congestion as a mass transit ridership incentive.

Section 3

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional in a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and shall not affect the validity of the remaining portions thereof.

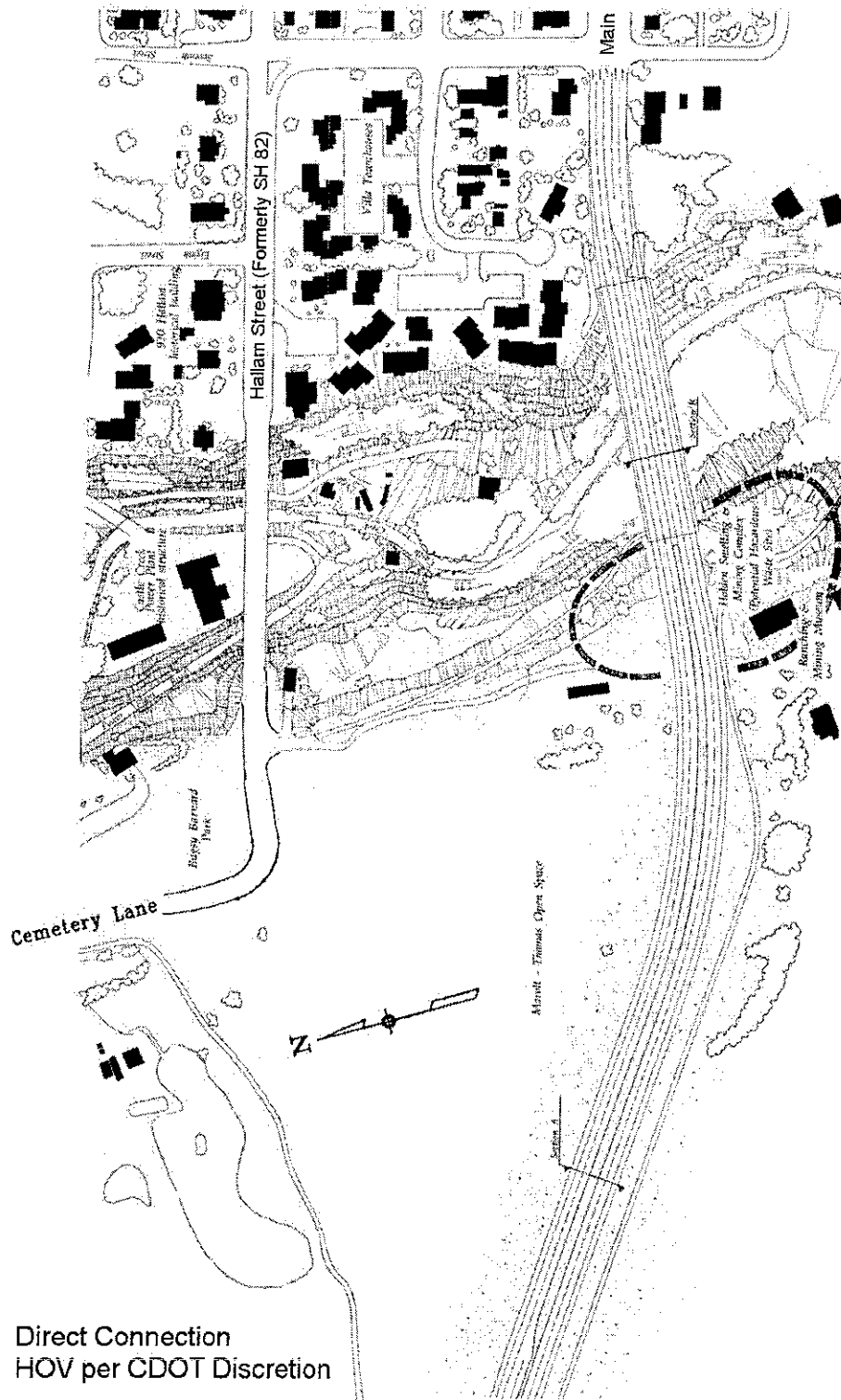
INTRODUCED, READ, AND ORDERED PUBLISHED as provided by law by the City Council of the City of Aspen on the ___ day of _____, 2007.

Helen Kalin Klanderud, Mayor

ATTEST:

Kathryn S. Koch, City Clerk

Figure 1



Direct Connection
HOV per CDOT Discretion

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Shall the State of Colorado, Department of Transportation (CDOT) be authorized to construct, operate and maintain a four lane highway configuration consisting of two general highway lanes and two vehicle and/or transit lanes (HOV) with a transit envelope next to the highway lanes, on property conveyed to CDOT by the City of Aspen, including the Marolt property?

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AFFIDAVIT OF CIRCULATOR

I, _____, swear that I reside at: _____
Circulator - PRINTED NAME Street name and number of RESIDENCE

City/Town County State Zip Code

and do further swear that I have read and understand the laws governing the circulation of petitions; that I was at least 18 years of age, a citizen of the United States, and a resident of Colorado at the time this section of the petition was circulated and signed by the listed electors; that I circulated this section of the petition; that each signature thereon was affixed in my presence; that each signature thereon is the signature of the person whose name it purports to be; that to the best of my knowledge and belief each of the persons signing this petition section was, at the time of signing, a registered elector of the State of Colorado; and that I have not paid or will not in the future pay and that I believe that no other person has paid or will pay, directly or indirectly, any money or other thing of value to any signer for the purpose of inducing or causing such signer to affix his or her signature to the petition.

Signature of Circulator Date of Signing

STATE OF COLORADO, COUNTY OF _____

Subscribed and sworn to before me this _____ day of _____, 2007

Signature (and Title) of Official Administering Oath

My Commission Expires: _____