

ORDINANCE NO. 11

SERIES 2015

AN ORDINANCE OF THE CRESTED BUTTE TOWN COUNCIL AUTHORIZING THE TOWN'S PURCHASE AND ACQUISITION OF LOTS 17 AND 18, AND THE NORTH 6.25 FEET OF LOT 19, BLOCK 27, TOWN OF CRESTED BUTTE, COUNTY OF GUNNISON, STATE OF COLORADO FOR THE PURCHASE PRICE OF \$837,250.00

WHEREAS, the Town of Crested Butte, Colorado ("**Town**") is a home rule municipality duly and regularly organized and now validly existing as a body corporate and politic under and by virtue of the Constitution and the laws of the State of Colorado;

WHEREAS, the Town staff has recommended that the Town purchase and acquire certain real property in Crested Butte legally described as Lots 17 and 18, and the North 6.25 Feet of Lot 19, Block 27, Town of Crested Butte, County of Gunnison, State of Colorado (the "**Subject Property**") for the purchase price of \$837,250.00, with the same to be used for parking, snow storage and other public purposes as the Town deems fit;

WHEREAS, pursuant to Colorado law, the Town Council is authorized to acquire interests in real property necessary, suitable or proper for public purposes;

WHEREAS, the Town Council has considered the Town staff's afore-described recommendation and desires to now proceed with consummating the purchase and acquisition of the Subject Property pursuant to the terms and requirements of this ordinance; and

WHEREAS, the Town Council hereby finds that it is in the best interest of the Town and the health, safety and welfare of the residents and visitors of Crested Butte that the Town purchase and acquire the Subject Property to be used for public purposes as set forth hereinbelow.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CRESTED BUTTE, COLORADO, THAT,

Section 1. Authorization to Purchase and Acquire the Subject Property. The Town Council, pursuant to the Crested Butte Municipal Code and the laws of the State of Colorado, hereby authorizes the purchase by the Town, for the sum of \$837,250.00 (the "**Subject Property Purchase Price**") plus customary costs and expenses, closing costs and fees, to purchase and acquire the Subject Property, and authorizes and directs the Mayor, Town Manager and Town Clerk to appropriately execute any and all contracts, deeds and any and all other documents necessary and appropriate to consummate said purchase and acquisition.

Section 2. Appropriation of Funds for the Purchase and Acquisition of the Subject Property. The Town Council hereby appropriates the sum of \$837,250.00 plus customary costs and expenses, closing costs and fees for the purchase and acquisition of the Subject Property, with \$569,000.00 coming out of the Town's Parking in Lieu Fund and the balance coming out of the Town's Sales Tax Fund, and authorizes the expenditure of said sums for such purpose.

Section 3. Severability. If any section, sentence, clause, phrase, word or other provision of this ordinance is for any reason held to be unconstitutional or otherwise invalid, such holding shall not affect the validity of the remaining sections, sentences, clauses, phrases, words or other provisions of this ordinance, or the validity of this ordinance shall stand notwithstanding the invalidity of any section, sentence, clause, phrase, word or other provision.

Section 4. Savings Clause. Except as amended hereby, the Crested Butte Municipal Code, as amended, shall remain valid and in full force and effect. Any provision of any ordinance previously adopted by the Town which is in conflict with this ordinance is hereby repealed as of the enforcement date hereof.

INTRODUCED, READ AND SET FOR PUBLIC HEARING THIS 2nd DAY OF November, 2015.

ADOPTED BY THE TOWN COUNCIL UPON SECOND READING IN PUBLIC HEARING THIS 16th DAY OF November, 2015.

TOWN OF CRESTED BUTTE, COLORADO

By: Glenn Michel, Mayor

ATTEST:

Lynelle Stanford
Lynelle Stanford, Town Clerk

(Seal)

