

ORDINANCE NO. 2

**AN EMERGENCY ORDINANCE AUTHORIZING THE PAYMENT OF TOWN MONIES FOR THE ACQUISITION OF REAL PROPERTY LOCATED IN THE SOUTHWEST QUARTER OF SECTION 19, TOWNSHIP 2 NORTH, RANGE 71 WEST OF THE 6TH P.M., BOULDER COUNTY, COLORADO**

WHEREAS, the Town desires to purchase for its Andersen Hill Road and Town Square Projects a parcel of land in fee title and certain permanent and temporary construction easements over property owned by Mary Graves and Leesa Bolden, which parcels are described and depicted in Exhibits A, B-1, C-1 and C-2, attached hereto and incorporated herein by reference (the "Property"); and

WHEREAS, the Board of Trustees has approved by resolution a Purchase Contract to Buy and Sell Real Estate ("Purchase Contract"), for the purchase of the Property pursuant to which the total purchase price of the Property shall be \$28,440.00, subject to the provisions and contingencies set forth in said Purchase Contract; and

WHEREAS, the Board of Trustees by this ordinance desires to identify the source of funding for such purchase, authorize the acquisition of the Property and otherwise comply with C.R.S. § 31-25-302.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF JAMESTOWN, COLORADO:

**Section 1.** The Board of Trustees hereby authorizes acquisition of the Property subject to the provisions, conditions and contingencies set forth in the Purchase Contract. Monies from the Rebuild Jamestown Donations Fund shall be used to pay the \$28,440.00 purchase price for the Property, plus the closing costs and other costs due to be paid by the Town under the Purchase Contract.

**Section 2.** Town payment for the Property shall be made in cash, certified funds or Town warrant, subject to the Purchase Contract and to any necessary budgetary transfers or supplementary budgets and appropriations in accordance with State law. Such Town payment is subject to and conditioned upon satisfaction of all conditions and contingencies in the Purchase Contract and the Town retains the right to terminate the Purchase Contract as provided therein in the event any conditions or contingencies are not satisfied.

**Section 3.** Nothing in this Ordinance is intended to nor should be construed to create any multiple-fiscal year direct or indirect Town debt or fiscal obligation whatsoever.

**Section 4.** If any portion of this ordinance is held to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Trustees hereby declares that it would have passed this ordinance and each part hereof irrespective of the fact that any one part be declared invalid.

**Section 5.** All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

**Section 6.** The Board of Trustees herewith finds, determines and declares that this Ordinance is necessary for the immediate preservation of the public health and safety in order to timely effectuate the closing on the Property and so that the Andersen Hill Road Project may be completed in a timely manner, and this Ordinance shall take effect upon adoption, provided the same has been adopted and signed by the Mayor and approved by three-fourths of the entire Board.

INTRODUCED, READ, ADOPTED, APPROVED, AND ORDERED PUBLISHED BY TITLE  
THIS 20th DAY OF JULY, 2015.

TOWN OF JAMESTOWN

  
Tara Schoedinger, Mayor

ATTEST:

  
Mary Ellen Burch, Town Clerk