

ORDINANCE NO. 828

AN ORDINANCE AUTHORIZING RECONVEYANCE TO THE SHARPE HOMEOWNERS ASSOCIATION OF OUTLOTS MISTAKENLY CONVEYED TO THE CITY AND DESCRIBED AS OUTLOTS B, C AND D, SHARPE SUBDIVISION FOURTH FILING.

WHEREAS, by Resolution No. 15-07 adopted on January 12, 2015, the City Council approved with conditions a final plat for the Sharpe Subdivision Fourth Filing and a Subdivision Agreement between the City and HWL Sharpe Farms, LLC regarding the same; and

WHEREAS, following adoption of Resolution No. 15-07, and prior to meeting the conditions of approval, HWL conveyed the property comprising the Sharpe Subdivision Fourth Filing to LGI Homes—Colorado, LLC (“LGI”), and by Resolution No. 15-50 adopted on September 14, 2015, the City Council approved the Subdivision Agreement between the City and LGI; and

WHEREAS, the final plat for the Sharpe Subdivision Fourth Filing and the Subdivision Agreement were thereafter recorded with the Weld County Clerk and Recorder on November 24, 2015 at Reception Nos. 4160828 and 4160829, respectively; and

WHEREAS, Sheet 1 of the final plat designates Outlots B, C and D as to be owned and maintained by the Sharpe Homeowners Association, Inc. (the “HOA”), and Section 4.1(b) of the Subdivision Agreement requires LGI to convey Outlots B, C and D to the Sharpe Homeowner’s Association, Inc.; and

WHEREAS, due to a scrivener’s error, the deed conveying Outlots B, C and D mistakenly listed the City of Dacono as the grantee instead of the HOA; and

WHEREAS, the final plat designates the purposes of these outlots as follows: Outlot B for utility, drainage, pedestrian and landscape access easement; Outlot C for utility, drainage and landscape easement; and Outlot D for utility, drainage, pedestrian and landscape access easement;

WHEREAS, the City Council has determined that Outlots B, C and D are not being used or held for park purposes; and

WHEREAS, pursuant to Section 13-3 of the City of Dacono Home Rule Charter, the City Council desires to reconvey Outlots B, C and D to the HOA as set forth on the final plat and required by the Subdivision Agreement; and

WHEREAS, the City Council finds and determines it is in the best interest of the City and its residents to complete such conveyance upon the terms and conditions set forth herein.

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

Section 1. The City Council hereby approves the conveyance from the City of Dacono to the Sharpe Homeowner's Association, Inc. (the "HOA") of that certain real property legally described as Outlots B, C and D, Sharpe Subdivision Fourth Filing, according to the plat thereof recorded with the Weld County Clerk and Recorder at Reception No. 4160828 ("Outlots B, C and D"), upon the terms and conditions set forth in this ordinance.

Section 2. Such conveyance of Outlots B, C and D to the HOA shall be for and in consideration of LGI's subdivision and platting of the Sharpe Subdivision Fourth Filing and construction of the improvements associated therewith to serve the residents of the Sharpe Subdivision Fourth Filing, and the continued maintenance of such Outlots by the HOA as described on the final plat, and shall be conveyed in an "as is condition."

Section 3. The Mayor is authorized to execute on behalf of the City a quit claim deed for the conveyance of Outlots B, C and D to the HOA, and the Mayor and City Staff are further authorized to execute and deliver such additional documents as may be reasonably required with respect to conveyance of Outlots B, C and D to the HOA. Nothing in this ordinance shall be construed to limit or discharge any of LGI's obligations under the Subdivision Agreement for the Sharpe Subdivision Fourth Filing.

Section 4. If any section, paragraph, sentence, clause, or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or 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.

INTRODUCED, READ, ADOPTED ON FIRST READING, AND ORDERED PUBLISHED BY TITLE AND POSTED IN FULL this 12th day of June, 2017.

PUBLIC HEARING AND SECOND READING WILL BE THE 26th day of June, 2017, AT 6:00 P.M. AT DACONO CITY HALL, 512 CHERRY STREET, DACONO, CO.

READ, ADOPTED ON SECOND READING, APPROVED, SIGNED, AND ORDERED PUBLISHED BY TITLE this 26th day of June, 2017.

CITY OF DACONO, COLORADO



Joe Baker, Mayor

ATTEST:



Valerie Taylor, City Clerk

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Summary of Ordinance No. 828, **“AN ORDINANCE AUTHORIZING RECONVEYANCE TO THE SHARPE HOMEOWNERS ASSOCIATION OF OUTLOTS MISTAKENLY CONVEYED TO THE CITY AND DESCRIBED AS OUTLOTS B, C AND D, SHARPE SUBDIVISION FOURTH FILING”** Authorizes reconveyance to the Sharpe Subdivision’s HOA of outlots that were mistakenly conveyed to the City.