

ORDINANCE NO. 788

AN ORDINANCE AUTHORIZING THE CONVEYANCE OF A 6.2 ACRE PARCEL OF LAND OWNED BY THE CITY AND DESCRIBED AS OUTLOT A, SHARPE SUBDIVISION FIRST FILING, IN ORDER TO MAKE AVAILABLE A PORTION FOR PARK PURPOSES.

WHEREAS, the City of Dacono is the owner of that certain 6.2 acre parcel of real property legally described as Outlot A, Sharpe Subdivision First Filing, according to the recorded plat thereof recorded with the Weld County Clerk and Recorder at Reception No. 3014030 (“Outlot A”); and

WHEREAS, Outlot A was dedicated and conveyed to the City by the developer of the Sharpe Subdivision First Filing for drainage; and

WHEREAS, HWL Sharpe Farms, LLC (“HWL”) owns and is platting the area adjacent to Outlot A, which subdivision is to be known as Sharpe Subdivision Fourth Filing; and

WHEREAS, the City and HWL have identified a 0.8 acre portion of Outlot A that is not currently being used for drainage purposes, and that may be made available for construction and development of a park with recreational amenities; and

WHEREAS, the City Council finds that conveying Outlot A to HWL so that it may be included within and replatted by the Sharpe Subdivision Fourth Filing plat will better serve the interests of the City by making available increased park and recreation amenities for the City’s residents and will be consistent with the City’s plans for development of the area within which Outlot A is located; and

WHEREAS, the City Council has determined that, upon compliance with the terms of this ordinance, Outlot A is 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 convey Outlot A to HWL upon HWL’s conveyance of Outlots A1 and A2, Sharpe Subdivision Fourth Filing to the City, and upon other terms and conditions set forth herein; and

WHEREAS, the City Council finds and determines it is in the best interest of the City and its residents to complete such exchange 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 HWL Sharpe Farms, LLC (“HWL”) of that certain real property legally described as Outlot A,

Sharpe Subdivision First Filing, according to the plat thereof recorded with the Weld County Clerk and Recorder at Reception No. _____ (“Outlot A”), upon the terms and conditions set forth in this ordinance.

Section 2. Such conveyance of Outlot A to HWL shall be for and in consideration of HWL’s conveyance to the City of Outlots A1 and A2, Sharpe Subdivision Fourth Filing (Outlots A1 and A2). Such conveyance of Outlots A1 and A2 to the City shall be by special warranty deed in the form accompanying this ordinance, and Outlots A1 and A2 shall be conveyed free and clear of monetary liens, taxes and encumbrances, except for ad valorem real property taxes for the calendar year of conveyance (which HWL shall pay). HWL shall at its expense cause a title policy in conformance herewith to be delivered to the City at the time of conveyance, and shall pay all closing and recording costs incident to the exchange of Outlot A for Outlots A1 and A2.

Section 3. Outlot A shall be conveyed to HWL by special warranty deed, which deed shall be in the form of deed accompanying this ordinance, and in “as is” condition; provided, however, that Outlot A shall be conveyed free and clear of monetary liens, taxes and encumbrances, except for ad valorem real property taxes for the calendar year of conveyance (which HWL shall pay). The Mayor is authorized to execute on behalf of the City a special warranty deed for the conveyance of Outlot A to HWL, which deed shall be consistent with the provisions of this ordinance; provided, however, that such deed conveying Outlot A to HWL shall not be executed and delivered to HWL until HWL has executed and delivered to the City the deed conveying Outlots A1 and A2 to the City in compliance with the terms and conditions of this ordinance. Further, nothing in this ordinance shall be construed to limit or discharge any of HWL’s obligations under that certain Subdivision Agreement for Sharpe Subdivision Fourth Filing.

Section 4. 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 Outlot A to HWL.

Section 5. 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 6. 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.

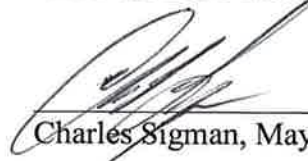
Section 7. This ordinance shall become effective upon the City Council’s approval of the final plat for Sharpe Subdivision Fourth Filing.

INTRODUCED, READ, ADOPTED ON FIRST READING, AND ORDERED PUBLISHED BY TITLE AND POSTED IN FULL this 27th day of October, 2014.

PUBLIC HEARING AND SECOND READING WILL BE THE 10th day of November, 2014, AT 6:00 P.M. AT DAcono CITY HALL, 512 CHERRY STREET, DAcono, CO.

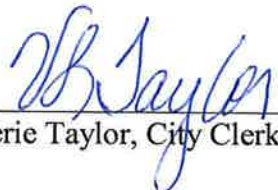
READ, ADOPTED ON SECOND READING, APPROVED, SIGNED, AND ORDERED PUBLISHED BY TITLE this 10th day of November, 2014.

CITY OF DAcono, COLORADO



Charles Sigman, Mayor

ATTEST:



Valerie Taylor, City Clerk

Summary of Ordinance No. _____, **“AN ORDINANCE AUTHORIZING THE CONVEYANCE OF A 6.2 ACRE PARCEL OF LAND OWNED BY THE CITY AND DESCRIBED AS OUTLOT A, SHARPE SUBDIVISION FIRST FILING, IN ORDER TO MAKE AVAILABLE A PORTION FOR PARK PURPOSES”** Authorizes the conveyance of Outlot A from the Sharpe Subdivision First Filing to HWL Sharpe Farms, LLC, so that it can be replatted as Outlots A1 and A2 as part of Sharpe Subdivision Fourth Filing and a park developed on Outlot A1.