

**TOWN OF EMPIRE, COLORADO
ORDINANCE 261**

**AN ORDINANCE OF THE TOWN OF EMPIRE, COLORADO, APPROVING A
CONTRACT TO BUY AND SELL REAL ESTATE FOR THE PURPOSES OF SALE OF
TOWN PROPERTY TO BOB CROKE AND AUTHORIZING ALL ACTIONS
NECESSARY TO COMPLETE THE SALE OF LOT 4, BLOCK 24**

WHEREAS, Section 31-15-713(1)(b), C.R.S., provides that the Town of Empire (the “Town”), by ordinance, may dispose of any real property not held or used for park purposes or any other governmental purpose upon terms and conditions the Board of Trustees (the “Board”) may determine; and

WHEREAS, the Town desires dispose of by sale 4000 sq ft of unbuildable land owned by the Town known within the real property records of Clear Creek County as:

Lot 4, Block 24, Empire
Clear Creek County, Colorado
Located in Section 28, Township 3 South,
Range 74 West of 6th P.M.
County of Clear Creek
State of Colorado

(the “Property”) and as depicted and described in the survey attached hereto as **Exhibit A** and

WHEREAS, the Property is not currently being used as, and has never been used as, a public park, nor is it being used for any other governmental purpose; and

WHEREAS, the Property is surplus; and

WHEREAS, the Town solicited bids for purchase of the property; and

WHEREAS, the Mr. Bob Croke has agreed to purchase the Property for **FIVE THOUSAND AND SIX HUNDRED DOLLARS (\$5600)** and other good and valuable consideration pursuant to the terms and conditions provided for in the attached Agreement to Buy and Sell Real Estate (the “Agreement”) attached hereto as **Exhibit B** and a Letter Agreement between Mr. Croke and the Empire Planning Commission (the “Letter Agreement”) attached hereto as **Exhibit C** via a quitclaim deed attached as **Exhibit D**; and

WHEREAS, the Town desires to convey the Property to Mr. Croke for **FIVE THOUSAND AND SIX HUNDRED DOLLARS (\$5600)** pursuant to the terms and conditions of **Exhibits B and C**; and

WHEREAS, the Board has reviewed the terms and conditions of the Agreement presented to the Board for the sale of the Property to Mr. Croke along with this Ordinance and accompanying Exhibits and has determined that the terms and conditions of the Agreement are beneficial to the Town; and

WHEREAS, the Board now desires to approve the Agreement and to authorize all actions necessary to complete the sale of the Property.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF EMPIRE COLORADO:

Section 1. The above recitals are hereby incorporated by reference.

Section 2. Agreement to Buy and Sell Real Estate (the “Agreement”) attached to this Ordinance as **Exhibit B** is approved and the Mayor, or in their absence the Mayor Pro Tem, is authorized and directed to the execute the Agreement to Buy and Sell Real Estate (the “Agreement”) on behalf of the Town) and is further authorized to execute the quitclaim deed attached as **Exhibit D**.

Section 3. The Mayor, or in their absence the Mayor Pro Tem, in consultation with the Town Attorney is authorized to take all actions necessary to close on the sale of the Property pursuant to the terms and conditions of the Agreement and the Letter Agreement between Mr. Croke and the Empire Planning Commission (the “Letter Agreement”) attached to this Ordinance as **Exhibit C** without any further action and/or approval from the Empire Board of Trustees (the “Board”).

Section 4. The Mayor, or in their absence the Mayor Pro Tem, in consultation with the Town Attorney is authorized to revise any non-materials errors in the Agreement which do not increase the financial obligations of the of the Town.

Section 5. Should any one or more sections or provisions of this Ordinance enacted hereby be judicially determined to be unenforceable, such judgement shall not affect, impair, or invalidate the remaining provisions of this Ordinance, the intention being that the various sections and provisions are severable.

Section 6. This Ordinance shall become effective thirty (30) days after publication following final passage.

INTRODUCED AND PASSED ON FIRST READING THIS 25th DAY OF MAY 2021.

INTRODUCED, AMENDED, PASSED, ADOPTED, AND ORDERED PUBLISHED ON SECOND READING THIS _____ DAY OF _____, 2021.

TOWN OF EMPIRE

BY:

Wendy Koch, Mayor

ATTEST:

Jeannette Piel, Town Clerk