

CITY OF LEADVILLE, COLORADO

Ordinance No. 5

Series of 2016

AN ORDINANCE APPROVING A LEASE BETWEEN TABOR OPERA HOUSE, LLC, AS LANDLORD, AND THE CITY OF LEADVILLE, AS TENANT, CONCERNING THE TABOR OPERA HOUSE AND DECLARING AN EMERGENCY

WHEREAS, C.R.S. Section 31-15-801 authorizes municipalities to enter into long term leasehold agreements to provide necessary land and other property for governmental or proprietary purposes subject to approval by ordinance; and

WHEREAS, the City Council the City Council of the City of Leadville (the "City") and the Tabor Opera House, LLC ("Property Owner"), by and through Sharon Furman Bland, have entered into negotiations to pursue the acquisition of certain real property known as the Tabor Opera House, with a street address of 308 Harrison Avenue, Leadville, located within the boundaries of the City (the "Property"); and

WHEREAS, the City and Property Owner have executed a purchase and sale agreement for the Property; and

WHEREAS, prior to closing on the sale of the Property, the City desires to lease the Tabor Opera House for municipal and proprietary purposes and the Property Owner agrees to lease the Property to the City on the terms and conditions set forth in the lease attached hereto and incorporated herein as **Exhibit A**; and

WHEREAS, it is the intent of the City and the Property Owner that the Property shall be exempt from taxation during the term of the Lease and upon closing on the sale of the Property in accordance with C.R.S. Section 31-15-802.

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

SECTION 1. Approval of Tabor Opera House Lease. In accordance with C.R.S. Section 31-15-801, the City Council hereby approves the lease agreement by and between Tabor Opera House, LLC and the City of Leadville, in substantially the same form as that attached hereto as **Exhibit A**.

SECTION 2. Purpose. The purpose of the lease agreement is for municipal purposes including the presentation of community events and performances.

SECTION 3. Emergency Declared. The City Council finds and determines that an emergency exists in that the effective date of the lease is May 6, 2016, which date is in advance of the effective date of this Ordinance unless it becomes immediately effective upon second reading and adoption of City Council. Therefore, the City Council finds an emergency exists and this Ordinance is declared necessary for the immediate preservation of the public peace, health, and safety. This Ordinance shall therefore take effect immediately upon adoption as provided by law.

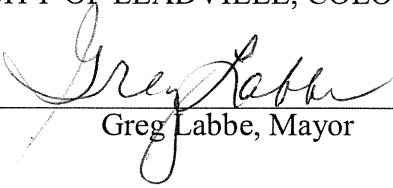
SECTION 4. Severability. Should any one or more sections or provisions of this ordinance enacted hereby be judicially determined invalid or unenforceable, such judgment shall not affect, impair or invalidate the remaining provisions of this ordinance the intention being that the various sections and provisions are severable.

SECTION 5. Repeal. Any and all ordinances, resolutions, or codes or parts thereof in conflict or inconsistent herewith are, to the extent of such conflict or inconsistency, hereby repealed; provided, however, that the repeal of any such ordinance, resolution, or code or part thereof shall not revive any other section or part of any ordinance, resolution, or code provision heretofore repealed or superseded and this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance or code hereby repealed prior to the taking effect of this ordinance.

SECTION 6. Effective Date. As an emergency measure, this Ordinance shall become effective immediately upon adoption as provided in C.R.S. § 31-16-105.

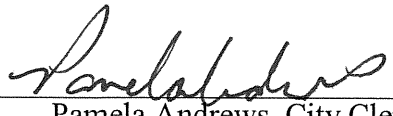
0 abstaining, 0 absent.

CITY OF LEADVILLE, COLORADO



Greg Labbe, Mayor

ATTEST:



Pamela Andrews, City Clerk

Published by title or in full with any amendments in *The Herald Democrat*, a newspaper of general circulation in the City of Leadville, Colorado, on the 14th day of April, 2016.

**EXHIBIT A
LEASE AGREEMENT**