

**CITY OF LEADVILLE**

**Ordinance No. 2**

**Series of 2017**

**AN ORDINANCE APPROVING A PROPERTY EXCHANGE AGREEMENT BY WHICH THE CITY AGREES TO CONVEY CITY PROPERTY KNOWN AS 201/203 CHESTNUT STREET TO JANE GOWING AND ROBERT AGAN IN EXCHANGE FOR PROPERTY OWNED BY JANE GOWING AND ROBERT AGAN LOCATED AT 301 EAST 6<sup>TH</sup> STREET, LEADVILLE**

**WHEREAS**, the City of Leadville (“City”) desires to exchange property it owns located at 201/203 West Chestnut Street, Leadville, Colorado 80461 (“City Property”) for property owned by Jane Gowing and Robert Agan (the “Property Owners”); and

**WHEREAS**, the Property Owners desire to exchange property they own located at 301 East 6<sup>th</sup> Street, Leadville, CO 80461 (“Property Owners’ Property”) in exchange for the City Exchange Property; and

**WHEREAS**, the City and Property Owners believe that the fair market values of the City Property and Property Owners’ Property are reasonably equivalent and desire to exchange the properties on an exchange basis with additional consideration paid by the City to Property Owners; and

**WHEREAS**, the City and Property Owners desire to memorialize the exchange of such properties between the City and Property Owners on the terms and conditions set forth in the Property Exchange Agreement, attached to this Ordinance and incorporated herein; and

**WHEREAS**, the City is authorized to sell and convey the City Property to the Property Owners pursuant to C.R.S. § 31-15-713(1)(b); and

**WHEREAS**, the City Council declares the conveyance of City Property as provided by this Ordinance is an exercise of its administrative power as provided by Colorado law.

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

**Section 1.** **Recitals Incorporated.** The recitals contained above are incorporated herein by reference and are adopted as findings and determinations of the City Council.

**Section 2.** **Agreement Approved.** The City Council hereby approves the Property Exchange Agreement in substantially the same form as that attached hereto as **Exhibit A**, subject to modifications approved by the Mayor and City Attorney provided such modifications do not impose any additional financial obligations on the City.

**Section 3.** **Conveyance of Subject Property.** The City Council hereby approves the conveyance of the City Property to the Property Owners via special warranty deed and the acceptance of the Property Owners’ Property by special warranty deed.

**Section 4.** **Execution and Delivery of Deed to Escrow.** The Mayor, City Clerk and

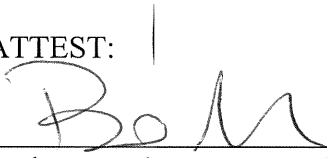
Deputy City Clerk are authorized to execute all documents necessary to facilitate or complete the conveyance of the City Property and acceptance of the Property Owners' Property, including but not limited to execution of the deeds, following the review and approval of all such documents as to form by the City Attorney.

**Section 5. Severability.** If any section, paragraph, clause, or provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect any of the remaining provisions of this Ordinance, the intent being that the same are severable.

**Section 6. Effective Date.** This Ordinance shall take effect and be in force thirty (30) days after publication following final adoption.


INTRODUCED, READ, APPROVED AND ORDERED PUBLISHED in full on first reading this 3rd day of January, 2017.

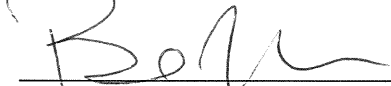
  
\_\_\_\_\_  
Greg Labbe, Mayor

ATTEST: |  
  
\_\_\_\_\_  
Bethany Maher, Deputy City Clerk

PUBLISHED in full in The Herald Democrat, a newspaper of general circulation in the City of Leadville, Colorado, on January 12, 2017.

PASSED AND ADOPTED ON FINAL READING AND ORDERED PUBLISHED BY TITLE ONLY, with any amendments, this 16 day of February, 2017.

CITY OF LEADVILLE, COLORADO  
  
\_\_\_\_\_  
Greg Labbe, Mayor

ATTEST:  
  
\_\_\_\_\_  
Bethany Maher, Deputy City Clerk

PUBLISHED in full, as amended, in The Herald Democrat, a newspaper of general circulation in the City of Leadville, Colorado, on \_\_\_\_\_, 2017.

**EXHIBIT A**  
**PROPERTY EXCHANGE AGREEMENT**

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