

**Ordinance NO. 2008-5
TOWN OF OPHIR**

**AUTHORIZING CONVEYANCE OF A TWO-ACRE PORTION OF THE FERRIC
OXIDE PLACER TO THE UNITED STATES FOREST SERVICE**

WHEREAS, the Town of Ophir purchased the Ferric Oxide Placer Mining Claim, MS #1661, located in the Iron Springs Mining District, San Miguel County, Colorado ("Ferric Oxide Placer") on July 8, 2005; and

WHEREAS, the United States Forest Service desires to remediate the Carbonero mine tailings deposits which are situated on the United States Forest Service lands and partially on the Ferric Oxide Placer; and

WHEREAS, the United States Forest Service has requested that the Town of Ophir donate approximately two acres of the Ferric Oxide Placer which contains the portion of the Carbonero mine tailings deposits to the United States Forest Service in order to consolidate ownership of such mine tailings deposits with the federal government and facilitate remediation of such mine tailings deposits; and

WHEREAS, Article III, Section 9, of the Ophir Home Rule Charter provides that the General Assembly shall dispose of real estate by ordinance; and

WHEREAS, notice of public hearing was published in accordance with Article III., Section 11.C. of the Ophir Home Rule Charter; and

WHEREAS, the General Assembly conducted a public hearing on September 16, 2008, and considered all comments prior to considering adoption of this ordinance; and

WHEREAS, the General Assembly finds that conveying two acres of the Ferric Oxide Placer to the United States Forest Service will facilitate remediation of the Carbonero mine tailings and will thereby improve the water quality of the Howards Fork stream and promote the health, safety and general welfare of the Ophir community; and

WHEREAS, approval of this Ordinance on first reading is intended only to confirm that the General Assembly desires to comply the requirements of the Ophir Home Rule Charter by setting a public hearing in order to provide the public an opportunity to present testimony and evidence regarding the application and that approval of this Ordinance on first reading does not constitute a representation that the General Assembly, or any member of the General Assembly, supports, approves, rejects, or denies this ordinance;

**NOW, THEREFORE, THE GENERAL ASSEMBLY OF THE TOWN OF OPHIR
HEREBY ORDAINS:**

Section 1. Conveyance Authorized. The General Assembly hereby authorizes and approves the conveyance of Lot B, Ferric Oxide Placer Subdivision, by quit claim deed in the form of quit claim deed attached to this ordinance as Exhibit A: Quit Claim Deed.


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Section 2. Mayor and Town Clerk Authorization. The Mayor and Town Clerk are hereby authorized to execute and sign the quit claim deed in the form attached hereto as Exhibit A: Quit Claim Deed and take such other actions as may be necessary or implied to implement the provisions of this Ordinance.

Section 3. Publication. The Town Clerk is hereby ordered to publish notice of adoption of this ordinance which notice shall contain the title and a brief description, its effective date, a penalty clause if any, and a statement that copies of the ordinance are available for inspection with the Town Clerk.

Section 4. Effective Date. This Ordinance shall take effect thirty dates after publication of notice of final adoption in accordance C.R.S. §31-16-105.

Introduced and Adopted on First Reading on August 19, 2008, and referred to a public hearing on August 19, 2008.

By: 
Randy Barnes, Mayor

I hereby certify that the above Ordinance was introduced to the General Assembly of the Town of Ophir at its meeting of August 19, 2008, and that notice of a public hearing for final reading and adoption was published one time by *The Telluride Daily Planet* newspaper on 8/18/2008.

SEAL

ATTEST:

By: 
Rhonda Claridge, Town Clerk

Adopted on Second Reading and Final Reading after conducting a public hearing on September 16 day, 2008.

By: 
Randy Barnes, Mayor

I hereby certify that the above Ordinance was finally adopted by the General Assembly of the Town of Ophir at its meeting of September 16, 2008, and notice of adoption was ordered published by title and brief description, the penalty clause if any, and amendments if any, one time by *The Telluride Daily Planet* newspaper on 8/18/2008.

SEAL

ATTEST:

By: 
Rhonda Claridge, Town Clerk