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ORDINANCE NO. 306 SERIES 1947

AN ORDINANCE REPEALING ORDINANCE NO. 263, WHICH IS AN ORDINANCE FOR THE REGULATION AND CARE OF THE LAS ANIMAS CEMETERY; AUTHORIZING THE CONVEYANCE BY THE CITY OF LAS ANIMAS OF PROPERTIES KNOWN AS THE LAS ANIMAS CEMETERY TO THE BENT COUNTY-LAS ANIMAS CEMETERY DISTRICT; AUTHORIZING THE CITY OF LAS ANIMAS TO ENTER INTO A CONTRACT WITH THE BENT COUNTY-LAS ANIMAS CEMETERY DISTRICT RELATIVE TO THE MAINTENANCE OF SAID CEMETERY AND THE DISPOSITION AND USE OF PERPETUAL CARE FUNDS NOW HELD BY THE CITY OF LAS ANIMAS, PROVIDING FOR AN ELECTION AT WHICH THE QUESTION OF APPROVING THIS ORDINANCE SHALL BE SUBMITTED TO A VOTE OF THE QUALIFIED PROPERTY ELECTORS OF THE CITY OF LAS ANIMAS AS SHALL IN THE NEXT YEAR PRECEDING THE YEAR OF ELECTION HAVE PAID A PROPERTY TAX THEREIN, AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAS ANIMAS:

Section 1, Ordinance No. 263 of the Ordinances of the City of Las Animas, which is an ordinance for the regulation and care of the Las Animas Cemetery, is hereby repealed.

Section 2. The City of Las Animas, by deed executed by the Mayor of said City and attested by the Clerk of said City, with the seal of the City affixed thereto, is hereby authorized to convey to the Bent County-Las Animas Cemetery District all of the properties now being used for the Las Animas Cemetery and the Mayor of the City of Las Animas is hereby authorized to deliver said deed to the Board of Directors of the Bent County-Las Animas Cemetery District upon the execution by said Board of Directors and by the City of Las Animas of a contract, which contract shall be in words and figures as follows:

THIS AGREEMENT by and between the City of Las Animas, Party of the first part, and the Bent County-Las Animas Cemetery District, party of the second part, WITNESSETH:

Party of the first part hereby agrees to convey to party of the second part property situate in Bent County, Colorado described as follows:

Beginning at Section corner common to Sections 14 and 15, 22 and 23, Twp. 23, South, Range 52, West of the 6th P. M.; thence East 114 feet, thence South 128 feet, thence West 114 feet, thence North 128 feet to place of beginning, containing 0.335 acres, all in Section 23, Twp. 23 South, Range 52, West of the 6th P. M.

Beginning at Section corner common to Sections 14 and 15, 22 and 23, thence North 814 feet, thence East 114 feet, thence South 814 feet, thence West 114 feet to place of beginning, containing 2.13 acres, all in section 14, Twp. 23 South, Range 52 West of the 6th P. M.

Beginning at Section corner common to Sections 14 and 15, 22 and 23, thence North 814 feet, thence West 614 feet, thence South 814 feet, thence East 614 feet to place of beginning, containing 11.47 acres, all in Section 15, Twp. 23, South, Range 52 West of the 6th P. M., which land was purchased by said City of Las Animas for cemetery purposes.

Beginning at the Southwest corner of the Las Animas Cemetery, which corner is 33.5 feet South and 615 feet West of the Southeast corner of Section Fifteen (15) in Township Twenty-three (23) South of Range Fifty-two (52), West of the Sixth Principal Meridian; thence on a line parallel to the South line of Section Fifteen (15) and distant 33.5 feet South therefrom, West 425 feet, thence on a curve to the right of 21 degrees 55 minutes, 413 feet, thence North, along the East boundary of the County road, 579 feet, thence East 692 feet, thence South 847.5 feet to the point of beginning, which point of beginning is located in the North boundary fence of the East and West County road, containing 13 acres, more or less; together with a permanent location for well and pumping plant as now located on adjoining land on the North owned by first party, also a right-of-way from said well to said cemetery to pipe lines now constructed.

A tract of land beginning at a point 480 feet West and 862 feet North of the Southeast corner of Section Fifteen (15), Township Twenty-three (23), South, Range Fifty-two (52), West of the Sixth Principal Meridian, thence West 160 feet thence North 272.25 feet, thence East 160 feet, thence South 272.25 feet to the point of beginning, containing one (1) acre.

Beginning at the Northeast Corner of the present Las Animas Cemetery on the South Right-of-way of State Highway 101; thence South Forty-eight degrees and Seventeen Minutes East along the South right-of-way of State Highway 101 a distance of 1009.3 feet, thence in a southwesterly direction a distance of 756.2 feet to a point on the East line of the Las Animas Cemetery, located 810 feet South of the point of beginning, thence North on the East line of the Cemetery a distance of 810 feet to the point of beginning, containing seven acres, more or less, located in the Southwest Quarter (SW¹) of Section 14, Township 23 South,

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Range 52 West of the Sixth Principal Meridian.

A tract of land in the Southwest Quarter (SW $\frac{1}{4}$) of Section 14, Township 23 South, Range 52 West of the 8th P. M., described as follows: Beginning at the Northeast corner of the Las Animas Cemetery at the intersection with the South right-of-way line of State Highway Number 101, thence South Forty-eight Degrees and Seventeen Minutes (48°17') East, Two Hundred and Sixty (260') thence due South Five Hundred and Eighty-seven feet (587), thence South Eighty-two Degrees and Fifty Minutes (82°50') West to a point on the East line of the present Cemetery, thence due North Seven Hundred and Eight-four^{feet} (784) to the point of beginning, containing 3.07 acres, more or less, together with all water appurtenant to the above described land, including a well and water line located on property described as follows:

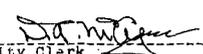
A distance of 1303 feet West of the SE corner of said SE $\frac{1}{4}$, thence North 866 feet for a point of beginning, thence North 175 feet, thence East 15 feet, thence North 175 feet, thence West 15 feet to point of beginning, being a strip of land 15 feet in width and 175 feet in length.

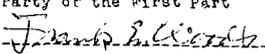
said property being known as the Las Animas Cemetery.

In consideration of said conveyance, party of the second part agrees as follows:

1. To forever maintain said property as a cemetery for the use of the residents of the Bent County-Las Animas Cemetery District.
2. To perpetually care for lots in said cemetery designated as 'Perpetual Care Lots', the description of said lots to be furnished to the Board of Directors of the Bent County-Las Animas Cemetery District by the City Clerk of the City of Las Animas.
3. To adopt rules and regulations for the use of said cemetery, which rules and regulations shall not be inconsistent with the provisions of said Ordinance No. 263, but which rules and regulations shall in every degree possible carry out the intent of provisions of said Ordinance No. 263 as to the maintenance and use of said cemetery.
4. To accept said conveyance from party of the first part subject to conveyances heretofore made by party of the first part of lots in said cemetery, all of which conveyances appear of record in the office of the City Clerk of the City of Las Animas, the said City Clerk to deliver said records to party of the second part at the time of the execution of this contract.
5. This contract shall be in full force and effect immediately from and after its execution out the City of Las Animas agrees to maintain said cemetery up to and including December 31, 1947.

IN WITNESS WHEREOF The parties hereto, by their proper agents, have subscribed to this contract.

ATTEST:

City Clerk

CITY OF LAS ANIMAS
Party of the First Part
By 
Mayor

ATTEST:

Secretary

BENT COUNTY-LAS ANIMAS CEMETERY DISTRICT
Party of the Second Part
By -----
Chairman of Board of Directors "

Section 3. The fund now held in trust by the Cemetery Board of the City of Las Animas, which fund is in possession of the City Treasurer of the City of Las Animas, after the

adoption of this ordinance, shall be held in trust by the City of Las Animas and shall be invested and re-invested in the manner now provided for in Section 8 of said Ordinances No. 263 and the interest derived thereby shall be paid to the Board of Directors of the Bent County-Las Animas Cemetery District, to be used by said Board in caring for lots in said cemetery and known as "Perpetual Care Lots"; the City Clerk of the City of Las Animas shall certify to said Board of Directors an accurate description of all of said lots; provided, however, that in the event the owner or owners of any of said lots consent in writing to the release of moneys paid into said fund for the perpetual care of said lots, the City of Las Animas shall authorize the payment of the amount so released to the Bent County-Las Animas Cemetery District, and said funds shall be used by said District in the maintenance and care of said Cemetery in such manner as directed by the Board of Directors of said cemetery district.

Section 4. At the general City Election to be held November 4, 1947 there shall be submitted to such qualified property electors of said City, as shall in the next year preceeding the year of said election have paid a property tax there in, the question of approving this ordinance.

Section 5. The question so submitted shall be voted on at said election by the voters qualified as aforesaid by ballot, said ballots to be used in voting upon the question above submitted shall be prepared and furnished by the City Clerk to the Judges of the election, to be by them furnished to the voters and shall be substantially in the following printed form and shall be deposited in the ballot box provided by the City Clerk for such purposes:

" CITY OF LAS ANIMAS "

CONVEYANCE OF CEMETERY AND TRANSFER OF CEMETERY FUNDS ELECTION

November 4, 1947

O F F I C I A L B A L L O T

Question submitted:

Shall Ordinance No. 306 Series 1947 of the City of Las Animas, approved the --- day of September, 1947, repealing Ordinance No. 263, which is an ordinance for the regulation and care of the Las Animas Cemetery, authorizing the conveyance by the City of Las Animas of properties known as the Las Animas Cemetery to the Bent County-Las Animas Cemetery District, authorizing the City of Las Animas to enter into a contract with the Bent County-Las Animas Cemetery District relative to the maintenance of said cemetery and the disposition and use of perpetual care funds now held by the City of Las Animas, be approved?

FOR The approval of Ordinance No. 306, Series 1947, authorizing the conveyance of the Las Animas Cemetery to the Bent County-Las Animas Cemetery District, and authorizing a contract between the City of Las Animas and the Bent County-Las Animas Cemetery District relative to the maintenance of said cemetery and for the use of perpetual care funds therefor.

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AGAINST the approval of Ordinance No. 306, Series 1947, and against the conveyance of the Las Animas Cemetery to the Bent County-Las Animas Cemetery District, and against a contract between the City of Las Animas and the Bent County-Las Animas Cemetery District relative to the maintenance of said cemetery and the use of perpetual care funds therefor.

Each elector shall prepare his ballot, indicating his approval or disapproval of the proposition submitted by placing a cross (X) opposite the group of words on his ballot which expressed his choice, and shall then deposit his ballot in the ballot box provided for such purposes."

Section 6. No ballot for or against said question shall be received by the judges unless the person offering the same shall be a qualified property elector of the City of Las Animas and shall, in the next year preceeding the year of the election, have paid a property tax therein.

Section 7. The Judges of said election shall be the same persons serving as Judges in said general City Election; the votes cast at said election aforesaid shall be canvassed and returned and the return made and the result declared in the same manner, as nearly as may be, as provided by law for the canvass, return and declaring of the result of votes cast at said election for municipal officers.

Section 8. Notice of submission of said question to the tax-paying electors of the City of Las Animas shall be duly published by the City Clerk of the City of Las Animas in the manner required by law.

Section 9. This ordinance, after its introduction and reading, shall be published in full in The Las Animas Leader, a newspaper of general circulation published in the City of Las Animas in its issue of Sept 11, 1947, and after its final passage, shall be recorded in a book kept for that purpose, and be authenticated by the signatures of the Mayor and City Clerk, and shall be finally published in The Las Animas Leader, a newspaper published within the limits of the City of Las Animas, and shall take effect and be in force upon the expiration of five days after it has been finally published.

Section 10. By reason of the fact that many of the owners of lots in the Las Animas Cemetery are not residents of the City of Las Animas, and by reason of the fact that the tax-payers of the City of Las Animas bear the entire burgen of the maintenance and care of said cemetery, and by reason of the fact that the time is near when assessments must be made for the support and maintenance of said cemetery, IT IS HEREBY DECLARED That this ordinance is necessary for the immediate preservation of public peace, health and safety.

INTRODUCED, READ AND ORDERED PUBLISHED This 2 day of September, 1947.

ADOPTED AND APPROVED This 22 day of Sept, 1947, subject to approval by a majority of the qualified property electors of the City of Las Animas voting on the question submitted as provided in said ordinance.

ATTEST:
 A. M. Gage
 CITY CLERK

Frank B. ...
 Mayor

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CERTIFICATION

I, D. A. McAfee, City Clerk in and for the City of Las Animas, Colorado, do hereby certify that the above and foregoing ordinance was read at a regular meeting of the City Council of the City of Las Animas, Colorado, on the 2nd day of September, 1947 and that it was published in full in the Las Animas Leader, a weekly newspaper of general circulation published in the City of Las Animas, Colorado, for ten days prior to its passage and adoption.

I further certify that said ordinance was placed on its second reading and final passage at a special meeting of the City Council held on the 22nd day of September, 1947 at least ten days after the first publication thereof and that at said meeting said ordinance was read in full and was finally passed, adopted, approved and ordered published in the Las Animas Leader, and subsequent to the adoption thereof, said ordinance was published in full in said Las Animas Leader.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Las Animas, Colorado, this 26th day of September, 1947.

D. A. McAfee

City Clerk

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CLEAN TOPPER