

ORDINANCE NO. 511

AN ORDINANCE AUTHORIZING THE AMENDMENT OF A LEASE OF THE CITY PROPERTY KNOWN AS THE CITY POND TO THE STATE OF COLORADO, DIVISION OF WILDLIFE

WHEREAS, the City of Las Animas, Colorado, entered into a lease agreement with the State of Colorado on July 2, 1962, to lease to the Game and Fish Commission now the Division of Wildlife, the following described real estate situate in the County of Bent, State of Colorado:

Beginning at the East Quarter (E $\frac{1}{4}$ ) corner of Section Three (3), Township Twenty-three (23) South, Range Fifty-two (52) West of the Sixth Principal Meridian:  
Thence North 89°06' West 464.5 feet to a point;  
thence South 0°35' West 365.5 feet to a point;  
thence North 89°06' West 299.2 feet to a point;  
thence South 0°35' West 354.8 feet to a point;  
thence North 88°17' East 757 feet to a 4" iron pipe on the East line of said Section Three (3);  
thence North 0°24' East 670.0 feet more or less to the place of beginning containing 8.91 acres more or less and being part of the Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$ ) of said Section Three (3) and being subject to existing irrigation laterals.

Together with the use and occupancy of the lake situate on the above described land; and party of the first part further agrees to provide party of the second part during the term of this lease an annual compensatory filling or a constant inflow into said lake in an amount sufficient to replace evaporation and seepage in such lake and to areate such lake. In all instances the water to be supplied shall be sufficient in quantity to maintain a water line adequate to sustain and propagate fish population in such lake, and

WHEREAS, the City Council of the City of Las Animas has leased part of the property to Las Animas-Bent County Public Golf Course, Inc., a non profit Colorado Corporation, for the purpose of constructing and maintaining a public golf course, and

WHEREAS, additional property is required to construct said public golf course, and

WHEREAS, the appropriate officials of the State of Colorado have agreed to amend said Lease Agreement and relinquish possession of a portion of the leased property back to the City of Las Animas, and

WHEREAS, the Las Animas-Bent County Public Golf Course, Inc., has agreed to lease said tract of the property previously leased to the State of Colorado, or a period of ninety-nine (99) years for use as a public golf course, and

WHEREAS, the City Council of the City of Las Animas has determined that it is in the best interest of the citizens of the City of Las Animas to terminate the lease with the State of Colorado as to a tract of property leased and to lease said tract of property to the Las Animas-Bent County Public Golf Course, Inc., for the purpose of constructing and maintaining a public golf course thereon.

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

1. That the Mayor of Las Animas is hereby authorized to execute an Amendment to that Lease Agreement dated July 2, 1962, between the City of Las Animas and the State of Colorado so that the property covered by said Lease Agreement includes only the following described property:

A tract of land lying in Bent County, Colorado in the NE $\frac{1}{4}$ SE $\frac{1}{4}$  of Sec. 3, Twp. 23 S., Rg. 52 W. of the 6th P.M. and more particularly described as follows:

Beginning at the Northeast corner of the NE $\frac{1}{4}$ SE $\frac{1}{4}$  of said Sec. 3 as monumented by 5/8" rebar and marked aluminum cap; thence along the East line of said Sec. 3 on a true bearing of S. 1° 30' 14" E., (bearings established from U. S. Corps of Engineers brass monuments for boundary corners no. 77-B and W.C. no. 78 (1970) located in Sec. 12, Twp. 23 S., Rg. 52 W. of the 6th P.M.), a distance of 625.90 feet to the TRUE POINT OF BEGINNING; thence continuing S. 1° 30' 14" E., 77.10 feet; thence S. 86° 25' 46" W., 759.67 feet; thence N. 1° 16' 14" W., 338.51 feet; thence N. 88° 59' 46" E., 700.27 feet; thence S. 3° 17' 58" E., 156.92 feet; thence S. 38° 03' 46" E., 88.39 feet to the TRUE POINT OF BEGINNING. All corners are monumented with 5/8" rebars and aluminum caps stamped P&SS, INC. LS12103.

Said Amendment shall also provide that the lease to the remaining tract of land not described in the amended lease shall be terminated and possession of said tract of land shall be returned to the City of Las Animas.

2. That the Mayor of the City of Las Animas is authorized to execute a lease, to said tract of land, to the Las Animas-Bent County Public Golf Course, Inc., for a period of ninety-nine (99) years. Lease of such property shall be for the purpose of

constructing and maintaining a public golf course.

INTRODUCED, APPROVED ON FIRST READING AND ORDER PUBLISHED IN ITS ENTIRETY THIS 1ST DAY OF MAY, 1984.

ADOPTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE ONLY THIS 5<sup>TH</sup> DAY OF JUNE, 1984.

  
LEONARD HUDNALL, Mayor

ATTEST:

  
EILA M. MAUPIN, City Clerk

