

ORDINANCE NO. 59B

THE BOARD OF TRUSTEES OF THE TOWN OF STRATTON, KIT CARSON COUNTY, COLORADO, DOES HEREBY RESOLVE AND ORDAIN TO LEASE CERTAIN MUNICIPAL REAL PROPERTY TO MCCORMICK EXCAVATION & PAVING, LLC.

**Whereas**, the Town of Stratton, hereinafter referred to as the "Town", in the County of Kit Carson, and the State of Colorado, is the body corporate operating as a statutory town pursuant to the general statutes of the State of Colorado; and

**Whereas**, Colorado Revised Statutes 31-15-713(1)(c) allows a municipality to lease municipal real property to others provided that the governing body of the municipality deems the lease to be in the best interest of the citizens of the municipality; and

**Whereas**, Colorado Revised Statute 31-15-713(1)(c) further provides that such lease must be approved by Ordinance of the Board of Trustees of the Town of Stratton, hereinafter referred to as the "Board", if the lease is for a period in excess of one year; and

**Whereas**, the Board has determined that the lease of certain municipal vacant real property may be leased to McCormick Excavation & Paving, LLC, a Colorado Limited Liability Company, that such lease would be in the best interests of the Town, and provided that such lease is subject to the terms set forth in the Lease Agreement to be entered into by the Town and the lessee;

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF STRATTON, COLORADO:**

**SECTION I. - LEASE AGREEMENT**

1. The Mayor and Town Clerk are authorized to enter into and execute, with the appointed officers or agents of McCormick Excavation & Paving, LLC, a lease agreement for the lease of certain Town property as described in the lease agreement. The purpose for the lease shall be to allow the Lessee to fence and maintain the property as a materials storage area, over a period of ten years, unless sooner terminated, under the terms and conditions of the lease agreement as approved by the Board.

2. Such lease agreement shall provide that the initial term of the lease shall be for ten years unless terminated earlier for a compelling municipal purpose or for violation of the lease agreement .

**SECTION II. - SEPARABILITY**

If any one or more sections or parts of this Ordinance shall be adjudged unenforceable or invalid, such judgment shall not affect, impair, or invalidate the remaining provisions of this Ordinance, it being the intention that the various provisions hereof are severable.

**SECTION III. - REPEALER**

All acts, orders, resolutions, ordinances, or parts thereof, of the Town that are inconsistent or in conflict with this Ordinance are hereby repealed to the extent only of such inconsistency or conflict.

**SECTION IV. - IMMEDIATE PASSAGE - EMERGENCY**

The Board of Trustees of the Town of Stratton has determined that if this Ordinance does not become effective immediately, the timing of the proposed use for the Property may be threatened. Accordingly, the Board finds that an emergency exists and declares that this Ordinance shall take effect immediately upon its passage.

Adopted and Approved this 27<sup>th</sup> day of February, 2014.

Signed Richard C. Mann  
Mayor

(SEAL)

Attest:

Signed Maxine A. Rogerson  
Town Clerk

