

ORDINANCE NO. 265

AN ORDINANCE OF THE TOWN OF HUGO, LINCOLN COUNTY, COLORADO, APPROVING THE EXCHANGE OF CERTAIN REAL PROPERTY WITH A THIRD PARTY TO ALLOW FOR THE CONSTRUCTION OF A NEW WASTEWATER FACILITY IN ACCORDANCE WITH AN AGREEMENT FOR THE EXCHANGE OF REAL PROPERTY.

WHEREAS, the Town of Hugo is the sole owner of certain real property located outside of the Town of Hugo, hereinafter referred to as the "Town", which property is presently being used as a wastewater pond and facility; and

WHEREAS, the subject real property presently being used by the Town is legally described in Exhibit A which is attached hereto and incorporated herein by reference; and

WHEREAS, changes in federal and state regulations require that the Town improve its wastewater system; and

WHEREAS, the Town has negotiated with a local landowner to trade the real property described in Exhibit A for a parcel of real property which is legally described in Exhibit B which is attached hereto and incorporated herein by reference; and

WHEREAS, Colorado Revised Statutes, 31-15-101(1)(c) gives authority to municipalities to enter into contracts for the sale, purchase, or exchange of both real and personal property owned by the municipality, and

WHEREAS, Colorado Revised Statutes, 31-15-101 also gives to municipalities the authority to enter into contracts concerning the acquisition, holding, leasing and disposing of property, both real and personal, under such policy or procedures which is in the best interest of the citizens of the municipality; and

WHEREAS, the Town and the third party landowner have negotiated an exchange of properties to their joint and mutual satisfaction, and the Board of Trustees of the Town of Hugo has determined that the exchange of the properties would be in the best interests of the Town and its citizens;

NOW THEREFORE, BE IT RESOLVED AND ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF HUGO, LINCOLN COUNTY, COLORADO:

Section 1. The Mayor and Town Clerk are hereby authorized to execute any and all necessary documentation on behalf of the Town to allow for the exchange of those parcels of real property described in Exhibits A and Exhibit B, attached hereto, including the Land Exchange Agreement which has been reviewed and approved by the Board of Trustees.

Section 2. Separability. If any portion or provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such portion or provision shall not affect any of the remaining provisions of this Ordinance, the intention being that the same are severable.

Section 3. Effective Date of Ordinance. The Board has determined that an emergency exists as the Town is working under the time restraints of a loan / grant project for the construction of the new wastewater facility. Therefore, this Ordinance shall take effect immediately upon passage by the Board of Trustees.

ADOPTED AND APPROVED this 10th day of August 2020.

Lora Bledsoe, Mayor

ATTEST:

Maria Nestor, Town Clerk

