

ORDINANCE NO. 276

AN ORDINANCE OF THE TOWN OF HUGO, LINCOLN COUNTY, COLORADO, APPROVING THE DONATION OF CERTAIN NONGOVERNMENTAL REAL PROPERTY TO LINCOLN COUNTY, COLORADO, FOR CONSTRUCTION AND USE BY LINCOLN HEALTH, A COUNTY HOSPITAL, OF A NEW COUNTY HOSPITAL, WITH REVERTER

WHEREAS, the Town of Hugo is the sole owner of certain real property located within the Town of Hugo which property is presently vacant land not being used for a governmental purpose; and

WHEREAS, the Town wishes to donate the real property for the construction of a new hospital building and for related medical purposes; and

WHEREAS, the subject real property to be donated, has been surveyed and is capable of legal description; a copy of the diagram being attached hereto; and

WHEREAS, Colorado Revised Statutes, 31-15-101(1)(c) gives authority to municipalities to enter into contracts for the sale or donation of both real and personal property owned by the municipality, and Colorado Revised Statutes 31-15-713 allows for such sale or donation without the necessity of an election of the residents of the municipality, provided that the property is not currently being used for a governmental purposes; and

WHEREAS, the Board of Trustees of the Town of Hugo asserts that the donation for the proposed construction is in the best interests of the citizens of the Town of Hugo provided that the conveyance contains a reversion clause that would return the property to the Town should the proposed use not take place or the use change from that of a hospital or related medical purpose;

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 the donation of the subject real property, as described in the attachment hereto, to Lincoln County, Colorado, for the benefit of Lincoln Health, a Lincoln County Hospital, subject to reversion to the Town in the event that the new hospital is not constructed, or should at any time, the use of the property change from a hospital and related medical uses.

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 wishes to donate the property as soon as the County agrees to accept the dedication. Therefore, this Ordinance shall take effect immediately upon passage by the Board of Trustees.

ADOPTED AND APPROVED this ____ day of _____, 2021.

Mayor

(S E A L)

Town Clerk