

ORDINANCE NUMBER 2 (2017)

AN ORDINANCE AUTHORIZING THE ACQUISITION OF PROPERTY BY THE TOWN OF ECKLEY, COLORADO FOR A WASTEWATER TREATMENT FACILITY AND RELATED EQUIPMENT AND APPURTENANCES

WHEREAS, Section 31-15-103, C.R.S. authorizes the Board of Trustees (the “Town Board”) of the Town of Eckley, Colorado (the “Town”) to make and publish ordinances which are necessary and proper to provide for the safety, preserve the health, promote the prosperity, and improve the morals, order, comfort, and convenience of the Town and the inhabitants thereof; and

WHEREAS, Section 31-35-402(1)(a), C.R.S. authorizes the Town, without any election of the qualified electors thereof, to acquire by gift, purchase, lease, or exercise of the right of eminent domain, to construct, to reconstruct, to improve, to better, and to extend water facilities or sewerage facilities or both, wholly within or wholly without the municipality or partially within and partially without the municipality, and to acquire by gift, purchase, or the exercise of the right of eminent domain lands, easements, and rights in land in connection therewith;

WHEREAS, the Town desires to purchase land within the Town for the purpose of constructing, installing, operating, and maintaining a wastewater treatment plant, sewer transmission lines, mains, pipes and other underground and above-ground sewer improvements, facilities, and appurtenances related thereto (the “Improvements”); and

WHEREAS, on October 3, 2017 Town Board approved and the Town Mayor executed a Purchase and Sale Agreement with Lois E. Spelts (the “Spelts Agreement”), pursuant to which the Town shall acquire the property attached hereto as **Exhibit A** and incorporated herein (the “Spelts Property”) subject to the terms and conditions of the Spelts Agreement; and

WHEREAS, the Town entered into a Letter of Intent, signed on November 30, 2016, and an Amendment to Letter of Intent, signed on October 5, 2017 (the “White Letter of Intent”), to acquire certain land owned by Mr. Timothy White attached hereto as **Exhibit B** and incorporated herein (the “White Property”) subject to the terms and conditions of the White Letter of Intent; and

WHEREAS, the Town also entered into a Letter of Intent, signed on November 16, 2016, and an Amendment to Letter of Intent, signed on October 9, 2017 (the “Hall Letter of Intent”), to acquire certain land owned by the estate of Mr. Bruce W. Hall attached hereto as **Exhibit C** and incorporated herein (the “Hall Property”) subject to the terms and conditions of the Hall Letter of Intent; and

WHEREAS, the Town Board desires to acquire the Spelts Property, White Property, and Hall Property (collectively, the “Properties”) to facilitate the construction, installation, operation, and maintenance of the Improvements for the benefit of the Town’s residents and to promote and preserve the public health, safety, and welfare; and

WHEREAS, the Town Board also desires to authorize the Town Mayor and Town consultants to take such action as is reasonably necessary to cause the Town to acquire the Properties subject to the parameters of the Spelts Agreement, White Letter of Intent, and Hall Letter of Intent (collectively, the “Purchase Documents”).

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF ECKLEY, COLORADO

Section 1: Recitals. The recitals set forth in this Ordinance are hereby adopted and incorporated as findings of fact of the Town Board.

Section 2: Purpose. The purpose of this Ordinance is to authorize and approve the acquisition of the Properties in accordance with and subject to the parameters of the Purchase Documents and to authorize the Town Mayor and consultants to take such action as is necessary to cause the Properties to be so acquired.

Section 3: Authorization. The Town Board hereby authorizes and approves the acquisition of the Properties and the expenditure of Town funds therefor in accordance with the parameters set out in the Purchase Documents. In connection herewith, the Town Board authorizes the Town Mayor and Town consultants to take such action as is reasonably necessary to cause the Properties to be acquired in accordance with and subject to the parameters of the Purchase Documents and authorizes the Town Mayor to sign all documents necessary to effectuate the acquisition of the Properties, including deeds and any documents required by a title company, and to take other actions related to these transactions.

Section 4: Severability. If any section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of, and shall be severable from, the remaining portions of this Ordinance. The Town Board hereby declares that it would have adopted this Ordinance and each part or parts hereof irrespective of the fact that any one part or parts may be declared unconstitutional or invalid.

Section 5: Immediate Effect. The Town Board hereby declares that this Ordinance is necessary for the immediate preservation of the public health, welfare, and safety and the same shall be in full force and effect upon adoption by the Board.

[Remainder of page intentionally left blank.]

INTRODUCED, READ, PASSED, AND ORDERED PUBLISHED this 7th day of November, 2017.

TOWN OF ECKLEY

[S E A L]

John J. Owens, Mayor

ATTEST:

**Cheryl Rogers
Town Clerk-Treasurer**

EXHIBIT A
Spelts Property

EXHIBIT "A"

LOCATED IN THE NORTHWEST QUARTER OF SECTION 26, TOWNSHIP 2 NORTH,
RANGE 46 WEST OF THE 6TH PRINCIPAL MERIDIAN,
COUNTY OF YUMA, STATE OF COLORADO

SHEET 1 OF 2

A PARCEL OF LAND KNOWN AS LOT 6 BLOCK 1 OF MILLER ADDITION TO THE TOWN OF ECKLEY AS DESCRIBED IN THE RECORDS OF YUMA COUNTY, RECORDED ON DECEMBER 16, 1916 AT RECEPTION NO. 0066913, LOCATED IN THE NORTHWEST QUARTER OF SECTION 26, TOWNSHIP 2 NORTH, RANGE 46 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF YUMA, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

CONSIDERING THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 26 TO BEAR NORTH 88°11'28" EAST, A DISTANCE OF 2755.07 FEET BETWEEN THE NORTHWEST CORNER OF SECTION 26, BEING A FOUND NO. 6 REBAR W/ 3 1/4" ALUMINUM CAP "THREE CORNERS SURVEYING T2N R46W S22/S23 S27/S26 2011 DICKINSON PLS 36571" AND THE NORTH QUARTER CORNER OF SAID SECTION 26, BEING A FOUND NO. 5 REBAR W/ 1 1/2" METAL CAP "HARMON PELS 10586", WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO.

COMMENCING AT SAID NORTH QUARTER CORNER; THENCE SOUTH 41°02'44" WEST, A DISTANCE OF 2257.37 FEET TO THE POINT OF BEGINNING;
THENCE SOUTH 01°16'20" EAST, A DISTANCE OF 62.29 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF THE BURLINGTON NORTHERN SANTA FE RAILROAD;
THENCE ALONG SAID RIGHT-OF-WAY LINE, NORTH 85°23'52" WEST, A DISTANCE OF 142.49 FEET;
THENCE DEPARTING SAID RIGHT-OF-WAY LINE, NORTH 01°16'20" WEST, A DISTANCE OF 44.95 FEET;
THENCE NORTH 87°36'48" EAST, A DISTANCE OF 141.77 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINING 7,600 SQ.FT. OR 0.17 ACRES, MORE OR LESS.

I, JOHN B. GUYTON, A LAND SURVEYOR LICENSED IN THE STATE OF COLORADO, DO HEREBY STATE FOR AND ON BEHALF OF FLATIRONS, INC., THAT THIS PARCEL DESCRIPTION AND ATTACHED EXHIBIT, BEING MADE A PART THEREOF, WERE PREPARED BY ME OR UNDER MY RESPONSIBLE CHARGE AT THE REQUEST OF THE CLIENT AND IS NOT INTENDED TO REPRESENT A MONUMENTED LAND SURVEY OR SUBDIVIDE LAND IN VIOLATION OF STATE STATUTE.

JOHN B. GUYTON
COLORADO P.L.S. #16406
CHAIRMAN/CEO, FLATIRONS, INC.



FSI JOB NO. 16-69,042

JOB NUMBER: 16-69,042 (G)
DRAWN BY: T. COLVIN
DATE: FEBRUARY 6, 2017

THIS IS NOT A "LAND SURVEY PLAT" OR "IMPROVEMENT SURVEY PLAT" AND THIS EXHIBIT IS NOT INTENDED FOR PURPOSES OF TRANSFER OF TITLE OR SUBDIVISIONS OF LAND. RECORD INFORMATION SHOWN HEREON IS BASED ON INFORMATION PROVIDED BY CLIENT.

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Surveying, Engineering & Geomatics

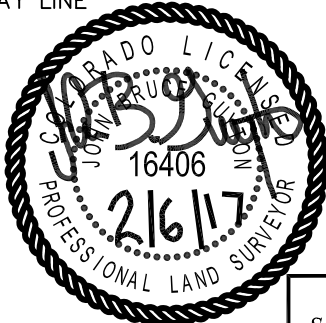
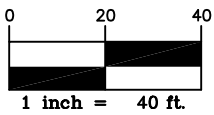
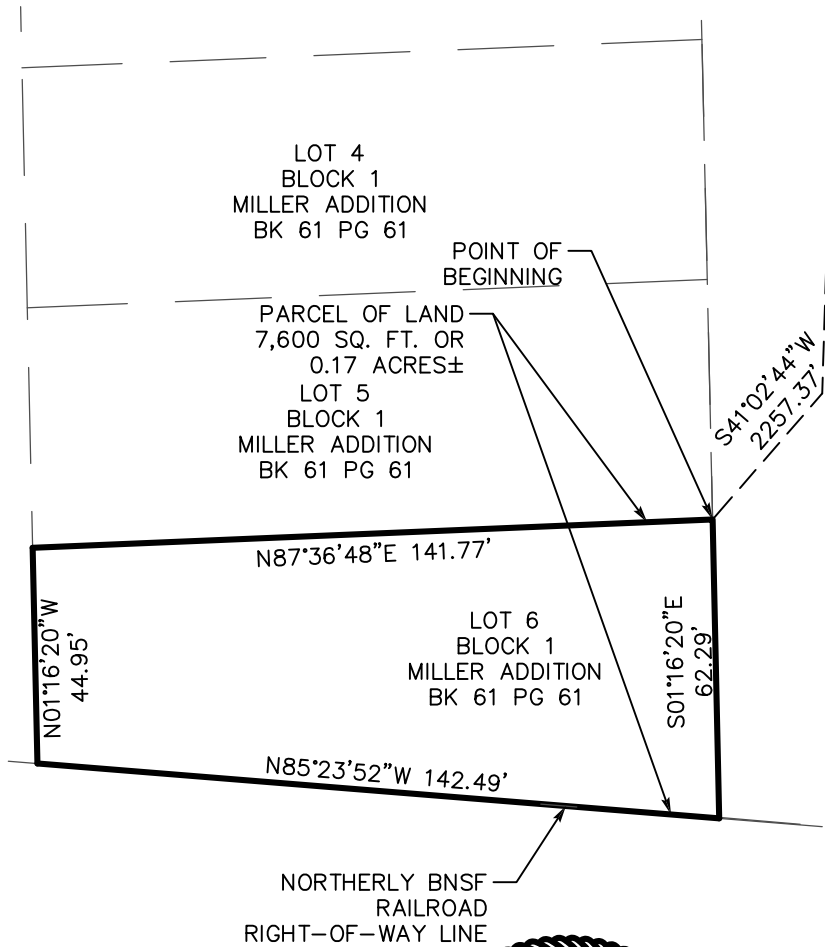
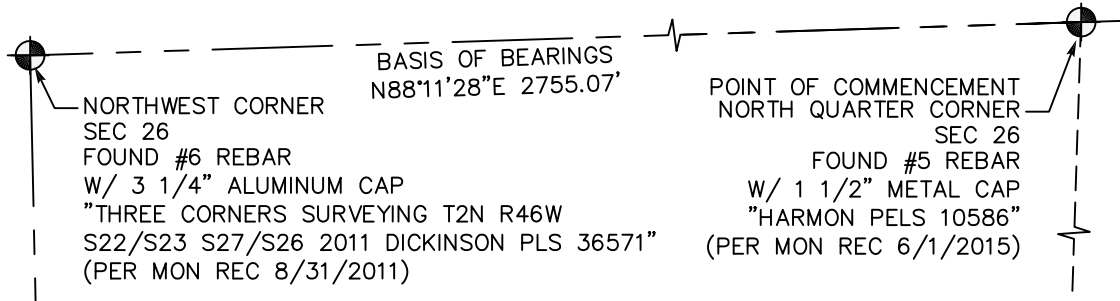


3825 IRIS AVE, STE 395
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FAX: (303) 443-9830
www.FlatironsInc.com

EXHIBIT "A"

LOCATED IN THE NORTHWEST QUARTER OF SECTION 26, TOWNSHIP 2 NORTH,
RANGE 46 WEST OF THE 6TH PRINCIPAL MERIDIAN,
COUNTY OF YUMA, STATE OF COLORADO


SHEET 2 OF 2



JOB NUMBER: 16-69,042 (G)
DRAWN BY: T. COLVIN
DATE: FEBRUARY 6, 2017

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BY: TCOLVIN FILE: 69042-LSP-C16.DWG DATE: 2/6/2017 3:57 PM

EXHIBIT "A"

LOCATED IN THE NORTHWEST QUARTER OF SECTION 26, TOWNSHIP 2 NORTH,
RANGE 46 WEST OF THE 6TH PRINCIPAL MERIDIAN,
COUNTY OF YUMA, STATE OF COLORADO
SHEET 1 OF 2

A PARCEL OF LAND, LOCATED IN THE NORTHWEST QUARTER OF SECTION 26, TOWNSHIP 2 NORTH, RANGE 46 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF YUMA, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

CONSIDERING THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 26 TO BEAR NORTH 88°11'28" EAST, A DISTANCE OF 2755.07 FEET BETWEEN THE NORTHWEST CORNER OF SECTION 26, BEING A FOUND NO. 6 REBAR W/ 3 1/4" ALUMINUM CAP "THREE CORNERS SURVEYING T2N R46W S22/S23 S27/S26 2011 DICKINSON PLS 36571", AND THE NORTH QUARTER CORNER OF SAID SECTION 26, BEING A FOUND NO. 5 REBAR W/ 1 1/2" METAL CAP "HARMON PELS 10586", WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO.

COMMENCING AT SAID NORTH QUARTER CORNER; THENCE SOUTH 41°02'44" WEST, A DISTANCE OF 2257.37 FEET TO THE NORTHEAST CORNER OF LOT 6 BLOCK 1 OF MILLER ADDITION TO THE TOWN OF ECKLEY AS DESCRIBED IN THE RECORDS OF YUMA COUNTY, RECORDED ON DECEMBER 16, 1916 AT RECEPTION NO. 0066913, AND THE POINT OF BEGINNING; THENCE NORTH 87°36'48" EAST, A DISTANCE OF 67.23 FEET; THENCE SOUTH 02°21'23" WEST, A DISTANCE OF 70.19 FEET TO A POINT ON THE NORTHERLY LINE OF THE BNSF RIGHT-OF-WAY; THENCE ALONG SAID RIGHT-OF-WAY, NORTH 85°23'52" WEST, A DISTANCE OF 63.11 FEET TO THE SOUTHEAST CORNER OF SAID LOT 6; THENCE ALONG THE EAST LINE OF SAID LOT 6, NORTH 01°16'20" WEST, A DISTANCE OF 62.29 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINING 4,307 SQ. FT. OR 0.10 ACRES, MORE OR LESS.

BY:BLUND FILE:69042--DESC--2017.DWG DATE:9/25/2017 11:24 AM

I, JOHN B. GUYTON, A LAND SURVEYOR LICENSED IN THE STATE OF COLORADO, DO HEREBY STATE FOR AND ON BEHALF OF FLATIRONS, INC., THAT THIS PARCEL DESCRIPTION AND ATTACHED EXHIBIT, BEING MADE A PART THEREOF, WERE PREPARED BY ME OR UNDER MY RESPONSIBLE CHARGE AT THE REQUEST OF THE CLIENT AND IS NOT INTENDED TO REPRESENT A MONUMENTED LAND SURVEY OR SUBDIVIDE LAND IN VIOLATION OF STATE STATUTE.

JOHN B. GUYTON
COLORADO P.L.S. #16406
CHAIRMAN/CEO, FLATIRONS, INC.



FSI JOB NO. 19-69,042

JOB NUMBER: 19-69,042 G
DRAWN BY: B. LUND
DATE: SEPTEMBER 25, 2017

THIS IS NOT A "LAND SURVEY PLAT" OR "IMPROVEMENT SURVEY PLAT" AND THIS EXHIBIT IS NOT INTENDED FOR PURPOSES OF TRANSFER OF TITLE OR SUBDIVISIONS OF LAND. RECORD INFORMATION SHOWN HEREON IS BASED ON INFORMATION PROVIDED BY CLIENT.

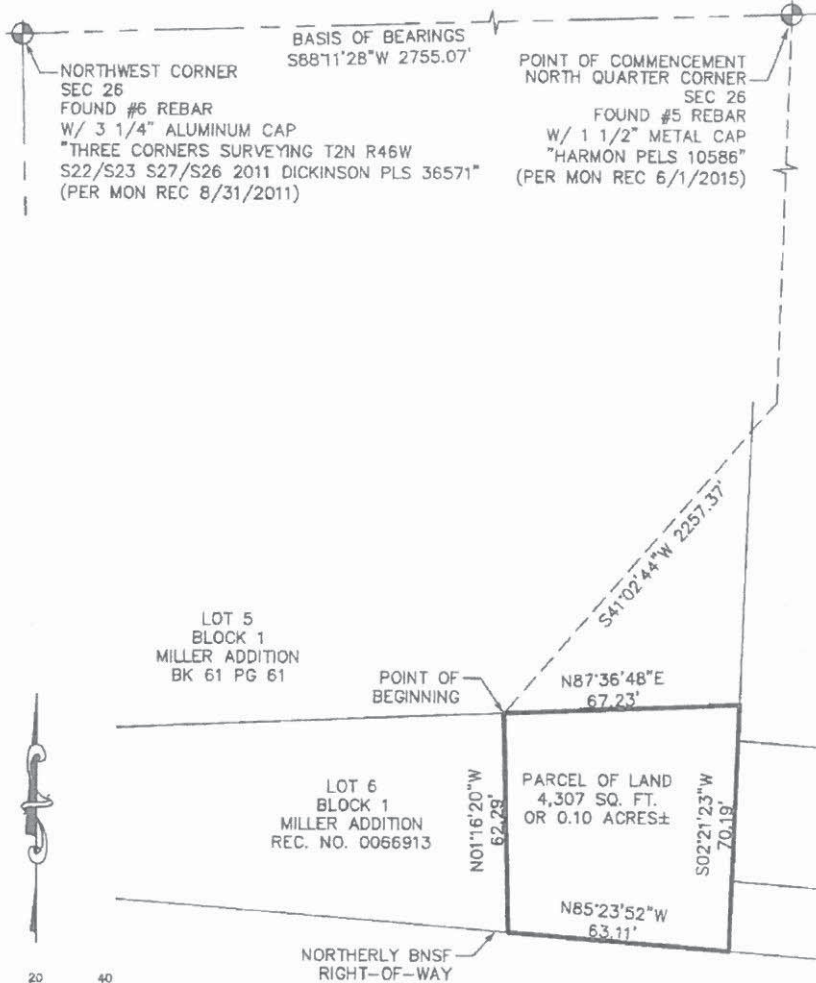
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www.FlatironsInc.com

The logo for Flatirons, Inc. features a stylized mountain range with three peaks, enclosed within a circular border.

EXHIBIT "A"

LOCATED IN THE NORTHWEST QUARTER OF SECTION 26, TOWNSHIP 2 NORTH,
RANGE 46 WEST OF THE 6TH PRINCIPAL MERIDIAN,
COUNTY OF YUMA, STATE OF COLORADO

SHEET 2 OF 2



BY:BLUND FILE:69042-DESC-2017.DWG DATE:6/9/2017 4:10 PM

JOB NUMBER: 19-69,042 E
DRAWN BY: B. LUND
DATE: JUNE 9, 2017



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EXHIBIT B
White Property

EXHIBIT "A"

LOCATED IN THE NORTHWEST QUARTER OF SECTION 26, TOWNSHIP 2 NORTH,
RANGE 46 WEST OF THE 6TH PRINCIPAL MERIDIAN,
COUNTY OF YUMA, STATE OF COLORADO

SHEET 1 OF 2

A PARCEL OF LAND, LOCATED IN THE NORTHWEST QUARTER OF SECTION 26, TOWNSHIP 2 NORTH, RANGE 46 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF YUMA, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

CONSIDERING THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 26 TO BEAR NORTH 88°11'28" EAST, A DISTANCE OF 2755.07 FEET BETWEEN THE NORTHWEST CORNER OF SECTION 26, BEING A FOUND NO. 6 REBAR W/ 3 1/4" ALUMINUM CAP "THREE CORNERS SURVEYING T2N R46W S22/S23 S27/S26 2011 DICKINSON PLS 36571" AND THE NORTH QUARTER CORNER OF SAID SECTION 26, BEING A FOUND NO. 5 REBAR W/ 1 1/2" METAL CAP "HARMON PELS 10586", WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO.

COMMENCING AT SAID NORTH QUARTER CORNER; THENCE SOUTH 33°35'42" WEST, A DISTANCE OF 2146.95 FEET TO A CORNER OF THE NORTH RIGHT-OF-WAY LINE OF THE BURLINGTON NORTHERN SANTA FE RAILROAD, AND THE POINT OF BEGINNING;
THENCE ALONG SAID RIGHT-OF-WAY EXTENDED, SOUTH 85°23'52" EAST, A DISTANCE OF 50.00 FEET;
THENCE SOUTH 00°00'02" EAST, A DISTANCE OF 50.16 FEET TO A POINT ON SAID RIGHT-OF-WAY;
THENCE ALONG SAID RIGHT-OF-WAY, NORTH 85°23'52" EAST, A DISTANCE OF 50.00;
THENCE CONTINUING ALONG SAID RIGHT-OF-WAY, NORTH 00°00'00" EAST, A DISTANCE OF 50.16 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINING 2,500 SQ.FT. OR 0.06 ACRES, MORE OR LESS.

I, JOHN B. GUYTON, A LAND SURVEYOR LICENSED IN THE STATE OF COLORADO, DO HEREBY STATE FOR AND ON BEHALF OF FLATIRONS, INC., THAT THIS PARCEL DESCRIPTION AND ATTACHED EXHIBIT, BEING MADE A PART THEREOF, WERE PREPARED BY ME OR UNDER MY RESPONSIBLE CHARGE AT THE REQUEST OF THE CLIENT AND IS NOT INTENDED TO REPRESENT A MONUMENTED LAND SURVEY OR SUBDIVIDE LAND IN VIOLATION OF STATE STATUTE.



JOHN B. GUYTON
COLORADO P.L.S. #16406
CHAIRMAN/CEO, FLATIRONS, INC.

FSI JOB NO. 16-69,042

JOB NUMBER: 16-69,042 (F)
DRAWN BY: T. COLVIN/B. LUND
DATE: JANUARY 23, 2017
REVISED: FEBRUARY 23, 2017

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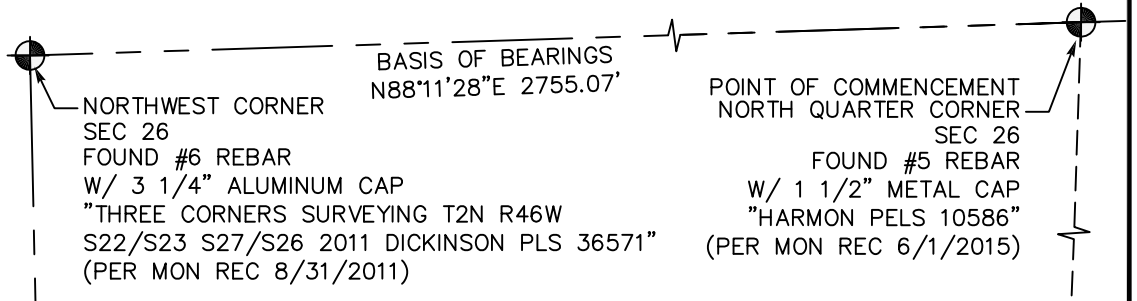
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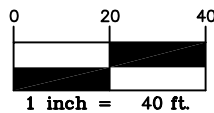
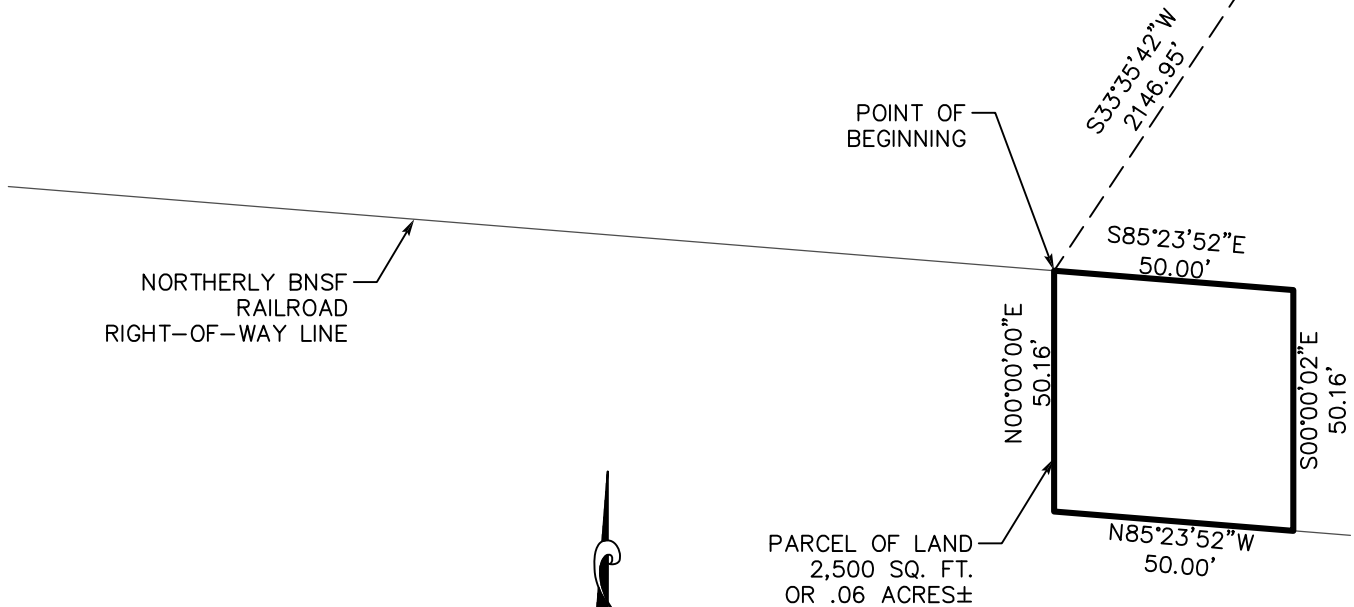
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EXHIBIT "A"

LOCATED IN THE NORTHWEST QUARTER OF SECTION 26, TOWNSHIP 2 NORTH,
 RANGE 46 WEST OF THE 6TH PRINCIPAL MERIDIAN,
 COUNTY OF YUMA, STATE OF COLORADO
 SHEET 2 OF 2



DEED
 REC 00535674
 12/03/2007



JOB NUMBER: 16-69,042 (F)
 DRAWN BY: T. COLVIN/B. LUND
 DATE: JANUARY 23, 2017
 REVISED: FEBRUARY 23, 2017

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EXHIBIT C
Hall Property

EXHIBIT "A"

LOCATED IN THE NORTHEAST QUARTER OF SECTION 26, TOWNSHIP 2 NORTH,
RANGE 46 WEST OF THE 6TH PRINCIPAL MERIDIAN,
COUNTY OF YUMA, STATE OF COLORADO

SHEET 1 OF 2

A PARCEL OF LAND, LOCATED IN THE NORTHEAST QUARTER OF SECTION 26, TOWNSHIP 2 NORTH, RANGE 46 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF YUMA, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

CONSIDERING THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 26 TO BEAR NORTH 00°41'17" WEST, A DISTANCE OF 2687.02 FEET BETWEEN THE EAST QUARTER CORNER OF SAID SECTION, BEING A FOUND NO. 6 REBAR W/ 2 1/2" METAL CAP "ANNE M KORBE T2N R46W 1/4 S26/S25 2015 RLS 26964" AND THE NORTHEAST CORNER OF SAID SECTION, BEING A FOUND NO. 6 REBAR W/ 2 1/2" METAL CAP "ANNE M KORBE T2N R46W S23/S24 S26/S25 2015 RLS 26964", WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO.

COMMENCING AT SAID EAST QUARTER CORNER; THENCE ALONG SAID EAST LINE OF THE NORTHEAST QUARTER, NORTH 00°41'17" WEST, A DISTANCE OF 432.77 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF THE BURLINGTON NORTHERN SANTA FE RAILROAD, AND THE POINT OF BEGINNING;
THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, 581.80 FEET ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 6304.73 FEET, AN INCLUDED ANGLE OF 05°17'14" AND BEING SUBTENDED BY A CHORD BEARING NORTH 82°45'19" WEST, A DISTANCE OF 581.60 FEET;
THENCE NORTH 85°23'52" WEST, A DISTANCE OF 452.08 FEET;
THENCE DEPARTING SAID NORTH LINE, NORTH 00°00'00" EAST, A DISTANCE OF 201.97 FEET;
THENCE 258.28 FEET ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 1030.00 FEET, AN INCLUDED ANGLE OF 14°22'03" AND BEING SUBTENDED BY A CHORD BEARING NORTH 49°48'56" EAST, A DISTANCE OF 257.61 FEET;
THENCE NORTH 90°00'00" EAST, A DISTANCE OF 187.34 FEET;
THENCE NORTH 00°00'00" EAST, A DISTANCE OF 288.19 FEET;
THENCE 503.74 FEET ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 967.71 FEET, AN INCLUDED ANGLE OF 29°49'30" AND BEING SUBTENDED BY A CHORD BEARING NORTH 08°47'48" EAST, A DISTANCE OF 498.07 FEET;
THENCE NORTH 90°00'00" EAST, A DISTANCE OF 552.15 TO A POINT ON SAID EAST LINE OF THE NORTHEAST QUARTER;
THENCE ALONG SAID EAST LINE, SOUTH 00°41'17" EAST, A DISTANCE OF 1258.30 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINING 871,363 SQ.FT. OR 20.00 ACRES, MORE OR LESS.

I, JOHN B. GUYTON, A LAND SURVEYOR LICENSED IN THE STATE OF COLORADO, DO HEREBY STATE FOR AND ON BEHALF OF FLATIRONS, INC., THAT THIS PARCEL DESCRIPTION AND ATTACHED EXHIBIT, BEING MADE A PART THEREOF, WERE PREPARED BY ME OR UNDER MY RESPONSIBLE CHARGE AT THE REQUEST OF THE CLIENT AND IS NOT INTENDED TO REPRESENT A MONUMENTED LAND SURVEY OR SUBDIVIDE LAND IN VIOLATION OF STATE STATUTE.

JOHN B. GUYTON
COLORADO P.L.S. #16406
CHAIRMAN/CEO, FLATIRONS, INC.



FSI JOB NO. 16-69,042

JOB NUMBER: 16-69,042 (A)
DRAWN BY: T. COLVIN/B. LUND
DATE: JANUARY 31, 2017

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