

ORDINANCE NO. 80-6

AN ORDINANCE AUTHORIZING THE ACQUISITION BY THE TOWN OF HUDSON OF CERTAIN REAL PROPERTY FOR PUBLIC PARK LAND AND OTHER PUBLIC PURPOSES.

WHEREAS, the Town of Hudson, hereafter referred to as the Town, has the need to acquire land to be used for a public park, for facilities of the Town water system, and for other public purposes; and

WHEREAS, the Town of Hudson has entered into negotiations with the Four-Way Baptist Church, Fort Lupton, a Colorado nonprofit corporation, hereafter referred to as the Church, for the purchase by the Town of certain real property owned by the Church and of a right of first refusal on certain other property owned by the Church, which properties are situated directly east of the current Town limits and north of Colorado Highway 52; and

WHEREAS, the Church has offered to sell the land to the Town in accordance with a Receipt and Option Contract dated December 4, 1980; and

WHEREAS, the Board of Directors of the Town has determined that the terms and conditions of such Contract are fair and equitable, that the consideration to be paid for the property is reasonable, and that said property is suitable and necessary for public purposes.

THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF HUDSON, COLORADO:

1. The purchase by the Town of Hudson of the following described real property is approved:

That part of the Southwest one-quarter of Section 2, Township 1 North, Range 65 West of the 6th Principal Meridian, Weld County, Colorado, described as: BEGINNING at the Southwest corner of said Section 2; thence N90°00'00"E on an assumed bearing along the South line of said Southwest one-quarter a distance of 150.00 feet; thence N00°25'00"E parallel with the West line of said Southwest one-quarter a distance of 40.00 feet to the TRUE POINT OF BEGINNING, said point being a point on the North R.O.W. line of Colorado State Highway #52; thence continuing N00°25'00"E parallel to said West line a distance of 400.00 feet; thence N90°00'00"E parallel to said South line a distance of 15.90 feet; thence N90°25'00"E parallel to said West line a distance of 200.00 feet; thence N90°99'00"E parallel to said South line a distance of 489.52 feet; thence N02°35'00"W a distance of 170.54 feet; thence N89°57'45"W a distance of 200.00 feet; thence N02°35'00"W a distance of 250.00 feet to the North line of the South one-half of the Southwest one-quarter of the Southwest one-quarter of Section 2; thence N89°57'45"W along said North line a distance of 755.66 feet to a point on the Southeasterly R.O.W. line of the C.B. & Q. Railroad; thence S48°40'53"W along said R.O.W. line a distance of 160.47 feet to a point on the Easterly R.O.W. line of Beech Street; thence S00°25'00"W along said Easterly R.O.W. line and parallel to the West line of said Southwest one-quarter a distance of 384.80 feet; thence N90°00'00"E parallel to said South line a distance of 120.00 feet; thence S00°25'00"W parallel to said West line Southwest one-quarter a distance of 130.00 feet to the TRUE POINT OF BEGINNING. CONTAINS 9.185 acres more or less.

AND:

That part of the Southwest one-quarter of Section 2, Township 1 North, Range 65 West of the 6th Principal Meridian, Weld County, Colorado, described as: BEGINNING at the Southwest corner of said Section 2; thence N90°00'00"E on an assumed bearing along the South line said Section 2 a distance of 1140.00 feet; thence N02°35'00"W along the West line of a parcel of land conveyed to the Farmers Reservoir and Irrigation Company, Recorded in Weld County Records, December 23, 1913 a distance of 410.78 feet to the TRUE POINT OF BEGINNING; thence continuing N02°35'00"W along said West line a distance of 250.00 feet to a point on the North line of the South one-half of the Southwest one-quarter of the Southwest one-quarter of said Section 2; thence N89°57'45"W along said North line a distance of 200.00 feet; thence S02°35'00"E parallel to said West line a distance of 250.00 feet; thence S89°57'45"E parallel to said North line a distance of 200.00 feet to the TRUE POINT OF BEGINNING. CONTAINS 1.147 acres more or less.

2. The purchase by the Town of Hudson of the right of first refusal on the following described real property is approved:

That part of the Southwest one-quarter of Section 2, Township 1 North, Range 65 West of the 6th Principal Meridian, Weld County, Colorado, described as: BEGINNING at the Southwest corner of the Southwest one-quarter of said Section 2; thence N90°00'00"E on an assumed bearing along the South line of said Southwest one-quarter a distance of 356.00 feet; thence N00°25'00"E parallel with the West line of said Southwest one-quarter a distance of 40.00 feet to the TRUE POINT OF BEGINNING, said point being a point on the North R.O.W. line of Colorado State Highway #52; thence N90°00'00"E along said R.O.W. line a distance of 266.00 feet to a point; thence N00°25'00"E parallel with said West line a distance of 200 feet; to the TRUE POINT OF BEGINNING; thence continuing N00°25'00"E parallel with said West line a distance of 200.00 feet; thence S90°00'00"W parallel to said North R.O.W. line a distance of 266.00 feet; thence S00°25'00"W parallel with said West line a distance of 200.00 feet; thence N90°00'00"E parallel to said North R.O.W. line a distance of 266.00 feet to the TRUE POINT OF BEGINNING. CONTAINS 1.221 acres more or less.

3. In accordance with the Receipt and Option Contract, as consideration for the purchase of the above described interests in real property, the Town will pay the following:

(a) A credit of \$3,600.00 to the Church's water account with the Town to be applied toward the payment of a water tap fee for the Church property, \$3,500.00 of which will be tendered as earnest money upon approval of said Contract by the Town.

(b) \$5,000.00 in cash at the time of closing, consisting of \$3,500.00 in funds set aside by Weld County for the purchase of park land, and \$1,500.00 donated to the Town by the Hudson Chamber of Commerce.

(c) The payment of \$1,000.00 to the Hudson Sanitation District to be credited to the account of the Church as payment in full of the District's current tap fee for a sewer tap.

(d) At no expense to the Church, the Town will install a water main within one year after the closing of the transaction in a location which will enable certain property being reserved by the Church to be served by such water main.

4. The Board of Trustees hereby authorizes the Mayor of the Town and the Town Clerk, on behalf of the Town of Hudson, to enter into and execute said Receipt and Option Contract and any and all documents conforming with this Ordinance and necessary to effect the provisions of said Contract and of this Ordinance.

5. All previous ordinances or parts thereof of the Town, in conflict with this Ordinance, are hereby repealed.

6. If any one or more sections or provisions of this Ordinance be judicially determined invalid or unenforceable, such determination shall not affect, impair, or invalidate the remaining provisions hereof, the intention being that the various provisions hereof are severable.

7. The Board of Trustees finds that the Receipt and Option Contract described above must be executed as quickly as possible so that the opportunity to acquire the above described real property is not lost, and that the purchase must be completed as quickly as possible to avoid any delay in the proposed water system improvement project of the Town. Accordingly, it is hereby declared that an emergency exists, that this Ordinance is necessary for the preservation of the public health and safety, and that it shall take effect immediately upon its adoption.

INTRODUCED, READ IN FULL, ADOPTED, AND ORDERED PUBLISHED
THIS 10th DAY OF December, 1980.

TOWN OF HUDSON, COLORADO

By Donald Woods
Mayor

ATTEST:

Shirley E. Robertson
Town Clerk