

**ORDINANCE NO. 1216**

**AN ORDINANCE REGARDING THE PROPOSED EXCHANGE OF REAL PROPERTY**

WHEREAS, the Town of Berthoud (“Town”) is the owner of real property described as:

**Tract M, Heron Lakes Third Filing  
Town of Berthoud  
County of Larimer, State of Colorado**

which has been acquired and held by the Town for potential future park development (hereafter “The Property”); and

WHEREAS, the Town has received an offer from the developer of Heron Lakes to trade the Town's interest in The Property (Tract M on attached Exhibit #1, reserving the Town's mineral interest) for conveyance by the developer of fee title to an adjacent parcel approximately 5.58 acres plus an access easement across Tract M for trail connection purposes (the Purchased Property - shown as Outlot A on attached Exhibit #1) on terms which further the Town's recreational development goals and benefit the community overall; and

WHEREAS, The Property is not used and has not been used by the Town, and the Town is not currently receiving any beneficial use or rent proceeds from The Property; and

WHEREAS, The Property consists of approximately 3.867 acres, and the Purchased property consists of approximately 5.58 acres plus the access easement, and is adjacent to other property owned by the Town, making it substantially superior for the intended ultimate use as part of the Town's parks and trails system; and

WHEREAS, The Property is “other real property...owned by the municipality” as used in C.R.S. § 31-15-713(1)(b); and

WHEREAS, C.R.S. § 31-15-713(1)(b) requires that sale of such property be approved by Ordinance;

**NOW, THEREFORE BE IT ORDAINED by the Board of Trustees of the Town of Berthoud, Colorado as follows:**

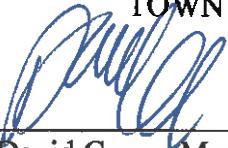
The Town of Berthoud hereby approves and ordains the exchange of The Property to Heron Lakes in exchange for the conveyance of the unencumbered fee interest (excluding mineral interests) the Purchased Property by developer. The Town Administrator is authorized to execute the deed to the Property at closing making such transfer upon receipt of a deed adequately conveying fee title to the Purchased Property and the required trail easement.

The Board of Trustees further finds that this Ordinance is necessary to the health, safety,

and welfare of the Town and its residents, providing for the care and security of vacant property as of closing, and that this ordinance shall therefore take effect immediately upon its passage.

TOWN OF BERTHOUD

By: \_\_\_\_\_

  
David Gregg, Mayor

ATTEST:

By:   
Tamiko Brewster, Deputy Town Clerk



HERON LAKES - TOWN OF BERTHOUD PARK / OPEN SPACE  
3.17.16