

## **ORDINANCE NO. 1312**

### **AN ORDINANCE OF THE TOWN OF BERTHOUD, COLORADO, AUTHORIZING THE PURCHASE OF REAL PROPERTY LOCATED AT 236 E STATE HIGHWAY 56, BERTHOUD, COLORADO**

WHEREAS, the Town of Berthoud ("Town") is a municipal corporation possessing all powers granted to statutory towns by Title 31 of the Colorado Revised Statutes; and

WHEREAS, pursuant to Sections 31-25-202 and 31-25-302, C.R.S, the Town desires to acquire the property located at 236 E. State Highway 56, Berthoud, Colorado, more specifically described in Exhibit A (the "Property") a portion of which, Parcel 1, is subject to a life estate reserved to sellers and Parcels 1, 2 and 3 are subject to a reservation of mineral rights; and

WHEREAS, pursuant to the certain Contract to Buy and Sell Real Estate executed on August 16, 2022 between the Town and Sarah Lincoln and Daren W. Hause (the "Contract"), at closing the Property shall be made subject to a restrictive covenant agreement as described in the Contract; and

WHEREAS, under the terms and conditions of such restrictive covenant agreement the Property may only be used for public recreational and park purposes including but not limited to the following uses: park, recreation center, community center, library, performing arts venue, senior center, playground, amphitheater, athletic field and other turf grass area, track and field area, tennis courts, basketball courts, water features, community gardens, community events, farmer's market, fairs, art shows, jobs fairs, youth events, cultural events, kiosks, public pool, skate park, public golf course/putting green, picnic areas, bicycle paths, benches, interpretive signs, and walking paths.

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

Section 1. The Board of Trustees authorizes the purchase of the Property located at 236 E. State Highway 56, Berthoud, Colorado and described on Exhibit A subject to the rights of termination contained in the Contract.

Section 2. The purchase price as set forth in the Contract is \$1,390,000.000.

Section 3. The manner of payment for the purchase will be a cash sale at closing.

Section 4. Town Administrator Chris Kirk is hereby authorized to execute and deliver such instruments affecting title of the Property in connection with the purchase of the Property for the Town in accordance with the terms and conditions of the Contract, as it may be amended or extended from time to time, and any actions previously taken are hereby ratified and confirmed.

Section 5. Should any section, clause, or provision of this Ordinance be declared invalid by a court of competent jurisdiction, the same shall not affect the validity of the balance of this Ordinance.

INTRODUCED, READ, ADOPTED, APPROVED, AND ORDERED  
PUBLISHED IN FULL on this 22<sup>nd</sup> day of November, 2022.

TOWN OF BERTHOUD

By: William Karspeck  
William Karspeck, Mayor

ATTEST:

By: Christian Samora  
Christian Samora, Town Clerk



**EXHIBIT A**  
**Legal Descriptions**

PARCEL 1:

LOT A of Recorded Exemption No. 1061-19-2-RE 1472, as per the map recorded February 8, 1993 in Book 1369 at Reception No. 2321003, being part of the Northwest 1/4 of Section 19, Township 4 North, Range 68 West of the 6<sup>th</sup> P.M.

County of Weld, State of Colorado

(Weld County Parcel Number: 106119000058)

PARCEL 2:

A portion of LOT "B" Recorded Exemption No. 1061-19-2-RE 1472 in the Northwest 1/4 of Section 19, Township 4 North, Range 68 West of the 6<sup>th</sup> P.M. as follows:

A strip of land 100.00 feet in width located in the NW ¼ of Section 19, Township 4 North, Range 68 West of the 6<sup>th</sup> P.M. extending from the Southerly right-of-way line of Colorado State Highway No. 56 as described in said Book 1609 at Page 496, Southerly to the South line extended Easterly of Lot A, Recorded Exemption No. 1061-19-2-RE 1472, said strip of land being 100.00 feet on the East side of the following described line: Beginning at the Northeast corner of said Lot A, thence S 00° 24' 06" E, 544.97 feet along the East line of said Lot A to the Southeast corner of said Lot A and the True Point of Beginning.

Count of Weld, State of Colorado.

(Weld County Parcel Number: 106119200072)

PARCEL 3:

LOT 2,  
GREEN ACRES MINOR SUBDIVISION,  
Town of Berthoud,  
County of Weld,  
State of Colorado.

Also known by street and number as: 0 HWY 56, Berthoud, CO 80513

(Weld County Parcel Number: 106119201002)