CITY OF EDGEWATER

ORDINANCE NO.2023-10
SERIES OF 2023

AN ORDINANCE AUTHORIZING THE PURCHASE OF REAL PROPERTY LOCATED AT 5440 WEST 25TH AVENUE, EDGEWATER, COLORADO

WHEREAS, as a result of the offer to purchase the real property within the City of Edgewater ("City") addressed as 5440 West 25th Avenue (the "Property"), evidenced by the attached Agreement for Purchase and Sale of Real Property, the City has an opportunity to acquire land on a major City corridor potentially suitable for use in conformance with the City's developing Comprehensive Plan; and

WHEREAS, pursuant to the Edgewater Municipal Code ("Code") Section 4-6-120, the City shall purchase real property by ordinance, and shall obtain an appraisal of the property to be purchased from an appraiser, the selection of whom was done publicly and by Council Resolution; and

WHEREAS, the Edgewater City Council ("Council") has publicly selected and approved, by Resolution, an appraiser for, and thereafter obtained an appraisal of, the Property; and

WHEREAS, the Council has considered, based upon the appraisal, whether the purchase price to be paid for the Property is reasonable; and

WHEREAS, the Council has considered the estimated costs to the City to conduct due diligence regarding the condition of the Property, the estimated costs to the City of any mitigation, remediation, remodeling or structural engineering that may be required prior to occupancy of the Property, and the mechanisms available to finance the acquisition; and

WHEREAS, further, the Council has reviewed the City's current property holdings, including leases and rentals, and hereby determines that acquisition of the Property is compatible with the City's Comprehensive Plan and vision; and

WHEREAS, the Council has determined that it is in the best interests of the City to purchase the Property upon the terms and conditions set forth in the attached Agreement for Purchase and Sale of Real Property, dated to be effective as of August 15, 2023 (the "Agreement").

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EDGEWATER, COLORADO, THAT:

Section 1.   That the Mayor and City Clerk are hereby authorized to execute the attached Agreement and to execute each and every other document necessary or desirable to effectuate the purchase of the Property in accordance with the terms and conditions of the Agreement.

Section 2.   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 the remaining portions of this ordinance. The City Council 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 be declared unconstitutional or invalid.

Section 3.   Repeal. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

Section 4.   Safety Clause. The City Council hereby finds, determines, and declares that this ordinance is promulgated under the general police power of the City, that it is promulgated for the health, safety, and welfare of the public, that this ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare, and that this ordinance bears a rational relation to the proper legislative object sought to be attained.

Section 5.   Effective Date. This ordinance shall become effective five (5) days after final publication.

INTRODUCED, READ, PASSED ON FIRST READING AND ORDERED PUBLISHED this 18th day of July, 2023.

*/s/ John Beltrone*_____
John Beltrone, Mayor

ATTEST:

*/s/ Lenore Pedroza*_____
Lenore Pedroza, CMC
City Clerk

READ AND ADOPTED ON SECOND READING AND ORDERED PUBLISHED this 15th day of August, 2023.

*/s/ John Beltrone*_____
John Beltrone, Mayor

ATTEST:

*/s/ Lenore Pedroza*_____
Lenore Pedroza, CMC
City Clerk

APPROVED AS TO FORM:

/s/ Carmen Beery
Carmen Beery, City Attorney