



TOWN OF PAGOSA SPRINGS, COLORADO

**ORDINANCE NO. 791
 (SERIES 2013)**

**AN ORDINANCE AUTHORIZING THE ACQUISITION OF REAL PROPERTY
 COMMONLY KNOWN AS THE ODD FELLOWS CEMETERY**

WHEREAS, the Town of Pagosa Springs (the "Town") is a home rule municipality duly organized and existing under Article XX of the Colorado Constitution and the Pagosa Springs Home Rule Charter of 2003, as amended on April 3, 2012 (the "Home Rule Charter"); and

WHEREAS, pursuant to Section 12.19 of the Home Rule Charter, the Town Council of the Town (the "Council") may purchase, sell, exchange, receive by donation, or dispose of any interest in real property; and

WHEREAS, the Pagosa Lodge 122, Independent Order of Odd Fellows (the "Odd Fellows") owns real property located within the Town on which a cemetery is located (the "Cemetery Property"); and

WHEREAS, the Odd Fellows has offered to donate the Cemetery Property to the Town as-is without any closing conditions by a bargain and sale deed; and

WHEREAS, the Town desires to accept such donation; and

WHEREAS, the Council hereby finds that it is in the best interests of the Town, its residents and taxpayers to acquire the Cemetery Property.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PAGOSA SPRINGS, COLORADO, as follows:

I. Authorization to Acquire Real Property. The acquisition of the Cemetery Property by the Town as-is, free of charge, without any closing conditions, and by a bargain and sale deed, in substantially the form attached hereto as Exhibit A (the "Deed"), is in all respects approved, authorized, and confirmed. Any modifications to the Deed or the legal description of the Cemetery Property attached thereto must be approved by the Town Manager upon consultation with the Town Attorney.

II. Execution of Miscellaneous Documents. The Town Manager is authorized and directed to execute any miscellaneous documents related to the conveyance of the Cemetery Property for and on behalf of the Town, but with such changes therein as the



Town Manager and the Town Attorney may deem necessary or appropriate, as evidenced by the execution thereof.

III. Public Inspection. The full text of this Ordinance, with any amendments, is available for public inspection at the office of the Town Clerk.

IV. Severability. If any portion of this Ordinance is found to be void or ineffective, it shall be deemed severed from this Ordinance and the remaining provisions shall remain valid and in full force and effect.

V. Effective Date. Pursuant to Section 12.19 of the Home Rule Charter, this Ordinance shall become effective thirty (30) days after final approval and shall be subject to citizen referendum.



INTRODUCED, READ, AND ORDERED PUBLISHED BY TITLE ONLY PURSUANT TO SECTION 3.9, B) OF THE PAGOSA SPRINGS HOME RULE CHARTER, BY THE TOWN COUNCIL OF THE TOWN OF PAGOSA SPRINGS, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS REGULAR MEETING HELD AT THE TOWN OF PAGOSA SPRINGS, ON THE 2nd DAY OF JULY, 2013.

TOWN OF PAGOSA SPRINGS,
COLORADO

By: Ross Aragón
Ross Aragón, Mayor

Attest:

April Hessman
April Hessman, Town Clerk



FINALLY ADOPTED, PASSED, APPROVED, AND ORDERED PUBLISHED BY TITLE ONLY PURSUANT TO SECTION 3.9, D) OF THE PAGOSA SPRINGS HOME RULE CHARTER, BY THE TOWN COUNCIL OF THE TOWN OF PAGOSA SPRINGS, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS REGULAR MEETING HELD AT THE TOWN OF PAGOSA SPRINGS, ON THE 18th DAY OF JULY, 2013.

TOWN OF PAGOSA SPRINGS,
COLORADO

By: Ross Aragón
Ross Aragón, Mayor

Attest:

April Hessman
April Hessman, Town Clerk

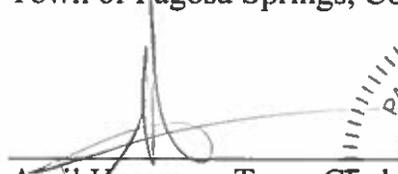




CERTIFICATE OF PUBLICATION

I, the duly elected, qualified and acting Town Clerk of the Town of Pagosa Springs, Colorado, do hereby certify the foregoing Ordinance No. 791 (Series 2013) was approved by the Town Council of the Town of Pagosa Springs on first reading at its regular meeting held on the 2nd day of July, 2013, and was published by title only, including violations of this ordinance and a statement that the full text of the Ordinance, including any amendments, is available for public inspection at the office of the Town Clerk at Town Hall, on the Town's official website, on July 3, 2013, which date was at least ten (10) days prior to the date of Town Council consideration on second reading.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town of Pagosa Springs, Colorado, this 19th day of July, 2013.



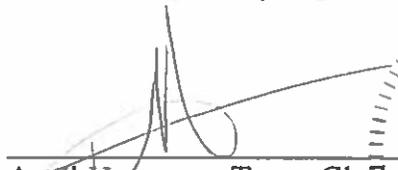
April Hessman, Town Clerk



(SEAL)

I, the duly elected, qualified and acting Town Clerk of the Town of Pagosa Springs, Colorado, do hereby certify the foregoing Ordinance No. 791 (Series 2013) was approved by the Town Council of the Town of Pagosa Springs on second reading, at its regular meeting held on the 18th day of July, 2013, and was published by title only, along with a statement indicating the effective date of the Ordinance and that the full text of the Ordinance is available at the office of the Town Clerk and on the Town's official website, on July 19th, 2013.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town of Pagosa Springs, Colorado, this 19th day of July, 2013.



April Hessman, Town Clerk



(SEAL)



21305003 7/26/2013 3:00 PM June Madrid
5 of 7 ODC RS41.00 DS0.00 Archuleta County

EXHIBIT A

FORM OF BARGAIN AND SALE DEED

[Attached]



EXHIBIT A

LEGAL DESCRIPTION



MARCH 19, 1999 (REVISED)
LEGAL DESCRIPTION
2.85 ACRE TRACT
TOWN OF PAGOSA SPRINGS TO ODD FELLOWS

A Tract of land located in GLO LOT 14 of Section 14, Township 35 North, Range 2 West, New Mexico Principal Meridian, Archuleta County, Colorado, being more particularly described as follows, to-wit:

BEGINNING at the southeast corner of the Tract herein described, a point on the east line of said GLO LOT 14, whence the northwest corner of the Townsite of Pagosa Springs, bears S.64°20'53"W., 217.54 feet distant;
thence N.89°01'49"W., 570.90 feet;
thence N.00°58'11"E., 224.00 feet;
thence S.89°01'49"E., 481.99 feet to the westerly right of way limits of County Road No. 411;
thence 92.95 feet along said right of way on the arc of a curve to the left having a radius of 125.42 feet, the long chord of which curve bears S.55°20'31"E., 90.84 feet;
thence S.76°34'23"E., 6.03 feet to the said east line of GLO LOT 14;
thence S.01°30'02"E., 172.48 feet along the said east line of GLO LOT 14 to the POINT OF BEGINNING.

Prepared by Dean P. Schultz
Colorado Certificate No. 26973



Town of Pagosa Springs
P.O. Box 1859
Pagosa Springs, CO 81147



21305004 7/26/2013 3:00 PM
1 of 2 BSD R\$16.00 D\$0.00

June Madrid
Archuleta County

(6)

AFTER RECORDING, RETURN TO:
Town of Pagosa Springs
Attn: Town Clerk
P.O. Box 1859
Pagosa Springs, CO 81147

BARGAIN AND SALE DEED

PAGOSA LODGE 122, INDEPENDENT ORDER OF ODD FELLOWS, whose address is P.O. Box 2512, Town of Pagosa Springs, County of Archuleta and State of Colorado, Grantor, for good and valuable consideration, hereby sells and conveys to the TOWN OF PAGOSA SPRINGS, COLORADO, a home rule municipality, Grantee, whose address is P.O. Box 1859, Pagosa Springs, Colorado 81147, the following real property located in the County of Archuleta and the State of Colorado, to wit:

STATE DOCUMENTARY FEE
DATE 7-26-13
\$ 0

See Exhibit A attached hereto and incorporated herein by this reference.

TOGETHER with all and singular the hereditaments and appurtenances thereunto belonging or in anywise appertaining.

SUBJECT TO: restrictions, reservations and easements of record, unrecorded special assessments, if any, taxes for the current year.

Signed this 24th day of July, 2013

PAGOSA LODGE 122, INDEPENDENT ORDER OF ODD FELLOWS, Grantor

Susan E. Nossaman
By: SUSAN E. NOSSAMAN, Secretary

STATE OF COLORADO)
) ss.
COUNTY OF La Plata)

Subscribed and sworn to before me this 24th day of July, 2013 by Susan E. Nossaman as Secretary of Pagosa Lodge 122, Independent Order of Odd Fellows.

Witness my hand and official seal.

My commission expires: 11/15/15

William J Anderson
20034038108
Notary Public
State of Colorado
My Commission Expires 11/15/2015

[Signature]
Notary Public

Rtn: (00336980.DOCX7)

TOWN OF PAGOSA SPRINGS
P O BOX 1859
PAGOSA SPRINGS, CO 81147-1859



21305004
2 of 2

7/26/2013 3:00 PM
BSD RS16.00 DS0.00

June Madrid
Archuleta County

EXHIBIT A

LEGAL DESCRIPTION



DAVIS
ENGINEERING
SERVICE, INC.

MARCH 19, 1999 (REVISED)
LEGAL DESCRIPTION
2.85 ACRE TRACT
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thence N.89°01'49"W., 570.90 feet;
thence N.00°58'11"E., 224.00 feet;
thence S.89°01'49"E., 481.99 feet to the westerly right of way limits of County Road No. 411;
thence 92.95 feet along said right of way on the arc of a curve to the left having a radius of 125.42 feet, the long chord of which curve bears S.55°20'31"E., 90.84 feet;
thence S.76°34'23"E., 6.03 feet to the said east line of GLO LOT 14;
thence S.01°30'02"E., 172.48 feet along the said east line of GLO LOT 14 to the POINT OF BEGINNING.

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