

**CITY OF EDGEWATER**  
**ORDINANCE NO. 2015 - 14**  
**SERIES OF 2015**

**AN ORDINANCE AUTHORIZING THE SALE OF CITY-OWNED PROPERTY LOCATED AT 5505 AND 5507 WEST 20<sup>TH</sup> AVENUE (20<sup>TH</sup> AVENUE AND DEPEW STREET) TO TRINITY DEVELOPMENT GROUP, INC.**

WHEREAS, the City Council finds that it has no present governmental use for certain real property owned by the City, known as the “20<sup>th</sup> and Depew” property, and legally described as set forth in Exhibit A to the attached Purchase, Sale and Development Agreement (the “Property”); and

WHEREAS, the City Council finds that the Property should be redeveloped as a means to encourage and facilitate substantial local economic activity; and

WHEREAS, as a result of the offer to purchase the Property evidenced by the attached Purchase, Sale and Development Agreement, the City has an opportunity to provide for the redevelopment of the Property as a means of encouraging and facilitating substantial local economic activity; and

WHEREAS, Colorado Revised Statutes § 31-15-713(b) authorizes the City to sell real property, by ordinance, upon such terms and conditions as the City Council may determine at a regular or special meeting; and

WHEREAS, pursuant to Edgewater Home Rule Charter (“Charter”) Section 19.2, real property of the City of Edgewater (“City”) shall be sold only by ordinance after completion of a process outlined by ordinance that shall include obtaining an appraisal from an appraiser the selection of whom was done publicly and by Council Resolution; and

WHEREAS, the Edgewater City Council (“Council”), on October 2, 2014, publicly selected and approved, by Resolution, an appraiser for, and thereafter obtained an appraisal of, the Property; and

WHEREAS, in September of 2015, the City obtained an update to said appraisal; and

WHEREAS, the City Council, on October 1, 2015, and pursuant to Section 4-6-120 of the Edgewater Municipal Code, reviewed the City’s current property holdings, including leases and rentals, the City’s current and future space needs and any existing plans to acquire or convey real property; and

WHEREAS, the City Council hereby determines that conveyance of the 20<sup>th</sup> and Depew property as set forth in this Ordinance is compatible with the City’s Comprehensive Plan and vision; and

WHEREAS, the City Council has determined that it is in the best interests of the City to sell the Property upon the terms and conditions set forth in the attached Purchase, Sale and Development Agreement between the City of Edgewater and Trinity Development Group, Inc., dated to be effective as of November 1, 2015 (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 sale 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 1st day of October, 2015.

*/s/ Bonnie McNulty, Mayor*

ATTEST:

*/s/ Elizabeth A. Hedberg, MMC*  
City Clerk

READ AND ADOPTED ON SECOND READING AND ORDERED PUBLISHED this 5th day of November, 2015.

*/s/ Bonnie McNulty, Mayor*

ATTEST:

*/s/ Elizabeth A. Hedberg, MMC*  
City Clerk

APPROVED AS TO FORM:

*/s/ Thad Renaud, City Attorney*

**CERTIFICATE OF PUBLICATION**

STATE OF COLORADO )  
 )  
CITY OF EDGEWATER ) SS:  
 )  
COUNTY OF JEFFERSON)

I, Beth A. Hedberg, City Clerk, in and for said City of Edgewater, in the County of Jefferson, in the State of Colorado, do hereby certify that Ordinance 2015-14 was published in full on the City website in accordance with Section 1-3-50 of the Edgewater Municipal Code on October 2, 2015. In witness whereof, I have hereunto set my hand and the seal of the City of Edgewater, this 2nd day of October, 2015.

*/s/ Beth A. Hedberg, MMC*  
Edgewater City Clerk

**CERTIFICATE OF PUBLICATION**

STATE OF COLORADO )  
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CITY OF EDGEWATER ) SS:  
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COUNTY OF JEFFERSON)

I, Beth A. Hedberg, City Clerk, in and for said City of Edgewater, in the County of Jefferson, in the State of Colorado, do hereby certify that Ordinance 2015-14 was published in full on the City website in accordance with Section 1-3-50 of the Edgewater Municipal Code on November 6, 2015. In witness whereof, I have hereunto set my hand and the seal of the City of Edgewater, this 6th day of November, 2015.

*/s/ Beth A. Hedberg, MMC*  
Edgewater City Clerk

**SUMMARIZED HISTORY FOR ORDINANCE NO. 2015 - 14**

Action	Date
First Reading	October 1, 2015
Posted	October 2, 2015
Publication	October 2, 2015
Second Reading	November 5, 2015
Sent to Codifier	N/A
Posted	November 6, 2015
Publication	November 6, 2015
Enacted	November 11, 2015