

**CITY OF EDGEWATER**  
**ORDINANCE NO. 2016 - 07**  
**SERIES OF 2016**

**AN ORDINANCE AMENDING CHAPTER 4 OF THE EDGEWATER MUNICIPAL CODE, CONCERNING REVENUE AND FINANCE, BY AMENDING SECTION 4-6-120, CONCERNING THE CONVEYANCE AND ACQUISITION OF REAL PROPERTY.**

WHEREAS, pursuant to section 19.2 of the City Charter, real property of the City shall be sold only after the City has obtained at least one appraisal of the property from a state licensed appraiser; and

WHEREAS, the City Charter establishes no appraisal requirement prior to the leasing of property by the City, either as landlord or tenant; and

WHEREAS, the City Council finds that the requirement of subsection 4-6-120(e) of the Edgewater Municipal Code ("Code") that an appraisal be obtained prior to the leasing of real property by the City, either as landlord or tenant, places an expensive, time-consuming and unnecessary burden on the City's leasing of real property; and

WHEREAS, the City Council finds that the requirements of the Code with respect to the scope and specificity of the review of City property holdings in connection with the purchase, sale or lease of property is unnecessary.

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

Section 1. Section 4-6-120 of the Code, concerning the acquisition or conveyance of an interest in real property, is hereby amended to read as follows:

**Sec. 4-6-120. Acquisition or conveyance of interest in real property.**

(a) For purposes of this Section, the acquisition and conveyance of any interest in real property includes:

- (1) The purchase or sale of real property or any interest therein.
- (2) The lease or rental of real property, whether as tenant or landlord, and any amendments to any lease or rental agreement.
- (3) The acceptance of any donated real property or the donation of real property.

(b) Every acquisition or conveyance by the City of any interest in real property shall first be approved by ordinance.

- (c) Prior to enacting any such ordinance, the City Council shall:
- (1) ~~If the proposal is for the purchase or sale of real property, R~~review 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;~~ provided, however, that if a potential buyer, or seller, lessor, lessee, landlord or tenant requires an immediate decision from the City, and the City Council has conducted a review of the City's inventory within the preceding nine (9) months, the City Council may, by motion, waive the requirement of this Subsection.
  - (2) Determine whether the proposed acquisition or conveyance is compatible with the City's Master Plan and vision.
  - (3) If the proposal is for the acquisition of real property, consider the following:
    - a. Whether the purchase price is reasonable.
    - b. The estimated cost to the City to conduct due diligence regarding the condition of the property.
    - c. The estimated cost to the City of any mitigation, remediation, remodeling or structural engineering that may be required prior to occupancy.
    - d. The mechanisms available to finance the acquisition.
- (d) Prior to adoption of any ordinance approving the acquisition or conveyance of real property, the City Council shall find that the applicable requirements of Paragraphs (c)(1) through (c)(3) hereof have been satisfied.
- (e) Prior to the adoption of any ordinance ~~conveying an interest in~~ purchasing or selling real property, the City shall have obtained at least one (1) appraisal of the property from a state licensed appraiser, the selection of whom shall be done publicly and by resolution of the City Council.

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. 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



