

CITY OF EDGEWATER

**ORDINANCE NO. 2016 - 23
SERIES OF 2016**

AN ORDINANCE AUTHORIZING AN AMENDMENT TO THE LEASE OF CITY-OWNED PROPERTY LOCATED AT 2501 CHASE STREET (KNOWN AS THE HERITAGE CENTER) TO THE GOLD CROWN FOUNDATION, A COLORADO NOT FOR PROFIT CORPORATION.

WHEREAS, the City Council finds that the City has made very limited use of the real property and improvements located at 2501 Chase Street (known as the "Heritage Center" and hereinafter referred to as the "Property"), in large part because the interior of the Heritage Center building is unfinished and in need of substantial improvements before it may be put to a beneficial use; and

WHEREAS, the Gold Crown Foundation, a Colorado not for profit corporation ("Gold Crown"), desires to make use of the Property for a youth center to serve the needs of the children of Edgewater and surrounding areas; and

WHEREAS, Gold Crown has offered to finish the interior of the Heritage Center building for its use as a youth center, in exchange for a long term lease of the Property for nominal consideration; and

WHEREAS, the City Council finds that there is a great need and desire in the community for youth center and youth programming of the type provided by Gold Crown; and

WHEREAS, Gold Crown's reputation in the Denver metropolitan area for providing high quality recreational, educational and enrichment programs for youths is unsurpassed;

WHEREAS, as a result of Gold Crown's offer to finish the interior of the Heritage Center and use the premises to operate a youth center, the City has an opportunity to aid in the provision of a much-needed youth center while causing a City-owned building to be rehabilitated; and

WHEREAS, Colorado Revised Statutes § 31-15-713(c) authorizes the City to lease real property, by ordinance, when deemed by the City Council to be in the best interests of the City; and

WHEREAS, the Edgewater City Council ("Council"), on January 21, 2016, publicly selected and approved, by Resolution, an appraiser for, and thereafter obtained an appraisal of, the Property; and

WHEREAS, the City Council, on January 21, 2016, 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, on February 4, 2016, by Ordinance No. 2016-06, the City Council approved of the lease of the Heritage Center to Gold Crown pursuant to the terms of that certain Heritage Center Lease Agreement (the "Agreement") that was attached to said ordinance; and

WHEREAS, on August 4, 2016, by Ordinance 2016-16, the City Council approved of an amendment to the Agreement (the "First Amendment") to provide Gold Crown additional time to complete its plans for tenant finish improvements to the Property; and

WHEREAS, as a result of those planned improvements, the City and Gold Crown desire to amend the Heritage Center Lease Agreement to extend the area subject to lease to include the area of any and all additions to the Heritage Center building, including the additional areas to be constructed for purposes of an elevator and for ramp access to the building.

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 Second Amendment to Lease Agreement and to execute each and every other document necessary or desirable to effectuate the lease of the Property in accordance with the terms and conditions of the Agreement and the First and Second Amendments to Lease 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 ____ day of December, 2016.

Kris Teegardin, Mayor

ATTEST:

Pam Anderson
City Clerk

READ AND ADOPTED ON SECOND READING AND ORDERED PUBLISHED this
_____ day of _____, 2016.

Kris Teegardin, Mayor

ATTEST:

Pam Anderson
City Clerk

APPROVED AS TO FORM:

Thad Renaud, City Attorney