

ORDINANCE NO. 2010-003

AN ORDINANCE AUTHORIZING THE PURCHASE OF PROPERTY FROM ROBERT S. PHILLEO AND SALE OF SUCH TOWN - OWNED PROPERTY TO THE CRESTONE CHARTER SCHOOL, A COLORADO NOT-FOR-PROFIT CORPORATION

WHEREAS, Robert S. Philleo transferred, on May 3, 2010, two tracts of land on the SE ¼ SW ¼, Section 7, Township 43 North, Range 12 East, N.M.P.M. to the Town of Crestone, 1 - 10 acre Tract (Tract 1) being a donation to the Town and 1 - 10 acre Tract (Tract 2) being sold to the Town for a good and valuable consideration of \$175,000; and

WHEREAS, the Town of Crestone has authorized the Mayor to execute a *Warranty Deed* of 8.753 acres of Tract 2 to the Crestone Charter School for a good and valuable consideration of \$178,825 for the purpose of constructing a new Charter School upon said Tract.

NOW THEREFORE, be it hereby ordained by the Board of Trustees of the Town of Crestone, Colorado, that:

1. The *original Option Contract* between Robert S. Philleo, Seller, and the Town of Crestone, Buyer, enacted between the parties on May 20, 2009, and attached as Exhibit A, is hereby authorized and ratified.
2. The *amended Option Contract* (referenced in Paragraph #1) between the same parties, dated March 12, 2010, and attached as Exhibit B, is likewise authorized and ratified.
3. The *Purchase and Sale Contract* between the Town of Crestone, as Seller and the Crestone Charter School, a Not-For-Profit Corporation, as Buyer, as authorized by the Board of Trustees of the Town of Crestone, on April 12, 2010, and executed by the Town and Charter School on May 3, 2010, a copy of which is attached as Exhibit C, is hereby ratified.
4. The donation of Tract 1, to the Town of Crestone by Robert S. Philleo is hereby accepted and ratified.
5. The purchase of Tract 2, by the Town of Crestone for a good and valuable consideration of \$175,000 from Robert S. Philleo is hereby authorized and ratified.
6. The transfer of Tract 2 to the Crestone Charter School, a Colorado Not-For-Profit Corporation, by the Town of Crestone for a good and valuable consideration of \$178,825 is hereby authorized and ratified.
7. The Deed of the Roadway Grant of approximately 4.727 acres from Robert S. Philleo to the Town is hereby accepted and ratified, and said area is hereby expressly reserved for public roadways accessing Tracts 1, 2, 3, 4, 5 and 6.

8. A *QuitClaim Deed*, executed by the Mayor to the Crestone Charter School by the Town, its successors and assigns forever conveying all the right, title, and interest which the Grantor has in and to an existing two-track unimproved roadway that extends south of the Lime Street right of way and encroaches the northerly boundary of Tract 2, and as is more particularly described upon the ALTA/ASCM Land Title Survey of Tract 2 of the Robert S. Philleo Annexation to the Town of Crestone, Colorado, a copy of which is attached as Exhibit D, is hereby authorized and ratified.
9. The Deeds concerning Tract 1, Tract 2 and the Roadway Grant, above referenced, and as previously recorded in the office of the Clerk and Recorder, Saguache County, Colorado, on May 4, 2010, at Reception Nos. 366609, 366606, 366607 and 366608 are incorporated herein by reference.

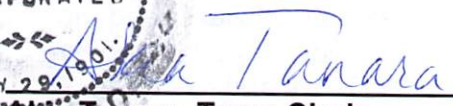
366608

IT IS HEREBY DELCARED THAT THIS ORDINANCE IS NECESSARY TO THE IMMEDIATE PRESERVATION OF THE PUBLIC PEACE, HEALTH, AND SAFETY OF THE TOWN IN ORDER TO COMPLETE ALL REQUIRMENTS NECESSARY FOR CLOSING OF THE TRANSACTIONS BETWEEN THE TOWN OF CRESTONE AND THE CRESTONE CHARTER SCHOOL, A COLORADO NOT-FOR-PROFIT CORPORATION, AND SHALL TAKE EFFECT AND BE ENFORCED FROM AND AFTER PASSAGE OF THE SAME.

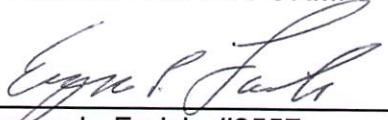
INTRODUCED, approved, signed and adopted this 10th day of May, 2010.




Ralph Abrams, Mayor

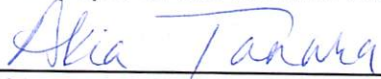

Akia Tanara, Town Clerk

APPROVED AS TO FORM:


Eugene L. Farish, #2557
Crestone Town Attorney

CERTIFICATION

I HEREBY CERTIFY that the within Ordinance was introduced, read in full, approved and adopted at the regular meeting of the Board of Trustees of the Town of Crestone, Colorado on the 10th day of May, 2010, and published by title in The Crestone Eagle, a legal newspaper in the Town of Crestone on June 1st, 2010.


Akia Tanara, Town Clerk