

**ORDINANCE NO. 773**

**AN ORDINANCE OF THE TOWN OF MILLIKEN AMENDING ORDINANCE NO. 771 CONCERNING THE SALE OF REAL PROPERTY OWNED BY THE TOWN OF MILLIKEN AND DECLARING AN EMERGENCY**

WHEREAS, through the adoption of Ordinance No. 771, the Town Board of Trustees authorized the sale of Town property, as legally described in Exhibit A of Ordinance No. 771 ("Property"); and

WHEREAS, the sale of the Property is scheduled to occur on Friday, July 12, 2019 ("Closing Date"), in accordance with the terms and conditions set forth in the Purchase and Sale Agreement, attached as Exhibit B of Ordinance No. 771 (the "Agreement"); and

WHEREAS, Town staff has alerted the Board to the fact that the effective date of Ordinance No. 771 (based on its date of newspaper publication) will occur after the Closing Date; and

WHEREAS, the Board desires to amend Ordinance No. 771 to reaffirm the authorization to sell the Property with an effective date of July 10, 2019; and

WHEREAS, due to the Mayor's expected absence on the Closing Date, and the Board's desire to have the Town Administrator attend the closing in-person (instead of in escrow), the Board desires to further delegate authority to the Town Administrator to sign all required closing documents.

**NOW, THEREFORE BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF MILLIKEN, WELD COUNTY COLORADO:**

**Section 1:** The above recitals and the recitals set forth in Ordinance No. 771 are incorporated herein by reference and are adopted as findings and determinations of the Board of Trustees.

**Section 2:** Ordinance No. 771 is hereby amended to authorize the sale of the Property with an effective approval date of July 10, 2019 and to further authorize the Town Administrator, in addition to the Mayor and Town Clerk, to execute and attest any and all documents, including the Agreement, deed and other closing documents, as required to effectuate the sale and transfer of the Property.

**Section 3: Severability.** Should any one or more sections or provisions of this ordinance or enacted hereby be judicially determined invalid or unenforceable, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance, the intention being that the various sections and provisions are severable.

**Section 4: Emergency Declaration.** The Board hereby declares this Ordinance to be necessary for the immediate preservation of public health, safety and welfare due to the imminent Closing Date of the Property sale, and the necessity to meet deadlines set forth in the Agreement.

**Section 5: Effective Date:** This Ordinance shall take effect immediately upon adoption in accordance with C.R.S. Section 31-16-105.

Introduced, read, adopted **AS AN EMERGENCY BY AN AFFIRMATIVE VOTE OF THREE-FOURTHS OF THE MEMBERS** of the Board of Trustees, signed and ordered published in full by the Board of Trustees of the Town of Milliken this 10<sup>th</sup> day of July, 2019.

**TOWN OF MILLIKEN**

  
\_\_\_\_\_  
Beau Woodcock, Mayor

ATTEST:

  
\_\_\_\_\_  
Cheryl Powell, Town Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Linda Huchon  
Town Attorney

Published: \_\_\_\_\_