

**Ordinance NO. 2008-6  
TOWN OF OPHIR**

**AUTHORIZING A CONSERVATION EASEMENT  
ON THE FERRIC OXIDE PLACER**

**WHEREAS**, the Town of Ophir purchased the Ferric Oxide Placer Mining Claim, MS #1661, located in the Iron Springs Mining District, San Miguel County, Colorado (“Ferric Oxide Placer”) on July 8, 2005, for the purpose of preserving the Ferric Oxide Placer as open space; and

**WHEREAS**, the Town of Ophir applied to Great Outdoors Colorado for grant funding to assist with the cost of purchasing the Ferric Oxide Placer and the Board of Directors of Great Outdoors Colorado awarded \$100,000.00 in funding on December 2, 2005, to assist with the acquisition of the Ferric Oxide Placer for open space preservation purposes; and

**WHEREAS**, Great Outdoors Colorado requires a conservation easement to be conveyed by the owner of Ferric Oxide Placer to a qualified land conservation organization in order to preserve the Ferric Oxide Placer as open space; and

**WHEREAS**, Article III, Section 9, of the Ophir Home Rule Charter provides that the General Assembly shall dispose of real estate by ordinance; and

**WHEREAS**, notice of public hearing was published in accordance with Article III., Section 11.C. of the Ophir Home Rule Charter; and

**WHEREAS**, the General Assembly conducted a public hearing on September 16, 2008, and considered all comments prior to considering adoption of this ordinance; and

**WHEREAS**, the General Assembly finds that conveying a conservation easement burdening the Ferric Oxide Placer to the San Miguel Conservation Foundation will satisfy the requirements of Great Outdoors Colorado, will protect the open space values of the land and will promote responsible long term oversight and stewardship of the Ferric Oxide Placer, and will thereby promote the health, safety and general welfare of the Ophir community; and

**WHEREAS**, approval of this Ordinance on first reading is intended only to confirm that the General Assembly desires to comply the requirements of the Ophir Home Rule Charter by setting a public hearing in order to provide the public an opportunity to present testimony and evidence regarding the application and that approval of this Ordinance on first reading does not constitute a representation that the General Assembly, or any member of the General Assembly, supports, approves, rejects, or denies this ordinance;

**NOW, THEREFORE, THE GENERAL ASSEMBLY OF THE TOWN OF OPHIR HEREBY ORDAINS:**

**Section 1. Conveyance Authorized.** The General Assembly hereby authorizes and approves execution and conveyance of the conservation easement for Lot A, Ferric Oxide Placer Subdivision in the form of conservation easement to this ordinance as Exhibit A: Ferric Oxide Placer – Deed of Conservation Easement.

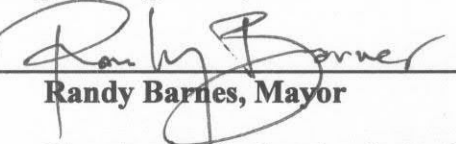
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**Section 2. Mayor and Town Clerk Authorization.** The Mayor and Town Clerk are hereby authorized to execute and sign the conservation easement in the form attached hereto as Exhibit A: Ferric Oxide Placer – Deed of Conservation Easement and take such other actions as may be necessary or implied to implement the provisions of this Ordinance.

**Section 3. Publication.** The Town Clerk is hereby ordered to publish notice of adoption of this ordinance which notice shall contain the title and a brief description, its effective date, a penalty clause if any, and a statement that copies of the ordinance are available for inspection with the Town Clerk.

**Section 4. Effective Date.** This Ordinance shall take effect thirty dates after publication of notice of final adoption in accordance C.R.S. §31-16-105.

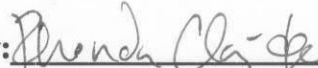
**Introduced and Adopted on First Reading on August 19, 2008, and referred to a public hearing on August 19, 2008.**

By:   
**Randy Barnes, Mayor**

I hereby certify that the above Ordinance was introduced to the General Assembly of the Town of Ophir at its meeting of August 19, 2008, and that notice of a public hearing for final reading and adoption was published one time by *The Telluride Daily Planet* newspaper on 8/18/2008.

SEAL

ATTEST:

By:   
**Rhonda Claridge, Town Clerk**


**Adopted on Second Reading and Final Reading after conducting a public hearing on September 16 day, 2008.**

By:   
**Randy Barnes, Mayor**

I hereby certify that the above Ordinance was finally adopted by the General Assembly of the Town of Ophir at its meeting of September 16, 2008, and notice of adoption was ordered published by title and brief description, the penalty clause if any, and amendments if any, one time by *The Telluride Daily Planet* newspaper on 8/18/2008.

SEAL

ATTEST:

By:   
**Rhonda Claridge, Town Clerk**