

AN EMERGENCY ORDINANCE AUTHORIZING APPROVAL OF AN ADMINISTRATIVE SETTLEMENT AGREEMENT AND ORDER ON CONSENT WITH THE UNITED STATES OF AMERICA IN CONNECTION WITH THE CONVEYANCE OF THE FERRIC OXIDE LODE

WHEREAS, the Ophir General Assembly has previously authorized the conveyance to the United States of America, Department of Agriculture, Forest Service that certain property known as the Ferric Oxide Lode, and Ophir has delivered the deed to such property; and

WHEREAS, as a condition of acceptance of the deed, the Forest Service has required that Ophir enter into an Administrative Settlement Agreement and Order on Consent ("Settlement Agreement") Ferric Oxide Placer Claim Parcel, Carbonero Tailings Site ("Site"), Forest Service Region 2 San Miguel County, Colorado located near the Town of Ophir in San Miguel County Colorado. A copy of the Settlement Agreement is attached hereto and incorporated herein by this reference. The Forest Service alleges that the Site is a "facility" as defined by Section 101(9) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. § 9601(9); and

WHEREAS, time is of the essence in order to facilitate tailing removal action to be initiated this summer by the Forest Service and enable Ophir to assist compliance with the Environmental Management Plan approved for the Site. Failure to promptly execute and deliver the Settlement Agreement could delay or prevent such work, potentially resulting in continued release of hazardous materials from the Site; and

WHEREAS, the Settlement Agreement releases the Town Ophir from potential future recovery of "response Costs" incurred by the Forest Service in remediating the Site, and is therefore a benefit to the Town of Ophir.

NOW THEREFORE, BE IT ORDAINED by the General Assembly of the Town of Ophir, that;

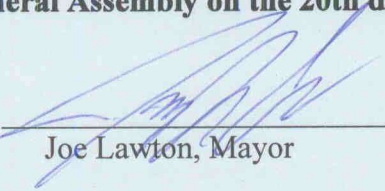
1. Authorization of Settlement Agreement.

The General Assembly hereby authorizes the Town Mayor and Town Clerk to execute and deliver to the United States of America, Department of Agriculture, Forest Service, the Settlement Agreement in the form attached hereto. The Mayor is authorized to make or accept minor, clerical or non-material changes thereto.

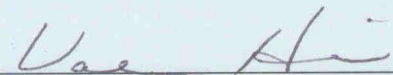
2. Effective Date.

Passage of this Ordinance is necessary to preserve and protect the public health, safety and welfare. This ordinance shall become effective immediately upon passage.

Introduced, Read, and Approved on First and Final Reading at a public hearing before the General Assembly on the 20th day of July, 2010.

By: 

Joe Lawton, Mayor

Attest: 

VALERIE HILL, Town Clerk

Approved as to Form: 

Town Attorney