

**Ordinance No. 2008-9
TOWN OF OPHIR**

**AUTHORIZING THE GAME BIRD PURCHASE AND SALES CONTRACT AND
CONVEYANCE OF A CONSERVATION EASEMENT AND DECLARING A
NECESSITY FOR THE IMMEDIATE PRESERVATION OF THE PUBLIC HEALTH
AND SAFETY**

WHEREAS, the Town of Ophir desires to purchase the **Gamebird Mining Lode, Mineral Survey No. 20758A, and Game Bird Mill Site, Mineral Survey No. 20758B (“Property”)** for open space protection purposes from San Miguel Conservation Foundation (“SMCF”) and SMCF desires to acquire a conservation easement on the Property;

WHEREAS, Colorado Revised Statute, section 31-15-101(1)(d) provides that the governing body may acquire real property;

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 a 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 December 16, 2008, and considered all comments prior to considering adoption of this ordinance; and

WHEREAS, the General Assembly finds that the acquisition of the Property and the conveyance of a conservation easement burdening the Property to SMCF will protect the open space values of the land and will promote responsible long term oversight and stewardship of the Property, 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. **Vacant Land Contract to Buy and Sell Real Estate Authorized.** The General Assembly hereby authorizes and approves execution and conveyance of the Vacant Land Contract to Buy and Sell Real Estate for the Property in the form of contract attached this ordinance as Exhibit A: Gamebird Mining Lode and Gamebird Mill Site Vacant Land Contract to Buy and Sell Real Estate (“Gamebird Contract”).

Section 2. **Conveyance Authorized.** The General Assembly hereby authorizes and approves execution and conveyance of the conservation easement for the property in the form of the conservation easement attached to this ordinance as Exhibit B: Gamebird Claims – Deed of Conservation Easement.

Section 3. Mayor and Town Clerk Authorization. The Mayor and Town Clerk are hereby authorized to execute and sign the Gamebird Contract and Conservation Easement in the form attached hereto as Exhibit A and Exhibit B and take such other actions as may be necessary or implied to implement the provisions of this Ordinance.

Section 4. Immediate Preservation of Public Health and Safety. The General Assembly declares that the passage of the ordinance will permit the Town to proceed with acquisition and preservation of property within the Town's watershed protection plan, and is therefore necessary for the immediate preservation of the public health and safety.

Section 5. 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 6. Effective Date. This Ordinance shall take effect immediately upon final adoption in accordance C.R.S. §31-16-105.

Introduced and Adopted on First Reading on November 18, 2008, and referred to a public hearing on December 16, 2008.

By: Randy Barnes
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 November 18, 2008, and that notice of a public hearing for final reading and adoption was published one time by *The Telluride Daily Planet* newspaper on Nov. 12, 2008.

SEAL

ATTEST:

By: Rhonda Claridge
Rhonda Claridge, Town Clerk

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

By: Randy Barnes
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 December 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 Dec. 11, 2008.

SEAL

ATTEST:

By: Rhonda Claridge
Rhonda Claridge, Town Clerk