

ORDINANCE No. 321

TOWN OF RICO

AN ORDINANCE AUTHORIZING AND APPROVING THE TRANSFER OF TOWN LAND ADJACENT TO THE SILVER GLANCE SUBDIVISION TO RICO RENAISSANCE FOR LOTS 9, 10, 11 & 12, BLOCK 2, TOWN OF RICO, FOR A FIRE STATION

WHEREAS, the Rico Fire Protection District ("District") is currently pursuing a grant for construction of a new fire station;

WHEREAS, the District desires to obtain a suitable site for the construction of a new fire station that is adjacent to Highway 145 to promote ready and convenient access to the fire station and for emergency vehicles responding to emergencies;

WHEREAS, the District has requested the Board of Trustees approve the transfer of town land so the District may obtain a suitable site for construction of a new fire station;

WHEREAS, C.R.S. sec. 31-15-101(d) authorizes municipalities to acquire and dispose of property for municipal purposes; and,

WHEREAS, the Board of Trustees finds that the acquisition of a suitable site for the construction of new fire station will promote the health, safety, and general welfare of the Rico community by enhancing the emergency response capabilities of the District;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF RICO, COLORADO, the following:

SECTION 1: AUTHORIZATION OF TRANSFER

The Mayor, Town Clerk, and Town Attorney are hereby authorized and directed to take all actions to effectuate the purpose of this Ordinance in their discretion. The

- Ordinance No. 321 - Town of Rico - Land Transfer -

property to be conveyed by the Town of Rico to Rico Renaissance, LLC., is described generally as follows:

Those portions of Lots 21-27, Block 39, and the parcel of land which lies east of the Silver Gance subdivision cul-de-sac and is adjacent to Lots 11 & 12, Silver Gance subdivision, all of which are not part of the old Town dump site, by warranty deed;
A non-exclusive irrevocable easement over Lots 21-27, Block 39, for ingress, egress and utilities;

A covenant on Lots 21-27, Block 39, prohibiting the construction of any structure;
and,

The parcel of land adjacent and west of the Silver Gance Subdivision cul-de-sac, by warranty deed;

all in the Town of Rico (collectively referred to as "Town Property").

The property to be conveyed by Rico Renaissance, LLC., to the Town of Rico is described as follows:

Lots 9, 10, 11 & 12, Block 2, Town of Rico, (four lots south of school district property abutting Highway 145), by warranty deed.

**SECTION 2: DEVELOPMENT RIGHTS ON PROPERTY ACQUIRED BY RICO
 RENAISSANCE**

Town agrees that pursuant to the current zoning of the Town Property, four residential building sites are permitted by right, and further agrees that any replat application for four detached single family residential building sites shall not be prohibited by Ordinance No. 315, Town of Rico. Town agrees that upon transfer of the properties described in Section 1 that Rico Renaissance shall have a vested right to four detached single-family residential building sites on the Town Property and that such vested right shall extend for three years from the date of transfer. The Town agrees and acknowledges that there are no historic sites on the Town Property which merit protection or preservation and that preservation of historic sites shall not restrict the location of building sites. Any application for replat shall be processed, reviewed, and acted on pursuant to adopted subdivision regulations and other applicable regulations of the Town of Rico. Town agrees that Town shall provide an attorney opinion regarding

- Ordinance No. 321 - Town of Rico - Land Transfer -

the development rights described in this Section 2 to Rico Renaissance for the benefit of and reliance by Rico Renaissance.

SECTION 3. ACKNOWLEDGMENTS

The Town acknowledges that Rico Renaissance may seek replatting of the Town Property to create appropriate single family home sites and encourages a replat application by Rico Renaissance to create appropriate building sites. The Town further acknowledges that a replat application may include lot line adjustments of Lots 11 & 12, Silver Glance Subdivision, Town of Rico, to create appropriate building sites. The Town acknowledges that Rico Renaissance may request reconfiguration of the cul-de-sac area.

SECTION 4. SEVERABILITY

If any provision of this ordinance or portion thereof is held by a court of competent jurisdiction to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect any other provision which can be given effect without the invalid portion.

SECTION 5. PUBLICATION

After final adoption, the Town Clerk shall cause a copy of this ordinance to be posted in accordance with Resolution No. 104 of the Town of Rico, Colorado.

READ, PASSED, AND ADOPTED BY THE BOARD OF TRUSTEES OF THE TOWN OF RICO this 10th day of July (July 13th if we schedule Saturday meeting), 1996.


By: Robert Small, Mayor


Attest: Linda Yellowman, Town Clerk

[Town Seal]


Approved as to Form: Eric James Heil, Esq.
Town Attorney