

ORDINANCE NO. 2023-01

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MOUNTAIN VILLAGE,
COLORADO CONVEYING LOT 644 TO THE MOUNTAIN VILLAGE HOUSING AUTHORITY**

WHEREAS, the Town of Mountain Village (“Town”) is a home rule municipality duly organized and existing under Article XX of the Colorado Constitution and the Town of Mountain Village Home Rule Charter of 1995, as amended (“Charter”); and

WHEREAS, the Town owns certain real property in the Town of Mountain Village, San Miguel County, Colorado known as Lot 644 (the “Property”) according to the plat recorded as Reception No. 261214; and

WHEREAS, pursuant to Section 11.5 of the Charter, the Town may sell municipally-owned real property in use for public purposes by ordinance of the Town Council; and

WHEREAS, to facilitate development of the Property for affordable housing, the Town Council desires to convey the Property to the Mountain Village Housing Authority (“Housing Authority”) as set forth below.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MOUNTAIN VILLAGE, COLORADO, as follows:

Section 1. Recitals. The above recitals are hereby incorporated as findings of the Town Council in support of the enactment of this Ordinance.

Section 2. Conveyance. The Town Council, on behalf of the Town, hereby conveys the Property to the Housing Authority by Bargain and Sale Deed, attached hereto as Exhibit A.

Section 3. Severability. If any portion of this Ordinance is found to be void or ineffective, it shall be deemed severed from this Ordinance and the remaining provisions shall remain valid and in full force and effect.

Section 4. Safety Clause. The Town Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the Town, that it is promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Town Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained.

Section 5. Effective Date. This Ordinance shall become effective on February 18, 2023 and shall be recorded in the official records of the Town kept for that purpose and shall be authenticated by the signatures of the Mayor and the Town Clerk.


Section 6. Public Hearing. A public hearing on this Ordinance was held on the 19th day of January 2023 in the Town Council Chambers, Town Hall, 455 Mountain Village Blvd., Mountain Village, Colorado 81435.

Section 6. Publication. The Town Clerk or Deputy Town Clerk shall post and publish notice of this Ordinance as required by Article V, Section 5.9 of the Charter.


INTRODUCED, READ, AND REFERRED to public hearing before the Town Council of the Town of Mountain Village, Colorado on the 8th day of December 2022

TOWN OF MOUNTAIN VILLAGE:

**TOWN OF MOUNTAIN VILLAGE, COLORADO,
A HOME-RULE MUNICIPALITY**

By: 
Laila Benitez, Mayor

ATTEST:


Susan Johnston, Town Clerk

HEARD AND FINALLY ADOPTED by the Town Council of the Town of Mountain Village, Colorado this 19th day of January 2023

TOWN OF MOUNTAIN VILLAGE:


**TOWN OF MOUNTAIN VILLAGE, COLORADO,
A HOME-RULE MUNICIPALITY**

By: 
Laila Benitez, Mayor

ATTEST:


Susan Johnston, Town Clerk

Approved as to Form:


David McConaughy, Town Attorney

I, Susan Johnston, the duly qualified and acting Town Clerk of the Town of Mountain Village, Colorado ("Town") do hereby certify that:

1. The attached copy of Ordinance No. 2023-01 ("Ordinance") is a true, correct, and complete copy thereof.
2. The Ordinance was introduced, read by title, approved on first reading and referred to public hearing by the Town Council the Town ("Council") at a regular meeting held at Town Hall, 455 Mountain Village Blvd., Mountain Village, Colorado, on December 8, 2022, by the affirmative vote of a quorum of the Town Council as follows:

| Council Member Name | "Yes" | "No" | Absent | Abstain |
|--------------------------|-------|------|--------|---------|
| Laila Benitez, Mayor | X | | | |
| Dan Caton, Mayor Pro-Tem | X | | | |
| Marti Prohaska | X | | | |
| Harvey Mogenson | X | | | |
| Patrick Berry | X | | | |
| Peter Duprey | X | | | |
| Jack Gilbride | X | | | |

3. After the Council's approval of the first reading of the Ordinance, notice of the public hearing, containing the date, time and location of the public hearing and a description of the subject matter of the proposed Ordinance was posted and published in the Telluride Daily Planet, a newspaper of general circulation in the Town, on December 14, 2022 in accordance with Section 5.2(d) of the Town of Mountain Village Home Rule Charter.
4. A public hearing on the Ordinance was held by the Town Council at a regular meeting of the Town Council held at Town Hall, 455 Mountain Village Blvd., Mountain Village, Colorado, on January 19, 2023. At the public hearing, the Ordinance was considered, read by title, and approved without amendment by the Town Council, by the affirmative vote of a quorum of the Town Council as follows:

| Council Member Name | "Yes" | "No" | Absent | Abstain |
|--------------------------|-------|------|--------|---------|
| Laila Benitez, Mayor | X | | | |
| Dan Caton, Mayor Pro-Tem | X | | | |
| Marti Prohaska | X | | | |
| Harvey Mogenson | X | | | |
| Patrick Berry | X | | | |
| Peter Duprey | X | | | |
| Jack Gilbride | X | | | |

5. The Ordinance has been signed by the Mayor, sealed with the Town seal, attested by me as Town Clerk, and duly numbered and recorded in the official records of the Town.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town this 19th day of January 2023.


Susan Johnston, Town Clerk
(SEAL)



EXHIBIT A

After Recording, Mail to:
Garfield & Hecht, P.C.
910 Grand Ave., Suite 201
Glenwood Springs, CO 81601
Attn: David McConaughy, Esq.

Space Above Reserved for County Recorder's Use

BARGAIN AND SALE DEED

THIS BARGAIN AND SALE DEED, effective as of _____, 2023, between **Town of Mountain Village**, a Colorado home rule municipality ("Grantor"), and **Mountain Village Housing Authority** ("Grantee"), a Colorado corporate body organized under C.R.S. §§ 29-4-201, *et seq.*

WITNESSETH, that the Grantor, for good and valuable consideration of One Dollar (\$1.00), and other good and sufficient consideration, Grantor hereby sells and conveys to Grantee all of Grantor's right, title, and interest in, to, upon and over certain real property in the Town of Mountain Village, San Miguel County, Colorado known as Lot 644 (the "Property") according to the plat recorded as Reception No. 261214.

TO HAVE AND TO HOLD, the same, together with all and singular the appurtenances and privileges thereunto belonging or in anywise thereunto appertaining, and all the estate, right, title, interest and claim whatsoever, of the Grantor, either in law or in equity, to the only property use, benefit and behoof of the Grantee.

IN WITNESS WHEREOF, the Grantor has caused this deed to be duly executed as of the ____ day of _____, 2023.

Town of Mountain Village, Colorado

By: _____
Name:
Title:

STATE OF COLORADO)
) ss.
COUNTY OF SAN MIGUEL)

Acknowledged before me this ____ day of _____, 2023, by _____ as _____ of Town of Mountain Village, Colorado.

Witness my hand and official seal. My commission expires: _____.

Notary Public