

ORDINANCE NO. 821

AN ORDINANCE AUTHORIZING THE CONVEYANCE OF A 5.23 ACRE PARCEL OF LAND OWNED BY THE CITY AND DESCRIBED AS OUTLOT U, SWEETGRASS FILING NO. 1 REPLAT A, IN ORDER TO FACILITATE ORDERLY REDEVELOPMENT WITHIN THE SWEETGRASS SUBDIVISION FOLLOWING RELOCATION OF THE EXISTING SCHOOL SITE.

WHEREAS, the City of Dacono is the owner of that certain 5.23 acre parcel of real property legally described as Outlot U, Sweetgrass Filing No. 1 Replat A, according to the recorded plat thereof recorded with the Weld County Clerk and Recorder at Reception No. 3321974 (“Outlot U”); and

WHEREAS, Outlot U was dedicated to the City by the developer of the Sweetgrass Filing No. 1 Replat A subdivision for drainage purposes and a detention pond is located within Outlot U; and

WHEREAS, Dacono Properties, LLC (the “Subdivider”) owns and is platting the area adjacent to Outlot U, which subdivision is to be known as Sweetgrass Filing No. 1 Replat D (“Replat D”); and

WHEREAS, also adjacent to Outlot U is the temporary site of an elementary school, which school is planned for relocation to a site platted by Filing No. 3 of the Sweetgrass Subdivision; and

WHEREAS, the Subdivider has requested the City convey Outlot U to it, so that Outlot U may be included within Replat D to facilitate development of adjacent residential lots when the school site is relocated; and

WHEREAS, the City Council has considered such request and determined that Outlot U is not being used or held for park purposes; and

WHEREAS, the City Engineer has reviewed the reconfigured site of the detention pond, to be located in the 5.89-acre Outlot B of Replat D, and has confirmed the detention pond will continue to provide adequate drainage for the Sweetgrass subdivision; and

WHEREAS, the City Council finds that conveying Outlot U to the Subdivider so that it may be included within and replatted by Replat D plat will better serve the interests of the City by facilitating orderly redevelopment of the land within the Sweetgrass subdivision once the school site is relocated; and

WHEREAS, the City Council further finds and determines it is in the best interest of the City and its residents to convey Outlot U to the Subdivider upon the terms and conditions set forth herein, and desires by this ordinance to authorize such conveyance pursuant to Section 13-3 of the City of Dacono Home Rule Charter.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DACONO, COLORADO:

Section 1. The City Council hereby approves the conveyance from the City of Dacono to Dacono Properties, LLC (“Dacono Properties”) of that certain real property legally described as Outlot U, Sweetgrass Filing No. 1 Replat A, according to the plat thereof recorded with the Weld County Clerk and Recorder at Reception No. 3321974 (“Outlot U”), upon the terms and conditions set forth in this ordinance.

Section 2. Outlot U shall be conveyed in “as is” condition to Dacono Properties by Bargain and Sale Deed, which deed shall be in the form of deed accompanying this ordinance. Nothing in this ordinance shall be construed to limit or discharge any of Dacono Properties’ obligations under that certain Subdivision Agreement for the Sweetgrass Filing No. 1 Replat D subdivision or any other agreement relating to the Sweetgrass subdivision.

Section 3. The Mayor and City Staff are further authorized to execute and deliver such additional documents not inconsistent with this ordinance as may be reasonably required with respect to conveyance of Outlot U to Dacono Properties.

Section 4. If any section, paragraph, sentence, clause, or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

Section 5. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

Section 6. This ordinance shall become effective upon the City Council’s approval, including the satisfaction of any conditions of approval, of the final plat for the Sweetgrass Filing No. 1 Replat D subdivision and delivery by Dacono Properties to the City of an executed deed conveying to the City Outlot B, Sweetgrass Filing No. 1 Replat D.

Section 7. The deed conveying Outlot U, Sweetgrass Filing No. 1 Replat A to Dacono Properties shall be recorded by the City with the Weld County Clerk and Recorder immediately prior to the recording of the Sweetgrass Filing No. 1 Replat D final plat. The executed deed conveying Outlot B, Sweetgrass Filing No. 1 Replat D to the City shall be recorded by the City with the Weld


County Clerk and Recorder immediately following the recording of the Sweetgrass Filing No. 1 Replat D final plat. All recording fees shall be paid by Dacono Properties.

INTRODUCED, READ, ADOPTED ON FIRST READING, AND ORDERED PUBLISHED BY TITLE AND POSTED IN FULL this 26th day of September, 2016.

PUBLIC HEARING AND SECOND READING WILL BE THE 10th day of October, 2016, AT 6:00 P.M. AT DACONO CITY HALL, 512 CHERRY STREET, DACONO, CO.

READ, ADOPTED ON SECOND READING, APPROVED, SIGNED, AND ORDERED PUBLISHED BY TITLE this 10th day of October, 2016.

CITY OF DACONO, COLORADO



Joe Baker, Mayor

ATTEST:



Valerie Taylor, City Clerk

Summary of Ordinance No. 821, **“AN ORDINANCE AUTHORIZING THE CONVEYANCE OF A 5.23 ACRE PARCEL OF LAND OWNED BY THE CITY AND DESCRIBED AS OUTLOT U, SWEETGRASS FILING NO. 1 REPLAT A, IN ORDER TO FACILITATE ORDERLY REDEVELOPMENT WITHIN THE SWEETGRASS SUBDIVISION FOLLOWING RELOCATION OF THE EXISTING SCHOOL SITE”** Authorizes the conveyance of Outlot U, Sweetgrass Filing No. 1, Replat A to Dacono Properties, LLC, so that it can be replatted as Outlot B as part of Sweetgrass Filing No. 1, Replat D.