

ORDINANCE 2023-07

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF FRUITA AND RONALD TIPPING, RODNEY POWER AND STAN MUHR FOR THEIR PURCHASE OF 51.41 ACRES KNOWN AS ENOCH LAKE AND THE WATER RIGHTS KNOWN AS MIRROR DITCH NO. 1, MIRROR LAKE RESERVOIR NO. 1 (aka Enoch's Lake) and SPRINGS R AND N and AUTHORIZING THE CONVEYANCE THEREOF

WHEREAS, the City of Fruita is the owner of approximately 51.14 acres of land located on Pinion Mesa in the County of Mesa, State of Colorado, lying under and surrounding Mirror Lake Reservoir No. 1 (aka Enoch's Lake) ("Enoch Lake Property") as described in that deed from Irving C. Beard and Dorothy R. Beard to the City of Fruita in that deed recorded in Book 702 at Page 474 of the Mesa County real property records, less those water rights and real property conveyed to Ronald E. Tipping pursuant to that Agreement between the City of Fruita and Ronald E. Tipping, Ronald C. Power and William R. Patterson dated January 3, 2014 ("2014 Agreement") also referred to as Mesa County Assessor Parcel No. 3223-053-00-003; and

WHEREAS, the City of Fruita is the owner of certain water rights located on Pinion Mesa, Mesa County, Colorado, associated with the Enoch Lake Property and described as Mirror Ditch No. 1, Mirror Lake Reservoir No. 1 and Springs R and N (collectively "Enoch Lake Water Rights"); and

WHEREAS, Ronald E. Tipping, Stan Muhr and Rodney C. Power (collectively "Buyers") desire to purchase the Enoch Lake Property and the Enoch Lake Water Rights from the City for \$500,000.00 in cash and the termination of the 2014 Agreement such that such is of no further force or effect and any amounts still due and owing by the City (approximately \$140,000.00) to Ronald Tipping shall be forgiven and no longer due and owing; and

WHEREAS, pursuant to Section 2.11 of the Fruita City Charter, the Fruita City Council must, by ordinance, authorize the lease or conveyance of real property of the City, and

WHEREAS, it is the intent of this ordinance to authorize the City Manager to execute a purchase and sale agreement pursuant to the Buyers' offer and any deeds and other necessary documents to terminate the 2014 Agreement and convey the Enoch Lake Property and Enoch Lake Water Rights owned by the City of Fruita to Buyers for the price and terms described herein above.

NOW, THEREFORE, THE CITY OF FRUITA HEREBY ORDAINS AS FOLLOWS:

Section 1: The above Recitals are true and correct and incorporated herein.

Section 2: The City Manager is hereby authorized to finalize and execute a purchase and sale agreement, any documents necessary to terminate the 2014 Agreement and any documents and deeds necessary to convey the Enoch Lake Property and Enoch Lake Water Rights to Buyers for \$500,000.00 in cash paid to the City of Fruita and the termination, in full, of any terms and conditions of the 2014 Agreement, including the forgiveness of approximately \$140,000.00 still to be paid by the City to Ronald Tipping.

**PASSED AND ADOPTED BY THE FRUITA CITY COUNCIL
ON THE __ DAY OF _____, 2023.**

City of Fruita

Mayor Joel Kincaid

ATTEST:

City Clerk