

**CITY OF GREELEY, COLORADO**  
**ORDINANCE NO. \_\_\_\_\_, 2021**

**AN ORDINANCE AUTHORIZING THE SALE OF AN EASEMENT OVER APPROXIMATELY 11.56 ACRES OF CITY-OWNED PROPERTY, LOCATED IN SECTION 4, TOWNSHIP 7 NORTH, RANGE 66 WEST OF THE 6<sup>TH</sup> P.M. IN WELD COUNTY, COLORADO.**

WHEREAS, the City of Greeley, acting by and through its Water and Sewer Board, purchased certain real property in December 2016, consisting of approximately 138.459 acres and located in Section 4, Township 7 North, Range 66 West of the 6<sup>th</sup> P.M. in Weld County ("Balmer Farm"); and

WHEREAS, the City has leased the Balmer Farm back to a tenant farmer since its acquisition to keep it in agricultural production; and

WHEREAS, the City received an offer from Public Service Company of Colorado to purchase an electrical transmission line easement over approximately 11.56 acres of the Balmer Farm ("Easement"), and said offer was determined to be fair market value; and

WHEREAS, the City of Greeley Water and Sewer Board authorized the anticipated sale of the Easement at its April 21, 2021 regular board meeting, and recommended City Council authorize the same; and

WHEREAS, Section 17-4(c) of the City Charter requires that any sale of real property, including the sale of real property acquired by the Water and Sewer Department with enterprise funds, be approved by City Council; and

WHEREAS, Section 31-15-713(b) of the Colorado Revised Statutes authorizes City Council to sell and dispose of, by ordinance, any real property that is not being used or held for a governmental purpose.

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

Section 1. City Council determines that the Balmer Farm and the proposed Easement thereupon are not being used nor held for a governmental purpose, and that the Easement is surplus property unnecessary to retain for any governmental purpose.

Section 2. The City Council authorizes the sale of the proposed Easement across the Balmer Farm, in accordance with the terms and conditions of the Option Agreement for Easement, attached hereto and incorporated herein as Exhibit A ("Option Agreement").

Section 3. City Council authorizes the Director of Water and Sewer, or his designee, to negotiate non-substantive, minor changes to the Option Agreement prior to execution, and to make minor amendments to the Option Agreement after execution, including corrections to property descriptions and contract extensions.

Section 4. City Council authorizes the Director of Water and Sewer, or his designee, to undertake all necessary action to close upon the sale if the option in the Option Agreement is exercised.

Section 5. Upon satisfaction of all Option Agreement terms, including any amendments thereto, the City Council authorizes the Mayor and City Clerk to execute an easement grant, in the form of the Electric Transmission Line Easement attached hereto and incorporated herein as Exhibit B ("Easement Grant"), conveying the Easement to Public Service Company of Colorado.

Section 6. This Ordinance shall become effective immediately after its final publication.

**PASSED AND ADOPTED, SIGNED AND APPROVED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2021.**

**ATTEST**

**CITY OF GREELEY, COLORADO**

\_\_\_\_\_  
**City Clerk**

\_\_\_\_\_  
**Mayor**