

CITY OF GREELEY, COLORADO
ORDINANCE NO. __, 2022

**AN ORDINANCE AUTHORIZING THE DIVESTMENT OF CITY-OWNED REAL PROPERTY
LOCATED IN THE EAST HALF OF SECTION 4, TOWNSHIP 7 NORTH, RANGE 66 WEST OF THE 6TH P.M.
IN WELD COUNTY, COLORADO (BALMER FARM)**

WHEREAS, in 2016, the City of Greeley, acting by and through its Water Enterprise, purchased certain real property that has commonly been known as the Balmer Farm, and is more particularly described as Lot B of Recorded Exemption No. 582 and Revision recorded April 27, 1983 at Reception No. 1924815 in Book 994, being located in the E½ of Section 4, Township 7 North, Range 66 West of the 6th P.M., County of Weld, State of Colorado; said property is also referred to as Weld County Parcel No. 070704000029 and consists of approximately 138.33 net acres, more or less; and

WHEREAS, since acquiring the Balmer Farm, the City has leased the land along with the associated water rights represented by shares in The Water Supply and Storage Company ("WSSC Shares"), to a tenant farmer in order to sustain historical use of the water rights for a future change of the rights to municipal uses; and

WHEREAS, the City recently received an offer to purchase the Balmer Farm, as is described more particularly in the Contract to Buy and Sell Real Estate (Land) and associated exhibits attached hereto as Exhibit A ("Purchase Contract"); and

WHEREAS, the City will retain any and all water and water rights associated with the Balmer Farm, including, without limitation, the WSSC Shares described above that have historically irrigated the property; and

WHEREAS, Section 17-4(c) of the Charter for the City of Greeley requires that any sale or exchange of water, water and sewer facilities or land, including the sale of real property previously acquired by the Water and Sewer Department with enterprise funds, be approved by City Council; and

WHEREAS, the City Council may authorize by ordinance the divestment of real property that is not being used or held for a governmental purpose; and

WHEREAS, the Water and Sewer Board on April 20, 2022 made a finding that the Balmer Farm is not currently being used or held for a governmental purpose, approved the Purchase Contract, and recommended the same action to City Council; and

WHEREAS, the City Council has determined that the sale of the Balmer Farm, as is described more particularly in the Purchase Contract, is in the best interests of the citizens of the City of Greeley.

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

Section 1. The City Council determines that the Balmer Farm is not being used or held for a

governmental purpose, and is surplus property unnecessary to retain for any governmental purpose.

Section 2. The City Council authorizes the divestment of the Balmer Farm, in accordance with the terms and conditions of the Contract to Buy and Sell Real Estate (Land) and associated exhibits attached hereto as Exhibit A.

Section 3. The City Council authorizes the Director of the Water and Sewer Department, or his designee, to make minor amendments to the Contract to Buy and Sell Real Estate (Land) and associated exhibits, including, without limitation, corrections to property descriptions and contract extensions.

Section 4. Upon the satisfaction of all contract terms and conditions, including any amendments made thereto, the City Council authorizes (i) the Mayor to execute a deed conveying the Balmer Farm, (ii) the Director of the Water and Sewer Department, or his designee, to execute all other documents necessary to complete the transaction contemplated by the Contract to Buy and Sell Real Estate (Land) and associated exhibits, and (iii) the Director of the Water and Sewer Department, or his designee, to undertake all other necessary and appropriate action to complete the transaction.

Section 5. This Ordinance shall take effect immediately after its final publication.

PASSED AND ADOPTED, SIGNED AND APPROVED ON THIS ____ DAY OF _____ 2022.

ATTEST

CITY OF GREELEY, COLORADO

City Clerk

Mayor