

TOWN OF JOHNSTOWN, COLORADO

ORDINANCE NO. 2022-225

AN ORDINANCE AUTHORIZING THE CONVEYANCE OF REAL PROPERTY LOCATED AT LOT 2, OXY LAND SUBDIVISION, IN THE NORTHWEST ¼, SECTION 11, TOWNSHIP 4 NORTH, RANGE 68 WEST OF THE 6TH P.M., TOWN OF JOHNSTOWN, COUNTY OF WELD, STATE OF COLORADO, CONSISTING OF APPROXIMATELY 33.22 ACRES, TO LEDGE ROCK CENTER, LLC

WHEREAS, the Town of Johnstown, Colorado (“Town”) is a Colorado home rule municipality, duly organized and existing under the laws of the State of Colorado and the Town’s Home Rule Charter; and

WHEREAS, the Town Council is vested with authority to administer the affairs of the Town; and

WHEREAS, the Town owns real property located at Lot 2, Oxy Land Subdivision, in the Northwest ¼, Section 11, Township 4 North, Range 68 West of the 6th P.M., Town of Johnstown, County of Weld, State of Colorado, consisting of approximately 33.22 acres (“Property”); and

WHEREAS, the Property was conveyed to the Town pursuant to that certain Oil and Gas Operator Agreement and Encroachment License executed between the Town and Kerr-McGee Oil & Gas Onshore LP on or about December 16, 2019, and recorded at Reception Number 4553635 on December 27, 2019, in the Weld County Clerk and Recorder’s Office; and

WHEREAS, the Ledge Rock Center Commercial Metropolitan District, a quasi-municipal corporation and political subdivision of the State of Colorado and Ledge Rock Center, LLC, a Kansas limited liability company (“Developer”), desire to develop the Property, along with other real property, as a commercial retail center to be known as the Ledge Rock Center containing approximately 785,000 square feet of new retail uses (“Project”); and

WHEREAS, to facilitate the development of the Project, the Developer has requested that the Town convey the Property to the Developer for nominal consideration; and

WHEREAS, Colorado municipalities are entitled to encourage new and expanded retail development through inducements and incentives; and

WHEREAS, the Town has determined the Project will serve a public use and promote the health, safety, prosperity, security and general welfare of the citizens of the Town; and

WHEREAS, Section 19.4 of the Home Rule Charter of the Town of Johnstown provides that the Town may receive bequests, gifts and donations of all kinds of property with the power to manage, sell, lease or otherwise dispose or provide for the disposition of same; and

WHEREAS, Section 11-7 of the Johnstown Municipal Code provides that the Town may sell or dispose of real property and public buildings, used or held for any purpose, by ordinance upon such terms and conditions as Town Council deems to be in the best interests of the Town; and

WHEREAS, based on the foregoing, including the anticipated economic benefits and additional employment opportunities presented by the location of the Project in the Town, and after due consideration, the Town Council desires to accommodate the Developer's request and convey the Property to the Developer for nominal consideration upon the terms and conditions set forth in the Agreement Concerning Purchase and Sale of Real Property for Ledge Rock Center Commercial, attached hereto and incorporated herein by reference as Exhibit 1; and

WHEREAS, the Town Council further finds, determines and declares that this Ordinance is promulgated under the general police power of the Town for the benefit of the public health, welfare, peace, safety and property and that adoption of the Ordinance is in the best interests of the citizens of the Town.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF JOHNSTOWN, COLORADO, AS FOLLOWS:

Section 1. The Town Council hereby authorizes the conveyance of the real property located at Lot 2, Oxy Land Subdivision, in the Northwest ¼, Section 11, Township 4 North, Range 68 West of the 6th P.M., Town of Johnstown, County of Weld, State of Colorado, consisting of approximately 33.22 acres, to Ledge Rock Center, LLC, a Kansas limited liability company, in accordance with the terms and conditions of the Agreement Concerning Purchase and Sale of Real Property for Ledge Rock Center Commercial attached hereto as Exhibit 1.

Section 2. Subsequent to the effective date of this Ordinance, the Town Council hereby authorizes the Mayor to execute the Agreement Concerning Purchase and Sale of Real Property for Ledge Rock Center Commercial on behalf of the Town.

Section 3. This Ordinance shall be interpreted and construed to effectuate its meaning and purpose. If any section, clause, phrase, word or other provision of this Ordinance is for any reason held to be unconstitutional or otherwise invalid, such holding shall not affect the validity of the remaining sections, sentences, clauses, phrases, words or other provisions of this Ordinance or the validity of this Ordinance as an entirety, it being the legislative intent that this Ordinance shall stand, notwithstanding the invalidity of any section, sentence, clause, phrase, word or other provision.

Section 4. This Ordinance, after its passage on final reading, shall be numbered, recorded, published and posted as required by the Home Rule Charter of the Town of Johnstown, Colorado ("Charter") and the adoption, posting and publication shall be authenticated by the signature of the Mayor and the Town Clerk and by the Certificate of Publication. This Ordinance shall become effective upon final passage as provided by the Charter. Copies of the entire Ordinance are available at the office of the Town Clerk.

INTRODUCED AND APPROVED on first reading by the Town Council of the Town of Johnstown, Colorado, this ____ day of _____, 2022.

TOWN OF JOHNSTOWN, COLORADO

ATTEST:

By:_____
Diana Seele, Town Clerk

By:_____
Gary Lebsack, Mayor

PASSED UPON FINAL APPROVAL AND ADOPTED on second reading by the Town Council of the Town of Johnstown, Colorado, this ____ day of _____, 2022.

TOWN OF JOHNSTOWN, COLORADO

ATTEST:

By:_____
Diana Seele, Town Clerk

By:_____
Gary Lebsack, Mayor