

**TOWN OF JOHNSTOWN, COLORADO  
RESOLUTION NO. 2023-41**

**RESOLUTION APPROVING THE PURCHASE AND SALE AGREEMENT BY  
AND BETWEEN THE TOWN OF JOHNSTOWN AND RICHARD P. CROOKS  
AND KATHI A. CROOKS FOR THE PURCHASE OF REAL PROPERTY  
LOCATED AT 23165 COLORADO BOULEVARD, JOHNSTOWN,  
COLORADO 80534**

**WHEREAS**, the Town of Johnstown, Colorado (the “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**, Richard P. Crooks and Kathi A. Crooks (“Owners”) are the owners of real property known by legal description as 25666 PT SE4 1 4 68 COMM SE COR SEC N721.06' TO TRUE POB N86D12'W 240.57' N0D35'E 246.54' ALG EXISTING FENCE LN N89D07'E 237.53' S266.03' TO POB, County of Weld, State of Colorado, and by street address as 23165 Colorado Boulevard, Johnstown, Colorado, 80534, consisting of approximately 1.22 acres (“Property”); and

**WHEREAS**, the Property is adjacent to and contiguous with the Johnstown Cemetery; and

**WHEREAS**, the Town has determined the acquisition of the Property will serve a public purpose by allowing the expansion of, and improvement of access to, the Johnstown Cemetery and thus desires to purchase the Property; and

**WHEREAS**, the Owners desire to sell the Property to the Town; and

**WHEREAS**, the Owners further desire to retain possession of the Property for sixty (60) days subsequent to the sale of the Property to the Town; and

**WHEREAS**, the Purchase and Sale Agreement, attached hereto, contains terms and conditions for the acquisition of the Property, including provisions for an earnest money deposit, a due diligence period for review of documents and purchase at an agreed upon price of Four Hundred and Seventy-Five Thousand Dollars (\$475,000.00), plus payment of miscellaneous closing costs; and

**WHEREAS**, the Town has funds in the General Fund that may be used to purchase the Property; and

**WHEREAS**, the Town Council may be required to adopt an amendment to the 2023 Budget to effectuate this transaction and, if necessary, intends to adopt such amendment; and

**WHEREAS**, the Town Council finds and determines that the terms and conditions of the Purchase and Sale Agreement are reasonable and promote the public health, safety, prosperity, security and general welfare of the Town; and

**WHEREAS**, the Town Council finds that adoption of this Resolution is in the best interests of the Town.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF JOHNSTOWN, COLORADO, THAT:**

**Section 1:** The Purchase and Sale Agreement, attached hereto and incorporated herein by reference as Exhibit A, is hereby approved, and the Town Manager is authorized to execute the same.

**Section 2:** The Post-Closing Occupancy Agreement, attached hereto and incorporated herein by reference as Exhibit B, is hereby approved, and the Town Manager is authorized to execute the same.

**Section 3:** The Town Manager is authorized to take all steps necessary to carry out the terms of the Purchase and Sale Agreement, including the execution of all documents necessary or required for closing. The Town Attorney is authorized to make such modifications, if any, to the Purchase and Sale Agreement as are advisable to assure clarity, consistency and protection of the Town's interests.

**Section 4:** This Resolution shall be effective retroactively to August 29, 2023.

PASSED, SIGNED, APPROVED, AND ADOPTED THIS \_\_\_\_ day of September, 2023.

ATTEST:

TOWN OF JOHNSTOWN, COLORADO

By: \_\_\_\_\_  
Hannah Hill, Town Clerk

By: \_\_\_\_\_  
Troy D. Mellon, Mayor