

ORDINANCE NO. 1114

AN ORDINANCE OF THE CITY OF FORT MORGAN AUTHORIZING THE LEASE OF CERTAIN CITY OWNED REAL PROPERTY FOR A TERM OF ONE (1) YEAR, SUBJECT TO RENEWAL AND EXTENSION FROM YEAR-TO-YEAR THEREAFTER UNLESS NOTICE OF TERMINATION IS GIVEN BY A PARTY.

WHEREAS, it is essential as a matter of public necessity and public welfare and public interest and convenience that the City lease the below-described property for agricultural and related purposes and to set aside from crop production each year a portion of the property for the purpose of applying biosolids from the City's domestic wastewater treatment plant under the terms and conditions of the **Cash Farm Lease**, dated _____, 2011.

BE IT ORDAINED BY THE CITY COUNCIL OF FORT MORGAN, COLORADO:

1. AUTHORIZATION TO LEASE CITY OWNED REAL PROPERTY. Pursuant to *C.R.S. §31-15-713(1)(c)* and the *Charter of the City of Fort Morgan*, the City Council, in the name of the City, has the power to lease any real estate, together with any facilities thereon, when deemed by the governing body to be in the best interest of the municipality, and pursuant thereto the City of Fort Morgan is hereby authorized and directed to lease to Bostron Brothers, L.L.C., under the terms and conditions of a certain **Cash Farm Lease**, that certain real property described as follows:

The S½SE¼ of Section 35, Township 4 North, Range 57 West of the 6th P.M., ALSO all that portion of the N½SE¼ of Section 35, Township 4 North, Range 57 West of the 6th P.M., lying South of the right of way of the Upper Platte and Beaver Ditch, ALSO a parcel of land out of the SE corner of the SE¼SW¼ of Section 35, Township 4 North, Range 57 West of the 6th P.M. described by metes and bounds as follows: Commencing at the half section corner on the South line of Section 35, Township 4 North, Range 57 West of the 6th P.M., and being the SE corner of the SE¼SW¼ of Section 35, Township 4 North, Range 57 West of the 6th P.M., thence running West 150 feet; thence North 213 feet; thence East 150 feet; thence South 213 feet to the point of beginning, County of Morgan, State of Colorado,

consisting of 97 acres, more or less, together with all buildings, improvements, including one grain bin; also including 20 shares of Fort Morgan Reservoir and Irrigation Company and 20 shares of Southside Lateral Company and one irrigation well, Permit No. 8368-R. The lease agreement, entitled **Cash Farm Lease**, is for a term of one (1) year, commencing January 1, 2011, subject to renewal and extension from year-to-year thereafter unless Notice of Termination is given by a party.

2. AUTHORITY OF AGENTS. The Mayor is hereby authorized and directed to execute the **Cash Farm Lease** on behalf of the City of Fort Morgan.

READ, PASSED ON FIRST READING AND ORDERED PUBLISHED the 19th day of April, 2011.

THE CITY COUNCIL OF THE CITY
OF FORT MORGAN, COLORADO

BY: /s/ Terry L. McAlister
Mayor

ATTEST:

/s/ John J. Brennan
City Clerk

PASSED, APPROVED AND ADOPTED ON FINAL READING AND ORDERED PUBLISHED the 3rd day of May, 2011.

THE CITY COUNCIL OF THE CITY
OF FORT MORGAN, COLORADO

BY: /s/ Terry L. McAlister
Mayor

ATTEST:

/s/ John J. Brennan
City Clerk

STATE OF COLORADO)
COUNTY OF MORGAN)
CITY OF FORT MORGAN)

CERTIFICATE

I, John Brennan, the duly appointed, qualified and acting Clerk of the City of Fort Morgan, Colorado, do hereby certify and attest that the foregoing **Ordinance No. 1114** was, as a proposed Ordinance duly and legally presented to the City Council of the City of Fort Morgan, Colorado, at a regular meeting on the 19th day of April, 2011. Said **Ordinance**, as proposed, was duly read at length at said regular meeting, and thereafter the same was, on the 22nd day of April, 2011, published in the *Fort Morgan Times*, a daily newspaper of general circulation published and printed in the City of Fort Morgan, Morgan County, Colorado. Said proposed **Ordinance** was again taken up and read a second time, duly and legally passed, approved and adopted at a regular meeting of the City Council held on the 3rd day of May, 2011. Within five (5) days after its final passage, said **Ordinance** was published in the *Fort Morgan Times*, a daily newspaper of general circulation published and printed in the City of Fort Morgan, Morgan County, Colorado.

/s/ John J. Brennan
City Clerk