

TOWN OF TIMNATH, COLORADO

ORDINANCE NO. 3- 2007

**AN ORDINANCE APPROVING THE
CONVEYANCE OF TRACT L AS DEPICTED
ON THE FINAL PLAT OF TIMNATH RANCH
SUBDIVISION THIRD FILING TO THE
POUDRE SCHOOL DISTRICT FOR USE AS
A SCHOOL SITE AND DECLARING AN
EMERGENCY**

WHEREAS, the Town of Timnath ("Town") is a home rule municipality organized pursuant to Article XX of the constitution of the state of Colorado; and

WHEREAS, pursuant to Section 3.6 of the Town of Timnath, Colorado Home Rule Charter ("Charter") the Council may adopt emergency ordinances for the preservation of public health, welfare, peace, safety or property; and

WHEREAS, the Town is the owner of Tract L, Timnath Ranch Subdivision Third Filing (the "Property") as such Property is more fully depicted on the Final Plat of Timnath Ranch Subdivision Third Filing; and

WHEREAS, the Town is desirous of transferring ownership of the Property to the Poudre School District ("School District") for development as a school site; and

WHEREAS, the Council is empowered to convey real property owned by the Town, upon approval of the same by ordinance as provided by Section 15.4 of the Charter; and

WHEREAS, time is of the essence for the School District to receive the Property, as construction of the school project needs to commence as soon as possible for the school to be open in the fall of 2008.

NOW THEREFORE, THE COUNCIL OF THE TOWN OF TIMNATH, COLORADO ORDAINS:

Section 1. The above and foregoing recitals are incorporated herein by reference and adopted as findings and determinations of the Town Council.

Section 2. The Council hereby approves the conveyance of the Property to the School District for its development as a school, via a special warranty deed, in substantially the form attached hereto as **Exhibit A**, which the Mayor and Town Clerk are hereby authorized and directed to execute. Delivery of the deed to the School District shall be conditioned upon, and may not take place until, recordation of the final plat for Timnath Ranch Subdivision Third Filing.

Section 3. Emergency declared: effective date. Pursuant to Section 3.6 of the Charter, the Council deems the passage of this ordinance necessary for the immediate preservation of the public health, welfare, peace, safety or property in that immediate ownership by the School District of the Property is necessary for the development of the Property as a new school site in time for the opening of the 2008 school year. This Ordinance shall be effective upon adoption.

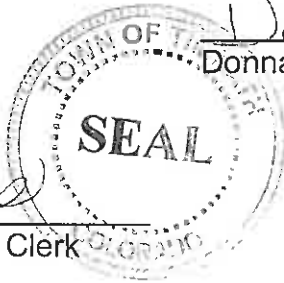
MOVED, SECONDED AND PASSED BY A MAJORITY OF THE COUNCIL MEMBERS PRESENT THIS 7th DAY OF FEBRUARY, 2007.

TOWN OF TIMNATH, COLORADO

ATTEST:

By:


Linda Griess, Acting Town Clerk




Donna Benson, Mayor

Approved on single reading as an emergency ordinance pursuant to Section 3.6 of the Charter on February 7, 2007.

Published in full on February 14, 2007.

RECEPTION#: 20070023851, 04/02/2007 at
09:36:37 AM,
1 OF 2, R \$11.00
Scott Doyle, Larimer County, CO

STATE DOCUMENTARY FEE
EXEMPT

SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED ("Deed") is made and given this day 7th day of February, 2007, by **TOWN OF TIMNATH, COLORADO**, a Colorado municipal corporation, whose address is 4100 Main Street, Box 37, Timnath, Colorado 80547 ("Grantor"), to the **POUDRE SCHOOL DISTRICT**, a district organized and existing under and by virtue of the laws of the State of Colorado, whose address is 2407 La Porte Ave., Fort Collins, Colorado 80521 ("Grantee").

WITNESSETH, that the Grantor, for and in consideration of the sum of TEN DOLLARS (\$10.00) and other good and valuable consideration, the receipt of which is hereby acknowledged by Grantor, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell, convey and confirm unto Grantee, its successors and assigns forever, all of that certain real property situate, lying and being in the County of Larimer, State of Colorado, more particularly described as follows ("the Property"):

Tract L, Timnath Ranch Subdivision Third Filing, Town of Timnath, Larimer County, Colorado.

TOGETHER WITH all and singular the heriditaments and appurtenances thereunto belonging, or in any ways appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and all the estate, right, title, interest, claim and demand whatsoever Grantor, either in law or equity, of, in and to the Property;

SUBJECT TO rights of parties in possession not shown by public records;

SUBJECT TO real estate taxes and assessments for 2007 and subsequent years, a lien not yet due and payable, and to covenants, conditions, restrictions, easements, rights of way, and other matters of record, if any;

TO HAVE AND TO HOLD the said Property, with all appurtenances thereunto belonging, unto Grantee, its successors and assigns forever;

AND the Grantee, for itself, its successors and assigns, covenants and agrees to and with Grantee, its successors and assigns, to warrant and defend the quiet and peaceable possession of the Property by Grantee, its successors and assigns, against every person who lawfully claims the Property or any part thereof by, through or under Grantor.

CLERKS NOTE
NO REAL PROPERTY DECLARATION RECEIVED
BY COUNTY CLERKS OFFICE

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IN WITNESS WHEREOF, the Grantor has executed this Deed as of the day and year first above written.

TOWN OF TIMNATH

By: Donna Benson
Donna Benson, Mayor

STATE OF COLORADO)
) ss.
COUNTY OF LARIMER)

The foregoing instrument was acknowledged before me this 27th day of March 2007, by Donna Benson, as Mayor of the Town of Timnath, Colorado.

Witness my hand and official seal.

My commission expires: Dec 2, 2009

Linda K. Griess
Notary Public

(SEAL)

