TOWN OF TIMNATH, COLORADO
ORDINANCE NO. 11, SERIES 2013

AN ORDINANCE AUTHORIZING THE EXECUTION OF A QUIT CLAIM DEED

WHEREAS, The Town of Timnath (the "Town") is a home rule municipality operating under the Timnath Home Rule Charter (the “Charter”) adopted on November 7, 2006 and the Town's Municipal Code (the “Code”). Pursuant to the Charter, the Code and the authority given home rule municipalities, the Town may adopt and amend ordinances; and

WHEREAS, property in Timnath South Subdivision 1st Filing, specifically Tract X, was originally conveyed by subdivision plat to the Town; and

WHEREAS, the same property was subsequently replatted as the Timnath South Subdivision Second Filing, and Tract X was split into several tracts, including Tract D, which was dedicated to the Town of Timnath, and Tracts C, G, and F, which were dedicated to the metro district; and

WHEREAS, the current plat, Timnath South Subdivision 1st Filing 2nd Amended Plat, replatted portions of Tracts C, G, and F of the Timnath South Subdivision Second Filing into residential lots and open space tracts to be owned and maintained by the metro district, leaving no property to be owned or maintained by the Town (Tract D of Timnath South Subdivision Second Filing was not a part of this replat and is therefore retained by the Town of Timnath as a future park site); and

WHEREAS, the County Tax Assessor and Title Company associated with the current bulk sale of property within the subdivision will not accept re-conveyance of property by the Town through the platting process for assessment purposes or for purposes of issuing a title opinion; and

WHEREAS the County Tax Assessor and Title Company will instead require that a deed be used to affect such re-conveyance; and

WHEREAS, the Town Council intends to affect such re-conveyance utilizing the Quitclaim Deed attached hereto as Exhibit A (the “Quitclaim Deed”); and

WHEREAS, The Town Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the Town, that it is promulgated for the preservation of public health, welfare, peace, safety and property and that this Ordinance is necessary for the protection of public convenience and welfare.

NOW, THEREFORE, THE COUNCIL OF THE TOWN OF TIMNATH, COLORADO, ORDAINS:
ARTICLE 1 - APPROVAL OF QUITCLAIM DEED
The Town Council hereby approves and authorizes the Town Manager to execute the Quitclaim Deed, and to take any other incidental action required in order affect the re-conveyance of the above-referenced property, including but not limited to recording said Quitclaim Deed in the Larimer County Real Property Records.

ARTICLE 2 – CAUSES OF ACTION RETAINED
Nothing in this Ordinance hereby adopted shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed.

ARTICLE 3 – SEVERABILITY
If any part or provision of this Ordinance, or its application to any person or circumstance, is adjudged to be invalid or unenforceable, the invalidity or unenforceability of such part, provision, or application shall not affect any of the remaining parts, provisions or applications of this Ordinance that can be given effect without the invalid provision, part or application, and to this end the provisions and parts of this Ordinance are declared to be severable.

ARTICLE 4 – EFFECTIVE DATE
This Ordinance shall take effect upon adoption at second reading, as provided by Section 3.5.5 of the Charter.


MOVED, SECONDED AND FINALLY ADOPTED ON SECOND READING FOLLOWING PUBLIC HEARING BY THE TIMNATH TOWN COUNCIL ON SEPTEMBER 24, 2013.

TOWN OF TIMNATH, COLORADO

Jill Grossman-Belisle, Mayor

ATTEST:

Milissa Peters, Town Clerk

[Seal]
Exhibit A
(Quitclaim Deed)
Quit Claim Deed
(Pursuant to 38-30-116 C.R.S.)

THIS DEED, made on August 28, 2013 by TOWN OF TIMNATH Grantor(s), of the County of LARIMER and State of COLORADO for the consideration of *** Ten Dollars and Other Good and Valuable Consideration *** dollars in hand paid, hereby sells and quitclaims to SOUTH TIMNATH HOLDINGS, LLC, A COLORADO LIMITED LIABILITY COMPANY Grantee(s), whose street address is 1927 WILMINGTON DRIVE, STE 101, FORT COLLINS, CO 80526 County of LARIMER, State of COLORADO, the following real property in the County of LARIMER, and State of Colorado, to wit:

ANY AND ALL INTEREST THE GRANTOR MAY HAVE IN THE FOLLOWING LOTS:

LOTS 1, 2, 3, BLOCK 1, AND LOTS 1, 2 AND 3, BLOCK 2, LOTS 1, 2, 3, 4, 5, 6 AND 7, BLOCK 3, LOTS 1, 2, 3, 4, 5 AND 6, BLOCK 4, LCT 4, BLOCK 17, AND TRACTS A, B, C, D, E, F AND G, TIMNATH SOUTH SUBDIVISION FIRST FILING 2ND AMENDED PLAT, COUNTY OF LARIMER, STATE OF COLORADO.

also known by street and number as VACANT LOTS, TIMNATH CO 80547

with all its appurtenances.

April Getchius
TOWN OF TIMNATH
BY: APRIL D. GETCHIUS, TOWN MANAGER

State of COLORADO
County of LARIMER

The foregoing Instrument was acknowledged before me this day of September 26, 2013 by APRIL D. GETCHIUS AS TOWN MANAGER FOR TOWN OF TIMNATH

MILISSA A. PETERS
Notary Public
My commission expires 8-8-16

When recorded return to: SOUTH TIMNATH HOLDINGS, LLC
1927 WILMINGTON DRIVE STE 101, FORT COLLINS, CO 80526

Form 13038 02/2011 qcd.odt FCC25118355 {17458486}