

RESOLUTION NO. 004-2023
FOR BUDGET CONTINGENCY
(Pursuant to Section 29-1-111, C.R.S.)

**A RESOLUTION APPROPRIATING ADDITIONAL SUMS OF MONEY TO DEFRAY EXPENSES IN
EXCESS OF AMOUNTS BUDGETED FOR THE TOWN OF CRESTONE COLORADO**

WHEREAS, The Town of Crestone purchased real property within the Town via Ordinance 2022-001;
and

WHEREAS, This opportunity was presented to the Town Board and after consideration and a public hearing the Board determined that it was both necessary and prudent to purchase this real property; and

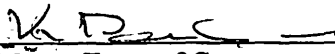
WHEREAS, this contingency could not have been reasonably foreseen at the time of the adoption of the budget; and

WHEREAS, the money to finance this contingency is available in the same fund in the form of unrestricted surpluses.

NOW THEREFORE, be it Resolved by the Board of Trustees of the Town of Crestone Colorado:

1. That the 2022 appropriation for the General Fund is hereby increased from \$1,613,064 (includes funding for grant projects) to \$1,873,064 to include the contingency.
2. That the sum of \$260,000.00 is hereby transferred from unappropriated and unrestricted surpluses in the General Fund to the General Fund, line item Real Estate Purchase.

ADOPTED, this 8th day of May, 2023.

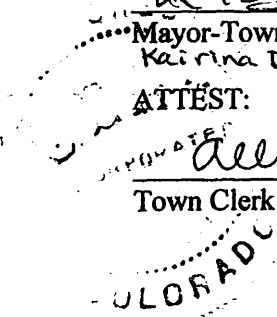


Mayor-Town of Crestone
Kairina Danforth

ATTEST:



Town Clerk


COLORADO

TOWN OF CRESTONE, COLORADO
ORDINANCE NO: 2022- 001

**AN EMERGENCY ORDINANCE OF THE TOWN OF CRESTONE, COLORADO,
APPROVING A CONTRACT TO BUY REAL ESTATE AND AUTHORIZING ALL
ACTIONS NECESSARY TO COMPLETE THE PURCHASE OF PROPERTY**

WHEREAS, Section 31-15-101(1)(d), C.R.S., provides that the Town of Crestone (the "Town"), by Ordinance, may acquire, hold, lease, and dispose of property both real and personal; and

WHEREAS the Town desires to purchase Lots 1-5 Block 60 and Lots 10-12 Block 53 known and shown on the Plat of the Town and within the real property records of Saguache County (the "Property") County of Saguache, State of Colorado (the "Property") and as depicted and described in the Crestone Town Plat.; and

WHEREAS the Property is not currently occupied and there are no improvements on such property and is considered to be vacant land which suits the Town's purposes at this time; and

WHEREAS the Property is located very close to and is adjacent to the currently owned Town property which contains the Town Hall and other services and departments of the Town; and

WHEREAS the Town anticipates it will, in the very near future, need additional land within the Town boundaries in order to carry on its corporate business and to exercise its proper municipal functions, which are essential to the citizens of the Town; and

WHEREAS the Town and its employees have reviewed the holdings of the Town and the available land upon which to expand its corporate operations and have found that there is limited availability of land, and that the price of land is rising, making it economically not feasible for the Town to afford; and

WHEREAS the price of the Property is affordable for the Town and the Town has adequate resources in its accounts to purchase the Property at this price at this time; and

WHEREAS the Town has determined that it is both necessary and prudent to purchase these lots at this time for the price offered and such purchase will enhance the Town's ability to provide services for its citizens.

WHEREAS, the property owners have told the Town that they have other buyers for the property, that an immediate sale is necessary for them and their financial planning and that they insist that the Property be under contract as soon as possible and that if the Contract is not made effective immediately the Town will lose this opportunity to purchase the property; and

WHEREAS, Steven P. McDowell and Elaine T. Johnson, ("Sellers") have signed the Contract and agreed to sell the Property for Two Hundred and Sixty Thousand Dollars (\$260,000) and other good and valuable consideration pursuant to the terms and conditions provided for in the attached Agreement to Buy and Sell Real Estate (the "Agreement") attached hereto as Exhibit A; and

WHEREAS the Town desires to purchase the Property from the Sellers for Two Hundred and Sixty Thousand Dollars (\$260,000) pursuant to the terms and conditions of Exhibit A; and

WHEREAS, the Board has reviewed the terms and conditions of the Agreement presented to the Board for the purchase of the Property along with this Ordinance and accompanying Exhibits and has determined that the terms and conditions of the Agreement are beneficial to the Town.

WHEREAS the Board now desires to approve the Agreement and to authorize all actions necessary to complete the sale of the Property.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF CRESTONE, COLORADO:

Section 1. The above recitals are hereby incorporated by reference.

Section 2. The Agreement to Buy and Sell Real Estate (the "Agreement") attached to this Ordinance as Exhibit A is approved and the Mayor, or in her absence, the Mayor Pro Tem is authorized and directed to execute the Agreement to Buy and Sell Real Estate (the "Agreement") on behalf of the Town, and is further authorized to perform the items in the Agreement.

Section 3. The Mayor, or in her absence, the Mayor Pro Tem, in consultation with the Town Attorney and Town Administrator is authorized to take all actions necessary to close on the sale of the Property pursuant to the terms and conditions of the Agreement between Steven P. McDowell and Elaine T. Johnson, attached to this Ordinance as Exhibit A without any further action and/or approval from the Board of Trustees (the "Board").

Section 4. The mayor, or in her absence, the Mayor Pro Tem, in consultation with the Town Attorney is authorized to revise any non-material errors in the Agreement which do not increase the financial obligations of the of the Town.

Section 5. Should any one or more sections or provisions of this Ordinance enacted hereby be judicially determined to be unenforceable, such judgement shall not affect, impair, or invalidate the remaining provisions of this Ordinance, the intention being that the various sections and provisions are severable.

Section 6. This Ordinance is necessary to allow the Town to provide services to its citizens and conduct business which is for the health, safety and welfare of such citizens and shall become effective immediately.

INTRODUCED, PASSED AND ORDERED PUBLISHED THIS 27th DAY OF JANUARY 2022 AS AN EMERGENCY ORDINANCE BY A VOTE OF 6 IN FAVOR AND 0 AGAINST.

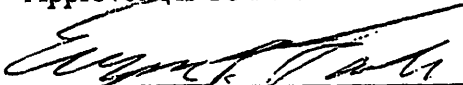
TOWN OF CRESTONE BY:


Karina Danforth, Mayor pro-tem
Diane Bairdston

ATTEST:


Allyson Ransom, Clerk

Approved As To Form:


Eugene L. Farish, Town Attorney