

ORDINANCE NO. _____ - 17
Series of 2017

AN ORDINANCE AUTHORIZING THE TOWN OF ERIE, COLORADO, TO ENTER INTO A FIRST AMENDMENT TO LEASE AGREEMENT WITH ROB LINDOW AND SINDY LINDOW FOR THE LEASE OF OPEN SPACE PROPERTY FOR FARMING PURPOSES; AUTHORIZING AND DIRECTING THE APPROPRIATE TOWN OFFICERS TO SIGN SAID FIRST AMENDMENT TO LEASE AGREEMENT; SETTING FORTH DETAILS IN RELATION THERETO; AND, DECLARING AN EMERGENCY THEREFORE.

WHEREAS, the Town of Erie, Colorado (“Town”) previously entered into a five (5) year lease agreement with Rob Lindow and Sindy Lindow (“Lindows”) on April 26, 2016 for the lease of the Town’s Allan Farm Open Space property to the Lindows for farming and crop-raising purposes (“Lease Agreement”); and

WHEREAS, the Town and the Lindows now desire to enter into a First Amendment to Lease Agreement (“First Amendment”) in order to reflect a change in the Town’s provision of water shares usage to the Lindows and a reduction in the Lindows’s water shares rent; and

WHEREAS, the Board of Trustees of the Town of Erie believes it is in the best interest of the Town to enter into the First Amendment with the Lindows, and that such First Amendment is necessary to the immediate preservation of the public property, health, safety, and welfare of the Town and for the financial well being of the Town.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF ERIE, COLORADO, AS FOLLOWS:

Section 1. That the First Amendment between the Town of Erie and the Lindows, a copy of which is attached hereto and incorporated herein by reference, is found to be a reasonable and acceptable.

Section 2. That the Town of Erie be and is hereby authorized and directed to enter into the First Amendment , and the appropriate Town officers are hereby authorized and directed to sign and bind the Town of Erie to said First Amendment.

Section 3. That entering into the First Amendment is found to be in the best interest of the Town of Erie, and necessary for the preservation of the public health and safety.

Section 4. Severance Clause. If an article, section, paragraph, sentence, clause or phrase of this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this

Ordinance. The Board of Trustees of the Town of Erie, Colorado hereby declares that it would have passed this Ordinance and each part or parts thereof, irrespective of the fact that any one part or parts may be declared invalid or unconstitutional.

Section 5. Repeal. All other ordinances, or parts of any ordinances or other Code provisions in conflict herewith are hereby repealed.

Section 6. Reason for Emergency. Due to the nature of the agricultural use of the property, crop planting schedules and the need to adjust for the water use and water rents on the property, both the Town and the Lindows desire that the First Amendment be entered into as soon as possible.

Section 7. Emergency Declared. For the reasons stated herein, the Board of Trustees for the Town of Erie, Colorado hereby declares an emergency to exist concerning the subject matter of this Ordinance and its immediate effect is necessary in order to preserve and protect the public property, health, safety, and welfare of the Town and for the financial well being of the Town.

Section 8. The within emergency ordinance shall take effect immediately upon adoption.

INTRODUCED, PASSED, ADOPTED AND APPROVED AS AN EMERGENCY ORDINANCE, AND ORDERED PUBLISHED IN FULL BY THE BOARD OF TRUSTEES OF THE TOWN OF ERIE THIS 28TH DAY OF FEBRUARY, 2017.

PUBLISHED IN FULL on the ____ day of _____, 2017.

TOWN OF ERIE, COLORADO,
a Colorado municipal corporation

By: _____
Tina Harris, Mayor

ATTEST:

By: _____
Nancy Parker, CMC, Town Clerk