

ORDINANCE NO. ____-16
Series of 2016

AN ORDINANCE AUTHORIZING THE TOWN OF ERIE, COLORADO, TO SELL APPROXIMATELY 0.517 ACRE, BEING A PART OF TRACT C, ERIE AIR PARK SUBDIVISION, IMMEDIATELY ADJACENT TO THE SOUTHWEST CORNER OF THE REAR YARD OF LOT 5, 270 SKYLANE DRIVE, ERIE COLORADO TO HIDEAKI "HEIDI" YAMAMOTO AND DIANE SHIMA MIYAHARA YAMAMOTO AS AUTHORIZED BY THE VOTERS OF THE TOWN OF ERIE; AND, SETTING FORTH DETAILS IN RELATION THERETO

WHEREAS, the Town owns approximately 0.517 acre, being a part of Tract C, Erie Air Park Subdivision, immediately adjacent to the southwest corner of the rear yard of Lot 5, 270 Skylane Drive, Erie Colorado, which parcel is excess property and no longer needed for any governmental purpose by the Town of Erie (the "Property"); and,

WHEREAS, the Town of Erie, Colorado desires to sell the Property to Hideaki "Heidi" Yamamoto and Diane Shima Miyahara Yamamoto on the terms as contained in the ballot presented to and approved by the voters of the Town of Erie, Colorado at an election held on April 5, 2016; and,

WHEREAS, the Board of Trustees of the Town of Erie believes it is in the best interest of the Town to sell the Property to Hideaki "Heidi" Yamamoto and Diane Shima Miyahara Yamamoto.

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

Section 1. That the Town is hereby authorized to sell the Property to Hideaki "Heidi" Yamamoto and Diane Shima Miyahara Yamamoto on the terms as contained in the ballot presented to and approved by the voters of the Town of Erie, Colorado at an election held on April 5, 2016.

Section 2. That the appropriate Town officers are hereby authorized and directed to sign and bind the Town of Erie to the quitclaim deed and all necessary sales and transfer documents, a copy of which quitclaim deed is marked as Exhibit "A," and attached hereto and incorporated herein by this reference.

Section 3. 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 4. Repeal. All other ordinances, or parts of any ordinances or other Code provisions in conflict herewith are hereby repealed.

Section 5. Effective Date. This Ordinance shall take effect Thirty (30) days after publication following final passage.

**INTRODUCED, PASSED, ADOPTED AND ORDERED PUBLISHED IN FULL BY
THE BOARD OF TRUSTEES OF THE TOWN OF ERIE THIS ____ DAY OF
_____, 2016.**

PUBLISHED IN FULL ON THE ____ DAY OF _____, 2016.

TOWN OF ERIE, a Colorado municipal
corporation

By: _____
Tina Harris, Mayor

ATTEST:

By: _____
Nancy Parker, Town Clerk

EXHIBIT A

QUITCLAIM DEED

THIS QUITCLAIM DEED, Made this _____ day of _____, 2016, between the TOWN OF ERIE, COLORADO, a Colorado municipal corporation of the Counties of Weld and Boulder, and State of Colorado, Grantor, and HIDEAKI "HEIDI" YAMAMOTO AND DIANE SHIMA MIYAHARA YAMAMOTO, whose legal address is 270 Skylane Drive, Erie Colorado 80516, of the County of Weld, and State of Colorado, Grantees,

WITNESSETH, that the Grantor, for and in consideration of the sum of TEN THOUSAND DOLLARS (\$10,000.00), the receipt and sufficiency of which is hereby acknowledged, has remised, released, sold and Quitclaimed, and by these presents does remise, release, sell and Quitclaim, unto the Grantees, their heirs, successors and assigns forever, all the right, title, interest, claim and demand which the Grantor has in and to the real property, together with improvements, if any, situate, lying and being in the County of Weld, and State of Colorado, described as follows (hereinafter referred to as the "Property"):

A PARCEL OF LAND SITUATED IN THE SOUTHEAST QUARTER OF SECTION 31, TOWNSHIP 1 NORTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, BEING PART OF TRACT C, ERIE AIR PARK SUBDIVISION, RECORDED MAY 3, 1978 AT RECEPTION NO. 1752380, COUNTY OF WELD, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID TRACT C; THENCE N00°44'42"E ALONG THE EAST LINE OF SAID TRACT C A DISTANCE OF 150.00 FEET TO THE WESTERLY MOST SOUTHWEST CORNER OF LOT 5, ERIE AIR PARK SUBDIVISION REPLAT B, RECORDED JANUARY 26, 1995 AT RECEPTION NO. 2424253; THENCE ALONG THE BOUNDARY OF SAID LOT 5 FOR THE FOLLOWING TWO (2) COURSES:

- 1) S89°35'08"E A DISTANCE OF 150.00 FEET;
- 2) S00°44'42"W A DISTANCE OF 150.00 FEET TO THE SOUTHERLY MOST SOUTHWEST CORNER OF SAID LOT 5, SAID POINT BEING ON THE SOUTH LINE OF SAID TRACT C;

THENCE N89°35'08"W ALONG SAID SOUTH LINE A DISTANCE OF 150.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 22,500 SQUARE FEET OR 0.517 ACRE, MORE OR LESS.

PROPERTY SOLD AS IS

The Property is quitclaimed herein "AS IS." The Grantor does not have responsibility for and will not remediate or remove any existing underground structures.

also known by street and number as: unimproved land
assessor's schedule or parcel number: 146731004020

STATE OF COLORADO

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The foregoing instrument was acknowledged before me this ____ day _____, 2016, by Hideaki "Heidi" Yamamoto and Diane Shima Miyahara Yamamoto.

My commission expires:

WITNESS my hand and official seal.

Notary Public

9/20/16