

ORDINANCE NO. 357

**AN ORDINANCE OF THE TOWN OF SILVER PLUME BOARD OF TRUSTEES APPROVING ACQUISITION OF THE PROPERTY LEGALLY DESCRIBED AS “STORMY LOT: 6 SVR PLM 559/889 719/411 720/266 774/655 774/653 809/118 848/638 848/640 848/310 877/964 877/967” IN THE TOWN OF SILVER PLUME, COLORADO OWNED BY LLOYD B. CULP AND JESSICA BALLARD.**

WHEREAS the Town of Silver Plume, Colorado (the Town) is a home rule municipality duly and regularly organized and validly existing as a body corporate and politic under and by virtue of the constitution and laws of the State of Colorado; and

WHEREAS Lloyd B. Culp and Jessica Ballard are the current owners of the property legally described as “STORMY Lot: 6 SVR PLM 559/889 719/411 720/266 774/655 774/653 809/118 848/638 848/640 848/310 877/964 877/967”, which borders the Town of Silver Plume’s Dinger Park and provides access from Dinger Park to Clear Creek; and

WHEREAS the Board of Trustees has determined that it is in the best interest of the Town of Silver Plume to acquire said property to allow unrestricted access to Clear Creek from Dingers Park; and

WHEREAS, the Board of Trustees has determined that acquiring the property serves a public purpose in expanding Dinger Park and precluding the development thereof.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF SILVER PLUME, THAT:**

Section 1. The Board of Trustees hereby approves the acquisition of the property legally described as “STORMY Lot: 6 SVR PLM 559/889 719/411 720/266 774/655 774/653 809/118 848/638 848/640 848/310 877/964 877/967”. The legal description and land survey map are accompanied hereto, known as Exhibit A.

Section 2. In return for a Quit Claim Deed (accompanied hereto, known as Exhibit B), quitclaiming Lot 6 to the Town of Silver Plume, Lloyd B. Culp and Jessica Ballard shall be granted, without charge, one water and sewer tap controlled by the Town of Silver Plume, to be used on Lot 4 of the Burleigh Placer.

Section 3. The parties acknowledge that the water and sewer tap granted herein may only be used on Lot 4. Additionally, the parties acknowledge that only the System Investment Fee (Ord No. 319, Section 8.1) is waived. The grantees Lloyd B. Culp and Jessica Ballard, or their successors, shall be responsible for all monthly and ongoing costs associated with the granted water and sewer tap, as provided in Ordinance No. 319, Water System Structure.

Section 4. If any section, sentence, clause, phrase, word, or other provision of this ordinance is for any reason held to be unconstitutional or otherwise invalid, such holding shall not affect the validity of the remaining sections, sentences, clauses, phrases, words, or other provisions of this ordinance, or the validity of this ordinance shall stand notwithstanding the invalidity of any section, sentence, clause, phrase, word, or other provision.

Section 5. Except as amended hereby, the Land Use Code and additional ordinances adopted by the Town of Silver Plume shall remain valid and in full force and effect. Any provision of any ordinance previously adopted by the Board of Trustees that is specifically in conflict with this Ordinance is hereby repealed as of the enforcement date hereof.

**INTRODUCED FOR FIRST READING BEFORE THE BOARD OF TRUSTEES THIS 8<sup>th</sup> DAY OF APRIL 2024.**

**APPROVED AND ADOPTED BY THE BOARD OF TRUSTEES UPON SECOND AND FINAL READING AND PUBLIC HEARING THIS 22<sup>nd</sup> DAY OF APRIL 2024.**

TOWN OF SILVER PLUME, COLORADO

By \_\_\_\_\_  
Lee Berenato, Mayor

ATTEST:

\_\_\_\_\_  
Chelsea Nihiser, Town Clerk