

TOWN OF PARACHUTE, COLORADO
ORDINANCE NO. 801-2022

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PARACHUTE, COLORADO, REPEALING ORDINANCE NO. 800-2022 AND APPROVING LICENSE AND USE AGREEMENTS WITH COUNTRY HOLDINGS, LLC RELATED TO TOP ADVENTURES AND AUTHORIZING THE SALE OF EQUIPMENT

WHEREAS, the Town of Parachute (“Parachute” or the “Town”) is a home-rule municipality organized under Article XX of the Colorado Constitution and with the authority of the Parachute Home Rule Charter; and

WHEREAS, Section 1-18 of the Town Charter states that “[t]he [Town Council], by ordinance, may purchase, sell, exchange, receive by donation, and enter into a lease, or dispose of any interest in real property or water rights, including easements.”;

WHEREAS, further, Section 13-11 of the Town Charter states that “[t]he Town shall have the power to acquire, own, sell, lease, exchange, dispose of, or otherwise deal with real or personal property by ordinance without the need for an election.”;

WHEREAS, Country Holdings, LLC (“Country Holdings”) owns real property located at 400 Parachute Park Blvd, in the Town of Parachute, identified as Garfield County Parcel No. 240912100025 (the “Country Holdings Property”), on which Country Holdings intends to develop and operate an RV Park;

WHEREAS, the Town owns and operates “TOP Adventures,” which involves leasing various recreational equipment to the public, including but not limited to inflatable inner tubes, kayaks, stand up paddleboards, rafts, and other water equipment for use on the Colorado River or other water bodies as well as leasing utility terrain vehicles, off-road vehicles, and other related equipment for off-highway use (collectively, “TOP Equipment”);

WHEREAS, further, for TOP Adventures operations, the Town utilizes two buildings and parking located on property owned by the Town, identified by Garfield County Parcel No. 240707206001 (the “TOP Adventures Property”). The Town also owns the “island” property adjacent to the TOP Adventures Property, identified by Garfield County Parcel No. 240707200028 (the “Island Property”), which is capable of being developed for recreational uses;

WHEREAS, Country Holdings wishes to develop and operate recreational uses in conjunction with, and in support of, the operation of the RV Park on the Country Holdings Property, including the recreational uses currently provided by TOP Adventures;

WHEREAS, accordingly, the Town wishes to grant Country Holdings a license for the use of the TOP Adventures Property, sell the TOP Equipment, and set forth a framework for future use and development of the Island Property;

WHEREAS, by Ordinance No. 800-2022, the Council approved an Agreement with Country Holdings to accomplish the foregoing; however, upon further discussions, it is necessary to slightly change the contractual approach by entering one License and Use Agreement related to the TOP Adventures Property and TOP Equipment and one License and Use Agreement related to the Island Property, as set forth in the License and Use Agreements set forth in **Exhibit A (TOP Adventures) and Exhibit B (Island Property)** (collectively, the “Agreements”);

WHEREAS, accordingly, the Town Council wishes to repeal Ordinance No. ~~800~~2022 (and the Agreement approved by such Ordinance) and instead approved the Agreements by this Ordinance

WHEREAS, in evaluating the sale of the TOP Equipment, the Town undertook a property valuation to ensure the TOP Equipment is being sold at fair market value;

WHEREAS, the Town Council believes it is in the best interests of the Town to grant such a license and sell the TOP Equipment and advances a legitimate government interest; and

WHEREAS, the Town Council wishes to approve the Agreements and authorize the Town Manager or Mayor to execute any documents to effectuate such Agreements.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PARACHUTE, COLORADO THAT:

Section 1. Recitals. The foregoing recitals are incorporated herein as if set forth in full.

Section 2. Repeal Ordinance No. 800-2022. The Town Council hereby repeals Ordinance No. 800-2022 and the Agreement approved thereby (but not executed) shall be of no further force or effect.

Section 3. Agreement. The Town Council hereby approves the Agreements in substantially the same form as those enclosed as **Exhibit A (TOP Adventures) and Exhibit B (Island Property)**, incorporated herein by this reference, subject to review and approval by the Town Attorney. The Town Council authorizes the Town Attorney to make clarifying edits to the Agreements as reasonably necessary. Further, the Town Council hereby authorizes the Town Manager or Mayor to execute the Agreements, to take all actions pursuant to the Agreements, to sign all documents necessary to effectuate the sale and conveyance of the TOP Property, and to take other actions to effectuate the Agreements.

Section 4. Ratification of Actions. All actions heretofore taken, not inconsistent with the provisions of this Ordinance, by the Council and the officers, agents, or employees of the Town relating to the subject matter of this Ordinance, are hereby ratified, approved, and confirmed.

Section 5. Severability. If any provision of this Ordinance is found to be unconstitutional

or unlawful, such finding shall only invalidate that part of portion found to violate the law. All other provisions shall be deemed severable and shall continue in full force and effect.

Section 6. Recordation. This Ordinance, upon full execution, shall be recorded in the public records of Garfield County, Colorado.


Section 7. Effective Date. This Ordinance shall be effective 30 days after final publication in accordance with the Town of Parachute Home Rule Charter.

INTRODUCED, READ, PASSED, ADOPTED, AND ORDERED PUBLISHED BY TITLE ONLY by a vote of 6 to 0 of the Town Council of the Town of Parachute, Colorado at a regular meeting held at Town Hall in the Town of Parachute, Colorado, on the 21 day of April, 2022 and approved by the Mayor on the 21 day of April, 2022.




TOWN COUNCIL OF THE TOWN OF
PARACHUTE, COLORADO

By:



Tom Rugaard, Mayor

ATTEST:



Lucy Spalenka, Town Clerk

PUBLIC NOTICE


Public notice is hereby given that an Ordinance entitled:

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PARACHUTE, COLORADO, REPEALING ORDINANCE NO. 800-2022 AND APPROVING LICENSE AND USE AGREEMENTS WITH COUNTRY HOLDINGS, LLC RELATED TO TOP ADVENTURES AND AUTHORIZING THE SALE OF EQUIPMENT

was introduced before the Town Council on April 21, 2022; that a copy of said Ordinance is posted at Town Hall; and that the Ordinance was approved at a regular meeting of the Town Council held on April 21, 2022, and approved by the Mayor on April 21, 2022.

Copies of the adopted ordinance are available for inspection at the Town Hall, Parachute, Colorado and available on the internet at <http://www.parachutecolorado.com>.

Dated this 21 day of April, 2022.

TOWN OF PARACHUTE

Town Clerk