

**ORDINANCE NO. 2**  
**(Series 2021)**

**AN ORDINANCE AMENDING THE GEORGETOWN MUNICIPAL CODE  
CONCERNING EXCHANGE OR SALE OF PUBLIC PROPERTY AND BUILDINGS**

**WHEREAS**, the Town of Georgetown is a Colorado municipal corporation operating under a Territorial Charter and governed by its Board of Selectmen; and

**WHEREAS**, the Georgetown Board of Selectmen (“Board”) is authorized by the Territorial Charter and the Colorado Revised Statutes to enact ordinances for the preservation of the public health, safety, and welfare; and

**WHEREAS**, in the exercise of this authority the Board has previously adopted Code sections concerning sale and exchange of public property; and

**WHEREAS**, the Board wishes to amend the Code to remove the requirements that public property or buildings previously used, but not currently used for public purposes, be approved at an election rather than being a decision of the Board of Selectmen by ordinance.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF SELECTMEN OF THE TOWN OF GEORGETOWN, COLORADO:**

**Section 1.** Section 12.32.030 of the Code is amended to read:

**12.32.030 - Exchange of public property.**

If it is in the public interest, the Town may exchange public property, exclusive of public rights-of-way, for equivalent private property which has the potential for public use by the Town. Such action shall be taken by ordinance duly adopted by the Board of Selectmen after receipt of the recommendations of the Planning Commission, the Parks and Recreation Commission and the Town Administrator; however, any proposed exchange of public lands or buildings currently put to governmental use, and any park or designated open space lands, must first be approved by an affirmative vote of the Town electorate at a regular or special Town election.

**Section 2.** Section 12.32.040 of the Code is amended to read:

**12.32.040 - Sale of public land or buildings.**

Public lands or buildings, exclusive of public rights-of-way, may be sold by the Town upon review and recommendation of the Planning Commission after public hearing, if the following conditions are met:

- (1) No feasible practical public use for the land or building can reasonably be foreseen for the property, either short- or long-term, or any current or proposed use of the land or building can be more advantageously provided at a different location or facility.

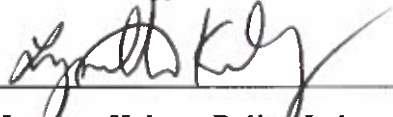
- (2) Lease of the land or building, or exchange for equivalent property, is not feasible or preferable.
- (3) The land or building must be sold at its fair market value based on an impartial appraisal, unless the Board of Selectmen determines at a public meeting that, due to unusual or unique circumstances, the sale or exchange of the property at less than its appraised fair market value will serve the public interest (e.g., contributing or conveying public property at no or low cost to a regional agency for a regional park or other facility).
- (4) All sales of public lands or buildings not currently put to governmental or public use shall be approved by ordinance passed by the Board of Selectmen.
- (5) Any proposed sale of public lands or buildings currently put to governmental or public use, and any park or designated open space lands, must first be approved by an affirmative vote of the Town electorate at a regular or special Town election.

**Section 3. Effective Date.** This ordinance shall take effect upon final adoption as provided by Section 5.26 of the Territorial Charter.

**INTRODUCED, READ, APPROVED AND ORDERED POSTED IN FULL ON FIRST READING on the 9<sup>th</sup> day of March, 2021.**

**INTRODUCED ON SECOND READING, FINALLY ADOPTED AND ORDERED POSTED AFTER PUBLIC HEARING on the 23<sup>rd</sup> day of March, 2021.**

TOWN OF GEORGETOWN

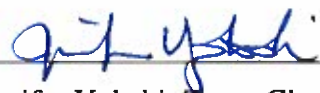
By:   
Lynette Kelsey, Police Judge

ATTEST:

  
Jennifer Yobski, Town Clerk

Posted up in full on the Town's website and at Town Hall and two (2) other designated posting locations within the limits of the Town after final adoption, in accordance with Section 5.26 of the Territorial Charter.



  
Jennifer Yobski, Town Clerk  
Date: 3-29-21