

Reception # 74811 - Filed for record this 24th day of Aug. 1983 at 9:20 AM.
Sara L. Brown, Recorder by Delta Roberts, Deputy

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ORDINANCE NO. 8

(Series 1983)

AN ORDINANCE OF THE TOWN OF LAKE CITY, COLORADO, AUTHORIZING THE LEASE OF A PORTION OF 3RD STREET AND SILVER STREET ADJACENT TO LOTS 17, 18, AND 19, BLOCK 55, TOWN OF LAKE CITY, TO JOHN H. PARKER II AND ANN C. PARKER.

WHEREAS, John H. Parker II and Ann C. Parker are the owners of portions of Lots 17, 18, and 19, Block 55, Town of Lake City, Hinsdale County, Colorado.

AND WHEREAS, certain elements of the Hough Building, as more particularly depicted and described in the Condominium Map of the Hough Building Condominiums, filed for record August 24, 1983, Reception No. 74810, and situate on said lots, encroach upon 3rd Street and Silver Street.

AND WHEREAS, the Board of Trustees desires to grant a lease for the encroachments so that such property can be used and is marketable until such time as the encroachments are removed.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF LAKE CITY, COLORADO, that the Mayor and Clerk are hereby authorized to execute a ninety-nine (99) year lease to John H. Parker II and Ann C. Parker for those portions of 3rd Street and Silver Street upon which certain elements of the Hough Building primarily located upon portions of Lots 17, 18, and 19, Block 55, Town of Lake City, encroach, described as follows:

As more fully set forth in the condominium map identified above.

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ORDINANCE NO. 8
(Series 1983)

INTRODUCED, READ AND ADOPTED by the Board of Trustees
of the Town of Lake City, Colorado, this 3rd day of aug,
1983.

ATTEST:

TOWN OF LAKE CITY, COLORADO

Lisli Hato
Town Clerk

Robert E. Hill
Mayor

APPROVED by the Mayor this 23rd day of aug, 1983.

BY Robert E. Hill

Reception # 74812. Filed for record this 24th day of Aug. 1983 at 9:30 AM.
Sara L. Brown, Recorder by Alita Sebaut, Deputy Book 120
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LEASE AGREEMENT

THIS LEASE AGREEMENT is made and entered into by and between the TOWN OF LAKE CITY, COLORADO, a Municipal Corporation, hereinafter called "Lessor", and JOHN H. PARKER II and ANN C. PARKER, hereinafter called "Lessees."

WITNESSETH:

WHEREAS, Lessees are the owners of portions of Lots 17, 18, and 19, Block 55, Town of Lake City, Colorado, containing the Hough Building as more particularly depicted and described in the Condominium Map of the Hough Building Condominiums, filed for record August 24, 1983, Reception No. 74810 (the "Map");

AND WHEREAS, certain elements of the Hough Building encroach on the adjacent town streets, 3rd Street and Silver Street, as follows:

- (a) A sidewalk stairwell affording access to the basement of the Hough Building.
- (b) A number of sidewalk skylights affording light and air to the basement of the Hough Building.
- (c) An ornamental cornice, overhanging the front and side roof lines of the Hough Building.

(All of the foregoing are more particularly described in the Map, and are collectively referred to as "the Encroachments".)

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AND WHEREAS, in order to facilitate Lessees' use of their building it is necessary to lease those portions of 3rd Street and Silver Street on which the said appurtenances are located, to the Lessees.

AND WHEREAS, the Lessor is willing to execute the within lease in consideration of the covenants contained herein.

NOW, THEREFORE, the parties hereto agree as follows:

1. Lessor hereby leases to Lessees, their heirs, successors and assigns, the Encroachments.
2. The term hereof shall be ninety-nine (99) years, commencing July 1, 1983 to June 30, 2082; provided however that the lease shall be sooner terminated upon the destruction of the Hough Building (unless the same is rebuilt to substantially the same condition in which the exterior existed, prior to the damage, pursuant to the Condominium Declarations recorded Aug. 24, 1983, in Book 120, at page 661 of Hinsdale County Records.)
3. The Lessees may repair and improve the existing improvements located within the Encroachments during the term hereof, but may not construct new, different, or additional improvements with the Encroachments.
4. The premises let and demised hereby and this lease shall be deemed a part of the common elements of the Hough Building Condominiums under its Condominium Map and

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Declaration, above referred to, and may not be assigned or sublet except to condominium owners as set forth in those condominium documents.

5. Lessees agree to hold harmless and make no claim against Lessor, its agents or employees for any damages which may be caused by negligent or non-negligent acts of Lessor, its agents or employees, to Lessees' property or improvements located upon the demised premises. This provision shall not apply with respect to damages caused by the malicious, wanton or reckless acts of Lessor, its agents or employees.

6. Lessees shall pay to the Lessor all costs incurred in preparing and approving this lease and authorizing ordinance.

7. Lessees agree to hold harmless, defend and indemnify the Lessor, its officers or employees for any claim made or adjudged against the Lessor arising out of the use and maintenance of the demised premises.

IN WITNESS WHEREOF, the parties hereto have executed this Lease Agreement this 3rd day of August, 1983.

LESSOR:

TOWN OF LAKE CITY, COLORADO

ATTEST:

Leshi Hato
Town Clerk

Robert E. Hill
Mayor



