

**CITY OF LEADVILLE, COLORADO**  
**Ordinance No. 8**  
**Series of 2017**

**AN ORDINANCE APPROVING A LONG TERM LEASE BETWEEN THE CITY OF LEADVILLE, AS LANDLORD, AND THE TABOR OPERA HOUSE PRESERVATION FOUNDATION, INC., AS TENANT, CONCERNING THE TABOR OPERA HOUSE**

**WHEREAS**, C.R.S. Section 31-15-713 authorizes municipalities to lease property it owns when deemed by the governing body to be in the best interest of the municipality; and

**WHEREAS**, C.R.S. Section 31-15-713 defines a long-term lease as any lease having a duration of more than one year; and

**WHEREAS**, the City Council desires to lease the City’s property, commonly known as the Tabor Opera House located at 308-312 Harrison Avenue (“City Property”), to the Tabor Opera House Preservation Foundation Inc., a Colorado 501(c) (3) nonprofit corporation (“Foundation”); and

**WHEREAS**, the Foundation desires to lease the City Property to continue to maintain the City Property as a community cultural arts facility in conformance with the deed of conservation easement benefitting the Colorado Historical Foundation recorded against and encumbering the City Property; and

**WHEREAS**, the proposed term of the lease is fifty (50) years pursuant to the terms and conditions set forth in the lease agreement in Exhibit A, to be attached hereto and incorporated herein prior to second reading of this ordinance.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEADVILLE, COLORADO:**

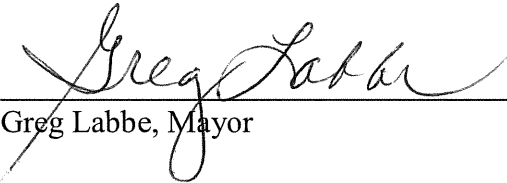
**Section 1. Approval of Tabor Opera House Lease.** In accordance with C.R.S. Section 31-15-713, the City Council hereby approves the lease agreement by and between the Tabor Opera House Preservation Foundation, Inc. and the City of Leadville, in substantially the same form as that to be attached hereto as Exhibit A.

**Section 2. Purpose.** The purpose of the lease agreement is for operation of the Tabor Opera House as a community cultural arts center and the maintenance of the Tabor Opera House as a historic building within the City of Leadville.

**Section 3. Severability.** Should any one or more sections or provisions of this ordinance enacted hereby be judicially determined invalid or unenforceable, such judgment shall not affect, impair or invalidate the remaining provisions of this ordinance the intention being that the various sections and provisions are severable.

**Section 4. Repeal.** Any and all ordinances, resolutions, or codes or parts thereof in conflict or inconsistent herewith are, to the extent of such conflict or inconsistency, hereby repealed; provided, however, that the repeal of any such ordinance, resolution, or code or part thereof shall not revive any other section or part of any ordinance, resolution, or code provision heretofore repealed or superseded and this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance or code hereby repealed prior to the taking effect of this ordinance.

INTRODUCED, READ, APPROVED AND ORDERED PUBLISHED in full on first reading this 20 day of June, 2017.

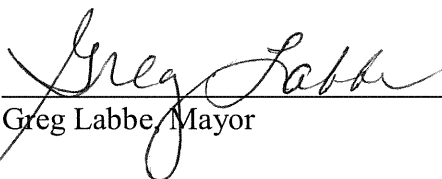
  
\_\_\_\_\_  
Greg Labbe, Mayor

ATTEST:

  
\_\_\_\_\_  
Bethany Maher, City Clerk

PUBLISHED in full in The Herald Democrat, a newspaper of general circulation in the City of Leadville, Colorado, on June 28<sup>th</sup>, 2017.

PASSED AND ADOPTED ON FINAL READING AND ORDERED PUBLISHED BY TITLE ONLY, with any amendments, this 9<sup>th</sup> day of August, 2017.

CITY OF LEADVILLE, COLORADO  
  
\_\_\_\_\_  
Greg Labbe, Mayor

ATTEST:

  
\_\_\_\_\_  
Bethany Maher, City Clerk

PUBLISHED in full, as amended, in The Herald Democrat, a newspaper of general circulation in the City of Leadville, Colorado, on \_\_\_\_\_, 2017.

**EXHIBIT A  
LONG-TERM LEASE OF CITY PROPERTY  
[FINAL VERSION TO BE ATTACHED PRIOR TO SECOND READING OF  
ORDINANCE]**

