

NO ORDINANCE ASSIGNED TO #149

AN ORDINANCE GRANTING A FRANCHISE BY THE TOWN OF IGNACIO TO EAGLE TELECOMMUNICATIONS, INC., /COLORADO, d/b/a PTI COMMUNICATIONS, INC., ITS SUCCESSORS AND ASSIGNS, THE RIGHT TO FURNISH, SELL AND DISTRIBUTE TELECOMMUNICATIONS SERVICES TO THE TOWN AND TO ALL PERSONS, BUSINESSES AND INDUSTRIES WITHIN THE TOWN AND THE RIGHT TO ACQUIRE, CONSTRUCT, INSTALL, LOCATE, MAINTAIN, OPERATE AND EXTEND INTO, WITHIN AND THROUGH SAID TOWN ALL FACILITIES REASONABLY NECESSARY TO FURNISH, SELL AND DISTRIBUTE A TELEPHONE PLANT, TRANSMISSION LINE OR LINES AND TO TRANSMIT COMMUNICATIONS IN AND TO THE TOWN OF IGNACIO TO ALL PERSONS, BUSINESSES AND INDUSTRIES WITHIN THE TOWN AND IN THE TERRITORY ADJACENT THERETO AND THE RIGHT TO MAKE REASONABLE USE OF ALL STREETS AND OTHER PUBLIC PLACES AS MAY BE NECESSARY, AND FIXING THE TERMS AND CONDITIONS THEREOF.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF IGNACIO, La Plata COUNTY, COLORADO:

ARTICLE I - Definitions

For the purpose of this franchise, the following words and phrases shall have the meaning given in this Article. When not inconsistent with the context, words used in the present tense include the future tense, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is mandatory and "may" is permissive. Words not defined in this Article shall be given their common and ordinary meaning.

1.1 "Town" refers to and is the Town of Ignacio, La Plata County, Colorado, and includes the territory as currently is or may in the future be included within the boundaries of the Town of Ignacio.

1.2 "Board of Trustees" refers to and is the legislative body of the Town of Ignacio.

1.3 "Company" refers to and is Eagle Telecommunications, Inc./Colorado, d/b/a PTI Communications, Inc. and its successors and assigns.

1.4 "Communications Facilities" refer to and are only those facilities reasonably necessary to provide telecommunications services within the Town.

1.5 "Facilities" refer to and are all facilities reasonably necessary to provide telecommunications services into, within and

through the Town and include plants, works, systems, lines, equipment, underground links, switches, wires and radio links.

1.6 "Public Utilities Commission" refers to and is The Public Utilities Commission of the State of Colorado or other authority succeeding to the regulatory powers of The Public Utilities Commission of the State of Colorado.

1.7 "Revenues" refer to and are those amounts of money which the Company receives from its customers within the Town for the sale of telecommunications services from the Company under rates, temporary or permanent, authorized by the Public Utilities Commission of the State of Colorado and represents amounts billed under such rates as adjusted for refunds, the net write-off of uncollectible accounts, corrections or other regulatory adjustments, but does not include long distance or other charges by intermediary companies.

1.8 "Streets and Other Public Places" refer to and are streets, alleys, viaducts, bridges, roads, lanes, easements, public ways and other public places in said Town.

ARTICLE II - Grant of Franchise

Section 1. Grant of Franchise. The Town hereby grants to the Company, for the period specified and subject to the conditions, terms and provisions contained in this Ordinance, the right to furnish, sell and distribute telecommunications services to the Town and to all persons, businesses and industries within the Town; a non-exclusive right to acquire, construct, install, locate, maintain, operate and extend into, within and through the Town all facilities reasonably necessary to provide communication facilities to the Town and to all persons, businesses and industries within the Town and in the territory adjacent thereto; and a non-exclusive right to make reasonable use of all streets and other public places as may be necessary to carry out the terms of this Ordinance.

Section 2. Term of Franchise. The term of this franchise shall be for twenty (20) years, beginning April 10, 1995 and expiring April 09, 2015.

ARTICLE III - Franchise Fee

Section 1. Franchise Fee. In consideration for the grant of this franchise, the Company shall collect and remit to the town a sum equal to four percent (4%) of the Revenues derived annually from the provision of services within the Town.

Section 2. Payment Schedule. For the franchise fee owed on revenue received after the effective date of this Ordinance, payment shall be made in quarterly installments due on or before the last day of the month following the end of each calendar year quarter. Payments at the beginning and end of the term of this Ordinance shall be prorated. All payments shall be made to the Finance Officer. The Town Board, or any committee appointed by the Board of Trustees, shall have access to the books of the Company for the purpose of auditing or checking to ensure that the franchise fee has been correctly computed and paid.

Section 3. Franchise Fee Payment in Lieu of Other Fees. Payment of the franchise fee by the Company is accepted by the Town in lieu of any occupancy tax, license tax, permit charge, inspection fee or similar tax, assessment or excise upon the privilege of doing business or in connection with the physical operation thereof, but does not exempt the Company from any lawful taxation upon its real property, sales and use taxes or any other tax not related to the franchise or the physical operation thereof.

Section 4. Change of Franchise Fee. Once during every five (5) years of the franchise term, the Board of Trustees, upon giving 30 days written notice to the Company of its intention to do so, may review and change the franchise fee percentage provided herein; provided, however, the Council may only increase the franchise fee to the highest franchise fee paid by the Company to any town or towns in the State of Colorado in which the Company supplies telecommunications services under franchise.

ARTICLE IV - Conduct of Business

Section 1. Conduct of Business. The Company may establish, from time to time, such rules, regulations, terms and conditions governing the conduct of its business as shall be reasonably necessary to enable the Company to exercise its rights and perform its obligations under this franchise; provided, however, that such rules, regulations, terms and conditions shall not be in conflict with the laws of the State of Colorado.

Section 2. Tariffs on File. The Company shall keep on file in its office in LaJunta, Colorado, or other location in the vicinity, copies of all its tariffs currently in effect and on file with the Public Utilities Commission. Said tariffs shall be available for inspection by the public.

Section 3. Compliance with PUC Regulations. The Company shall comply with all rules and regulations adopted by the Public Utilities Commission.

Section 4. Compliance with Company Tariffs. The Company shall furnish communication facilities within the Town to the Town

and to all persons, businesses and industries within the town at the rates and under the terms and conditions set forth in its tariffs on file with the Public Utilities Commission.

Section 5. Applicability of Company Tariffs. The Town and Company recognize that the lawful provisions of the Company's tariffs on file and in effect with the Public Utilities Commission are controlling over any inconsistent provision in this franchise dealing with the same subject matter.

ARTICLE V - Construction, Installation & Operation of Company Facilities

Section 1. Location of Facilities. Company facilities shall not interfere with the Town's water mains, sewer mains, gas mains or other municipal use of streets and other public places. Company facilities shall be located so as to cause minimum interference with public use of streets and other public places and shall be maintained in good repair and condition.

Section 2. Excavation and Construction. All construction, excavation, maintenance and repair work done by the Company shall be done in a timely and expeditious manner which minimizes the inconvenience to the public and individuals. All such construction, excavation, maintenance and repair work done by the Company shall comply with all applicable codes of the State of Colorado and the United States of America. All public and private property whose use conforms to restrictions in easements disturbed by Company construction or excavation activities shall be restored as soon as practicable by the Company at its expense to substantially its former condition. The Company shall comply with the Town's requests for reasonable and prompt action to remedy all damage to private property adjacent lots, streets or dedicated easements where the Company is performing construction, excavation, maintenance or repair work. The Town reserves the right to restore property and remedy damages caused by Company activities at the expense of Company in the event the Company fails to perform such work within a reasonable time after Notice from the Town.

Section 3. Relocation of Company Facilities. If at any time the Town requests the Company to relocate any distribution line service connection, or other facility installed or maintained in streets or other public places in order to permit the Town to change street grades, pavements, sewers, water mains or other Town works, such relocation shall be made by the Company at its expense. The Company is not obligated hereunder to relocate any facilities at its expense which were installed in private easements obtained by the Company, the underlying fee of which was, at some point subsequent to installation, transferred to the Town. Following relocation, all property shall be restored to substantially its former condition by the Company at its expense. The Town will

reasonably exhaust alternatives not requiring relocation in all cases.

Section 4. Service to New Areas. If during the term of this franchise the boundaries of the Town are extended, the Company shall extend service to the newly incorporated areas. Service to annexed areas shall be in accordance with the terms of this franchise agreement, including payment of franchise fees and in accordance with the Rules and Regulations of the Colorado Public Utilities Commission.

Section 5. Restoration of Service. In the event the Company's communications system, or any part thereof, is partially or wholly destroyed or incapacitated, the Company shall use due diligence to restore its system to satisfactory service within the shortest practicable time.

Section 6. Rules and Regulations. All lines and equipment constructed under this grant shall be constructed in accordance with established practices as prescribed by current REA specifications and drawings and the rules and regulations of the Public Utilities Commission of the State of Colorado, and its duly or legally constituted successors in authority; and the rights and privileges herein granted in said streets, alleys and public highways shall be subject at all times to such ordinances and reasonable regulations as are now or shall hereafter be ordained or passed by said Town concerning similar uses and excavations in the care of streets, alleys and public highways.

Section 7. Safety Regulations by the Town. The Town reserves the right to adopt, from time to time, reasonable regulations in the exercise of its police power which are necessary to ensure the health, safety and welfare of the public, provided that such regulations are not destructive of the rights granted herein. The Company agrees to comply with all such regulations, now existing or duly adopted, in the construction, maintenance and operation of its facilities and in the provisions of telecommunications services within the Town.

Section 8. Inspection, Audit and Quality Control. The Town shall have the right to inspect, at all reasonable times, any portion of the Company's system used to serve the Town and its residents. The Town also shall have the right to inspect and conduct an audit of Company records relevant to compliance with any terms of this Ordinance at all reasonable times, but no more than once per year. The Company agrees to cooperate with the Town in conducting the inspection and/or audit and to correct any discrepancies affecting the Town's interest in a prompt and efficient manner. The cost of such audit shall be paid by the Town provided no irregularities are found.

Section 9. Maps. The Company shall prepare and submit to the Board a map showing the location of its distribution system within the Town, showing location of its distribution system within the Town, showing location of all appurtenances incident to the distribution system, insofar as such facilities can reasonably be determined. The map shall be revised no more frequently than annually by the addition of the information hereby required as the system is extended or revised. The Town agrees that any such maps shall not be used by it or disseminated to the public for use in locating underground facilities.

ARTICLE VI - Indemnification of the Town

Section 1. Town Held Harmless/Insurance. The Company shall maintain its structure, apparatus and other equipment as to afford all reasonable protection against injury or damage to persons or property therefrom, and the Company shall save the Town harmless from all liability or damage and all reasonable expenses necessarily accruing against the town arising out of the exercise by the Company of the rights and privileges hereby granted, provided such liability or damage was not caused by the Town. The Company shall maintain public liability insurance in an amount not less than One Million Dollars (\$1,000,000) with an umbrella of not less than Two Million Dollars (\$2,000,000). The Company shall furnish evidence from its insurance carrier(s) which demonstrates compliance with this section to the Town Attorney, as a confidential document, upon request of the Town. The Town will provide notice to the Company of the pendency of any claim or action arising out of the Town arising out of the exercise by the Company of its franchise rights. The Company will be permitted, at its own expense, to appear and defend or to assist in defense of such claim.

Section 2. Notice to Company. The Town will provide notice to the Company of the pendency of any claim or action against the Town arising out of the exercise by the Company of its franchise rights. The Company will be permitted, at its own expense, to appear and defend or to assist in defense of such claim.

Section 3. Payment of Expenses. The Company shall pay for all expenses relating to the publication of notice and ordinances arising out of the process for obtaining this franchise.

ARTICLE VII - Assignment; Saving Clause; Amendment

Section 1. Assignment. The Company shall not transfer or assign any rights under this franchise to a third party, excepting only corporate reorganizations of the Company not including a third party, unless the Town shall approve such transfer or assignment in

writing. Approval of the transfer or assignment shall not be unreasonably withheld.

Section 2. Saving Clause. If any portion of this franchise Ordinance is declared illegal or void by a court of competent jurisdiction, the remainder of the Ordinance shall survive and not be affected thereby. In such case, the parties shall proceed with due diligence to attempt to draft provisions that will achieve the original intent.

Section 3. Amendment. This Ordinance may be amended by written amendment, signed by both parties.

Section 4. Compliance. This Ordinance shall comply with all applicable requirements pursuant to Colorado Revised Statutes.

INTRODUCED, READ AND ORDERED PUBLISHED THE 9th DAY OF
February, 1995.

PASSED, ADOPTED AND APPROVED THIS 10th DAY OF
April, 1995.

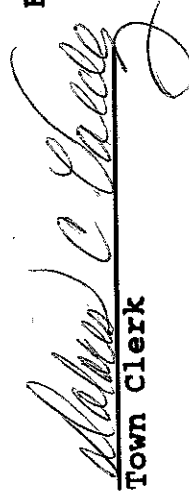
TOWN OF Ignacio

By: 

Title: Mayor

APPROVED:

A T T E S T:


Town Clerk

EAGLE TELECOMMUNICATIONS, INC./COLORADO
d/b/a PTI COMMUNICATIONS, INC.

By: 

ORDINANCE NO. 147

AN ORDINANCE TO VACATE THE EAST/WEST ALLEY
OF BLOCK 18, ASPAAS 1ST ADDITION
IN THE TOWN OF IGNACIO, STATE OF COLORADO

WHEREAS, the Town of Ignacio is the owner of the platted right-of-way known as Block 18, East/West Alley; and

WHEREAS, the Town of Ignacio is desirous of vacating the East/West Alley of Block 18 heretofore dedicated to the Town of Ignacio, State of Colorado as a thoroughfare;

NOW, THEREFORE, BE IT ORDAINED by the Town Board of the Town of Ignacio:

Section 1. That the alley vacation description is hereby attached as Exhibit 1 to this ordinance; and

Section 2. The Town of Ignacio hereby retains an easement over, under, and through the above-described vacated alley for water, sewer, electric, gas and any and all other or additional utilities for purposes of maintaining, placing, altering, erecting, or servicing in any way, for ten feet on either side of the center line of the original platted alley right-of-way.

Section 3. This ordinance shall take effect and shall be in force immediately upon its passage.

ADOPTED this 13th day of March, 1995.

TOWN OF IGNACIO, COLORADO

BY [Signature]
Mayor

ATTEST: [Signature]
Town Clerk

RLS 693605

SURVEYING & MAPPING, INC.
463 TURNER DRIVE, #111A
DURANGO, COLORADO 81301
(303)-259-2887

ALLEY VACATION DESCRIPTION:

A tract of land located in the Southwest 1/4 of Section 8, Township 33 North, Range 7 West, New Mexico Principal Meridian, Town of Ignacio, County of La Plata, State of Colorado, said tract being the Alley running east-west between Lots 14 through 19 and Lots 20 through 25, Block 18, Aspaas First Addition to the Town of Ignacio, La Plata County, Colorado, according to the plat thereof recorded June 7, 1910 as Reception Number 57476, said tract being more particularly described as follows:
Beginning at the northwest corner of Lot 20 of said Block 18 whence Ignacio Town Corner No. 12 bears S 10°43'40"W, 369.44 feet;
Thence N 00°48'00"E, 25.00 feet to the southwest corner of Lot 19 of said Block 18;
Thence S 89°12'00"E, 150.00 along the south line of Lots 19, 18, 17, 16, 15, and 14 of said Block 18 to the southeast corner of said Lot 14;
Thence S 00°48'00"W, 25.00 feet to the northeast corner of Lot 25 of said Block 18;
Thence N 89°12'00"W, 150.00 feet along the north line of Lots 25, 24, 23, 22, 21, and 20 of said Block 18 to the point of beginning.
Containing 3,750 square feet, more or less.

SURVEYOR'S STATEMENT:

I hereby state that this description was prepared by me or under my responsible charge, and that, in my professional opinion, it meets the minimum standards of care of Professional Land Surveyors practicing in the State of Colorado.



Richard L. Sinkiewicz, PLS
Colorado Registration No. 25963

Job No. 94595
Client: Glen A. and Barbara J. Walker

ORDINANCE #146

AN ORDINANCE APPROPRIATING SUMS OF MONEY TO THE VARIOUS FUNDS AND SPENDING AGENCIES, IN THE AMOUNTS AND FOR THE PURPOSES AS SET FORTH BELOW, FOR THE TOWN OF IGNACIO, COLORADO FOR THE 1995 BUDGET YEAR.

WHEREAS, the Board of Trustees has made provisions for revenues in an amount equal to or greater than the total proposed expenditures as set forth in said budget, and;

WHEREAS, it is not only required by law, but also necessary to appropriate the revenues provided in the budget to and for the purpose described below, so as not to impair the operation of the Town.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF IGNACIO, COLORADO;

Section 1. That the following sums are hereby appropriated from the revenues of each fund, to each fund, for the purpose stated.

GENERAL FUND:	
Current operating expenses:	\$462,641
Transfers:	151,736
Total:	\$614,377
GAS FUND:	
Operating expenses:	\$366,966
WATER FUND:	
Operating expenses:	\$124,767
CAPITAL IMPROVEMENT FUND:	
Operating expenses:	\$249,415
IRRIGATION SYSTEM IMPROVEMENT FUND:	
Operating expenses:	\$ 13,000
CONSERVATION TRUST FUND:	
Operating expenses:	\$ 3,000
DEBT SERVICE FUND:	
Operating expenses:	\$125,496

ADOPTED THIS 12TH DAY OF DECEMBER A.D. 1994.

ATTEST: 
Town Clerk


Joseph Romero, Mayor

ORDINANCE NO. 145

AN ORDINANCE OF THE TOWN OF IGNACIO VACATING A PORTION OF LAKIN STREET WITHIN THE TOWN OF IGNACIO.

WHEREAS the Board of Trustees finds that a portion of Lakin Street is not currently being used for street purposes and that portion of Lakin Street is not necessary for any public or municipal purpose; and

WHEREAS the Board finds that the interests of the citizens of the Town of Ignacio will be best served by the abandonment of a portion of Lakin Street;

NOW THEREFORE, be it Ordained by the Board of Trustees of the Town of Ignacio as follows:

The portion of Lakin Street as described on Attachment A, attached hereto and incorporated herein by this reference, is hereby vacated in accordance with the provisions of C.R.S. 43-2-303. It is the intention of the Board of Trustees that title to the vacated area vest in the manner stated in C.R.S. 43-2-302.

Approved and ordered published by the Board of Trustees at its regular meeting held on Sept. 12th, 1994.

Mayor

Attest:

Attachment A

Description of Lakin Street to be vacated is as follows:

The West end of Lakin Street between blocks 22 and 23 of Town of Ignacio Subdivision (60' wide X 150" long) from the West side of the alleyway running North and South between Burns Avenue and Wigglesworth Avenue to the East side of Wigglesworth Avenue running North and South on the Town of Ignacio Subdivision.

EXHIBIT E

ORDINANCE NO. 144

AN ORDINANCE OF THE TOWN OF IGNACIO, COLORADO, AMENDING ORDINANCE NO. 133 OF THE TOWN TO MODIFY THE SALES TAX REVENUE PLEDGE MADE TO THE STATE OF COLORADO FOR THE USE AND BENEFIT OF THE DEPARTMENT OF NATURAL RESOURCES (COLORADO WATER CONSERVATION BOARD) TO PAY THE PROJECT CONTRACT AND PROMISSORY NOTE, DATED OCTOBER 23, 1992, BETWEEN THE STATE AND THE TOWN; AUTHORIZING THE EXECUTION OF AN AMENDMENT TO THE PROJECT CONTRACT AND PROMISSORY NOTE TO REFLECT THE CHANGE IN THE SALES TAX PLEDGE; AND DECLARING AN EMERGENCY.

WHEREAS, on October 13, 1992, the Town of Ignacio adopted Ordinance No. 133 which, among other things, authorized the pledging of sales tax revenues of the Town to pay the Project Contract and Promissory Note, dated October 23, 1992 (the "Project Contract"), between the Town and the State of Colorado for the use and benefit of the Department of Natural Resources (Colorado Water Conservation Board) (the "State"); and

WHEREAS, the Town is now in the process of refunding its Sales Tax Revenue Refunding Bonds, Series 1986 (the "Bonds"), in order to reduce the interest rates on such Bonds and lower the debt service requirements of the Town; and

WHEREAS, it is necessary to clarify the language describing the sales tax pledge made in Ordinance No. 133 in order that the proposed refunding bonds may be sold to the best advantage of the Town; and

WHEREAS, it is necessary to authorize the execution of an amendment to the Project Contract to reflect the amended sales tax pledge;

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF IGNACIO, COLORADO:

Section 1. Amendment of Ordinance No. 133. The Board hereby amends Sections 4. and 7. of Ordinance No. 133 to read as follows:

4. The Town has previously pledged a portion of the Town's Sales tax revenues in Ordinance No. 87 and Ordinance No. 103 for the payment of the Town's Sales Tax Revenue Refunding Bonds, Series 1986 (the "Bonds"). The Board of Trustees hereby pledges the amount of \$10,500.00 annually from the Town's 2% sales tax for the purposes of paying the debt authorized herein, which pledge shall be junior and subordinate to the pledge made to pay the Bonds, and which pledge shall also be junior and subordinate to any pledge made to pay any bonds of the

Town issued to refund or refinance the Bonds. The \$10,500.00 pledge created herein shall be made to the Irrigation System Improvement Fund (herein created) for the purpose of paying the payment obligation of principal and interest on the loan from the Colorado Water Conservation Board, as fully described in paragraph 2 herein. The pledge created herein shall begin in fiscal year 1993, and shall continue in each year thereafter until the Colorado Water Conservation Board loan is paid in full.

7. All proceeds received by the Town from the Town's sales tax, other than those specifically pledged herein, in Ordinance No. 87, in Ordinance No. 103, or in any Ordinance authorizing the issuance of bonds by the Town to refund or refinance the Bonds, shall be deposited into the Town's general fund for use as directed by the Board of Trustees and shall not be affected by the pledge contained herein.

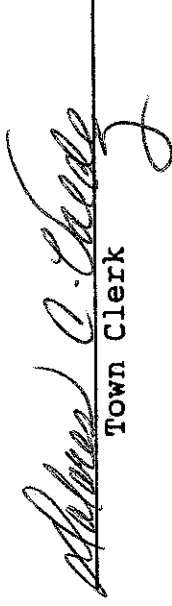
Section 2. Authorization to Execute Amendment to Project Contract. The Mayor of the Town is hereby authorized and directed to take any and all actions necessary or appropriate to effectuate the provisions of this Ordinance, including, but not limited to, the execution of an amendment to the Project Contract and Promissory Note, dated October 23, 1992, between the Town and the State.

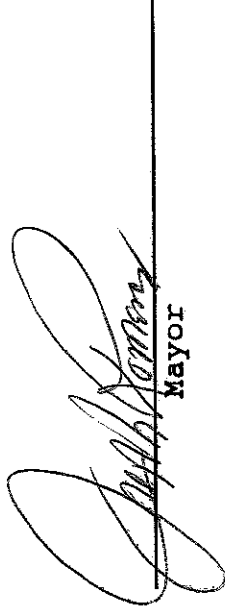
Section 3. Emergency. The Board of Trustees hereby declares that because the municipal bond market is subject to sudden and unpredictable changes, and the savings and other advantages afforded to the Town by refunding the Bonds could be significantly reduced or eliminated if delayed, it is hereby declared that an emergency exists and the passage of this Ordinance is immediately necessary for the preservation of the public peace, health, and safety, and that this Ordinance be in full force and effect immediately upon adoption.

ADOPTED AND APPROVED AS AN EMERGENCY ORDINANCE This 8th day of AUGUST, 1994.

(S E A L)

ATTESTED:


Town Clerk


Mayor

Department of Agency Number :
: WATER CONSERVATION BOARD - PDA :
: Contract Routing Number :
:

CONTRACT AMENDMENT # 1

THIS AMENDMENT, made this 8th day of August 1994, by and between the State of Colorado for the use and benefit of the Department of Natural Resources (Colorado Water Conservation Board), hereinafter referred to as the State, and the Town of Ignacio, P.O. Box 459, Ignacio, Colorado 81137, hereinafter referred to as the Contractor,

FACTUAL RECITALS

Authority exists in the Law and Funds have been budgeted, appropriated, and otherwise made available and a sufficient unencumbered balance thereof remains available for payment in Fund Number 424, Appropriation Code 804, Contract Encumbrance Number C153630; and

Required approval, clearance, and coordination has been accomplished from and with appropriate agencies; and

On October 13, 1992, the Contractor adopted Ordinance No. 133 which, among other things, authorized the pledging of sales tax revenues of the Contractor to pay the Project Contract and Promissory Note, dated October 23, 1992 (the "Original Contract"), between the Contractor and the State; and

Ordinance No. 133 was attached as Exhibit A to the Original Contract and became part of the contract evidenced thereby between the State and the Contractor; and

The Contractor is now in the process of refunding its Sales Tax Revenue Refunding Bonds, Series 1986 (the "Bonds"), in order to reduce the interest rates on such Bonds and lower the debt service requirements of the Contractor; and

The Contractor's sales tax pledge to the State to pay its obligations under the Original Contract is subordinate to the sales tax pledge held by the holders of the Bonds; and

Any reduction in the debt service requirements of the Contractor to pay the Bonds will result in an increase in the sales taxes that are available to meet the obligations of the Contractor to the State under the Original Contract; and

It is necessary to clarify the language describing the sales tax pledge made in Ordinance No. 133 in order that the proposed refunding bonds may retain a first lien on the sales tax revenues and be sold to the best advantage of the Contractor; and

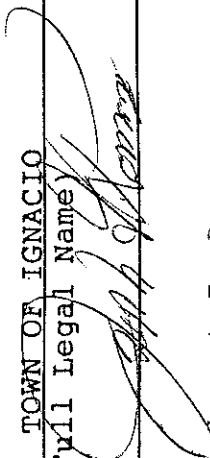
Any amendment to Ordinance No. 133 will only be effective if authorized by an amendment to the Original Contract;

NOW THEREFORE, it is hereby agreed that

1. Consideration for this Amendment to the Original Contract, CE number C153630, Contract Routing Number 93272, dated October 23, 1992, consists of the payments which shall be made pursuant to this Amendment and the promises and agreements herein set forth.
2. It is expressly agreed by the parties that this Amendment is supplemental to the Original Contract Number C153630, dated October 23, 1992, which is, by this reference, incorporated, made a part hereof, and identified as Exhibit "1," and all terms, conditions, and provisions thereof, unless specifically modified herein, are to apply to this Amendment as though they were expressly rewritten, incorporated, and included herein.
3. It is agreed the Original Contract is and shall be modified, altered, and changed in the following respects only:
 - a. The last sentence of paragraph L. shall read as follows: "Such Ordinances are attached hereto and incorporated herein as Exhibits A and E."
 - b. The form of Exhibit E to the Original Contract is attached hereto as Exhibit "2."
4. The effective date of this Amendment is _____, 1994.
5. Except for the "Special Provisions," in the event of any conflict, inconsistency, variance, or contradiction between the provisions of this Amendment or any of its attachments or exhibits, and any of the provisions of this Amendment shall in all respects supersede, govern, and control. The "Special Provisions" shall always be controlling over other provisions in the contract or amendments. The factual representations in the Special Provisions concerning the absence of bribery or corrupt influences and personal interest of State employees are presently reaffirmed.
6. FINANCIAL OBLIGATIONS OF THE STATE PAYABLE AFTER THE CURRENT FISCAL YEAR ARE CONTINGENT UPON FUNDS FOR THAT PURPOSE BEING APPROPRIATED, BUDGETED, AND OTHERWISE MADE AVAILABLE.
7. THIS AMENDMENT SHALL NOT BE DEEMED VALID UNTIL IT SHALL HAVE BEEN APPROVED BY THE CONTROLLER OF THE STATE OF COLORADO OR SUCH ASSISTANT AS HE MAY DESIGNATE.

IN WITNESS WHEREOF, the parties hereto have executed this Amendment on the day first above written.

Contractor:

TOWN OF IGNACIO
(Full Legal Name)

Joseph F. Romero

State of Colorado
ROY ROMER, GOVERNOR

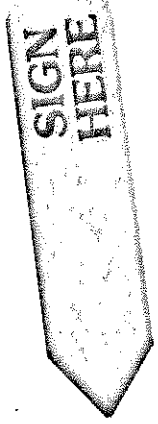
By: _____
Executive Director
DEPARTMENT OF NATURAL RESOURCES
Colorado Water Conservation Board
Daries C. Lile, P.E., Director

Position (Title) MAYOR

84-6006227
Social Security Number or
Federal I.D. Number

(If Corporation):

Attest (Seal)



By: Alexander C. Calde
Corporate Secretary,
or Equivalent,
Town/City/County Clerk

ATTORNEY GENERAL

BY: _____

APPROVALS

CONTROLLER

BY: _____

ORDINANCE NO. 143

AN ORDINANCE OF THE TOWN OF IGNACIO VACATING A PORTION OF LAKIN STREET WITHIN THE TOWN OF IGNACIO.

WHEREAS the Board of Trustees finds that a portion of Lakin Street is not currently being used for street purposes and that portion of Lakin Street is not necessary for any public or municipal purpose; and

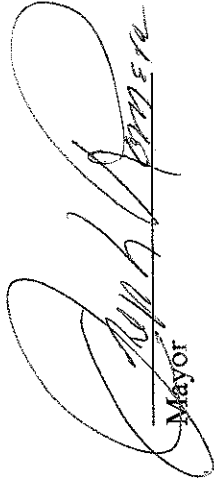
WHEREAS the owners of the property adjoining the portion of Lakin Street to be abandoned have agreed to provide a public access easement for a portion of Lakin Street which is located on the property of those owners; and

WHEREAS the Board finds that the interests of the citizens of the Town of Ignacio will be best served by the abandonment of a portion of Lakin Street and by the acceptance of a public easement for Lakin Street,

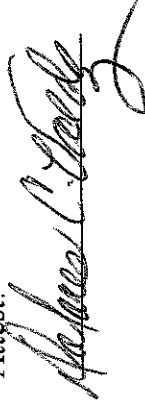
NOW THEREFORE, be it Ordained by the Board of Trustees of the Town of Ignacio as follows:

The portion of Lakin Street shown and described on the plat prepared by Animas Surveying and Mapping, Corp. dated June 20, 1994, a copy of which is attached hereto as Exhibit A, is hereby vacated in accordance with the provisions of C.R.S. 43-2-303. It is the intention of the Board of Trustees that title to the vacated area vest in the manner stated in C.R.S. 43-2-302.

Approved and ordered published by the Board of Trustees at its regular meeting held on
07/11/ 1994.


Mayor

Attest:



DEDICATION OF EASEMENT

The undersigned hereby grant and dedicate the following described easement and right of way to the Town of Ignacio for the purposes of maintaining a public right of way for Lakin Street as currently constructed and as may be improved in the future:

See Attachment A, attached hereto and incorporated herein.

Town of Ignacio

Marsha L. Silva

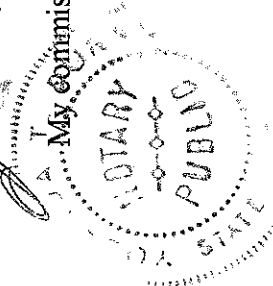
Marsha L. Silva

Gerardo W. Silva

Gerardo W. Silva

STATE OF COLORADO)
) SS.
COUNTY OF LA PLATA)

The foregoing instrument was acknowledged before me this 23rd day of July, 1994, by Gerardo W. & Marsha L. Silva



My commission expires 01/27/1995. Witness my hand and official seal.

Gerardo W. Silva
Notary Public

ACCEPTANCE

The Town of Ignacio hereby accepts the grant and dedication of the easement described herein.

Dated: 7-11-94

[Signature]
Mayor

Attest:

[Signature]

674098

ATTACHMENT A
ATTACHED TO A DEDICATION OF EASEMENT
FOR THE TOWN OF IGNACIO

The following described easement is located in La Plata County, Colorado:

ACCESS EASEMENT

A parcel of land, being a portion of vacated Lakin Street as shown on the Lakin Street Vacation Plat filed in the La Plata Clerk and Recorder's Office under Reception Number 67139 and a portion of Lot 26 and Lot 25, Block 03, Hills First Addition to the Town of Ignacio, all located in the NE 1/4 of the SW 1/4 of Section 8, Township 33 North, Range 7 West of the New Mexico Principal Meridian, Town of Ignacio, State of Colorado, being more particularly described as follows:

COMMENCING at Corner No. 10 as shown on the Map of the Town of Ignacio filed in the La Plata County Clerk and Recorder's Office under Reception Number 67139 whence Corner No. 9 as shown on said Map of the Town of Ignacio bears N 69°14'00" W a distance of 386.11 feet;
THENCE S 89°36'11" E a distance of 1084.73 feet to a point on the northerly line of said vacated Lakin Street being also the POINT OF BEGINNING;
THENCE S 69°12'00" E along said northerly line a distance of 35.23 feet;
THENCE S 00°47'00" W along the easterly line of said Lots 26 and 25 and their prolongation thereof a distance of 43.62 feet;
THENCE N 18°47'21" W a distance of 25.37 feet;
THENCE N 36°11'49" W a distance of 16.25 feet;
THENCE N 67°46'45" W a distance of 18.21 feet to the POINT OF BEGINNING.

Said parcel contains 0.01 acres, more or less.

To: Town of Ignacio

From: Gerardo and Marsha Silva (Property Owners)

Subject: Trade of Land Request

5/3/94

Proposal to trade 10ft. wide x 100ft. of Town Easement Land, for exchange of loss of right to claim SHOSHONE/LAKIN north corner road (result could close or cause a new wider road to be built). Many tons of fill and gravel would be necessary due to steep drop towards river. Actual property line in question would take 3/4's of the road, therefor resulting in a no access road.

Talking to neighbors, they would like to see the road left open. We also don't want to see the road closed because there would be no turn around for traffic. In the past there was no need for resolving this issue because the land was not utilized. it is now, that wanting to build on the land, that the necessity has come.

The additional 10ft. is considered by us to be a fair trade off because it would give us the proper space needed for what we have in mind. For the town, they would not have to build a new road, (If this is what the town chooses to do.).

The cost of the town, in agreeing to trade off would be:
* Survey Cost - \$1,500? (unless survey is on record now)
* Guard Rails - 68ft. x 2 high (for corner fence safety)
(cost is unknown)

S.S. TINKATE TOO HIGH

Our cost:

- * Giving up frontage property
- * \$945.00 removal and rebuilding fence
(estimate cost from American Fence Company)

Enclosed is a chart on property in question.

Thank you for your consideration.

Gerardo Silva

Gerardo Silva

Marsha Silva

Marsha Silva

EXISTING FENCE

ROAD

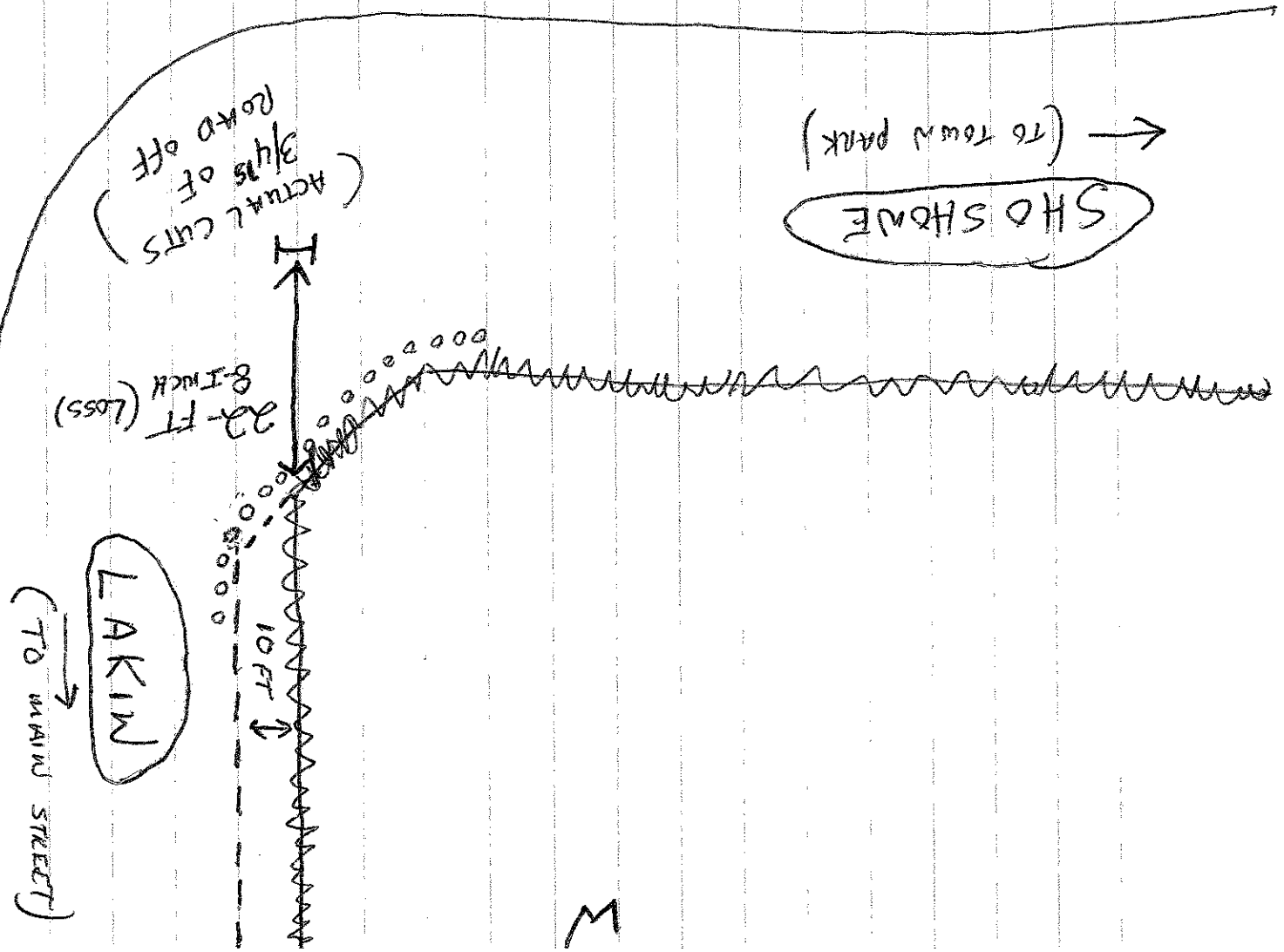
ACTUAL LEGAL PROPERTY LINE

NEW FENCE REQUEST

00000
00000
00000
RAIL

SHOSHONE (to town park)

S



(D)

2

CHURCH

LAKIM (TO MAIN STREET)

SPECIAL NOTE
 SPACE STILL ALLOWS
 FOR 32 FT PAVED
 ROAD IF EVER
 DONE.

W

ORDINANCE #142
ZONING ORDINANCE
NOT APPROVED (Minutes September 1994)

ORDINANCE NO. 141

AN ORDINANCE OF THE TOWN OF IGNACIO REGARDING THE CITATION OF JUVENILE OFFENDERS IN MUNICIPAL COURT BY THE ADDITION OF SECTION 1-7-6.

WHEREAS, the Town of Ignacio is experiencing an increasing number of juveniles who are committing violations of the ordinances of the Town of Ignacio; and

WHEREAS, the Police Department of the Town desires to cite juveniles into Municipal Court rather than to file delinquency petitions in County or District Court; and

WHEREAS, the Board finds that it would be desirable to take care of the offenses locally;

NOW THEREFORE, IT IS ORDAINED AS FOLLOWS:

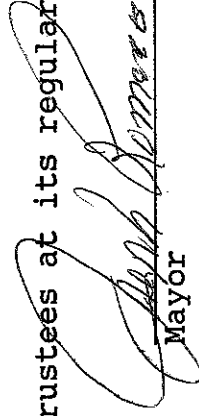
SECTION 1. THE TOWN CODE OF THE TOWN OF IGNACIO IS AMENDED BY THE ADDITION OF THE FOLLOWING SECTION:

1-7-6 Juveniles in Municipal Court

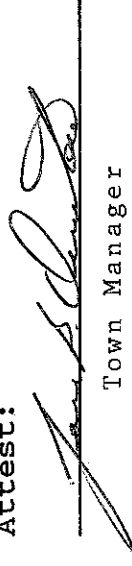
The police department of the Town of Ignacio shall have the authority to issue citations or summons to appear in Ignacio Municipal Court to any person under the age of eighteen years for the violation of any Ordinance of the Town of Ignacio. The Municipal Court of the Town of Ignacio shall have the authority to act on any such action commenced in Municipal Court, provided however, that no person who is under the age of eighteen shall be sentenced to serve any jail sentence for the violation of any Ordinance of the Town of Ignacio.

SECTION 2. This ordinance is necessary to the immediate preservation of the public safety, health and welfare of the citizens of the Town of Ignacio, and this ordinance shall be effective immediately upon the adoption.

Approved by the Board of Trustees at its regular meeting on
June 13, 1994.


Mayor

Attest:


Town Manager

ORDINANCE NO. 140

AN ORDINANCE APPROVING THE ANNEXATION OF CERTAIN LAND TO THE TOWN OF IGNACIO, COLORADO.

WHEREAS, there has been a petition filed with the Clerk of the Town of Ignacio for the annexation of the land describe herein to the Town of Ignacio, and

WHEREAS, the Board of Trustees has found that:

1. The described area is eligible for annexation.
2. The above described petition is in substantial compliance with C.R.S. Section 31-12-104 and 31-12-105 and all requirements of the said section have been met.
3. No election is required under C.R.S. Section 31-12-107 (2).

NOW THEREFORE, BE IT ORDAINED, by the Town Board of Trustees of the Town of Ignacio, Colorado:

SECTION 1: The annexation of the following described property to the Town is approved: "Melton Addition to the Town of Ignacio"

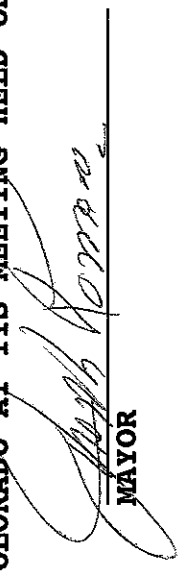
That part of the NE/4-SW/4 of Section 8,T. 33N.,R. 7W., N.M.P.M., La Plata County, Colorado, described as follows: BEGEMNING at the SW 1/16 corner of said Section 8 and running North, 255.00 feet to a point on the present Town Boundary; thence running along said Town Boundary, East, 185.04 feet; thence continuing along said Town Boundary, S. 0 49' 34" W., 85.31 feet; thence running S. 20 48'27"W., 144.96 feet to the beginning of a curve to the right having a radius of 50.00 feet; thence running along the arc of said curve, 52.22 feet (the long chord of which bears S. 46 43'11"W., 49.88 feet); thence running West, 96.00 feet, more or less, to the point of beginning containing .948 Acres more or less.

Section 2: The annexation of such territory to the Town of Ignacio shall be complete and such territory shall become part of the Town of Ignacio on the effective date of this ordinance.

Section 3: This ordinance shall be and is hereby declared to be in full force and take effect from and after its passage, approval and publication according to law.

PASSED, APPROVED AND ORDERED PUBLISHED BY THE BOARD OF TRUSTEES OF THE TOWN OF IGNACIO, COLORADO AT ITS MEETING HELD ON THE 9 TH DAY OF MAY, 1994.

ATTEST: 
TOWN CLERK


MAYOR