

RESOLUTION 2023 - _____

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ARCHULETA COUNTY TO APPROVE AND ESTABLISH TERMS FOR THE TRANSFER OF CERTIFICATES OF PURCHASE FOR SPECIFIC REAL ESTATE PURSUANT TO C.R.S. § 39-11-122

WHEREAS, Archuleta County (the “County”) is a duly organized county political subdivision of the State of Colorado under the Constitution and laws of the State of Colorado pursuant to C.R.S. §30-5-105; and,

WHEREAS, the County is empowered to purchase and hold real and personal property for the use of the County, acquire lands sold for taxes, as provided by law, and to make all contracts and do all other acts in relation to the property held or owned by the County, pursuant to C.R.S. §30-11-101; and,

WHEREAS, the County has the authority to assign, sell or transfer any certificates of purchase in its possession or under its control, and may do so in such manner, at such times, and on such terms as may be determined by a resolution of the Archuleta County Board of County Commissioners (the “Board”), pursuant to C.R.S. §39-11-122; and,

WHEREAS, the County must first provide notice in at least one issue of a newspaper published regularly in the County of any such sale, assignment or transfer of a certificate of purchase issued on any real estate upon which taxes in excess of ten thousand dollars are then due, pursuant to C.R.S. §39-11-122; and,

WHEREAS, the Board desires to sell and transfer certificates of purchase currently held by the County upon the terms and conditions set forth more specifically below.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ARCHULETA COUNTY, COLORADO THAT:

1. Certificate(s) of Purchase. The following certificate(s) of purchase shall be sold and transferred in accordance with the terms and conditions set forth herein:
 - a. Certificate of Purchase issued to the County on November 5, 2009 for Parcel Number: 569917108058, Account Number: R008249, with the legal description of Subdivision: Pagosa in the Pines 2 Lot: 273 PIP2, Section 17, Township 35, Range 2W, and with the situs address of 11 S. Stymie Court, Pagosa Springs, CO 81147.
 - b. Certificate of Purchase issued to the County on November 15, 2008 for Parcel Number: 569917108057, Account Number: R008248, with the legal description of Subdivision: Pagosa in the Pines 2 Lot: 272 PIP2, Section 17, Township 35, Range 2W, and with the situs address of 3 S. Stymie Court, Pagosa Springs, CO 81147.

2. Purchase Price. The purchase price of the Certificate(s) of Purchase listed above shall be as follows:
 - a. Certificate of Purchase issued to the County on November 5, 2009 for Parcel Number: 569917108058: \$10,000.00 plus the cost of publication in the local newspaper of such sale.
 - b. Certificate of Purchase issued to the County on November 15, 2008 for Parcel Number: 569917108057: \$10,000.00 plus the cost of publication in the local newspaper of such sale.

The purchase price(s) listed above will be accepted as full satisfaction for the amount of County-Held Lien(s) as set forth on the most recent Archuleta County Statement of Taxes Due. Purchaser shall be responsible for any and all other amounts owed on such parcels, including but not limited to any amounts owed to junior lien holders or other assessments, levies, taxes, liens or fees.

3. Purchaser. The Purchaser of the Certificate(s) of Purchase listed herein is as follows:

Name: Julian Caler

Address: 293 Oren Road, Pagosa Springs, CO 81147

4. Deed Restrictions. As a condition of the sale and transfer of the Certificate(s) of Purchase listed herein, the Purchaser must and shall place the following deed restrictions on the real estate:
 - a. Certificate of Purchase issued to the County on November 5, 2009 for Parcel Number: 569917108058:
 - i. Any structure built on the property shall be for residential housing and associated uses.
 - ii. For a period of 5 years, commencing on the date a certificate of occupancy is issued for any residential structure built on the property, said structure shall not be used as a short-term rental (rental for less than 30 days).
 - iii. If the residential structure on the property is not owner-occupied, it shall be used as a Long-Term Rental.
 - iv. These deed restrictions run with the property and shall apply and be binding on Purchaser, any subsequent owner(s), and each of owner(s) successor and assigns, and any other person acquiring or owning any interest in and to the property.

- v. These deed restrictions shall automatically expire and no longer apply to the property after 5 years from when a certificate of occupancy is issued for any residential structure built on the property.
 - b. Certificate of Purchase issued to the County on November 15, 2008 for Parcel Number: 569917108057:
 - i. Any structure built on the property shall be for residential housing and associated uses.
 - ii. For a period of 5 years, commencing on the date a certificate of occupancy is issued for any residential structure built on the property, said structure shall not be used as a short-term rental (rental for less than 30 days).
 - iii. If the residential structure on the property is not owner-occupied, it shall be used as a Long-Term Rental.
 - iv. These deed restrictions run with the property and shall apply and be binding on Purchaser, any subsequent owner(s), and each of owner(s) successor and assigns, and any other person acquiring or owning any interest in and to the property.
 - v. These deed restrictions shall automatically expire and no longer apply to the property after 5 years from when a certificate of occupancy is issued for any residential structure built on the property.
 - c. For purposes of this Section 4, “Long-Term Rental” shall mean a residential lease for a minimum period of time of six (6) months.
- 5. Further Instrument. Subsequent to the approval of this Resolution by the Board (and, if required by law, publication in at least one issue of a newspaper published regularly in the County), the Purchaser and the County shall execute and deliver such instruments as may be necessary to fully convey all of the right, title, and interest of the County in or to the Certificates of Purchase(s) listed herein. The Board hereby delegates to the County Attorney the authority to draft, negotiate and execute such instrument with the Purchaser in conjunction with the County Treasurer, as applicable.

APPROVED AND ADOPTED this 7th day of February, 2023.

BOARD OF COUNTY COMMISSIONERS
ARCHULETA COUNTY, COLORADO

Ronnie Maez, Chairman

ATTEST

Kristy Archuleta, County Clerk and Recorder