

**TOWN OF FREDERICK, COLORADO**  
**ORDINANCE NO. 1388**

**AN ORDINANCE OF THE TOWN OF FREDERICK, COLORADO APPROVING AN AGREEMENT FOR EXCHANGE OF PROPERTY IN SUBSTANTIALLY THE SAME FORM AS ATTACHED BETWEEN THE TOWN OF FREDERICK AND AGILENT TECHNOLOGIES, INC.**

**WHEREAS**, The TOWN OF FREDERICK (“TOWN”) has adopted a Strategic Plan since 2021; and

**WHEREAS**, the adopted 2022-2023 Strategic Plan identified completing a Facilities Master Plan as a goal; and

**WHEREAS**, the Town engaged consultants to complete due diligence on space needs for a 50-year Public Works facility; and

**WHEREAS**, that space planning included a robust site selection of several properties in the Town of Frederick; and

**WHEREAS**, the optimal site for consideration is certain real property located at 7400 Eagle Blvd., LOT 1B EAGLE BUSINESS PARK, FILING NO. 2 Town of Frederick, County of Weld, State of Colorado, which is owned by AGILENT TECHNOLOGIES, INC. (“AGILENT”); and

**WHEREAS**, The TOWN owns certain real property located at 7301 Eagle Blvd. LOT 1A EAGLE BUSINESS PARK, FILING NO.2, Town of Frederick, County of Weld, State of Colorado; and

**WHEREAS**, AGILENT approached the Town regarding a property exchange in order to facilitate the Town’s long term space needs; and

**WHEREAS**, The PARTIES have worked collaboratively to propose an agreement that mutually meets each organization’s needs; and

**WHEREAS**, The Town Attorney’s Office has reviewed and approved the Agreements in substantially the same form as attached; and

**WHEREAS**, Colorado Revised Statutes § 31-15-713 (1)(c) authorizes the long-term lease of public land and facilities by ordinance when deemed by the governing body to be in the best interest of the municipality.

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

**Section 1. Findings.** The Town Board determines this action to be in the best interest of the Town of Frederick.

**Section 2. Agreement for an Exchange of Property.**

- a. The Board of Trustees approves the Agreement for Exchange of Property, generally located within Lot 1A, Eagle Business Park, Filing No. 2, Town of

Frederick, State of Colorado and Lot 1B, Eagle Business Park, Filing No. 2,  
Town of Frederick, State of Colorado.

- b. The Board of Trustees authorizes the execution of the Exchange Agreement and associated Lease Agreements by the Mayor on behalf of the Town of Frederick upon finalization by the Town Attorney in substantially the same as reflected in the attached.

**Section 3.** Effective Date. This ordinance shall become effective thirty (30) days after publication by the Town Clerk or designee.

**Section 4.** Severance Clause. If an article, section, paragraph, sentence, clause or phrase of this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Board of Trustees of the Town of Frederick, Colorado hereby declares that it would have passed this Ordinance and each part or parts thereof, irrespective of the fact that any one part or parts may be declared invalid or unconstitutional.

**Section 5.** Repealer. All other ordinances, or parts of any ordinances or other Code provisions in conflict herewith are hereby repealed.

**Section 6.** Certification. The Town Clerk or designee shall certify to the passage of this ordinance and make not less than one copy of the adopted ordinance available for inspection by the public during regular business hours.

**INTRODUCED, READ, PASSED, AND ADOPTED THIS 17<sup>TH</sup> DAY OF OCTOBER, 2023.**

TOWN OF FREDERICK

By Tracie Crites

Tracie Crites, Mayor

ATTEST:

By Kelly Green

Kelly Green, Deputy Town Clerk

