
MEMORANDUM

TO: Board of Trustees Poudre River Public Library District

FROM: Seter & Vander Wall, P.C.

DATE: April 8, 2014

RE: Legal Status Report for the April 14, 2014 Meeting of the Board of Trustees

This is our legal status report for the Trustees meeting scheduled for April 14, 2014.

Olive Street Lease Extension

MATTER: Negotiation and revision of the Purchase and Sale Agreement for 301 Olive Street with the Don and May Wilkins Charitable Trust.

STATUS: Counsel engaged in negotiations with the Wilkins Trust for a one year extension of the lease agreement and to amend the terms of the purchase and sale agreement for the Olive Street property. An agreement was reached. The District delivered a check for \$32,666.62 to extend the lease term to July 31, 2015. As a result, the purchase price of the Olive Street property was reduced from \$450,000.00 to \$417,333.38.

ACTION: None at this time.

Renovation of Main Library: Spec. and Contract for Diagonal Walk & Stage

MATTER: The Contract for diagonal walk and stage improvements was awarded to Hoff Construction. The Contract was reviewed and approved by Counsel. Construction is underway and close to completion.

STATUS: The District obtained additional funds for construction and included an add alternative that was excluded from the original bidding process. The Board adopted a resolution waiving the requirements of the municipal code 8-161(c) to permit the add alternative without re-bidding the project.

ACTION: None at this time.

{00102569}

Important Case Update: *Johnstown v. High Plains Library District*

MATTER: We have repeatedly confronted counties and towns that have removed property and tax base from library district boundaries. We have utilized the courts to define the statutes to preclude the removal of property from library district boundaries. Poudre chose not to appeal certain language in the *Wellington* case because we were victorious but that language in the case was of concern. That language is now on appeal in the referenced case to determine whether property may be removed from a library district if the board of trustees agrees to removal.

STATUS: This matter has been briefed to the Colorado Supreme Court and we are waiting it to be scheduled for oral argument. We believe a decision will be made soon, based upon our experience with other matters in the Supreme Court.

ACTION: None required.

Sublease of 256 W. Mountain Avenue

MATTER: The Trustees approved subleasing 256 West Mountain Avenue and the storage unit on Mason Street to the Friends of the Library for sorting and storing books.

STATUS: To our knowledge, still no action or movement by anyone.

ACTION: None required.