

CITY OF GRAND JUNCTION
POWER OF ATTORNEY FOR ALLEY IMPROVEMENT

OWNERS: Western Colorado Center For The Arts Inc.
ADDRESS OF PROPERTY: 1745 & 1803 N. 7th St, Grand Junction, CO 81501
TAX PARCEL: 2945-114-00-056 & 2945-114-00-055

LEGAL DESCRIPTION OF PROPERTIES: *
N 50FT OF S 100FT LOT 22 CAPITOL HILL SEC 11 1S 1W – 0.153AC
And
S 170FT OF N 200FT & N 217FT OF S 317FT OF LOT 22 CAPITOL HILL SUB SEC 11 1S 1W - 1.19AC

DESCRIPTION OF ALLEY: Generally, North/South alley from 6th St to 7th St, Glenwood Ave to Orchard Ave. Specifically, the east half of the north-south alley adjacent to the west property line of both properties described above.

I, (WE), Leonard D Borden as owner(s) of the real property described above, located in the City of Grand Junction Colorado, agree that, as a condition of City approval of development of the property, the alley(s) which adjoin(s) the above described property is (are) required to be improved or reconstructed to City standards and specifications. The required improvement or reconstruction has, with the consent of the City Manager, been deferred to such time, if any, as an alley improvement district, or equivalent legal mechanism, is formed for that certain alley described above. The estimated cost to the owners, or their heirs, successors and assigns, in 2021, dollars is \$ 84.30/ft. The actual cost which I (we) will pay will be determined in accordance with rates and policies established by the City at the time of formation of the improvement district.

I (We) as owners of the above described real property do hereby agree to participate in an improvement district, if one is formed, for the improvement or reconstruction of said alley(s) either as a part of a larger scope of work or otherwise, to the then existing standards and do hereby designate and appoint the City Clerk of the City of Grand Junction as my (our) Attorney-in-Fact, to execute any and all petitions, documents and instruments to effectuate my (our) intention to participate in said improvement district for such purpose, or to otherwise act in conformity with said general direction. The City Clerk is empowered by me (us) to do and perform any and all acts which the City Clerk shall deem necessary, convenient or expedient to accomplish such improvements or reconstruction as fully as I (we) might do if personally present.

This instrument is irrevocable and shall be recorded. This instrument shall be deemed to be a covenant which runs with the land. This authority and the covenant created thereby shall be binding upon any and all successors in interest to the above described property and shall not cease upon my death (the death of either or both of us) or the dissolution of marriage, partnership, corporation or other form of association which may hold title, or claim an interest to the property described herein.

As a further covenant to run with the land, I (we) agree that in the event a counterpetition to any proposed improvements or improvement district is prepared, any signature on such petition purporting to affect the land herein described may be ignored as of no force and effect by the City.

This power of attorney is not terminable; it shall terminate only upon the formation of an improvement district as herein described.

IN WITNESS WHEREOF, I (WE), have signed, executed and acknowledged this instrument on this 7th day of October 2021.

Leonard D Borden
Print Name: Leonard D Borden Print Name: _____

STATE OF COLORADO
COUNTY OF MESA

The foregoing instrument was subscribed and sworn to before me this 7th day of OCTOBER, 2021.
My commission expires 4/2/2022.

Anna Walters
Notary Public

ANNA L. WALTERS
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID #20144014588
My Commission Expires April 2, 2022

* If the legal description is lengthy, attach as Exhibit "A"

THE ART CENTER OF WESTERN COLORADO

BOARD OF TRUSTEES MEETING

AUGUST 26, 2021

PRESENT: Jeremy Franklin, Ronya Anna, Pavia Justinian, Sheri Ray, Joseph Gonzales, Mykan White, Kendra McDaniel, Terri Chinn, Lynne O'Connell, Anita Pisciotte, Lee Borden

Absent: Cathy Zippert, Michael Davis, David Price, Michael Neste, Jack Griggs

Guests present: Gisela Cardenas Ferguson, AJ Gustafson

President Jeremy Franklin opened the meeting at 5:15 pm. A quorum was declared.

Consent Agent, Minutes and Committee Reports

It was M/S/P (Justinian, McDaniel) to approve the consent agenda as presented.

By digital vote: The Board of Trustees voted 14 ayes, 1 abstention, to authorize Executive Director Lee Borden to purchase the refrigerator for \$3,219 at CnC Restaurant Equipment and Supply using funds donated by the Guild.

Executive director Report, Borden:

The appraisal of the Permanent Collection noted a value of 1.3 million.

Kephart addition: Still awaiting some landscaping plan approval. We won't be required to pave the back parking lot or do alley landscaping.

Legal Name change is waiting until we decide on any needed changes in the Articles of Incorporation.

Borden served as Art on the Corner juror. He noted that a piece by Pavia Justinian was accepted. The Art on the Corner celebration will be the first weekend of October.

The Benefit is September 25. Staff are working to make sure it will be safe due to pandemic. Board members were each distributed one ticket to attend and two to give to others, with a request to fill out the cards distributed which can enter them for tickets and get bidders' numbers.

Financial Report, Chinn:

Financial cash position remains okay. There is a projected \$250,00 shortfall for the Kephart project including the alley paving. \$95,000 of that amount is assigned to repairs and expenses that can wait for a while to be undertaken.

Franklin reviewed the Kephart project for the guests. So far, we have raised \$270,000, in addition to the initial donation of \$300,000. Pat Kephart will provide an extra \$50,000 for some additional enhancements she wishes to add to the project.

It was M/S/P (Anna, O'Donnell) to approve the financial report as submitted.

Franklin requested that the Finance Committee review the spending authority limits for the Executive Director.

The Guild has provided \$4,000 for the refrigerator, \$5,000 for School's Out Day Camp, and \$5,000 for Holiday Art Camp.

Fund Development Committee, Anna:

The committee has raised \$570,000 out of the \$600,00 goal. There will be a donor event tomorrow night at Pat Kephart's home. There will be another one October 14 for those who haven't yet donated. There will be a November artists' event. A grant is being submitted to El Pomar for \$20,000.

Kephart Gallery, Borden:

Dick Scariano has paid for and hired a landscape architect for the project.

The Fire mitigation system has been more difficult as we progress. The Planning Department request for a Power of Attorney for the alley improvement is holding up approval of our project by that Department. Apparently, back in the 1990s The Art Center did not comply with the necessary fire mitigation system requirements and the Planning Department wishes to assure our compliance. If the ballot issue for Grand Junction High School building is approved, we would agree to pay 1/3 of the cost of the alley pavement bordering on the Center. City noted that there is no deadline for the project if the Bond Issue fails. By amortizing over 10 years, the cost is a bit over \$4000 a year.

The Power of Attorney request engendered much discussion, but in the end the Kephart project will not be approved unless we grant this. Price has recommended that we not agree. It was suggested that we enter a formal protest to the City Council for the way this was handled after our permit is granted.

It was M/S/P with one no vote (Chinn, O'Connell) to approve Lee Borden to sign the Power of Attorney on the alley project on behalf of the Art Center.

Annual Meeting, Franklin:

The Annual Meeting will be held in person at the Art Center on Saturday September 11. Notice and ballots should be delivered this week. McDaniel will arrange for catering with a construction site theme.

Executive Director Annual Review will be postponed to September meeting.

Permanent Collection Additions, Borden:

It was M/S/P (Justinian, Anna) to accept Jac Kephart's Snow Scene and The Tokaido 53 Nations accordion book of lithographs as additions to the permanent collection.

Foundation, Franklin:

It was M/S/P (McDaniel, Chinn) under the authority of Article 13, Section 5 to recommend approval of Jack Connolly, John Cooper and Karen Moore for three-year terms on the Foundation Board.

Franklin will preside over the election and meeting at the Art center's Annual Meeting as well as the September ACBOT meeting. At the end of the September meeting and Board of Trustees appointment, he will accept appointment to membership and President the Foundation Board, remaining an ex-officio member of the Art Center board of Trustees.

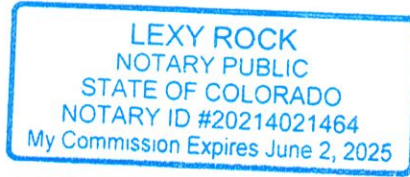
Questions and Announcements

Keith Brewer is leaving his position and Borden is seeking applications.

Anita Pisciotte, Recording Secretary

Anita Pisciotte

STATE OF CO, COUNTY OF Mesa
SIGNED BEFORE ME ON 9/1/21
BY Anita Pisciotte
NOTARY PUBLIC Lexy Rock
MY COMMISSION EXPIRES June 2, 2025



I, Anita Pisciotte, Secretary of the Board of Trustees of the Art Center of Western Colorado, certify that on August 26, 2021 the Board of Trustees voted 9 to 1 to approve Lee Borden to sign the Power of Attorney on the alley project on behalf of the Art Center.

The Power of Attorney is with the City of Grand Junction, Colorado Planning Department.

Anita T. Pisciotte

Anita T. Pisciotte, Secretary

9-15-2021

Date

STATE OF CO, COUNTY OF Mesa
SIGNED BEFORE ME ON 9/1/21
BY Anita T. Pisciotte
NOTARY PUBLIC Lexy Rock
MY COMMISSION EXPIRES June 2, 2025

