

RESOLUTION NO. 10-97

AUTHORIZING THE ACQUISITION BY THE CITY, THROUGH THE EXERCISE OF THE POWER OF EMINENT DOMAIN, OF CERTAIN REAL PROPERTY INTERESTS LOCATED AT 2699 UNAWEEP AVENUE FOR THE UNAWEEP AVENUE IMPROVEMENT PROJECT

WHEREAS, the City of Grand Junction and the County of Mesa have adopted plans for the UnawEEP Avenue Improvement Project, providing for the construction and installation of a new street section with curbing, gutter, sidewalk, underground storm sewer, domestic water mains and service lines, fire hydrants, street lights, traffic signals, and conversion of overhead utilities to underground along UnawEEP Avenue between U.S. Highway 50 and 28-1/2 Road in the City of Grand Junction, County of Mesa, State of Colorado; and

WHEREAS, the UnawEEP Avenue Improvement Project is part of the City of Grand Junction's efforts to improve vehicular, pedestrian and bicycle transportation along the UnawEEP Avenue corridor as the same has been determined necessary to serve the health, safety and welfare of the inhabitants of the City of Grand Junction; and

WHEREAS, to accommodate the installation, operation, maintenance and repair of improvements associated with the UnawEEP Avenue Improvement Project, the City needs to acquire Roadway and Utilities Right-of-Way Parcel No. 153, a fee acquisition containing 47.30 square feet, Public Utilities Easement Parcel No. 153, an easement acquisition containing 750.0 square feet, and Temporary Construction Easement No. 153, a temporary access interest for workers and equipment containing 827.08 square feet, all of said parcels being located at 2699 UnawEEP Avenue in the City of Grand Junction, County of Mesa, State of Colorado; and

WHEREAS, the fee owner of the parcels to be acquired has been determined to be Karl Antunes, whose legal address is P.O. Box 1536, Grand Junction, Colorado 81502; and

WHEREAS, City staff has negotiated in good faith with the above stated owner to purchase the required parcels for the fair market value thereof, and staff has submitted to the above stated owner an offer to purchase the required parcels for the following sum of money:

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|----------------------------------|-------------------------------|--------------------|
| Right-of-Way Parcel No. 153: | 47.30 sq.ft. @ \$2.00 | = \$ 94.60 |
| Part of Easement Parcel No. 153: | 650.0 sq.ft. @ \$2.00 x 50% | = \$ 650.00 |
| Part of Easement Parcel No. 153: | 100.0 sq.ft. @ \$2.00 x 99.9% | = \$ 199.80 |
| Temporary Easement No. 153: | Lump Sum | = \$ <u>100.00</u> |
| | Total Offer | = \$1,044.40; and |

WHEREAS, the above stated owner has refused to respond to the City's offers to purchase the required parcels; and

WHEREAS, the City Council has determined that the acquisition by the City of the above stated parcels through the exercise of the City's power of eminent domain is necessary and appropriate to serve the public health, safety and welfare.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO:

1. To responsibly serve the public health, safety and welfare, it is necessary and appropriate for the City acquire the following described real property interests, to wit:

Right-of-Way Parcel No. 153: Commencing at the Northeast Corner of Section 26, Township 1 South, Range 1 West of the Ute Meridian in the City of Grand Junction, County of Mesa, State of Colorado, and considering the North line of the Northeast 1/4 Northeast 1/4 of said Section 26 to bear N 90°00'00" W with all bearings contained herein being relative thereto; thence N 90°00'00" W along the North line of said Northeast 1/4 Northeast 1/4 a distance of 30.00 feet; thence S 00°00'00" W a distance of 30.00 feet to the True Point of Beginning; thence S 00°00'00" W a distance of 6.66 feet; thence N 64°54'08" W a distance of 15.69 feet; thence S 90°00'00" E a distance of 14.21 feet to the Point of Beginning, containing 47.30 square feet; and

Public Utilities Easement No. 153: Commencing at the Northeast Corner of Section 26, Township 1 South, Range 1 West of the Ute Meridian in the City of Grand Junction, County of Mesa, State of Colorado, and considering the North line of the Northeast 1/4 Northeast 1/4 of said Section 26 to bear N 90°00'00" W with all bearings contained herein being relative thereto; thence N 90°00'00" W along the North line of said Northeast 1/4 Northeast 1/4 a distance of 30.00 feet; thence S 00°00'00" W a distance of 180.00 feet; thence N 90°00'00" W a distance of 140.00 feet to the True Point of Beginning; thence N 90°00'00" W a distance of 10.00 feet; thence N 00°00'00" E a distance of 140.00 feet to the South line of an existing 10.00 foot wide Utility & Irrigation Easement dedicated with the plat of Perkins Subdivision as recorded in Plat Book 9 at Page 101 in the office of the Mesa County Clerk and Recorder; thence S 90°00'00" E along the South line of said existing easement a distance of 5.00 feet; thence S 00°00'00" E a distance of 130.00 feet; thence S 90°00'00" E a distance of 5.00 feet; thence S 00°00'00" E a distance of 10.00 feet to the Point of Beginning, containing 750.00 square feet; and

Temporary Construction Easement No. 153: Commencing at the Northeast Corner of Section 26, Township 1 South, Range 1 West of the Ute Meridian in the City of Grand Junction, County of Mesa, State of Colorado, and considering the North line of the Northeast 1/4 Northeast 1/4 of said Section 26 to bear N 90°00'00" W with all bearings contained herein being relative thereto; thence N 90°00'00" W along the North line of said Northeast 1/4 Northeast 1/4 a distance of 30.00 feet; thence S 00°00'00" W a distance of 40.00 feet to the True Point of Beginning; thence S 00°00'00" W a distance of 18.50 feet; thence N 90°00'00" W a distance of 5.71 feet; thence N 00°00'00" E a distance of 13.50 feet; thence S 90°00'00" W a distance of 144.29 feet; thence N 00°00'00" E a distance of 5.00 feet to a point on the South line of an existing 10.00 foot wide Utility & Irrigation Easement dedicated with the plat of Perkins Subdivision recorded

in Plat Book 9 at Page 101 in the office of the Mesa County Clerk and Recorder; thence S 90°00'00" E along the South line of said existing easement a distance of 150.0 feet to the Point of Beginning, containing 827.08 square feet.

2. The acquisition by the City of Right-of-Way Parcel No. 153 (fee acquisition of 47.30 square feet), Utilities Easement Parcel No. 153 (a permanent utilities easement containing 750.0 square feet), and Temporary Construction Easement No. 153 (a temporary construction easement containing 827.08 square feet), through the exercise of the power of eminent domain is hereby determined to be necessary for the public health, safety and welfare.

3. The City Attorney is hereby by authorized and directed, on behalf of the City and as the act of the City, to obtain immediate possession of the above described parcels, pursuant the Charter of the City of Grand Junction and applicable eminent domain statutes of the State of Colorado, through the exercise of the power of eminent domain.

PASSED and ADOPTED this 5th day of February, 1997

Attest:

/s/ Stephanie Nye
City Clerk

/s/ Linda Afman
President of the Council