

RESOLUTION NO. 23-97

AMENDING 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, Resolution No. 10-97, passed and adopted by the Grand Junction City Council on the 5th day of February, 1997, authorized the City attorney to obtain Roadway and Utilities Right-of-Way Parcel No. 153, Public Utilities Easement Parcel No. 153, and Temporary Construction Easement No. 153, all of said real property interests being part of the real property located at 2699 UnawEEP Avenue in the City of Grand Junction, County of Mesa, State of Colorado, for the UnawEEP Avenue Improvement Project; and

WHEREAS, the City has determined that the square footage of Roadway and Utilities Right-of-Way Parcel No. 153, as set forth in Resolution No. 10-97, needs to be increased from 47.30 square feet to 171.12 square feet; and

WHEREAS, the firm of B & B Appraisal, Inc., heretofore estimated the fee simple estate of the fair market value of the property located at 2699 UnawEEP Avenue to be based on \$2.00 per square foot; and

WHEREAS, the firm of B & B Appraisal, Inc., has revised and increased its estimate of the fee simple estate of the fair market value of the property located at 2699 UnawEEP Avenue to be based on \$2.25 per square foot; and

WHEREAS, based on the foregoing, City staff has submitted to the owner of the property located at 2699 UnawEEP Avenue an amended offer to purchase the above stated required parcels for the following sum of money:

Right-of-Way Parcel No. 153:	171.12 sq.ft. @ \$2.25	= \$ 385.02
Part of Easement Parcel No. 153:	650.0 sq.ft. @ \$2.25 x 50%	= \$ 731.25
Part of Easement Parcel No. 153:	100.0 sq.ft. @ \$2.25 x 99.9%	= \$ 224.78
Temporary Easement No. 153:	Lump Sum	= \$ <u>100.00</u>

Total Amended Offer = \$1,441.05; and

WHEREAS, in the event the owner of the real property located at 2699 UnawEEP Avenue rejects or refuses to respond to the City's amended offer to purchase the required parcels, the City Council reaffirms its determination 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 (As Amended): 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 18.50 feet; thence N 45°00'00" W a distance of 26.16 feet; thence S 90°00'00" E a distance of 18.50 feet to the Point of Beginning, containing 171.12 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, as amended (fee acquisition of 171.12 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 Engineer is hereby authorized to amend the legal descriptions of the parcels to be acquired, and the nature of the interests to be acquired, if necessary in the course of construction.

4. 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 March, 1997

Attest:

/s/ Linda Afman
President of the Council

/s/ Stephanie Nye
City Clerk