

Resolution No. 82-97

A Resolution Authorizing The Mayor to Sign Reconveyance Agreement

WHEREAS, the City of Grand Junction and the Redlands Water and Power Company entered into an Agreement dated March 15, 1979 pursuant to which Redlands was obligated to transfer to Redlands and the City of Grand Junction, as "common tenants", certain rights to 100 cfs of Redlands water rights; and

WHEREAS, the Agreement required certain actions by the City of Grand Junction before the rights to this water could be exercised; and

WHEREAS, the City of letter dated June 20, 1997 terminated the March 15, 1979 Agreement; and

WHEREAS, the City is desirous of quitclaiming any interest it has in the transferred water which was the subject of the March 15, 1979 Agreement.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City Council of the City of Grand Junction hereby authorizes the Mayor of the City of Grand Junction to sign an agreement reconveying and quitclaiming to Redlands Water and Power Company all of the City's right, title and interest in water which was subject to the March 15, 1979 Agreement. This reconveyance agreement is attached hereto as Exhibit A.

Approved this 19th day of November, 1997.

/s/ Janet Terry
President of the Council

ATTEST:

/s/ Theresa F. Martinez
Deputy City Clerk

AGREEMENT

THIS AGREEMENT (Agreement) is entered into this 19th day of November, 1997, by and between THE CITY OF GRAND JUNCTION (City), a body corporate and politic, and REDLANDS WATER AND POWER COMPANY (Redlands), a Colorado nonprofit corporation.

RECITALS

A. The City and Redlands entered into an agreement dated March 15, 1979 (Prior Agreement), pursuant to which Redlands was obligated to transfer to Redlands and the City, as "common tenants," certain rights to one hundred (100) cfs of Redlands' water rights (Transferred Water).

B. The Prior Agreement provides that, upon its termination, the City will reconvey and transfer to Redlands all of its right, title and interest acquired in and to the Transferred Water pursuant to the Prior Agreement.

C. The City has by letter dated June 20, 1997, informed Redlands that the Prior Agreement will no longer be exercised.

D. The parties desire to terminate the Prior Agreement upon the terms and conditions set forth herein.

TERMS

NOW, THEREFORE, in consideration of the Recitals above, and the mutual agreement to terminate the Prior Agreement set forth below, the parties agree as follows:

1. Termination of Prior Agreement. The Prior Agreement is terminated effective June 30, 1997.

2. Reconveyance of Transferred Water. The City hereby quitclaims and conveys to Redlands all of its right, title, and interest acquired in and to the Transferred Water pursuant to the Prior Agreement, without any warranties of title.

3. Representations and Warranties. The City represents and warrants that it has not transferred or conveyed any of its right, title or interest acquired in and to the Transferred Water pursuant to the Prior Agreement to any person and the City has the full power and authority to enter into this Agreement.

4. Lease and Water Rights Not Affected. The lease dated October 15, 1982 between Redlands, as lessor, and the City, as lessee, is not affected by this Agreement. Nor shall this Agreement affect a water right owned by the City that was decreed conditionally to the Grand Junction Redlands Tailrace Pump Station in Case No. W-3683 on October 14, 1979, by the

District Court for Water Division 5, with reasonable diligence having been most recently determined by the same court in Case No. 93CW285 on May 31, 1994.

5. Entire Agreement. This Agreement is the entire agreement of the parties with respect to the subject matter herein, and shall not be amended or changed except in writing and signed by both parties.

DATED the day and year first set forth above.

REDLANDS WATER AND POWER COMPANY,
a Colorado nonprofit corporation

By Edward F. Carpenter
Edward F. Carpenter, President

ATTEST:

Earl Fisk
Earl Fisk, Secretary/Treasurer

CITY OF GRAND JUNCTION, a body corporate
and politic

By Janet Terry
Janet Terry, President of the City Council

ATTEST:

Stephanie Nye by Theresa J. Martinez, Deputy
Stephanie Nye, City Clerk

