

RESOLUTION NO. 139-99

AUTHORIZING AN AMENDMENT TO
AGREEMENT TO INITIATE
LAND EXCHANGE BETWEEN THE
CITY OF GRAND JUNCTION AND THE BUREAU OF LAND MANAGEMENT

WHEREAS, the City and the Bureau of Land Management have cooperated in various ways, including the joint efforts regarding the Grand Mesa Slopes areas; and

WHEREAS, a current cooperative effort involves a land exchange so that the interests of each are promoted; and

WHEREAS, on April 7, 1999 the City adopted Resolution 42-99 authorizing an agreement to initiate a land exchange between the City and the Bureau of Land Management; and

WHEREAS, Resolution 42-99 described lands being reviewed for exchange at that time; and

WHEREAS, final agreement has been reached on actual lands to be exchanged; and

WHEREAS, it is, therefore, necessary to amend the agreement to initiate a land exchange.

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

1. That the attached Amendment to Agreement to Initiate Land Exchange between the City and the Bureau of Land Management is approved.
2. That the City Manager is authorized and directed to execute the agreement.

PASSED and ADOPTED this 1st day of December 1999.

ATTEST:

/s/ Gene Kinsey
President of the Council

/s/ Stephanie Nye
City Clerk

AMENDMENT TO
AGREEMENT TO INITIATE A LAND EXCHANGE BETWEEN
CITY OF GRAND JUNCTION, COLORADO
AND
BUREAU OF LAND MANAGEMENT, GRAND JUNCTION RESOURCE AREA
Serial No. COC-59085

INTRODUCTION:

This AMENDMENT to the Agreement to Initiate a Land Exchange is made this 1ST day of DECEMBER, 1999, pursuant to Section 206 of the Federal Land Policy and Management Act of October 21, 1976, as amended. This agreement is between the City of Grand Junction, Colorado (Proponent) and the Bureau of Land Management, Grand Junction Resource Area (BLM).

PAGE ONE, INTRODUCTION, PARAGRAPH THREE, is hereby amended to read: In summary, the Proponent would obtain ownership of approximately 448.08 acres of public land located adjacent to existing City property in the Grand Mesa slopes area. The Proponent would convey to the BLM 519.76 acres of land adjoining existing BLM administered lands in the same vicinity. The lands involved in this exchange proposal are described as follows:

<u>Selected Public Lands:</u>	<u>Offered Private Lands:</u>
T. 2 S., R. 2 E. Sec. 1: SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 10: NW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 15: W $\frac{1}{2}$ NW $\frac{1}{4}$,	T. 1 S., R. 2 E. Sec. 10: SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 11: N $\frac{1}{2}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 12: NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 13: NW $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, (Less 10.24 Acres)
T. 12 S., R. 97 W. Sec. 30: Lots 11, 13, 14,	T. 2 S., R. 1 E. Sec. 1: NW $\frac{1}{4}$ SW $\frac{1}{4}$
T. 12 S., R. 98 W. Sec. 12: Lot 13 Sec. 13: Lot 4, Sec. 14: Lot 5, Sec. 25: SE $\frac{1}{4}$ SE $\frac{1}{4}$,	T. 2 S., R. 2 E. Sec. 4: Portion of Lot 3, S $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$.

PAGE TWO, DESCRIPTION OF LANDS OR INTEREST IN LANDS BEING CONVEYED: The map referenced in this paragraph as "Exhibit A", is replaced with the "Exhibit A" attached to this document.

PAGE TWO, EXCHANGE PROCESSING STEPS, ADD NEW PARAGRAPH SIX: The selected public lands will be conveyed subject to deed restrictions precluding future residential or commercial development, and requiring maintenance of the property in a natural condition. In addition, the exchange will contain provisions to ensure the roads located on the selected public lands in Sec. 1, T. 2 S., R. 2 E., and Secs. 12, 13, and 14, T. 12 S., R. 98 W., and the trail located on the selected public lands in Sec. 10, T. 2 S., R. 2 E., as illustrated on "Exhibit B" (attached), will remain open to public use. These restrictions and provisions shall constitute perpetual covenants running with the land.

PAGE THREE, CLOSING: PARAGRAPH TWO, SENTENCE THREE, Is hereby amended to read: The appraisal indicates the offered City property is valued at \$20,000 more than the selected BLM administered lands.

All other terms and conditions of the original Agreement To Initiate a Land Exchange dated 16 April, 1999 remain as originally written.

IN WITNESS WHEREOF, the parties have executed this agreement in duplicate as of the last date shown below.

PROPOSONENTS

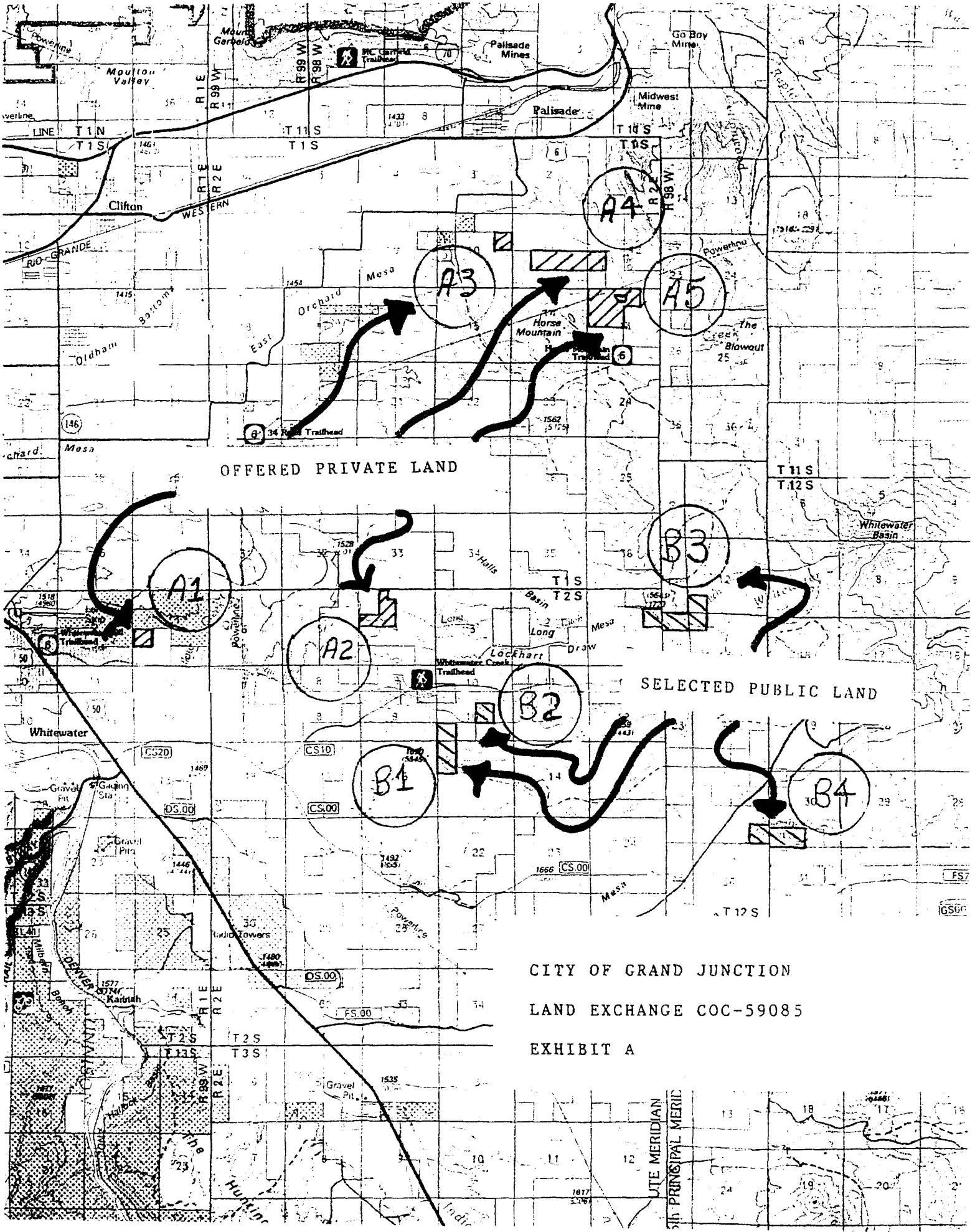
BY: Mark Cleban
City Manager

Date: 12/14/99

BUREAU OF LAND MANAGEMENT

BY: Mani M. AKK
Acting Field Manager

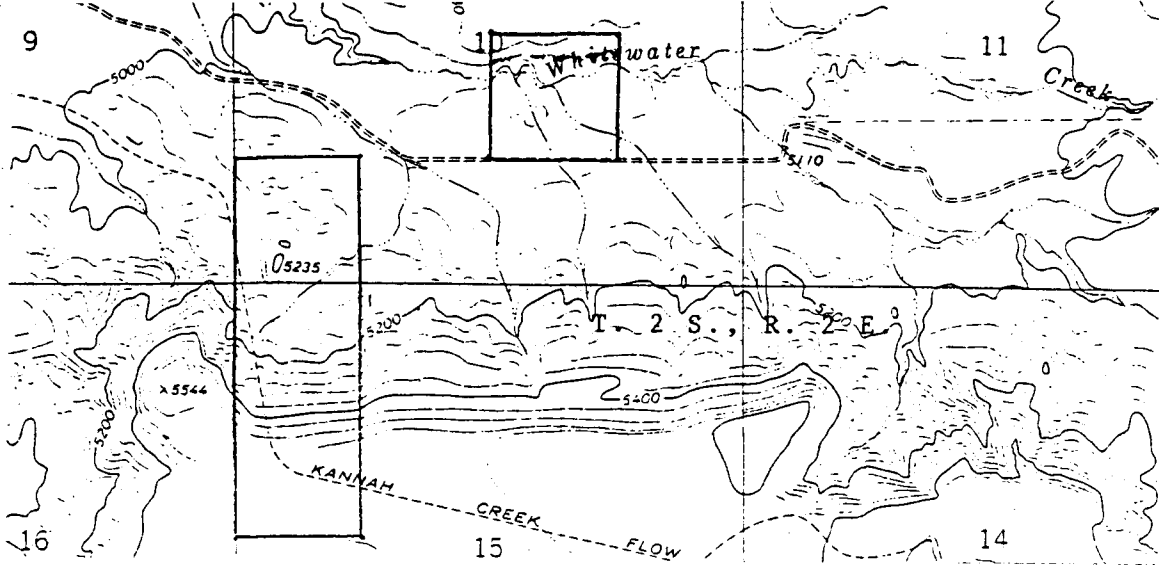
Date: 10/15/99



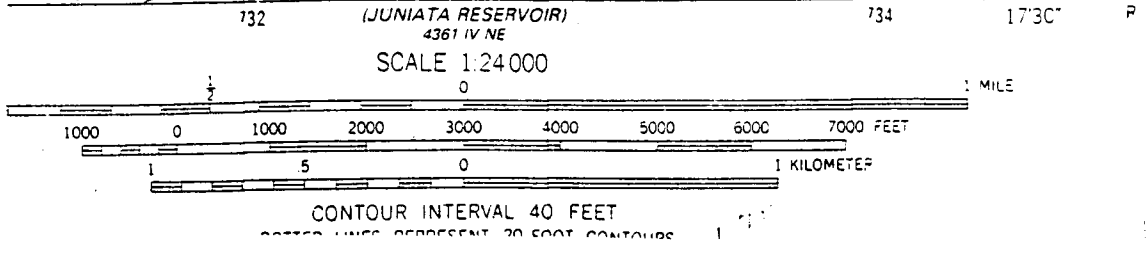
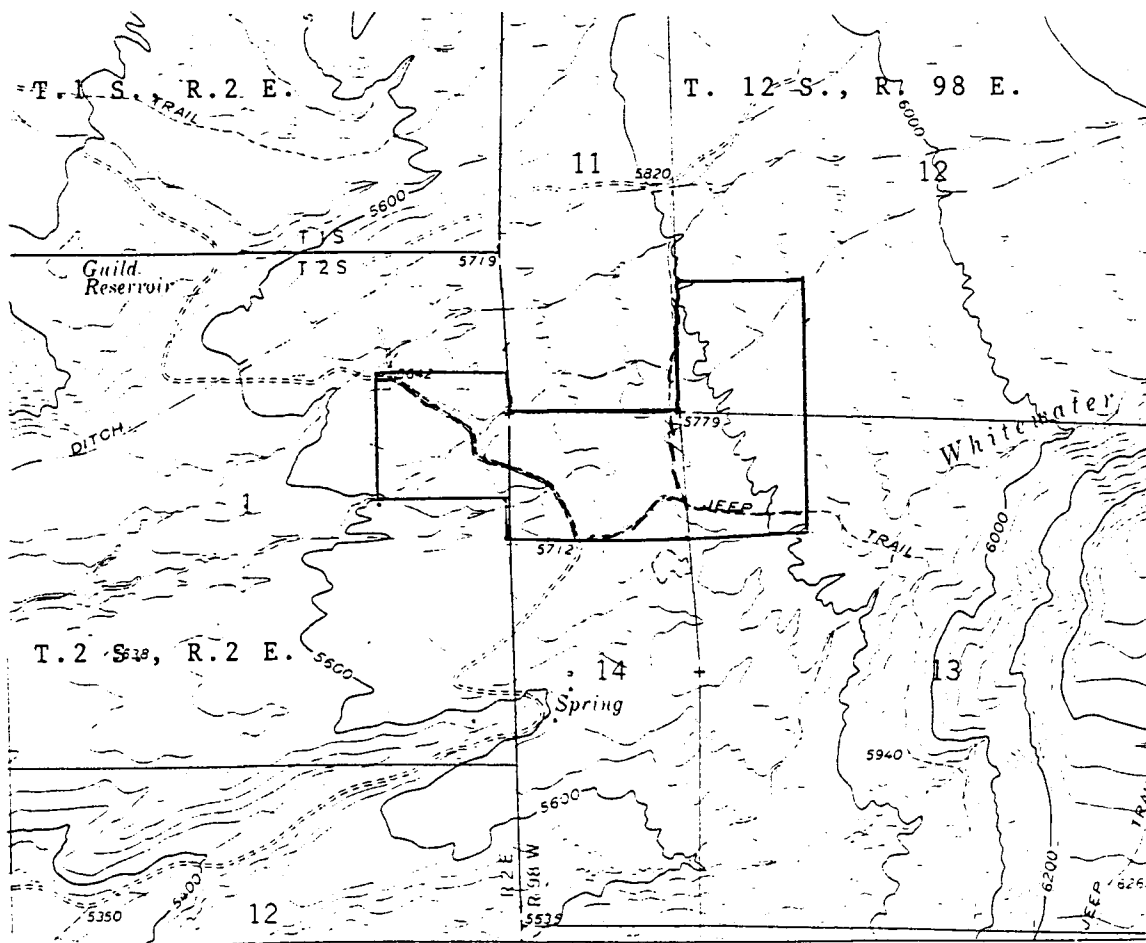
OFFERED PRIVATE LAND

SELECTED PUBLIC LAND

CITY OF GRAND JUNCTION
 LAND EXCHANGE COC-59085
 EXHIBIT A



Trail easement in Sec 10, T. 2 S., R. 2 E.



Road easements located in Sec. 1, T. 2 S., R. 2 E. and Secs. 12, 13, 14, T. 12 S., R. 98 W.

EXHIBIT B

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

WARRANTY DEED

For and in consideration of the exchange of certain public lands pursuant to Section 206 of the Federal Land Management and Policy Act of 1976, as amended (90 Stat. 2743; 43 U.S.C. 1716), the CITY OF GRAND JUNCTION, COLORADO, A MUNICIPAL CORPORATION; whose address is 250 N. 5TH STREET, GRAND JUNCTION, COLORADO 81501 hereinafter called Grantor, does hereby grant, bargain, sell and convey to the UNITED STATES OF AMERICA, and its assigns, the following described real property situated in the County of Mesa, State of Colorado, to wit:

Township 2 South, Range 1 East of the Ute MeridianSection 1: NW $\frac{1}{4}$ SW $\frac{1}{4}$,Township 1 South, Range 2 East of the Ute MeridianSection 10: SE $\frac{1}{4}$ NE $\frac{1}{4}$,Section 11: N $\frac{1}{2}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$,Section 12: NW $\frac{1}{4}$ SW $\frac{1}{4}$,

Section 13: NW $\frac{1}{4}$ EXCEPT Beginning at the Southeast corner of the N $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 13; thence South 577 feet; thence North 88°00'00" West 529 feet; thence North 40°00'00" West 585 feet; thence North 19°00'00" West 131 feet; thence North 72°00'00" East 300 feet; thence South 105 feet to the Southwest corner of said N $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$; thence East 660 feet to the point of beginning, NW $\frac{1}{4}$ NE $\frac{1}{4}$,

Township 2 South, Range 2 East of the Ute MeridianSection 4: Lot 3 EXCEPT the NE $\frac{1}{4}$ thereof, S $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$,

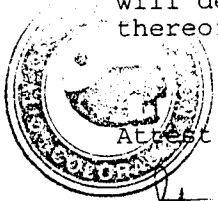
The parcel of land to which the above description applies contains 519.76 acres, more or less.

The acquiring agency is the Bureau of Land Management, United States Department of the Interior.

TO HAVE AND TO HOLD unto the UNITED STATES OF AMERICA and its assigns forever, RESERVING UNTO GRANTOR, its successors and assigns forever, and excepting from this Deed, all minerals and mineral rights of every kind and character now known to exist or hereafter discovered, including without limiting the generality of the foregoing, all oil and gas rights appurtenant thereto, AND ALSO RESERVING UNTO GRANTOR, its successors and assigns forever, and excepting from this Deed, all water and water rights, ditches and ditch rights, which are or have been appurtenant thereto or which may have any time been used upon the demised premises.

Grantor covenants and warrants that it is lawfully seized and possessed of the real property aforesaid and has the full right, power and authority to execute this conveyance, and that said real property is free and clear of liens, claims or encumbrances, except items which may be shown of record, and that it will defend the title to the real property conveyed herein and quiet enjoyment thereof against the lawful claims and demands of all persons.

Dated this 15th of December, 1999



Attest:

Stephanie Nye
City Clerk

Mark K. Achen
Mark K. Achen, City Manager
City of Grand Junction, Colorado

STATE OF COLORADO)
)SS.
COUNTY OF MESA)

On this 15th day of December, 1999, before me personally appeared Mark K.Achen as City Manager and Stephanie Nye as City Clerk of the City of Grand Junction, Colorado, known to be to be the persons who executed the foregoing instrument on behalf of the CITY OF GRAND JUNCTION, COLORADO, and acknowledged that they are the City Manager and City Clerk of the City of Grand Junction, Colorado, and stated that they are authorized to execute said instrument, and that they executed the foregoing instrument as the lawful act and deed of the City of Grand Junction, Colorado.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Theresa A. Martinez
Notary Public in and for the
State of Colorado
Residing at
250 N. 5th St.
Grand jet CO 81501

My Commission expires: June 13, 2003.

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

EXCLUSIVE TRAIL EASEMENT COC-59085

For and in consideration of the exchange of certain public lands pursuant to Section 206 of the Federal Land Management and Policy Act of 1976, as amended (90 Stat. 2743; 43 U.S.C. 1716),

CITY OF GRAND JUNCTION, A MUNICIPAL CORPORATION;

hereinafter called Grantor, whether one or more, does hereby grant to the UNITED STATES OF AMERICA, and its assigns, a perpetual exclusive easement to locate, construct, use, control, maintain, improve, relocate, and repair an existing horse and foot trail, not to exceed twelve (12') feet in width, over and across the following-described real property situated in the County of Mesa, State of Colorado, to wit:

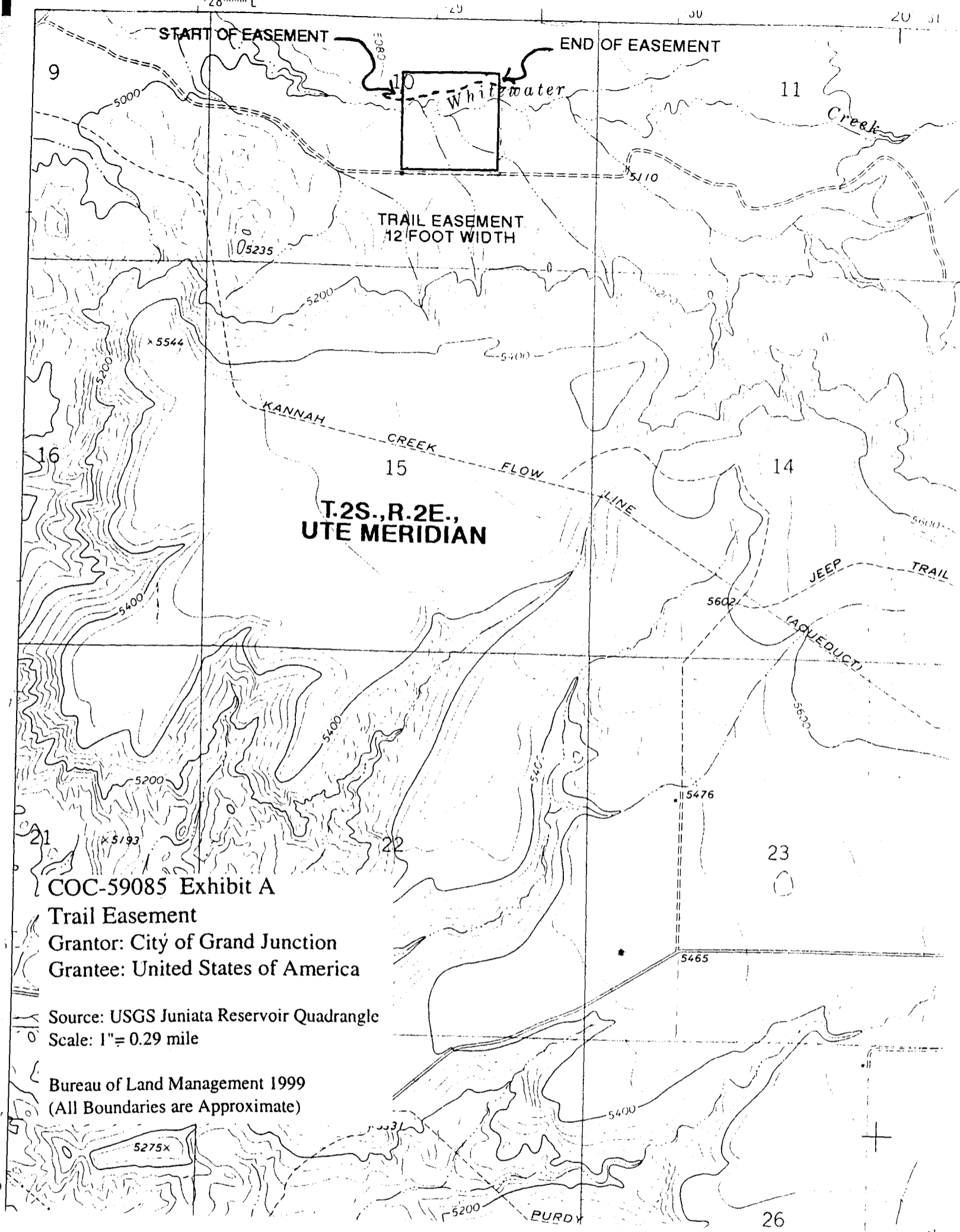
a parcel of land located in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 10, Township 2 South, Range 2 East, Ute Principal Meridian, more particularly shown and described on Exhibit A, attached hereto and made a part hereof. The trail shall not be used by motorized vehicles.

The parcel of land to which the above description applies contains approximately 0.4 acres., more or less.

The easement herein granted is for the full use of the above described property as a trail by the United States of America, its licensees and permittees, including the right of access for the people of the United States generally to lands owned, administered, or controlled by the United States of America for all lawful and proper purposes subject to reasonable rules and regulations of the Secretary of the Interior. Grantor reserves the right of ingress and egress over and across the trail for all lawful purposes: *Provided*, That such use shall not interfere with the easement granted herein: *Provided Further*, That the use of the trail by grantor for any commercial use or any ancillary use thereto shall be subject to Title V of the Federal Land Policy and Management Act of 1976 (90 Stat. 2743-2794) and regulations issued thereunder.

The grant of easement herein made is subject to the effect of reservations and leases, of any, of oil, gas, and minerals in and under said land.

TO HAVE AND TO HOLD said easement unto the UNITED STATES OF AMERICA and its assigns forever.



COC-59085 Exhibit A
Trail Easement
 Grantor: City of Grand Junction
 Grantee: United States of America

Source: USGS Juniata Reservoir Quadrangle
 Scale: 1" = 0.29 mile

Bureau of Land Management 1999
 (All Boundaries are Approximate)

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

EXCLUSIVE ROAD EASEMENT COC-59085

For and in consideration of the exchange of certain public lands pursuant to Section 206 of the Federal Land Management and Policy Act of 1976, as amended (90 Stat. 2743; 43 U.S.C. 1716),

CITY OF GRAND JUNCTION, A MUNICIPAL CORPORATION;

hereinafter called Grantor, whether one or more, does hereby grant to the UNITED STATES OF AMERICA, and its assigns, a perpetual exclusive easement to locate, construct, use, control, maintain, improve, relocate, and repair an existing road, not to exceed thirty (30') feet in width, over and across the following-described real property situated in the County of Mesa, State of Colorado, to wit:

a parcel of land located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 1, Township 2 South, Range 2 East, Ute Meridian; and Lot 4, Section 13, and Lot 5, Section 14, Township 12 South, Range 98 West, 6th Principal Meridian; more particularly shown and described on Exhibit A, attached hereto and made a part hereof.

The parcel of land to which the above description applies contains approximately 4.96 acres, more or less.

The easement herein granted is for the full use of the above described property as a road by the United States of America, its licensees and permittees, including the right of access for the people of the United States generally to lands owned, administered, or controlled by the United States of America for all lawful and proper purposes subject to reasonable rules and regulations of the Secretary of the Interior. Grantor reserves the right of ingress and egress over and across the road for all lawful purposes: *Provided*, That such use shall not interfere with the easement granted herein: *Provided Further*, That the use of the road by grantor for any commercial use or any ancillary use thereto shall be subject to Title V of the Federal Land Policy and Management Act of 1976 (90 Stat. 2743-2794) and regulations issued thereunder.

The grant of easement herein made is subject to the effect of reservations and leases, of any, of oil, gas, and minerals in and under said land.

TO HAVE AND TO HOLD said easement unto the UNITED STATES OF AMERICA and its assigns forever.

Grantor covenants and warrants that it is lawfully seized and possessed of the land aforesaid and has the full right, power and authority to execute this conveyance, and that said land is free and clear of liens, claims or encumbrances, except as shown above, and that it will defend the title to the easement conveyed herein and quiet enjoyment thereof against the lawful claims and demands of all persons.

Dated this 15th of Dec, 1999



Stephanie Nye
City Clerk

Mark K. Achen
Mark K. Achen, City Manager
City of Grand Junction, Colorado

STATE OF COLORADO)
)SS.
COUNTY OF MESA)

On this 15th day of December, 1999, before me personally appeared Mark K. Achen as City Manager and Stephanie Nye as City Clerk of the City of Grand Junction, Colorado, known to be to be the persons who executed the foregoing instrument on behalf of the CITY OF GRAND JUNCTION, COLORADO, and acknowledged that they are the City Manager and City Clerk of the City of Grand Junction, Colorado, and stated that they are authorized to execute said instrument, and that they executed the foregoing instrument as the lawful act and deed of the City of Grand Junction, Colorado.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Theresa A. Marting
Notary Public in and for the
State of Colorado
Residing at 250 N. 5th St.
Grand Junction CO 81501

My Commission expires: June 13, 2003

COC-59085 Exhibit A
Road Easement
Grantor: City of Grand Junction
Grantee: United States of America

Source: USGS Palisade Quadrangle
Scale: 1" = 0.29 mile

Bureau of Land Management 1999
(All Boundaries are Approximate)

