

RESOLUTION NO. 133-00

**DETERMINING THE NECESSITY OF AND
AUTHORIZING THE ACQUISITION OF CERTAIN EASEMENT INTERESTS BY
CONDEMNATION FOR IMPROVEMENTS CONNECTED WITH
SANITARY SEWER IMPROVEMENT DISTRICT NO. SS-44-00**

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

Section 1. It is hereby determined that it is necessary to the public health, safety and welfare that the easement interests described below ("Easements") be acquired for sanitary sewer purposes. The Easements are to be acquired by negotiation and purchase if possible; provided, however, the condemnation of the Easements is hereby specifically approved and authorized. The Easements sought to be acquired are to be used for the installation, operation, maintenance, repair and replacement of public sanitary sewer facilities.

Section 2. The City Attorney is hereby specifically authorized and directed to take all necessary legal measures, including condemnation, to acquire the Easements which are hereby determined to be necessary to be acquired to be used for sanitary sewer purposes. The City Attorney is further authorized to request immediate possession of the Easements.

Section 3. Interests to be acquired: One (1) perpetual sanitary sewer easement and one (1) temporary construction easement.

Owner(s) of record: The Grand Valley Irrigation Company, a Colorado nonprofit corporation.

Legal Descriptions:

Perpetual Sanitary Sewer Easement:

Commencing at the Northwest corner of Section 2, Township 1 South, Range 1 West of the Ute Meridian, City of Grand Junction, County of Mesa, State of Colorado, and considering the west line of the Northwest $\frac{1}{4}$ of said Section 2 to bear S 00°06'00" E with all bearings contained herein being relative thereto; thence S 00°06'00" E along the west line of the Northwest $\frac{1}{4}$ of said Section 2 a distance of 665.68 feet; thence leaving the west line of said Northwest $\frac{1}{4}$, S 75°50'00" E a distance of 30.94 feet to a point on the west boundary line of the property of Grantor; thence N 00°00'00" E along the west boundary line of the property of Grantor a distance of 5.72 feet to the Northwest corner of the property of Grantor; thence S 75°55'00" E along the north boundary line of the property of Grantor a distance of 1,010.92 feet to the True Point of Beginning;

thence S 75°55'00" E along the north boundary line of the property of Grantor a distance of 24.48 feet;

thence leaving the north boundary line of the property of Grantor, S 21°08'34" E a distance of 420.07 feet;

thence S 89°38'00" W a distance of 10.12 feet;

thence S 32°36'00" E a distance of 270.23 feet to the Southeast corner of the property of Grantor;

thence S 89°54'00" W along the south boundary line of the property of Grantor a distance of 27.19 feet;

thence leaving the south boundary line of the property of Grantor, N 32°32'30" W a distance of 148.51 feet;
thence N 26°06'22" W a distance of 109.68 feet;
thence N 21°08'34" W a distance of 430.83 feet to the Point of Beginning,
containing 13,848.17 square feet as described; and also

Temporary Construction Easement:

Commencing at the Northwest corner of Section 2, Township 1 South, Range 1 West of the Ute Meridian, City of Grand Junction, County of Mesa, State of Colorado, and considering the west line of the Northwest ¼ of said Section 2 to bear S 00°06'00" E with all bearings contained herein being relative thereto; thence S 00°06'00" E along the west line of the Northwest ¼ of said Section 2 a distance of 665.68 feet; thence leaving the west line of said Northwest ¼, S 75°50'00" E a distance of 30.94 feet to a point on the west boundary line of the property of Grantor; thence N 00°00'00" E along the west boundary line of the property of Grantor a distance of 5.72 feet to the Northwest corner of the property of Grantor; thence S 75°55'00" E along the north boundary line of the property of Grantor a distance of 1,035.40 feet to the True Point of Beginning;

thence S 75°55'00" E along the north boundary line of the property of Grantor a distance of 12.24 feet;

thence leaving the north boundary line of the property of Grantor, S 21°08'34" E a distance of 416.80 feet;

thence S 89°38'00" W a distance of 10.70 feet;

thence N 21°08'34" W a distance of 420.07 feet to the Point of Beginning,
containing 4148.33 square feet as described.

Section 4. 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.

Section 5. The City Council hereby finds and resolves, in the event that acquisition by condemnation of any parcel described in this resolution is commenced, that immediate possession is necessary for the public health, safety and welfare, due to bidding and construction deadlines.

Section 6. The Charter authorizes this resolution and the actions described. The resolution shall be effective upon an affirmative vote of a majority of the City Council considering it.

PASSED and ADOPTED this 6th day of December, 2000.

Attest:

/s/ Stephanie Nye
City Clerk

/s/ Gene Kinsey
President of the Council