

RESOLUTION NO. 16-00

A RESOLUTION DETERMINING THE NECESSITY OF  
AND AUTHORIZING THE ACQUISITION OF CERTAIN PROPERTY  
BY CONDEMNATION FOR IMPROVEMENTS TO AND NEW PORTIONS OF  
HORIZON DRIVE  
AND OTHER MUNICIPAL PUBLIC FACILITIES

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 property described below ("Property") be acquired for right-of-way, street, sidewalk, utility, drainage and other public improvement purposes. The Property is to be acquired by negotiation and purchase if possible; provided, however, the condemnation of the Property is hereby specifically approved and authorized. The property sought to be acquired is to be used for municipal public purposes.

Section 2. The City Attorney is hereby specifically authorized and directed to take all necessary legal measures, including condemnation, to acquire the Property which is hereby determined to be necessary to be acquired to be used for right-of-way, street, sidewalk, utility, drainage and other public improvement purposes. The City Attorney is further authorized to request immediate possession of the Property.

Section 3. Interest to be acquired: easements for side slopes and street light facilities.

Owners of record: Emanuel Epstein, as to an undivided one-half (1/2) interest, and Jimmie L. Etter, as to an undivided one-half (1/2) interest.

Legal Description:

Easement Parcel No. 1:

Commencing at the Southeast Corner of the Northwest  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  (NW  $\frac{1}{4}$  NW  $\frac{1}{4}$ ) of Section 1, Township 1 South, Range 1 West of the Ute Meridian, City of Grand Junction, County of Mesa, State of Colorado, and considering the east line of the NW  $\frac{1}{4}$  NW  $\frac{1}{4}$  of said Section 1 to bear N 00°02'52" E with all bearings contained herein being relative thereto; thence N 00°02'52" E along the east line of the NW $\frac{1}{4}$  NW $\frac{1}{4}$  of said Section 1 a distance of 409.46 feet to the True Point of Beginning;

thence leaving the east line of the NW  $\frac{1}{4}$  NW  $\frac{1}{4}$  of said Section 1, N 50°03'13" W a distance of 101.08 feet;

thence S 49°48'23" W a distance of 52.59 feet;

thence S 51°42'40" W a distance of 74.89 feet;

thence S 53°27'00" W a distance of 71.60 feet;

thence S 63°05'33" W a distance of 87.13 feet;  
thence S 04°01'03" E a distance of 27.99 feet;  
thence S 56°51'54" W a distance of 9.23 feet;  
thence S 88°41'04" W a distance of 25.24 feet;  
thence S 57°13'45" W a distance of 35.87 feet;  
thence S 43°42'58" W a distance of 62.95 feet;  
thence S 47°15'23" W a distance of 71.16 feet;  
thence S 53°19'06" W a distance of 60.93 feet;  
thence S 56°18'01" W a distance of 58.37 feet;  
thence S 42°32'32" W a distance of 54.62 feet;  
thence S 01°51'40" W a distance of 29.87 feet to a point on the north right-of-way line for Cliff Drive as described by instrument recorded in Book 663 at Page 75 in the office of the Mesa County Clerk and Recorder;  
thence N 89°51'30" W along the north right-of-way line for Cliff Drive a distance of 90.23 feet to a point on the southerly right-of-way line for Horizon Drive as described by instrument recorded in Book 822 at Page 245 in the office of the Mesa County Clerk and Recorder;  
thence N 52°42'52" E along the southerly right-of-way line for Horizon Drive a distance of 872.34 feet to a point on the east line of the NW ¼ NW ¼ of said Section 1;  
thence S 00°02'52" W along the east line of the NW ¼ NW ¼ of said Section 1 a distance of 145.70 feet to the Point of Beginning,  
containing 22,638.74 square feet as described; and also

Easement Parcel No. 2:

Commencing at the Southwest Corner of the Northeast ¼ of the Northwest ¼ (NE ¼ NW ¼) of Section 1, 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 NE ¼ NW ¼ of said Section 1 to bear N 00°02'52" E with all bearings contained herein being relative thereto; thence N 00°02'52" E along the west line of the NE¼ NW¼ of said Section 1 a distance of 409.46 feet to the True Point of Beginning;

thence N 00°02'52" E along the west line of the NE ¼ NW ¼ of said Section 1 a distance of 145.70 feet to a point on the southerly right-of-way line for Horizon Drive as described by instrument recorded in Book 822 at Page 480 in the office of the Mesa County Clerk and Recorder;  
thence N 52°42'52" E along the southerly right-of-way line for Horizon Drive a distance of 715.24 feet;  
thence leaving the southerly right-of-way line for Horizon Drive, S 76°27'22" E a distance of 11.11 feet;  
thence S 50°01'05" W a distance of 204.57 feet;  
thence S 36°30'09" W a distance of 28.46 feet;  
thence S 11°41'54" E a distance of 77.66 feet;  
thence S 33°59'50" W a distance of 48.50 feet;  
thence S 51°05'39" W a distance of 29.23 feet;  
thence S 61°04'04" W a distance of 46.98 feet;

thence S 43°01'11" W a distance of 88.47 feet;  
thence S 53°32'16" W a distance of 336.60 feet to the Point of Beginning,  
containing 63,014.97 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.

ADOPTED this 16<sup>th</sup> day of February, 2000.

/s/ Gene Kinsey  
President of the Council

/s/ Stephanie Nye  
City Clerk