

RESOLUTION NO. 72-01

A RESOLUTION DETERMINING THE NECESSITY OF, AND AUTHORIZING THE ACQUISITION OF, CERTAIN PROPERTY BY EITHER NEGOTIATION OR CONDEMNATION, FOR 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 certain property be acquired for street, sidewalk, utility and drainage purposes. The necessary property as hereafter described in Section 3, is to be acquired by negotiation and purchase if possible; provided, however, the condemnation of said 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 legally described and set forth in the following section, which is hereby determined to be necessary to be acquired to be used for street, sidewalk, utility and drainage purposes. The City Attorney is further authorized to request immediate possession of the parcels hereinafter set forth.

Section 3. Interests to be acquired: fee simple absolute and temporary use.

Owner of record: C-Store Holdings, LTD., a Texas limited partnership,
SuperMart Convenience Store 2998 North Avenue

Legal Descriptions:

Public Roadway & Utilities Right-of-Way: Commencing at the Northwest corner of the Northwest $\frac{1}{4}$ (NW $\frac{1}{4}$) of Section 17, Township 1 South, Range 1 East of the Ute Meridian, City of Grand Junction, County of Mesa, State of Colorado, and considering the north line of said NW $\frac{1}{4}$ of Section 17 to bear S 89°57'43" E with all bearings contained herein being relative thereto; thence along said north line of the NW $\frac{1}{4}$ of said Section 17, S 89°57'43" E a distance of 76.25 feet; thence leaving said north line of the NW $\frac{1}{4}$ of said Section 17, S 00°02'17" W a distance of 40.00 feet to a point on the south right-of-way line for North Avenue as described by instrument recorded in Book 779 and Page 155 in the office of Mesa County Clerk and Recorder, said point being the **True Point of Beginning**; thence leaving south right-of-way line for said North Avenue, S 49°31'52" W a distance of 34.18 feet to a point on the east right-of-way line for 29 Road as described by instrument recorded in Book 1808 and Page 123 in the office of Mesa County Clerk and Recorder;

thence along east right-of-way line for said 29 Road, N 00°12'24" W a distance of 2.13 feet;
thence continuing along said right-of-way line for 29 Road, 31.48 feet along the arc of a curve concave to the southeast, having a radius of 20.00 feet, a central angle of 90°10'18", and a long chord bearing N 44°54'45" E a distance of 28.34 feet to a point on south right-of way line for said North Avenue;
thence continuing along south right-of-way line for said North Avenue, S 89°57'43" E a distance of 6.01 feet to the **True Point of Beginning**, containing 202.82 square feet, more or less.

Interest to be acquired: fee simple absolute

A drawing depicting the same labeled Exhibit "A" is attached and incorporated by this reference.

AND ALSO

Temporary Construction Easement: an irregular parcel or area of land along the west and northwest boundary of the property located at 2998 North Avenue containing 1420.00 square feet, more or less.

Interest to be acquired: temporary use

A drawing depicting the same labeled Exhibit B is attached and incorporated by this reference.

Section 4. The parcels designated for acquisition as a temporary construction easement and fee simple are for and a part of the construction of street, sidewalk and utility facilities all a part of the 29 Road improvement project. To that end the City Engineer is hereby authorized to determine the commencement date and necessary duration of such easement to be acquired on the basis of the anticipated construction schedule as it exists at the time of acquisition.

Section 5. 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 6. 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 7. 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.

DONE this 18th day of July 2001.

/s/: Cindy Enos-Martinez
Mayor

ATTEST:

/s/: Stephanie Nye
City Clerk