

RESOLUTION NO. 07-05

**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 public street, sidewalk, parking, 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 associated with the Riverside Parkway project.

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 public street, sidewalk, parking, utility and drainage purposes. The City Attorney is further authorized to request immediate possession of the parcels hereinafter set forth.

Section 3. Interest to be acquired: Fee simple absolute.

Owner of record: Erasmo Muniz and Sandra Muniz

Legal Description:

Parcel #1 Mesa County Tax Assessor 2945-103-00-067
BEG 708.4FT S + 30FT E OF W4 COR SEC 10 1S 1W S61DEG22MIN E 100FT S
143FT W 87.77FT N 247.94FT TO BEGEXC TR BK 911 PG 420

Parcel #2 Mesa County Tax Assessor 2945-103-00-068
BEG 220FT N + 30FT E OF SW COR NW4SW4 SEC 10 1S 1W E88.77FT N
203.86FT W 88.77FT S TO BEG

The interest to be acquired shall include all buildings attached to the property as realty in accordance with Colorado law.

Section 4. The City Council hereby finds and resolves, in the event that acquisition by condemnation of the parcels described in this resolution is commenced, that immediate possession is necessary for the public health, safety and welfare, due to design and construction deadlines.

Section 5. 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 5th day of January, 2005.

Attest:

/s/ Bruce Hill
President of the Council

/s/ Stephanie Tuin
City Clerk