

RESOLUTION NO.181-05

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 undivided 20% interest.

Owner of record: Eldon K.VanGundy Irrevocable Trust, Quinton VanGundy, Trustee

Legal Description:

Lots 10, 15 and 18 in Block 1;

Lots 1, 2, 5, 6, 8 and S ½ Lot 7 in Block 1, Except the West 4 feet of said lots;

Lot 9 in Block 1, Except Beginning at the Northwest corner of Lot 9, thence East 4 feet, thence Southwesterly to the Southwest corner of said lot, thence North to the Point of Beginning;

The North 25 feet of Lot 11 in Block 1;

Lot 12 in Block 1, Except the South 18 inches thereof;

The South 5 feet of the East 82.5 feet of Lot 16 in Block 1;

The West 74.5 feet of the North 134.5 feet of Lot 16 in Block 1;

Lot 17 in Block 1, Except Beginning at the Northeast corner of Lot 17 in Block 1 South Fifth Street Subdivision in the City of Grand Junction; thence South forty feet; thence West for a distance of twenty seven feet; thence Northwesterly on a curve to the right with a radius of 220 feet for a distance of 101.5 feet; thence North 63°27' West for a distance of sixteen feet to the West line of said Lot 17; thence North to the Northwest corner of said Lot 17; thence East a distance of 139.04 feet to the point of beginning,

All in South Fifth Street Subdivision in the City of Grand Junction,

AND Beginning 577.5 feet West of the NE corner of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 23, Township 1 South, Range 1 West, Ute Meridian, thence South 199 feet, thence East 82 $\frac{1}{2}$ feet, thence North 199 feet, thence West to point of beginning;

EXCEPT Beginning at the Northeast corner of Lot 16 in Block 1 South Fifth Street Subdivision in the City of Grand Junction; thence South nine feet; thence North 63°27' West for a distance of twenty one feet to a point on the North line of said Lot 16, thence East to point of beginning,

AND Beginning at a point 577 $\frac{1}{2}$ feet West of the NE Corner of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 23, Township 1 South, Range 1 West of the Ute Meridian, and 134 $\frac{1}{2}$ feet South of the North boundary line of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 23, thence West 82 $\frac{1}{2}$ feet, thence South 64 $\frac{1}{2}$ feet, thence East 82 $\frac{1}{2}$ feet, thence North 64 $\frac{1}{2}$ feet to the point of beginning,

AND Beginning at a point 145.5 feet South of where the North boundary line of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 23, Township 1 South, Range 1 West, of the Ute Meridian intersects the East line of Fifth Street, in the City of Grand Junction, thence South 43.5 feet, thence East 111.5 feet, thence North 43.5 feet, thence West 111.5 feet to the point of beginning, in the City of Grand Junction; EXCEPT tract deeded to the City of Grand Junction as recorded in Book 559 at Page 271 of the records of the Mesa County Clerk and Recorder; AND EXCEPT the West 4 feet thereof;

AND a parcel of land situated in Section 23, Township 1 South, Range 1 West, Ute Meridian, more particularly described: Beginning at the SW Corner of said property from whence the city block monument at the intersection of 5th Street and 4th Avenue bears West 67.90 feet; thence North 06°31'49" East 40.12 feet; thence North 17°03'38" East 19.96 feet; thence North 34°19'19" East 19.82 feet; thence North 59°54'48" East 19.96 feet; thence North 87°03'33" East 19.99 feet; thence South 73°53'31" East 20.47 feet; thence South 78°35'23" East 16.11 feet; thence South 77.48 feet; thence West 94.28 feet to the Point of Beginning;

AND a parcel of land situated in Section 23, Township 1 South, Range 1 West, Ute Meridian, more particularly described as: Beginning at the SW Corner of the property from whence the city block monument at the intersection of 5th Street and 4th Avenue bears West 178.18 feet; thence North 70.41 feet; thence South 63°32'07" East 157.99 feet; thence West 141.43 feet to the point of beginning;

AND Beginning at a point 194 feet South of the intersection of the East line of 5th Street with the North line of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 23, Township 1 South, Range 1 West of the Ute Meridian, thence South 50 feet, thence East 104.12 feet, thence North 50 feet, thence West 104.12 feet to the place of beginning;

AND Beginning 577.5 feet West and 199 feet South of the Northeast corner of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 23, Township 1 South, Range 1 West of the Ute Meridian, thence South 65 feet, thence East 82.5 feet, thence North 65 feet, thence West to the place of beginning;

AND Beginning 577.5 feet West and 199 feet South of the Northeast corner of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 23, Township 1 South, Range 1 West of the Ute Meridian, thence West

74.5 feet, thence South 70 feet, thence East 74.5 feet, thence North to the place of Beginning,

MESA COUNTY, COLORADO.

The interest to be acquired is undeveloped land 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 7th of December, 2005.

Attest:

/s/: Gregg Palmer
Council President Pro Tem

/s/: Stephanie Tuin
City Clerk