

RESOLUTION NO. 40-07

**A RESOLUTION AUTHORIZING THE PURCHASE OF A PERPETUAL STORM
WATER EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT
AT 590 24 ½ ROAD FROM
CARMIKE THEATRE (AP CONSOLIDATED THEATRES LIMITED PARTNERSHIP,
A TEXAS LIMITED PARTNERSHIP)**

Recitals.

A. The City of Grand Junction has entered into a contract with AP Consolidated Theatres Limited Partnership, A Texas Limited Partnership, for the purchase by the City of certain perpetual and temporary easements located within the proposed alignment of the Independent Ranchman's Ditch. The three easements to be acquired are as follows:

Parcel	Assessor Number	Address	Zoned	Easement Req'd (Sq Ft)
PE	2945-091-13-002	590 24 ½ Road	C-1	7,759.00
TCE	2945-091-13-002	590 24 ½ Road	C-1	17,767.00

B. The Memorandum of Agreement provides that the City Council must ratify the purchase and the allocation of funds for all expenses required to effectuate the purchase of said property.

C. Based on the advice and information provided by the City staff, the City Council finds that it is necessary and proper that the City purchase said property.

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

1. The above-described easements shall be purchased for a price of **\$78,000.00**. All actions heretofore taken by the officers, employees and agents of the City relating to the purchase of said property which are consistent with the provisions of the negotiated Memorandum of Agreement and this Resolution are hereby ratified, approved and confirmed.

2. Said **\$78,000.00** is authorized to be paid at closing, in exchange for conveyance of the required easements.

3. The officers, employees and agents of the City are hereby authorized and directed to take all actions necessary or appropriate to complete the acquisition of the described easements. Specifically, City staff is directed to effectuate this Resolution and the existing Memorandum of Agreement, including the execution and delivery of

such certificates and documents as may be necessary or desirable to complete the purchase for the stated price.

PASSED and ADOPTED this 21st day of March, 2007.

Attest:

/s/ James J. Doody
President of the Council

/s/ Stephanie Tuin
City Clerk