

Grand Junction, Colorado

November 24, 1941

The City Council of the City of Grand Junction, Colorado, met in special session at 4:30 o'clock P. M. Councilmen present and answering at roll call were: Carson, Ross, Hoisington, Boston, Robb, Treece and President Campbell. City Manager Brownson, City Attorney Hinman and City Clerk Tomlinson were present.

It was moved by Councilman Carson and seconded by Councilman Ross that the City Council waive the usual 24-hour formal notice of meeting. Roll was called on the motion with all members of the Council voting AYE. The President declared the motion carried.

City Manager Brownson informed the Council that the lease on the Airport lands had been granted by the U. S. Government, Pursuant to a letter from the Registrar of the U. S. Land Office in Denver under date of November 18, 1941, enclosing quadruplicate copies thereof which had been immediately executed on behalf of the City and returned to the U. S. Land Office as per their letter, and that he had received a telegram from the Registrar of the U. S. Land Office in Denver advising him that said letter had been received and had been forwarded to Washington for final execution.

City Attorney Hinman's Certificate as City Attorney, approving the form of resolution for certificate for title requested by the C.A.A. was presented and read.

The following resolution was presented and read:

RESOLUTION

RESOLUTION CONSTITUTING AGREEMENT WITH THE UNITED STATES RELATIVE TO OPERATION AND MAINTENANCE OF THE GRAND JUNCTION MUNICIPAL AIRPORT

WHEREAS, The Administrator of Civil Aeronautics of the United States Department of Commerce (hereinafter referred to as "Administrator"), acting pursuant to the terms of the Department of Commerce Appropriation Act, 1942 (Public Law 135, 77th Congress, Title II), has designated as necessary for national defense a project (herein called the "Project") for development of the Grand Junction Municipal Airport (herein called the "Airport"), which project is identified as S-_____; and

WHEREAS, as a condition precedent to release and operation of the Project, the Administrator requires that the City of Grand Junction (herein called the "City") have title in fee simple to the landing area of the Airport and the lands to be improved under the project and enter into an agreement with the United States (herein called the "Government"), in the manner and form hereof;

and

WHEREAS, the City is legally, financially, and otherwise able to enter into such an agreement and desires to avail itself of the benefits of prosecution of the Project;

NOW, THEREFORE, BE IT RESOLVED BY THE City Council of the City of Grand Junction:

Section 1. That for and in consideration of development of the Airport by the Government as contemplated by the Project, the City does hereby covenant and agree with the Government as follows:

(a) The Government shall have the right to develop the Airport as it sees fit, including the right to determine the exact nature of the improvements to be made under the Project, the manner in which the Project is to be conducted, the amount of Federal funds to be expended, and all other matters relating to the Project. The City will cooperate with the Government to ensure prosecution of the Project without interference or hindrance, and agrees to permit the agents and employees of the Government, and all persons authorized by the Administrator, to enter upon, use and occupy the Airport as the Administrator may deem necessary or desirable in connection with the conduct of the Project.

(b) The City agrees to indemnify and save harmless the Government against and from any and all claims and damages which may arise from or in connection with the carrying out of the Project, excepting claims for materials furnished or work performed pursuant to authority given by officers, employees, or agents of the Government.

(c) It is understood and agreed that all improvements made under the Project shall be the sole and absolute property of the City, except where specifically agreed otherwise, in writing, prior to the undertaking of the improvement or installation in question.

(d) The City agrees that, continuously during the term of this agreement, the Airport will be operated as such, and for no other purpose, and that unless utilized exclusively for military purposes, it will at all times be operated for the use and benefit of the public, on reasonable terms and without unjust discrimination, and without grant or exercise of any exclusive right for use of the Airport within the meaning of Section 303 of the Civil Aeronautics Act of 1938.

(e) The City agrees that it will at all times during the term of this agreement maintain in good and serviceable condition and repair the entire landing area of the Airport and all improvements, facilities, and equipment which have been or may be made, constructed, or installed with Federal aid, including all

improvements made under the Project, other than facilities and equipment owned by the Government.

(f) Insofar as is within its powers and reasonably possible, the City will prevent any use of land either within or outside the boundaries of the Airport, including the construction, erection, alteration, or growth, of any structure or other object thereon, which would be a hazard to the landing, taking off, or maneuvering of aircraft at the Airport, or otherwise limit its usefulness as an airport.

(g) In order to protect the rights and interests of the Government under this resolution, the City agrees that it will not enter into any transaction which would operate to deprive it of any of the rights and powers necessary to perform any or all of the covenants made herein, unless by such transaction the obligation to perform all such covenants is assumed by another public agency.

Section 2. That the City does hereby warrant and represent to the Government as follows:

(a) That the City has title in fee simple to all the lands comprising the landing area of the Airport and to all lands to be improved under the Project, except lands held by the City under lease from the United States of America for use as a public Airport and bearing Serial Number Denver 051958, all of which lands are shown on the sketch attached hereto as part of Exhibit A, and that said lands are held free from any lien or encumbrance;

(b) That the City has the power and authority to adopt this resolution and to perform all of the covenants contained therein;

(c) That the City is financially and practically able to perform all of the covenants contained in this resolution;

(d) That there is no pending or threatening litigation or other legal proceeding, and no material and relevant fact, which might adversely affect the prosecution of the Project, the operation of the Airport, or the performance of any of the covenants contained in this resolution, which has not been brought to the attention of the Administrator;

(e) That the City Council of the City of Grand Junction has complied with all requirements of law in adopting this resolution.

(f) That such of the above representations and warranties as involve questions of law are made upon the advise of the City Attorney of the City, whose certificate as to such matters has been previously delivered to the City Council and is annexed hereto and made a part hereof, as Exhibit A.

Section 3. That the City Attorney and City Manager be and

they are authorized to furnish the Administrator such legal and factual information relative to the Airport, the Project, and this resolution as he may reasonably request.

Section 4. That Sections 1 and 2 of this resolution shall become effective upon the award of any construction contract for any portion of the project or the inauguration of any portion of the Project under force account, and shall continue in full force and effect during the useful life of the improvements made under the Project.

Section 5. That two certified copies of this resolution be sent forthwith to the Administrator, through the Regional Manager of Civil Aeronautics, 9th Floor, City Hall Building, Kansas City, Missouri.

I approve of the adoption of the foregoing resolution.

T. S. Campbell
President of the City Council

It was moved by Councilman Carson and seconded by Councilman Robb that the Resolution be passed and adopted as read. Roll was called on the motion with the following result: Councilmen voting AYE - Carson, Ross, Hoisington, Boston, Robb, Treece and Campbell. Councilmen voting NO - None. All of the Councilmen voting AYE, the President declared the motion carried.

It was moved by Councilman Carson and seconded by Councilman Treece that the meeting adjourn. Motion carried.

/s/ Helen C. Tomlinson
City Clerk