

CITY OF GRAND JUNCTION, COLORADO

RESOLUTION NO. 06-19

**A RESOLUTION SETTING A TITLE AND SUBMITTING TO THE ELECTORATE ON
APRIL 2, 2019 A MEASURE TO AUTHORIZE THE SALE OF BURKEY PARK**

RECITALS.

In December of 1966, the Burkey family offered to donate approximately 17 acres of land to the City of Grand Junction for a park. On November 15th of 1967 the legal description and deed donating the property to the City were recorded and the title was transferred. In 2001 the City acquired the property at 2980 Patterson Road (the DuCray property) to "square up" the boundary of Burkey property. Together the Burkey property and the DuCray property, located at 2982 and 2980 Patterson Road, are known as Burkey Park, and remain undeveloped (vacant land).

Development of Long's Family Park to the East and the planned development of Matchett Park to the West make development of Burkey Park unlikely. The highest and best use of the land is most likely residential with some neighborhood business/light commercial adjacent to Patterson Road.

Pursuant to Article VI, Section 48 of the City Charter, property held or used for park purposes can be sold only with approval by a majority of the City's qualified electors.

Funds from the sale of the Burkey Park property, if such sale is approved by the voters, would be dedicated to development and improvement of Matchett Park. To honor the Burkey family's donation of the property it is proposed that the Main Pavilion in Matchett Park will be named "Burkey Pavilion." The feature will be dedicated to L.W. and Mildred L. Burkey with the details of the naming and commemoration to be determined as the feature is designed and constructed.

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

1. The purpose of this resolution (Resolution) is to authorize the submission to the eligible electors voting at the election to be held on April 2, 2019 (the Election), a ballot question to authorize the sale of the approximately 18 acre Burkey Park property located at 2980 -2982 Patterson Road.
2. If approved by the eligible electors voting thereon, Burkey Park will be sold at a price determined by the City Council, and the proceeds of the sale will be dedicated to the development of Matchett Park.
3. Proceeds from the sale are and shall be exempt from, not governed by and excepted from the revenue and spending provisions of the Taxpayers' Bill of Rights.

At the Election, to occur on April 2, 2019, the official ballot shall state the substance of the question to be voted upon and so stated shall constitute the ballot title, designation

and submission clause, and each registered elector voting at the election shall indicate his or her choice on the question submitted, which shall be in the following form:

SHALL THE CITY COUNCIL BE AUTHORIZED TO SELL THE REAL PROPERTY, CONSISTING OF APPROXIMATELY 18 ACRES KNOWN AS THE BURKEY PARK PROPERTY LOCATED AT 2980-2982 PATTERSON ROAD FOR NOT LESS THAN FAIR MARKET VALUE, PURSUANT TO 1) APPRAISAL OR 2) A BID PROCESS OR 3) BEST OFFER, THE SALE PROCEEDS OF WHICH SHALL BE USED FOR THE DEVELOPMENT OF AND CONSTRUCTION OF IMPROVEMENT(S) IN MATCHETT PARK WITH THE MAIN PAVILION TO COMMEMORATE L.W. AND MILDRED L. BURKEY, WITH ALL OR ANY PORTION OF THE NET PROCEEDS OF THE SALE BEING HELD, RETAINED AND SPENT WITHOUT REGARD TO ANY SPENDING, REVENUE-RAISING, OR OTHER LIMITATION CONTAINED WITHIN ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION OR ANY OTHER LAW?

_____ YES/FOR THE SALE

_____ NO/AGAINST THE SALE

The ballot title is set based upon the requirements of the Colorado Constitution and the City Charter and, pursuant to Section 31-11-102, C.R.S., is an alternative to the provisions of Section 31-11-111, C.R.S. regarding both a title and a submission clause. Pursuant to Section 31-10-1308, C.R.S., any election contest arising out of a ballot issue or ballot question election concerning the order of the ballot or the form or content of the ballot title shall be commenced by petition filed with the proper court within five days after the title of the ballot issue or ballot question is set.

Adopted this 16th day of January 2019.



Barbara Traylor Smith
President of the Council

ATTEST:



Wanda Winkelmann
City Clerk

