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**CITY COUNCIL AGENDA
WEDNESDAY, DECEMBER 19, 2012
250 NORTH 5TH STREET
6:30 P.M. – PLANNING DIVISION CONFERENCE ROOM
7:00 P.M. – REGULAR MEETING – CITY HALL AUDITORIUM**

To become the most livable community west of the Rockies by 2025

Call to Order

*** (7:00 p.m.)

Pledge of Allegiance
Moment of Silence

Presentation

Grand Valley Power will Present a Check to City Council for the Energy Savings from the Energy Efficient Street Lights Installed Two Years Ago

Certificates of Appointment

To the Commission on Arts and Culture

To the Visitor and Convention Bureau Board of Directors

Council Comments

Citizen Comments

Revised December 19, 2012

*** Indicates Changed Item*

**** Indicates New Item*

® Requires Roll Call Vote

REVISED

***** CONSENT CALENDAR *****

1. **Minutes of Previous Meetings** [Attach 1](#)

Action: Approve the Minutes of the December 5, 2012 Regular Meeting and the Minutes of the December 12, 2012 Special Meeting

***** END OF CONSENT CALENDAR *****

***** ITEMS NEEDING INDIVIDUAL CONSIDERATION *****

2. **Public Hearing—Vacation of Plat and Portions of Right-of-Way/Easements in Kirby Subdivision, Located at 2856 B ¾ Road** [File # VAC-2012-453] [Attach 2](#)

A City initiated request to vacate the Kirby Subdivision plat and right-of-way and easements dedicated thereon with the exception of the southern 5' of right-of-way adjacent to B ¾ Road and the outer subdivision boundary Utility, Irrigation, and Drainage Easements adjacent to the north, west, and east property lines. Vacating the subdivision will allow the agricultural land uses to continue and provide an opportunity for future subdivision.

Ordinance No. 4563—An Ordinance Vacating the Kirby Subdivision Plat, Right-of-Way for Claire Drive, and Portions of Utility, Irrigation, and Drainage Easements Located 2856 B ¾ Road

®Action: Hold a Public Hearing and Consider Final Passage and Final Publication in Pamphlet Form of Ordinance No. 4563

Staff presentation: Scott D. Peterson, Senior Planner

3. **Purchase of Property at 760 Valley Court for the 22 Road Realignment at Highway 6 Project** [Attach 3](#)

The City has entered into a contract to purchase a portion of the property at 760 Valley Court from Roan Creek Land and Cattle Company, LLC. The City's offer to purchase this property is contingent upon City Council's ratification of the purchase contract.

Resolution No. 48-12—A Resolution Authorizing the Purchase of Real Property at 760 Valley Court from Roan Creek Land and Cattle Company, LLC

®Action: *Adopt Resolution No. 48-12*

Staff presentation: Greg Trainor, Public Works, Utilities, and Planning Director

4. **Non-Scheduled Citizens & Visitors**
5. **Other Business**
6. **Adjournment**

Attach 1

GRAND JUNCTION CITY COUNCIL MINUTES OF THE REGULAR MEETING

December 5, 2012

The City Council of the City of Grand Junction convened into regular session on the 5th day of December, 2012 at 7:00 p.m. in the City Auditorium. Those present were Councilmembers Bennett Boeschstein, Teresa Coons, Jim Doody, Tom Kenyon, Laura Luke, Sam Susuras, and Council President Bill Pitts. Also present were City Manager Rich Englehart, City Attorney John Shaver, and City Clerk Stephanie Tuin.

Council President Pitts called the meeting to order. Councilmember Luke then led the Pledge of Allegiance, followed by an invocation by Pastor Mike MacFarlane, New Day Ministries.

Proclamation

Proclaiming December 18th as “International Day of the Migrant” in the City of Grand Junction

Councilmember Coons read the proclamation. Tom Aker, along with a number of others who were in attendance representing International Day of the Migrant, thanked the Council for their support and shared some of their stories. The City Council was invited to a cultural celebration on December 15, 2012 from 3:00 p.m. to 7:00 p.m. at the Dual Emersion Academy.

Appointments

Councilmember Susuras said he, along with Councilmembers Luke and Boeschstein, interviewed seven highly qualified candidates for the open positions on the Commission on Arts and Culture Board and he encouraged those not selected to continue to apply.

Councilmember Susuras moved to appoint Jennifer Hancock for a partial term expiring February 2015, and appoint Randall Gray, Jeremy Franklin, and Emily Pfeifer to full terms expiring February 2016 to the Commission on Arts and Culture. Councilmember Coons seconded. Motion carried.

Councilmember Kenyon said that he, along with Mayor Bill Pitts and Councilmember Coons, interviewed seven very qualified candidates for the open positions on the Visitor and Convention Bureau Board of Directors and they wished they could pick them all. He then moved to appoint Daren Cole for a partial term expiring December 2013, appoint Kate Graham and Brad Taylor to three year terms expiring December 2015,

and re-appoint Per Nilsson and Glen Gallegos to three year terms expiring December 2015 to the Visitor and Convention Bureau Board of Directors. Councilmember Coons seconded. Motion carried.

Council Comments

Councilmember Boeschstein said he attended the Western Colorado Incubator meeting that morning. He lauded this institution for fostering economic development. He also attended the Riverfront Commission meeting. This is the 25th anniversary of the Commission and he listed some of their accomplishments. He attended the Municipalities Dinner being hosted by the County Commissioners for a few minutes prior to the meeting.

Citizen Comments

Duncan MacArthur, 2837 Kelso Mesa Drive, addressed the City Council on an issue brought forward by the Grand Junction Realtors Association regarding rezoning the vicinity of 5th Street to 4th Street, North Avenue, to Kennedy Avenue. This neighborhood is asking that the zoning not be changed simply to be in compliance with the Comprehensive Plan.

CONSENT CALENDAR

Councilmember Boeschstein read Consent Calendar items #1-4 and then moved to adopt the Consent Calendar. While reading item # 2 he read the summary and explained that the property taxes are staying the same in the City and the DDA, and being reduced in the Ridges Metropolitan District. Councilmember Doody seconded the motion. Motion carried.

1. Minutes of Previous Meeting

Action: Approve the Minutes of the November 19, 2012 Regular Meeting

2. Property Tax Mill Levies for the Year 2012

The resolutions set the mill levies of the City of Grand Junction (City), Ridges Metropolitan District, and the Downtown Development Authority (DDA). The City and DDA mill levies are for operations; the Ridges levy is for the final payment of the debt service. Since this is the final year of the Ridges debt service and there is fund balance from prior years, the mill levy has actually been reduced by almost 2 mills to cover the final payment.

Resolution No. 45-12—A Resolution Levying Taxes for the Year 2012 in the City of Grand Junction, Colorado

Resolution No. 46-12—A Resolution Levying Taxes for the Year 2012 in the Downtown Development Authority
Resolution No. 47-12—A Resolution Levying Taxes for the Year 2012 in the Ridges Metropolitan District

Action: Adopt Resolution Nos. 45-12, 46-12, and 47-12

3. **Setting a Hearing of the Vacation of Plat and Portions of Right-of-Way/Easements in Kirby Subdivision, Located at 2856 B 3/4 Road** [File # VAC-2012-453]

A City initiated request to vacate the Kirby Subdivision plat and right-of-way and easements dedicated thereon with the exception of the southern 5' of right-of-way adjacent to B 3/4 Road and the outer subdivision boundary Utility, Irrigation and Drainage Easements adjacent to the north, west and east property lines. Vacating the subdivision will allow the agricultural land uses to continue and provide an opportunity for future subdivision.

Proposed Ordinance Vacating the Kirby Subdivision Plat, Right-of-Way for Claire Drive, and Portions of Utility, Irrigation and Drainage Easements Located 2856 B 3/4 Road

Action: Introduction of a Proposed Ordinance and Set a Hearing for December 19, 2012

4. **Sole Source Contract for the Purpose of Structured Cable System for the New Fire Administration Building**

The Information Technology Division is recommending that a sole source purchase be approved for the acquisition of a Seimon Category 6A Structured Cable System for the new Fire Administration building. The purchase includes all materials, installation, termination, test, and certification of the system. The vendor will provide a Siemon 20 year certified installer warranty at the completion of the project.

Action: Authorize the City Purchasing Division to Enter into a Sole Source Contract with Rocky Mountain Telecom and Data Inc. (RMTD) in the Amount up to \$105,000

ITEMS NEEDING INDIVIDUAL CONSIDERATION

Purchase of Dump Trucks – 4x2 5 Yard Single Axle and 4x2 10 Yard Tandem Axel

This request is for the purchase of scheduled equipment replacements for a single axle 5 yard dump truck and a tandem axle 10 yard dump truck. The recommendation is for both trucks to be equipped with compressed natural gas (CNG) engines.

Jay Valentine, Internal Services Manager, presented this item. He noted that on August 1, 2012 he came before the City Council to purchase two dump trucks and the City Council approved the purchase with the Compressed Natural Gas option. Prior to the contract being executed, the vendor approached the City and said the manufacturer was possibly going out of business and the City should not go forward. The trucks were rebid and a new manufacturer with the CNG option is being brought forward.

Councilmember Kenyon asked about the comparison between diesel and the CNG option. Mr. Valentine said CNG is 70% cheaper than diesel right now so for any vehicle that uses a lot of fuel the payback is quicker than with the trucks that are used point to point. Therefore the payback won't be as quick with these trucks but Grand Junction has been on the leading edge of this conversion. The maintenance savings is yet to be known. Also, new emission equipment is required on diesel trucks: a high temperature regeneration process requires the truck go at high speed on the highway at certain intervals or else the vehicle will shut down.

Councilmember Kenyon thanked Mr. Valentine for the explanation. He said he would not want to see City of Grand Junction trucks running out to Fruita or Palisade in order to clean out the particulate filter.

Councilmember Coons was grateful for the Council's attention being paid to air quality. She recently heard the Governor is developing agreements with other states to go to Compressed Natural Gas with the understanding that as vehicles are ready to be replaced that they will be switched to CNG.

Councilmember Susuras asked about the one inoperable CNG truck the City owns. Mr. Valentine said it is the truck brand he talked about earlier, hence the cancelation of the other contract. The other CNG vehicles the City purchased have had no problems. They are still working with the company to resolve the situation regarding the inoperable CNG truck. There have been no problems with the Cummins engine.

Councilmember Doody expressed support for the proposal and referred to the CORE group that was formed and partnered with Alpine Bank in an effort to do all they can do to use resources efficiently. That includes moving to CNG vehicle fuel.

Councilmember Susuras thanked Mr. Valentine but in his opinion it is a waste of \$102,737 in taxpayer dollars to go with the CNG option. The diesel option was budgeted for. With the CNG option, the additional cost will have to be recaptured from user fees in the future. He described a conversation he had with the Mack truck dealer regarding the advanced engineering of the new diesel engines; the air going in to the diesel engine is dirtier than the exhaust coming out of the engine. He then read the last sentence of the CORE resolution which includes saving money for the City and the citizens. He said he has no problem acquiring CNG vehicles but only if the cost difference can be justified through fuel savings.

Councilmember Boeschstein said there are other costs associated with using diesel trucks and some of that is pollution. He supports the proposal for CNG.

Councilmember Susuras moved to authorize the City Purchasing Division to purchase a Single Axle 5 Yard Diesel Dump Truck from Hanson International in the amount of \$119,918 and a Tandem Axle 10 Yard Diesel Dump Truck from Transwest Truck Grand Junction in the amount of \$127,123. The motion died for lack of a second.

Councilmember Luke moved to authorize the City Purchasing Division to purchase a Single Axle 5 Yard CNG Dump Truck and a Tandem Axle 10 Yard CNG Dump Truck from Grand Junction Peterbuilt in the amount of \$349,770. Councilmember Doody seconded the motion. Motion carried by roll call vote with Councilmember Susuras voting NO.

Public Hearing—2012 Supplemental Appropriation Ordinance and the 2013 Budget Appropriation Ordinance

This request is to appropriate certain sums of money to defray the necessary expenses and liabilities of the accounting funds of the City of Grand Junction based on the 2012 amended and 2013 proposed budgets.

The public hearing was opened at 7:40 p.m.

Jodi Romero, Financial Operations Director, introduced this item. She explained that these two ordinances are to legally authorize the budget for 2013 and a supplemental appropriation for 2012.

Councilmember Susuras said he was not present at the Council meeting where this was discussed but he did review the PowerPoint presentation and wanted more detail and numbers. Councilmember Susuras asked how much has been budgeted for the Avalon Theatre. Ms. Romero responded that \$4.45 million has been budgeted in 2013 for this project. The funding comes from \$1.5 million from the City and \$1.35 million from the DDA. Private funding from the Foundation is \$1.6 million. Councilmember Susuras then asked how much has been budgeted for Colorado Mesa University (CMU). Ms. Romero

responded that there has been \$1 million budgeted; \$500,000 for the continued campus expansion project and \$500,000 for the new campus building.

Councilmember Susuras asked if funds were budgeted for the White Hall clean up. Ms. Romero said there was money from the expense side and there would also be a transfer from the DDA to cover half of the costs. Councilmember Susuras asked for the total cost to the City. Ms. Romero said it was about \$380,000 with a portion in the 2012 budget. Councilmember Susuras then asked about the 13 new employees and the plan to increase salaries. Ms. Romero said the amount budgeted is \$1.2 million; the majority is the partial market implementation and the remainder is for the 13 new positions.

Lena Elliott, Chair of the Board of CMU, was present to encourage approval of the budget and expressed appreciation of the CMU support. She recalled that she and Terry Farina presented to the City Council many years ago and asked for help buying properties for their vision of expansion. They have returned through the years and continued to ask, and the City Council continues to support the University. She was very appreciative of the partnership with the City Council. Spreading the word about their appreciation for the City and community helps when it comes time to asking others for support. She introduced current and past board members in attendance.

Jon Marachin, Executive Director of the Business Incubator, acknowledged the Council's support of the Incubator and noted how many companies they have helped. He also thanked City Council and City management for the support of CMU.

There were no other public comments.

The public hearing was closed at 7:47 p.m.

Councilmember Boeschstein complimented the City Manager and Staff for their work on the budget and stated he was pleased with the budget and the items included in the budget.

Councilmember Doody agreed with Councilmember Boeschstein noting he felt really engaged in the budget process and he thanked the City Council for their hard work. There was some give and take. He said he is proud of CMU. He is pleased with the overall budget.

Councilmember Coons reinforced the previous comments. She is proud of the budget because the City reinforces its partnerships with the rest of the community, making it a more livable community. The budget reflects that the City has lots of partners. A big chunk, 30% or more, is going toward transportation spending and capital projects that put people to work. Regarding the new positions, these are positions that were lost in basic services to keep the community safe. Twenty-one percent of the budget is water and sewer systems. The budget contributes to public safety, basic services, and the culture and recreation of the community.

Councilmember Kenyon pointed out that the budget is less than the 2012 budget and still includes a long list of capital investments in the community. CMU is one of the investments and it is a sound business decision to invest in CMU. White Hall will require funds to clean it up but then it will be put up for sale. The City got it free, and received a grant for the asbestos clean-up. The list is long and he encouraged the citizens to visit the website for more details on the budget. He thinks it is a very strong budget.

Councilmember Susuras commended the City Manager and the Finance Department for the budget process. However, he did not agree with all the items in the budget. He read some opinions of economic experts on the economy. He questioned whether the economy is moving toward a sound economy. He listed items that he believes should not be in the budget and some that should have more funding. He thinks the White Hall clean-up should have been the insurance company's responsibility. Number one item that should have more funds is the overlay projects. He believes in CMU but felt the City has needs of its own, and now is not the time to increase the City's commitment. He questioned the commitment of \$3 million to the Avalon Theatre project. He questioned if now is the right time to hire 13 more employees, and raise salaries. He felt the street overlays were being shorted. He did not agree with reducing the fund balance. He cautioned against continuing to use the rainy day reserve fund. It should be reserved for dire economic circumstances. There are many capital improvements that he supports. He will vote yes but he felt it necessary to lodge his objections to some of the items.

Councilmember Luke said she and Councilmember Susuras sat in on quarterly budget review sessions as well as annual reviews, and were able to get an in depth view of the budget. Staff made sure they saved money whenever they could. Some of the positions proposed to be filled are out of necessity, particularly in the Police Department. Through a grant, new officers were hired and the grant requires that those officers' salaries continue to be paid. She felt there is good logic to add those positions. She felt comparing the budget to 2007 and 2008 is wrong as that was a bubble. Comparisons should be made over thirty years. She appreciated her experience with the budget reviews.

Council President Pitts said the Council spent nine months in Readiness meetings meeting with Department Heads and representatives from outside organizations as requests were made. The Council scrutinized all these requests and he is proud of the City budget and the City management.

Ordinance No. 4559—An Ordinance Making Supplemental Appropriations to the 2012 Budget of the City of Grand Junction

Ordinance No. 4560—An Ordinance Appropriating Certain Sums of Money to Defray the Necessary Expenses and Liabilities of the City of Grand Junction, Colorado, the Downtown Development Authority, and the Ridges Metropolitan District for the Year Beginning January 1, 2013, and Ending December 31, 2013

Councilmember Kenyon moved to adopt Ordinance Nos. 4559 and 4560 and ordered them published in pamphlet form. Councilmember Coons seconded the motion. Motion carried by roll call vote.

Public Hearing—Amendment to Title 6, Animals, of the Grand Junction Municipal Code Adopting Changes to the Rules and Regulations Regarding Animals within the City

The proposed ordinance amends Title 6 of the Grand Junction Municipal Code. The amendments more effectively deal with concerns regarding public safety and public nuisances created because of animals.

The public hearing was opened at 8:10 p.m.

John Shaver, City Attorney, introduced this item. The proposal is the second reading on an ordinance amending the Grand Junction Municipal Code pertaining to animals. Assistant City Attorney Jamie Beard has been working with Mesa County Animal Services on the changes. The proposal is a comprehensive look at the City's Ordinance. The goal was to make the rules in the City the same in the unincorporated part of the County but there are some areas that need to be addressed differently in the City. This proposal will also address concerns regarding dangerous dogs.

Jamie Beard, Assistant City Attorney, responded to questions. Councilmember Kenyon said the media has reported dogs coming off the river and attacking humans, and also dogs being sold that weren't well taken care of.

Ms. Beard said the ordinance before them specifically addresses dangerous dogs. Mesa County Animal Services requested these changes in regards to dangerous dogs. Many times the dogs were deemed dangerous dogs by a court but there was nothing in the Code that allowed continued confinement, specified how control could be monitored, and whether the court orders could be continued like a requirement for muzzling the dog when out in public. The purpose of the proposed change is to prevent a second incident with a dangerous dog.

Councilmember Kenyon asked if the City is in contract with the Mesa County Animal Services. Ms. Beard said the City has a contract with Animal Services. He asked if the County has the same provisions. Ms. Beard said the City is the first to consider these proposed changes but they will be considered by the County as well. City Attorney Shaver added that the amendment ordinance also allows some restrictions based on tendencies some dogs have for being dangerous.

Councilmember Coons inquired how the City encourages adoption of unwanted or stray animals and how the ordinance handles that. Ms. Beard said in some circumstances the dog can be returned to the owner but the court can also determine whether the dog

should be put back up for adoption. Ms. Beard said the ordinance allows for a recommendation from the Mesa County Animal Services as to whether an animal should be adopted out or euthanized.

Councilmember Coons asked how the City works with Mesa County Animal Services. Ms. Beard said Mesa County Animal Services works with a number of rescue shelters to ensure the animal gets a second chance for adoption.

City Attorney Shaver said the ordinance doesn't address animal shelter adoption, but Ms. Beard described the operational practice used by Mesa County Animal Services. They have a preference for adoption and they work hard to get animals adopted.

Councilmember Susuras asked about the selling of animals out of the back of their trucks. Ms. Beard said that is not in this ordinance. More information is being gathered and the hope is to bring that back to the City Council in the next month.

Milton "Tony" Long, 237 White Avenue, Apt. B, said recently he was leaving a store and he felt something soft against his leg. It was a dog which was afraid but not hostile. He asked why such an animal should be kept under house arrest.

There were no other public comments.

The public hearing was closed at 8:25 p.m.

Ordinance No. 4561—An Ordinance Amending Parts of Title 6 of the City of Grand Junction Code of Ordinances Relating to Public Safety Risks Regarding Animals

Councilmember Susuras moved to adopt Ordinance No. 4561 and ordered it published in pamphlet form. Councilmember Luke seconded the motion. Motion carried by roll call vote.

Public Hearing—Vacating a Portion of Right-of-Way that Traverses the Property Owned by Weigh Station, LLC at 2195 Hwy 6 and 50 [File #VAC-2012-484]

Request to vacate a portion of right-of-way that traverses the property owned by Weigh Station, LLC at 2195 Hwy 6 and 50. The City does not intend to use this right-of-way; subsequent road development and/or realignment make the right-of-way surplus.

The public hearing was opened at 8:26 p.m.

Senta Costello, Senior Planner, presented this item. She described the site, the location, and the request. The right-of-ways to be vacated only recently came to light. Some are still appropriate to retain but the ones before the City Council are no longer

needed. The zoning is C-2 in a Commercial/Industrial designation in the Comprehensive Plan.

Councilmember Kenyon asked if this vacation is essential for the development of the new truck stop. Ms. Costello said if the right-of-way is not vacated they will have to redesign their site. He then asked if this is the proper time in regards to negotiations. City Attorney Shaver said there is no timing problem with this, it is perfectly appropriate if the Council deems it so.

Councilmember Boeschstein asked if by vacating, will this accrue to the adjoining land owner at no charge. Ms. Costello said it actually overlays their property so there is no plan to exchange money for this vacation. City Attorney Shaver clarified there is no consideration, it will be at no cost.

Councilmember Kenyon asked for confirmation that the City will not have to repurchase the property for future roadway development. Mr. Shaver said no, not in the foreseeable future.

There were no public comments.

The public hearing was closed at 8:32 p.m.

Ordinance No. 4562—An Ordinance Vacating Right-of-Way Received Through Mesa County Road Petitions on Property Located at 2195 Highway 6 and 50

Councilmember Susuras moved to adopt Ordinance No. 4562 and ordered it published in pamphlet form. Councilmember Luke seconded the motion. Motion carried by roll call vote.

Non-Scheduled Citizens & Visitors

Milton “Tony” Long, 237 White Avenue, Apt. B, voiced concern about a truck stop; he has slept there a few times. He hopes the truck drivers will not be sleeping there. It would be bad for Grand Junction.

Other Business

There was none.

Adjournment

The meeting was adjourned at 8:35 p.m.

Stephanie Tuin, MMC
City Clerk

GRAND JUNCTION CITY COUNCIL

SPECIAL SESSION MINUTES

DECEMBER 12, 2012

The City Council of the City of Grand Junction, Colorado met in Special Session on Wednesday, December 12, 2012 at 1:31 p.m. in the Administration Conference Room, 2nd Floor, City Hall, 250 N. 5th Street. Those present were Councilmembers Teresa Coons, Jim Doody, Laura Luke, Tom Kenyon, Sam Susuras, and President of the Council Bill Pitts. Councilmember Boeschstein entered the meeting at 1:36 p.m. Also present were City Manager Rich Englehart, City Attorney John Shaver, Deputy City Manager Tim Moore, and Director of Parks and Recreation Rob Schoeber.

Council President Pitts called the meeting to order and by acclamation the City Council convened the Executive Session to discuss the Purchase, Acquisition, Lease, Transfer, or Sale of Real, Personal, or other Property Interests Pursuant to Section 402 (4)(a) of Colorado's Open Meetings Law. The City Council convened into executive session at 1:35 p.m.

Councilmember Boeschstein moved to adjourn the Executive Session and Councilmember Coons seconded the motion. Motion carried.

The meeting adjourned and the City Council did not convene back into open session.

Stephanie Tuin, MMC
City Clerk



Date: December 6, 2012
 Author: Scott D. Peterson
 Title/ Phone Ext: Senior Planner/1447
 Proposed Schedule: (1st
 Reading): December 5, 2012
 (2nd Reading): December 19, 2012
 File # (if applicable): VAC-2012-453

**Attach 2
 CITY COUNCIL AGENDA ITEM**

Subject: Vacation of Plat and Portions of Right-of-Way/Easements in Kirby Subdivision, Located at 2856 B ¾ Road
Action Requested/Recommendation: Hold a Public Hearing and Consider Final Passage and Final Publication in Pamphlet Form of the Proposed Ordinance
Presenter(s) Name & Title: Scott D. Peterson, Senior Planner

Executive Summary:

A City initiated request to vacate the Kirby Subdivision plat and right-of-way and easements dedicated thereon with the exception of the southern 5' of right-of-way adjacent to B ¾ Road and the outer subdivision boundary Utility, Irrigation, and Drainage Easements adjacent to the north, west, and east property lines. Vacating the subdivision will allow the agricultural land uses to continue and provide an opportunity for future subdivision.

Background, Analysis and Options:

The landowner, Chance Catlin, and the City of Grand Junction as applicant/ representative, wish to vacate the Kirby Subdivision plat and portions of the easements and right-of-way known as Claire Drive dedicated on the plat. Staff proposes that the City retain 5' of B ¾ Road in order to maintain 50' of right-of-way contiguity for that local residential street. If this excess right-of-way is not needed in the future, the City would look at entertaining vacation of this excess right-of-way along the southside of B ¾ Road, but at this time, it is the opinion of the City Development Engineering Staff to keep the right-of-way as previously dedicated. The property includes a single-family detached house and has been used in recent years as pasture for grazing animals.

The Kirby Subdivision was platted in 1971 in Mesa County and contains seven lots and a cul-de-sac (Claire Drive), however the subdivision was never developed nor utility infrastructure installed to support the seven lots. The property was annexed into the City limits in 2007 and was proposed to be resubdivided/developed as the Mesa Heights Subdivision (City file #'s: ANX-2007-270 & PP-2007-271) which received Preliminary Plan approval for 14 single-family detached lots by the Planning Commission in July, 2008. However, the proposed subdivision of Mesa Heights never materialized and the application expired.

The property also contains 10' wide perimeter drainage, utility and irrigation easements. There are some existing historical irrigation structures within the existing easements, however the outer subdivision boundary utility, irrigation and drainage easements are proposed to be retained to cover any existing properties that these easements may serve, mainly irrigation facilities. The cul-de-sac was never improved, has no utilities located within its boundaries and does not serve any properties outside of the existing Kirby Subdivision. Staff recommends that the City retain perimeter easements in order to serve the interests of various "downstream" irrigation water users.

Staff recommends the vacation of this "paper" subdivision plat to prevent the future sale of lots that have no supporting infrastructure. Once the plat is vacated, the land will revert to an unplatted single parcel of land totaling 3.89 +/- acres.

How this item relates to the Comprehensive Plan Goals and Policies:

The proposed subdivision plat and easement/right-of-way vacation implements the future land use designation and meets the following goal from the Comprehensive Plan:

Goal 3: The Comprehensive Plan will create ordered and balanced growth and spread future growth throughout the community.

Vacating the subdivision plat will create an opportunity for future subdivision that is more in line with current City standards and facilitate future residential development. It will also allow the agricultural land uses to continue.

Board or Committee Recommendation:

The Planning Commission recommended approval of the requested vacation(s) at their November 13, 2012 meeting.

Financial Impact/Budget:

N/A.

Legal issues:

N/A.

Other issues:

None.

Previously presented or discussed:

Consideration and First Reading of the Ordinance was December 5, 2012.

Attachments:

Site Location Map / Aerial Photo Map

Comprehensive Plan Future Land Use Map / Existing City Zoning Map

Kirby Subdivision Plat

Proposed Ordinance

BACKGROUND INFORMATION				
Location:		2856 B 3/4 Road		
Applicants:		Chance Catlin, Owner City of Grand Junction, Applicant/Representative		
Existing Land Use:		Single-Family Detached Home		
Proposed Land Use:		N/A		
Surrounding Land Use:	North	Single-Family Detached (Mahan Manor Subdivision)		
	South	Single-Family Detached		
	East	Single-Family Detached (UnawEEP Heights Subdivision)		
	West	Single-Family Detached		
Existing Zoning:		R-4, (Residential – 4 du/ac)		
Proposed Zoning:		N/A		
Surrounding Zoning:	North	R-4, (Residential – 4 du/ac) (City)		
	South	RSF-4, (Residential Single Family – 4 du/ac) (County)		
	East	R-4, (Residential – 4 du/ac) (City)		
	West	RSF-4, (Residential Single Family – 4 du/ac) (County)		
Future Land Use Designation:		Residential Medium Low (2 – 4 du/ac)		
Zoning within density range?		N/A	Yes	No

Sections 21.02.090 and 100 of the Grand Junction Zoning and Development Code:

The vacation of the subdivision plat shall conform to the following:

- a. The Comprehensive Plan, Grand Valley Circulation Plan, and other adopted plans and policies of the City;

The proposed vacation does not conflict with the Comprehensive Plan, Grand Valley Circulation Plan and other adopted plans and policies of the City.

- b. No parcel shall be landlocked as a result of the vacation;

No parcel will be landlocked as a result of the proposed vacation. The property will revert to one property with an existing single-family detached home with access to B 3/4 Road once the vacations are approved.

- c. Access to any parcel shall not be restricted to the point that access is unreasonable, economically prohibitive, and/or reduces or devalues any property affected by the proposed vacation;

Access will not be restricted to the point where access is unreasonable, economically prohibitive or reduces or devalues any property. Once the vacations are approved, the property will revert to one property with an existing single-family detached home with access to B 3/4 Road.

d. There shall be no adverse impacts on the health, safety, and/or welfare of the general community, and the quality of public facilities and services provided to any parcel of land shall not be reduced (e.g., police/fire protection and utility services);

There will be no adverse impacts to the general community and the quality of public facilities and services provided will not be reduced due to the vacation requests. The City is retaining the outer subdivision boundary utility, irrigation and drainage easements which may benefit adjacent property owners and future subdivision development.

e. The provision of adequate public facilities and services to any property as required in Section 21.06 of the Grand Junction Zoning and Development Code shall not be inhibited by the proposed vacation.

The provision of adequate public facilities and services will not be inhibited by the proposed vacations. The property will revert to one property with an existing single-family detached home with access to B 3/4 Road, services to which will not be affected by the vacation. No adverse comments were received from the utility review agencies during the staff review process concerning the proposed vacations. Irrigation easements are preserved by the proposed vacation, in case “downstream” irrigation water users need those to continue their services.

The vacation of the right-of-way and easements shall conform to the following:

- a. The Comprehensive Plan, Grand Valley Circulation Plan, and other adopted plans and policies of the City.

See above.

- b. No parcel shall be landlocked as a result of the vacation.

See above.

- c. Access to any parcel shall not be restricted to the point where access is unreasonable, economically prohibitive or reduces or devalues any property affected by the proposed vacation.

See above.

- d. There shall be no adverse impacts on the health, safety, and/or welfare of the general community and the quality of public facilities and services

provided to any parcel of land shall not be reduced (e.g. police/fire protection and utility services).

See above.

- e. The provision of adequate public facilities and services shall not be inhibited to any property as required in Section 21.06 of the Grand Junction Zoning and Development Code.

See above.

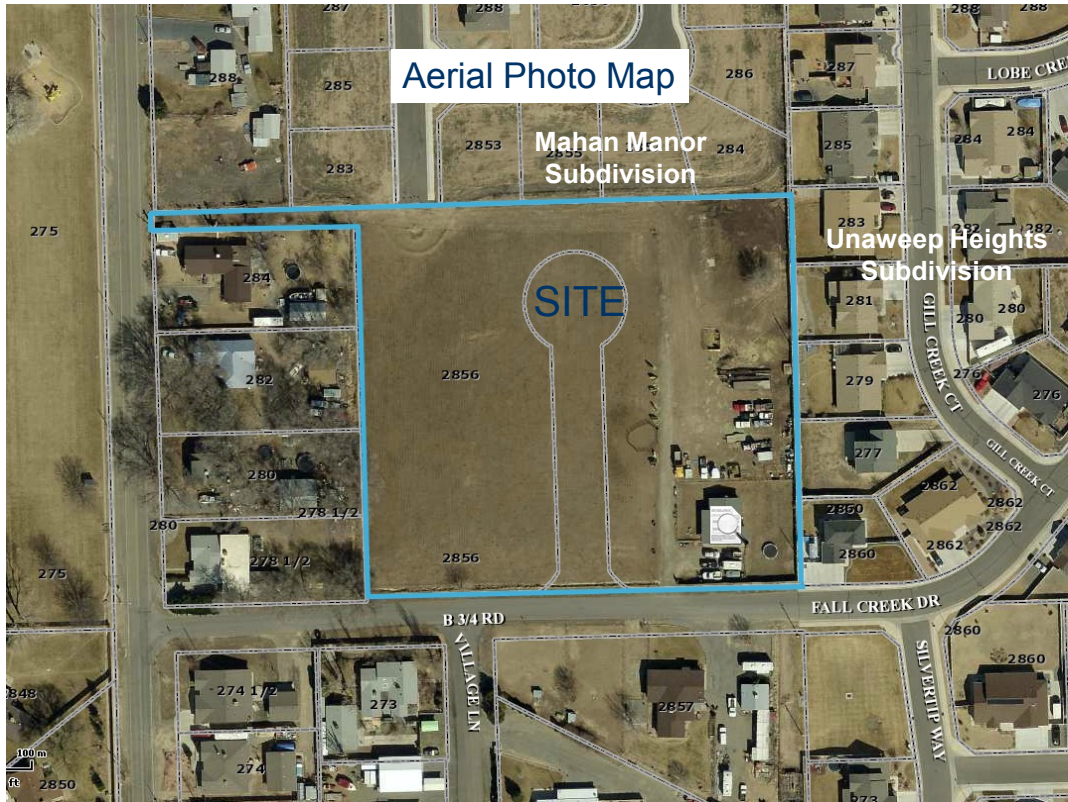
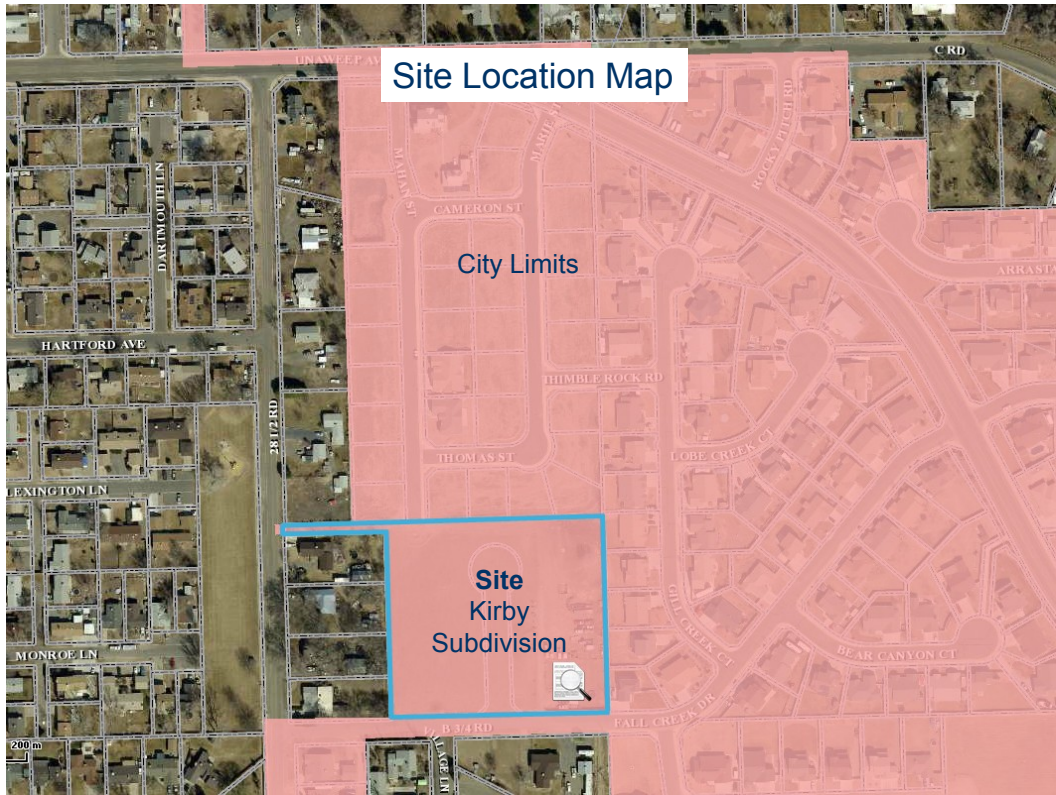
- f. The proposal shall provide benefits to the City such as reduced maintenance requirements, improved traffic circulation, etc.

The public benefits of the proposed vacation include: prevention of the sale of paper lots that do not have adequate public infrastructure; making way for a future subdivision that will provide a better street configuration and connectivity and will meet modern subdivision standards. Maintenance requirements for the City will not change as a result of the proposed plat and portions of easement/right-of-way vacations. No public utilities have been installed with the exception of some historical irrigation structures that serve adjacent properties. The property will revert to a single lot with an existing single-family detached home and this will not affect City maintenance requirements or traffic circulation.

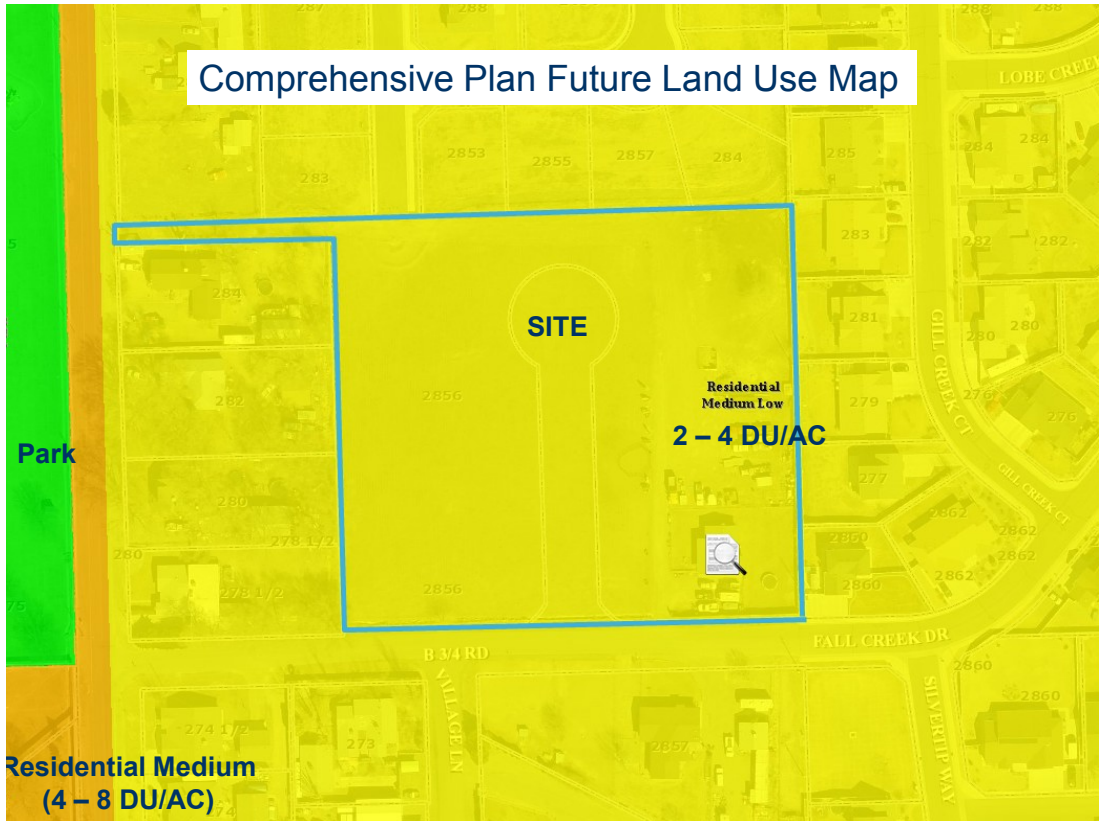
FINDINGS OF FACT/CONCLUSIONS

After reviewing the Kirby Subdivision application, VAC-2012-453 for the vacation of a plat and portions of public right-of-way/easements, the Planning Commission made the following findings of fact and conclusions:

1. The requested vacations of the Kirby Subdivision plat and portions of right-of-way/easements dedicated thereon are consistent with the Comprehensive Plan.
2. The review criteria in Section 21.02.090 and 100 of the Grand Junction Zoning and Development Code have been met.

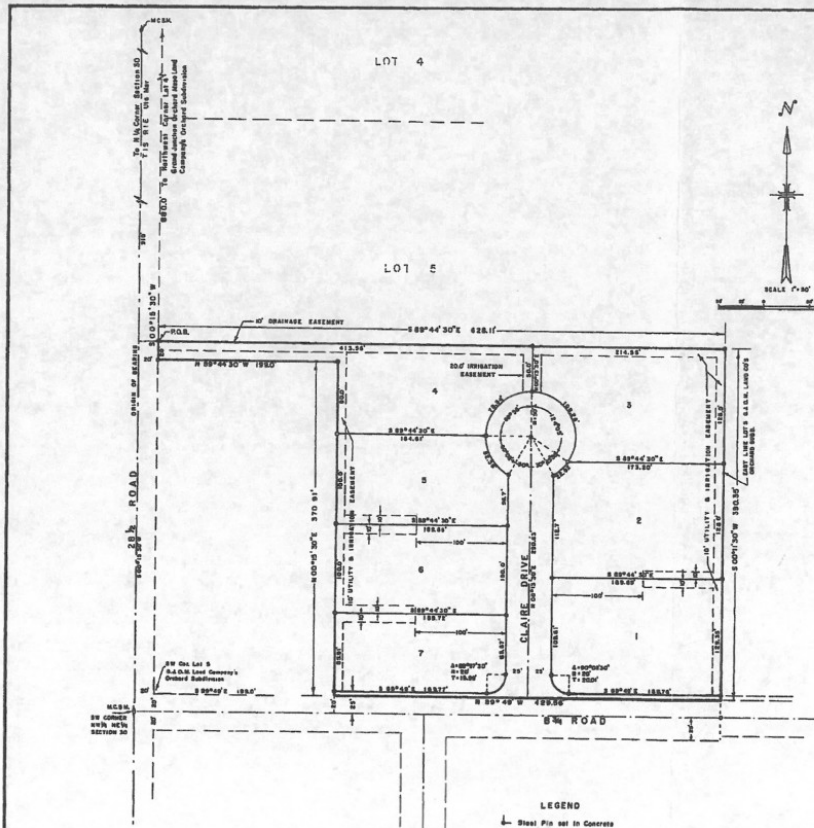


Comprehensive Plan Future Land Use Map



Existing Zoning Map





KIRBY SUBDIVISION

DEDICATION

KNOW ALL MEN BY THESE PRESENTS: That the undersigned Joseph K Kirby and Clara L Kirby on the meters of that real property situated in the County of Mesa, State of Colorado and lying in the NW 1/4, NE 1/4 of Section 30, Township 1 South, Range 1 East of the 1st Meridian as shown by the accompanying plat thereof; said real property more specifically described by meter and boundary as follows:

Beginning at a point on the West line of Lot 5, Grand Junction Orchard Mesa Land Company's Orchard Subdivision which bears S 00°15'30" W 89.00 feet from the Northwest corner of Lot 4 of said subdivision, thence S 89°44'30" E 428.11 feet to the East line of said subdivision, thence S 00°15'30" W 380.35 feet to the South line of said Lot 5, thence N 89°44'30" W along the South line of said Lot 5 428.26 feet to a point which bears S 89°44'30" E 184.0 feet from the Southwest corner of said Lot 5, thence N 00°15'30" E 373.91 feet, thence N 89°44'30" W 380.35 feet, thence N 00°15'30" E 380.35 feet to the point of beginning.

That the said owners have caused the said real property to be laid out and surveyed as Kirby Subdivision, a subdivision of a part of the County of Mesa.

That said owners do hereby dedicate and set apart all of the streets and roads as shown on the accompanying plat to the use of the public forever and hereby dedicate those portions of said real property which are labeled on utility easements on the accompanying plat as easements for the installation and maintenance of such utilities as telephone and electric lines, poles and cables; storm and sanitary sewer mains, water mains, gas pipe lines, and trunk portions of said real property which are labeled on irrigation easements on the accompanying plat as easements for the installation and maintenance of irrigation ditches flumes and canals.

That all easements for installation of utilities or ditches referred to above, for grading or landscaping, and for street grading or improvements shall be licensed by the seller or purchaser—not the County of Mesa.

IN WITNESS WHEREOF, said owners Joseph K Kirby and Clara L Kirby have caused their names to be hereunto subscribed this 25th day of February, A.D. 1971.

Joseph K Kirby
Clara L Kirby

STATE OF COLORADO)
 COUNTY OF MESA)
 I, Joseph K Kirby and Clara L Kirby,
 My Commission Expires October 18, 1973
 Witness my hand and official seal:

John C. Colby

CLERK AND RECORDER'S CERTIFICATE

STATE OF COLORADO)
 COUNTY OF MESA)
 I hereby certify that this instrument was filed in my office at 9:22 a.m., Feb. 18
 A.D. 1971, and is duly recorded in Plat Book No. 1 Page 22
 Witness my hand and official seal this 18th day of February, A.D. 1971.

Barbara J. Davidson

COUNTY PLANNING COMMISSION CERTIFICATE

Approved this 25th day of February, A.D. 1971.
 County Planning Commission of the County of Mesa, Colorado.

James B. Sargent

BOARD OF COUNTY COMMISSIONER'S CERTIFICATE

Approved this 16th day of February, A.D. 1971
 Board of County Commissioners of the County of Mesa, Colorado.

Jack H. Walker

SURVEYOR'S CERTIFICATE

I, William C. Quinn do hereby certify that the accompanying plat of Kirby Subdivision, a subdivision of a part of the County of Mesa has been prepared under my direct supervision, examination and checking and accurately represents a field survey of same.

William C. Quinn
 Surveyor

Approved for content and form only and not to the accuracy of survey, calculations and drafting.
 Pursuant to C.R.S. 1963, 196-2-2 as amended.

Robert L. Hurd
 2/17/71

- LEGEND
- Steel Pin set in Concrete
 - Steel Pin
 - Mesa County Survey Monument

WESTERN ENGINEERS, INC.
 PLAT OF
KIRBY SUBDIVISION
 MESA COUNTY, COLORADO

NUMBER PLAT...
 SHEET...
 01232101 H

CITY OF GRAND JUNCTION

ORDINANCE NO.

**AN ORDINANCE VACATING THE KIRBY SUBDIVISION PLAT, RIGHT-OF-WAY FOR
CLAIRE DRIVE AND PORTIONS OF UTILITY, IRRIGATION, AND DRAINAGE
EASEMENTS**

LOCATED 2856 B 3/4 ROAD

RECITALS:

The property owner and the City of Grand Junction have requested vacation of the Kirby Subdivision plat and portions of the rights-of-way and Utility, Irrigation and Drainage easements dedicated thereon.

The City Council finds that the request is consistent with the Comprehensive Plan, the Grand Valley Circulation Plan and Sections 21.02.090 and 21.02.100 of the Grand Junction Municipal Code.

The Planning Commission, having heard and considered the request and found the criteria of the Code to have been met, recommends that the vacations be approved.

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

The following described subdivision plat and rights-of-way dedicated thereon are hereby vacated subject to the following:

1. Excepting 5' of the right-of-way for B 3/4 Road adjacent to the property and excepting the 10' wide perimeter utility, irrigation and drainage easements along the north, west and east property lines, which the City shall retain on behalf of the public.

The Kirby Subdivision Plat is shown on "Exhibit A".

Legal description:

A certain parcel of land lying in the Northwest Quarter of the Northeast Quarter (NW 1/4 NE 1/4) of Section 30, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

ALL of Kirby Subdivision, as same is recorded in Plat Book 11, Page 28, Public Records of Mesa County, Colorado lying North of a line 25.00 feet North of and parallel with the South line of the NW 1/4 NE 1/4 of said Section 30;

With the exception of the above-described right-of-way and easements to be retained by the City on behalf of the public.

INTRODUCED for first reading on this 5th day of December, 2012 and ordered published in pamphlet form.

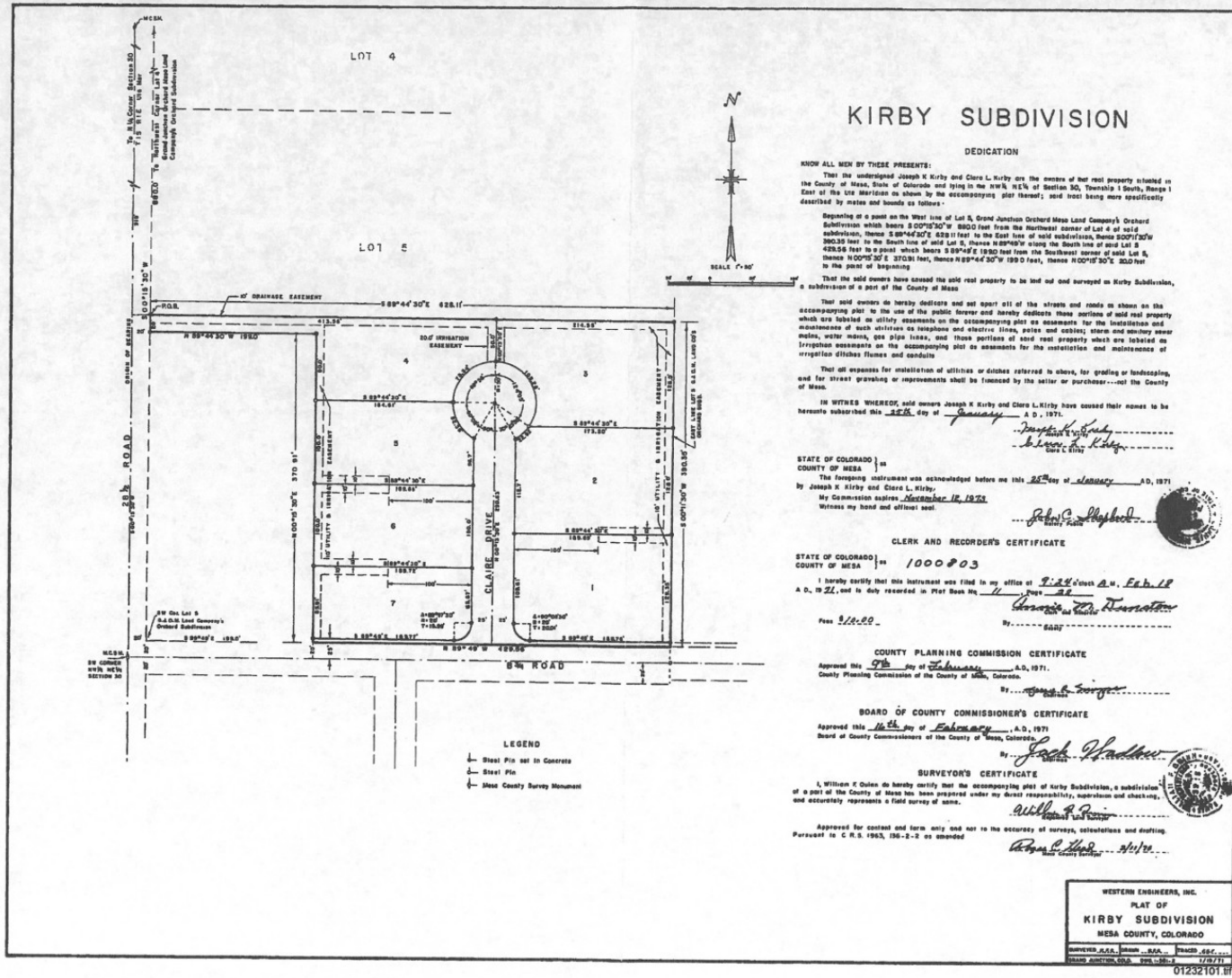
PASSED and ADOPTED on second reading this _____ day of _____, 2012 and ordered published in pamphlet form.

ATTEST:

President of City Council

City Clerk

Exhibit "A"



KIRBY SUBDIVISION

DEDICATION

KNOW ALL MEN BY THESE PRESENTS:

That the undersigned Joseph K Kirby and Clara L Kirby are the owners of that real property situated in the County of Mesa, State of Colorado and lying in the 100' x 162' x 162' x 162' of Section 30, Township 1 South, Range 1 East of the 1st Meridian as shown by the accompanying plat thereof; said tract being more specifically described by metes and bounds as follows:

Beginning at a point on the west line of Lot 5, Grand Junction Orchard Mesa Land Company's Orchard Subdivision, thence S 00° 44' 30" E 428.11 feet to the East line of said subdivision, thence S 00° 15' 30" W 300.00 feet to the South line of said Lot 5, thence W 89° 44' 30" E along the South line of said Lot 5 428.26 feet to a point which bears S 89° 44' 30" E 183.00 feet from the Southwest corner of said Lot 5, thence N 00° 15' 30" E 370.00 feet, thence S 89° 44' 30" W 183.00 feet, thence N 00° 15' 30" E 350.00 feet to the point of beginning.

That the said owners have caused the said real property to be laid out and surveyed as Kirby Subdivision, a subdivision of a part of the County of Mesa.

That said owners do hereby dedicate and set apart all of the streets and roads as shown on the accompanying plat to the use of the public forever and hereby dedicate those portions of said real property which are labeled as utility easements on the accompanying plat as easements for the installation and maintenance of such utilities as telephone and electric lines, pipes and cables, steam and sanitary sewer mains, water mains, gas pipe lines, and those portions of said real property which are labeled as irrigation easements on the accompanying plat as easements for the installation and maintenance of irrigation ditches flumes and canals.

That all expenses for installation of utilities or ditches referred to above, for grading or landscaping, and for street paving or improvements shall be financed by the seller or purchaser...not the County of Mesa.

IN WITNESS WHEREOF, said owners Joseph K Kirby and Clara L Kirby have caused their names to be hereunto subscribed this 27th day of January, A.D. 1971.

Joseph K Kirby
Clara L Kirby

STATE OF COLORADO }
COUNTY OF MESA } ss
The foregoing instrument was acknowledged before me this 27th day of January, A.D. 1971 by Joseph K Kirby and Clara L Kirby.
My Commission expires November 10, 1973
Witness my hand and official seal:

John C. Shylock

CLERK AND RECORDER'S CERTIFICATE

STATE OF COLORADO }
COUNTY OF MESA } ss
I hereby certify that this instrument was filed in my office at 1111 West 2nd St., Mesa, AZ A.D. 1971, and is duly recorded in Plat Book No. 11 Page 22
Witness my hand and official seal:

Harold W. Davis

COUNTY PLANNING COMMISSION CERTIFICATE

Approved this 27th day of January, A.D. 1971.
County Planning Commission of the County of Mesa, Colorado.

James S. George

BOARD OF COUNTY COMMISSIONERS' CERTIFICATE

Approved this 16th day of February, A.D. 1971
Board of County Commissioners of the County of Mesa, Colorado.

Jack W. Madden

SURVEYOR'S CERTIFICATE

I, William K. Gulen do hereby certify that the accompanying plat of Kirby Subdivision, a subdivision of a part of the County of Mesa has been prepared under my direct responsibility, supervision and checking and accurately represents a field survey of same.

William K. Gulen

Approved for content and form only and not to the accuracy of surveys, calculations and drafting Pursuant to C.R.S. 1963, 150-2-2 as amended

Robert C. Ward

WESTERN ENGINEERS, INC.
PLAT OF
KIRBY SUBDIVISION
MESA COUNTY, COLORADO

DESIGNED BY: *John W. Madden* DATE: 1/27/71
DRAWN BY: *John W. Madden* DATE: 1/27/71
CHECKED BY: *John W. Madden* DATE: 1/27/71
SCALE: AS SHOWN

01232101.11



Date: December 7, 2012
 Author: D. Paul Jagim
 Title/ Phone Ext: Project
 Engineer/ 244-1542

 Proposed Schedule: Wednesday,
December 19, 2012

 2nd Reading

Attach 3
CITY COUNCIL AGENDA ITEM

Subject: Purchase of Property at 760 Valley Court for the 22 Road Realignment at Highway 6 Project
Action Requested/Recommendation: Adopt a Resolution Authorizing the Purchase of Property at 760 Valley Court from Roan Creek Land and Cattle Company, LLC.
Presenter(s) Name & Title: Trent Prall, Engineering Manager

Executive Summary:

The City has entered into a contract to purchase a portion of the property at 760 Valley Court from Roan Creek Land and Cattle Company, LLC. The City’s offer to purchase this property is contingent upon City Council’s ratification of the purchase contract.

Background, Analysis and Options:

The 22 Road Realignment at Highway 6 project will reconstruct about one third of a mile of Highway 6 between Valley Court and the Exit 26 Interchange on I-70 and also reconstruct almost a half mile of 22 Road. The improvements will increase the traffic capacity of the 22 Road intersection to accommodate projected traffic volumes through the year 2035, including traffic from two proposed truck stops in the area. The new intersection of 22 Road with Highway 6 will move 500’ west of its existing location. This new location lengthens the intersection spacing with the I-70 Interchange Ramps, which will improve traffic efficiency and safety. The new intersection location will also make it possible for a future project to connect 22 Road to River Road via a new at-grade railroad crossing.

One critical aspect of the 22 Road Realignment project is a new connector street linking Valley Court to 22 Road. Currently the intersection of Valley Court and Highway 6 is a full movement intersection allowing left turns out onto eastbound Highway 6. With increased traffic volumes on Highway 6 that movement becomes unsafe and CDOT’s Highway 6 access plan requires the elimination of the left-turn-out movement at the Valley Court intersection. That would impair access from this important industrial street to I-70 and Grand Junction, requiring a circuitous route on 21 ½ Road and H Road. By connecting Valley Court to 22 Road, traffic will be able to access Highway 6 via the

signalized intersection at 22 Road. In order to construct the connector street, right-of-way must be acquired from the property at 760 Valley Court.

The property to be acquired is located on the east side of Valley Court, north of Highway 6, and west of 22 Road. The project requires the acquisition of one right-of-way parcel in fee simple for the connector street between Valley Court and the realigned portion of 22 Road. In addition, a multi-purpose easement along the south side of the connector road is required for the relocation of public utilities. A temporary easement is also required for construction activities.

The parcel is zoned I-1 and contains a land area of 2.72 acres, more or less. The parcel is graveled and fenced and does not contain any structures. It is currently being used in common with the parcel to the south, 756 Valley Court, which contains a 3,215 square foot building.

An appraisal was prepared for the City to determine the fair market value of the parcels to be acquired. Additionally, Roan Creek Land and Cattle Company, LLC secured an appraisal. The City's appraisal concluded a value of \$435,130 for the property and easements to be acquired. Roan Creek's appraisal indicated a value of \$521,000. An offer to acquire in the amount of \$435,130, consistent with the City's approved appraisal, was presented to Mr. Ivan Geer and Mr. Stephen Corn, managing partners of Roan Creek Land and Cattle Company, LLC, on November 7, 2012. Subsequent negotiations resulted in an agreement establishing a value of \$478,337.

This settlement as proposed is reasonable, prudent, and necessary for the construction of the 22 Road project, and City Staff recommends its approval. Closing is scheduled to occur on or before December 31, 2012, contingent upon the Council's approval.

How this item relates to the Comprehensive Plan Goals and Policies:

The Comprehensive Plan calls for Commercial Industrial (CI) development along the 22 Road corridor, and shows 22 Road as a proposed Arterial Street with a Neighborhood Center located to the north of Highway 6 at 22 and H Roads. This street improvement project will contribute to future development and improve the safety and efficiency of the intersection.

In anticipation of future development and increased traffic volumes, The City of Grand Junction is working in harmony with the Colorado Department of Transportation ('CDOT') to upgrade this area of the transportation network. The City's 22 Road realignment project will work hand in hand with an upcoming CDOT project scheduled for construction in 2013, the I-70 Exit 26 Diverging Diamond Interchange Project. The Exit 26 Diverging Diamond Project is CDOT's traffic capacity and safety improvement project that will upgrade the I-70 Interchange and reconstruct a 2,000 foot section of Highway 6 east of the City's 22 Road project. Together these projects improve the quality and capacity of vehicle and truck access to Interstate 70, while also maintaining acceptable levels of service to local commuter traffic along Highway 6. Both of these projects have been designed to accommodate growth through the year 2035, thereby setting the stage for long term future development in the northwest part of the City.

Board or Committee Recommendation:

N/A

Financial Impact/Budget:

Fund for this purchase are budgeted in the Transportation Capacity Project (TCP) fund.

Legal issues:

The Assistant City Attorney has reviewed the appraisals for the property. The Attorney was included in discussions with Staff, advice was given concerning the negotiations, and the agreement has been reviewed.

Other issues:

N/A

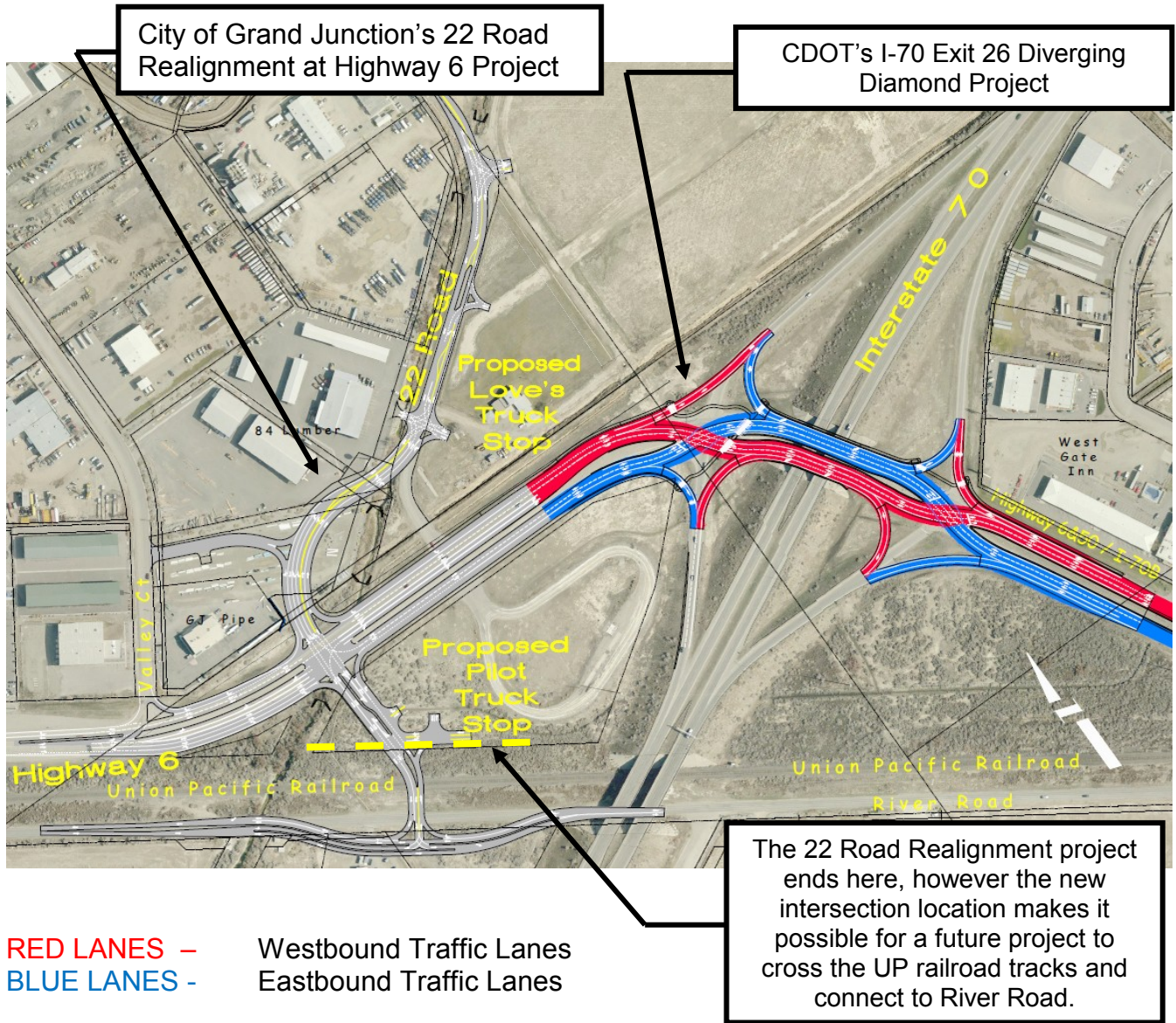
Previously presented or discussed:

N/A

Attachments:

Exhibit 'A'
Resolution and Exhibit 'B'

EXHIBIT 'A'



NOTE: A Diverging Diamond Interchange ('DDI') is an interchange concept that improves safety and traffic efficiency by reducing the number of vehicle conflict points at the ramp intersections. This is done by crossing traffic to the opposite side of the road between the ramps, which eliminates left turns across opposing traffic.

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE PURCHASE OF REAL PROPERTY
AT 760 VALLEY COURT FROM ROAN CREEK LAND AND CATTLE COMPANY, LLC

Recitals.

A. The City of Grand Junction has entered into a contract with Roan Creek Land and Cattle Company, LLC, for the purchase by the City of certain real property located within the proposed alignment of the 22 Road Realignment at Highway 6 Project.

Parcel #	Schedule #	Address	Zoned	Current Use	ROW Req'd (Sq ft)	Multi-Purpose Easement Req'd (Sq ft)	Temporary Easement Req'd (Sq ft)
R/W-201	2697-361-22-001	760 Valley Court	I-1	Industrial	72,276		
MPE-201	2697-361-22-001	760 Valley Court	I-1	Industrial		7,998	
TE-201	2697-361-22-001	760 Valley Court	I-1	Industrial			6,241
Total Sq Ft. =					72,276	7,998	6,241

B. The purchase contract provides that on or before December 19, 2012, the City Council must ratify the purchase and the allocation of funds for all expenses required to effectuate the purchase of the 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 a portion of the property at 760 Valley Court.

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

1. The property described herein and shown on Exhibit B shall be purchased for a price of \$478,337. 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 for the Purchase Price of Certain Real Property Interests in Mesa County, Colorado for the 22 Road Realignment at Highway 6 Project between the City and Roan Creek Land and Cattle Co., LLC dated December 11, 2012 ("Agreement") and this Resolution are hereby ratified, approved and confirmed.

2. The sum of \$478,337 is authorized to be paid at closing, in exchange for conveyance of the fee simple title and easements to the described property.

3. The officers, employees and agents of the City are hereby authorized and directed to take all actions necessary or appropriate to complete the purchase of the described property. Specifically, City staff is directed to effectuate this Resolution and the 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 ____ day of _____, 2012.

Attest:
of the Council

Bill Pitts, President

Stephanie Tuin, City Clerk

EXHIBIT 'B'

