

**TOWN OF MEAD, COLORADO
RESOLUTION NO. 11-R-05**

A RESOLUTION OF THE TOWN OF MEAD, COLORADO, AUTHORIZING THE CONSTRUCTION OF A PUBLIC IMPROVEMENT AFFECTING LOT 6, BLOCK 3, SEKICH BUSINESS PARK, MEAD, COLORADO, AUTHORIZING THE CONDEMNATION OF SUCH PRIVATE PROPERTY AS MAY BE REQUIRED TO CONSTRUCT THE PUBLIC IMPROVEMENT.

WHEREAS, Town of Mead has determined that it is necessary for the public health, safety and welfare to obtain the land described in Exhibit A to accommodate the construction of storm sewer and sanitary sewer mains serving Longs Peak Court in the Town of Mead; and

WHEREAS, an appraisal has been made by a professional company experienced in performing appraisals to determine the fair market value for these parcels; and

WHEREAS, the Town will make an earnest good faith offer of purchase for the subject parcel; and;

WHEREAS, a municipal public purpose exists to acquire the property and a delay in the acquisition of the parcel could result in a delay of the development of the storm sewer and sanitary sewer system serving Longs Peak Court, thus creating a hardship on the general population of the Town of Mead wishing to use the facilities; and

WHEREAS, legal counsel for the Town of Mead has advised that the Town may exercise its right of eminent domain should normal negotiations fail; and

WHEREAS, the Town finds that if acquisition by condemnation of any parcel described in this resolution is commenced, immediate possession by the Town will be necessary for the public health, safety and welfare due to bidding and construction deadlines.

NOW THEREFORE, BE IT RESOLVED by the Board of Trustees of the Town of Mead, Weld County, Colorado, that:

Section 1. The Board of Trustees has determined that the minimum just compensation to be offered to acquire the property is \$1,960 for the permanent easement and \$254 for the rental value of the temporary easement, said compensating compensation based upon the Real Property Appraisal Report prepared for the Town by Foster Valuation Company, LLC.

Section 2. The Town Attorney is authorized to cause and shall cause negotiations to be initiated to acquire the parcels and interests identified in Exhibit A on the basis of the appraised value, or such higher amount as may seem just and reasonable to facilitate such acquisition without the necessity of condemnation, and the Board of Trustees is hereby authorized to acquire such parcels consistent with applicable law, including the execution of all documents necessary to complete these purchases.

Section 3. The Town Attorney of the Town of Mead is authorized to take all necessary legal measures to acquire the properties in question, including proceeding with condemnation of the properties in

question against the owner or owners and any other persons or entities claiming an interest therein or thereto, and to take such other or further action as may be reasonably necessary for or incidental to the filing and diligent prosecution of any litigation or proceeding required to obtain the properties should normal negotiations fail or exceed the time constraints of the overall project. In the event that acquisition by condemnation is commenced, the Town Attorney is further authorized to request a court order allowing immediate possession of the properties.

Section 4. The Town Attorney shall be further authorized to incur reasonable costs associated with acquiring the properties in question, including, without limitation, the cost of title examination, title insurance, appraisal fee payments mandated by statute, normal closing costs, filing fees and charges, and all other related or incidental costs or expenses customarily associated with the acquisition or condemnation of property.

Section 5. The Town Attorney is hereby authorized to amend the legal descriptions of the parcels to be acquired, and the nature of the interests to be acquired, including the commencement date and duration of any temporary easement, if necessary in the course of construction.

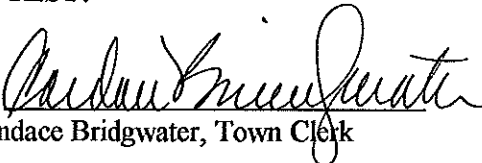
Section 6. Effective Date. This resolution shall become effective immediately upon adoption.

Section 7. Repealer. All resolutions, or parts thereof, in conflict with this resolution are hereby repealed, provided that such repealer shall not repeal the repealer clauses of such resolution nor revive any resolution thereby.

Section 8. Certification. The Town Clerk shall certify to the passage of this resolution and make not less than one copy of the adopted resolution available for inspection by the public during regular business hours.

INTRODUCED, READ, PASSED, AND ADOPTED THIS 27th DAY OF June, 2005.

ATTEST:

By 
Candace Bridgwater, Town Clerk

TOWN OF MEAD

By 
Richard E. Kraemer, Mayor

EXHIBIT A

10' Utility Easement

Legal description:

The westerly 10 feet of Lot 6, Block 3, Sekich Business Park, Mead, Colorado.

25' Temporary Construction Easement

Legal Description:

The easterly 25 feet of the westerly 35' of Lot 6, Block 3, Sekich Business Park, Mead, Colorado.