

ORDINANCE NO. 1134

THE CITY COUNCIL OF THE CITY OF FORT MORGAN OF THE STATE OF COLORADO

AN ORDINANCE DETERMINING THE NECESSITY OF, AND AUTHORIZING THE ACQUISITION OF, CERTAIN PROPERTY INTERESTS BY EITHER NEGOTIATION OR CONDEMNATION, TO CONSTRUCT A NEW RUNWAY AT THE FORT MORGAN MUNICIPAL AIRPORT

WHEREAS, the City of Fort Morgan is a Home Rule Municipality of the State of Colorado; and

WHEREAS, the City Council of the City of Fort Morgan ("City") has determined there is a local and municipal need and necessity and it is in the public interest for the City to acquire certain interests in property for the public purposes of constructing a new runway at the Fort Morgan Municipal Airport (the "Project"); and

WHEREAS, The City Council has determined that the alternatives to not constructing a new runway that meets the Federal Aviation Administration's ("FAA") guidelines are not in the best interest of the City; and

WHEREAS, the City has been awarded a grant from the FAA to begin construction preparation and Engineering for the Project; and

WHEREAS, the City has determined that it should acquire by negotiation, if possible, or by the use of the power of eminent domain, if necessary, the property interests described in the attached **Exhibit A** (57.245 acres of land) owned by **John Longacre** (the "Property"); and

WHEREAS, the City has determined there is an immediate need to acquire the Property for these public local and municipal purposes; and

WHEREAS, as part of the Project the City requires temporary access to the Property for geotechnical testing and surveying; and

WHEREAS, to ensure timely possession of the Property it may be necessary to initiate condemnation proceedings to acquire the Property and to obtain immediate possession of the Property; and

WHEREAS, the City is empowered pursuant to Article XX, §§ 1 and 6, of the Colorado Constitution and Article IV §§ 4 and 14 of its Home Rule Charter to exercise the power of eminent domain in the manner provided by Article 1 of Title 38, Colorado Revised Statutes.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORT MORGAN AS FOLLOWS:

1. The City finds and determines on the basis of the previous clauses that it is necessary for it to obtain possession of and to acquire the Property for the benefit of the public health, welfare and safety and for a local and municipal purpose.
2. The City's designee is authorized and directed to acquire temporary access to the Property, as needed, for the purpose of geotechnical testing and surveying.
3. The City has determined that, if necessary, it shall acquire the Property through the exercise of the power of eminent domain.
4. The City finds and determines that if it becomes necessary for the construction of the project it should obtain immediate possession of and acquire the Property as soon as is permitted by law.
5. The City finds and determines there is a public, local, and municipal need and necessity and a public, local, and municipal use for obtaining possession of and acquiring the Property in order to allow the construction of a new runway to the Fort Morgan Municipal Airport and that its project constitutes and is in furtherance of a public, local, and municipal use.
6. The City or its designees, consistent with the intent of the Project, shall have the authority to amend the legal descriptions of and interests sought and acquired in the Property as they deem necessary in the course of acquiring the Property for the Project.
7. The City's designee is authorized and directed to continue to negotiate in good faith for the purchase and acquisition of the Property following a consultation regarding just compensation with a licensed appraiser.

INTRODUCED, READ, PASSED ON FIRST READING AND ORDERED PUBLISHED
the 4th day of December, 2012.



THE CITY COUNCIL OF THE CITY OF FORT
MORGAN, COLORADO


By: Terry McAlister
Mayor

Attest:

John Brennan
City Clerk

PASSED, APPROVED AND ADOPTED ON FINAL READING AND ORDERED PUBLISHED this 18th day of December, 2012.



THE CITY COUNCIL OF THE CITY OF FORT MORGAN, COLORADO

Terry McAlister
By: Terry McAlister
Mayor

Attest:

John Brennan
John Brennan
City Clerk

STATE OF COLORADO)
COUNTY OF MORGAN) ss.
CITY OF FORT MORGAN)

CERTIFICATE

I, John Brennan, the duly appointed, qualified Clerk of the City of Fort Morgan, Colorado, do hereby certify that the foregoing **Ordinance No. 1134** was, as a proposed Ordinance, duly and legally presented to the City Council of the City of Fort Morgan, Colorado, on the 4th day of December, 2012. Said ordinance, as proposed, was duly read at length at said meeting, and thereafter the same was, on the 7th day of December, 2012, published in *The Fort Morgan Times*, a daily newspaper of general circulation published and printed in the City of Fort Morgan, Morgan County, Colorado. Said proposed ordinance was again taken up and read a second time, duly and legally passed, approved and adopted, at a regular meeting of the City Council held on the 18th day of December, 2012. Within five (5) days after its final passage, said **Ordinance** was published in *The Fort Morgan Times*, a daily newspaper of general circulation published and printed in the City of Fort Morgan, Morgan County, Colorado.

John Brennan
John Brennan
City Clerk