

RESOLUTION NO. 09 07 04

AUTHORIZING THE MAYOR TO EXECUTE THE ADDENDUM TO THE INTERGOVERNMENTAL AGREEMENT CONCERNING QUALITY WATER EASEMENT AT BARLOW ROAD.

WHEREAS, the City of Fort Morgan previously entered into a **Intergovernmental Agreement** with Morgan County Quality Water District ("Quality Water") on September 21, 1993; and,

WHEREAS, that Agreement provided that Quality Water would obtain a 12" crossing under the BNSF Railroad crossing at Barlow Road; and,

WHEREAS, at this time the expansion plans of Quality Water do not include a crossing at Barlow Road at this time; and,

WHEREAS, the City requires an additional crossing point for its fiber optic network; and,

WHEREAS, Quality Water has agreed to allow the City to utilize the crossing that was originally identified for their use at Barlow Road; and,

WHEREAS, both entities have agreed to the terms and conditions as set forth in the **Addendum to the Intergovernmental Agreement Concerning Quality Water Easement at Barlow Road**; and,

WHEREAS, City Staff has recommended the execution of the **Addendum to the Intergovernmental Agreement Concerning Quality Water Easement at Barlow Road**, attached hereto and incorporated herein by this reference.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FORT MORGAN, COLORADO:

Section 1. The Mayor is hereby authorized to execute the **Addendum to the Intergovernmental Agreement Concerning Quality Water Easement at Barlow Road**.

INTRODUCED, PASSED, APPROVED AND ADOPTED this 7th day of July, 2009, the vote upon roll call being as follows:

Ayes: Mayor Darnell; Councilmembers Deal, Forstedt, McAlister, Powers, Shaver and Simmons

Nays: None.

Absent /Abstain:

[SEAL]

THE CITY COUNCIL OF THE CITY OF
FORT MORGAN, COLORADO

BY: Jack P. Darnell
Mayor Jack Darnell

ATTEST:

Andrea Strand
Andrea Strand, City Clerk

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

CERTIFICATE

I, Andrea Strand, City Clerk of the City of Fort Morgan, Colorado, do hereby certify that the above and foregoing **Resolution** is a true, perfect and complete copy of the **Resolution** adopted by the City Council and is identical to the original thereof appearing in the official records of the City of Fort Morgan, Colorado, and that the same has not been, since its adoption, in any respect, rescinded or amended.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of the City of Fort Morgan this 10th day of July, 2009.

Andrea Strand
Andrea Strand, City Clerk