

## RESOLUTION NO. 09 08 06

### AUTHORIZING THE MAYOR TO EXECUTE THE DEEDS OF PERPETUAL EASEMENT AND THE LICENSE AGREEMENT BETWEEN THE CITY OF FORT MORGAN AND KNUTSON FARMS, LLC.

**WHEREAS**, the Electric Superintendent has determined it is necessary to seek entry to the property known as Knutson Farms, LLC to maintain and operate utilities of the City; and,

**WHEREAS**, the Office of the City Attorney has requested that this be accomplished through three (3) **Deeds of Perpetual Easement** to include Electric Transformers, Storm Sewers, and Aerial and Underground Utilities, that currently lie over and under Knutson Farms, LLC; and,

**WHEREAS**, in addition to the Deeds, the City seeks a **License Agreement** providing license to use and improve the road located in Gateway Park, and more particularly set forth in the legal description as recorded in Book 954 at Page 730, of the Records of the Morgan County Clerk and Recorders Office; and,

**WHEREAS**, the parties have outlined the terms and conditions of these easements in the **Deed of Perpetual Easement** (Electric Transformers), **Deed of Perpetual Easement** (Underground Utility-Storm Sewer), **Deed of Perpetual Easement** (Aerial and Underground Utility), and **License Agreement** in the forms attached hereto and incorporated herein by this reference.

**WHEREAS**, City Staff has recommended that the execution of all conveyances set forth above is in the best interest of the City.

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

**SEC. 1:** The Mayor is hereby authorized to execute the **Deed of Perpetual Easement** (Electric Transformers), **Deed of Perpetual Easement** (Underground Utility-Storm Sewer), **Deed of Perpetual Easement** (Aerial and Underground Utility), and **License Agreement**.

INTRODUCED, PASSED, APPROVED AND ADOPTED this 25<sup>th</sup> day of August, 2009, the vote upon roll call being as follows:

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

Nays: None.

Absent / Abstain: None

[ SEAL ]

THE CITY COUNCIL OF THE CITY OF  
FORT MORGAN, COLORADO

BY: *Jack 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 27<sup>th</sup> day of August, 2009.

*Andrea Strand*  
Andrea Strand, City Clerk