

RESOLUTION NO. 08 11 04

A RESOLUTION AUTHORIZING THE PRESIDENT OF THE GENERAL IMPROVEMENT DISTRICT (GID) TO MODIFY DEVELOPMENT AGREEMENTS WITH ANY DEVELOPER REGARDING THE CONSTRUCTION OF A FENCE ALONG CANAL STREET IN THE RIVERVIEW COMMONS DEVELOPMENT PROJECT

WHEREAS, Ordinance No. 971 was previously adopted by City Council on July 1, 2003; and,

WHEREAS, the Ordinance enacted a change to the zoning designation regarding the Riverview Commons Development and amended the *Official Zoning District Map* of the City of Fort Morgan; and,

WHEREAS, Section 5 of the ordinance provided that as a requirement for the development a fence be built of wrought or masonry on the north boundary of the Upper Platte and Beaver Canal; and,

WHEREAS, the Upper Platte and Beaver Canal Company has filed a lawsuit against the developer of the Riverview Development Project for breach of contract, breach of warranty of title and trespass; and,

WHEREAS, recently the Company has filed a motion to join the City of Fort Morgan and the General Improvement District (GID) as parties to this litigation and requested the Court to allow an amendment to the petition seeking a declaratory judgment; and,

WHEREAS, on November 10, 2008, the Court granted the Company's request adding the City and the GID; and,

WHEREAS, in an effort to limit the litigation filed by the Company, Ordinance 971 will be amended to remove Section 5. Further, the Chairman of the GID should be authorized to modify development agreements with any developer regarding the construction of a fence along Canal Street in the Riverview Commons Development Project.

NOW, THEREFORE, BE IT RESOLVED by the Board of the General Improvement District of the City of Fort Morgan, Colorado that:

The President of the GID shall be authorized to modify development agreements with any developer regarding the construction of a fence along Canal Street in the Riverview Commons Development Project.

INTRODUCED, PASSED, APPROVED AND ADOPTED this 18th day of November, 2008, the vote upon roll call being as follows:

Ayes: President Darnell; Directors Deal, McAlister, Powers, Schafer and Simmons.

Nays: None.

Absent : Director Shaver



THE BOARD OF THE GENERAL IMPROVEMENT DISTRICT OF THE CITY OF FORT MORGAN, COLORADO

BY: Jack Darnell
President

ATTEST:

Andrea Strand
Secretary

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

ss.

CERTIFICATE

I, ANDREA STRAND, City Clerk for the City of Fort Morgan, Colorado, do hereby certify and attest that the foregoing **Resolution** is a true, perfect and complete copy of the **Resolution** adopted by the Council of Fort Morgan, Colorado, 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 have affixed the seal of the City of Fort Morgan this 18th day of November 2008.

Andrea Strand