

RESOLUTION NO. 2010-02-03

AUTHORIZING THE MAYOR TO EXECUTE THE EXCEPTION TO THE INTERGOVERNMENTAL AGREEMENT CONCERNING ANNEXATION OF LAND WITHIN THE MORGAN COUNTY QUALITY WATER DISTRICT.

WHEREAS, the City of Fort Morgan, Colorado, (the "City") entered into the **Intergovernmental Agreement** with Morgan County Quality Water District ("Quality Water") on May 20, 1998; and,

WHEREAS, that Agreement provided that the City would be required to make payments to Quality Water for exclusion of territories served by Quality Water subject to annexation; and,

WHEREAS, that Agreement does not account for circumstances where the City annexes property that it cannot serve or where development is prohibited; and,

WHEREAS, the City intends to annex property north of the Platte River, adjacent to Riverside Park, which the City has no ability to serve nor can the proposed property be developed as it has restrictive covenants imposed by a conservation easement.

WHEREAS, the parties have set forth the terms of their agreement in the **EXCEPTION TO THE INTERGOVERNMENTAL AGREEMENT CONCERNING ANNEXATION OF LAND WITHIN THE FORT MORGAN COUNTY QUALITY WATER DISTRICT** (a copy of which is 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 City Council hereby authorizes the Mayor to execute the **EXCEPTION TO THE INTERGOVERNMENTAL AGREEMENT CONCERNING ANNEXATION OF LAND WITHIN THE FORT MORGAN COUNTY QUALITY WATER DISTRICT.**

INTRODUCED, PASSED, APPROVED AND ADOPTED this 16TH day of February, 2010, the vote upon roll call being as follows:

Ayes: Mayor McAlister, Councilmembers Bryan, Deal, Forstedt, Nation, Powers and Shaver

Nays: None.

Absent /Abstain: None.

THE CITY COUNCIL OF THE CITY OF
FORT MORGAN, COLORADO

[SEAL]

BY: *Lesly L. McQuib*
Mayor

ATTEST:

Andrea Strand
Andrea Strand, City Clerk

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

ss.

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records of the City of Fort Morgan, Colorado, and that the same has not been, since its adoption, in any respect, rescinded or amended.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 16th day of February, 2010.

Andrea Strand
Andrea Strand, City Clerk

**EXCEPTION TO THE
INTERGOVERNMENTAL AGREEMENT
CONCERNING ANNEXATION OF LAND WITHIN THE MORGAN
COUNTY QUALITY WATER DISTRICT**

THIS EXCEPTION is made to the **Intergovernmental Agreement Concerning Annexation of Land within the Morgan County Quality Water District** ("Agreement") by and between the **City of Fort Morgan, Colorado** ("City"), by and through its City Council, and **Morgan County Quality Water District**, of ("Quality Water").

WHEREAS, the City of Fort Morgan, Colorado, (the "City") entered into the **Intergovernmental Agreement** with Morgan County Quality Water District ("Quality Water") on May 20, 1998; and,

WHEREAS, that Agreement provided that the City would be required to make payments to Quality Water for exclusion of territories served by Quality Water subject to annexation; and,

WHEREAS, that Agreement does not account for circumstances where the City annexes property that it cannot serve or where development is prohibited; and,

WHEREAS, the City intends to annex property north of the Platte River, adjacent to Riverside Park and detailed in **Exhibit A** of this Exception, which the City has no ability to serve nor can the proposed property be developed as it has restrictive covenants imposed by a conservation easement.

NOW, THEREFORE, be it resolved by the parties hereto agree as follows:

1. The City will be granted an exception by Quality Water for any payment and district exclusion requirements contained in the Agreement on property described in **Exhibit A**.
2. In the event the City is able to serve said property and the property can be developed in a manner that would allow or require water service this Exclusion will not be valid.

EXHIBIT A

PARCEL A

PART OF THE NORTHEAST QUARTER OF SECTION 31 AND PART OF THE NORTH HALF OF SECTION 32, TOWNSHIP 4 NORTH, RANGE 57 WEST OF THE 6TH P.M., MORGAN COUNTY, COLORADO, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 31, MONUMENTED WITH A 3 ¼", BUREAU OF LAND MANAGEMENT BRASS CAP;

THENCE SOUTH 01°22'28" WEST FOR 647.83 FEET ALONG THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 31 TO THE SOUTH RIGHT OF WAY LINE OF THE ABANDONED UNION PACIFIC RAILROAD;

THENCE SOUTH 81°27'19" EAST FOR 72.06 FEET ALONG SAID SOUTH RIGHT OF WAY LINE TO A 5/8" REBAR WITH 1 ¾" RED PLASTIC CAP STAMPED PLS 7735 AND THE TRUE POINT OF BEGINNING;

THENCE CONTINUING SOUTH 81°27'19" EAST FOR 1438.80 FEET ALONG SAID SOUTH RIGHT OF WAY LINE TO A ½" REBAR WITH 1" YELLOW PLASTIC CAP STAMPED LS 11399;

THENCE ALONG A CURVE TO THE LEFT (HAVING A RADIUS OF 11574.16 FEET AND A LONG CHORD BEARING SOUTH 84°15'43" EAST FOR 1120.57 FEET) FOR AN ARC LENGTH OF 1121.01 FEET CONTINUING ALONG SAID SOUTH RIGHT OF WAY LINE TO THE EAST LINE OF SAID SECTION 31;

THENCE NORTH 01°05'10" EAST FOR 150.06 FEET ALONG THE SAID EAST LINE OF SECTION 31 TO THE NORTH RIGHT OF WAY LINE OF THE ABANDONED UNION PACIFIC RAILROAD MONUMENTED WITH A ½" REBAR;

THENCE SOUTH 87°34'37" EAST FOR 5318.30 FEET ALONG THE SAID NORTH RIGHT OF WAY LINE TO THE EAST LINE OF SAID SECTION 32;

THENCE SOUTH 00°13'11" WEST FOR 1578.95 FEET ALONG THE EAST LINE OF SAID SECTION 32 TO THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER THEREOF MOMUMENTED WITH A 3 ¼", BUREAU OF LAND MANAGEMENT BRASS CAP;

THENCE SOUTH 89°59'27" WEST FOR 7914.84 FEET ALONG THE SOUTH LINE OF THE NORTH HALF OF SAID SECTION 32 AND THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 31 TO THE EAST RIGHT OF WAY OF COLORADO STATE HIGHWAY 52;

THENCE NORTH 01°55'45 EAST FOR 1981.95 FEET ALONG SAID EAST RIGHT OF WAY TO THE POINT OF BEGINNING.

CONTAINS 305.969 ACRES.

EXCEPTING THEREFROM PARCEL B AND PARCEL C DESCRIBED AS FOLLOWS:

PARCEL B

PART OF THE NORTH HALF OF SECTION 32, TOWNSHIP 4 NORTH, RANGE 57 WEST OF THE 6TH P.M., MORGAN COUNTY, COLORADO, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 32; THENCE SOUTH 01°05'10" WEST FOR 821.07 FEET ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 32 TO A ½" REBAR ON THE NORTH RIGHT OF WAY LINE OF THE ABANDONED UNION PACIFIC RAILROAD;

THENCE SOUTH 87°34'37" EAST FOR 692.12 FEET ALONG SAID NORTH RIGHT OF WAY LINE;

THENCE SOUTH 02°59'13" WEST FOR 78.55 FEET TO A ½" REBAR WITH 1" YELLOW PLASTIC CAP STAMPED THOMAS 11399 IN THE POINT OF BEGINNING;

THENCE SOUTH 87°54'10" EAST FOR 2963.03 FEET TO A ½" REBAR WITH 1" YELLOW PLASTIC CAP STAMPED THOMAS 11399;

THENCE 07°48'59" WEST FOR 101.47 FEET TO A ½" REBAR WITH 1" YELLOW PLASTIC CAP STAMPED THOMAS 11399;

THENCE NORTH 87°34'01" WEST FOR 2954.27 FEET TO A ½" REBAR WITH 1" YELLOW PLASTIC CAP STAMPED THOMAS 11399;

THENCE NORTH 02°59'13" EAST FOR 83.67 FEET TO THE POINT OF BEGINNING.

CONTAINS 6.271 ACRES.

PARCEL C

PART OF THE NORTHEAST QUARTER OF SECTION 31, TOWNSHIP 4 NORTH, RANGE 57 WEST OF THE 6TH P.M., MORGAN COUNTY, COLORADO, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 31, MONUMENTED WITH A 3 ¼", BUREAU OF LAND MANAGEMENT BRASS CAP;

THENCE SOUTH 01°22'28" WEST FOR 647.83 FEET ALONG THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 31 TO THE SOUTH RIGHT OF WAY LINE OF THE ABANDONED UNION PACIFIC RAILROAD;

THENCE SOUTH 81°27'19" EAST FOR 1510.86 FEET ALONG SAID SOUTH RIGHT OF WAY LINE TO A ½" REBAR WITH 1" YELLOW PLASTIC CAP STAMPED THOMAS 11399;

THENCE ALONG A CURVE TO THE LEFT (HAVING A RADIUS OF 11574.16 FEET AND A LONG CHORD BEARING SOUTH 84°15'43" EAST FOR 1120.57 FEET) FOR AN ARC LENGTH OF 1121.01 FEET ALONG SAID SOUTH RIGHT OF WAY LINE TO THE EAST LINE OF THE NORTHEAST QUARTER SAID SECTION 31;

THENCE SOUTH 01°05'10" WEST FOR 298.90 FEET ALONG THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 31 TO THE TRUE POINT OF BEGINNING;

THENCE CONTINUING SOUTH 01°05'10" WEST FOR 75.49 FEET ALONG THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 31 TO A ½" REBAR WITH 1" YELLOW PLASTIC CAP STAMPED THOMAS 11399;

THENCE NORTH 80°10' 30" WEST FOR 237.49 FEET TO A ½" REBAR WITH 1" YELLOW PLASTIC CAP STAMPED PLS 11399;

THENCE NORTH 01°05'10" EAST FOR 75.49 FEET PARALLEL WITH AND 234.73 FEET WEST OF THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 31;

THENCE SOUTH 80°10'30" EAST FOR 237.49 FEET TO THE POINT OF BEGINNING.

CONTAINS 0.407 ACRES

BASIS OF BEARINGS:

THE WEST LINE OF THE EAST HALF OF SECTION 31 IS ASSUMED TO BEAR SOUTH 01°22'28" WEST.