

## RESOLUTION NO. 2010-06-01

### AUTHORIZING THE MAYOR TO EXECUTE THE AVIGATION EASEMENT WITH CAROLYN K. LEBSOCK AND AUTHORIZING THE EXPENDITURE FOR THE BENEFIT OF THE FORT MORGAN MUNICIPAL AIRPORT

**WHEREAS**, the parties to this **Avigation Easement** are the City of Fort Morgan ("Grantee") and Carolyn K. Lebsock ("Grantor"); and,

**WHEREAS**, the Grantor owns certain real property in Morgan County, Colorado ("Grantor's Property"), legally described in the **Avigation Agreement** attached hereto and incorporated herein by this reference; and,

**WHEREAS**, a portion of the Grantor's Property lies within the landing approach appurtenant with the Fort Morgan Municipal Airport; and,

**WHEREAS**, the Grantee seeks an **Avigation Easement** for the portion of 154.476 acres of the Grantor's Property appurtenant to and for the benefit of the real property known as the Fort Morgan Municipal Airport; and,

**WHEREAS**, the Grantor is willing to grant the Grantee an easement with respect to Grantor's Property for the sum of **\$45,000.00** and in accordance with the terms and conditions of the **Avigation Easement**; and,

**WHEREAS**, securing this easement is a necessity for a project being undertaken by the City for the purpose of the promotion of aviation at Colorado public use airports and for the betterment of the Colorado Aviation System in conjunction with the Aeronautics Division of the Colorado Department of Transportation and the Federal Aviation Administration; and,

**WHEREAS**, the City has secured funding through a grant with the Aeronautics Division of the Colorado Department of Transportation and the Federal Aviation Administration to offset the cost of this project at the Fort Morgan Municipal Airport as follows: Colorado Department of Aeronautics Division (2.5%) City of Fort Morgan (2.5%) and the Federal Aviation Administration (95%); and,

**WHEREAS**, City Staff has recommended that the City proceed with the expenditure and the execution of the **Avigation Easement** for the acquisition of the aforesaid easement.

**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 **Avigation Easement** for the purpose of acquiring an easement in an amount not to exceed **\$45,000.00**.

**Sec. 2:** The **Avigation Easement** shall be for the purpose of securing unobstructed use and passage of all types of aircraft which includes any additions thereto and including fifty (50) feet of airspace above ground level from the current elevation of the property.

INTRODUCED, PASSED, APPROVED AND ADOPTED this 15<sup>th</sup> day of June 2010, the vote upon roll call being as follows:

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

Nays: None.

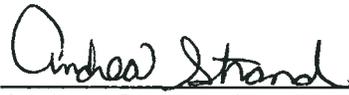
Absent /Abstain: None.

THE CITY COUNCIL OF THE CITY OF  
FORT MORGAN, COLORADO

[ SEAL ]

BY:   
Mayor Terry McAlister

ATTEST:

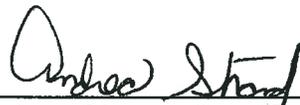
  
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Andrea Strand, City Clerk

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 17<sup>th</sup> day of June, 2010.

  
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Andrea Strand, City Clerk