

RESOLUTION NO. 2018-07-02

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FORT MORGAN, COLORADO, SUBMITTING A BALLOT QUESTION TO THE ELECTORS OF THE CITY RELATING TO THE TRANSFER OF PROPERTY TO MORGAN COUNTY SCHOOL DISTRICT RE-3

WHEREAS, the City of Fort Morgan (the “City”), is a home rule municipality duly organized and existing under the Constitution and laws of the State of Colorado and its City Charter; and,

WHEREAS, the members of the City Council of the City of Fort Morgan (the “Council”) have been duly elected and qualified; and,

WHEREAS, Section 4-7-300(d) of the Fort Morgan Municipal Code requires voter approval for the sale or disposition of certain real property that has been “conveyed to the City by grant, deed, or trust that contains a specific use pursuant to the conveying document(s), with which the City (without undue burden or economic hardship) has the ability to comply, shall be subject to prior approval through a regular or special election”; and,

WHEREAS, the City of Fort Morgan is the sole owner of property, more particularly described as Section 07 Township 3 Range 57 the NW1/4 parcel Excluding recording at Morgan County Book 894 Page 577 (SADDLE CLUB) & Excluding recording at Morgan County Book 985 Page 588 (TRACK & FOOTBALL FIELD) containing approximately 17.711 ACRES commonly referred to as LEGION PARK LAND AND IMPROVEMENTS ON EDDIE UNDERWOOD BASEBALL FIELD; and,

WHEREAS, the City Council, at the request of Morgan County School District Re-3, wishes to seek voter approval to transfer the City’s interest in property that was conveyed to the City by the American Legion with the condition that an election would be required before the property could be sold or conveyed; and,

WHEREAS, the County Clerk and Recorder in Morgan County (the “County Clerk”) will conduct the election on November 6, 2018, as a coordinated election (the “election”); and,

WHEREAS, pursuant to C.R.S. § 31-10-103, of the Municipal Election Code, the City has determined to coordinate this election with Morgan County; and,

WHEREAS, the Council hereby determines that it is necessary to submit to the electors of the City, at the general election to be held on November 6, 2018, the question of transferring the City’s interest in the Legion Park property to Morgan County School District RE-3; and,

WHEREAS, it is necessary to set forth certain procedures concerning the

conduct of the general election.

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

Section 1: Pursuant to the Charter of the City of Fort Morgan, and the Constitution of the State of Colorado, all action heretofore taken (not inconsistent with the provisions of this resolution) by the City and the officers thereof, directed towards the election and the objects and purposes herein stated is hereby ratified, approved and confirmed. This proposal shall hereby be submitted to the electors of the City, shall become effective if, and only if, it is approved by the majority of the voters at the election to be held November 6, 2018.

Section 2: That the following ballot language is hereby referred to the voters at said election:

PROPOSED BALLOT QUESTION REGARDING THE TRANSFER OF PROPERTY FROM THE CITY OF FORT MORGAN TO MORGAN COUNTY RE-3

SHALL THE CITY OF FORT MORGAN BE AUTHORIZED TO CONVEY ITS INTEREST IN THE PROPERTY COMMONLY REFERRED TO AS LEGION PARK AND EDDIE UNDERWOOD FIELD TO MORGAN COUNTY SCHOOL DISTRICT RE-3?	YES _____
	NO _____

Section 3: The provisions of the Uniform Election Code of 1992 as amended are hereby adopted with respect to the conduct of said election in lieu of the provisions of the Municipal Election Code 1965.

Section 4: The City Clerk is hereby directed to certify the ballot content for the municipal election to the Morgan County Clerk not later than required.

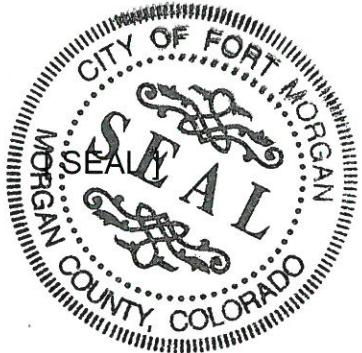
Section 5: The Mayor is hereby authorized to enter into an intergovernmental agreement with Morgan County for conduct of the election, pursuant to Section 1-7-116(2) of the Colorado Revised Statutes.

INTRODUCED, PASSED, APPROVED AND ADOPTED this 3rd day of July 2018, the vote upon roll call being as follows:

Ayes: Mayor Ronald Shaver, Councilmembers Howe, Lindell, Marler, and Schossow

Nays: None

Absent /Abstain: Councilmembers Anderson and Northrup, Absent (excused)



THE CITY COUNCIL OF THE CITY OF
FORT MORGAN, COLORADO

BY: Ronald Shaver
Ronald Shaver, Mayor

ATTEST:

John Brennan
John Brennan, City Clerk

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

CERTIFICATE

I, John Brennan, 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 3rd day of July, 2018.

John Brennan
John Brennan, City Clerk