

## **RESOLUTION NO. 2022-02-04**

### **A RESOLUTION AUTHORIZING THE SALE OF REAL PROPERTY AT LOT 1, BLOCK 1 OF THE FIEBIG FARM SUBDIVISION AND APPROVING A DEVELOPMENT AGREEMENT FOR SAID PROPERTY**

**WHEREAS**, the City of Fort Morgan (“City”) purchased property now platted as the Fiebig Farm subdivision in 2018, which was previously used as a farm ground within the City, and has been subdivided for development and uses beneficial to the City, its residents and customers; and

**WHEREAS**, Fort Morgan Property LLC, a Colorado limited liability company based in Loveland, intends to purchase around thirteen and a half (13.5) acres of real property, at Lot 1, Block 1 of the Fiebig Farm subdivision (the “Property”), to develop, construct and operate a newly designed automotive complex, including two automotive franchise dealership businesses; and

**WHEREAS**, the Fort Morgan City Council (“Council”) is duly authorized to sell, develop, own or maintain the Fiebig Farm subdivision, which includes the subject Property designated in the Development Agreement, attached hereto within Exhibit A; and

**WHEREAS**, the City Council authorizes the sale of a portion of that Fiebig Farm subdivision, through the execution of a Contract to Buy and Sell Real Estate, attached hereto as Exhibit B, and the execution of all necessary documents associated with the sale and closing of the subject Property; and

**WHEREAS**, the purchaser and the City intend to be subject to a Development Agreement, which shall be executed along with the applicable Contract to Buy and Sell Real Estate, to incentivize the development of the Property, as well as stimulate local small business growth and the resulting skilled jobs and tax revenue to the City; and

**WHEREAS**, City Staff and the City Attorney have drafted, negotiated and finalized the attached Development Agreement between the City and purchaser, attached hereto as Exhibit A and incorporated herein, and City Council also desires to approve and authorize the Contract to Buy and Sell Real Estate, attached hereto as Exhibit B.

**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 sign the Development Agreement, attached hereto as Exhibit A.

**SECTION 2.** The City Council authorizes the Mayor to sign the Contract to Buy and Sell Real Estate for this Property, attached hereto as Exhibit B.

**SECTION 3.** The City Council additionally authorizes the Mayor to execute all necessary documents associated with the sale and closing of the Property.

INTRODUCED, PASSED, APPROVED AND ADOPTED this 15<sup>th</sup> day of February, 2022, the vote upon roll call being as follows:

Ayes: Mayor Deal, Councilmembers Garcia, Kaper, Parks, Schossow and Urdiales

Nays: None

Absent /Abstain: Councilmember Anderson, Absent (excused)

THE CITY COUNCIL OF THE CITY OF  
FORT MORGAN, COLORADO

[ SEAL ]

BY:   
Lyn Deal, Mayor

ATTEST:

  
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 15<sup>th</sup> day of February, 2022.

  
John Brennan, City Clerk

**Exhibit A**  
**Development Agreement**

**Exhibit A**  
**Contract to Buy and Sell Real Estate**