

## **RESOLUTION No. 2024-01-01**

### **AUTHORIZING THE MAYOR TO SIGN THE LAND SWAP AGREEMENT BETWEEN THE CITY OF FORT MORGAN, COLORADO, AND SMIRK'S HOLDING, LLC FOR PROPERTY LOCATED AT THE QUAIL DUNES GOLF COURSE**

**WHEREAS**, Smirk's Holding, LLC, a Colorado limited liability company ("Smirk's"), will be operating as a business out of the old clubhouse at the Quail Dunes Golf Course, located in the North Half of Section 25, Township 4 North, Range 58 West of the 6<sup>th</sup> P.M., City of Fort Morgan, Morgan Colorado (the "Property"); and

**WHEREAS**, The City currently owns all of the land that surrounds Smirk's building, and Smirk's owns property that would be useful to the City; and

**WHEREAS**, Smirk's and the City, therefore, wish to enter into a land swap agreement for the mutual benefit of Smirk's and the City; and

**WHEREAS**, Smirk's and the City also share land used for parking by the Property; and

**WHEREAS**, the City and Smirk's wish to enter into an agreement regarding the use and maintenance of the parking lot;

**WHEREAS**, the Fort Morgan City Council ("Council") authorizes the City to enter into this land swap and joint use agreement through the execution of the Joint Use Agreements, attached hereto as Exhibit A and B, and the Quitclaim Deeds, attached hereto as Exhibit C and D, and the execution of all necessary documents associated with the subject properties.

**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 agreed upon Joint Use Agreements, attached hereto as Exhibit A and B, and the Quitclaim Deeds, attached hereto as Exhibit C and D.

**SECTION 2:** The City Council additionally authorizes the Mayor to execute all necessary documents associated with these properties, as approved by the City Attorney.

INTRODUCED, PASSED, APPROVED AND ADOPTED this 2<sup>nd</sup> day of January, 2024, the vote upon roll call being as follows:

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

Nays: None

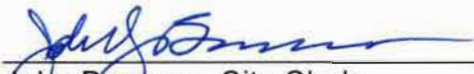
Absent /Abstain: Councilmember Anderson, Absent (excused)



THE CITY COUNCIL OF THE CITY OF  
FORT MORGAN, COLORADO

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 2<sup>nd</sup> day of January, 2024.

  
John Brennan, City Clerk