

## RESOLUTION 08 03 04

### AUTHORIZING THE CITY ATTORNEY TO FILE A QUIET TITLE ACTION FOR A THIRTY (30) FOOT PIECE OF PROPERTY

**WHEREAS**, Sec. 2(B), Article I, of the *Charter* provides that "[T]he City shall have power to sue and defend and plead and be impleaded in all courts and places and in all matters and proceedings"; and,

**WHEREAS**, Council has been informed by Staff that a strip of land approximately thirty (30) feet wide and two-hundred and fifty (250) feet long lies in vacant title near Barlow Road; and,

**WHEREAS**, this strip of land lying in vacant title is currently used for ingress and egress to a dedicated right-of-way and utility easement for access to City property located to the west of said strip of land; and

**WHEREAS**, the Council has found that the filing of a Quiet Title Action with regards to a strip of land approximately thirty (30) feet wide and two-hundred and fifty (250) feet long is in the best interest of the citizens of the City of Fort Morgan and more particularly described as follows:

A PARCEL OF LAND IN THE SOUTHEAST ¼ OF SECTION 32, TOWNSHIP 4 NORTH, RANGE 57 WEST OF THE 6<sup>TH</sup> PRINCIPAL MERIDIAN, MORGAN COUNTY, COLORADO AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 32 AND CONSIDERING THE EAST LINE OF THE SOUTHEAST ¼ OF SAID SECTION 32 TO BEAR NORTH 00°14'17" EAST WITH ALL BEARINGS HEREIN RELATIVE THERETO;

THENCE NORTH 00°14'17" EAST ALONG SAID EAST LINE A DISTANCE OF 1236.80 FEET TO THE POINT OF BEGINNING;

THENCE SOUTH 89° 52'54" WEST, 252.08 FEET;

THENCE NORTH 00°13'29" EAST, 30.00 FEET TO A POINT ON THE SOUTHWEST CORNER OF A PARCEL OF LAND FILED UNDER RECEPTION NUMBER 747173, MORGAN COUNTY;

THENCE NORTH 89°52'58" EAST ALONG THE SOUTH LINE OF SAID PARCEL FILED UNDER RECEPTION NUMBER 747143, 252.08 FEET TO THE SOUTHEAST CORNER OF SAID PARCEL, ALSO BEING ON THE EAST LINE OF THE SOUTHEAST ¼ OF SAID SECTION 32;

THENCE SOUTH 00°14'17" WEST ALONG SAID EAST LINE, 30.00 FEET TO THE POINT OF BEGINNING;

THE ABOVE DESCRIBED PARCEL CONTAINS 0.174 ACRES, MORE OR LESS AND IS SUBJECT TO RECORDED EASEMENTS AND RIGHTS-OF-WAY.

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

**SEC. 1:** The Council hereby authorizes the City Attorney to file a Quiet Title Action with regards to the strip of land approximately thirty (30) feet wide and two-hundred-and-fifty (250) feet long which lies in vacant title near Barlow Road and represent the City in said action in the Morgan County District Court.

INTRODUCED, PASSED, APPROVED AND ADOPTED this 18<sup>TH</sup> day of March, 2008, the vote upon roll call being as follows:

Ayes: Mayor Darnell; Councilmembers Deal, McAlister, Powers, Schafer Shaver and Simmons

Nays: None.

Absent /Abstain: None.


THE CITY COUNCIL OF THE CITY OF  
FORT MORGAN, COLORADO

[ SEAL ]

BY: 

Mayor Jack Darnell

ATTEST:

  
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 19<sup>th</sup> day of March, 2008.

  
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Andrea Strand, City Clerk