

**ORDINANCE NO. 2304**

**AN ORDINANCE OF THE CITY OF MONTROSE, COLORADO, AUTHORIZING THE CONVEYANCE OF CERTAIN CITY PROPERTY IN THE FORM OF AN EASEMENT FOR IRRIGATION WATER DELIVERY, ON REAL PROPERTY DESCRIBED HEREIN, IN EXCHANGE FOR CONVEYANCE TO THE CITY OF AN IDENTICAL EASEMENT CURRENTLY ENCUMBERING THE CITY'S PROPERTY, FOR THE PURPOSE OF FACILITATING THE CONSTRUCTION OF "WATER TANK NUMBER 3", PURSUANT TO § 1-9-2 OF THE OFFICIAL CODE OF THE CITY OF MONTROSE**

WHEREAS, the City of Montrose, in an effort to construct "Water Tank Number 3", requires the use of the ten (10) foot wide irrigation easement shown in Tract 1, on the "Water Tank Number 3, Plat of Survey" recorded under reception number 822971, on March 11, 2011, in the records of the Montrose County Clerk and Recorder; and


WHEREAS, the property described on Exhibit "A", also located in the "Water Tank Number 3, Plat of Survey" recorded under reception number 822971, on March 11, 2011, in the records of the Montrose County Clerk and Recorder, is to be conveyed by the City to the Grantee in exchange for the ten (10) foot irrigation easement shown in Tract 1, on the "Water Tank Number 3, Plat of Survey" recorded under reception number 822971, on March 11, 2011, in the records of the Montrose County Clerk and Recorder, (hereinafter referred to as the "Property"); and

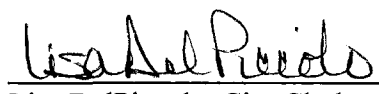
WHEREAS, the City Council of the City of Montrose has determined that this Ordinance will further the health, safety and welfare of the citizens of the City of Montrose.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MONTROSE, COLORADO**, that an irrigation easement encumbering the Property described in Exhibit "A" may be conveyed, on terms acceptable to the City, to Amerdev, LLC., in exchange for a certain irrigation easement owned by Amerdev, LLC. Further, the City Council hereby authorizes the Mayor to execute all documents required to consummate said conveyances.

INTRODUCED, READ and PASSED on first reading this 5<sup>th</sup> day of June, 2012.

ATTEST:

  
Thomas A. Smits, Mayor

  
Lisa DelPiccolo, City Clerk



You will please take notice that the Montrose City Council will hold a hearing upon the above Ordinance and the question of its adoption on second reading on Monday, the 18<sup>th</sup> day of June, 2012, at the hour of 7:00 p.m. at the Elks' Civic Building in Montrose, Colorado.

INTRODUCED, READ and ADOPTED on second reading this 18<sup>th</sup> day of June, 2012.

ATTEST:

Lisa DelPiccolo

Lisa DelPiccolo, City Clerk

Thomas A. Smits

Thomas A. Smits, Mayor

Judy Ann Files, Mayor Pro Tem



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### EXHIBIT "A"

#### Centerline of a 10' Wide Irrigation Easement Legal Description:

Located in the SE  $\frac{1}{4}$  of the NW  $\frac{1}{4}$ , Section 11, Township 48 North, Range 9 West, New Mexico Principle Meridian Montrose County, Colorado, more particularly described as follows:

Beginning at a point on the eastern line of Tract 1, Water Tank Number 3 Plat of Survey, Recorded at Reception No. 822971 in the office of the Montrose County Clerk and Recorder, from whence the Northeast corner bears N 01° 39' 49" W a distance of 267.55 feet ;

Thence N 70°30'39" W, 18.29 feet;

Thence N 57°47'01" W, 49.23 feet;

Thence N 62°30'37" W, 110.05 feet;

Thence N 36°31'58" W, 86.84 feet;

Thence N 48°02'47" W, 137.75 feet;

Thence N 34°48'25" W, 41.80 feet to the north line of said Tract 1.

All located in Montrose County, State of Colorado.

Basis of Bearings: The north line of said Tract 1 was determined to bear S 88°19'51" E by City of Montrose Control Network.