



## RESOLUTION 7, SERIES 2019

### A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF RED CLIFF, COLORADO AUTHORIZING THE PURCHASE OF THE REAL PROPERTY ON WHICH THE TOWN'S WATER TREATMENT PLANT IS SITUATED FROM BATTLE ONE DEVELOPER, LLLP

WHEREAS, the Town of Red Cliff, Colorado (the "**Town**") is a Colorado municipal corporation organized and validly existing as a body corporate and politic under and by virtue of the Constitution and laws of the State of Colorado;

WHEREAS, the Town's Board of Trustees (the "**Board**") is authorized pursuant to Colorado law to enter into agreements in order to, in pertinent part, acquire interests in land necessary, suitable or proper for public interests;

WHEREAS, the Board has directed Town staff to negotiate the terms and conditions for the purchase of the real property legally described in **Exhibit "A"** attached hereto (the "**Property**") in an amount not to exceed the seller, Battle One Developer, LLLP, a Georgia limited liability company's ("**Battle One**") legal fees in connection with such purchase, not to exceed \$5,000.00 USD; and

WHEREAS, the Board hereby finds that it is necessary and suitable, and in the best interest of the Town and the health, safety and welfare of the residents and visitors of Red Cliff, that the above-described Property be purchased as set forth hereinbelow.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF RED CLIFF, THAT,

**Section 1. Authorization to Purchase.** The Board of Trustees, pursuant to Colorado law, hereby authorizes the purchase by the Town, for the sum of Battle One's legal fees in connection with such purchase, not to exceed \$5,000.00, plus customary closing costs and fees, of the Property, and in conjunction therewith, hereby authorizes and directs the Mayor, Town Manager and Town Clerk to appropriately execute any and all documents necessary and appropriate to consummate said purchase.

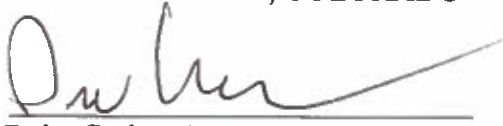
**Section 2. Appropriation/Allocation of Funds.** The Board hereby appropriates and/or allocates the sum not to exceed \$5,000.00 plus customary closing costs and fees for the purchase of the Property out of the Town's General Fund, and authorizes the expenditure of said sums for such purpose.

**Section 3. Severability.** If any section, sentence, clause, phrase, word or other provision of these resolutions is for any reason held to be unconstitutional or otherwise invalid, such holding shall not affect the validity of the remaining sections, sentences, clauses, phrases, words or other provisions of these resolutions, and the validity of these resolutions shall stand notwithstanding the invalidity of any section, sentence, clause, phrase, word or other provision.

ADOPTED BY THE BOARD OF TRUSTEES OF THE TOWN OF RED CLIFF, COLORADO  
THIS 3rd DAY OF SEPTEMBER, 2019.



TOWN OF RED CLIFF, COLORADO

By:   
Duke Gerber, Mayor

ATTEST:

  
Barb Smith, Town Administrator/Clerk

## EXHIBIT A

### Legal Description

A TRACT OF LAND BEING A PART OF SPRUCE No. 7, SPRUCE No. 8, AND SPRUCE No. 10 ACCORDING TO MINERAL SURVEY No. 20747, SITUATED IN SECTIONS 17 AND 20, TOWNSHIP 6 SOUTH, RANGE 80 WEST, 6th PRIME MERIDIAN, EAGLE COUNTY, COLORADO, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND 2-1/2 INCH BRASS CAP STAMPED "NE SEC 20" FOR THE NORTHEAST CORNER OF SAID SECTION 20, WHENCE CORNER No. 4 OF SAID SPRUCE No. 10, A FOUND 4 INCH ALUMINUM CAP STAMPED "4 SP-10" BEARS S 55° 58' 05" W, A DISTANCE OF 634.61 FEET, BEING THE BASIS OF BEARING FOR THIS DESCRIPTION;

THENCE N 71° 54' 26" W, A DISTANCE OF 580.83 FEET TO A SET No 5 REBAR WITH 1-1/2 INCH ALUMINUM CAP STAMPED "LS 27598" FOR THE TRUE POINT OF BEGINNING, FROM WHICH A FOUND 4-1/2 INCH ALUMINUM CAP STAMPED "SPN07-20747" FOR THE NORTHWEST CORNER (CORNER No 1) OF SAID SPRUCE No. 7 BEARS N 19° 17' 03" W, 455.32 FEET;

THENCE S 08° 36' 33" E, A DISTANCE OF 129.05 FEET TO A SET No 5 REBAR WITH 1-1/2 INCH ALUMINUM CAP STAMPED "LS 27598";

THENCE S 68° 52' 52" W, A DISTANCE OF 177.86 FEET TO A SET No 5 REBAR WITH 1-1/2 INCH ALUMINUM CAP STAMPED "LS 27598" FROM WHICH A FOUND 4-1/2 INCH ALUMINUM CAP STAMPED "4 SP-10" FOR THE SOUTHEAST CORNER (CORNER No. 4) OF SAID SPRUCE No. 10 BEARS S 26° 40' 43" E, A DISTANCE OF 384.83 FEET;

THENCE N 55° 09' 21" W, A DISTANCE OF 163.27 FEET TO A SET No 5 REBAR WITH 1-1/2 INCH ALUMINUM CAP STAMPED "LS 27598";

THENCE N 68° 03' 22" E, A DISTANCE OF 66.53 FEET TO A SET No 5 REBAR WITH 1-1/2 INCH ALUMINUM CAP STAMPED "LS 27598" FOR THE BEGINNING OF A TANGENT CURVE TO THE LEFT;

THENCE NORTHEASTERLY ALONG SAID CURVE TO THE LEFT HAVING A RADIUS OF 433.76 AND A CHORD BEARING AND DISTANCE OF N 62° 22' 47" E, 85.81 FEET THROUGH A CENTRAL ANGLE OF 11° 21' 11" AND AN ARC DISTANCE OF 85.95 FEET TO THE END OF SAID CURVE, ALSO BEING THE POINT OF REVERSE CURVATURE OF A CURVE TO THE RIGHT;

THENCE NORTHEASTERLY ALONG SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 214.57 FEET AND A CHORD BEARING AND DISTANCE OF N 76° 42' 18" E, 146.79 FEET THROUGH A CENTRAL ANGLE OF 40° 00' 14", AN ARC DISTANCE OF 149.81 FEET TO THE POINT OF BEGINNING;

COUNTY OF EAGLE, STATE OF COLORADO.