

CITY OF WHEAT RIDGE, COLORADO
RESOLUTION NO. 29
Series of 2011

TITLE: A RESOLUTION APPROVING A RIGHT-OF-WAY PURCHASE, MAINTENANCE AND ACCESS AGREEMENT WITH ENAYATALLAH BOROUHAND (PANDA KING) AND AMENDING THE FISCAL YEAR 2011 CAPITAL INVESTMENT PROGRAM FUND BUDGET TO REFLECT THE APPROVAL OF A SUPPLEMENTAL BUDGET APPROPRIATION IN THE AMOUNT OF \$42,221 FOR THE PURCHASE OF THE RIGHT-OF-WAY

WHEREAS, Owner is the owner in fee simple of certain real property located at 7540 West 44th Avenue within the City of Wheat Ridge, Colorado (the "Owner's Property");and

WHEREAS, the Property is bordered on the north by 44th Avenue and is bordered on the east by a 30 foot easement for Vance Street; and

WHEREAS, both 44th Avenue and Vance Street are public roadways within the City; and

WHEREAS, the Wheat Ridge Urban Renewal Authority ("URA") is the owner of certain real property adjacent to the Owner's Property to the east and the south ("URA Property"), which the URA is redeveloping in cooperation with the City; and

WHEREAS, in order to benefit the existing and future uses of the Owner's Property and the redevelopment of the URA Property, it is necessary for the City to acquire from Owner certain additional right-of-way from Owner's Property as it adjoins 44th Avenue and within and adjacent to the present easement for Vance Street; and

WHEREAS, in return for the conveyance by the Owner of certain of Owner's Property for the 44th Avenue and Vance Street improvements, the City wishes to agree to provide compensation, access and other guarantees to Owner; and

WHEREAS, the parties also wish to agree concerning the installation and maintenance of certain landscaping, lighting, sidewalk and curb and gutter to be installed on and adjacent to the rebuilt and widened 44th Avenue and Vance Street.

WHEREAS, in consideration of the promises and agreements of the parties contained herein, the sufficiency of which are hereby acknowledged by Owner and the City, the parties hereby do promise and agree as follows:

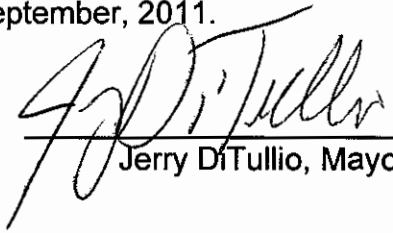
Owner agrees to sell to the City, and the City agrees to purchase by special warranty deed, those portions of Owner's Property bordering 44th Avenue and the Vance Street easement in the amount of \$42,221 which includes estimated closing costs, hereto and as follows:

- 44th Avenue Parcel: a parcel 14 feet in width extending along the northern boundary of Owner's Property adjacent to 44th Avenue.
- Vance Street Parcel: a parcel 37.5 feet in width extending along the eastern boundary of Owner's Property and of which the easternmost 30 feet is subject to an easement granted to the City of Wheat Ridge by plat recorded November 19, 1982 at reception number 82081495.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Wheat Ridge, Colorado, as follows:


1. The City Council approves the Right-of-Way Purchase, Maintenance and Access Agreement with Enayatallah Boroumand.
2. The City Council authorizes the transfer of \$42,221 from the Capital Investment Program budget undesignated reserves to account 30-610-800-801 and amendment of the 2011 fiscal year budget accordingly.

DONE AND RESOLVED this 12th day of September, 2011.



Jerry DiTullio, Mayor

ATTEST



Michael Snow, City Clerk

