

**TOWN OF TIMNATH, COLORADO  
RESOLUTION NO. 99, SERIES 2016**

**A RESOLUTION RATIFYING THE PURCHASE AND TERMS OF THE AGREEMENT  
BETWEEN THE TOWN OF TIMNATH AND J. R. SIMPLOT COMPANY**

**WHEREAS**, the Town of Timnath is a Home Rule Town of the State of Colorado (the “**Town**”); and

**WHEREAS**, the Town Council (the “**Council**”) of the Town pursuant to C.R.S. § 31-15-103, has the power to pass resolutions; and

**WHEREAS**, the Town has determined that it is necessary and in the public interest to construct various road improvements to Harmony Road including the widening of the road and the construction of a median (the “**Project**”); and

**WHEREAS**, the Town has determined that the acquisition of certain fee property and permanent easements purportedly owned by J. R. Simplot Company (the “**Owner**”), is necessary for completion of the Project; and

**WHEREAS**, on March 8, 2016, the Council passed Resolution No. 15, Series 2016 (“**Resolution No. 15**”) generally approving the acquisition, by use of eminent domain, if necessary, fee simple title to certain right of way as described and depicted in Exhibit A of Resolution No. 15 (the “**Property**”), and a utility easement as described and depicted in Exhibit B of Resolution No. 15 (the “**Utility Easement**”); and

**WHEREAS**, on November 8, 2016, the Council passed Resolution No. 99, Series 2016 (“**Resolution No. 99**”) generally authorizing the expenditure of funds to the Owner in exchange for the Property and Utility Easement, modification to the Utility Easement, and a License Agreement between the Town and the Owner; and

**WHEREAS**, the Council took action on Resolution No. 99 with the direction that the action would be ratified at the next council meeting and the Council is familiar with the actions taken and finds it to be in the best interest of the Town, its residents, and the general public to ratify the prior action.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF TIMNATH, COLORADO AS FOLLOW:**

**Section 1. Approval**

The terms of the agreement as outlined in Resolution No. 99 are hereby approved and may be finalized by the Town Manager in consultation with the Town Planner, Town Engineer, Legal Counsel, and other applicable staff or consultants.

**Section 2. Ratification**

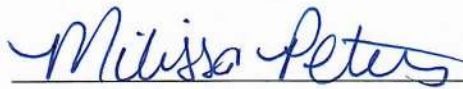
The execution of the agreement and related documents or other actions whatsoever conducted by the Town and the Town Manager are hereby affirmed, ratified and made effective as of the date of the execution of the respective documents.

**INTRODUCED, MOVED, AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF TIMNATH, ON DECEMBER 7, 2016.**

**TOWN OF TIMNATH, COLORADO**

  
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Jill Grossman-Belisle, Mayor

**ATTEST:**

  
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Milissa Peters, CMC  
Town Clerk

