

**TOWN OF TIMNATH
LARIMER COUNTY, COLORADO**

RESOLUTION NO. 21, Series, 2008

**A RESOLUTION AUTHORIZING THE ACQUISITION OF PROPERTY INTERESTS
FOR THE CONSTRUCTION AND MAINTENANCE OF A PUBLIC STORM
DRAINAGE SYSTEM**

WHEREAS, the Town of Timnath (“Town”) is a home rule municipality of the State of Colorado; and

WHEREAS, the Town has been working on a drainage project in the Box Elder Creek overflow area since September, 2005; and

WHEREAS, the Town adopted a drainage master plan in September, 2005; and

WHEREAS, the Town Council has determined that there is a need and necessity and it is in the public interest and in furtherance of a public use for the Town to acquire certain interests in property for the public purposes of constructing and maintaining a public storm drainage system (the “Project”); and

WHEREAS, the Town has determined that it should acquire by negotiation, if possible, the property interests described in the attached **Exhibit A** (the “Property”); and

WHEREAS, the Town will conduct good faith negotiations and make an offer of just compensation to acquire the Property following a determination of just compensation by a licensed appraiser; and

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF TIMNATH:

1. The Town finds and determines on the basis of the previous clauses that it is necessary for it to obtain possession of and to acquire the Property for the benefit of the public health, welfare and safety.

2. The Town’s designee is authorized to negotiate in good faith for the acquisition of the Property following a determination of just compensation by a licensed appraiser.

3. The Town finds and determines that there is a public need and necessity and in furtherance of a public use for obtaining possession of and acquiring the Property in order to allow the Town to proceed with the Project.

4. The Town finds and determines that at a time deemed appropriate by the Town’s designee it will then make a determination whether it wants to proceed to acquire the Property by using its powers of eminent domain.

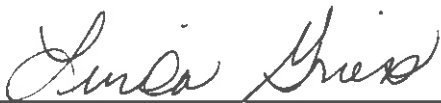
Adopted on this 24th day of September, 2008.

**TOWN COUNCIL OF THE TOWN OF
TIMNATH**



Donna Benson, Mayor

ATTEST:

By: 

Linda Greiss, Town Clerk