

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BASALT, COLORADO,  
AUTHORIZING THE ACQUISITION OF CERTAIN INTERESTS IN REAL PROPERTY THROUGH GOOD  
FAITH NEGOTIATIONS OR, IF UNSUCCESSFUL, THROUGH EMINENT DOMAIN PROCEEDINGS  
FOR THE CONSTRUCTION OF BUS RAPID TRANSIT STATIONS AND RELATED FACILITIES AND  
IMPROVEMENTS**

**Town of Basalt, Colorado  
Resolution No. 05  
Series of 2011**

WHEREAS, the Town of Basalt, Colorado ("Basalt"), is a member of the Roaring Fork Transportation Authority ("RFTA") and relies on RFTA to provide public transit to its citizens and other residents of the Roaring Fork Valley; and

WHEREAS, the projects and operations of RFTA serve the transportation needs of the Town of Basalt; and

WHEREAS, RFTA has determined, and Basalt agrees, that it is necessary to the public health, safety and welfare to obtain certain interests in real property, as more particularly described in attached Exhibits A to D (the "Subject Parcels"), and to obtain certain permanent and temporary easements as more particularly described in Exhibits E and F (the "Minor Easements"), for the construction of Bus Rapid Transit ("BRT") Stations and related facilities and improvements within the RFTA jurisdiction of the State Highway 82 corridor (the "Project"); and

WHEREAS, Basalt has supported RFTA in obtaining federal grants from the Federal Transit Administration ("FTA") for the Project; and

WHEREAS, the Project will provide direct and immediate transportation benefits to the citizens of Basalt; and

WHEREAS, Basalt has determined that it is necessary to the public health, safety and welfare to acquire the Subject Parcels and the Minor Easements for the construction and operation of the Project; and

WHEREAS, a public purpose is served by the acquisition of the Subject Parcels and Minor Easements in order to serve the public transportation needs of the citizens of the Town of Basalt and the Roaring Fork Valley, through the construction of nine (9) BRT Stations and related facilities and improvements, including those BRT Stations and related facilities and improvements within the Town of Basalt; and

WHEREAS, RFTA is receiving funding from the FTA for construction and implementation of a BRT system in order to benefit the general public; and

WHEREAS, FTA requires local transit agencies to follow the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended; and

WHEREAS, RFTA has authorized the acquisition of the Subject Parcels and Minor Easements through its power of eminent domain, if necessary, by the adoption of Resolution No. 2011-12; and

WHEREAS, Basalt is authorized by Section 1.3(A) of the Basalt Home Rule Charter to acquire property for any purpose deemed by the Town Council to be in the Town's best interest; and

WHEREAS, Basalt and RFTA have entered into an intergovernmental agreement, dated October 13, 2011, regarding the acquisition of property and the construction and operation of the Project; and

WHEREAS, the Basalt Town Council finds that if acquisition by eminent domain of any Parcel or interest identified in this Resolution is necessary, Basalt should join with RFTA in any condemnation proceeding as co-petitioner authorized to prosecute such action.

**NOW, THEREFORE, BE IT RESOLVED**, by the Town Council of the Town of Basalt Town Council, as follows:

1. That the Subject Parcels described in Exhibits A to D are needed and required for public use and public purposes, and that acquisition of interests in such properties is in the Town's best interest.

2. That the Minor Easements described in Exhibits E and F are needed and required for public use and public purposes.

3. That if compensation to be paid for any of the Subject Parcels or Minor Easements cannot be agreed upon by the parties interested, or in case the owner or owners of said property are incapable of consenting or their names or residences are unknown, then Basalt shall join RFTA in the acquisition of such property interests through the exercise of eminent domain and the Town Attorney is authorized to join with legal counsel for RFTA to institute and prosecute to conclusion such proceedings as are available under Article 1 of Title 38, Colorado Revised Statutes. In the event that an action for acquisition by eminent domain is commenced, the Town Attorney is further authorized to request immediate possession of the Subject Parcel or Minor Easement in furtherance of the purpose of this Resolution.

4. That funding for the acquisition of the Subject Parcels and Minor Easements, including expenses of the Town Attorney, shall be paid in accordance with the intergovernmental agreement between the Town of Basalt and RFTA, dated October 13, 2011.

READ AND ADOPTED by a vote of 6 to 0 on November 22, 2011.

TOWN OF BASALT, COLORADO

By: \_\_\_\_\_  
Leroy Duroux, Mayor

ATTEST: \_\_\_\_\_  
Pam Schilling, Clerk

EXHIBIT A

A tract of land situated in Lot 2, 2<sup>nd</sup> Amended Plat of Old Orchard Plaza, as shown on the plat thereof, recorded as Reception No. 711095 in the office of the Eagle County Colorado Clerk and Recorder, State of Colorado, being more particularly described as:

Beginning at a point on the west boundary of said Lot 2, also being the easterly line of the Sopris Village Drive Right-of-Way thence N00°38'36"E along the westerly boundary of said Lot 2 a distance of 131.25 feet to the southerly line of the Right-of-Way described in Book 644 at Page 517 thence along said Right-of-Way the following four (4) courses;  
Thence 38.65 feet along the arc of a non-tangent curve to the right, having a radius of 30 feet, a central angle of 73°48'41", the chord of which bears N57°58'39" E a distance of 36.03 feet;  
Thence 168.54 feet along the arc of a curve to the right, having a radius of 276.00 feet, a central angle of 34°59'13", the chord of which bears S67°33'16"E a distance of 165.93 feet;  
Thence S49°59'41"W a distance of 75.41 feet;  
thence S51°56'29"E a distance of 8.26 feet to the southwesterly corner of the Right-of-Way described in Book 644 at Page 516;  
Thence S51°56'29"E a distance of 33.32 feet along said Right-of-Way to a point on the westerly line of Lot 1 of said 2<sup>nd</sup> Amended Plat of Old Orchard Plaza;  
Thence S47°02'21"W along the boundary of said Lot 1 a distance of 126.56 feet to the southwest corner of Lot 1;  
Thence S47°02'21"W a distance of 159.77 feet to a point on the southerly boundary of said Lot 2, also being the northerly Right-of-Way of Sopris Village Drive;  
Thence 198.20 feet along said southerly boundary of Lot 2, along the arc of a curve to the right, having a radius of 275.00 feet, a central angle of 041°17'42", the chord of which bears N20°00'15"W a distance of 193.94 to the point of beginning, containing 1.2561 acres more or less.

EXHIBIT B

A tract of land situated in Lot 2, 2<sup>nd</sup> Amended Plat of Old Orchard Plaza, as shown on the plat thereof, recorded as Reception No. 711095 in the office of the Eagle County Colorado Clerk and Recorder, State of Colorado, being more particularly described as:

Beginning at the northwest corner of said Lot 2, also being the southerly right-of-way line of Colorado State Highway 82, thence S54°36'39"E along the northerly line of said Lot 2 and the southerly line of said State Highway 82 a distance of 331.71 feet to the northwesterly corner of the Right-of-Way Dedication described in Book 644 at Page 516;

Thence S20°33'08"W a distance of 15.46 feet along the westerly line of said Right-of-Way Dedication to the northeasterly corner of the Right-of-Way Dedication described in Book 644 Page 517;

Thence along said the northerly line of Right-of-Way Dedication described in Book 644 Page 517 the following three (3) courses,

N49°59'41"W a distance of 66.21 feet;

Thence 200.81 feet; along the arc of a curve to the left, having a radius of 325.00 feet, a central angle of 035°24'06" , the chord of which bears N67°41'44"W a distance of 197.63 feet;

Thence N85°23'47"W a distance of 32.51 feet to a point on the westerly line of said Lot 2;

Thence N00°38'36"E a distance of 86.50 feet along said westerly line of said Lot 2 to the point of beginning, containing 0.1928 acres more or less.

## EXHIBIT C

Lot O,  
Basalt Business Center South,  
According to the Plat thereof recorded May 4, 1993, in Plat Book 31 at Page 80  
Town of Basalt, County of Pitkin, State of Colorado

EXHIBIT D

Lot P,  
Basalt Business Center South,  
According to the Plat thereof recorded May 4, 1993, in Plat Book 31 at Page 80  
Town of Basalt, County of Pitkin, State of Colorado

EXHIBIT E

**RFTA Amended Block 8 Slope Easement**

A tract of land situated in Amended Block 8 as shown on the "First Amended Final Plat and Zone District Map of Tract 1, Blocks 2, 6 and 8, Transit Tract, Government Tract, Public Parking Tract and a Portion of Reed Street, Willits Town Center" recorded as Reception No. 935326 Eagle County Clerk and Recorders Office, lying in Tract 47, Section 2, Township 8 South, Range 87 West of the 6<sup>th</sup> Principal Meridian, Town of Basalt, County of Eagle, Colorado, and being more particularly described as follows:

Beginning at the Northeast Corner of said Amended Block 8, also being a point-on-curve on the Westerly Right-of-Way of State Highway 82 (SH 82 ROW) as shown on the Colorado Department of Transportation (CDOT) ROW Plans, Project No. FC-STR(CX) 082-1(16), from whence the CDOT Control Point MP 19.1, being a CDOT Aluminum Cap, bears N41°50'36"W a distance of 3,428.50 feet with all bearings being relative to a bearing of S31°47'26"E between said MP 19.1 and the CDOT Control Point MP 20.7, being a CDOT Aluminum Cap;

Thence along said SH 82 ROW 47.87 feet along the arc of a said non-tangent curve to the right, having a radius of 2764.79 feet, a central angle of 000°59'31" and subtending a chord bearing S27°02'36"E a distance of 47.87 feet;

Thence S 00°34'58" E a distance of 16.21 feet along the Easterly Line of said Amended Block 8;

Thence S 61°47'31" W a distance of 15.60 feet;

Thence N 65°01'27" W a distance of 14.73 feet;

Thence N 34°24'26" W a distance of 72.10 feet to the Northerly Line of said Amended Block 8;

Thence N 89°21'30" E a distance of 45.92 feet along said Northerly Line to the point of beginning, containing 0.05634 acres more or less.

EXHIBIT F

**RFTA Transit/Government Tract Slope Easement**

A tract of land situated in the Transit/Government Tract as shown on the "First Amended Final Plat and Zone District Map of Tract 1, Blocks 2, 6 and 8, Transit Tract, Government Tract, Public Parking Tract and a Portion of Reed Street, Willits Town Center" as recorded as Reception No. 935326 in the Eagle County Clerk and Recorders Office, lying in Tract 47, Section 2, Township 8 South, Range 87 West of the 6<sup>th</sup> Principal Meridian, Town of Basalt, County of Eagle, Colorado, and being more particularly described as follows:

Beginning at a point on the Easterly Line of said Transit/Government Tract, also being a point-on-curve on the Westerly Right-of-Way of State Highway 82 (SH 82 ROW) as shown on the Colorado Department of Transportation (CDOT) ROW Plans, Project No. FC-STR(CX) 082-1(16), from whence the CDOT Control Point MP 19.1, being a CDOT Aluminum Cap, bears N42°23'32"W a distance of 3,290.29 feet with all bearings being relative to a bearing of S31°47'26"E between said MP 19.1 and the CDOT Control Point MP 20.7, being a CDOT Aluminum Cap;

Thence along said SH 82 ROW 141.91 feet along the arc of said non-tangent curve to the right, having a radius of 2,764.79 feet, a central angle of 02°56'27" and subtending a chord bearing S29°00'36"E a distance of 141.90 feet, to the Southeast corner of said Transit/Government Tract;

Thence S89°21'30"W a distance of 45.92 feet along the Southerly line of said Transit/Government Tract;

Thence N34°24'26"W a distance of 15.94 feet;

Thence N02°35'39"W a distance of 50.56 feet;

Thence N25°27'31"E a distance of 10.59 feet;

Thence N30°41'54"W a distance of 18.04 feet;

Thence N10°58'04"W a distance of 36.55 feet to the point of beginning, containing 0.07017 acres more or less.