

## **RESOLUTION 2012-5**

### **A RESOLUTION OF THE TOWN OF HOLLY AUTHORIZING A QUIT CLAIM DEED TRANSFER OF A TRACT OF LAND TO LIVING HOPE FELLOWSHIP, A NONPROFIT CORPORATION OF THE STATE OF COLORADO**

WHEREAS, on September 14, 1990 the Town of Holly transferred ownership of a parcel of land containing 5.00666 acres, more or less, to Living Water Community Church, a Non-Profit Corporation of the State of Colorado, by Warranty Deed, described as follows:

The First Subdivision of the Southeast Quarter of the Southwest Quarter of Section 2, Township 23 South, Range 42 West of the Sixth Principal Meridian, together with all appurtenances thereon and attached thereto. Reserving unto Grantor all minerals lying in, under, or that may be produced from the above described real property;

and

WHEREAS, subsequent to the above described transfer of land, Living Water Community Church (Articles of Incorporation March 13, 1990) applied to the Colorado Secretary of State Corporations Office via an "Articles of Amendment to the Articles of Incorporation" to amend its corporate name; and

WHEREAS, on June 29, 1992 the name of the corporation was amended to be: The Evangelical Free Church of Holly (Articles of Incorporation March 13, 1990); and

WHEREAS, on October 26, 2011 The Evangelical Free Church of Holly (Articles of Incorporation March 13, 1990) applied to the Colorado Secretary of State via an "Articles of Amendment" to amend its corporate name; and

WHEREAS, on December 1, 2011 the name of the corporation was amended to be: Living Hope Fellowship (Articles of Incorporation March 13, 1990); and

WHEREAS, Living Hope Fellowship, a Nonprofit Corporation of the State of Colorado, is a corporation in good standing with a perpetual term of duration; and

WHEREAS, through its corporate perpetual term of duration beginning March 13, 1990, Living Hope Fellowship has owned the above described parcel of land containing 5.0066 acres, more or less, since September 14, 1990; and

WHEREAS, corporate ingress and egress road access to the above described parcel of land has heretofore been obtained through means of an easement described as follows:

A parcel of land located in the Southwest Quarter of the Southeast Quarter, of the Southwest Quarter (SW $\frac{1}{4}$ ,SE $\frac{1}{4}$ ,SW $\frac{1}{4}$ ) of Section 2, Township 23 South, Range 42 West at the Sixth Principal Meridian, Prowers County, Colorado, and more particularly described as a strip of land Forty (40) feet wide, lying Twenty (20) feet on each side of the following described centerline.

Commencing at the Southeast Corner of Section 2, thence N 89°33'35"W, a distance of 3615.92 feet to a point, thence N 00°26'25"E, a distance of 30.00 feet to a point, which is the centerline and the East end of County Road "GG", and the point of beginning, thence N 55°34'13" E, a distance of 328.22 feet to a point, which is on the West Boundary line of said parcel. Said Easement containing 0.2942 Acres more or less;

and

WHEREAS, corporate designees of Living Hope Fellowship have appeared in an open public meeting of the Board of Trustees to petition for ownership of the Road Easement; and

WHEREAS, the Board of Trustees, upon review of the petition, has determined that an amendment to the First Subdivision (Original Tract) adding 2.2274 acres, more or less, would bring the Road Easement under ownership of Living Hope Fellowship and allow ample options of ingress and egress to the property for benefit of emergency and evacuation plans, emergency vehicles, service industry vehicles, and any other necessary function of the corporation; and,

WHEREAS, corporate designees of Living Hope Fellowship have secured a survey of the Amended First Division of the Southeast Quarter of the Southwest Quarter of Section 2, Township 23 South, Range 42 West of the 6<sup>th</sup> P.M. per

Prowers County Subdivision Regulations reflecting the amended First Subdivision with the Additional Tract of 2.2274 acres, more or less, and described as follows:

A tract of land located in the Southeast Quarter of the Southwest Quarter in Section 2, Township 23 South, Range 42 West of the 6<sup>th</sup> Principal Meridian, Prowers County, Colorado and More Particularly Described as Follows:

Commencing at the Southeast Corner of Section 2; Thence N 89°24'32" W, a Distance of 3,627.69 Feet to a Point; Thence N 00°26'25" E, a Distance of 30.00 Feet to a ½" Rebar with Plastic Cap for the Point of Beginning; Thence N 00°26'25" E, a Distance of 12.04 Feet to a ½" Rebar with Plastic Cap; Thence N 50°02'29" E, a Distance of 343.39 Feet to a ½" Rebar with Plastic Cap; Thence S 00°26'25" W, a Distance of 99.13 Feet to a ½" Rebar with Aluminum Cap; Thence S 89°34'00" E, a Distance of 466.98 Feet to a ½" rebar with Aluminum Cap; Thence S 00°26'18" W, a Distance of 137.45 Feet to a ½" Rebar with Plastic Cap; Thence N 89°24'32" W, a Distance of 728.50 Feet to The Point of Beginning. Said Parcel contains 2.2274 Acres (97027.5238 S.F.) More or Less, Subject to Existing Easements and Right-of-way.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF HOLLY:

1. That Living Hope Fellowship, a Nonprofit Corporation organized under the laws of the State of Colorado on March 13, 1990 is the rightful owner of the First Subdivision (most specifically known as Original Tract).
2. That the Town of Holly, a Municipal Corporation organized under the laws of the State of Colorado on September 4, 1903 is the rightful owner of 2.2274 acres, more or less, in the First Subdivision (now known most specifically as Additional Tract) lying adjacent to the First Subdivision (most specifically known as Original Tract).
3. That Living Hope Fellowship, a Nonprofit Corporation organized under the laws of the State of Colorado on March 13, 1990 has petitioned and satisfactorily demonstrated the need to own said 2.2274 acres, more or less, of the First Subdivision (most specifically known as Additional Tract) to accommodate necessary emergency and evacuation plans, emergency vehicles, service industry vehicles, and any other measure necessary to the safety and wellbeing of the corporation.
4. That all costs and expenses incurred in connection with the procurement of the survey of the Additional Tract and the filing of the same with the Prowers County Clerk and Recorder have heretofore been paid in full by Living Hope Fellowship, a Nonprofit Corporation.
5. That the Board of Trustees of the Town of Holly has exercised due diligence in review of the petition and has determined that it is in the best interest of the corporation for the 2.2274 acres, more or less, to come under the ownership of Living Hope Fellowship; and
6. That the Board of Trustees of the Town of Holly authorizes the transfer of the parcel of land described above as First Subdivision, Additional Tract by means of Quit Claim Deed (reserving unto Grantor all minerals lying in, under, or that may be produced from the above described real property) to Living Hope Fellowship, a Nonprofit Corporation of the State of Colorado.
7. That upon the adoption hereof, this Resolution shall be recorded in a book kept for that purpose and shall be authenticated by the signatures of the Mayor and the Town Clerk/Treasurer.
8. That this Resolution 2012-5 shall take effect immediately upon its passage and approval.

PASSED AND APPROVED this 4<sup>th</sup> day of April, 2012.

/s/ Viola Melcher, Mayor

ATTEST:

/s/ Mary Rushton, Clerk/Treasurer