

MCA# 2000-39

PURCHASE OF DEVELOPMENT RIGHTS COMMITTEE AGREEMENT

THIS AGREEMENT, entered into this 15th day of May 2000 by and between MESA COUNTY, COLORADO, a Body Politic organized under and existing by virtue of the laws of the State of Colorado and the TOWN OF PALISADE, COLORADO, the CITY OF FRUITA, COLORADO and the CITY OF GRAND JUNCTION, COLORADO.

WHEREAS, this agreement is entered under the authority authorized by Title 29, Article 20, Colorado Revised Statutes, as amended, and;

WHEREAS, the Board of County Commissioners of Mesa County, the Palisade Town Board of Trustees, the Fruita City Council and the Grand Junction City Council find it is for the mutual benefit of all parties and in the interest of the public and affected land owners to cooperatively plan for the purchase of development rights within the Mesa County Cooperative Planning Areas established by MCA 98-10 and 98-11 , and;

WHEREAS, the Board of County Commissioners of Mesa County, the Palisade Town Board of Trustees and the Grand Junction City Council entered a Cooperative Planning Agreement (MCA 98-10) on February 9, 1998 and;

WHEREAS, the Board of County Commissioners of Mesa County, the Fruita City Council and the Grand Junction City Council entered a Cooperative Planning Agreement (MCA 98-11) on February 9, 1998 and;

WHEREAS, the Board of County Commissioners of Mesa County adopted a resolution on April 5, 1999 supporting voluntary land conservation techniques (MCM #99-68) which directed staff to pursue "funding mechanisms and partnerships available for preserving open lands with an emphasis on enhancing the rural character of the cooperative planning areas" and " work cooperatively with the County's municipalities and other potential partners to establish joint open space funding for acquisition of important land and/or development rights throughout Mesa County" and;

WHEREAS, the Board of County Commissioners, the Palisade Town Board of Trustees, the Fruita City Council and the Grand Junction City Council have conducted three Growth Management Summits since July 1999 and;

WHEREAS, on March 9, 2000 at Growth Management Summit #3, representatives of Board of County Commissioners of Mesa County, the Palisade Town Board of Trustees, the Fruita City Council and the Grand Junction City Council directed their staffs to develop an intergovernmental agreement creating a Purchase of Development Rights Review Committee and;

WHEREAS, on March 27, 2000, the Board of County Commissioners, the Palisade Town Council, the Fruita City Council and the Grand Junction City Council, and the Mesa County Land Conservancy jointly applied to the Great Outdoor Colorado for a grant to purchase development rights within the cooperative planning areas of the Grand Valley, and;

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WHEREAS, the Mesa Countywide Land Use Plan expresses countywide goals, policies, and actions to provide guidance in land use decision making, and;

WHEREAS, the above Plan and the Grand Junction Growth Plan have the following as a policy statement:

Grand Junction and Mesa County will coordinate with the Town of Palisade to establish and maintain a transition area between Grand Junction and Palisade that includes the proposed area of joint concern....

and;

WHEREAS, the adopted Fruita Community Plan (May 23, 1994) includes a goal to "establish positive regional relations," that is consistent with the concept of establishing a cooperative planning area between Grand Junction and Fruita, and;

WHEREAS, the Board of County Commissioners will enter a contract with the Mesa County Land Conservancy to provide services to negotiate with landowners for the purchase of their development right.

NOW, THEREFORE, in consideration of the covenants and obligations herein expressed, it is agreed by and between the parties as follows:

1. This intergovernmental agreement shall pertain to the geographic area labeled as "cooperative planning areas" on MCA #s 98-10 and 98-11.
2. A Purchase of Development Rights Review Committee ("Committee" herein after) is necessary and appropriate to consider which properties should be considered most appropriate for the parties to pursue purchasing development rights.
3. A Purchase of Development Rights Review Committee is hereby created:
 - a. Membership/Term
 1. Each party shall annually appoint one member from among its respective governing body to serve on the committee.
 2. A limited voting member shall be selected from the Mesa County Technical Resource Advisory Committee. Such member shall be authorized to vote only to break a tie vote.
 - b. Role/Responsibilities
 1. Establish criteria for determining from which properties within Mesa County it is most appropriate for the parties to pursue purchasing development rights.
 2. Act pursuant to by-laws as attached in Exhibit "A."
 3. Review proposed projects in light of the established criteria and authorize the Mesa County Land Conservancy to negotiate the purchase(s).
 4. Monitor the purchases and report back to each party on a quarterly basis.

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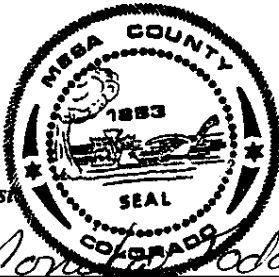
c. Guiding Principles

1. Purchase from willing seller only.
2. Pay only fair market value.
3. Require landowner to donate a minimum of 25% of the appraised value.
4. Utilize priority criteria to evaluate potential properties.
5. Balance the selection of projects over time and among community separators.
6. Landowner must agree to promote benefits of the program.

4. Mesa County Board of County Commissioners will bill the other parties for reimbursement of committed funds for the Purchase of Development Rights program and will seek grant opportunities to assist with the program.

5. Venue for any dispute hereunder shall be in the District Court of Mesa County, Colorado.

6. This agreement may be amended in writing subject to the approval of all parties.



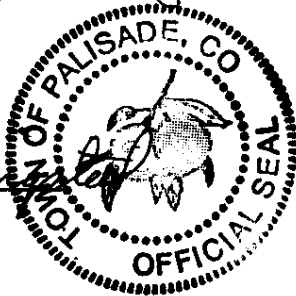
Attest:

Monika Todd
Monika Todd, Clerk and Recorder

by Robert Katz, deputy

Attest:

Charlene Sprung



Theresa J. Marting
Deputy City Clerk

Attest:

Board of County Commissioners,
County of Mesa, State of Colorado
Deralyn B. Genova
Deralyn B. Genova May 15, 2000

Town of Palisade

By:

Dean Smith

City of Grand Junction

By:

Gene Ramsey

City of Fruita

By:

Doug Hall

EXHIBIT "A"
BY-LAWS

PURCHASE OF DEVELOPMENT RIGHTS COMMITTEE

ARTICLE I
INTEREST OF OFFICERS AND MEMBERS

No officer or member of the committee shall have any right, title or interest in or to any real or personal property or other assets of the committee either during its existence or upon its dissolution.

ARTICLE II
GENERAL BUSINESS AND STRUCTURE

Section 1. GENERAL

The business and affairs of the committee shall be managed by the officers of the committee consisting of a Chairman, Vice-chairman, and Secretary. Officers shall hold office until their successors have been appointed.

Section 2. MEETINGS

Meetings of the committee may be called by the Chairman and it shall then be the duty of the Secretary to cause notice of such meeting to be given as hereinafter provided. Meetings shall be called as the members shall determine.

Section 3. NOTICE OF SPECIAL MEETINGS

Written notice of the date, time and place of each special meeting shall be delivered personally or mailed by first class United States mail to each member at least twenty-four (24) hours prior to the meeting. Waiver of the notice of any meeting may be given by any member, either before or after the time of such meeting. Attendance at any meeting shall constitute a waiver of the notice of such meeting. Notwithstanding any other provision of these By-Laws, the members may conduct any meeting by telephone or video conference call.

Section 4. TELEPHONE MEETINGS, ACTION WITHOUT MEETING

Any member of the committee may participate in any meeting of the committee by telephone, teleconference, video conference or any other method which will allow the members to, at a minimum, clearly hear the proceedings of the meeting and participate in the meeting by offering comments and by voting in a real time fashion. Notwithstanding any other provisions of these By-Laws, all of the members may execute written consents setting forth any action, in substitution for any meeting, and any action of the committee evidenced by such a written consent shall be valid action of the committee.

Section 5. QUORUM

A majority of the committee shall constitute a quorum for the transaction of business at any meeting. All resolutions or motions for the transaction of the business of the committee shall require the affirmative vote of a super majority (one more vote than a majority) of those members present, so long as a quorum exists. A limited voting member of the committee may only vote in order to break a tie vote of the regular voting membership.

EXHIBIT "A"
BY-LAWS

PURCHASE OF DEVELOPMENT RIGHTS COMMITTEE

Section 6. VACANCY APPOINTMENT

When any vacancy occurs in the membership of the committee either prior to the expiration of a term or for any other reason, such vacancy or vacancies shall be filled by the governing body of the appropriate governmental entity.

Section 7. OPEN MEETINGS

The members of the committee shall ensure that all affairs of the committee are operated as though the committee was a local government subject to Colorado's Open Meetings Act and Open Records Act, or any successor statutes.

ARTICLE III
OFFICERS

Section 1. OFFICERS

The officers of the committee shall be a Chairman, Vice-chairman, and Secretary.

Section 2. ELECTION AND TERM OF OFFICE

The initial officers of the committee shall be elected by the members at the organizational meeting. Officers shall thereafter be elected annually by the members. Each officer shall hold office until his or her successor as such officer shall have been duly elected as herein provided.

Section 3. CHAIRMAN

The Chairman shall be the principal executive officer of the committee and shall in general supervise and control all of the business and affairs of the committee. The Chairman shall preside at meetings of the members, and may sign, together with the secretary or any other proper officer of the committee, authorized by the members, or alone if no additional signature is required by the authorizing action of the members, any resolutions which the members have authorized to be executed; and in general the Chairman shall perform all duties incidental to the office of chairman and such other duties as may be prescribed by the members from time to time.

Section 4. VICE-CHAIRMAN

In the absence of the Chairman or in the event of the inability or refusal of the Chairman to act, the Vice-Chairman shall perform the duties of the Chairman, and when so acting, shall have all the authority and duties of the Chairman.

Section 5. SECRETARY

The Secretary shall attest any signed documents of the committee. In general the Secretary shall perform all duties incidental to the office of Secretary and such other duties as may be prescribed by the members from time to time.

END OF DOCUMENT