



# Town of Johnstown

## TOWN COUNCIL AGENDA COMMUNICATIONS

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<b>AGENDA DATE:</b>	November 21, 2022
<b>SUBJECT:</b>	Agreement Concerning Purchase and Sale of Real Property for the Expansion of the Town of Johnstown Water Treatment Plant
<b>ACTION PROPOSED:</b>	Consider the Purchase and Sale Agreement for the Water Treatment Plant Expansion
<b>ATTACHMENTS:</b>	1. Purchase and Sale Agreement
<b>PRESENTED BY:</b>	Matt LeCerf, Town Manager

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### **AGENDA ITEM DESCRIPTION:**

Enclosed for your review and consideration is an agreement concerning the purchase and sale of real property for the expansion of the Town of Johnstown Water Treatment Plant. This agreement is between the Town of Johnstown and Bruce W. Gillam, who is the owner of the site/property which is planned for acquisition by the Town. In general, the terms and details of this agreement are as follows:

The Town will receive:

- The Town will acquire 6.8394 acres of property of Bruce W. Gillam to be used for the expansion of the Town's Water Treatment Plant.
- The transfer of this property does not include any oil and gas mineral rights.
- The adjacent property owner will provide the Town with a 2.25-acre temporary construction easement for the purposes of utilizing the space for storing the materials during the construction of our water treatment plant.

Bruce W. Gillam will receive

- As part of this agreement, the Town will release Outlot A of Corbett Glen of Filing 3 and this land will default back to the ownership of Bruce W. Gillam exclusively without any restrictions on the property. Mr. Gillam will be permitted to move forward with the development of this land in compliance with the Town's Development Code. The land consists of approximately 7.25 acres.

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- The Town will also convey to Mr. Gillam 5.19 acre feet of raw water credit which will be held in the Town's water bank that will be identified as "Gillam Water Bank".
- Upon Mr. Gillam executing a subdivision development agreement of Outlot A, the Town will provide Mr. Gillam approximately \$80,595.50 for roadway improvements. These funds were contributed by the LDS Church as a cash in lieu amount at the time of their development. The Church property is adjacent to Outlot A.

Included in this agreement is a Plat (draft) of the lot that will be created. Final approval of this lot will be handled administratively as we near completion of the exchange of property which we anticipate will happen sometime before the end of the calendar year. Under no circumstances will this agreement extend beyond 90 days unless agreed to by both parties.

**LEGAL ADVICE:**

The documents presented were drafted by the Town Attorney.

**FINANCIAL ADVICE:**

Not applicable.

**RECOMMENDED ACTION:** Approve the purchase and sale agreement as presented.

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**SUGGESTED MOTIONS:**

**For Approval**

I move we approve the agreement concerning the purchase and sale of real property for expansion of the Town of Johnstown Water Treatment Plant as presented.

**For Denial**

I move we deny the agreement concerning the purchase and sale of real property for expansion of the Town of Johnstown Water Treatment Plant as presented.

*Reviewed and Approved for Presentation,*



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Town Manager

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