

RESOLUTION

2013-12

WHEREAS, it is necessary for La Plata Electric Association, Inc. (LPEA) to extend three phase service to the eastern edge of La Plata County along the Highway 160/550 corridor as outlined by Project 300-65: B131 Reconductor in LPEA's 2013 Capital Projects Budget; and

WHEREAS, LPEA has successfully perfected the right way for 30 out of the 37 parcels of land along the pre-existing line corridor; and

WHEREAS, LPEA has not been able to reach an agreement to perfect the right of way with two remaining landowners; and

WHEREAS, LPEA has determined that the best route for achieving the right of way necessary is for the existing line section to be rebuilt across property located in part of Section 21, Township 35 North Range 6 West of the N.M.P.M, La Plata County, being identified by La Plata County Assessor's Parcel Number 567921400063 ("Fusco"); and

WHEREAS, LPEA has determined that the best route for achieving the right of way necessary is for the existing line section to be rebuilt across property located in part of Sections 23 & 24 Township 35 North Range 6 West of the N.M.P.M, La Plata County, being identified by La Plata County Assessor's Parcel Number 567923400005 ("Von Roedke Irrevocable Trust" ["VRIT"]); and

WHEREAS, LPEA has requested a 100' wide easement 50' on either side of the center line across both properties centered along the existing 69kV and 7,200kV line corridor, with a total approximate length of 3,968' (1,131' for 2.601 acres across Fusco; 2,636' for 5.875 acres across VRIT) comprising 8.476 acres from both of the property owners combined for the electrical line corridor; and

WHEREAS, LPEA has requested a 20' wide access easement with an approximate length of 525' (0.241 acres) across the Fusco property; and

WHEREAS, LPEA has acquired an appraisal during negotiations for the Fusco property to determine value for the easement during negotiations; and

WHEREAS, LPEA is prepared to acquire an appraisal for the VRIT property to determine value for the easement; and

WHEREAS, LPEA will prepare and make a Final Offer to both of the landowners; and

WHEREAS, LPEA Staff, CEO and Attorney recommend that eminent domain proceeding be undertaken if the Final Offers are not accepted,

NOW THEREFORE BE IT RESOLVED by the LPEA Board of Directors, that if the Final Offer is not accepted by each respective land owner, that LPEA staff and attorneys are authorized to proceed with eminent domain to acquire the necessary easement(s) in accordance with Colorado law and to use the appraisals as a guide for determining what to pay the landowners as just compensation .

I, Ken Fox, Secretary of La Plata Electric Association, Inc., do hereby certify that the above is a true and correct copy of a resolution adopted by the Board of Directors of La Plata Electric Association, Inc., at a regular meeting duly convened and held in accordance with the bylaws in Durango, Colorado, on the 15th day of May, 2013, at which meeting a quorum of directors was present and voting.



Ken Fox, Secretary

Dated at Durango, Colorado this 15th day of May, 2013.