

## **Right-of-Way Agreement**

This Agreement is made and entered into by and between **East 62<sup>nd</sup> Avenue Partnership, LLC, a Colorado Limited Liability Company** whose address is 500 East 62<sup>nd</sup> Avenue, Denver, CO (“Owner”), and the County of Adams, State of Colorado, a body politic, who address is 4430 South Adams County Parkway, Brighton, Colorado, 80601 (“County”) for the conveyance of rights-of-way on property located at 500 East 62<sup>nd</sup> Avenue, Denver, CO hereinafter (the “Property”) for the 62nd Avenue Widening Project (the “Project”). The legal description and conveyance documents for the interests on said Property are set forth in Exhibit A attached hereto and incorporated herein by this reference.

The compensation agreed to by the Owner and the County for the acquisition of the Property interests described herein is **ONE HUNDRED SEVENTY-NINE THOUSAND SEVEN HUNDRED EIGHTY AND NO/100 DOLLARS (\$179,780.00)**, including the performance of the terms of this Agreement, the sufficiency of which is hereby acknowledged. The parties further agree that the consideration shall consist of \$156,550.00 for the conveyance of road right-of-way and \$23,230.00 for the property improvements listed in section 6. This consideration has been agreed upon and between the parties as the total just compensation due to the Owner and the consideration shall be given and accepted in full satisfaction of this Agreement.

In consideration of the above premises and the mutual promise and covenants below, the Owner and the County agree to the following:

1. The Owner hereby warrants that the Owner is the sole Owner of the Property, that the Owner owns the Property in fee simple subject only to matters of record and that the Owner has the power to enter into this Agreement.
2. The Owner agrees to execute and deliver to the County the attached conveyance documents on the property upon tender by the County of a warrant (check) for the compensation agreed upon as soon as possible following the execution of this agreement.
3. The Owner hereby irrevocably grants to the County possession and use of the property interests on the Property upon execution of this Agreement by the Owner and the County. This grant of possession shall remain in effect with respect to the Property until such time as the County obtains from the Owner the attached conveyance documents.
4. The Owner agrees to pay all taxes due on the Property (pro-rated through the date the Property is conveyed to the County for the current tax year) prior to tender by the County.
5. The County through its contractor shall assure that reasonable access shall be maintained to the Owner’s property at all times for ingress and egress. If necessary, any full closure of access shall be coordinated between the contractor and the Owner and/or its agent.

6. The County will remove 2 signs, 310 sf. Grass, 740 sf. Asphalt Driveway, 170 lf. Irrigation (PVC), 17 Irrigation sprinklers and 3 Bollards. But the County has agreed to reimburse the owner the expense of the lost property improvements and made a part of this Agreement.
7. The County will remove the existing chain link fence and re-install fence and gate at the new right of way line upon completion of construction. The County will also install any temporary fencing needed for security during construction.
8. The Owner has entered into this Agreement acknowledging that the County has the power of eminent domain and required the Property for a public purpose.
9. If the Owner fails to consummate this agreement for any reason, except the County's default, the County may at its option, enforce this agreement by bringing an action against the Owner for specific performance.
10. This Agreement contains all agreements, understandings and promises between the Owner and the County, relating to the Project and shall be deemed a contract binding upon the Owner and County and extending to the successors, heirs and assigns.
11. The Owner shall be responsible for reporting proceeds of the sale to taxing authorities, including the submittal of Form 1099-S with the Internal Revenue Service, if applicable.
12. This Agreement has been entered into in the State of Colorado and shall be governed according to the laws thereof.

**Owner:**

East 62<sup>nd</sup> Avenue Partnership, LLC, a Colorado Limited Liability Company

By: \_\_\_\_\_

Robert Matz

Title: Manager

Date: July 7, 2022

Approved:

BOARD OF COUNTY COMMISSIONERS-COUNTY OF ADAMS, STATE OF COLORADO

\_\_\_\_\_  
Chair

\_\_\_\_\_  
Date

Approved as to Form:

\_\_\_\_\_  
County Attorney

**EXHIBIT A (1 OF 2)**  
**RW34**  
**Adams County Project #IMP2020-00016**  
**62<sup>nd</sup> Avenue-Pecos Street to Washington Street**

A strip of land, Ten (10) feet in width, being part of Block 54 and part of Block 55, Mapleton Addition, recorded November 23, 1916 in Book 1 at Page 80 and again on May 3, 1966 as Reception No. 785275 of the records of the Adams County Clerk and Recorder, located in the Southeast Quarter of the Northeast Quarter (SE1/4 NE1/4) of Section Ten (10), Township Three South (T.3S.), Range Sixty-eight West (R.68W.) of the Sixth Principal Meridian (6th P.M.), County of Adams, State of Colorado, and being more particularly described as follows:

The North Ten (10) feet of said Block 55;

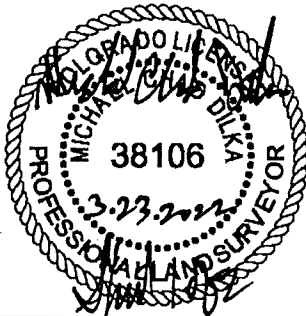
TOGETHER WITH:

The North Ten (10) feet of said Block 54 lying West of Valley Bank and Trust Minor Subdivision, Filing No. 1, recorded September 18, 2008 as Reception No. 2008000074775 of the records of the Adams County Clerk and Recorder;

Said described strip of land contains 5,482 sq. ft. or 0.126 acre, more or less ( $\pm$ ), and may be subject to any rights-of-way or other easements of record or as now existing on said described strip of land.

**SURVEYORS STATEMENT**

I, Michael Chad Dilka, a Colorado Licensed Professional Land Surveyor do hereby state that this Property Description was prepared under my personal supervision and checking and that it is true and correct to the best of my knowledge and belief.

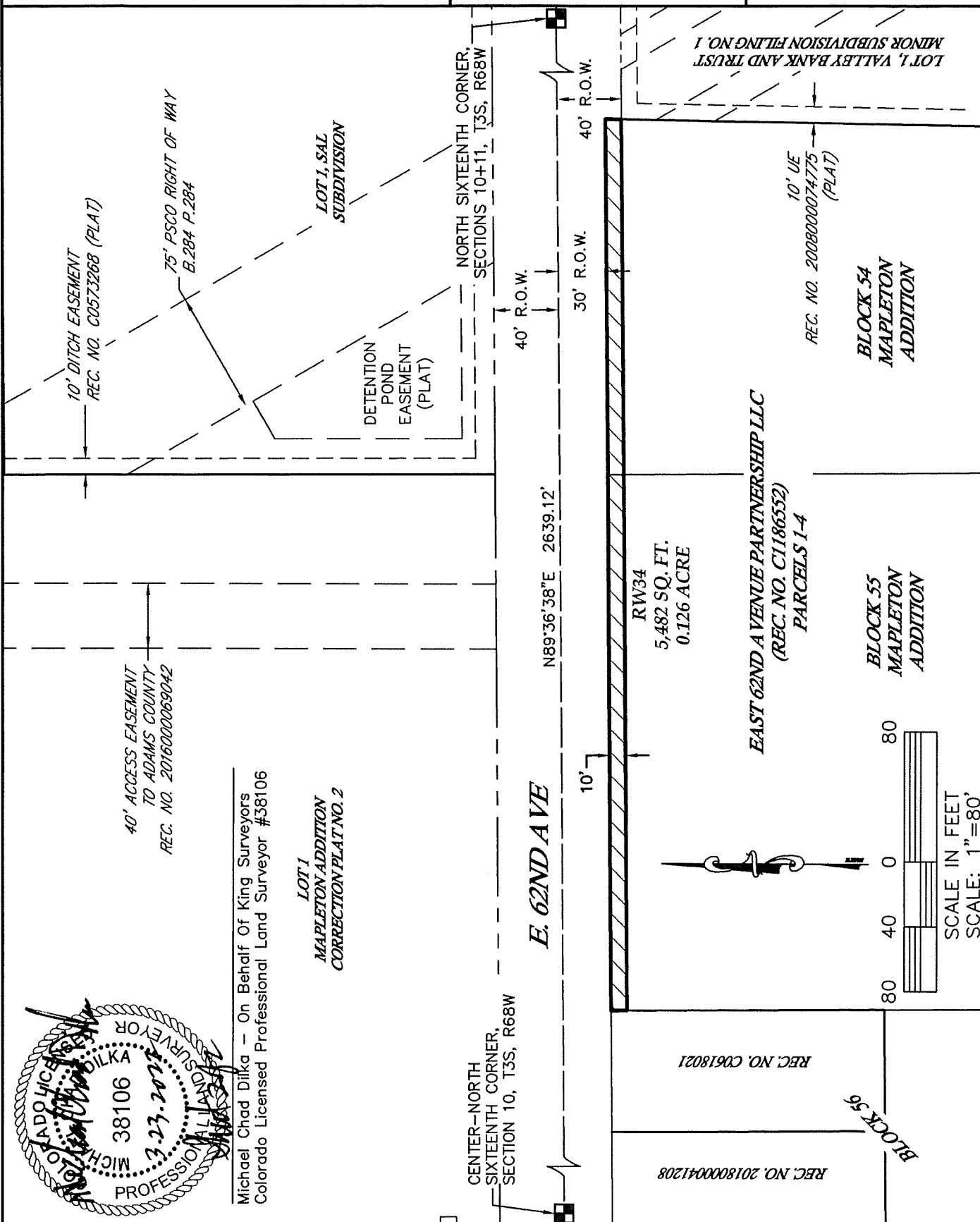


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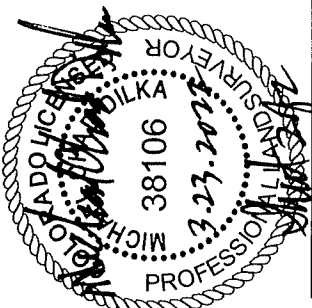
Michael Chad Dilka - on behalf of King Surveyors  
Colorado Licensed Professional Land Surveyor #38106

**KING SURVEYORS**  
650 East Garden Drive  
Windsor, CO 80550  
(970) 686-5011

JN: 20200317

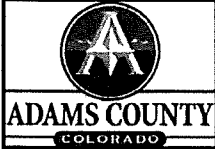


NOTE: This exhibit drawing is not intended to be a monumentalized land survey. It's sole purpose is as a graphic representation to aid in the visualization of the written property description which it accompanies. The written property description supersedes the exhibit drawing.



Michael Chad Dilka - On Behalf Of King Surveyors  
Colorado Licensed Professional Land Surveyor #38106

LOT 1  
MAPLETON ADDITION  
CORRECTION PLAT NO. 2



**RockSol**  
Consulting Group, Inc.  
12076 Grant Street  
Thornton, CO 80241  
Ph: (303) 962-9300  
Fax: (303) 962-9350



**KING SURVEYORS**  
650 E. Garden Drive | Windsor, Colorado 80550  
phone: (970) 686-5011 | fax: (970) 686-5821  
email: contact@KingSurveyors.com

**PROJECT NO:** 20200317  
**DATE:** 3/23/2022  
**CLIENT:** ROCKSOL  
**DWG:** RW34  
**DRAWN:** SMF **CHECKED:** MCD

**EXHIBIT A (1 OF 2)**  
**RW35**  
**Adams County Project #IMP2020-00016**  
**62<sup>nd</sup> Avenue-Pecos Street to Washington Street**

A parcel of land, being part of Lot 1, Valley Bank and Trust Minor Subdivision, Filing No. 1, recorded September 18, 2008 as Reception No. 2008000074775 of the records of the Adams County Clerk and Recorder, located in the Southeast Quarter of the Northeast Quarter (SE1/4 NE1/4) of Section Ten (10), Township Three South (T.3S.), Range Sixty-eight West (R.68W.) of the Sixth Principal Meridian (6th P.M.), County of Adams, State of Colorado, and being more particularly described as follows:

**COMMENCING** at the Center-North Sixteenth (C-N1/16) corner of said Section 10 and assuming the North line of the South Half of the Northeast Quarter (S1/2 NE1/4) of said Section 10, being monumentalized by a 2 3/8" pipe with a 3 1/4" diameter aluminum cap stamped "LS25348" in a monument box at the West end and by a #6 rebar with a 3 1/4" diameter aluminum cap stamped "LS25869, 1999" in a monument box at the East end, as bearing North 89°36'38" East, being a Grid Bearing of the Colorado State Plane Coordinate System, Central Zone, North American Datum 1983/2011, a distance of 2639.12 feet, with all other bearings contained herein relative thereto;

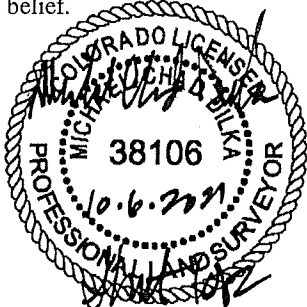
THENCE North 89°36'38" East along the North line of the South Half of the Northeast Quarter (S1/2 NE1/4) of said Section 10 a distance of 2391.55 feet to the intersection with the Northerly extension of the East line of said Lot 1;  
THENCE South 00°05'01" West along said Northerly extension a distance of 40.00 feet to the Northeast corner of said Lot 1, said point being the **POINT OF BEGINNING**;

THENCE continuing South 00°05'01" West along the East line of said Lot 1 a distance of 6.00 feet to a point being Six (6) feet, as measured at a right angle, South of the North line of said Lot 1;  
THENCE South 89°36'38" West along a line being Six (6) feet, as measured at a right angle, South of and parallel with the North line of said Lot 1 a distance of 12.16 feet;  
THENCE North 86°08'46" West a distance of 81.09 feet to the North line of said Lot 1;  
THENCE North 89°36'38" East along the North line of said Lot 1 a distance of 93.07 feet to the **POINT OF BEGINNING**.

Said described parcel of land contains 316 sq. ft. or 0.007 acre, more or less (±), and may be subject to any rights-of-way or other easements of record or as now existing on said described parcel of land.

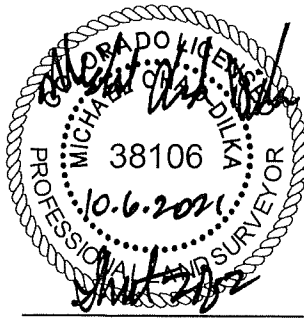
**SURVEYORS STATEMENT**

I, Michael Chad Dilka, a Colorado Licensed Professional Land Surveyor do hereby state that this Property Description was prepared under my personal supervision and checking and that it is true and correct to the best of my knowledge and belief.



Michael Chad Dilka - on behalf of King Surveyors  
Colorado Licensed Professional Land Surveyor #38106

**KING SURVEYORS**, 650 East Garden Drive, Windsor, CO 80550, (970) 686-5011  
JN: 20200317



Michael Chad Dilka –  
On Behalf Of King Surveyors  
Colorado Licensed Professional  
Land Surveyor #38106

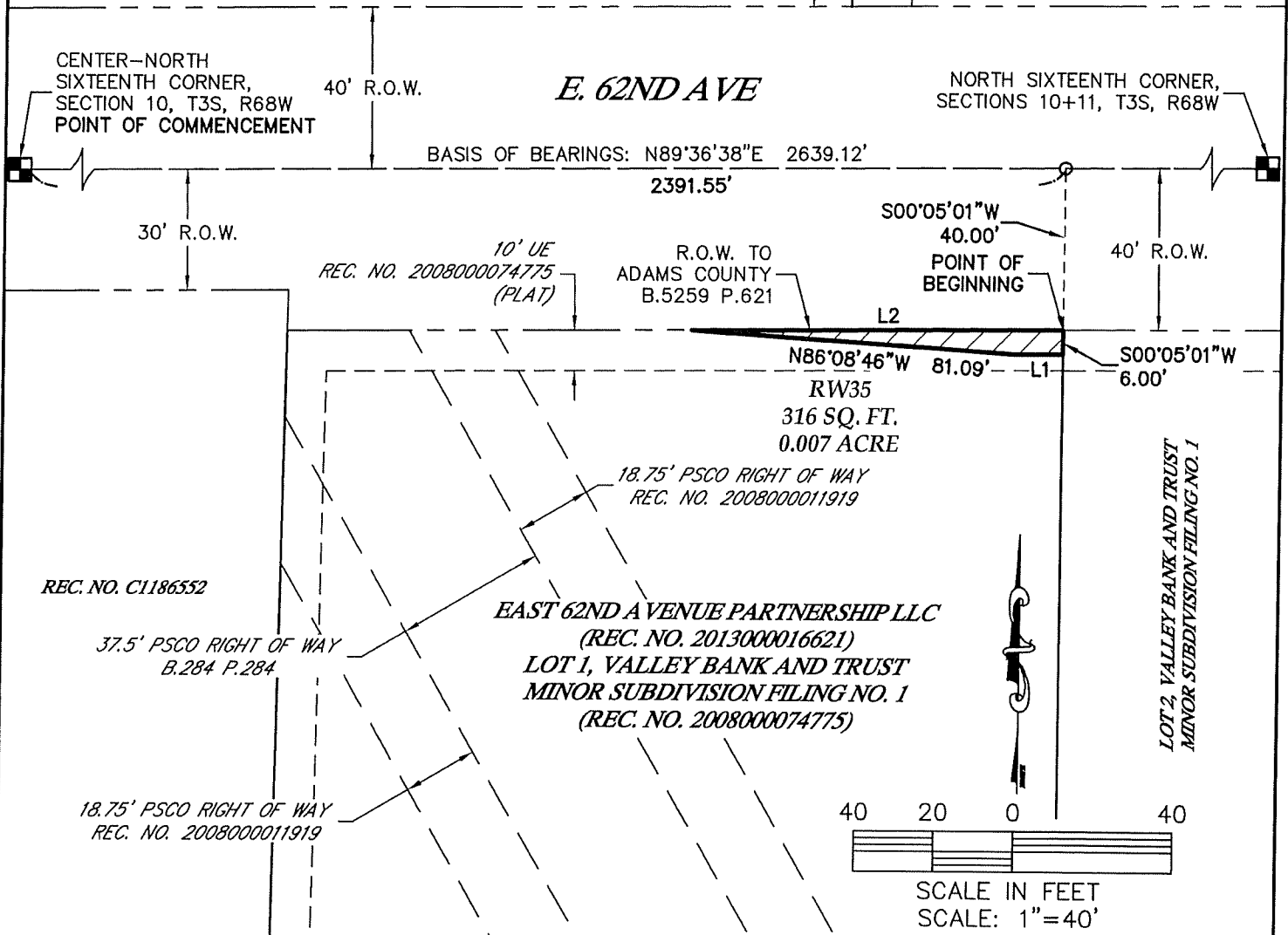
**LOT 1,  
SAL SUBDIVISION**

**LOT 2,  
SAL SUBDIVISION**

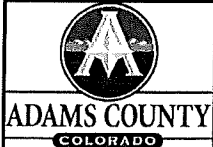
15' ACCESS & UTILITY EASEMENT  
REC. NO. C0573268 (PLAT)

12' DITCH EASEMENT  
REC. NO. C0573268 (PLAT)

LINE TABLE		
LINE	BEARING	LENGTH
L1	S89°36'38"W	12.16'
L2	N89°36'38"E	93.07'



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email: contact@KingSurveyors.com

**PROJECT NO: 20200317  
DATE: 10/6/2021  
CLIENT: ROCKSOL  
DWG: RW35  
DRAWN: SMF CHECKED: MCD**