

Right-of-Way Agreement

This Agreement is made and entered into by and between **Central 62 Acquisitions, LLC, a Delaware Limited Liability Company** whose address is 4221 Brighton BLVD, Denver, Colorado 80216 ("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 495 E. 62nd Avenue 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 **THIRTY-SIX THOUSAND NINE HUNDRED TWENTY AND NO/100 DOLLARS (\$36,920.00)**, 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 \$21,000.00 for the conveyance of road right-of-way and \$15,920.00 for property improvements. 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.~~ In no event shall access to Owner's Property be completely closed.

6. The County will remove 4,925 square feet of irrigated sod, 2,775 square feet of decorative rock, 400 square feet of spreading plants and 1 tree. The County has included compensation for all items.
7. 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.
8. 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.
9. 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.
10. 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.
11. This Agreement has been entered into in the State of Colorado and shall be governed according to the laws thereof.

Owner: CENTRAL 62 ACQUISITIONS, LLC, A DELAWARE LIMITED LIABILITY COMPANY

By: Renee Jure

Title: Vice President

Date: 7/5/2022

Approved:

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

Chair

Date

Approved as to Form:

County Attorney

EXHIBIT A (1 OF 3)
RW29A & RW29B
Adams County Project #IMP2020-00016
62nd Avenue-Pecos Street to Washington Street

RW29A

A parcel of land, being part of Lot 1, Mapleton Addition – Correction Plat No. 2, recorded August 26, 2015 as Reception No. 2015000071199 of the records of the Adams County Clerk and Recorder, located in the Northeast Quarter of the Northeast Quarter (NE1/4 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 South line of the North Half of the Northeast Quarter (N1/2 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 South line of the North Half of the Northeast Quarter (N1/2 NE1/4) of said Section 10 a distance of 1979.29 feet to the intersection with the Southerly extension of the East line of said Lot 1;
THENCE North 00°08'27" West along said Southerly extension a distance of 40.00 feet to the North Right-of-way line of East 62nd Avenue as established by that Special Warranty Deed and by that Resolution, both recorded July 22, 2016 as Reception No. 2016000058730 of the records of the Adams County Clerk and Recorder, said North Right-of-way line being Forty (40) feet, as measured at a right angle, North of and parallel with the South line of the Northeast Quarter of the Northeast Quarter (NE1/4 NE1/4) of said Section 10;
THENCE South 89°36'38" West along said North Right-of-way line a distance of 47.56 feet to the **POINT OF BEGINNING**;

THENCE continuing South 89°36'38" West along said North Right-of-way line a distance of 80.00 feet;
THENCE North 63°00'40" East a distance of 11.17 feet to a point being Five (5) feet, as measured at a right angle, North of said North Right-of-way line;
THENCE North 89°36'38" East along a line being Five (5) feet, as measured at a right angle, North of and parallel with said North Right-of-way line a distance of 60.00 feet;
THENCE South 63°51'32" East a distance of 11.19 feet to the **POINT OF BEGINNING**.

Said described parcel of land contains 350 sq. ft. or 0.008 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.

RW29B

A parcel of land, being part of Lot 1, Mapleton Addition – Correction Plat No. 2, recorded August 26, 2015 as Reception No. 2015000071199 of the records of the Adams County Clerk and Recorder, located in the Northeast Quarter of the Northeast Quarter (NE1/4 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:



EXHIBIT A (2 OF 3)
RW29A & RW29B
Adams County Project #IMP2020-00016
62nd Avenue-Pecos Street to Washington Street

COMMENCING at the Center-North Sixteenth (C-N1/16) corner of said Section 10 and assuming the South line of the North Half of the Northeast Quarter (N1/2 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;

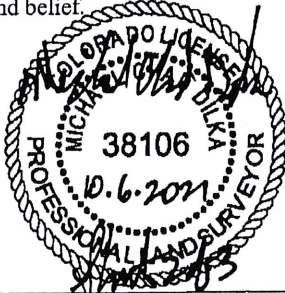
THENCE North 89°36'38" East along the South line of the North Half of the Northeast Quarter (N1/2 NE1/4) of said Section 10 a distance of 1979.29 feet to the intersection with the Southerly extension of the East line of said Lot 1;
THENCE North 00°08'27" West along said Southerly extension a distance of 40.00 feet to the North Right-of-way line of East 62nd Avenue as established by that Special Warranty Deed and by that Resolution, both recorded July 22, 2016 as Reception No. 2016000058730 of the records of the Adams County Clerk and Recorder, said North Right-of-way line being Forty (40) feet, as measured at a right angle, North of and parallel with the South line of the Northeast Quarter of the Northeast Quarter (NE1/4 NE1/4) of said Section 10;
THENCE South 89°36'38" West along said North Right-of-way line a distance of 442.69 feet to the **POINT OF BEGINNING**;

THENCE continuing South 89°36'38" West along said North Right-of-way line a distance of 80.00 feet;
THENCE North 44°47'28" East a distance of 14.19 feet to a point being Ten (10) feet, as measured at a right angle, North of said North Right-of-way line;
THENCE North 89°36'38" East along a line being Ten (10) feet, as measured at a right angle, North of and parallel with said North Right-of-way line a distance of 60.00 feet;
THENCE South 45°12'32" East a distance of 14.10 feet to the **POINT OF BEGINNING**.

Said described parcel of land contains 700 sq. ft. or 0.016 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

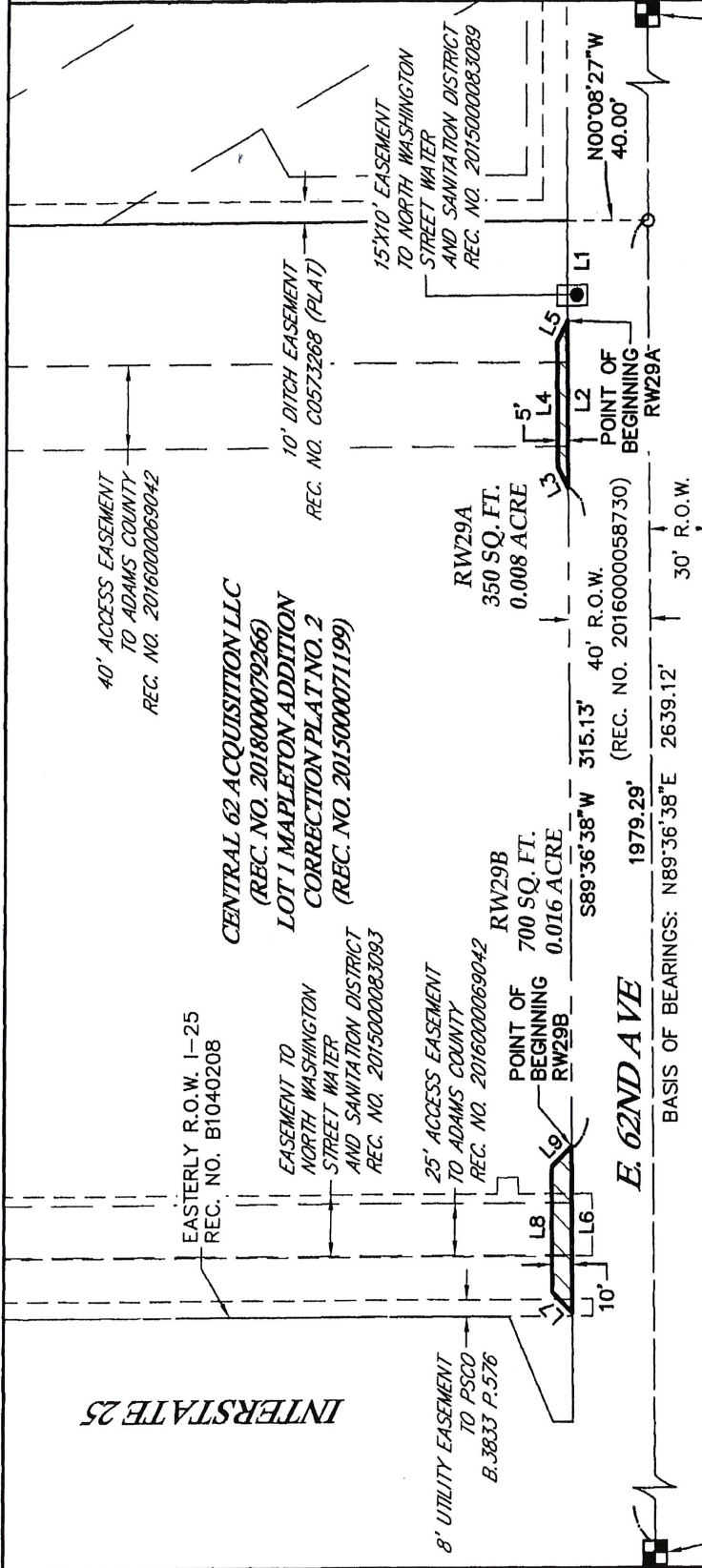
I, Michael Chad Dilka, a Colorado Licensed Professional Land Surveyor do hereby state that this Property Description was prepared under my personal supervision and checking and that it is true and correct to the best of my knowledge and belief.



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

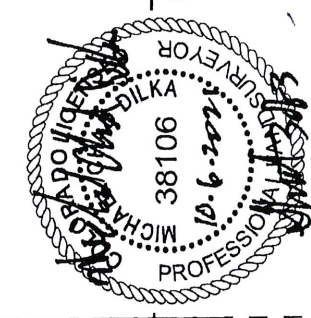


NORTH SIXTEENTH CORNER,
SECTIONS 10+11, T3S, R68W

REC. NO. C1186552

REC. NO.
C0618021

REC. NO. 2018000041208



SCALE IN FEET
SCALE: 1" = 80'

LINE TABLE		
LINE	BEARING	LENGTH
L6	S89°36'38"W	80.00'
L7	N44°47'28"E	14.19'
L8	N89°36'38"E	60.00'
L9	S45°12'32"E	14.10'

LINE TABLE		
LINE	BEARING	LENGTH
L1	S89°36'38"W	47.56'
L2	S89°36'38"W	80.00'
L3	N63°00'40"E	11.17'
L4	N89°36'38"E	60.00'
L5	S63°51'32"E	11.19'

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.