

Amended Right-of-Way Agreement

This Agreement is made and entered into by and between **Jeffrey Barger and Roxana Barger** whose address is **364 Leona Drive, Denver, CO 80221-4584** ("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 **364 Leona Drive, Denver, CO 80221-4584** hereinafter (the "Property") for the 2018 Miscellaneous Concrete and ADA Ramps 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.

Owner previously signed a Right-of-Way Agreement on June 30, 2018. The Right-of-Way Agreement was approved by the Adams County Board of County Commissioners by resolution on September 11, 2018. The Adams County Public Works Department has determined additional right-of-way is required for the construction of the ADA pedestrian facilities. By means of this Amended Right-of-Way Agreement, Adams County wishes to fairly compensate Owner for the additional property interests.

The compensation agreed to by the Owner and the County for the acquisition of the Property interests described herein is **ONE THOUSAND THREE HUNDRED AND NO/100 DOLLARS (\$1,300.00)**, including the performance of the terms of this Agreement, the sufficiency of which is hereby acknowledged. 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 with an expected date of October 9, 2018.
3. 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 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.

5. The Owner has entered into this Amended Agreement acknowledging that the County has the power of eminent domain and required the Property for a public purpose.
6. If the Owner fails to consummate this Amended 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.
7. This Amended 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.
8. This Amended Agreement has been entered into in the State of Colorado and shall be governed according to the laws thereof.
9. This Amended Agreement replaces and supersedes the Agreement signed on June 30, 2018.

Owner:

By: Roxana Barger
Roxana Barger

By: Jeffrey Barger
Jeffrey Barger

Date: 10-1-18

Date: 10-1-18

Approved:

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

Chair

Date

Approved as to Form:

County Attorney