

RIGHT-OF-WAY AGREEMENT

This Agreement is made and entered into by and between **Manuelita M. Castro** whose address is 1151 East 58th Avenue, Denver, Colorado 80216 ("Owner"), and the County of Adams, State of Colorado, a body politic, whose address is 4430 South Adams County Parkway, Brighton, Colorado, 80601 ("County") for the conveyance of rights-of-way on property located at 1151 East 58th Avenue, Denver, Colorado 80216 hereinafter (the "Property") for the East 58th Avenue Improvements Project (the "Project"). The legal description and conveyance documents for the interests on said Property are set forth in **Exhibits A & B** 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 **SIXTY SIX THOUSAND EIGHT HUNDRED THIRTY AND NO/100'S DOLLARS (\$66,830.00)** 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 \$37,500 for the dedication of road right-of-way, \$1,000 for the temporary construction easement, \$1,330 for sod and a portion of concrete sidewalk and \$27,000 for compensable damages. 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 promises 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 delivery 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. 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 County will remove approximately 1080 square feet of sod and 20 feet of sidewalk. But, the County has agreed to reimburse the owner the expense of sod and sidewalk and made a part of this Agreement.

6. The Owner has entered into this Agreement acknowledging that the County has the power of eminent domain and requires the Property for a public purpose.

7. 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.

8. 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.

9. 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.

10. This Agreement has been entered into in the State of Colorado and shall be governed according to the laws thereof.

Owner: Manuelita M. Castro

Manuelita M Castro

Date: 2-5-20

Approved:

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

Chair

Date

Approved as to Form:

D. Ernst
County Attorney



Drexel, Barrell & Co.

JULY 1, 2019

Engineers/Surveyors

Boulder
Colorado Springs
Greeley

1800 38th Street
Boulder, CO 80301-2620

303.442.4338
303.442.4373 Fax

EXHIBIT A
LEGAL DESCRIPTION
PARCEL RW-8
RIGHT-OF-WAY DEDICATION

A TRACT OF LAND BEING A PORTION OF THAT TRACT OF LAND DESCRIBED AT RECEPTION NO. 847623 IN THE ADAMS COUNTY RECORDS, LOCATED IN THE SW1/4 OF SECTION 11, T3S, R68W OF THE 6TH P.M., COUNTY OF ADAMS, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

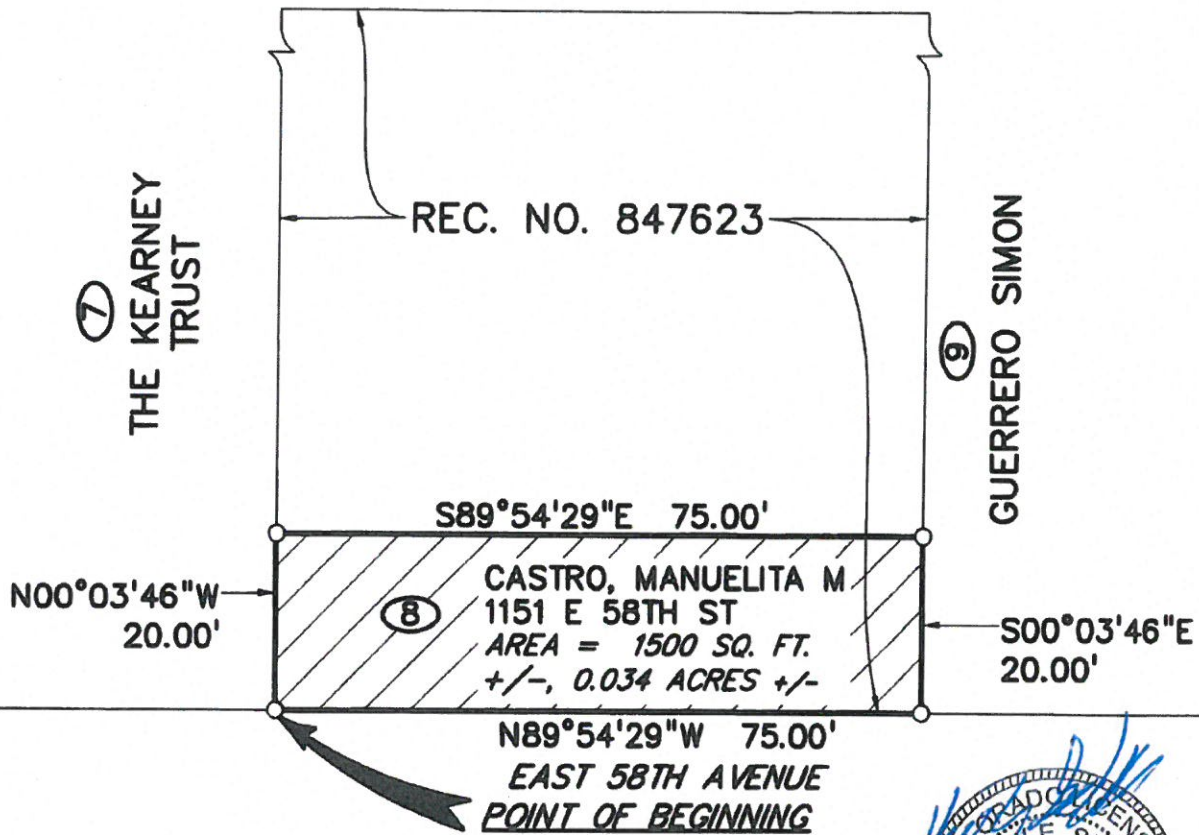
BEGINNING AT THE SOUTHWEST CORNER OF SAID TRACT OF LAND DESCRIBED AT RECEPTION NO. 847623, SAID POINT ALSO BEING ON THE NORTHERLY LINE OF EAST 58TH AVENUE, THENCE N00°03'46"W, 20.00 FEET ALONG THE WESTERLY LINE OF SAID TRACT OF LAND; THENCE S89°54'29"E, 75.00 FEET TO THE EASTERLY LINE OF SAID TRACT OF LAND; THENCE S00°03'46"E, 20.00 FEET ALONG THE EASTERLY LINE OF SAID TRACT OF LAND TO THE SOUTHEAST CORNER OF SAID TRACT OF LAND, SAID POINT ALSO BEING ON SAID NORTHERLY LINE OF EAST 58TH AVENUE; THENCE N89°54'29"W, 75.00 FEET ALONG THE SOUTHERLY LINE OF SAID TRACT OF LAND AND ALONG SAID NORTHERLY LINE OF EAST 58TH AVENUE TO THE **POINT OF BEGINNING**.

CONTAINING 0.034 ACRES OR 1500 SQUARE FEET, MORE OR LESS.

LEGAL DESCRIPTION PREPARED BY:
MATHEW E. SELDERS
DREXEL, BARRELL & CO.
1800 38TH STREET
BOULDER, CO 80301
(303) 442-4338



EXHIBIT PARCEL RW-8 R.O.W. DEDICATION



SCALE 1" = 20'

NOTES

1. THIS MAP IS NOT A LAND SURVEY PLAT OR AN IMPROVEMENT SURVEY PLAT. IT IS INTENDED ONLY TO DEPICT THE ATTACHED DESCRIPTION
2. INFORMATION PERTAINING TO OWNERSHIP & RIGHT-OF-WAY IS BASED UPON PUBLIC INFORMATION AVAILABLE FROM THE ADAMS COUNTY ASSESSORS OFFICE, AND DOES NOT CONSTITUTE A TITLE SEARCH BY DREXEL, BARRELL & CO. TO DETERMINE OWNERSHIP & EASEMENTS OF RECORD.



IN ACCORDANCE WITH CRS 13-80-105;
NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT, MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.

Drexel, Barrell & Co. Engineers/Surveyors
1800 38TH STREET BOULDER, COLORADO 80301 (303) 442-4336

BOULDER, COLORADO (303) 442-4336
COLORADO SPRINGS, COLORADO (719) 280-0887
GREELEY, COLORADO (970) 351-0646

Revisions - Date	Date	Drawn By	Job No.
	5/3/19	MNF	20961-00
	Scale	Checked By	Drawing No.
	1" = 20'	MES	IN FILE



Drexel, Barrell & Co.

JULY 1, 2019

EXHIBIT B

LEGAL DESCRIPTION

PARCEL TCE-8

TEMPORARY CONSTRUCTION EASEMENT

Engineers/Surveyors

Boulder
Colorado Springs
Greeley

1800 38th Street
Boulder, CO 80301-2620

303.442.4338
303.442.4373 Fax

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COMMENCING AT THE SOUTHWEST CORNER OF SAID TRACT OF LAND DESCRIBED AT RECEPTION NO. 847623, SAID POINT ALSO BEING ON THE NORTHERLY LINE OF EAST 58TH AVENUE, THENCE N00°03'46"W, 20.00 FEET ALONG THE WESTERLY LINE OF SAID TRACT OF LAND TO THE **TRUE POINT OF BEGINNING**;

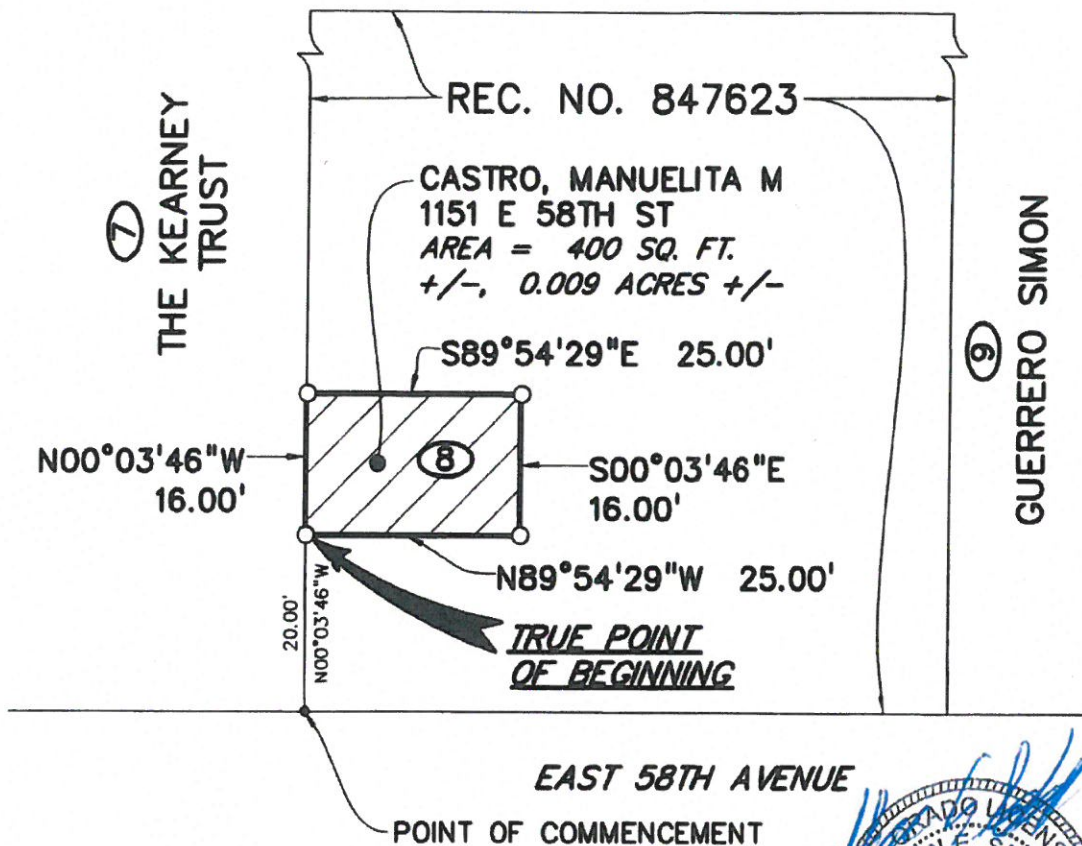
THENCE N00°03'46"W, 16.00 FEET ALONG THE WESTERLY LINE OF SAID TRACT OF LAND; THENCE S89°54'29"E, 25.00 FEET; THENCE S00°03'46"E, 16.00 FEET; THENCE N89°54'29"W, 25.00 FEET TO THE **TRUE POINT OF BEGINNING**.

CONTAINING 0.009 ACRES OR 400 SQUARE FEET, MORE OR LESS.

LEGAL DESCRIPTION PREPARED BY:
MATHEW E. SELTERS
DREXEL, BARRELL & CO.
1800 38TH STREET
BOULDER, CO 80301
(303) 442-4338



EXHIBIT PARCEL TCE-8 TEMPORARY CONSTRUCTION EASEMENT



SCALE 1" = 20'

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Drexel, Barrell & Co.

Engineers/Surveyors

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COLORADO SPRINGS, COLORADO (719) 260-0687

GREELEY, COLORADO (970) 351-0845



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