

## RIGHT-OF-WAY AGREEMENT

This Agreement is made and entered into by and between Arakouzo, a Colorado General Partnership, whose address is 24837 Red Cloud Drive, Conifer, Colorado 80433 ("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 1803 East 58th Avenue, Denver, Colorado, hereinafter (the "Property") for the East 58<sup>th</sup> Avenue Improvements 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 THOUSAND EIGHT HUNDRED FIFTY AND NO/100'S DOLLARS (\$1,850.00)** 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 \$1,350.00 for the temporary construction easement and \$500.00 in 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 a portion of the irrigation system as a part of the County's grading and installation of the new driveway entrance. But, the County has agreed to reimburse the owner the expense of said irrigation system 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: Arakouzo, a Colorado General Partnership**

By: 

Print Name: BOB SOUED

Title: MANAGER

Date: 1-27-20

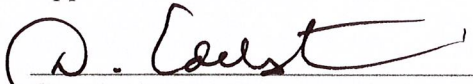
**Approved:**

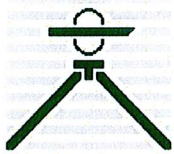
BOARD OF COUNTY COMMISSIONERS-COUNTY OF ADAMS, STATE OF COLORADO

\_\_\_\_\_  
Chair

\_\_\_\_\_  
Date

Approved as to Form:

  
County Attorney



Drexel, Barrell & Co.

JULY 19, 2019

EXHIBIT A  
LEGAL DESCRIPTION  
PARCEL TCE-20

Engineers/Surveyors

TEMPORARY CONSTRUCTION EASEMENT

Boulder  
Colorado Springs  
Greeley

1800 38<sup>th</sup> Street  
Boulder, CO 80301-2620

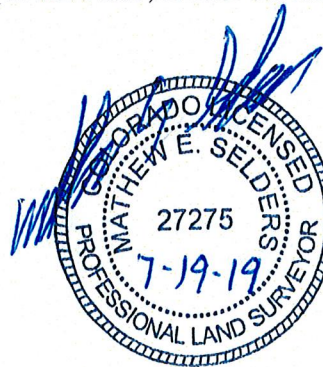
303.442.4338  
303.442.4373 Fax

A TRACT OF LAND BEING A PORTION OF LOT 1, CITY VIEW INDUSTRIAL PARK, 2ND FILING RECORDED AT RECEPTION NO. B1197789, LOCATED IN THE SE1/4 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 LOT 1, SAID POINT ALSO BEING ON THE NORTHERLY LINE OF EAST 58TH AVENUE, THENCE N00°08'11"W, 45.00 FEET ALONG THE WESTERLY LINE OF SAID LOT 1; THENCE S89°53'51"E, 27.00 FEET; THENCE S00°08'11"E, 45.00 FEET TO SAID NORTHERLY LINE OF EAST 58TH AVENUE, SAID POINT ALSO BEING ON THE SOUTHERLY LINE OF SAID LOT 1; THENCE N89°53'51"W, 27.00 FEET ALONG SAID NORTHERLY LINE OF EAST 58TH AVENUE AND ALONG SAID SOUTHERLY LINE OF LOT 1 TO THE **POINT OF BEGINNING**.

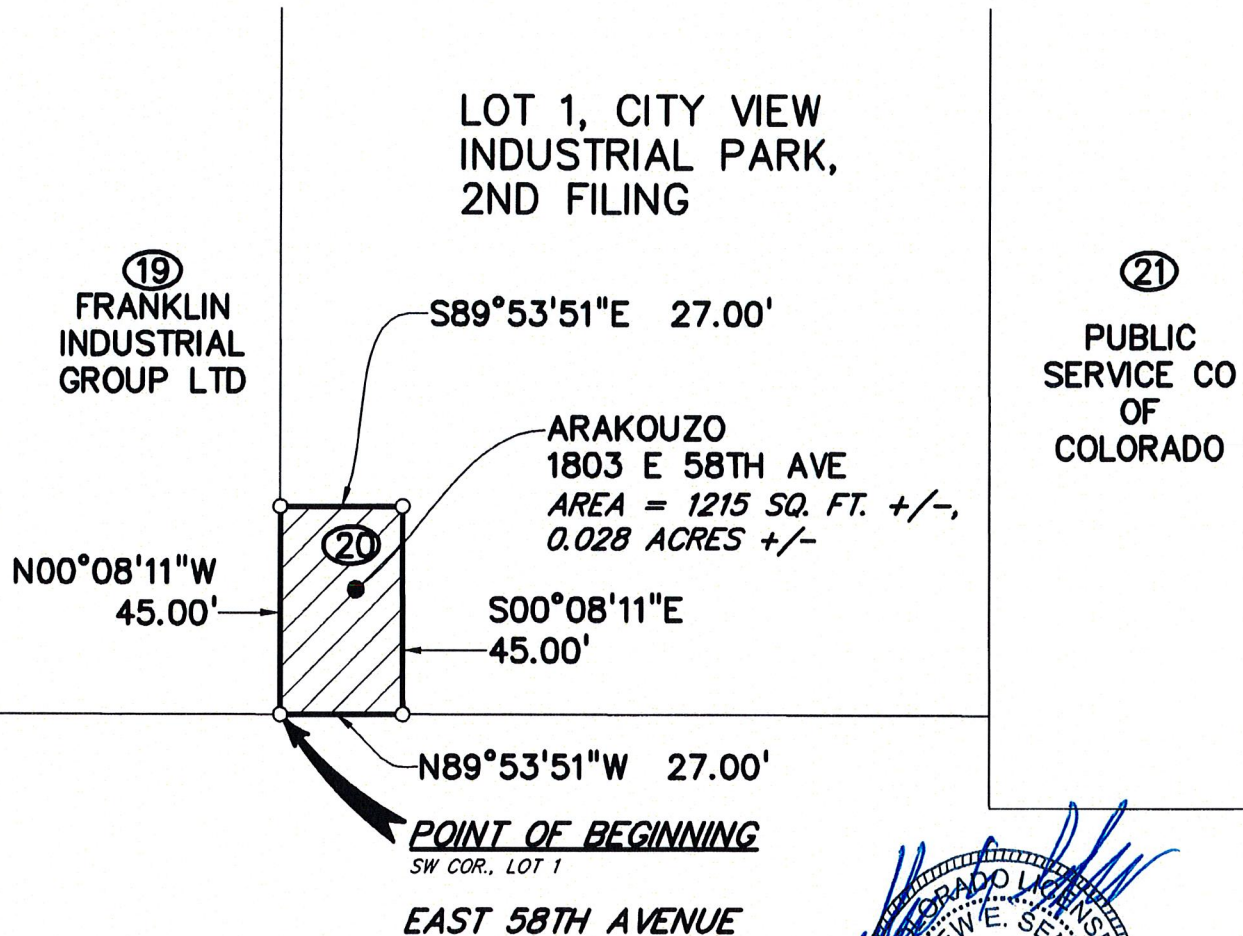
CONTAINING 0.028 ACRES OR 1215 SQUARE FEET, MORE OR LESS.

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





# EXHIBIT PARCEL TCE-20 TEMPORARY CONSTRUCTION EASEMENT



SCALE 1" = 40'

## 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) 442-4338



BOULDER, COLORADO (303) 442-4338

COLORADO SPRINGS, COLORADO (719) 260-0887

GREELEY, COLORADO (970) 361-0845

Revisions - Date

Date

7/19/19

Drawn By

MNF

Job No.

20961-00

Scale

1"=40'

Checked By

MES

Drawing No.

IN FILE