

## RIGHT-OF-WAY AGREEMENT

This Agreement is made and entered into by and between **Temptee Brand Steaks Inc., a Colorado Corporation as to an undivided ½ interest** whose address is 2011 East 58<sup>th</sup> Avenue Denver, CO 80216 and **Kuettel + 2 LLC, a Colorado limited liability company as to an undivided ½ interest**, whose address is 2001 East 58<sup>th</sup> Avenue Denver, CO 80216 (“Owners”), 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 1150 East 58<sup>th</sup> Avenue, Denver, CO 80216, hereinafter (the “Property”) for the 58<sup>th</sup> 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 Owners and the County for the acquisition of the Property interests described herein is **FOUR THOUSAND EIGHT HUNDRED 00/100’S DOLLARS (\$4,800.00)** 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 \$3,300.00 for the conveyance of road right-of-way and \$1,485.00 for the temporary construction easement. This consideration has been agreed upon and between the parties as the total just compensation due to the Owners and the consideration shall be given and accepted in full satisfaction of this Agreement. Furthermore, the Owners agree the compensation will be divided evenly as to the undivided ½ interests.

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

1. The Owners hereby warrants that the Owners are the sole Owners of the Property, that the Owners own the Property in fee simple subject only to matters of record and that the Owners have the power to enter into this Agreement.
2. The Owners agree 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. Owners hereby irrevocably grant 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 Owners 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 Owners and/or their agent.

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

6. If the Owners fail 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 Owners for specific performance.

7. This Agreement contains all agreements, understandings and promises between the Owners and the County, relating to the Project and shall be deemed a contract binding upon the Owners and County and extending to the successors, heirs and assigns.

8. Owners 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.

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

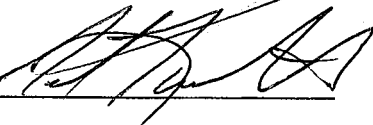
**Owner: TEMPTEE BRAND STEAKS INC., A COLORADO CORPORATION**

By: 

As: President

Date: 6-19-2020

**Owner: KEUTTEL + 2 LLC, A COLORADO LIMITED LIABILITY COMPANY**

By: 

As: Owner

Date: July 8 2020

**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

**LEGAL DESCRIPTION  
PARCEL RW-22  
RIGHT-OF-WAY DEDICATION**

Engineers/Surveyors

Boulder  
Colorado Springs  
Greeley

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

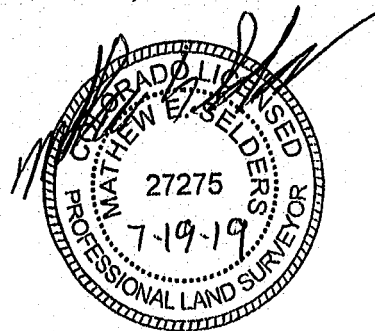
303.442.4338  
303.442.4373 Fax

A TRACT OF LAND BEING A PORTION OF BLOCK 2, MARTIN TANNE SUBDIVISION - AMENDED, RECORDED AT RECEPTION NO. B544280, 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:

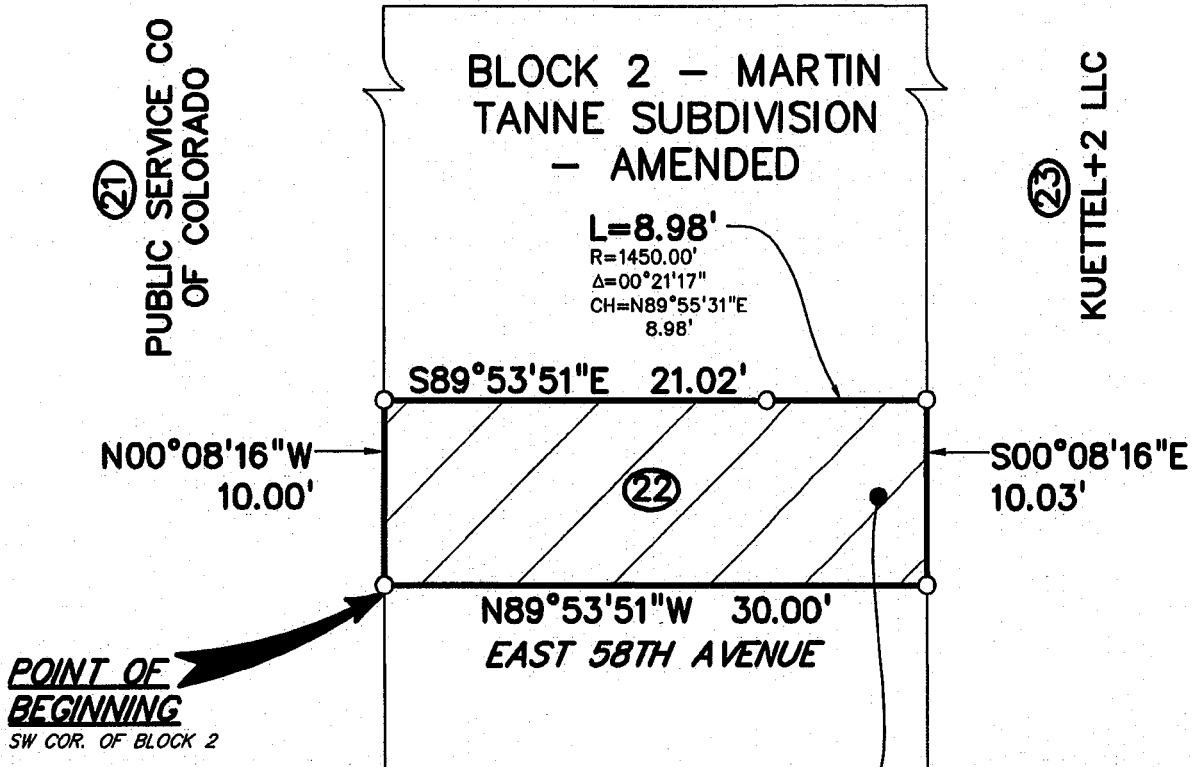
**BEGINNING** AT THE SOUTHWEST CORNER OF SAID BLOCK 2, SAID POINT ALSO BEING ON THE NORTHERLY LINE OF EAST 58TH AVENUE, THENCE N00°08'16"W, 10.00 FEET ALONG THE WESTERLY LINE OF SAID BLOCK 2; THENCE S89°53'51"E, 21.02 FEET; THENCE EASTERLY 8.98 FEET ALONG A CURVE CONCAVE TO THE NORTH, THE ARC OF SAID CURVE HAVING A RADIUS OF 1450.00 FEET, A CENTRAL ANGLE OF 00°21'17" AND BEING SUBTENDED BY A CHORD THAT BEARS N89°55'31"E, 8.98 FEET TO THE EASTERLY LINE OF SAID BLOCK 2; THENCE S00°08'16"E, 10.03 FEET ALONG SAID EASTERLY LINE OF BLOCK 2 TO SAID NORTHERLY LINE OF EAST 58TH AVENUE, SAID POINT ALSO BEING ON THE SOUTHERLY LINE OF SAID BLOCK 2; THENCE N89°53'51"W, 30.00 FEET ALONG SAID NORTHERLY LINE OF EAST 58TH AVENUE AND ALONG SAID SOUTHERLY LINE OF BLOCK 2 TO THE **POINT OF BEGINNING**.

CONTAINING 0.007 ACRES OR 300 SQUARE FEET, MORE OR LESS.

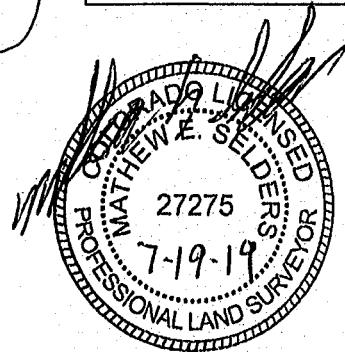
LEGAL DESCRIPTION PREPARED BY:  
MATHEW E. SELDERS  
DREXEL, BARRELL & CO.  
1800 38TH STREET  
BOULDER, CO 80301  
(303) 442-4338



# EXHIBIT PARCEL RW-22 R.O.W. DEDICATION



TEMPTTEE BRAND STEAKS INC  
2011 E 58TH AVE  
AREA = 300 SQ. FT. +/-,  
0.007 ACRES +/-



SCALE 1" = 10'

## 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) 280-0897  
GREELEY, COLORADO (970) 351-0845

Revisions - Date	Date	Drawn By	Job No.
	7/19/19	MMF	20961-00
	Scale	Checked By	Drawing No.
	1"=10'	MES	IN FILE



Drexel, Barrell & Co.

JULY 19, 2019

Engineers/Surveyors

Boulder  
Colorado Springs  
Greeley

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

303.442.4338  
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**LEGAL DESCRIPTION  
PARCEL TCE-22  
TEMPORARY CONSTRUCTION EASEMENT**

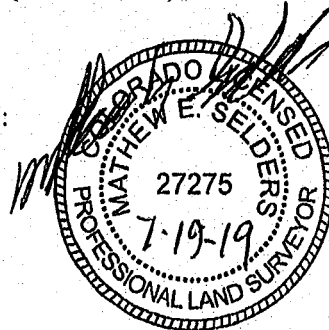
A TRACT OF LAND BEING A PORTION OF BLOCK 2, MARTIN TANNE SUBDIVISION - AMENDED, RECORDED AT RECEPTION NO. B544280, LOCATED IN THE SE1/4 OF SECTION 11, T3S, R68W OF THE 6TH P.M., COUNTY OF ADAMS, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID BLOCK 2, SAID POINT ALSO BEING ON THE NORTHERLY LINE OF EAST 58TH AVENUE, THENCE N00°08'16"W, 10.00 FEET ALONG THE WESTERLY LINE OF SAID BLOCK 2 TO THE **TRUE POINT OF BEGINNING**;

THENCE N00°08'16"W, 45.00 FEET ALONG SAID WESTERLY LINE OF BLOCK 2; THENCE S89°57'11"E, 30.00 FEET TO THE EASTERLY LINE OF SAID BLOCK 2; THENCE S00°08'16"E, 45.00 FEET ALONG SAID EASTERLY LINE OF BLOCK 2; THENCE WESTERLY 8.98 FEET ALONG A CURVE CONCAVE TO THE NORTH, THE ARC OF SAID CURVE HAVING A RADIUS OF 1450.00 FEET, A CENTRAL ANGLE OF 00°21'17" AND BEING SUBTENDED BY A CHORD THAT BEARS S89°55'31"W, 8.98 FEET; THENCE N89°53'51"W, 21.02 FEET TO THE **TRUE POINT OF BEGINNING**.

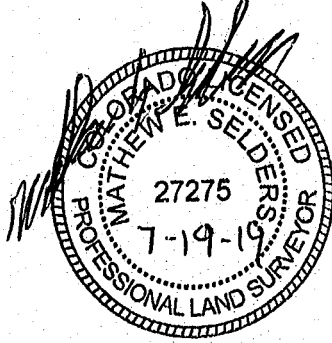
CONTAINING 0.031 ACRES OR 1350 SQUARE FEET, MORE OR LESS.

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

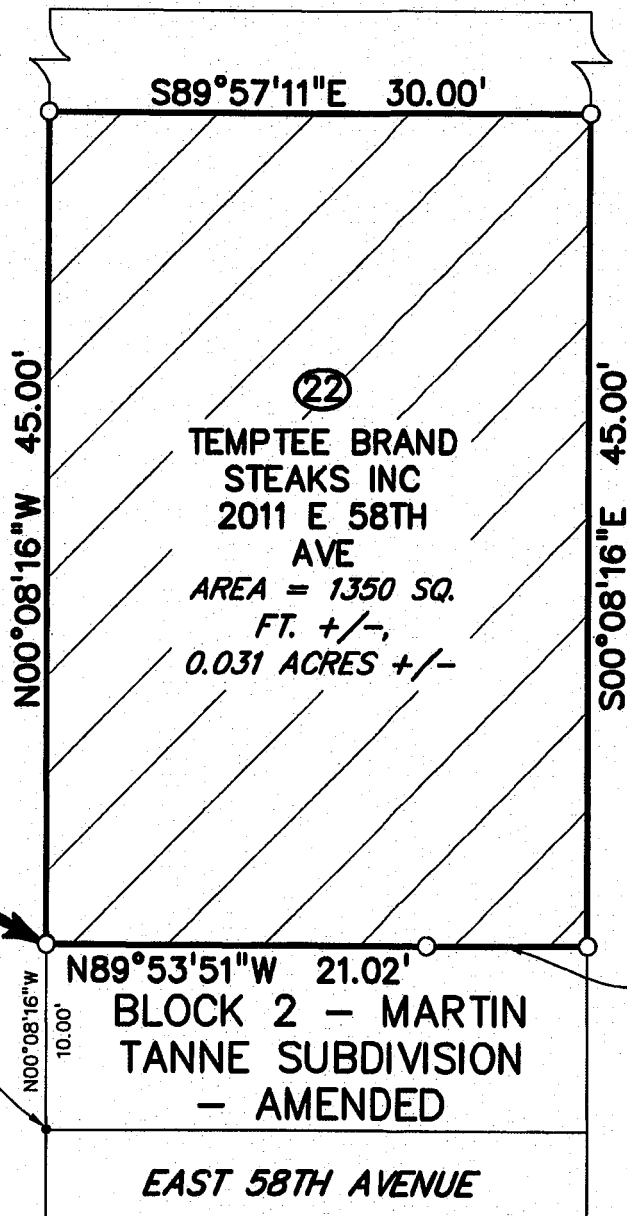


# EXHIBIT PARCEL TCE-22

## TEMPORARY CONSTRUCTION EASEMENT



(21)  
PUBLIC SERVICE CO  
OF COLORADO



(23)  
KUETTEL+2 LLC

TRUE POINT  
OF BEGINNING

POINT OF  
COMMENCEMENT  
SW COR. OF BLOCK 2



SCALE 1" = 10'

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Drexel, Barrell & Co.

Engineers/Surveyors

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