

RIGHT-OF-WAY AGREEMENT

This Agreement is made and entered into by and between **Kuettel +2 LLC, a Colorado limited liability company**, whose address is 2001 East 58th Avenue, Denver, CO 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 5590 High Street, Denver, CO 80216, hereinafter (the “Property”) for the 58th 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 **FORTY NINE THOUSAND SEVEN HUNDRED SIXTY 00/100'S DOLLARS (\$49,760.00)** 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 \$47,100.00 for the conveyance of road right-of-way, \$2,660.00 for the temporary construction easement. 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 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. 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 Agreement acknowledging that the County has the power of eminent domain and requires the Property for a public purpose.

6. 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.

7. 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.

8. 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.

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

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

By: 

As: Owner

Date: 7-8-2020

Approved:

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

Chair

Date

Approved as to Form:

County Attorney



Drexel, Barrell & Co.

JULY 31, 2019

LEGAL DESCRIPTION PARCEL RW-23 RIGHT-OF-WAY DEDICATION

Engineers/Surveyors

**Boulder
Colorado Springs
Greeley**

1800 38th Street
Boulder, CO 80301-2620

303.442.4338
303.442.4373 Fax

A TRACT OF LAND BEING A PORTION OF PARCEL A, AS DESCRIBED AT RECEPTION NO. 2011000050759 IN THE ADAMS COUNTY RECORDS, 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 SOUTHEAST CORNER OF SAID PARCEL A, AS DESCRIBED AT RECEPTION NO. 2011000050759, SAID POINT ALSO BEING ON THE NORTHERLY LINE OF EAST 58TH AVENUE, THENCE N89°53'51"W, 177.00 FEET ALONG THE SOUTHERLY LINE OF SAID PARCEL A AND ALONG SAID NORTHERLY LINE OF EAST 58TH AVENUE TO THE SOUTHWEST CORNER OF SAID PARCEL A; THENCE N00°08'16"W, 20.03 FEET ALONG THE WESTERLY LINE OF SAID PARCEL A; THENCE EASTERLY 177.46 FEET ALONG A CURVE CONCAVE TO THE NORTH, THE ARC OF SAID CURVE HAVING A RADIUS OF 1450.00 FEET, A CENTRAL ANGLE OF 07°00'45" AND BEING SUBTENDED BY A CHORD THAT BEARS N86°14'30"E, 177.35 FEET TO THE EASTERLY LINE OF SAID PARCEL A; THENCE S00°08'16"E, 31.97 FEET ALONG SAID EASTERLY LINE TO THE **POINT OF BEGINNING**.

CONTAINING 0.098 ACRES OR 4281 SQUARE FEET, MORE OR LESS.

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

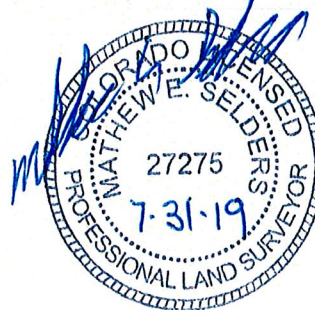
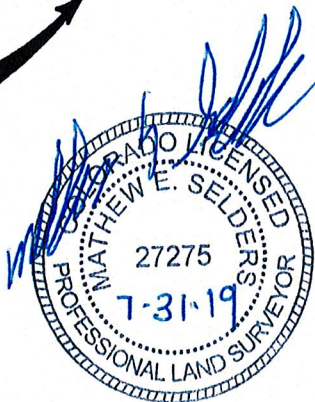
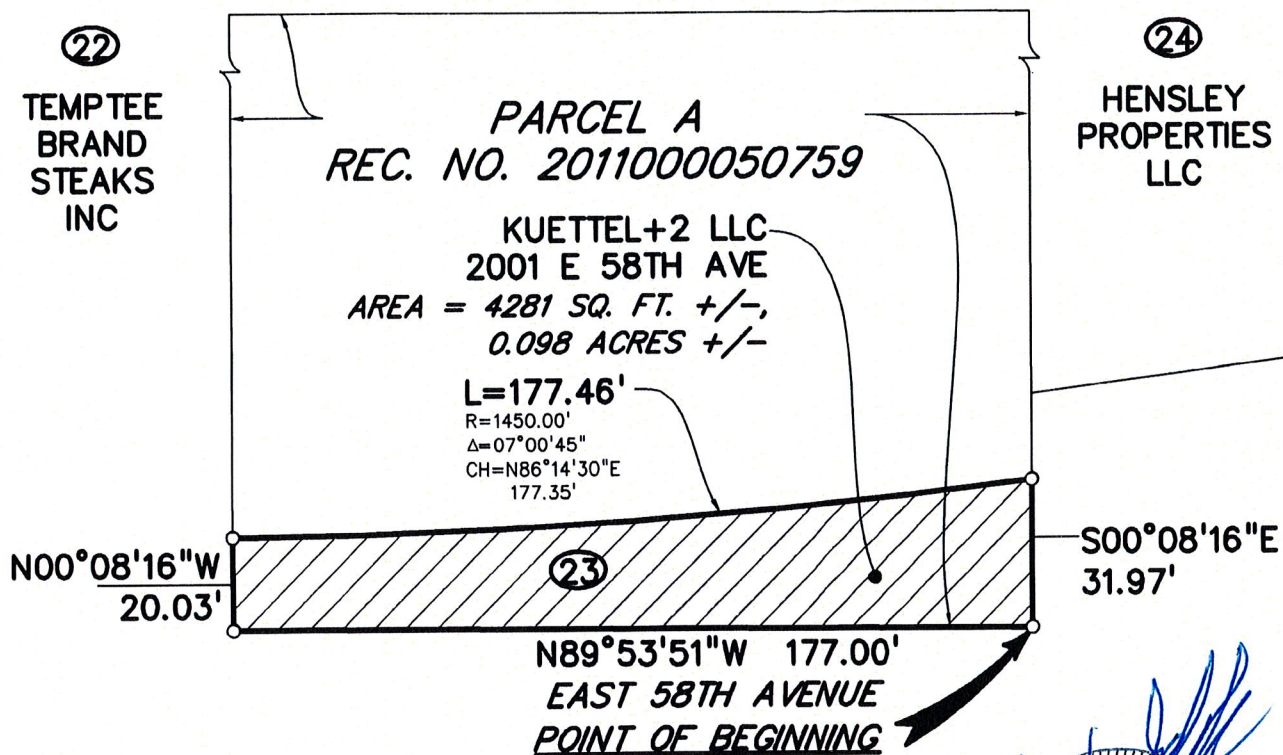


EXHIBIT PARCEL RW-23 R.O.W. DEDICATION

②②
TEMPTTEE
BRAND
STEAKS
INC

②④
HENSLEY
PROPERTIES
LLC



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;

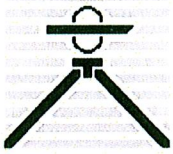
NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT, MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN 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) 351-0646



Revisions - Date	Date	Drawn By	Job No.
	7/24/19	MNF	20961-00
	Scale	Checked By	Drawing No.
	1"=40'	MES	IN FILE



Drexel, Barrell & Co.

JULY 31, 2019

Engineers/Surveyors

Boulder
Colorado Springs
Greeley

1800 38th Street
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**LEGAL DESCRIPTION
PARCEL TCE-23A
TEMPORARY CONSTRUCTION EASEMENT**

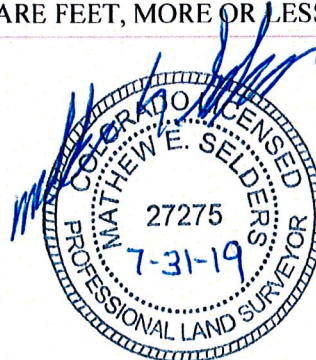
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THENCE N00°08'16"W, 45.00 FEET ALONG SAID WESTERLY LINE OF PARCEL A; THENCE N89°32'31"E, 10.00 FEET; THENCE S00°08'16"E, 45.00 FEET; THENCE WESTERLY 10.00 FEET ALONG A CURVE CONCAVE TO THE NORTH, THE ARC OF SAID CURVE HAVING A RADIUS OF 1450.00 FEET, A CENTRAL ANGLE OF 00°23'42" AND BEING SUBTENDED BY A CHORD THAT BEARS S89°33'01"W, 10.00 FEET TO THE **TRUE POINT OF BEGINNING**.

CONTAINING 0.010 ACRES OR 450 SQUARE FEET, MORE OR LESS.

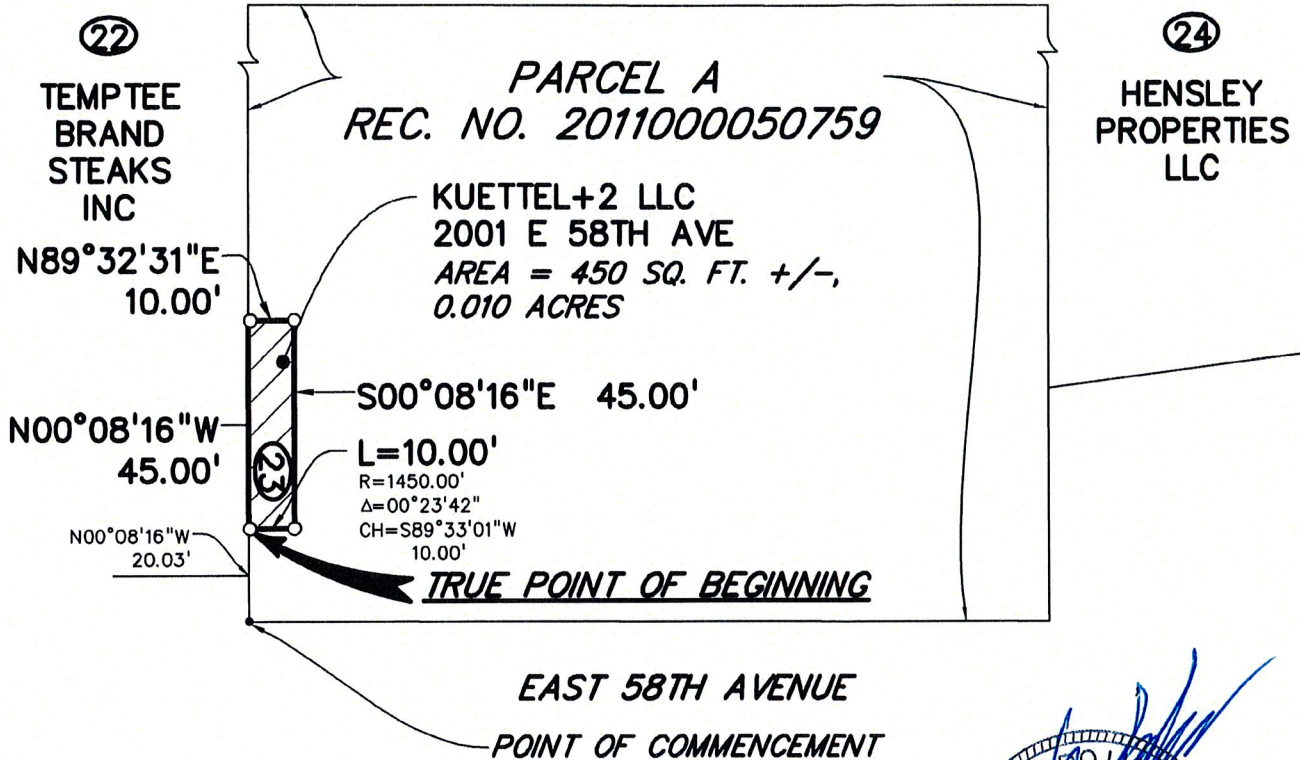
LEGAL DESCRIPTION PREPARED BY:
MATHEW E. SELTERS
DREXEL, BARRELL & CO.
1800 38TH STREET
BOULDER, CO 80301
(303) 442-4338



EXHIBIT

PARCEL TCE-23A

TEMPORARY CONSTRUCTION EASEMENT



SCALE 1" = 40'

NOTES

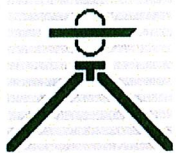
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Drexel, Barrell & Co. Engineers/Surveyors
 1800 38TH STREET BOULDER, COLORADO 80301 (303) 442-4338
 BOULDER, COLORADO (303) 442-4338
 COLORADO SPRINGS, COLORADO (719) 260-0887
 GREELEY, COLORADO (970) 351-0845



Revisions - Date	Date	Drawn By	Job No.
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Drexel, Barrell & Co.

JULY 31, 2019

Engineers/Surveyors

**Boulder
Colorado Springs
Greeley**

1800 38th Street
Boulder, CO 80301-2620

303.442.4338
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LEGAL DESCRIPTION PARCEL TCE-23B TEMPORARY CONSTRUCTION EASEMENT

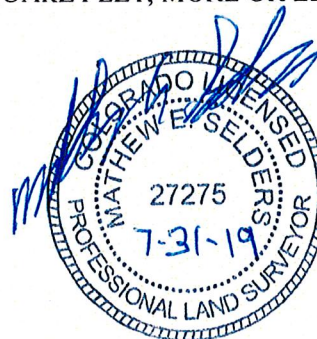
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COMMENCING AT THE SOUTHEAST CORNER OF SAID PARCEL A, AS DESCRIBED AT RECEPTION NO. 2011000050759 FROM WHENCE THE SOUTHWEST CORNER OF SAID PARCEL A BEARS N89°53'51"W, SAID POINT ALSO BEING ON THE NORTHERLY LINE OF EAST 58TH AVENUE, THENCE N02°24'11"W, 31.84 FEET TO THE **TRUE POINT OF BEGINNING**;

THENCE WESTERLY 55.99 FEET ALONG A CURVE CONCAVE TO THE NORTH, THE ARC OF SAID CURVE HAVING A RADIUS OF 1450.00 FEET, A CENTRAL ANGLE OF 02°12'45" AND BEING SUBTENDED BY A CHORD THAT BEARS S83°53'30"W, 55.99 FEET; THENCE N06°06'30"W, 35.00 FEET; THENCE N83°53'30"E, 55.99 FEET; THENCE S06°06'30"E, 35.00 FEET TO THE **TRUE POINT OF BEGINNING**.

CONTAINING 0.045 ACRES OR 1970 SQUARE FEET, MORE OR LESS.

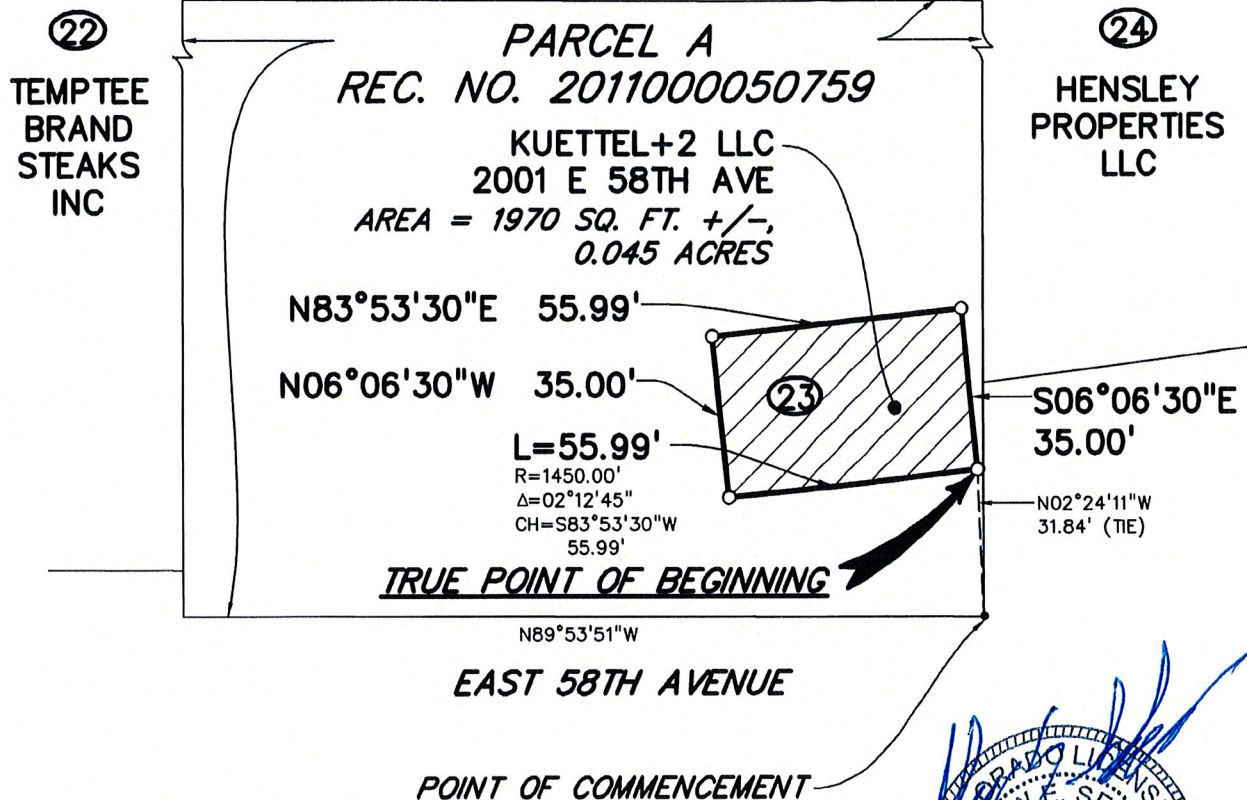
LEGAL DESCRIPTION PREPARED BY:
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PARCEL TCE-23B

TEMPORARY CONSTRUCTION EASEMENT



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