

RIGHT-OF-WAY AGREEMENT

This Agreement is made and entered into by and between **Ready Mixed Concrete Company, a Colorado company**, whose address is 5775 Franklin Street, 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 1590 East 58th Avenue, Denver, Colorado 80216, and 1570 East 58th Avenue, Denver, Colorado 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 **TWO HUNDRED NINETY THREE THOUSAND AND NO/100’S DOLLARS (\$293,000.00)** 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 \$276,000 for the conveyance of road right-of-way, \$6,000 for the removal of 5,193 sf of asphalt paving and 41 sf of concrete paving, and \$11,000 for the temporary construction easements. 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 Owner agrees to pay all 2019 taxes due in 2020 prior to tender by the County.
5. 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.

6. The County will remove approximately 5,193 square feet of asphalt paving and 41 feet of concrete paving. But the County has agreed to reimburse the owner the expense of the lost materials and made a part of this Agreement.

7. 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.

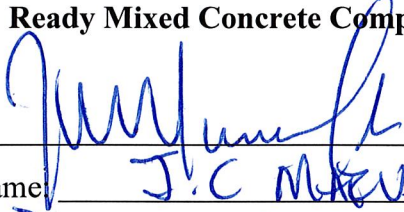
8. If the Owner fails to consummate this agreement for any reason, except the County's default, the County may at its option, enforce this agreement by bringing an action against the Owner for specific performance.

9. 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.

10. 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.

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

Owner: Ready Mixed Concrete Company, a Colorado corporation

By: 
Print Name: J.C. Maxwell
Title: President + CEO
Date: 7-6-2020

Approved:

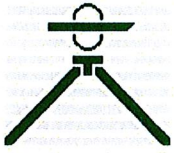
BOARD OF COUNTY COMMISSIONERS-COUNTY OF ADAMS, STATE OF COLORADO

Chair

Date

Approved as to Form:

County Attorney



Drexel, Barrell & Co.

JULY 12, 2019

Engineers/Surveyors

Boulder
Colorado Springs
Greeley

1800 38th Street
Boulder, CO 80301-2620

303.442.4338
303.442.4373 Fax

LEGAL DESCRIPTION PARCEL RW-37 RIGHT-OF-WAY DEDICATION

A TRACT OF LAND BEING A PORTION OF THAT TRACT OF LAND DESCRIBED AT RECEPTION NO. 2015000007011 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 NORTHEAST CORNER OF SAID TRACT OF LAND DESCRIBED AT RECEPTION NO. 2015000007011, SAID POINT ALSO BEING ON THE SOUTHERLY LINE OF EAST 58TH AVENUE AND THE WESTERLY LINE OF FRANKLIN STREET, THENCE S00°07'44"E, 150.00 FEET ALONG THE EASTERLY LINE OF SAID TRACT OF LAND AND ALONG SAID WESTERLY LINE OF FRANKLIN STREET TO THE SOUTHEAST CORNER OF SAID TRACT OF LAND; THENCE N89°54'29"W, 10.00 FEET ALONG THE SOUTHERLY LINE OF SAID TRACT OF LAND; THENCE N00°07'44"W, 56.71 FEET; THENCE N47°53'17"W, 94.55 FEET TO THE WESTERLY LINE OF SAID TRACT OF LAND; THENCE N00°07'44"W, 30.00 FEET ALONG SAID WESTERLY LINE TO THE NORTHWEST CORNER OF SAID TRACT OF LAND, SAID POINT ALSO BEING ON SAID SOUTHERLY LINE OF EAST 58TH AVENUE; THENCE S89°54'29"E, 80.00 FEET ALONG THE NORTHERLY LINE OF SAID TRACT OF LAND AND ALONG SAID SOUTHERLY LINE OF EAST 58TH AVENUE TO THE **POINT OF BEGINNING**.

CONTAINING 0.133 ACRES OR 5815 SQUARE FEET, MORE OR LESS.

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

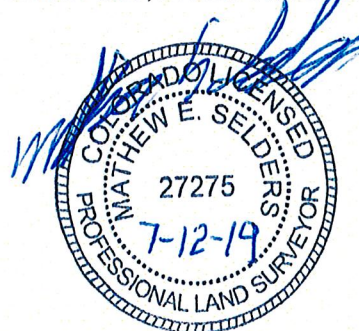
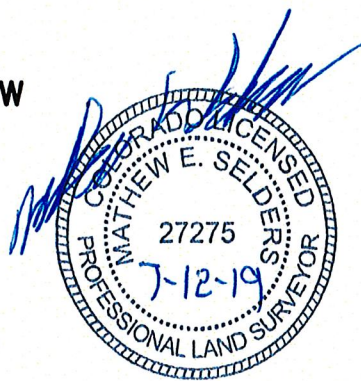
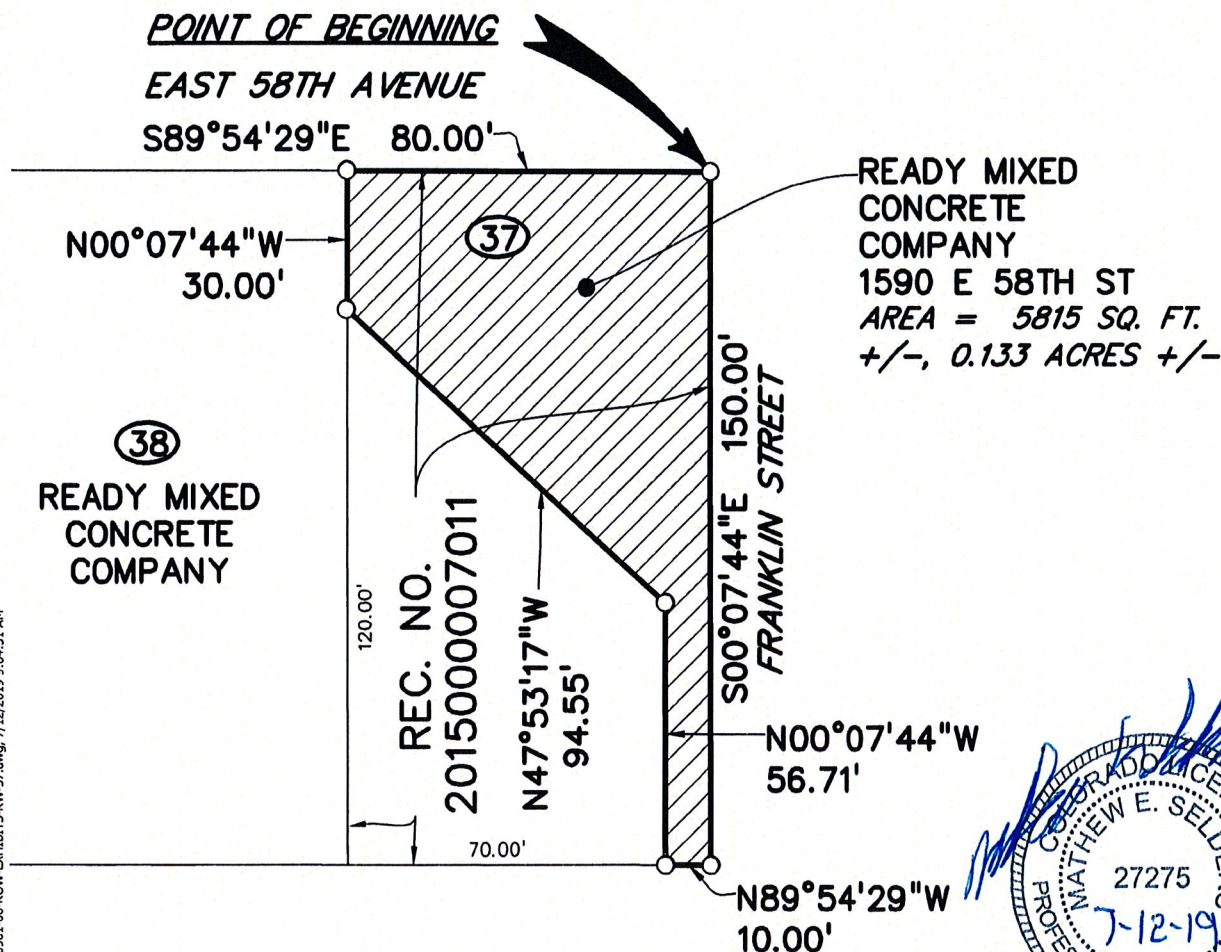


EXHIBIT PARCEL RW-37 R.O.W. DEDICATION



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.

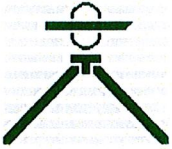
IN ACCORDANCE WITH CRS 13-80-105;

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
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BOULDER, COLORADO (303) 442-4338
COLORADO SPRINGS, COLORADO (719) 260-0887
GREELEY, COLORADO (970) 351-0845



Revisions - Date	Date	Drawn By	Job No.
	7/5/19	MNF	20961-00
	Scale	Checked By	Drawing No.
	1"=40'	MES	IN FILE



Drexel, Barrell & Co.

JULY 12, 2019

Engineers/Surveyors

Boulder
Colorado Springs
Greeley

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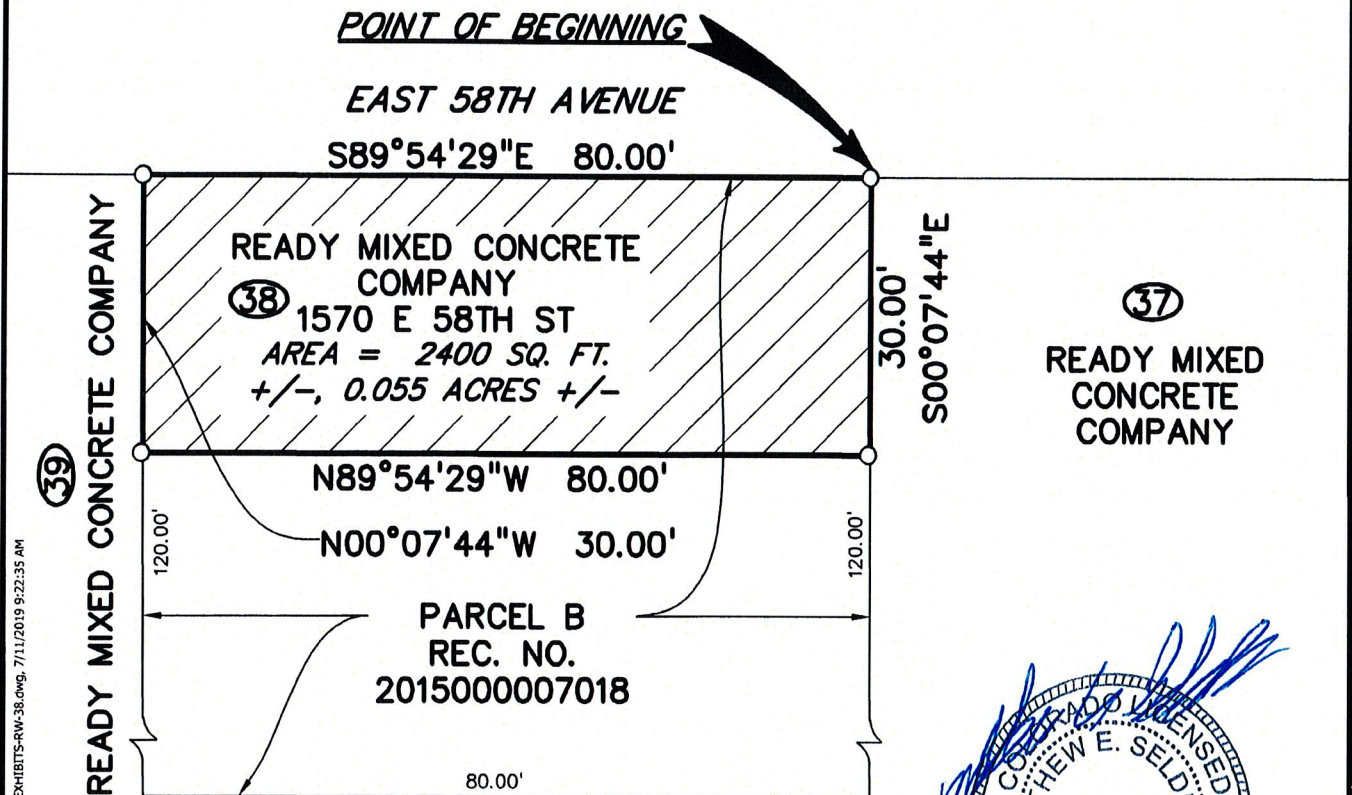
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CONTAINING 0.055 ACRES OR 2400 SQUARE FEET, MORE OR LESS.

LEGAL DESCRIPTION PREPARED BY:
MATHEW E. SELTERS
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SCALE 1" = 20'

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Drexel, Barrell & Co.

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COLORADO SPRINGS, COLORADO (719) 880-0887

GREELEY, COLORADO (970) 351-0845



Revisions - Date

Date
7/5/19

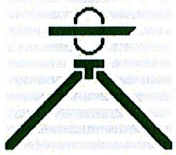
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CONTAINING 0.055 ACRES OR 2400 SQUARE FEET, MORE OR LESS.

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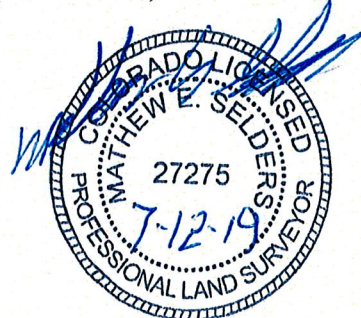
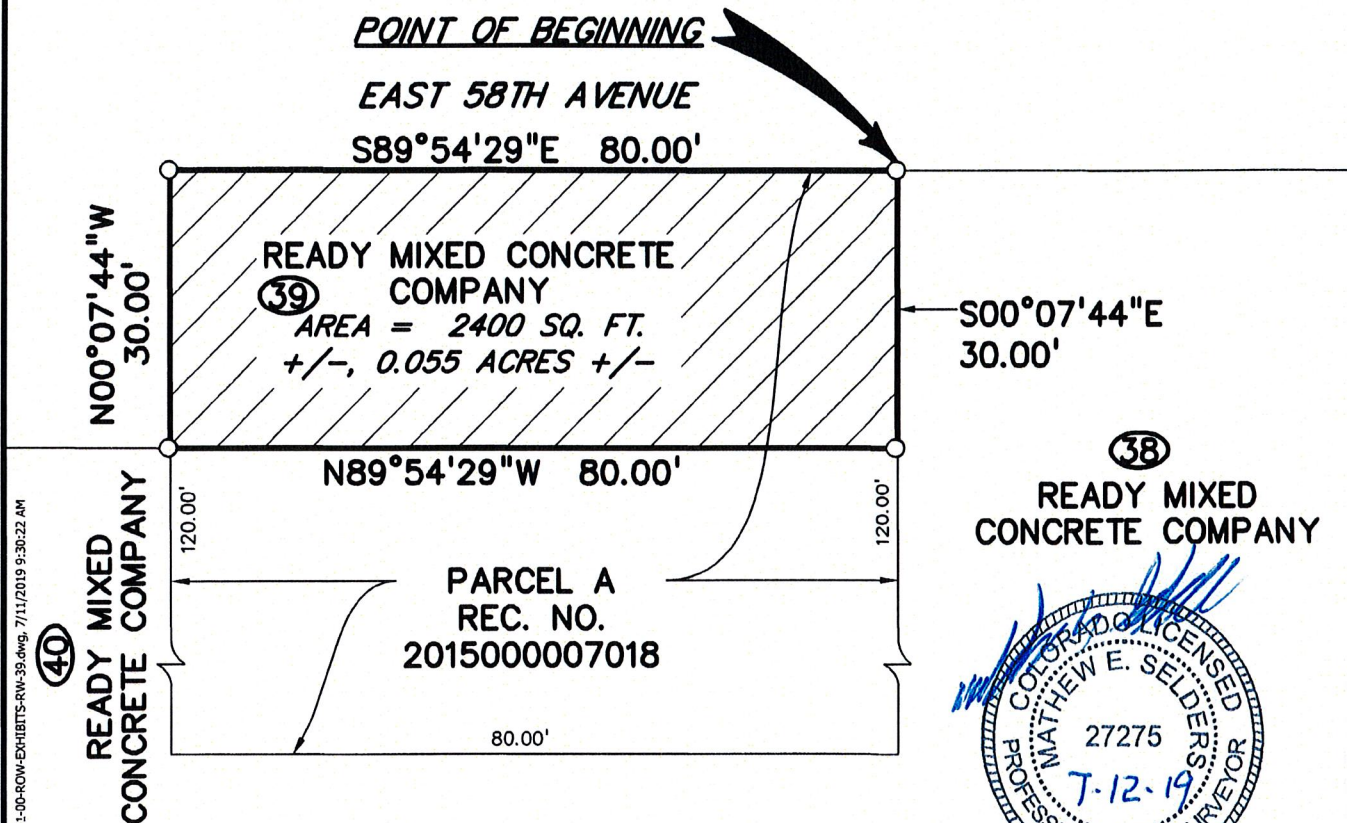


EXHIBIT
PARCEL RW-39
R.O.W. DEDICATION



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GREELEY, COLORADO (970) 351-0645			
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	1"=20'	MES	IN FILE



Drexel, Barrell & Co.

JULY 12, 2019

Engineers/Surveyors

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Greeley

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303.442.4373 Fax

**LEGAL DESCRIPTION
PARCEL TCE-37
TEMPORARY CONSTRUCTION EASEMENT**

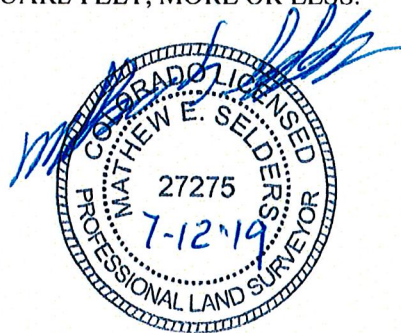
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THENCE S47°53'17"E, 26.89 FEET; THENCE N89°54'29"W, 19.91 FEET TO SAID WESTERLY LINE; THENCE N00°07'44"W, 18.00 FEET ALONG SAID WESTERLY LINE TO THE **TRUE POINT OF BEGINNING**.

CONTAINING 0.004 ACRES OR 179 SQUARE FEET, MORE OR LESS.

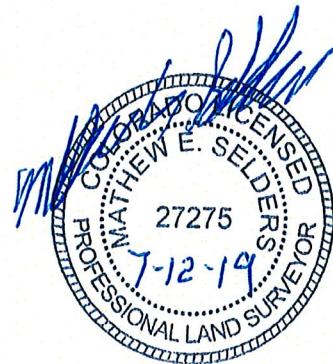
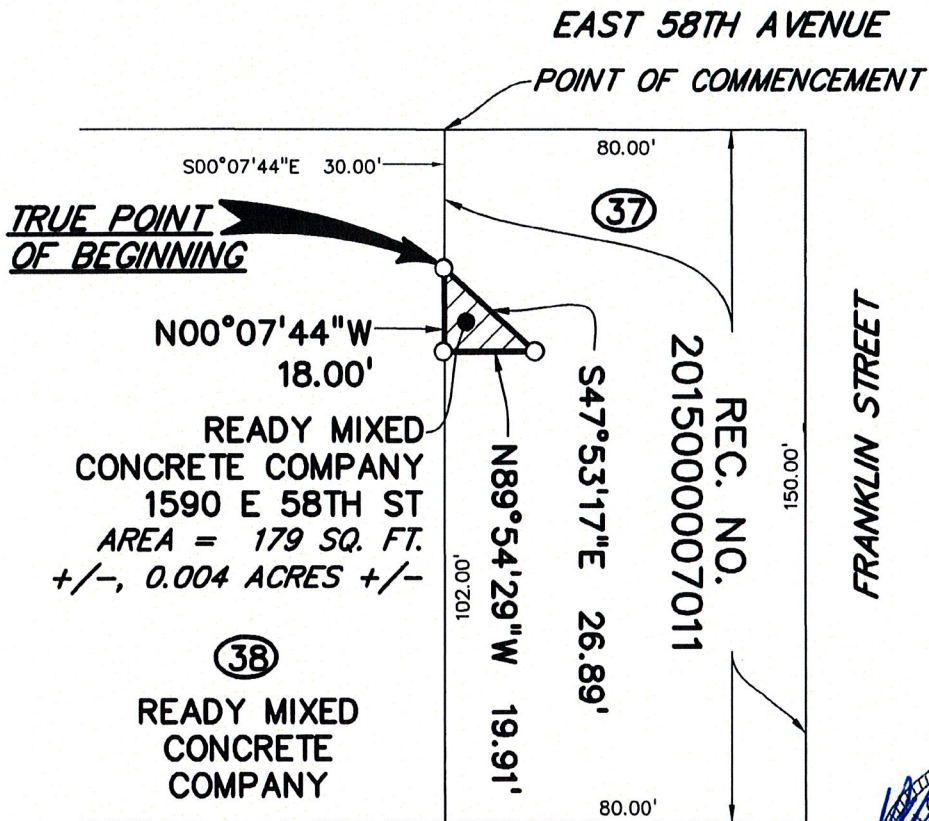
LEGAL DESCRIPTION PREPARED BY:
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EXHIBIT

PARCEL TCE-37

TEMPORARY CONSTRUCTION EASEMENT



SCALE 1" = 40'

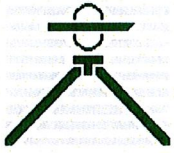
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Drexel, Barrell & Co. Engineers/Surveyors
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**LEGAL DESCRIPTION
PARCEL TCE-38
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CONTAINING 0.033 ACRES OR 1440 SQUARE FEET, MORE OR LESS.

LEGAL DESCRIPTION PREPARED BY:
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BOULDER, CO 80301
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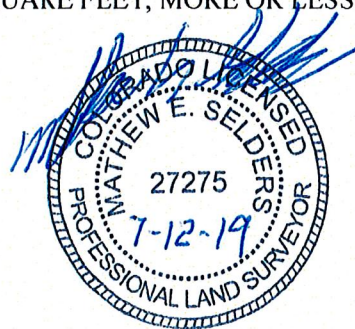
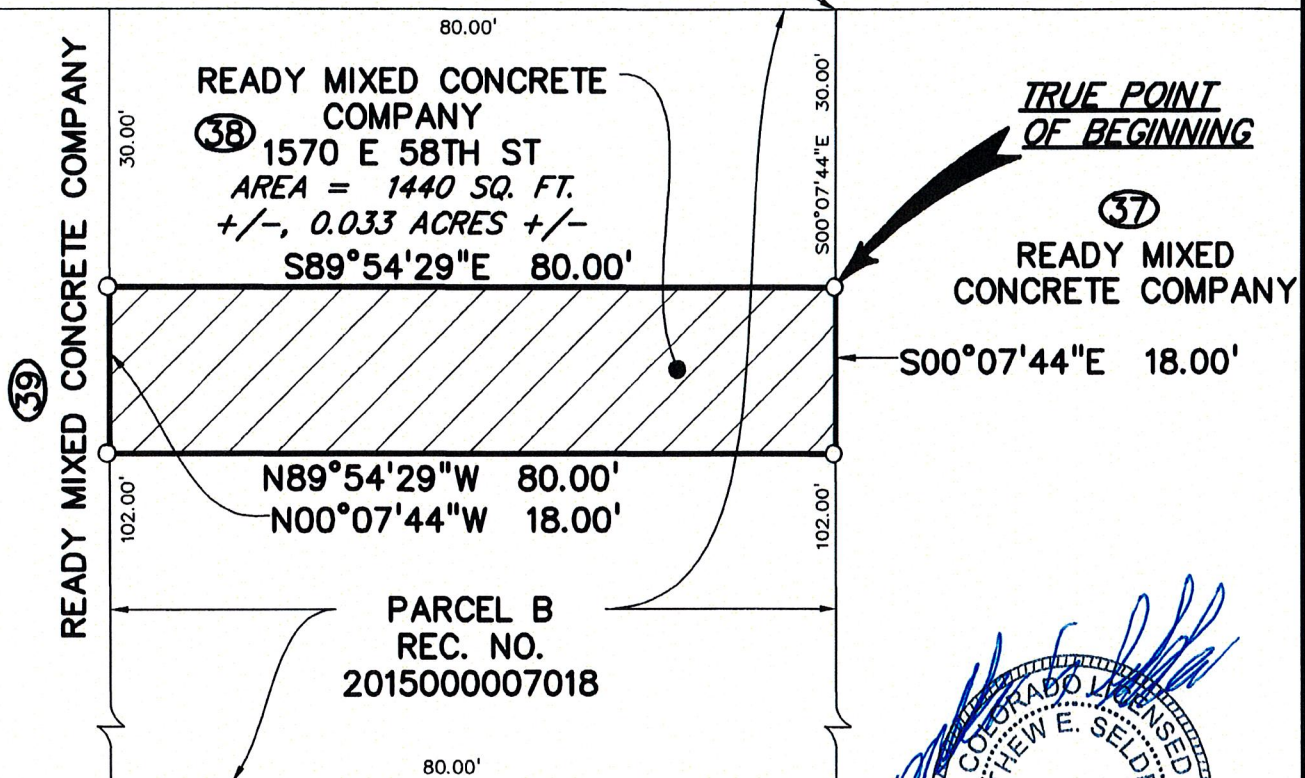


EXHIBIT PARCEL TCE-38 TEMPORARY CONSTRUCTION EASEMENT

**EAST 58TH AVENUE
POINT OF COMMENCEMENT**



SCALE 1" = 20'

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Revisions - Date _____ _____ _____	Date 7/5/19 Scale 1"=20'	Drawn By MNF Checked By MES	Job No. 20961-00 Drawing No. IN FILE



Drexel, Barrell & Co.

APRIL 1, 2020

Engineers/Surveyors

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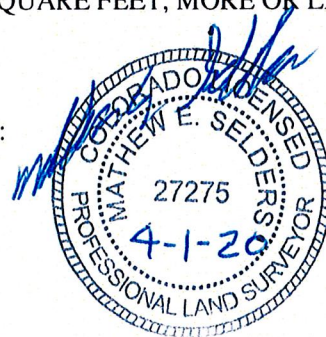
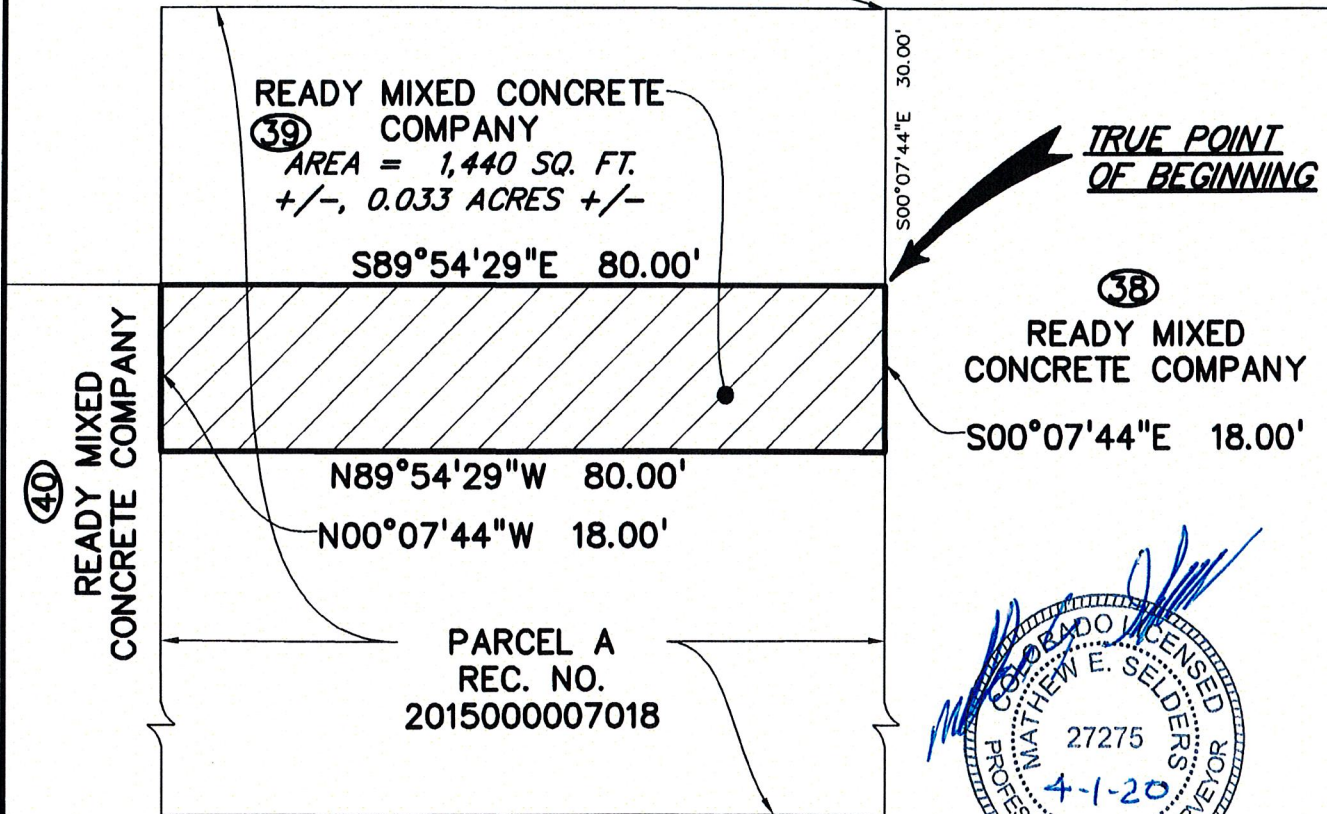


EXHIBIT
PARCEL TCE-39
TEMPORARY CONSTRUCTION EASEMENT

EAST 58TH AVENUE

POINT OF COMMENCEMENT



SCALE 1" = 20'

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1800 38TH STREET BOULDER, COLORADO 80301 (303) 442-4338

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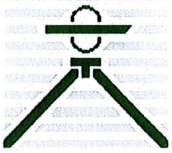
COLORADO SPRINGS, COLORADO (719) 280-0887

GREELEY, COLORADO (970) 361-0846



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





Drexel, Barrell & Co.

APRIL 1, 2020

LEGAL DESCRIPTION PARCEL TCE-40 TEMPORARY CONSTRUCTION EASEMENT

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 LOT 1, READY MIXED FILING NO. 1, RECORDED AT RECEPTION NO. 2015000025199, 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 NORTHEAST CORNER OF SAID LOT 1, SAID POINT BEING ON THE SOUTHERLY LINE OF EAST 58TH AVENUE; THENCE S00°07'44"E, 18.00 FEET ALONG THE EASTERLY LINE OF SAID LOT 1;

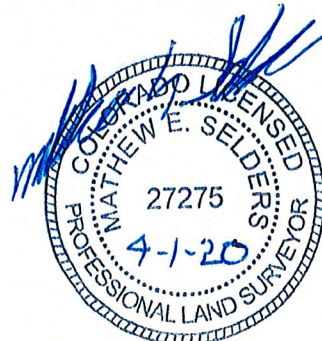
THENCE THE FOLLOWING FIVE (5) COURSES;

1. N89°54'29"W, 445.00 FEET;
2. S00°05'31"W, 18.00 FEET;
3. N89°54'29"W, 50.00 FEET;
4. S00°05'31"W, 48.00 FEET;
5. N89°54'29"W, 55.37 FEET TO THE WESTERLY LINE OF SAID LOT 1;

THENCE NORTHERLY 91.23 FEET ALONG SAID WESTERLY LINE OF LOT 1 AND ALONG A CURVE CONCAVE TO THE WEST, THE ARC OF SAID CURVE HAVING A RADIUS OF 1684.17 FEET, A CENTRAL ANGLE OF 03°06'13" AND BEING SUBTENDED BY A CHORD THAT BEARS N23°02'17"E, 91.22 FEET TO SAID SOUTHERLY LINE OF EAST 58TH AVENUE AND THE NORTHERLY LINE OF SAID LOT 1; THENCE S89°54'29"E, 514.74 FEET ALONG SAID SOUTHERLY LINE OF EAST 58TH AVENUE AND SAID NORTHERLY LINE OF LOT 1 TO THE **POINT OF BEGINNING**.

CONTAINING 0.297 ACRES OR 12,929 SQUARE FEET, MORE OR LESS.

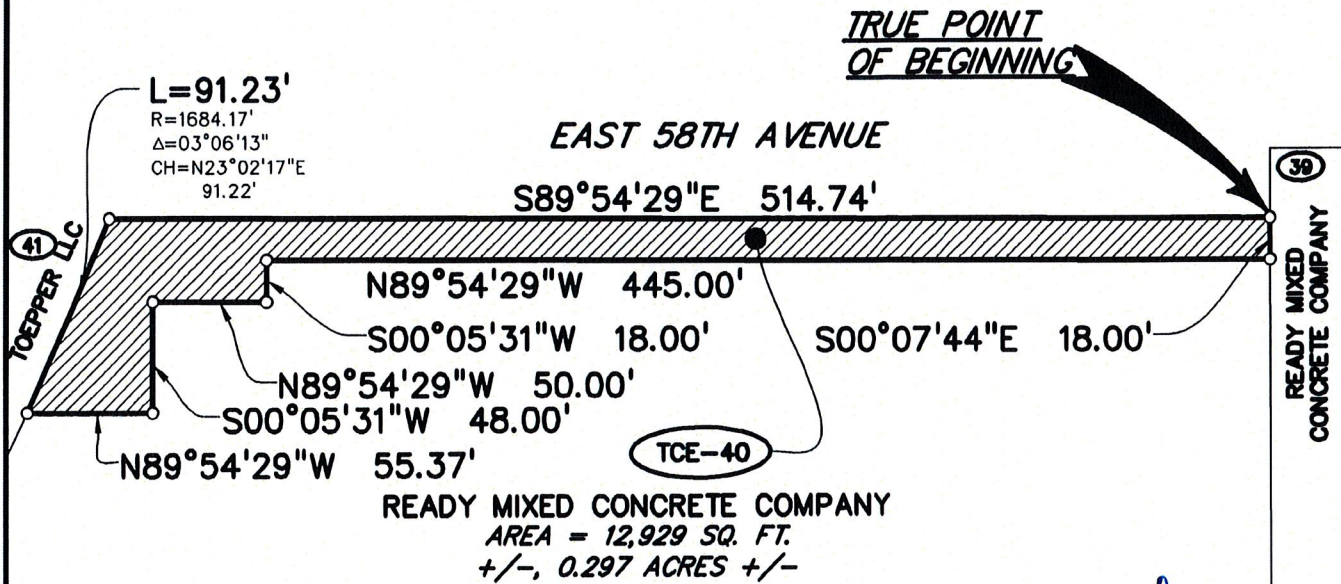
LEGAL DESCRIPTION PREPARED BY:
MATHEW E. SELTERS
DREXEL, BARRELL & CO.
1800 38TH STREET
BOULDER, CO 80301
(303) 442-4338



EXHIBIT

PARCEL TCE-40

TEMPORARY CONSTRUCTION EASEMENT



SCALE 1" = 80'

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
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