

Right-of-Way Agreement

This Agreement is made and entered into by and between **Barbara and Frank Schwertfeger** whose address is **12244 Wheeling Court, Henderson, CO 80640** ("Owner"), and the County of Adams, State of Colorado, a body politic, who address is 4430 South Adams County Parkway, Brighton, Colorado, 80601 ("County") for the conveyance of rights-of-way on property located at 7505 Dahlia Street, Commerce City, CO 80022, hereinafter (the "Property") for the Dahlia Street Roadway and Drainage Improvements, E. 74th Ave to E. 78th Ave (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 **NINETEEN THOUSAND FIVE HUNDRED AND NO/100 DOLLARS (\$19,500.00)**, 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 \$10,700.00 for the conveyance of road right-of-way \$4,900.00 for split rail fence and gravel ground cover and \$3,900.00 for a 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 promise 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. The 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 80 linear feet split rail cedar fencing located along the Dahlia Street right-of-way line. Additionally, 1,669 square feet of gravel ground cover will be removed. The County will not reset or reconstruct these improvements. But the County has agreed to reimburse the owner the expense of the lost split rail fence and gravel 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 required 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. The 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:

By: 
Barbara Schwertfeger

By: 
Frank Schwertfeger

Date: 10-14-20

Date: 10/14/2020

Approved:

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

Chair

Date

Approved as to Form:

County Attorney

EXHIBIT A
PROJECT CODE: 30561604W
PROJECT NUMBER: IMP 2016-00005
PROPERTY DESCRIPTION
RIGHT OF WAY PARCEL NUMBER: RW-16

A tract or parcel of land over and across that parcel of land described as Lot 1, except the North 30 feet, Lawrence Tract recorded at Reception No. B059750 in the Public Records of Adams County, located in the North Half of the Southwest Quarter of Section 31, Township 2 South, Range 67 West, of the Sixth Principal Meridian, County of Adams, State of Colorado, said parcel being more particularly described as follows:

For the purposes of this description the bearings are referenced to the East Line of the North Half of the Southwest Quarter of Section 31, Township 2 South, Range 67 West, of the Sixth Principal Meridian, bearing North 00°20'20" West, a distance of 1321.84 feet. Monumented by a 2½" Aluminum Cap marked LS 20155 1991 at the Center-South Sixteenth Corner (Southeast Corner North Half Southwest Quarter) and by a P.K. Nail at the Center Quarter Corner.

Commencing at the Center-South Sixteenth Corner (Southeast Corner North Half Southwest Quarter) of Section 31, Township 2 South, Range 67 West of the 6th Principal Meridian;

THENCE North 00°20'20" West along the East Line of the North Half of the Southwest Quarter of said Section 31, a distance of 751.64 feet to the south line extended of Lot 1, Lawrence Tract recorded at Reception No. B059750 in the Public Records of Adams County;

THENCE South 89°39'40" West, a distance of 35.00 feet to the southeast corner of said Lot 1 and the Point of Beginning;

THENCE continuing South 89°39'40" West along the south line of said Lot 1, a distance of 5.00 feet;


THENCE North 00°20'20" West, parallel with and 5.00 feet west of the east line of said Lot 1 and the west right of way line of Dahlia Street, a distance of 333.83 feet to the south line of the North 30 feet of said Lot 1 recorded at Reception No. 2016000023734 in the Public Records of Adams County;

THENCE North 89°39'40" East, along said south line, a distance of 5.00 feet to the east line of said Lot 1 and said west right of way line of Dahlia Street;

THENCE South 00°20'20" East, a distance of 333.83 feet to the Point of Beginning.

Containing 1669 Square Feet, or 0.038 Acres, more or less.



OWNER		RIGHT OF WAY PARCEL NO. RW-16 N 1/2 SW 1/4 SEC. 31, T.2S., R.67W. ADAMS COUNTY, COLORADO	THIS DOES NOT REPRESENT A MONUMENTED SURVEY.
SCHWERTFEGER, BARBARA AND FRANK			
APN. 0172131314003			
CALC: AVV	DATE: 10/18/2019		
DRWN: AVV	JOB No. 1503-014		
SHEET 1 OF 2			

\\Survey\1503014\Drawings\Right of Way Legal Description - Right of Way Exhibit RW-16.dwg



**DALEY LAND
SURVEYING, INC.**
17011 LINCOLN AVE #361
PARKER, CO 80134