

## Right-of-Way Agreement

This Agreement is made and entered into by and between **Joshua A. Salz** whose address is 13110 W. 58<sup>th</sup> Avenue, Arvada, CO 80002 ("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 address of property being conveyed hereinafter (the "Property") for the York Street Improvements Project – East 78<sup>th</sup> Avenue to East 88<sup>th</sup> Avenue (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, NINE HUNDRED AND NO/100 DOLLARS (\$1,900.00)**, 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 \$1,900.00 for the conveyance of a permanent ditch 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 2020 taxes due in 2021 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 Owner has entered into this Agreement acknowledging that the County has the power of eminent domain and required 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. 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.
10. This Agreement has been entered into in the State of Colorado and shall be governed according to the laws thereof.

Owner:

Signature: \_\_\_\_\_

Joshua A. Salz

Date: \_\_\_\_\_

July 19, 2021

Approved:

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

\_\_\_\_\_  
Chair

\_\_\_\_\_  
Date

Approved as to Form:

\_\_\_\_\_  
County Attorney

**EXHIBIT "A"**  
**PERMANENT EASEMENT NUMBER: PE-199**  
**PROJECT NUMBER: IMP-3056-1603**  
**SECTION 35, TOWNSHIP 2 SOUTH, RANGE 68 WEST**  
**SIXTH PRINCIPAL MERIDIAN**  
**ADAMS COUNTY**

**DESCRIPTION**

A Permanent Easement No. PE-199 of Adams County Project Number IMP-3056-1603, containing 166 square feet, more or less, being Lot 1, Clara Ciancio Subdivision Amended Plat, a subdivision recorded on November 29, 1976, File 14, Map 298, of the records of the Adams County Clerk and Records Office, situated in the Northeast Quarter of Section 35 Township 2 South, Range 68 West of the 6<sup>th</sup> Principal Meridian, County of Adams, State of Colorado, being more particularly described as follows:

**COMMENCING** at the East quarter corner of Section 35 whence the East Line of the Northeast quarter of Section 35 bears N00°12'25"E a distance of 2632.49 feet;  
THENCE N10°14'57"W a distance of 1306.02 feet to a point on the southerly right of way line of 78<sup>th</sup> Ave and the northeasterly corner of said Lot 1 and the  
**POINT OF BEGINNING PARCEL PE-199;**

Thence departing said southerly right of way line S54°29'48"W along the southeasterly boundary of said Lot 1, a distance of 21.68 feet;  
Thence N41°57'33"W, a distance of 11.66 feet;  
Thence N48°02'27"E, a distance of 5.72 feet to a point on said southerly right of way line;  
Thence N89°44'41"E along said southerly right of way line, a distance of 21.19 feet to the  
**POINT OF BEGINNING PARCEL PE-199.**

**Containing 166 sq. ft. +/-**

I, Jerry R. Johnson, Colorado Professional Surveyor in the State of Colorado, do hereby certify that this easement description and the field survey on the ground upon which it is based were performed by me or under my direct supervision.

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Jerry R. Johnson, PLS 29417  
Date:  
For and on Behalf of  
Petroleum Field Services, LLC  
d.b.a. Ascent Geomatics Solutions



NE COR. SEC. 35  
(CALCULATED POSITION)

N89°26'42"E  
30.00'

30.00' W.C. NE COR. SEC. 35  
3-1/4" ALUMINUM CAP  
MARKED "30.00' W.C. JR ENG  
LS 25369 2000"

78TH AVE

YORK ST.

N89°44'41"E 21.19'  
N48°02'27"E 5.72'  
**PE-199**  
**166 SQ FT +/-**

N41°57'33"W 11.66'  
S54°29'48"W 21.68'

P.O.B.  
PE-199

CLEAR CREEK CANAL 20'

OWNER:  
SILLETO PIA  
7757 YORK STREET  
DENVER, CO 80229

SE 1/4, NE 1/4  
SEC 35  
T2S, R68W 6TH P.M.

N00°12'25"E 2632.49'  
(BASIS OF BEARINGS)  
E. LINE NE 1/4 SEC. 35

N101°45'57"W  
1306.02'

0 50' 100'

GRAPHIC SCALE: 1" = 50'



JERRY R JOHNSON  
DATE:  
PROJ: IMP-3056-1603  
FOR AND ON BEHALF OF  
PETROLEUM FIELD SERVICES, LLC  
d.b.a. ASCENT GEOMATICS SOLUTIONS

EAST QUARTER COR. SEC. 35  
3-1/4" ALUMINUM CAP  
MARKED "PLS 6973 1993"  
P.O.C. PE-199

NOTE: THIS IS NOT A MONUMENTED SURVEY.  
IT IS INTENDED ONLY TO BE A GRAPHIC  
DEPICTION OF THE ATTACHED DESCRIPTION.



ADAMS COUNTY  
COLORADO



Ascent Geomatics Solutions  
8620 Wolff Court  
Westminster, CO 80031  
(303) 928-7128

EXHIBIT "B"

YORK ST - 78TH AVE TO 88TH AVE



RockSol

Consulting Group, Inc.

12076 Grant Street  
Thornton, CO 80241  
Ph: (303) 962-9300  
Fax: (303) 962-9350

PE-199  
SILLETO PIA

File Name: RCG\_B180001-PE-199

Project No. IMP-3056-1603

Print Date: 01-20-2020

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