

## **Right-of-Way Agreement**

This Agreement is made and entered into by and between **Daniel Rader and Tina Rader**, whose address is **7861 York Street, Denver, Colorado 80229** (“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 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.

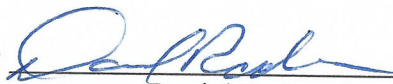
The compensation agreed to by the Owner and the County for the acquisition of the Property interests described herein is **FORTY-THREE THOUSAND, THREE HUNDRED NINETY AND NO/100 DOLLARS (\$43,390.00)**, including the performance of the terms of this Agreement, the sufficiency of which is hereby acknowledged. The parties further agree that the consideration shall consist of \$43,390.00 for the conveyance of road right-of-way. 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:**

By:   
Daniel Rader

Date: 7/24/21

By:   
Tina Rader

Date: 7-17-21

Approved:

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

\_\_\_\_\_  
Chair

\_\_\_\_\_  
Date

Approved as to Form:

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

**EXHIBIT "A"**  
**RIGHT-OF-WAY NUMBER: RW-205**  
**PROJECT NUMBER: IMP-3056-1603**  
**SECTION 35, TOWNSHIP 2 SOUTH, RANGE 68 WEST**  
**SIXTH PRINCIPAL MERIDIAN**  
**ADAMS COUNTY**

**DESCRIPTION**

A tract or parcel of land No. RW-205 of Adams County Project Number IMP-3056-1603, containing 3,524 square feet, more or less, being a portion of that parcel of land described in a Warranty Deed, recorded on March 3, 2005, at reception no. 316000271200 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 Northeast corner of Section 35 whence the East Line of the Northeast quarter of Section 35 bears S00°12'25"W a distance of 2632.49 feet;

Thence S01°56'52"W a distance of 987.62 feet to the southeast corner of said parcel and the **POINT OF BEGINNING PARCEL RW-205;**

Thence S89°45'26"W along the southerly boundary of said parcel, a distance of 31.62 feet;

Thence departing said southerly boundary N01°37'44"E a distance of 116.81 feet to a point on the northerly boundary of said parcel;

Thence N89°34'17"E along the northerly boundary of said parcel a distance of 28.72 feet to a point on the easterly boundary of said parcel;

Thence S00°12'25"W along said easterly boundary, a distance of 116.85 feet to the **POINT OF BEGINNING PARCEL RW-205.**

**Containing 3,524 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



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

NE COR. SEC. 35  
(CALCULATED POSITION)  
P.O.C. RW-205

N89°26'42"E  
30.00'

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

**RW-205**  
3,524 SQ FT +/-

OWNER:  
RADER DANIEL AND RADER TINA  
7861 YORK ST  
DENVER, CO 80229-6112

S89°45'26"W 31.62'

N01°37'44"E  
116.81'

S00°12'25"W 116.85'

P.O.B.  
RW-205

YORK ST.

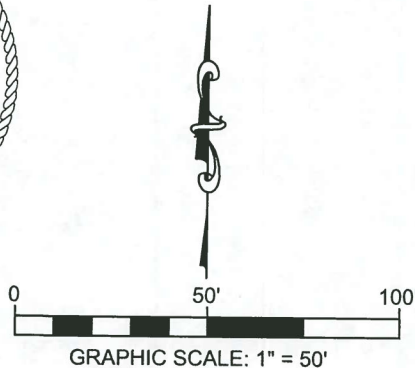
S00°12'25"W 2632.49'  
(BASIS OF BEARINGS)  
E. LINE NE 1/4 SEC. 35

EAST QUARTER COR. SEC. 35  
3-1/4" ALUMINUM CAP  
MARKED "PLS 6973 1993"



JERRY R JOHNSON, PLS 29417  
DATE: 12/14/20  
PROJ: IMP-3056-1603  
FOR AND ON BEHALF OF  
PETROLEUM FIELD SERVICES, LLC  
d.b.a. ASCENT GEOMATICS SOLUTIONS

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



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

RW-205

RADER DANIEL AND RADER TINA

File Name: RCG\_B180001-RW-205

Project No. IMP-3056-1603

Print Date: 01-20-2020

Sheet: 2 of 2