

CITY OF GRAND JUNCTION, COLORADO

RESOLUTION NO. 36-23

**A RESOLUTION AUTHORIZING THE PURCHASE BY THE CITY OF REAL PROPERTY
LOCATED AT 640 24 ½ ROAD OWNED BY ROYCE J. CARVILLE AND RATIFYING
ACTIONS HERETOFORE TAKEN IN CONNECTION THEREWITH**


RECITALS:

The City Manager has entered into a Memorandum of Agreement ("Contract") with Royce J. Carville (also known as Seller) for the sale of property by the Seller and the purchase of said property by the City of that certain real property identified by Mesa County Tax Assessor as 2945-044-00-189. The City Council has considered the Contract and deems the purchase of the property necessary and proper.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO:


1. That the City Council hereby authorizes the purchase of the above-described property by the City for \$315,000 as provided in the attached Contract. All actions heretofore taken by the officers, employees and agents of the City relating to the purchase of said property which are consistent with the provisions of the Contract and this Resolution are hereby ratified, approved, and confirmed.
2. That the City Council hereby authorizes the expenditure of \$315,000.00 plus normal and customary closing costs for the purchase of said property to be paid at closing.
3. That the officers, employees, and agents of the City are hereby authorized and directed to take all actions necessary or appropriate to effectuate the provisions of this Resolution and the attached Contract, including, without limitation, the execution and delivery of such certificates, documents and payment as may be necessary or desirable to purchase the property.

PASSED and ADOPTED this 19th day of April 2023.



Anna M. Stout
President of the City Council

ATTEST:



Amy Phillips
City Clerk



CITY OF GRAND JUNCTION DEPARTMENT OF PUBLIC WORKS MEMORANDUM OF AGREEMENT	Project No.: 207-F1903
	Description: F ½ Road Parkway Improvement Project
	Owner(s): Royce J. Carville
	Parcels: RW-9, MPE-9, & TCE-9

This Memorandum of Agreement (“Agreement”) is made and entered into this ____ day of _____, 2023, by and between **Royce J. Carville** hereinafter referred to as “the Owner”, and the City of Grand Junction, a Colorado home rule municipality, hereinafter referred to as “the City”.

RECITALS:

- A. The City is proceeding with implementation of the F ½ Road Parkway Improvement Project (“Project”). The Project will create a fully developed street section from 24 Road on the west to 25 Road on the east. The project will also add street improvements to 25 Road from Patterson Road on the south to Waite Avenue on the north. Improvements include additional travel lanes, auxiliary lanes, facilities to accommodate pedestrian and bicycle mobility, storm drainage facilities, street lighting, landscaped medians and parkways, and a new roundabout at the intersection of F ½ Road Parkway and 24 ½ Road (“Project Improvements”). The City Council of the City has determined that the Project is necessary for the health, safety and welfare of the inhabitants of the City of Grand Junction. All costs associated with installation of the Project Improvements will be borne by the City.
- B. The Owner owns certain real property within the limits of the Project located at 640 24 ½ Road in the City of Grand Junction, County of Mesa, State of Colorado, as identified by Mesa County Assessor Parcel Number 2945-044-00-189, hereinafter referred to as “the Owner’s Property”.
- C. The installation, operation, maintenance, repair and replacement of the Project Improvements requires the acquisition of the following described real property interests from the Owner:

Parcel No. RW-9: A parcel of land in fee simple to be used as public right of way for F 1/2 Road, containing a total area of 32,690 square feet (0.75 acres), more or less, as more particularly described in the accompanying legal description labeled Exhibit “A” and depicted on the accompanying graphic illustration labeled Exhibit “B”; and also

Parcel No. MPE-9: A Multi-Purpose Easement for the installation, operation, maintenance and repair of public utilities, traffic control facilities, street lighting, landscaping, trees, grade structures, public sidewalks and trails, containing a total area of 12,099 square feet (0.28 acres), more or less, as more particularly described in the accompanying legal description labeled Exhibit “C” and depicted on the accompanying graphic illustration labeled Exhibit “D”; and also

Parcel No. TCE-9: A Temporary Construction Easement to facilitate prudent, proper, safe and efficient installation of the Project Improvements, containing a total area of 4,210 square feet (0.10 acres), more or less, as more particularly depicted on the accompanying graphic illustration labeled Exhibit “E”. The City’s required duration of use for Parcel No. TCE-9 is 24 months.

The above referenced real property interests may be referred to collectively hereafter as the “Acquired Property”.

- D. The City has obtained and reviewed an appraisal prepared by a Colorado Certified General Appraiser to estimate the fair market value and just compensation to be offered for the Acquired Property. In consideration of the foregoing, the City and the Owner agree to the following sum of money as just compensation for the Acquired Property and any improvements, damages or costs to cure itemized below:

Parcel No. RW-9:	32,690 sq.ft. @ \$6.75/sq.ft.	= \$220,658
Parcel No. MPE-9:	12,099 sq.ft. @ \$6.75/sq.ft. x 50%	= \$40,834
Parcel No. TCE-9:	4,210 sq.ft. @ \$6.75/sq.ft. x 7% /year x 2 years	= \$3,978


Total Land & Easement Value	= \$265,470
Improvements:	
• Metal Gate	= \$127
• Fencing	= \$896
Total Improvements Contributory Value	= \$1,023
Administrative settlement	= \$48,507
Total Consideration	= \$315,000

NOW, THEREFORE, based on the recitals above and in consideration of their mutual promises and other valuable consideration, the receipt and adequacy of which are acknowledged, the parties hereto agree as follows:

1. The Owner hereby accepts the Total Consideration stated above from the City as just compensation, and the City hereby agrees to pay the Total Consideration to the Owner subject to the promises, terms, covenants and conditions of this Agreement.
2. Subject to the City's typical payment processing period, the Total Consideration shall be remitted, at the City's sole discretion, to the Owner by either (1) the City directly in the form of a City check, or (2) a title company selected by the City, to which the City has deposited the Total Consideration pending upon the execution and delivery by the Owner to the City of:
 - a. One (1) fully executed original of this Memorandum of Agreement.
 - b. One (1) good and sufficient General Warranty Deed for Parcel No. RW-9.
 - c. One (1) good and sufficient Grant of Multi-Purpose Easement for Parcel No. MPE-9.
 - d. One (1) good and sufficient Temporary Construction Easement for Parcel No. TCE-9.
 - e. One (1) completed and executed Federal Form W-9.
 - f. Satisfaction(s) or release(s) of any and all outstanding items referenced in Paragraph 3 below.
3. The Total Consideration shall fully compensate the Owner for the Owner's interests in and to the Acquired Property, either present or future, and the interests of all lienors and lessees of the Owner and any and all interests, legal or equitable, which are or may be outstanding, including, but not limited to: ad valorem property taxes due for prior years; current year ad valorem property taxes prorated to the date of closing (applicable to any fee simple parcel included in the Acquired Property), and satisfaction, subordination or release of all liens, judgments and financial encumbrances to deliver financially unencumbered title to the City. The Owner agrees to sell, convey and discharge all such interests in and to the Acquired Property by executing in writing any and all necessary deeds, documents and/or conveyances, including but not limited to, requests for releases, whether full or partial as applicable, or subordinations of deeds of trust.
4. The City shall be entitled to take irrevocable possession of the Acquired Property when the City, at its sole discretion, remits the total consideration to either: (1) the Owner directly by City Check; or, (2) deposits the consideration set forth above into an escrow account for the benefit of the Owner with the City's selected title company. Transfer of title to the Acquired Property shall occur upon performance of any and all terms under this Agreement, and release of the Total Consideration due to the Owner.
5. This Memorandum of Agreement embodies all agreements between the parties hereto and no other promises, terms, conditions or obligations, oral or written, have been made which might serve to modify, add to or change the terms and conditions of this Agreement.
6. This Memorandum of Agreement shall be deemed a contract extending to and binding upon the parties hereto and upon their respective heirs, successors and assigns.
7. The City will be entitled to specific performance of this Agreement upon tender of the agreed consideration.
8. This Agreement is a legal instrument. The City recommends the Owner seek the advice of the Owner's own legal and/or tax counsel before signing this Agreement.

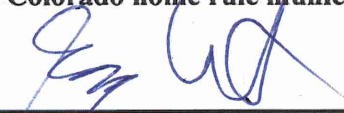
Dated the day and year first above written.

Owner:



Royce J. Carville

**The City of Grand Junction,
a Colorado home rule municipality:**



Greg Caton, City Manager

EXHIBIT A

LEGAL DESCRIPTION
2945-044-00-189
RIGHT-OF-WAY PARCEL NO. RW-9

A parcel of land being a portion of the land as described in Reception Number 2353373 lying in the NW1/4 SE1/4 of Section 4, Township 1 South, Range 1 West of the Ute Meridian, City of Grand Junction, County of Mesa, State of Colorado and being more particularly described as follows:

Commencing at the Center 1/4 Corner of said Section 4, and assuming the North line of said NW1/4 SE1/4 bears S89°50'03"E with all other bearings contained herein being relative thereto; thence from said point of commencement, S89°50'03"E along said North line, a distance of 30.00 feet to the Point of Beginning;

thence continuing along said North line S89°50'03"E, a distance of 299.90 feet to the Northeast corner of the land as described in Reception Number 2353373; thence S00°01'45"W, a distance of 97.00 feet along the boundary of said parcel of land; thence N89°50'02"W, a distance of 1.84 feet; thence Northwesterly along the arc of a 177.00 foot radius curve concave Northwesterly, a distance of 58.69 feet thru a central angle of 18°59'54" whose chord bears N80°20'05"W, a distance of 58.42 feet; thence continuing Northwesterly along the arc of a 140.00 foot radius curve concave Southwesterly, a distance of 54.27 feet thru a central angle of 22°12'34" whose chord bears N81°56'24"W, a distance of 53.93 feet; thence S86°57'18"W, a distance of 32.08 feet; thence Southwesterly along the arc of a 479.00 foot radius curve concave Southerly, a distance of 113.87 feet thru a central angle of 13°37'15" whose chord bears S80°08'41"W, a distance of 113.60 feet; thence continuing Southwesterly along the arc of a 29.00 foot radius curve concave Southeasterly, a distance of 14.30 feet thru a central angle of 28°14'53" whose chord bears S59°12'37"W, a distance of 14.15 feet; thence S45°05'10"W, a distance of 13.04 feet; thence continuing Southwesterly along the arc of a 59.00 foot radius curve concave Southwesterly, a distance of 46.43 feet thru a central angle of 45°05'10" whose chord bears S22°32'35"W, a distance of 45.24 feet; thence S00°00'00"W, a distance of 70.68 feet; thence S06°55'14"E, a distance of 12.09 feet; thence continuing Southerly along the arc of a 558.00 foot radius curve concave Southwesterly, a distance of 67.66 feet thru a central angle of 06°56'51" whose chord bears S03°26'30"E, a distance of 67.62 feet; thence S00°01'45"W, a distance of 390.29 feet, to the southerly line of said parcel; thence S89°51'18"W, a distance of 10.00 feet, along said southerly line to the southwest corner of said parcel and, a point on the East Right-of-Way line of 24 1/2 Road (Reception Number 843255); thence N00°01'45"E along said East Right-of-Way line a distance of 700.37 feet to the Point of Beginning.

Said Parcel of land CONTAINING 32,690 Square Feet or 0.75 Acres, more or less, as described.

Authored by: Jodie L Grein, CO PLS #38075
Rolland Consulting Engineers
405 Ridges Blvd. Suite A
Grand Junction, CO 81507



ABBREVIATIONS		
P.O.C.	Point of Commencement	Rec. Reception
P.O.B.	Point of Beginning	No. Number
R.O.W.	Right-of-Way	RW RIGHT-OF-WAY
SEC.	Section	MPE Multi-Purpose Easement
T.	Township	TCE Temporary Construction Easement
R.	Range	U.M. Ute Meridian
-	Approximately	

The sketch & description shown hereon have been derived from subdivision plats & deed descriptions as they appear in the office of the Mesa County Clerk & Recorder & monuments as shown. This sketch does not constitute a legal boundary survey, & is not intended to be used as a means for establishing or verifying property boundary lines.

DRAWN BY: NCW
DATE: 01-2022
REVIEWED BY: JLG
APPROVED BY: BH
SCALE: _____

Portion of 2945-044-00-189
Located in a part of the NW¼ SE¼
Section 4, T.1S, R.1W
Ute Meridian, City of Grand Junction
Mesa County, Colorado



CITY OF Grand Junction
COLORADO

PUBLIC WORKS
ENGINEERING DIVISION
PROJECT NO. 207 F210306

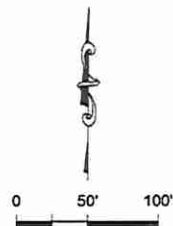
EXHIBIT B

2945-044-00-189
RIGHT-OF-WAY PARCEL NO. RW-9

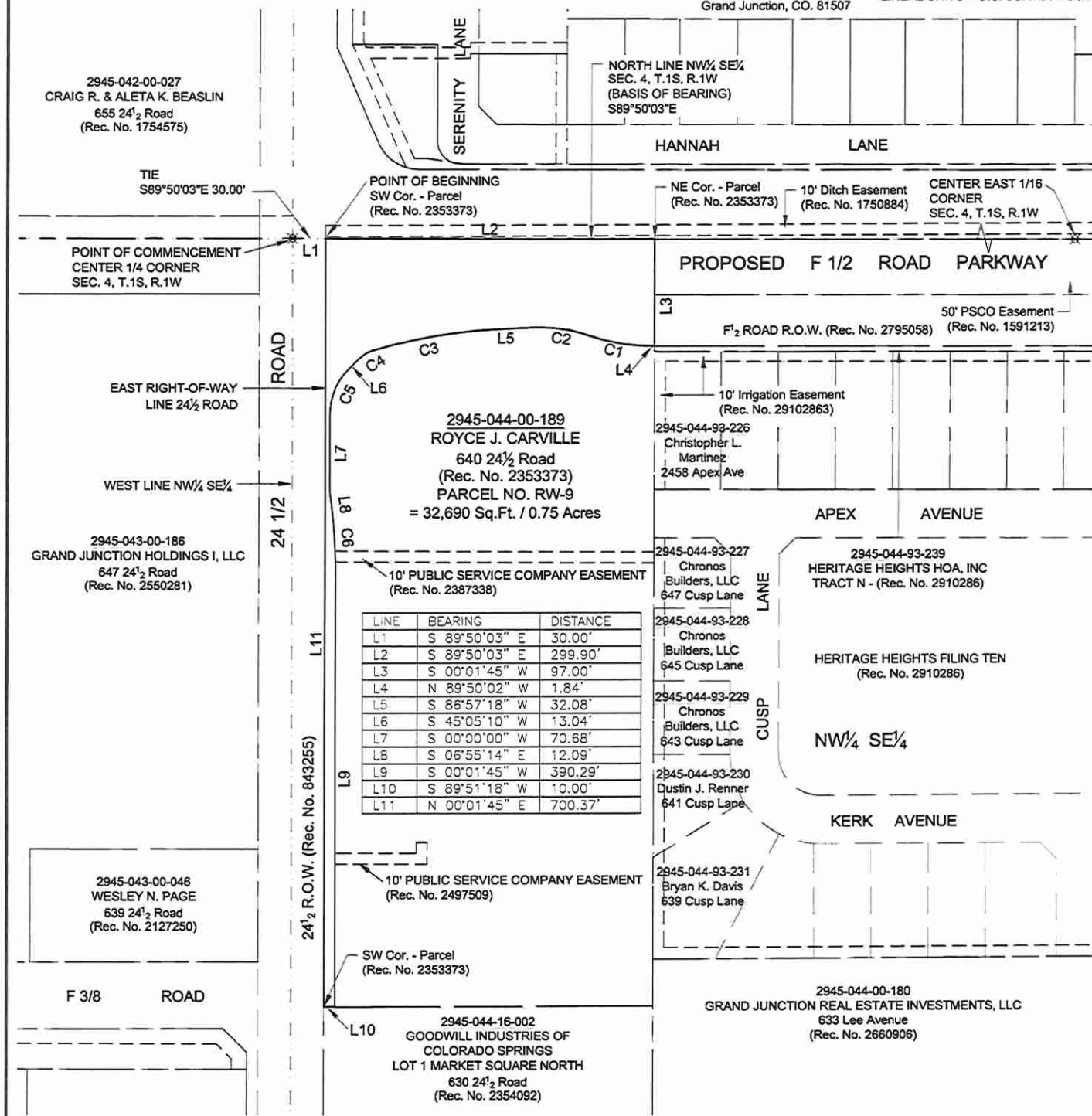
CURVE	ARC LEN	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LEN
C1	58.69'	177.00'	18°59'54"	N 80°20'05" W	58.42'
C2	54.27'	140.00'	22°12'34"	N 81°56'24" W	53.93'
C3	113.87'	479.00'	13°37'15"	S 80°08'41" W	113.60'
C4	14.30'	29.00'	28°14'53"	S 59°12'37" W	14.15'
C5	46.43'	59.00'	45°05'10"	S 22°32'35" W	45.24'
C6	67.66'	558.00'	6°56'51"	S 03°26'30" E	67.62'



Jodie L. Grein, CO PLS #38075
405 Ridges Blvd. Suite A
Grand Junction, CO. 81507



SCALE: 1" = 100'
LINEAL UNITS = U.S. SURVEY FOOT



ABBREVIATIONS

P.O.C.	Point of Commencement	Rec.	Reception
P.O.B.	Point of Beginning	No.	Number
R.O.W.	Right-of-Way	RW	RIGHT-OF-WAY
SEC.	Section	MPE	Multi-Purpose Easement
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DRAWN BY: NCW
DATE: 05-2022
REVIEWED BY: JLG
APPROVED BY: BH
SCALE: 1" = 50'

Portion of 2945-044-00-189
Located in a part of the NW 1/4 SE 1/4
Section 4, T.1S, R.1W
Ute Meridian, City of Grand Junction
Mesa County, Colorado



PUBLIC WORKS
ENGINEERING DIVISION
PROJECT NO. 207- F210306

EXHIBIT C

LEGAL DESCRIPTION 2945-044-00-189

MULTI-PURPOSE EASEMENT PARCEL NO. MPE-9

A parcel of land being a portion of the land as described in Reception Number 2353373 lying in the NW1/4 SE1/4 of Section 4, Township 1 South, Range 1 West of the Ute Meridian, City of Grand Junction, County of Mesa, State of Colorado and being more particularly described as follows:

Commencing at the Center 1/4 Corner of said Section 4, and assuming the North line of said NW1/4 SE1/4 bears S89°50'03"E with all other bearings contained herein being relative thereto; thence from said point of commencement, S89°50'03"E along said North line, a distance of 329.90; thence S00°01'45"W, a distance of 97.00 feet to the Point of Beginning;

thence along the easterly line of the land as described in Reception Number 2353373, S00°01'45"W, a distance of 14.00 feet along the boundary of said parcel of land; thence N89°50'02"W, a distance of 1.87 feet; thence Northwesterly along the arc of a 191.00 foot radius curve concave Northwesterly, a distance of 63.33 feet thru a central angle of 18°59'54" whose chord bears N80°20'05"W, a distance of 63.04 feet; thence continuing Northwesterly along the arc of a 126.00 foot radius curve concave Southwesterly, a distance of 48.84 feet thru a central angle of 22°12'34" whose chord bears N81°56'24"W, a distance of 48.54 feet; thence S86°57'18"W, a distance of 32.08 feet; thence Southwesterly along the arc of a 465.00 foot radius curve concave Southerly, a distance of 110.54 feet thru a central angle of 13°37'15" whose chord bears S80°08'41"W, a distance of 110.28 feet; thence continuing Southwesterly along the arc of a 15.00 foot radius non-tangent curve concave Southeasterly, a distance of 7.40 feet thru a central angle of 28°14'53" whose chord bears S59°12'37"W, a distance of 7.32 feet; thence S45°05'10"W, a distance of 13.04 feet; thence continuing Southwesterly along the arc of a 45.00 foot radius curve concave Southwesterly, a distance of 35.41 feet thru a central angle of 45°05'10" whose chord bears S22°32'35"W, a distance of 34.50 feet; thence S00°00'00"W, a distance of 69.83 feet; thence S06°55'14"E, a distance of 11.25 feet; thence continuing Southerly along the arc of a 572.00 foot radius curve concave Southwesterly, a distance of 69.36 feet thru a central angle of 06°56'51" whose chord bears S03°26'30"E, a distance of 69.32 feet; thence S00°01'45"W, a distance of 390.25 feet, to the southerly line of said parcel; thence S89°51'18"W, a distance of 14.00 feet, along said southerly line of said parcel, to a point on the East Right-of-Way line of 24 1/2 Road; thence N00°01'45"E along said East Right-of-Way line a distance of 390.29 feet; thence along the arc of a non-tangent 558.00 foot radius curve concave Northwesterly, a distance of 67.66 feet thru a central angle of 06°56'51" whose chord bears N03°26'30"W, a distance of 67.62 feet; thence N06°55'14"W, a distance of 12.09 feet; thence N00°00'00"E, a distance of 70.68 feet; thence continuing Northwesterly along the arc of a 59.00 foot radius curve concave Northeasterly, a distance of 46.43 feet thru a central angle of 45°05'10" whose chord bears N22°32'35"E, a distance of 45.24 feet; thence N45°05'10"E, a distance of 13.04 feet; thence continuing Northeasterly along the arc of a 29.00 foot radius curve concave Northeasterly, a distance of 14.30 feet thru a central angle of 28°14'53" whose chord bears N59°12'37"E, a distance of 14.15 feet; thence Northeasterly along the arc of a 479.00 foot radius non-tangent curve concave Easterly, a distance of 113.87 feet thru a central angle of 13°37'15" whose chord bears N80°08'41"E, a distance of 113.60 feet; thence N86°57'18"E, a distance of 32.08 feet; thence continuing Southeasterly along the arc of a 140.00 foot radius curve concave Southeasterly, a distance of 54.27 feet thru a central angle of 22°12'34" whose chord bears S81°56'24"E, a distance of 53.93 feet; thence Southeasterly along the arc of a 177.00 foot radius curve concave Northeasterly, a distance of 58.69 feet thru a central angle of 18°59'54" whose chord bears S80°20'05"E, a distance of 58.42 feet; thence S89°50'02"E, a distance of 1.84 feet, to the Point of Beginning.

Said Parcel of land CONTAINING 12,099 Square Feet or 0.28 Acres, more or less, as described.

Authored by: Jodie L Grein, CO PLS #38075
 Rolland Consulting Engineers
 405 Ridges Blvd. Suite A
 Grand Junction, CO 81507



ABBREVIATIONS			
P.O.C.	Point of Commencement	Rec.	Reception
P.O.B.	Point of Beginning	No.	Number
R.O.W.	Right-of-Way	RW	RIGHT-OF-WAY
SEC.	Section	MPE	Multi-Purpose Easement
T.	Township	TCE	Temporary Construction Easement
R.	Range	U.M.	Ute Meridian
~	Approximately		

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DRAWN BY: JLG
 DATE: 01-2022
 REVIEWED BY: JAM
 APPROVED BY: BH
 SCALE: 1" = 100'

Portion of 2945-044-00-189
 Located in a part of the NW¼ SE¼
 Section 4, T.1S, R.1W
 Ute Meridian, City of Grand Junction
 Mesa County, Colorado

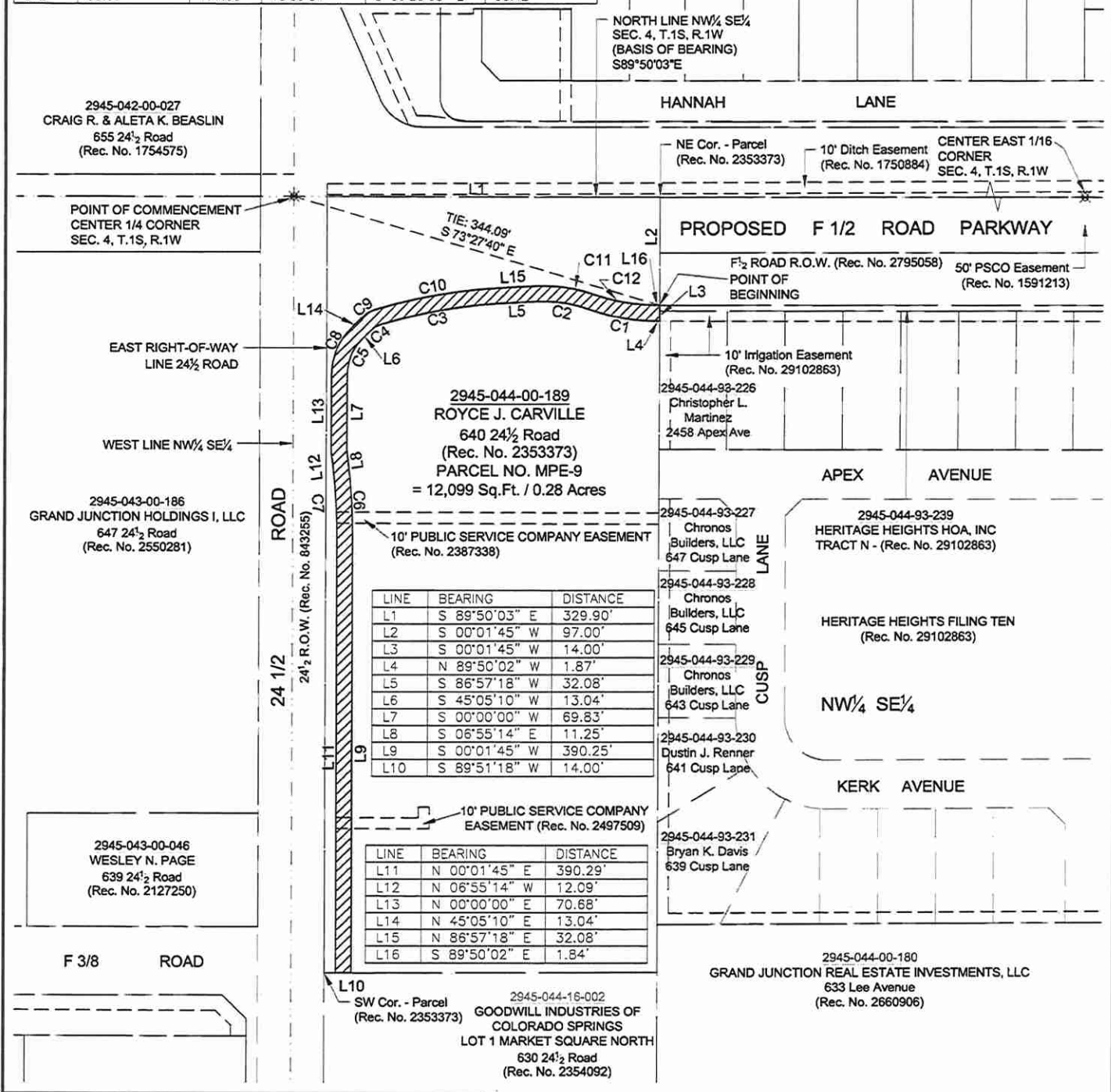
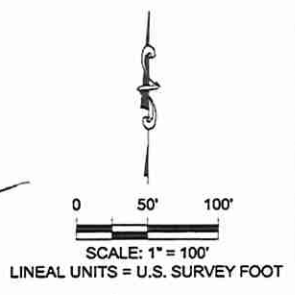


**PUBLIC WORKS
 ENGINEERING DIVISION**
 PROJECT NO. 207--F210306

EXHIBIT D

2945-044-00-189 MULTI-PURPOSE EASEMENT PARCEL NO. MPE-9

CURVE	ARC LEN	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LEN
C1	63.33'	191.00'	18°59'54"	N 80°20'05" W	63.04'
C2	48.84'	126.00'	22°12'34"	N 81°56'24" W	48.54'
C3	110.54'	465.00'	13°37'15"	S 80°08'41" W	110.28'
C4	7.40'	15.00'	28°14'53"	S 59°12'37" W	7.32'
C5	35.41'	45.00'	45°05'10"	S 22°32'35" W	34.50'
C6	69.36'	572.00'	6°56'51"	S 03°26'30" E	69.32'
C7	67.66'	558.00'	6°56'51"	N 03°26'30" W	67.62'
C8	46.43'	59.00'	45°05'10"	N 22°32'35" E	45.24'
C9	14.30'	29.00'	28°14'53"	N 59°12'37" E	14.15'
C10	113.87'	479.00'	13°37'15"	N 80°08'41" E	113.60'
C11	54.27'	140.00'	22°12'34"	S 81°56'24" E	53.93'
C12	58.69'	177.00'	18°59'54"	S 80°20'05" E	58.42'



LINE	BEARING	DISTANCE
L1	S 89°50'03" E	329.90'
L2	S 00°01'45" W	97.00'
L3	S 00°01'45" W	14.00'
L4	N 89°50'02" W	1.87'
L5	S 86°57'18" W	32.08'
L6	S 45°05'10" W	13.04'
L7	S 00°00'00" W	69.83'
L8	S 06°55'14" E	11.25'
L9	S 00°01'45" W	390.25'
L10	S 89°51'18" W	14.00'

LINE	BEARING	DISTANCE
L11	N 00°01'45" E	390.29'
L12	N 06°55'14" W	12.09'
L13	N 00°00'00" E	70.68'
L14	N 45°05'10" E	13.04'
L15	N 86°57'18" E	32.08'
L16	S 89°50'02" E	1.84'

ABBREVIATIONS		
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DRAWN BY: NCW
DATE: 05-2022
REVIEWED BY: JLG
APPROVED BY: BH
SCALE: 1" = 100'

Portion of 2945-044-00-189
Located in a part of the NW 1/4 SE 1/4
Section 4, T.1S, R.1W
Ute Meridian, City of Grand Junction
Mesa County, Colorado

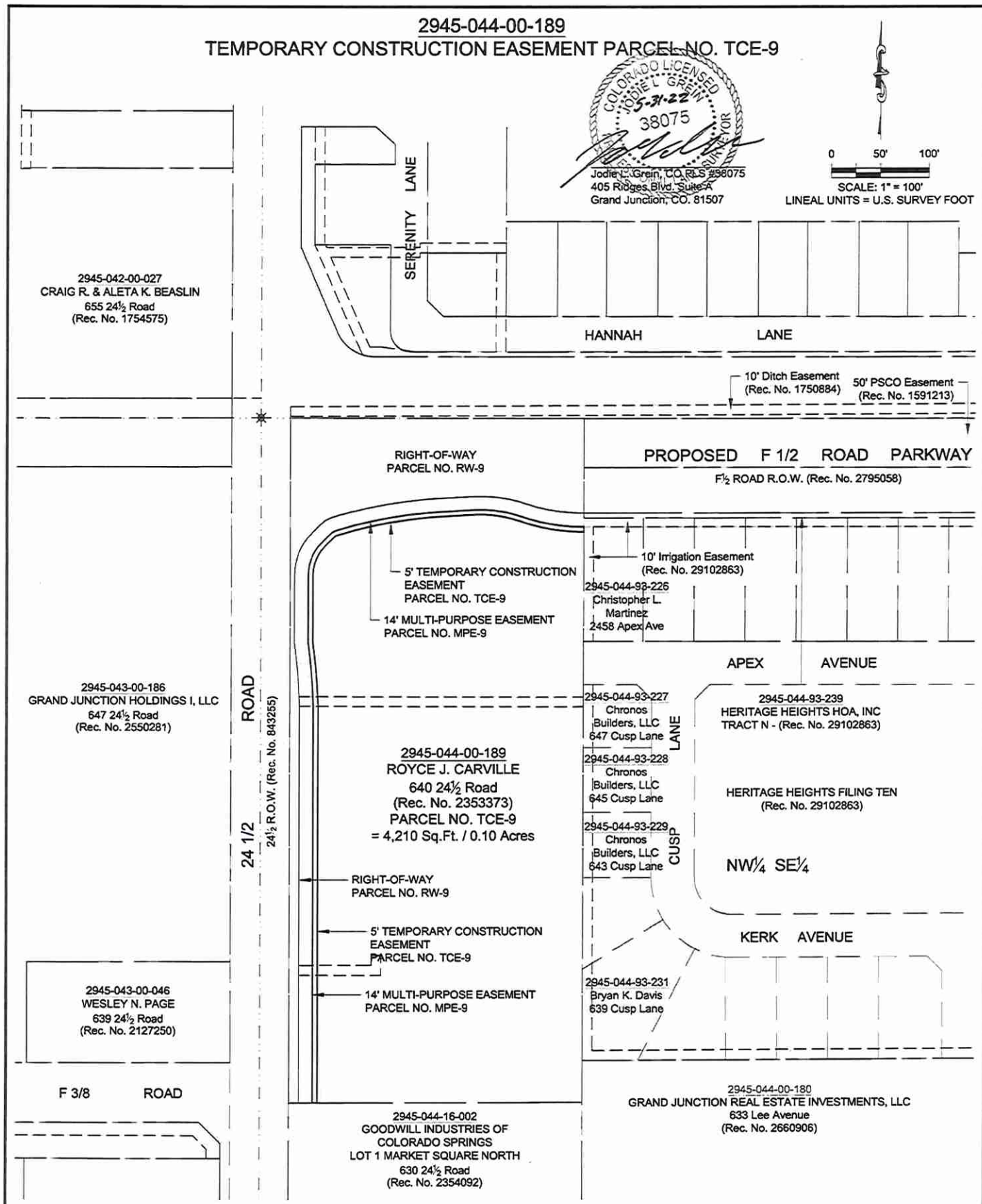
**CITY OF
Grand Junction
COLORADO**

**PUBLIC WORKS
ENGINEERING DIVISION**

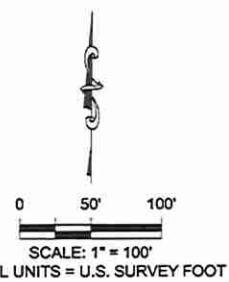
PROJECT NO. 207 - F210306

EXHIBIT E

**2945-044-00-189
TEMPORARY CONSTRUCTION EASEMENT PARCEL NO. TCE-9**



Jodie L. Grein, CO, P.E. #38075
 405 Ridges Blvd, Suite A
 Grand Junction, CO, 81507



ABBREVIATIONS		
P.O.C.	Point of Commencement	Rec. Reception
P.O.B.	Point of Beginning	No. Number
R.O.W.	Right-of-Way	RW RIGHT-OF-WAY
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 SCALE: 1" = 100'

Portion of 2945-044-00-189
 Located in a part of the NW¼ SE¼
 Section 4, T.1S, R.1W
 Ute Meridian, City of Grand Junction
 Mesa County, Colorado



**PUBLIC WORKS
ENGINEERING DIVISION**
 PROJECT NO. 207-F210305