

CITY OF GRAND JUNCTION DEPARTMENT OF PUBLIC WORKS  <b>MEMORANDUM OF  AGREEMENT</b>	Project No.: 207-F1903
	Description: F ½ Road Parkway Improvement Project
	Owner(s): Kyle D. Britton
	Parcels: RW-6, MPE-6, TCE-6, TCE-6B

This Memorandum of Agreement (“Agreement”) is made and entered into this 19 day of May, 2023, by and between **Kyle D. Britton** 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 653 24 ½ Road in the City of Grand Junction, County of Mesa, State of Colorado, as identified by Mesa County Assessor Parcel Number 2945-042-00-26, 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-6:** 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 16,780 square feet (0.39 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-6:** 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 4,347 square feet (0.10 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-6:** A Temporary Construction Easement to facilitate prudent, proper, safe and efficient installation of the Project Improvements, containing a total area of 1,458 square feet (0.03 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-6 is 24 months.

**Parcel No. TCE-6B:** A Temporary Construction Easement to facilitate prudent, proper, safe and efficient installation of the Project Improvements, containing a total area of 1,998 square feet (0.05 acres), more or less, as more particularly depicted on the accompanying graphic illustration labeled Exhibit “F”. The City’s required duration of use for Parcel No. TCE-6B 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-6:	16,780 sq.ft. @ \$4.00/sq.ft.	= \$67,120.00
Parcel No. MPE-6:	4,347 sq.ft. @ \$4.00/sq.ft. x 50%	= \$ 8,694.00
Parcel No. TCE-6:	1,458 sq.ft. @ \$4.00/sq.ft. x 0.667% /year x 2 years	= \$ 933.00
Parcel No. TCE-6B:	1,998 sq.ft. @ \$4.00/sq.ft. x 0.667% /year x 2 years	= \$ 1,279.00

**Total Land & Easement Value = \$ 78,026**

**Improvements:**

- Field Wire Fence 119 LF = \$ 293.00
- Chain Link Fence 128 LF = \$ 486.00
- 1 Gate = \$ 80.00
- 7 Deciduous Trees = \$ 3,500.00
- East Gravel Driveway 623 SF = \$ 611.00
- West Gravel Driveway 623 SF = \$ 611.00
- House 820 SF = \$ 125,000.00

**Total Improvements Contributory Value = \$ 130,580.00**

Administrative Settlement = \$ 41,394.00

**Total Consideration = \$250,000.00**

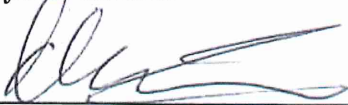
NOW, THEREFORE, based on the recitals above and in consideration of their mutual promises and other valuable consideration, the receipt and adequacy of which are acknowledged, the parties hereto agree as follows:

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-6.
  - c. One (1) good and sufficient Grant of Multi-Purpose Easement Agreement for Parcel No. MPE-6.
  - d. One (1) good and sufficient Temporary Construction Easement Agreement for Parcel Nos. TCE-6 and TCE-6B.
  - 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.

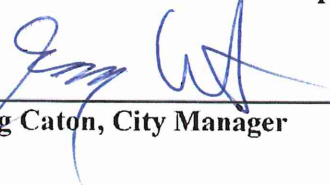
Dated the day and year first above written.

**Owner:**  
**Kyle D. Britton**



\_\_\_\_\_  
David W. Britton as Agent for Kyle D. Britton

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



\_\_\_\_\_  
Greg Caton, City Manager

POWER OF ATTORNEY  
(REAL ESTATE)

KNOW ALL MEN BY THESE PRESENTS, THAT I, KYLE D. BRITTON, of the County of Mesa, State of Colorado, do make, constitute and appoint DAVID W. BRITTON, of 3164 Forrest Way, Grand Junction, CO 81504, in the County of Mesa, State of Colorado, to act as my true and lawful attorney for me and in my name, place and stead for my sole use and benefit to grant, bargain, sell, convey, purchase, encumber or contract for sale or purchase of all of my interest in and to the following described real estate situate in the County of Mesa, State of Colorado, to wit:

Beginning at a point 370.72 feet West and 20 feet North of the SEC of SE1/4 SE1/4 of NW1/4 of Section 4, Township 1 South, Range 1 West of the Ute Meridian, thence North 235.0 feet, thence West 289.28 feet, thence South 235.0 feet, thence East 289.28 feet to the point of beginning,

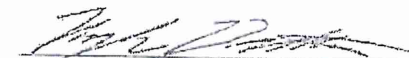
Together with all water, water rights, ditches and ditch rights appertaining thereto, including by way of example, but not by way of limitation, TWO SHARES of Grand Valley Irrigation Water, Mesa County, Colorado;

also known by street and number as 653 24 1/2 Road, Grand Junction, CO 81505.

My said attorney-in-fact is hereby authorized and empowered to collect such monies as may become due from the sale, and to make, execute, acknowledge and deliver contracts for sale, deeds, promissory notes, deeds of trust, and other instruments in writing of every kind and nature, including, but not limited to, sale and loan closing documents and statements, upon such terms and conditions as my said attorney may deem necessary and convenient to accomplish such sale, purchase or conveyance of said real estate. My said attorney shall have full power and authority to do and perform all acts necessary to be done to complete a sale, purchase or conveyance of said real estate, with full power of revocation, hereby ratifying and confirming all that said attorney shall lawfully do or cause to be done by virtue of this Power of Attorney and the powers contained herein.

This Power of Attorney shall not be affected by disability of the principal.  
This Power of Attorney shall automatically expire by its own terms upon completion of the limited purpose set forth above.

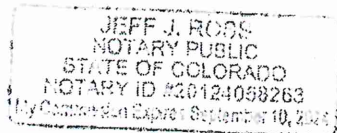
EXECUTED this 20<sup>th</sup> day of July, 2021.

  
\_\_\_\_\_  
Kyle D. Britton, Principal

STATE OF COLORADO     )  
  ) ss.  
COUNTY OF MESA         )

The foregoing instrument was acknowledged before me this 20<sup>th</sup> day of July, 2021, by Kyle D. Britton.

Witness my hand and official seal.  
My commission expires: Sept 10, 2024



  
\_\_\_\_\_  
Notary Public

# EXHIBIT A

## LEGAL DESCRIPTION

2945-042-00-026

RIGHT-OF-WAY PARCEL NO. RW-6

A parcel of land being a portion of the tract of land described in Reception Number 2996410 located in the SE1/4NW1/4 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 SE Corner of the said SE1/4NW1/4 of Section 4, and assuming the South line of said SE1/4NW1/4 bears S89°55'28"W with all other bearings contained herein being relative thereto; thence from said Point of Commencement, N0°01'45"E along the east line of the said SE1/4NW1/4 a distance of 20.00; thence S89°55'28"W along a line parallel with and 20.00 feet North of the South line of the said SE1/4NW1/4, a distance of 370.72 feet to the Southeast Corner of said tract of land described in Reception Number 2996410 being the Point of Beginning;

thence N00°01'45"E along the East line of said tract, a distance of 51.92 feet; thence S89°55'28"W, a distance of 237.36 feet; thence N50°18'26"W, a distance of 26.70 feet; thence S89°55'28"W, a distance of 10.36; thence N0°01'45"E a distance of 50.00; thence S89°55'28"W a distance of 21.00 feet to a point on the West line of the said tract; thence S00°01'45"W along the said West line, a distance of 119.00 feet to the Southwest corner of the said tract; thence N89°55'28"E, along the South line of said tract, a distance of 289.28 feet to the Point of Beginning.

Said Parcel of land CONTAINING 16,780 Square Feet or 0.39 Acres, more or less, as described.

Authored by: Renee B. Parent, CO PLS #38266  
City Surveyor - City of Grand Junction  
333 West Avenue, Building C  
Grand Junction, CO 81501



N:\Landscape\FS ROAD PARKWAY FROM 24 RD TO 25 RD\B5ROW Aquilation\Parcel 6\CAD\Parcel 6 V2 Aquilation Docs.dwg - PLOTTED 2022-10-11

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
R.	Section	MPE Multi-Purpose Easement
S.	Township	TCE Temporary Construction Easement
R.	Range	U.M. Ute Meridian
~	Approximately	PSCO Public Service Company Of Colorado

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:	MJH
DATE:	10-10-2022
REVIEWED BY:	RBP
APPROVED BY:	BH
SCALE:	N/A

Portion of 2945-042-00-026  
Located in part of the SE<sup>1</sup>/<sub>4</sub> NW<sup>1</sup>/<sub>4</sub>  
Section 4, T.1S, R.1W  
Ute Meridian, City of Grand Junction  
Mesa County, Colorado



PUBLIC WORKS  
ENGINEERING DIVISION  
PROJECT NO. 207-F210306

# EXHIBIT B

## 2945-042-00-026 RIGHT-OF-WAY PARCEL NO. RW-6

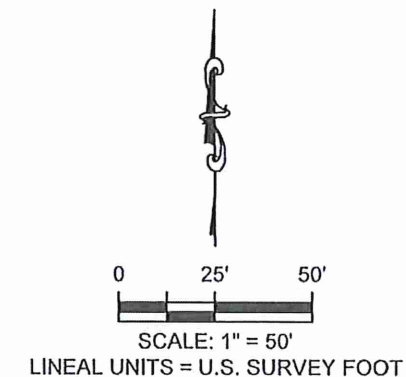
2945-042-00-185  
BRENT L. & UVONNE M. GALE  
661 24½ Road  
(Rec. No. 1679327 & 1693017)

Rec. No. 1207423  
(10'x60' Irrigation Easement)

2945-042-00-024  
GRAND JUNCTION LAND, LLC  
(Rec. No. 2964465)

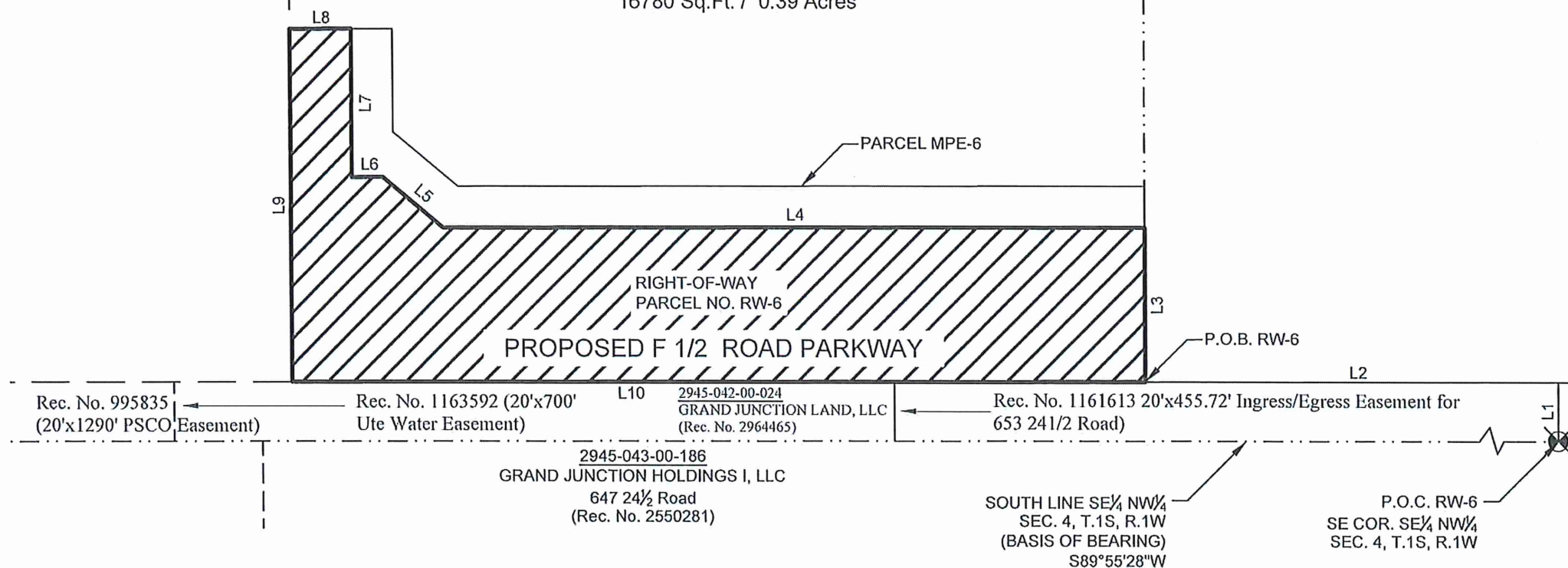
2945-042-00-026  
KYLE D. BRITTON  
653 24½ Road  
(Rec. No. 2996410)  
PARCEL NO. RW-6 =  
16780 Sq.Ft. / 0.39 Acres

2945-042-00-027  
CRAIG R. & ALETA K. BEASLIN  
655 24½ Road  
(Rec. No. 1754575)



### LINE DATA TABLE

LINE	BEARING	DISTANCE
L1	N0°01'45"E	20.00
L2	S89°55'28"W	370.72
L3	N0°01'45"E	51.92
L4	S89°55'28"W	237.36
L5	N50°18'26"W	26.70
L6	S89°55'28"W	10.36
L7	N0°01'45"E	50.00
L8	S89°55'28"W	21.00
L9	S0°01'45"W	119.00
L10	N89°55'28"E	289.28



Renee B. Parent, CO PLS #38266  
333 West Avenue, Building C  
Grand Junction, CO. 81501

#### 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
R.	Section	MPE	Multi-Purpose Easement
S.	Township	TCE	Temporary Construction Easement
R.	Range	U.M.	Ute Meridian
~	Approximately	PSCO	Public Service Company Of Colorado

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DRAWN BY: MJH  
DATE: 10-10-2022  
REVIEWED BY: RBP  
APPROVED BY: BH  
SCALE: 1" = 50'

Portion of 2945-042-00-026  
Located in part of the SE¼ NW¼  
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

2945-042-00-026

### MULTI-PURPOSE EASEMENT PARCEL NO. MPE-6

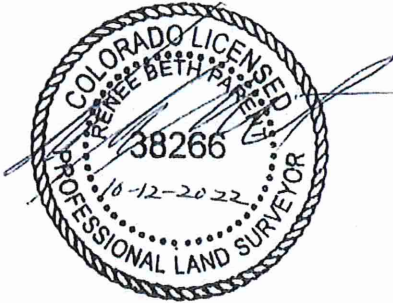
A fourteen foot (14') wide parcel of land being a portion of the tract of land described in Reception Number 2996410 located in the SE1/4NW1/4 of Section 4, Township 1 South, Range 1 West of the Ute Meridian, City of Grand Junction, County of Mesa, State of Colorado and being more particularly described as follows:

Commencing at the Southeast Corner of the said SE1/4NW1/4 of Section 4, and assuming the South line of said SE1/4NW1/4 bears S89°55'28"W with all other bearings contained herein being relative thereto; thence from said Point of Commencement, N0°01'45"E along the East line of the said SE1/4NW1/4 a distance of 20.00; thence S89°55'28"W along a line parallel with and 20.00 feet North of the South line of the said SE1/4NW1/4, a distance of 370.72 feet to the Southeast Corner of said tract of land described in Reception Number 2996410 also being the Southeast Corner of Right-of-Way Parcel RW-6; thence N0°01'45"E along the east line of the said RW-6 and tract a distance of 51.92 feet to the the Point of Beginning;

thence continuing N0°01'45"E, along the east line of said tract a distance of 14.00 feet; thence S89°55'28"W, a distance of 232.32 feet; thence N50°18'16"W, a distance of 28.52 feet; thence N0°01'45"E, a distance of 34.84 feet; thence S89°55'28"W, a distance of 14.00 feet to a point on the Northern Boundary of said RW-6; thence along the said Northern Boundary line of RW-6 the following four (4) courses, 1) S0°01'45"W a distance of 50.00 feet; 2) N89°55'28"E, a distance of 10.36 feet; 3) S50°18'26"E, a distance of 26.70 feet; 4) N89°55'28"E, a distance of 237.36 feet to the Point of Beginning.

Said Parcel of land CONTAINING 4,347 Square Feet or 0.10 Acres, more or less, as described.

Authored by: Renee B. Parent, CO PLS #38266  
City Surveyor - City of Grand Junction  
333 West Avenue, Building C  
Grand Junction, CO 81501



N:\Landproj\155 RD TO 25 RD\55ROW Aquilation\Parcel 6\CAD\Parcel 6 V2 Aquilation Docs.dwg - PLOTTED 2022-10-11

ABBREVIATIONS	
P.O.C.	Point of Commencement
P.O.B.	Point of Beginning
R.O.W.	Right-of-Way
R.	Section
S.	Township
R.	Range
~	Approximately
Rec.	Reception
No.	Number
RW	Right-of-Way
MPE	Multi-Purpose Easement
TCE	Temporary Construction Easement
U.M.	Ute Meridian
PSCO	Public Service Company Of Colorado

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DRAWN BY: MJH  
DATE: 10-10-2022  
REVIEWED BY: RBP  
APPROVED BY: BH  
SCALE: N/A

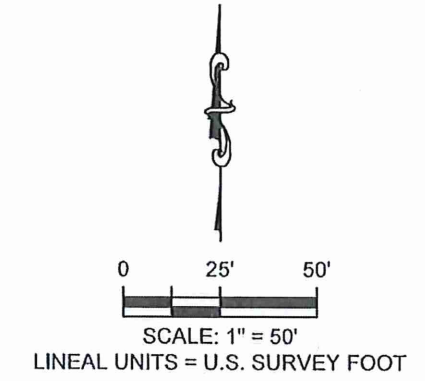
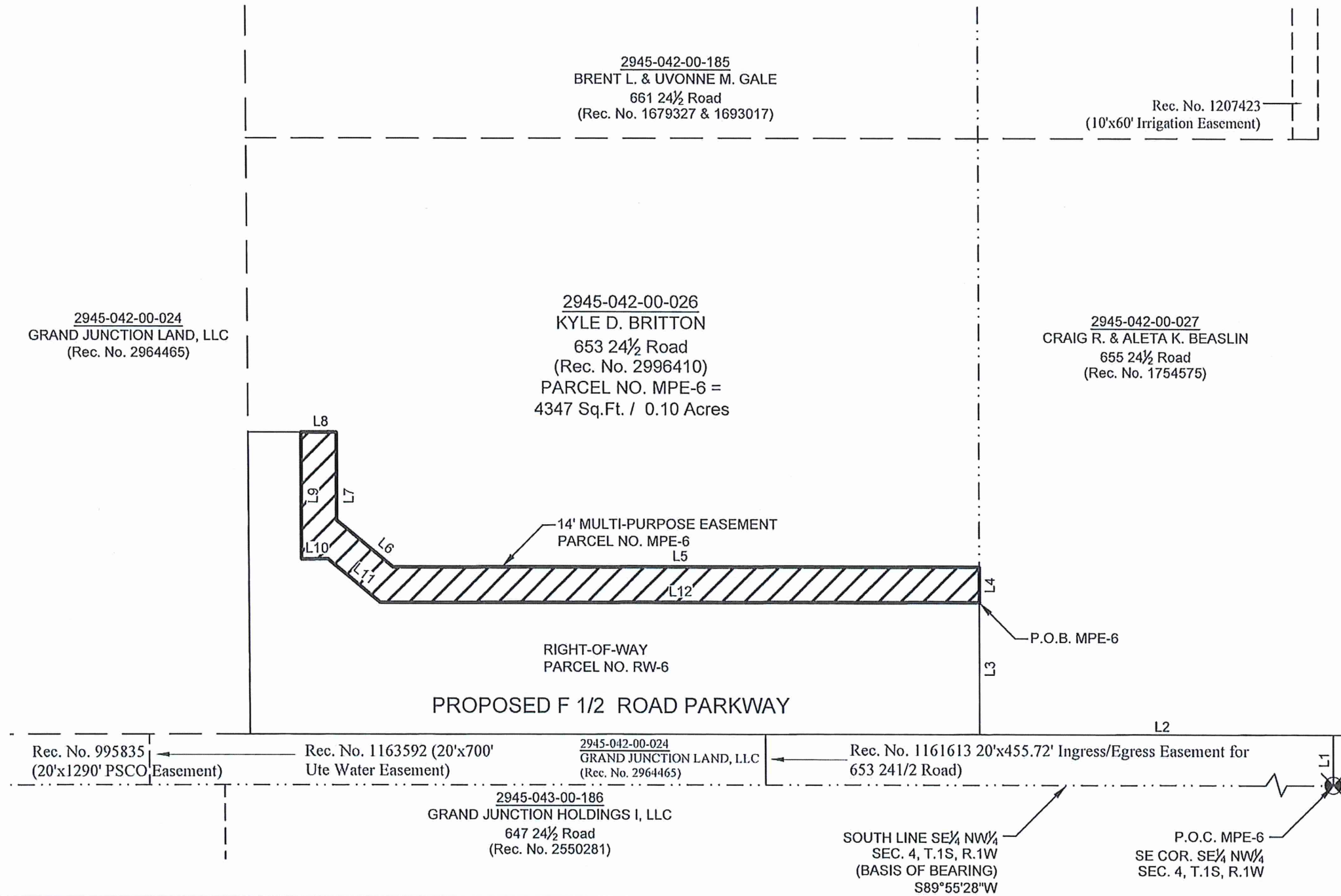
Portion of 2945-042-00-026  
Located in part of the SE<sup>1</sup>/<sub>4</sub> NW<sup>1</sup>/<sub>4</sub>  
Section 4, T.1S, R.1W  
Ute Meridian, City of Grand Junction  
Mesa County, Colorado



PUBLIC WORKS  
ENGINEERING DIVISION  
PROJECT NO. 207-F210306

# EXHIBIT D

## 2945-042-00-026 MULTI-PURPOSE EASEMENT PARCEL NO. MPE-6



### LINE DATA TABLE

LINE	BEARING	DISTANCE
L1	N0°01'45"E	20.00
L2	S89°55'28"W	370.72
L3	N0°01'45"E	51.92
L4	N0°01'45"E	14.00
L5	S89°55'28"W	232.32
L6	N50°18'26"W	28.52
L7	N0°01'45"E	34.84
L8	S89°55'28"W	14.00
L9	S0°01'45"W	50.00
L10	N89°55'28"E	10.36
L11	S50°18'26"E	26.70
L12	N89°55'28"E	237.36



Renee B. Parent, CO PLS #38266  
333 West Avenue, Building C  
Grand Junction, CO. 81501

ABBREVIATIONS	
P.O.C.	Point of Commencement
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R.O.W.	Right-of-Way
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DRAWN BY: MJH  
DATE: 10-10-2022  
REVIEWED BY: RBP  
APPROVED BY: BH  
SCALE: 1" = 50'

Portion of 2945-042-00-026  
Located in part of the SE $\frac{1}{4}$  NW $\frac{1}{4}$   
Section 4, T.1S, R.1W  
Ute Meridian, City of Grand Junction  
Mesa County, Colorado



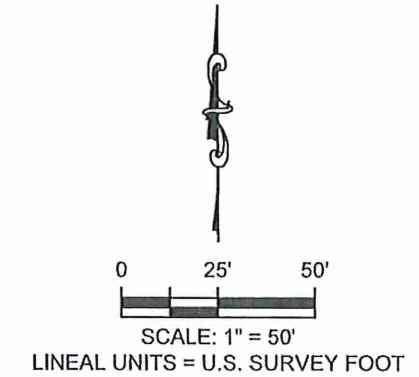
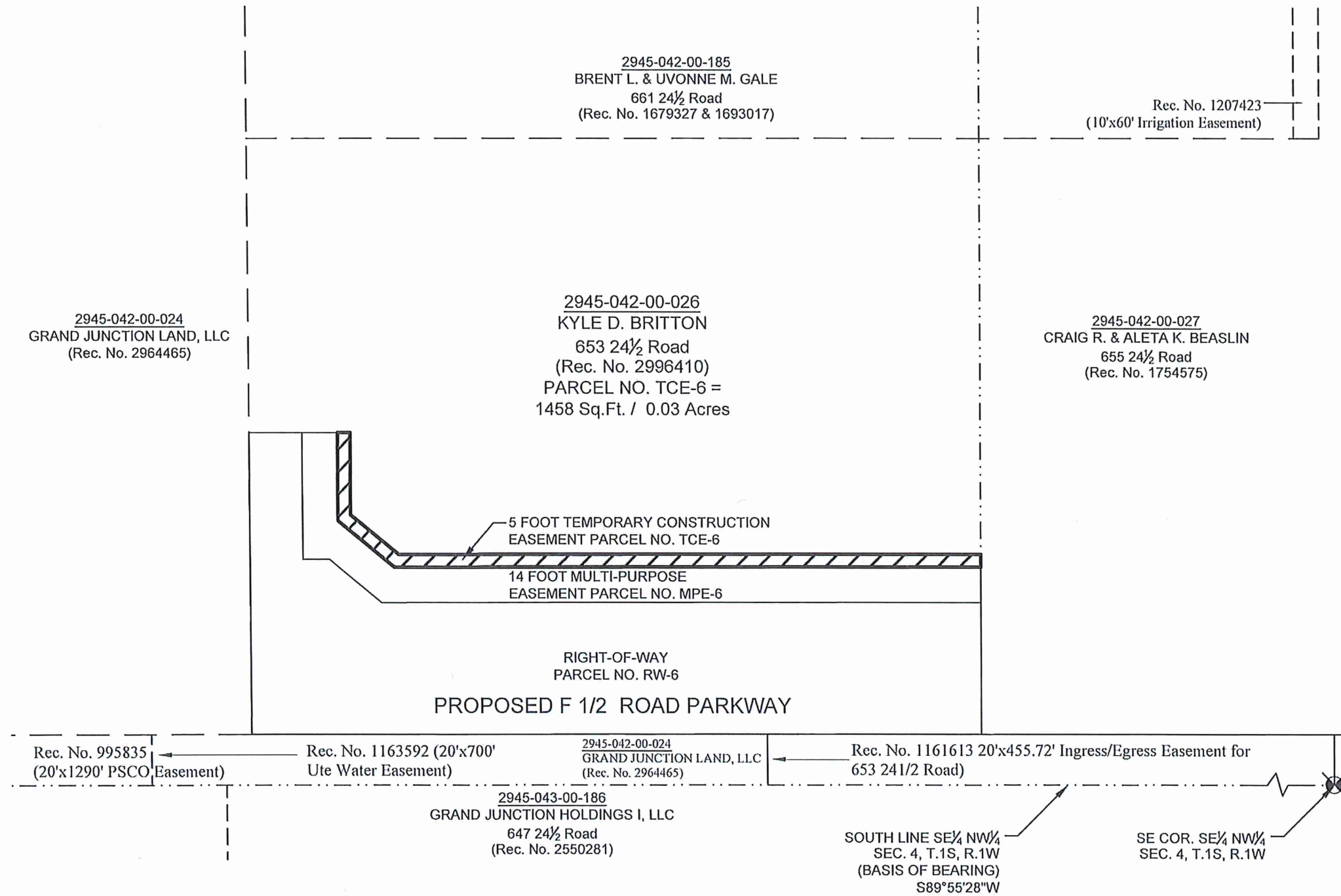
PUBLIC WORKS  
ENGINEERING DIVISION  
PROJECT NO. 207-F210306

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# EXHIBIT E

## 2945-042-00-026 TEMPORARY CONSTRUCTION EASEMENT PARCEL NO. TCE-6



Renee B. Parent, CO PLS #38266  
333 West Avenue, Building C  
Grand Junction, CO. 81501

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ABBREVIATIONS	
P.O.C.	Point of Commencement
P.O.B.	Point of Beginning
R.O.W.	Right-of-Way
R.	Section
S.	Township
R.	Range
~	Approximately
Rec.	Reception
No.	Number
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DRAWN BY:	MJH
DATE:	10-10-2022
REVIEWED BY:	RBP
APPROVED BY:	BH
SCALE:	1" = 50'

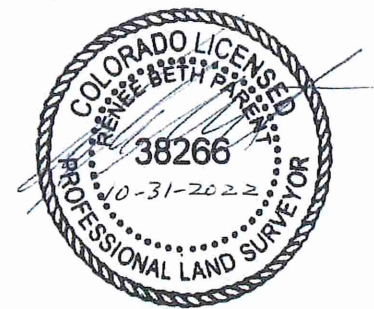
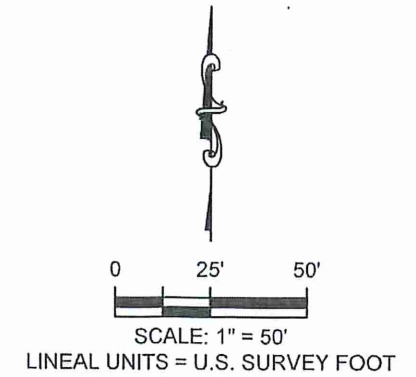
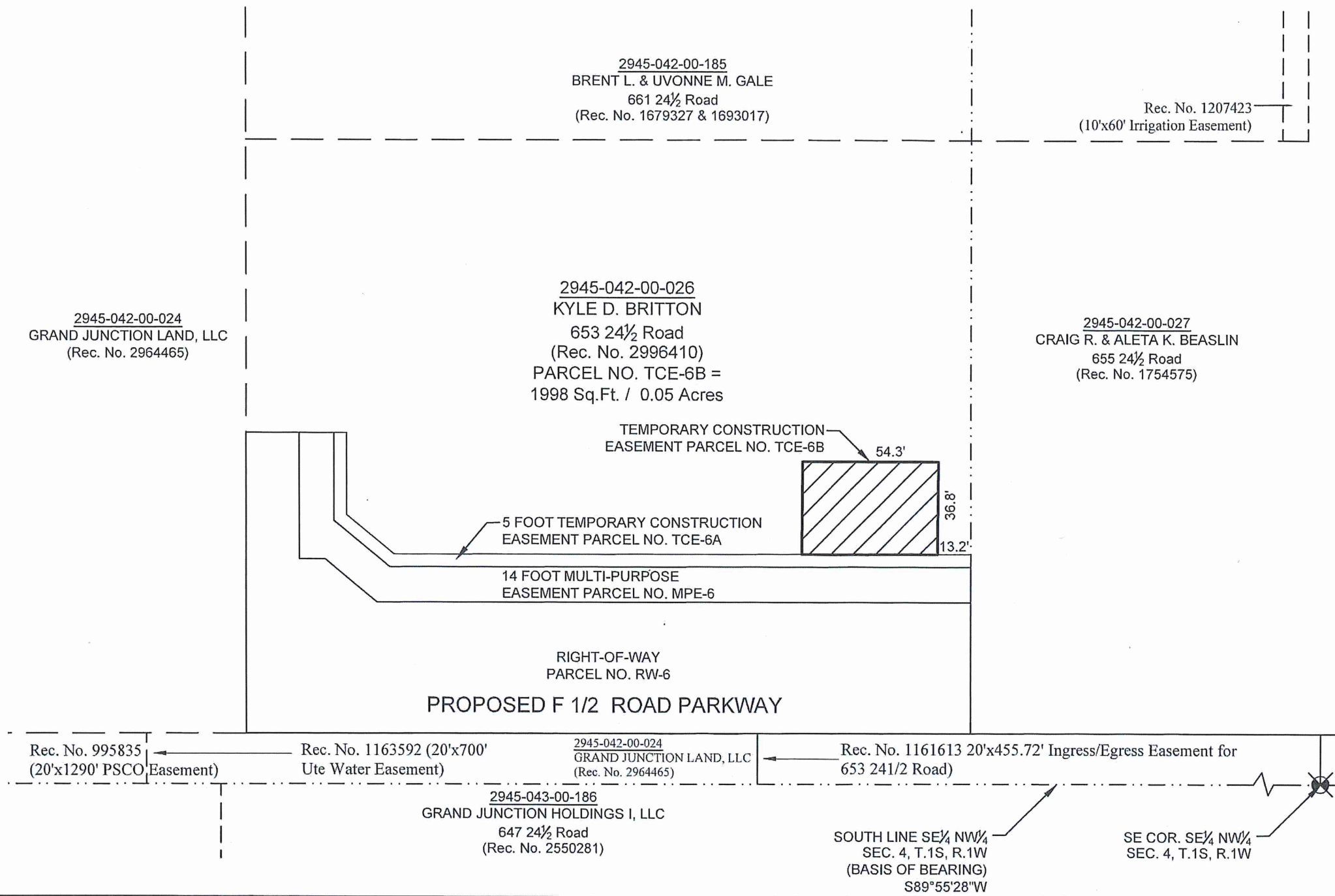
Portion of 2945-042-00-026  
Located in part of the SE¼ NW¼  
Section 4, T.1S, R.1W  
Ute Meridian, City of Grand Junction  
Mesa County, Colorado



PUBLIC WORKS  
ENGINEERING DIVISION  
PROJECT NO. 207-F210306

# EXHIBIT F

## 2945-042-00-026 TEMPORARY CONSTRUCTION EASEMENT PARCEL NO. TCE-6B



Renee B. Parent, CO PLS #38266  
333 West Avenue, Building C  
Grand Junction, CO. 81501

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
R.	Section	MPE	Multi-Purpose Easement
S.	Township	TCE	Temporary Construction Easement
R.	Range	U.M.	Ute Meridian
~	Approximately	PSCO	Public Service Company Of Colorado

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: MJH  
DATE: 10-31-2022  
REVIEWED BY: RBP  
APPROVED BY: BH  
SCALE: 1" = 50'

Portion of 2945-042-00-026  
Located in part of the SE $\frac{1}{4}$  NW $\frac{1}{4}$   
Section 4, T.1S, R.1W  
Ute Meridian, City of Grand Junction  
Mesa County, Colorado



PUBLIC WORKS  
ENGINEERING DIVISION  
PROJECT NO. 207-F210306