

|   |   |                     |  |   |           |  |  |             |               |  |    |              |  |    |  |  |                     |  |  |             |   |  |             |  |                                    |               |             |  |  |  |                         |  |                         |
|---|---|---------------------|--|---|-----------|--|--|-------------|---------------|--|----|--------------|--|----|--|--|---------------------|--|--|-------------|---|--|-------------|--|------------------------------------|---------------|-------------|--|--|--|-------------------------|--|-------------------------|
| <b>COLORADO DEPARTMENT OF TRANSPORTATION</b><br><b>MEMORANDUM OF AGREEMENT</b><br><br>TEMPORARY EASEMENT(S)   | Project Code: 25637   | Parcel No: TE-46    |  |   |           |  |  |             |               |  |    |              |  |    |  |  |                     |  |  |             |   |  |             |  |                                    |               |             |  |  |  |                         |  |                         |
|   | Project No: NHPP 070A 042   |                     |  |   |           |  |  |             |               |  |    |              |  |    |  |  |                     |  |  |             |   |  |             |  |                                    |               |             |  |  |  |                         |  |                         |
|   | Location: I-70B East of 3 <sup>rd</sup> Street                                |                     |  |   |           |  |  |             |               |  |    |              |  |    |  |  |                     |  |  |             |   |  |             |  |                                    |               |             |  |  |  |                         |  |                         |
|   | County: Mesa  | State Highway I-70B |  |   |           |  |  |             |               |  |    |              |  |    |  |  |                     |  |  |             |   |  |             |  |                                    |               |             |  |  |  |                         |  |                         |
| <p>This agreement made on <u>June 24</u>, 2025 is between the State of Colorado for the use and benefit of the Colorado Department of Transportation (GRANTEE) for the purchase of the parcel(s) listed above from the<br/>Owner(s) <u>City of Grand Junction DRK JV JPS</u> (GRANTOR).<br/>Just compensation was prepared in accordance with Colorado state laws and regulations. The amount of money and/or compensation listed below is full consideration for the following Temporary Easement(s), improvements, and damages of any kind.</p> <table><tr><td>Temporary Easements (shown in attached exhibits)</td><td>96 Sq.ft.<input checked="" type="checkbox"/>/acres<input type="checkbox"/></td><td>\$ 500.00</td></tr><tr><td>Incentive (only applicable if received by July 11, 2025)</td><td></td><td>\$ 1,025.00</td></tr><tr><td>Improvements:</td><td></td><td>\$</td></tr><tr><td>Damages: N/A</td><td></td><td>\$</td></tr><tr><td colspan="2">Gross Total (if signed MOA is NOT received by July 11, 2025)</td><td>\$ 500.00 (minimum)</td></tr><tr><td colspan="2">Incentive (only applicable if received by July 11, 2025)</td><td>\$ 1,025.00</td></tr><tr><td colspan="2">Net Total (if MOA is received by July 11, 2025)</td><td>\$ 1,525.00</td></tr></table> <p>Other conditions:</p> <ol style="list-style-type: none"><li>The agreement includes an incentive payment. The incentive payment is only applicable if CDOT receives the final executed agreement on or before July 11, 2025 which is within 45 days of CDOT's offer of fair market value.</li><li>The term of Grantee's use of the Temporary Easement shall be for a period of 18 months ("term"). The term shall commence on the date Grantee or Grantee's contractor enters the Temporary Easement area (commencement date") and shall terminate 10 days after the conclusion of construction or 18 months after the commencement date, whichever event occurs first.</li></ol> <p>The GRANTOR and GRANTEE agree that:</p> <ul style="list-style-type: none"><li>-with the exception of any Relocation Agreement (CDOT Form #591) there are no promises, terms, conditions, or obligations other than those listed on this agreement.</li><li>-this contract is binding on both the GRANTOR and GRANTEE and their heirs, devisees, executors, administrators, legal representatives, successors, assigns, and designees, but only after approval by one of the following on behalf of the, Region Right of Way Manager/Supervisor or their superiors as indicated below.</li><li>-the compensation shown on this agreement is for the temporary easement(s) described and damages of any kind.</li></ul> <p>The GRANTOR:</p> <ul style="list-style-type: none"><li>-has entered into this agreement only because the GRANTEE has the power of eminent domain and requires the property for public purposes.</li></ul> <p>The GRANTEE:</p> <ul style="list-style-type: none"><li>-will be entitled to specific performance of this agreement upon tender of the agreed consideration.</li><li>-will be held harmless from any claims against the property or to any interest in the property, except for any benefits due under relocation law.</li><li>-will take possession of the parcel(s) when it tenders payment to the GRANTOR unless other arrangements are made that follow Title III of the Uniform Relocation Assistance and Real Property Acquisition Act of 1970, as amended.</li><li>-will restore the premises as close as is reasonably possible to the condition in which the property existed on the date on which the agreed consideration is paid to the Grantor.</li></ul> <table><tr><td>Order Warrant \$ <u>0.00</u> (<u>Donation</u>)</td><td>Payable to: City of Grand Junction</td></tr><tr><td>Order Warrant</td><td>Payable to:</td></tr><tr><td>Real Estate Specialist<br/>Douglas Killerud <u>Douglas Killerud</u></td><td>Grantor signature <u>[Signature]</u> Attach form W-9</td></tr><tr><td></td><td>Grantor (if applicable)</td></tr><tr><td>Department approval (Region ROW Manager)<br/><u>[Signature]</u></td><td>Grantor (if applicable)</td></tr></table> |   |                     | Temporary Easements (shown in attached exhibits) | 96 Sq.ft. <input checked="" type="checkbox"/> /acres <input type="checkbox"/> | \$ 500.00 | Incentive (only applicable if received by July 11, 2025) |  | \$ 1,025.00 | Improvements: |  | \$ | Damages: N/A |  | \$ | Gross Total (if signed MOA is NOT received by July 11, 2025) |  | \$ 500.00 (minimum) | Incentive (only applicable if received by July 11, 2025) |  | \$ 1,025.00 | Net Total (if MOA is received by July 11, 2025) |  | \$ 1,525.00 | Order Warrant \$ <u>0.00</u> ( <u>Donation</u> ) | Payable to: City of Grand Junction | Order Warrant | Payable to: | Real Estate Specialist<br>Douglas Killerud <u>Douglas Killerud</u> | Grantor signature <u>[Signature]</u> Attach form W-9 |  | Grantor (if applicable) | Department approval (Region ROW Manager)<br><u>[Signature]</u> | Grantor (if applicable) |
| Temporary Easements (shown in attached exhibits)  | 96 Sq.ft. <input checked="" type="checkbox"/> /acres <input type="checkbox"/> | \$ 500.00           |  |   |           |  |  |             |               |  |    |              |  |    |  |  |                     |  |  |             |   |  |             |  |                                    |               |             |  |  |  |                         |  |                         |
| Incentive (only applicable if received by July 11, 2025)  |   | \$ 1,025.00         |  |   |           |  |  |             |               |  |    |              |  |    |  |  |                     |  |  |             |   |  |             |  |                                    |               |             |  |  |  |                         |  |                         |
| Improvements:   |   | \$                  |  |   |           |  |  |             |               |  |    |              |  |    |  |  |                     |  |  |             |   |  |             |  |                                    |               |             |  |  |  |                         |  |                         |
| Damages: N/A  |   | \$                  |  |   |           |  |  |             |               |  |    |              |  |    |  |  |                     |  |  |             |   |  |             |  |                                    |               |             |  |  |  |                         |  |                         |
| Gross Total (if signed MOA is NOT received by July 11, 2025)  |   | \$ 500.00 (minimum) |  |   |           |  |  |             |               |  |    |              |  |    |  |  |                     |  |  |             |   |  |             |  |                                    |               |             |  |  |  |                         |  |                         |
| Incentive (only applicable if received by July 11, 2025)  |   | \$ 1,025.00         |  |   |           |  |  |             |               |  |    |              |  |    |  |  |                     |  |  |             |   |  |             |  |                                    |               |             |  |  |  |                         |  |                         |
| Net Total (if MOA is received by July 11, 2025)   |   | \$ 1,525.00         |  |   |           |  |  |             |               |  |    |              |  |    |  |  |                     |  |  |             |   |  |             |  |                                    |               |             |  |  |  |                         |  |                         |
| Order Warrant \$ <u>0.00</u> ( <u>Donation</u> )  | Payable to: City of Grand Junction  |                     |  |   |           |  |  |             |               |  |    |              |  |    |  |  |                     |  |  |             |   |  |             |  |                                    |               |             |  |  |  |                         |  |                         |
| Order Warrant   | Payable to:   |                     |  |   |           |  |  |             |               |  |    |              |  |    |  |  |                     |  |  |             |   |  |             |  |                                    |               |             |  |  |  |                         |  |                         |
| Real Estate Specialist<br>Douglas Killerud <u>Douglas Killerud</u>  | Grantor signature <u>[Signature]</u> Attach form W-9                          |                     |  |   |           |  |  |             |               |  |    |              |  |    |  |  |                     |  |  |             |   |  |             |  |                                    |               |             |  |  |  |                         |  |                         |
|   | Grantor (if applicable)   |                     |  |   |           |  |  |             |               |  |    |              |  |    |  |  |                     |  |  |             |   |  |             |  |                                    |               |             |  |  |  |                         |  |                         |
| Department approval (Region ROW Manager)<br><u>[Signature]</u>  | Grantor (if applicable)   |                     |  |   |           |  |  |             |               |  |    |              |  |    |  |  |                     |  |  |             |   |  |             |  |                                    |               |             |  |  |  |                         |  |                         |

## EXHIBIT "A"

**PROJECT NUMBER: NHPP 070A-042**  
**TEMPORARY EASEMENT NUMBER: TE-46**  
**PROJECT CODE: 25637**  
**DATE: August 13, 2024**

### LEGAL DESCRIPTION

A Temporary Easement No. TE-46 of the Department of Transportation, State of Colorado Project No. NHPP 070A-042 containing 96 sq. ft. (0.002 acres), more or less, situated in Lot 1, of A Replat of Blocks 138 and 139, Plat of Part of the Second Division Resurvey, as Amended, City of Grand Junction, as described in that Subdivision Plat, recorded August 20, 2013, in Book 5517, at Page 2562, as Reception Number 2666149, and lying in the Southwest 1/4 of Section 14, Township 1 South, Range 1 West, of the Ute Principal Meridian, County of Mesa, State of Colorado, said Temporary Easement being more particularly described as follows:

Commencing at the South Quarter Corner of said Section 14, a found 2.5" brass cap in concrete, PLS 38274, properly stamped and dated 2022, thence N. 52°10'41" W., a distance of 934.78 feet, to the southwesterly corner of said Lot 1, also being the intersection of the northerly right-of-way line of Pitkin Avenue and the easterly right-of-way line of South 5th Street, the TRUE POINT OF BEGINNING;

1. Thence N. 44°57'23" W., along the easterly line of said right-of-way, a distance of 6.94 feet;
2. Thence N. 03°31'50" W., along the easterly line of said right-of-way, a distance of 10.25 feet;
3. Thence S. 44°56'06" E., a distance of 21.41 feet, to the northerly right-of-way line of Pitkin Avenue;
4. Thence N. 89°52'28" W., along the northerly line of said right-of-way, a distance of 9.59 feet, more or less, to the TRUE POINT OF BEGINNING;

The above-described Temporary Easement contains 96 sq. ft. (0.002 acres), more or less.

The purpose of the above-described Temporary Easement is for roadway construction including sidewalk reconstruction.

Basis of Bearings: All bearings recited herein are based on a grid bearing of S. 87°12'34" E., from milepost monument MP 5.49 to milepost monument MP 5.75. Both monuments are CDOT Type 5(S) monuments, marked appropriately for their milepost location.

For and on Behalf of SGM, Inc.  
118 W. Sixth St., Suite 200  
Glenwood Springs, CO 81601  
Richard A. Harrison, PLS 38180







222 South 6th St.  
Grand Junction, CO 81501  
Phone: (970) 683-6236  
Fax: (970) 683-6227

Region 3

BKB



118 West Sixth Street, Suite 200  
Glenwood Springs, CO 81601  
970.945.1004 www.sgm-inc.com

Sheet Revisions

| Date     | Description | Initials |
|----------|-------------|----------|
| mm/dd/yy | XXXXXXXX    | XXX      |
|          |             |          |
|          |             |          |
|          |             |          |
|          |             |          |

Sheet Revisions

| Date     | Description | Initials |
|----------|-------------|----------|
| mm/dd/yy | XXXXXXXX    | XXX      |
|          |             |          |
|          |             |          |
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Sheet Revisions

| Date     | Description | Initials |
|----------|-------------|----------|
| mm/dd/yy | XXXXXXXX    | XXX      |
|          |             |          |
|          |             |          |
|          |             |          |
|          |             |          |

Grid North  
Scale: 1" = 20'  
Lineal Units = U.S. Survey Feet

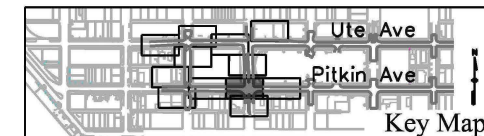
0' 10' 20'

Right of Way Plans

Plan Sheet

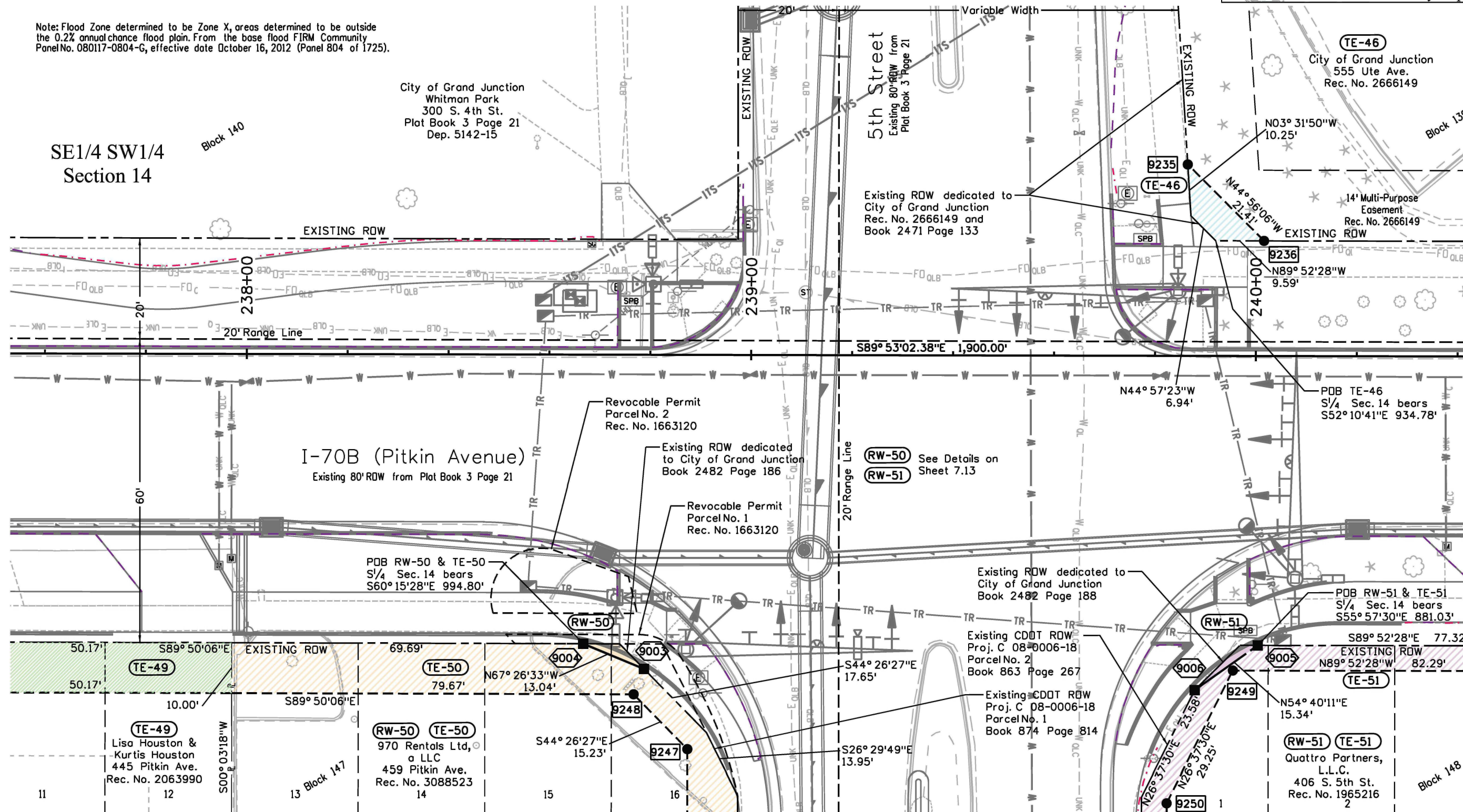
|   |
|---|
| Project Number: NHPP 070A-042   |
| Project Location: I-70B & I-70Z Between 3rd & 6th Streets, Grand Junction, CO |
| Project Code: Last Mod. Date  |
| 25637 11/8/24   |
| Subset  |
| 7.01-7.13   |
| Sheet No.   |
| 7.10  |

Section 14, T. 1 S., R. 1 W., Ute P.M.  
Mesa County



Note: Flood Zone determined to be Zone X, areas determined to be outside the 0.2% annual chance flood plain. From the base flood FIRM Community Panel No. 080117-0804-G, effective date October 16, 2012 (Panel 804 of 1725).

SE1/4 SW1/4  
Section 14



## STATEMENT OF AUTHORITY

1. This Statement of Authority relates to an entity named City of Grand Junction, and is executed on behalf of the entity pursuant to the provisions of Section 38-30-172, C.R.S.2
2. The entity is a:
 

|  |   |
|--|---|
| <input type="checkbox"/> Corporation                                   | <input type="checkbox"/> Limited Liability Company                        |
| <input type="checkbox"/> Non-Profit Corporation                        | <input type="checkbox"/> General Partnership                              |
| <input type="checkbox"/> Trust   | <input type="checkbox"/> Limited Partnership                              |
| <input type="checkbox"/> Business Trust                                | <input type="checkbox"/> Registered Limited Liability Partnership         |
| <input checked="" type="checkbox"/> Governmental Subdivision or Agency | <input type="checkbox"/> Registered Limited Liability Limited Partnership |
| <input type="checkbox"/> Unincorporated Non-Profit Association         | <input type="checkbox"/> Limited Partnership Association                  |
| <input type="checkbox"/> Other   |   |
3. The entity was formed under the laws of the State of Colorado.
4. The mailing address for the entity is: 250 North 5<sup>th</sup> St, Grand Junction CO 81501.
5. The name and position of each person authorized to execute instruments conveying, encumbering or otherwise affecting title to real property on behalf of the entity is:
  - name: Anne Optiz, position: Senior Right of Way Agent
6. (Optional)<sup>3</sup> The authority of the foregoing person(s) to bind the entity ☒ is limited ☐ is not limited as follows: authorized to sign title closing statements and associated documents customary to the normal course of business on behalf of the City of Grand Junction.
7. (Optional) Other matters concerning the manner in which the entity deals with its interest(s) in real property: \_\_\_\_\_

DATED: 7/14/2025

City of Grand Junction, Colorado



by: Anne Optiz

its: Senior Right of Way Agent

STATE OF: Colorado )  
 ) ss  
 COUNTY OF: Mesa )

The foregoing instrument was acknowledged before me on this 14<sup>th</sup> day of July, 2025. By Anne Optiz as Senior Right of Way Agent of the City of Grand Junction.

Witness my hand and official seal.  
 My Commission Expires: 1/3/29

  
 Notary Public

KARIN ANN WALKER  
 NOTARY PUBLIC  
 STATE OF COLORADO  
 NOTARY ID# 20254000265  
 MY COMMISSION EXPIRES 01/03/2029

<sup>1</sup> This form should not be used unless the entity is capable of holding title to real property.<sup>2</sup> This Statement of Authority must be recorded to obtain the benefits of the statute.<sup>3</sup> The absence of any stated limitation shall be prima facie evidence that no limitation exists.