

CITY OF GRAND JUNCTION DEPARTMENT OF PUBLIC WORKS MEMORANDUM OF AGREEMENT	Project No.: SHE M555-034
	Project Code: 23652
	Description: Horizon Drive and G Road Roundabout at 27 ½ Rd
	Owner(s): ON THE HORIZON, LLC
	Parcels: RW-1, MPE-1, DE-1

This Memorandum of Agreement (“Agreement”) is made and entered into this 26 day of June, 2024, by and between **ON THE HORIZON, LLC** 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 of Grand Junction is proceeding with the implementation of the project to install a roundabout at Horizon Drive and G Road (27 ½ Road). The Horizon Drive & G Road Intersection will be reconstructed, and the existing signalized intersection will be replaced with a two-lane roundabout as a safety improvement. 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.
- B. The Owner owns certain real property within the limits of the Project located at the Southwest corner of the intersection of Horizon Drive and G Road at 27 ½ Road in the City of Grand Junction, County of Mesa, State of Colorado, as identified by Mesa County Assessor Parcel Number 2945-012-00-090, 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-1: A parcel of land in fee simple to be used as public right of way for Horizon Drive and G Road, containing a total area of 2,590 square feet (0.059 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-1: A Multi-Purpose Easement for the installation, operation, maintenance and repair of public utilities, traffic control facilities, street lighting, landscaping, trees, grade structures and appurtenances containing a total area of 1,358 square feet (0.031 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. DE-1: A Drainage and Slope Easement containing a total area of 9,937 square feet (0.228 acres) more or less, as more particularly depicted on the accompanying graphic illustration labeled Exhibit “E”; and depicted on the accompanying graphic illustration labeled Exhibit “F”.

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

- D. The City has obtained and CDOT has reviewed appraisals prepared by a Colorado Certified General Appraisers 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:

Land and Easements:

Parcel No.	RW-2	2,590	x	\$6.00	x	100%	=	\$15,540	
Parcel No.	MPE-2	1,358	x	\$6.00	x	50%	=	\$4,074	
Parcel No.	DE-2	9,937	x	\$6.00	x	20%	=	\$11,924	
Total Land and Easement Acquisitions								=	\$31,538

Improvements:

None	Total Contributory Value of Improvements	=	\$ 0.00
	Total Consideration (Rounded)	=	\$31,600
	Administrative Settlement based on Final Offer	=	\$17,450
	Total Consideration with Administrative Settlement	=	\$49,050

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:

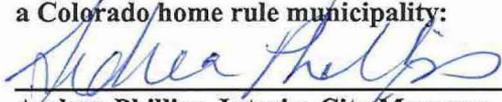
1. The Owner hereby accepts the Total Consideration stated above from the City as just compensation, and the City hereby agrees to pay the Total Consideration to the Owner subject to the promises, terms, covenants and conditions of this Agreement.
2. Subject to the City's typical payment processing period, 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-1.
 - c. One (1) good and sufficient Grant of Multi-Purpose Easement Agreement for Parcel No. MPE-1.
 - d. One (1) good and sufficient Drainage and Slope Easement Agreement for Parcel No. DE-1.
 - e. One (1) completed and executed Federal Form W-9.
 - f. One (1) completed and executed Statement of Authority.
 - g. 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: **On The Horizon, LLC**

By: 
Darin J. Carei, Member

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


Andrea Phillips, Interim City Manager

2945-012-00-090
RIGHT OF WAY PARCEL NO. RW-1
LEGAL DESCRIPTION

A Parcel of land being a portion of Reception Number 2954101, located in Lot 3 (aka the Northeast Quarter of the Northwest Quarter (NE1/4 NW1/4)), Section 1, Township 1 South, Range 1 West, Ute Meridian, City of Grand Junction, Mesa County Colorado being more particularly described as follows:

Commencing at the North Quarter Corner of Said Section 1, whence the West Sixteenth Corner of said Section 1 / Section 36 bears S89°59'29"W a distance of 1,321.07 feet using the Mesa County Local Coordinate System with all other bearings contained herein being relative thereto; thence from said point of commencement S86°06'59"W, a distance of 753.42 feet to a point on the Southerly Boundary line of Right of Way Parcel Reception Number 2075083 being the Point of Beginning; thence along said boundary line the following six (6) courses,

- 1) S81°09'16"E, a distance of 5.93 feet, 2) S67°58'45"E, a distance of 31.61 feet,
- 3) S59°15'46"E, a distance of 31.61 feet, 4) S50°32'48"E, a distance of 31.61 feet,
- 5) S30°55'37"E, a distance of 8.56 feet, 6) S00°50'17"W, a distance of 14.06 feet to a point of the Westerly boundary line of Horizon Drive, Reception Number 813634; thence continuing along said boundary line, Southwesterly along the Arc of a 1,860.00 foot radius non-tangent curve concave Northwesterly, a distance of 118.10 feet thru a central angle of 03°38'16" whose chord bears S48°22'02"W, a distance of 118.08 feet; thence Northeasterly along the Arc of a 234.50 foot radius non-tangent curve concave Northwesterly, a distance of 99.78 feet thru a central angle of 24°22'49" whose chord bears N33°48'43"E, a distance of 99.03 feet; thence Northwesterly along the Arc of a 57.00 foot radius curve concave Southwesterly, a distance of 64.17 feet thru a central angle of 64°30'09" whose chord bears N30°19'10"W, a distance of 60.83 feet; thence N62°34'14"W, a distance of 30.51 feet to the Point of Beginning.

The purpose of the above described Parcel of land is Right of Way for Horizon Drive and G Road Roundabout at the 27 1/2 Road project.

Said Parcel of land containing 2,590 Square Feet or 0.059 Acres more or less.

Authored by: Renee B. Parent, CO LS38266, City Surveyor, City of Grand Junction
244 N. 7th Street, Grand Junction, Colorado, 81501, 970-256-4003



PUBLIC WORKS
ENGINEERING DIVISION

DRAWN BY: NCW
DATE: 05/14/2024
SCALE: N/A
APPR. BY: RBP

LOCATED IN
LOT 3 (AKA NE1/4 NW1/4), SECTION 1,
TOWNSHIP 1 SOUTH, RANGE 1 WEST,
UTE MERIDIAN,
CITY OF GRAND JUNCTION,
COUNTY OF MESA,
STATE OF COLORADO



2945-012-00-090
RIGHT-OF-WAY PARCEL NO. RW-1

NORTH LINE - LOT 3 (AKA NE1/4 NW1/4), SECTION 1
(BASIS OF BEARINGS)
N89°59'29"E 1,321.07'

P.O.C. RW-1
S1/4/N1/4 SEC. 36/1,
T1N R1W/T1S R1W

W1/16, SEC. 36/1,
T1N R1W/T1S R1W

G ROAD
RIGHT OF WAY
Rec. No. 1322383

2945-012-00-090
ON THE HORIZON, LLC
PO Box 400
MESA, CO. 81643
Rec. No. 2954101

PARCEL RW-1
2,590 SQ. FT. / 0.059 ACRES

RIGHT OF WAY
PARCEL NO. 1
Rec. No. 2075083

DRAINAGE EASEMENT
Rec. No. 1322383
SLOPE & DRAINAGE EASEMENT
Rec. No. 2075083

HORIZON DRIVE
100.00' RIGHT OF WAY
Rec. No. 813634



Renee B. Parent, CO PLS #38266
244 N. 7th Street
Grand Junction, CO. 81501

ABBREVIATIONS / LEGEND

- P.O.C. Point of Commencement
- P.O.B. Point of Beginning
- SEC. Section
- T. Township
- R. Range
- U.M. Ute Meridian
- Rec. Reception
- No. Number
- AKA Also Known As
- NT Non-Tangent Curve
- MPE Multi-Purpose Easement
- RW Right-of-Way
- DE Drainage Easement
- TCE Temporary Construction Easement
- PSCO Public Service Company of Colorado
- PP Found Property Evidence - 1.5" Pin KOHL PLS 37067
- Point of Intersection
- ⊕ Found Monument

CURVE DATA TABLE

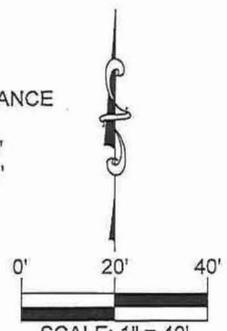
CURVE	ARC	RADIUS	DELTA	CHORD BRG / LENGTH
C9 (NT)	118.10'	1,860.00'	03°38'16"	S48°22'02"W / 118.08'
C10 (NT)	99.78'	234.50'	24°22'49"	N33°48'43"E / 99.03'
C11	64.17'	57.00'	64°30'09"	N30°19'10"W / 60.83'

LINE DATA TABLE

LINE	BEARING	DISTANCE
L11	S81°09'16"E	5.93'
L12	S67°58'45"E	31.61'
L13	S59°15'46"E	31.61'
L14	S50°32'48"E	31.61'

RW-1

RW-1



PUBLIC WORKS
ENGINEERING DIVISION

DRAWN BY: NCW
DATE: 05/14/2024
SCALE: 1"=40'
APPR. BY: RBP

LOCATED IN
LOT 3 (AKA NE1/4 NW1/4), SECTION 1,
TOWNSHIP 1 SOUTH, RANGE 1 WEST,
UTE MERIDIAN,
CITY OF GRAND JUNCTION,
COUNTY OF MESA,
STATE OF COLORADO



2945-012-00-090
MULTI-PURPOSE EASEMENT PARCEL NO. MPE-1
LEGAL DESCRIPTION

A Parcel of land being a portion of Reception Number 2954101, located in Lot 3 (aka the Northeast Quarter of the Northwest Quarter (NE1/4 NW1/4)), Section 1, Township 1 South, Range 1 West, Ute Meridian, City of Grand Junction, Mesa County Colorado being more particularly described as follows:

Commencing at the North Quarter Corner of Said Section 1, whence the West Sixteenth Corner of said Section 1 / Section 36 bears S89°59'29"W, a distance of 1,321.07 feet using the Mesa County Local Coordinate System with all other bearings contained herein being relative thereto; thence from said point of commencement S86°06'59"W, a distance of 753.42 feet to a point on the Westerly boundary line of Right of Way Parcel Number RW-1 being the Point of Beginning; thence along said Westerly boundary line the following three (3) courses,

1) S62°34'14"E, a distance of 30.51 feet, 2) Southeasterly along the Arc of a 57.00 foot radius curve concave Southwesterly, a distance of 64.17 feet thru a central angle of 64°30'09" whose chord bears S30°19'10"E, a distance of 60.83 feet,

3) Southwesterly along the Arc of a 234.50 foot radius non-tangent curve concave Northwesterly, a distance of 99.78 feet thru a central angle of 24°22'49" whose chord bears S33°48'43"W, a distance of 99.03 feet to a point on the Northerly Boundary line of Horizon Drive 100.00' Right of Way Reception Number 813634; thence along said boundary line Southwesterly along the Arc of a 1,860.00 foot radius non-tangent curve concave Northwesterly, a distance of 82.14 feet thru a central angle of 02°31'49" whose chord bears S51°27'05"W, a distance of 82.14 feet; thence the following six (6) courses,

1) N37°17'02"W, a distance of 5.00 feet, 2) Northeasterly along the Arc of a 1,855.00 foot radius non-tangent curve concave Northwesterly, a distance of 81.74 feet thru a central angle of 02°32'41" whose chord bears N51°27'15"E, a distance of 81.73 feet,

3) Northeasterly along the Arc of a 229.50 foot radius non-tangent curve concave Northwesterly, a distance of 96.59 feet thru a central angle of 23°17'48" whose chord bears N33°53'59"E, a distance of 95.88 feet,

4) Northwesterly along the Arc of a 52.00 foot radius curve concave Southwesterly, a distance of 57.69 feet thru a central angle of 63°33'45" whose chord bears N30°47'22"W, a distance of 54.77 feet, 5) N62°34'14"W, a distance of 30.51 feet; 6) N27°25'46"E, a distance of 5.00 feet to the Point of Beginning.

The purpose of the above described Parcel of land is Multi-Purpose Easement for Horizon Drive and G Road Roundabout at the 27 1/2 Road project.

Said Parcel of land containing 1,358 Square Feet or 0.031 Acres more or less.

Authored by: Renee B. Parent, CO LS38266, City Surveyor, City of Grand Junction
244 N. 7th Street, Grand Junction, Colorado, 81501, 970-256-4003



PUBLIC WORKS
ENGINEERING DIVISION

DRAWN BY: NCW
DATE: 05/14/2024
SCALE: N/A
APPR. BY: RBP

LOCATED IN
LOT 3 (AKA NE1/4 NW1/4), SECTION 1,
TOWNSHIP 1 SOUTH, RANGE 1 WEST,
UTE MERIDIAN,
CITY OF GRAND JUNCTION,
COUNTY OF MESA,
STATE OF COLORADO

CITY OF
Grand Junction
COLORADO

2945-012-00-090
 MULTI-PURPOSE EASEMENT PARCEL NO. MPE-1

NORTH LINE - LOT 3 (AKA NE1/4 NW1/4), SECTION 1
 (BASIS OF BEARINGS)
 N89°59'29"E 1,321.07'

P.O.C. MPE-1
 S1/4/N1/4 SEC. 36/1,
 T1N R1W/T1S R1W

W1/16, SEC. 36/1,
 T1N R1W/T1S R1W

G ROAD
 RIGHT OF WAY
 Rec. No. 1322383

RIGHT OF WAY
 PARCEL NO. 1
 Rec. No. 2075083

2945-012-00-090
 ON THE HORIZON, LLC
 PO Box 400
 MESA, CO. 81643
 Rec. No. 2954101

PARCEL MPE-1
 1,358 SQ. FT. / 0.031 ACRES

DRAINAGE
 EASEMENT
 Rec. No. 1322383

SLOPE & DRAINAGE
 EASEMENT
 Rec. No. 2075083

HORIZON DRIVE
 100.00' RIGHT OF WAY
 Rec. No. 813634



Renee B. Parent, CO PLS #38266
 244 N. 7th Street
 Grand Junction, CO. 81501

ABBREVIATIONS / LEGEND

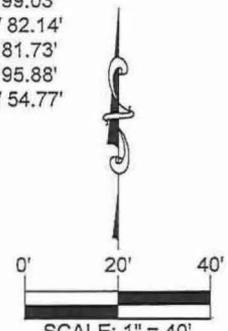
- P.O.C. Point of Commencement
- P.O.B. Point of Beginning
- SEC. Section
- T. Township
- R. Range
- U.M. Ute Meridian
- Rec. Reception
- No. Number
- AKA Also Known As
- NT Non-Tangent Curve
- MPE Multi-Purpose Easement
- RW Right-of-Way
- DE Drainage Easement
- TCE Temporary Construction Easement
- PSCO Public Service Company of Colorado
- PP Found Property Evidence - 1.5" Pin KOHL PLS 37067
- Point of Intersection
- ⊕ Found Monument

CURVE DATA TABLE

CURVE	ARC	RADIUS	DELTA	CHORD BRG / LENGTH
C3	64.17'	57.00'	64°30'09"	S30°19'10"E / 60.83'
C4 (NT)	99.78'	234.50'	24°22'49"	S33°48'43"W / 99.03'
C5 (NT)	82.14'	1,860.00'	02°31'49"	S51°27'05"W / 82.14'
C6 (NT)	81.74'	1,855.00'	02°32'41"	N51°27'15"E / 81.73'
C7 (NT)	96.59'	229.50'	23°17'48"	N34°18'31"E / 95.88'
C8	57.69'	52.00'	63°33'45"	N30°47'22"W / 54.77'

LINE DATA TABLE

LINE	BEARING	DISTANCE
L7	S62°34'14"E	30.51'
L8	N37°17'02"W	5.00'
L9	N62°34'14"W	30.51'
L10	N27°25'46"E	5.00'



SCALE: 1" = 40'
 LINEAL UNITS = U.S. SURVEY FOOT

PUBLIC WORKS
 ENGINEERING DIVISION

DRAWN BY: NCW

DATE: 05/14/2024

SCALE: 1"=40'

APPR. BY: RBP

LOCATED IN
 LOT 3 (AKA NE1/4 NW1/4), SECTION 1,
 TOWNSHIP 1 SOUTH, RANGE 1 WEST,
 UTE MERIDIAN,
 CITY OF GRAND JUNCTION,
 COUNTY OF MESA,
 STATE OF COLORADO



2945-012-00-090
DRAINAGE EASEMENT PARCEL NO. DE-1
LEGAL DESCRIPTION

A Parcel of land being a portion of Reception Number 2954101, located in Lot 3 (aka the Northeast Quarter of the Northwest Quarter (NE1/4 NW1/4)), Section 1, Township 1 South, Range 1 West, Ute Meridian, City of Grand Junction, Mesa County Colorado being more particularly described as follows:

Commencing at the West Sixteenth Corner of Said Section 1 / Section 36, whence the North Quarter Corner of said Section 1 bears N89°59'29"E, a distance of 1,321.07 feet using the Mesa County Local Coordinate System with all other bearings contained herein being relative thereto; thence from said point of commencement S67°54'02"E, a distance of 494.97 feet to the Point of Beginning;

thence the following five (5) courses;

- 1) N51°11'15"E, a distance of 94.81 feet, 2) S33°52'57"E, a distance of 9.87 feet,
- 3) N80°58'54"E, a distance of 18.57 feet, 4) N72°47'43"E, a distance of 24.05 feet
- 5) N82°24'24"E, a distance of 42.03 feet to a point on the Westerly boundary line of Parcel Number MPE-1; thence along said boundary line the following two (2) courses,
 - 1) Southwesterly along the Arc of a 229.50 foot radius non-tangent curve concave Northwesterly, a distance of 93.32 feet thru a central angle of 23°17'48" whose chord bears S34°18'31"W, a distance of 92.67 feet;
 - 2) Southwesterly along the Arc of a 1,855.00 foot radius non-tangent curve concave Northwesterly, a distance of 81.74 feet thru a central angle of 02°32'41" whose chord bears S51°27'15"W, a distance of 81.73 feet; thence N37°17'02"W, a distance of 76.26 feet to the Point of Beginning.

The purpose of the above described Parcel of land is for a Drainage Easement for Horizon Drive and G Road Roundabout at the 27 1/2 Road project.

Said Parcel of land containing 9,937 Square Feet or 0.228 Acres more or less.

Authored by: Renee B. Parent, CO LS38266, City Surveyor, City of Grand Junction
244 N. 7th Street, Grand Junction, Colorado, 81501, 970-256-4003



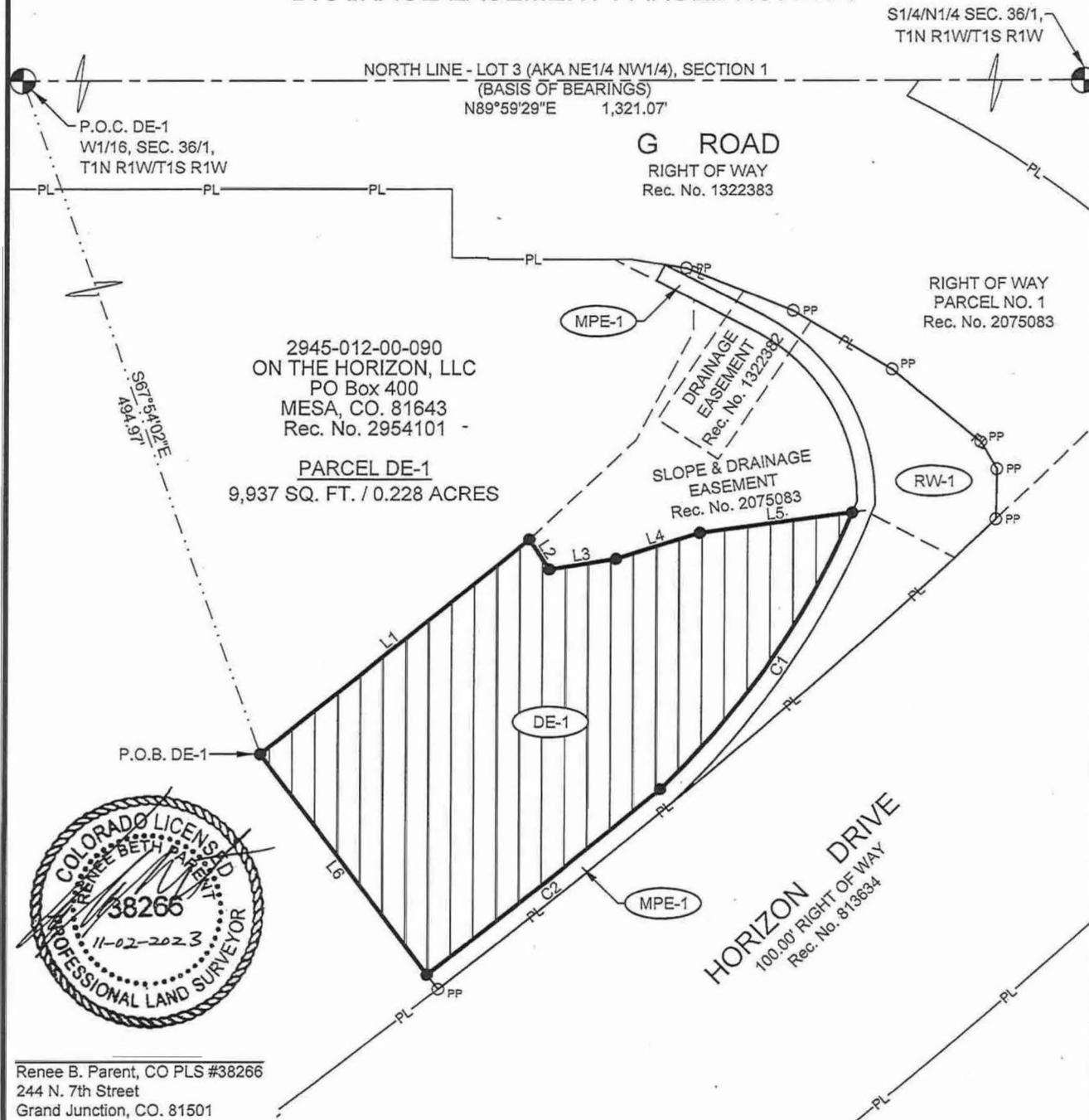
PUBLIC WORKS
ENGINEERING DIVISION

DRAWN BY: NCW
DATE: 11/02/2023
SCALE: N/A
APPR. BY: RBP

LOCATED IN
LOT 3 (AKA NE1/4 NW1/4), SECTION 1,
TOWNSHIP 1 SOUTH, RANGE 1 WEST,
UTE MERIDIAN,
CITY OF GRAND JUNCTION,
COUNTY OF MESA,
STATE OF COLORADO

CITY OF
Grand Junction
COLORADO

2945-012-00-090
DRAINAGE EASEMENT PARCEL NO. DE-1



Renee B. Parent, CO PLS #38266
244 N. 7th Street
Grand Junction, CO. 81501

ABBREVIATIONS / LEGEND

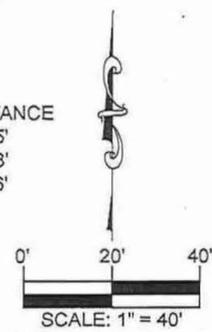
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- Point of Intersection
- ⊕ Found Monument

CURVE DATA TABLE

CURVE	ARC	RADIUS	DELTA	CHORD BRG / LENGTH
C1 (NT)	93.32'	229.50'	23°17'48"	S34°18'31"W / 92.67'
C2 (NT)	81.74'	1,855.00'	02°32'41"	S51°27'15"W / 81.73'

LINE DATA TABLE

LINE	BEARING	DISTANCE	LINE BEARING	DISTANCE	
L1	N51°11'15"E	94.81'	L4	N72°47'43"E	24.05'
L2	S33°52'57"E	9.87'	L5	N82°24'24"E	42.03'
L3	N80°58'54"E	18.57'	L6	N37°17'02"W	76.26'



**PUBLIC WORKS
ENGINEERING DIVISION**

DRAWN BY: NCW
DATE: 11/02/2023
SCALE: 1"=40'
APPR. BY: RBP

LOCATED IN
LOT 3 (AKA NE1/4 NW1/4), SECTION 1,
TOWNSHIP 1 SOUTH, RANGE 1 WEST,
UTE MERIDIAN,
CITY OF GRAND JUNCTION,
COUNTY OF MESA,
STATE OF COLORADO



CITY OF GRAND JUNCTION DEPARTMENT OF PUBLIC WORKS MEMORANDUM OF AGREEMENT	Project No.: SHE M555-034
	Project Code: 23652
	Description: Horizon Drive and G Road Roundabout at 27 ½ Rd
	Owner(s): OVER THE HORIZON, LLC
	Parcels: RW-2, MPE-2, TCE-2

This Memorandum of Agreement (“Agreement”) is made and entered into this 26 day of June, 2024, by and between **OVER THE HORIZON, LLC** 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 of Grand Junction is proceeding with the implementation of the project to install a roundabout at Horizon Drive and G Road (27 ½ Road). The Horizon Drive & G Road Intersection will be reconstructed, and the existing signalized intersection will be replaced with a two-lane roundabout as a safety improvement. 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.
- B. The Owner owns certain real property within the limits of the Project located at the Southwest corner of the intersection of Horizon Drive and G Road at 27 ½ Road in the City of Grand Junction, County of Mesa, State of Colorado, as identified by Mesa County Assessor Parcel Number 2945-012-00-094, 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-2: A parcel of land in fee simple to be used as public right of way for Horizon Drive and G Road, containing a total area of 3,773 square feet (0.087 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-2: A Multi-Purpose Easement for the installation, operation, maintenance and repair of public utilities, traffic control facilities, street lighting, landscaping, trees, grade structures and appurtenances containing a total area of 1,997 square feet (0.046 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-2: A Temporary Construction Easement of 7,833 square feet (0.180 acres) more or less, for access grading and construction for a period of 12 months as more particularly depicted on the accompanying graphic illustration labeled Exhibit “E”; and depicted on the accompanying graphic illustration labeled Exhibit “F”.

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

- D. The City has obtained and CDOT has reviewed appraisals prepared by a Colorado Certified General Appraisers 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:

Land and Easements:

Parcel No.	RW-2	3,773	x	\$5.50	x	100%	=	\$20,752	
Parcel No.	MPE-2	1,997	x	\$5.50	x	50%	=	\$ 5,492	
Parcel No.	TE-2	7,833	x	\$5.50	x	10%	=	\$ 4,308	
Total Land and Easement Acquisitions								=	\$30,600

Improvements:

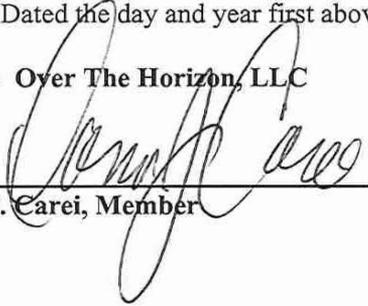
None	Total Contributory Value of Improvements	=	\$ 0.00
	Administrative Settlement based on Final Offer	=	\$7,650
	Total Consideration with Administrative Settlement	=	\$38,250

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:

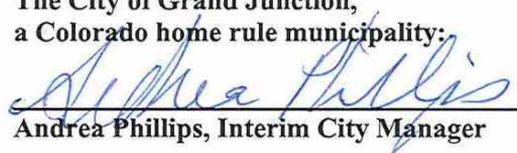
1. The Owner hereby accepts the Total Consideration stated above from the City as just compensation, and the City hereby agrees to pay the Total Consideration to the Owner subject to the promises, terms, covenants and conditions of this Agreement.
2. Subject to the City's typical payment processing period, 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-2.
 - c. One (1) good and sufficient Grant of Multi-Purpose Easement Agreement for Parcel No. MPE-2.
 - d. One (1) good and sufficient Temporary Construction Easement for Parcel No. TE-2.
 - e. One (1) completed and executed Federal Form W-9.
 - f. One (1) completed and executed Statement of Authority.
 - g. 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: **Oyer The Horizon, LLC**

By: 
Darin J. Carei, Member

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


Andrea Phillips, Interim City Manager

2945-012-00-094

MULTI-PURPOSE EASEMENT PARCEL NO. MPE-2 LEGAL DESCRIPTION

A Parcel of land being a portion of Reception Number 2908954, located in Lot 3 (aka the Northeast Quarter of the Northwest Quarter (NE1/4 NW1/4)), Section 1, Township 1 South, Range 1 West, Ute Meridian, City of Grand Junction, Mesa County Colorado being more particularly described as follows:

Commencing at the West Sixteenth Corner of Section 1/Section 36, whence the North Quarter Corner of said Section 1 bears N89°59'29"E a distance of 1321.07 feet using the Mesa County Local Coordinate System with all other bearings contained herein being relative thereto; thence from said point of commencement S72°39'11"E a distance of 735.23 feet to a point of intersection with the Westerly boundary line of Right of Way Parcel RW-2 being the Point of Beginning; thence along said boundary line the following seven (7) courses, 1) N85°46'45"E a distance of 14.22 feet, 2) Southeasterly along the Arc of a 33.50 foot radius curve concave Southerly, a distance of 13.89 feet thru a central angle of 23°45'33" whose cord bears S82°37'56"E a distance of 13.79 feet, 3) Southeasterly along the Arc of a 383.50 foot radius curve concave Southwesterly, a distance of 75.38 feet thru a central angle of 11°15'43" whose cord bears S65°07'18"E a distance of 75.26 feet, 4) Southeasterly along the Arc of a 49.00 foot radius curve concave Southwesterly, a distance of 8.48 feet thru a central angle of 09°55'08" whose cord bears S54°31'53"E a distance of 8.47 feet, 5) S49°34'19"E a distance of 57.62 feet, 6) Southeasterly along the Arc of a 18.00 foot radius curve concave Northerly, a distance of 14.50 feet thru a central angle of 46°09'19" whose cord bears S72°38'58"E a distance of 14.11 feet, 7) Southeasterly along the Arc of a 9.00 foot radius curve concave Southerly, a distance of 8.07 feet thru a central angle of 51°24'09" whose cord bears S70°01'33"E a distance of 7.81 feet to a point on the Westerly boundary line of 27 1/2 Road Right of Way Reception Number 2075083; thence along said boundary S44°19'28"E a distance of 10.18 feet; thence the following seven courses, 1) S89°30'12"W a distance of 16.00 feet, 2) Northwesterly along the Arc of a 28.00 foot radius curve concave Northeasterly, a distance of 20.00 feet thru a central angle of 40°55'29" whose cord bears N70°02'03"W a distance of 19.58 feet, 3) N49°34'19"W a distance of 57.62 feet, 4) Northwesterly along the Arc of a 39.00 foot radius curve concave Southwesterly, a distance of 6.75 feet thru a central angle of 09°55'08" whose cord bears N54°31'53"W a distance of 6.74 feet, 5) Northwesterly along the Arc of a 373.50 foot radius curve concave Southwesterly, a distance of 73.41 feet thru a central angle of 11°15'43" whose cord bears N65°07'18"W a distance of 73.30 feet, 6) Northwesterly along the Arc of a 23.50 foot radius curve concave Southerly, a distance of 9.74 feet thru a central angle of 23°45'33" whose cord bears N82°37'56"W a distance of 9.68 feet, 7) S85°29'17"W a distance of 27.05 feet to a point on the Southerly boundary line of Horizon Drive Right of Way Reception Number 813634; thence along said boundary line N47°21'12"E a distance of 16.31 feet to the Point of Beginning.

The purpose of the above described Parcel of land is a Multi-Purpose Easement for Horizon Drive and G Road Roundabout at 27 1/2 Road.

Said Parcel of land containing 1997 Square Feet or 0.046 Acres more or less.

Authored by: Renee B. Parent, CO LS38266, City Surveyor, City of Grand Junction
244 N. 7th Street, Grand Junction, Colorado, 81501, 970-256-4003



PUBLIC WORKS
ENGINEERING DIVISION

DRAWN BY: MJH
DATE: 6/14/2023
SCALE: N/A
APPR. BY: RBP

LOCATED IN
LOT 3 (AKA NE1/4 NW1/4), SECTION 1,
TOWNSHIP 1 SOUTH, RANGE 1 WEST,
UTE MERIDIAN,
CITY OF GRAND JUNCTION,
COUNTY OF MESA,
STATE OF COLORADO

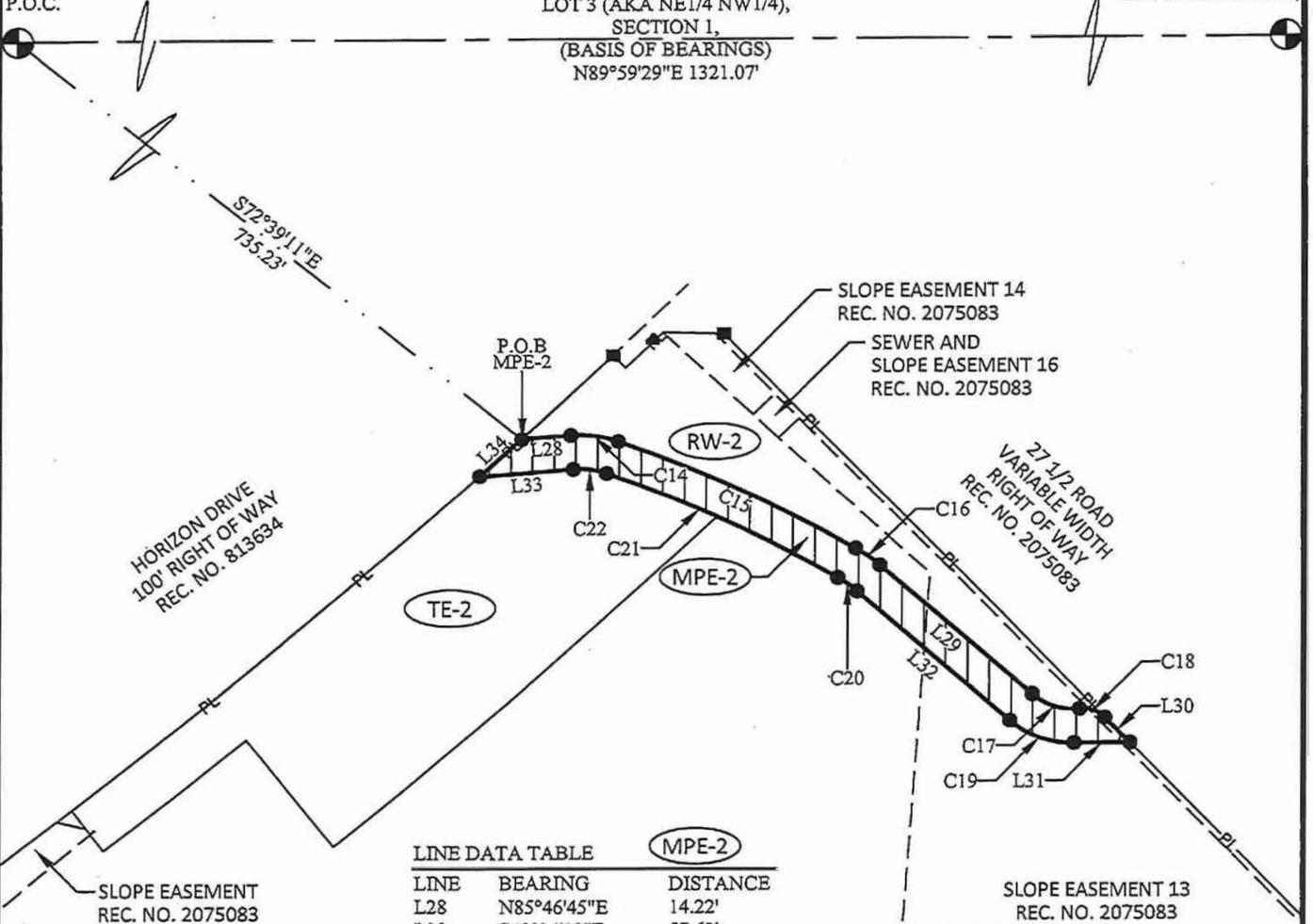


2945-012-00-094
MULTI-PURPOSE EASEMENT PARCEL NO. MPE-2

W1/16, SEC. 36/1,
T1N R1W/T1S R1W
P.O.C.

NORTH LINE
LOT 3 (AKA NE1/4 NW1/4),
SECTION 1,
(BASIS OF BEARINGS)
N89°59'29"E 1321.07'

S1/4/N1/4 SEC. 36/1,
T1N R1W/T1S R1W,



LINE DATA TABLE (MPE-2)

LINE	BEARING	DISTANCE
L28	N85°46'45"E	14.22'
L29	S49°34'19"E	57.62'
L30	S44°19'28"E	10.18'
L31	S89°30'12"W	16.00'
L32	N49°34'19"W	57.62'
L33	S85°29'17"W	27.05'
L34	N47°21'12"E	16.31'

CURVE DATA TABLE (MPE-2)

CURVE	ARC	RADIUS	DELTA	CHORD BRG/LENGTH
C14	13.89'	33.50'	23°45'33"	S82°37'56"E - 13.79'
C15	75.38'	383.50'	11°15'43"	S65°07'18"E - 75.26'
C16	8.48'	49.00'	09°55'08"	S54°31'53"E - 8.47'
C17	14.50'	18.00'	46°09'19"	S72°38'58"E - 14.11'
C18	8.07'	9.00'	51°24'09"	S70°01'33"E - 7.81'
C19	20.00'	28.00'	40°55'29"	N70°02'03"W - 19.58'
C20	6.75'	39.00'	09°55'08"	N54°31'53"W - 6.74'
C21	73.41'	373.50'	11°15'43"	N65°07'18"W - 73.30'
C22	9.74'	23.50'	23°45'33"	N82°37'56"W - 9.68'

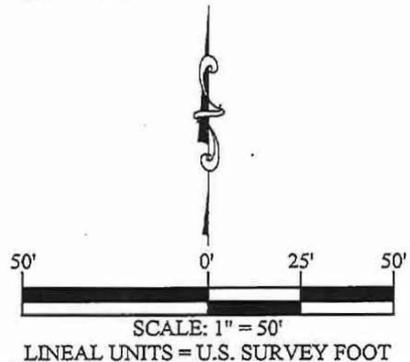
2945-012-00-094
OVER THE HORIZON, LLC
PO BOX 400
MESA, CO 81643
REC. NO. 2908954
PARCEL MPE-2 =
0.046 ACRES 1997 SQ. FT.



Renee B. Parent, CO PLS #38266
244 N. 7th Street
Grand Junction, CO. 81501

ABBREVIATIONS/LEGEND

- | | | | |
|--------|---------------------------------------------------------------------------------|------|------------------------------------|
| P.O.C. | Point of Commencement | MPE | Multi-Purpose Easement |
| P.O.B. | Point of Beginning | Rec. | Reception |
| R.O.W. | Right-of-Way | No. | Number |
| SEC. | Section | RW | Right-of-Way |
| T. | Township | DE | Drainage Easement |
| R. | Range | TE | Temporary Easement |
| AKA | Also Known As | U.M. | Ute Meridian |
| ■ | Found Property Evidence - 2" Aluminum Cap | PSCO | Public Service Company Of Colorado |
| ▲ | Found Property Evidence - 2" Aluminum Cap - W.C. 1' SW of Point of Intersection | | |
| ● | Point of Intersection | | |
| ⊕ | Found Monument | | |



PUBLIC WORKS
ENGINEERING DIVISION

DRAWN BY: MJH
DATE: 6/14/2023
SCALE: 1"=50'
APPR. BY: RBP

LOCATED IN
LOT 3 (AKA NE1/4 NW1/4), SECTION 1,
TOWNSHIP 1 SOUTH, RANGE 1 WEST,
UTE MERIDIAN,
CITY OF GRAND JUNCTION,
COUNTY OF MESA,
STATE OF COLORADO



2945-012-00-094

RIGHT OF WAY PARCEL NO. RW-2 LEGAL DESCRIPTION

A Parcel of land being a portion of Reception Number 2908954, located in Lot 3 (aka the Northeast Quarter of the Northwest Quarter (NE1/4 NW1/4)), Section 1, Township 1 South, Range 1 West, Ute Meridian, City of Grand Junction, Mesa County Colorado being more particularly described as follows:

Commencing at the West Sixteenth Corner of Section 1/Section 36, whence the North Quarter Corner of said Section 1 bears N89°59'29"E a distance of 1321.07 feet using the Mesa County Local Coordinate System with all other bearings contained herein being relative thereto; thence from said point of commencement S72°39'11"E a distance of 735.23 feet to a point on the Southerly Boundary line of Horizon Drive, Reception Number 813634 being the Point of Beginning; thence continuing along said boundary line the following N47°21'12"E a distance of 35.94 feet to point on the boundary of a Parcel of land as dscribed in Reception Number 2908954, the along said boundary line the following four (4) courses 1) S43°24'26"E a distance of 5.09 feet, 2) N46°22'34"E a distance of 14.87 feet, 3) S88°57'04"E a distance of 17.49 feet, 4) S44°19'28"E a distance of 156.74 feet; thence the following seven (7) courses, 1) Northwesterly along the Arc of a 9.00 foot radius curve concave Southwesterly, a distance of 8.07' feet thru a central angle of 51°24'09" whose cord bears N70°01'33"W a distance of 7.81 feet, 2) Northwesterly along the Arc of a 18.00 foot radius curve concave Northeasterly, a distance of 14.50 feet thru a central angle of 46°09'19" whose cord bears N72°38'58"W a distance of 14.11 feet, 3) N49°34'19"W a distance of 57.62 feet, 4) Northwesterly along the Arc of a 49.00 foot radius curve concave Southwesterly, a distance of 8.48 feet thru a central angle of 09°55'08" whose cord bears N54°31'53"W a distance of 8.47 feet, 5) Northwesterly along the Arc of a 383.50 foot radius curve concave Southwesterly, a distance of 75.38 feet thru a central angle of 11°15'43" whose cord bears N65°07'18"W a distance of 75.26 feet, 6) Northwesterly along the Arc of a 33.50 foot radius curve concave Southwesterly, a distance of 13.89 feet thru a central angle of 23°45'33" whose cord bears N82°37'56"W a distance of 13.79 feet, 7) S85°46'45"W a distance of 14.22 feet to the Point of Beginning.

The purpose of the above described Parcel of land is Right of Way for Horizon Drive and G Road Roundabout at 27 1/2 Road.

Said Parcel of land containing 3773 Square Feet or 0.087 Acres more or less.

Authored by: Renee B. Parent, CO LS38266, City Surveyor, City of Grand Junction
244 N. 7th Street, Grand Junction, Colorado, 81501, 970-256-4003



PUBLIC WORKS
ENGINEERING DIVISION

DRAWN BY: MJH
DATE: 6/14/2023
SCALE: N/A
APPR. BY: RBP

LOCATED IN
LOT 3 (AKA NE1/4 NW1/4), SECTION 1,
TOWNSHIP 1 SOUTH, RANGE 1 WEST,
UTE MERIDIAN,
CITY OF GRAND JUNCTION,
COUNTY OF MESA,
STATE OF COLORADO

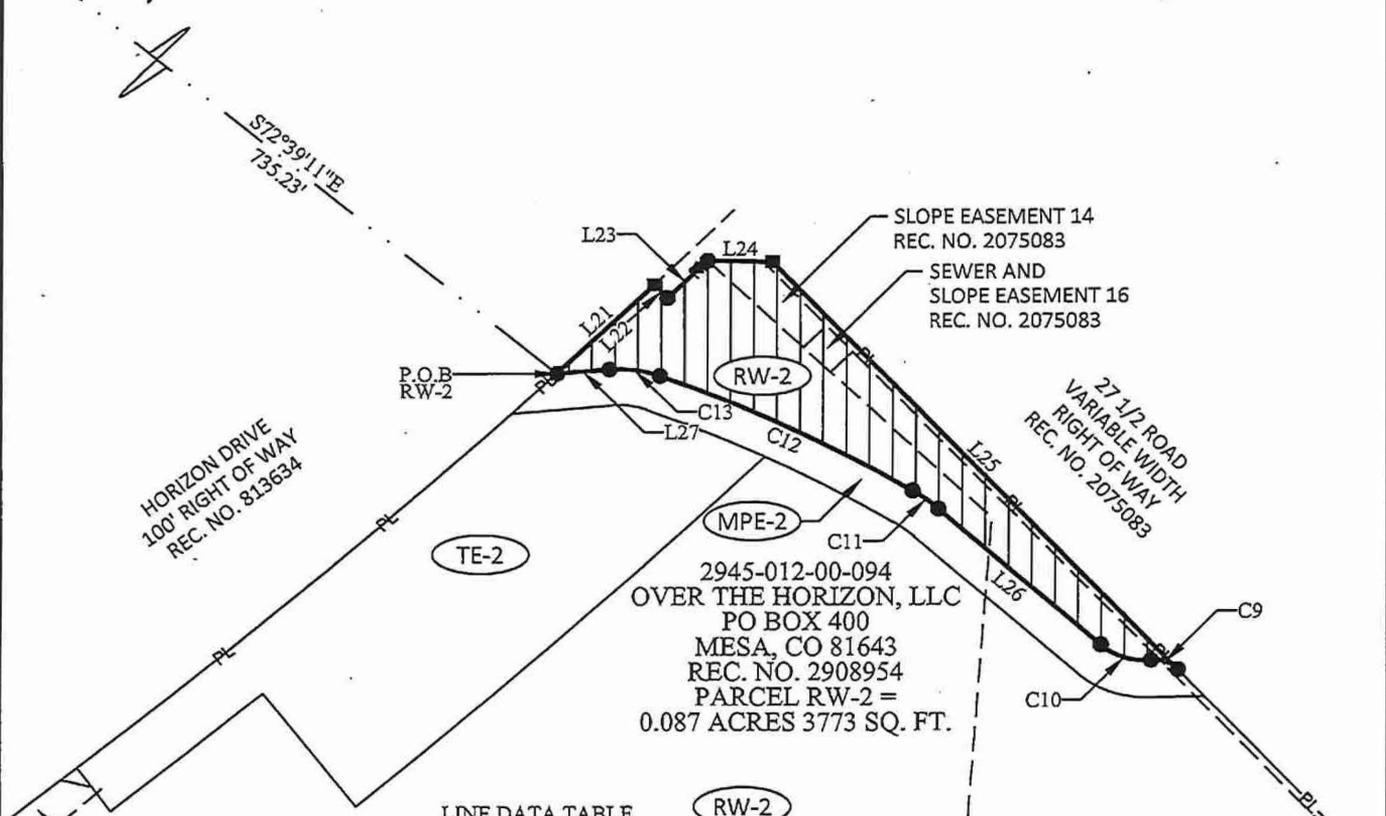


2945-012-00-094
RIGHT OF WAY PARCEL NO. RW-2

W1/16, SEC. 36/1,
T1N R1W/T1S R1W
P.O.C.

NORTH LINE
LOT 3 (AKA NE1/4 NW1/4),
SECTION 1,
(BASIS OF BEARINGS)
N89°59'29"E 1321.07'

S1/4/N1/4 SEC. 36/1,
T1N R1W/T1S R1W,



2945-012-00-094
OVER THE HORIZON, LLC
PO BOX 400
MESA, CO 81643
REC. NO. 2908954
PARCEL RW-2 =
0.087 ACRES 3773 SQ. FT.

LINE DATA TABLE RW-2

LINE	BEARING	DISTANCE
L21	N47°21'12"E	35.94'
L22	S43°24'26"E	5.09'
L23	N46°22'34"E	14.87'
L24	S88°57'04"E	17.49'
L25	S44°19'28"E	156.74'
L26	N49°34'19"W	57.62'
L27	S85°46'45"W	14.22'

CURVE DATA TABLE RW-2

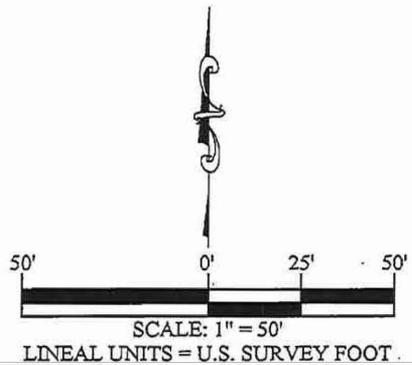
CURVE	ARC	RADIUS	DELTA	CHORD BRG/LENGTH
C9	8.07'	9.00'	51°24'09"	N70°01'33"W - 7.81'
C10	14.50'	18.00'	46°09'19"	N72°38'58"W - 14.11'
C11	8.48'	49.00'	09°55'08"	N54°31'53"W - 8.47'
C12	75.38'	383.50'	11°15'43"	N65°07'18"W - 75.26'
C13	13.89'	33.50'	23°45'33"	N82°37'56"W - 13.79'



Renee B. Parent, CO PLS #38266
244 N. 7th Street
Grand Junction, CO. 81501

- ABBREVIATIONS/LEGEND**
- P.O.C. Point of Commencement
 - P.O.B. Point of Beginning
 - R.O.W. Right-of-Way
 - SEC. Section
 - T. Township
 - R. Range
 - AKA Also Known As
 - Found Property Evidence - 2" Aluminum Cap
 - ▲ Found Property Evidence - 2" Aluminum Cap - W.C. 1' SW of Point of Intersection
 - Point of Intersection
 - ⊕ Found Monument

- MPE Multi-Purpose Easement
- Rec. Reception
- No. Number
- RW Right-of-Way
- DE Drainage Easement
- TE Temporary Easement
- U.M. Ute Meridian
- PSCO Public Service Company Of Colorado



**PUBLIC WORKS
ENGINEERING DIVISION**

DRAWN BY: MJH
DATE: 6/14/2023
SCALE: 1"=50'
APPR. BY: RBP

LOCATED IN
LOT 3 (AKA NE1/4 NW1/4), SECTION 1,
TOWNSHIP 1 SOUTH, RANGE 1 WEST,
UTE MERIDIAN,
CITY OF GRAND JUNCTION,
COUNTY OF MESA,
STATE OF COLORADO



2945-012-00-094

TEMPORARY EASEMENT PARCEL NO. TE-2 LEGAL DESCRIPTION

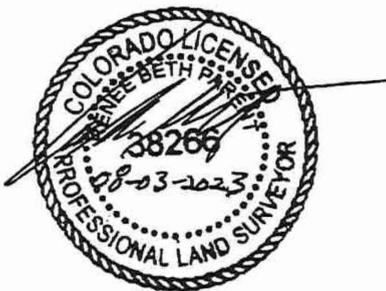
A Parcel of land being a portion of Reception Number 2908954, located in Lot 3 (aka the Northeast Quarter of the Northwest Quarter (NE1/4 NW1/4)), Section 1, Township 1 South, Range 1 West, Ute Meridian, City of Grand Junction, Mesa County Colorado being more particularly described as follows:

Commencing at the West Sixteenth Corner of Section 1/Section 36, whence the North Quarter Corner of said Section 1 bears N89°59'29"E a distance of 1321.07 feet using the Mesa County Local Coordinate System with all other bearings contained herein being relative thereto; thence from said point of commencement S60°16'19"E a distance of 659.60 feet to a point on the Southerly Boundary line of Horizon Drive, Reception Number 813634 being the Point of Beginning; thence along said boundary line Northeasterly along the Arc of a 1960.00 foot radius curve concave Northwesterly, a distance of 151.82 feet thru a central angle of 04°26'17" whose cord bears N50°20'11"E a distance of 151.78 feet to the Point of Intersection with the Southerly line of Multi-Purpose Easement Parcel MPE-2; thence the following three (3) courses, 1) N85°29'17"E a distance of 27.05 feet, 2) Southeasterly along the Arc of a 23.50 foot radius curve concave Southwesterly, a distance of 9.74 feet thru a central angle of 23°45'33" whose cord bears S82°37'56"E a distance of 9.68 feet, 3) Southeasterly along the Arc of a 373.50 foot radius curve concave Southwesterly, a distance of 34.34 feet thru a central angle of 05°16'06" whose cord bears S68°07'07"E a distance of 34.33 feet; thence the following four (4) courses 1) Southwesterly along the Arc of a 2015.00 foot radius curve concave Northwesterly, a distance of 145.87 feet thru a central angle of 04°08'52" whose cord bears S48°58'07"W a distance of 145.84 feet, 2) N38°57'27"W a distance of 40.00 feet, 3) Southwesterly along the Arc of a 1975.00 foot radius curve concave Northwesterly, a distance of 52.15 feet thru a central angle of 01°30'46" whose cord bears S51°47'56"W a distance of 52.14 feet, 4) N37°26'41"W a distance of 15.00 feet to the Point of Beginning.

The purpose of the above described Parcel of land is for a Temporary Construction Easement for Horizon Drive and G Road Roundabout at 27 1/2 Road.

Said Parcel of land containing 7833 Square Feet or 0.180 Acres more or less.

Authored by: Renee B. Parent, CO LS38266, City Surveyor, City of Grand Junction
244 N. 7th Street, Grand Junction, Colorado, 81501, 970-256-4003



PUBLIC WORKS
ENGINEERING DIVISION

DRAWN BY: MJH
DATE: 6/14/2023
SCALE: N/A
APPR. BY: RBP

LOCATED IN
LOT 3 (AKA NE1/4 NW1/4), SECTION 1,
TOWNSHIP 1 SOUTH, RANGE 1 WEST,
UTE MERIDIAN,
CITY OF GRAND JUNCTION,
COUNTY OF MESA,
STATE OF COLORADO

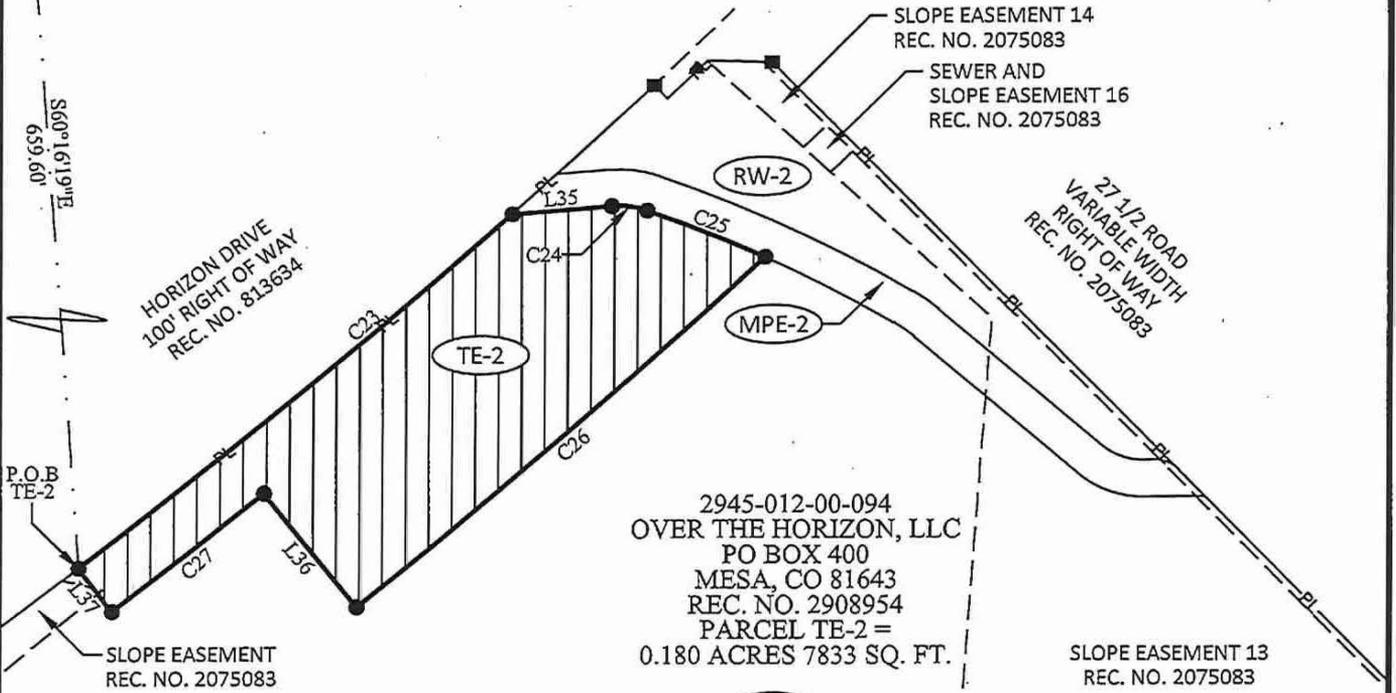


2945-012-00-094
 TEMPORARY EASEMENT PARCEL NO. TE-2

W1/16, SEC. 36/1,
 T1N R1W/T1S R1W
 P.O.C.

NORTH LINE
 LOT 3 (AKA NE1/4 NW1/4),
 SECTION 1,
 (BASIS OF BEARINGS)
 N89°59'29"E 1321.07'

S1/4/N1/4 SEC. 36/1,
 T1N R1W/T1S R1W,



LINE DATA TABLE **TE-2**

LINE	BEARING	DISTANCE
L35	N85°29'17"E	27.05'
L36	N38°57'27"W	40.00'
L37	N37°26'41"W	15.00'

CURVE DATA TABLE **TE-2**

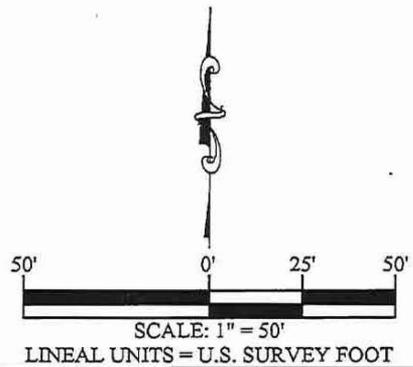
CURVE	ARC	RADIUS	DELTA	CHORD BRG/LENGTH
C23	151.82'	1960.00'	04°26'17"	N50°20'11"E - 151.78'
C24	9.74'	23.50'	23°45'33"	S82°37'56"E - 9.68'
C25	34.34'	373.50'	05°16'06"	S68°07'07"E - 34.33'
C26	145.87'	2015.00'	04°08'52"	S48°58'07"W - 145.84'
C27	52.15'	1975.00'	01°30'46"	S51°47'56"W - 52.14'



Renee B. Parent, CO PLS #38266
 244 N. 7th Street
 Grand Junction, CO. 81501

ABBREVIATIONS/LEGEND

- | | |
|-----------------------------------------------------------------------------------|-----------------------------------------|
| P.O.C. Point of Commencement | MPE Multi-Purpose Easement |
| P.O.B. Point of Beginning | Rec. Reception |
| R.O.W. Right-of-Way | No. Number |
| SEC. Section | RW Right-of-Way |
| T. Township | DE Drainage Easement |
| R. Range | TE Temporary Easement |
| AKA Also Known As | U.M. Ute Meridian |
| ■ Found Property Evidence - 2" Aluminum Cap | PSCO Public Service Company Of Colorado |
| ▲ Found Property Evidence - 2" Aluminum Cap - W.C. 1' SW of Point of Intersection | |
| ● Point of Intersection | |
| ⊕ Found Monument | |



**PUBLIC WORKS
 ENGINEERING DIVISION**

DRAWN BY: MJH
 DATE: 6/14/2023
 SCALE: 1"=50'
 APPR. BY: RBP

LOCATED IN
 LOT 3 (AKA NE1/4 NW1/4), SECTION 1,
 TOWNSHIP 1 SOUTH, RANGE 1 WEST,
 UTE MERIDIAN,
 CITY OF GRAND JUNCTION,
 COUNTY OF MESA,
 STATE OF COLORADO

