

CITY OF GRAND JUNCTION

MEMORANDUM OF AGREEMENT

Parcel No: TCE-4

Project: CROSBY UTILITY RELOCATION

Location: CROSBY AVENUE

County: MESA

This agreement made on (date) January 15, 2025 is between the City of Grand Junction for the use and benefit of the City of Grand Junction (GRANTEE) for the purchase of the parcel(s) listed above from the Owner(s) Koloha Gunnison West, LLC, a Colorado limited liability company (GRANTOR).

Just compensation was determined by an appropriate valuation procedure prepared in accordance with Colorado state laws and regulations. The amount of money and/or compensation listed below is full consideration for the following land, easements, improvements, and damages of any kind.

Table with 3 columns: Description, Sq.ft./acres, and Amount. Rows include Land (N/A), Permanent and Slope Easements (N/A), Temporary Easements (TCE-4, 3,786 Sq.ft./acres), Improvements (540 SF Gravel Ground Cover), Damages (None), Total Fair Market Value / Just Compensation (\$4,593.60), Less Credit (\$0.00), Gross Total (\$4,600.00), Additional consideration for incentive payment (\$1,000.00), and Total Offer Amount (\$5,600.00).

- 1. Incentive: GRANTOR is hereby advised GRANTEE, its employees, contractors or representatives, is seeking to accelerate the project to more quickly provide improvements to the public. Therefore, it is understood and agreed that this agreement includes a one-time incentive payment in the amount of \$1,000.00. This incentive is only applicable if (i) properly executed by GRANTOR, and (ii) received by GRANTEE or its representatives on or before 5 p.m. Mountain Standard Time January 31, 2025 (Deadline). If GRANTEE or its representative does not receive the executed agreement by the Deadline, the incentive is no longer applicable.
2. Temporary Easement: The initial term of Grantee's use of the Temporary Easement (TCE-4) shall be for a period of six (6) months. The Temporary Easement will commence at the time the Grantee's contractor enters the temporary easement areas ("Commencement Date"). The temporary easement will terminate the sooner of: (i) notice by the Grantee that construction on the temporary easement is complete, (ii) completion of the Project, or (iii) six (6) months from the notice ("Initial Term").

In the event that the Project is not completed within the Initial Term, Grantee, or the Grantee through its contractor, may give notice to Grantor thirty (30) calendar days prior to the expiration of the Initial Term that it is extending the term of the Temporary Easement and the Grantor shall be paid \$89.00/week for such extended exclusive Temporary Easement term ("Extended Term").

The GRANTOR:

- 1) Acknowledges that just compensation was determined by an appropriate valuation procedure prepared in accordance with applicable laws and regulations, and hereby knowingly waives any right to contest such valuation;
2) Agrees the amount of money and/or compensation listed above is full consideration for the following land, easements, improvements, and damages of any kind whatsoever;
3) Will, at the closing, pay all taxes (including prorated taxes for the current year) and special assessments for the current year;
4) Shall be responsible for securing releases from all liens, judgments and financial encumbrances to deliver clear, unencumbered title to GRANTEE. Any encumbrance required to be paid by GRANTOR shall be paid at or before closing from the proceeds of the transaction hereby contemplated or from any lawful other source;
5) Will execute and deliver to GRANTEE those documents indicated below;
6) Acknowledges and agrees that by signing this Agreement, it may be waiving rights, including, but not limited to, the right to contest GRANTEE's taking of possession or title to the property by eminent domain.

Signature Certificate

Reference number: NMSC4-BAXVJ-KVSDW-MSVX5

Signer	Timestamp	Signature
Marty Kolonel Email: koloha1@mindspring.com		 IP address: 68.84.198.72 Location: Tucson, United States
Sent:	15 Jan 2025 20:20:09 UTC	
Viewed:	15 Jan 2025 20:20:12 UTC	
Signed:	15 Jan 2025 20:21:43 UTC	
Recipient Verification:		
✓Email verified	15 Jan 2025 20:20:12 UTC	
✓Knowledge-Based (KBA)	15 Jan 2025 20:11:37 UTC	
✓ID Verification	15 Jan 2025 20:11:41 UTC	

Candy Christen Email: candy@dterent.com		 IP address: 163.116.253.45 Location: Dallas, United States
Sent:	15 Jan 2025 20:20:09 UTC	
Viewed:	15 Jan 2025 20:22:09 UTC	
Signed:	15 Jan 2025 20:22:42 UTC	
Recipient Verification:		
✓Email verified	15 Jan 2025 20:22:09 UTC	

Document notarized online using audio-video communication on:
15 Jan 2025 20:22:42 UTC



Signed with PandaDoc

PandaDoc is a document workflow and certified eSignature solution trusted by 50,000+ companies worldwide.



Signature Certificate

Reference number: NMSC4-BAXVJ-KVSDW-MSVX5

Signer	Timestamp	Signature
Candy Christen Email: candy@derent.com		
Sent:	15 Jan 2025 20:20:09 UTC	
Viewed:	15 Jan 2025 20:22:09 UTC	
Signed:	15 Jan 2025 20:22:42 UTC	
Recipient Verification:		IP address: 163.116.253.45
✓Email verified	15 Jan 2025 20:22:09 UTC	Location: Dallas, United States

Document completed by all parties on:
15 Jan 2025 20:22:42 UTC

Page 1 of 1



Signed with PandaDoc

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PARCEL NO. 2945-151-51-001
TEMPORARY CONSTRUCTION EASEMENT PARCEL NO. TCE-4

Legal Description

A parcel of land being a portion of Reception Number 2563452, located in Lot 1, Koloha Simple Subdivision II located in a part of the Southwest Quarter of the Northeast Quarter (SW1/4NE1/4), Section 15, Township 1 South, Range 1 West, Ute Meridian, Grand Junction, County of Mesa, State of Colorado being more particularly described as follows:

Commencing at the Center North Sixteenth corner (CN1/16) of said Section 15, whence the Center Quarter corner (C1/4) of said Section 15 bears S00°05'39"E, a distance of 1332.92 feet using the Mesa County Local Coordinate System (MCLCS) with all other bearings contained herein being relative thereto; thence from said Point of Commencement S03°53'16"E, a distance of 396.63 feet to a point on the northerly line of said Lot 1 and the Point of Beginning;

thence N48°42'46"E, a distance of 3.65 feet along said northerly line; thence S41°17'14"E, a distance of 225.00 feet; thence S67°42'55"E, a distance of 22.33 feet, thence N48°42'46"E, a distance of 40.65 feet; thence S41°17'13"E, a distance of 5.00 feet to a point on the southerly line of said Lot 1 and the northerly right-of-way line of West Gunnison Avenue; thence S48°42'46"W, a distance of 40.59 feet along said southerly line; thence northwesterly 39.27 feet along the arc of a 25.00 radius curve concave northerly through a central angle of 90°00'00" whose chord bears N86°17'14"W, a distance of 35.36 feet to a point on the westerly line of said Lot 1 and the easterly right-of-way line of Crosby Avenue; thence N41°17'14"W, a distance of 187.86 feet along said westerly line; thence northwesterly 38.92 feet along the arc of a 174.00 foot radius curve concave northeasterly through a central angle of 12°48'52" whose chord bears N24°17'09"W, a distance of 38.84 feet to the Point of Beginning.

The purpose of the above described parcel of land is for a temporary construction easement for the Crosby Avenue utility relocation.

Said parcel of land containing 3,786 square feet or 0.087 acres more or less.

Authored by: Alexandre B. Lheritier, CO PLS #38464
City Surveyor, City of Grand Junction
244 North 7th Street
Grand Junction, CO. 81501
(970) 256-4003

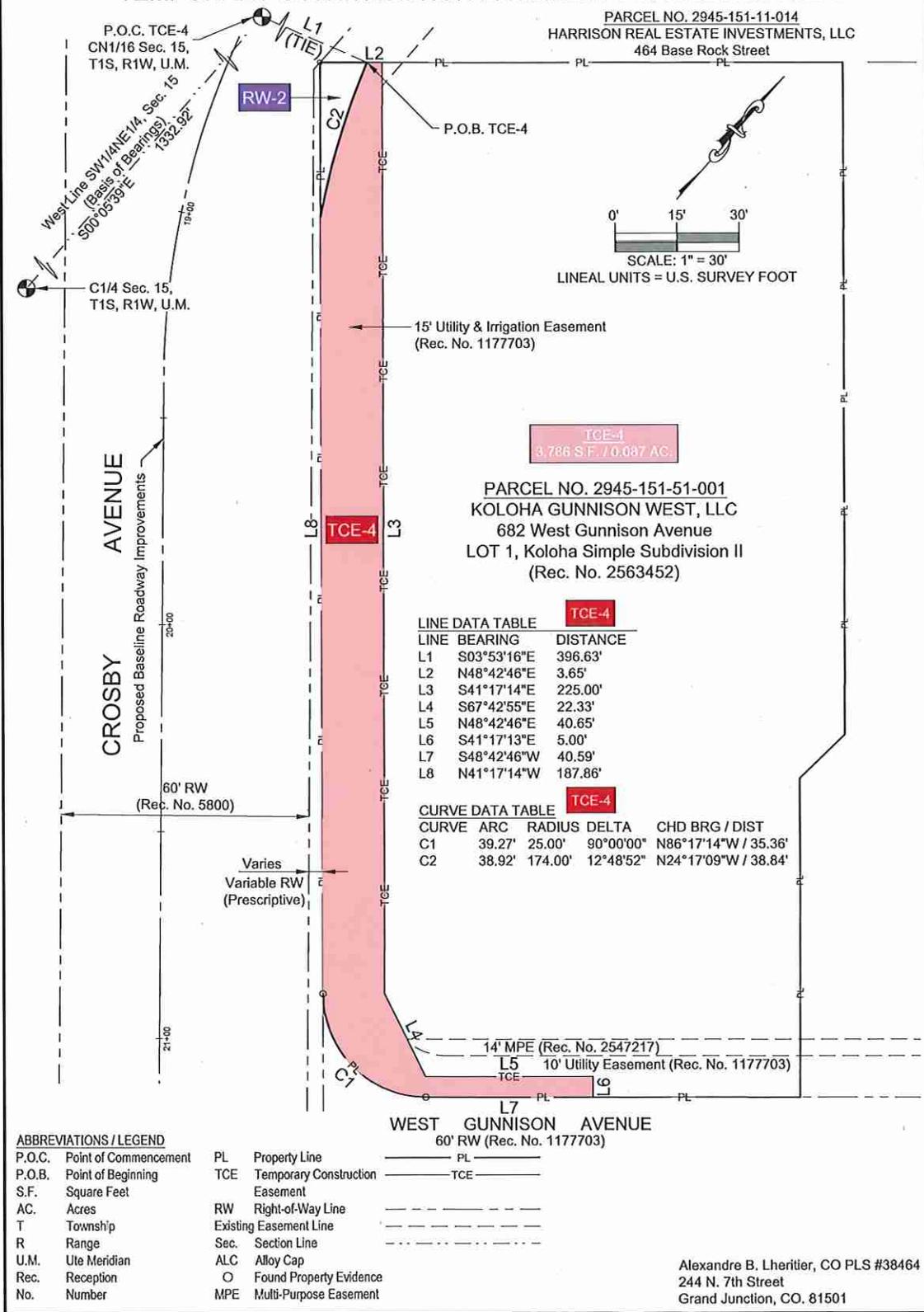
Drawn By: NCW
Date: 10/07/24
Reviewed By: ABL
Approved By: WC

Portion of Parcel No. 2945-151-51-001
Located in the SW1/4NE1/4
Section 15, T1S, R1W, Ute Meridian,
Grand Junction, County of Mesa, State of Colorado

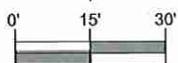
CITY OF
Grand Junction
COLORADO
Engineering & Transportation Department
244 North 7th Street - Grand Junction, Co. 81501

PARCEL NO. 2945-151-51-001

TEMPORARY CONSTRUCTION EASEMENT PARCEL NO. TCE-4



PARCEL NO. 2945-151-11-014
HARRISON REAL ESTATE INVESTMENTS, LLC
464 Base Rock Street



SCALE: 1" = 30'
LINEAL UNITS = U.S. SURVEY FOOT

TCE-4
3,786 S.F. / 0.087 AC.

PARCEL NO. 2945-151-51-001
KOLOHA GUNNISON WEST, LLC
682 West Gunnison Avenue
LOT 1, Koloha Simple Subdivision II
(Rec. No. 2563452)

LINE DATA TABLE TCE-4

LINE	BEARING	DISTANCE
L1	S03°53'16"E	396.63'
L2	N48°42'46"E	3.65'
L3	S41°17'14"E	225.00'
L4	S67°42'55"E	22.33'
L5	N48°42'46"E	40.65'
L6	S41°17'13"E	5.00'
L7	S48°42'46"W	40.59'
L8	N41°17'14"W	187.86'

CURVE DATA TABLE TCE-4

CURVE	ARC	RADIUS	DELTA	CHD BRG / DIST
C1	39.27°	25.00'	90°00'00"	N86°17'14"W / 35.36'
C2	38.92°	174.00'	12°48'52"	N24°17'09"W / 38.84'

ABBREVIATIONS / LEGEND

- | | | | |
|----------|-----------------------|------|---------------------------------|
| P.O.C. | Point of Commencement | PL | Property Line |
| P.O.B. | Point of Beginning | TCE | Temporary Construction Easement |
| S.F. | Square Feet | RW | Right-of-Way Line |
| AC. | Acres | --- | Existing Easement Line |
| T | Township | Sec. | Section Line |
| R | Range | ALC | Alloy Cap |
| U.M. | Ute Meridian | ○ | Found Property Evidence |
| Rec. No. | Reception Number | MPE | Multi-Purpose Easement |

WEST GUNNISON AVENUE
60' RW (Rec. No. 1177703)

Alexandre B. Lheritier, CO PLS #38464
244 N. 7th Street
Grand Junction, CO. 81501

Drawn By: NCW
Date: 10/07/24
Reviewed By: ABL
Approved By: WC

Portion of Parcel No. 2945-151-51-001
Located in the SW1/4NE1/4
Section 15, T1S, R1W, Ute Meridian,
Grand Junction, County of Mesa, State of Colorado

CITY OF
Grand Junction
COLORADO
Engineering & Transportation Department
244 North 7th Street - Grand Junction, Co. 81501

2318679 BK 4163 PG 334
05/24/2006 01:34 PM
Janice Ward CLK&REC Mesa County, CO
RecFee \$5.00 SurChg \$1.00

STATEMENT OF AUTHORITY

1. This Statement of Authority relates to an entity named **Koloha Gunnison West, LLC, A Colorado Limited Liability Company** And is executed on behalf of the entity pursuant to the provisions of Section 38-30-172 C.R.S.
2. The type of entity is **A Colorado Limited Liability Company.**
3. The mailing address for the entity is:
PO Box 882026
Steamboat Springs, CO 80488
4. The entity is formed under the laws of **Colorado**
5. The name of the person(s) authorized to execute instruments conveying, encumbering, or otherwise affecting title to real property on behalf of the entity is:
Martin T. Kolonel, Manager
JoAnn K. Kolonel, Manager
6. The authority of the foregoing person(s) to bind the entity is Not limited OR Limited as follows:
None
7. Other matters concerning the manner in which the entity deals with interest in real property:
None

Dated this 18th day of May, 2006.

Koloha Gunnison West, LLC, A Colorado Limited Liability Company

By [Signature]
Martin T. Kolonel, Manager

STATE OF Colorado)
COUNTY OF Boulder) ss.

On 18th day of May, 2006 before me, the undersigned, personally appeared **Martin T. Kolonel, Manager of Koloha Gunnison West, LLC, A Colorado Limited Liability Company.**

WITNESS MY HAND AND OFFICIAL SEAL.

[Signature]
Notary Public
My commission expires: 11/15/08



Stewart
title

200600610

Request for Taxpayer Identification Number and Certification

Go to www.irs.gov/FormW9 for instructions and the latest information.

Give form to the requester. Do not send to the IRS.

Before you begin. For guidance related to the purpose of Form W-9, see *Purpose of Form*, below.

Print or type. See Specific Instructions on page 3.	<p>1 Name of entity/individual. An entry is required. (For a sole proprietor or disregarded entity, enter the owner's name on line 1, and enter the business/disregarded entity's name on line 2.) Koloha Gunnison West LLC</p> <p>2 Business name/disregarded entity name, if different from above.</p>
	<p>3a Check the appropriate box for federal tax classification of the entity/individual whose name is entered on line 1. Check only one of the following seven boxes.</p> <p><input type="checkbox"/> Individual/sole proprietor <input type="checkbox"/> C corporation <input type="checkbox"/> S corporation <input checked="" type="checkbox"/> Partnership <input type="checkbox"/> Trust/estate</p> <p><input checked="" type="checkbox"/> LLC. Enter the tax classification (C = C corporation, S = S corporation, P = Partnership)</p> <p><small>Note: Check the "LLC" box above and, in the entry space, enter the appropriate code (C, S, or P) for the tax classification of the LLC, unless it is a disregarded entity. A disregarded entity should instead check the appropriate box for the tax classification of its owner.</small></p> <p><input type="checkbox"/> Other (see Instructions)</p>
	<p>4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3):</p> <p>Exempt payee code (if any) _____</p> <p>Exemption from Foreign Account Tax Compliance Act (FATCA) reporting code (if any) _____</p> <p><i>(Applies to accounts maintained outside the United States.)</i></p>
	<p>3b If on line 3a you checked "Partnership" or "Trust/estate," or checked "LLC" and entered "P" as its tax classification, and you are providing this form to a partnership, trust, or estate in which you have an ownership interest, check this box if you have any foreign partners, owners, or beneficiaries. See Instructions <input type="checkbox"/></p>
	<p>5 Address (number, street, and apt. or suite no.). See Instructions. 5112 N Ft. Buchanan Trl</p> <p>6 City, state, and ZIP code Tucson AZ 85750</p> <p>7 List account number(s) here (optional)</p>
	<p>Requester's name and address (optional)</p>

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the instructions for Part I, later. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN*, later.

Social security number

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OR

Employer identification number

Note: If the account is in more than one name, see the instructions for line 1. See also *What Name and Number To Give the Requester* for guidelines on whose number to enter.

Part II Certification

Under penalties of perjury, I certify that:

- The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
- I am not subject to backup withholding because (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
- I am a U.S. citizen or other U.S. person (defined below); and
- The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and, generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions for Part II, later.

Sign Here	Signature of U.S. person	Date 11/9/25
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General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Future developments. For the latest information about developments related to Form W-9 and its instructions, such as legislation enacted after they were published, go to www.irs.gov/FormW9.

What's New

Line 3a has been modified to clarify how a disregarded entity completes this line. An LLC that is a disregarded entity should check the appropriate box for the tax classification of its owner. Otherwise, it should check the "LLC" box and enter its appropriate tax classification.

New line 3b has been added to this form. A flow-through entity is required to complete this line to indicate that it has direct or indirect foreign partners, owners, or beneficiaries when it provides the Form W-9 to another flow-through entity in which it has an ownership interest. This change is intended to provide a flow-through entity with information regarding the status of its indirect foreign partners, owners, or beneficiaries, so that it can satisfy any applicable reporting requirements. For example, a partnership that has any indirect foreign partners may be required to complete Schedules K-2 and K-3. See the Partnership Instructions for Schedules K-2 and K-3 (Form 1065).

Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS is giving you this form because they