

**CITY OF GRAND JUNCTION
DEPARTMENT OF PUBLIC WORKS
MEMORANDUM OF
AGREEMENT**

Project No.: 207-F1903
Description: F ½ Parkway Improvement Project
Owner(s): JKCC Properties, LLC
Parcels: RW-33

This Memorandum of Agreement (“Agreement”) is made and entered into this 19th day of September, 2023, by and between **JKCC Properties, LLC**, a Colorado Limited Liability Company, 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 24 Road and G Road Improvement Project (“Project”). The Project will improve 24 Road from Patterson Road to Interstate 70 and G Road from 23-1/2 Road to 24-1/2 Road. The Project includes the installation of additional travel lanes, auxiliary lanes, facilities to accommodate pedestrian and bicycle mobility, storm drainage facilities, street lighting, and a roundabout at the intersection of 24 Road and G 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 613 25 Road in the City of Grand Junction, County of Mesa, State of Colorado, as identified by Mesa County Assessor Parcel Number 2945-044-14-001, 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-33: A parcel of land in fee simple to be used as public right-of-way, containing a total area of five (5) square feet 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”.

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

- D. The City has prepared and approved a value finding 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-33:	5.00 sq.ft. @ \$18.00/sq.ft.	= \$90.00
	Total Consideration (\$500.00 minimum)	= \$500.00

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 Warranty Deed for Parcel No. RW-33.
 - c. One (1) completed and executed Statement of Authority evidencing the existence of JKCC Properties, LLC, and the identity of person(s) authorized to act on behalf of JKCC Properties, LLC
 - d. One (1) completed and executed Federal Form W-9.
 - e. 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:

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



JKCC Properties, LLC
Name: Joseph Funderburk
Title:



Greg Caton, City Manager

LEGAL DESCRIPTION
2945-044-14-001
RIGHT-OF-WAY PARCEL NO. RW-33

A parcel of land being a portion of the land as described in Reception Number 2845406 lying in the SE1/4 SE1/4 of Section 4, Township 1 South, Range 1 West of the Ute Meridian, City of Grand Junction, County of Mesa, State of Colorado and being more particularly described as follows:

Commencing at the South 1/16 Corner of said Section 4, and assuming the East line of said SE1/4 SE1/4 bears S00°02'40"W, with all other bearings contained herein being relative thereto; thence S 04°49'00" W, a distance of 661.13' feet, to the Northeast corner of the property described in Reception Number 2845406 and the Point of Beginning;

thence, along the East line of the property described in Reception Number 2845406, S00°02'40"W, a distance of 1.50 feet; thence, leaving said East line of the property, along the arc of a 29.00 foot radius non-tangent curve to the left for a distance of 8.82 feet, with chord which bears N80°19'20"W, a distance of 8.79 feet, and an interior angle of 17°25'57" to a point on the North line of the property described in Reception Number 2845406; thence, along said North line of the property, N89°51'29"E, a distance of 8.67 feet to said Northeast corner of the property, and the Point of Beginning.

Said Parcel of land Containing 5 Square Feet, more or less, as described.

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



Exhibit "A"

C:\Projects\2426 F-5 Rd City GA\Parcel 33\CAD\Parcel 33 Acquisition Docs.dwg - PLOTTED 2022-08-31

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

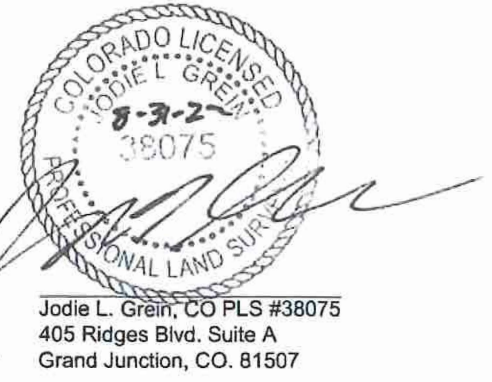
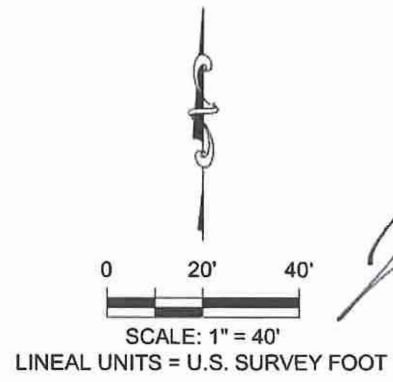
The sketch & description shown hereon have been derived from subdivision plats & deed descriptions as they appear in the office of the Mesa County Clerk & Recorder & monuments as shown. This sketch does not constitute a legal boundary survey, & is not intended to be used as a means for establishing or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

DRAWN BY:	CLB
DATE:	08-2022
REVIEWED BY:	JLG
APPROVED BY:	BH
SCALE:	

Portion of 2945-044-14-001
Located in a part of the SE $\frac{1}{4}$ SE $\frac{1}{4}$
Section 4, T.1S, R.1W
Ute Meridian, City of Grand Junction
Mesa County, Colorado

CITY OF
Grand Junction
COLORADO

PUBLIC WORKS
ENGINEERING DIVISION
PROJECT NO. 207-F210306



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

2945-044-14-001
RIGHT-OF-WAY PARCEL NO. RW-33

2945-044-00-123
ANTHONY PROPERTIES
REALTY INC
(Rec. No. 3032500)

2945-044-00-124
ANTHONY PROPERTIES
REALTY INC
619 25 RD
(Rec. No. 3032500)

P.O.C.
SOUTH 1/16 CORNER
SEC. 4, T.1S, R.1W

WEST
FORESIGHT
CIRCLE

TIE
S 04°49'00" W
661.13'

P.O.B.
N 89°51'29" E
8.67'

S 00°02'40" W
658.66'

10.00' MULTI-PURPOSE EASEMENT (Rec. No. 1841835)

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	29.00'	8.32'	8.79'	N 80°19'20" W	17°25'57"

S 89°51'29" W
55.00'

S 00°02'40" W
1.50'

25 ROAD

2945-044-14-001
JKCC PROPERTIES LLC
613 25 RD
(Rec. No. 2845406)
PARCEL NO. RW-33 = 5 Sq. Ft.

2945-044-14-002
GRAND VALLEY REALTY LLC
611 25 RD
(Rec. No. 2675562)

SE¹/₄ SE¹/₄

LOT 1 BENSLEY-BRISTOL MINOR SUBDIVISION
(Rec. No. 1841835)

14.00' MULTI-PURPOSE EASEMENT (Rec. No. 2931830)

55.00' RIGHT-OF-WAY
(Rec. No. 1841835 & 2931829)

EAST LINE SE¹/₄ SE¹/₄
SEC. 4 T.1S, R.1W
(BASIS OF BEARINGS)
S 00°02'40" W 1317.27'

2945-033-07-043
2503 LLC
2503 FORESIGHT CIR
(Rec. No. 1672917)

27.00' DRAINAGE EASEMENT (Rec. No. 1841835)

15.00' INGRESS EGRESS & MULTI-PURPOSE EASEMENT
(Rec. No. 1841835)

SUNPLEX IV CONDOMINIUM
607 25 RD
(Rec. No. 2416301)

SUNPLEX V CONDOMINIUM
605 25 RD
(Rec. No. 2236855 & Rec. No. 2538552)

SOUTHEAST
CORNER
SEC. 4, T.1S, R.1W

C:\Projects\24226 F.5 Rd City G\Parcel 33\CAD\Parcel 33 Acquisition Docs.dwg - PLOTTED 2022-08-31

Exhibit "B"

ABBREVIATIONS		
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~	Approximately	Sq.Ft. Square Feet

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DATE: 08-2022
REVIEWED BY: JLG
APPROVED BY: BH
SCALE: 1" = 40'

Portion of 2945-044-14-001
Located in a part of the SE¹/₄ SE¹/₄
Section 4, T.1S, R.1W
Ute Meridian, City of Grand Junction
Mesa County, Colorado



PUBLIC WORKS
ENGINEERING DIVISION
PROJECT NO. 207-F210306

C:\Projects\2426 F.5 Rd City GA\Parcel 33\CAD\Parcel 33 Acquisition Descs.dwg - PLOTTED 2022-08-31

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

ABBREVIATIONS

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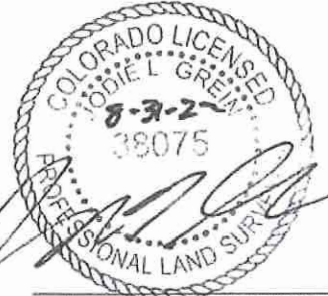
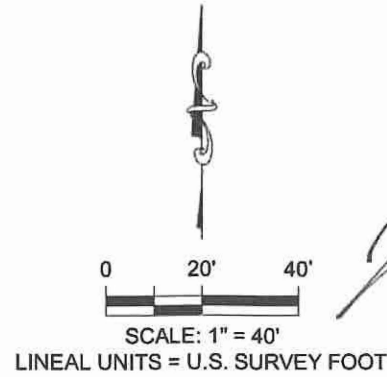
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**PUBLIC WORKS
ENGINEERING DIVISION**
PROJECT NO. 207-F210306



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