

CITY OF GRAND JUNCTION DEPARTMENT OF PUBLIC WORKS  <b>MEMORANDUM OF  AGREEMENT</b>	Project No.: F210305
	Description: D ½ Road Improvement Project
	Owner(s): Thomas Schaffer & Lisa Marye
	Parcels: RW-17A, RW-17B

This Memorandum of Agreement (“Agreement”) is made and entered into this 24<sup>th</sup> day of October, 2024, by and between **Thomas R. Schaffer & Lisa D. Marye** 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, a Colorado home rule municipality (“City”), is proceeding with implementation of the D ½ Road Improvement Project (“Project”). The Project will widen and add street improvements to D ½ Road from 29 Road on the west to 30 Road on the east. Improvements include a center turn lane, bike lanes, curb gutter and streetlights to accommodate pedestrian and bicycle mobility, and storm drainage facilities (“Project Improvements”). Construction of the Project is anticipated to begin in 2024 with Ballot Initiative No. 2A funds approved by a majority of the City electorate in November of 2019.
- B. The Owner owns certain real property within the limits of the Project located at 2980 D ½ Road Unit A in the City of Grand Junction, County of Mesa, State of Colorado, as identified by Mesa County Assessor Parcel Number 2943-171-00-143, 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-17A:** A parcel of land in fee simple to be used as public right of way for D 1/2 Road, containing a total area of 5,897 square feet (0.14 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 “C”; and also

**Parcel No. RW-17B:** A parcel of land in fee simple to be used as public right of way for D 1/2 Road, containing a total area of 9,950 square feet (0.23 acres), more or less, as more particularly described in the accompanying legal description labeled Exhibit “B” and depicted on the accompanying graphic illustration labeled Exhibit “C”.

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

- D. The City has obtained and reviewed an appraisal prepared by a Colorado Certified General Appraiser to estimate the fair market value and just compensation to be offered for the Acquired Property. In consideration of the foregoing, the City and the Owner agree to the following sum of money as just compensation for the Acquired Property and any improvements, damages or costs to cure itemized below:

Parcel No. RW-17A:	5,897 sq.ft. @ \$0.11/sq.ft.	= \$649.00
Parcel No. RW-17B:	9,950 sq.ft. @ \$2.15/sq.ft.	= \$21,393.00
	<b>Total Land &amp; Easement Value</b>	<b>= \$22,042.00</b>
Improvements:		
Gravel Driveway – 1,580 sq.ft.		= \$1,975.00
	<b>Total Improvements Contributory Value</b>	<b>= \$1,975.00</b>
	<b>Administrative Settlement:</b>	<b>= \$3,487.13</b>
	<b>Total Consideration</b>	<b>= \$27,587.13 (rounded)</b>

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,

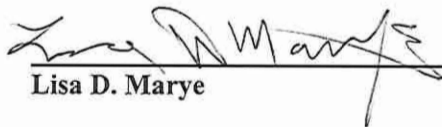
or (2) a title company selected by the City, to which the City has deposited the Total Consideration pending upon the execution and delivery by the Owner to the City of:

- a. One (1) fully executed original of this Memorandum of Agreement.
  - b. One (1) good and sufficient General Warranty Deed for Parcels No. RW-17A & RW-17B.
  - c. One (1) completed and executed Federal Form W-9.
  - d. 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:**  
**Thomas R. Schaffer & Lisa D. Marye**

  
\_\_\_\_\_  
**Thomas R. Schaffer**

  
\_\_\_\_\_  
**Lisa D. Marye**

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

  
\_\_\_\_\_  
**Andrea Phillips, Interim City Manager**

# EXHIBIT A

## LEGAL DESCRIPTION

2943-171-00-143

RIGHT-OF-WAY PARCEL NO. RW-17A

A parcel of land being a portion of the tract of land as described in Reception Number 2673677 located in the Southeast Quarter of the Northeast Quarter (SE1/4 NE1/4) of Section 17, Township 1 South, Range 1 East of the Ute Meridian, City of Grand Junction, County of Mesa, State of Colorado and being more particularly described as follows:

Beginning at the C-E 1/16 corner of said Section 17, and assuming the South line of said SE1/4 NE1/4 bears S.89°59'22"E. with all other bearings contained herein being relative thereto;

Thence N.00°06'15"W. along the West line of said entire tract, a distance of 14.59 feet to the north edge of the open, used and historic Right-of-Way for D ½ Road; thence S.89°55'19"E. along said north edge, a distance of 341.02 feet; thence continuing N.82°09'18"E. along said north edge, a distance of 55.68 feet to the East line of said entire tract; thence S.00°06'00"E. along the East line of said entire tract, a distance of 21.79 feet to the Southeast Corner of said entire tract; thence N.89°59'22"W. along the South line of said entire tract, a distance of 396.19 feet to the Point of Beginning.

Said Parcel of Land CONTAINING 5897 Square Feet or 0.14 Acres, more or less, as described.

Authored by: C. Scott Bishop, PLS #38690  
Survey Manager, Horrocks  
2161 W. Grove Parkway Suite #100  
Pleasant Grove, UT 84062



# EXHIBIT B

## LEGAL DESCRIPTION

2943-171-00-143

RIGHT-OF-WAY PARCEL NO. RW-17B

A parcel of land being a portion of the tract of land as described in Reception Number 2673677 located in the Southeast Quarter of the Northeast Quarter (SE1/4 NE1/4) of Section 17, Township 1 South, Range 1 East of the Ute Meridian, City of Grand Junction, County of Mesa, State of Colorado and being more particularly described as follows:

Commencing at the C-E 1/16 corner of said Section 17, and assuming the south line of said SE1/4 NE1/4 bears S.89°59'22"E. with all other bearings contained herein being relative thereto; thence along the west line of said entire tract, N.00°06'15"W. a distance of 14.59 feet to the north edge of the open, used and historic Right-of-Way for D ½ Road and the Point of Beginning.

Thence continuing along the west line of said entire tract, N.00°06'15"W. a distance of 25.41 feet; thence S.89°59'22"E. a distance of 396.19 feet to a point in the east line of said entire tract; thence S.00°06'00"E. along the east line of said parcel, a distance of 18.21 feet to the north edge of the open, used and historic Right-of-Way for D ½ Road; thence along said north edge, S.82°09'18"W. a distance of 55.68 feet; thence continuing along said north edge, N.89°55'19"W. a distance of 341.02 feet to the Point of Beginning.

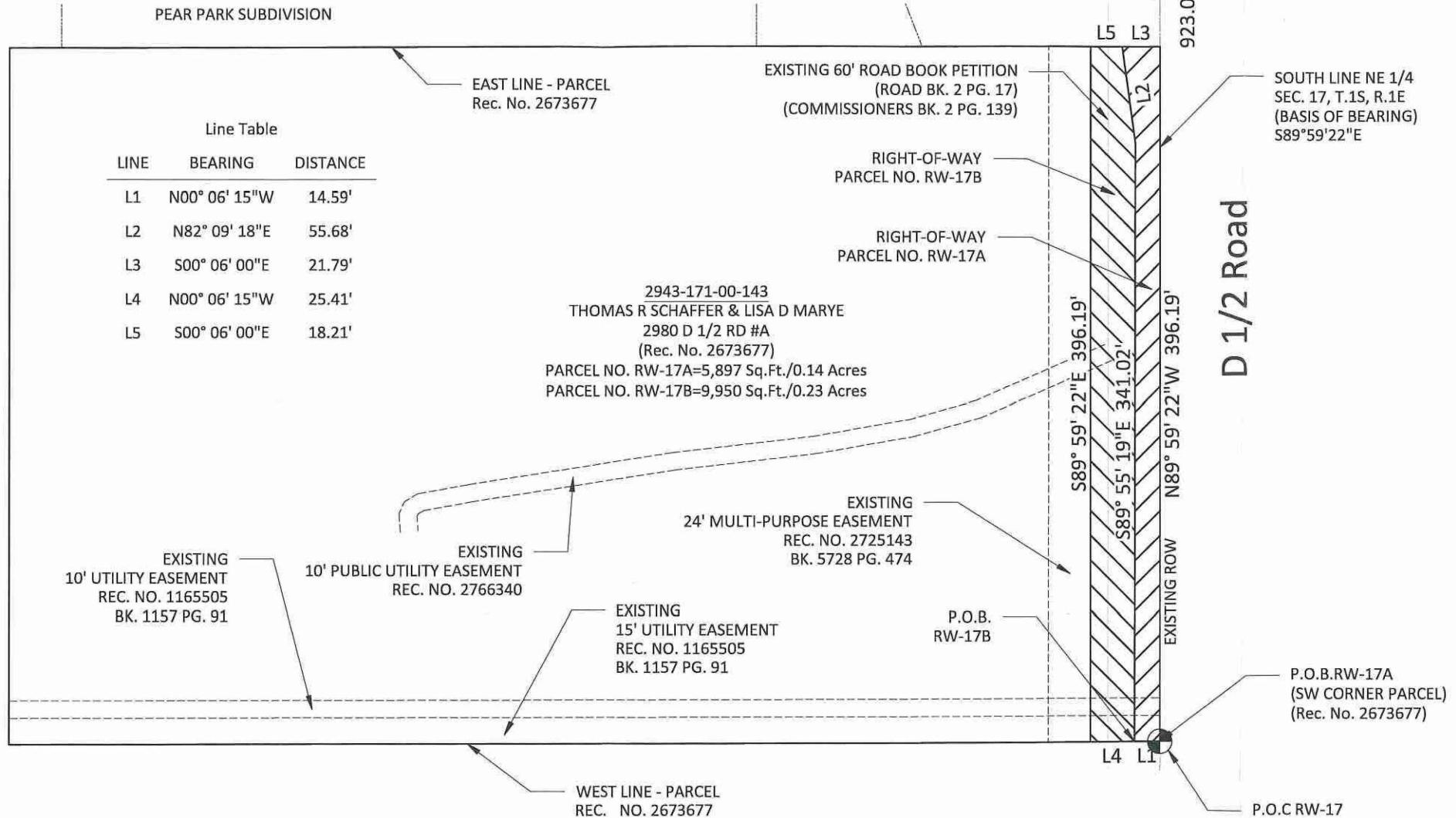
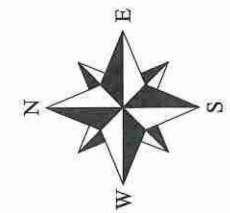
Said Parcel of Land CONTAINING 9950 Square Feet or 0.23 Acres, more or less, as described.

Authored by: C. Scott Bishop, PLS #38690  
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# EXHIBIT C

Portion of 2943-171-00-143  
 Located in a part of the  
 SE1/4 NE1/4  
 Section 17, T.1S, R.1E  
 Ute Meridian, City of Grand Junction  
 Mesa County, Colorado



Line Table

LINE	BEARING	DISTANCE
L1	N00° 06' 15"W	14.59'
L2	N82° 09' 18"E	55.68'
L3	S00° 06' 00"E	21.79'
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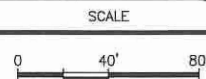
2943-171-00-143  
 THOMAS R SCHAFFER & LISA D MARYE  
 2980 D 1/2 RD #A  
 (Rec. No. 2673677)  
 PARCEL NO. RW-17A=5,897 Sq.Ft./0.14 Acres  
 PARCEL NO. RW-17B=9,950 Sq.Ft./0.23 Acres

**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: SMB  
 DATE: 04-11-2024  
 REVIEWED BY: BTL  
 APPROVED BY: CSB  
 SCALE: 1"=80'



**ENGINEERING & TRANSPORTATION**  
 PROJECT NO. F210305

D 1/2 RD, 29 TO 30 RD  
 EXHIBIT PARCEL 17

### WARRANTY DEED

This Warranty Deed made this 20<sup>th</sup> day of February, 2025 by and between **Thomas R. Schaffer & Lisa D. Marye, Grantors**, who are the owners of a parcel of land located at 2980 D 1/2 Road Unit A, Grand Junction, CO 81504 as recorded at Reception No. 2673677, in the Mesa County Clerk and Recorder's records, Colorado, for and in consideration of Ten Dollars and 00/100, (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, have sold, granted and conveyed, and by these presents do hereby sell, grant and convey to the **City of Grand Junction, a Colorado home rule municipality, Grantee**, whose address is 250 N. 5th Street, Grand Junction, CO 81501, its successors and assigns forever all right, title and interest in fee simple the following described parcel of land for Public Road and Utilities Right-of-Way purposes, to wit:

RW-17A – Containing 5,897 square feet (0.14 acres) and more particularly described on **Exhibit "A"** and **Exhibit "C"** attached hereto and incorporated herein by reference for the legal description and graphic illustration of the parcel of land that is the subject of this instrument.

RW-17B – Containing 9,950 square feet (0.23 acres) and more particularly described on **Exhibit "B"** and **Exhibit "C"** attached hereto and incorporated herein by reference for the legal description and graphic illustration of the parcel of land that is the subject of this instrument.

Said Parcel being a part of Mesa County Assessor Parcel No. 2943-171-00-143

TO HAVE AND TO HOLD the premises aforesaid, with all and singular the rights, privileges, appurtenances and immunities thereunto belonging or in anywise appertaining, unto the said Grantee and unto its successors and assigns forever, the said Grantors hereby covenanting that Grantors will warrant and defend the title to said premises unto the said Grantee and unto its successors and assigns forever, against the lawful claims and demands of all persons whomsoever.

Executed and delivered this 20<sup>th</sup> day of February, 2025

[Signature]  
Thomas R. Schaffer

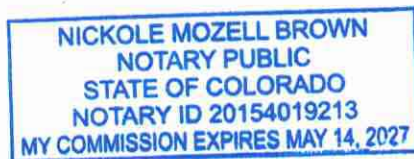
[Signature]  
Lisa D. Marye

State of Colorado )  
County of Mesa )ss

The foregoing instrument was acknowledged before me this 20<sup>th</sup> day of February, 2025 by Thomas R. Schaffer & Lisa D. Marye.

My commission expires May 14, 2027.  
Witness my hand and official seal.

[Signature]  
Notary Public



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# EXHIBIT B

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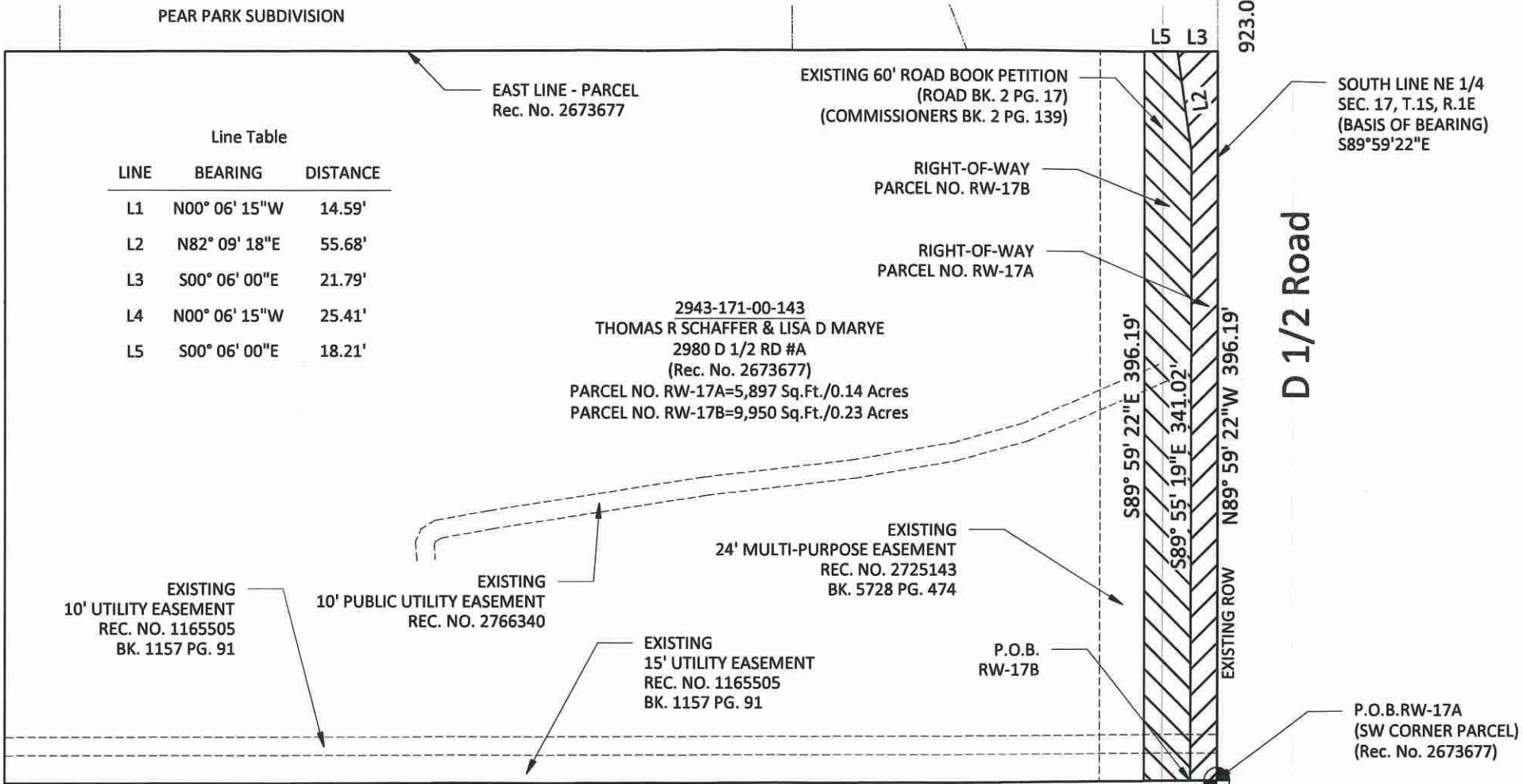
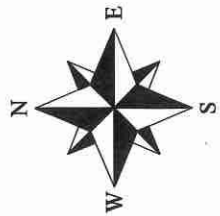
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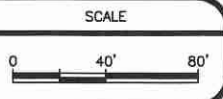
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D 1/2 RD, 29 TO 30 RD  
 EXHIBIT PARCEL 17