

CITY OF GRAND JUNCTION DEPARTMENT OF PUBLIC WORKS MEMORANDUM OF AGREEMENT	Project No.: 207-F1903
	Description: F ½ Road Parkway Improvement Project
	Owner(s): Applewood Lane, LLC
	Parcels: RW-37A, RW-37B, MPE-37A, TCE-37A, RM-37

This Memorandum of Agreement (“Agreement”) is made and entered into this 30th day of April, 2024, by and between **Applewood Lane, 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 is proceeding with implementation of the F ½ Road Parkway Improvement Project (“Project”). The Project will create a fully developed street section from 24 Road on the west to 25 Road on the east. The project will also add street improvements to 25 Road from Patterson Road on the south to Waite Avenue on the north. Improvements include additional travel lanes, auxiliary lanes, facilities to accommodate pedestrian and bicycle mobility, storm drainage facilities, street lighting, landscaped medians and parkways, and a new roundabout at the intersection of F ½ Road Parkway and 24 ½ 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 651 25 Road in the City of Grand Junction, County of Mesa, State of Colorado, as identified by Mesa County Assessor Parcel Number 2945-041-00-034, 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-37A: A parcel of land in fee simple to be used as public right of way for F 1/2 Road, containing a total area of 22,130 square feet (0.51 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. RW-37B: A parcel of land in fee simple to be used as public right of way for F 1/2 Road, containing a total area of 2,192 square feet (0.05 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. MPE-37A: A Multi-Purpose Easement for the installation, operation, maintenance and repair of public utilities, traffic control facilities, street lighting, landscaping, trees, grade structures, public sidewalks and trails, containing a total area of 3,151 square feet (0.07 acres), more or less, as more particularly described in the accompanying legal description labeled Exhibit “E” and depicted on the accompanying graphic illustration labeled Exhibit “F”; and also

Parcel No. TCE-37A: A Temporary Construction Easement to facilitate prudent, proper, safe and efficient installation of the Project Improvements, containing a total area of 1,125 square feet (0.03 acres), more or less, as more particularly depicted on the accompanying graphic illustration labeled Exhibit “G”. The City’s required duration of use for Parcel No. TCE-37A is 24 months; and also

Parcel No. RM-37: A parcel of land in fee simple identified as a remnant, which the City is willing to acquire, containing a total area of 5,235 square feet (0.12 acres), more or less, as more particularly described in the accompanying legal description labeled Exhibit “H” and depicted on the accompanying graphic illustration labeled Exhibit “I”. The subject Parcels are described in the accompanying legal descriptions and depicted on the accompanying graphic illustrations.

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-37A:	22,130 sq.ft. @ \$7.00/sq.ft.	= \$154,910
Parcel No. RW-37B:	2,192 sq.ft. @ \$7.00/sq.ft. x 5%	= \$767
Parcel No. MPE-37A:	3,151 sq.ft. @ \$7.00/sq.ft. x 50%	= \$11,028
Parcel No. TCE-37A:	1,125 sq.ft. @ \$7.00/sq.ft. x 10% /year x 2 years	= \$1,575
Parcel No. RM-37:	5,235 sq.ft. @ \$7.00/sq.ft.	= \$36,645
Total Land & Easement Value		= <u>\$204,925</u>

Improvements:

• Site Improvements	= \$3,000
Total Improvements Contributory Value	= <u>\$3,000</u>
Subtotal (Rounded)	= <u>\$207,900</u>

Administrative Settlement = \$57,100

**Total Consideration = \$265,000
(rounded)**

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-37A, RW-37B, & RM-37.
 - c. One (1) good and sufficient Grant of Multi-Purpose Easement Agreement for Parcel No. MPE-37A.
 - d. One (1) good and sufficient Temporary Construction Easement Agreement for Parcel No. TCE-37A.
 - e. One (1) completed and executed Federal Form W-9.
 - f. 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. Applewood Lane, LLC hereby authorizes the relocation of the Mobile Home owned by Jacquelyn A. Moran on the subject remainder site at 651 25 Rd as depicted in Exhibit "J". This includes constructing a foundation, modifying the gravel access and parking areas, providing utility connections and associated appurtenances as may be needed for the Mobile Home.

6. The Mobile Home owned by Jacquelyn Moran (1995 Redman, 14' x 52', #13515082 as identified by Mesa County Assessors) will be relocated as personal property pursuant to federal relocation policy as defined in the Uniform Relocation Assistance and Real Property Acquisition Policy Act of 1970, as amended ("Uniform Act"). The Uniform Act is codified at [49 CFR Part 24, Subpart D](#). This will be coordinated separately with its owner, Jacquelyn A. Moran.
7. 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.
8. 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.
9. The City will be entitled to specific performance of this Agreement upon tender of the agreed consideration.
10. 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: Applewood Lane, LLC

By: Michael J. Moran
Michael Moran, Manager

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

Andrea Phillips
Andrea Phillips, Interim City Manager

Exhibit A

LEGAL DESCRIPTION

2945-041-00-034

RIGHT-OF-WAY PARCEL NO. RW-37A

A Parcel of land being a portion of land described in Reception Number 2790461 located in the Southeast Quarter of the Northeast Quarter (SE1/4 NE1/4) 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 East Quarter Corner of said Section 4, Whence the North Sixteenth Corner of said Section 4 and 3 bears N00°03'04"E a distance of 1320.76 feet with all other bearings contained herein being relative thereto; thence from said point of commencement, N00°03'04"E, a distance of 43.01 feet to a point on the East Line of said Parcel of land as described in Reception Number 2790461; thence N89°56'56"W, a distance of 12.75 feet to a point on the North line of Parcel RM-37 being the Point of Beginning; thence along the said North line the following four (4) courses 1) Northwesterly along the arc of a 530.00 foot radius curve concave Northeasterly, a distance of 46.17 feet thru a central angle of 04°59'27" whose chord bears N57°04'27"W a distance of 46.15 feet, 2) N54°34'44"W a distance of 16.37 feet, 3) S80°25'16" W a distance of 34.53 feet, 4) S35°25'16"W a distance of 63.41 feet to a point on the South line of said Parcel of land as described in Reception Number 2790461, thence along said South line N88°42'45"W, a distance of 86.98 feet; thence N35°25'16"E, a distance of 182.76 feet; thence Northeasterly along the arc of a 470.00 foot radius curve concave Northwesterly, a distance of 42.30 feet thru a central of angle of 05°09'25" whose chord bears N32°50'34"E, a distance of 42.29 feet to a point on the North line of said Parcel as described in Reception Number 2790461; thence along said North line N89°58'39"E, a distance of 81.43 feet to the Northwest Corner of Right-of-Way Parcel No. RW-37B; thence the following four (4) courses along the West line of said Right-of-Way Parcel No. RW-37B: 1)S00°00'32"E, a distance of 37.09 feet, 2) S00°16'11"W, a distance of 49.28 feet, 3) S00°26'16"W, a distance of 50.67 feet; 4) S00°21'15"E, a distance of 26.56 feet to the Point of Beginning.

Said Parcel of land CONTAINING 22,130 Square Feet or 0.51 Acres, more or less, as described.

Authored by: Renee B. Parent, CO PLS #38266
City Surveyor - City of Grand Junction
333 West Avenue, Building C
Grand Junction, CO 81501



\\Publicworks-mb\vol_1\Draw\Landpro\1\CS ROAD PARKWAY FROM 24 RD TO 25 RD\BROW Acquisition\Parcel 37A\CAD\Parcel 37A Acquisition Docas.dwg - PLOTTED 2022-12-15

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	F# Filing Number
PSCO	Public Service Company of Of Colorado	

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: NCW/MJH
DATE: 12-13-2022
REVIEWED BY: RBP
APPROVED BY: BH
SCALE: N/A

Portion of 2945-041-00-034
Located in a part of the SE¼ NE¼
Section 4, T.1S, R.1W
Ute Meridian, City of Grand Junction
Mesa County, Colorado



PUBLIC WORKS
ENGINEERING DIVISION
PROJECT NO. 207-F210306

Exhibit C

LEGAL DESCRIPTION
2945-041-00-034
RIGHT-OF-WAY PARCEL NO. RW-37B

A Parcel of land being a portion of land described in Reception Number 2790461 located in the Southeast Quarter of the Northeast Quarter (SE1/4 NE1/4) 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 East 1/4 Corner of said Section 4, Whence the North Sixteenth Corner of said Section 4 and 3 bears N00°03'04"E a distance of 1320.76 feet with all other bearings contained herein being relative thereto; thence from said point of commencement, N00°03'04"E along said East line, a distance of 17.13 feet to the Southeast Corner of said Parcel of land as described in Reception Number 2790461 and being the Point of Beginning; thence N88°42'45"W, a distance of 0.60 feet along the South line of said parcel as described in Reception Number 2790461, thence N17°35'39"W a distance of 24.22 feet; thence Northwesterly along the arc of a 530.00 foot radius curve concave northeasterly, a distance of 5.56 feet thru a central angle of 00°36'03" whose cord bears N59°52'12"W, a distance of 5.56 feet to the West edge of the open, used, and historic Right-of-Way for 25 Road; thence the following four (4) courses along said West edge:

1) N00°21'15"W, a distance of 26.56 feet, 2) N00°26'16"E, a distance of 50.67 feet, 3) N00°16'11"E, a distance of 49.28 feet, 4) N00°00'32"W, a distance of 37.09 feet to a point on the North line of said parcel of land as described in Reception Number 2790461; thence along said North line N89°58'39"E, a distance of 12.44 feet to the Northeast Corner of said Parcel as described in Reception Number 2790461 being a point on the East line of said SE1/4 NE1/4 of said Section 4; thence S00°03'04"W along said East line, a distance of 189.50 feet to the Point of Beginning.

Said Parcel of land CONTAINING 2,192 Square Feet or 0.05 Acres, more or less, as described.

Authored by: Renee B. Parent, CO PLS #38266
City Surveyor - City of Grand Junction
333 West Avenue, Building C
Grand Junction, CO 81501



N:\Lambro\NF.S ROAD PARKWAY FROM 24 RD TO 25 RD\ESROW Aquilition\Parcel 37\CAD\Parcel 37B Aquilition Doc.s.dwg - PLOTTED 2022-12-30

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	F#	Filing Number
PSCO	Public Service Company of Colorado		

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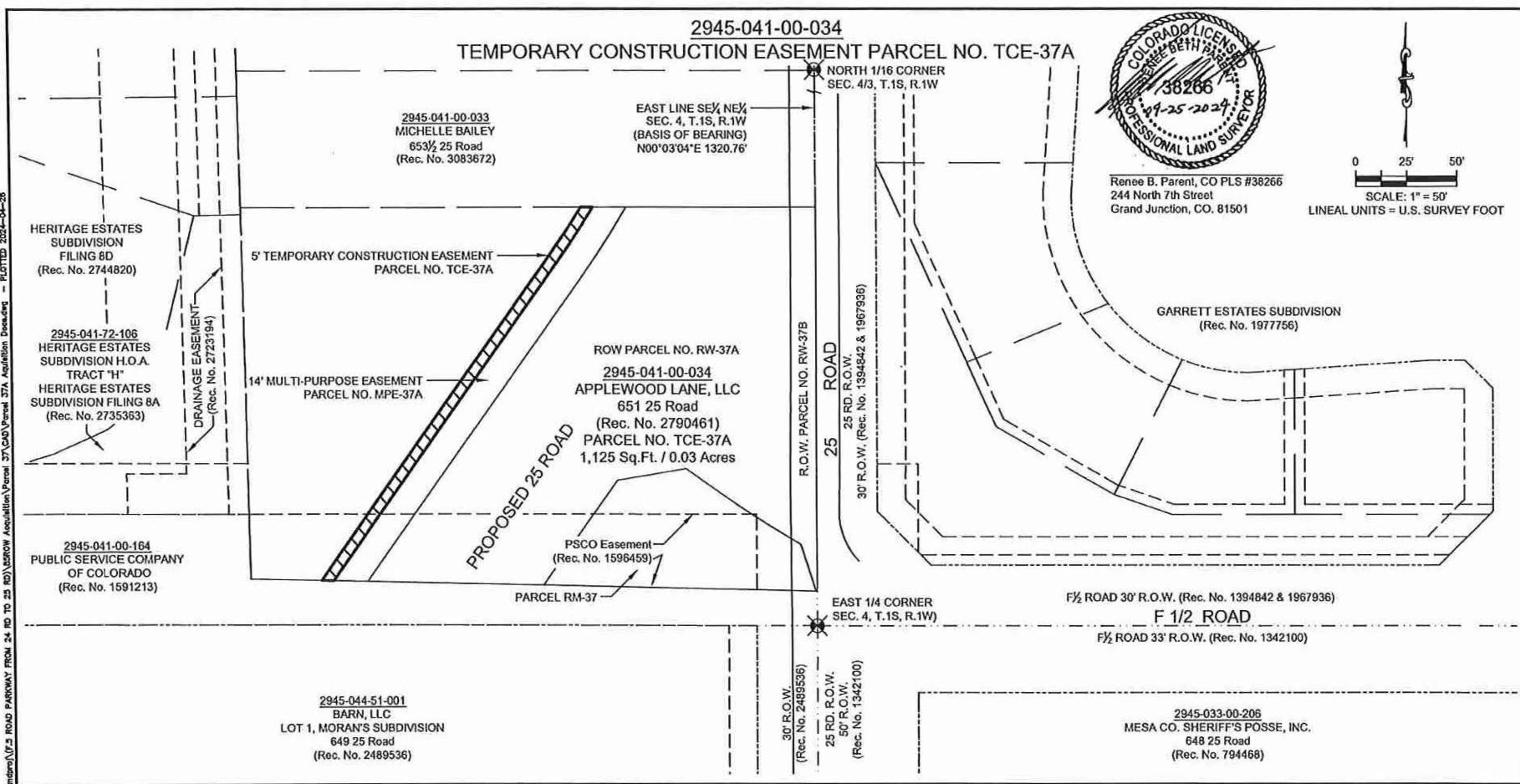
DRAWN BY: NCW/MJH
DATE: 12-30-2022
REVIEWED BY: RBP
APPROVED BY: BH
SCALE: N/A

Portion of 2945-041-00-034
Located in a part of the SE $\frac{1}{4}$ NE $\frac{1}{4}$
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-F210308

Exhibit G



\\Publicworks-mk\vol_1\Users\lumbino\17.5 Road Parkway from 24 rd to 25 rd\17.5 Road Parkway Parcel 37 (CAD) Parcel 37A Acquisition Drawing - PLOTTED 2024-04-25

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
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DRAWN BY: NCW/MJH
 DATE: 4-25-2024
 REVIEWED BY: RBP
 APPROVED BY: BH
 SCALE: 1" = 50'

Portion of 2945-041-00-034
 Located in a part of the SE $\frac{1}{4}$ NE $\frac{1}{4}$
 Section 4, T.1S, R.1W
 Ute Meridian, City of Grand Junction
 Mesa County, Colorado



ENGINEERING &
 TRANSPORTATION DEPARTMENT
 PROJECT NO. 207-F210308

