

CITY OF GRAND JUNCTION DEPARTMENT OF PUBLIC WORKS MEMORANDUM OF AGREEMENT	Project No.: 207-F210306
	Description: F ½ Road Parkway Improvement Project
	Owner(s): Garrett Homeowners Association
	Parcels: RW-38, MPE-38, TCE-38, Vacation RW-38A

This Memorandum of Agreement (“Agreement”) is made and entered into this 18 day of June, 2025, by and between **Garrett Homeowners Association, Inc., a Colorado nonprofit corporation** hereinafter referred to as “the Owner,” and the City of Grand Junction, a Colorado home rule municipality, hereinafter referred to as “the City.” Collectively the Owner and the City shall be referred to as “the Parties.”

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, Tract C of Garrett Estates Subdivision by warranty deed as recorded at Reception Number 1977756 of the Mesa County Clerk and Recorder’s records and located at the northeast corner of 25 Rd & F ½ Rd in the City of Grand Junction, County of Mesa, State of Colorado, as identified by Mesa County Assessor Parcel Number 2945-032-81-000, 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-38: A parcel of land in fee simple to be used as public road and utility right of way for F 1/2 Road, containing a total area of 3,884 square feet (0.09 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-38: A Multi-Purpose Easement for the installation, operation, maintenance and repair of public utilities and additional facilities including but not limited to drainage, traffic control facilities, street lighting, landscaping, trees, grade structures, public sidewalks and trails, containing a total area of 2,013 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. TCE-38: A Temporary Construction Easement to facilitate prudent, proper, safe and efficient installation of the Project Improvements, containing a total area of 3,468 square feet (0.08 acres), more or less, as more particularly depicted on the accompanying graphic illustration labeled Exhibit “E.” The City’s required duration of use for Parcel No. TCE-38 is 24 months.

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

D. As a part of the Project the City is redesigning 25 Road and F ½ Road adjacent to Owner’s Property. The City has additional right-of-way that is in excess of what is needed for the Project. The City is willing to exchange a parcel of land with a reservation of a multipurpose easement (7892 sq./ft) on said land, more or less, as described in the accompanying legal description labeled Exhibit “F” and depicted on the accompanying graphic illustration labeled Exhibit “G”, with the Owner for the RW-38 parcel (3,884 sq.ft.) and the MPE-38 easement (2,013 sq.ft.) that is needed from the Owner for the Project. The area of land the City will exchange is greater in size and value than the area and the interest in land being granted to the City by Owner. As part of the consideration of the exchange and the Project, the City will redesign and install a detention pond on the new parcel from the City for Owner to accommodate Owner’s stormwater. The City will also revegetate the area in a comparable manner to that of the present detention pond. In order for the City to convey the interest in this land, the City will need to process a vacation of the right-of-way (RW-38A) through the City’s planning process in accordance with the City’s Code.

E. 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 at \$4.75/sq.ft. In consideration of the foregoing, the City and the Owner agree to the

appraised value as the market value for fee interest and agree to the following as just compensation for the Acquired Property and any improvements, damages or costs to cure itemized below:

Parcel No. TCE-38	3,468 sq.ft. @ \$4.75/sq.ft. X 10% X 2 years	= \$3,294.60
Parcel No. RW-38 (3,884 sq.ft.) and MPE-38 (2,013 sq.ft.) exchanged for the vacated right-way with a reserved MPE (7,892 sq. ft.)		No additional compensation
Administrative Settlement		= \$3,705.00
Total Consideration (rounded)		= \$7,000.00

NOW, THEREFORE, based on the recitals above which are incorporated herein 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:

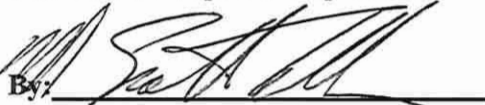
1. The Owner hereby accepts the Total Consideration stated above from the City as just compensation, and the City hereby agrees to pay the Total Consideration to the Owner subject to the promises, terms, covenants and conditions of this Agreement.
2. Subject to the City's typical payment processing period, 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-38..
 - c. One (1) good and sufficient Multi-purpose Easement for Parcel No. MPE-38.
 - d. One (1) good and sufficient Temporary Construction Easement Agreement for Parcel No. TCE-38.
 - 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. The grant of the Warranty Deed for Parcel No. RW-38 is contingent upon the approval of 67% of the members of the Garrett Homeowners Association, Inc.
6. As part of the consideration due to the Owner, the City shall request City Council approve the vacation of a portion of 25 Road right-of-way containing a total area of 7,892 square feet (0.18 acres), more or less, as more particularly described in the accompanying legal description labeled Exhibit "D" and depicted on the accompanying graphic illustration labeled Exhibit "E", (hereafter "City Vacation"). Said City Vacation is contemplated to accommodate modification and reconstruction of Owner's drainage facilities adjacent to 25 Road and F ½ Road that result from the City purchase of the Acquired Property, subject to the following additional terms:
 - a. The City will reserve a multi-purpose easement across the vacated right-of-way referred to as City Vacation.
 - b. The City Vacation is subject to City Council approval.
7. As this Agreement has terms that are contingent upon actions that must be completed by both Parties, the Parties agree that if a contingency or both contingencies fail, the irrevocable possession of the Acquired Property by the City shall continue as determined necessary by the City and the

Parties will continue to negotiate in good faith to reach terms that provide consideration for the Owner based on the agreed upon appraised value and provides the City the necessary parcels to complete the Project.

8. This 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.
9. This Agreement shall be deemed a contract extending to and binding upon the parties hereto and upon their respective heirs, successors and assigns.
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:
Garrett Homeowners Association, Inc.,
a Colorado nonprofit corporation

By: 

Scott Callas, Manager

City of Grand Junction,
a Colorado home rule municipality:



Michael P. Bennett, City Manager

EXHIBIT A

2945-032-81-000
RIGHT-OF-WAY PARCEL NO. RW-38

A parcel of land being a portion of Tract C, Garrett Estates Subdivision as recorded at Reception Number 1977755, located in the Southwest Quarter of the Northwest Quarter (SW1/4 NW1/4) of Section 3, 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 West Quarter (W1/4) of said Section 3, and assuming the South line of said Southwest Quarter of the Northwest Quarter (SW1/4 NW1/4) of Section 3 bears S89°59'53"E with all other bearings contained herein being relative thereto; thence from said Point of Commencement, N62°00'45"E, a distance of 63.92 to to a point lying on the Southerly line of said Tract C and the Point of Beginning;

thence N44°59'13"W, a distance of 37.34 feet along said Southerly line of Tract C; thence N00°03'04"E, a distance of 31.32 feet along the West line of said Tract C; thence Southeasterly, a distance of 235.39 feet along the arc of a 470.34 foot radius curve concave northeasterly through a central angle of 28°40'26" whose chord bears S75°39'02"E, a distance of 232.94 feet to a point lying on the Southerly line of said Tract C; thence N89°59'53"W, a distance of 199.30 feet along said Southerly line of Tract C to the Point of Beginning.

Said Parcel of land CONTAINING 3,884 Square Feet or 0.09 Acres, more or less, as described.

Authored by: Renee B. Parent, CO PLS #38266
City Surveyor - City of Grand Junction
244 North 7th Street
Grand Junction, CO. 81501



C:\Data\Landpro\1\F-5 ROAD PARKWAY FROM 24 RD TO 25 RD\ESROW Acquisition\Parcel 38\CAD\Parcel RW-38 Acq\Title Docs.dwg - PLOTTED 2025-01-09

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
B.O.W.	Back of Sidewalk	F#	Filing Number
PSCO	Public Service Company 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.

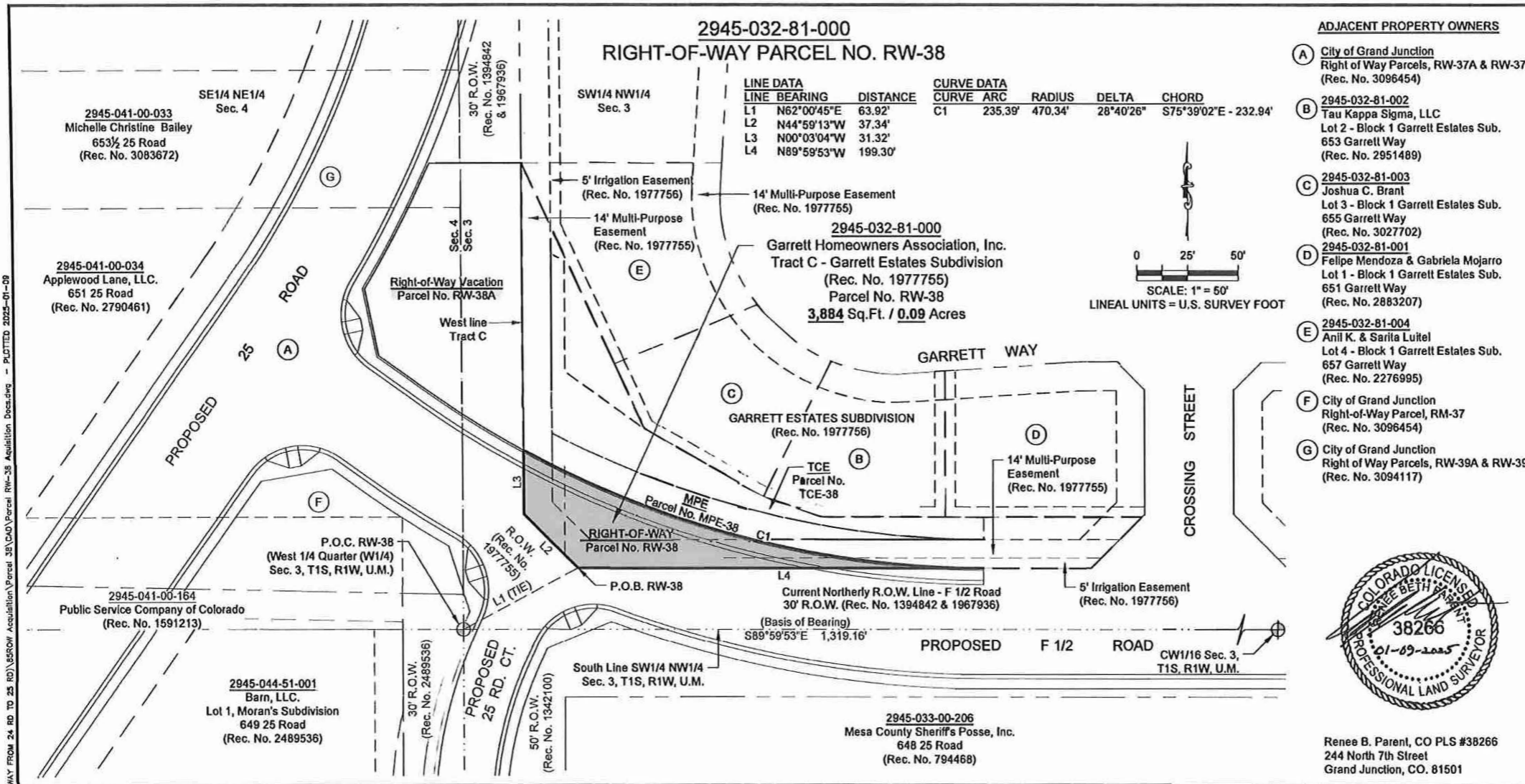
DRAWN BY: NCW
DATE: 01/09/25
REVIEWED BY: RBP
APPROVED BY: BH
SCALE: _____

Portion of 2945-032-81-000
Located in a part of the SW1/4 NW1/4
Section 3, T1S, R1W,
Ute Meridian, City of Grand Junction
County of Mesa, State of Colorado

CITY OF
Grand Junction
COLORADO

ENGINEERING &
TRANSPORTATION DEPARTMENT
PROJECT NO. 207-F210306

EXHIBIT B



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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
B.O.W.	Back of Sidewalk	F#	Filing Number
PCSO	Public Service Company of Colorado		

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DRAWN BY:	NCW
DATE:	01/09/25
REVIEWED BY:	RBP
APPROVED BY:	BH
SCALE:	1" = 50'

Portion of 2945-032-81-000
Located in a part of the SW1/4 NW1/4
Section 3, T1S, R1W,
Ute Meridian, City of Grand Junction
County of Mesa, State of Colorado

CITY OF
Grand Junction
COLORADO

ENGINEERING &
TRANSPORTATION DEPARTMENT
PROJECT NO. 207-F210306



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

EXHIBIT C

2945-032-81-000 MULTI-PURPOSE EASEMENT PARCEL NO. MPE-38

A parcel of land being a portion of Tract C, Garrett Estates Subdivision as recorded at Reception Number 1977755 located in the Southwest Quarter of the Northwest Quarter (SW1/4 NW1/4) of Section 3, 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 West Quarter (W1/4) of said Section 3, and assuming the South line of said Southwest Quarter of the Northwest Quarter (SW1/4 NW1/4) of Section 3 bears S89°59'53"E with all other bearings contained herein being relative thereto; thence from said Point of Commencement, N28°44'22"E, a distance of 91.66 feet to a point on the Northerly Right-of-Way line of Parcel RW-38 and the Point of Beginning;

thence N00°03'04"E, a distance of 15.73 feet; thence Southeasterly, a distance of 220.10 feet along the arc of a 456.34 foot radius curve concave northeasterly through a central angle of 27°38'03" whose chord bears S76°10'07"E, a distance of 217.97 feet to a point on the north line of an existing fourteen foot (14') wide Multi-Purpose Easement as recorded at Reception Number 1977755; thence N89°59'53"W, a distance of 113.80 feet along said north line of said Multi-Purpose Easement to a point on the Northerly Right-of-Way line of Parcel RW-38; thence Northwesterly, a distance of 104.62 feet along the arc of a 470.34 foot radius curve concave northeasterly through a central angle of 12°44'39" whose chord bears N69°36'42"W, a distance of 104.40 feet along said Northerly Right-of-Way line of Parcel RW-38 to the Point of Beginning.

Said Parcel of land CONTAINING 2,013 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
 244 North 7th Street
 Grand Junction, CO. 81501



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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
B.O.W.	Back of Sidewalk	F#	Filing Number
PSCO	Public Service Company of Colorado		

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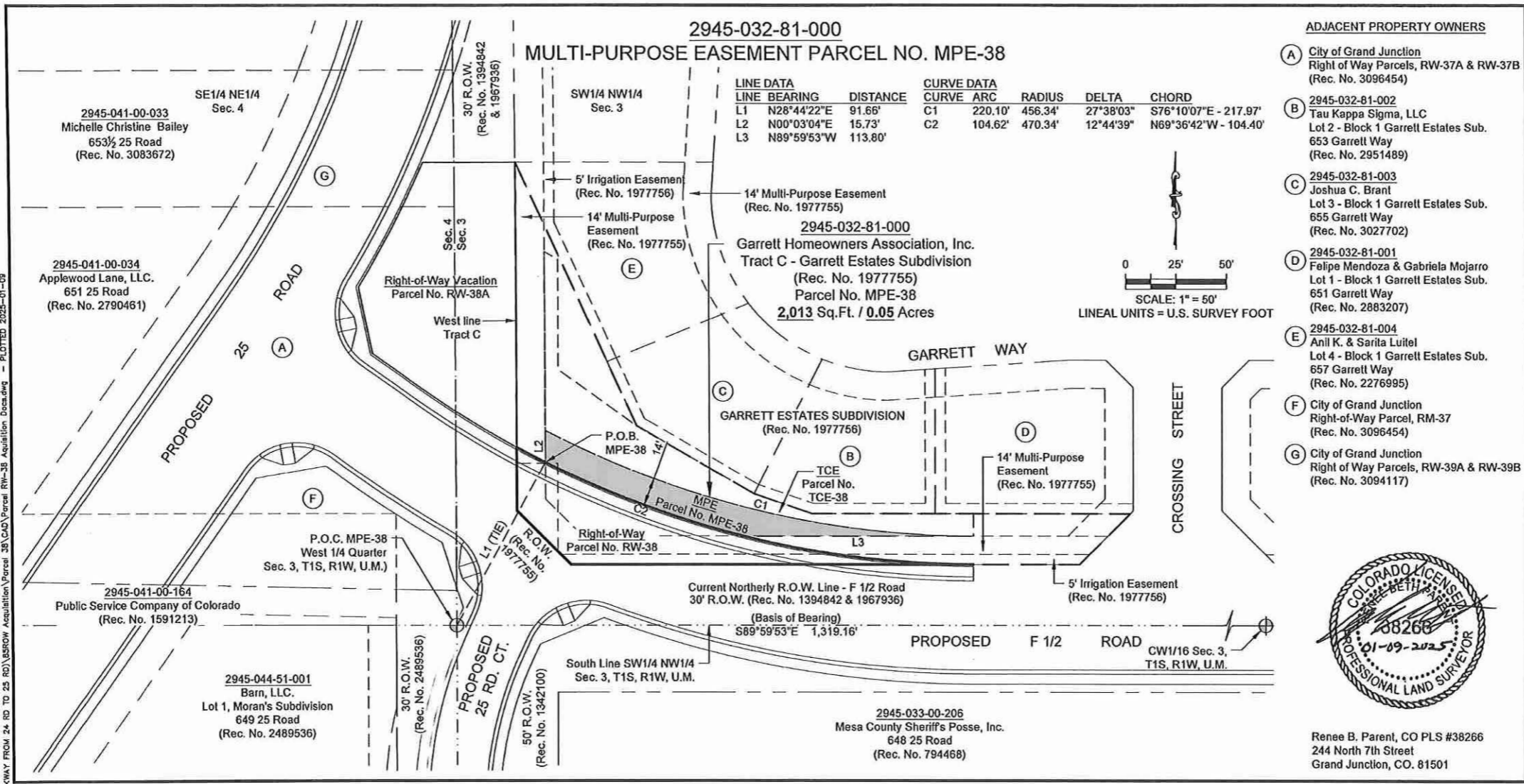
DRAWN BY: NCW
 DATE: 01/09/25
 REVIEWED BY: RBP
 APPROVED BY: BH
 SCALE:

Portion of 2945-032-81-000
 Located in a part of the SW1/4 NW1/4
 Section 3, T1S, R1W,
 Ute Meridian, City of Grand Junction
 County of Mesa, State of Colorado



ENGINEERING &
 TRANSPORTATION DEPARTMENT
 PROJECT NO. 207-F210306

EXHIBIT D



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

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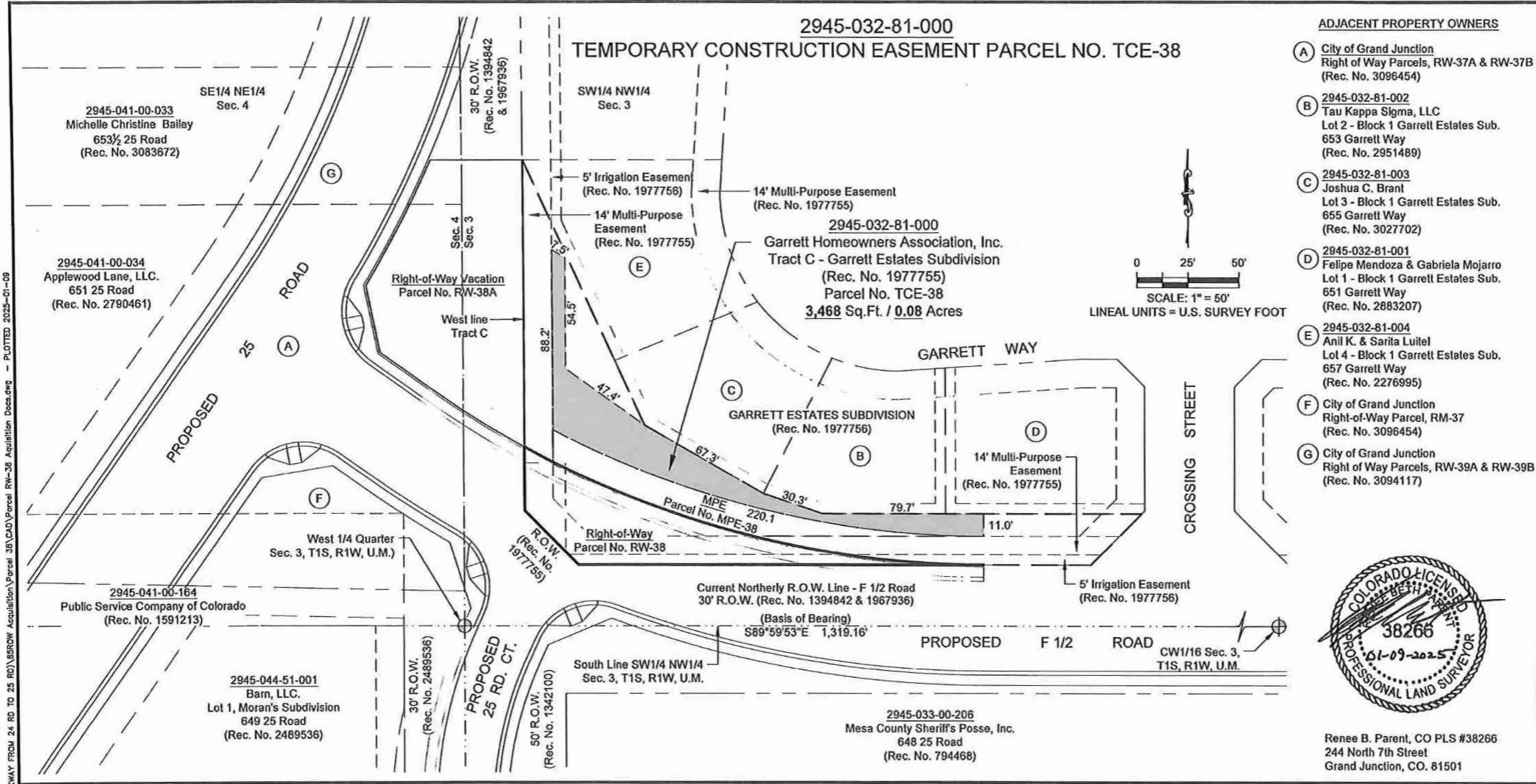
DRAWN BY: NCW
DATE: 01/09/25
REVIEWED BY: RBP
APPROVED BY: BH
SCALE: 1" = 50'

Portion of 2945-032-81-000
 Located in a part of the SW1/4 NW1/4
 Section 3, T1S, R1W
 Ute Meridian, City of Grand Junction
 County of Mesa, State of Colorado



ENGINEERING & TRANSPORTATION DEPARTMENT
 PROJECT NO. 207-F210306

EXHIBIT E



ADJACENT PROPERTY OWNERS

- (A) City of Grand Junction
Right of Way Parcels, RW-37A & RW-37B
(Rec. No. 3096454)
- (B) 2945-032-81-002
Tau Kappa Sigma, LLC
Lot 2 - Block 1 Garrett Estates Sub.
653 Garrett Way
(Rec. No. 2951489)
- (C) 2945-032-81-003
Joshua C. Brant
Lot 3 - Block 1 Garrett Estates Sub.
655 Garrett Way
(Rec. No. 3027702)
- (D) 2945-032-81-001
Felipe Mendoza & Gabriela Mojarro
Lot 1 - Block 1 Garrett Estates Sub.
651 Garrett Way
(Rec. No. 2883207)
- (E) 2945-032-81-004
Anil K. & Sarita Luitel
Lot 4 - Block 1 Garrett Estates Sub.
657 Garrett Way
(Rec. No. 2276995)
- (F) City of Grand Junction
Right-of-Way Parcel, RM-37
(Rec. No. 3096454)
- (G) City of Grand Junction
Right of Way Parcels, RW-39A & RW-39B
(Rec. No. 3094117)



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

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
B.O.W.	Back of Sidewalk	F#	Filing Number
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DRAWN BY: NCW
DATE: 01/09/25
REVIEWED BY: RBP
APPROVED BY: BH
SCALE: 1" = 50'

Portion of 2945-032-81-000
Located in a part of the SW1/4 NW1/4
Section 3, T1S, R1W
Ute Meridian, City of Grand Junction
County of Mesa, State of Colorado

CITY OF Grand Junction COLORADO

ENGINEERING & TRANSPORTATION DEPARTMENT
PROJECT NO. 207-F210306

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EXHIBIT F

2945-032-81-000

RIGHT-OF-VACATION PARCEL NO. RW-38A

A parcel of land being a portion of Reception Numbers 1394842, 3096454 and 3094117 located in the Southwest Quarter of the Northwest Quarter (SW1/4 NW1/4) of Section 3 and 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 West Quarter (W1/4) of said Section 3, and assuming the South line of said Southwest Quarter of the Northwest Quarter (SW1/4 NW1/4) of Section 3 bears S89°59'53"E with all other bearings contained herein being relative thereto; thence from said Point of Commencement, N18°55'35"E, a distance of 92.74 to the Northwest corner of Right-of-Way Parcel RW-38, said RW-38 being a portion of Tract C, Garrett Estates Subdivision same as recorded at Reception Number 1977756 and the Point of Beginning;

thence Northwesterly, a distance of 55.20 feet along the arc of a 470.34 foot radius curve concave northeasterly through a central angle of 06°43'25" whose chord bears N57°57'07"W, a distance of 55.16 feet; thence N54°34'44"W, a distance of 29.68 feet, thence N11°32'20"W, a distance of 33.36 feet; thence Northeasterly, a distance of 69.57 feet along the arc of a 530.00 foot radius curve concave northwesterly through a central angle of 07°31'16" whose chord bears N27°41'52"E, a distance of 69.52 feet; thence S89°59'53"E, a distance of 45.42 feet to the Northwest corner of Lot 4, Block 1, Garrett Estates Subdivision as recorded at Reception Number 1977756; thence S00°03'04"W, a distance of 140.71 feet along the West line of said Tract C, Garrett Estates Subdivision to the Point of Beginning.

Said Parcel of land CONTAINING 7,892 Square Feet or 0.18 Acres, more or less, as described.

RESERVING to the City of Grand Junction the entire Right-of-Way Vacation as described hereon as a Multi-Purpose Easement.

Authorized by: Renee B. Parent, CO PLS #38266
 City Surveyor - City of Grand Junction
 244 North 7th Street
 Grand Junction, CO. 81501



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ABBREVIATIONS

P.O.C.	Point of Commencement	Rec.	Reception
P.O.B.	Point of Beginning	No.	Number
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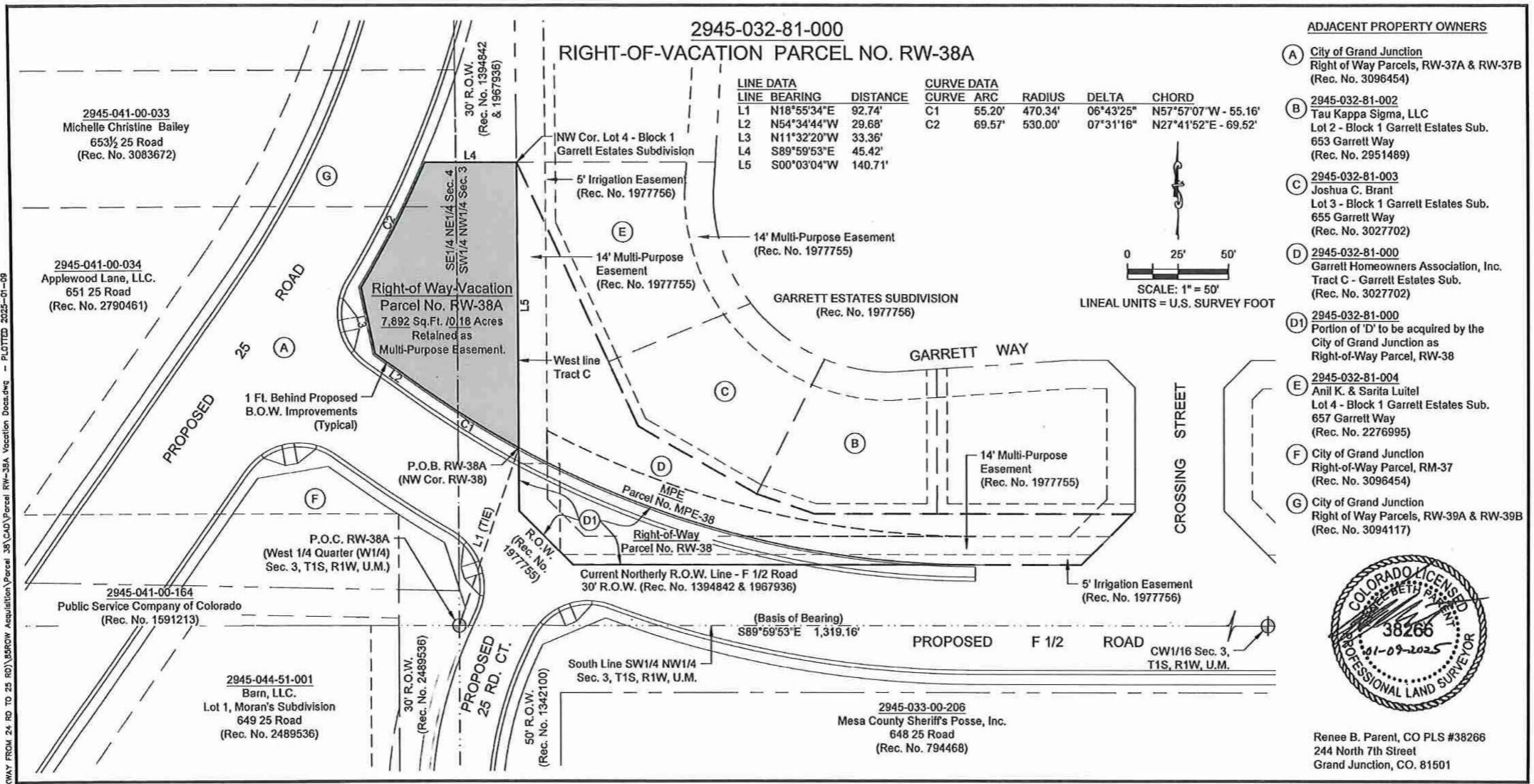
DRAWN BY: NCW
 DATE: 01/09/25
 REVIEWED BY: RBP
 APPROVED BY: BH
 SCALE: _____

Portion of 2945-032-81-000
 Located in a part
 of the SW1/4 NW1/4 Section 3 & the
 SE1/4 NE1/4 Section 4, T1S, R1W,
 Ute Meridian, City of Grand Junction
 County of Mesa, State of Colorado



ENGINEERING &
 TRANSPORTATION DEPARTMENT
 PROJECT NO. 207-F210306

EXHIBIT G



- ADJACENT PROPERTY OWNERS**
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Lot 2 - Block 1 Garrett Estates Sub.
653 Garrett Way
(Rec. No. 2951489)
 - (C) 2945-032-81-003
Joshua C. Brant
Lot 3 - Block 1 Garrett Estates Sub.
655 Garrett Way
(Rec. No. 3027702)
 - (D) 2945-032-81-000
Garrett Homeowners Association, Inc.
Tract C - Garrett Estates Sub.
(Rec. No. 3027702)
 - (D1) 2945-032-81-000
Portion of 'D' to be acquired by the
City of Grand Junction as
Right-of-Way Parcel, RW-38
 - (E) 2945-032-81-004
Anil K. & Sarita Luitel
Lot 4 - Block 1 Garrett Estates Sub.
657 Garrett Way
(Rec. No. 2276995)
 - (F) City of Grand Junction
Right-of-Way Parcel, RM-37
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 - (G) City of Grand Junction
Right of Way Parcels, RW-39A & RW-39B
(Rec. No. 3094117)



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

ABBREVIATIONS

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R.	Range	U.M.	Ute Meridian
B.O.W.	Back of Sidewalk	F#	Filing Number
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DRAWN BY:	NCW
DATE:	01/09/25
REVIEWED BY:	RBP
APPROVED BY:	BH
SCALE:	1" = 50'

Portion of 2945-032-81-000
Located in a part
of the SW1/4 NW1/4 Section 3 & the
SE1/4 NE1/4 Section 4, T1S, R1W,
Ute Meridian, City of Grand Junction
County of Mesa, State of Colorado



ENGINEERING &
TRANSPORTATION DEPARTMENT
PROJECT NO. 207-F210306

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