

CITY OF GRAND JUNCTION DEPARTMENT OF PUBLIC WORKS MEMORANDUM OF AGREEMENT	Project No.: 207-F1903
	Description: F ½ Road Parkway Improvement Project
	Owner(s): Charles R. Peacock and Florence E. Peacock
	Parcels: RW-41A, RW-41B, MPE-41, and TCE-41

This Memorandum of Agreement ("Agreement") is made and entered into this 7th day of February, 2024, by and between **Charles R. Peacock and Florence E. Peacock** 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 655 25 Road in the City of Grand Junction, County of Mesa, State of Colorado, as identified by Mesa County Assessor Parcel Number 2945-041-00-143 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-41A: 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 1,966 square feet (0.05 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-41B: 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 1,225 square feet (0.03 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-41: 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 1,472 square feet (0.03 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-41: A Temporary Construction Easement to facilitate prudent, proper, safe and efficient installation of the Project Improvements, containing a total area of 526 square feet (0.01 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-41 is 24 months.

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-41A:	1,966 sq.ft. @ \$9.00/sq.ft.	= \$17,694.00
Parcel No. RW-41B:	1,225 sq.ft. @ \$0.45/sq.ft.	= \$551.00
Parcel No. MPE-41:	1,472 sq.ft. @ \$9.00/sq.ft. x 50%	= \$6,624.00
Parcel No. TCE-41:	526 sq.ft. @ \$9.00/sq.ft. x 10% /year x 2 years	= \$947.00
Total Land & Easement Value		= \$25,816.00

Improvements:

RW-41A	1 Large Deciduous Tree	John P. Nisley	\$2,000
	520 SF Gravel driveway	John P. Nisley	\$780
MPE-41	Railroad Ties (Labor only)	John P. Nisley	\$50
	2 Small Trees	John P. Nisley	\$2,000
	380 SF Garden	John P. Nisley	\$2,394
	728 SF Mulch	John P. Nisley	\$437
	2 Bushes	John P. Nisley	\$120
	4 Sumac Bushes	John P. Nisley	\$280
	Landscape Rock (Labor only)	John P. Nisley	\$50
Total Improvements Contributory Value			= \$8,111.00
Administrative Settlement			= \$6,850.00
Total Consideration			= \$40,850.00 (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:

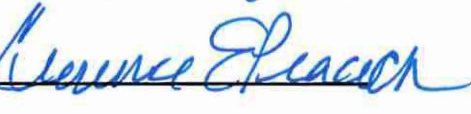
1. The Owner hereby accepts the Total Consideration stated above from the City as just compensation, and the City hereby agrees to pay the Total Consideration to the Owner subject to the promises, terms, covenants and conditions of this Agreement.
2. Subject to the City's typical payment processing period, 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-41A & 41B.
 - c. One (1) good and sufficient Grant of Multi-Purpose Easement Agreement for Parcel No. MPE-41.
 - d. One (1) good and sufficient Temporary Construction Easement Agreement for Parcel Nos. TCE-41.
 - 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. 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:
Charles R. Peacock and Florence E. Peacock

Name: 

Name: 

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

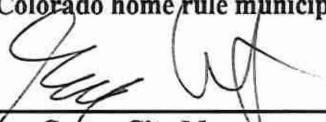

Greg Caton, City Manager

Exhibit A

LEGAL DESCRIPTION

2945-041-00-143

RIGHT-OF-WAY PARCEL NO. RW-41A

A Parcel of land being a portion of land described in Reception Number 2451020 located in the Southeast Quarter of the Northeast Quarter (SE 1/4 NE 1/4) 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 396.13 feet to the Southeast Corner of said Parcel of land as described in Reception Number 2451020; thence S89°58'39"W along the South line of said Parcel, a distance of 11.91 feet to the Point of Beginning; thence continuing along said South line S89°58'39"W, a distance of 20.47 feet; thence the following two (2) courses, 1) Northeasterly along the arc of a 470.00 foot radius curve concave northwesterly, a distance of 47.05 feet thru a central angle of 05°44'11" whose chord bears N02°54'50"E, a distance of 47.04 feet, 2) N00°03'04"E a distance of 58.09 feet to a point on the North line of said Parcel of land as described in Reception Number 2451020; thence S89°56'52"E along said North line, a distance of 18.62 feet to the Northwest Corner of Right of Way Parcel RW-41B; thence S00°03'04"W along the West line of said Parcel a distance of 105.04 feet to the Point of Beginning.

Said Parcel of land CONTAINING 1,966 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
970-256-4003



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		

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.

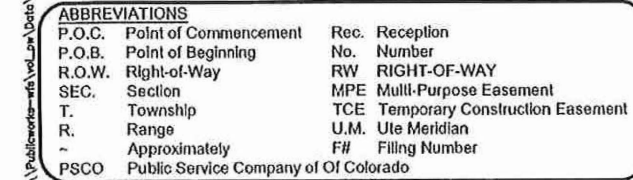
DRAWN BY: MJH
DATE: 6-27-2023
REVIEWED BY: RBP
APPROVED BY: BH
SCALE: N/A

Portion of 2945-041-00-143
Located in a part of the SE 1/4 NE 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

2023-06-29 - PLOTTED 2023-06-29



DRAWN BY:	<u>MJH</u>
DATE:	<u>6-27-2023</u>
REVIEWED BY:	<u>RBP</u>
APPROVED BY:	<u>BH</u>
SCALE:	<u>1" = 50'</u>

CITY OF
Grand Junction
COLORADO

**PUBLIC WORKS
ENGINEERING DIVISION**
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\\P:\In\mcs-m\win\vol_nw\Data\landers\NE5 ROAD PARKWAY FROM 24 RD TO 25 RD\B5ROW Acquisition\Parcel 41\CAD\Parcel 41 Acquisition Docs.dwg - PLOTTED 2023-06-29

2945-041-00-143

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Said Parcel of land CONTAINING 1,225 Square Feet or 0.03 Acres, more or less, as described.

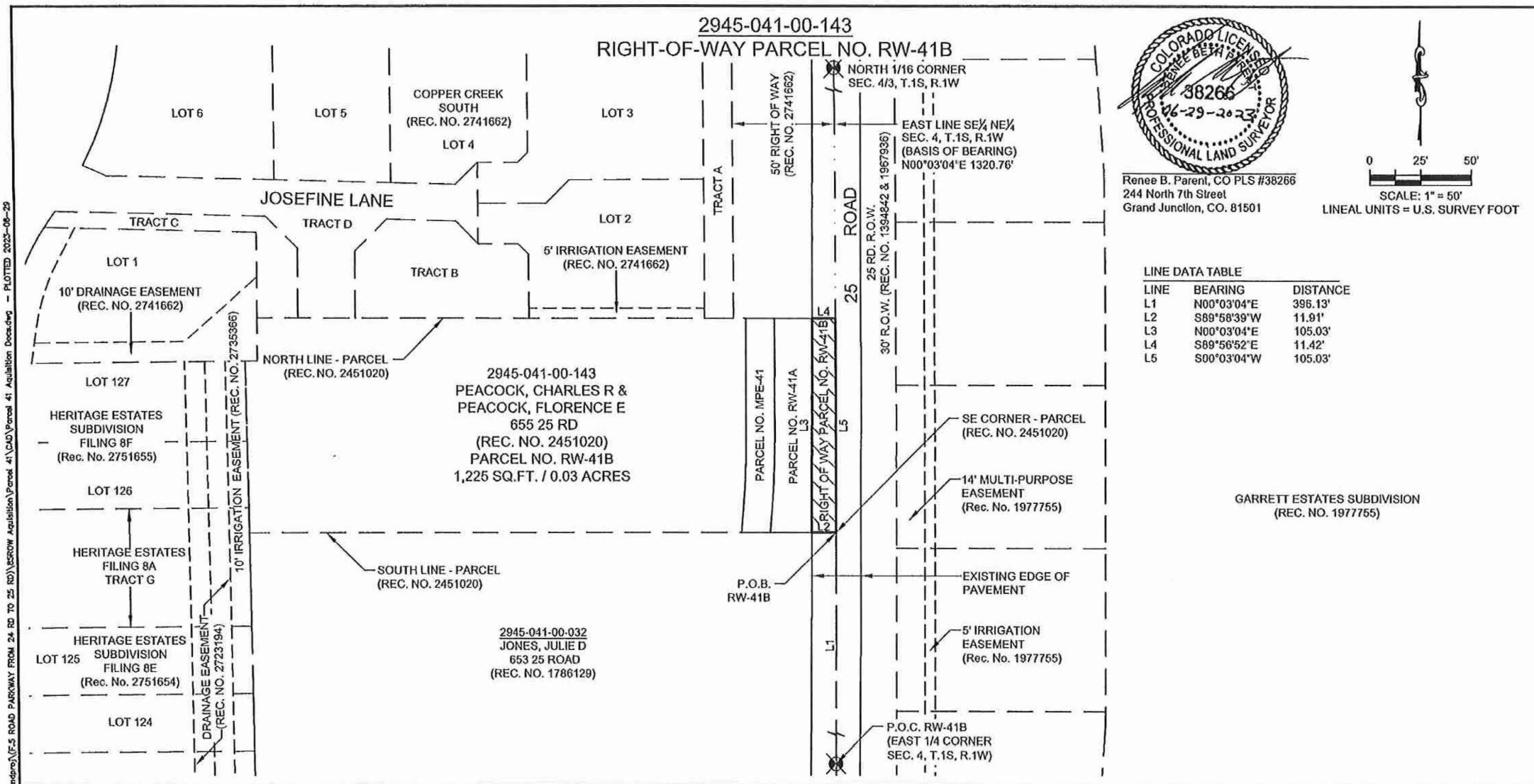
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DATE:	6-27-2023
REVIEWED BY:	RBP
APPROVED BY:	BH
SCALE:	N/A

CITY OF
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Exhibit D



LINE DATA TABLE		
LINE	BEARING	DISTANCE
L1	N00°03'04"E	395.13'
L2	S89°58'39"W	11.91'
L3	N00°03'04"E	105.03'
L4	S89°56'52"E	11.42'
L5	S00°03'04"W	105.03'

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

GARRETT ESTATES SUBDIVISION
 (REC. NO. 1977755)

ABBREVIATIONS

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DATE:	6-27-2023
REVIEWED BY:	RBP
APPROVED BY:	BH
SCALE:	1" = 50'

Portion of 2945-041-00-143
Located in a part of the SE¼ NE¼
Section 4, T.1S, R.1W
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Mesa County, Colorado

CITY OF
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ENGINEERING DIVISION
PROJECT NO. 207-F210308

Exhibit E

LEGAL DESCRIPTION

2945-041-00-143

MULTI-PURPOSE EASEMENT PARCEL NO. MPE-41

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Said Parcel of land CONTAINING 1,472 Square Feet or 0.03 Acres, more or less, as described.

Authorized by: Renee B. Parent, CO PLS #38266
City Surveyor - City of Grand Junction
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ABBREVIATIONS

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DATE: 6-23-2023
REVIEWED BY: RBP
APPROVED BY: BH
SCALE: N/A

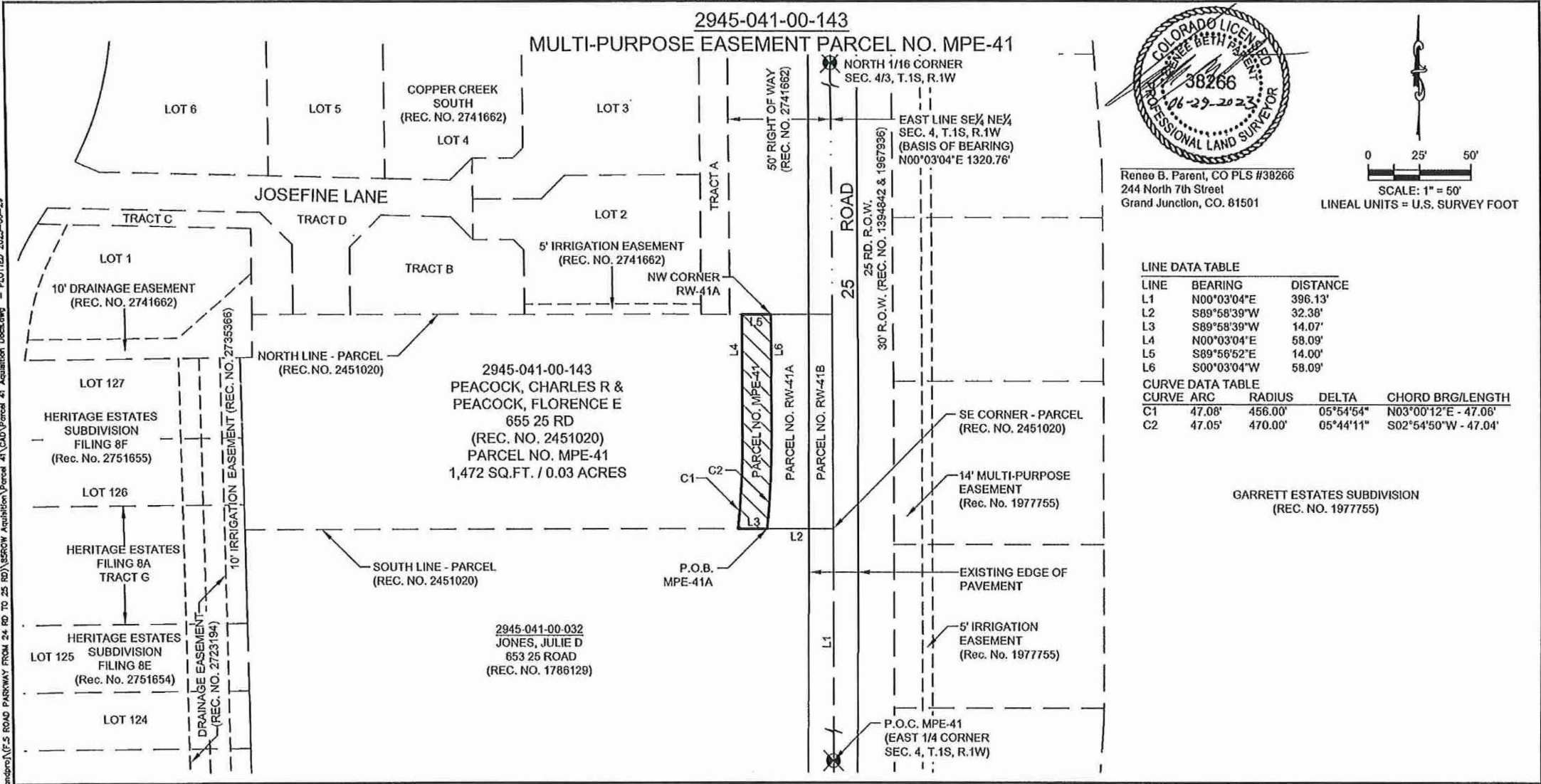
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Mesa County, Colorado

CITY OF
Grand Junction
COLORADO

PUBLIC WORKS
ENGINEERING DIVISION
PROJECT NO. 207-F210306

\\Publicworks-wfs\wfs\Data\LandInfo\2945-041-00-143\BROW Acquisition\Parcel 41\CAD\Parcel 41 Acquisition Desc.dwg - PLOTTED 2023-06-28

Exhibit F



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
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SCALE: 1" = 50'

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