

CITY OF GRAND JUNCTION DEPARTMENT OF PUBLIC WORKS MEMORANDUM OF AGREEMENT	Project No.: 207-F1903
	Description: F ½ Road Parkway Improvement Project
	Owner(s): David S. Mundy
	Parcels: RW-43, MPE-43, TCE-43

This Memorandum of Agreement ("Agreement") is made and entered into this 20 day of July, 2023, by and between **David S. Mundy** 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 659 24 ½ Road in the City of Grand Junction, County of Mesa, State of Colorado, as identified by Mesa County Assessor Parcel Number 2945-042-00-127, 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-43: 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 2,389 square feet (0.06 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-43: 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 2,500 square feet (0.06 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-43: A Temporary Construction Easement to facilitate prudent, proper, safe and efficient installation of the Project Improvements, containing a total area of 3,003 square feet (0.07 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-43 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-43:	2,389 sq.ft. @ \$7.25/sq.ft.	= \$17,320.00
Parcel No. MPE-43:	2,500 sq.ft. @ \$7.25/sq.ft. x 50%	= \$9,063.00
Parcel No. TCE-43:	3,003 sq.ft. @ \$7.25/sq.ft. x 10% /yr x 2 yrs	= \$4,354.00

Total Land & Easement Value = \$30,737.00

Compensable Damages and/or Offsetting Special Benefits:	
Compensable Damages/Curable/Net Cost to Cure	= \$450.00

Total Value of Special Benefits = \$450.00

Improvements:

• 2,304 SF Gravel Driveway Area (North & South Driveway)	= \$1,536.00
• 2,299 SF Grass Sod	= \$4,215.00
• 227 LF – Sprinkler System (Reconnection, Pump & Pipes)	= \$1,135.00
• (3) Large Deciduous Trees	= \$3,000.00
• 112 LF Chain Link Fencing	= \$1,867.00

Total Improvements Contributory Value = \$11,753.00

Total Consideration = \$43,000.00
(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 Parcel No. RW-43.
 - c. One (1) good and sufficient Grant of Multi-Purpose Easement Agreement for Parcel No. MPE-43.
 - d. One (1) good and sufficient Temporary Construction Easement Agreement for Parcel No. TCE-43.
 - 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 agrees to protect in place the deciduous tree located near the southeast corner of the house at the northwest edge of the south temporary construction easement. Furthermore, the City's contractor shall provide orange fencing or some type of high visibility markings indicating the tree is to be protected.
5. The City agrees to protect in place the cedar trees located along the north property line. Furthermore, the City's contractor shall provide orange fencing or some type of high visibility markings indicating the trees and the irrigation pump is to be protected.
6. The City agrees to replace the existing irrigation sump and pipeline from the ditch in kind. If possible, said irrigation sump shall be placed within the MPE-43. If space does not allow sump to be relocated within MPE-43, the sump shall be relocated on the property side of the MPE-43, as close to the edge of MPE-43 as space allows. The City's contractor shall coordinate with the Owner prior to installation.
7. The Owner acknowledges that a fencing permit obtained from the City's Planning Department will be required to install fencing in the front yard of Owner's Property. The City's Public Works Department acknowledges the Owner's desire to install fencing within the Multi-Purpose Easement and does not object to the fence being located along the west edge of the Multi-Purpose Easement, so long as access behind the fencing is provided.
8. 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.

9. 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.
10. 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.
11. The City will be entitled to specific performance of this Agreement upon tender of the agreed consideration.
12. 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:



David S. Mundy

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



Greg Caton, City Manager

EXHIBIT A

LEGAL DESCRIPTION

2945-042-00-127

RIGHT-OF-WAY PARCEL NO. RW-43

A parcel of land being a portion of the tract of land as described in Reception Number 2615625 located in the Southeast Quarter of the Northwest Quarter (SE1/4 NW1/4) 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 Southeast (SE) Corner of the said SE1/4 NW1/4 of Section 4, and assuming the East line of said SE1/4 NW1/4 bears N0°01'45"E with all other bearings contained herein being relative thereto; thence from said point of commencement, S89°55'28"W a distance of 30.00 feet to a point on the West Right-of-Way line of 24 1/2 Road as described in Reception Number 838138; thence N0°01'45"E along said West line, a distance of 313.67 feet to the Southeast corner of the said tract of land described in Reception Number 2615625 being the Point of Beginning;

thence N0°01'45"E along the East boundary of the said tract, a distance of 176.90 feet; thence S89°55'28"W along the North boundary of the said tract, a distance of 2.25 feet; thence Southwesterly along the arc of a non-tangent 764.00 foot radius curve concave Westerly, a distance of 51.59 feet thru a central angle of 3°52'08" whose chord bears S06°21'28"W, a distance of 51.58 feet; thence S08°17'32"W a distance of 117.49 feet; thence Southwesterly along the arc of a 412.00 foot radius curve concave Easterly, a distance of 9.49 feet thru a central angle of 1°19'12" whose chord bears S07°37'56"W, a distance of 9.49 feet to the South boundary of said tract of land; thence N89°55'28"E along the said South boundary, a distance of 26.07 feet to the Point of Beginning.

Said Parcel of land CONTAINING 2389 Square Feet or 0.06 Acres, more or less, as described.

Authorized by: Renee B. Parent, CO PLS #38266
City Surveyor - City of Grand Junction
333 West Avenue, Building C
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
S.	Section	MPE	Multi-Purpose Easement
S.	Township	TCE	Temporary Construction Easement
R.	Range	U.M.	Ute Meridian
~	Approximately		

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.

WRITTEN BY: RBP
DATE: 12-16-2022
REVIEWED BY: CVW
APPROVED BY: BH
SCALE:

Portion of 2945-042-00-127
Located in part of the SE1/4 NW1/4
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

EXHIBIT B

2945-042-00-127

RIGHT-OF-WAY PARCEL NO. RW-43

2945-042-00-185
BRENT L. & UVONNE M. GALE
661 24 1/2 Road
(Rec. No. 1679327)

2945-042-00-185
BRENT L. & UVONNE M. GALE
661 24 1/2 Road
(Rec. No. 1693017)

2945-042-00-127
DAVID S. MUNDY
659 24 1/2 Road
(Rec. No. 2615625)
PARCEL NO. RW-43 =
2389 Sq. Ft. / 0.06 Acres

RIGHT-OF-WAY
PARCEL NO. RW-43

Rec. No. 1207423
(10'x60' Irrigation Easement)

P.O.B. RW-43

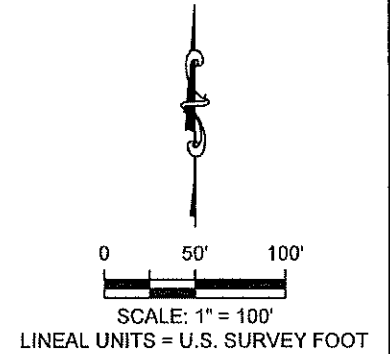
2945-042-00-026
Kyle D. Britton
653 24 1/2 Road
(Rec. No. 2996410)

2945-042-00-027
CRAIG R. & ALETA K. BEASLIN
655 24 1/2 Road
(Rec. No. 1754575)

EAST LINE SE 1/4 NW 1/4
SEC. 4, T.1S, R.1W
(BASIS OF BEARING)
N0°01'45"E

24 1/2 ROAD
(Rec. No. 838138 - 30')

P.O.C. RW-43
SE COR. SE 1/4 NW 1/4 (C1)
SEC. 4, T.1S, R.1W



Line Table

LINE	BEARING	HORIZ DIST
L1	S89°55'28"W	30.00'
L2	N0°01'45"E	313.67'
L3	N0°01'45"E	176.90'
L4	S89°55'28"W	2.25'
L5	S08°17'32"W	117.49'
L6	N89°55'28"E	26.07'

Curve Table

CURVE	BEARING	HORIZ DIST	RADIUS	ARC	DELTA
C1	S06°21'28"W	51.58'	764.00'	51.59'	3°52'08"
C2	S07°37'56"W	9.49'	412.00'	9.49'	1°19'12"



Renee B. Parent, CO PLS #38266
333 West Avenue, Building C
Grand Junction, CO. 81501

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DRAWN BY: RBP
DATE: 12-16-2022
REVIEWED BY: CVW
APPROVED BY: BH
SCALE: 1" = 100'

Portion of 2945-042-00-127
Located in part of the SE 1/4 NW 1/4
Section 4, T.1S, R.1W
Ute Meridian, City of Grand Junction
Mesa County, Colorado

CITY OF
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COLORADO

PUBLIC WORKS
ENGINEERING DIVISION
PROJECT NO. 207-F210306

EXHIBIT C

LEGAL DESCRIPTION

2945-042-00-127

MULTI-PURPOSE EASEMENT PARCEL NO. MPE-43

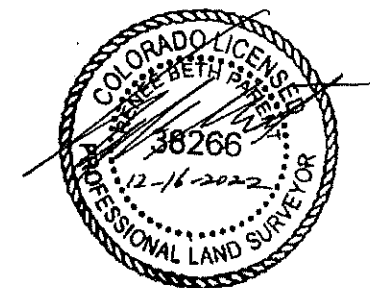
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thence along the boundary of said Parcel RW-43 for the following three (3) courses: 1) Northeasterly along the arc of a non-tangent 412.00 foot radius curve concave Easterly, a distance of 9.49 feet thru a central angle of 1°19'12" whose chord bears N07°37'56"E, a distance of 9.49 feet; 2) N08°17'32"E, a distance of 117.49 feet; 3) Northeasterly along the arc of a 764.00 foot radius curve concave Westerly, a distance of 51.59 feet thru a central angle of 3°52'08" whose chord bears N06°21'28"E, a distance of 51.58 feet to the North boundary of said tract; thence S89°55'28"W along the North boundary of the said tract, a distance of 14.04 feet; thence Southwesterly along the arc of a non-tangent 750.00 foot radius curve concave Westerly, a distance of 49.54 feet thru a central angle of 3°47'05" whose chord bears S06°23'59"W, a distance of 49.53 feet; thence S08°17'32"W a distance of 117.49 feet; thence Southwesterly along the arc of a 426.00 foot radius curve concave Easterly, a distance of 11.55 feet thru a central angle of 1°33'10" whose chord bears S07°30'57"W, a distance of 11.55 feet to the South boundary of said tract; thence N89°55'28"E along the said South boundary, a distance of 14.10 feet to the Point of Beginning.

Said Parcel of land CONTAINING 2500 Square Feet or 0.06 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



ABBREVIATIONS

P.O.C.	Point of Commencement	Rec.	Reception
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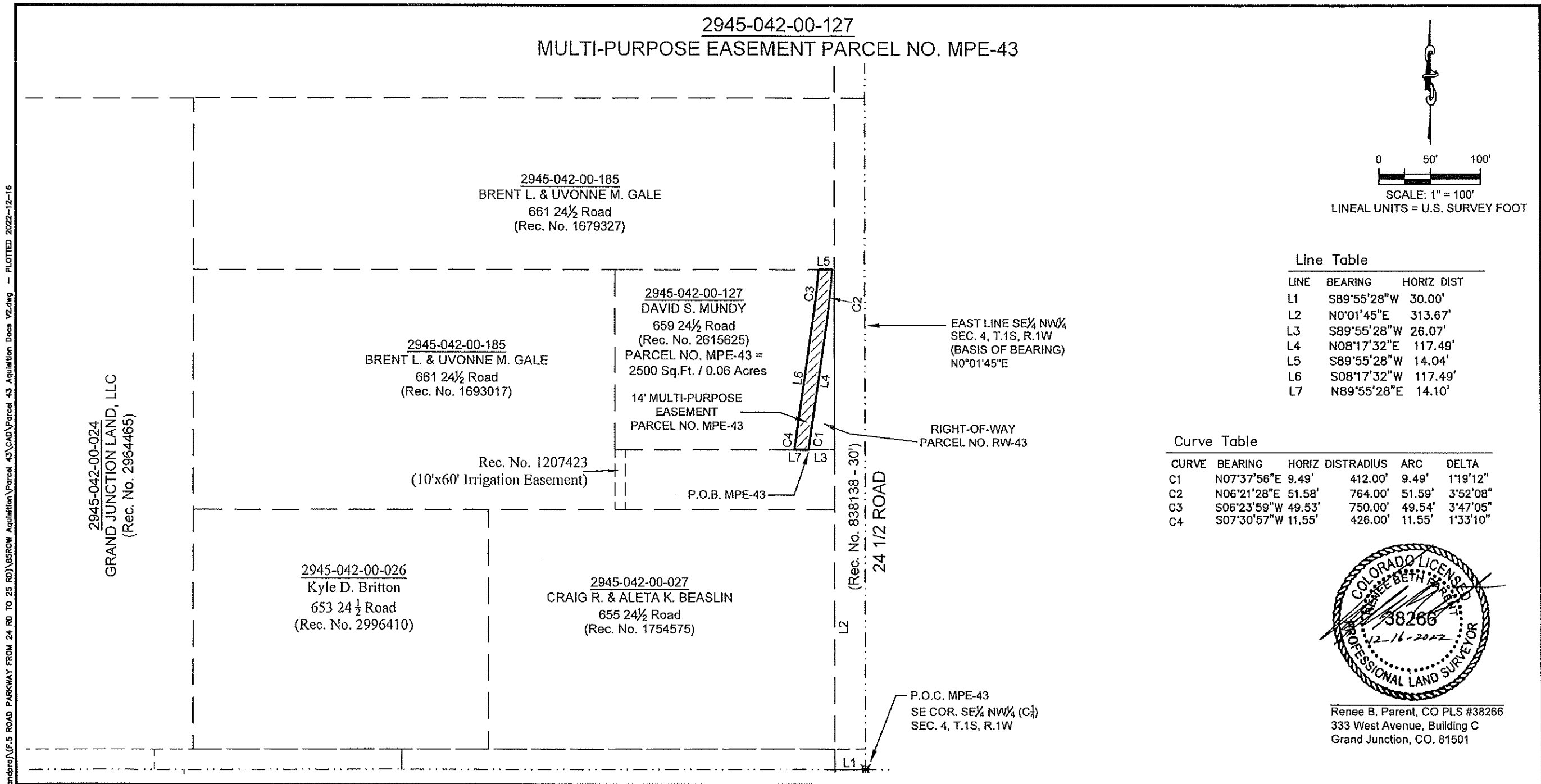
WRITTEN BY: RBP
DATE: 12-16-2022
REVIEWED BY: CVW
APPROVED BY: BH
SCALE:

Portion of 2945-042-00-127
Located in part of the SE¼ NW¼
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

EXHIBIT D



ABBREVIATIONS

P.O.C.	Point of Commencement	Rec.	Reception
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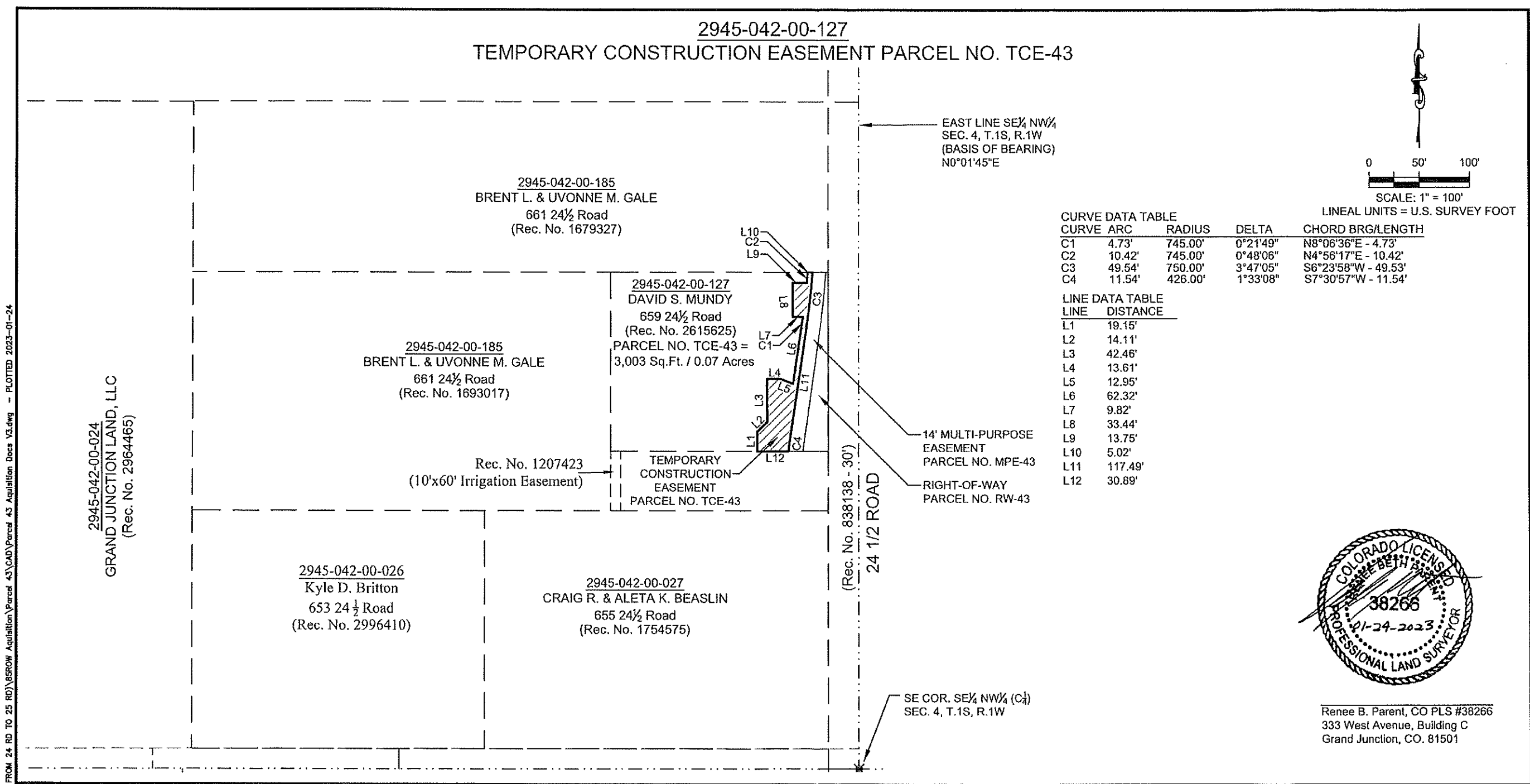
DRAWN BY: RBP
DATE: 12-16-2022
REVIEWED BY: CVW
APPROVED BY: BH
SCALE: 1" = 100'

Portion of 2945-042-00-127
Located in part of the SE 1/4 NW 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

EXHIBIT E



N:\Landpro\F-5 ROAD PARKWAY FROM 24 RD TO 25 RD\BSROW Aquation\Parcel 43\CAD\Parcel 43 Aquation Docs V3.dwg - PLOTTED 2023-01-24

ABBREVIATIONS		
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DRAWN BY:	MJH
DATE:	1-24-2023
REVIEWED BY:	RBP
APPROVED BY:	BH
SCALE:	1" = 100'

Portion of 2945-042-00-127
Located in part of the SE 1/4 NW 1/4
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Mesa County, Colorado

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