

HSC86PAT

TYPE OF RECORD: PERMANENT

CATEGORY OF RECORD: DEED (RIGHT-OF-WAY)

NAME OF AGENCY OR CONTRACTOR: SISTERS OF CHARITY OF
LEAVENWORTH HEALTH SERVICES CORPORATION

STREET ADDRESS/PARCEL NAME/SUBDIVISION/PROJECT PATTERSON
ROAD, TWO PARCELS OF LAND FOR ROAD AND UTILITY RIGHT OF WAY
PURPOSES, ST. MARY'S HOSPITAL

CITY DEPARTMENT: PUBLIC WORKS

YEAR: 1986

EXPIRATION DATE: NONE

DESTRUCTION DATE: NONE

FRANK M. HOCKENSMITH
DAN G. GRIFFIN
KIRK RIDER
JAMES S. CASEBOLT
RONALD W. GIBBS
CATHY P. HOLLINGSWORTH

TERRY D. SLATER
EARL G. RHODES

YOUNGE & HOCKENSMITH
PROFESSIONAL CORPORATION
ATTORNEYS AT LAW
200 GRAND AVE., SUITE 500
P.O. BOX 1768
GRAND JUNCTION, COLORADO 81502-1768
303-242-2645

OF COUNSEL
THOMAS K. YOUNGE

October 23, 1986

Mr. Mark K. Achen
City Manager
City of Grand Junction
250 North 5th Street
Grand Junction, CO 81501

Re: St. Mary's/Right-of-Way
Patterson Road

Dear Mark:

Enclosed is one signed copy of the agreement between the City and Sisters of Charity of Leavenworth Health Services Corporation concerning the recently negotiated agreement between the City and Health Services concerning the right-of-way along Patterson Road.

I also enclose a proposed copy of the deed which I will have the Sisters of Charity of Leavenworth execute conveying the right-of-way. However, I want you and Jerry Ashby to review it and be certain that the wording meets with your approval. Please note that I have made note of the reversionary interest that the hospital will have if the widening of Patterson Road is not completed as provided for in the previously executed agreement.

Please let me hear from you within the next day or two so that I might then forward the deed to the Sisters of Charity.

Very truly yours,

YOUNGE & HOCKENSMITH
Professional Corporation

By


Dan G. Griffin

DGG:ju

Enclosures

P. S. The legal description was prepared by the City Engineering Department.

FA
Please review
DKC
10/27/86
OK

*10/29/86 Tom Woodmangee reviewed
10/29/86 the deed. (17)*

AGREEMENT

THIS AGREEMENT, made and entered into this 24th day of September, 1986, by and between the SISTERS OF CHARITY OF LEAVENWORTH HEALTH SERVICES CORPORATION, a Kansas Nonprofit Corporation, hereinafter referred to as "Health Services Corporation", and the CITY OF GRAND JUNCTION, a Municipal Corporation, hereinafter referred to as "City";

W I T N E S S E T H:

WHEREAS, Health Services Corporation has an affiliate hospital located in Grand Junction, Colorado, known as St. Mary's Hospital and Medical Center, hereinafter referred to as "St. Mary's", and

WHEREAS, St. Mary's contacted the City Planning Office in 1985 about constructing a shelter for its helicopter, and

WHEREAS, the City Planning Office concluded that St. Mary's should apply for a zoning change to "Planned Business" in conjunction with a request for the construction of a heliport, and

WHEREAS, St. Mary's agreed to apply for a planned business zone, and

WHEREAS, during said process the City concluded that the planned business zone request and the request for the construction of the heliport could be granted only if St. Mary's deeded an additional 20 feet of right-of-way along Patterson Road (also known as F Road) to the City, and

WHEREAS, St. Mary's objected to said request contending that the construction of the heliport had no impact upon Patterson Road, and

WHEREAS, the City and St. Mary's negotiated a compromise, subject to approval of Health Services Corporation, and

WHEREAS, the City Council approved said compromise at its meeting of August 20, 1986, and

WHEREAS, the City Planning Office on September 9, 1986, issued to St. Mary's and Health Services Corporation a building permit for a heliport subject to dedication of Patterson Road right-of-way prior to issuance of a certificate of occupancy for the heliport, and

WHEREAS, all parties desire that said compromise agreement be reduced to writing as contained herein;

NOW, THEREFORE, IT IS AGREED:

1. The City through the action of its City Council on August 20, 1986, has approved the zoning change to planned business and shall immediately issue a building permit to St. Mary's and Health Services Corporation for the construction of the heliport as approved by the City.
2. Health Services Corporation shall deed to the City 10 feet of its property along Patterson Road.
3. St. Mary's and Health Services Corporation shall continue to have the use of said 10 feet until such time as the City actually needs it for the widening of Patterson Road. If additional right-of-way is needed for future widening of Patterson Road, the City will purchase same from Health Services Corporation.
4. In acquiring any additional Patterson Road right-of-way from St. Mary's and Health Services Corporation, the City shall pay to Health Services Corporation all damages resulting from the taking thereof, including but not necessarily limited to the value of the right-of-way, and all costs associated with reconfiguring the existing parking lot and relocation of lost parking spaces to other areas of property owned by Health Services Corporation.
5. City shall, at its expense, relocate any and all utility lines including electrical, gas, water and sewer, that will need to be relocated as a result of the widening of Patterson Road.
6. This Agreement shall be null and void and the 10 feet of right-of-way dedicated herein shall revert back to St. Mary's and Health Services Corporation if the City does not complete the widening of Patterson Road within said right-of-way within seven years from date hereof, in which event the City shall execute a deed conveying said 10 feet of right-of-way back to Health Services Corporation.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals the day and year first above written.

ATTEST:

Mewa B. Lockhart, CMC
City Clerk

CITY OF GRAND JUNCTION

By: Mark Achen
City Manager

SISTERS OF CHARITY OF LEAVENWORTH
HEALTH SERVICES CORPORATION, a
Kansas Nonprofit Corporation

ATTEST:

Sister Mary Seena Sherry
Secretary

By: Sister Mary Seena Sherry
President

QUIT CLAIM DEED

SISTERS OF CHARITY OF LEAVENWORTH HEALTH SERVICES CORPORATION, a Kansas Nonprofit Corporation

whose address is 4200 South 4th Street Trafficway
Leavenworth, KS 66048
County of Leavenworth , and State of

Kansas , for the consideration of Ten Dollars and other valuable considerations

~~Dollars~~, in hand paid,

hereby sell(s) and quit claim(s) to CITY OF GRAND JUNCTION,
a Colorado municipal corporation,
whose address is Grand Junction

County of Mesa , and State of Colorado , the following real

property, in the County of Mesa , and State of Colorado, to wit:
Two parcels of land for road and utility right-of-way purposes being a portion of the NE¼ NW¼ of Section 11, Township 1 South, Range 1 West of the Ute Meridian, Grand Junction, Mesa County, State of Colorado, more particularly described as shown on Exhibit A attached hereto.

Subject, however, to the conditions contained in an agreement dated September 24, 1986, between grantor and grantee including the condition that the property described herein shall revert back to grantor, and grantee shall execute a deed conveying the same back to grantor if the grantee does not complete the widening of Patterson Road within the right-of-way described herein by September 24, 1993.

also known as street and number

with all its appurtenances

Signed this _____ day of _____, 19 86.

ATTEST:

SISTERS OF CHARITY OF LEAVENWORTH
HEALTH SERVICES CORPORATION, a
Kansas Nonprofit Corporation

Secretary

By: _____

KANSAS
STATE OF COLORADO, }
County of Leavenworth } ss.

The foregoing instrument was acknowledged before me this _____ day of _____ 1986, by

My commission expires

WITNESS my hand and official seal.

Notary Public



EXHIBIT A

Two parcels of land for Road and Utility Right-of-Way purposes being a portion of the NE 1/4 of the NW 1/4 of Section 11 in Township 1 South, Range 1 West of the Ute Meridian in the City of Grand Junction, County of Mesa, State of Colorado, more particularly described as follows:

PARCEL NUMBER 1

Commencing at the Mesa County Survey Marker #55 set for the N 1/4 Corner of said Section 11, with all bearings herein being relative to N 89°58' W between said survey marker #55 and Mesa County Survey Marker #54 set for the NW Corner of said Section 11 as the basis of bearings;

Thence along the Northerly boundary line of said Section 11 N 89°58' W, 63.0 feet;

Thence S 0°02' W, 30.0 feet to the Point of Beginning, said point lying on the southerly right-of-way line of the present Patterson (F) Road as described in Book 1501, Page 438 and recorded in the Office of the Mesa County Clerk and Recorder;

Thence along said southerly right-of-way line N 89°58' W, 483.20 feet to the northeast corner of a tract of land which was conveyed by Sisters of Charity of Leavenworth to the County of Mesa by deed dated April 16, 1957 and recorded in Book 707, Page 470 of said Office;

Thence along the east line of said tract of land South, 10.0 feet;

Thence S 89°58' E, 493.20 feet;

Thence N 44°58' W, 14.14 feet to the Point of Beginning, containing 4882 square feet, more or less.

PARCEL NUMBER 2

Beginning at a point from which the Mesa County Survey Marker #55 aforementioned in PARCEL NUMBER 1 description bears N 89°58' W, 888.88 feet and S 0°02' W, 30.0 feet, said Point of Beginning also being the northwest corner of the tract of land conveyed to Mesa County aforementioned in PARCEL NUMBER 1 description;

Thence N 89°58' W, 39.9 feet to a point on the west line of the tract of land which was conveyed by Mesa County Junior College District to Sisters of Charity of Leavenworth by deed dated October 22, 1946 and recorded in Book 453, Page 291 in the Office of the Mesa County Clerk and Recorder, said point being 30 feet South of the northwest corner of said tract;

Thence along the west line of said tract S 0°36' E, 10.0 feet;

Thence S 89°58' E, 39.9 feet;

Thence N 0°36' W, 10.0 feet to the Point of Beginning, containing 399 square feet, more or less.