

## RESOLUTION NO. 57-09

### A RESOLUTION ACCEPTING OWNERSHIP OF A PORTION OF THE I-70 BUSINESS LOOP NORTH FRONTAGE ROAD FROM THE COLORADO DEPARTMENT OF TRANSPORTATION

WHEREAS, the City has requested the Colorado Department of Transportation (CDOT) relinquish to the City a portion of the I-70 Business Loop North Frontage Road located between approximate Mileposts 8.25 and 8.75 to facilitate construction and maintenance by the City of improvements associated with the 29 Road and I-70 Business Loop Interchange Project; and

WHEREAS, by Resolution No. TC-1701 adopted March 13, 2009, CDOT's Transportation Commission authorized relinquishment to the City of said portion of the I-70B North Frontage Road.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT:

1. The City is hereby authorized to accept, by Quitclaim Deed attached hereto as Exhibit "A", ownership of and full maintenance responsibilities for the I-70 Business Loop North Frontage Road located between Mileposts 8.25 and 8.75, said section of road more particularly known as CDOT Parcel No. 100-X under CDOT Project No. F 001-1(8).

2. The City is hereby authorized to accept conveyance of the aforescribed Parcel subject to the following terms and conditions set forth in CDOT Transportation Commission Resolution No. TC-1701:

- a. The City shall use said Parcel as right-of-way for a City street for public transportation purposes on a permanent basis and shall be solely and perpetually responsible for all future maintenance, repair and replacement of the same as a City street for public transportation purposes. In the event the City shall cease to use said Parcel as right-of-way for a City street for public transportation purposes, said Parcel shall revert to CDOT.
- b. Public Utilities shall have the right to continue to operate, maintain, repair, replace and reconstruct in perpetuity their facilities which may be located within said Parcel.
- c. The City shall not have any right or rights of access to and from any part of the right-of-way of Colorado State Highway No. I-70B, a freeway established according to the laws of the State of Colorado, and from and to any part of the hereinabove described Parcel situated in the West ½ of Section 17 and the East ½ of Section 18, Township 1 South, Range 1 East of the Ute Meridian in Mesa County, Colorado, abutting upon said Highway. To effectuate the control of said access, the City Manager and City

Clerk are hereby authorized to execute and deliver to CDOT the Special Warranty Deed for access attached hereto as Exhibit "B".

3. The City Manager be and is hereby authorized on behalf of the City to execute any and all documents necessary to carry out the intent of this Resolution.

PASSED and ADOPTED this 15<sup>th</sup> day of June, 2009.

/s/ Bruce Hill  
President of the City Council

ATTEST:

/s/ Stephanie Tuin  
City Clerk

**QUITCLAIM DEED**

**THIS DEED**, made this \_\_\_\_\_ day of \_\_\_\_\_,  
20 \_\_\_\_,  
between

**DEPARTMENT OF TRANSPORTATION,  
STATE OF COLORADO**

of the City and County of Denver and State of Colorado,  
grantor,  
and

**THE CITY OF GRAND JUNCTION,  
a Colorado home rule municipality,**

whose legal address is 250 North 5<sup>th</sup> Street, Grand Junction,  
Colorado 81501,  
of the County of Mesa, State of Colorado, grantee,

**WITNESS**, that the grantor, for and in consideration of the sum of Ten Dollars and NO/100th, the receipt and sufficiency of which is hereby acknowledged, has remised, released, sold and QUITCLAIMED, and by these presents does remise, release, sell and QUITCLAIM unto the grantee, its successors and assigns forever, all the right, title, interest, claim and demand which the grantor has in and to the real property, together with improvements, if any, situate, lying and being in Mesa County, State of Colorado, described as follows:

See Attached **Exhibit "A"** dated September 10, 2008 for Project No. F 001-1(8)  
Parcel No. 100-X.

also known by street and number as: N/A  
assessor's schedule or parcel number: N/A

**TO HAVE AND TO HOLD** the same, together with all and singular the appurtenances and privileges thereunto belonging, or in anywise thereunto appertaining, and all the estate, right, title, interest and claim whatsoever of the grantor, either in law or equity, to the only proper use, benefit and behoof of the grantee, its successors and assigns forever, SUBJECT, HOWEVER, to the reservations, conditions, restrictions, limitations and reversionary provisions contained in Exhibit "B" attached hereto and incorporated herein by reference.

**IN WITNESS WHEREOF**, the grantor has executed this deed on the date set forth above.

DEPARTMENT OF TRANSPORTATION,  
STATE OF COLORADO

\_\_\_\_\_  
Bernhardt K. Rasmussen  
Chief Clerk for Right of Way

\_\_\_\_\_  
Pamela Hutton, P.E.  
Chief Engineer

STATE OF COLORADO  
City and County of Denver

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by Pamela Hutton, P.E., Chief Engineer and Bernhardt K. Rasmussen, Chief Clerk for Right of Way, Department of Transportation, State of Colorado.

Witness my hand and official seal.  
My commission expires:

\_\_\_\_\_  
Notary Public

**WHEN RECORDED PLEASE RETURN TO:**  
**Colorado Department of  
Transportation  
ATTN: ROW Manager  
222 South 6<sup>th</sup> Street, Rm 317  
Grand Junction, CO 81501**

\_\_\_\_\_  
Name and Address of Person Creating Newly Created Legal Description (§ 38-35-106.5, C.R.S.)

Exhibit "A"

REAL PROPERTY  
TO BE ACQUIRED  
FROM  
COLORADO DEPARTMENT OF TRANSPORTATION

PARCEL NO. 100-X

PROJECT NUMBER: F 001-1(8) INTERSTATE 70 BUSINESS LOOP  
PARCEL NUMBER: 100-X  
PROJECT CODE: N/A  
DATE: September 10, 2008

DESCRIPTION

A tract or parcel of land no. 100-X of the Department of Transportation, State of Colorado, Project No.

F 001-1(8) containing 2.437 acres, more or less, located in the Southwest Quarter of the Northwest Quarter of Section 17, and the Southeast Quarter of the Northeast Quarter of Section 18, Township 1 South, Range 1 East, of the Ute Meridian, in Mesa County, Colorado, said tract or parcel being more particularly described as follows:

Beginning at a point on the east line of Section 18 from which the N 1/16 Corner common to Sections 17 & 18, T. 1 S., R. 1 E. of the Ute Meridian, bears N. 0°01'34" W. a distance of 147.93 feet;

1. Thence N. 73°41'01" E. along northerly ROW line (Book 605 Page 241) Project F 001-1(18) a distance of 31.2 feet;
2. Thence continuing along said ROW line S 53°12'59" E. a distance of 60.0 feet;
3. Thence N 73°41'01" E. a distance of 587.80 feet;
4. Thence S 89°23'59" E. a distance of 30.6 feet;
5. Thence N 0°09'01" E along northerly ROW line (Book 605 Page 243) a distance of 9.3 feet;
6. Thence N 73°41'01" E. along northerly ROW line (Book 605 Page 243) a distance of 501.84 feet;
7. Thence S 16°19'01" E. along easterly ROW line (Book 605 Page 247) a distance of 39.41 feet;
8. Thence S 73°45'39" W. along southerly ROW line (Book 605 Page 245) a distance of 1343.03 feet;
9. Thence S 73°45'39" W. along southerly ROW line (Book 605 Page 237) a distance of 1343.03 feet;
10. Thence N 16°13'50" W. along southerly ROW line (Book 605 Page 237) (Book 605 Page 235) a distance of 35.73 feet;
11. Thence N 73°41'01" E. along northerly ROW line (Book 605 Page 237) a distance of 1402.05 feet;
12. Thence N 36°47'01" E. along northerly ROW line (Book 605 Page 239) a distance of 80.0 feet;
13. Thence continuing along said ROW line N. 73°41'01" E. a distance of 31.2 feet to the point of beginning.

The above described parcel contains 2.437 acres more or less.

Basis of Bearings: All bearings are based on a line between the N 1/16 Corner of Section 17, Section 18, T. 1 S., R. 1 E. Ute Meridian (3 " brass cap stamped COUNTY SURVEY

MARKER) and the W 1/4 Corner of Section 17, (3 inch brass cap stamped COUNTY SURVEY MARKER) as bearing S. 0°10'30" E. a distance of 1322.29 feet.

For and on behalf of the

Department of Transportation  
Mark C. Wagner, LSIT II  
Room 317, 222 South 6<sup>th</sup> Street, Grand Junction, CO

## Exhibit "B"

The foregoing grant by The Department of Transportation, State of Colorado (Grantor) to The City of Grand Junction, a Colorado home rule municipality (Grantee), of the hereinabove described parcel is made subject to the following reservations, conditions, restrictions, limitations and reversionary provisions:

1. The conveyance of the hereinabove described parcel is made subject to the condition that Grantee shall use said parcel as right-of-way for a City street for public transportation purposes on a permanent basis; Grantee shall be solely and perpetually responsible for all future maintenance, repair and replacement of the same as a City street for public transportation purposes. In the event Grantee shall cease to use said parcel as right-of-way for a City street for public transportation purposes, said real property shall revert to Grantor.
2. The conveyance of the hereinabove described real property is made subject to the right of any Public Utility to continue to operate, maintain, repair, replace and reconstruct in perpetuity their facilities which may be located within said parcel.
3. The conveyance of the hereinabove described parcel is made subject to the condition that Grantee shall not have any right or rights of access to and from any part of the right-of-way of Colorado State Highway No. I-70B, a freeway established according to the laws of the State of Colorado, and from and to any part of the hereinabove described parcel situated in the West ½ of Section 17 and the East ½ of Section 18, Township 1 South, Range 1 East of the Ute Meridian in Mesa County, Colorado, abutting upon said Highway.

**SPECIAL WARRANTY DEED**

**THIS DEED**, Made this \_\_\_\_\_ day of \_\_\_\_\_,  
20\_\_\_\_, between

**THE CITY OF GRAND JUNCTION,  
a Colorado home rule municipality**

of the County of Mesa, State of Colorado, grantor, and the

**DEPARTMENT OF TRANSPORTATION,  
STATE OF COLORADO,**

whose legal address is 4201 E. Arkansas Ave., Denver, CO  
80222 of the City and County of Denver and State of  
Colorado, grantee:

**WITNESS**, that the grantor, for and in consideration of the sum of TEN and 00/100 DOLLARS, the receipt and sufficiency of which is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell, convey and confirm unto the grantee, its successors and assigns forever, all the real property, together with improvements, if any, situate, lying and being in the County of Mesa, State of Colorado, described as follows:

See Attached **Exhibit "B"** dated September 16, 2008, for Project No. F  
001-1(8)  
Parcel No. 100X (Access).

also known by street and number as: N/A  
assessor's schedule or parcel number: N/A

**TOGETHER** with all and singular the hereditaments and appurtenances thereunto belonging, or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all the estate, right, title, interest, claim and demand whatsoever of the grantor, either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances;

**TO HAVE AND TO HOLD** the said premises above bargained and described, with the appurtenances, unto the grantee, its successors and assigns forever. The grantor, for itself, its successors and assigns, does covenant, grant, bargain, and agree to and with the grantee, its successors and assigns, that at the time of the ensealing and delivery of these presents, it is well seized of the premises above conveyed, has good, sure, perfect, absolute and indefeasible estate of inheritance, in law, in fee simple, and has good right, full power and lawful authority to grant, bargain, sell and convey the same in manner and form as aforesaid, and that the same are free and clear from all former and other grants, bargains, sales, liens, taxes, assessments, encumbrances and restrictions of whatever kind or nature soever, except NONE.



The grantor shall and will WARRANT AND FOREVER DEFEND the above bargained premises in the quiet and peaceable possession of the grantee, its successors and assigns, against all and every person or persons lawfully claiming the whole or any part thereof by, through or under grantor.

The singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

**IN WITNESS WHEREOF**, the grantor has executed this deed on the date set forth above.

ATTEST:

THE CITY OF GRAND JUNCTION,  
a Colorado home rule municipality

By: \_\_\_\_\_

By: \_\_\_\_\_

STATE OF COLORADO

County of Mesa

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2009 by \_\_\_\_\_ as \_\_\_\_\_ and attested to by \_\_\_\_\_ as \_\_\_\_\_ of The City of Grand Junction, a Colorado home rule municipality.

Witness my hand and official seal.  
My commission expires:

\_\_\_\_\_  
Notary Public

\_\_\_\_\_

**EXHIBIT "B"**

**PROJECT NUMBER F 001-1(8)**

**PARCEL NO. 100-X**

**Project Code: N/A**

**Date: September 16, 2008**

**ACCESS DESCRIPTION**

Each and every right or rights of access of the Grantor to and from any part of the right of way of Colorado State Highway No. I-70B, a freeway established according to the laws of the State of Colorado, and from and to any part of the property of the Grantor in the E 1/2 of Section 18, West 1/2 Section 17, Township 1 South, Range 1 East, of the Ute Meridian, in Mesa County, Colorado, abutting upon said Highway, along or across the access line or lines described as follows:

F 001-1(8) (Proj. No.)	100-X (Parcel No.)	Northerly (Location of Line)
---------------------------	-----------------------	---------------------------------

Beginning at a point on the West line of Section 17, T. 1 S., R. 1 E., Ute M., from which the N 1/16 corner West Line of Section 17 bears N. 0° 10' 30 " W., a distance of 147.39 feet;

Thence N. 81° 51' 14" W., a distance of 609.28 feet to the East end of a 114.0 foot opening  
Bearing  
S 73° 45' 39" W which is being excepted from this access limitation;

Also, beginning at a point on the East line of Section 18, T. 1 S., R. 1 E., Ute M., from which the N 1/16 corner East Line of Section 18 bears N. 0° 10' 30 " W., a distance of 147.39 feet;

Thence S. 70° 13' 37" W., a distance of 1391.56 feet to the East end of a 202.7 foot opening  
bearing  
S 73° 45' 35" W. which is being excepted from this access limitation;

Basis of Bearing: S. 0°10'30" E., along the west line of Section 17, T. 1 S., R. 1 E., Ute M., from the N sixteenth corner of Section 17 (brass cap) to the W quarter corner of Section 17 (brass cap).

Excepting from this grant, the right of the Grantor to have the following points of access at the locations set forth hereinafter, to be limited in use by the Grantor to the width and location hereinafter designated according to centerline stationing of the Grantee's project number.

WIDTH	CENTER OF ACCESS	OPENING OPPOSITE
202.7	Left 62.10	Station 211+68.53
114.0	Left 59.32	Station 232+05

For and on behalf of  
Colorado Department of Transportation  
Les Doehling  
4201 E. Arkansas Avenue  
Denver, CO 80222