

**COLORADO DEPARTMENT OF  
TRANSPORTATION  
MEMORANDUM OF  
AGREEMENT**

Project Code: 12275/13129	Parcel No: RW 5AR & 5X
Project No: STU R200-097	
Location: NEC Woodmen Rd & Powers Blvd	
County: El Paso	State Highway No: 21

This agreement made on (date) \_\_\_\_\_ is between the The City of Colorado Springs for the use and benefit of Colorado Springs Utilities (GRANTEE) for the purchase of the parcel(s) listed above from the Owner(s) Colorado Department of Transportation (GRANTOR).

Just compensation was determined by an appropriate valuation procedure prepared in accordance with Colorado state laws and regulations. The amount of money and/or compensation listed below is full consideration for the following land, easements, improvements, and damages of any kind.

Land (described in attached exhibits)	49,587 Sq.ft <input checked="" type="checkbox"/> /acres <input type="checkbox"/>	\$ 99,174.00
	57,590 Sq.ft <input checked="" type="checkbox"/> /acres <input type="checkbox"/>	\$115,180.00
Permanent and Slope Easements (described in attached exhibits)	Sq.ft <input type="checkbox"/> /acres <input type="checkbox"/>	\$
Temporary Easements (described in attached exhibits)	Sq.ft <input type="checkbox"/> /acres <input type="checkbox"/>	\$
Improvements		\$
Damages		\$
	Gross Total	\$214,354.00
	Less Credit	\$
	Net Total	\$214,400.00(rd)

Other conditions: Subject to Transportation Commission approval.

**The GRANTOR:**

- 1) Will, at the closing, pay all taxes (including prorated taxes for the current year) and special assessments for the current year;
- 2) Has entered into this agreement only because the GRANTEE has the power of eminent domain and requires the property for public purposes;
- 3) Be responsible for securing releases from all liens, judgments and encumbrances to deliver clear, unencumbered title to GRANTEE. Any encumbrance required to be paid by GRANTOR shall be paid at or before closing from the proceeds of the transaction hereby contemplated or from any other source;
- 4) Will execute and deliver to GRANTEE those documents indicated below;
- 5) Excepts from the subject property described herein in the attached Exhibits, the mineral estate and including all coal, oil, gas and other hydrocarbons, and all clay and other valuable mineral in and under said subject property. The GRANTOR hereby covenants and agrees that the GRANTEE shall forever have the right to take and use, without payment of further compensation to the GRANTOR, any and all sand, gravel, earth, rock, and other road building materials found in or upon said subject property and belonging to the GRANTOR; and
- 6) The GRANTOR further covenants and agrees that no exploration for, or development of any of the products, as described above, and owned by the GRANTOR heretofore or hereafter the date set forth above and hereby excepted will ever be conducted on or from the surface of the premises described in the attached Exhibits, and that in the event any of such operations may hereafter be carried on beneath the surface of said premises, the GRANTOR shall perform no act which may impair the subsurface or lateral support of said premises. These covenants and agreements hereunder, shall inure to and be binding upon the GRANTOR and its heirs, personal and legal representatives, successors and assigns forever.

NOTE: At GRANTOR'S sole discretion, the GRANTOR may convey the underlying mineral estate owned by GRANTOR to the GRANTEE. GRANTEE makes no representations about the nature, title or value of the mineral estate. In transactions where GRANTOR conveys the underlying mineral estate to GRANTEE, Paragraphs 5 and 6, as set forth above, will be deleted from this Memorandum of Agreement and the conveyance document.

GRANTOR conveys the underlying mineral estate to GRANTEE. Paragraphs 5 and 6 are hereby deleted from the Memorandum of Agreement and the conveyance document.

The GRANTEE:

- 1) Will be entitled to specific performance of this agreement upon tender of the agreed consideration;
- 2) Will be held harmless from any claims against the property or to any interest in the property, except for any benefits due under relocation law;
- 3) Will make payment after receiving acceptable conveyance instruments from the GRANTOR;
- 4) Will take possession and use of the parcel(s) when it deposits the consideration, as set forth above, into an escrow account for the benefit of the GRANTOR, or when GRANTEE disburses funds to GRANTOR. Transfer of title to the parcel(s) shall occur upon performance of any and all terms under this agreement, and release of the payment from escrow to the GRANTOR, unless other arrangements are made that follow Title III of the Uniform Relocation Assistance and Real Property Acquisition Act of 1970, as amended; and
- 5) Will prepare the following documents:

- |  |   |
|--|---|
| <input type="checkbox"/> General Warranty Deed   | <input type="checkbox"/> Utility Easement   |
| <input checked="" type="checkbox"/> Access Deed  | <input type="checkbox"/> Permanent Easement |
| <input type="checkbox"/> Full Release(s) Book/Page:                                      | <input type="checkbox"/> Slope Easement     |
| <input type="checkbox"/> Partial Release(s) Book/Page:                                   | <input type="checkbox"/> Temporary Easement |
| <input checked="" type="checkbox"/> Or (specify) Quit Claim (Parcel 5X) and (Parcel 5AR) |   |
| <input type="checkbox"/> Title Company to prepare documents except                       |   |

Order Warrant \$214,400.00	Payable to: State of Colorado
Order Warrant \$	Payable to:
<b>Real Estate Specialist</b>	<b>GRANTOR signature</b> <span style="float: right;"><b>Attach form W-9</b></span>
	<b>GRANTOR (if applicable)</b>
<b>Division approval (Region ROW Manager)</b>	<b>GRANTEE signature</b>

cc: Project Development Branch – ROW Services (original)  
 Property Owner  
 Region Right-of-Way Manager  
 Region Program Engineer/Resident Engineer/Project Engineer

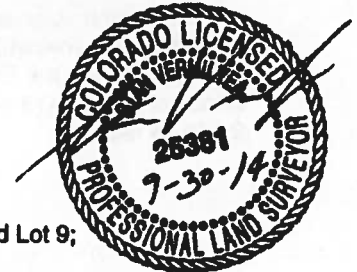
**EXHIBIT "A"**

**PROJECT NUMBER: C R200-070  
PARCEL NUMBER: 5AR  
PROJECT CODE: 12275  
DATE: January 21, 2014  
DESCRIPTION**

A tract or parcel of land No. 5AR of the Department of Transportation, State of Colorado Project No. C R200-070 containing 57,590 sq. ft. (1.322 acres), more or less, located in Lot 9 Westview Estates in the Southwest Quarter of Section 6, Township 13 South, Range 65 West, of the 6<sup>th</sup> Principal Meridian, in El Paso County, Colorado, said tract or parcel being more particularly described as follows:

The following described tract of land as recorded as Parcel 5R Rev, on February 25, 2000, as Reception No. 200018778 in the records of the Clerk & Recorder's office, in El Paso County, Colorado. Commencing at a point on the South line of said Lot 9 whence the Southwest corner of said Section 6 bears S. 11°40'35" W., a distance of 1,115.88 feet, said point also being the TRUE POINT OF BEGINNING;

1. Thence N. 07°54'45" W., a distance of 169.63 feet;
2. Thence N. 46°52'07" E., a distance of 215.70 feet;
3. Thence N. 03°05'19" W., a distance of 158.31 feet;
4. Thence N. 36°31'08" W., a distance of 70.17 feet, to the North line of said Lot 9;
5. Thence N. 86°40'44" E., a distance of 100.02 feet, along the North line of said Lot 9 to the West line of Rustic Lane;
6. Thence S. 00°10'01" E. (Calculated vs South 00°10'01" West record), a distance of 525.00 feet, along the West line of Rustic Lane to the South line of said Lot 9;
7. Thence S. 86°40'44" W., a distance of 185.47 feet, along the South line of said Lot 9 (Lot 6 record), more or less, to the TRUE POINT OF BEGINNING.



The above described parcel 5R Rev. contains 64,404 sq. ft. (1.478 acres), more or less.

Reserving a permanent easement for the benefit of the Colorado Department of Transportation for the purpose of ingress and egress across the southerly twenty feet of the above described parcel or tract of land. Said strip of land is twenty feet in width, parallel and adjacent to the southerly line of Parcel 5R Rev., beginning at the west right of way line of Rustic Lane and terminating at the eastern right of way line of SH 21 (Powers Blvd).

**EXCEPT**

Excepting from the above described parcel 5R Rev, the following tract or parcel of land which is to be known as Parcel 5A, and to be retained by the Colorado Department of Transportation to be used as Right of Way for SH 21, aka Powers Boulevard:

Commencing at the intersection of the South line of said Lot 9, said the Westerly line of a tract of land recorded February 25, 2000, as Reception No. 200018778 in the records of the Clerk & Recorder's office, in El Paso County, Colorado, whence the Southwest corner of said Section 6 bears S. 11°40'35" W., a distance of 1,115.88 feet, said point also being the TRUE POINT OF BEGINNING;

1. Thence N. 86°40'44" E., along the South line of said Lot 9, a distance of 80.59 feet;
2. Thence N. 32°26'13" W., a distance of 193.54 feet to a point on the Westerly line of a tract of land recorded February 25, 2000, as Reception No. 200018778 in the records of the Clerk & Recorder's office, in El Paso County, Colorado;
3. Thence S. 07°54'45" E., along the said westerly line, a distance of 169.63 feet, more or less, to the TRUE POINT OF BEGINNING.

The above described parcel 5A contains 6,814 sq. ft. (0.156 acres), more or less.

Parcel 5AR (Parcel 5R Rev. minus Parcel 5A) contains a net acreage of 57,590 sq. ft. (1.322 acres), more or less.

NOTE: For the purpose of this description the bearings are based on a line between the Southeast corner of Section 36, Township 12 South, Range 66 West of the 6th Principal Meridian (3 ¼" Al. Cap Stamped "LS 10956") and the East Quarter corner of Section 36, Township 12 South, Range 66 West of the 6th Principal Meridian (3 ¼" AL. Cap Stamped "LS 10956") which bears North 00° 35' 24" West a distance of 2,640.56 feet).

For and on Behalf of  
URS Corporation  
Stan K. Vermilyea, PLS 25381  
8181 E. Tufts Avenue  
Denver, CO 80237



**EXHIBIT "A"**

**PROJECT NUMBER: C R200-070**

**PARCEL NUMBER: 5X**

**PROJECT CODE: 12275**

**DATE: April 24, 2008**

**DESCRIPTION**

A tract or parcel of land No. 5X of the Department of Transportation, State of Colorado Project No. C R200-070 containing 49,587 sq. ft. (1.138 acres), more or less, located in Lot 9 Westview Estates in the Southwest Quarter of Section 6, Township 13 South, Range 65 West, of the 6<sup>th</sup> Principal Meridian, in El Paso County, Colorado, said tract or parcel being more particularly described as follows:

Commencing at the intersection of the North line of said Lot 9, said the Easterly line of a tract of land recorded February 25, 2000, as Reception No. 200018776 in the records of the Clerk & Recorder's office, in El Paso County, Colorado, whence the Southwest corner of said Section 6 bears S. 10°48'07" W., a distance of 1,652.01 feet, said point also being the TRUE POINT OF BEGINNING;

1. Thence S. 36°31'08" E., along the Easterly line of a tract of land recorded February 25, 2000, as Reception No. 200018776 in the records of the Clerk & Recorder's office, in El Paso County, Colorado, a distance of 70.17 feet;
2. Thence S. 03°05'19" E., continuing along said Easterly line, a distance of 158.31 feet;
3. Thence S. 46°52'07" W., continuing along said Easterly line, a distance of 215.70 feet;
4. Thence N. 06°15'04" W., a distance of 355.58 feet to the North line of said Lot 9;
5. Thence N. 86°40'44" E., along the North line of said Lot 9, a distance of 146.09 feet, more or less, to the TRUE POINT OF BEGINNING.

The above described parcel contains 49,587 sq. ft. (1.138 acres), more or less.

NOTE: For the purpose of this description the bearings are based on a line between the Southeast corner of Section 36, Township 12 South, Range 66 West of the 6th Principal Meridian (3 ¼" AL. Cap Stamped "LS 10956") and the East Quarter corner of Section 36, Township 12 South, Range 66 West of the 6th Principal Meridian (3 ¼" AL. Cap Stamped "LS 10956") which bears North 00° 35' 24" West a distance of 2,640.56 feet).

For and on Behalf of  
URS Corporation  
Stan K. Vermilyea, PLS 25381  
8181 E. Tufts Avenue  
Denver, CO 80237



**EXHIBIT "B"**

**PROJECT NUMBERS: STU R200-097 & C R200-070**

**PARCEL NUMBER: AC-5R**

**PROJECT CODES: 13129 & 12275**

**DATE: September 30, 2014**

**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. 21, a freeway established according to the laws of the State of Colorado, and from and to any part of the real property of the Grantor in the SW-¼ of Section 6, Township 13 South, Range 65 West, of the 6<sup>TH</sup> Principal Meridian, in El Paso County, Colorado abutting upon said Highway, along and across the access line or lines described as follows:

STU R200-097 & C R200-070 (Proj. No.)	AC-5R (Parcel No.)	Easterly Line Location of Line
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Commencing at the intersection of the north line of Lot 9, Westview Estates, whence the SW Corner of Section 6, T. 13 S., R. 65 W., 6<sup>TH</sup> P.M. bears S. 10°48'07" W., a distance of 1,652.01 feet; thence, along the North line of said Lot 9, S. 86°40'44" W., a distance of 146.09 feet to a point at the northwesterly corner of a tract of land recorded February 25, 2000, at Reception No. 200018776 in the El Paso County Clerk & Recorder's office; thence along the westerly line of said tract of land, S. 06°15'04" E., a distance of 355.58 feet to the True Point of Beginning;

1. Thence S. 32°26'13" E., a distance of 182.10 feet to the center of a 22.89' opening;
2. Thence S. 32°26'13" E., a distance of 11.45 feet to the SW Corner of CDOT Parcel 5-AR said point also being the southerly end of said opening of this access restriction;
3. Thence N. 86°40'44" E., a distance of 104.88 feet;
4. Thence S. 00°10'01" E., a distance of 180.37 feet;
5. Thence on the arc of a curve to the right, a radius of 825.15 feet, a central angle of 39°28'34", a distance of 568.52 feet, (a chord bearing S. 50°24'15" E., a distance of 557.34 feet).

For the purpose of this description the bearings are based on CDOT Right-of-Way plans Projects no. STU R200-097 & C R200-070.

Width	Center Of Access	Opening Opposite
22.89'	East side of highway	1,150'± North Of Woodmen Rd.