

Resolution # TC-16-5-[]

R4 PH SH 60 & SH 257 Structures Project, ER R400-322, Project Code 20187

Authorizing the Chief Engineer to negotiate and tender damages to properties specified below.

Approved by the Transportation Commission on _____, 2016.

WHEREAS, the Transportation Commission is authorized pursuant to Section 43-1-106(8), C.R.S. to formulate the general policy with respect to management, construction and maintenance of public highways and other transportation systems in the state and to promulgate and adopt all budgets of CDOT; and

WHEREAS, pursuant to Colorado law at Section 43-1-208, C.R.S., the Colorado General Assembly has conferred the power of eminent domain upon the Transportation Commission to acquire private property necessary for state highways purposes; and

WHEREAS, on September 26, 2016 the Colorado Supreme Court announced its decision in *Department of Transportation v. Amerco Real Estate Company; U-Haul Company of Colorado; et al.*, 2016SA75; and

WHEREAS, the *Amerco Real Estate Company* opinion held that the Transportation Commission must decide that the public interest or convenience will be served by a proposed alteration of a state highway and that the Commission's decision must be made in consideration of the portions of land of each landowner to be taken and an estimate of the damages and benefits accruing to each landowner; and

WHEREAS, the *Amerco Real Estate Company* opinion also held that the Transportation Commission is authorized to either direct the Chief Engineer to make tender to a landowner or the Transportation Commission can proceed in the acquisition of private lands for state highway purposes, according to articles 1 to 7 of title 38, C.R.S., without tender to the landowner; and

WHEREAS, the Transportation Commission is authorized pursuant to Section 43-1-208(2), C.R.S. to determine whether a proposed change to a state highway will serve the interest or convenience of the public; and

WHEREAS, the Transportation Commission may enter a resolution upon its minutes approving the proposed highway changes and authorizing the CDOT Chief Engineer to either tender landowners the amount of damages, as estimated by the Chief; and

WHEREAS, CDOT seeks to acquire necessary Properties, for the PR SH 60 & SH 257 Structures Project, Project Number ER R400-322, Project Code 20187 ("Project").

WHEREAS, CDOT may negotiate with the property owners as specified in the attached Chief Engineer's Cost Estimate].

WHEREAS, CDOT seeks to acquire multiple properties, as specified in the attached Chief Engineer's Estimate for the Project ("Properties"). The Chief Engineer's Estimate specifies the landowners, property locations, proposed size of the acquisitions, and the estimated damages and benefits, if any, to the properties.

WHEREAS, the Properties may include buildings, structures, or other improvements on the real Properties and may also include tenant-owned improvements, personal property, and other real estate; and

WHEREAS, the Transportation Commission acknowledges that it has reviewed the written report of the Chief Engineer, which included all information and documents required pursuant to Section 43-1-208(1), in relation to the Project and the Property; and

WHEREAS, after reviewing the Chief Engineer's written report regarding Project and the Properties, the Transportation Commission has determined that the proposed changes to State Highways No. 60 and 257 will serve the public interest and convenience of the traveling public and that acquisition of the Properties described in the report is necessary and in the public interest; and

WHEREAS, the Transportation Commission also approves the Chief Engineer's Cost Estimate of damages and benefits, if any, set forth in his written report.

NOW THEREFORE BE IT RESOLVED, the Transportation Commission hereby declares that the public interest and convenience will be served by the proposed changes to State Highways No. 60 and 257 by virtue of the PR SH 60 & SH 257 Structures Project, Project Number ER R400-322, Project Code 20187, parcels RW-1, TE-1, RE-2, TE-2, TE-2A, RW-3, TE-3, TE-3A, RW-4, RW-4A, TE-4, TE-4A, RW-5, TE-5, TE-6, RW-7, and authorizes the CDOT staff either to negotiate and tender the Owner of the Properties the amount of estimated damages. Further, if a settlement amount, is reached with respect to the amount of just compensation due to the landowner, the final settlement is subject to approval by the Transportation Commission. If acquisition of the Properties requires acquisition of buildings, structures, or improvements on real property as well as acquisition of tenant-owned improvements both real and personal property, or other real estate, the Transportation Commission authorizes CDOT to negotiate for the acquisition of those items if necessary.

Herman Stockinger, Secretary
Transportation Commission of Colorado


Date



COLORADO
Department of Transportation
Office of the Chief Engineer
4201 East Arkansas Ave, Suite 262
Denver, CO 80222

MEMORANDUM

TO: TRANSPORTATION COMMISSION

FROM: JOSH LAIPPLY, CHIEF ENGINEER 

DATE: NOVEMBER 28, 2016

SUBJECT: REPORT PURSUANT TO COLORADO REVISED STATUTES, §43-1-208 REGARDING PROJECT NUMBER ER R400-322, PR SH 60 & SH 257 STRUCTURES

Background

This written report to the Transportation Commission is pursuant to Colorado Revised Statutes ("C.R.S."), Section 43-1-208(1) (statute attached with this memorandum). I deem it desirable to replace structures on State Highway 60 and State Highway 257.

PR SH 60 & SH 257 Structures ("Project") is necessary for the replacement of two structures and the channel restoration of the Little Thompson River between these structures. This will provide a more stable roadway and structures in the case of a future flood event, and is therefore, desirable. I hereby request that the Transportation Commission determine that the proposed changes of the Project serve the public interest and/or convenience of the travelling public.

The location of the properties required for the Project ("Properties") are individually listed on the Chief Engineer's Cost Estimate ("Cost Estimate"), attached to this report.

If the Transportation Commission determines that the proposed changes will serve the public and/or convenience of the travelling public, I respectfully request that the Transportation Commission enter a resolution upon its minutes, approve the same, and authorize CDOT to either make tender or to initiate and negotiate for the Property.

Description of Portion of Highway to be Changed and Proposed Changes

Project PR SH 60 & SH 257 Structures is a Permanent Repair Flood Project that involves the replacement of two structures (C-17-C on SH 60, and C-17-Y on SH 257) and channel restoration of the Little Thompson River between these structures. This project is located in the Town of Milliken in Weld County. Funding sources include the time-sensitive Emergency Flood Repair Funding administered by FHWA and the Emergency Watershed Protection administered by NRCS. The project is a joint effort project involving FHWA, CDOT, NRCS (Natural Resources Conservation Service), LTWC (Little Thompson Watershed Coalition), and CWCB (Colorado Water Control Board). Due to the constraints associated with the

Landowner's Name: Westroc Rentals, LLC
Current Size of Property: 1,143,648 s. f. / 26.254 acres
Proposed Size of Acquisition: 56,090 s. f. / 1.288 acres
Purpose of Parcels Necessary for Project:

- RW-4: 13,772 s. f. / 0.316 acres fee simple acquisition for the purpose of roadway construction
- RW-4A: 527 s. f / 0.012 acres fee simple acquisition for the purpose of roadway construction
- TE-4: 36,791 s. f. / 0.845 acre 12 month temporary easement for the purpose of grading
- TE-4A : 5,000 s. f. / 0.115 acre 12 month temporary easement for the purpose of grading

Estimated Property Value: \$18,530

5. Address: 23176 S.H. 257, Milliken, CO 80543
Landowner's Name: KLC, LLC (50%) and TEXO, LLC (50%)
Current Size of Property: 95,671 s. f. / 2.196 acres
Proposed Size of Acquisition: 42,709 s. f. / 0.980 acres
Purpose of Parcels Necessary for Project:

- RW-5: 17,643 s. f. / 0.405 acres fee simple acquisition for the purpose of roadway construction
- TE-5: 25,066 s. f. / 0.575 acre 12 month temporary easement for the purpose of grading

Estimated Property Value: \$50,450

6. Address: Vacant Land, Weld County Parcel # 105902000043, Milliken, CO 80543
Landowner's Name: Richard and Kenneth Coulson
Current Size of Property: 1,154,340 s. f. / 26.5 acres
Proposed Size of Acquisition: 12,437 s. f. / 0.286 acres
Purpose of Parcels Necessary for Project:

- TE-6: 12,437 s. f. / 0.286 acres 12 month temporary easement for the purpose of grading

Estimated Property Value: \$1,250

7. Address: Vacant Land, Weld County parcel #105911203009, Milliken, CO 80543
Landowner's Name: Public Service Company of Colorado
Current Size of Property: 2,567 s. f. / 0.059 acres
Proposed Size of Acquisition: 971 s. f. / 0.022 acres
Purpose of Parcels Necessary for Project:

- RW-7: 971 s. f. / 0.022 acres fee simple acquisition for the purpose of roadway construction

Estimated Property Value: \$2,450

Estimate of Damages and Benefits

Landowner's Name: Public Service Company of Colorado
Name of Person who Determined Property Value: Region 4 Right of Way Staff
Property Value Determined by: \$2,450 Value was based on comparable sales of similar properties near the location of the property.

The estimates provided are for budgetary purposes only, and are subject to change. I anticipate that these figures will increase or decrease as the Department obtains additional information about the acquisition and the Property, as appraisals are considered and evaluated, and as litigation expenses and risks are considered. CDOT will re-submit the final settlement, ascertainment or verdict for commission approval.

Attachments

§43-1-208, C.R.S.

Legal Descriptions of Parcels RW-1, TE-1, RE-2, TE-2, TE-2A, RW-3, TE-3, TE-3A, RW-4, RW-4A, TE-4, TE-4A, RW-5, TE-5, TE-6, RW-7


Right-of-Way Plans

Chief Engineer's Cost Estimate

Proposed Resolution

COLORADO DEPARTMENT OF TRANSPORTATION CHIEF ENGINEER'S RIGHT-OF-WAY COST ESTIMATE	Project Code: 20187	State Highway # SH60/SH257
	Project No: ER R400-322	
	Location: PR SH 60 & SH 257 Structures Weld County	

The following is the **estimated** cost of right of way required for the construction of the above captioned project as required by CRS 43-1-208. As shown, the totals include the **estimated value** of the land to be acquired, the value of any improvements thereon and the damage and benefits, if any, to the remaining land. This estimate is prepared and used for budgetary purposes only, and should not be considered an indication of actual market value.

Region/ Right-of-Way Manager

 Date: **12/1/2016**

Parcel	Owner	Area	Unit	Unit Value		Land Value	Improvements	Damages / (Benefits)	Land Rental (mos)		Total
				\$/Unit	%				Land Rental Cost		
RW-1	Binder Family Farms LLC	13,317	SF	\$1.00	@ 100%	\$ 13,317					\$ 13,350
					@						
TE-1	Same as Above	83,070	SF	\$1.00	@ 10%				12	\$ 8,307	\$ 8,350
					@						
RE-2	The Great Western Railway	15,014	SF	\$2.00	@ 90%	\$ 27,025					\$ 27,050
					@						
TE-2	Same as Above	1,565	SF	\$2.00	@ 10%				12	\$ 313	\$ 320
					@						
TE-2A	Same as Above	3,012	SF	\$2.00	@ 10%				12	\$ 602	\$ 610
					@						
RW-3	Boulder Scientific Mining Co.	53,398	SF	\$0.80	@ 100%	\$ 42,718					\$ 42,750
					@						
TE-3	Same as Above	186,795	SF	\$0.80	@ 10%				12	\$ 14,944	\$ 14,950
					@						
TE-3A	Same as Above	1,000	SF	\$0.80	@ 10%				12	\$ 80	\$ 200
					@						
RW-4	Westroc Rentals, LLC	13,772	SF	\$1.00	@ 100%	\$ 13,772					\$ 13,800
					@						
RW-4A	Same as Above	527	SF	\$1.00	@ 100%	\$ 527					\$ 530
					@						
Sheet Totals						\$ 97,360	\$ -	\$ -	\$ 24,246	\$ 121,910	

Parcel	Owner	Area	Unit	Unit Value		Land Value	Improvements	Damages / (Benefits)	Land Rental (mos)	Total
				\$/Unit	%				Land Rental Cost	
TE-4	Westroc Rentals, LLC	36,791	SF	\$1.00	@ 10%				12	\$ 3,700
					@				\$ 3,679	
TE-4A	Same as Above	5,000	SF	\$1.00	@ 10%				12	\$ 500
					@				\$ 500	
RW-5	KLC, LLC(50%), TEXO, LLC(50%)	17,643	SF	\$2.50	@ 100%	\$ 44,108				\$ 44,150
					@					
TE-5	Same as Above	25,066	SF	\$2.50	@ 10%				12	\$ 6,300
					@				\$ 6,267	
TE-6	Richard & Kenneth Coulson	12,437	SF	\$1.00	@ 10%				12	\$ 1,250
					@				\$ 1,244	
RW-7	Public Service Company	971	SF	\$2.50	@ 100%	\$ 2,428				\$ 2,450
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Sheet Totals						\$ 46,535	\$ -	\$ -	\$ 11,689	\$ 58,350
Project Totals						\$ 143,895	\$ -	\$ -	\$ 35,935	\$ 180,260

Colorado Department of Transportation



10601 W. 10th St.
Greeley, CO 80634
Phone: 970-350-2161

Region 4 Right of Way PTS

Sheet Revisions			Sheet Revisions			Sheet Revisions		
Date	Description	Initials	Date	Description	Initials	Date	Description	Initials

105WEST
INCORPORATED
4201 E. Yale Ave., Suite 230
Denver, CO 80222
303.859.4491

Right of Way Plans		
Title Sheet		
Project Number:	ER R400-322	
Project Location:	PR SH 60 & SH 257 Structures	
Weld County		
Project Code:	Last Mod. Date:	Sheet No.:
20167	09-22-16	1.01

CITY OF MILLIKEN WELD COUNTY STATE OF COLORADO

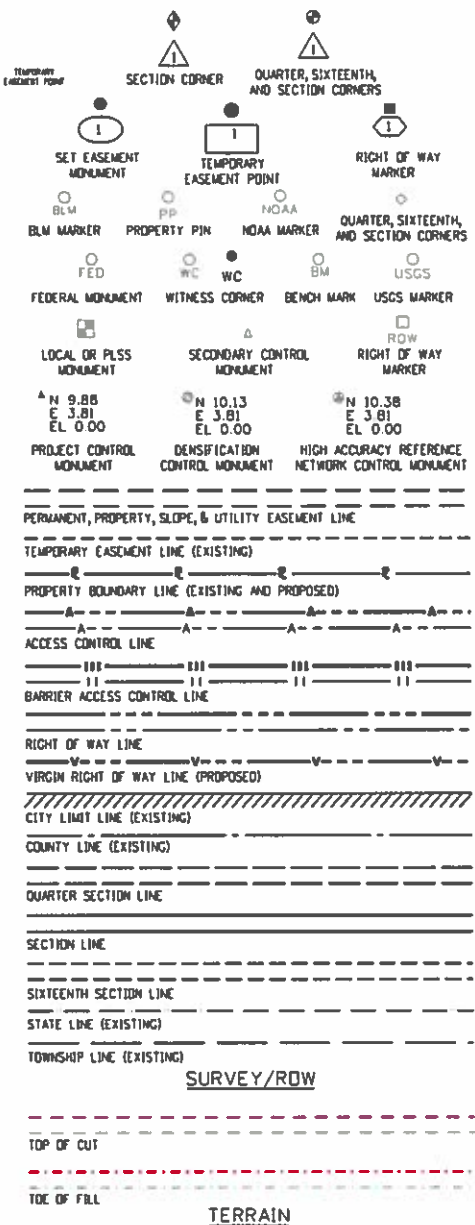
RIGHT OF WAY PLANS OF PROPOSED
FEDERAL AID PROJECT NO. ER R400-322
STATE HIGHWAYS NO. 60 AND 257

R.O.W. Length of Project = 0.36 Miles
Const. Length of Project = 0.54 Miles

SHEET NO.	INDEX OF SHEETS
1.01	(1) Title Sheet
2.01-2.02	(2) Tabulation of Properties
3.01-3.0X	(1) Project Control Diagram provided by CDDT
4.01-4.03	(3) Land Survey Control Diagram
5.01-5.01	(1) Monumentation Sheets
6.01-6.0X	(NA) Tabulation of Road Approach Sheets
7.01-7.02	(2) Plan Sheets
8.01-8.01	(1) Ownership Map
(1) Total Sheets	

Basis of Bearings: All bearings are based on the line connecting the Section Corner for Sections 2, 3, 10, and 11, T.4N., R.67W., of the 6th P.M. (2-1/2" Aluminum Cap stamped "PLS 24305, 1999") and the South One-Quarter (S1/4) Corner of Section 3, T.4N. R.67W., of the 6th P.M. (3-1/4" Aluminum Cap Stamped "LS 7242, 1995") being a grid bearing of N89°15'20"W. The survey data was obtained from a Global Positioning System (GPS) survey base on the Colorado High Accuracy Reference Network (CHARN).

- This Right-of-Way Plan is not a boundary survey of the adjoining property and is prepared for the Colorado Department of Transportation purposes only.
- For title information, 105 West, Inc. relied on Title Commitments as shown on the Tabulation of Properties Sheet 2.01 and 2.02, provided by Fidelity National Title Company.
- This plan set is subject to change and may not be the most current set. It is the user's responsibility to verify with CDDT that this set is the most current. The information contained on the attached drawing is not valid unless this copy bears an original signature of the Professional Land Surveyor hereon named.
- FEMA Designated Flood Zone AE as shown on Panel 1703 of 2250 and revised to reflect LDMR effective May 04, 2016, Map Number 08123C1703E, Product ID 15-08-0943P-080266.



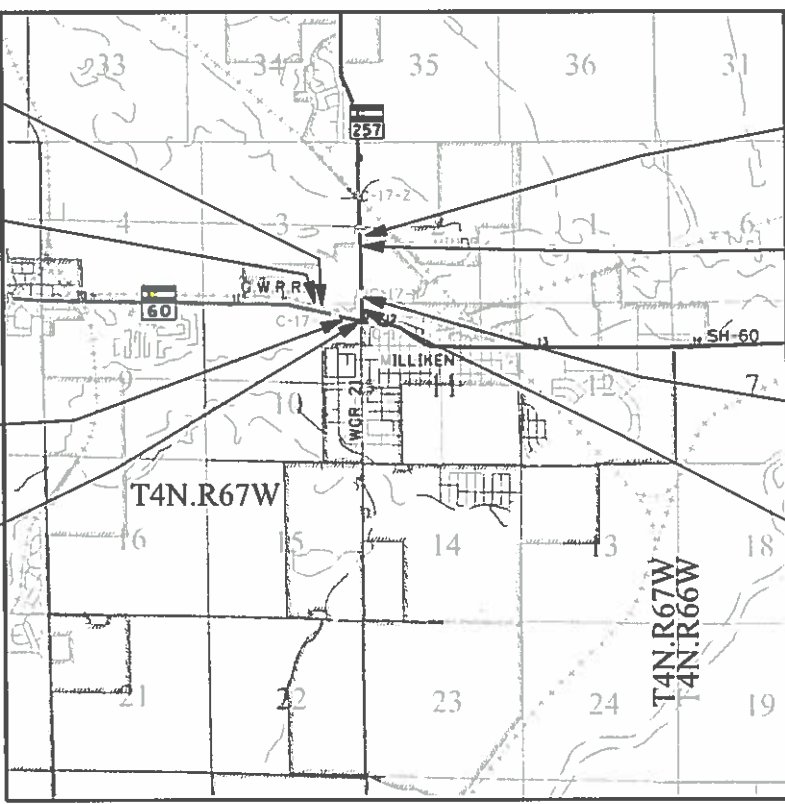
NOTICE: According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon.

Begin ROW Project
S.H. 60 Station: 107+84.15
S.H. 60 M.P.: 11.62

Begin Const Project
S.H. 60 Station: 105+64
S.H. 60 M.P.: 11.58

End ROW Project
S.H. 60 Station: 117+57.98
S.H. 60 M.P.: 11.80

End Const Project
S.H. 60 Station: 118+58.17
S.H. 60 M.P.: 11.85



End Const Project
S.H. 257 Station: 26+00
S.H. 257 M.P.: 0.30

End ROW Project
S.H. 257 Station: 25+78.80
S.H. 257 M.P.: 0.28

Begin ROW Project
S.H. 257 Station: 14+15.68
S.H. 257 M.P.: 0.07

Begin Const Project
S.H. 257 Station: 12+98.74
S.H. 257 M.P.: 0.03

PROJECT LOCATION MAP



Note: For complete listing of symbology used within this set of plans, please refer to the M-100-1 Standard Symbols of the Colorado Department of Transportation M&S Standards Publication dated July 2012. Existing features are shown as screened weight (gray scale), except as noted with the word (existing). Proposed or new features are shown as full weight without screening, except as noted with the word (proposed).

COLORADO DEPARTMENT OF TRANSPORTATION
FEDERAL-AID HIGHWAY PROJECT
ROW PLANS TRANSPORTATION COMMISSION APPROVAL
RESOLUTION NUMBER _____
DATE _____

COLORADO DEPARTMENT OF TRANSPORTATION
FEDERAL-AID HIGHWAY PROJECT
ROW PLANS AUTHORIZED: *Chris Pless* 12-1-16
DATE
CDDT ROW PROGRAM MANAGER

SURVEYOR STATEMENT (ROW PLAN)
I, Richard D. Muntean, a professional land surveyor licensed in the State of Colorado, do hereby state to the Colorado Department of Transportation that based upon my knowledge, information and belief, research, calculations and evaluation of the survey evidence were performed and this Right-of-Way Plan was prepared under my responsible charge in accordance with applicable standards of practice defined by Colorado Department of Transportation publications. This statement is not a warranty or guaranty, either expressed or implied.
PLS No. 38189



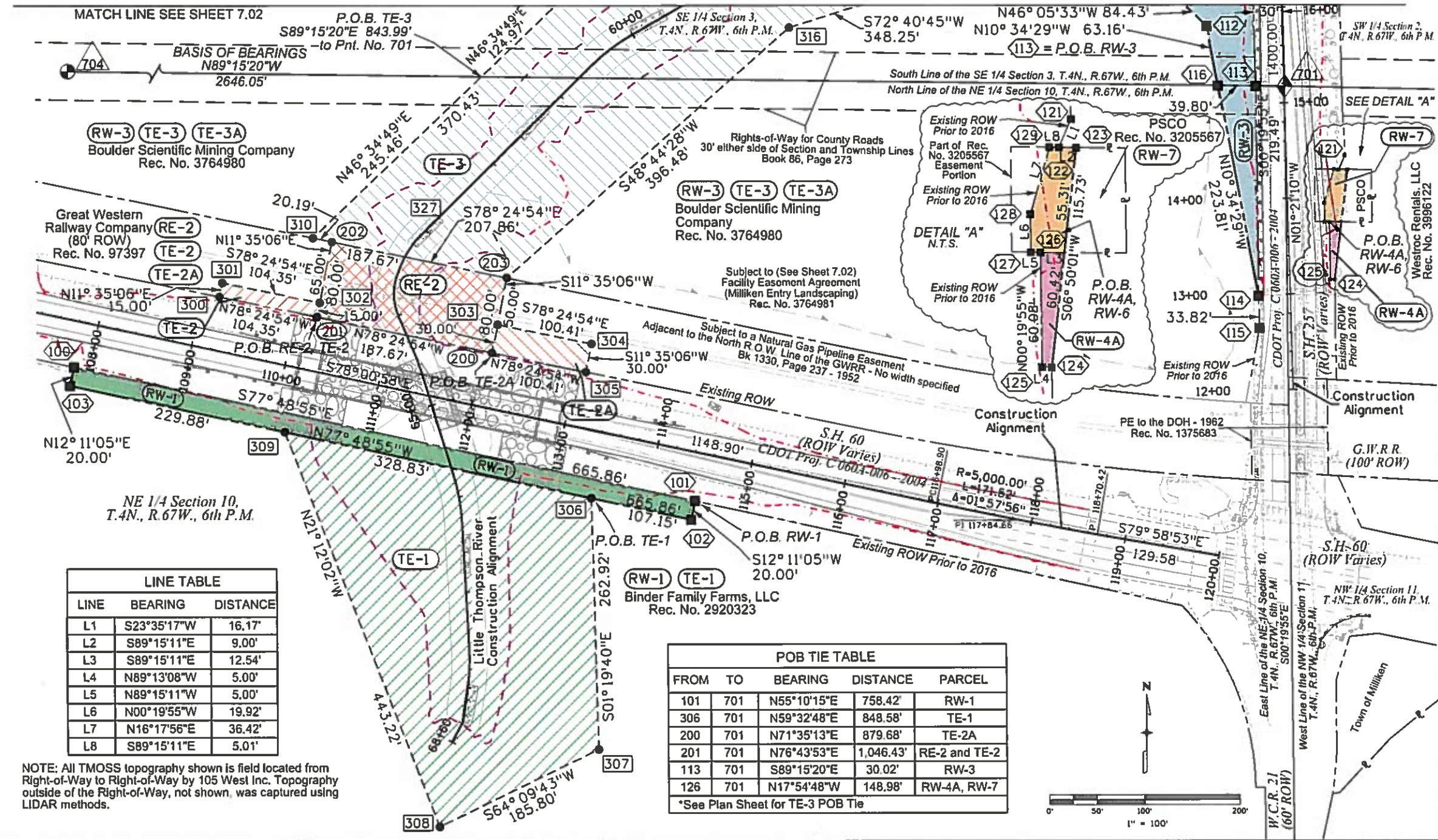
FRAMING CERTIFICATION: DAY OF _____, 20____, AT _____, DEPOSITED THIS _____ OF THE COUNTY LAND SURVEYS/RIGHT OF WAY SURVEYS AT PAGE _____, RECEPTION NUMBER _____, DEPT. _____, SCHEM _____, 1/18/2016 Sham 9:39:26 AM P:\105 West Projects\129-0021 - CDDT R4-SH 60 & SH257 over Little Thompson River\ROW_Survey\Drawings\2016\ROW_Title_Sheet.dwg

Sheet Revisions			Sheet Revisions			Sheet Revisions		
Date	Description	Initials	Date	Description	Initials	Date	Description	Initials



Right of Way Plans			
Plan Sheet			
Project Number:	ER R400-322		
Project Location:	PR SH 60 & SH 257 Structures		
Weld County			
Project Code:	Last Mod. Date:	Subset:	Sheet No.:
20187	09-22-16	7.01 to 7.02	7.01

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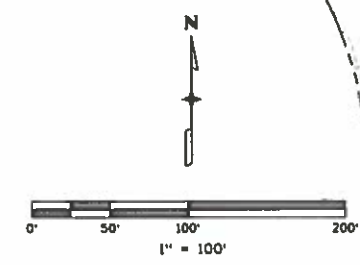


LINE TABLE		
LINE	BEARING	DISTANCE
L1	S23°35'17"W	16.17'
L2	S89°15'11"E	9.00'
L3	S89°15'11"E	12.54'
L4	N89°13'08"W	5.00'
L5	N89°15'11"W	5.00'
L6	N00°19'55"W	19.92'
L7	N16°17'56"E	36.42'
L8	S89°15'11"E	5.01'

POB TIE TABLE				
FROM	TO	BEARING	DISTANCE	PARCEL
101	701	N55°10'15"E	758.42'	RW-1
306	701	N59°32'48"E	848.58'	TE-1
200	701	N71°35'13"E	879.68'	TE-2A
201	701	N76°43'53"E	1,046.43'	RE-2 and TE-2
113	701	S89°15'20"E	30.02'	RW-3
126	701	N17°54'48"W	148.98'	RW-4A, RW-7

*See Plan Sheet for TE-3 POB Tie

NOTE: All TMOSS topography shown is field located from Right-of-Way to Right-of-Way by 105 West Inc. Topography outside of the Right-of-Way, not shown, was captured using LIDAR methods.



Sheet Revisions			Sheet Revisions			Sheet Revisions		
Date	Description	Initials	Date	Description	Initials	Date	Description	Initials

Right of Way Plans			
Plan Sheet			
Project Number:	ER R400-322		
Project Location:	PR SH 60 & SH 257 Structures		
Weld County			
Project Code:	Last Mod. Date:	Subset:	Sheet No.:
70187	09-22-16	7.01 to 7.02	7.02

NOTE "A": On behalf of Westroc Rentals, LLC, Tri-State Land Surveying completed an ALTA/ACSM Survey Recorded 02-24-2014 stating, "THE CURRENT DESCRIPTION FOR THIS PARCEL IS AMBIGUOUS AND CONTAINS INCORRECT CALLS. DURING THE PROCESS OF OUR SURVEY WE HAVE ATTEMPTED TO CLEAR UP AND CORRECT AMBIGUOUS AND INCORRECT CALLS. A REVISED DESCRIPTION HAS BEEN PROVIDED ON THIS PLAT."
 This ALTA is recorded at Reception No. 3997797, Weld County Records.

Furthermore, Westroc Rentals, LLC was transferred by Special Warranty Deed recorded at Reception No. 3996122 on 02-13-2014 holding the original metes and bounds Legal Description for this parcel, as noted on the plan.

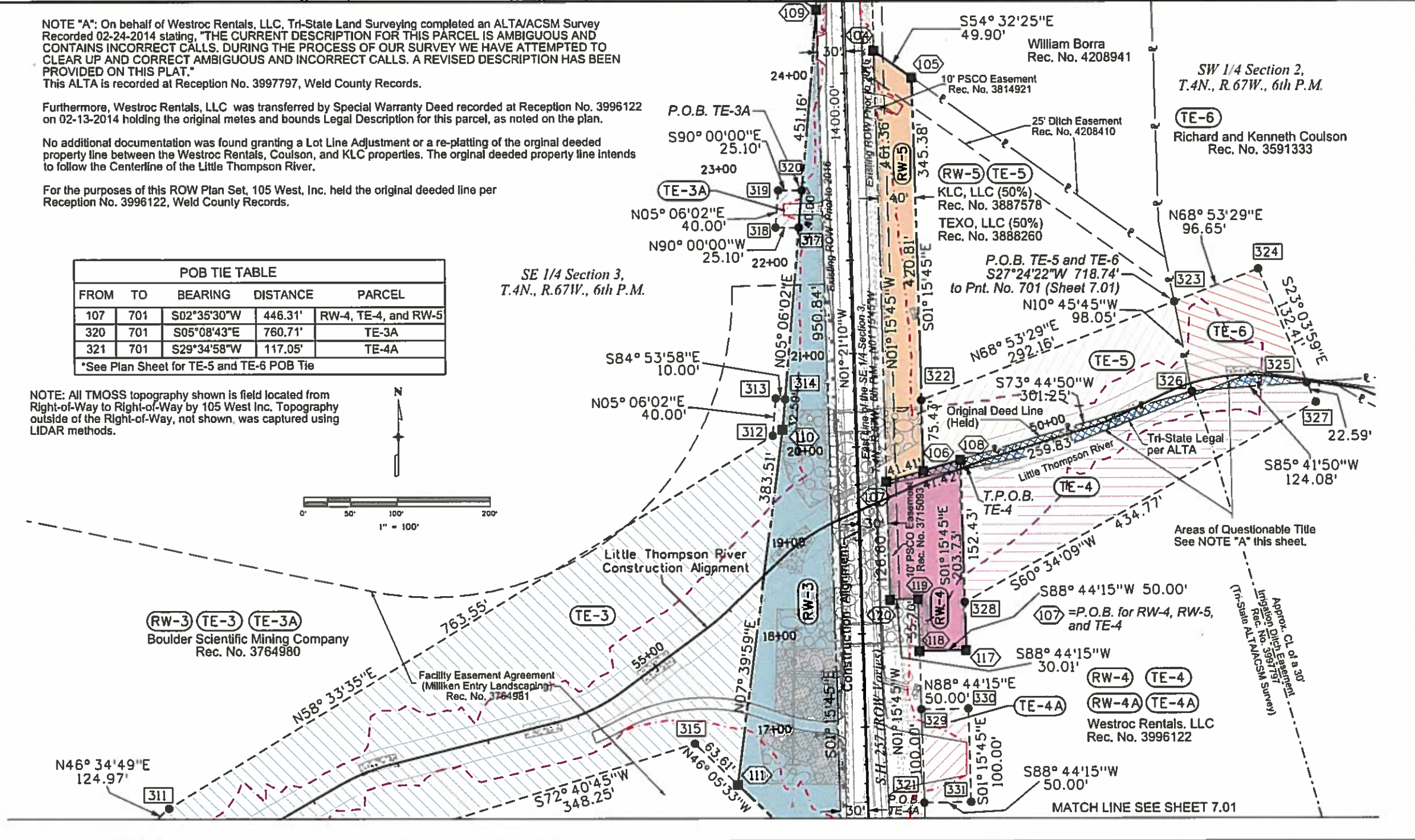
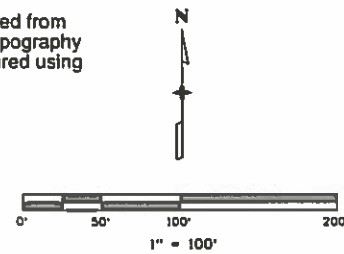
No additional documentation was found granting a Lot Line Adjustment or a re-platting of the original deeded property line between the Westroc Rentals, Coulson, and KLC properties. The original deeded property line intends to follow the Centerline of the Little Thompson River.

For the purposes of this ROW Plan Set, 105 West, Inc. held the original deeded line per Reception No. 3996122, Weld County Records.

POB TIE TABLE				
FROM	TO	BEARING	DISTANCE	PARCEL
107	701	S02°35'30"W	446.31'	RW-4, TE-4, and RW-5
320	701	S05°08'43"E	760.71'	TE-3A
321	701	S29°34'58"W	117.05'	TE-4A

*See Plan Sheet for TE-5 and TE-6 POB Tie

NOTE: All TMOSS topography shown is field located from Right-of-Way to Right-of-Way by 105 West Inc. Topography outside of the Right-of-Way, not shown, was captured using LIDAR methods.



ID/11/2016 Shawn 11:54:15 AM P:\105 West Projects\129-0021 - CDOT RA-5H 60 & SH257 over Little Thompson River\105 West Survey\Drawings\2016\ROW_Plan02.dwg

Colorado Department of Transportation



10601 W. 10th St.
Greeley, CO 80634
Phone: 970-350-2161

Region 4 Right of Way PTS

Sheet Revisions		
Date	Description	Initials

Sheet Revisions		
Date	Description	Initials

Sheet Revisions		
Date	Description	Initials

105WEST
INCORPORATED
4201 E. Yale Ave., Suite 230
Denver, CO 80222
303.859.4491

Right of Way Plans			
Ownership Sheet			
Project Number: ER R400-322			
Project Location: PR SH 60 & SH 257 Structures			
Weid County			
Project Code:	Last Mod. Date:	Subset:	Sheet No.:
20187	09-22-16	8.01	8.01

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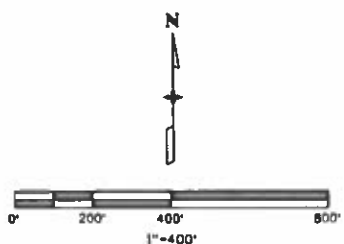
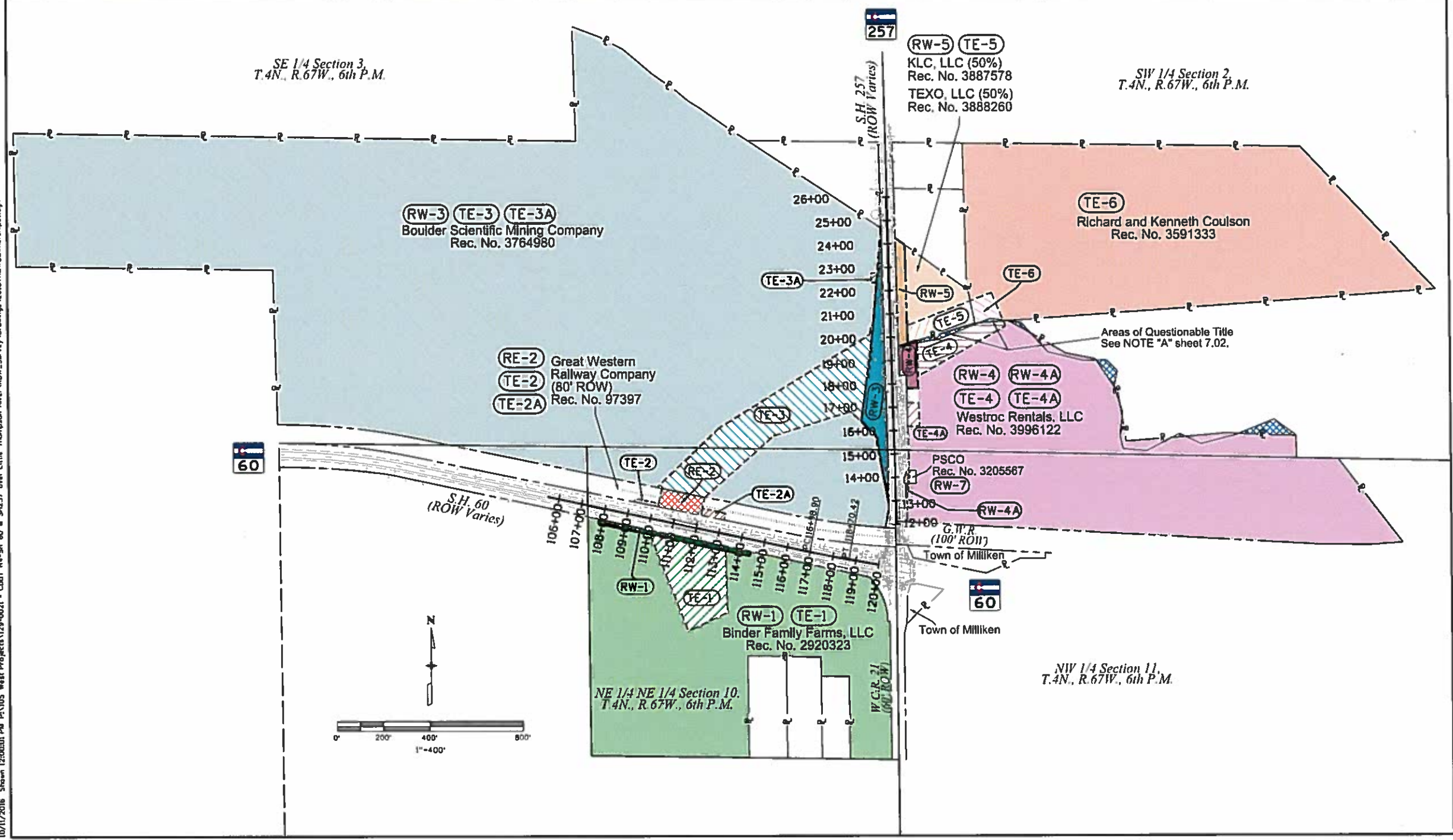


EXHIBIT "A"

PROJECT NUMBER: ER R400-322

PARCEL NUMBER: RW-1

PROJECT CODE: 20187

DATE: September 22, 2016

DESCRIPTION

A tract or parcel of land No. RW-1 of the Department of Transportation, State of Colorado Project No. ER R400-322 containing 13,317 sq. ft. (0.306 acres), more or less, in Section 10, Township 4 North, Range 67 West, of the 6th Principal Meridian, in Weld County, Colorado, said tract or parcel being more particularly described as follows:

Commencing at a point on the existing southerly Right-of-Way line of State Highway 60 (ROW Varies), whence the Northeast Corner of said Section 10 bears N. 55°10'15" E., a distance of 758.42 feet, said point also being the POINT OF BEGINNING;

1. Thence S. 12°11'05" W., a distance of 20.00 feet;

2. Thence N. 77°48'55" W., a distance of 665.86 feet;

7. Thence N. 12°11'05" E., a distance of 20.00 feet to said southerly Right-of-Way line of State Highway 60 (ROW Varies);

8. Thence along said southerly Right-of-Way line S. 77°48'55" E., a distance of 665.86 feet, more or less, to the POINT OF BEGINNING.

The above described parcel contains 13,317 sq. ft. (0.306 acres), more or less.

Basis of Bearings: All bearings are based on a line between the Northeast Corner of said Section 10, Township 4 North, Range 67 West, of the 6th P. M. (2-1/2" Aluminum Cap stamped "PLS 24305, 1999") and the North One-Quarter Corner of said Section 10, Township 4 North, Range 67 West, of the 6th P.M. (3-1/4" Aluminum Cap stamped "PLS 7242, 1995") having a grid bearing of N. 89°15'20" W., a distance of 2,646.05 feet.

For and on behalf of:
105 West, Incorporated
Richard D. Muntean, PLS 38189
4201 E. Yale Ave., Ste. 230
Denver, Co 80222



EXHIBIT "A"

PROJECT NUMBER: ER R400-322

PARCEL NUMBER: RE-2

PROJECT CODE: 20187

DATE: September 22, 2016

DESCRIPTION

A Permanent Easement No. RE-2 of the Department of Transportation, State of Colorado Project No. ER R400-322 containing 15,014 sq. ft. (0.345 acres), more or less, in Section 10, Township 4 North, Range 67 West, of the 6th Principal Meridian, in Weld County, Colorado, said tract or parcel being more particularly described as follows:

Commencing at a point on the northerly Right-of-Way line of State Highway 60 (ROW Varies), also being a point on the southerly Right-of-Way line of the Great Western Railway Company (80' ROW), whence the Northeast Corner of said Section 10 bears N. 76°43'53" E., a distance of 1,046.43 feet, said point also being the POINT OF BEGINNING;

1. Thence N. 11°35'06" E., a distance of 80.00 feet to the northerly Right-of-Way line of said Great Western Railway Company (80' ROW), also being the southerly line of a parcel of land recorded at Reception No. 3764980, Weld County Records;

2. Thence along said north Right-of-Way line of the Great Western Railway Company (80' ROW) and said southerly line of a parcel of land recorded at Reception No. 3764980, Weld County Records, S. 78°24'54" E., a distance of 187.67 feet;

3. Thence departing said northerly and southerly line S. 11°35'06" W., a distance of 80.00 feet to said northerly Right-of-Way line of State Highway 60 (ROW Varies);

4. Thence along said northerly Right-of-Way line N. 78°24'54" W., a distance of 187.67 feet, more or less, to the POINT OF BEGINNING.

The above described Permanent Easement contains 15,014 sq. ft. (0.345 acres), more or less.

The purpose of the above-described Permanent Easement is for permanent access to construct and maintain highway structures and facilities.

Basis of Bearings: All bearings are based on a line between the Northeast Corner of said Section 10, Township 4 North, Range 67 West, of the 6th P. M. (2-1/2" Aluminum Cap stamped "PLS 24305, 1999") and the North One-Quarter Corner of said Section 10, Township 4 North, Range 67 West, of the 6th P.M. (3-1/4" Aluminum Cap stamped "PLS 7242, 1995") having a grid bearing of N. 89°15'20" W., a distance of 2,646.05 feet.

For and on behalf of:
105 West, Incorporated
Richard D. Muntean, PLS 38189
4201 E. Yale Ave., Ste. 230
Denver, Co 80222

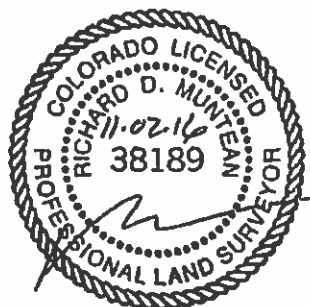


EXHIBIT "A"

PROJECT NUMBER: ER R400-322

PARCEL NUMBER: RW-3

PROJECT CODE: 20187

DATE: September 22, 2016

DESCRIPTION

A tract or parcel of land No. RW 3 of the Department of Transportation, State of Colorado Project No. ER R400-322 containing 4,368 sq. ft. (0.100 acres), more or less, in Section 10, Township 4 North, Range 67 West, of the 6th Principal Meridian, in Weld County, Colorado, said tract or parcel being more particularly described as follows:

Beginning at a point on the westerly Right-of-Way line of State Highway 257 (ROW Varies), whence the Northeast Corner of said Section 10 bears S. 89°15'20" E., a distance of 30.02 feet, said point also being the POINT OF BEGINNING;

1. Thence along said westerly Right-of-Way line of State Highway 257 (ROW Varies) S. 00°19'55" E., a distance of 219.49 feet
2. Thence departing said westerly Right-of-Way line N. 10°34'29" W., a distance of 223.81 feet to the north line of the Northeast One-Quarter of said Section 10;
3. Thence along said Section line S. 89°15'20" E., a distance of 39.80 feet, more or less, to the POINT OF BEGINNING.

The above described portion of Parcel No. RW-3 contains 4,368 sq. ft. (0.100 acres), more or less.

also

A tract or parcel of land No. RW 3 of the Department of Transportation, State of Colorado Project No. ER R400-322 containing 49,030 sq. ft. (1.126 acres), more or less, in Section 3, Township 4 North, Range 67 West, of the 6th Principal Meridian, in Weld County, Colorado, said tract or parcel being more particularly described as follows:

Beginning at a point on the westerly Right-of-Way line of State Highway 257 (ROW Varies), whence the Southeast Corner of said Section 3 bears S. 89°15'20" E., a distance of 30.02 feet, said point also being the POINT OF BEGINNING;

1. Thence along the south line of the Southeast One-Quarter of said Section 3 N. 89°15'20" W., a distance of 39.80 feet;
2. Thence departing said Section line N. 10°34'29" W., a distance of 63.16 feet;
3. Thence N. 46°05'33" W., a distance of 84.43 feet;

EXHIBIT "A"

PROJECT NUMBER: ER R400-322

PARCEL NUMBER: RW-3

PROJECT CODE: 20187

DATE: September 22, 2016

DESCRIPTION CONT.

4. Thence N. 07°39'59" E., a distance of 383.51 feet;
5. Thence N. 05°06'02" E., a distance of 451.16 feet to said westerly Right-of-Way line of State Highway 257 (ROW Varies);
6. Thence along said westerly Right-of-Way line of State Highway 257 (ROW Varies) S. 01°15'45" E., a distance of 950.84 feet, more or less, to the POINT OF BEGINNING.

The above described portion of Parcel No. RW-3 contains 49,030 sq. ft. (1.126 acres), more or less.

The combined above described parcels contain 53,398 sq. ft. (1.226 acres), more or less.

Basis of Bearings: All bearings are based on a line between the Northeast Corner of said Section 10, Township 4 North, Range 67 West, of the 6th P. M. (2-1/2" Aluminum Cap stamped "PLS 24305, 1999") and the North One-Quarter Corner of said Section 10, Township 4 North, Range 67 West, of the 6th P.M. (3-1/4" Aluminum Cap stamped "PLS 7242, 1995") having a grid bearing of N. 89°15'20" W., a distance of 2,646.05 feet.

For and on behalf of:
105 West, Incorporated
Richard D. Muntean, PLS 38189
4201 E. Yale Ave., Ste. 230
Denver, Co 80222



EXHIBIT "A"

PROJECT NUMBER: ER R400-322

PARCEL NUMBER: RW-4

PROJECT CODE: 20187

DATE: September 22, 2016

DESCRIPTION

A tract or parcel of land No. RW-4 of the Department of Transportation, State of Colorado Project No. ER R400-322 containing 13,772 sq. ft. (0.316 acres), more or less, in Section 2, Township 4 North, Range 67 West, of the 6th Principal Meridian, in Weld County, Colorado, said tract or parcel being more particularly described as follows:

Commencing at the Southwest corner of a parcel of land recorded at Reception No. 3888260 (Parcel 2), Weld County Records, also being a point on the easterly Right-of-Way line of State Highway 257 (ROW Varies), whence the Southwest Corner of said Section 2 bears S. 02°35'30" W., a distance of 446.31 feet, said point also being the POINT OF BEGINNING;

1. Thence along the southerly line of said parcel of land recorded at Reception No. 3888260 (Parcel 2), Weld County Records N. 73°44'50" E., a distance of 41.41 feet;
2. Thence continuing along said southerly line N. 73°44'50" E., a distance of 41.42 feet;
3. Thence departing said southerly line S. 01°15'45" E., a distance of 203.73 feet;
4. Thence S. 88°44'15" W., a distance of 50.00 feet to said easterly Right-of-Way line of State Highway 257 (ROW Varies);
5. Thence along said easterly Right-of-Way line of State Highway 257 (ROW Varies) N. 01°15'45" W., a distance of 55.70 feet;
6. Thence continuing along said easterly Right-of-Way line S. 88°44'15" W., a distance of 30.01 feet;
7. Thence continuing along said easterly Right-of-Way line N. 01°15'45" W., a distance of 126.60 feet, more or less, to the POINT OF BEGINNING.

The above described parcel contains 13,772 sq. ft. (0.316 acres), more or less.

Basis of Bearings: All bearings are based on a line between the Southwest Corner of said Section 2, Township 4 North, Range 67 West, of the 6th P. M. (2-1/2" Aluminum Cap stamped "PLS 24305, 1999") and the South One-Quarter Corner of Section 3, Township 4 North, Range 67 West, of the 6th P.M. (3-1/4" Aluminum Cap stamped "PLS 7242, 1995") having a grid bearing of N. 89°15'20" W., a distance of 2,646.05 feet.

For and on behalf of:
105 West, Incorporated
Richard D. Muntean, PLS 38189
4201 E. Yale Ave., Ste. 230
Denver, Co 80222



EXHIBIT "A"

PROJECT NUMBER: ER R400-322

PARCEL NUMBER: RW-4A

PROJECT CODE: 20187

DATE: September 22, 2016

DESCRIPTION

A tract or parcel of land No. RW-4 of the Department of Transportation, State of Colorado Project No. ER R400-322 containing 527 sq. ft. (0.012 acres), more or less, in Section 11, Township 4 North, Range 67 West, of the 6th Principal Meridian, in Weld County, Colorado, said tract or parcel being more particularly described as follows:

Commencing a point on the easterly Right-of-Way line of State Highway 257 (ROW Varies), also being a point on the southerly line of a parcel of land recorded at Reception No. 3205567, Weld County Records, whence the Northwest Corner of said Section 11 bears N. 17°54'48" W., a distance of 148.98 feet, said point also being the POINT OF BEGINNING;

1. Thence along the southerly line of said parcel of land recorded at Reception No. 3205567, Weld County Records S. 89°15'11" E., a distance of 12.54 feet;
2. Thence departing said southerly line S. 06°50'01" W., a distance of 60.42 feet to said easterly Right-of-Way line of State Highway 257 (ROW Varies);
3. Thence along said easterly Right-of-Way line of State Highway 257 (ROW Varies) N. 89°13'08" W., a distance of 5.00 feet;
4. Thence continuing along said easterly Right-of-Way line N. 00°19'55" W., a distance of 60.08 feet, more or less, to the POINT OF BEGINNING.

The above described parcel contains 527 sq. ft. (0.012 acres), more or less.

Basis of Bearings: All bearings are based on a line between the Southwest Corner of said Section 2, Township 4 North, Range 67 West, of the 6th P. M. (2-1/2" Aluminum Cap stamped "PLS 24305, 1999") and the South One-Quarter Corner of Section 3, Township 4 North, Range 67 West, of the 6th P.M. (3-1/4" Aluminum Cap stamped "PLS 7242, 1995") having a grid bearing of N. 89°15'20" W., a distance of 2,646.05 feet.

For and on behalf of:
105 West, Incorporated
Richard D. Muntean, PLS 38189
4201 E. Yale Ave., Ste. 230
Denver, Co 80222



EXHIBIT "A"

PROJECT NUMBER: ER R400-322

PARCEL NUMBER: RW-5

PROJECT CODE: 20187

DATE: September, 2016

DESCRIPTION

A tract or parcel of land No. RW-5 of the Department of Transportation, State of Colorado Project No. ER R400-322 containing 17,643 sq. ft. (0.405 acres), more or less, in Section 2, Township 4 North, Range 67 West, of the 6th Principal Meridian, in Weld County, Colorado, said tract or parcel being more particularly described as follows:

Commencing at a point on the existing easterly Right-of-Way line of State Highway 257 (ROW Varies), whence the Southwest Corner of said Section 2 bears S. 02°35'30" W., a distance of 446.31 feet, said point also being the POINT OF BEGINNING;

1. Thence along said easterly Right-of-Way line of State Highway 257 (ROW Varies) N. 01°15'45" W., a distance of 461.36 feet to the southerly line of a parcel of land recorded at Reception No. 4208941, Weld County Records;
2. Thence departing said easterly Right-of-Way line and along said southerly line of a parcel of land recorded at Reception No. 4208941, Weld County Records S. 54°32'25" E., a distance of 49.90 feet;
3. Thence departing said southerly line S. 01°15'45" E., a distance of 420.81 feet to the north line of a parcel of land recorded at Reception No. 3996122 (Parcel 4), Weld County Records;
4. Thence along said north line of a parcel of land recorded at Reception No. 3996122 (Parcel 4), Weld County Records, S. 73°44'50" W., a distance of 41.41 feet, more or less, to the POINT OF BEGINNING.

The above described parcel contains 17,643 sq. ft. (0.405 acres), more or less.

Basis of Bearings: All bearings are based on a line between the Southwest Corner of said Section 2, Township 4 North, Range 67 West, of the 6th P. M. (2-1/2" Aluminum Cap stamped "PLS 24305, 1999") and the South One-Quarter Corner of Section 3, Township 4 North, Range 67 West, of the 6th P.M. (3-1/4" Aluminum Cap stamped "PLS 7242, 1995") having a grid bearing of N. 89°15'20" W., a distance of 2,646.05 feet.

For and on behalf of:
105 West, Incorporated
Richard D. Muntean, PLS 38189
4201 E. Yale Ave., Ste. 230
Denver, Co 80222



EXHIBIT "A"

PROJECT NUMBER: ER R400-322

PARCEL NUMBER: RW-7

PROJECT CODE: 20187

DATE: September 22, 2016

DESCRIPTION

A tract or parcel of land No. RW-7 of the Department of Transportation, State of Colorado Project No. ER R400-322 containing 971 sq. ft. (0.022 acres), more or less, in Section 11, Township 4 North, Range 67 West, of the 6th Principal Meridian, in Weld County, Colorado, said tract or parcel being more particularly described as follows:

Commencing a point on the easterly Right-of-Way line of State Highway 257 (ROW Varies), also being a point on the southerly line of a parcel of land recorded at Reception No. 3205567, Weld County Records, whence the Northwest Corner of said Section 11 bears N. 17°54'48" W., a distance of 148.98 feet, said point also being the POINT OF BEGINNING;

Thence along said easterly Right-of-Way line of State Highway 257 (ROW Varies) the following four (4) courses:

1. N. 89°15'11" W., a distance of 5.00 feet;
2. N. 00°19'55" W., a distance of 19.92 feet;
3. N. 16°17'56" E., a distance of 36.42 feet;
4. S. 89°15'11" E., a distance of 5.01 feet to the northerly line of a parcel of land recorded at Reception No. 3205567, Weld County Records;
5. Thence departing said easterly Right-of-Way line and along said northerly line of a parcel of land recorded at Reception No. 3205567, Weld County Records S. 89°15'11" E., a distance of 9.00 feet;
6. Thence departing said northerly line S. 06°50'01" W., a distance of 55.31 feet to the southerly line of said parcel of land recorded at Reception No. 3205567, Weld County Records;
7. Thence along said southerly line N. 89°15'11" W., a distance of 12.54 feet to the POINT OF BEGINNING.

The above described parcel contains 971 sq. ft. (0.022 acres), more or less.

Basis of Bearings: All bearings are based on a line between the Northwest Corner of said Section 11, Township 4 North, Range 67 West, of the 6th P. M. (2-1/2" Aluminum Cap stamped "PLS 24305, 1999") and the North One-Quarter Corner of Section 10, Township 4 North, Range 67 West, of the 6th P.M. (3-1/4" Aluminum Cap stamped "PLS 7242, 1995") having a grid bearing of N. 89°15'20" W., a distance of 2,646.05 feet.

For and on behalf of:
105 West, Incorporated
Richard D. Muntean, PLS 38189
4201 E. Yale Ave., Ste. 230
Denver, Co 80222

