

Resolution # TC-16-5-[]

R4 I-25 North – SH 402 to SH 14, Project Number IM 0253-255, Project Code 21506

Authorizing the Chief Engineer to either negotiate and tender damages to DownsMore, LLC or to initiate and conduct condemnation proceedings pursuant to articles 1 to 7 of title 38, C.R.S. for the property 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 prior to authorizing condemnation of property; 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 *Amerco Real Estate* opinion further held that the Transportation Commission could delegate to the "legal staff or representatives of the commission or department" the "initiation and conduct of condemnation proceedings." *Amerco Real Estate Company*, 2016SA75, ¶15; 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 Engineer or authorize condemnation without tender to the landowner; and

WHEREAS, CDOT seeks to acquire necessary Property, for the I-25 North – SH 402 to SH 14, Project Number IM 0253-255, Project Code 21506 Project (“Project”).

WHEREAS, CDOT may negotiate with the DownsMore, LLC.

WHEREAS, the property owned by DownsMore, LLC is identified in the Chief Engineer’s report described the ownership and location of the property at issue in this Resolution (“Property”).

WHEREAS, the property owned by DownsMore, LLC is located as 8420 SE Frontage Road, Windsor, CO 80550 (“Property”), which is within the Project boundaries.

WHEREAS, CDOT seeks to acquire 541,811 square feet / 12.44 acres in Fee Simple, 140,072 square feet / 3.22 acres in Utility Easement, and 44,867 square feet / 1.03 acres in Temporary Easement of the Property for the I-25 North - State Highway 402 to SH 14 Project and for necessary addition of high occupancy vehicle and express lanes to improve safety and traffic of the traveling public through addressing rear-end and side-swipe collisions, two major causes of accidents along this corridor; 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 Property, the Transportation Commission has determined that the proposed changes to I-25 North - State Highway 402 to SH 14 Project will serve the public interest and convenience of the traveling public and that acquisition of the Property 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 I-25 North - State Highway 402 to SH 14 Project by virtue of the I-25 North – SH 402 to SH 14, Project Number IM 0253-255, Project Code 21506, parcels AP-172, UE-172, TE-172, TE-172A, AC-172, AP-179, UE-179, AC-179, AP-181, UE-181, UE-181A and AC-181, and authorizes the CDOT staff either to negotiate and tender the Owner of the Property the amount of estimated damages or CDOT may initiate and conduct condemnation proceedings for the Property. CDOT is authorized to increase or decrease the size of its acquisition based on sound engineering principals and determinations, subject to approval by the

Transportation Commission upon conclusion of the acquisition. Further, if a settlement amount, certificate of ascertainment and assessment, or verdict is reached with respect to the amount of just compensation due to the landowner, the final settlement, certificate of ascertainment and assessment, or verdict amount is subject to approval by the Transportation Commission. If acquisition of the Property 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 acquire those items if necessary.

Herman Stockinger, Secretary
Transportation Commission of Colorado

Date

EXHIBIT "A"

PROJECT NUMBER: IM 0253-255

PARCEL NUMBER: AP-181

PROJECT CODE: 21506

DATE: October 19, 2016

DESCRIPTION

A tract or parcel of land No. AP-181 of the Department of Transportation, State of Colorado Project No. IM 0253-255 containing 121,680 sq. ft. (2.793 acres), more or less in the Northeast Quarter of Section 22, Township 6 North, Range 68 West, of the 6th Principal Meridian, in Larimer County, Colorado, said tract or parcel being a portion of a parcel of land described in a deed recorded at Reception #20150003120, dated January 20, 2015 in the Larimer County Clerk and Recorders office, said tract or parcel also being a portion of Lot 2, Westgate Commercial Center Subdivision, 3rd Filing, said tract or parcel being more particularly described as follows:

Commencing at a point on the south line of said Lot 2, whence the East Quarter corner of said Section 22 (being a 3- $\frac{1}{4}$ " aluminum cap, stamped 2008, T6N, $\frac{1}{4}$, S22 | S23, R68W, PLS 10734) bears S. 66°23'44" E., a distance of 2,709.33 feet, said point also being the TRUE POINT OF BEGINNING;

1. Thence along said south line, on the arc of a curve to the left, a radius of 84.97 feet, a central angle of 2°47'18", a distance of 4.14 feet, (a chord bearing N. 84°41'52" W., a distance of 4.13 feet)
2. Thence continuing along said south line, N. 86°12'43" W., to the east right of way line of Interstate 25 (September 2016), a distance of 106.12 feet,;
3. Thence along said east right of way line, N. 00°03'19" W., a distance of 33.01 feet;
4. Thence continuing along said east right of way line, N. 5°09'41" E., a distance of 803.30 feet;
5. Thence continuing along said east right of way line, N. 22°21'14" E., to the north line of said Lot 2, a distance of 62.33 feet;
6. Thence along said north line, S. 68°20'46" E., a distance of 296.02 feet;
7. Thence S. 48°28'58" W., a distance of 280.23 feet;
8. Thence S. 5°09'41" W., a distance of 569.92 feet;
9. Thence S. 00°03'19" E., a distance of 35.50 feet, more or less, to the TRUE POINT OF BEGINNING.

The above described parcel contains 121,680 sq. ft. (2.793 acres), more or less.

Basis of Bearings: Bearings used in the calculations of coordinates are based on a grid bearing of S. 0°09'35" W. (a distance of 2,686.61 feet), from the said East Quarter corner and the Southeast corner of said Section 22 (being a 3-1/4" aluminum cap, stamped 2003, T6N R68W, S22 S23 S27 S26, PEPEK, LS 33642, KING SURVEYORS INC) as obtained from a Global Positioning System (GPS) survey based on the Colorado High Accuracy Reference Network (CHARN).

Prepared by:
Kevin Williams P.L.S 28294
For and on the behalf of AECOM
6200 South Quebec Street
Greenwood Village, Colorado 80111



EXHIBIT "B"

PROJECT NUMBER: IM 0253-255

PARCEL NUMBER: AC-181

PROJECT CODE: 21506

DATE: October 19, 2016

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 Interstate No. 25, 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 Southeast Quarter of Section 22, Township 6 North, Range 68 West, of the 6th Principal Meridian, in Larimer County, Colorado abutting upon said Highway, along and across the access line or lines described as follows:

IM 0253-255 (Proj. No.)	AC-181 (Parcel No.)	East Line (Location of Line)
----------------------------	------------------------	---------------------------------

Beginning at a point on the south line of Lot 2, Westgate Commercial Center Subdivision, 3rd Filing, whence the East Quarter corner of said Section 22 (being a 3-1/4" aluminum cap, stamped 2008, T6N, 1/4, S22 | S23, R68W, PLS 10734) bears S. 66°23'44" E., a distance of 2,709.33 feet, said point also being the TRUE POINT OF BEGINNING;

1. Thence N. 00°03'19" W., a distance of 35.50 feet;
2. Thence N. 5°09'41" E., a distance of 569.92 feet;
3. Thence N. 48°28'58" E., to the north line of said Lot 2, a distance of 280.23 feet, said point also being the POINT OF TERMINUS of this description;

Basis of Bearings: Bearings used in the calculations of coordinates are based on a grid bearing of S. 0°09'35" W. (a distance of 2,686.61 feet), from the said East Quarter corner and the Southeast corner of said Section 22 (being a 3-1/4" aluminum cap, stamped 2003, T6N R68W, S22 S23 S27 S26, PEPEK, LS 33642, KING SURVEYORS INC) as obtained from a Global Positioning System (GPS) survey based on the Colorado High Accuracy Reference Network (CHARN).

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.

NO ACCESS POINT

Prepared by:
Kevin Williams P.L.S 28294
For and on the behalf of AECOM
6200 South Quebec Street
Greenwood Village, Colorado 80111



EXHIBIT "A"

PROJECT NUMBER: IM 0253-255
UTILITY EASEMENT NUMBER: UE-181A
PROJECT CODE: 21506
DATE: October 19, 2016
DESCRIPTION

A Utility Easement No. UE-181A of the Department of Transportation, State of Colorado Project No. IM 0253-255 containing 22,542 sq. ft. (0.517 acres), more or less, in the Northeast Quarter of Section 22, Township 6 North, Range 68 West, of the 6th Principal Meridian, in Larimer County, Colorado, said Utility Easement being a portion of a parcel of land described in a deed recorded at Reception #20150003120, dated January 20, 2015 in the Larimer County Clerk and Records office, said Utility Easement also being a portion of Lot 2, Westgate Commercial Center Subdivision, 3rd Filing, said Utility Easement being more particularly described as follows:

Commencing at a point on the south line of said Lot 2, whence the East Quarter corner of said Section 22 (being a 3-1/4" aluminum cap, stamped 2008, T6N, 1/4, S22 | S23, R68W, PLS 10734) bears S. 66°20'59" E., a distance of 2,655.68 feet, said point also being the TRUE POINT OF BEGINNING;

1. Thence along said south line, N. 63°02'27" W., a distance of 23.77 feet;
2. Thence continuing along said south line, on the arc of a curve to the left, a radius of 84.97 feet, a central angle of 2°51'45", a distance of 4.24 feet, (a chord bearing N. 64°18'25" W., a distance of 4.24 feet);
3. Thence N. 00°03'19" W., a distance of 41.31 feet;
4. Thence N. 5°09'41" E., a distance of 558.85 feet;
5. Thence N. 48°28'58" E., to the north line of said Lot 2, a distance of 294.31 feet;
6. Thence along said north line, S. 85°21'23" E., a distance of 34.66 feet;
7. Thence S. 48°28'58" W., a distance of 308.39 feet;
8. Thence S. 5°09'41" W., a distance of 547.79 feet;
9. Thence S. 00°03'19" E., a distance of 52.81 feet, more or less, to the TRUE POINT OF BEGINNING.

The above described Utility Easement contains 22,542 sq. ft. (0.517 acres), more or less.

The purpose of the above described Utility Easement is for utilities.

Basis of Bearings: Bearings used in the calculations of coordinates are based on a grid bearing of S. 0°09'35" W. (a distance of 2,686.61 feet), from the said East Quarter corner and the Southeast corner of said Section 22 (being a 3-1/4" aluminum cap, stamped 2003, T6N R68W, S22 S23 S27 S26, PEPEK, LS 33642, KING SURVEYORS INC) as obtained from a Global Positioning System (GPS) survey based on the Colorado High Accuracy Reference Network (CHARN).

Prepared by:
Kevin Williams P.L.S 28294
For and on the behalf of AECOM
6200 South Quebec Street
Greenwood Village, Colorado 80111



EXHIBIT "A"

PROJECT NUMBER: IM 0253-255
UTILITY EASEMENT NUMBER: UE-181
PROJECT CODE: 21506
DATE: October 19, 2016
DESCRIPTION

A Utility Easement No. UE-181 of the Department of Transportation, State of Colorado Project No. IM 0253-255 containing 22,234 sq. ft. (0.510 acres), more or less, in the Northeast Quarter of Section 22, Township 6 North, Range 68 West, of the 6th Principal Meridian, in Larimer County, Colorado, said Utility Easement being a portion of a parcel of land described in a deed recorded at Reception #20150003120, dated January 20, 2015 in the Larimer County Clerk and Records office, said Utility Easement also being a portion of Lot 2, Westgate Commercial Center Subdivision, 3rd Filing, said Utility Easement being more particularly described as follows:

Commencing at a point on the south line of said Lot 2, whence the East Quarter corner of said Section 22 (being a 3-1/4" aluminum cap, stamped 2008, T6N, 1/4, S22 | S23, R68W, PLS 10734) bears S. 66°23'44" E., a distance of 2,709.33 feet, said point also being the TRUE POINT OF BEGINNING;

1. Thence N. 00°03'19" W., a distance of 35.50 feet;
2. Thence N. 5°09'41" E., a distance of 569.92 feet;
3. Thence N. 48°28'58" E. to the north line of said parcel of land, a distance of 280.23 feet;
4. Thence along said north line, S. 85°21'23" E., a distance of 34.66 feet;
5. Thence S. 48°28'58" W., a distance of 294.31 feet;
6. Thence S. 5°09'41" W., a distance of 558.85 feet;
7. Thence S. 00°03'19" E., to the said south line of Lot 2, a distance of 41.31 feet;
8. Thence along said south line of Lot 2, on the arc of a curve to the left, a radius of 84.97 feet, a central angle of 17°33'56", a distance of 26.05 feet, (a chord bearing N. 74°31'15" W., a distance of 25.95 feet), more or less, to the TRUE POINT OF BEGINNING.

The above described Utility Easement contains 22,234 sq. ft. (0.510 acres), more or less.

The purpose of the above described Utility Easement is for utilities.

Basis of Bearings: Bearings used in the calculations of coordinates are based on a grid bearing of S. 0°09'35" W. (a distance of 2,686.61 feet), from the said East Quarter corner and the Southeast corner of said Section 22 (being a 3-1/4" aluminum cap, stamped 2003, T6N R68W, S22 S23 S27 S26, PEPEK, LS 33642, KING SURVEYORS INC) as obtained from a Global Positioning System (GPS) survey based on the Colorado High Accuracy Reference Network (CHARN).

Prepared by:
Kevin Williams P.L.S 28294
For and on the behalf of AECOM
6200 South Quebec Street
Greenwood Village, Colorado 80111



EXHIBIT "A"

PROJECT NUMBER: IM 0253-255

PARCEL NUMBER: AP-179

PROJECT CODE: 21506

DATE: October 19, 2016

DESCRIPTION

A tract or parcel of land No. AP-179 of the Department of Transportation, State of Colorado Project No. IM 0253-255 containing 122,618 sq. ft. (2.815 acres), more or less, in the Northeast Quarter of Section 22, Township 6 North, Range 68 West, of the 6th Principal Meridian, in Larimer County, Colorado, said tract or parcel being a portion of a parcel of land described in a deed recorded at Reception #20150003120, dated January 20, 2015 in the Larimer County Clerk and Recorders office, said tract or parcel being more particularly described as follows:

Commencing at a point on the south line of said Northeast Quarter, whence the East Quarter corner of said Section 22 (being a 3-1/4" aluminum cap, stamped 2008, T6N, 1/4, S22 | S23, R68W, PLS 10734) bears N. 89°24'34" E., a distance of 2,481.71 feet, said point also being the TRUE POINT OF BEGINNING;

1. Thence along said south line, S. 89°24'34" W., to the east right of way line of Interstate 25 (September 2016), a distance of 110.00 feet;
2. Thence along said east right of way line, N. 0°03'19" W., to the north line of said parcel of land, a distance of 1,118.92 feet;
3. Thence along said north line of parcel of land, S. 86°12'43" E., a distance of 106.12 feet;
4. Thence continuing along said north line, on the arc of a tangent curve to the right, a radius of 84.97 feet, a central angle of 2°47'18", a distance of 4.14 feet, (a chord bearing S. 84°46'12" E., a distance of 4.13 feet);
5. Thence S. 0°03'19" E., a distance of 1,110.40 feet, more or less, to the TRUE POINT OF BEGINNING.

The above described parcel contains 122,618 sq. ft. (2.815 acres), more or less.

Basis of Bearings: Bearings used in the calculations of coordinates are based on a grid bearing of S. 0°09'35" W. (a distance of 2,686.61 feet), from the said East Quarter corner and the Southeast corner of said Section 22 (being a 3-1/4" aluminum cap, stamped 2003, T6N R68W, S22 S23 S27 S26, PEPEK, LS 33642, KING SURVEYORS INC) as obtained from a Global Positioning System (GPS) survey based on the Colorado High Accuracy Reference Network (CHARN).

Prepared by:
Kevin Williams P.L.S 28294
For and on the behalf of AECOM
6200 South Quebec Street
Greenwood Village, Colorado 80111



EXHIBIT "A"

PROJECT NUMBER: IM 0253-255

PARCEL NUMBER: UE-179

PROJECT CODE: 21506

DATE: October 19, 2016

DESCRIPTION

A Utility Easement No. UE-179 of the Department of Transportation, State of Colorado Project No. IM 0253-255 containing 27,687 sq. ft. (0.636 acres), more or less, in the Northeast Quarter of Section 22, Township 6 North, Range 68 West, of the 6th Principal Meridian, in Larimer County, Colorado, said Utility Easement being a portion of a parcel of land described in a deed recorded at Reception #20150003120, dated January 20, 2015 in the Larimer County Clerk and Recorders office, said Utility Easement being more particularly described as follows:

Commencing at a point on the south line of said Northeast Quarter, whence the East Quarter corner of said Section 22 (being a 3-1/4" aluminum cap, stamped 2008, T6N, 1/4, S22 | S23, R68W, PLS 10734) bears N. 89°24'34" E., a distance of 2,481.71 feet, said point also being the TRUE POINT OF BEGINNING;

1. Thence N. 00°03'19" W., to the north line of said parcel of land, a distance of 1,110.40 feet;
2. Thence along said north line, on the arc of a curve to the right, a radius of 84.97 feet, a central angle of 17°33'56", a distance of 26.05 feet, (a chord bearing S. 74°31'11" E., a distance of 25.95 feet);
3. Thence S. 00°03'19" E., to the said south line, a distance of 1,103.22 feet;
4. Thence along said south line, S. 89°24'34" W., a distance of 25.00 feet, more or less, to the TRUE POINT OF BEGINNING.

The above described parcel contains 27,687 sq. ft. (0.636 acres), more or less.

The purpose of the above described Utility Easement is for utilities.

Basis of Bearings: Bearings used in the calculations of coordinates are based on a grid bearing of S. 0°09'35" W. (a distance of 2,686.61 feet), from the said East Quarter corner and the Southeast corner of said Section 22 (being a 3-1/4" aluminum cap, stamped 2003, T6N R68W, S22 S23 S27 S26, PEPEK, LS 33642, KING SURVEYORS INC) as obtained from a Global Positioning System (GPS) survey based on the Colorado High Accuracy Reference Network (CHARN).

Prepared by:
Kevin Williams P.L.S 28294
For and on the behalf of AECOM
6200 South Quebec Street
Greenwood Village, Colorado 80111



EXHIBIT "B"

PROJECT NUMBER: IM 0253-255
PARCEL NUMBER: AC-179
PROJECT CODE: 21506
DATE: October 19, 2016
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 Interstate No. 25, 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 Northeast Quarter of Section 22, Township 6 North, Range 68 West, of the 6th Principal Meridian, in Larimer County, Colorado abutting upon said Highway, along and across the access line or lines described as follows:

IM 0253-255 (Proj. No.)	AC-179 (Parcel No.)	East Line (Location of Line)
--	--------------------------------------	---

Beginning at a point on the south line of said Northeast Quarter, whence the East Quarter corner of said Section 22 (being a 3-1/4" aluminum cap, stamped 2008, T6N, 1/4, S22 | S23, R68W, PLS 10734) bears N. 89°24'34" E., a distance of 2,481.71 feet, said point also being the TRUE POINT OF BEGINNING;

- 1. Thence N. 00°03'19" W., to a point on the north line of a parcel of land described in a deed recorded at Reception #20150003120, dated January 20, 2015 in the Larimer County Clerk and Recorders office, a distance of 1,110.40 feet, said point also being the POINT OF TERMINUS of this description;**

Basis of Bearings: Bearings used in the calculations of coordinates are based on a grid bearing of S. 0°09'35" W. (a distance of 2,686.61 feet), from the said East Quarter corner and the Southeast corner of said Section 22 (being a 3-1/4" aluminum cap, stamped 2003, T6N R68W, S22 S23 S27 S26, PEPEK, LS 33642, KING SURVEYORS INC) as obtained from a Global Positioning System (GPS) survey based on the Colorado High Accuracy Reference Network (CHARN).

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.

NO ACCESS POINT

Prepared by:
Kevin Williams P.L.S 28294
For and on the behalf of AECOM
6200 South Quebec Street
Greenwood Village, Colorado 80111



EXHIBIT "A"

PROJECT NUMBER: IM 0253-255

PARCEL NUMBER: AP-172

PROJECT CODE: 21506

DATE: October 19, 2016

DESCRIPTION

A tract or parcel of land No. AP-172 of the Department of Transportation, State of Colorado Project No. IM 0253-255 containing 297,513 sq. ft. (6.830 acres), more or less, in the Southeast Quarter of Section 22, Township 6 North, Range 68 West, of the 6th Principal Meridian, in Larimer County, Colorado, said tract or parcel being a portion of a parcel of land described in a deed recorded at Reception #20150025234, dated April 29, 2015 in the Larimer County Clerk and Recorders office, said tract or parcel being more particularly described as follows:

Commencing at a point on the north line of said Southeast Quarter, whence the East Quarter corner of said Section 22 (being a 3-1/4" aluminum cap, stamped 2008, T6N, 1/4, S22 | S23, R68W, PLS 10734) bears N. 89°24'34" E., a distance of 2,481.71 feet, said point also being the TRUE POINT OF BEGINNING;

1. Thence S. 00°03'19" E., to a point on the south line of said Southeast Quarter, a distance of 2,704.30 feet;
2. Thence along said south line of the Southeast Quarter, S. 88°59'54" W., to the east right of way line of Interstate 25 (September 2016), distance of 110.02 feet;
3. Thence along said east right of way line, N. 00°03'19" W., to the said north line of the Southeast Quarter, a distance of 2,705.09 feet;
4. Thence along said north line of the Southeast Quarter, N. 89°24'34" E., a distance of 110.00 feet, more or less, to the TRUE POINT OF BEGINNING.

The above described parcel contains 297,513 sq. ft. (6.830 acres), more or less.

Basis of Bearings: Bearings used in the calculations of coordinates are based on a grid bearing of S. 0°09'35" W. (a distance of 2,686.61 feet), from the said East Quarter corner and the Southeast corner of said Section 22 (being a 3-1/4" aluminum cap, stamped 2003, T6N R68W, S22 S23 S27 S26, PEPEK, LS 33642, KING SURVEYORS INC) as obtained from a Global Positioning System (GPS) survey based on the Colorado High Accuracy Reference Network (CHARN).

Prepared by:
Kevin Williams P.L.S 28294
For and on the behalf of AECOM
6200 South Quebec Street
Greenwood Village, Colorado 80111



EXHIBIT "A"

PROJECT NUMBER: IM 0253-255
UTILITY EASEMENT NUMBER: UE-172
PROJECT CODE: 21506
DATE: October 19, 2016
DESCRIPTION

A Utility Easement No. UE-172 of the Department of Transportation, State of Colorado Project No. IM 0253-255 containing 67,609 sq. ft. (1.552 acres), more or less, in the Southeast Quarter of Section 22, Township 6 North, Range 68 West, of the 6th Principal Meridian, in Larimer County, Colorado, said Utility Easement being a portion of a parcel of land described in a deed recorded at Reception #20150025234, dated April 29, 2015 in the Larimer County Clerk and Recorders office, said Utility Easement being more particularly described as follows:

Commencing at a point on the north line of said Southeast Quarter, whence the East Quarter corner of said Section 22 (being a 3-1/4" aluminum cap, stamped 2008, T6N, 1/4, S22 | S23, R68W, PLS 10734) bears N. 89°24'34" E., a distance of 2,481.71 feet, said point also being the TRUE POINT OF BEGINNING;

1. Thence along said north line of the Southeast Quarter, N. 89°24'34" E., a distance of 25.00 feet;
2. Thence S. 00°03'19" E., to a point on the south line of said Southeast Quarter, a distance of 2,704.12 feet;
3. Thence along said south line of the Southeast Quarter, S. 88°59'54" W., to the east right of way line of Interstate 25 (September 2016), a distance of 25.00 feet;
4. Thence along said east right of way line, N. 00°03'19" W., a distance of 2,704.30 feet, more or less, to the TRUE POINT OF BEGINNING.

The above described Utility Easement contains 67,609 sq. ft. (1.552 acres), more or less.

The purpose of the above described Utility Easement is for utilities.

Basis of Bearings: Bearings used in the calculations of coordinates are based on a grid bearing of S. 0°09'35" W. (a distance of 2,686.61 feet), from the said East Quarter corner and the Southeast corner of said Section 22 (being a 3-1/4" aluminum cap, stamped 2003, T6N R68W, S22 S23 S27 S26, PEPEK, LS 33642, KING SURVEYORS INC) as obtained from a Global Positioning System (GPS) survey based on the Colorado High Accuracy Reference Network (CHARN).

Prepared by:
Kevin Williams P.L.S 28294
For and on the behalf of AECOM
6200 South Quebec Street
Greenwood Village, Colorado 80111



EXHIBIT "A"

PROJECT NUMBER: IM 0253-255
TEMPORARY EASEMENT NUMBER: TE-172
PROJECT CODE: 21506
DATE: October 19, 2016
DESCRIPTION

A Temporary Easement No. TE-172 of the Department of Transportation, State of Colorado Project No. IM 0253-255 containing 16,267 sq. ft. (0.373 acres), more or less, in the Southeast Quarter of Section 22, Township 6 North, Range 68 West, of the 6th Principal Meridian, in Larimer County, Colorado, said Temporary Easement being a portion of a parcel of land described in a deed recorded at Reception #20150025234, dated April 29, 2015 in the Larimer County Clerk and Records office, said Temporary Easement being more particularly described as follows:

Commencing at a point on the south line of said Southeast Quarter, whence the Southeast corner of said Section 22 (being a 3-1/4" aluminum cap, stamped 2003, T6N R68W, S22 S23 S27 S26, PEPEK, LS 33642, KING SURVEYORS INC) bears N. 88°59'53" E., a distance of 2,471.85 feet, said point also being the TRUE POINT OF BEGINNING;

1. Thence N. 88°59'53" E., a distance of 90.01 feet;
2. Thence N. 00°03'19" W., a distance of 180.00 feet;
3. Thence S. 89°56'41" W., a distance of 90.00 feet;
4. Thence S. 00°03'19" E., a distance of 181.49 feet, more or less, to the TRUE POINT OF BEGINNING.

The above described Temporary Easement contains 16,267 sq. ft. (0.373 acres), more or less.

The purpose of the above-described Temporary Easement is for the removal of structures and vegetation.

Basis of Bearings: Bearings used in the calculations of coordinates are based on a grid bearing of S. 0°09'35" W. (a distance of 2,686.61 feet), from the said East Quarter corner and the Southeast corner of said Section 22 (being a 3-1/4" aluminum cap, stamped 2003, T6N R68W, S22 S23 S27 S26, PEPEK, LS 33642, KING SURVEYORS INC) as obtained from a Global Positioning System (GPS) survey based on the Colorado High Accuracy Reference Network (CHARN).

Prepared by:
Kevin Williams P.L.S 28294
For and on the behalf of AECOM
6200 South Quebec Street
Greenwood Village, Colorado 80111



EXHIBIT "A"

PROJECT NUMBER: IM 0253-255
TEMPORARY EASEMENT NUMBER: TE-172A
PROJECT CODE: 21506
DATE: October 19, 2016
DESCRIPTION

A Temporary Easement No. TE-172A of the Department of Transportation, State of Colorado Project No. IM 0253-255 containing 28,600 sq. ft. (0.657 acres), more or less, in the Southeast Quarter of Section 22, Township 6 North, Range 68 West, of the 6th Principal Meridian, in Larimer County, Colorado, said Temporary Easement being a portion of a parcel of land described in a deed recorded at Reception #20150025234, dated April 29, 2015 in the Larimer County Clerk and Records office, said Temporary Easement being more particularly described as follows:

Commencing at a point whence the Southeast corner of said Section 22 (being a 3-1/4" aluminum cap, stamped 2003, T6N R68W, S22 S23 S27 S26, PEPEK, LS 33642, KING SURVEYORS INC) bears S. 74°13'47" E., a distance of 2,568.88 feet, said point also being the TRUE POINT OF BEGINNING;

1. Thence N. 89°56'41" E., a distance of 60.00 feet;
2. Thence N. 00°03'19" W., a distance of 110.00 feet;
3. Thence N. 89°56'41" E., a distance of 50.00 feet;
4. Thence N. 00°03'19" W., a distance of 200.00 feet;
5. Thence S. 89°56'41" W., a distance of 110.00 feet;
6. Thence S. 00°03'19" E., a distance of 310.00 feet, more or less, to the TRUE POINT OF BEGINNING.

The above described Temporary Easement contains 28,600 sq. ft. (0.657 acres), more or less.

The purpose of the above-described Temporary Easement is for the removal of structures and vegetation.

Basis of Bearings: Bearings used in the calculations of coordinates are based on a grid bearing of S. 0°09'35" W. (a distance of 2,686.61 feet), from the said East Quarter corner and the Southeast corner of said Section 22 (being a 3-1/4" aluminum cap, stamped 2003, T6N R68W, S22 S23 S27 S26, PEPEK, LS 33642, KING SURVEYORS INC) as obtained from a Global Positioning System (GPS) survey based on the Colorado High Accuracy Reference Network (CHARN).

Prepared by:
Kevin Williams P.L.S 28294
For and on the behalf of AECOM
6200 South Quebec Street
Greenwood Village, Colorado 80111



EXHIBIT "B"

PROJECT NUMBER: IM 0253-255
PARCEL NUMBER: AC-172
PROJECT CODE: 21506
DATE: October 19, 2016
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 Interstate No. 25, 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 Southeast Quarter of Section 22, Township 6 North, Range 68 West, of the 6th Principal Meridian, in Larimer County, Colorado, abutting upon said Highway, along and across the access line or lines described as follows:

IM 0253-255 (Proj. No.)	AC-172 (Parcel No.)	East Line (Location of Line)
----------------------------	------------------------	---------------------------------

Beginning at a point on the north line of said Southeast Quarter, whence the East Quarter corner of said Section 22 (being a 3-1/4" aluminum cap, stamped 2008, T6N, 1/4, S22 | S23, R68W, PLS 10734) bears N. 89°24'34" E., a distance of 2,481.71 feet, said point also being the TRUE POINT OF BEGINNING;

1. Thence S. 00°03'19" E., to the south line of said Southeast Quarter, a distance of 2,704.30 feet, said point also being the POINT OF TERMINUS of this description;

Basis of Bearings: Bearings used in the calculations of coordinates are based on a grid bearing of S. 0°09'35" W. (a distance of 2,686.61 feet), from the said East Quarter corner and the Southeast corner of said Section 22 (being a 3-1/4" aluminum cap, stamped 2003, T6N R68W, S22 S23 S27 S26, PEPEK, LS 33642, KING SURVEYORS INC) as obtained from a Global Positioning System (GPS) survey based on the Colorado High Accuracy Reference Network (CHARN).

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.

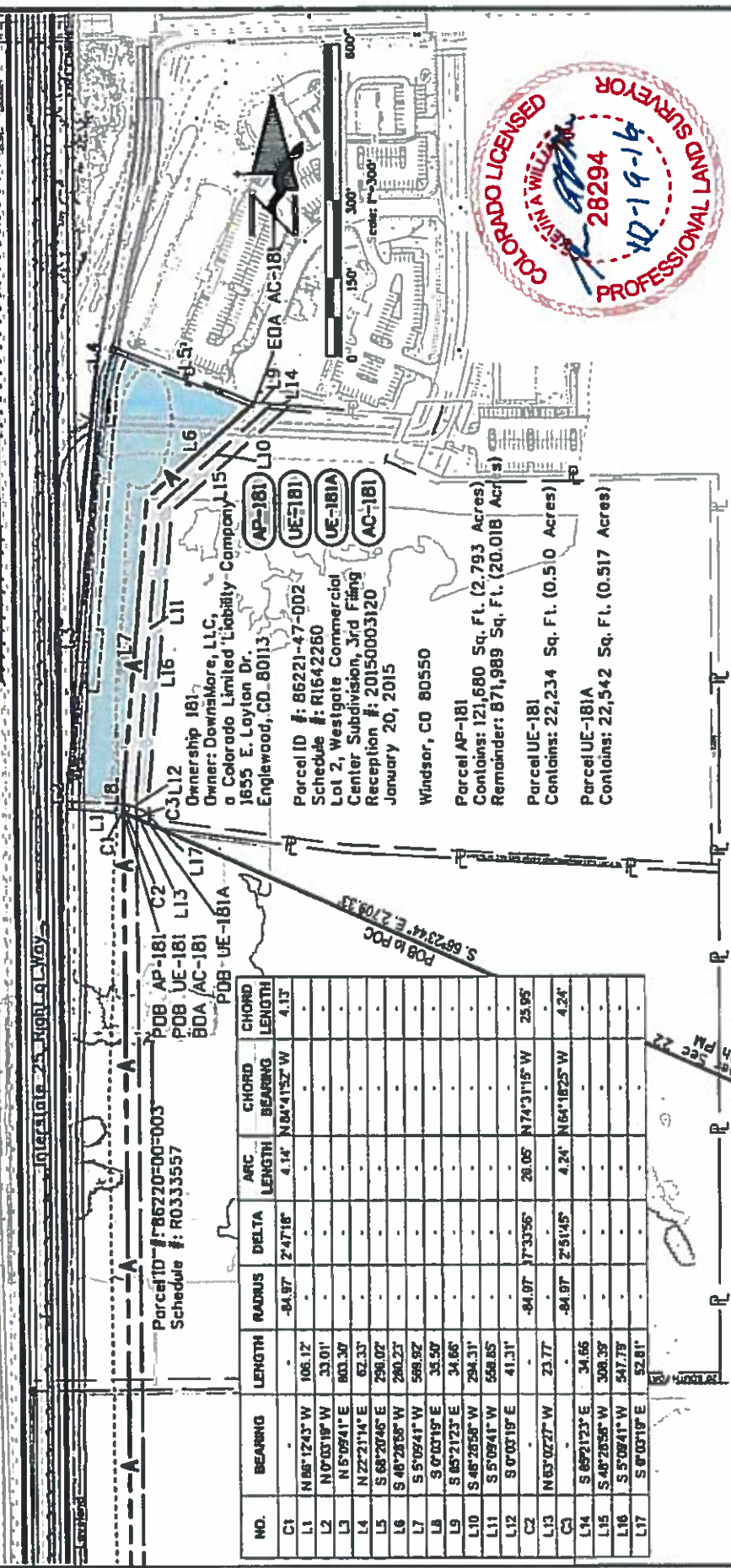
NO ACCESS POINT

Prepared by:
Kevin Williams P.L.S 28294
For and on the behalf of AECOM
6200 South Quebec Street
Greenwood Village, Colorado 80111



SW 1/4 Sec 22
T6N R68W 6th PM

NW 1/4 Sec 22
T6N R68W 6th PM



Parcel ID # 86220-000003
Schedule #: R0333557

NO.	BEARING	LENGTH	RADIUS	DELTA	ARC LENGTH	CHORD BEARING	CHORD LENGTH
C1			-84.97	2°47'18"	4.14'	N64°41'52" W	4.13'
L1	N85°12'43" W	106.12'					
L2	N10°03'18" W	33.01'					
L3	N5°09'41" E	803.30'					
L4	N22°21'14" E	62.33'					
L5	S68°20'46" E	296.07'					
L6	S48°28'58" W	260.21'					
L7	S5°09'41" W	568.92'					
L8	S0°03'19" E	35.50'					
L9	S85°12'37" E	34.66'					
L10	S48°28'58" W	294.31'					
L11	S5°09'41" W	568.85'					
L12	S0°03'19" E	41.31'					
C2			-84.97	3°33'56"	26.05'	N74°31'15" W	25.95'
L13	N63°02'27" W	23.77'					
C3			-84.97	2°51'45"	4.24'	N64°18'25" W	4.24'
L14	S69°12'37" E	34.66'					
L15	S48°28'58" W	308.39'					
L16	S5°09'41" W	547.79'					
L17	S0°03'19" E	52.81'					

Parcel AP-181
Contains: 121,680 Sq. Ft. (2.793 Acres)
Remainder: 871,989 Sq. Ft. (20.018 Acres)

Parcel UE-181
Contains: 22,234 Sq. Ft. (0.510 Acres)

Parcel UE-181A
Contains: 22,542 Sq. Ft. (0.517 Acres)

Parcel AP-181
Schedule #: 86221-47-002
Schedule #: R16422260
Lot 2, Westgate Commercial Center Subdivision, 3rd Filing
Reception #: 20150003120
January 20, 2015
Windsor, CO 80550



Prepared by:
Kevin Willis
CD PLS # 28294
AECOM
6200 S. Quebec St
Greenwood Village, CO 80111
303-843-2008

NE 1/4 Sec 22
T6N R68W 6th PM

COLORADO DEPARTMENT OF TRANSPORTATION
STATE HIGHWAY PROJECT

DATE: 11-4-16

ROW PLANS AUTHORIZED:

Kevin Willis
CDOT RIGHT OF WAY MANAGER

SE 1/4 Sec 22
T6N R68W 6th PM

Note: This is not a ROW plan, Land Survey Plat or Improvement Survey Plat and was prepared for CDDT purposes only.

Project Number: IM 0253-255
Project Location: I-25 North: SH 402 to SH 14

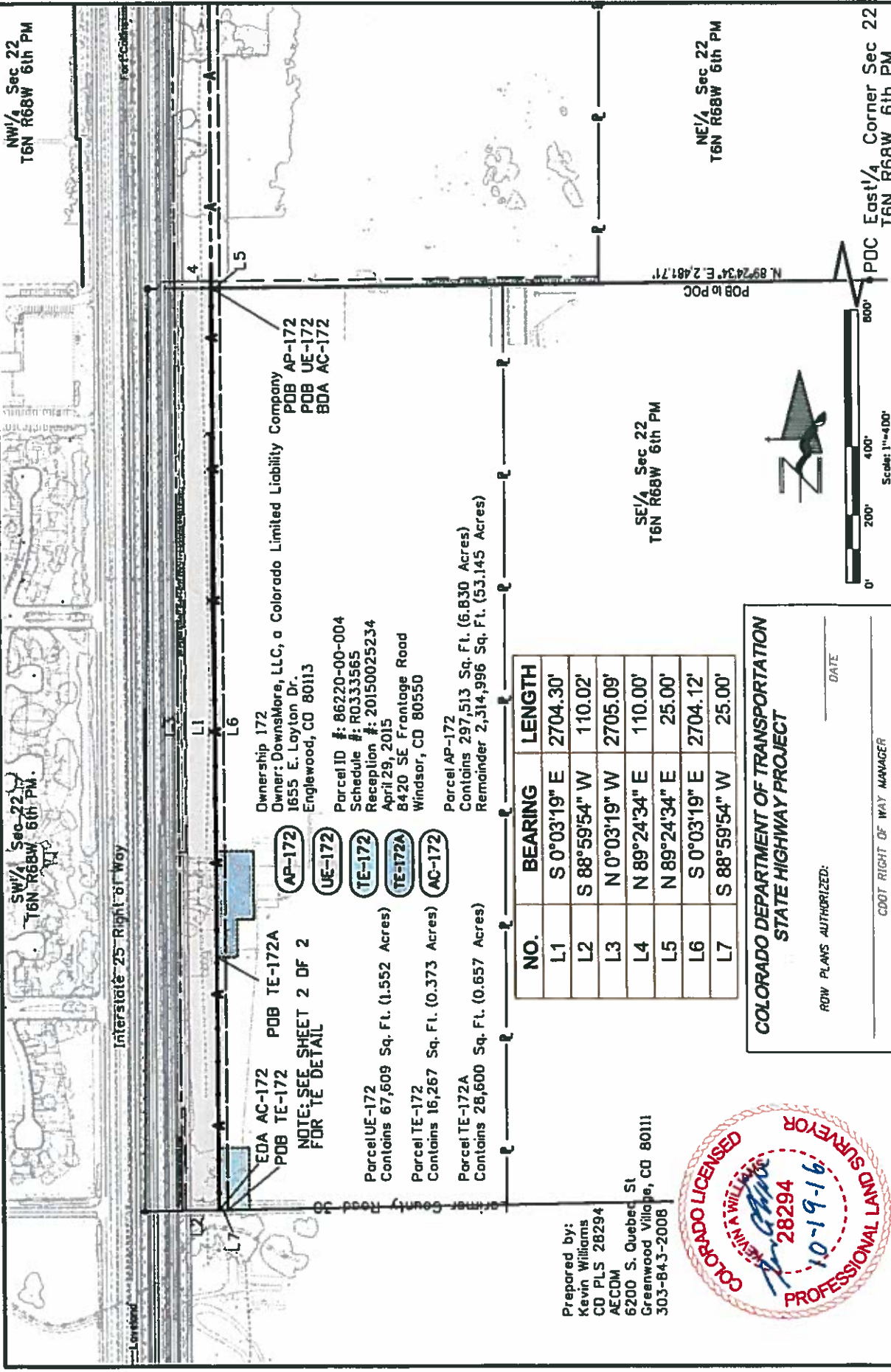
Project Code: Last Mod. Date: 10-19-2016
Subsect: 1 of 1
Sheet No.: 1 of 1

AECOM
6200 South Quebec Street
Greenwood Village, CO 80111
(303) 694-2770

Colorado Department of Transportation
10601 West 10th Street
Greeley, CO 80634
Phone: 970-350-2368

Region 4 Right-of-Way

PTS



NW 1/4 Sec 22
T6N R68W 6th PM

SW 1/4 Sec 22
T6N R68W 6th PM

SE 1/4 Sec 22
T6N R68W 6th PM

NE 1/4 Sec 22
T6N R68W 6th PM

Ownership 172
Owner: DownsMore, LLC, a Colorado Limited Liability Company
POB AP-172
POB UE-172
BDA AC-172

Parcel ID #: 86220-00-004
Schedule #: R0333565
Reception #: 20150025234
April 29, 2015
8420 SE Frontage Road
Windsor, CO 80550

Parcel AP-172
Contains 297,513 Sq. Ft. (6.830 Acres)
Remainder 2,314,996 Sq. Ft. (53.145 Acres)

- EDA AC-172
- POB TE-172A
- AP-172
- UE-172
- TE-172
- TE-172A
- AC-172

NOTE: SEE SHEET 2 DF 2
FOR TE DETAIL

Parcel UE-172
Contains 67,609 Sq. Ft. (1.552 Acres)

Parcel TE-172
Contains 16,267 Sq. Ft. (0.373 Acres)

Parcel TE-172A
Contains 28,600 Sq. Ft. (0.657 Acres)

NO.	BEARING	LENGTH
L1	S 0°03'19" E	2704.30'
L2	S 88°59'54" W	110.02'
L3	N 0°03'19" W	2705.09'
L4	N 89°24'34" E	110.00'
L5	N 89°24'34" E	25.00'
L6	S 0°03'19" E	2704.12'
L7	S 88°59'54" W	25.00'

Prepared by:
Kevin Williams
CD PLS 28294
AECOM
6200 S. Quebec St.
Greenwood Village, CO 80111
303-843-2008



COLORADO DEPARTMENT OF TRANSPORTATION
STATE HIGHWAY PROJECT

ROW PLANS AUTHORIZED: _____ DATE _____

CDOT RIGHT OF WAY MANAGER

Note: This is not a ROW plan, Land Survey Plat or Improvement Survey Plat and was prepared for CDOT purposes only.

Project Number: IM 0253-255
Project Location: I-25 North: SH 402 to SH 14

Project Code: 21506
Last Mod. Date: 10-19-2016
Subset: 1 of 2
Sheet No.: 1 of 2

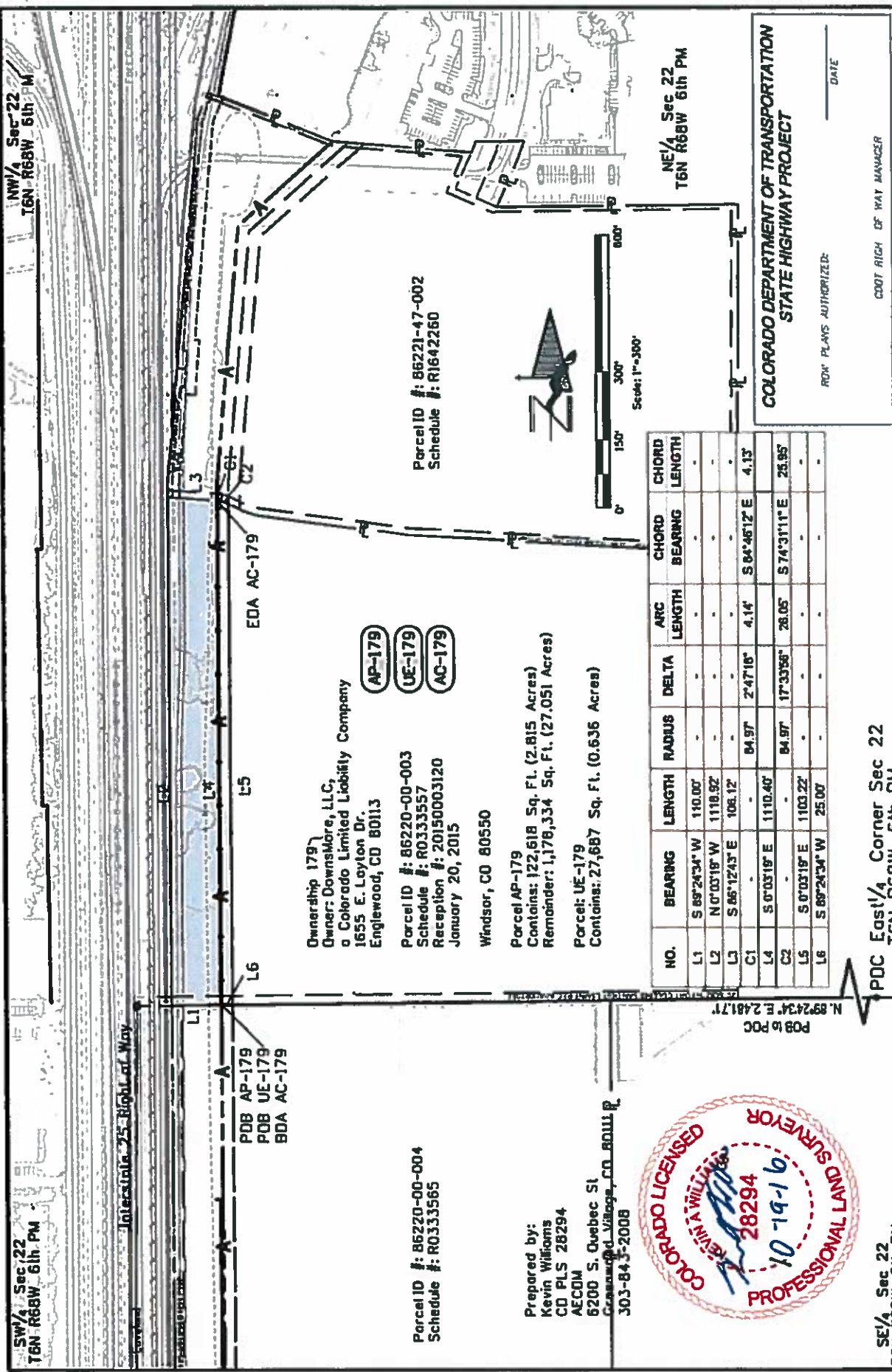
6200 South Quebec Street
Greenwood Village, CO 80111
(303) 694-2770

Colorado Department of Transportation

10601 West 10th Street
Greeley, CO 80634
Phone: 970-350-2161

Region 4 Right-of-Way

PTS



SW 1/4 Sec 22
T6N R68W 6th PM

NW 1/4 Sec 22
T6N R68W 6th PM

Interstate 25 Right-of-Way

PDB AP-179
POB UE-179
BDA AC-179

EDA AC-179

Ownership 179
Owner: DownsWare, LLC,
a Colorado Limited Liability Company
1655 E. Layton Dr.
Englewood, CO 80113

AP-179
UE-179
AC-179

Parcel ID #: 86220-00-004
Schedule #: R0333565

Parcel ID #: 86220-00-003
Schedule #: R0333557
Reception #: 20150003120
January 20, 2015

Windsor, CO 80550
Parcel AP-179
Contains: 122,618 Sq. Ft. (2.815 Acres)
Remainder: 1,176,334 Sq. Ft. (27.051 Acres)
Parcel UE-179
Contains: 27,687 Sq. Ft. (0.636 Acres)

Prepared by:
Kevin Williams
CD PLS 28294
AECOM
6200 S. Quebec St
Colorado Springs, CO 80905
303-843-2008



NO.	BEARING	LENGTH	RADIUS	DELTA	ARC LENGTH	CHORD BEARING	CHORD LENGTH
L1	S 89°24'34" W	110.00'	-	-	-	-	-
L2	N 0°03'18" W	1118.92'	-	-	-	-	-
L3	S 86°12'43" E	108.12'	-	-	-	-	-
C1	-	-	84.97'	2°47'18"	4.14'	S 84°46'12" E	4.13'
L4	S 0°03'18" E	1110.40'	-	-	-	-	-
C2	-	-	84.97'	17°33'56"	28.05'	S 74°31'11" E	25.95'
L5	S 0°03'18" E	1103.22'	-	-	-	-	-
L6	S 89°24'34" W	25.00'	-	-	-	-	-

PDC East 1/4 Corner Sec 22
T6N R68W 6th PM

SE 1/4 Sec 22
T6N R68W 6th PM

COLORADO DEPARTMENT OF TRANSPORTATION
STATE HIGHWAY PROJECT

ROW PLANS AUTHORIZED:

CDOT HIGHWAY MANAGER

Note: This is not a ROW plan, Land Survey Plat or Improvement Survey Plat and was prepared for CDOT purposes only.

Project Number: IM 0253-255

Project Location: I-25 North: SH 402 to SH 14

Project Codes: Last Mod. Date: 10-19-2016
Subset: 1 of 1
Sheet No.: 1 of 1



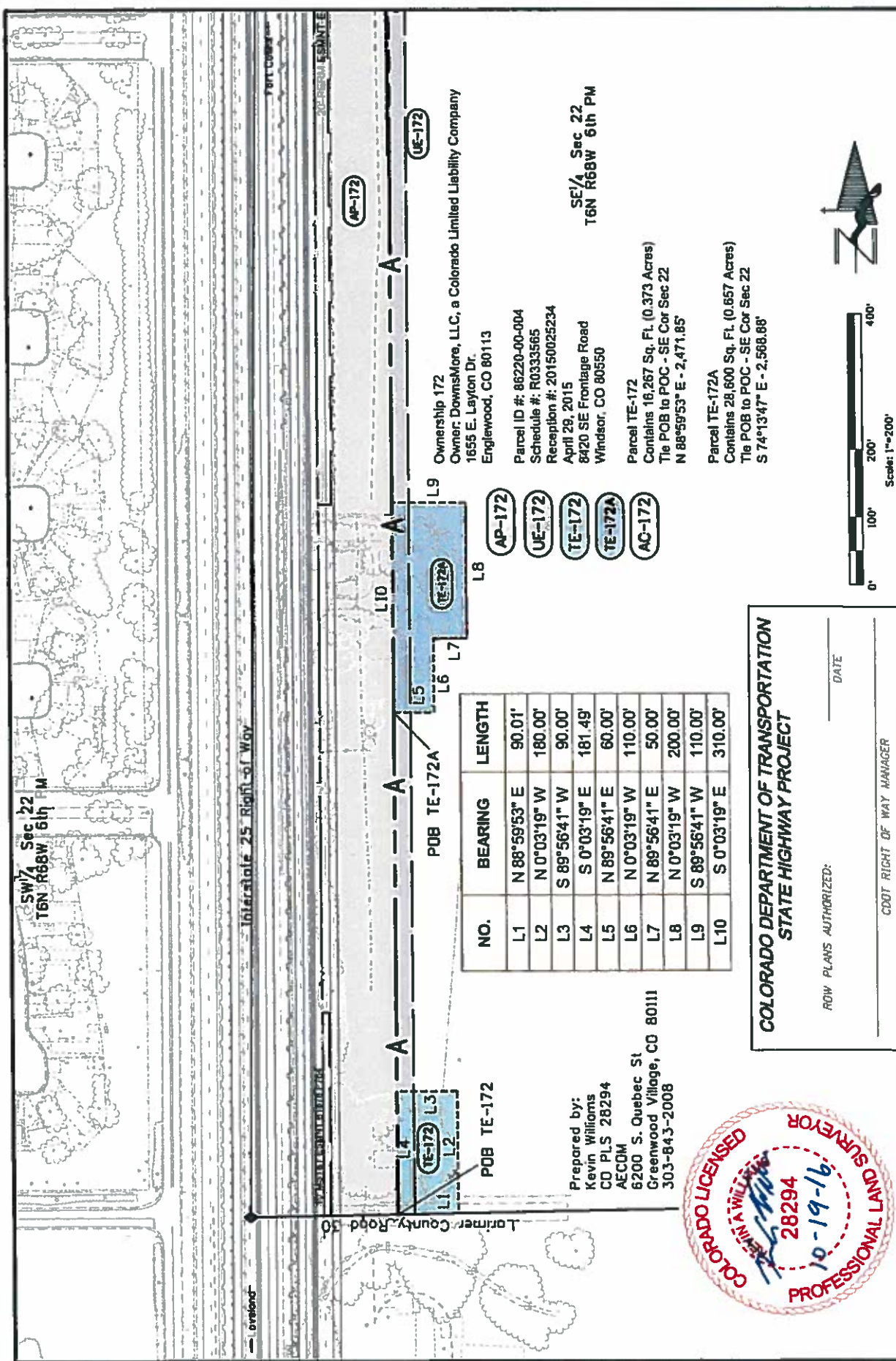
Colorado Department of Transportation

10601 West 10th Street
Greeley, CO 80634
Phone: 970-350-2368



Region 4 Right-of-Way

PTS



Ownership 172
 Owner: DownsMore, LLC, a Colorado Limited Liability Company
 1655 E. Layton Dr.
 Englewood, CO 80113

Parcel ID #: 86220-00-004
 Schedule #: R0333565
 Reception #: 20150025234
 April 29, 2015
 8420 SE Frontage Road
 Windsor, CO 80550

SE 1/4 Sec 22
 T6N R68W 6th PM

Parcel TE-172
 Contains 16,267 Sq. Ft. (0.373 Acres)
 The POB to POC - SE Cor Sec 22
 N 88°59'53" E - 2,471.85'

Parcel TE-172A
 Contains 28,600 Sq. Ft. (0.657 Acres)
 The POB to POC - SE Cor Sec 22
 S 74°13'47" E - 2,568.88'

NO.	BEARING	LENGTH
L1	N 88°59'53" E	90.01'
L2	N 0°03'19" W	180.00'
L3	S 89°56'41" W	90.00'
L4	S 0°03'19" E	181.49'
L5	N 89°56'41" E	60.00'
L6	N 0°03'19" W	110.00'
L7	N 89°56'41" E	50.00'
L8	N 0°03'19" W	200.00'
L9	S 89°56'41" W	110.00'
L10	S 0°03'19" E	310.00'

**COLORADO DEPARTMENT OF TRANSPORTATION
 STATE HIGHWAY PROJECT**

ROW PLANS AUTHORIZED: _____ DATE _____

CDOT RIGHT OF WAY MANAGER



POB TE-172

Prepared by:
 Kevin Williams
 CD PLS 28294
 AECOM
 6200 S. Quebec St
 Greenwood Village, CO 80111
 303-843-2008

AECOM

6200 South Quebec Street
 Greenwood Village, CO 80111
 (303) 694-2770

Colorado Department of Transportation

10601 West 10th Street
 Greeley, CO 80634
 Phone: 970-350-2161

Note: This is not a ROW plan, Land Survey Plat or Improvement Survey Plat and was prepared for CDDT purposes only.

Project Number: IM 0253-255
 Project Location: I-25 North: SH 402 to SH 14

Project Codes	Last Mod. Date	Subset	Sheet No.
21506	10-19-2016	2 of 2	2 of 2

Region 4 Right-of-Way **PTS**