

MEMORANDUM OF AGREEMENT

PROJECT No.: C15-004, Add. #11
PARCEL No.: RW-2, PE-2, PE-2A, TCE-2

Agreement has been reached between **CommonSpirit Health, a Colorado non-profit corporation**, (the "Owner") of the property at 198 Inverness Drive West, Englewood, CO 80112, for Parcel Number 2075-34-4-20-008 (the "Properties"), Arapahoe County Project No. C15-001 Add. #11, Inverness Drive West (the "Project"), and the County of Arapahoe (the "County") for the conveyance of RW-2, PE-2, PE-2A, and TCE-2 (the "Properties") for construction purposes. The legal descriptions of said Properties are attached hereto as Exhibits "A", "C", "D", and "E".

The compensation as determined by the appraiser and approved by the County for the acquisition of the Properties is **FIFTEEN THOUSAND, EIGHT HUNDRED TWENTY-NINE AND 00/100 DOLLARS (\$15,829.00)** including the performance of the terms of this Agreement by the County, the sufficiency of which is hereby acknowledged. The consideration has been agreed upon between the parties as the total just compensation due to the Owner, and the consideration shall be given and accepted in full satisfaction of this Agreement. The Owner and the County also agree to the following:

1. For the purpose of expediting the project, the County is hereby offering Owner an additional **\$7,915.00** as an incentive payment for early settlement and agreement to the compensation of **\$15,829.00** stated above, for a total of **\$23,744.00**, if this Memorandum of Agreement (MOA) is (1) properly executed by Owner, and (2) received by the County or its representatives on or before **August 26, 2022**.
2. If a fully executed MOA is not received by the County or its representatives on or before the close of business of **August 26, 2022**, Owner understands that Owner will no longer be entitled to nor is the County obligated to pay the incentive payment of **\$7,915.00**. Further, Owner understands that if the County has not received a fully executed MOA by close of business on **August 26, 2022**, the County's position at any further proceedings regarding "Just Compensation" will be in the amount of **\$15,829.00**.
3. The Owner has entered into this Agreement acknowledging that the County has the power of eminent domain and requires the Property for a public purpose.
4. The consideration set forth herein includes full and just compensation for: a.) all of the Owner's interest, past, present and future; b.) the interest of all lien holders, deed of trust holders and beneficiaries, mortgagees, lessees, and all others with record interest in the Property; and c.) any and all other legal and equitable interests in the Property that now exist.
5. The County may take possession and use of the Property when it deposits the consideration, as set forth above, into an escrow account for the benefit of the Owner, or when the County disburses funds to the County. Transfer of title to the Property shall occur upon performance of any and all terms under this agreement, and release of the payment from escrow to the Owner.
6. The Owner agrees to deliver a signed Warranty Deed, Public Use Easement Agreement and Temporary Construction Easement and Right-of-Entry conveying the Properties to the



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County on or before the day of closing. The County agrees to provide to Owner or authorize the release to Owner from escrow of the consideration herein specified on or before the day of closing (or by mutual agreement, at an earlier date).

7. The County will pay all closing costs, including the title insurance policy for the Properties.

8. If the County's contractor disturbs Owner's existing landscaping while constructing the Project, the County's contractor will replace such disturbed landscaping, located outside of the constructed Project improvements.

9. This Agreement consists of all agreements, understandings and promises between the Owner and the County and shall be deemed a contract binding upon the Owner and the County and extending to the successors and assigns.

10. This Agreement has been entered into in the State of Colorado and shall be construed according to the laws thereof.

APPROVED:

CommonSpirit Health, a Colorado non-profit corporation



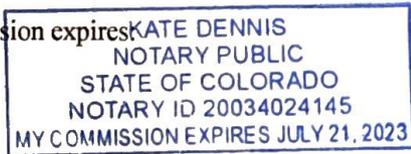
By: Chad Johnson
Title: System Director, Real Estate

County of: Colorado
State of: Arapahoe

The foregoing instrument was acknowledged before me this 25th day of August, 2022, by Chad Johnson as System Director, Real Estate for CommonSpirit Health, a Colorado non-profit corporation.

WITNESS my hand and official seal.

My commission expires




Notary Public

County:

By: 

Name: Bryan D. Weimer, Director - Public Works and Development

Date: 9/13/22

Authority Granted by Commissioner Resolution 22-049



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ARAPAHOE COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF COLORADO

Arapahoe County Board of County Commissioners

By: 
Bryan D. Weimer, Director Department of Public Works and Development
Pursuant to Authority of Board Resolution No. 22-049



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EXHIBIT "A"

**PROJECT NUMBER: C15-004, ADD. #11
CDOT/FEDERAL AID PROJECT NUMBER ACQ C100-044**

**PARCEL NUMBER: RW-2
February 7, 2022
DESCRIPTION**

A RIGHT-OF-WAY NO. RW-2 OF THE COUNTY OF ARAPAHOE RIGHT OF WAY PROJECT NUMBER C15-004, ADD #11, AND CDOT FEDERAL AID PROJECT NUMBER ACQ C100-044, CONTAINING 530 SQ. FT. (0.012 ACRES), MORE OR LESS, IN THE EAST HALF OF SECTION 34, TOWNSHIP 5 SOUTH, RANGE 67 WEST, OF THE 6TH PRINCIPAL MERIDIAN, IN UNINCORPORATED ARAPAHOE COUNTY, COLORADO, BEING A PORTION OF LOT 1, BLOCK 2, INVERNESS SUBDIVISION FILING NO. 10 RECORDED NOVEMBER 20, 1990 AT RECEPTION NO. 90093354 IN THE OFFICIAL RECORDS OF THE CLERK AND RECORDER'S OFFICE, COUNTY OF ARAPAHOE, STATE OF COLORADO, SAID RIGHT-OF-WAY BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 34, THENCE NORTH 43°32'55" WEST, A DISTANCE OF 1196.83 FEET TO THE EASTERLY RIGHT-OF-WAY OF INVERNESS DRIVE WEST AND THE **POINT OF BEGINNING**;

THENCE ALONG SAID EASTERLY RIGHT-OF-WAY, NORTH 40°06'39" WEST, A DISTANCE OF 58.56 FEET;

THENCE DEPARTING SAID EASTERLY RIGHT-OF-WAY, NORTH 88°43'53" EAST, A DISTANCE OF 12.84 FEET;

THENCE SOUTH 40°08'16" EAST, A DISTANCE OF 47.42 FEET;

THENCE SOUTH 32°46'19" WEST, A DISTANCE OF 10.49 FEET TO THE **POINT OF BEGINNING**.

THE ABOVE RIGHT-OF-WAY CONTAINS AN AREA OF 0.012 ACRES, (530 SQUARE FEET), MORE OR LESS.

BASIS OF BEARINGS: BEARINGS REFERENCED HEREIN ARE GRID BEARINGS DERIVED FROM GPS OBSERVATIONS BASED UPON THE COLORADO COORDINATE SYSTEM OF 1983 CENTRAL ZONE (NAD 83, 2011) REFERENCED TO THE EAST LINE OF SECTION 34, TOWNSHIP 5 SOUTH, RANGE 67 WEST, SIXTH P.M. MONUMENTED AT THE SOUTHEAST CORNER OF SAID SECTION 34 BY A 3-1/4" ALUMINUM CAP WITH ILLEGIBLE STAMPING IN A MONUMENT BOX AND AT THE NORTHEAST CORNER OF SAID SECTION 34 BY A 3-1/4" ALUMINUM CAP STAMPED "PLS 7361 1990", TAKEN TO BEAR NORTH 00°07'57" WEST, A DISTANCE OF 5275.77 FEET.

DANIEL E. DAVIS,
COLORADO P.L.S. NO. 38256
FOR AND ON BEHALF OF AZTEC CONSULTANTS, INC.
300 E. MINERAL AVENUE, SUITE 1
LITTLETON, COLORADO 80122
303-713-1898

EXHIBIT "C"

**PROJECT NUMBER: C15-004, ADD. #11
CDOT/FEDERAL AID PROJECT NUMBER ACQ C100-044**

**PARCEL NUMBER: PE-2
October 6, 2021
DESCRIPTION**

A PERMANENT EASEMENT NO. PE-2 OF THE COUNTY OF ARAPAHOE RIGHT OF WAY PROJECT NUMBER C15-004, ADD #11, AND CDOT FEDERAL AID PROJECT NUMBER ACQ C100-044, CONTAINING 140 SQ. FT. (0.003 ACRES), MORE OR LESS, IN THE EAST HALF OF SECTION 34, TOWNSHIP 5 SOUTH, RANGE 67 WEST, OF THE 6TH PRINCIPAL MERIDIAN, IN UNINCORPORATED ARAPAHOE COUNTY, COLORADO, BEING A PORTION OF LOT 1, BLOCK 2, INVERNESS SUBDIVISION FILING NO. 10 RECORDED NOVEMBER 20, 1990 AT RECEPTION NO. 90093354 IN THE OFFICIAL RECORDS OF THE CLERK AND RECORDER'S OFFICE, COUNTY OF ARAPAHOE, STATE OF COLORADO, SAID EASEMENT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 34, THENCE NORTH 42°02'27" WEST, A DISTANCE OF 1180.93 FEET TO A LINE PARALLEL WITH AND DISTANT 7.00 FEET NORTHEASTERLY OF THE NORTHEASTERLY LINE OF A 25' LANDSCAPE AND SIDEWALK EASEMENT AS DEPICTED ON SAID INVERNESS SUBDIVISION FILING NO. 10, AND THE **POINT OF BEGINNING**;

THENCE DEPARTING SAID PARALLEL LINE, SOUTH 49°53'21" WEST, A DISTANCE OF 7.00 FEET TO SAID NORTHEASTERLY LINE;

THENCE ALONG SAID NORTHEASTERLY LINE, NORTH 40°06'39" WEST, A DISTANCE OF 20.00 FEET;

THENCE DEPARTING SAID NORTHEASTERLY LINE, NORTH 49°53'21" EAST, A DISTANCE OF 7.00 FEET TO SAID PARALLEL LINE;

THENCE ALONG SAID PARALLEL LINE, SOUTH 40°06'39" EAST, A DISTANCE OF 20.00 FEET TO THE **POINT OF BEGINNING**.

THE ABOVE DESCRIBED PERMANENT EASEMENT CONTAINS AN AREA OF 0.003 ACRES, (140 SQUARE FEET), MORE OR LESS.

BASIS OF BEARINGS: BEARINGS REFERENCED HEREIN ARE GRID BEARINGS DERIVED FROM GPS OBSERVATIONS BASED UPON THE COLORADO COORDINATE SYSTEM OF 1983 CENTRAL ZONE (NAD 83, 2011) REFERENCED TO THE EAST LINE OF SECTION 34, TOWNSHIP 5 SOUTH, RANGE 67 WEST, SIXTH P.M. MONUMENTED AT THE SOUTHEAST CORNER OF SAID SECTION 34 BY A 3-1/4" ALUMINUM CAP WITH ILLEGIBLE STAMPING IN A MONUMENT BOX AND AT THE NORTHEAST CORNER OF SAID SECTION 34 BY A 3-1/4" ALUMINUM CAP STAMPED "PLS 7361 1990", TAKEN TO BEAR NORTH 00°07'57" WEST, A DISTANCE OF 5275.77 FEET.

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303.327.7488

EXHIBIT "D"

**PROJECT NUMBER: C15-004, ADD. #11
CDOT/FEDERAL AID PROJECT NUMBER ACQ C100-044**

**PARCEL NUMBER: PE-2A
October 6, 2021
DESCRIPTION**

A PERMANENT EASEMENT NO. PE-2A OF THE COUNTY OF ARAPAHOE RIGHT OF WAY PROJECT NUMBER C15-004, ADD #11, AND CDOT FEDERAL AID PROJECT NUMBER ACQ C100-044, CONTAINING 202 SQ. FT. (0.005 ACRES), MORE OR LESS, IN THE EAST HALF OF SECTION 34, TOWNSHIP 5 SOUTH, RANGE 67 WEST, OF THE 6TH PRINCIPAL MERIDIAN, IN UNINCORPORATED ARAPAHOE COUNTY, COLORADO, BEING A PORTION OF LOT 1, BLOCK 2, INVERNESS SUBDIVISION FILING NO. 10 RECORDED NOVEMBER 20, 1990 AT RECEPTION NO. 90093354 IN THE OFFICIAL RECORDS OF THE CLERK AND RECORDER'S OFFICE, COUNTY OF ARAPAHOE, STATE OF COLORADO, SAID EASEMENT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 34, THENCE NORTH 41°42'59" WEST, A DISTANCE OF 1255.88 FEET TO THE NORTHWESTERLY BOUNDARY OF SAID LOT 1 AND THE **POINT OF BEGINNING**;

THENCE DEPARTING SAID NORTHWESTERLY BOUNDARY, SOUTH 84°59'43" EAST, A DISTANCE OF 2.05 FEET;

THENCE SOUTH 40°13'22" EAST, A DISTANCE OF 14.06 FEET;

THENCE SOUTH 49°46'37" WEST, A DISTANCE OF 13.05 FEET TO THE NORTHEASTERLY LINE OF A 25' LANDSCAPE AND SIDEWALK EASEMENT AS DEPICTED ON SAID INVERNESS SUBDIVISION FILING NO. 10;

THENCE ALONG SAID NORTHEASTERLY LINE, NORTH 40°06'39" WEST, A DISTANCE OF 15.59 FEET TO SAID NORTHWESTERLY BOUNDARY;

THENCE ALONG SAID NORTHWESTERLY BOUNDARY, NORTH 50°10'36" EAST, A DISTANCE OF 11.58 FEET TO THE **POINT OF BEGINNING**

THE ABOVE DESCRIBED PERMANENT EASEMENT CONTAINS AN AREA OF 0.005 ACRES, (202 SQUARE FEET), MORE OR LESS.

BASIS OF BEARINGS: BEARINGS REFERENCED HEREIN ARE GRID BEARINGS DERIVED FROM GPS OBSERVATIONS BASED UPON THE COLORADO COORDINATE SYSTEM OF 1983 CENTRAL ZONE (NAD 83, 2011) REFERENCED TO THE EAST LINE OF SECTION 34, TOWNSHIP 5 SOUTH, RANGE 67 WEST, SIXTH P.M. MONUMENTED AT THE SOUTHEAST CORNER OF SAID SECTION 34 BY A 3-1/4" ALUMINUM CAP WITH ILLEGIBLE STAMPING IN A MONUMENT BOX AND AT THE NORTHEAST CORNER OF SAID SECTION 34 BY A 3-1/4" ALUMINUM CAP STAMPED "PLS 7361 1990", TAKEN TO BEAR NORTH 00°07'57" WEST, A DISTANCE OF 5275.77 FEET.

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EXHIBIT "E"

**PROJECT NUMBER: C15-004, ADD. #11
CDOT/FEDERAL AID PROJECT NUMBER ACQ C100-044**

**PARCEL NUMBER: TCE-2
October 6, 2021
DESCRIPTION**

A TEMPORARY CONSTRUCTION EASEMENT NO. TCE-2 OF THE COUNTY OF ARAPAHOE RIGHT OF WAY PROJECT NUMBER C15-004, ADD #11, CONTAINING 303 SQ. FT. (0.007 ACRES), MORE OR LESS, IN THE EAST HALF OF SECTION 34, TOWNSHIP 5 SOUTH, RANGE 67 WEST, OF THE 6TH PRINCIPAL MERIDIAN, IN UNINCORPORATED ARAPAHOE COUNTY, COLORADO, BEING A PORTION OF LOT 1, BLOCK 2, INVERNESS SUBDIVISION FILING NO. 10 RECORDED NOVEMBER 20, 1990 AT RECEPTION NO. 90093354 IN THE OFFICIAL RECORDS OF THE CLERK AND RECORDER'S OFFICE, COUNTY OF ARAPAHOE, STATE OF COLORADO, SAID EASEMENT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 34, THENCE NORTH 40°40'35" WEST, A DISTANCE OF 990.01 FEET TO A LINE PARALLEL WITH AND DISTANT 5.00 FEET NORTHEASTERLY OF THE NORTHEASTERLY LINE OF A 25' LANDSCAPE AND SIDEWALK EASEMENT AS DEPICTED ON SAID INVERNESS SUBDIVISION FILING NO. 10, AND THE **POINT OF BEGINNING**;

THENCE DEPARTING SAID PARALLEL LINE, SOUTH 23°20'29" WEST, A DISTANCE OF 5.00 FEET TO SAID NORTHEASTERLY LINE AND THE BEGINNING OF A NON-TANGENT CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 285.00 FEET, THE RADIUS POINT OF SAID CURVE BEARS NORTH 22°14'08" EAST;

THENCE ALONG SAID NORTHEASTERLY LINE, NORTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 12°16'55", AN ARC LENGTH OF 61.09 FEET;

THENCE DEPARTING SAID NORTHEASTERLY LINE, NORTH 34°31'04" EAST, A DISTANCE OF 5.00 FEET TO SAID PARALLEL LINE AND THE BEGINNING OF A NON-TANGENT CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 280.00 FEET, THE RADIUS POINT OF SAID CURVE BEARS NORTH 34°31'04" EAST;

THENCE ALONG SAID PARALLEL LINE, SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 12°18'06", AN ARC LENGTH OF 60.12 FEET TO THE **POINT OF BEGINNING**.

THE ABOVE DESCRIBED PERMANENT EASEMENT CONTAINS AN AREA OF 0.007 ACRES, (303 SQUARE FEET), MORE OR LESS.

BASIS OF BEARINGS: BEARINGS REFERENCED HEREIN ARE GRID BEARINGS DERIVED FROM GPS OBSERVATIONS BASED UPON THE COLORADO COORDINATE SYSTEM OF 1983 CENTRAL ZONE (NAD 83, 2011) REFERENCED TO THE EAST LINE OF SECTION 34, TOWNSHIP 5 SOUTH, RANGE 67 WEST, SIXTH P.M. MONUMENTED AT THE SOUTHEAST CORNER OF SAID SECTION 34 BY A 3-1/4" ALUMINUM CAP WITH ILLEGIBLE STAMPING IN A MONUMENT BOX AND AT THE NORTHEAST CORNER OF SAID SECTION 34 BY A 3-1/4" ALUMINUM CAP STAMPED "PLS 7361 1990", TAKEN TO BEAR NORTH 00°07'57" WEST, A DISTANCE OF 5275.77 FEET.

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