

## MEMORANDUM OF AGREEMENT

PROJECT No.: C15-004, Add. #11

PARCEL No.: RW-5, PE-5, PE-5A

Agreement has been reached on this 31 day of August, 2022, between **Cristobal Properties Inc., a Colorado corporation**, (the "Owner") of the property at 160 Inverness Drive West, Englewood, CO 80112, for Parcel Numbers 2075-34-1-03-001 (the "Owner Property"), 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-5, PE-5, and PE-5A (the "Properties") for construction purposes. The legal descriptions of said Properties are attached hereto as Exhibits "A", "J", and "K".

The compensation as determined by the appraiser and approved by the County for the acquisition of the Properties is **FORTY-SIX THOUSAND, TWO HUNDRED EIGHTY-FIVE AND 00/100 DOLLARS (\$46,285.00)** 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. The Owner has entered into this Agreement acknowledging that the County has the power of eminent domain and requires the Properties for a public purpose.
2. The consideration set forth herein includes full and just compensation for: a.) all of the Owner's interest in the Properties to be conveyed to the County, past, present and future; and b.) the interest of all lien holders, deed of trust holders and beneficiaries, mortgagees, lessees, and all others with record interest in the Properties.
3. The County will take possession and use of the Property upon deposit of the Compensation into an escrow account for the benefit of the Owner. Transfer of title to the Property shall occur upon performance of any and all terms under this Agreement, including the execution and delivery of the Special Warranty Deed and Public Use Easement Agreement by the applicable parties. Such transfer shall be handled by a designated title company that the County appoints ("Escrow Holder"). At closing, Escrow Holder shall be responsible for the release of any existing liens, issuing Compensation to the Owner and providing the executed Special Warranty Deed and Public Use Easement Agreement to the County. Notwithstanding the foregoing, in the event the County has taken possession of the Property and performed any construction, demolition or other improvements, or caused any damage, to the Property prior to closing, and closing does not occur prior to the date that is 12 months from the date of this Agreement, the County agrees to pay the Owner \$310.00 per month, due on the 5<sup>th</sup> day of each month, for each month after such 12 month period until the closing occurs.
4. The Owner agrees to deliver a signed Special Warranty Deed and Public Use Easement Agreement conveying the Properties to the County in the forms and substance previously approved by Owner on or before the day of closing. The County agrees to provide the Compensation herein specified on or before the day of closing (or by mutual agreement, at an earlier date).
5. The County will pay all closing costs, including the title insurance policy it wishes to



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obtain for the Properties.

6. The Owner covenants and agrees that no building, structure, or other above or below ground obstruction that may interfere with the purposes aforesaid will be placed, erected, installed or permitted upon the Properties by or through the Owner during the period of construction. The Owner further covenants and agrees that in the event the terms of this paragraph are violated by the undersigned, or any person through it, such violation will be corrected and eliminated within a reasonable period of time upon receipt of written notice of such violation from the County, or that the County shall have the right, following a reasonable period of time after such written notice is provided to Owner, to correct or eliminate such violation and the Owner and its assigns shall promptly pay the actual cost thereof.

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

8. 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.

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

APPROVED:

OWNER:

Cristobal Properties Inc., a Colorado corporation

  
By: Andres Sevilla  
Title: Director



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**County:**

By: 

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

Date: 9/13/22

Authority Granted by Commissioner Resolution 22-049

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-5  
February 7, 2022  
DESCRIPTION

A RIGHT-OF-WAY NO. RW-5 OF THE COUNTY OF ARAPAHOE RIGHT OF WAY PROJECT NUMBER C15-004, ADD #11, AND CDOT FEDERAL AID PROJECT NUMBER ACQ C100-044, CONTAINING 688 SQ. FT. (0.016 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 15, INVERNESS SUBDIVISION FILING NO. FIVE, LOT 1, BLOCK 15 RECORDED AUGUST 14, 1979 AT RECEPTION NO. R1880159 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 24°55'34" WEST, A DISTANCE OF 3689.59 FEET TO THE EASTERLY RIGHT-OF-WAY OF INVERNESS DRIVE WEST AND THE **POINT OF BEGINNING**;

THENCE ALONG SAID EASTERLY RIGHT-OF-WAY, THE FOLLOWING TWO (2) COURSES:

1. NORTH 06°39'38" WEST, A DISTANCE OF 34.82 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE EASTERLY HAVING A RADIUS OF 975.00 FEET;
2. NORTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 03°22'34", AN ARC LENGTH OF 57.45 FEET;

THENCE DEPARTING SAID EASTERLY RIGHT-OF-WAY, SOUTH 18°09'56" EAST, A DISTANCE OF 42.31 FEET;

THENCE SOUTH 06°29'16" EAST, A DISTANCE OF 43.75 FEET;

THENCE SOUTH 48°14'05" WEST, A DISTANCE OF 12.22 FEET TO THE **POINT OF BEGINNING**.

THE ABOVE DESCRIBED RIGHT-OF-WAY CONTAINS AN AREA OF 0.016 ACRES, (688 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 "J"**

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

**PARCEL NUMBER: PE-5  
October 6, 2021  
DESCRIPTION**

A PERMANENT EASEMENT NO. PE-5 OF THE COUNTY OF ARAPAHOE RIGHT OF WAY PROJECT NUMBER C15-004, ADD #11, AND CDOT FEDERAL AID PROJECT NUMBER ACQ C100-044, CONTAINING 450 SQ. FT. (0.010 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 15, INVERNESS SUBDIVISION FILING NO. 5 LOT 1, BLOCK 15 RECORDED AUGUST 14, 1979 AT RECEPTION NO. R1880159 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 23°56'53" WEST, A DISTANCE OF 3692.36 FEET TO THE **POINT OF BEGINNING**;

THENCE SOUTH 05°47'43" EAST, A DISTANCE OF 12.68 FEET;

THENCE SOUTH 69°23'24" WEST, A DISTANCE OF 35.00 FEET TO THE EASTERLY LINE OF A 25' LANDSCAPE EASEMENT AS DEPICTED ON SAID INVERNESS SUBDIVISION FILING NO. 5;

THENCE ALONG SAID EASTERLY LINE, NORTH 06°39'38" WEST, A DISTANCE OF 13.03 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE SOUTHERLY HAVING A RADIUS OF 286.62 FEET, THE RADIUS POINT OF SAID CURVE BEARS SOUTH 23°28'26" EAST;

THENCE DEPARTING SAID EASTERLY LINE, EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 07°01'16", AN ARC LENGTH OF 35.12 FEET TO THE **POINT OF BEGINNING**.

THE ABOVE DESCRIBED PERMANENT EASEMENT CONTAINS AN AREA OF 0.010 ACRES, (450 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 "K"

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

PARCEL NUMBER: PE-5A  
October 6, 2021  
DESCRIPTION

A PERMANENT EASEMENT NO. PE-5A OF THE COUNTY OF ARAPAHOE RIGHT OF WAY PROJECT NUMBER C15-004, ADD #11, AND CDOT FEDERAL AID PROJECT NUMBER ACQ C100-044, CONTAINING 600 SQ. FT. (0.014 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 15, INVERNESS SUBDIVISION FILING NO. 5 LOT 1, BLOCK 15 RECORDED AUGUST 14, 1979 AT RECEPTION NO. R1880159 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 24°13'44" WEST, A DISTANCE OF 3746.39 FEET TO THE EASTERLY LINE OF A 25' LANDSCAPE EASEMENT AS DEPICTED ON SAID INVERNESS SUBDIVISION FILING NO. 5 AND THE **POINT OF BEGINNING**;

THENCE DEPARTING SAID EASTERLY LINE, NORTH 85°13'04" EAST, A DISTANCE OF 24.00 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE WESTERLY HAVING A RADIUS OF 653.00 FEET, THE RADIUS POINT OF SAID CURVE BEARS SOUTH 84°07'32" WEST;

THENCE SOUTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 02°11'37", AN ARC LENGTH OF 25.00 FEET;

THENCE SOUTH 85°13'04" WEST, A DISTANCE OF 23.73 FEET TO SAID EASTERLY LINE AND THE BEGINNING OF A NON-TANGENT CURVE CONCAVE EASTERLY HAVING A RADIUS OF 950.00 FEET, THE RADIUS POINT OF SAID CURVE BEARS NORTH 83°49'50" EAST;

THENCE ALONG SAID EASTERLY LINE, NORTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 01°30'29", AN ARC LENGTH OF 25.00 FEET TO THE **POINT OF BEGINNING**.

THE ABOVE DESCRIBED PERMANENT EASEMENT CONTAINS AN AREA OF 0.014 ACRES, (600 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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