



COLORADO

Department of Transportation

Office of the Chief Engineer

4201 East Arkansas Ave, Suite 262
Denver, CO 80222

MEMORANDUM

TO: TRANSPORTATION COMMISSION

FROM: JOSHUA LAIPPLY, CHIEF ENGINEER

DATE: JUNE 3, 2016

SUBJECT: REPORT PURSUANT TO COLORADO REVISED STATUTES, §43-1-208 REGARDING:

(1) PROJECT NUMBER BR 1602-139, LOCATION US HIGHWAY 160, ARCHULETA COUNTY;

(2) PROJECT NUMBER IM 0253-234, LOCATION I-25, 120TH AVENUE TO STATE HIGHWAY 7.

Background

This written report to the Transportation Commission is pursuant to Colorado Revised Statutes ("C.R.S."), Section 43-1-208 (statute attached with this memorandum). Generally, Section 43-1-208(1) and (2) proscribe an administrative eminent domain procedure for the department. Pursuant to Section 43-1-208(3), it is CDOT's position that the Chief Engineer and the Transportation Commission do not need to comply with the administrative procedures set forth in Section 43-1-208(1) and (2). Additionally, CDOT asserts that that Transportation Commission Resolution 271, passed in 1994, properly delegated authority to the Executive Director or his delegatee to approve and acquire property through eminent domain procedures. By submitting this written report, CDOT does not admit that it is required to follow the procedures set forth in Section 43-1-208(1) or (2). However, because of a separate CDOT condemnation matter, the *Amerco* case, is currently before the Colorado Supreme Court and has created uncertainty, this report is being submitted for consideration by the Transportation Commission out of an abundance of caution.

Project Number BR 1602-139, Location U.S. Highway 160, Archuleta County

On or about March 21, 2016, Ralph Campano, Region 5 right-of-way manager, requested that the Attorney General's Office file a condemnation action for Parcels RW-4, PE-4, PE-4A, and TE-4 because their negotiations with the landowner had reached an impasse.

The landowners of these parcels are Melvin and Dawn Ross. The Property located at 524 San Juan Street in Pagosa Springs, CO, 81147 is occupied by the Pagosa Auto Parts Inc., a CarQuest Auto Parts store. The larger parcel RW-4 is .62 acres or 27,000 square feet, and includes a building of approximately 4,956 square feet, with an electronic sign and some sheds or out-buildings on the property. The PE-4 and PE-4A are for floodway mitigation and maintenance. Parcel TE-4 is necessary for construction vehicles during the project. TE-4 is needed for approximately 2 years. The legal descriptions of the parcels are attached with this memorandum.

CDOT would like to have immediate possession of the parcels as soon as possible, but requires possession on or before September 29, 2016. It is necessary that CDOT have access to the Property to begin critical construction on this Project. The Project is part of the larger US Highway 160 project. The

Project will replace, improve, and maintain culverts along McCabe Creek on both sides of the highway. There are some flood plain and floodway mitigation considerations in the project. CDOT has determined that it is necessary to alter this portion of US 160 to increase highway capacity and provide increased safety for the traveling public.

The acquisition of this property began in 2014, however the landowners do not agree with the offer provided by CDOT. On November 25, 2014, CDOT offered \$55,900 for the property. On April 13, 2015 the Rosses countered with \$148,000. On April 17, 2015 CDOT offered to compromise at \$95,000. The Landowner then rejected that offer and asked for \$101,300, to settle the matter. CDOT initially accepted that offer and prepared documents to conclude the matter but the owner failed to sign the settlement.

Based on the foregoing, I submit this written report pursuant to Section 43-1-208(1) and request that the Transportation Commission determine that the proposed changes of the Project serve the public Interest and/or convenience of the traveling public.

If the Transportation Commission determines that the proposed changes will serve the public and/or convenience of the traveling public, I respectfully request that the Transportation Commission enter a resolution upon its minutes, approve the same, and authorize me to tender the Rosses amount of damages, as estimated by me and approved by the Transportation Commission.

Project Number IM -253-234, Location I-25, 120th Avenue to State Highway 7

On March 7, 2016, Bob Grube, Region 4 right-of-way manager, requested that the Attorney General's Office file a condemnation action for Parcels TE-47 and AC-47 because their negotiations with the landowner, Jack Kent Cadillac, had reached an impasse. CDOT would like to have immediate possession of the parcels as soon as possible since the date of advertisement, January 14, 2016, has passed. It is necessary that CDOT have access to the Property to begin critical construction on this Project.

The Project is part of the larger State Highway I-25, 120th Ave. to State Highway 7 project. The Project will widen the highway on both sides. I have determined that it is necessary to alter this portion of I-25 to increase highway capacity and provide increased safety for the traveling public.

The Property 36.32 acres, of vacant land located at approximately I-25 and 128th Avenue in Thornton, CO in Adams County. The legal descriptions of the parcels are attached with this memorandum. Parcel TE-47 is necessary for construction vehicles during the project. It is a temporary easement that will expire within 2 years. Parcel AC-47 will close any point of access onto I-25 pursuant to CDOT's police powers to insure safety on the highway.

The acquisition of this property began in December of 2015; however the landowners are out of the country frequently. On December 17, 2015 CDOT offered \$12,492.00 to the landowner plus an incentive payment of \$3,748, if they would sign the documents by January 7, 2016. The landowner replied with a counteroffer of \$48,000.00 which CDOT could not accept because it is four times greater than the offer it thinks is reasonable.

If the Transportation Commission determines that the proposed changes will serve the public and/or convenience of the traveling public, I respectfully request that the Transportation Commission enter a resolution upon its minutes, approve the same, and authorize me to tender Jack Kent Cadillac the amount of damages, as estimated by me and approved by the Transportation Commission.

Attachments

§43-1-208, C.R.S.

Legal Descriptions of the Parcels

Right-of-Way Plans

Land Acquisition Approval

Proposed Resolution



1 of 4 DOCUMENTS

COLORADO REVISED STATUTES

*** This document reflects changes current through all laws passed at the First Regular Session of the Seventieth General Assembly of the State of Colorado (2015) ***

TITLE 43. TRANSPORTATION
GENERAL AND ADMINISTRATIVE
ARTICLE 1. GENERAL AND ADMINISTRATIVE
PART 2. THE HIGHWAY LAW

GO TO COLORADO STATUTES ARCHIVE DIRECTORY

C.R.S. **43-1-208** (2015)

43-1-208. State highway - damages - eminent domain

(1) The chief engineer, when he deems it desirable to establish, open, relocate, widen, add mass transit to, or otherwise alter a portion of a state highway or when so required by the commission, shall make a written report to the commission describing the portion of the highway to be established, opened, added to, or changed and the portions of land of each landowner to be taken for the purpose and shall accompany his report with a map showing the present and proposed boundaries of the portion of the highway to be established, opened, added to, or changed, together with an estimate of the damages and benefits accruing to each landowner whose land may be affected thereby.

(2) If, upon receipt of such report, the commission decides that public interest or convenience will be served by the proposed change, it shall enter a resolution upon its minutes approving the same and authorizing the chief engineer to tender each landowner the amount of damages, as estimated by him and approved by the commission. In estimating the amount of damages to be tendered a landowner, due account shall be taken of any benefits which will accrue to such landowner by the proposed action. The amount of benefit shall not in any case exceed the amount of damages awarded.

(3) Any person owning land or having an interest in any land over which any proposed state highway extends who is of the opinion that the tender made to him by the transportation commission is inadequate, personally or by agent or attorney on or before ten days from the date of such tender, may file a written request addressed to the transportation commission for a jury to ascertain the compensation which he may be entitled to by reason of damages sustained by altering, widening, changing, or laying out such state highway. Thereupon the transportation commission shall proceed in the acquisition of such premises, under articles 1 to 7 of title 38, C.R.S. The transportation commission also has the power and is authorized to proceed in the acquisition of the lands of private persons for state highway purposes, according to said articles 1 to 7 of title 38, C.R.S., without tender or other proceedings under this part 2.

(4) Notwithstanding any other provision of this section, the commission may not acquire through condemnation any interest in oil, natural gas, or other mineral resources beneath land acquired as authorized by this section except to the extent required for subsurface support.

HISTORY: Source: L. 21: p. 370, § 20.C.L. § 1404.CSA: C. 143, § 111.CRS 53: § 120-3-8. C.R.S. 1963: § 120-3-8.L. 91: (3) amended, p. 1091, § 107, effective July 1.L. 2008: (1) amended and (4) added, p. 628, § 3, effective August 5.

ANNOTATION

Law reviews. For article, "Mineral Ownership Under Highways, Streets, Alleys and Ditches", see 17 Colo. Law. 43 (1988).

Where the state highway department paid into court the amount of an award in condemnation proceedings, it discharged its obligation and was relieved of further responsibility for an unpaid city tax lien assessed for the creation of a local public improvement district. *Southworth v. Dept. of Hwys.*, 176 Colo. 82, 489 P.2d 204 (1971).

Remedy for unlawful taking is against state officer. There is a remedy for an unauthorized and unlawful taking or injury of private land for public use without compensation by a state agency. The remedy is against the state officer, individually, to prevent his unlawful act or for appropriate redress if it has been consummated. *People ex rel. Watrous v. District Court of United States*, 207 F.2d 50 (10th Cir. 1953).

Where the relief sought cannot be granted by preventive action against the state officer and will require affirmative sovereign action by the state, the suit is one against the state. *People ex rel. Watrous v. District Court of United States*, 207 F.2d 50 (10th Cir. 1953).

Neither section 15 of art. II, Colo. Const., nor this section constitutes a consent by the state to be sued for the liability imposed by the constitutional provision for the taking or injury of private property for public use. *People ex rel. Watrous v. District Court of United States*, 207 F.2d 50 (10th Cir. 1953).

The power of eminent domain is an attribute of sovereignty, conditioned by the requirement that just compensation be paid for the taking. *People ex rel. Watrous v. District Court of United States*, 207 F.2d 50 (10th Cir. 1953).

The only authority of the highway commission to sue is conferred by this section and limited solely to proceedings in eminent domain. *Mitchell v. Bd. of Comm'rs*, 112 Colo. 582, 152 P.2d 601 (1944).

This section and section 43-1-217 are valid statutory authority under which the state highway commission may lawfully condemn public or private property within a municipality for the purpose of continuing state highways into or through such city or town. *Town of Greenwood Vill. v. District Court*, 138 Colo. 283, 332 P.2d 210 (1958).

The statutes do not require the consent or agreement of a municipality as a condition precedent to the exercise of the power of eminent domain. *Town of Greenwood Vill. v. District Court*, 138 Colo. 283, 332 P.2d 210 (1958).

Section 43-2-135(1)(j), authorizing resort to agreement concerning the acquisition of property between a municipality and the state highway department, is an optional method and permissible as a substitute for proceedings in condemnation, consent of a municipality is not a prerequisite to condemnation of private property within its corporate limits, nor public property already in use for street purposes, the fee title to which lies in a town. *Town of Greenwood Vill. v. District Court*, 138 Colo. 283, 332 P.2d 210 (1958).

Section does not authorize condemnation of a private way of necessity for property that is not connected with highway alteration but which is deemed necessary to fulfill contractual obligation. *Dept. of Hwys. v. Denver Rio Grande W.R.*, 757 P.2d 181 (Colo. App. 1988), *aff'd on other grounds*, 789 P.2d 1088 (Colo. 1990).

The eminent domain powers granted pursuant to subsection (3), authorizing the transportation commission to acquire the lands of private persons "for state highway purposes", include the authority to condemn lands adjacent to a state highway for construction of a parking and transit facility that is an integral part of a broader state highway

improvement project. Dept. of Transp. v. Stapleton, 97 P.3d 938 (Colo. 2004).

The legislature intended the Colorado department of transportation (CDOT) to have the authority to condemn those properties that are necessary to effectively complete state highway improvements. Dept. of Transp. v. Stapleton, 97 P.3d 938 (Colo. 2004).

In authorizing CDOT to condemn lands needed for "state highway purposes", the general assembly intended that CDOT would have the implied authority to condemn lands for uses bearing a "sufficiently direct functional relationship" to a state highway project. Dept. of Transp. v. Stapleton, 97 P.3d 938 (Colo. 2004).

CDOT has implied statutory authority to condemn lands needed for construction of a parking and transit facility bearing a direct and functional relationship to the state highway improvement project. Dept. of Transp. v. Stapleton, 97 P.3d 938 (Colo. 2004).

As a result of the 2008 legislative expansion of this section, subsection (4) prohibits the transportation commission from acquiring through condemnation a right to any mineral resource beneath land itself acquired through condemnation for highway purposes except to the extent required for subsurface support. Prior to that expansion, subsection (4) did not prohibit such acquisition. Dept. of Transp. v. Gypsum Ranch Co., 244 P.3d 127 (Colo. 2010).

**COLORADO DEPARTMENT OF TRANSPORTATION
REAL PROPERTY**

TO BE ACQUIRED

Parcel Number: TE-4
STA. 105+23.51 Lt. to STA. 105+85.13

FROM

Melvin Cody Ross and Dawn Kathleen Ross
PO Box 311
Pagosa Springs, CO 81147

FOR

Project Code: 19263
Project Number: BR 1602-139
Location: US 160 McCabe Creek Culvert Replacement

EXHIBIT "A"

PROJECT CODE: 19263
PROJECT NUMBER: BR 1602-139
TEMPORARY EASEMENT NUMBER: TE-4
DATE: JANUARY 28, 2016

DESCRIPTION

A temporary easement No. TE-4 of the Department of Transportation, State of Colorado, Project Code 19263, Project Number BR 1602-139, containing 0.050 acres (2,190 sq. ft.), more or less, lying in a portion of Lots 12 and 13, Block 32, in the Town of Pagosa Springs, Colorado, according to the plat thereof filed as Plat No. 25, in the office of the Archuleta County Clerk and Recorder, located in Section 13, Township 35 North, Range 2 West, New Mexico Principal Meridian, Archuleta County, Colorado, said temporary easement being more particularly described as follows:

Commencing at a point on the northerly Right-of-Way of U.S. Highway 160, also being San Juan Street in the said Town of Pagosa Springs, as established on Project NH 160A-019, from which a 3 1/4" diameter aluminum cap in concrete surface stamped "C.D.O.T. PROJ NO. 18278 PLS 37932 Point No. 409, being a point on the said northerly Right-of-Way of U.S. Highway 160, bears S 89°03'52" E, a distance of 281.30 feet, to the TRUE POINT OF BEGINNING;

1. Thence N 00°00'00" E, a distance of 71.12 feet;
2. Thence S40°30'04" E, a distance of 94.85 feet;
3. Thence S 89°03'52" E, a distance of 61.61 feet, to the TRUE POINT OF BEGINNING.

The above described temporary easement contains 0.050 acres (2,190 sq. ft.), more or less.

The purpose and use of said temporary easement is for construction of related highway improvements.

Basis of Bearings: Bearings used in the calculations of coordinates are based on a state plane grid bearing of S 89°03'52" E from found ROW Marker point number 408 to found ROW Marker point number 409. Both monuments are C.D.O.T. 3 1/4" diameter aluminum caps flush in concrete sidewalk stamped Project number 18278, as shown on C.D.O.T. Project NH 160A-019 Right of Way Plans.

Prepared for and on behalf of the Colorado Department of Transportation
Jeff J. Redfern, PLS #27937
Farnsworth Group, Inc.
1099 Main Ave., Suite 302
Durango, CO 81301



**COLORADO DEPARTMENT OF TRANSPORTATION
REAL PROPERTY**

TO BE ACQUIRED

Parcel Number: PE-4
STA. 105+03.51 Lt. to STA. 105+23.51

FROM

Melvin Cody Ross and Dawn Kathleen Ross
PO Box 311
Pagosa Springs, CO 81147

FOR

Project Code: 19263
Project Number: BR 1602-139
Location: US 160 McCabe Creek Culvert Replacement

EXHIBIT "A"

PROJECT CODE: 19263
PROJECT NUMBER: BR 1602-139
PERMANENT EASEMENT NUMBER: PE-4
DATE: MAY 27, 2014

DESCRIPTION

A permanent easement No. PE-4 of the Department of Transportation, State of Colorado, Project Code 19263, Project Number BR 1602-139, containing 0.029 acres (1,276 sq. ft.), more or less, lying in a portion of Lot 13, Block 32, in the Town of Pagosa Springs, Colorado, according to the plat thereof filed as Plat No. 25, in the office of the Archuleta County Clerk and Recorder, located in Section 13, Township 35 North, Range 2 West, New Mexico Principal Meridian, Archuleta County, Colorado, said permanent easement being more particularly described as follows:

Beginning at a point on the northerly Right-of-Way of U.S. Highway 160, also being San Juan Street in the said Town of Pagosa Springs, as established on Project NH 160A-019, from which a 3 ¼" diameter aluminum cap in concrete surface stamped "C.D.O.T. PROJ NO. 18278 PLS 37932 Point No. 409, being a point on the said northerly Right-of-Way of U.S. Highway 160, bears S 89°03'52" E, a distance of 301.31 feet;

1. Thence N 00°00'00" E, a distance of 64.56 feet;
2. Thence N 34°35'52" W, a distance of 8.06 feet;
3. Thence S 61°09'56" W, a distance of 28.05 feet;
4. Thence S 00°00'00" E, a distance of 57.99 feet, to a point on the said northerly Right-of-Way of U.S. Highway 160;
5. Thence along said northerly Right-of-Way of U.S. Highway 160, N 89°03'52" W, a distance of 20.00 feet, to the POINT OF BEGINNING.

The above described permanent easement contains 0.029 acres (1,276 sq. ft.), more or less.

The purpose and use of said permanent easement is for construction, maintenance, and access for McCabe Creek channel and sub-terrain structures in favor of CDOT.

Basis of Bearings: Bearings used in the calculations of coordinates are based on a state plane grid bearing of S 89°03'52" E from found ROW Marker point number 408 to found ROW Marker point number 409. Both monuments are C.D.O.T. 3 1/4" diameter aluminum caps flush in concrete sidewalk stamped Project number 18278, as shown on C.D.O.T. Project NH 160A-019 Right of Way Plans.

Prepared for and on behalf of the
Colorado Department of Transportation
Jeff J. Redfern, PLS #27937
Farnsworth Group, Inc.
1099 Main Ave., Suite 302
Durango, CO 81301



**COLORADO DEPARTMENT OF TRANSPORTATION
REAL PROPERTY**

TO BE ACQUIRED

Parcel Number: PE-4A
STA. 104+49.88 Lt. to STA. 105+23.51

FROM

Melvin Cody Ross and Dawn Kathleen Ross
PO Box 311
Pagosa Springs, CO 81147

FOR

Project Code: 19263
Project Number: BR 1602-139
Location: US 160 McCabe Creek Culvert Replacement

EXHIBIT "A"

PROJECT CODE: 19263
PROJECT NUMBER: BR 1602-139
PERMANENT EASEMENT NUMBER: PE-4A
DATE: MAY 27, 2014

DESCRIPTION

A permanent easement No. PE-4A of the Department of Transportation, State of Colorado, Project Code 19263, Project Number BR 1602-139, containing 0.042 acres (1,839 sq. ft.), more or less, lying in a portion of Lot 13, Block 32 and also the East Half of Sixth Street as vacated by Ordinance No. 405, all in the Town of Pagosa Springs, Colorado, according to the plat thereof filed as Plat No. 25, in the office of the Archuleta County Clerk and Recorder, located in Section 13, Township 35 North, Range 2 West, New Mexico Principal Meridian, Archuleta County, Colorado, said permanent easement being more particularly described as follows:

Commencing at a point on the northerly Right-of-Way of U.S. Highway 160, also being San Juan Street in the said Town of Pagosa Springs, as established on Project NH 160A-019, from which a 3 1/4" diameter aluminum cap in concrete surface stamped "C.D.O.T. PROJ NO. 18278 PLS 37932 Point No. 409, being a point on the said northerly Right-of-Way of U.S. Highway 160, bears S 89°03'52" E, a distance of 301.31 feet; Thence N 00°00'00" E, a distance of 64.56 feet; Thence N 34°35'52" W, a distance of 8.06 feet, to the TRUE POINT OF BEGINNING;

1. Thence N 34°35'52" W, a distance of 26.32 feet;
2. Thence N 53°42'23" W, a distance of 39.97 feet, to a point on the westerly line of said East Half of Sixth Street as vacated by Ordinance No. 405;
3. Thence along the westerly line of said East Half of Sixth Street as vacated by Ordinance No. 405, N 00°56'08" E, a distance of 24.52 feet;
4. Thence S 53°42'23" E, a distance of 57.53 feet;
5. Thence S 34°35'52" E, a distance of 43.98 feet;
6. Thence S 00°00'00" E, a distance of 13.13 feet;
7. Thence N 61°09'56" W, a distance of 28.05 feet, to the TRUE POINT OF BEGINNING.

The above described permanent easement contains 0.042 acres (1,839 sq. ft.), more or less.

The purpose and use of said permanent easement is for construction, maintenance, and access for McCabe Creek channel in favor of CDOT.

Basis of Bearings: Bearings used in the calculations of coordinates are based on a state plane grid bearing of S 89°03'52" E from found ROW Marker point number 408 to found ROW Marker point number 409. Both monuments are C.D.O.T. 3 1/4" diameter aluminum caps flush in concrete sidewalk stamped Project number 18278, as shown on C.D.O.T. Project NH 160A-019 Right of Way Plans.

Prepared for and on behalf of the Colorado Department of Transportation
Jeff J. Redfern, PLS #27937
Farnsworth Group, Inc.
1099 Main Ave., Suite 302
Durango, CO 81301



Colorado Department of Transportation
 3803 North Main Avenue
 Suite 300
 Durango, CO 81301
 Phone: 970-385-1400 FAX: 970-385-1410
 Region 5 TCJ

Sheet Revisions			Sheet Revisions		
Date	Description	Initials	Date	Description	Initials
09/21/15	Revised Sheets 2.02, 5.01, 7.01, 7.02, 8.01	JJR	mm/dd/yy	XXXXXXXX	XXX
02/22/16	Revised Sheets 2.02, 4.02, 4.03, 5.01, 7.01, 8.01	JJR			
02/22/16	Added Sheet 7.01A	JJR			

Farnsworth GROUP
 ENGINEERS ARCHITECTS SURVEYORS SCIENTISTS
 1099 Main Ave, Suite 302
 DURANGO, CO 81301
 (970) 403-5822 / (719) 590-9111 Fax
 www.f-w.com

Right of Way Plans			
Title Sheet			
Project Number: BR 1602-139			
Project Location: US 160 McCABE CREEK			
CULVERT REPLACEMENT			
Project Code:	Last Mod. Date	Subset	Sheet No.
19263	02-22-16	1.01 of 1.01	1.01

DEPARTMENT OF TRANSPORTATION STATE OF COLORADO

PROPOSED RIGHT OF WAY PLANS OF STATE HIGHWAY PROJECT NO. BR 1602-139

U.S. HIGHWAY NO. 160
 ARCHULETA COUNTY
 in Section 13, T. 35 N., R 2 W. of the N.M.P.M.
 R.O.W. Length of Project = 0.01 Miles

SHEET NO.	INDEX OF SHEETS
1.01	(1) Title Sheet
2.01-2.02	(2) Tabulation of Properties
BY OTHERS	(NA) Project Control Diagram (Not Included)
4.01-4.03	(3) Land Survey Control Diagram
5.01	(1) Monumentation Sheets
7.01, 7.01A, 7.02	(3) Plan Sheets
8.01	(1) Ownership Map

Scales of Original 11x17 Drawings
 Plan Sheets 1"=40'
 Land Survey Control Diagram Plan Sheet 1"=100'
 Project Control Diagram Plan Sheet (NA)
 Ownership Map 1"=100'

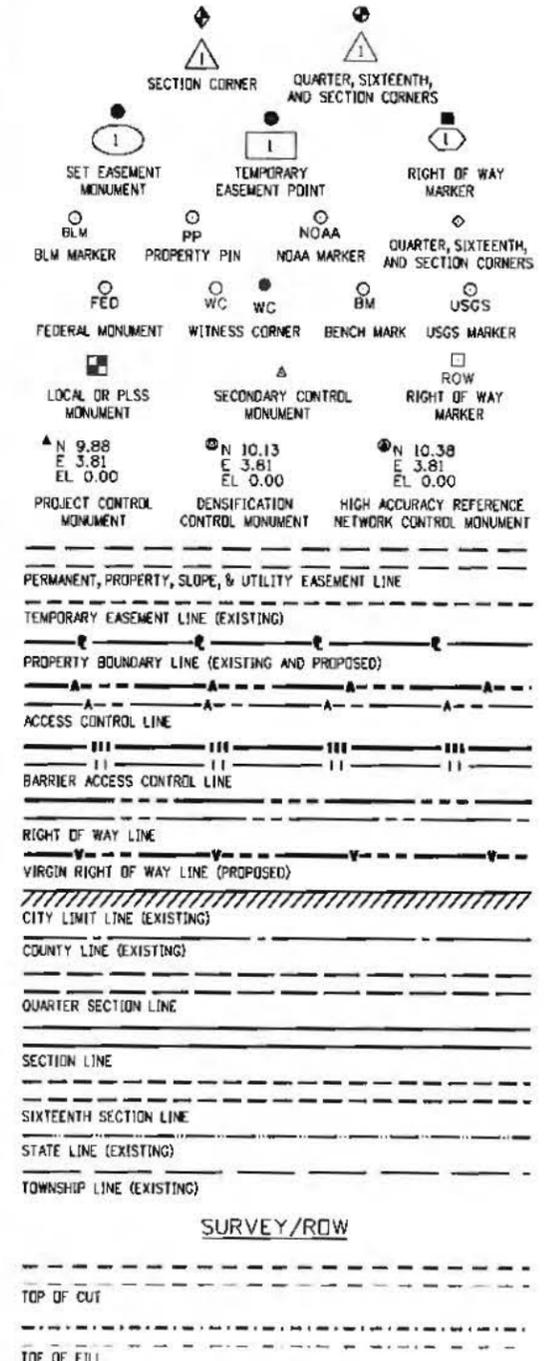
The Project Control used to establish this Right of Way plans set was originally established by CDOT under Project NH 160A-019, 18278, 8th St. Signal install in Pagosa. The Project Control Diagram can be obtained from CDOT Region 5 Survey Coordinator and Archuleta County Surveyor deposit plats.

Basis of Bearings: Bearings used in the calculations of coordinates are based on a state plane grid bearing of S89°03'52"E from found ROW Marker point number 408 to found ROW Marker point number 409. Both monuments are C.D.O.T. 3/4" diameter aluminum caps flush in concrete sidewalk stamped Project number 18278, as shown on C.D.O.T. Project NH 160A-019 Right of Way Plans.

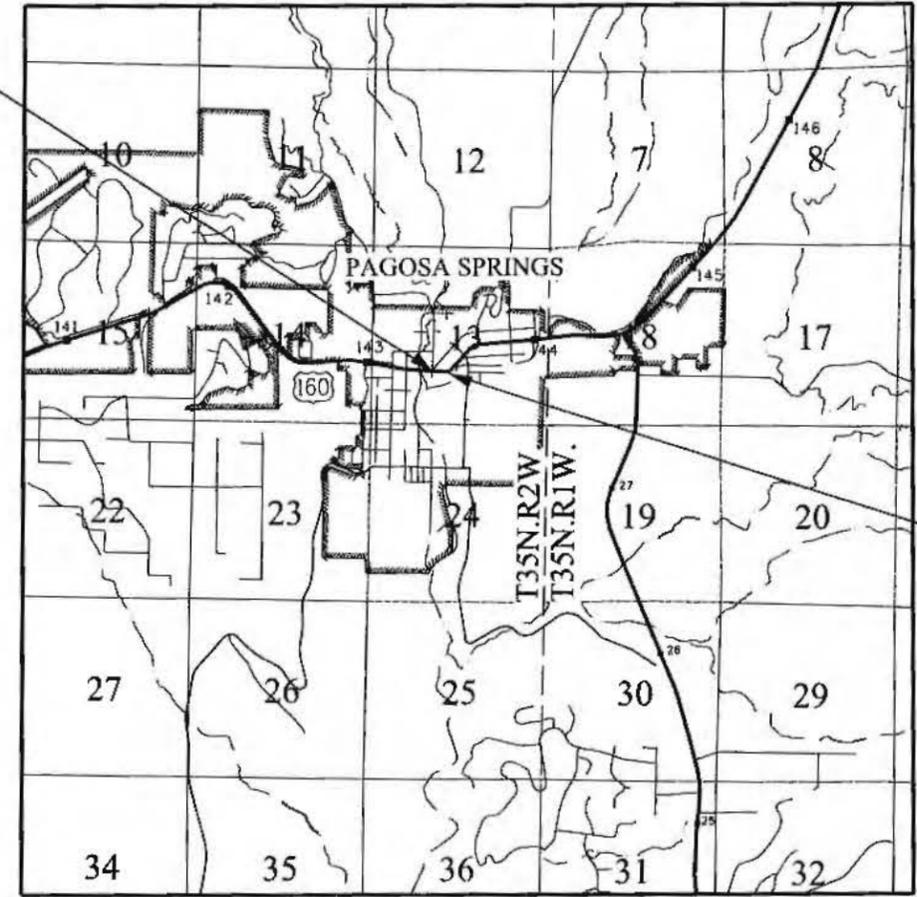
- This Right-of-Way Plan is not a boundary survey of the adjoining property and is prepared for the Colorado Department of Transportation purposes only.
- For title information, Farnsworth Group, Inc. relied on title commitments prepared by High Country Title, Inc. (supplied by CDOT)
- This plan set is subject to change and may not be the most current set. It is the user's responsibility to verify with CDOT 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.
- This right-of-way survey meets the minimum accuracy tolerances for CDOT Class B - Secondary as defined in Chapter 5 of the CDOT Survey Manual, dated Nov. 2011.

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.

FILING CERTIFICATION: DAY OF _____ AT _____ M.,
 DEPOSITED THIS _____ OF THE COUNTY LAND SURVEYS/RIGHT OF WAY
 IN BOOK _____ RECEPTION NUMBER _____
 SIGNED _____ DEPT. _____



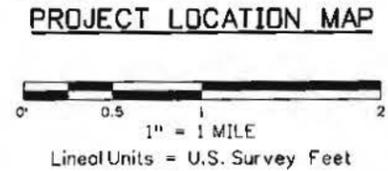
Begin ROW Project Station: 102+89.50
 M.P.: 143.29



End ROW Project Station 108+00.00
 M.P.: 143.30

COLORADO DEPARTMENT OF TRANSPORTATION
 STATE HIGHWAY PROJECT
 ROW PLANS AUTHORIZED: _____ DATE _____

 CDOT ROW MANAGER



SURVEYOR STATEMENT (ROW PLAN)

I, Jeff J. Redfern, 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 guaranty or warranty, either expressed or implied.

PLS No. 27937

Note: For a 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.

2/23/2016 \$PLOT_INFORMS

Colorado Department of Transportation
 3803 North Main Avenue
 Suite 300
 Durango, CO 81301
 Phone: 970-385-1400 FAX: 970-385-1410
 Region 5 TCJ

Sheet Revisions			Sheet Revisions		
Date	Description	Initials	Date	Description	Initials
mm/dd/yy	XXXXXXXX	XXX	mm/dd/yy	XXXXXXXX	XXX

Farnsworth GROUP
 1099 Main Ave, Suite 302
 DURANGO, CO 81301
 (970) 403-5822 / (719) 590-9111 Fax
 www.f-w.com

Right of Way Plans Tabulation of Properties			
Project Number: BR 1602-139			
Project Location: US 160 McCABE CREEK			
CULVERT REPLACEMENT			
Project Code:	Last Mod. Date:	Sheet No.:	
19263	06-09-14	2.01 of 2.02	2.01

Tabulation of Properties

R.O.W. TABULATION OF PROPERTIES IN ARCHULETA COUNTY U.S. HIGHWAY NO. 160

Parcel No.	Owner Mailing Address	Site Address County Parcel No.	Location	Area In Acres (Sq. Ft.)				Book and Page No. And/Or Reception No.	Title Commitment No.	Remarks
				Area Of Parcel	Existing ROW	Net Area	Remainder Left			
TE-1	RAM Hydraulics, LLC W349 N8830 Norwegian Road Oconomowoc, WI. 53066	618 San Juan Street Pagosa Springs, CO 81147 569913307011	T. 35 N., R. 2 W., N.M.P.M. SEC.13 West 20' of Lot 9 and East 15' of Lot 10 Block 33 Town of Pagosa Springs plat filed under Plat No.25	0.037 (1,591 sq.ft.)					PC2014004546	Temporary Easement required for the construction of the channel improvements along McCabe Creek and related highway improvements.
RW-2	Eric Stooks PO Box 315 Hastings, NY 13078	610 San Juan Street Pagosa Springs, CO 81147 569913307012	T. 35 N., R. 2 W., N.M.P.M. SEC.13 West 20' of Lot 8 and East 30' of Lot 9 Block 33 Town of Pagosa Springs plat filed under Plat No.25	0.086 (3,757 sq.ft.)			0.086 (3,743 sq.ft.)		PC201404003339	Remainder calculated from original Town of Pagosa Subdivision Plat No. 25 and boundary survey evidence
PE-2	(same as above)	(same as above)	(same as above)	0.017 (755 sq.ft.)						Permanent Easement for construction, maintenance, and access for McCabe Creek channel in favor CDOT.
TE-2	(same as above)	(same as above)	(same as above)	0.014 (599 sq.ft.)						Temporary Easement required for building demolition, and construction of channel improvements along McCabe Creek and related highway improvements.
RW-3	Main Street Rentals, LLC A Colorado Limited Liability Company 21 Pike Drive Pagosa Springs, CO 81147	602 San Juan Street Pagosa Springs, CO 81147 569913307013	T. 35 N., R. 2 W., N.M.P.M. SEC.13 East 40' of Lot 8 Block 33 and all that part of the West half of 6th Street lying East of and adjacent to said Lot 8 Block 33 Town of Pagosa Springs plat filed under Plat No.25	0.258 (11,250 sq.ft.)			0.00		PC201404003341	RW-3 is a total acquisition of the existing parcel. Area calculated from original Town of Pagosa Subdivision Plat No. 25 and boundary survey evidence
RW-4	Melvin Cody Ross and Dawn Kathleen Ross PO Box 311 Pagosa Springs, CO 81147	524 San Juan Street Pagosa Springs, CO 81147 569913306004	T. 35 N., R. 2 W., N.M.P.M. SEC.13 Lot 11 LESS AND EXCEPT the East 15' thereof and all of Lots 12 and 13 Block 32 Town of Pagosa Springs plat filed under Plat No.25 Also the East half of 6th Street vacated by Ordinance No.405	0.115 (4,997 sq.ft.)			0.505 (22,003 sq.ft.)		PC201404003334	Remainder calculated from original Town of Pagosa Subdivision Plat No. 25
PE-4	(same as above)	(same as above)	(same as above)	0.029 (1,278 sq.ft.)						Permanent Easement for construction, maintenance, and access for McCabe Creek channel and sub-terrain structures in favor of CDOT.
PE-4A	(same as above)	(same as above)	(same as above)	0.042 (1,839 sq.ft.)						Permanent Easement for construction, maintenance, and access for McCabe Creek channel in favor of CDOT.
TE-4	(same as above)	(same as above)	(same as above)	0.050 (2,190 sq.ft.)						Temporary Easement required for the construction of related highway improvements.

6/9/2014

Colorado Department of Transportation
 3803 North Main Avenue
 Suite 300
 Durango, CO 81301
 Phone: 970-385-1400 FAX: 970-385-1410
 Region 5 TCJ

Sheet Revisions		
Date	Description	Initials
09/21/15	Added TE-7A & RW-7	JR
09/21/15	Added RW-7 Title Commitment	JR
02/22/16	Added 10-RM Ownership/Title	JR

Sheet Revisions		
Date	Description	Initials
mm/dd/yy	XXXXXXXX	XXX

Farnsworth GROUP
 ENGINEERS ARCHITECTS SURVEYORS SCIENTISTS
 1099 Main Ave, Suite 302
 DURANGO, CO 81301
 (970) 403-5822 / (719) 590-9111 Fax
 www.f-w.com

Right of Way Plans			
Tabulation of Properties			
Project Number: BR 1602-139			
Project Location: US 160 McCABE CREEK			
CULVERT REPLACEMENT			
Project Code:	Last Mod. Date:	Subset:	Sheet No.:
19263	02/22/16	2.02 of 2.02	2.02

Tabulation of Properties
R.O.W. TABULATION OF PROPERTIES IN ARCHULETA COUNTY U.S. HIGHWAY NO. 160

Parcel No.	Owner Mailing Address	Site Address County Parcel No.	Location	Area in Acres (Sq. Ft.)					Book and Page No. And/Or Reception No.	Title Commitment No.	Remarks
				Area Of Parcel	Existing ROW	Net Area	Remainder Left	Remainder Right			
RW-5	BWD, LLC A Colorado Limited Liability Company 841 Hersche Ave. Pagosa Springs, CO 81147	140 S. 6th Street Pagosa Springs, CO 81147 569913317008	T. 35 N., R. 2 W., N.M.P.M. SEC.13 Lots 5,6 Block 41 Town of Pagosa Springs plat filed under Plat No.25 TOGETHER WITH vacated portion of Alley described under Rec# 98001790	0.399 (17,359 sq.ft.)				0.000		PC201404003340	RW-5 is a total acquisition of the existing parcel. Area calculated from original Town of Pagosa Subdivision Plat No. 25 and boundary survey evidence
RW-6	BWD, LLC A Colorado Limited Liability Company 841 Hersche Ave. Pagosa Springs, CO 81147	140 S. 6th Street Pagosa Springs, CO 81147 569913317008	T. 35 N., R. 2 W., N.M.P.M. SEC.13 Lots 13,14 Block 41 Town of Pagosa Springs plat filed under Plat No.25 LESS AND EXCEPT that part of Lot 14 described under Rec# 98001789	0.326 (14,182 sq.ft.)				0.000		PC201404003340	RW-6 is a total acquisition of the existing parcel. Area calculated from original Town of Pagosa Subdivision Plat No. 25 and boundary survey evidence
PE-7	OZ Investment Partners, LLC A Colorado Limited Liability Company 6851 County Road 500 Pagosa Springs, CO 81147	511 San Juan Street Pagosa Springs, CO 81147 569913317002	T. 35 N., R. 2 W., N.M.P.M. SEC.13 Lots 3,4 and the North 85' of Lots 1,2 Block 41 Town of Pagosa Springs plat filed under Plat No.25	0.001 (50 sq.ft.)					21502757	PC201404003335	Permanent Easement for construction, maintenance, and sub-terrain structures in favor of CDOT.
TE-7	(same as above)	(same as above)	(same as above)	0.067 (2,925 sq.ft.)							Temporary Easement required for the construction of detour, related highway improvements and building demolition, channel improvements along McCabe Creek.
TE-7A	(same as above)	(same as above)	(same as above)	0.085 (3,689 sq.ft.)							Temporary Easement required for the construction of related highway improvements and building demolition, channel improvements along McCabe Creek.
RW-7	(same as above)	(same as above)	(same as above)	0.157 (6,836 sq.ft.)				0.402 (17,523 sq.ft.)		PC201512026847	Remainder area calculated from original Town of Pagosa Subdivision Plat No. 25 and boundary survey evidence
TE-8	Randolph M. Moity, Sr. and Donna D. Moity PO Box 53629 Lafayette, LA. 70505-3629	151 S. 5th Street Pagosa Springs, CO 81147 569913317001	T. 35 N., R. 2 W., N.M.P.M. SEC.13 TRACT 1: Lots 7,8 Block 41 Town of Pagosa Springs plat filed under Plat No.25	0.068 (2,948 sq.ft.)						PC201404003337	Temporary Easement required for the construction of detour and related highway improvements.
TE-9	Randolph M. Moity, Sr. and Donna D. Moity PO Box 53629 Lafayette, LA. 70505-3629	151 S. 5th Street Pagosa Springs, CO 81147 569913317001	T. 35 N., R. 2 W., N.M.P.M. SEC.13 TRACT 1: South 65' of Lots 1,2 Block 41 Town of Pagosa Springs plat filed under Plat No.25	0.165 (7,185 sq.ft.)						PC201404003337	Temporary Easement required for parking, detour and construction related highway improvements.
10-RM	Heidi N. Sinha, Ajay Sinha, Mark E. Wilsey and Seth Wilsey PO Box 902 Pagosa Springs, CO 81147	149 N. 7th Street Pagosa Springs, CO 81147 569913307014	T. 35 N., R. 2 W., N.M.P.M. SEC.13 Lots 6 and 7 of Block 33 Town of Pagosa Springs plat filed under Plat No.25	0.344 (15,000 sq.ft.)			0.000			PC201601000726	10-RM is a total acquisition of the existing parcel. Area calculated from original Town of Pagosa Subdivision Plat No. 25 and boundary survey evidence

2/23/2016

Sheet Revisions		
Date	Description	Initials
mm/dd/yy	XXXXXXXX	XXX

Sheet Revisions		
Date	Description	Initials
mm/dd/yy	XXXXXXXX	XXX

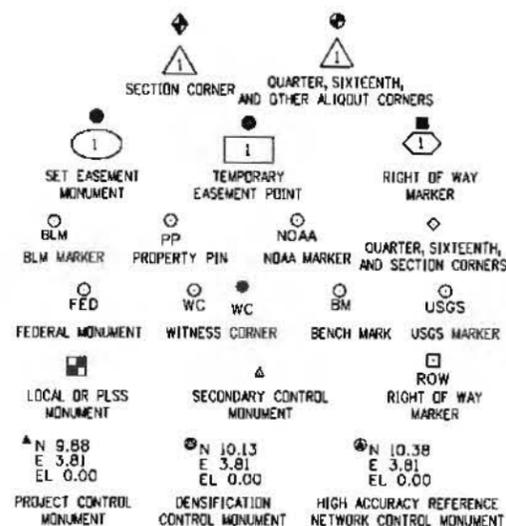
Land Survey Control Diagram			
Title Sheet			
Project Number: BR 1602-139			
Project Location: US 160 McCABE CREEK			
CULVERT REPLACEMENT			
Project Code:	Last Mod. Date:	Subset:	Sheet No.:
19263	05-15-14	4.01 of 4.03	4.01

DEPARTMENT OF TRANSPORTATION STATE OF COLORADO

SHEET NO.	INDEX OF SHEETS
4.01-4.03	(1) Title Sheet
4.02-4.03	(1) Monument Coordinate Tables
4.03-4.03	(1) Plan Sheet
(3) Total Sheets	

LAND SURVEY CONTROL DIAGRAM

State Highway 160 MP 143.29 to 143.30
 Section 13
 Township 35 North, Range 2 West
 of the New Mexico Principal Meridian
 County of Archuleta



General Notes:

- This Land Survey Control Diagram is not a boundary survey of the adjoining properties and is prepared for the Colorado Department of Transportation purposes only.
- This plan set is subject to change and may not be the most current set. It is the user's responsibility to verify with CDOT 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.
- Refer to the M-629-1 Survey Monuments of the Standard Plans dated July, 2012 found in The Colorado Department of Transportation, M & S Standards for typical survey monument descriptions.
- All Coordinates listed are PROJECT COORDINATES only. Coordinates are carried out to two decimal places for calculations purposes and do not represent survey precision. Survey precision meets C.D.O.T. "B" order precision.

The Project Control used to establish this Right of Way plans set was originally established by CDOT under Project NH 160A-019, 18278, 8th St. Signal install in Pagosa. The Project Control Diagram can be obtained from CDDT Region 5 Survey Coordinator and Archuleta County Surveyor deposit plats.

Basis of Bearings: Bearings used in the calculations of coordinates are based on a state plane grid bearing of S89°03'52"E from found ROW Marker point number 408 to found ROW Marker point number 409. Both monuments are C.D.O.T. 3/4" diameter aluminum caps flush in concrete sidewalk stamped Project number 18278, as shown on C.D.O.T. Project NH 160A-019 Right of Way Plans.

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.

SURVEYOR STATEMENT (LAND SURVEY CONTROL DIAGRAM)

I, Jeff J. Redfern, a professional land surveyor licensed in the State of Colorado, do hereby state to the Colorado Department of Transportation this Land Survey Control Diagram was prepared and the field survey it represents was performed under my responsible charge and, based upon my knowledge, information and belief is in accordance with applicable standards of practice defined by Colorado Department of Transportation publications. This statement is not a guaranty or warranty, either expressed or implied.

PLS No. 27937

Sheet Revisions		
Date	Description	Initials
02/22/16	Added Boundary evidence PT#4101	JR

Sheet Revisions		
Date	Description	Initials
mm/dd/yy	XXXXXXXX	XXX

○
PP

FOUND BOUNDARY MONUMENT COORDINATE TABLE			
Point No.	Northing(ft)	Easting(ft)	Description
306	566221.80	1247654.31	3" DIA. METAL AXLE, 0.6' below ground
308	565978.22	1247972.73	3/4" REBAR FLUSH WITH ASPHALT
309	565965.94	1247991.30	2" ALUMINUM CAP FLUSH WITH ASPHALT STAMPED PINNACLE SURVEYING PLS 34996
316	566369.48	1247777.35	1.5" ALUMINUM CAP ON 5/8" REBAR STAMPED LS 31926, 0.3' above ground
317	566368.80	1247815.91	3/4" METAL ROD, LYING ON THE SIDE, 1.0' below ground
318	566142.85	1247593.80	1" BRASS WASHER IN CONCRETE DRIVE STAMPED LS 23894
319	566144.29	1247493.51	1" PLASTIC CAP STAMPED DAVIS ENG LS 23894, flush with ground
320	566137.88	1247883.68	1.5" ALUMINUM CAP (STAMPING NOT LEGIBLE), flush with asphalt
321	565979.47	1247881.14	2" ALUMINUM CAP STAMPED PINNACLE SURVEYING PLS 34996, flush with asphalt
322	565959.79	1247880.69	3/4" REBAR FLUSH WITH ASPHALT
323	565985.74	1247991.25	2" ALUMINUM CAP STAMPED PINNACLE SURVEYING PLS 34996, flush with asphalt
324	566132.70	1248203.41	5/8" REBAR (BENT) NEAR OLD CONCRETE LIGHT POLE BASE, 0.3' above ground
325	566367.72	1247887.27	1" PLASTIC CAP ON 1/2" REBAR STAMPED LS 18977, 0.3' above ground
327	565958.20	1247972.13	1.5" ALUMINUM CAP STAMPED LS 29470, flush with asphalt
329	566219.23	1247849.50	1.5" ALUMINUM CAP (STAMPING NOT LEGIBLE), flush with ground
1028	566066.10	1247882.44	1.5" ALUMINUM CAP (STAMPING NOT LEGIBLE), flush with ground
1036	566135.90	1247893.73	2" ALUMINUM CAP STAMPED PINNACLE SURVEYING PLS 34996, flush with asphalt
1050	565984.36	1248091.26	2" ALUMINUM CAP STAMPED PINNACLE SURVEYING PLS 34996, flush with asphalt
1052	566047.96	1248202.04	1" PLASTIC CAP ON 1/2" REBAR (STAMPED NOT LEGIBLE), 0.4' above ground
4101	566488.92	1247819.44	METAL SPIKE IN MOUND OF STONES
40003	565982.87	1248200.83	1" PLASTIC CAP ON 1/2" REBAR (STAMPING NOT LEGIBLE), 0.4' below ground
40004	565965.14	1248050.64	1/2" REBAR, 0.4' below ground

□
ROW

FOUND R.O.W. MONUMENT COORDINATE TABLE			
Point No.	Northing(ft)	Easting(ft)	Description
408	566223.230	1247558.996	CDOT Monument - 3 1/4" ALUMINUM CAP STAMPED PROJ NO. 18278 PLS 37932, flush in concrete surface
409	566212.687	1248204.719	CDOT Monument - 3 1/4" ALUMINUM CAP STAMPED PROJ NO. 18278 PLS 37932, flush in concrete surface
423	566143.350	1247550.980	CDOT Monument - 3 1/4" ALUMINUM CAP STAMPED PROJ NO. 18278 PLS 37932, flush in asphalt surface
324WC	566132.763	1248199.411	CDOT Monument - 3 1/4" ALUMINUM CAP STAMPED PROJ NO. 18278 PLS 37932 (4' WC), flush in concrete surface

▲

PROJECT COORDINATE TABLE				
Point No.	Project Coordinates		Elev(ft) (NAVD88)	Description
	Northing(ft)	Easting(ft)		
100	566217.245	1248084.082	7077.97	PK Nail in asphalt
14312	566300.113	1247302.462	7098.61	CDOT Type II monument with 3 1/4" aluminum cap
14322	566102.965	1247871.754	7077.09	PK Nail in asphalt

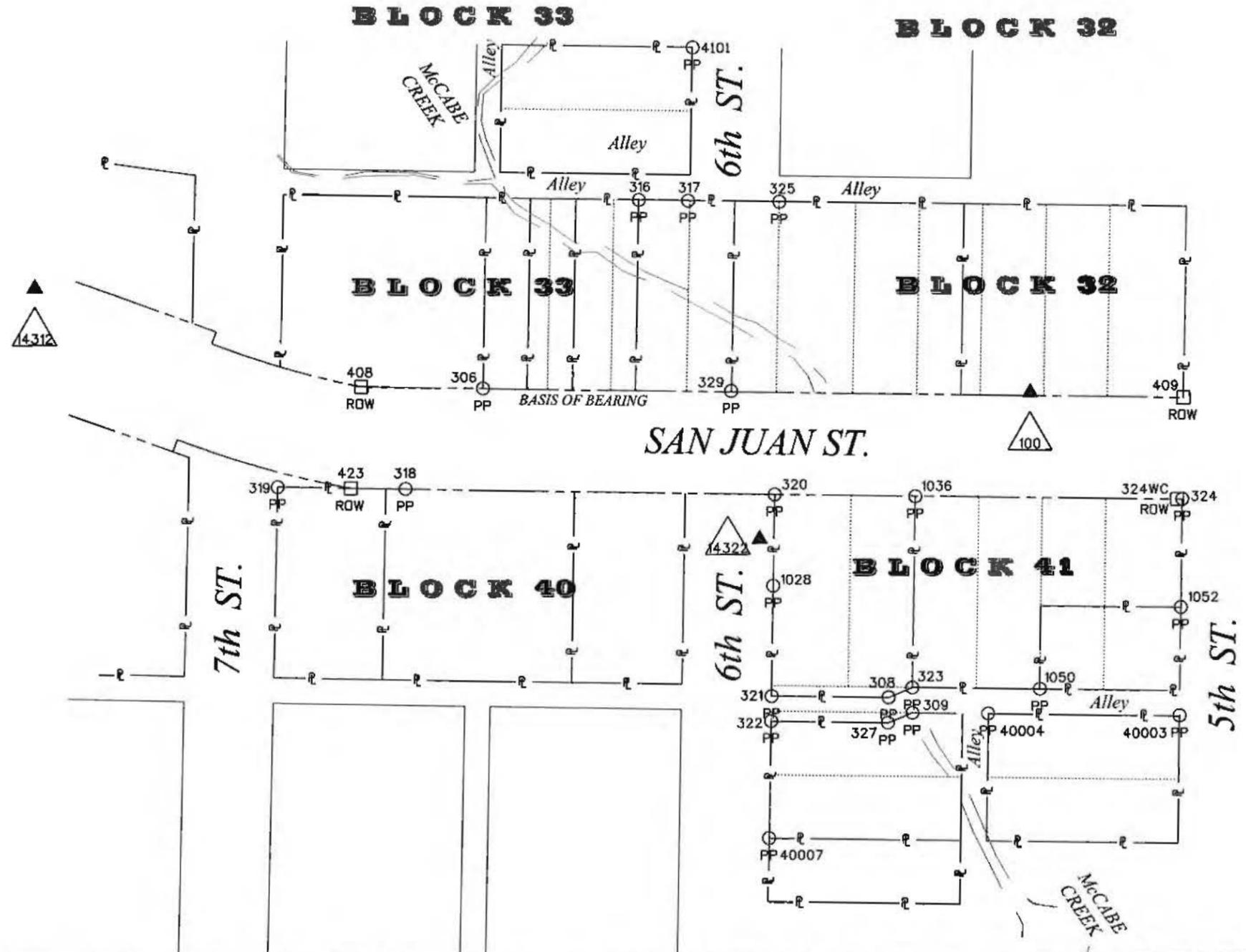
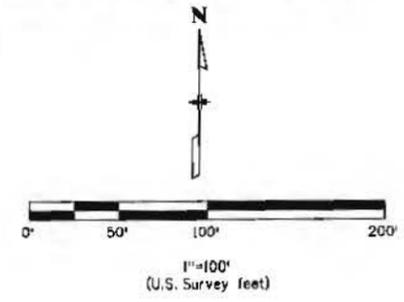
Sheet Revisions		
Date	Description	Initials
02/22/16	Added property line/Boundary Pt#4101	JR

Sheet Revisions		
Date	Description	Initials
	XXXXXXXX	XXX

Land Survey Control Diagram			
Plan Sheet			
Project Number: BR 1602-139			
Project Location: US 160 McCABE CREEK			
CULVERT REPLACEMENT			
Project Code:	Last Mod. Date:	Subset:	Sheet No.:
19263	02/22/16	4.03 of 4.03	4.03

TOWNSITE OF PAGOSA SPRINGS

T.35N., R.2W., SECTION 13, N.M.P.M.



2/23/2016

Sheet Revisions			Sheet Revisions		
Date	Description	Initials	Date	Description	Initials
09/21/15	Deleted pls 511, 710, 715 Added pls. 512-514, 718-720	JR			
02/22/16	for additional IE-7A, RW-7 Added pls 515-518	JR			

TABULATION OF R.O.W. MONUMENTS TO BE SET

Point No.	Northing(ft)	Easting(ft)	Description
500	566219.71	1247774.84	Type I CDOT Monument - PLS 27937
501	566268.27	1247775.60	Type I CDOT Monument - PLS 27937
502	566323.65	1247726.53	Type I CDOT Monument - PLS 27937
503	566370.50	1247727.29	Type I CDOT Monument - PLS 27937
504	566368.46	1247852.28	Type I CDOT Monument - PLS 27937
505	566334.13	1247851.71	Type I CDOT Monument - PLS 27937
506	566310.47	1247883.93	Type I CDOT Monument - PLS 27937
507	566282.17	1247903.45	Type I CDOT Monument - PLS 27937
508	566217.61	1247903.45	Type I CDOT Monument - PLS 27937
509	565965.09	1248030.76	Type I CDOT Monument - PLS 27937
510	565865.11	1248029.13	Type I CDOT Monument - PLS 27937
512	566135.76	1248015.70	Type I CDOT Monument - PLS 27937
513	566069.64	1248040.14	Type I CDOT Monument - PLS 27937
514	565984.76	1248051.24	Type I CDOT Monument - PLS 27937
515	566389.03	1247817.55	Type I CDOT Monument - PLS 27937
516	566391.48	1247667.57	Type I CDOT Monument - PLS 27937
517	566491.47	1247669.20	Type I CDOT Monument - PLS 27937
518	566489.02	1247819.18	Type I CDOT Monument - PLS 27937



TABULATION OF PERMANENT EASEMENT MONUMENTS TO BE SET

Point No.	Northing(ft)	Easting(ft)	Description
600	566251.17	1247775.35	Type 6 CDOT Monument - PLS 27937
601	566308.55	1247726.28	Type 6 CDOT Monument - PLS 27937
602	566358.65	1247852.12	Type 6 CDOT Monument - PLS 27937
603	566324.60	1247898.48	Type 6 CDOT Monument - PLS 27937
604	566288.40	1247923.45	Type 6 CDOT Monument - PLS 27937
605	566275.27	1247923.45	Type 6 CDOT Monument - PLS 27937
606	566217.28	1247923.45	Type 6 CDOT Monument - PLS 27937
607	566288.80	1247898.88	Type 6 CDOT Monument - PLS 27937
608	565995.74	1247991.42	Type 6 CDOT Monument - PLS 27937
609	565985.58	1248001.25	Type 6 CDOT Monument - PLS 27937



TABULATION OF TEMPORARY EASEMENT POINTS TO BE STAKED

Point No.	Northing(ft)	Easting(ft)
700	566318.46	1247726.44
701	566329.40	1247706.25
702	566328.40	1247691.05
703	566371.08	1247691.75
704	566216.27	1247985.05
705	566136.07	1247997.01
706	566010.68	1247995.19
707	566009.11	1248091.52
708	566049.50	1248092.18
709	565982.32	1248200.96
711	565947.32	1248200.39
712	565949.44	1248070.51
713	565914.45	1248069.94
714	565914.77	1248049.94
716	566219.95	1247759.84
717	566268.38	1247760.63
718	566134.94	1248085.94
719	566009.55	1248084.04
720	566009.82	1248047.97



QUANTITY OF MONUMENTS TO BE SET

CAP TYPE	MONUMENT TYPE									
	1	1A	2	2A	3	3A	4	5	5(S)	6
REFERENCE										
ROW	18									
CONTROL										
ALIQUOT CORNER										
PERMANENT EASEMENT										10
PROJECT POINTS										
WITNESS POST (REQUIRED)										

General Notes:

- 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, Farnsworth Group Inc. relied on High Country Title, Inc. (supplied by CDOT).
- Right-of-Way established using controls referenced and established by CDOT under Project No. NH 160A-019, and the coordinates are specific to this project.
- All centerline and offset stationing may not represent the centerline as constructed in the field.
- Refer to the M-629-1 Survey Monuments of the Standard Plans dated July, 2012 found in The Colorado Department of Transportation, M & S Standards for survey monument descriptions.
- This plan set is subject to change and may not be the most current set. It is the user's responsibility to verify with CDOT 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.
- This right-of-way survey meets the minimum accuracy tolerances for CDOT Class B - Secondary as defined in Chapter 5 of the CDOT Survey Manual, dated Nov. 2011.

Note:
 Type I monuments are 3/4" aluminium caps with magnet set on a 3/4" X 36" aluminium finned rod, per CDOT Standard Plan No. M-629-1 for Survey Monuments, issued July, 2012.

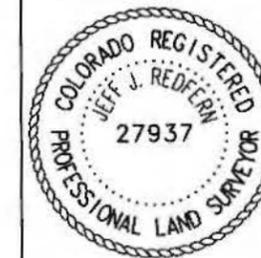
Type 6 monuments are 1/2" aluminum caps set on a 5/8" X 18" rebar.

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.

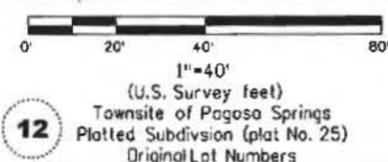
SURVEYOR STATEMENT (R.O.W. MONUMENTS)

I, Jeff J. Redfern, 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, adequate research, calculations and evaluation of survey evidence were performed and the Right-of-Way monuments depicted on this Right-of-Way Plan were set under my responsible charge in accordance with applicable standards of practice defined by Colorado Department of Transportation publications. This statement is not a guaranty or warranty, either expressed or implied.

PLS No. 27937



Sheet Revisions		
Date	Description	Initials
09/21/15	Added TE-7A & RW-7	JR
02/22/16	Added 10-RM	JR



Right of Way Plans			
Plan Sheet			
Project Number: BR 1602-139			
Project Location: US 160 McCABE CREEK			
CULVERT REPLACEMENT			
Project Code:	Last Mod. Date:	Subset:	Sheet No.:
19263	02/22/16	7.01 of 7.02	7.01

LINE TABLE			
NAME	BEARING	DISTANCE	PT. to PT.
L1	N 61°32'51" W	22.96'	700-701
L2	S 86°15'41" W	15.23'	701-702
L3	N 0°56'08" E	42.88'	702-703
L4	N 89°03'52" W	39.55'	703-503
L5	S 0°56'08" W	5.20'	502-700
L6	S 0°56'08" W	15.10'	602-601
L7	S 0°56'08" W	15.10'	601-600
L8	S 0°56'08" W	24.82'	602-606
L9	S 34°35'52" E	34.38'	506-507
L10	S 34°35'52" E	8.06'	607-507
L11	S 81°09'58" E	28.05'	607-605
L12	S 09°07'00" E	13.13'	604-605
L13	S 09°00'00" E	57.99'	605-608
L14	S 89°03'52" E	61.81'	606-704
L15	S 89°03'52" E	20.00'	508-606
L16	N 89°03'52" W	15.00'	600-716
L17	S 0°56'08" W	48.44'	717-716
L18	S 40°32'00" E	22.65'	717-600
L19	S 0°56'08" W	31.47'	600-500

T.35 N., R.2 W.,
 N.M.P.M.
 SECTION 13

SEE SHEET 7.01A
 FOR 10-RM DETAILS

TE-1 RAM Hydraulics, LLC
 618 San Juan St.
 Pagosa Springs, CO.

RW-2 Eric Stooks
 610 San Juan St.
 Pagosa Springs, CO.

PE-2 Eric Stooks
 610 San Juan St.
 Pagosa Springs, CO.

TE-2 Eric Stooks
 610 San Juan St.
 Pagosa Springs, CO.

RW-3 Main Street Rentals, LLC
 A Colorado Limited Liability Company
 602 San Juan St.
 Pagosa Springs, CO.

RW-4 Melvin Cody Ross
 and Dawn Kathleen Ross
 524 San Juan St.
 Pagosa Springs, CO.

PE-4 Melvin Cody Ross
 and Dawn Kathleen Ross
 524 San Juan St.
 Pagosa Springs, CO.

TE-4 Melvin Cody Ross
 and Dawn Kathleen Ross
 524 San Juan St.
 Pagosa Springs, CO.

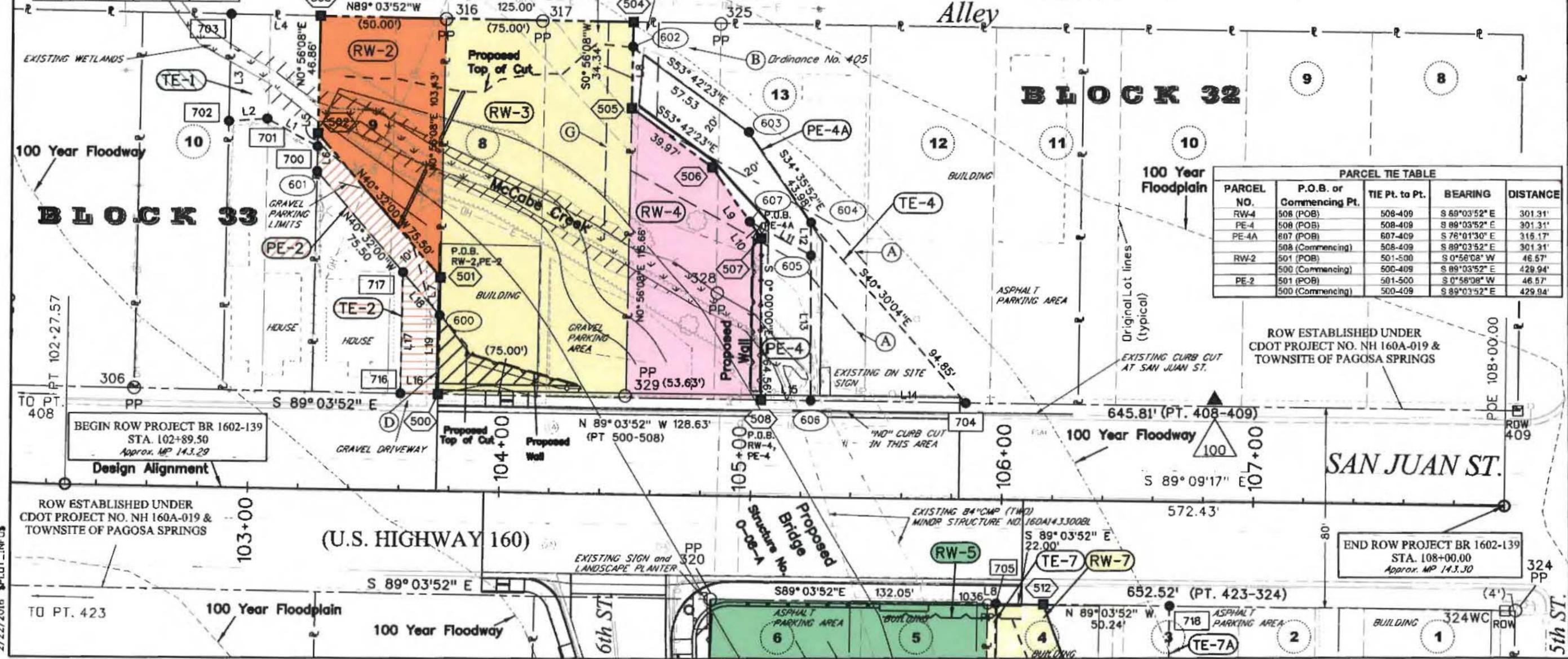
RW-5 BWD, LLC
 A Colorado Limited Liability Company
 140 S. 6th Street
 Pagosa Springs, CO.

RW-7 OZ Investment Partners, LLC
 A Colorado Limited Liability Company
 511 San Juan St.
 Pagosa Springs, CO.

TE-7 OZ Investment Partners, LLC
 A Colorado Limited Liability Company
 511 San Juan St.
 Pagosa Springs, CO.

TE-7A OZ Investment Partners, LLC
 A Colorado Limited Liability Company
 511 San Juan St.
 Pagosa Springs, CO.

- EXISTING EASEMENTS/TITLE ENCUMBRANCES**
- (A) Non-exclusive easement for ingress and egress for the use and benefit of Lots 6 and 7, Block 33, and west 20 feet of Lot 9, and east 15 feet of Lot 10, and east 40 feet of Lot 8, all in Block 33 and the west thirty five feet of 6th Street, Town of Pagosa Springs plat #25. Recorded under Reception No.'s 0150680 and 0150681.
 - (B) East half of 6th Street Vacated by Ordinance No. 405 Recorded under Reception No. 150682. The Town of Pagosa Springs reserves rights in said area for the purpose of installing water, sewer, or other utility lines.
 - (C) West half of 6th Street Vacated by Ordinance No. 225 (Recording Reception No. unknown). The Town of Pagosa Springs reserves unto itself right of way easements in the above described portion of land vacated for the continued use of existing water and similar pipelines and other utility lines.
 - (D) Non-exclusive easement for existing building encroachment in favor of Main Street Rentals, LLC Recorded under Reception No. 20601204
 - (G) Right of Way Easement 10 feet in width, from McCabe Creek to alleyway for the benefit of Lots 6 & 7, Block 33. Recorded under Reception No. 0150679.

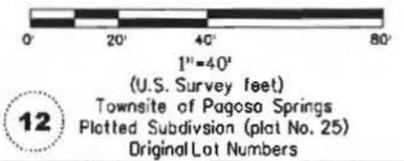


PARCEL TIE TABLE				
PARCEL NO.	P.O.B. or Commencing Pt.	TIE Pt. to Pt.	BEARING	DISTANCE
RW-4	508 (POB)	508-409	S 89°03'52" E	301.31'
PE-4	508 (POB)	508-409	S 89°03'52" E	301.31'
PE-4A	607 (POB)	607-409	S 76°01'30" E	316.17'
	508 (Commencing)	508-409	S 89°03'52" E	301.31'
RW-2	501 (POB)	501-500	S 0°56'08" W	46.57'
	500 (Commencing)	500-409	S 89°03'52" E	429.94'
PE-2	501 (POB)	501-500	S 0°56'08" W	46.57'
	500 (Commencing)	500-409	S 89°03'52" E	429.94'

ROW ESTABLISHED UNDER
 CDOT PROJECT NO. NH 160A-019 &
 TOWNSITE OF PAGOSA SPRINGS

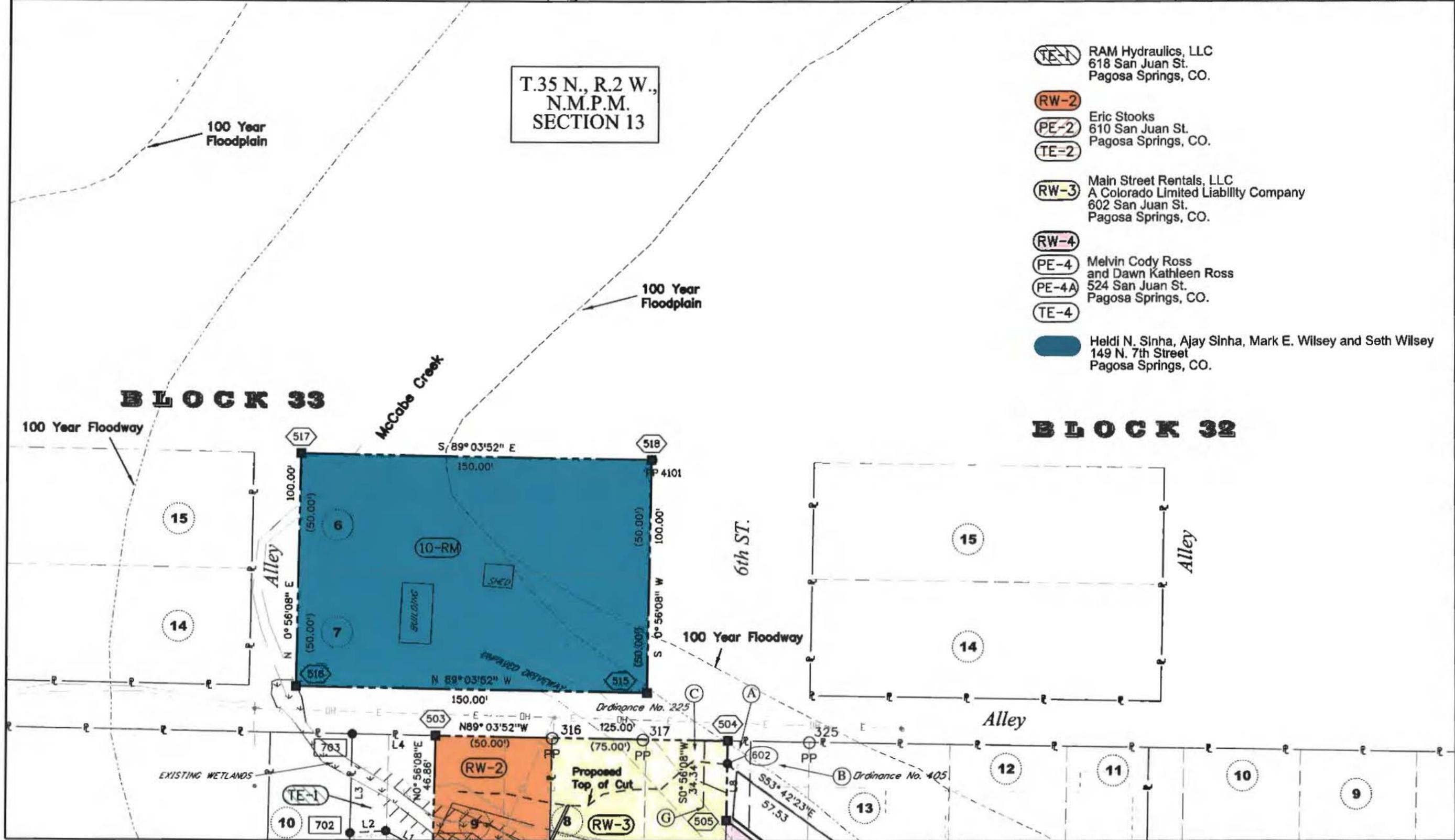
2/22/2016 \$PLOT_INFORMS

Sheet Revisions		
Date	Description	Initials
02/22/16	Added NEW Sheet 7.01A for 10-RM	JR

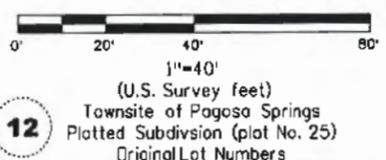


Right of Way Plans			
Plan Sheet			
Project Number: BR 1602-139			
Project Location: US 160 McCABE CREEK			
CULVERT REPLACEMENT			
Project Code	Last Mod. Date	Subset	Sheet No.
19263	02-22-16	7.01A of 7.02	7.01A

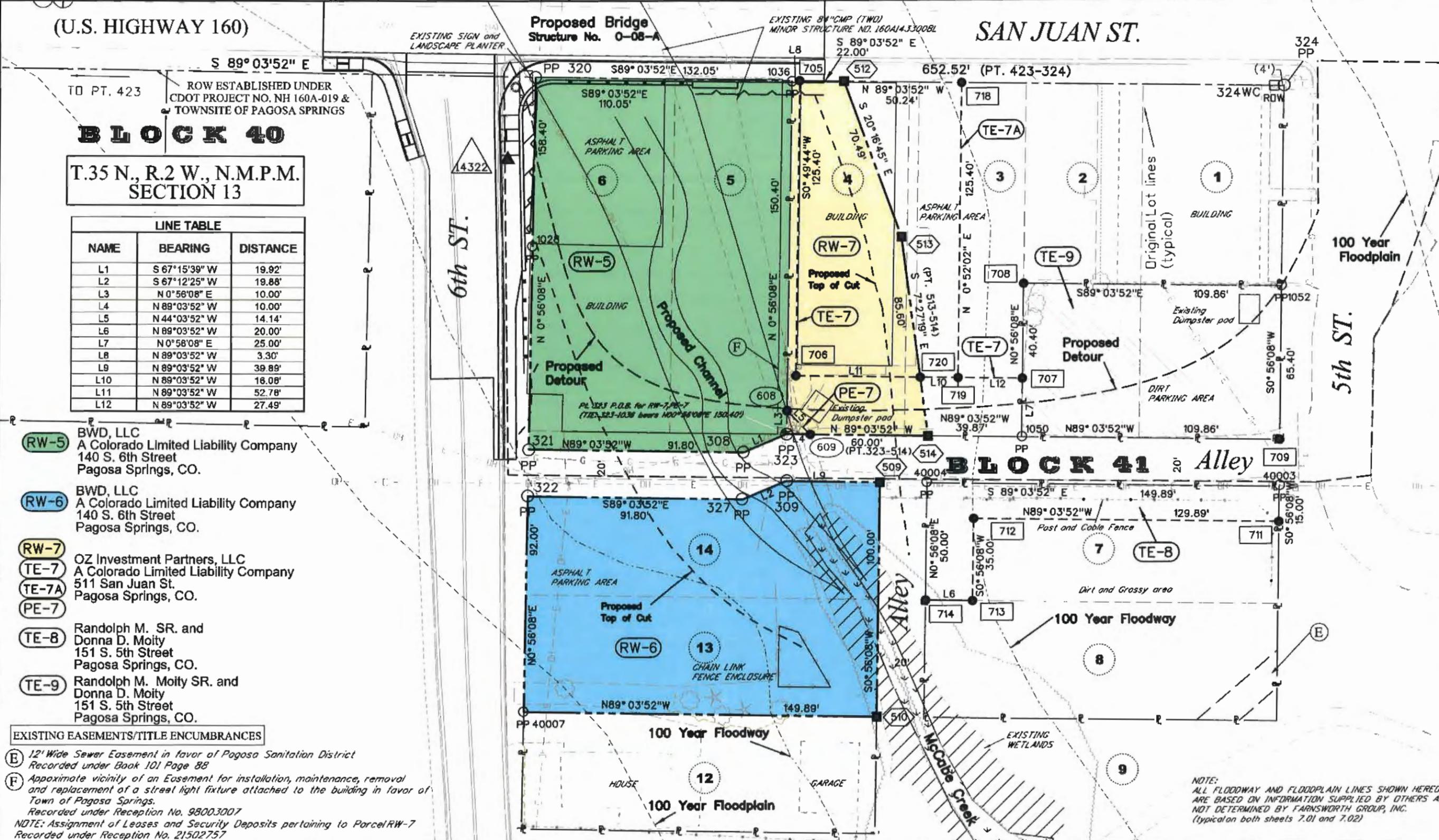
- RAM Hydraulics, LLC
618 San Juan St.
Pagosa Springs, CO.
- Eric Stooks
610 San Juan St.
Pagosa Springs, CO.
- Eric Stooks
610 San Juan St.
Pagosa Springs, CO.
- Eric Stooks
610 San Juan St.
Pagosa Springs, CO.
- Main Street Rentals, LLC
A Colorado Limited Liability Company
602 San Juan St.
Pagosa Springs, CO.
- Melvin Cody Ross
and Dawn Kathleen Ross
524 San Juan St.
Pagosa Springs, CO.
- Melvin Cody Ross
and Dawn Kathleen Ross
524 San Juan St.
Pagosa Springs, CO.
- Melvin Cody Ross
and Dawn Kathleen Ross
524 San Juan St.
Pagosa Springs, CO.
- Melvin Cody Ross
and Dawn Kathleen Ross
524 San Juan St.
Pagosa Springs, CO.
- Heldi N. Sinha, Ajay Sinha, Mark E. Wilsey and Seth Wilsey
149 N. 7th Street
Pagosa Springs, CO.



Sheet Revisions		
Date	Description	Initials
09/21/15	Added TE-7A & RW-7	JR
09/21/15	Added Title exception note for RW-7	JR



Right of Way Plans			
Plan Sheet			
Project Number: BR 1602-139			
Project Location: US 160 McCABE CREEK			
CULVERT REPLACEMENT			
Project Code	Last Mod. Date	Subset	Sheet No.
19263	12-31-15	7.02 of 7.02	7.02



BLOCK 40
 T.35 N., R.2 W., N.M.P.M.
 SECTION 13

LINE TABLE		
NAME	BEARING	DISTANCE
L1	S 67°15'39" W	19.92'
L2	S 67°12'25" W	19.88'
L3	N 0°56'08" E	10.00'
L4	N 89°03'52" W	10.00'
L5	N 44°03'52" W	14.14'
L6	N 89°03'52" W	20.00'
L7	N 0°56'08" E	25.00'
L8	N 89°03'52" W	3.30'
L9	N 89°03'52" W	39.89'
L10	N 89°03'52" W	16.06'
L11	N 89°03'52" W	52.76'
L12	N 89°03'52" W	27.49'

- RW-5** BWD, LLC
A Colorado Limited Liability Company
140 S. 6th Street
Pagosa Springs, CO.
- RW-6** BWD, LLC
A Colorado Limited Liability Company
140 S. 6th Street
Pagosa Springs, CO.
- RW-7** OZ Investment Partners, LLC
A Colorado Limited Liability Company
511 San Juan St.
Pagosa Springs, CO.
- TE-7**
- TE-7A**
- PE-7**
- TE-8** Randolph M. SR. and
Donna D. Moity
151 S. 5th Street
Pagosa Springs, CO.
- TE-9** Randolph M. Moity SR. and
Donna D. Moity
151 S. 5th Street
Pagosa Springs, CO.

EXISTING EASEMENTS/TITLE ENCUMBRANCES

- (E)** 12' Wide Sewer Easement in favor of Pagosa Sanitation District
Recorded under Book 101 Page 88
 - (F)** Approximate vicinity of an Easement for installation, maintenance, removal
and replacement of a street light fixture attached to the building in favor of
Town of Pagosa Springs.
Recorded under Reception No. 98003007
- NOTE: Assignment of Leases and Security Deposits pertaining to Parcel RW-7
Recorded under Reception No. 21502757

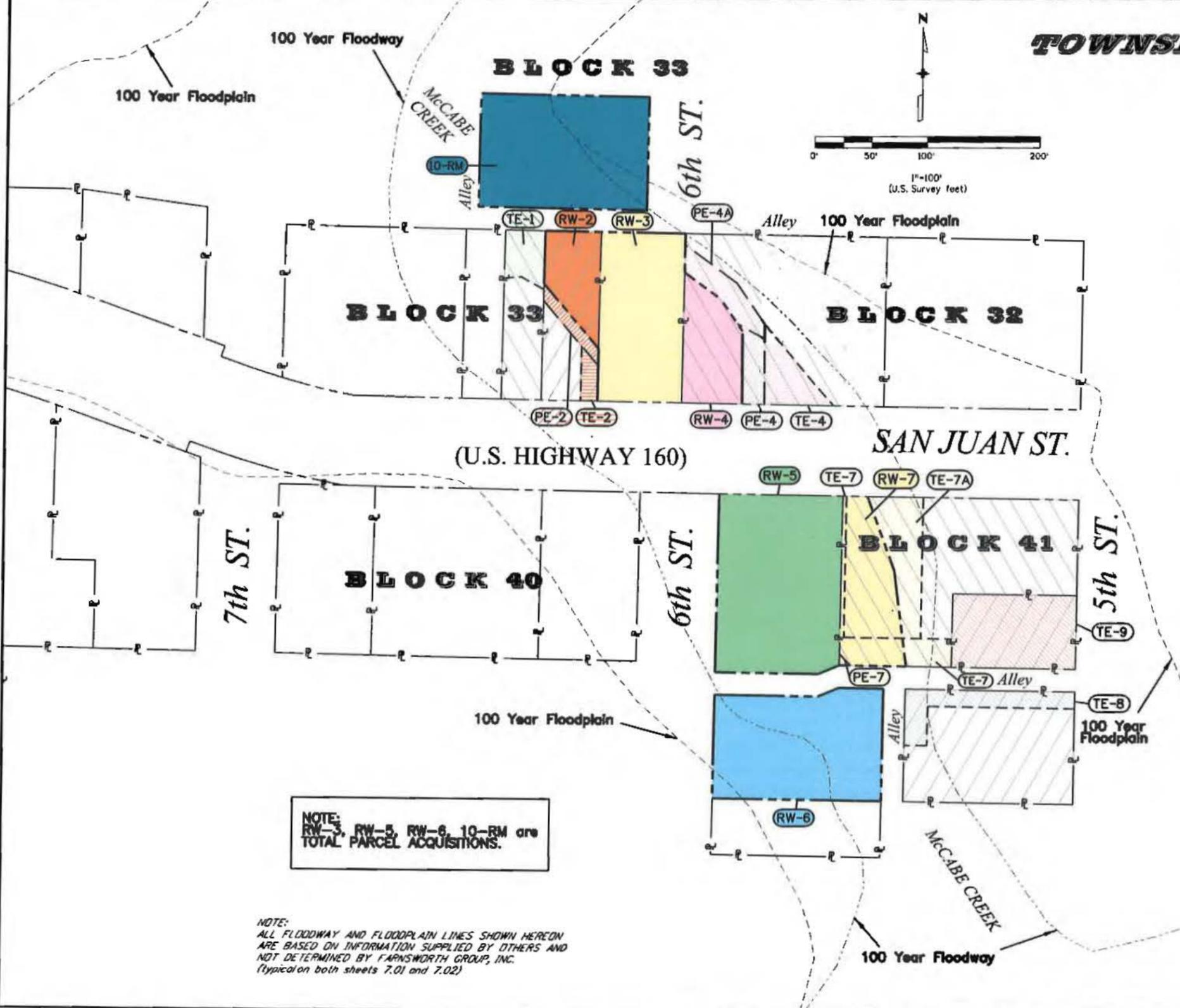
NOTE:
 ALL FLOODWAY AND FLOODPLAIN LINES SHOWN HEREON
 ARE BASED ON INFORMATION SUPPLIED BY OTHERS AND
 NOT DETERMINED BY FARNSWORTH GROUP, INC.
 (typical on both sheets 7.01 and 7.02)

12/31/2015 \$PLOT_INFD5

Sheet Revisions		
Date	Description	Initials
09/21/15	Added TE-7A & RW-7	JR
02/22/16	Added 10-RM	JR

Sheet Revisions		
Date	Description	Initials
mm/dd/yy	XXXXXXXX	XXX

Right of Way Plans			
Ownership Sheet			
Project Number: BR 1602-139			
Project Location: US 160 McCABE CREEK			
CULVERT REPLACEMENT			
Project Code: 19263	Last Mod. Date: 02-22-16	Subset: 8.01 of 8.01	Sheet No.: 8.01



TOWNSITE OF PAGOSA SPRINGS
 T.35 N., R.2 W., N.M.P.M.
 SECTION 13

- TE-1** RAM Hydraulics, LLC
618 San Juan St.
Pagosa Springs, CO.
Parcel No. 569913307011
- RW-2** Eric Stooks
610 San Juan St.
Pagosa Springs, CO.
Parcel No. 569913307012
- PE-2**
- TE-2**
- RW-3** Main Street Rentals, LLC
A Colorado Limited Liability Company
602 San Juan St.
Pagosa Springs, CO.
Parcel No. 569913307013
- RW-4**
- PE-4** Melvin Cody Ross and Dawn Kathleen Ross
524 San Juan St.
Pagosa Springs, CO.
Parcel No. 569913306004
- PE-4A**
- TE-4**
- RW-5** BWD, LLC
A Colorado Limited Liability Company
140 S. 6th Street
Pagosa Springs, CO.
Parcel No. 569913317008
- RW-6**
- RW-7** OZ Investment Partners, LLC
A Colorado Limited Liability Company
511 San Juan St.
Pagosa Springs, CO.
Parcel No. 569913317002
- TE-7**
- TE-7A**
- PE-7**
- TE-8** Randolph M. Moity SR. and
Donna D. Moity
151 S. 5th Street
Pagosa Springs, CO.
Parcel No. 569913317001
- TE-9**
- 10-RM** Heidi N. Sinha, Ajay Sinha, Mark E. Wilsey and Seth Wilsey
149 N. 7th St.
Pagosa Springs, CO.
Parcel No. 569913307014

NOTE:
 RW-3, RW-5, RW-6, 10-RM are
 TOTAL PARCEL ACQUISITIONS.

NOTE:
 ALL FLOODWAY AND FLOODPLAIN LINES SHOWN HEREON
 ARE BASED ON INFORMATION SUPPLIED BY OTHERS AND
 NOT DETERMINED BY FARNSWORTH GROUP, INC.
 (Typical on both sheets 7.01 and 7.02)

Project #: BR 1602-139	Project Code: 19263	LPA - Yes/No: No	P or N: N	Region #: 5
Parcel(s) #: RW-4, PE-4, PE-4A, TE-4		Property Owner: Melvin Cody Ross and Dawn Kathleen Ross		

A. LAND/SITE VALUE OF PART(S) TAKEN

Parcel	Land Class	Area/Unit	Unit Value	Appraisal Support	Value
RW-4	Commercial	4,997/SF	\$7.00/SF	Sales Comparison Approach	\$34,979

B. EASEMENT VALUE OF PART(S) TAKEN

PE, SE, etc.	Purpose	Area/Unit	Unit Value	% of Unit Value	Value
PE-4	Creek Maintenance	1,276/SF	\$7.00/SF	60%	\$5,359
PE-4A	Creek Maintenance	1,839/SF	\$7.00/SF	60%	\$7,724
Total Easement Value of Parts Taken					\$13,083

TOTAL LAND/SITE AND EASEMENT VALUE OF PART(S) TAKEN (Rounded) **\$48,062**

C. IMPROVEMENTS CONTRIBUTORY VALUE OF PART(S) TAKEN (For numerous improvements, attach a separate sheet)

Parcel	Improvement Type	Size	Unit Value	Appraisal Support	Value
TE-4	On site Sign	One	Lump Sum	Cost Approach	\$6,300

TOTAL IMPROVEMENTS CONTRIBUTORY VALUE OF PART(S) TAKEN **\$6,300**

TOTAL VALUE OF PART(S) TAKEN \$54,362

D. COMPENSABLE DAMAGES AND/OR OFFSETTING BENEFITS

Compensable Damages – Curable (Net Restoration Cost to Cure)	\$-0-
Compensable Damages – Incurable	\$-0-
Offsetting Specific Benefits (Up to 100% of Incurable Damages)	\$-0-
Offsetting Specific Benefits (Up to 50% of Parts Taken)	\$-0-

NET COMPENSABLE DAMAGES AND/OR OFFSETTING BENEFITS **\$-0-**

E. RENTAL VALUE OF TEMPORARY EASEMENTS

TE	Purpose	Area/Unit	Unit Value	% of Unit Value	Term (Mo/Yr)	Value
TE-4	Culvert Construction	2,190/SF	\$7.00	10.0%	12 mos.	\$1,533

TOTAL RENTAL VALUE OF TEMPORARY EASEMENTS **\$1,533**

COMPENSATION ESTIMATE (55,895) Rounded \$55,900

F. APPRAISAL SUPPORT

Recommended report prepared by: James M. Bittel
 Louviers, Colorado
 Date of value: August 12, 2014
 Date of report: October 15, 2014

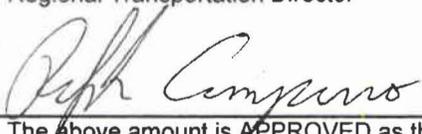
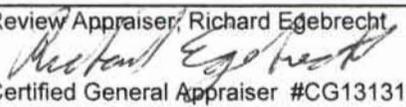
G. UNECONOMIC REMAINDERS (CDOT must offer to purchase per 49 CFR 24.102(k))

None REMAINDER TOTAL **\$-0-**

COMPENSATION ESTIMATE RECOMMENDED FOR APPROVAL \$55,900

H. SALVAGE VALUE AND REMARKS (Include remarks for non-participating items, takings, damages, benefits, etc., as applicable)

The above-referenced appraisal was a complete appraisal, summary report. All information and analysis pertinent to the estimate of value for the acquisition is explained and presented in the appraisal report. After reviewing the appraisal report, it was considered that the appraisal was acceptable and should be the basis for the recommended estimate of compensation.

Regional Transportation Director 	Date 11-19-14	Review Appraiser: Richard Egebrecht  Certified General Appraiser #CG1313150	Date November 12, 2014
The above amount is APPROVED as the basis for just compensation		CDOT Contract Manager (applicable when there has been a contract review appraiser)	Date

REVIEW REPORT

Project #: BR 1602-139	Project Code: 19263	LPA - Yes/No: No	P or N: N	Region #: 5
Parcel(s) #: RW-4, PE-4, PE-4A, TE-4		Property Owner: Melvin Cody Ross and Dawn Kathleen Ross		
Appraiser: James M. Bittel	Date of Value: August 12, 2014			
Review Appraiser: Richard Egebrecht	Date of Report: October 15, 2014			

Identity of Client and Intended Users: The client of this appraisal review report is the Colorado Department of Transportation (CDOT). Intended users are CDOT Region ROW Units and Office of the Attorney General if litigation is involved.

Use of the Review Assignment: Intended use of this review assignment is to determine if the appraisal under review is to be used as the basis for the establishment of the amount believed to be just compensation for acquisition of right of way. Appraisal review is the act or process of developing and communicating an opinion about the quality of all or part of the work of another appraiser including an appraisal report. That is the scope and purpose of this review.

Purpose of the Assignment: This review assignment does not include the development of my own opinion of value. The purpose of this review appraisal is to provide a recommended, accepted, or not accepted compensation estimate for the reasonable market value of the property actually taken; compensable damages, if any, to the residue; and specific benefits, if any, to the residue of the subject property. Additional purpose of this review appraisal is to evaluate compliance, conformity and consistency with relevant parts of: the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (Uniform Act); 49 CFR Part 24.103 through 105; 23 CFR Part 710; § 38-1-101 et. seq. C.R.S.; §24-56-101 et. seq. C.R.S.; CDOT Right of Way Manual Chapter 3; appropriate State laws, regulations, policies and procedures applicable to appraisal of right-of-way; and the Uniform Standards of Professional Appraisal Practice (USPAP).

Assumptions and Limiting Conditions:

Extraordinary Assumptions: None

Hypothetical Conditions: The appraisal report and this review were subject to the following Hypothetical Conditions:

1. The subject has no environmental issues.
2. The ingress/egress easement across the subject does not connect to US Highway 160. A hypothetical condition was applied as if the ingress/egress easement reaches US Highway 160.
3. For the After value of the residual, a hypothetical condition was applied that the McCabe Creek project was completed.

Review Scope of Work:

- The subject property was inspected: Inside Field inspection Date of Inspection: 8/15/2014
 - Sale properties were inspected: Inside Field Inspection Date of Inspection:
 - Mathematics was checked for accuracy.
 - The accuracy of the appraisal's factual data was independently confirmed during the review process.
 - Additional comparative market data was gathered during the review process.
 - A thorough review and analysis of the information and analysis contained in the appraisal report under review and a careful examination of internal logic and consistency.
 - The report complies with appraisal requirements.
 - I have competency in both property type knowledge and experience to complete the review.
 - Only minor recalculations were made from the original appraisal.
 - I have a thorough knowledge of the project.
- Other:

After review, the appraisal and appraisal report are:

- RECOMMENDED (Use as the basis for the establishment of the amount believed to be just compensation)
- ACCEPTED (Meets all requirements, but not selected as recommended)
- NOT ACCEPTED (See Remarks below)

If the appraisal is RECOMMENDED or ACCEPTED, I have found it to be adequate for the assignment.

Remarks:

The appraiser was engaged to appraise the taking of a 4,997 square foot ROW Parcel (RW-4), a 1,276 square foot permanent easement (PE-4), a 1,839 square foot permanent easement (PE-4A), and a 2,190 square foot Temporary easement (TE-4) located at 524 San Juan Street, Pagosa Springs in Archuleta County. The parcel was a 4,956 square foot retail building on 27,000 square feet of land.

The appraisal was prepared in accordance with the appropriate standards and guidelines. The analysis and conclusions are appropriate for the scope of the assignment and the report provides a credible and reliable value conclusion. Therefore, the appraisal is recommended for approval. Note the above Hypothetical Conditions

Given the reviewer's scope of work:

- The analyses are appropriate within the context of the requirements applicable to this assignment;
- The opinions and conclusions are credible within the context of the requirements applicable to this assignment;
- The appraisal report under review is appropriate and not misleading within the context of the requirements applicable to this assignment; and
- The appraisal report under review constitutes an adequate basis for the establishment of an offer of just compensation.

**COLORADO DEPARTMENT OF TRANSPORTATION
REVIEW REPORT**

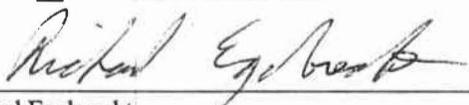
Project #:	BR 1602-139	Project Code:	19263	LPA - Yes/No:	NO	P or N:	N	Region #:	5
Parcel(s) #:	RW-4, PE-4, PE-4A, TE-4			Property Owner:	Melvin Cody Ross and Dawn Kathleen Ross				
Appraiser:	James M. Bittel			Date of Value:	August 12, 2014				
Review Appraiser:	Richard Egebrecht			Date of Report:	October 15, 2014				

I, the undersigned Review Appraiser, certify that, to the best of my knowledge and belief:

- the Fair Market Value recommendation has been reached independently, without collaboration or direction, and is based on an appraisal and other pertinent factual data.
- the facts and data reported by the review appraiser and used in the review process are true and correct.
- the analyses, opinions, and conclusions in this review report are limited only by the assumptions and limiting conditions stated in this review report, and are my personal, impartial, and unbiased professional analyses, opinions, and conclusions.
- I have no direct or indirect present or contemplated future personal interest or bias with respect to the property that is the subject of the work under review or in any monetary benefit from its acquisition.
- I have no personal interest or bias with respect to the parties involved with this assignment.
- I have performed no other services, as an appraiser or in any other capacity, regarding the property that is the subject of the work under review within the three-year period immediately preceding acceptance of this assignment.
- my engagement in this assignment was not contingent upon developing or reporting predetermined results.
- my compensation is not contingent on an action or event resulting from the analyses, opinions, or conclusions in this review report or from its use.
- my compensation for completing this assignment is not contingent upon the development or reporting of predetermined assignment results or assignment results that favors the cause of the client, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal review.
- unless otherwise stated, the Review appraiser agrees with the identification or listing of any buildings, structures, and other improvements on the land, as well as fixtures and appurtenances which the appraiser considered to be part of the real property to be acquired. The Reasonable Market Value does not include items ineligible for Federal reimbursement, except such as may be compensable under the laws of Colorado, and which are clearly marked in the review as non-participating. To the best of my knowledge, no portion of the value assigned to each property contained in the report consists of items which are non compensable under established laws of the State of Colorado
- My analyses, opinions, and conclusions were developed and this review report was prepared in conformity with 49 CFR §24.104, Appendix A to §24.104, and the *Uniform Standards of Professional Appraisal Practice*.
- I understand that if a fair market value is recommended as the basis for compensation, it may be used in connection with a Federal Aid Highway Project.
- I have made a personal inspection of the subject property of the work under review.
- No one provided significant appraisal, appraisal review, or appraisal consulting assistance to the person signing this certification.
- As of the date of this review report, Richard Egebrecht has completed the requirements of the continuing education program of the Colorado Board of Real Estate Appraisers and of the Appraisal Institute, Chicago.

Based upon my independent review and exercise of my professional judgment, the reviewed appraisal is:

- RECOMMENDED**
I recommend that the estimated compensation of \$55,900 developed in the reviewed appraisal be approved.
- ACCEPTED**
- NOT ACCEPTED**



Date of Review: 11/12/2014

Richard Egebrecht
Colorado Certified General Appraiser #CG1313150

EXHIBIT "A"

PROJECT NUMBER: IM 0253-234

PARCEL NUMBER: TE-47

PROJECT CODE: 19626

DATE: April 6, 2016

DESCRIPTION

A Temporary Easement No. TE-47 of the Department of Transportation, State of Colorado Project No. IM 0253-234 containing 18,370 sq. ft. (0.422 acres), more or less, located in the Northeast ¼ of Section 34, Township 1 South, Range 68 West, of the 6th Principal Meridian, in Adams County, Colorado, said Temporary Easement being more particularly described as follows:

Commencing at a point on the north-south centerline of said Section 34, whence the North ¼ Corner of said Section 34 bears N. 00°33'33"W., a distance of 1324.19 feet, said point also being the TRUE POINT OF BEGINNING;

1. Thence N. 00°33'33" W., along said north-south centerline, a distance of 1223.92 feet, to a point on the easterly Right of Way line of Colorado State Highway I-25.
2. Thence N. 84°01'52" E., along said easterly Right of Way line, a distance of 15.07 feet;
3. Thence S. 00°33'33" E., parallel with said north-south centerline, a distance of 1225.48 feet;
4. Thence S. 89°59'43" W., a distance of 15.00 feet to the TRUE POINT OF BEGINNING.

The above described Parcel contains 18,370 sq. ft. (0.422 acres), more or less.

The purpose of the above described Temporary Easement is for road construction.

Basis of Bearings: All bearings are based on a grid bearing of N 08° 19' 28" W from the Control Monument "DH 8823" (NGS concrete post in box, MP 232.12), Section 23, Township 1 North, Range 68 West, Sixth P.M. and the Control Monument "CM 3271" (CDOT Type 5 monument, MP 232.71), Section 14, Township 1 North, Range 68 West, Sixth P.M. as obtained from a Global Positioning System (GPS) survey based on the National Spatial Reference System (NSRS).

For and on behalf of the
Colorado Department of Transportation
I. Jeffrey Nading, PLS 37885
1601 W. 10th St.
Greeley, CO 80634

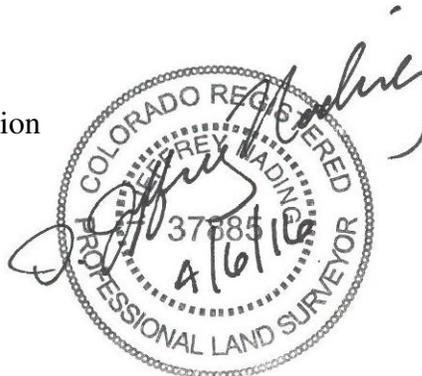


EXHIBIT "B"

PROJECT NUMBER: IM 0253-234
PARCEL NUMBER: AC-47
PROJECT CODE: 19626
DATE: September 8, 2015
ACCESS DESCRIPTION

EACH AND EVERY RIGHT OR RIGHTS OF ACCESS OF THE GRANTOR to and from any part of the right-of-way of Colorado State Highway I-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 ¼ of Section 34, Township 1 South, Range 68 West, of the 6th Principal Meridian, in Adams County, Colorado, abutting upon said Highway, along and across the access line or lines described as follows:

<u>(Project No.)</u>	<u>(Parcel No.)</u>	<u>(Location of Line)</u>
IM 0253-234	AC-47	Easterly

Commencing at a point on the north-south centerline of said Section 34, whence the North ¼ Corner of said Section 34 bears N. 00°33'33"W., a distance of 1324.19 feet, said point also being the TRUE POINT OF BEGINNING;

1. Thence N. 00°33'33" W., along said north-south centerline, a distance of 1223.92 feet, to a point on the easterly Right of Way line of Colorado State Highway I-25.

NO ACCESS POINT

Basis of Bearings: All bearings are based on a grid bearing of N 08° 19' 28" W from the Control Monument "DH 8823" (NGS concrete post in box, MP 232.12), Section 23, Township 1 North, Range 68 West, Sixth P.M. and the Control Monument "CM 3271" (CDOT Type 5 monument, MP 232.71), Section 14, Township 1 North, Range 68 West, Sixth P.M. as obtained from a Global Positioning System (GPS) survey based on the National Spatial Reference System (NSRS).

For and on behalf of the
Colorado Department of Transportation
I. Jeffrey Nading, PLS 37885
1420 2nd Street
Greeley, CO 80631



COLORADO DEPARTMENT OF TRANSPORTATION DETERMINATION OF JUST COMPENSATION WAIVER VALUATION	Project Code: 19626
	Parcel No: TE-47
	Project No: IM 0253-234
	Location: I-25 120 th Ave. (SH128) to SH 7
	Name: Jack Kent Motors, Inc. / Jack Kent Cadillac, Inc.

Brief description of subject and taking: The subject is identified as residential by the County Assessor's office consisting of 36.94 acres. The subject property is located adjacent to Interstate Highway 25 on the west and 128th Avenue on the north in the city of Thornton. The taking consists of a temporary easement containing 18,370 sf. Existing use - is vacant land listed for sale. Highest and best use is to hold for future development.

Land:	Parcel	Area	\$/Unit	
				\$
			Total land	\$
Improvements (list):				
			Total Improvements	\$

TEs	Purpose	Size	Unit/Price	% of unit price/term	
TE-47	Construction	18,370	\$3.40	20% (2 yrs)	12,491.60
					\$
Damages or cost to cure (describe) NONE					\$
Basis of Valuation: The basis of value set forth above is derived from the appraisal for the 136 th Joint Venture property located at the intersection of I-25 and 136 th Avenue as discussed with CDOT staff appraiser. CDOT has a copy of the aforementioned appraisal report on file for review of the comparable sales.					
Total for temporary easement and damages					\$ 12,492.00
Cost to cure					\$
I certify my estimate of Just Compensation is:					\$ 12,492.00
Conditional Incentive Payment (if accepted within 30 days of Offer)					\$3,746.00
Revised Total					\$16,238.00

Has the owner or designated representative accompanied the Department's representative during inspection of the property?
 Yes Date
 No Describe efforts made: 3 separate mailings of the Notice of Intent were returned and calls to the listing real estate agent (based on the property signage) and calls to 4 different telephone numbers that were found for the ownership did not result in any responses. 12/3 received a call back from Janet Burgess rep. for the property and she had been out of Town for the past several weeks. Discussed the Temporary easement and determined that we did not need to meet at this time and to go ahead and prepare the offer.

Signed (Real Estate Specialist): Hervey R. Smith 	Date: 12-4-15
Approved (Region ROW Manager/Supervisor):	Date: 12-4-15

Resolution # TC-16-3-[]

Authorizing the Chief Engineer to negotiate with and tender damages to Jack Kent Cadillac, Inc.

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 CDOT to acquire property necessary for state highway purposes; and

WHEREAS, pursuant to the final sentence of Section 43-1-208(3), C.R.S., since 1994 the Transportation Commission has authorized CDOT to condemn private property without following the more prescriptive practice for condemnation set forth in Section 43-1-208(1), (2) and the first two sentence of (3); and

WHEREAS, there is pending before the Colorado Supreme Court a challenge to the Transportation Commission's and CDOT's authority to condemn private property pursuant to the final sentence of Section 43-1-208(3) which case is titled *Department of Transportation v. Amerco Real Estate Company; U-Haul Company of Colorado; et al.*, 2016 SA 75; and

WHEREAS, the pendency of the Colorado Supreme Court case is having a negative impact on CDOT's ability to timely acquire possession of property sought for state highway purposes under the authority granted pursuant to the final sentence of Section 43-1-208(3); and

WHEREAS, in order to allow CDOT construction projects to proceed in a more timely fashion, the Transportation Commission, without admitting the validity of the challenge to its condemnation authority presented in the pending Colorado Supreme Court case, is electing to follow the prescriptive practice set forth in Section 43-1-208(1), (2) and the first two sentences of (3); 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 and 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 tender landowners the amount of damages, as estimated by the Chief Engineer; and

WHEREAS, the Transportation Commission has determined that the proposed changes on I25, 120th Ave. to State Highway 7, Project IM 0253-234 and improvements on U.S. Highway 160 including replacing culverts along McCabe Creek (the “Projects”) will serve the public interest and convenience of the traveling public.

WHEREAS, CDOT wants to file a Petition in Condemnation in Archuleta County District Court against Melvin and Dawn Ross and certain property located at the 524 San Juan Street in Pagosa Springs, CO, Archuleta County owned by Jack Kent Cadillac, Inc.; and

WHEREAS, CDOT wants to file a Petition in Condemnation in Adams County District Court against Jack Kent Cadillac, Inc. and certain property located at the at I25, 120th Avenue to State Highway 7 in Adams County, Colorado owned by Jack Kent Cadillac, Inc.; and

WHEREAS, CDOT and both owners have not been able to agree on the fair market value; and

WHEREAS, CDOT has an immediate need for the properties and the inability to work on the properties will likely cause delay to the Projects which could result in significant monetary harm to CDOT; and

WHEREAS, without admitting that CDOT is required to comply with the provisions of Section 43-1-208(1), (2) and the first two sentences of (3), C.R.S., the Transportation Commission acknowledges that it has reviewed the written report of the Chief Engineer in relation to the Projects and the owners; and

NOW THEREFORE BE IT RESOLVED, the Transportation Commission hereby declares that the public interest and convenience will be served by the proposed changes to the Project, and authorizes the Chief Engineer to negotiate with the Owners regarding the amount of damages, and tender such damages as estimated by him, and authorizes CDOT to proceed with condemnation of the properties described above in the event negotiations are unsuccessful.

Herman Stockinger, Secretary
Transportation Commission of Colorado

Date