

**Resolution # TC-16-5-[ ]**

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

Authorizing the Chief Engineer to either negotiate and tender damages to DownsMore, LLC or to initiate and conduct condemnation proceedings pursuant to articles 1 to 7 of title 38, C.R.S. for the property specified below.

**Approved by the Transportation Commission on \_\_\_\_\_, 2016.**

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

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

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

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

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

**WHEREAS**, the *Amerco Real Estate* opinion further held that the Transportation Commission could delegate to the "legal staff or representatives of the commission or department" the "initiation and conduct of condemnation proceedings." *Amerco Real Estate Company*, 2016SA75, ¶15; and

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

**WHEREAS**, the Transportation Commission may enter a resolution upon its minutes approving the proposed highway changes and authorizing the CDOT Chief Engineer to either tender landowners the amount of damages, as estimated by the Chief Engineer or authorize condemnation without tender to the landowner; and

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

**WHEREAS**, CDOT may negotiate with the DownsMore, LLC.

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

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

**WHEREAS**, CDOT seeks to acquire 541,811 square feet / 12.44 acres in Fee Simple, 140,072 square feet / 3.22 acres in Utility Easement, and 44,867 square feet / 1.03 acres in Temporary Easement of the Property for the I-25 North - State Highway 402 to SH 14 Project and for necessary addition of high occupancy vehicle and express lanes to improve safety and traffic of the traveling public through addressing rear-end and side-swipe collisions, two major causes of accidents along this corridor; and

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

**WHEREAS**, after reviewing the Chief Engineer’s written report regarding Project and the Property, the Transportation Commission has determined that the proposed changes to I-25 North - State Highway 402 to SH 14 Project will serve the public interest and convenience of the traveling public and that acquisition of the Property described in the report is necessary and in the public interest; and

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

**NOW THEREFORE BE IT RESOLVED**, the Transportation Commission hereby declares that the public interest and convenience will be served by the proposed changes to I-25 North - State Highway 402 to SH 14 Project by virtue of the I-25 North – SH 402 to SH 14, Project Number IM 0253-255, Project Code 21506, parcels AP-172, UE-172, TE-172, TE-172A, AC-172, AP-179, UE-179, AC-179, AP-181, UE-181, UE-181A and AC-181, and authorizes the CDOT staff either to negotiate and tender the Owner of the Property the amount of estimated damages or CDOT may initiate and conduct condemnation proceedings for the Property. CDOT is authorized to increase or decrease the size of its acquisition based on sound engineering principals and determinations, subject to approval by the

Transportation Commission upon conclusion of the acquisition. Further, if a settlement amount, certificate of ascertainment and assessment, or verdict is reached with respect to the amount of just compensation due to the landowner, the final settlement, certificate of ascertainment and assessment, or verdict amount is subject to approval by the Transportation Commission. If acquisition of the Property requires acquisition of buildings, structures, or improvements on real property as well as acquisition of tenant-owned improvements both real and personal property, or other real estate, the Transportation Commission authorizes CDOT to acquire those items if necessary.

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Herman Stockinger, Secretary  
Transportation Commission of Colorado

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Date



## COLORADO

Department of Transportation

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

### MEMORANDUM

TO: TRANSPORTATION COMMISSION

FROM: JOSH LAIPPLY, CHIEF ENGINEER 

DATE: OCTOBER 31, 2016

SUBJECT: REPORT PURSUANT TO COLORADO REVISED STATUTES, §43-1-208 REGARDING PROJECT NUMBER IM 0253-255, I-25 NORTH: SH 402 to SH 14

#### Background

This written report to the Transportation Commission is pursuant to Colorado Revised Statutes ("C.R.S."), Section 43-1-208(1) (statute attached with this memorandum). I deem it desirable to improve traffic flow, optimize traffic operations and enhance safety along Interstate 25.

IM 0253-255, I-25 North: SH 402 to SH 14 ("Project") is necessary to extend high occupancy vehicle and express lanes. This will improve safety and traffic flow, representing a significant improvement over the existing condition while specifically addressing rear-end and side-swipe collisions, the two major causes of vehicle accidents along this corridor. The Project is, therefore, desirable. I hereby request that the Transportation Commission determine that the proposed changes of the Project serve the public interest and/or convenience of the travelling public.

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

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

#### Description of Portion of Highway to be Changed and Proposed Changes

The Project will widen Interstate 25 between State Highway 402 and State Highway 14, adding high occupancy vehicle and express lanes to improve safety and traffic flow. The Project is a highway expansion project, which was approved by Scott McDaniel on September 26, 2016. I have determined that it is necessary to widen this portion of State Highway 25 to improve traffic flow, optimize traffic operations, and enhance safety along State Highway 25.

- UE-181A, containing 22,542 square feet/0.52 acres, as Easement for utility installation
- AC-181: Access control

### Estimate of Damages and Benefits

The Cost Estimate approved by me, attached to this report, individually lists the estimate of land acquisition costs, property value, and/or damages for each of the Properties required for this Project. If applicable, the Cost Estimate also describes whether the Properties accrue any benefits because of the Project. In my opinion, the Cost Estimate represents a reasonable budget of the property values, damages, and/or benefits, if any, related to the Properties. The following list describes how the value of each property was determined.

1. Address: 8420 SE Frontage Road, Windsor, CO 80550, Larimer County Assessor Parcel Number 8622000004, Account R0333565 (AP-172, UE-172, TE-172, TE-172A, AC-172)  
Landowner's Name: DownsMore, LLC  
Name of Person who Determined Property Value: Joshua Laipply, P.E.  
Property Value Determined by: Analysis of comparable sales of similar properties near the location of the property
2. Address: Vacant land, Larimer County Assessor Parcel Number 8622000003, Account R0333557 (AP-179, UE-179, AC-179)  
Landowner's Name: DownsMore, LLC  
Name of Person who Determined Property Value: Joshua Laipply, P.E.  
Property Value Determined by: Analysis of comparable sales of similar properties near the location of the property
3. Address: Vacant land, Larimer County Assessor Parcel Number 8622147002, Account R1642260 (AP-181, UE-181, UE-181A, AC-181)  
Landowner's Name: DownsMore, LLC  
Name of Person who Determined Property Value: Joshua Laipply, P.E.  
Property Value Determined by: Analysis of comparable sales of similar properties near the location of the property

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

#### Attachments

§43-1-208, C.R.S.

Legal Descriptions of Parcels AP-172, UE-172, TE-172, TE-172A, AC-172, AP-179, UE-179, AC-179, AP-181, UE-181, UE-181A, AC-181

Right-of-Way Plans

Chief Engineer's Cost Estimate

Proposed Resolution



**EXHIBIT "A"**

**PROJECT NUMBER: IM 0253-255**

**PARCEL NUMBER: AP-181**

**PROJECT CODE: 21506**

**DATE: October 19, 2016**

**DESCRIPTION**

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

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

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

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

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

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



**EXHIBIT "B"**

**PROJECT NUMBER: IM 0253-255**

**PARCEL NUMBER: AC-181**

**PROJECT CODE: 21506**

**DATE: October 19, 2016**

**ACCESS DESCRIPTION**

EACH AND EVERY RIGHT OR RIGHTS OF ACCESS OF THE GRANTOR to and from any part of the right-of-way of Colorado Interstate No. 25, a freeway established according to the laws of the State of Colorado, and from and to any part of the real property of the Grantor in Southeast Quarter of Section 22, Township 6 North, Range 68 West, of the 6th Principal Meridian, in Larimer County, Colorado abutting upon said Highway, along and across the access line or lines described as follows:

IM 0253-255 (Proj. No.)	AC-181 (Parcel No.)	East Line (Location of Line)
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Beginning at a point on the south line of Lot 2, Westgate Commercial Center Subdivision, 3<sup>rd</sup> Filing, whence the East Quarter corner of said Section 22 (being a 3-1/4" aluminum cap, stamped 2008, T6N, 1/4, S22 | S23, R68W, PLS 10734) bears S. 66°23'44" E., a distance of 2,709.33 feet, said point also being the TRUE POINT OF BEGINNING;

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

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

Excepting from this grant, the right of the Grantor to have the following points of access at the locations set forth hereinafter, to be limited in use by the Grantor to the width and location hereinafter designated according to centerline stationing of the Grantee's project number.

**NO ACCESS POINT**

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**EXHIBIT "A"**

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

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

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

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

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

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

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

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**EXHIBIT "A"**

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

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

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

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

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

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

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

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## **EXHIBIT "A"**

**PROJECT NUMBER: IM 0253-255**

**PARCEL NUMBER: AP-179**

**PROJECT CODE: 21506**

**DATE: October 19, 2016**

### **DESCRIPTION**

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

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

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

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

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

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**EXHIBIT "A"**

**PROJECT NUMBER: IM 0253-255**

**PARCEL NUMBER: UE-179**

**PROJECT CODE: 21506**

**DATE: October 19, 2016**

**DESCRIPTION**

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

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

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

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

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

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

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**EXHIBIT "B"**

**PROJECT NUMBER: IM 0253-255**

**PARCEL NUMBER: AC-179**

**PROJECT CODE: 21506**

**DATE: October 19, 2016**

**ACCESS DESCRIPTION**

**EACH AND EVERY RIGHT OR RIGHTS OF ACCESS OF THE GRANTOR to and from any part of the right-of-way of Colorado Interstate No. 25, a freeway established according to the laws of the State of Colorado, and from and to any part of the real property of the Grantor in the Northeast Quarter of Section 22, Township 6 North, Range 68 West, of the 6th Principal Meridian, in Larimer County, Colorado abutting upon said Highway, along and across the access line or lines described as follows:**

<b>IM 0253-255</b> <b>(Proj. No.)</b>	<b>AC-179</b> <b>(Parcel No.)</b>	<b>East Line</b> <b>(Location of Line)</b>
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**Beginning at a point on the south line of said Northeast Quarter, whence the East Quarter corner of said Section 22 (being a 3-1/4" aluminum cap, stamped 2008, T6N, 1/4, S22 | S23, R68W, PLS 10734) bears N. 89°24'34" E., a distance of 2,481.71 feet, said point also being the TRUE POINT OF BEGINNING;**

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

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

**Excepting from this grant, the right of the Grantor to have the following points of access at the locations set forth hereinafter, to be limited in use by the Grantor to the width and location hereinafter designated according to centerline stationing of the Grantee's project number.**

**NO ACCESS POINT**

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



**EXHIBIT "A"**

**PROJECT NUMBER: IM 0253-255**

**PARCEL NUMBER: AP-172**

**PROJECT CODE: 21506**

**DATE: October 19, 2016**

**DESCRIPTION**

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

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

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

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

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

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



**EXHIBIT "A"**

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

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

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

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

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

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

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

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



**EXHIBIT "A"**

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

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

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

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

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

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

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

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



## **EXHIBIT "A"**

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

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

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

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

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

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

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

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



**EXHIBIT "B"**

**PROJECT NUMBER: IM 0253-255**  
**PARCEL NUMBER: AC-172**  
**PROJECT CODE: 21506**  
**DATE: October 19, 2016**  
**ACCESS DESCRIPTION**

EACH AND EVERY RIGHT OR RIGHTS OF ACCESS OF THE GRANTOR to and from any part of the right-of-way of Colorado Interstate No. 25, a freeway established according to the laws of the State of Colorado, and from and to any part of the real property of the Grantor in the Southeast Quarter of Section 22, Township 6 North, Range 68 West, of the 6th Principal Meridian, in Larimer County, Colorado, abutting upon said Highway, along and across the access line or lines described as follows:

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

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

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

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

Excepting from this grant, the right of the Grantor to have the following points of access at the locations set forth hereinafter, to be limited in use by the Grantor to the width and location hereinafter designated according to centerline stationing of the Grantee's project number.

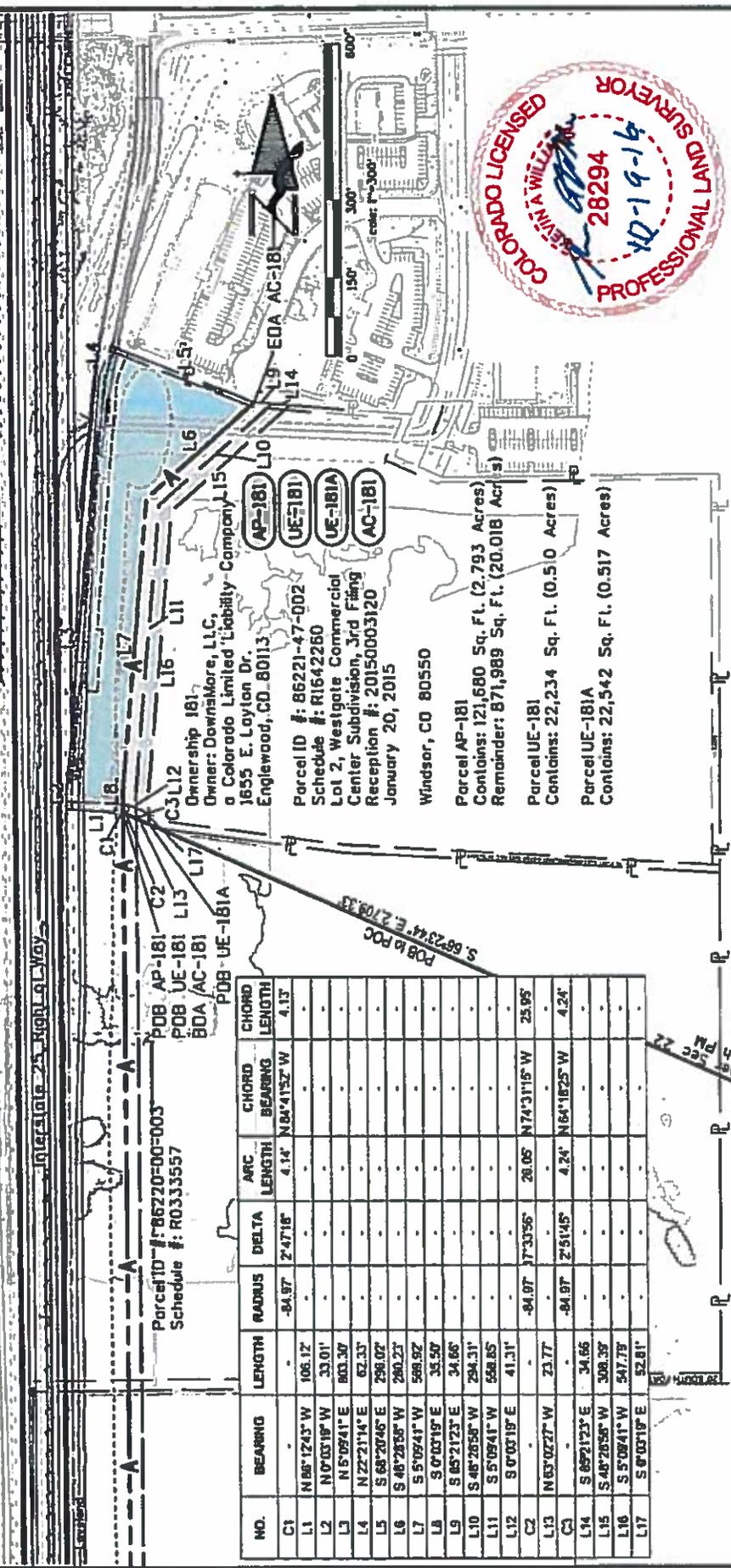
NO ACCESS POINT

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



SW/4 - Sec 22  
T6N R68W 6th PM

NW/4 - Sec 22  
T6N R68W 6th PM



Parcel ID # 86220-000003  
Schedule #: R0333557

NO.	BEARING	LENGTH	RADIUS	DELTA	ARC LENGTH	CHORD BEARING	CHORD LENGTH
C1			-84.97	2°47'18"	4.14'	N64°41'52" W	4.13'
L1	N85°12'43" W	106.12'					
L2	N10°03'18" W	33.01'					
L3	N5°09'41" E	803.30'					
L4	N22°21'14" E	62.33'					
L5	S68°20'46" E	296.07'					
L6	S48°28'58" W	260.21'					
L7	S5°09'41" W	568.92'					
L8	S0°03'19" E	35.50'					
L9	S85°21'23" E	34.66'					
L10	S48°28'58" W	294.31'					
L11	S5°09'41" W	568.85'					
L12	S0°03'19" E	41.31'					
C2			-84.97	7°33'56"	28.05'	N74°31'15" W	25.05'
L13	N63°02'27" W	23.77'					
C3			-84.97	2°51'45"	4.24'	N64°18'25" W	4.24'
L14	S89°21'23" E	34.66'					
L15	S48°28'58" W	308.39'					
L16	S5°09'41" W	547.79'					
L17	S0°03'19" E	52.81'					

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

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

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

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

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

Parcel ID #: 86220-000003  
Schedule #: R0333557  
Owner: Downham, LLC  
a Colorado Limited Liability Company  
1655 E. Loyton Dr.  
Englewood, CO 80113



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

NE/4 Sec 22  
T6N R68W 6th PM

COLORADO DEPARTMENT OF TRANSPORTATION  
STATE HIGHWAY PROJECT

DATE: 11-4-16

ROW PLANS AUTHORIZED:

*Kevin Williams*  
CDOT RIGHT OF WAY MANAGER

SE/4 Sec 22  
T6N R68W 6th PM

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

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

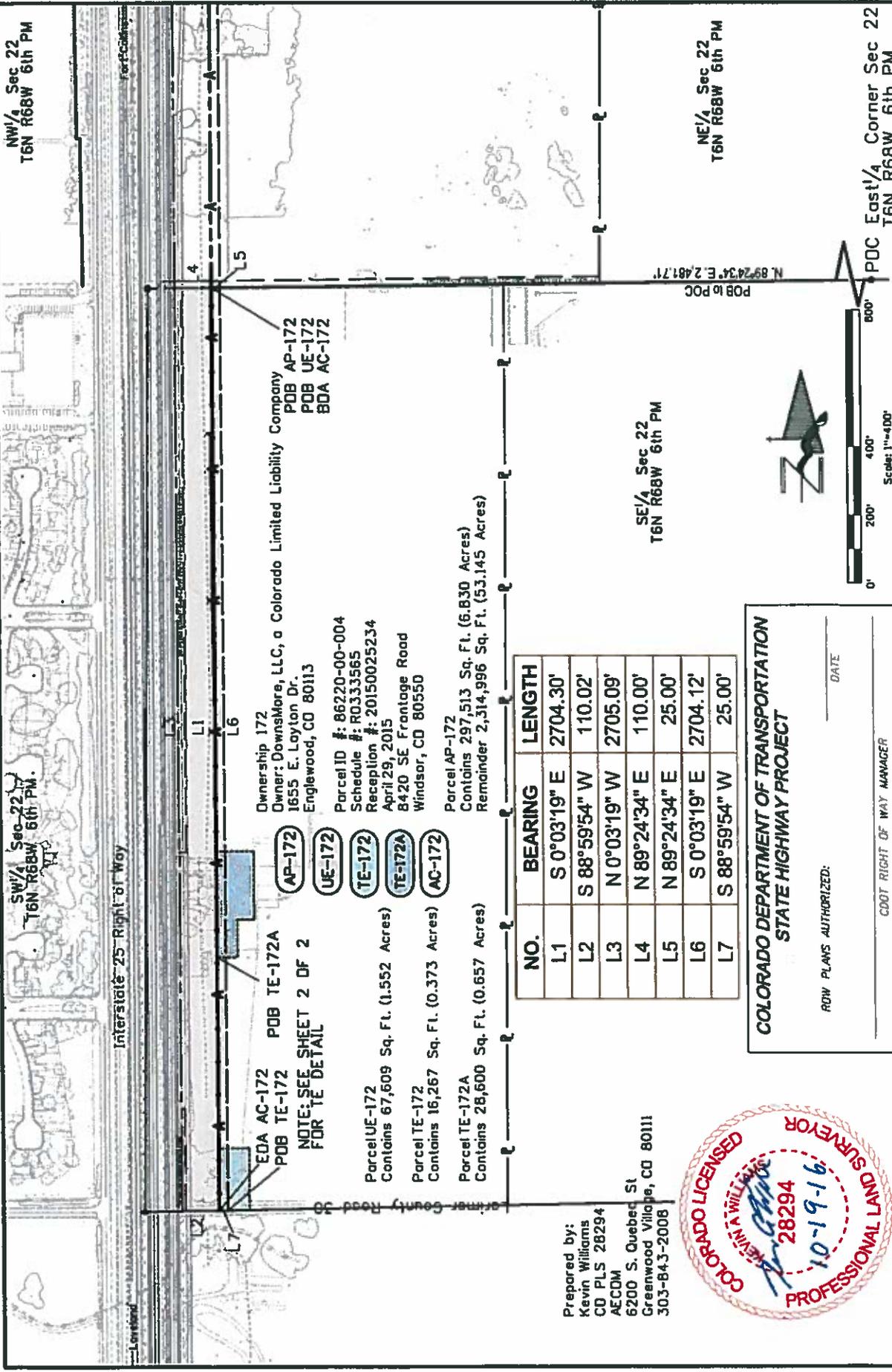
Project Code: Last Mod. Date: 10-19-2016  
Subsect: 1 of 1  
Sheet No.: 1 of 1

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

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

Region 4 Right-of-Way

PTS



NW 1/4 Sec 22  
T6N R68W 6th PM

SW 1/4 Sec 22  
T6N R68W 6th PM

SE 1/4 Sec 22  
T6N R68W 6th PM

NE 1/4 Sec 22  
T6N R68W 6th PM

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

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

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

EDA AC-172  
POB TE-172A  
NOTE: SEE SHEET 2 DF 2  
FOR TE DETAIL

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

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

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

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

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



COLORADO DEPARTMENT OF TRANSPORTATION  
STATE HIGHWAY PROJECT

ROW PLANS AUTHORIZED: \_\_\_\_\_ DATE \_\_\_\_\_

CDOT RIGHT OF WAY MANAGER



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

Project Number: IM 0253-255
Project Location: I-25 North: SH 402 to SH 14
Project Code: Last Mod. Date 21506 10-19-2016
Subset 1 of 2
Sheet No. 1 of 2

# Colorado Department of Transportation

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



## Region 4 Right-of-Way

PTS



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

SW/4 Sec 22  
T6N R68W 6th PM

NW/4 Sec 22  
T6N R68W 6th PM

Interstate 25 Right-of-Way

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

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

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



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

AP-179  
UE-179  
AC-179

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

Windsor, CO 80550

Parcel AP-179  
Contains: 122,618 Sq. Ft. (2.815 Acres)  
Remainder: 1,176,334 Sq. Ft. (27.051 Acres)

Parcel UE-179  
Contains: 27,687 Sq. Ft. (0.636 Acres)

EDA AC-179

Parcel ID #: 86221-47-002  
Schedule #: R1642260

NE/4 Sec 22  
T6N R68W 6th PM



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

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

COLORADO DEPARTMENT OF TRANSPORTATION  
STATE HIGHWAY PROJECT

ROW PLANS AUTHORIZED:

DATE \_\_\_\_\_

SE/4 Sec 22  
T6N R68W 6th PM

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

CDOT HIGHWAY MANAGER

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

Project Number: IM 0253-255

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

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



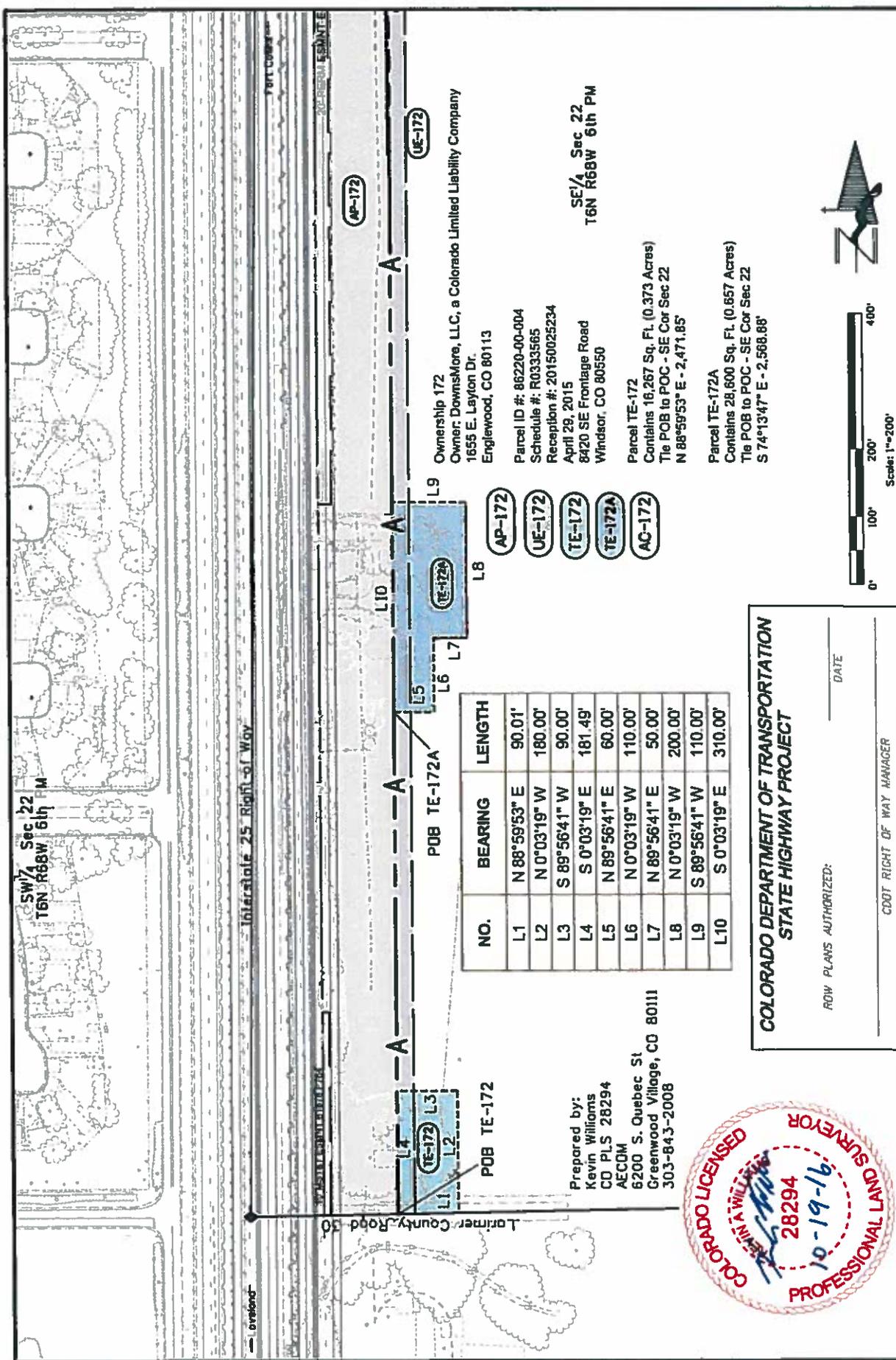
Colorado Department of Transportation

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



Region 4 Right-of-Way

PTS



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

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

SE 1/4 Sec 22  
 T6N R68W 6th PM

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

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

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

**COLORADO DEPARTMENT OF TRANSPORTATION  
 STATE HIGHWAY PROJECT**

ROW PLANS AUTHORIZED: \_\_\_\_\_ DATE \_\_\_\_\_

CDOT RIGHT OF WAY MANAGER



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

**AECOM**

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

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

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

Colorado Department of Transportation

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

PTS

Region 4 Right-of-Way

Project Codes: Last Mod. Date  
 21506 10-19-2016

Subset  
 2 of 2

Sheet No.  
 2 of 2