

Resolution # TC-16-5-[]

R1 SH 121 – Wadsworth Capacity Project, Highland to 10th, Project Number STU1211-084, Project Code 19868

Authorizing the Chief Engineer to either negotiate and tender damages to Amerco Real Estate Company (“Amerco”) or to initiate and conduct condemnation proceedings pursuant to articles 1 to 7 of title 38, C.R.S. for the Amerco Real Estate Company property.

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 and 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 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 either tender landowners the amount of damages, as estimated by the Chief Engineer or authorize condemnation without tender to the landowner; and

WHEREAS, the property owned by Amerco is located at 820 Wadsworth Boulevard, Lakewood, Colorado 80214 ("Property"), which is within the Project boundaries.

WHEREAS, CDOT seeks to acquire 71,343 square feet (1.638 acres) of the Property for widening State Highway 121 and for necessary drainage improvements and floodplain maintenance; and

WHEREAS, the Property may include tenant-owned improvements, personal property, and other real estate; and

WHEREAS, CDOT has an immediate need for the Property and the inability to work on the Property will likely cause delay to the Wadsworth Capacity Project, Highland to 10th (Project Number STU1211-084/19868)("Project"), resulting in significant monetary harm to CDOT; 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 the Project and the Property, the Transportation Commission has determined that the proposed changes to State Highway 121 will serve the public interest or 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 estimate of damages 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 State Highway 121 by virtue of the Wadsworth Capacity Project, Highland to 10th (Project Number STU1211-084/19868), and authorizes the CDOT staff either to negotiate and tender the Owner of the Amerco Real Estate Company Property the amount of estimated damages or CDOT may initiate and conduct condemnation proceedings for the Properties. 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 Properties requires acquisition of buildings, structures, or improvements

on real property as well as acquisition of tenant-owned improvements both real and personal property, or other real estate, the Transportation Commission authorizes CDOT to acquire those items if necessary.

Herman Stockinger, Secretary
Transportation Commission of Colorado

Date



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: November 4, 2016

SUBJECT: REPORT PURSUANT TO COLORADO REVISED STATUTES, §43-1-208 REGARDING PROJECT NUMBER STU1211-084/19868, AMERCO REAL ESTATE PROPERTY

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 widen State Highway 121 ("SH 121" or "Wadsworth") as recommended by the Environmental Assessment completed in 2010.

SH 121 - Wadsworth Capacity Project, Highland to 10th ("Project") is necessary for the continuation of three through lanes and construction of a multi-use path in both directions on SH 121. The multi-use path will travel underneath Wadsworth from east to west. The new underpass will allow pedestrians and bicyclists to safely travel from the east to west side (or west to east side) of Wadsworth without crossing a six-lane highway. This Project will increase the capacity and safety on Wadsworth to meet current and future demands of the traveling public and 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 traveling public.

The property required is located on the east side of Wadsworth between 6th (US 6) and 9th Avenue, addressed as 820 Wadsworth Boulevard, Lakewood, Colorado 80214 and owned by Amerco Real Estate Company ("Property"). This Property was at issue in the recent Colorado Supreme Court case titled *Department of Transportation v. Amerco Real Estate Company*, 2016SA75. The Colorado Supreme Court issued its opinion on September 26, 2016.

If the Transportation Commission determines that the specific Property and proposed changes to SH 121 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 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 construct additional travel lanes on SH 121 to increase highway capacity and make improvements to Lakewood Gulch, including installation of a multi-use trail, enhancement of the floodplain characteristics, and provide maintenance access to Lakewood Gulch. The Project is a highway expansion project. The Transportation Commission previously approved this Project on July 23, 2009. I have determined, as recommended by the Environmental Assessment completed in 2010, that it is necessary to widen this portion of SH 121 to increase the capacity on SH 121, install a multi-use trail, enhance the floodplain characteristics, install maintenance access to the Gulch, and match the existing section of SH 121 north of 10th.

Description of Amerco's Property Needed for Project

The Amerco property is a 2.9-acre site located on the east side of Wadsworth between 6th (US 6) and 9th Avenue addressed as 820 Wadsworth Boulevard, Lakewood, Colorado 80214, operated as a U-Haul Rental business. CDOT seeks to acquire approximately 71,343 square feet (1.638 acres) from Amerco, most of which is located in Lakewood Gulch. The acquisitions are necessary to widen the highway, to install the multi-use trail and drainage improvements, and to facilitate future floodplain maintenance. The multi-use trail will pass underneath Wadsworth and connect with a similar multi-use trail on the west side of Wadsworth. Legal descriptions of the Amerco parcels are attached with this memorandum. The following description demonstrates how CDOT intends to use each parcel for the Project:

1. RW-53: This parcel will be used for installation of an extra travel lane. CDOT will also use the parcel for the multi-use trail, utilities, drainage, appurtenances, access, and maintenance.
2. RW-53A-Rev : This parcel will be used for the multi-use trail, drainage structures, utilities, drainage and appurtenances, access, and maintenance.

It is not feasible to move the multi-use trail from its planned location. First, the trail cannot be moved south because Highland Drive occupies the area south of the Amerco Property. Also, a move north or south of its planned location would involve acquisition of several private residences. Furthermore, the approved Environmental Assessment noted that the planned location of the multi-use trail was designed to conform with existing floodplain requirements. Additionally, the Environmental Assessment particularly discussed that multi-use trail was designed for the safety of the traveling public. The new Wadsworth alignment was designed to handle 68,700 vehicles per day. Currently, there are no nearby signalized crossings for pedestrians and bicycles to safely cross Wadsworth. As a result, people frequently attempt to cross Wadsworth in this area, which is highly dangerous to pedestrians, bicyclists, and the traveling public.

Finally, CDOT will retain ownership of this property and per the Intergovernmental Agreement with Lakewood dated October 20, 2015, Lakewood will maintain the multi-use path.

3. PE-53: This parcel will be used for the construction, use, and maintenance of sidewalk, utility facilities and associated appurtenances.

4. PE-53A: CDOT will use this parcel for the construction, use and maintenance of utility facilities and associated appurtenances.

5. TE-53Rev: CDOT will use this parcel for access and construction of driveway, utilities, and associated appurtenances.

Estimate of Damages and Benefits Accruing to Amerco

CDOT obtained an independent appraisal dated November 3, 2016, authored by Stephen M. Rothweiler, MAI, who valued the acquired Property at \$1,070,000.00. No benefits were identified for the Property. CDOT's independent appraisal represents a reasonable budget of the costs and damages related to the Property. A copy of the appraisal was emailed to Counsel for Amerco Real Estate Company on November 3, 2016. A copy of the appraisal is available to the Commission upon request.

Attachments

§43-1-208, C.R.S.

Legal Descriptions of Parcels RW-53, RW-53A-Rev, PE-53, PE-53A, TE-53Rev

Right-of-Way Plans

Proposed Resolution



**Office of the Mayor
Adam Paul**

480 South Allison Parkway
Lakewood, Colorado 80226-3127
303.987.7040 Voice
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November 3, 2016

Mr. Ed Peterson, Chair
Colorado Transportation Commission
4201 East Arkansas
Denver, CO 80222-3406

RE: Support for State Highway 121 (Wadsworth) property acquisition

Dear Chairman Peterson:

The City of Lakewood supports CDOT's acquisition of right of way needed to build the SH 121 (Wadsworth) Project between Highland Drive and 10th Ave. as approved in the 2009 US 6 and Wadsworth Environmental Assessment. This assessment began in 2007 and was highly publicized with numerous public meetings during which citizen input was gathered.

The Environmental Assessment states, in part: *"The Lakewood Gulch box culvert at 8th Avenue would be reconstructed and replaced with a wider structure. The new box culvert also would include accommodations for a pedestrian/bicycle crossing."* The shared-use path under SH 121 will provide a safe bicycle and pedestrian crossing below the high speed, high volume, six-lane motor vehicle traffic. The location of this connection on the north side of the Lakewood Gulch channel is in an area already significantly encumbered by the existing floodplain and will allow maintenance access for the Urban Drainage and Flood Control District.

The need for Immediate Possession to keep this project moving forward is critical. The traffic impacts being experienced by the public currently are quite severe as they maneuver through the orange forest of traffic cones.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam Paul".

Adam Paul
Mayor



	A	B	C	D	E	F
1	COLORADO DEPARTMENT OF TRANSPORTATION					
2	CHIEF ENGINEER'S RIGHT-OF-WAY COST ESTIMATE					
3						
4	The following is the estimated cost of right-of-way required for the construction of the above captioned project as					
5	required by CRS 43-1-208. As shown, the totals include the estimated value of the land to be acquired, the value					
6	of any improvements thereon and the damage and benefits, if any, to the remaining land. This estimate is prepared					
7	and used for budgetary purposes only, and should not be considered an indication of actual market value.					
8						
9	Project #	ES6-006A-047;Unit-1				
10	Location	th Blvd.: Highland Dr. to 10th Ave				
11	Project Code (SA#)	17858				
12	State Highway #	121				
13	Area Units (SF, AC, etc.)	SF				
14	Land Rental Duration (months)	24				
15	Fee % Value	100%				
16	PE % of Fee Value	90%				
17	SE % of Fee Value	50%				
18	TE % of Fee Value	10%				
19	RE % of Fee Value	90%				
20	UE % of Fee Value	35%				
21	Minimum TE Value	\$200				
22	Minimum Fee, PE, SE, etc. Value	\$500				

Cells for Data Entry

Cells with Formulas or Links Use Caution

Parcel	Owner	Area	Unit	Unit Value		Land Value	Improvements	Damages / (Benefits)	Land Rental (Inns)		Total
				\$/Unit	%				Land Rental Cost		
TE-42	Mc Donalds Corporation	5,045	SF	\$17.00	@ 10%				24	\$ 17,153	\$ 17,200
RW-49	Laramie Investments LLC	1,948	SF	\$17.00	@ 100%	\$ 33,116					\$ 33,150
PE-49	Laramie Investments LLC	5,870	SF	\$17.00	@ 90%	\$ 89,811	\$ 15,000	\$ 50,750			\$ 155,600
TE-49	Laramie Investments LLC	4,778	SF	\$17.00	@ 10%				24	\$ 16,245	\$ 16,250
TE-49A	Laramie Investments LLC	110	SF	\$17.00	@ 10%				24	\$ 374	\$ 380
TE-50	Norton Frickey Family Partnership	3,766	SF	\$17.00	@ 10%			\$ 500	24	\$ 12,804	\$ 13,350
RW-51	Allredge/Inzary joint tenants	1,121	SF	\$20.00	@ 100%	\$ 22,420		\$ 40,000			\$ 62,450
PE-51	Allredge/Inzary joint tenants	1,698	SF	\$20.00	@ 90%	\$ 30,564					\$ 30,600
TE-51	Allredge/Inzary joint tenants	2,363	SF	\$20.00	@ 10%				24	\$ 9,452	\$ 9,500
RW-52	Harman Mangement Corp.	774	SF	\$25.00	@ 100%	\$ 19,350	\$ 5,000	\$ 20,500			\$ 44,850
PE-52	Harman Mangement Corp.	2,204	SF	\$25.00	@ 90%	\$ 49,590					\$ 49,600
TE-52	Harman Mangement Corp.	4,314	SF	\$25.00	@ 10%				24	\$ 21,570	\$ 21,600
RW-53	AMERCO Real Estate Co.	2,441	SF	\$15.00	@ 100%	\$ 36,615		\$ 338,250			\$ 375,000
RW-53A	AMERCO Real Estate Co.	92,416	SF	\$15.00	@ 100%	\$ 1,386,240					\$ 1,386,500
PE-53	AMERCO Real Estate Co.	3,842	SF	\$15.00	@ 90%	\$ 51,867					\$ 51,900
PE-53A	AMERCO Real Estate Co.	104	SF	\$15.00	@ 90%	\$ 1,404					\$ 1,450
TE-53	AMERCO Real Estate Co.	7,892	SF	\$15.00	@ 10%				24	\$ 23,676	\$ 23,700
PE-54	Jefferson County Assoc. of Realtors	4,931	SF	\$20.00	@ 90%	\$ 88,758		\$ 55,750			\$ 144,600
TE-54	Jefferson County Assoc. of Realtors	1,415	SF	\$20.00	@ 10%				24	\$ 5,660	\$ 5,700
TE-54A	Jefferson County Assoc. of Realtors	3,122	SF	\$20.00	@ 10%				24	\$ 12,488	\$ 12,500
RW-55	KEN-O, Inc.	12	SF	\$20.00	@ 100%	\$ 240	\$ 20,000	\$ 60,000			\$ 80,500
PE-55	KEN-O, Inc.	2,084	SF	\$20.00	@ 90%	\$ 37,512					\$ 37,550
TE-55	KEN-O, Inc.	3,610	SF	\$20.00	@ 10%				24	\$ 14,440	\$ 14,450
RW-56	Kenneth W. Olsen	19	SF	\$20.00	@ 100%	\$ 380		\$ 500,000			\$ 500,500
PE-56	Kenneth W. Olsen	1,919	SF	\$20.00	@ 90%	\$ 34,542					\$ 34,550
Sheet Totals						\$ 1,882,409	\$ 40,000	\$ 1,065,750	\$ 133,863	\$ 3,123,430	
Project Totals						\$ 2,233,731	\$ 100,000	\$ 1,231,250	\$ 213,692	\$ 3,780,580	

EXHIBIT "A"

PROJECT NUMBER: ES6-006A-047; Unit-1

PARCEL NUMBER: RW-53

PROJECT CODE: 17858

DATE: June 12, 2014

DESCRIPTION

A parcel of land No. RW-53 of the Department of Transportation, State of Colorado Project No. ES6-006A-047; Unit 1 containing 2,441 sq. ft. (0.056 acres), more or less, located in the Southeast Quarter of Section 2, Township 4 South, Range 69 West, of the 6th Principal Meridian, in Jefferson County, Colorado, being more particularly described as follows:

Commencing at the Center Quarter Corner of said Section 2;

Thence S. $00^{\circ}13'56''$ W, a distance of 1136.75 feet, along the west line of said Southeast Quarter of Section 2;

Thence N. $89^{\circ}17'37''$ E., a distance of 50.00 feet to a point on the north line of the parcel described in Reception Number F0056566, the records of the Clerk and Recorder of said Jefferson County, also being the TRUE POINT OF BEGINNING;

1. Thence S. $00^{\circ}13'56''$ W., a distance of 317.64 feet, on a line 50.00 feet east of and parallel with the west line of the Southeast Quarter of Section 2, to a point on the south line of said parcel described in Reception Number F0056566;

2. Thence S. $89^{\circ}17'40''$ W., a distance of 5.00 feet coincident with said south parcel line to a point on the east right-of-way line for Wadsworth Blvd. (S.H. 121);

Thence coincident with said east right-of-way line the following three (3) courses:

3. N. $00^{\circ}13'47''$ E., a distance of 147.30 feet;

4. Thence N. $89^{\circ}59'13''$ W., a distance of 5.00 feet;

5. Thence N. $00^{\circ}13'56''$ E., a distance of 170.27 feet, to a point on the north line of said parcel described in Reception Number F0056566;

6. Thence N. $89^{\circ}17'37''$ E., a distance of 10.00 feet, coincident with said north parcel line, to the TRUE POINT OF BEGINNING.

The above described parcel contains 2,441 sq. ft. (0.056 acres), more or less.

Basis of Bearings: All bearings are based on the East line of the SW $\frac{1}{4}$ of Section 2, Township 4 South, Range 69 West of the 6th Principal Meridian, City of Lakewood, Jefferson County,

Colorado, as bearing S. 00°13'56" W., monumented by a 3" Aluminum Cap, Stamped PLS 14112, at the Center ¼ Corner, and a 3" Aluminum Cap, Stamped PLS 24957, at the South ¼ Corner, with a measured distance of 2644.73 feet, using an adjusted Fast Static GPS control network, established for CDOT Project Number STU 0062-019, Project Code 15215.

Authored by:

Kathryn Jane Lyon, Colorado PLS Registration Number 38110
For and on behalf of the Colorado Department of Transportation
Region 1, Right of Way/Survey
2000 S. Holly St.
Denver, CO 80022
Ph: 303.757.9923



EXHIBIT "A"

PROJECT NUMBER: ES6-006A-047; Unit-1

PARCEL NUMBER: RW-53A-Rev

PROJECT CODE: 17858

DATE: September 19, 2014

DESCRIPTION

A parcel of land No. RW-53A-Rev., of the Department of Transportation, State of Colorado Project No. ES6-006A-047; Unit 1, containing 55,959 sq. ft. (1.285 acres), more or less, located in the Southeast Quarter of Section 2, Township 4 South, Range 69 West, of the 6th Principal Meridian, in Jefferson County, Colorado, being more particularly described as follows:

Commencing at the Center Quarter Corner of said Section 2;

Thence S. $00^{\circ}13'56''$ W, a distance of 1385.83 feet, along the west line of said Southeast Quarter of Section 2;

Thence N. $89^{\circ}17'37''$ E., a distance of 50.00 feet to a point on a line 50.00 feet east of said west line of the Southeast Quarter, and the TRUE POINT OF BEGINNING;

1. Thence N. $80^{\circ}31'04''$ E., a distance of 38.44 feet;

2. Thence N. $55^{\circ}12'26''$ E., a distance of 149.12 feet;

3. Thence S. $89^{\circ}45'42''$ E., a distance of 250.46 feet, to a point on the east line of the parcel described in Reception Number F0056566, the records of the Clerk and Recorder of said Jefferson County;

Thence coincident with the boundary lines of said parcel the following two (2) courses and distances:

4. S. $00^{\circ}14'14''$ W., a distance of 153.89 feet, to the southeast corner of said parcel;

5. Thence S. $89^{\circ}17'40''$ W., a distance of 410.50 feet, coincident with the south line of said parcel;

6. Thence N. $00^{\circ}13'56''$ E., a distance of 68.56 feet, along a line being 50 feet east of and parallel with said west line of the Southeast Quarter, to the TRUE POINT OF BEGINNING.

The above described parcel contains 55,959 sq. ft. (1.285 acres), more or less.

Basis of Bearings: All bearings are based on the East line of the SW $\frac{1}{4}$ of Section 2, Township 4

South, Range 69 West of the 6th Principal Meridian, City of Lakewood, Jefferson County, Colorado, as bearing S. 00°13'56" W., monumented by a 3" Aluminum Cap, Stamped PLS 14112, at the Center ¼ Corner, and a 3" Aluminum Cap, Stamped PLS 24957, at the South ¼ Corner, with a measured distance of 2644.73 feet, using an adjusted Fast Static GPS control network, established for CDOT Project Number STU 0062-019, Project Code 15215.

Authored by:

Kathryn Jane Lyon, Colorado PLS Registration Number 38110

For and on behalf of the Colorado Department of Transportation

Region 1, Right of Way/Survey

2000 S. Holly St.

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EXHIBIT "A"

PROJECT NUMBER: ES6-006A-047; Unit-1
PERMANENT EASEMENT NUMBER: PE-53
PROJECT CODE: 17858
DATE: June 12, 2014
DESCRIPTION

A Permanent Easement No. PE-53 of the Department of Transportation, State of Colorado Project No. ES6-006A-047; Unit 1 containing 3,842 sq. ft. (0.088 acres), more or less, located in the Southeast Quarter of Section 2, Township 4 South, Range 69 West, of the 6th Principal Meridian, in Jefferson County, Colorado, said easement being more particularly described as follows:

Commencing at the Center Quarter Corner of said Section 2;

Thence S. 00°13'56" W, a distance of 1136.75 feet, along the west line of said Southeast Quarter of Section 2;

Thence N. 89°17'37" E., a distance of 50.00 feet to a point on the north line of the parcel described in Reception Number F0056566, the records of the Clerk and Recorder of said Jefferson County, also being the TRUE POINT OF BEGINNING;

1. Thence N. 89°17'37" E., a distance of 15.50 feet;
2. Thence S. 00°13'56" W., a distance of 246.68 feet;
3. Thence S. 80°30'45" W., a distance of 15.73 feet;
4. Thence N. 00°13'56" E., a distance of 249.08 feet, on a line 50.00 feet east of said west line of the Southeast Quarter, to the TRUE POINT OF BEGINNING.

The above described Permanent Easement contains 3,842 sq. ft. (0.088 acres), more or less. The purpose of the above-described Permanent Easement is for the construction use and maintenance of sidewalk, utility facilities and associated appurtenances.

Basis of Bearings: All bearings are based on the East line of the SW ¼ of Section 2, Township 4 South, Range 69 West of the 6th Principal Meridian, City of Lakewood, Jefferson County, Colorado, as bearing S. 00°13'56" W., monumented by a 3" Aluminum Cap, Stamped PLS 14112, at the Center ¼ Corner, and a 3" Aluminum Cap, Stamped PLS 24957, at the South ¼ Corner, with a measured distance of 2644.73 feet, using an adjusted Fast Static GPS control network, established for CDOT Project Number STU 0062-019, Project Code 15215.

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EXHIBIT "A"

PROJECT NUMBER: ES6-006A-047; Unit-1
PERMANENT EASEMENT NUMBER: PE-53A
PROJECT CODE: 17858
DATE: June 12, 2014
DESCRIPTION

A Permanent Easement No. PE-53A of the Department of Transportation, State of Colorado Project No. ES6-006A-047; Unit 1 containing 104 sq. ft. (0.002 acres), more or less, located in the Southeast Quarter of Section 2, Township 4 South, Range 69 West, of the 6th Principal Meridian, in Jefferson County, Colorado, said easement being more particularly described as follows:

Commencing at the Center Quarter Corner of said Section 2;

Thence S. 00°13'56" W., a distance of 1341.51 feet, along the west line of said Southeast Quarter of Section 2;

Thence N. 89°17'37" E., a distance of 144.09 feet, to the TRUE POINT OF BEGINNING;

1. Thence N. 34°27'02" W., a distance of 4.41 feet;
2. Thence N. 55°35'36" E., a distance of 24.00 feet;
3. Thence S. 33°21'17" E., a distance of 4.25 feet;
4. Thence S. 55°12'26" W., a distance of 23.92 feet, more or less, to the TRUE POINT OF BEGINNING.

The above described Permanent Easement contains 104 sq. ft. (0.002 acres), more or less.

The purpose of the above-described Permanent Easement is for the construction, use and maintenance of utility facilities and associated appurtenances.

Basis of Bearings: All bearings are based on the East line of the SW ¼ of Section 2, Township 4 South, Range 69 West of the 6th Principal Meridian, City of Lakewood, Jefferson County, Colorado, as bearing S. 00°13'56" W., monumented by a 3" Aluminum Cap, Stamped PLS 14112, at the Center ¼ Corner, and a 3" Aluminum Cap, Stamped PLS 24957, at the South ¼ Corner, with a measured distance of 2644.73 feet, using an adjusted Fast Static GPS control network, established for CDOT Project Number STU 0062-019, Project Code 15215.

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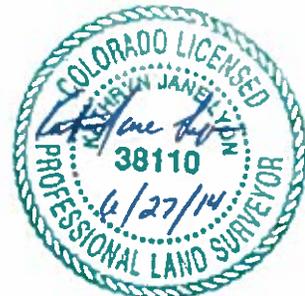


EXHIBIT "A"

PROJECT NUMBER: ES6-006A-047; Unit-1
TEMPORARY EASEMENT NUMBER: TE-53Rev
PROJECT CODE: 17858
DATE: September 19, 2014
DESCRIPTION

A Temporary Easement No. TE-53Rev. of the Department of Transportation, State of Colorado Project No. ES6-006A-047; Unit-1, containing 8,997 sq. ft. (0.207 acres), more or less, located in the Southeast Quarter of Section 2, Township 4 South, Range 69 West, of the 6th Principal Meridian, in Jefferson County, Colorado, said easement being more particularly described as follows:

Commencing at the Center Quarter Corner of said Section 2;

Thence S. 00°13'56" W, a distance of 1383.42 feet, along the west line of said Southeast Quarter of Section 2;

Thence N. 89°17'37" E., a distance of 65.50 feet, to the TRUE POINT OF BEGINNING;

1. Thence N. 00°13'56" E., a distance of 246.68 feet, to a point on the north line of the parcel described in Reception Number F0056566, the records of the Clerk and Recorder of said Jefferson County;
2. Thence N. 89°17'37" E., a distance of 17.51 feet, coincident with said north parcel line;
3. Thence S. 00°13'56" W., a distance of 67.26 feet;
4. Thence S. 20°39'38" E., a distance of 74.87 feet;
5. Thence S. 00°13'56" W., a distance of 78.77 feet;
6. Thence N. 55°03'59" E., a distance of 122.68 feet;
7. Thence S. 00°13'43" W., a distance of 12.23 feet;
8. Thence S. 55°12'26" W., a distance of 56.59 feet;
9. Thence N. 33°21'17" W., a distance of 4.25 feet;
10. Thence S. 55°35'36" W., a distance of 24.00 feet;

11. Thence S. 34°27'02" E., a distance of 4.41 feet;
12. Thence S. 55°12'26" W., a distance of 68.60 feet;
13. Thence S. 80°30'58" W., a distance of 22.71 feet, more or less, to the TRUE POINT OF BEGINNING.

The above described Temporary Easement contains 8,997 sq. ft. (0.207 acres), more or less.

The purpose of the above-described Temporary Easement is for access and construction of driveway, utilities and associated appurtenances.

Basis of Bearings: All bearings are based on the East line of the SW ¼ of Section 2, Township 4 South, Range 69 West of the 6th Principal Meridian, City of Lakewood, Jefferson County, Colorado, as bearing S. 00°13'56" W., monumented by a 3" Aluminum Cap, Stamped PLS 14112, at the Center ¼ Corner, and a 3" Aluminum Cap, Stamped PLS 24957, at the South ¼ Corner, with a measured distance of 2644.73 feet, using an adjusted Fast Static GPS control network, established for CDOT Project Number STU 0062-019, Project Code 15215.

Authored by:

Kathryn Jane Lyon, Colorado PLS Registration Number 38110
For and on behalf of the Colorado Department of Transportation
Region 1, Right of Way/Survey
2000 S. Holly St.
Denver, CO 80222
Ph: 303.757.9923



Sheet Revisions		
Date	Description	Initials
8/18/14	Revised Sheet 1.01: Conventional notes	K.A.
9/18/14	Revised Sheets 1.01, 2.01, 7.01, 7.05, 7.06	K.A.
9/18/14	Revised 3.01, 3.02, 3.03, 7.02, 7.03	K.A.
9/18/14	Revised 7.04, 7.05, 7.07, 7.08, 8.01	K.A.
9/28/14	Revisions: 7.02A-deleted, add Sheet 7.09	K.A.
10/02/14	Revised Sheet 7.03	K.A.
12/17/14	Revised 2.03, 2.04, 5.01, 7.07, 7.07, 8.01	K.A.

Sheet Revisions		
Date	Description	Initials
06/09/15	Revised information on sheets 2.03, 2.05, 5.01, 5.02, 5.03, 7.02, 7.03, 7.04, 7.05, 8.01	K.A.

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

Right of Way Plans			
Title Sheet			
Project Number: ROW-ES6 006A-047 Unit 1; CDNST:STU 1211-084			
Project Location: Wadsworth Blvd. (Highland Dr.- 10th Ave.)			
Section 2, T4S, R68W, 6TH P.M.			
Project Code	Last Mod. Date	Subset	Sheet No.
ROW-1155A	01-01-15	1.01 of 1.01	1.01
CDNST: 006A			

DEPARTMENT OF TRANSPORTATION STATE OF COLORADO

RIGHT OF WAY PLANS OF PROPOSED
FEDERAL AID PROJECT NO.: Right of Way: ES6 006A-047; UNIT 1
Construction Number: STU 1211-084
STATE HIGHWAY NO. 121
JEFFERSON COUNTY

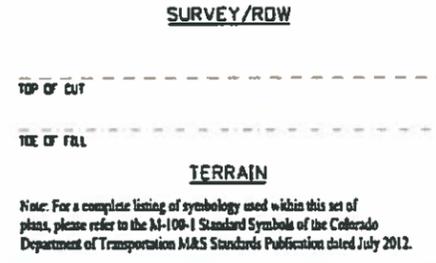
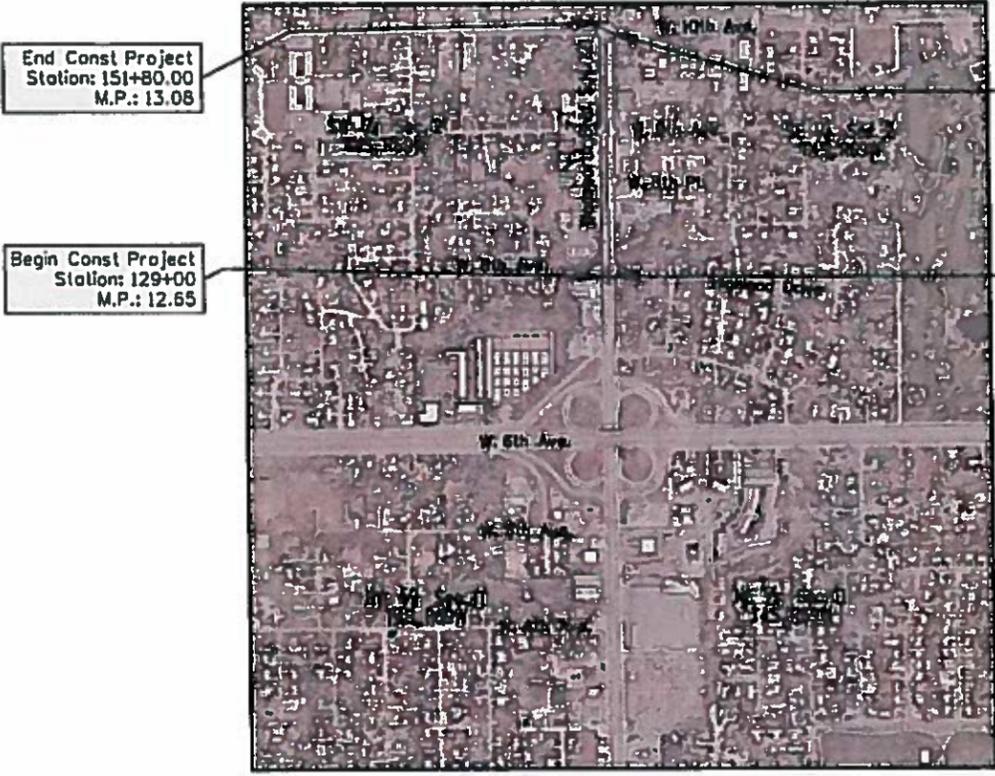
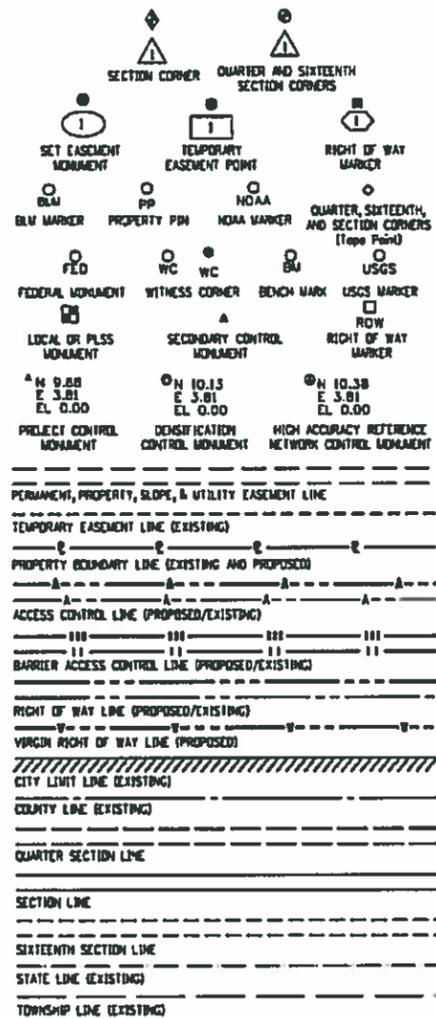
Unit 1 R.O.W. Length of Project = 0.423 Miles
 Unit 1 Const. Length of Project = 0.53 Miles

SHEET NO.	INDEX OF SHEETS
1.01-1.01	(1) Title Sheet
2.01-2.06	(6) Tabulation of Properties
3.01-3.0X	(NA) Project Control Diagram
4.01-4.07	(7) Land Survey Control Diagram
5.01-5.03	(3) Monumentation Sheets
7.01-7.09	(9) Plan Sheets
8.01	(1) Ownership Map
	(27) Total Sheets

Scales of Original 11 x 17' Drawings
 Plan Sheets 1"=50', 1"=30'
 Ownership Map 1"=200'

GENERAL NOTES:

- This Right-of-Way Plan is to document right-of-way acquisitions and monumentation of lands required to construct and operate the proposed roadway. Title lines of lands adjoining the Right of Way or proposed Right of Way, are based on positions determined from evidence adjoining the Right of Way and from record documents, not from field surveys of the entire adjoining properties. Title investigations on parcels adjoining the proposed Right-of-Way were limited to informational title commitments. 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.
- Basis of Bearings: All Bearings shown, or computed using coordinate values listed herein are grid bearings of the Colorado coordinate system of 1983, Central Zone (502). The line between Control Points CP 131 and CP 144 bears N26°55'07"W, a distance of 5267.96 feet, based on an existing control network established by the Colorado Department of Transportation for Project STU 0062 019, Project Code 15215, and shown on diagrams deposited under Reception Number's 2007087074 and 2011026028, Clerk and Recorder's Office of Jefferson County.
- For title information, The Colorado Department of Transportation relied on Front Range Title of Downtown Denver, LLC; Commitment File Numbers NF01139-01140, NF01365-01369, NF01372-01377, NF01443, NF01478, NF01652, NF01661.
- 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.



JEFFERSON COUNTY SURVEY DEPOSITING CERTIFICATE:
 Deposited this _____ day of _____, 20____, at _____ o'clock _____ M.
 In Book _____ at page _____ of Land Surveys/Right of Way Surveys, under Reception No. _____
 By: _____
 Title: _____

PROJECT LOCATION MAP
NOT TO SCALE
 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.

COLORADO DEPARTMENT OF TRANSPORTATION
 FEDERAL-AID HIGHWAY PROJECT
 ROW PLANS AUTHORIZED
 [Signature]
 DATE 7/10/2015
 CDOT ROW PROGRAM MANAGER

Surveyor's Statement (ROW Plan):
 I, Kathryn Jane Lynn, a Professional Land Surveyor licensed in the State of Colorado, do hereby state to the Colorado Department of Transportation that this Right-of-Way Plan was prepared and the research, calculations and evaluation of the survey evidence were performed under my responsible charge and, based upon my knowledge, information and belief, in accordance with applicable standards of practice defined by Colorado Department of Transportation documents. This statement is not a warranty or guarantee either expressed or implied.
 Kathryn Jane Lynn, PLS No. 38110
 Date _____

6/10/2015 1:00pm 21-1152 PM W:\ST-1211\1211-084-ES6-006A-047\009-Survey\Drawings\1084009-TitleSheet.dwg The2015-11-10

Colorado Department of Transportation



2000 South Holly
Denver, CO 80222
Phone: 303-757-9923 FAX: 303-757-9390

Region 1

SLK

Sheet Revisions

Date	Description	Initials
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Sheet Revisions

Date	Description	Initials
mm/dd/yy	XXXXXXXX	XXX

Sheet Revisions

Date	Description	Initials
mm/dd/yy	XXXXXXXX	XXX

Right of Way Plans

Title Sheet

Project Number: ES6-006A-047; UNIT 1			
Project Location: Wadsworth Blvd. (Highland Dr.- 10th Ave.)			
Section 2, T4S, R69W, 6TH P.M.			
Project Code:	Last Mod. Date:	Subset:	Sheet No.:
17858	6-26-2014	1.01 of 1.01	1.01

DEPARTMENT OF TRANSPORTATION

STATE OF COLORADO

RIGHT OF WAY PLANS OF PROPOSED
FEDERAL AID PROJECT NO. ES6-006A-047; UNIT 1
STATE HIGHWAY NO. 121
JEFFERSON COUNTY

Unit 1 R.O.W. Length of Project = 0.423 Miles
Unit 1 Const. Length of Project = 0.423 Miles

SHEET NO.

- 1.01-1.01
- 2.01-2.06
- 3.01-3.0X
- 4.01-4.07
- 5.01-5.03
- 7.01-7.08
- 8.01

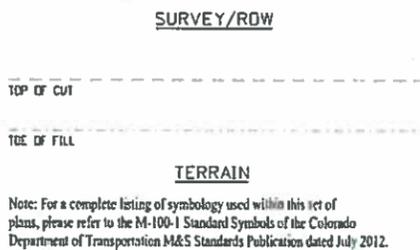
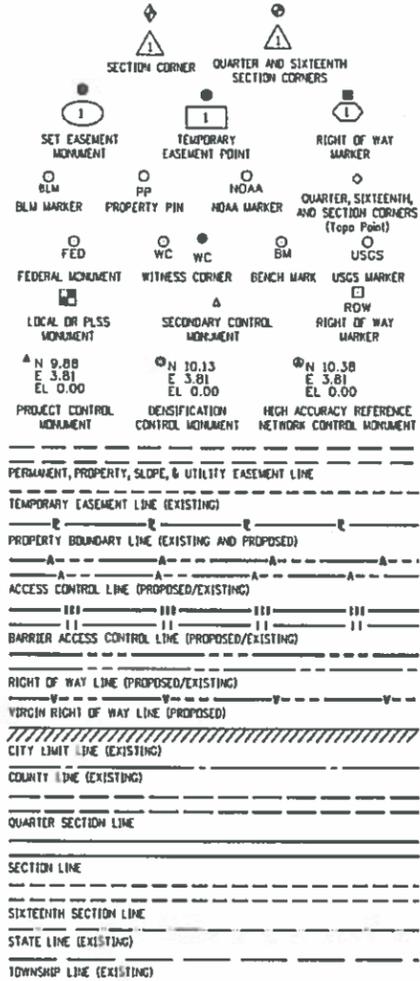
INDEX OF SHEETS

- (1) Title Sheet
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- (NA) Project Control Diagram
- (7) Land Survey Control Diagram
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- (27) Total Sheets

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Plan Sheets 1"=50'
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End Const Project
Station: 151+62.0
M.P.: 13.08

Begin Const Project
Station: 129+00
M.P.: 12.65

End ROW Project
Station: 151+62.0
M.P.: 13.08

Begin ROW Project
Station: 132+00
M.P.: 12.65



JEFFERSON COUNTY SURVEY DEPOSITING
CERTIFICATE:
Deposited this _____ day of _____
20____ at _____ o'clock _____ M.
in Book _____ at page _____ of
Land Surveys/Right of Way Surveys, under Reception
No. _____
By: _____
Title: _____

PROJECT LOCATION MAP
NOT TO SCALE

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Kathryn Jane Lyon, PLS No. 38110

COLORADO DEPARTMENT OF TRANSPORTATION
FEDERAL-AID HIGHWAY PROJECT
ROW PLANS AUTHORIZED:
Christine Rees 7-7-14
DATE
CDOT ROW PROGRAM MANAGER

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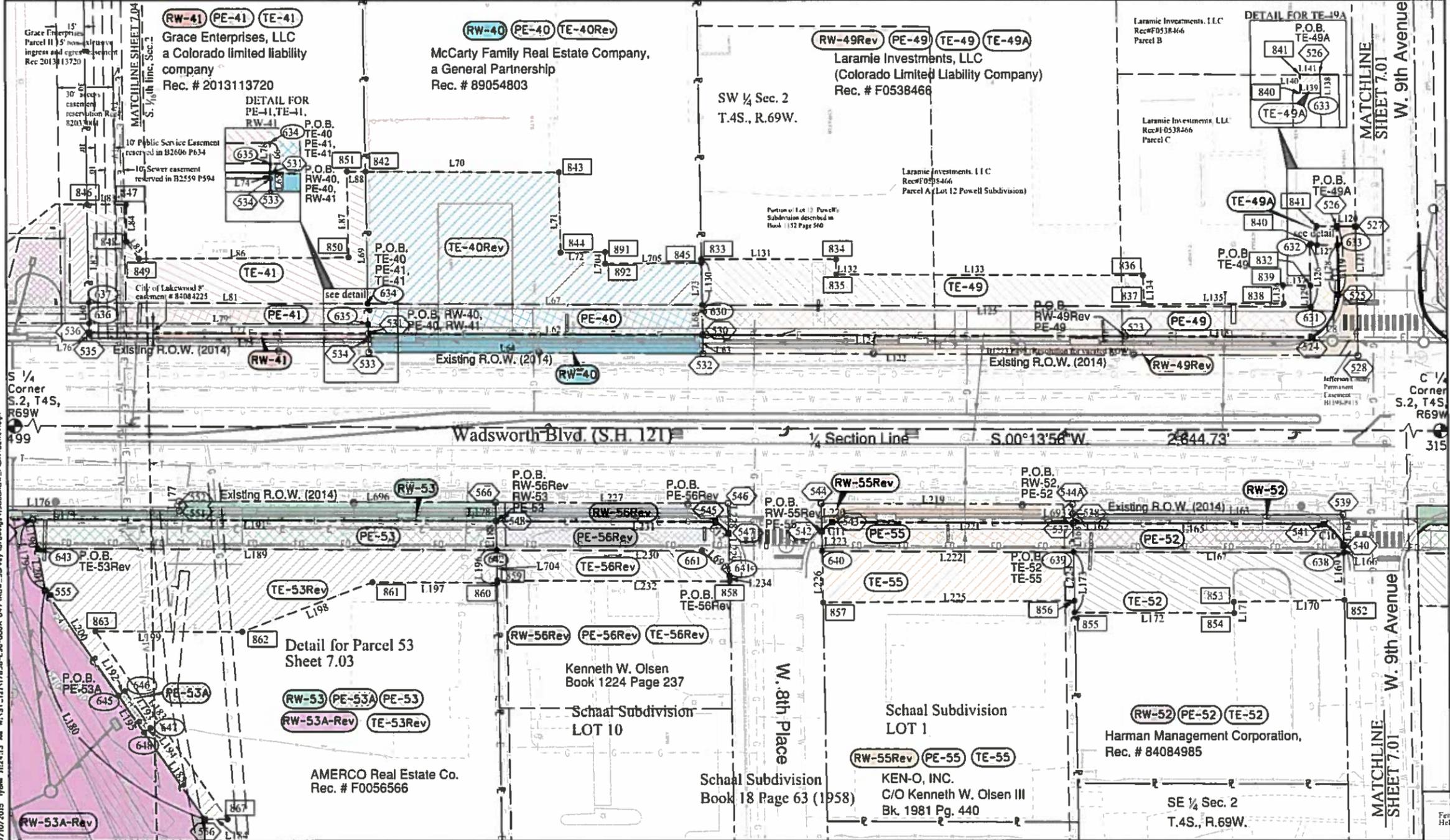
Colorado Department of Transportation
 2000 South Holly
 Denver, CO 80222
 Phone: 303-757-9923 FAX: 303-757-9390
 Region 1 KJL

Sheet Revisions		
Date	Description	Initials
09/08/14	Revise RW-53, RW-56, PE-56, TE-56	K.J.
12/15/14	Revise RW-49	K.J.
05/20/15	Revise TE-40Rev	K.A.

Sheet Revisions		
Date	Description	Initials
xxxxxx	xxxxxx	xxx

Sheet Revisions		
Date	Description	Initials
xxxxxx	xxxxxx	xxx

Right of Way Plans
Plan Sheet
 Project Number: ES6-006A-047; UNIT 1
 Project Location: Wadsworth Blvd. (Highland Dr.-10th Ave.)
 Section 2, T4S, R69W, 6TH P.M.
 Project Code: 17850 Lost Mod. Date: 08-04-15 Sublet: 7.01 to 7.08 Sheet No.: 7.02



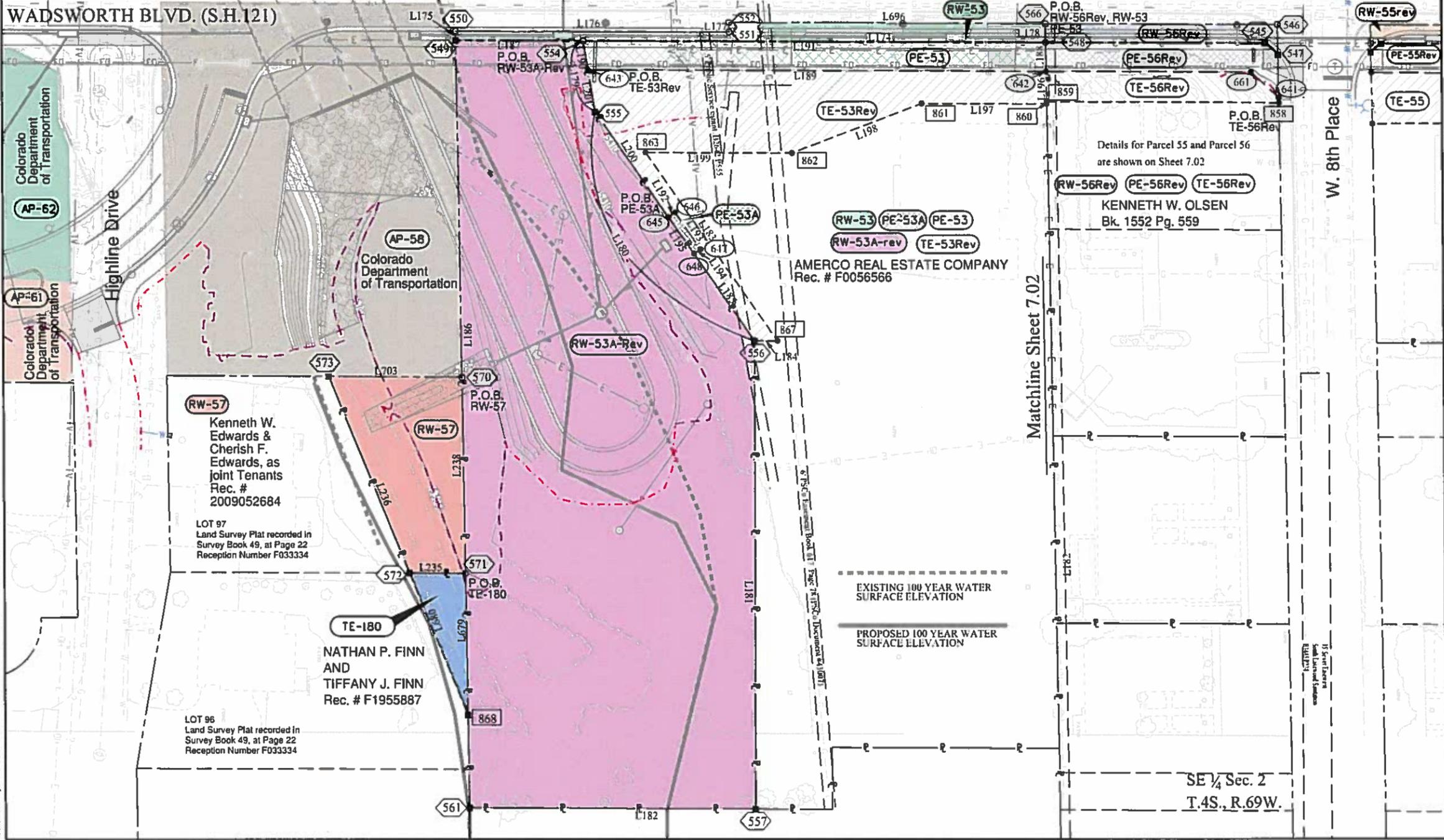
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Sheet Revisions		
Date	Description	Initials
08/28/14	7.02A deleted, info shown on this sheet	K.JL
08/28/14	Revised RW-56, PE-56 and TE-56	K.JL
08/28/14	Revised RW-53A, TE-53	K.JL
08/28/14	Revised PE-57, TE-57	K.JL
09/29/14	Revised TE-57 & TE-180	K.JL
06/05/15	Delete PE-57, TE-57; Add RW-57	K.JL

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

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

Right of Way Plans
 Plan Sheet
 Project Number: ES6 006A-047; UNIT 1
 Project Location: Wadsworth Blvd. (Highland Dr.-10th Ave.)
 Section 2, T4S, R69W, 6TH P.M.
 Project Code: 17858 Last Mod. Date: 08-04-15 Subsect: 7.01 to 7.05 Sheet No.: 7.03



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