

Resolution # TC-17-11-[]

R5 SH 140 at County Road 120 Lane Widening Project, S 0097(1), Project Code 13004

Authorizing the Chief Engineer to negotiate with the landowner(s) of the properties specified below.

Approved by the Transportation Commission on _____, 2017.

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; 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, CDOT seeks to acquire properties, for the SH 140 at County Road 120 Lane Widening Project, Project Number S 0097(1), Project Code 13004 ("Project").

WHEREAS, CDOT may negotiate with the property owners as specified in the attached Chief Engineer's Cost Estimate.

WHEREAS, CDOT seeks to acquire multiple properties, as specified in the attached Chief Engineer's Estimate for the Project ("Properties"). The Chief Engineer's Estimate specifies the landowners, property locations, proposed size of the acquisitions, and the estimated damages and benefits, if any, to the properties; and

WHEREAS, the Properties may include buildings, structures, or other improvements on the real Properties and may also include tenant-owned improvements, personal property, and other real estate; 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 Properties; and

WHEREAS, after reviewing the Chief Engineer's written report regarding Project and the Properties, the Transportation Commission has determined that the proposed changes to State Highway No. 140 will serve the public interest and/or convenience of the traveling public and that acquisition of the Properties described in the report will serve the purpose(s) of the Project; 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/or convenience will be served by the proposed changes to State Highway No. 140 by virtue of the SH 140 at County Road 120 Lane Widening Project, Project Number S 0097(1), Project Code 13004, parcels PE-3, PE-3A, PE-3B, PE-3C, TE-3, PE-4, PE-4A, TE-4 and TE-4A, and authorizes the CDOT staff to negotiate with the landowner(s) of the Properties the amount of estimated damages, as estimated by the Chief Engineer. If CDOT and a landowner reach a settlement amount that requires approval by the Regional Transportation Director and the Chief Engineer, as set forth in the CDOT Right-of-Way Manual, then the settlement amount is subject to Transportation Commission approval. 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 negotiate for the acquisition of those items if necessary. At this time, the Transportation Commission does not authorize CDOT to initiate and conduct condemnation proceedings pursuant to Sections 38-1-101 *et seq.* CDOT shall seek separate approval from the Transportation Commission in order to initiate and conduct condemnation proceedings.

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 *My Pleat For J. Laipply*

DATE: October 31, 2017

SUBJECT: REPORT PURSUANT TO COLORADO REVISED STATUTES, §43-1-208 REGARDING PROJECT NUMBER, S 0097(1), PROJECT CODE 13004, SEEKING APPROVAL TO NEGOTIATE WITH LANDOWNER(S)

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 alter a portion of State Highway 140.

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 CDOT to negotiate with the landowner(s) for the Properties.

Highway Improvements for SH 140 & CR 120 Intersection (“Project”) is necessary for construction of both southbound and northbound dedicated turn lanes to provide coal trucks and residential traffic with safer turning movements when entering and exiting the 65 mph highway. This will improve safety, operational function and maintain/improve connectivity for the community and is therefore, desirable.

The location of the properties required for the Project (“Properties”) are individually listed in this report and on the Chief Engineer’s Cost Estimate (“Cost Estimate”), attached to this report.

Description of Portion of Highway to be Changed and Proposed Changes

The Project will construct both southbound and northbound dedicated turn lanes at the intersection of SH 140 & CR 120 to provide coal trucks and residential traffic with safer turning movements when entering and exiting the 65-mph highway. I have determined that it is necessary to alter this portion of State Highway 140 to improve safety, operational function and maintain/improve connectivity for the community.

Description of Properties Needed for Project and Estimate of Property Value(s), Damages and Benefits (if any)

There are multiple parcels necessary for completion of the Project. The following is a list of the parcels required and a description of each parcel's purpose for the Project.

The Cost Estimate approved by Ralph Campano, Region 5 Right of Way Manager, attached to this report, individually lists the estimate of land acquisition costs, property value, and/or damages for each of the parcels required for this Project. The estimated values along with any damages or benefits, if any, are also described below. 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 monetary estimates provided below are for budgetary purposes only, and are subject to change. I anticipate that this figure 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. If necessary, CDOT will seek additional approval from the Transportation Commission to condemn the properties listed below. If CDOT reaches an agreement before CDOT seeks Transportation Commission approval for condemnation, CDOT will resubmit the final settlement for Transportation Commission approval.

There are 9 parcel acquisitions from 1 ownership: 6 permanent easements and 3 temporary easements necessary for the completion of the project.

1. **Address:** 18683 SH 140, Hesperus, CO 81326, 565902300015
Landowner's Name: State of Colorado, State Board of Land Commissioners
Current Size of Property/Size of Larger Parcel: 6,265.38 acres
Proposed Size of Acquisition: 25,953 SF
Purpose of Parcels Necessary for Project:
 - PE-3: Permanent easement for construction and maintenance of related highway improvements.
 - Parcel Size: 9,803 SF
 - Parcel Value: \$304.00 (rounded to \$500.00 per CDOT minimum payment)
 - PE-3A: Permanent easement for construction and maintenance of related highway improvements.
 - Parcel Size: 11,410 SF
 - Parcel Value: \$354.00 (rounded to \$500.00 per CDOT minimum payment)
 - PE-3B: Permanent easement for construction and maintenance of related highway improvements.
 - Parcel Size: 446 SF
 - Parcel Value: \$14.00 (rounded to \$500.00 per CDOT minimum payment)

- PE-3C: Permanent easement for construction and maintenance of related highway improvements.
 - Parcel Size: 3,294 SF
 - Parcel Value: \$103.00 (rounded to \$500.00 per CDOT minimum payment)
- TE-3: Temporary easement required for construction and maintenance of related highway improvements.
 - Parcel Size: 1,000 SF
 - Parcel Value: \$6.00 (rounded to \$200.00 per CDOT minimum payment) for a 2 year term
- PE-4: Permanent easement for construction and maintenance of related highway improvements.
 - Parcel Size: 12,078 SF
 - Parcel Value: \$374.00 (rounded to \$500.00 per CDOT minimum payment)
- PE-4A: Permanent easement for construction and maintenance of related highway improvements.
 - Parcel Size: 607 SF
 - Parcel Value: \$19.00 (rounded to \$500.00 per CDOT minimum payment)
- TE-4: Temporary easement required for construction and relocation of field access.
 - Parcel Size: 3,377 SF
 - Parcel Value: \$19.00 (rounded to \$200.00 per CDOT minimum payment) for a 2 year term
- TE-4A: Temporary easement required for construction and maintenance of related highway improvements.
 - Parcel Size: 800 SF
 - Parcel Value: \$4.00 (rounded to \$200.00 per CDOT minimum payment) for a 2 year term

Estimated Property Value, Damages and Benefits (if any): \$3,600.00

Method to Determine Property Value, Damages and Benefits (if any): Values are based on recent sales of properties possessing similar size, use and physical characteristics near the location of the subject property.

Attachments:

Legal Descriptions

Right-of-Way Plans

Chief Engineer's Cost Estimate

Proposed Resolution

COLORADO DEPARTMENT OF TRANSPORTATION
CHIEF ENGINEER'S RIGHT-OF-WAY COST ESTIMATE

Project Code: **13004** State Highway # **SH 140**

Project No: **S 0097(1)**

Location: **Hesperus, CO**

The following is the **estimated** cost of right of way required for the construction of the above captioned project as required by CRS 43-1-208. As shown, the totals include the **estimated value** of the land to be acquired, the value of any improvements thereon and the damage and benefits, if any, to the remaining land. This estimate is prepared and used for budgetary purposes only, and should not be considered an indication of actual market value.

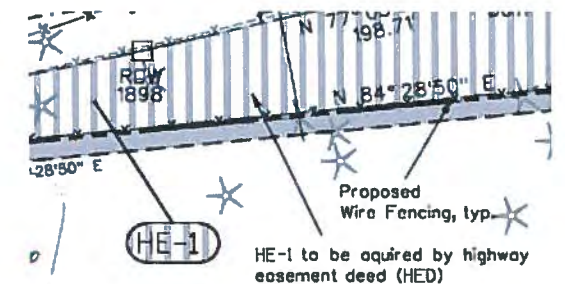
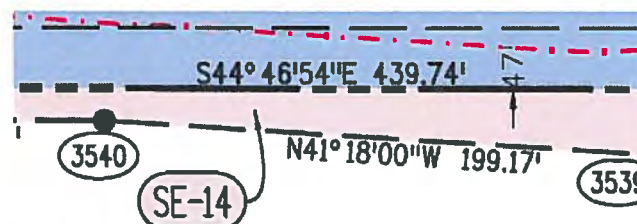
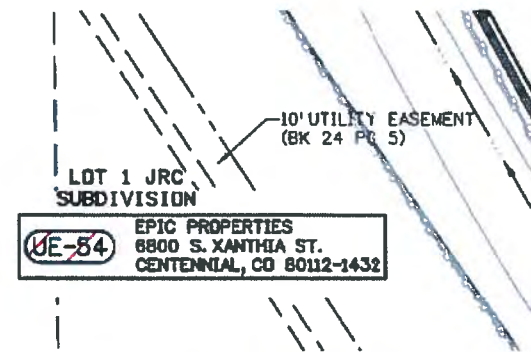
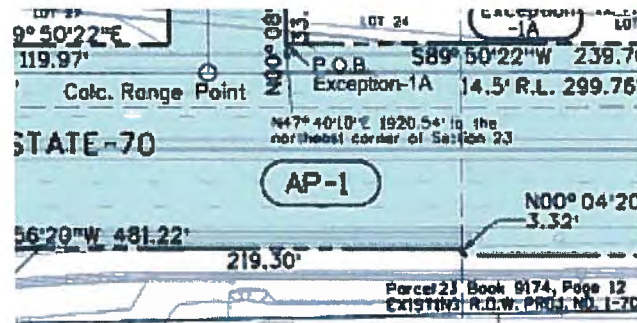
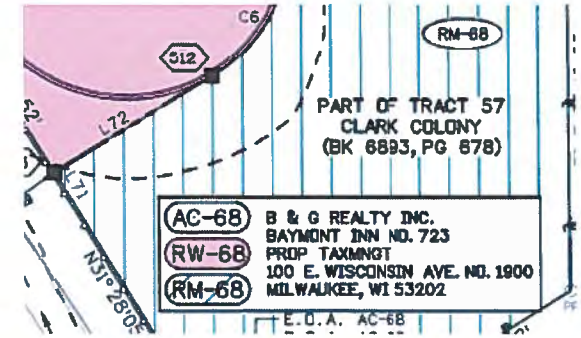
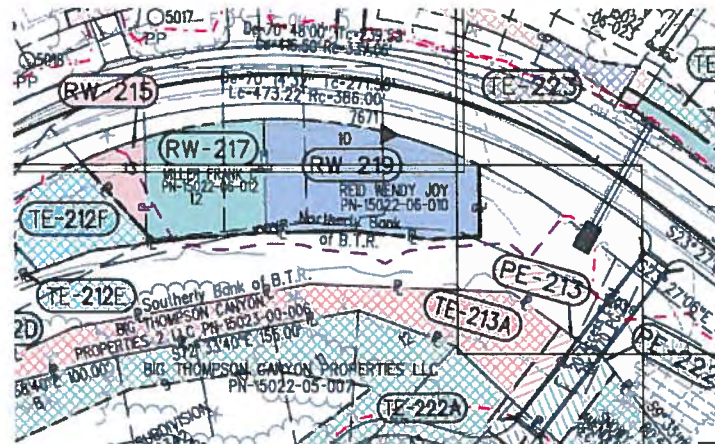
Colorado Department of Transportation Chief Engineer:

[Signature] For J. Laipply
 Date: **11-3-17**

Parcel	Owner	Area	Unit	Unit Value		Land Value	Improvements	Damages / (Benefits)	Land Rental (mos)		Total
				\$/Unit	%				Land Rental Cost	Land Rental Cost	
PE-3	State Board of Land Commissioners	0.225	AC	\$1,500.00	@ 90%	\$ 304	\$ -	\$ -			\$ 500
PE-3A	State Board of Land Commissioners	0.262	AC	\$1,500.00	@ 90%	\$ 354					\$ 500
PE-3B	State Board of Land Commissioners	0.01	AC	\$1,500.00	@ 90%	\$ 14					\$ 500
PE-3C	State Board of Land Commissioners	0.076	AC	\$1,500.00	@ 90%	\$ 103					\$ 500
TE-3	State Board of Land Commissioners	0.023	AC	\$1,500.00	@ 8%				24	\$ 6	\$ 200
PE-4	State Board of Land Commissioners	0.277	AC	\$1,500.00	@ 90%	\$ 374					\$ 500
PE-4A	State Board of Land Commissioners	0.014	AC	\$1,500.00	@ 90%	\$ 19					\$ 500
TE-4	State Board of Land Commissioners	0.078	AC	\$1,500.00	@ 8%				24	\$ 19	\$ 200
TE-4A	State Board of Land Commissioners	0.018	AC	\$1,500.00	@ 8%				24	\$ 4	\$ 200
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Sheet Totals						\$ 1,166	\$ -	\$ -	\$ 29	\$ 3,600	

Right Of Way Plan Key - Parcel Designations

RW - XXX	Partial or Complete Parcel Acquisition (Right of Way)
TE - XXX	Temporary Easement
PE - XXX	Permanent Easement
AC - XXX	Access Parcel
RM - XXX	Remnant Parcel
AP - XXX	Early Acquisition Parcel (Advance of Plans)
UE - XXX	Utility Easement
SE - XXX	Slope Easement
HE - XXX	Highway Easement



Sheet Revisions		
Date	Description	Initials

State Highway 140 MP 20.1 to 20.3
 Section 35 Township 35 North, Range 11 West
 of the N.M.P.M.
 County of La Plata

Farnsworth GROUP
 ENGINEERS ARCHITECTS SURVEYORS SCIENTISTS
 1099 Main Ave, Suite 306
 DURANGO, CO 81301
 (970) 403-5822 / (719) 590-9111 Fax
 www.f-w.com

Right of Way Plans		
Title Sheet		
Project Number: S 0097(1)		
Project Location: SH 140 @ CR 120 INTERSECTION		
GCC Energy Hesperus, CO. La Plata County		
Project Code: Last Mod Date	Subset	Sheet No.
06-20-16		1.01

DEPARTMENT OF TRANSPORTATION STATE OF COLORADO

RIGHT OF WAY PLANS OF PROPOSED Highway Improvements for SH 140 & CR 120 Intersection STATE HIGHWAY NO. 140 LA PLATA COUNTY

SHEET NO.	INDEX OF SHEETS
1.01	(1) Title Sheet
2.01	(1) Tabulation of Properties
4.01	(1) Project Control Diagram & Land Survey Control Diagram
7.01-7.02	(2) RDW Plan Sheets
	(5) Total Sheets

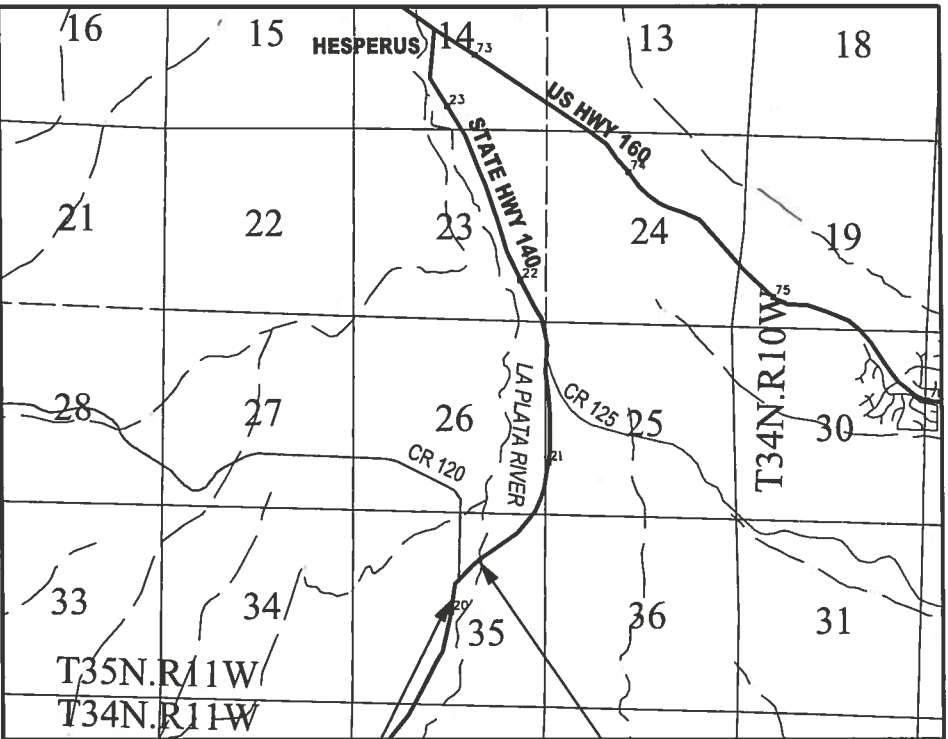
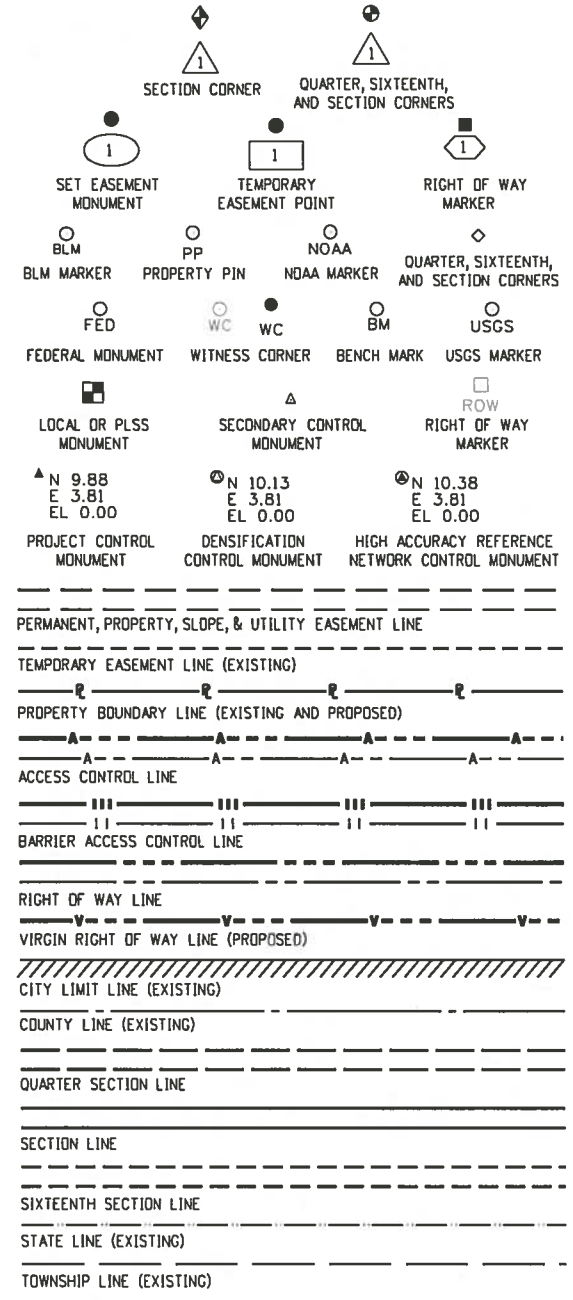
Basis of Bearings: Bearings used in the calculations of coordinates are based on a grid bearing of S 10°14'38"W from Control Point 1 to Control Point 2, both monuments being a 1/2" Aluminum cap on #5 rebar stamped Goff Eng Control Pt. The survey data was obtained from a Global Positioning System (GPS) survey based on a NGS OPUS position.

Basis of Elevations: Project elevations are based on OPUS processed elevation at Control Point 1. NAVD 88 elevation of 7799.99 feet.

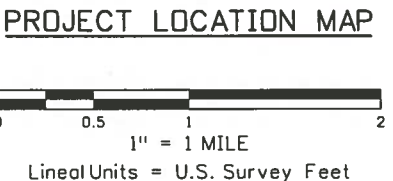
COORDINATE DATUM: Project coordinates are modified Colorado State Plane South Zone NAD '83/(2011) coordinates utilizing Geoid 12A. The combined elevation/scale factor used to modify the coordinates from state plane to project coordinates is 1.003728442.

- GENERAL NOTES:
1. 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.
 2. For title information, Farnsworth Group, Inc. relied on title report (Memorandum) supplied by HC Peck and Associates.
 3. Survey Control and topographic survey information was supplied by Goff Engineering, Inc.

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.

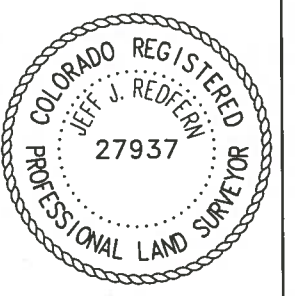


End ROW Project Station: 46+00 M.P. 20.1
 R.O.W. Length of Project = 0.2 Miles
 Begin ROW Project Station: 34+19.24 M.P. 20.3



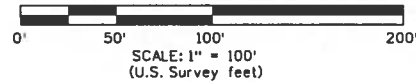
COLORADO DEPARTMENT OF TRANSPORTATION
 STATE HIGHWAY PROJECT
 ROW PLANS AUTHORIZED
 DATE 11-3-17
 Jeff J. Redfern
 CHIEF ENGINEER

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



FILING CERTIFICATION: DAY OF 20 AT .M. DEPT. SIGNED
 DEPOSITED THIS OF THE COUNTY LAND SURVEYS/RIGHT OF WAY SURVEYS AT PAGE RECEPTION NUMBER

Sheet Revisions		
Date	Description	Initials



State Highway 140 MP 20.1 to 20.3
Section 35 Township 35 North, Range 11 West
of the N.M.P.M.
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Right of Way Plans		
Plan Sheet		
Project Number: S 0097(1)		
Project Location: SH 140 @ CR 120		
GCC Energy		Hesperus, CO, La Plata County
Project Code: Last Mod Date	Subset	Sheet No.
06-20-16		7.01

PE-3
PE-3A
PE-3B

STATE OF COLORADO
STATE BOARD OF LAND COMMISSIONERS
T 35 N R11 W
NE 1/4 SEC. 35
N.M.P.M.

WESTERN COLORADO POWER COMPANY
CENTERLINE OF RIGHT OF WAY FOR TRANSMISSION AND
DISTRIBUTION POLE LINE (NO width specified)

GRANTED BY STATE BOARD OF LAND COMMISSIONERS
RIGHT OF WAY No. 1390, Book 13

Overhead Power Utility
(Unknown Easement)

Proposed
Permanent Easement
in favor of La Plata County

P.O.B. PE-3A PE-3A
TIE:
From PT# 304 TO NE COR S35
N 56°50'02" E 2757.24'

ROW ESTABLISHED UNDER COLO. DEPT. OF HIGHWAYS
PROJECT NO. CS-20-0140-02
PARCEL No. 1-A (acquired under Project No. SR 0140(1))

GRANTED BY STATE BOARD OF LAND COMMISSIONERS
RIGHT OF WAY No. 2676, Book 26

Design Cut/Fill limits
(typical)

P.O.B. PE-3
TIE:
From PT# 215 TO NE COR S35
N 54°10'19" E 2895.00'

Rc = -1195.92'
Delta = 28° 36' 00"
Lc = 596.96'
C = 590.78'
CB = S 32° 25' 18" W

ROW ESTABLISHED UNDER COLO. DEPT. OF HIGHWAYS
PROJECT NO. S0097(1) PARCEL No. 1

GRANTED BY STATE BOARD OF LAND COMMISSIONERS
RIGHT OF WAY No. 1385, Book 13

P.O.B. PE-3
TIE:
From PT# 40008 TO NE COR S35
N 56°21'30" E 2352.61'

ORIGINAL ROW MARKER
ESTABLISHED AT STA. 34+35.3

PE-3

P.O.B. PE-4
TIE:
From PT# 208 TO NE COR S35
N 53°55'56" E 2348.97'

P.O.B. PE-4
TIE:
From PT# 208 TO NE COR S35
N 53°55'56" E 2348.97'

(PE-4)
Rc = -1095.92'
Delta = 21° 22' 15"
Lc = 408.77'
C = 406.40'
CB = N 36° 02' 10" E

(PE-4)
Rc = -1075.92'
Delta = 17° 14' 28"
Lc = 323.76'
C = 322.54'
CB = S 38° 03' 33" W

(PE-4)
Rc = -1095.92'
Delta = 28° 36' 00"
Lc = 547.04'
C = 541.38'
CB = S 32° 25' 18" W

NOTE:
The current ROW alignment and stationing is based prior CDOT Project S 0097(1).

PERMANENT EASEMENT ESTABLISHED UNDER
COLO. DEPT. OF HIGHWAYS
PROJECT NO. S0097(1) PARCEL No. E-2

GRANTED BY STATE BOARD OF
LAND COMMISSIONERS
RIGHT OF WAY No. 1385, Book 13

BEGIN ROW PROJECT
STATION 34+19.24
M.P. 20.3

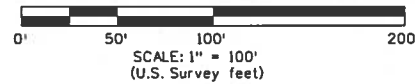
PERMANENT EASEMENT ESTABLISHED UNDER
COLO. DEPT. OF HIGHWAYS
PROJECT NO. S0097(1) PARCEL No. E-1

GRANTED BY STATE BOARD OF LAND COMMISSIONERS
RIGHT OF WAY No. 1385, Book 13

STATE OF COLORADO
STATE BOARD OF LAND COMMISSIONERS
T 35 N R11 W
NE 1/4 SEC. 35
N.M.P.M.

PE-4
TIE-4

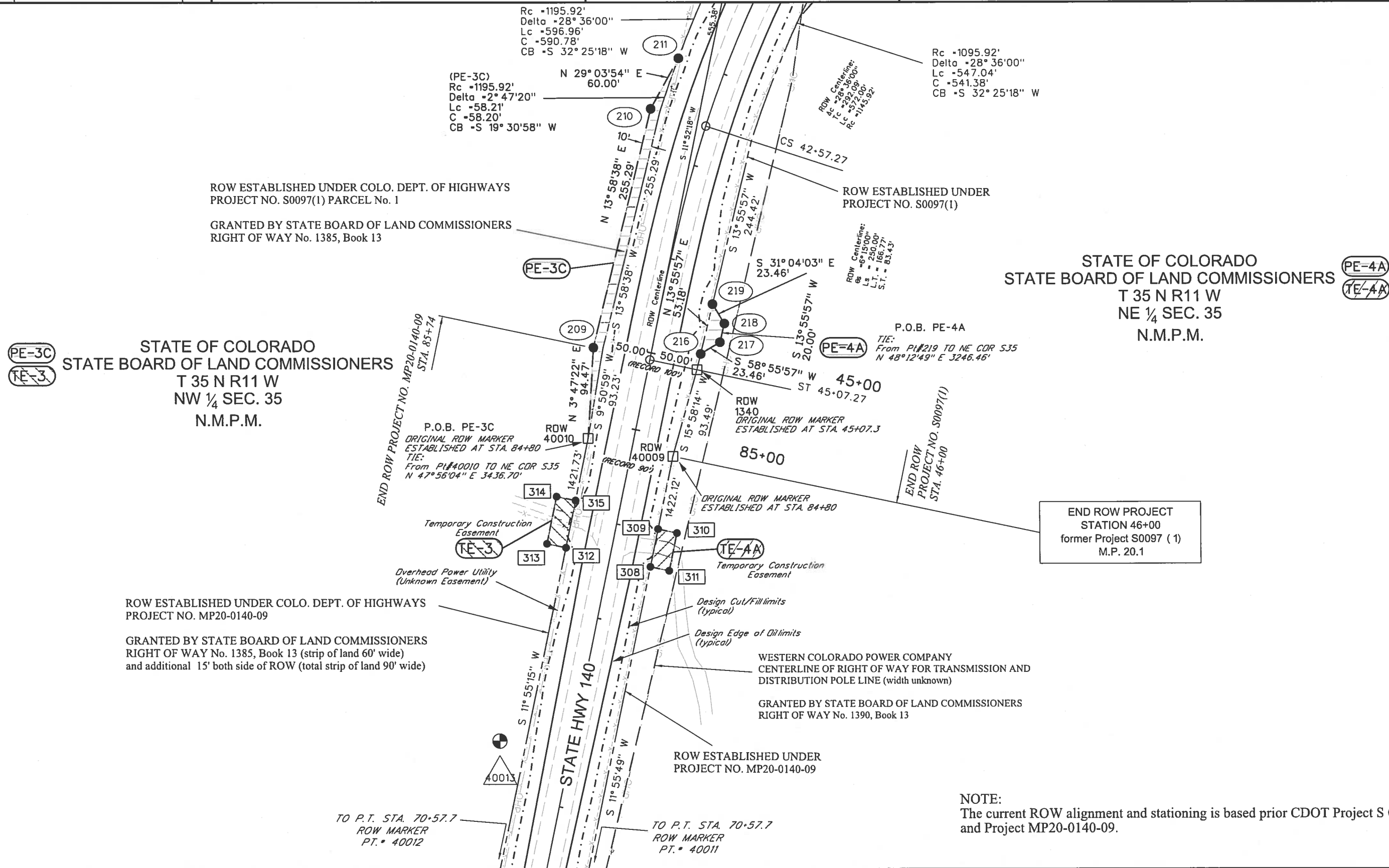
Sheet Revisions		
Date	Description	Initials



State Highway 140 MP 19.8 to 20.3
Section 35 Township 35 North, Range 11 West
of the N.M.P.M.
County of La Plata

Farnsworth
GROUP
ENGINEERS
ARCHITECTS
SURVEYORS
SCIENTIST
1099 Main Ave, Suite 306
DURANGO, CO 81301
(970) 403-5822 / (719) 590-9111 Fax
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Right of Way Plans			
Plan Sheet			
Project Number: S 0097(1)			
Project Location: SH 140 @ CR 120			
GCC Energy Hesperus, CO, La Plata County			
Project Code:	Last Mod. Date:	Subset:	Sheet No.:
	06-20-16		7.02



PE-3C
TE-3
STATE OF COLORADO
STATE BOARD OF LAND COMMISSIONERS
T 35 N R11 W
NW 1/4 SEC. 35
N.M.P.M.

PE-4A
TE-4A
STATE OF COLORADO
STATE BOARD OF LAND COMMISSIONERS
T 35 N R11 W
NE 1/4 SEC. 35
N.M.P.M.

ROW ESTABLISHED UNDER COLO. DEPT. OF HIGHWAYS
PROJECT NO. MP20-0140-09
GRANTED BY STATE BOARD OF LAND COMMISSIONERS
RIGHT OF WAY No. 1385, Book 13 (strip of land 60' wide)
and additional 15' both side of ROW (total strip of land 90' wide)

WESTERN COLORADO POWER COMPANY
CENTERLINE OF RIGHT OF WAY FOR TRANSMISSION AND
DISTRIBUTION POLE LINE (width unknown)

GRANTED BY STATE BOARD OF LAND COMMISSIONERS
RIGHT OF WAY No. 1390, Book 13

NOTE:
The current ROW alignment and stationing is based prior CDOT Project S 0097(1)
and Project MP20-0140-09.

EXHIBIT "A"

**STATE HIGHWAY 140
PROJECT NUMBER: S 0097(1)
PERMANENT EASEMENT NUMBER: PE-3
DATE: JUNE 20, 2016**

DESCRIPTION

A permanent easement No. PE-3 of the Department of Transportation State Highway 140, State of Colorado, containing 0.225 acres (9803 sq. ft.), more or less, located in the northeast quarter of Section 35, Township 35 North, Range 11 West, New Mexico Principal Meridian, La Plata County, Colorado, said permanent easement being more particularly described as follows:

Beginning at 3 ¼" brass cap in concrete cylinder stamped COLO DEPT HIGHWAY ROW MARKER, being a point on the northerly right of way line of State Highway 140 as established under Colorado Department of Highways Project number S 0097(1) from which a 3 ¼" brass cap on a 2 ½" aluminum post stamped BLM CADASTRAL SURVEY 2003 for the northeast corner of said Section 35 bears: N 56°21'30" E, a distance of 2352.61 feet;

1. Thence along the said northerly right of way line of State Highway 140 S 50°57'24" W, a distance of 255.44 feet;
2. Thence along the right of way line established under Colorado Department of Highways Project number CS-20-0140-02, N 43°16'42" W, a distance of 169.08 feet;
3. Thence N 12°27'36" E, a distance of 24.20 feet;
4. Thence S 43°16'42" W, a distance of 153.33 feet;
5. Thence N 53°20'55" E, a distance of 254.49 feet;
6. Thence S 00°27'23" W, a distance of 26.11 feet to the Point of Beginning.

The above described permanent easement contains 0.225 acres (9803 sq. ft.), more or less.

Basis of Bearings: Bearings are based on a state plane grid bearing of S 10°14'38" W from Control Point 1 to Control Point 2, both monuments being a 1 ½" aluminum cap on #5 rebar stamped Goff Eng Control Pt., as shown on the Farnsworth Group Right of Way plans for SH 140 @ CR 120 Intersection project.

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

EXHIBIT "A"

**STATE HIGHWAY 140
PROJECT NUMBER: S 0097(1)
PERMANENT EASEMENT NUMBER: PE-3A
DATE: JUNE 20, 2016**

DESCRIPTION

A permanent easement No. PE-3A of the Department of Transportation State Highway 140, State of Colorado, containing 0.262 acres (11,410 sq. ft.), more or less, located in the northeast quarter of Section 35, Township 35 North, Range 11 West, New Mexico Principal Meridian, La Plata County, Colorado, said permanent easement being more particularly described as follows:

Beginning at a point on the westerly right of way line of Parcel 1-A of State Highway 140 established under Colorado Department of Highways Project number CS-20-0140-02 from which a 3 ¼" brass cap on a 2 ½" aluminum post stamped BLM CADASTRAL SURVEY 2003 for the northeast corner of said Section 35 bears: N 56°50'02" E, a distance of 2757.24 feet;

1. Thence N 19°44'46" W, a distance of 110.78 feet;
2. Thence N 12°09'04" E, a distance of 150.00 feet;
3. Thence S 78°17'30" E, a distance of 57.39 feet;
4. Thence S 11°38'07" W, a distance of 49.39 feet;
5. Thence S 12°27'36" W, a distance of 24.20 feet to a point on the said westerly right of way line of Parcel 1-A of State Highway 140 established under Colorado Department of Highways Project number CS-20-0140-02;
6. Thence S 11°52'18" W along said westerly right of way line of Parcel 1-A of State Highway 140 established under Colorado Department of Highways Project number CS-20-0140-02, a distance of 170.91 feet to the Point of Beginning.

The above described permanent easement contains 0.262 acres (11,410 sq. ft.), more or less.

Basis of Bearings: Bearings are based on a state plane grid bearing of S 10°14'38" W from Control Point 1 to Control Point 2, both monuments being a 1 ½" aluminum cap on #5 rebar stamped Goff Eng Control Pt., as shown on the Farnsworth Group Right of Way plans for SH 140 @ CR 120 Intersection project.

Prepared for and on behalf of the
Colorado Department of Transportation
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EXHIBIT "A"

**STATE HIGHWAY 140
PROJECT NUMBER: S 0097(1)
PERMANENT EASEMENT NUMBER: PE-3B
DATE: JUNE 20, 2016**

DESCRIPTION

A permanent easement No. PE-3B of the Department of Transportation State Highway 140, State of Colorado, containing 0.010 acres (446 sq. ft.), more or less, located in the northeast quarter of Section 35, Township 35 North, Range 11 West, New Mexico Principal Meridian, La Plata County, Colorado, said permanent easement being more particularly described as follows:

Beginning at a point on the westerly right of way line of State Highway 140 established under Colorado Department of Highways Project number S 0097(1) from which a 3 ¼" brass cap on a 2 ½" aluminum post stamped BLM CADASTRAL SURVEY 2003 for the northeast corner of said Section 35 bears: N 54°10'19" E, a distance of 2895.00 feet;

1. Thence southwesterly along said westerly right of way line of State Highway 140 established under Colorado Department of Highways Project number S 0097(1) being an arc of a curve to the left having a Radius of 1195.92 feet, Delta angle of 02°51'27", arc Length of 59.64 feet, chord of S 30°56'33" W, a distance of 59.64 feet;
2. Thence N 14°20'11" W, a distance of 14.37 feet;
3. Thence N 30°43'09" E, a distance of 30.00 feet;
4. Thence N 58°48'55" E, a distance of 22.09 feet to the Point of Beginning.

The above described permanent easement contains 0.010 acres (446 sq. ft.), more or less.

Basis of Bearings: Bearings are based on a state plane grid bearing of S 10°14'38" W from Control Point 1 to Control Point 2, both monuments being a 1 ½" aluminum cap on #5 rebar stamped Goff Eng Control Pt., as shown on the Farnsworth Group Right of Way plans for SH 140 @ CR 120 Intersection project.

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EXHIBIT "A"

**STATE HIGHWAY 140
PROJECT NUMBER: S 0097(1)
PERMANENT EASEMENT NUMBER: PE-3C
DATE: JUNE 20, 2016**

DESCRIPTION

A permanent easement No. PE-3C of the Department of Transportation State Highway 140, State of Colorado, containing 0.076 acres (3294 sq. ft.), more or less, located in the northeast quarter of Section 35, Township 35 North, Range 11 West, New Mexico Principal Meridian, La Plata County, Colorado, said permanent easement being more particularly described as follows:

Beginning at a #5 rebar (bent) for a point on the westerly right of way line of State Highway 140 established under Colorado Department of Highways Project number S0097(1) from which a 3 ¼" brass cap on a 2 ½" aluminum post stamped BLM CADASTRAL SURVEY 2003 for the northeast corner of said Section 35 bears: N 47°56'04" E, a distance of 3436.70 feet;

1. Thence N 03°47'22" E, a distance of 94.47 feet;
2. Thence N 13°58'38" E, a distance of 255.29 feet;
3. Thence N 29°03'54" E, a distance of 60.00 feet to a point on the said westerly right of way line of State Highway 140;
4. Thence southwesterly along the said westerly right of way line of State Highway 140 being an arc of a curve to the left having a Radius of 1195.92 feet, Delta angle of 02°47'20", arc Length of 58.21 feet, chord of S 19°30'58" W, a distance of 58.20 feet;
5. Thence along the said westerly right of way line of State Highway 140 S 13°58'38" W, a distance of 255.29 feet;
6. Thence along the said westerly right of way line of State Highway 140 S 09°50'59" W, a distance of 93.23 feet to the Point of Beginning.

The above described permanent easement contains 0.076 acres (3294 sq. ft.), more or less.

Basis of Bearings: Bearings are based on a state plane grid bearing of S 10°14'38" W from Control Point 1 to Control Point 2, both monuments being a 1 ½" aluminum cap on #5 rebar stamped Goff Eng Control Pt., as shown on the Farnsworth Group Right of Way plans for SH 140 @ CR 120 Intersection project.

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EXHIBIT "A"

STATE HIGHWAY 140
PROJECT NUMBER: S 0097(1)
PERMANENT EASEMENT NUMBER: PE-4
DATE: JUNE 20, 2016

DESCRIPTION

A permanent easement No. PE-4 of the Department of Transportation State Highway 140, State of Colorado, containing 0.277 acres (12,078 sq. ft.), more or less, located in the northeast quarter of Section 35, Township 35 North, Range 11 West, New Mexico Principal Meridian, La Plata County, Colorado, said permanent easement being more particularly described as follows:

Beginning at a point on the southerly right of way line of State Highway 140 established under Colorado Department of Highways Project number S 0097(1) from which a 3 ¼" brass cap on a 2 ½" aluminum post stamped BLM CADASTRAL SURVEY 2003 for the northeast corner of said Section 35 bears: N 53°55'56" E, a distance of 2348.97 feet;

1. Thence S 00°28'18" W, a distance of 25.94 feet;
2. Thence S 50°54'39" W, a distance of 227.22 feet;
3. Thence southwesterly along the arc of a curve to the left having a Radius of 1075.92 feet, Delta angle of 17°14'28", arc Length of 323.76 feet, chord of S 38°03'33" W, a distance of 322.54 feet;
4. Thence S 41°51'46" W, a distance of 80.00 feet to a point on the said southerly right of way line of State Highway 140;
5. Thence northeasterly along the said southerly right of way line of State Highway 140 being an arc of a curve to the right having a Radius of 1095.92 feet, Delta angle of 21°22'15", arc Length of 408.77 feet, chord of N 36°02'10" E, a distance of 406.40 feet;
6. Thence along the said southerly right of way line of State Highway 140 N 50°54'39" E, a distance of 244.42 feet to the Point of Beginning.

The above described permanent easement contains 0.277 acres (12,078 sq. ft.), more or less.

Basis of Bearings: Bearings are based on a state plane grid bearing of S 10°14'38" W from Control Point 1 to Control Point 2, both monuments being a 1 ½" aluminum cap on #5 rebar stamped Goff Eng Control Pt., as shown on the Farnsworth Group Right of Way plans for SH 140 @ CR 120 Intersection project.

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EXHIBIT "A"

**STATE HIGHWAY 140
PROJECT NUMBER: S 0097(1)
PERMANENT EASEMENT NUMBER: PE-4A
DATE: JUNE 20, 2016**

DESCRIPTION

A permanent easement No. PE-4A of the Department of Transportation State Highway 140, State of Colorado, containing 0.014 acres (607 sq. ft.), more or less, located in the northeast quarter of Section 35, Township 35 North, Range 11 West, New Mexico Principal Meridian, La Plata County, Colorado, said permanent easement being more particularly described as follows:

Beginning at a point on the easterly right of way line of State Highway 140 established under Colorado Department of Highways Project number S 0097(1) from which a 3 ¼" brass cap on a 2 ½" aluminum post stamped BLM CADASTRAL SURVEY 2003 for the northeast corner of said Section 35 bears: N 48°12'49" E, a distance of 3246.46 feet;

1. Thence S 31°04'03" E, a distance of 23.46 feet;
2. Thence S 13°55'57" W, a distance of 20.00 feet;
3. Thence S 58°55'57" W, a distance of 23.46 feet to a point on the said easterly right of way line of State Highway 140 established under Colorado Department of Highways Project number S 0097(1);
4. Thence N 13°55'57" E along the said easterly right of way line of State Highway 140 established under Colorado Department of Highways Project number S 0097(1), a distance of 53.18 feet to the Point of Beginning.

The above described permanent easement contains 0.014 acres (607 sq. ft.), more or less.

Basis of Bearings: Bearings are based on a state plane grid bearing of S 10°14'38" W from Control Point 1 to Control Point 2, both monuments being a 1 ½" aluminum cap on #5 rebar stamped Goff Eng Control Pt., as shown on the Farnsworth Group Right of Way plans for SH 140 @ CR 120 Intersection project.

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