

**El Paso County Public Services Department  
MEMORANDUM OF AGREEMENT**

Project No : 229036

Location : Stapleton Road Improvements Project

Parcel # : 10, TE-10, TE-10A

County : El Paso

This Agreement made on Feb. 10th, 2015 is between El Paso County by and through the Board of County Commissioners of El Paso County, Colorado, by its Public Services Department (GRANTEE), for the purchase of the parcel(s) listed above from the Owner, John R. Jennings and Linda B. Jennings (GRANTOR).

Just compensation was determined by an appraisal prepared in accordance with Colorado state laws and regulations. The amount of money and/or compensation listed below is full consideration for the following land, easements, improvements, claims, and damages of any kind.

Land: Parcel 10 (described in attached exhibits A and B)	90,197.60 sq ft <input checked="" type="checkbox"/> / acres <input type="checkbox"/>	\$7,216.00
Non-Exclusive Permanent Easements : None	sq ft <input type="checkbox"/> /acres <input type="checkbox"/>	\$ -0-
Temporary Easements: TE-10 and TE-10A (described in attached exhibits C, D, E and F)	36,893.32 sq ft <input checked="" type="checkbox"/> / acres <input type="checkbox"/>	\$ 295.00
Non-Exclusive Permanent Utility Easement : None	sq ft <input type="checkbox"/> /acres <input type="checkbox"/>	\$ -0-
Improvements		\$ -0-
Damages		\$ -0-
	Gross Total	\$ 7,550.00 (Rounded)
	Administrative Settlement	\$ 7,450.00
	Net Total	\$15,000.00

**Other conditions:**

- Where impacted by the Project, the Property Owner's permanent fence shall be removed by the GRANTEE during the construction period and reinstalled at the end of the project, at the right-of-way line, by the GRANTEE. Pursuant to the GRANTOR's request, the permanent fencing will be barbed wire fencing similar to what currently exists on the property.
- A temporary fence will not be installed during the construction period.
- The GRANTEE will re-seed the affected areas until adequate growth has been achieved and approved by the County or their assigns.

Notwithstanding anything to the contrary herein, the Agreement is contingent upon the El Paso County Board of County Commissioner's (hereinafter "Board") consideration and approval, and the GRANTEE will only make payment after receiving an acceptable conveyance instrument from the GRANTOR as indicated below and after formal approval by the Board.

**The GRANTOR and GRANTEE agree that:**

- there are no promises, terms, conditions, or obligations other than those listed on this Agreement.
- this Agreement is binding on both the GRANTOR and GRANTEE and their heirs, devisees, executors, administrators, legal representatives, successors, assigns, and designees.
- the compensation shown on this Agreement is for the applicable fee simple estate, permanent easement interest(s), or temporary easement interest(s) of the parcels described and any claims and/or damages of any kind, unless otherwise indicated.
- this Agreement is expressly subject to the execution of releases or subordinations pertaining to any interests relating to the property.
- failure of the GRANTOR to secure release or subordination of all outstanding interests in the Property to the GRANTEE'S satisfaction prior to closing may, at GRANTEE'S sole option, render this Contract null and void.
- GRANTEE may elect to waive GRANTOR'S requirement to obtain release, partial release, or subordination of any lien(s) or mortgage interest(s) in the Property, and will notify GRANTOR in writing of said waiver. Waiver of such by GRANTEE shall not absolve GRANTOR of GRANTOR'S obligations to lienholder(s), including, but not limited to, any requirements under a Due on Sale provision.
- agree that the closing date may be extended at the GRANTEE'S sole option to resolve any matter necessary to obtaining merchantable title to the Property.
- this Agreement shall be deemed a contract binding upon the GRANTEE and GRANTOR and the GRANTOR'S successors, assigns, designees, heirs, devisees, executors, administrators, and legal representatives.

**The GRANTOR:**

- will at the closing pay all taxes (including prorated taxes for the current year) and special assessments for the current year.
- understands, acknowledges and agrees that the beneficiaries of any unpaid mortgage(s), deed(s) of trust, taxes and/or other financial indebtedness secured by the GRANTOR'S Property may claim all or any portion of the compensation paid pursuant to this Agreement.
- has entered into this Agreement only because the GRANTEE has the power of eminent domain and requires the property for public purposes.
- will execute and deliver to GRANTEE those documents indicated below.
- hereby agrees to provide merchantable title to the Property.
- agrees to take all required actions and execute all documents necessary to secure releases or subordinations of any outstanding liens, leases, mortgages, or other encumbrances against, or affecting, the Property by all outstanding lienors, lessees, mortgagees, or any others with legal or equitable interests.
- agrees that the GRANTEE will be entitled to specific performance of this Agreement.
- agrees that the GRANTEE shall be entitled to take immediate possession of the Property upon the signing of this Agreement by the Parties and tender of payment either (a) directly to the GRANTOR, or (b) by depositing the agreed upon compensation into escrow with the GRANTEE'S closing agent unless other specific arrangements are agreed to by the Parties. This grant of possession of the Property to the GRANTEE shall serve as an irrevocable license to occupy and use said Property for the purposes of the Project until the GRANTOR executes and delivers to the County the necessary documents as stated below, and until the beneficiaries of any unpaid mortgage(s), deed(s) of trust or other financial indebtedness secured by the Owner's Property execute any and all required releases or subordinations, including, but not limited to, Requests for Partial Releases.

CHUCK BROERMAN

El Paso County, CO

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Initialed



**EXHIBIT A**

EL PASO COUNTY PROJECT NUMBER 229036

**PARCEL 10**

SITUATE

THE SOUTHEAST QUARTER OF SECTION 33, TOWNSHIP 12 SOUTH, RANGE 64 WEST OF THE 6th P.M.,  
EL PASO COUNTY, COLORADO

**LEGAL DESCRIPTION**

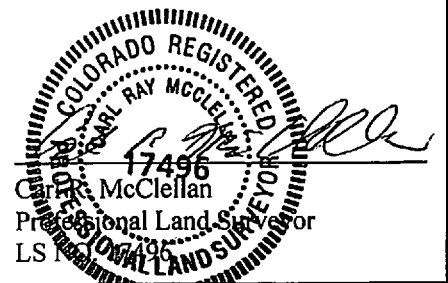
A TRACT OF LAND SITUATED IN THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 33, TOWNSHIP 12 SOUTH, RANGE 64 WEST OF THE 6<sup>TH</sup> P.M., EL PASO COUNTY, COLORADO, BEING A PORTION OF THE EL PASO COUNTY, COLORADO ASSESSOR'S PARCEL NUMBER 4233000015, C/O JOHN R. JENNINGS & LINDA B. JENNINGS, 2030 TABOR COURT, COLORADO SPRINGS, COLORADO 80919-4843, SAID TRACT BEING MORE FULLY DESCRIBED AS FOLLOWS:

**COMMENCING AT THE NORTHWEST CORNER OF SAID NORTHEAST QUARTER OF SAID SOUTHEAST QUARTER OF SECTION 33, THENCE;**

1. SOUTH 89°57'40" EAST ALONG THE NORTH LINE THEREOF A DISTANCE OF 362.13 FEET FOR THE **POINT OF BEGINNING**, THENCE;
2. CONTINUING ALONG SAID NORTH LINE SOUTH 89°57'40" EAST A DISTANCE OF 230.70 FEET, THENCE;
3. SOUTH 18°01'48" WEST A DISTANCE OF 28.42 FEET, THENCE;
4. SOUTH 43°33'49" EAST A DISTANCE OF 483.13 FEET, THENCE;
5. ALONG THE ARC OF A TANGENT CURVE TO THE RIGHT, HAVING A CENTRAL ANGLE OF 12°56'15", A RADIUS OF 1,555.00 FEET, AN ARC LENGTH OF 351.12 FEET, A CHORD BEARING OF SOUTH 37°05'41" EAST AND A CHORD LENGTH OF 350.38 FEET TO THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID NORTHEAST QUARTER OF SAID SOUTHEAST QUARTER, THENCE;
6. NORTH 89°58'49" WEST ALONG SAID SOUTH LINE A DISTANCE OF 117.67 FEET, THENCE;
7. ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF 10°34'30", A RADIUS OF 1,455.00 FEET, AN ARC LENGTH OF 268.55 FEET, A CHORD BEARING OF NORTH 38°16'34" WEST AND A CHORD LENGTH OF 268.17 FEET, THENCE;
8. NORTH 43°33'49" WEST A DISTANCE OF 539.12 FEET, THENCE;
9. NORTH 66°02'38" WEST A DISTANCE OF 110.00 FEET, THENCE;
10. NORTH 43°33'49" WEST A DISTANCE OF 15.00 FEET TO THE **POINT OF BEGINNING**.

SAID PARCEL CONTAINS 90,197.60 SQUARE FEET, (2.071 ACRES), MORE OR LESS.

ALL BEARINGS ARE BASED ON THE NORTH LINE OF SAID NORTHEAST QUARTER OF SAID SOUTHEAST QUARTER OF SECTION 33, MONUMENTED WITH A FOUND 3/2" ALUMINUM CAP STAMPED CDOT PLS 22103, DATED 2001 ON THE EAST AND WITH A FOUND 2 1/2" ALUMINUM CAP STAMPED P.L.S. 31548, DATED 2005 ON THE WEST AND WHICH WAS ASSUMED TO BEAR SOUTH 89°57'40" EAST A DISTANCE OF 1,321.47 FEET.



SCALE: NONE    DATE: 12/18/13  
 DRAWING: StapletonEastLegals&Exhibits.dwg    BY: NH

EL PASO COUNTY  
 PUBLIC SERVICES DEPARTMENT

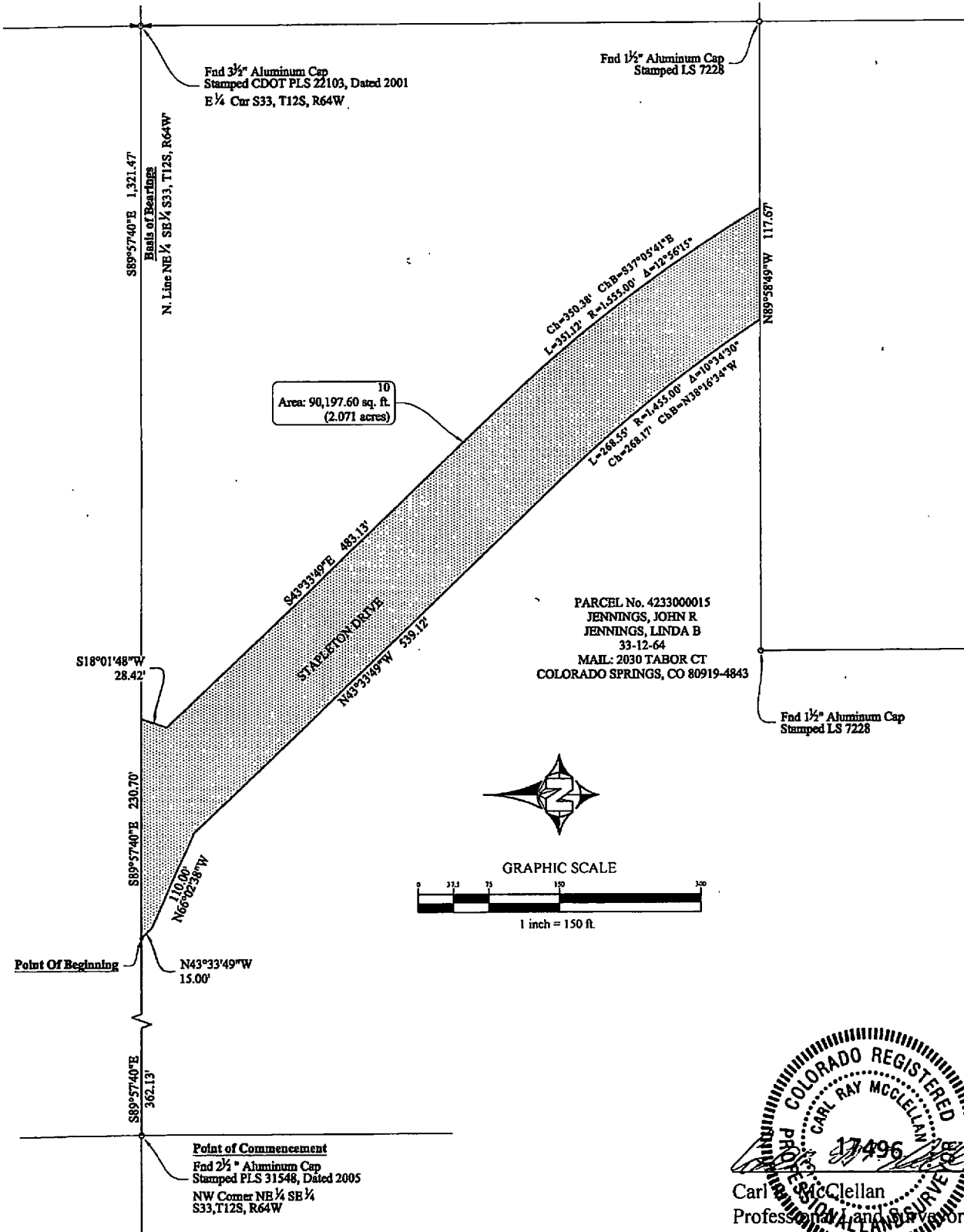
EXHIBIT B

EL PASO COUNTY PROJECT NUMBER 229036

PARCEL 10

SITUATE

THE SOUTHEAST QUARTER OF SECTION 33, TOWNSHIP 12 SOUTH, RANGE 64 WEST OF THE 6th P.M., EL PASO COUNTY, COLORADO



SCALE: 1"=150' DATE: 12/18/13 DRAWING: StapletonEastLegals&Exhibits.dwg BY: NH

EL PASO COUNTY PUBLIC SERVICES DEPARTMENT

**EXHIBIT C**

EL PASO COUNTY PROJECT NUMBER 229036  
TEMPORARY EASEMENT TE-10

SITUATE

THE SOUTHEAST QUARTER OF SECTION 33, TOWNSHIP 12 SOUTH, RANGE 64 WEST OF THE 6<sup>TH</sup> P.M.,  
EL PASO COUNTY, COLORADO

**LEGAL DESCRIPTION**

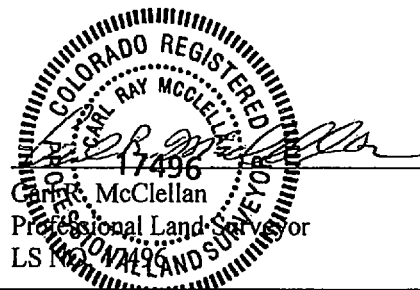
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COMMENCING AT THE NORTHWEST CORNER OF SAID NORTHEAST QUARTER OF SAID SOUTHEAST QUARTER OF SECTION 33, THENCE;

1. SOUTH 89°57'40" EAST ALONG THE NORTH LINE THEREOF A DISTANCE OF 592.83 FEET FOR THE POINT OF BEGINNING, THENCE;
2. SOUTH 18°01'48" WEST A DISTANCE OF 28.42 FEET, THENCE;
3. SOUTH 43°33'49" EAST A DISTANCE OF 483.13 FEET, THENCE;
4. ALONG THE ARC OF A TANGENT CURVE TO THE RIGHT, HAVING A CENTRAL ANGLE OF 12°56'15", A RADIUS OF 1,555.00 FEET, AN ARC LENGTH OF 351.12 FEET, A CHORD BEARING OF SOUTH 37°05'41" EAST AND A CHORD LENGTH OF 350.38 FEET TO THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID NORTHEAST QUARTER OF SAID SOUTHEAST QUARTER, THENCE;
5. SOUTH 89°58'49" EAST ALONG SAID SOUTH LINE A DISTANCE OF 17.41 FEET, THENCE;
6. ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF 11°41'20", A RADIUS OF 2,501.49 FEET, AN ARC LENGTH OF 510.33 FEET, A CHORD BEARING OF NORTH 37°43'13" WEST AND A CHORD LENGTH OF 509.45 FEET, THENCE;
7. NORTH 43°33'49" WEST A DISTANCE OF 350.00 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 17,482.18 SQUARE FEET, (0.401 ACRES), MORE OR LESS.

ALL BEARINGS ARE BASED ON THE NORTH LINE OF SAID NORTHEAST QUARTER OF SAID SOUTHEAST QUARTER OF SECTION 33, MONUMENTED WITH A FOUND 3½" ALUMINUM CAP STAMPED CDOT PLS 22103, DATED 2001 ON THE EAST AND WITH A FOUND 2½" ALUMINUM CAP STAMPED P.L.S. 31548, DATED 2005 ON THE WEST AND WHICH WAS ASSUMED TO BEAR SOUTH 89°57'40" EAST A DISTANCE OF 1,321.47 FEET.



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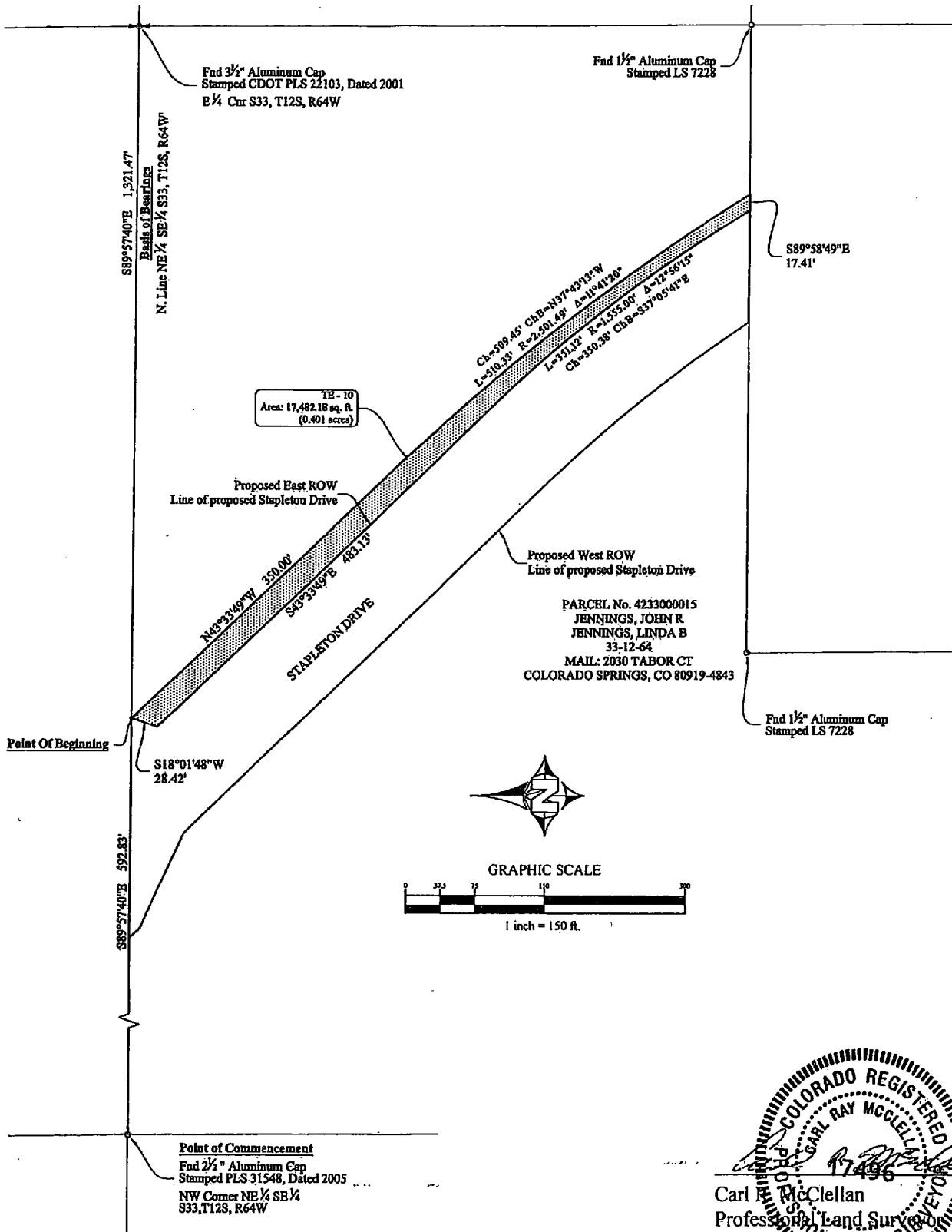
EL PASO COUNTY  
PUBLIC SERVICES DEPARTMENT

**EXHIBIT D**

**EL PASO COUNTY PROJECT NUMBER 229036  
TEMPORARY EASEMENT TE-10**

SITUATE

THE SOUTHEAST QUARTER OF SECTION 33, TOWNSHIP 12 SOUTH, RANGE 64 WEST OF THE 6th P.M., EL PASO COUNTY, COLORADO



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PUBLIC SERVICES DEPARTMENT

**EXHIBIT E**

EL PASO COUNTY PROJECT NUMBER 229036  
TEMPORARY EASEMENT TE-10A

SITUATE  
THE SOUTHEAST QUARTER OF SECTION 33, TOWNSHIP 12 SOUTH, RANGE 64 WEST OF THE 6<sup>TH</sup> P.M.,  
EL PASO COUNTY, COLORADO

**LEGAL DESCRIPTION**

A TRACT OF LAND SITUATED IN THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 33, TOWNSHIP 12 SOUTH, RANGE 64 WEST OF THE 6<sup>TH</sup> P.M., EL PASO COUNTY, COLORADO, BEING A PORTION OF THE EL PASO COUNTY, COLORADO ASSESSOR'S PARCEL NUMBER 4233000015, C/O JOHN R. JENNINGS & LINDA B. JENNINGS, 2030 TABOR COURT, COLORADO SPRINGS, COLORADO 80919-4843, SAID TRACT BEING MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID NORTHEAST QUARTER OF SAID SOUTHEAST QUARTER OF SECTION 33, THENCE;

1. SOUTH 89°57'40" EAST ALONG THE NORTH LINE THEREOF A DISTANCE OF 335.33 FEET FOR THE POINT OF BEGINNING, THENCE;
2. SOUTH 21°05'00" EAST A DISTANCE OF 14.63 FEET, THENCE;
3. SOUTH 43°33'49" EAST A DISTANCE OF 24.94 FEET, THENCE;
4. SOUTH 66°02'38" EAST A DISTANCE OF 123.08 FEET, THENCE;
5. SOUTH 43°33'49" EAST A DISTANCE OF 522.07 FEET, THENCE;
6. ALONG THE ARC OF A TANGENT CURVE TO THE RIGHT, HAVING A CENTRAL ANGLE OF 10°03'17", A RADIUS OF 1,435.00 FEET, AN ARC LENGTH OF 251.82 FEET, A CHORD BEARING OF SOUTH 38°32'10" EAST AND A CHORD LENGTH OF 251.50 FEET TO THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID NORTHEAST QUARTER OF SAID SOUTHEAST QUARTER, THENCE;
7. SOUTH 89°58'49" EAST ALONG SAID SOUTH LINE A DISTANCE OF 23.92 FEET, THENCE;
8. ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF 10°34'30", A RADIUS OF 1,455.00 FEET, AN ARC LENGTH OF 268.55 FEET, A CHORD BEARING OF NORTH 38°16'34" WEST AND A CHORD LENGTH OF 268.17 FEET, THENCE;
9. NORTH 43°33'49" WEST A DISTANCE OF 539.12 FEET, THENCE;
10. NORTH 66°02'38" WEST A DISTANCE OF 110.00 FEET, THENCE;
11. NORTH 43°33'49" WEST A DISTANCE OF 15.00 FEET TO THE NORTH LINE OF SAID NORTHEAST QUARTER OF SAID SOUTHEAST QUARTER OF SAID SECTION 33, THENCE
12. NORTH 89°57'40" WEST ALONG SAID NORTH LINE A DISTANCE OF 26.80 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 19,411.14 SQUARE FEET, (0.446 ACRES), MORE OR LESS.

ALL BEARINGS ARE BASED ON THE NORTH LINE OF SAID NORTHEAST QUARTER OF SAID SOUTHEAST QUARTER OF SECTION 33, MONUMENTED WITH A FOUND 3½" ALUMINUM CAP STAMPED CDOT PLS 22103, DATED 2001 ON THE EAST AND WITH A FOUND 2½" ALUMINUM CAP STAMPED P.L.S. 31548, DATED 2005 ON THE WEST AND WHICH WAS ASSUMED TO BEAR SOUTH 89°57'40" EAST A DISTANCE OF 1,321.47 FEET.



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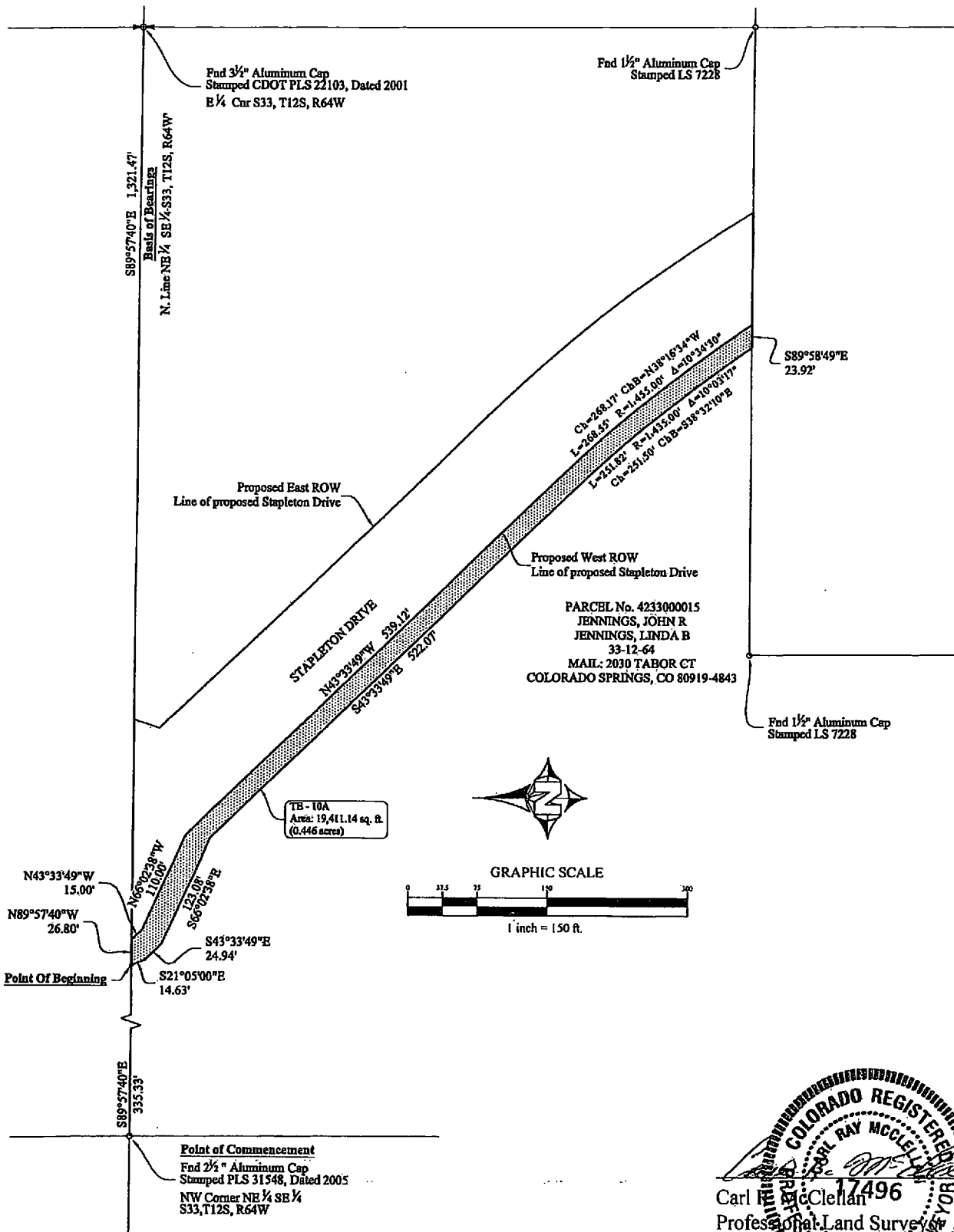
# EXHIBIT F

EL PASO COUNTY PROJECT NUMBER 229036

## TEMPORARY EASEMENT TE-10A

SITUATE

THE SOUTHEAST QUARTER OF SECTION 33, TOWNSHIP 12 SOUTH, RANGE 64 WEST OF THE 6th P.M., EL PASO COUNTY, COLORADO



Carl R. McClellan 17496  
 Professional Land Surveyor  
 LS NO. 17496

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