AGENDA ITEM or FINAL CONTRACT REVIEW SUBMITTAL FORM

Agenda Item: Memorandum of Agreement; Colorado Department of Tr

Action Requested: Board of County Commissioners' Signature

Parties to the Agreement: Colorado Department of Transportation and Gunnison County

Term Begins: **Term Ends:** **Grant Contract #:**

Summary:

The Colorado Department of Transportation needs to acquire small parcels of land owned by Gunnison County for safety improvements on HW #50 in Little Blue Canyon

Fiscal Impact: +$500.00

Submitted by: Marlene Crosby **Submitter's Email Address:** mcrosby@gunnisoncounty.org

Finance Review: (●) Required ( ) Not Required

Comments:
No concerns

Reviewed by: GUNCOUNTY1\lNienhueser Discharge Date: 9/25/2015

County Attorney Review: (●) Required ( ) Not Required

Comments:
ok - gs

Reveiwed by: GUNCOUNTY1\gstuhr Discharge Date: 9/28/2015 Certificate of Insurance Required Yes ( ) No (●)

County Manager Review:

Comments:

Reveiwed by: GUNCOUNTY1\khaase Discharge Date: 9/30/2015

( ) Consent Agenda (●) Regular Agenda ( ) Worksession Time Allotted: DCM Reports

Agenda Date: 10/6/2015

Revised April 2015

COLORADO
Department of Transportation
Region 3 Right of Way

Project No.: NH 050A-015
Location: US 50 Little Blue East
Project Code: 17736
Parcels: RW-205, PE-205 and TE-205

September 11, 2015

Certified Mail

Gunnison County
Attn: Marlene Crosby
195 Basin Park Drive
Gunnison, CO 81230

RE: Offer to Acquire and Summary of Just Compensation
Property along US 50 West, Milepost 121.5 to 123.1, Cimmarron, Colorado

Dear Property Owner:

The Colorado Department of Transportation (CDOT) is proceeding with a safety improvement project along US 50 between mile markers 121.5 and 123.1, east of Cimarron, Colorado (the Project). This is a state and federally funded project which involves realignment, widening, passing lanes, shoulders and drainage structures. CDOT has selected TRS Corp. (TRS) to act as it's representative to acquire the necessary property interests for this Project. As the authorized representative for CDOT, I will be your point of contact and will be available to discuss the Project and explain the acquisition process.

In order to construct and maintain these highway improvements, CDOT requires additional right-of-way and easements. CDOT is offering to acquire the above referenced parcel of right-of-way, permanent easment and temporary easement from your property along US 50, with said parcel being legally described in the enclosed Exhibit(s) and depicted on the enclosed Right-of-Way plan sheet(s). The parcels to be acquired are summarized as:

- Parcel RW-205 (a fee acquisition of 0.054 acres);
- Parcel PE-205 (a permanent easement of 0.006 acres);
- Parcel TE-205 (a temporary easment of 0.025 acres for grading driveway).

As part of the acquisition process, TRS prepared a value finding using available market data to determine the Fair Market Value of the above-referenced parcels and affected improvements. Based on this value finding, CDOT offers to purchase the above-referenced parcels and affected improvements for the total purchase price of **Five Hundred and 00/100 Dollars ($500.00)** as summarized below:

Land:

- Parcel RW-205 contains a total area of 0.054 acres. The unit value of the land is $2,500/acre. The offer for this fee simple acquisition is $2,500 x 0.054 acres = **$135.00**.

- Parcel PE-205 contains a total area of 0.006 acres. The unit value of the land is $2,500/acre at an encumbrance rate of 50%. The offer for this permanent easement acquisition is $2,500 x 0.006 acres x 50% = **$7.50**.

- Parcel TE-205 contains a total area of 0.025 acres. The unit value of the land is $2,500/acre, at an annual rental rate of 10% for 18 months. This temporary easement becomes effective upon the date of entry for construction, remains in effect during construction, and terminates ten days after the conclusion of construction, and in any event, no later than 18 months (1.5 years) after the start of construction. The offer for this temporary easement is $2,500 x 0.025 acres x 10%/year x 1.5 years = **$6.25**.

Affected Improvements/Fixtures:

The affected property improvements within the acquisition areas are listed below along with the just compensation determined by their contributory value, including depreciation plus entrpreneurial cost (owner incentive). There were no real property improvements, including fixtures, to be acquired which are not owned by the landowner.

Inventory	Quantity	Cost new/unit	Total cost	% Deprec Remain	Total
None					

By applying permissible rounding methods, the established Fair Market Value of the land, improvements and benefits/damages, if any to the remaining property, totals $500.00, as summarized below:

1.	Fee simple real estate		$ 135
2.	Permanent Easement		$7.50
3.	Temporary Easement		$6.25
4.	Improvements		$ 0
5.	Benefits/Damages	n/a	$ 0
6.	Total		**$500 (R)**

Accompanying this letter is a Memorandum of Agreement for your consideration. The Memorandum of Agreement constitutes CDOT's formal offer to purchase that becomes a contract when fully signed by all parties. If you are in agreement with the CDOT's offer, please sign the Memorandum of Agreement in the box identified as "Grantor" on page 2 of the form. Also, please complete, sign and date the enclosed W-9 Taxpayer Identification form. Please return the original forms in the enclosed, self-addressed envelope to TRS as follows:

TRS Corp.
2850 Serendipity Circle West, Suite 200
Colorado Springs, CO 80917

Also enclosed is a Right of Way Information Brochure explaining your rights as a property owner and a Demographic Information form. Completing the Demographic Information form is voluntary; it is used to document CDOT's compliance with several federal civil rights laws. If you choose to provide this information, please return only the Demographic Information form in the enclosed pre-paid envelope addressed to our CDOT Denver, Colorado, address.

Please contact me, Jeff Perret with TRS, at 719-494-8067 if you have any questions or concerns regarding this offer letter or the enclosures. I am available to discuss the acquisition process with you at your convenience. Thank you for your assistance with this important public improvement project.

Sincerely,

Jeff Perret
Senior Right of Way Agent, TRS Corp.
On behalf of CDOT Region 3

Enclosures:
- Memorandum of Agreement
- CDOT Right of Way Plans
- Legal descriptions
- Summary of Fair Market Value
- Request for Taxpayer Identification form W-9
- CDOT Demographic Information Form
- Right of Way Information booklet
- Self-addressed stamped envelope

COLORADO DEPARTMENT OF TRANSPORTATION **MEMORANDUM OF AGREEMENT**	Project Code: 17736	Parcel Nos: RW-205, PE-205 and TE-205
	Project No: NH 050A-015	
	Location: US 50 Little Blue East	
	County: Gunnison	State Highway No: US 50

This agreement made on _____, 2015 is between the State of Colorado for the use and benefit of the **Colorado Department of Transportation** (GRANTEE) for the purchase of the parcel(s) listed above from the

Owner(s) Gunnison County (GRANTOR).

Just compensation was determined by an appropriate valuation procedure 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, and damages of any kind.

Land (described in attached exhibits)	RW-205	0.054	Sq.ft☐/acres☒	$ 135.00
Permanent and Slope Easements (described in attached exhibits)	PE-205	0.006	Sq.ft☐/acres☒	$ 7.50
Temporary Easements	TE-205	0.025	Sq.ft☐/acres☒	$ 6.25
Improvements				$ 0.00
Damages				$ 0.00
			Gross Total	$148.75
			Less Credit	$ 0.00
			Net Total	$500.00 (R)

Other conditions: The execution of this agreement constitutes and grants unto CDOT, its agents and contractors a temorary construction easement (TE-205) for grading a driveway. The temporary construction easement will become effective upon the date of entry for construction and shall terminate 10 days after the conclusion of construction and in any event, no later than 18 months after the start of construction.

The GRANTOR:

1) Will, at the closing, pay all taxes (including prorated taxes for the current year) and special assessments for the current year;
2) Has entered into this agreement only because the GRANTEE has the power of eminent domain and requires the property for public purposes;
3) Will be responsible for securing releases from all liens, judgments and encumbrances to deliver clear, unencumbered title to GRANTEE. Any encumbrance required to be paid by GRANTOR shall be paid at or before closing from the proceeds of the transaction hereby contemplated or from any other source;
4) Will execute and deliver to GRANTEE those documents indicated below;
5) Excepts from the subject property described herein in the attached Exhibits, the mineral estate and including all coal, oil, gas and other hydrocarbons, and all clay and other valuable mineral in and under said subject property. The GRANTOR hereby covenants and agrees that the GRANTEE shall forever have the right to take and use, without payment of further compensation to the GRANTOR, any and all sand, gravel, earth, rock, and other road building materials found in or upon said subject property and belonging to the GRANTOR; and
6) The GRANTOR further covenants and agrees that no exploration for, or development of any of the products, as described above, and owned by the GRANTOR heretofore or hereafter the date set forth above and hereby excepted will ever be conducted on or from the surface of the premises described in the attached Exhibits, and that in the event any of such operations may hereafter be carried on beneath the surface of said premises, the GRANTOR shall perform no act which may impair the subsurface or lateral support of said premises. These covenants and agreements hereunder, shall inure to and be binding upon the GRANTOR and its heirs, personal and legal representatives, successors and assigns forever.

Editions prior to 1/2012 are obsolete and may not be used

NOTE: At GRANTOR'S sole discretion, the GRANTOR may convey the underlying mineral estate owned by GRANTOR to the GRANTEE. GRANTEE makes no representations about the nature, title or value of the mineral estate. In transactions where GRANTOR conveys the underlying mineral estate to GRANTEE, Paragraphs 5 and 6, as set forth above, will be deleted from this Memorandum of Agreement and the conveyance document.

☐ GRANTOR conveys the underlying mineral estate to GRANTEE. Paragraphs 5 and 6 are hereby deleted from the Memorandum of Agreement and the conveyance document.

The GRANTEE:

1) Will be entitled to specific performance of this agreement upon tender of the agreed consideration;
2) Will be held harmless from any claims against the property or to any interest in the property, except for any benefits due under relocation law;
3) Will make payment after receiving acceptable conveyance instruments from the GRANTOR;
4) Will take possession and use of the parcel(s) when it deposits the consideration, as set forth above, into an escrow account for the benefit of the GRANTOR, or when GRANTEE disburses funds to GRANTOR. Transfer of title to the parcel(s) shall occur upon performance of any and all terms under this agreement, and release of the payment from escrow to the GRANTOR, unless other arrangements are made that follow Title III of the Uniform Relocation Assistance and Real Property Acquisition Act of 1970, as amended; and
5) Will prepare the following documents:

☒ General Warranty Deed	☐ Utility Easement
☐ Access Deed	☒ Permanent Easement
☐ Full Release(s) Book/Page:	☐ Slope Easement
☐ Partial Release(s) Book/Page:	☐ Temporary Easement

☐ Or (specify):

☐ Title Company to prepare documents except:

Order Warrant $500.00	Payable to: Gunnison County

Real Estate Specialist	**GRANTOR:** **Attach form W-9** **Gunnison County**
	By:
	Title:
Division approval (Region ROW Manager)	**GRANTEE signature**

cc: Project Development Branch – ROW Services (original)
Property Owner
Region Right-of-Way Manager
Region Program Engineer/Resident Engineer/Project Engineer

Editions prior to 1/2012 are obsolete and may not be used

EXHIBIT "A"

PROJECT NUMBER: NH 050A-015
PARCEL NUMBER: RW-205
PROJECT CODE: 17736
DATE: January 6, 2015
DESCRIPTION

A tract or parcel of land No. RW-205 of the Department of Transportation, State of Colorado Project No. NH 050A-015 containing 2,337 sq. ft. (0.054 acres),more or less, located in Tract 80, Township 48 North, Range 5 West, of the New Mexico Principal Meridian, in Gunnison County, Colorado, said tract or parcel being more particularly described as follows:

Commencing at a point being the southwest corner of a parcel of land as described in Book 207 Page 74 filed in the Gunnison County Clerk and Recorders Office, whence AP 2 Tract 80 bears N. 1°32'18" E 400.00 feet, said point also being the TRUE POINT OF BEGINNING;

1. Thence N. 35°22'27" E., a distance of 41.21 feet;

2. Thence N. 64°13'36" E., a distance of 79.38 feet to a point on the existing northerly right-of-way line of State Highway US 50 (January 2015);

3. Thence S. 10°44'50" W. along said right-of-way line, a distance of 38.22 feet to a point on the southerly boundary line of a parcel of land as described in Book 207 Page 74 filed in the Gunnison County Clerk and Recorders Office;

4. Thence departing said right-of-way line S. 70°53'24" W. along said southerly boundary line, a distance of 93.35 feet, more or less, to a point being the southwest corner of a parcel of land as described in Book 207 Page 74 filed in the Gunnison County Clerk and Recorders Office, said point being the TRUE POINT OF BEGINNING.

The above described parcel contains 2,337 sq. ft. (0.054 acres), more or less.

Basis of Bearings: Bearings used in the calculations of coordinates are based on a grid bearing of N 73°28'34"E from SH 50 CM-MP 121.2 and SH 50 CM-MP 122.1 as obtained from a Global Positioning System (GPS) survey based on the Colorado High Accuracy Reference Network (CHARN).

For and on behalf of the

Colorado Department of Transportation
George A. Preiser, PLS 38055
(970) 683-6235
222 So. 6th Street, Suite 317
Grand Junction, CO 81501

COLORADO LICENSED
GEORGE A. PREISER
38055
PROFESSIONAL LAND SURVEYOR

George A. Preiser
2/3/2015

EXHIBIT "A"

PROJECT NUMBER: NH 050A-015
PERMANENT EASEMENT: PE-205
PROJECT CODE: 17736
DATE: January 6, 2015
DESCRIPTION

A tract or parcel of land No. PE-205 of the Department of Transportation, State of Colorado Project No. NH 050A-015 containing 247 sq. ft. (0.006 acres), more or less, located in Tract 80, Township 48 North, Range 5 West, of the New Mexico Principal Meridian, in Gunnison County, Colorado, said tract or parcel being more particularly described as follows:

Commencing at a point on the existing northerly right-of-way line of State Highway US 50 (January 2015)said point also being on the northerly line of a parcel of land as described in Book 207 Page 74 filed in the Gunnison County Clerk and Recorders Office, whence AP 2 Tract 80 bears N. 89°24'16" W 147.28 feet, said point also being the TRUE POINT OF BEGINNING;

1. Thence S. 10°44'50" W. along said right-of-way line, a distance of 55.00 feet;

2. Thence departing said right-of-way line N. 74°33'35" W., a distance of 9.00 feet;

3. Thence N. 20°08'00" E., a distance of 55.00 feet, more or less, to a point on the northerly right-of-way line of State Highway US 50 (January 2015) said point also being on the northerly line of a parcel of land as described in Book 207 Page 74 filed in the Gunnison County Clerk and Recorders Office, said point being the TRUE POINT OF BEGINNING.

The above described parcel contains 247 sq. ft. (0.006 acres), more or less.

The purpose of the above-described Permanent Easement is for the construction and maintenance of a culvert.

Basis of Bearings: Bearings used in the calculations of coordinates are based on a grid bearing of N 73°28'34"E from SH 50 CM-MP 121.2 and SH 50 CM-MP 122.1 as obtained from a Global Positioning System (GPS) survey based on the Colorado High Accuracy Reference Network (CHARN).

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COLORADO LICENSED
GEORGE A. PREISER
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PROFESSIONAL LAND SURVEYOR

2/3/2015

Colorado Department of Transportation
222 South 6th Street
Room 317
Grand Junction, CO 81501
Phone: 970-683-6233 FAX: 970-683-6227
Region 3 JEM

Sheet Revisions		
Date	Description	Initials
5-18-2015	REVISED PARCELS RW-200C & RW-202	GAP

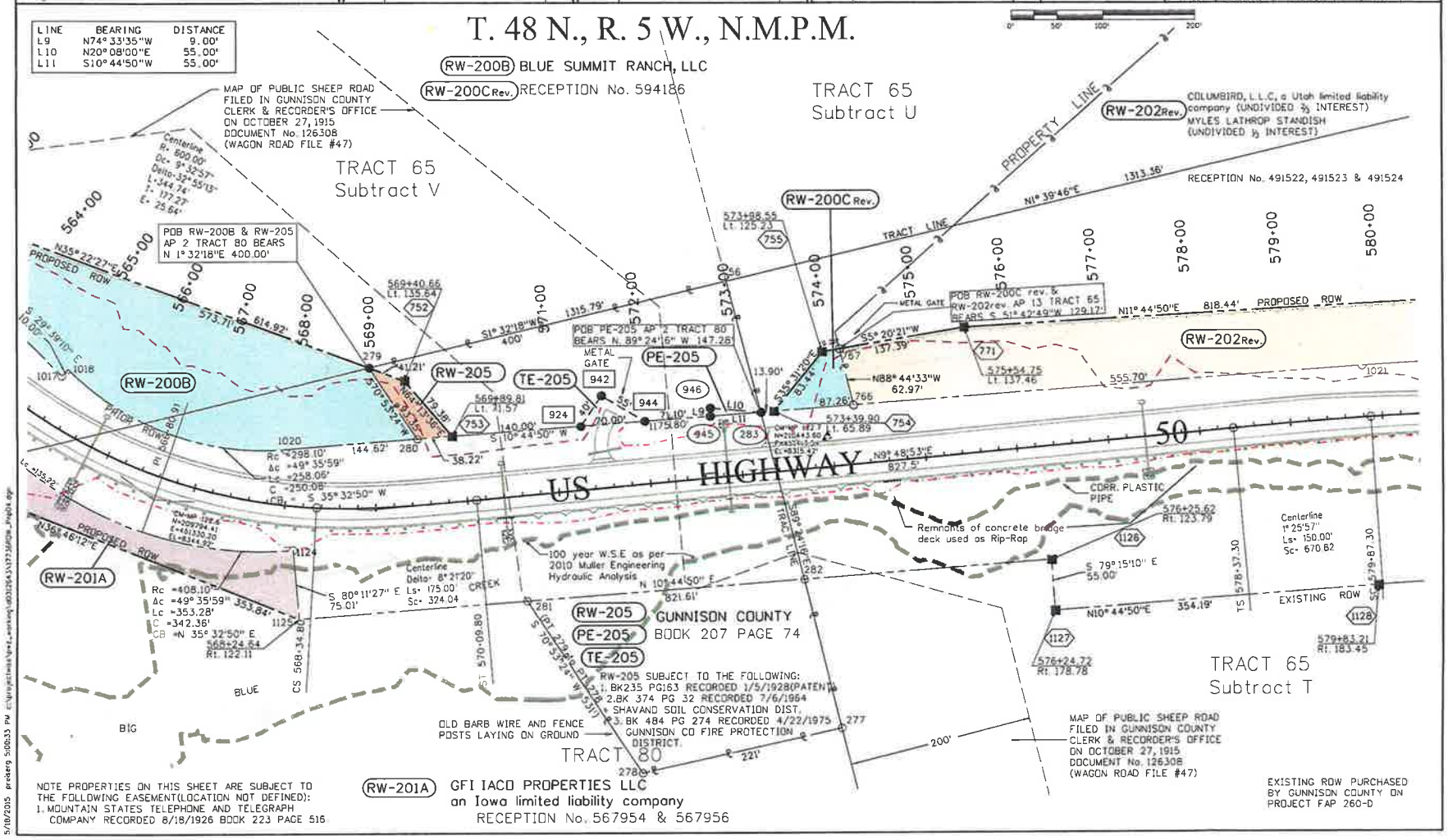
Sheet Revisions		
Date	Description	Initials
mm/dd/yy	XXXXXXX	XXX

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

Right of Way Plans
Plan Sheet
Project Number: NH 050A-015
Project Location: SH 50 LITTLE BLUE EAST
Milepost 121.5 to Milepost 123.1

Project Code	Last Mod Date	Subset	Sheet No.
17736	5-18-2015	7.04 of 7.05	7.04

LINE	BEARING	DISTANCE
L9	N74° 33'35"W	9.00'
L10	N20° 08'00"E	55.00'
L11	S10° 44'50"W	55.00'



NOTE PROPERTIES ON THIS SHEET ARE SUBJECT TO THE FOLLOWING EASEMENT(LOCATION NOT DEFINED):
1. MOUNTAIN STATES TELEPHONE AND TELEGRAPH COMPANY RECORDED 8/18/1926 BOOK 223 PAGE 516

5/18/2015 prckerg 5:00:33 PM

SUMMARY STATEMENT OF JUST COMPENSATION

September 11, 2015

Project No.: NH 050A-015
Location: US 50 Little Blue East
Project Code: 17736
Parcels: RW-205, PE-205 and TE-205

Gunnison County
Attn: Marlene Crosby
195 Basin Park Drive
Gunnison, CO 81230

Dear Property Owner:

This statement is intended to furnish you with a written summary of the basis of the amount established as just compensation for your property required for the Colorado Department of Transportation ("CDOT") improvements to the US 50 Little Blue East Project in Gunnison, Colorado ("Project"). This project requires that CDOT acquire from you one (1) parcel in fee simple identified as Parcel No. RW-205; one (1) permanent easement identified as Parcel No. PE-205; and one (1) temporary easement identified as Parcel No. TE-205. The legal descriptions of said parcels are attached.

The offered sum for the above stated parcels is summarized as follows:

Parcel RW-205 (fee simple):		
▪ 0.054 ac @ $2,500/ac	$	135.00
Parcel PE-205 (permanent easement):		
▪ 0.006 ac @ $2,500/ac x 50%	$	7.50
Parcel TE-205 (temporary easement):		
▪ 0.025 ac @ $2,500/ac x 10% x 18 months	$	6.25
Improvements:		
▪ No Improvements Have Been Identified	$	0.00
Damages:		
▪ No Damages Have Been Identified	$	0.00
TOTAL OFFER OF JUST COMPENSATION	**$**	**500.00 (R)**

EXHIBIT "A"

PROJECT NUMBER: NH 050A-015
PARCEL NUMBER: RW-205
PROJECT CODE: 17736
DATE: January 6, 2015
DESCRIPTION

A tract or parcel of land No. RW-205 of the Department of Transportation, State of Colorado Project No. NH 050A-015 containing 2,337 sq. ft. (0.054 acres),more or less, located in Tract 80, Township 48 North, Range 5 West, of the New Mexico Principal Meridian, in Gunnison County, Colorado, said tract or parcel being more particularly described as follows:

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1. Thence N. 35°22'27" E., a distance of 41.21 feet;

2. Thence N. 64°13'36" E., a distance of 79.38 feet to a point on the existing northerly right-of-way line of State Highway US 50 (January 2015);

3. Thence S. 10°44'50" W. along said right-of-way line, a distance of 38.22 feet to a point on the southerly boundary line of a parcel of land as described in Book 207 Page 74 filed in the Gunnison County Clerk and Recorders Office;

4. Thence departing said right-of-way line S. 70°53'24" W. along said southerly boundary line, a distance of 93.35 feet, more or less, to a point being the southwest corner of a parcel of land as described in Book 207 Page 74 filed in the Gunnison County Clerk and Recorders Office, said point being the TRUE POINT OF BEGINNING.

The above described parcel contains 2,337 sq. ft. (0.054 acres), more or less.

Basis of Bearings: Bearings used in the calculations of coordinates are based on a grid bearing of N 73°28'34"E from SH 50 CM-MP 121.2 and SH 50 CM-MP 122.1 as obtained from a Global Positioning System (GPS) survey based on the Colorado High Accuracy Reference Network (CHARN).

For and on behalf of the

Colorado Department of Transportation
George A. Preiser, PLS 38055
(970) 683-6235
222 So. 6th Street, Suite 317
Grand Junction, CO 81501

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George A. Preiser
2/3/2015

EXHIBIT "A"

PROJECT NUMBER: NH 050A-015
PERMANENT EASEMENT: PE-205
PROJECT CODE: 17736
DATE: January 6, 2015
DESCRIPTION

A tract or parcel of land No. PE-205 of the Department of Transportation, State of Colorado Project No. NH 050A-015 containing 247 sq. ft. (0.006 acres), more or less, located in Tract 80, Township 48 North, Range 5 West, of the New Mexico Principal Meridian, in Gunnison County, Colorado, said tract or parcel being more particularly described as follows:

Commencing at a point on the existing northerly right-of-way line of State Highway US 50 (January 2015)said point also being on the northerly line of a parcel of land as described in Book 207 Page 74 filed in the Gunnison County Clerk and Recorders Office, whence AP 2 Tract 80 bears N. 89°24'16" W 147.28 feet, said point also being the TRUE POINT OF BEGINNING;

1. Thence S. 10°44'50" W. along said right-of-way line, a distance of 55.00 feet;

2. Thence departing said right-of-way line N. 74°33'35" W., a distance of 9.00 feet;

3. Thence N. 20°08'00" E., a distance of 55.00 feet, more or less, to a point on the northerly right-of-way line of State Highway US 50 (January 2015) said point also being on the northerly line of a parcel of land as described in Book 207 Page 74 filed in the Gunnison County Clerk and Recorders Office, said point being the TRUE POINT OF BEGINNING.

The above described parcel contains 247 sq. ft. (0.006 acres), more or less.

The purpose of the above-described Permanent Easement is for the construction and maintenance of a culvert.

Basis of Bearings: Bearings used in the calculations of coordinates are based on a grid bearing of N 73°28'34"E from SH 50 CM-MP 121.2 and SH 50 CM-MP 122.1 as obtained from a Global Positioning System (GPS) survey based on the Colorado High Accuracy Reference Network (CHARN).

For and on behalf of the

Colorado Department of Transportation
George A. Preiser, PLS 38055
(970) 683-6235
222 So. 6th Street, Suite 317
Grand Junction, CO 81501

COLORADO LICENSED
GEORGE A. PREISER
38055
PROFESSIONAL LAND SURVEYOR

2/3/2015

Form **W-9**
(Rev. August 2013)
Department of the Treasury
Internal Revenue Service

Request for Taxpayer Identification Number and Certification

Give Form to the requester. Do not send to the IRS.

Print or type
See **Specific Instructions** on page 2.

Name (as shown on your income tax return)

Business name/disregarded entity name, if different from above

Check appropriate box for federal tax classification:
☐ Individual/sole proprietor ☐ C Corporation ☐ S Corporation ☐ Partnership ☐ Trust/estate

☐ Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=partnership) ▶

☐ Other (see instructions) ▶

Exemptions (see instructions):
Exempt payee code (if any)
Exemption from FATCA reporting code (if any)

Address (number, street, and apt. or suite no.)

Requester's name and address (optional)

City, state, and ZIP code

List account number(s) here (optional)

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on the "Name" line to avoid backup withholding. For individuals, this is your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the Part I instructions on page 3. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN* on page 3.

Note. If the account is in more than one name, see the chart on page 4 for guidelines on whose number to enter.

Social security number
☐☐☐ – ☐☐ – ☐☐☐☐

Employer identification number
☐☐ – ☐☐☐☐☐☐☐

Part II Certification

Under penalties of perjury, I certify that:

1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me), and
2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding, and
3. I am a U.S. citizen or other U.S. person (defined below), and
4. The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions on page 3.

Sign Here **Signature of U.S. person ▶** **Date ▶**

General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Future developments. The IRS has created a page on IRS.gov for information about Form W-9, at *www.irs.gov/w9*. Information about any future developments affecting Form W-9 (such as legislation enacted after we release it) will be posted on that page.

Purpose of Form

A person who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) to report, for example, income paid to you, payments made to you in settlement of payment card and third party network transactions, real estate transactions, mortgage interest you paid, acquisition or abandonment of secured property, cancellation of debt, or contributions you made to an IRA.

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN to the person requesting it (the requester) and, when applicable, to:

1. Certify that the TIN you are giving is correct (or you are waiting for a number to be issued),

2. Certify that you are not subject to backup withholding, or

3. Claim exemption from backup withholding if you are a U.S. exempt payee. If applicable, you are also certifying that as a U.S. person, your allocable share of any partnership income from a U.S. trade or business is not subject to the withholding tax on foreign partners' share of effectively connected income, and

4. Certify that FATCA code(s) entered on this form (if any) indicating that you are exempt from the FATCA reporting, is correct.

Note. If you are a U.S. person and a requester gives you a form other than Form W-9 to request your TIN, you must use the requester's form if it is substantially similar to this Form W-9.

Definition of a U.S. person. For federal tax purposes, you are considered a U.S. person if you are:

- An individual who is a U.S. citizen or U.S. resident alien,
- A partnership, corporation, company, or association created or organized in the United States or under the laws of the United States,
- An estate (other than a foreign estate), or
- A domestic trust (as defined in Regulations section 301.7701-7).

Special rules for partnerships. Partnerships that conduct a trade or business in the United States are generally required to pay a withholding tax under section 1446 on any foreign partners' share of effectively connected taxable income from such business. Further, in certain cases where a Form W-9 has not been received, the rules under section 1446 require a partnership to presume that a partner is a foreign person, and pay the section 1446 withholding tax. Therefore, if you are a U.S. person that is a partner in a partnership conducting a trade or business in the United States, provide Form W-9 to the partnership to establish your U.S. status and avoid section 1446 withholding on your share of partnership income.

In the cases below, the following person must give Form W-9 to the partnership for purposes of establishing its U.S. status and avoiding withholding on its allocable share of net income from the partnership conducting a trade or business in the United States:

- In the case of a disregarded entity with a U.S. owner, the U.S. owner of the disregarded entity and not the entity,
- In the case of a grantor trust with a U.S. grantor or other U.S. owner, generally, the U.S. grantor or other U.S. owner of the grantor trust and not the trust, and
- In the case of a U.S. trust (other than a grantor trust), the U.S. trust (other than a grantor trust) and not the beneficiaries of the trust.

Foreign person. If you are a foreign person or the U.S. branch of a foreign bank that has elected to be treated as a U.S. person, do not use Form W-9. Instead, use the appropriate Form W-8 or Form 8233 (see Publication 515, Withholding of Tax on Nonresident Aliens and Foreign Entities).

Nonresident alien who becomes a resident alien. Generally, only a nonresident alien individual may use the terms of a tax treaty to reduce or eliminate U.S. tax on certain types of income. However, most tax treaties contain a provision known as a "saving clause." Exceptions specified in the saving clause may permit an exemption from tax to continue for certain types of income even after the payee has otherwise become a U.S. resident alien for tax purposes.

If you are a U.S. resident alien who is relying on an exception contained in the saving clause of a tax treaty to claim an exemption from U.S. tax on certain types of income, you must attach a statement to Form W-9 that specifies the following five items:

1. The treaty country. Generally, this must be the same treaty under which you claimed exemption from tax as a nonresident alien.
2. The treaty article addressing the income.
3. The article number (or location) in the tax treaty that contains the saving clause and its exceptions.
4. The type and amount of income that qualifies for the exemption from tax.
5. Sufficient facts to justify the exemption from tax under the terms of the treaty article.

Example. Article 20 of the U.S.-China income tax treaty allows an exemption from tax for scholarship income received by a Chinese student temporarily present in the United States. Under U.S. law, this student will become a resident alien for tax purposes if his or her stay in the United States exceeds 5 calendar years. However, paragraph 2 of the first Protocol to the U.S.-China treaty (dated April 30, 1984) allows the provisions of Article 20 to continue to apply even after the Chinese student becomes a resident alien of the United States. A Chinese student who qualifies for this exception (under paragraph 2 of the first protocol) and is relying on this exception to claim an exemption from tax on his or her scholarship or fellowship income would attach to Form W-9 a statement that includes the information described above to support that exemption.

If you are a nonresident alien or a foreign entity, give the requester the appropriate completed Form W-8 or Form 8233.

What is backup withholding? Persons making certain payments to you must under certain conditions withhold and pay to the IRS a percentage of such payments. This is called "backup withholding." Payments that may be subject to backup withholding include interest, tax-exempt interest, dividends, broker and barter exchange transactions, rents, royalties, nonemployee pay, payments made in settlement of payment card and third party network transactions, and certain payments from fishing boat operators. Real estate transactions are not subject to backup withholding.

You will not be subject to backup withholding on payments you receive if you give the requester your correct TIN, make the proper certifications, and report all your taxable interest and dividends on your tax return.

Payments you receive will be subject to backup withholding if:

1. You do not furnish your TIN to the requester,
2. You do not certify your TIN when required (see the Part II instructions on page 3 for details),
3. The IRS tells the requester that you furnished an incorrect TIN,
4. The IRS tells you that you are subject to backup withholding because you did not report all your interest and dividends on your tax return (for reportable interest and dividends only), or
5. You do not certify to the requester that you are not subject to backup withholding under 4 above (for reportable interest and dividend accounts opened after 1983 only).

Certain payees and payments are exempt from backup withholding. See *Exempt payee code* on page 3 and the separate Instructions for the Requester of Form W-9 for more information.

Also see *Special rules for partnerships* on page 1.

What is FATCA reporting? The Foreign Account Tax Compliance Act (FATCA) requires a participating foreign financial institution to report all United States account holders that are specified United States persons. Certain payees are exempt from FATCA reporting. See *Exemption from FATCA reporting code* on page 3 and the Instructions for the Requester of Form W-9 for more information.

Updating Your Information

You must provide updated information to any person to whom you claimed to be an exempt payee if you are no longer an exempt payee and anticipate receiving reportable payments in the future from this person. For example, you may need to provide updated information if you are a C corporation that elects to be an S corporation, or if you no longer are tax exempt. In addition, you must furnish a new Form W-9 if the name or TIN changes for the account, for example, if the grantor of a grantor trust dies.

Penalties

Failure to furnish TIN. If you fail to furnish your correct TIN to a requester, you are subject to a penalty of $50 for each such failure unless your failure is due to reasonable cause and not to willful neglect.

Civil penalty for false information with respect to withholding. If you make a false statement with no reasonable basis that results in no backup withholding, you are subject to a $500 penalty.

Criminal penalty for falsifying information. Willfully falsifying certifications or affirmations may subject you to criminal penalties including fines and/or imprisonment.

Misuse of TINs. If the requester discloses or uses TINs in violation of federal law, the requester may be subject to civil and criminal penalties.

Specific Instructions

Name

If you are an individual, you must generally enter the name shown on your income tax return. However, if you have changed your last name, for instance, due to marriage without informing the Social Security Administration of the name change, enter your first name, the last name shown on your social security card, and your new last name.

If the account is in joint names, list first, and then circle, the name of the person or entity whose number you entered in Part I of the form.

Sole proprietor. Enter your individual name as shown on your income tax return on the "Name" line. You may enter your business, trade, or "doing business as (DBA)" name on the "Business name/disregarded entity name" line.

Partnership, C Corporation, or S Corporation. Enter the entity's name on the "Name" line and any business, trade, or "doing business as (DBA) name" on the "Business name/disregarded entity name" line.

Disregarded entity. For U.S. federal tax purposes, an entity that is disregarded as an entity separate from its owner is treated as a "disregarded entity." See Regulation section 301.7701-2(c)(2)(iii). Enter the owner's name on the "Name" line. The name of the entity entered on the "Name" line should never be a disregarded entity. The name on the "Name" line must be the name shown on the income tax return on which the income should be reported. For example, if a foreign LLC that is treated as a disregarded entity for U.S. federal tax purposes has a single owner that is a U.S. person, the U.S. owner's name is required to be provided on the "Name" line. If the direct owner of the entity is also a disregarded entity, enter the first owner that is not disregarded for federal tax purposes. Enter the disregarded entity's name on the "Business name/disregarded entity name" line. If the owner of the disregarded entity is a foreign person, the owner must complete an appropriate Form W-8 instead of a Form W-9. This is the case even if the foreign person has a U.S. TIN.

Note. Check the appropriate box for the U.S. federal tax classification of the person whose name is entered on the "Name" line (Individual/sole proprietor, Partnership, C Corporation, S Corporation, Trust/estate).

Limited Liability Company (LLC). If the person identified on the "Name" line is an LLC, check the "Limited liability company" box only and enter the appropriate code for the U.S. federal tax classification in the space provided. If you are an LLC that is treated as a partnership for U.S. federal tax purposes, enter "P" for partnership. If you are an LLC that has filed a Form 8832 or a Form 2553 to be taxed as a corporation, enter "C" for C corporation or "S" for S corporation, as appropriate. If you are an LLC that is disregarded as an entity separate from its owner under Regulation section 301.7701-3 (except for employment and excise tax), do not check the LLC box unless the owner of the LLC (required to be identified on the "Name" line) is another LLC that is not disregarded for U.S. federal tax purposes. If the LLC is disregarded as an entity separate from its owner, enter the appropriate tax classification of the owner identified on the "Name" line.

Other entities. Enter your business name as shown on required U.S. federal tax documents on the "Name" line. This name should match the name shown on the charter or other legal document creating the entity. You may enter any business, trade, or DBA name on the "Business name/disregarded entity name" line.

Exemptions

If you are exempt from backup withholding and/or FATCA reporting, enter in the *Exemptions* box, any code(s) that may apply to you. See *Exempt payee code* and *Exemption from FATCA reporting code* on page 3.

Exempt payee code. Generally, individuals (including sole proprietors) are not exempt from backup withholding. Corporations are exempt from backup withholding for certain payments, such as interest and dividends. Corporations are not exempt from backup withholding for payments made in settlement of payment card or third party network transactions.

Note. If you are exempt from backup withholding, you should still complete this form to avoid possible erroneous backup withholding.

The following codes identify payees that are exempt from backup withholding:

1—An organization exempt from tax under section 501(a), any IRA, or a custodial account under section 403(b)(7) if the account satisfies the requirements of section 401(f)(2)

2—The United States or any of its agencies or instrumentalities

3—A state, the District of Columbia, a possession of the United States, or any of their political subdivisions or instrumentalities

4—A foreign government or any of its political subdivisions, agencies, or instrumentalities

5—A corporation

6—A dealer in securities or commodities required to register in the United States, the District of Columbia, or a possession of the United States

7—A futures commission merchant registered with the Commodity Futures Trading Commission

8—A real estate investment trust

9—An entity registered at all times during the tax year under the Investment Company Act of 1940

10—A common trust fund operated by a bank under section 584(a)

11—A financial institution

12—A middleman known in the investment community as a nominee or custodian

13—A trust exempt from tax under section 664 or described in section 4947

The following chart shows types of payments that may be exempt from backup withholding. The chart applies to the exempt payees listed above, 1 through 13.

IF the payment is for . . .	THEN the payment is exempt for . . .
Interest and dividend payments	All exempt payees except for 7
Broker transactions	Exempt payees 1 through 4 and 6 through 11 and all C corporations. S corporations must not enter an exempt payee code because they are exempt only for sales of noncovered securities acquired prior to 2012.
Barter exchange transactions and patronage dividends	Exempt payees 1 through 4
Payments over $600 required to be reported and direct sales over $5,000[1]	Generally, exempt payees 1 through 5[2]
Payments made in settlement of payment card or third party network transactions	Exempt payees 1 through 4

[1] See Form 1099-MISC, Miscellaneous Income, and its instructions.

[2] However, the following payments made to a corporation and reportable on Form 1099-MISC are not exempt from backup withholding: medical and health care payments, attorneys' fees, gross proceeds paid to an attorney, and payments for services paid by a federal executive agency.

Exemption from FATCA reporting code. The following codes identify payees that are exempt from reporting under FATCA. These codes apply to persons submitting this form for accounts maintained outside of the United States by certain foreign financial institutions. Therefore, if you are only submitting this form for an account you hold in the United States, you may leave this field blank. Consult with the person requesting this form if you are uncertain if the financial institution is subject to these requirements.

A—An organization exempt from tax under section 501(a) or any individual retirement plan as defined in section 7701(a)(37)

B—The United States or any of its agencies or instrumentalities

C—A state, the District of Columbia, a possession of the United States, or any of their political subdivisions or instrumentalities

D—A corporation the stock of which is regularly traded on one or more established securities markets, as described in Reg. section 1.1472-1(c)(1)(i)

E—A corporation that is a member of the same expanded affiliated group as a corporation described in Reg. section 1.1472-1(c)(1)(i)

F—A dealer in securities, commodities, or derivative financial instruments (including notional principal contracts, futures, forwards, and options) that is registered as such under the laws of the United States or any state

G—A real estate investment trust

H—A regulated investment company as defined in section 851 or an entity registered at all times during the tax year under the Investment Company Act of 1940

I—A common trust fund as defined in section 584(a)

J—A bank as defined in section 581

K—A broker

L—A trust exempt from tax under section 664 or described in section 4947(a)(1)

M—A tax exempt trust under a section 403(b) plan or section 457(g) plan

Part I. Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. If you are a resident alien and you do not have and are not eligible to get an SSN, your TIN is your IRS individual taxpayer identification number (ITIN). Enter it in the social security number box. If you do not have an ITIN, see *How to get a TIN* below.

If you are a sole proprietor and you have an EIN, you may enter either your SSN or EIN. However, the IRS prefers that you use your SSN.

If you are a single-member LLC that is disregarded as an entity separate from its owner (see *Limited Liability Company (LLC)* on page 2), enter the owner's SSN (or EIN, if the owner has one). Do not enter the disregarded entity's EIN. If the LLC is classified as a corporation or partnership, enter the entity's EIN.

Note. See the chart on page 4 for further clarification of name and TIN combinations.

How to get a TIN. If you do not have a TIN, apply for one immediately. To apply for an SSN, get Form SS-5, Application for a Social Security Card, from your local Social Security Administration office or get this form online at *www.ssa.gov*. You may also get this form by calling 1-800-772-1213. Use Form W-7, Application for IRS Individual Taxpayer Identification Number, to apply for an ITIN, or Form SS-4, Application for Employer Identification Number, to apply for an EIN. You can apply for an EIN online by accessing the IRS website at *www.irs.gov/businesses* and clicking on Employer Identification Number (EIN) under Starting a Business. You can get Forms W-7 and SS-4 from the IRS by visiting IRS.gov or by calling 1-800-TAX-FORM (1-800-829-3676).

If you are asked to complete Form W-9 but do not have a TIN, apply for a TIN and write "Applied For" in the space for the TIN, sign and date the form, and give it to the requester. For interest and dividend payments, and certain payments made with respect to readily tradable instruments, generally you will have 60 days to get a TIN and give it to the requester before you are subject to backup withholding on payments. The 60-day rule does not apply to other types of payments. You will be subject to backup withholding on all such payments until you provide your TIN to the requester.

Note. Entering "Applied For" means that you have already applied for a TIN or that you intend to apply for one soon.

Caution: *A disregarded U.S. entity that has a foreign owner must use the appropriate Form W-8.*

Part II. Certification

To establish to the withholding agent that you are a U.S. person, or resident alien, sign Form W-9. You may be requested to sign by the withholding agent even if items 1, 4, or 5 below indicate otherwise.

For a joint account, only the person whose TIN is shown in Part I should sign (when required). In the case of a disregarded entity, the person identified on the "Name" line must sign. Exempt payees, see *Exempt payee code* earlier.

Signature requirements. Complete the certification as indicated in items 1 through 5 below.

1. Interest, dividend, and barter exchange accounts opened before 1984 and broker accounts considered active during 1983. You must give your correct TIN, but you do not have to sign the certification.

2. Interest, dividend, broker, and barter exchange accounts opened after 1983 and broker accounts considered inactive during 1983. You must sign the certification or backup withholding will apply. If you are subject to backup withholding and you are merely providing your correct TIN to the requester, you must cross out item 2 in the certification before signing the form.

3. Real estate transactions. You must sign the certification. You may cross out item 2 of the certification.

4. Other payments. You must give your correct TIN, but you do not have to sign the certification unless you have been notified that you have previously given an incorrect TIN. "Other payments" include payments made in the course of the requester's trade or business for rents, royalties, goods (other than bills for merchandise), medical and health care services (including payments to corporations), payments to a nonemployee for services, payments made in settlement of payment card and third party network transactions, payments to certain fishing boat crew members and fishermen, and gross proceeds paid to attorneys (including payments to corporations).

5. Mortgage interest paid by you, acquisition or abandonment of secured property, cancellation of debt, qualified tuition program payments (under section 529), IRA, Coverdell ESA, Archer MSA or HSA contributions or distributions, and pension distributions. You must give your correct TIN, but you do not have to sign the certification.

What Name and Number To Give the Requester

For this type of account:	Give name and SSN of:
1. Individual	The individual
2. Two or more individuals (joint account)	The actual owner of the account or, if combined funds, the first individual on the account [1]
3. Custodian account of a minor (Uniform Gift to Minors Act)	The minor [2]
4. a. The usual revocable savings trust (grantor is also trustee)	The grantor-trustee [1]
b. So-called trust account that is not a legal or valid trust under state law	The actual owner [1]
5. Sole proprietorship or disregarded entity owned by an individual	The owner [3]
6. Grantor trust filing under Optional Form 1099 Filing Method 1 (see Regulation section 1.671-4(b)(2)(i)(A))	The grantor*
For this type of account:	**Give name and EIN of:**
7. Disregarded entity not owned by an individual	The owner
8. A valid trust, estate, or pension trust	Legal entity [4]
9. Corporation or LLC electing corporate status on Form 8832 or Form 2553	The corporation
10. Association, club, religious, charitable, educational, or other tax-exempt organization	The organization
11. Partnership or multi-member LLC	The partnership
12. A broker or registered nominee	The broker or nominee
13. Account with the Department of Agriculture in the name of a public entity (such as a state or local government, school district, or prison) that receives agricultural program payments	The public entity
14. Grantor trust filing under the Form 1041 Filing Method or the Optional Form 1099 Filing Method 2 (see Regulation section 1.671-4(b)(2)(i)(B))	The trust

[1] List first and circle the name of the person whose number you furnish. If only one person on a joint account has an SSN, that person's number must be furnished.

[2] Circle the minor's name and furnish the minor's SSN.

[3] You must show your individual name and you may also enter your business or "DBA" name on the "Business name/disregarded entity" name line. You may use either your SSN or EIN (if you have one), but the IRS encourages you to use your SSN.

[4] List first and circle the name of the trust, estate, or pension trust. (Do not furnish the TIN of the personal representative or trustee unless the legal entity itself is not designated in the account title.) Also see *Special rules for partnerships* on page 1.

***Note.** Grantor also must provide a Form W-9 to trustee of trust.

Note. If no name is circled when more than one name is listed, the number will be considered to be that of the first name listed.

Secure Your Tax Records from Identity Theft

Identity theft occurs when someone uses your personal information such as your name, social security number (SSN), or other identifying information, without your permission, to commit fraud or other crimes. An identity thief may use your SSN to get a job or may file a tax return using your SSN to receive a refund.

To reduce your risk:

- Protect your SSN,
- Ensure your employer is protecting your SSN, and
- Be careful when choosing a tax preparer.

If your tax records are affected by identity theft and you receive a notice from the IRS, respond right away to the name and phone number printed on the IRS notice or letter.

If your tax records are not currently affected by identity theft but you think you are at risk due to a lost or stolen purse or wallet, questionable credit card activity or credit report, contact the IRS Identity Theft Hotline at 1-800-908-4490 or submit Form 14039.

For more information, see Publication 4535, Identity Theft Prevention and Victim Assistance.

Victims of identity theft who are experiencing economic harm or a system problem, or are seeking help in resolving tax problems that have not been resolved through normal channels, may be eligible for Taxpayer Advocate Service (TAS) assistance. You can reach TAS by calling the TAS toll-free case intake line at 1-877-777-4778 or TTY/TDD 1-800-829-4059.

Protect yourself from suspicious emails or phishing schemes. Phishing is the creation and use of email and websites designed to mimic legitimate business emails and websites. The most common act is sending an email to a user falsely claiming to be an established legitimate enterprise in an attempt to scam the user into surrendering private information that will be used for identity theft.

The IRS does not initiate contacts with taxpayers via emails. Also, the IRS does not request personal detailed information through email or ask taxpayers for the PIN numbers, passwords, or similar secret access information for their credit card, bank, or other financial accounts.

If you receive an unsolicited email claiming to be from the IRS, forward this message to *phishing@irs.gov*. You may also report misuse of the IRS name, logo, or other IRS property to the Treasury Inspector General for Tax Administration at 1-800-366-4484. You can forward suspicious emails to the Federal Trade Commission at: *spam@uce.gov* or contact them at *www.ftc.gov/idtheft* or 1-877-IDTHEFT (1-877-438-4338).

Visit IRS.gov to learn more about identity theft and how to reduce your risk.

Privacy Act Notice

Section 6109 of the Internal Revenue Code requires you to provide your correct TIN to persons (including federal agencies) who are required to file information returns with the IRS to report interest, dividends, or certain other income paid to you; mortgage interest you paid; the acquisition or abandonment of secured property; the cancellation of debt; or contributions you made to an IRA, Archer MSA, or HSA. The person collecting this form uses the information on the form to file information returns with the IRS, reporting the above information. Routine uses of this information include giving it to the Department of Justice for civil and criminal litigation and to cities, states, the District of Columbia, and U.S. commonwealths and possessions for use in administering their laws. The information also may be disclosed to other countries under a treaty, to federal and state agencies to enforce civil and criminal laws, or to federal law enforcement and intelligence agencies to combat terrorism. You must provide your TIN whether or not you are required to file a tax return. Under section 3406, payers must generally withhold a percentage of taxable interest, dividend, and certain other payments to a payee who does not give a TIN to the payer. Certain penalties may also apply for providing false or fraudulent information.

COLORADO DEPARTMENT OF TRANSPORTATION

DEMOGRAPHIC INFORMATION

To be completed by the Real Estate Specialist:	►**NOTE:** Only one section of this form should be completed. If the residential portion is applicable please strike through the business portion. If the business portion is applicable please strike through the residential portion.◄
Project Code: 17736	Parcel: RW-205, PE-205 and TE-205
Project Number: NH 050A-015	Location: US 50 Little Blue East

☒ Acquisition ☐ Relocation

To be completed by Property Owner/Tenant :

NAME: Last Name	First Name	Middle Name

VOLUNTARY INFORMATION

The information is voluntary. It is requested only for record keeping purposes required by Title VI of the Civil Rights Act of 1964 and other federal laws that prohibit discrimination by recipients of federal funds. This sheet is confidential and will be kept permanently separated from the acquisition/relocation files.

RESIDENTIAL:

ETHNICITY/RACE: Check only one.

- ☐ 1 – Black or African American, Not Hispanic or Latino
- ☐ 2 – American Indian or Alaska Native
- ☐ 3 – Asian
- ☐ 4 – Hispanic or Latino
- ☐ 5 – White, Not Hispanic or Latino
- ☐ 6 – Native Hawaiian or Pacific Islander

BUSINESS:

ETHNICITY/RACE:

- ☐ 1 – Woman-owned
- ☐ 2 – Minority-owned
- ☐ 3 – All other-owned

Please return in the attached pre-paid envelope to:

Colorado Department of Transportation – ROW Services
Attn: Acquisition/Relocation Unit
4201 East Arkansas Avenue, 4th Floor
Denver, Colorado 80222-3400