AGENDA ITEM or FINAL CONTRACT REVIEW SUBMITTAL FORM

Agenda Item: Resolution, Conveyance of Gunnison County Owned La

Action Requested: Board of County Commissioners' Signature

Parties to the Agreement:

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

Summary:

Please see the attached documentation provided by CDOT. This was approved on 10/6/15, and CDOT is now requesting follow-up documentation.

Fiscal Impact:

Submitted by: Katherine Haase for Public Works **Submitter's Email Address:** khaase@gunnisoncounty.org

Finance Review: ○ Required ◉ Not Required

Comments:

Reviewed by: Discharge Date:

County Attorney Review: ◉ Required ○ Not Required

Comments:
ok - gs

Reveiwed by: GUNCOUNTY1\gstuhr Discharge Date: 11/9/2015 Certificate of Insurance Required

Yes ○ No ◉

County Manager Review:

Comments:

Reveiwed by: GUNCOUNTY1\mbirnie Discharge Date: 11/12/2015

○ Consent Agenda ◉ Regular Agenda ○ Worksession Time Allotted: DCM Report

Agenda Date: 11/17/2015

Revised April 2015

Katherine Haase

From: Killerud, Douglas <douglas.killerud@state.co.us>
Sent: Monday, November 02, 2015 11:40 AM
To: Katherine Haase
Cc: Jeff Perret; Marlene Crosby; Kathy Freeman
Subject: Re: US 50 Gunnison County deed
Attachments: 702 - Permanent Easement Deed.doc; Draft Resolution Gunnison County.docx; Warranty Deed Gunnison County.doc; Legal description PE-205.pdf; Legal description RW-205.pdf

Dear Katherine,
Here is a draft resolution with language that will satisfy CDOT's desire to provide public notice of the BOCC's concurrence with the acquisition of county land.

Please correct any errors and add any omitted items that the county feels is necessary. I would appreciate the opportunity to review the final draft before it appears before the commission for its approval.

I have the proceeds check in my possession at this time and hope to close the transaction in the Gunnison County offices as soon as feasible once the resolution is approved and signed. Once the resolution is signed, I am in a position to present the warranty deed and easement deed for signatures and recording. My calendar is clear for closing during the week of November 17, 2015. Any assistance you could provide in coordinating with Ms. Swenson for closing would be very helpful.

I have also attached draft conveyance documents for your review. Please do not hesitate to contact me at any time.

Best regards,
Doug Killerud

On Mon, Nov 2, 2015 at 10:19 AM, Killerud, Douglas <douglas.killerud@state.co.us> wrote:

> Katherine,
> I will have something to you today that you will need to edit a bit to make final.
>
> Thanks,
> Doug
>
> On Mon, Nov 2, 2015 at 10:00 AM, Katherine Haase <KHaase@gunnisoncounty.org> wrote:
>
> > Thanks, Jeff. Would either you or Doug have a draft resolution or specific language that would need to be included in a resolution? If you do, please send it my way so that our Attorney's Office has something to start with.
> >
> > Thanks,

Katherine

Katherine Haase
Assistant to the County Manager

Website Administrator

Clerk to the BOCC

Gunnison County Administration
200 E. Virginia; Gunnison, CO 81230

Phone: (970) 641-7601; Fax: (970) 641-3061
www.GunnisonCounty.org

From: Jeff Perret [mailto:jeff.perret@trscorp.us]
Sent: Monday, November 02, 2015 9:37 AM
To: Katherine Haase
Cc: Marlene Crosby; Killerud, Douglas

Subject: RE: US 50 Gunnison County deed

Good morning Ms. Haase,

Doug Killerud, right-of-way specialist for CDOT overseeing this Project has requested a resolution by the Gunnison County board for this action. CDOT understands this request will be addressed at the November 17th meeting. Do you need anything further from CDOT to facilitate this request?

Thank you

Jeff Perret

2850 Serendipity Circle West, Suite 200

Colorado Springs, CO 80917

(719) 494-8067 Office

(877) 494-8067 Toll Free

(719) 495-0546 Fax

(719) 205-6042 Mobile

www.trscorp.us

From: Katherine Haase [mailto:KHaase@gunnisoncounty.org]
Sent: Friday, October 30, 2015 2:27 PM
To: Jeff Perret
Cc: Marlene Crosby
Subject: RE: US 50 Gunnison County deed

Jeff,

The attached document was approved by the Gunnison County Board of County Commissioners and signed by Chairperson Swenson on 10/6/2015. The minutes of that meeting are scheduled for approval on 11/3/2015. We will be able to send you a PDF of the approved minutes during the afternoon of 11/3.

The County did not adopt a resolution when the attached document was approved. If that will be required by your office or by CDOT, beyond receiving the approved meeting minutes file on Tuesday, we will need to schedule that for adoption at the next BOCC meeting, which will be 11/17/2015. Please let us know as soon as possible if you will need a resolution so that we can ask our Attorney's Office to draft one.

All documents related to property conveyance should use this title for the County: "Board of County Commissioners of the County of Gunnison, Colorado". The printed signature block should be: "Paula Swenson, BOCC Chairperson". They Board may opt to approve the Commissioner of Deeds' signature on all conveyance documents and, if so, the title would read: "Commissioner of Deeds Matthew Birnie for the Board of County Commissioners of the County of Gunnison, Colorado" and the signature block would read: "Matthew Birnie, Commissioner of Deeds". If the document is prepared for Paula's signature, and then Matthew's signature is authorized, we can simply handwrite the additional information on the conveyance document.

If you have any other questions or concerns, please don't hesitate to contact me.

Much thanks,

Katherine Haase

_____
Katherine Haase
Assistant to the County Manager

Website Administrator

Clerk to the BOCC

Gunnison County Administration
200 E. Virginia; Gunnison, CO 81230

Phone: (970) 641-7601; Fax: (970) 641-3061
www.GunnisonCounty.org

From: Marlene Crosby
Sent: Friday, October 30, 2015 1:27 PM
To: Katherine Haase
Subject: FW: US 50 Gunnison County deed

I am going to give you a call about this e-mail.

Marlene

From: Jeff Perret [mailto:jeff.perret@trscorp.us]
Sent: Friday, October 30, 2015 10:53 AM
To: Marlene Crosby
Cc: Killerud, Douglas
Subject: US 50 Gunnison County deed

Good morning Ms. Crosby,

I understand that your office person has left and you are tasked with managing both jobs keeping you very busy and unable to have a discussion this morning due to the volume of phone calls to the office. I believe these questions can be answered easily by email. I have included Doug Killerud with CDOT on this email to help with the process. As soon as you are able please send the answers back to Doug and me and if possible by end of day today? On Monday November 2, 2015 CDOT intends to deliver the Deed and PE for signatures and make payment which should finalize the transaction activities with the County.

Please provide answers to the following:

CDOT would like to record a resolution with the Deed.

1. Is it possible for Gunnison County to provide a resolution authorizing the conveyance of RW-205 and PE-205?

For Gunnison County as the Grantor,

2. What is the exact title for the County that should be used on the conveyance documents?

As it should appear on the conveyance documents,

3. Would you please provide the exact signature block(s) for whoever will be the signor(s) on behalf of Gunnison County? (Ex: proper name, title, etc.)

Thank you

Jeff Perret

2850 Serendipity Circle West, Suite 200

Colorado Springs, CO 80917

(719) 494-8067 Office

(877) 494-8067 Toll Free

(719) 495-0546 Fax

(719) 205-6042 Mobile

www.trscorp.us

--

Douglas R. Killerud
Real Estate Specialist
Right-of-Way

COLORADO
Department of Transportation
Region 3

P 970.683.6238 | C 970.549.7266 | F 970.683.6227
222 S. 6th Street, Room 317, Grand Junction, CO 81501
douglas.killerud@state.co.us | www.codot.gov | www.cotrip.org

--

Douglas R. Killerud
Real Estate Specialist
Right-of-Way

COLORADO
Department of Transportation
Region 3

P 970.683.6238 | C 970.549.7266 | F 970.683.6227
222 S. 6th Street, Room 317, Grand Junction, CO 81501
douglas.killerud@state.co.us | www.codot.gov | www.cotrip.org

Resolution No.: _____
Of the Gunnison County Board of County Commissioners
Concerning: Conveyance of Gunnison County owned lands to the Colorado Department of Transportation for highway purposes

WHEREAS, the Board of County Commissioners considered the terms for conveyance of lands to the Colorado Department of Transportation (CDOT) for Project NH 050A-015 over US Highway 50 at their regularly scheduled meeting on **October 6, 2015**.

WHEREAS, the Board of County Commissioners APPROVED the conveyance terms presented in the offer to acquire a real property interest from Gunnison County and the contract was duly signed by the chairperson.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of the County of Gunnison, State of Colorado that conveyance of two right of way parcels identified as RW-205 and PE-205 to the Colorado Department of Transportation is APPROVED subject to the following:

1. Paula Swenson, BOCC Chairperson is hereby authorized to act on behalf of Gunnison County to sign all customary documents necessary to effect the conveyance of Parcels RW-205 and PE-205 to CDOT.
2. Conveyance will be accomplished by a Warranty Deed for Parcel RW-205 and a Permanent Easement Deed for Parcel PE-205.
3. This Resolution, Warranty Deed and Permanent Easement Deed will be entered into the public record of the Gunnison County office of the Clerk and Recorder.

APPROVED AND ACCEPTED this _____ day of _____, 2015

BOARD OF COUNTY COMMISSIONERS:

_____
Paula Swenson, Chairperson

ATTEST:

_____
County Clerk

PROJECT NO. : NH 050A-015
LOCATION: US 50 Little Blue East
PERMANENT EASEMENT NO.: PE-205
PROJECT CODE: 17736

P E R M A N E N T E A S E M E N T

KNOW ALL MEN BY THESE PRESENTS, that the Board of County Commissioners of the County of Gunnison, Colorado, Grantor, for and in consideration of the sum of SEVEN AND 50/100 DOLLARS ($7.50), and other valuable consideration, in hand paid by DEPARTMENT OF TRANSPORTATION, STATE OF COLORADO, Grantee, receipt of which is hereby acknowledged, has given and granted and by these presents does hereby give and grant unto the said Grantee, its heirs, successors, and assigns a PERPETUAL EASEMENT on, along, over and across the following described premises, to-wit:

See Attached Exhibit "A" dated January 6, 2015 for
Project No: NH 050A-015
Permanent Easement No.: PE-205
Project Code: 17736

For the purpose of: construction and maintenance of a culvert
As authorized at the meeting of the Gunnison County Board of County Commissioners, dated, 10/6/2015

Signed this ____ day of _____, 2015

Board of County Commissioners of the County of Gunnison, Colorado

_____
Paula Swenson, BOCC Chairperson

STATE OF COLORADO)
) ss.
COUNTY OF GUNNISON)

The foregoing instrument was acknowledged before me this ____ day of _____, 2015, by Paula Swenson as Chairperson of the Board of County Commissioners of the County of Gunnison, Colorado.

My Commission Expires _____.
Witness my hand and official seal.

_____
Notary Public

WARRANTY DEED

THIS DEED, dated, _____, between the **Board of County Commissioners of the County of Gunnison, Colorado**, grantor, and the **DEPARTMENT OF TRANSPORTATION, STATE OF COLORADO**, whose legal address is 4201 E. Arkansas Ave., Denver, CO 80222 of the City and County of Denver and State of Colorado, grantee:

WITNESS, that the grantor, for and in consideration of the sum of **Ten and 00/100s dollars ($10.00)**, the receipt and sufficiency of which is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell, convey and confirm unto the grantee, its successors and assigns forever, all the real property, together with improvements, if any, situate, lying and being in the County of Gunnison and State of Colorado, described as follows:

See attached Exhibit "A" dated January 6, 2015 for
Project Number: NH 050A-015
Project Code: 17736
Parcel Number: RW-205

As authorized at the meeting of the Gunnison County Board of County Commissioners, dated, 10/6/2015

TOGETHER with all and singular the hereditaments and appurtenances thereunto belonging, or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all the estate, right, title, interest, claim and demand whatsoever of the grantor, either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances;

TO HAVE AND TO HOLD the said premises above bargained and described, with the appurtenances, unto the grantee, his heirs and assigns forever. The grantor, for himself, his heirs and personal representatives, does covenant, grant, bargain, and agree to and with the grantee, his heirs and assigns, that at the time of the ensealing and delivery of these presents, he is well seized of the premises above conveyed, has good, sure, perfect, absolute and indefeasible estate of inheritance, in law, in fee simple, and has good right, full power and lawful authority to grant, bargain, sell and convey the same in manner and form as aforesaid, and that the same are free and clear from all former and other grants, bargains, sales, liens, taxes, assessments, encumbrances and restrictions of whatever kind or nature soever, except:
Excepting from the subject property described herein as Exhibit A, 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.

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 as Exhibit A, 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.

The grantor shall and will WARRANT AND FOREVER DEFEND the above bargained premises in the quiet and peaceable possession of the grantee, his heirs and assigns, against all and every person or persons lawfully claiming the whole or any part thereof.

The singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

IN WITNESS WHEREOF, the grantor has executed this deed on the date set forth above.

Board of County Commissioners of the County of Gunnison, Colorado

_____
Paula Swenson, BOCC Chairperson

STATE OF COLORADO)
) ss
County of Gunnison)

The foregoing instrument was acknowledged before me this _____ day of_____, 2015, by Paula Swenson, as Chairperson of the Board of County Commissioners of the County of Gunnison, Colorado.

Witness my hand and official seal.
My commission expires:

_____
Notary Public

Person Creating Newly Created Legal Description (§38-35-106.5, C.R.S.)

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).

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

2/3/2015