

Steve Schleiker
08/23/2023 10:05:15 AM
Doc \$0.00 10
Rec \$0.00 Pages

El Paso County, CO



223071630

Bocc

**El Paso County Department of Public Works
MEMORANDUM OF AGREEMENT**

Project No : 128558

Project : Beacon Lite Road Improvements

Location : 20340 Beacon Lite Road

Parcel # : RW-117, PE-117, TE-117, TE-117A

County : El Paso

This Agreement made on August 22, 2023 (date) is between El Paso County, by and through the Board of County Commissioners of El Paso County, Colorado (GRANTEE), for the purchase of the parcel(s) listed above from the Owner, Peter H. Derbort and Tammy L. Derbort (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 RW-117 (described & depicted in attached exhibits A & B)	3,690 sq ft <input checked="" type="checkbox"/> /acres <input type="checkbox"/>	\$ 5,793.00
---	---	-------------

Permanent Easement PE-117 (described & depicted in attached exhibits C & D)	2,442 sq ft <input checked="" type="checkbox"/> /acres <input type="checkbox"/>	\$ 1,917.00
---	---	-------------

Temporary Easement TE-117 (described & depicted in attached exhibits E & F)	2,911 sq ft <input checked="" type="checkbox"/> /acres <input type="checkbox"/>	\$ 686.00
Temporary Easement TE-117A (described & depicted in attached exhibits G & H)	4,367 sq ft <input checked="" type="checkbox"/> /acres <input type="checkbox"/>	\$ 1,028.00

Improvements: RW-117 • 150 sq. ft. Driveway TE-117 • 1 Tree – Small • 1 Tree – XLarge		\$ 5,507.00
--	--	-------------

Damages: N/A		\$ -0-
--------------	--	--------

Offer Total (rounded)	\$ 15,000.00
Administrative Settlement	\$ 1,500.00
Net Total	\$ 16,500.00

Other conditions:

1. Vehicular access to the GRANTOR's property is not affected by the conveyance herein.
2. The GRANTOR shall be notified by the GRANTEE or its assigns in writing at least one week in advance of work on the Property. Notification will constitute the date of notice as described in the Temporary Construction Easement Agreements (TE-117 & TE-117A).

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:

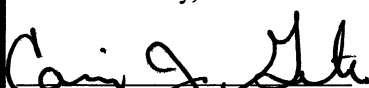
- will at the closing pay all taxes (including prorated taxes for the current year) and special assessments for the current year.
- understands, acknowledges and agrees that the beneficiaries of any unpaid mortgage(s), deed(s) of trust, taxes and/or other financial indebtedness secured by the GRANTOR'S 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.

The GRANTEE:

- will be entitled to specific performance of this Agreement upon tender of the agreed consideration.
- 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.
- will prepare the following documents:

☒ Special Warranty Deed ☐ w/Min Resv.☐ Access Deed☐ Full Release(s) Book/Page/Reception #☐ Partial Release(s) Book/Page/Reception #☐ Other (specify):☐ Title Company to prepare documents except☐ Non-Exclusive Permanent Utility Easement☒ Non-Exclusive Permanent Easement☐ Slope Easement☒ Temporary Easement x 2

Order Check \$16,500.00

Payable to: Fidelity National Title Company as Escrow Agent for
Peter H. Derbort and Tammy L. DerbortEl Paso County, by and through the Board of County Commissioners
of El Paso County, Colorado

 Cami Bremer, Chair
 Vice

County Clerk and Recorder

Reference: BoCC resolution # 23-293

GRANTOR: Peter H. Derbort and Tammy L. Derbort


 Peter H. Derbort

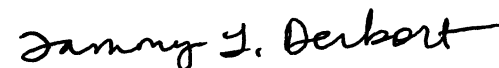

 Tammy L. Derbort

EXHIBIT A

EXHIBIT "A"

**RIGHT-OF-WAY PARCEL NUMBER: RW-117
EL PASO COUNTY PROJECT NO. 128558**

DATE: OCTOBER 20, 2022

A Right-of-Way parcel located within a parcel of land as described by Warranty Deed, Reception Number 218047868, in the El Paso County Clerk and Recorder's office and located in the Northeast 1/4 of Section 3, Township 11 South, Range 67 West of the 6th Principal Meridian, County of El Paso, State of Colorado, described as follows:

COMMENCING at the East 1/4 corner of Section 3, Township 11 South, Range 67 West of the 6th Principal Meridian, El Paso County, Colorado; Thence N 01°08'28" W, a distance of 1644.28 feet to the southeast corner of said parcel of land described at Reception Number 218047868, in the El Paso County Clerk and Recorder's office, and the **POINT OF BEGINNING**;

1. Thence S 89°23'01" W, along the south property line of said parcel of land, a distance of 11.32 feet;
2. Thence N 00°15'23" E, a distance of 361.37 feet, more or less, to the north property line of said parcel of land;
3. Thence N 89°56'51" E, a distance of 9.10 feet, along said north property line to the northeast corner of said parcel of land;
4. Thence S 00°05'45" E along the west right-of-way line of Beacon Lite Road, a distance of 361.25 feet to the **POINT OF BEGINNING**;

Containing an area of 3,690 square feet or 0.085 acres, more or less.

Basis of Bearings: The East line of the Southeast 1/4 Section 3 Township 11 South, Range 67 West of the 6th P.M., El Paso County, Colorado from the East 1/4 corner of Section 3, Township 11 South (monumented by a 2" aluminum cap stamped "PLS 10945" in monument box) to the Southeast corner of Section 3, Township 11 South (monumented by a 2 1/2" aluminum cap stamped "PLS 10384") bears S00°00'37"E, a distance of 2632.76 feet.

Prepared for and on behalf of
El Paso County, Colorado.
Lorelei A. Ward, PLS 34982
5775 Mark Dabbling Boulevard, Suite 190
Colorado Springs, CO 80919
(719) 590-9194



EXHIBIT B

ILLUSTRATION FOR EXHIBIT A

PAGE 2 OF 2

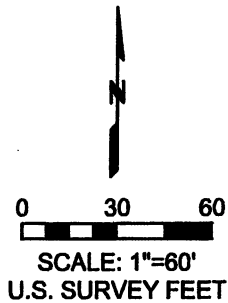
RIDLEY HONG

NORTH LINE OF
REC. NO. 218047868

N89°56'51"E
9.10'

NORTHEAST CORNER
REC. NO. 218047868

OWNER:
PETER H. DERBORT AND
TAMMY L. DERBORT
PARCEL NO. 71030-00-003
Rec. No. 218047868
(RW-117) AREA 3,690 SF (0.085 AC)



SOUTH LINE OF
REC. NO. 218047868

TRACT 16
BEACON HEIGHTS SUBDIVISION

S89°23'01"W
11.32'

POINT OF COMMENCEMENT
EAST 1/4 CORNER SECTION 3, T11S, R67W
2" ALUMINUM CAP MARKED "PLS 10945"

BASIS OF BEARINGS:
EAST LINE OF THE SOUTHEAST 1/4 SECTION 3, T11S, R67W
S 00°00'37" W

BEACON LITE ROAD

N00°15'23"E 361.37'

S00°05'45"E 361.25'

WEST RIGHT-OF-WAY LINE
OF BEACON LITE ROAD

POINT OF BEGINNING
SOUTHEAST CORNER
REC. NO. 218047868
N01°08'28"W
1644.28'

SOUTHEAST CORNER
SECTION 3, T11S, R67W
2.5" ALUMINUM CAP
MARKED "KITLICA PLS"

THIS EXHIBIT DOES NOT REPRESENT A MONUMENTED SURVEY. IT IS
INTENDED ONLY TO DEPICT THE ATTACHED DESCRIPTION.

Farnsworth
GROUP

5775 MARK DABLING BLVD., SUITE 190
COLORADO SPRINGS, COLORADO 80919
(719) 590-9194 / info@f-w.com

EL PASO COUNTY
BEACON LITE/COUNTY LINE ROAD
EL PASO COUNTY PROJECT NO. 128558

RW-117 - ROADWAY RIGHT-OF-WAY PARCEL
NE 1/4 SECTION 3, T 11 S, R 67 W OF THE 6TH P.M.
COUNTY OF EL PASO, STATE OF COLORADO

PROJECT NO.: 0191742.00
DRAWN: MDG
REVIEWED: LAW
DATE: 10-18-2022

2 OF 2

EXHIBIT C

EXHIBIT "A"

**PERMANENT EASEMENT NUMBER: PE-117
EL PASO COUNTY PROJECT NO. 128558**

DATE: OCTOBER 18, 2022

A Permanent Easement parcel located within a parcel of land as described by Warranty Deed, Reception Number 218047868, in the El Paso County Clerk and Recorder's office and located in the Northeast 1/4 of Section 3, Township 11 South, Range 67 West of the 6th Principal Meridian, County of El Paso, State of Colorado, described as follows:

COMMENCING at the East 1/4 corner of Section 3, Township 11 South, Range 67 West of the 6th Principal Meridian, El Paso County, Colorado; Thence N 01°30'51" W, a distance of 1664.47 feet, to the **POINT OF BEGINNING**;

1. Thence N 89°44'37" W, a distance of 18.00 feet;
2. Thence N 00°15'23" E, a distance of 92.87 feet;
3. Thence N 12°07'40" E, a distance of 87.50 feet;
4. Thence S 00°15'23" W, a distance of 178.50 feet to the **POINT OF BEGINNING**;

Containing an area of 2,442 square feet or 0.056 acres, more or less.

Basis of Bearings: The East line of the Southeast 1/4 of Section 3, Township 11 South, Range 67 West, of the 6th P.M., El Paso County, Colorado from the East 1/4 corner of Section 3, Township 11 South, Range 67 West, of the 6th P.M. (monumented by a 2" aluminum cap stamped "PLS 10945" in monument box) to the Southeast corner of Section 3, Township 11 South, Range 67 West, of the 6th P.M. (monumented by a 2 1/2" aluminum cap stamped "PLS 10384") bears S 00°00'37" W, a distance of 2632.76 feet.

Prepared for and on behalf of
El Paso County, Colorado.
Lorelei A. Ward, PLS 34982 .
5775 Mark Dabbling Boulevard, Suite 190
Colorado Springs, CO 80919
(719) 590-9194

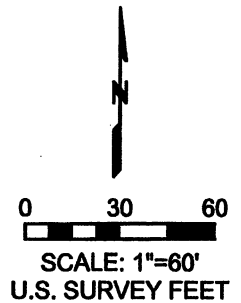
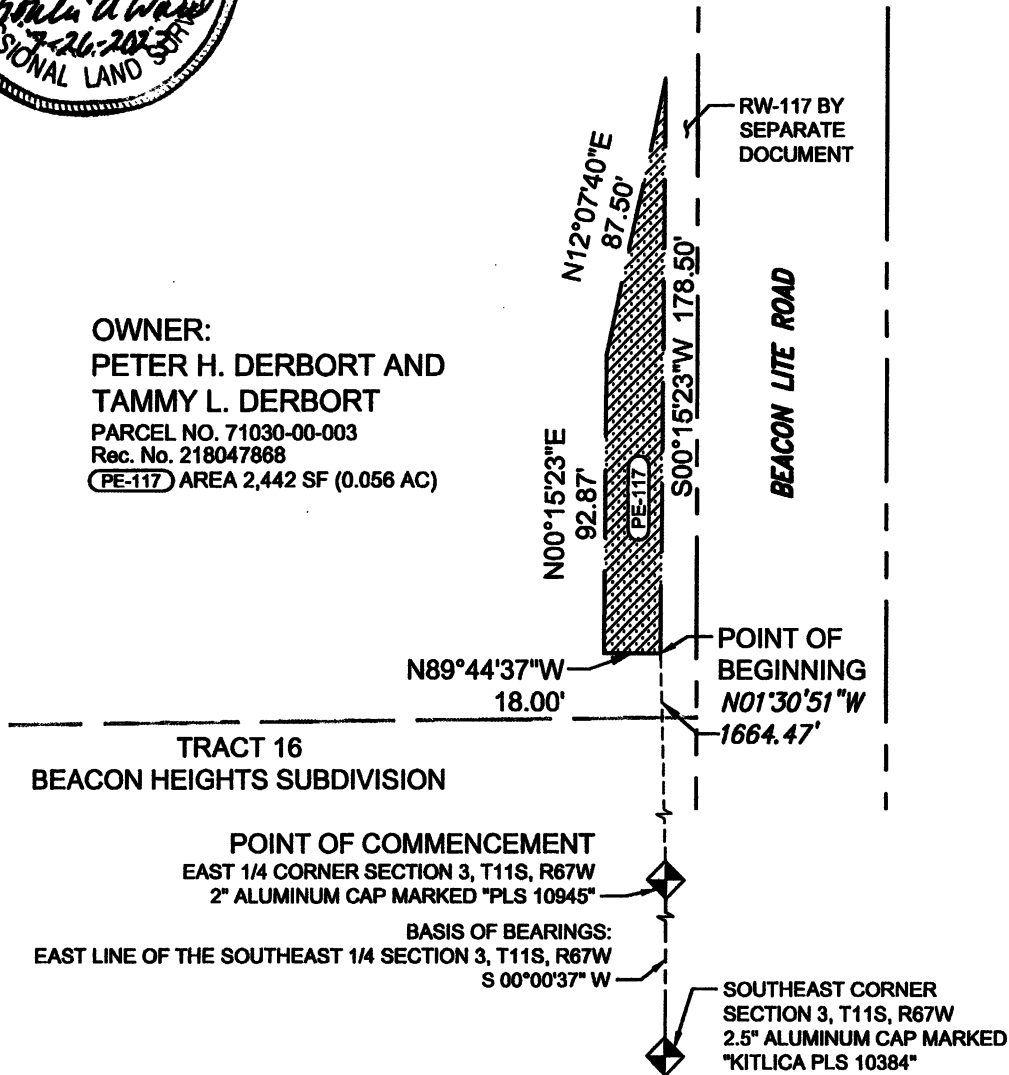


EXHIBIT D

ILLUSTRATION FOR
EXHIBIT A
PAGE 2 OF 2



OWNER:
**PETER H. DERBORT AND
TAMMY L. DERBORT**
PARCEL NO. 71030-00-003
Rec. No. 218047868
PE-117 AREA 2,442 SF (0.056 AC)



THIS EXHIBIT DOES NOT REPRESENT A MONUMENTED SURVEY. IT IS
INTENDED ONLY TO DEPICT THE ATTACHED DESCRIPTION.

Farnsworth
GROUP
5775 MARK DABLING BLVD., SUITE 190
COLORADO SPRINGS, COLORADO 80919
(719) 590-9194 / info@f-w.com

EL PASO COUNTY
BEACON LITE/COUNTY LINE ROAD
EL PASO COUNTY PROJECT NO. 128558
PE-117 - PERMANENT EASEMENT
NE 1/4 SECTION 3, T 11 S, R 67 W OF THE 6TH P.M.
COUNTY OF EL PASO, STATE OF COLORADO

PROJECT NO.: 0191742.00
DRAWN: MDG
REVIEWED: LAW
DATE: 10-18-2022

2 OF 2

EXHIBIT E

EXHIBIT "A"

TEMPORARY EASEMENT NUMBER: TE-117
EL PASO COUNTY PROJECT NO. 128558

DATE: OCTOBER 18, 2022

A Temporary Easement parcel located within a parcel of land as described by Warranty Deed, Reception Number 218047868, in the El Paso County Clerk and Recorder's office and located in the Northeast 1/4 of Section 3, Township 11 South, Range 67 West of the 6th Principal Meridian, County of El Paso, State of Colorado, described as follows:

COMMENCING at the East 1/4 corner of Section 3, Township 11 South, Range 67 West of the 6th Principal Meridian, El Paso County, Colorado; Thence N 01°32'09" W, a distance of 1644.42 feet, to a point on the south property line said parcel of land, as recorded at Reception Number 218047868 in the El Paso County Clerk and Recorder's office, said point also being the **POINT OF BEGINNING**;

1. Thence S 89°23'01" W, along said south property line, a distance of 30.00 feet;
2. Thence N 00°15'23" E, a distance of 53.53 feet;
3. Thence N 66°39'35" W, a distance of 32.57 feet;
4. Thence N 00°12'23" E, a distance of 27.34 feet;
5. Thence N 65°04'13" E, a distance of 46.40 feet;
6. Thence S 00°15'23" W, a distance of 92.87 feet;
7. Thence S 89°44'37" E, a distance of 18.00 feet;
8. Thence S 00°15'23" W, a distance of 20.06 feet to the **POINT OF BEGINNING**;

Containing an area of 2,911 square feet or 0.067 acres, more or less.

Basis of Bearings: The East line of the Southeast 1/4 of Section 3, Township 11 South, Range 67 West, of the 6th P.M., El Paso County, Colorado from the East 1/4 corner of Section 3, Township 11 South, Range 67 West, of the 6th P.M. (monumented by a 2" aluminum cap stamped "PLS 10945" in monument box) to the Southeast corner of Section 3, Township 11 South, Range 67 West, of the 6th P.M. (monumented by a 2 1/2" aluminum cap stamped "PLS 10384") bears S 00°00'37" W, a distance of 2632.76 feet.

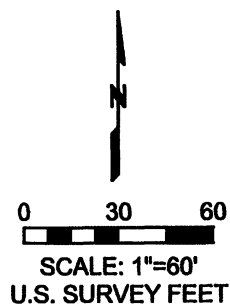
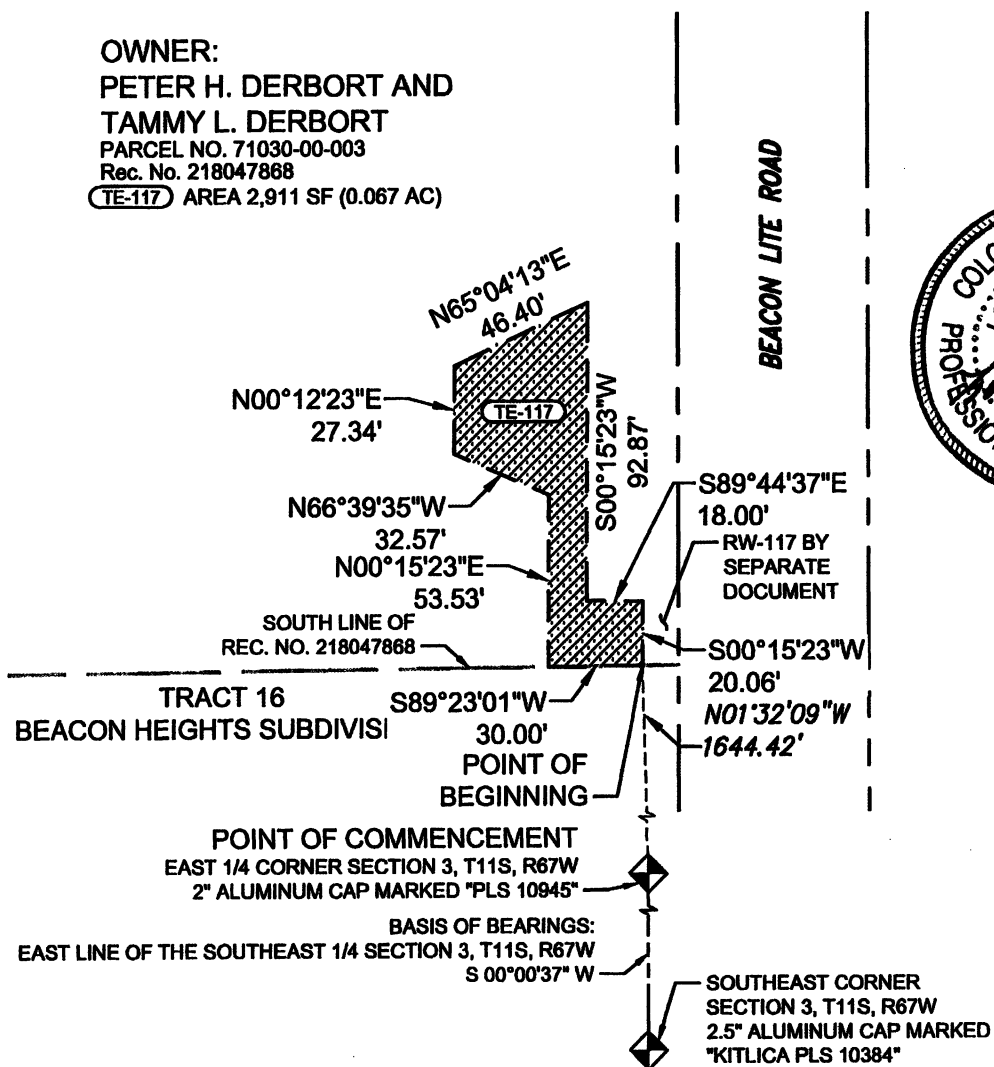
Prepared for and on behalf of
El Paso County, Colorado.
Lorelei A. Ward, PLS 34982
5775 Mark Dabling Boulevard, Suite 190
Colorado Springs, CO 80919
(719) 590-9194



EXHIBIT F

ILLUSTRATION FOR
EXHIBIT A
PAGE 2 OF 2

OWNER:
PETER H. DERBORT AND
TAMMY L. DERBORT
PARCEL NO. 71030-00-003
Rec. No. 218047868
TE-117 AREA 2,911 SF (0.067 AC)



THIS EXHIBIT DOES NOT REPRESENT A MONUMENTED SURVEY. IT IS
INTENDED ONLY TO DEPICT THE ATTACHED DESCRIPTION.

Farnsworth
GROUP
5775 MARK DABLING BLVD., SUITE 190
COLORADO SPRINGS, COLORADO 80919
(719) 590-9194 / info@f-w.com

EL PASO COUNTY
BEACON LITE/COUNTY LINE ROAD
EL PASO COUNTY PROJECT NO. 128558
TE-117 - TEMPORARY EASEMENT
NE 1/4 SECTION 3, T 11 S, R 67 W OF THE 6TH P.M.
COUNTY OF EL PASO, STATE OF COLORADO

PROJECT NO.: 0191742.00
DRAWN: MDG
REVIEWED: LAW
DATE: 10-18-2022

2 OF 2

EXHIBIT G

EXHIBIT "A"

TEMPORARY EASEMENT NUMBER: TE-117A
EL PASO COUNTY PROJECT NO. 128558

DATE: OCTOBER 18, 2022

A Temporary Easement parcel located within a parcel of land as described by Warranty Deed, Reception Number 218047868, in the El Paso County Clerk and Recorder's office and located in the Northeast 1/4 of Section 3, Township 11 South, Range 67 West of the 6th Principal Meridian, County of El Paso, State of Colorado, described as follows:

COMMENCING at the East 1/4 corner of Section 3, Township 11 South, Range 67 West of the 6th Principal Meridian, El Paso County, Colorado; Thence N 01°12'46" W, a distance of 2005.64 feet, to a point on the north property line said parcel of land, as recorded at Reception Number 218047868 in the El Paso County Clerk and Recorder's office, said point also being the **POINT OF BEGINNING**;

1. Thence S 00°15'23" W, a distance of 162.81 feet;
2. Thence S 12°07'40" W, a distance of 87.50 feet;
3. Thence N 00°21'33" W, a distance of 186.11 feet;
4. Thence N 10°09'41" W, a distance of 46.40 feet, more or less, to the north property line of said parcel of land;
5. Thence N 89°56'51" W, along said north property line, a distance of 31.43 feet to the **POINT OF BEGINNING**;

Containing an area of 4,367 square feet or 0.100 acres, more or less.

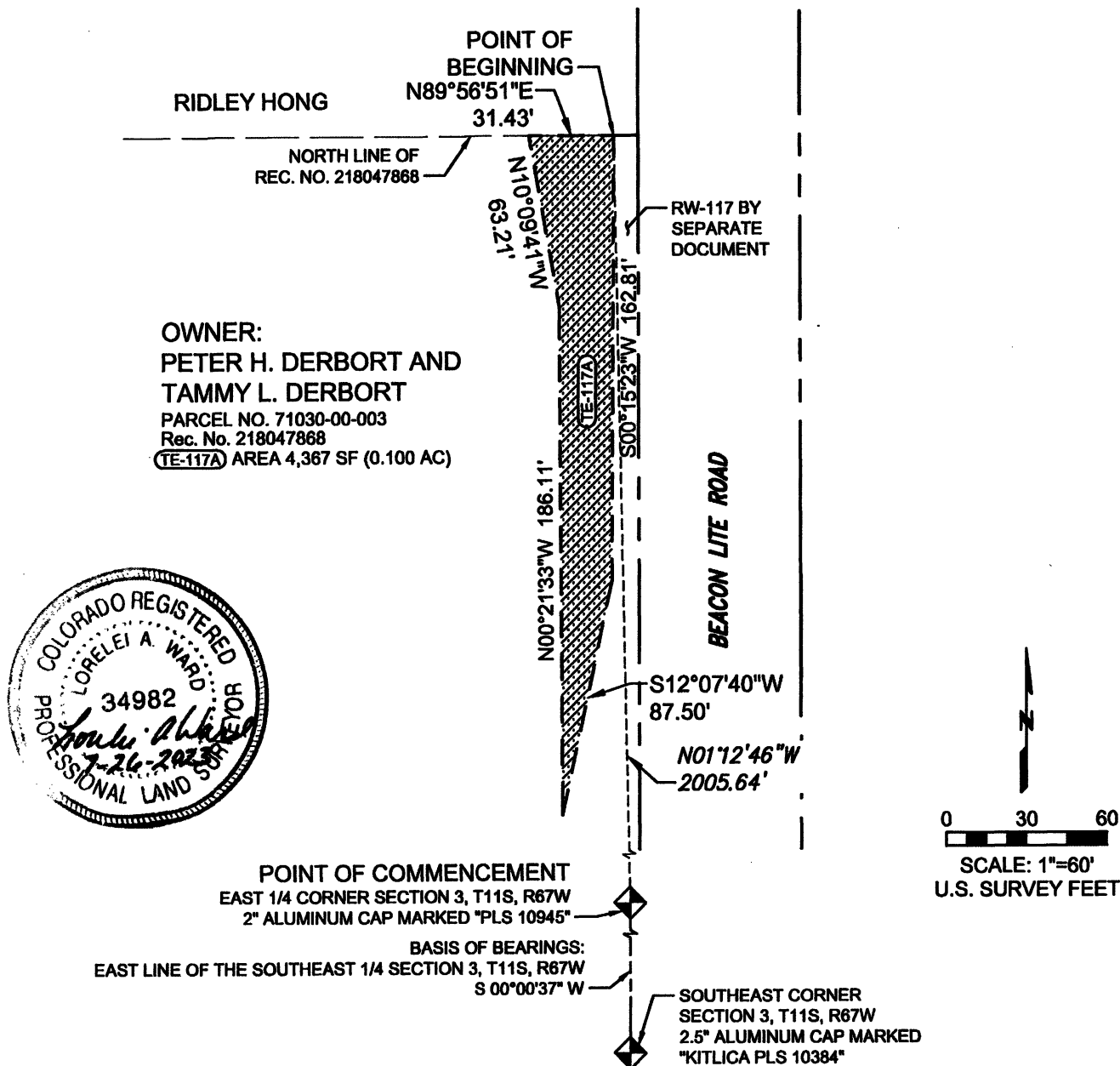
Basis of Bearings: The East line of the Southeast 1/4 of Section 3, Township 11 South, Range 67 West, of the 6th P.M., El Paso County, Colorado from the East 1/4 corner of Section 3, Township 11 South, Range 67 West, of the 6th P.M. (monumented by a 2" aluminum cap stamped "PLS 10945" in monument box) to the Southeast corner of Section 3, Township 11 South, Range 67 West, of the 6th P.M. (monumented by a 2 1/2" aluminum cap stamped "PLS 10384") bears S 00°00'37" W, a distance of 2632.76 feet.

Prepared for and on behalf of
El Paso County, Colorado.
Lorelei A. Ward, PLS 34982 .
5775 Mark Dabbling Boulevard, Suite 190
Colorado Springs, CO 80919
(719) 590-9194



EXHIBIT H

ILLUSTRATION FOR
EXHIBIT A
PAGE 2 OF 2



THIS EXHIBIT DOES NOT REPRESENT A MONUMENTED SURVEY. IT IS INTENDED ONLY TO DEPICT THE ATTACHED DESCRIPTION.

Farnsworth
GROUP

5775 MARK DABLING BLVD., SUITE 190
COLORADO SPRINGS, COLORADO 80919
(719) 590-9194 / info@f-w.com

EL PASO COUNTY
BEACON LITE/COUNTY LINE ROAD
EL PASO COUNTY PROJECT NO. 128558
TE-117A - TEMPORARY EASEMENT
NE 1/4 SECTION 3, T 11 S, R 67 W OF THE 6TH P.M.
COUNTY OF EL PASO, STATE OF COLORADO

PROJECT NO.: 0191742.00
DRAWN: MDG
REVIEWED: LAW
DATE: 10-18-2022

2 OF 2