

Agenda Item: CA-e
Meeting Date: April 12, 2021

Subject: RESOLUTION 21-24, A RESOLUTION ACCEPTING THE DONATION OF AND SPECIAL WARRANTY DEED FOR A STRIP OF LAND LOCATED IN SECTION 24, TOWNSHIP 1 NORTH, RANGE 68 WEST OF THE 6TH P.M. AND GENERALLY IDENTIFIED AS SUMMIT BOULEVARD RIGHT-OF-WAY

Presenter: Jennifer Krieger, AICP, Community Development Director

Background: To accommodate the construction of a deceleration lane adjacent to IMI, 5074 Summit Blvd., a strip of land adjacent must be dedicated to the City of Dacono. This property is transferred to the City of Dacono by a Special Warranty Deed.

The cost of construction of the deceleration lane is the responsibility of the property owner. All plans were reviewed and approved by the City Engineer.

Recommended Action: Staff is recommending approval of Resolution 21-24.

RESOLUTION NO. 21-24

A RESOLUTION ACCEPTING THE DONATION OF AND SPECIAL WARRANTY DEED FOR A STRIP OF LAND LOCATED IN SECTION 24, TOWNSHIP 1 NORTH, RANGE 68 WEST OF THE 6TH P.M. AND GENERALLY IDENTIFIED AS SUMMIT BOULEVARD RIGHT-OF-WAY

WHEREAS, certain real property, legally described on the Special Warranty Deed accompanying this Resolution and generally identified as Summit Boulevard Right-of-Way, Dacono, Colorado, (the “Property”) is an approximately 70,918 square foot strip of land; and

WHEREAS, the current owner of the Property, Brad A. Linkus (the “Owner”), desires to donate the Property to the City of Dacono for the purpose of constructing a deceleration lane on Summit Boulevard into his property located at 5074 Summit Boulevard; and

WHEREAS, the Owner has tendered a Special Warranty Deed to the City conveying the Property; and

WHEREAS, the City of Dacono desires to accept such donation and conveyance of the Property.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DACONO, COLORADO:

Section 1. Ownership in fee simple of the Property is hereby approved and accepted by the City of Dacono.

Section 2. The City Council finds and determines that the Property is not being acquired for any park, open space or governmental purpose, but as a general asset of the City and for potential use as right-of-way, and that all or portions of the Property, and any interests, licenses, rights or privileges therein, may be sold, leased, conveyed or disposed of, in whole or part, as determined by subsequent action of the City Council.

Section 3. The Special Warranty Deed from Brad A. Linkus, Grantor, to the City of Dacono, Grantee, conveying the Property, a copy of which accompanies this Resolution, is hereby accepted by the City of Dacono, Colorado.

Section 4. The Mayor, City Manager and City staff are hereby authorized to execute all documents and to do all things necessary on behalf of the City to effect the City’s ownership of the Property.

INTRODUCED, READ, and ADOPTED this ____ day of _____, 2021.

CITY OF DACONO, COLORADO

Joe Baker, Mayor

ATTEST:

Valerie Taylor, City Clerk

SPECIAL WARRANTY DEED

THIS DEED, made this 7 day of April, 2021, between BRAD A. LINKUS, whose address is PO Box 188, Dacono, CO 80514, hereinafter referred to as "Grantor", and the CITY OF DACONO, a municipal corporation organized and existing under and by virtue of the laws of the State of Colorado, whose address is 512 Cherry Street, Dacono, CO 80514, hereinafter referred to as "Grantee":

WITNESSETH, that the Grantor, for and in consideration of the sum of Ten Dollars (U.S. \$10.00) cash, in hand paid, and other good and valuable consideration, 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 Weld, State of Colorado, described as follows:

See Exhibit A, attached hereto and incorporated herein by reference for legal description of subject property

TOGETHER with all and singular the hereditaments, easements and appurtenances thereto belonging, or in anywise appertaining, and 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, easements and appurtenances.

TO HAVE AND TO HOLD the said premises above bargained and described with the appurtenances, unto the Grantee, its successors and assigns forever. And the Grantor, for itself, its successors and assigns, does covenant, grant, bargain, and agree to and with the Grantee, its successors and assigns, that at the time of the ensembling and delivery of these presents, Grantor 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 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 taxes and special assessments for the current year, easements, restrictions, reservations of minerals, covenants, and rights of way of record.

The Grantor shall and will **WARRANT AND FOREVER DEFEND** the above-bargained premises in the quiet and peaceable possession of the Grantee, its successors and assigns, against all and every person or persons lawfully claiming under Grantor the whole or any part thereof.

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

GRANTOR:
BRAD A. LINKUS



ACKNOWLEDGEMENT

STATE OF COLORADO)
)ss
COUNTY OF Weld)

The above and foregoing signature of Brad A. Linkus was subscribed and sworn to before me this 7 day of April, 2021.

Witness my hand and official seal.

My commission expires on: 11/17/2024

(SEAL)



Notary Public



EXHIBIT A
(Legal Description)

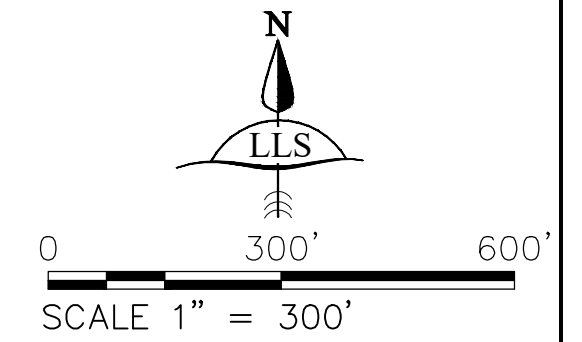
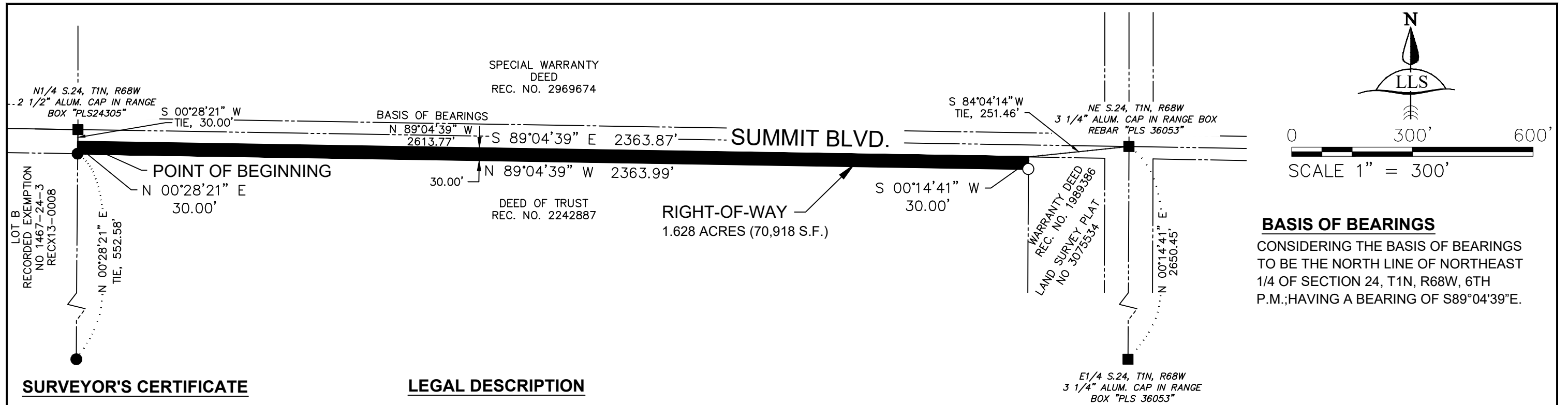
EXHIBIT A
(Legal Description)

LEGAL DESCRIPTION

A 30.00 FEET WIDE STRIP OF LAND SITUATED IN NORTHEAST QUARTER OF SECTION 24, T. 1 N., R. 68 W., 6TH P.M., WELD COUNTY, COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT WHICH IS SITUATED ON THE NORTH-SOUTH MID-SECTION LINE OF SAID SECTION 24, SAID POINT IS S00°28'21"W A DISTANCE OF 30.00 FEET FROM THE NORTH QUARTER CORNER OF SAID SECTION 24;
THENCE, S89°04'39"E A DISTANCE OF 2363.87 FEET TO A POINT WHICH IS SITUATED S84°04'14"W A DISTANCE OF 251.46 FEET FROM THE NORTHEAST CORNER OF SAID SECTION 24, SAID POINT BEING ON THE WEST LINE OF WARRANTY DEED RECEPTION NO. 1989386;
THENCE, ALONG SAID WEST LINE, S00°14'41"W A DISTANCE OF 30.00 FEET TO A POINT MONUMENTED WITH A 2 INCH ALUMINUM CAP MARKED "PLS 38227";
THENCE, N89°04'39"W A DISTANCE OF 2363.99 FEET TO A POINT MONUMENTED WITH A RED PLASTIC CAP MARKED "LS 38348";
THENCE, N00°28'21"E A DISTANCE OF 30.00 FEET TO THE SAID POINT OF BEGINNING.

ALL AS SHOWN ON THE ATTACHED EXHIBIT WHICH BY THIS REFERENCE IS MADE A PART HEREOF. THE ABOVE DESCRIBED PARCEL CONTAINS 1.628 ACRES (70,918 SQUARE FEET) MORE OR LESS.



BASIS OF BEARINGS
 CONSIDERING THE BASIS OF BEARINGS TO BE THE NORTH LINE OF NORTHEAST 1/4 OF SECTION 24, T1N, R68W, 6TH P.M.; HAVING A BEARING OF S89°04'39\"/>

SURVEYOR'S CERTIFICATE

I, BRIAN LEE SCHMALZ, A REGISTERED PROFESSIONAL SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THE SURVEY REPRESENTED BY THIS EXHIBIT WAS MADE UNDER MY PERSONAL SUPERVISION, AND THAT THIS EXHIBIT IS AN ACCURATE REPRESENTATION THEREOF, I FURTHER CERTIFY THAT THE SURVEY AND THIS PLAT COMPLIES WITH ALL APPLICABLE RULES, REGULATIONS AND LAWS OF THE STATE OF COLORADO, STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS.

BRIAN L. SCHMALZ
 REGISTERED LAND SURVEYOR

P.L.S. No. 38227
 COLORADO REGISTRATION #



LEGAL DESCRIPTION

A 30.00 FEET WIDE STRIP OF LAND SITUATED IN NORTHEAST QUARTER OF SECTION 24, T. 1 N., R. 68 W., 6TH P.M., WELD COUNTY, COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT WHICH IS SITUATED ON THE NORTH-SOUTH MID-SECTION LINE OF SAID SECTION 24, SAID POINT IS S00°28'21\"/>

ALL AS SHOWN ON THE ATTACHED EXHIBIT WHICH BY THIS REFERENCE IS MADE A PART HEREOF. THE ABOVE DESCRIBED PARCEL CONTAINS 1.628 ACRES (70,918 SQUARE FEET) MORE OR

LEGEND

- RIGHT-OF-WAY DEDICATION BOUNDARY
- ADJACENT PROPERTY LINE
- SECTION LINE
- TIE
- FOUND ALIQUOT CORNER - AS NOTED.
- FOUND PROPERTY CORNER - RED PLASTIC CAP ON NO 5 REBAR MARKED "MAJESTIC SURVEYING LS38348".
- SET PROPERTY CORNER - 2" DIAMETER ALUMINUM CAP ON NO 5 REBAR MARKED "LARAMIE LAND SURVEYING PLS38227"
- DEDICATED RIGHT-OF-WAY - AREA

EXHIBIT A

ADDITIONAL RIGHT-OF-WAY FOR SUMMIT BLVD. SITUATED IN THE NE1/4 S.24, T1N, R68W, 6TH P.M.

PREPARED FOR:
IMI MOTORSPORTS PARK

FILE: RW_Exhibit.dwg

PREPARED BY:



(307) 460-0801
LARAMIE, WY

(720) 263-0289
BRIGHTON, CO

JOB NO. 20-042 DRAWN BY: BLS DATE: 11/15/2020 SHT 1 of 1