



Board Summary Report

Date: January 16, 2018

To: Arapahoe County Board of County Commissioners

Through: David M. Schmit, PE, Director
Public Works and Development

Through: Chuck Haskins, PE, Division Manager
Public Works and Development – Engineering Services Division

From: Sue Liu, PE, Engineer III
Engineering Services Division

Case name: P17-14 Sky Ranch Subdivision Filing No. 1
Final Plat

Subject: Approval and acceptance of Right-of-Way along North Monaghan Road via Warranty Deed

Purpose and Recommendation:

The purpose of this report is to request the Board to approve the acceptance of right-of-way along North Monaghan Road for recordation by separate document.

Staff has reviewed the right-of-way documents and has determined that they meet the County's requirements. Staff recommends said rights-of-way, granted by PCY Holding, LLC, A Colorado Limited Liability Company, be accepted by the Board.

Background:

The parcel of land requested for right-of-way acceptance is located along North Monaghan Road where it is ½ mile towards to I-70 within unincorporated Arapahoe County. The parcel is currently owned by PCY Holding, LLC, A Colorado Limited Liability Company.

North Monaghan Road is the proposed access route for the Development of Sky Ranch Subdivision Filing No. 1. As the ½ mile of North Monaghan Road towards I-70 is outside of the Filing No. 1 Final Plat, this right-of-way needs to be dedicated by separate document to the County. The Owner of the parcel requests that the attached right-of-way be dedicated to the County prior to the Plat being executed.

Links to Align Arapahoe

To enhance the quality of life for citizens of Arapahoe County to address their basic needs.

Alternatives

N/A

Fiscal Impact

There is no fiscal impact related to this request.

Concurrence:

The Engineering Services Division recommends said right-of-way granted by PCY Holding, LLC, A Colorado Limited Liability Company be approved for acceptance.

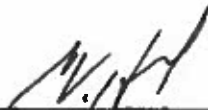
Actions Requested:

1. Approval and acceptance of the Warranty Deed and its respective legal description and exhibit as rights-of-way.

Signature lines:



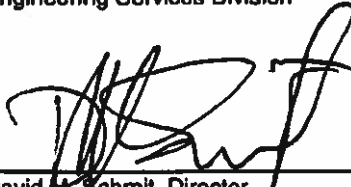
Sue Liu, PE, Engineer III
Engineering Services Division



Chuck Haskins, PE, Division Manager
Engineering Services Division



Robert Hill, Senior Assistant County Attorney
Attorney's Office



David M. Schmit, Director
Public Works and Development

Attachments: Warranty Deed

ACCEPTANCE OF DEED – RIGHT OF WAY

RESOLUTION NO. [reso #] It was moved by Commissioner [moved] and duly seconded by Commissioner [seconded] to accept the Warranty Deed, upon the recommendation of the County's Project Engineer and the Director of the Development Services and Infrastructure Management Department, granted by PCY Holding, LLC, A Colorado Limited Liability Company, granting an interest in the following real property:

LEGAL DESCRIPTION – NORTH MONAGHAN ROAD / NORTH COUNTY ROAD 85 RIGHT OF WAY

A PARCEL OF LAND BEING A PART OF THE WEST HALF OF SECTION 3, TOWNSHIP 4 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF ARAPAHOE, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE WEST QUARTER CORNER OF SAID SECTION 3 AND CONSIDERING THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 3, BEING MONUMENTED AS SHOWN ON THE ATTACHED EXHIBIT, TO BEAR SOUTH 00°21'35" EAST, 2586.36 FEET;

THENCE N00°21'35"W, ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 3, A DISTANCE OF 2401.39 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF INTERSTATE 70, AS DESCRIBED IN DEED RECORDED IN BOOK 1609 AT PAGE 199 IN THE RECORDS OF THE ARAPAHOE COUNTY CLERK AND RECORDER;

THENCE NORTH 63°28'50" EAST ALONG SAID SOUTHERLY RIGHT OF WAY LINE, A DISTANCE OF 80.22 FEET, TO A POINT BEING 72.00 FEET, BY PERPENDICULAR MEASUREMENT EASTERLY OF THE WEST LINE OF SAID NORTHWEST QUARTER;

THENCE SOUTH 00°21'35" EAST PARALLEL WITH SAID WEST LINE, A DISTANCE OF 2436.76 FEET TO A POINT BEING 72.00 FEET, BY PERPENDICULAR MEASUREMENT, EASTERLY OF THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 3;

THENCE SOUTH 00°21'27" EAST PARALLEL WITH SAID WEST LINE, A DISTANCE OF 280.86 FEET;

THENCE SOUTH 89°38'33" WEST, A DISTANCE OF 72.00 FEET TO A POINT ON THE WEST LINE OF SAID SOUTHWEST QUARTER;

THENCE NORTH 00°21'27" WEST ALONG SAID WEST LINE, A DISTANCE OF 280.86 FEET TO THE POINT OF BEGINNING,

SAID PARCEL OF LAND CONTAINING 194,396 SQUARE FEET OR 4.463 ACRES, MORE OR LESS.

The Property shall be used in connection with Arapahoe County Project/Case No. P17-014 Sky Ranch Subdivision Filing No. 1, and is accepted for the right-of-way purposes expressed in the instrument.

Except as expressly stated in the instrument, Arapahoe County does not accept any other interest in the property, including any responsibility for maintenance, repair, decontamination, cleanup, or hazardous material response on any portion of the real estate other than the improvements installed by or for Arapahoe County.

VOTE

The vote was:

Commissioner Baker, ___; Commissioner Conti, ___; Commissioner Holen, ___; Commissioner Jackson, ___; Commissioner Sharpe, ___.

The Chair declared the motion carried and so ordered.

WARRANTY DEED

THIS DEED is made this 22 day of January, 2018, between PCY Holdings LLC, A Colorado Limited Liability Company ("the Grantor"), whose street address is 34501 East Quincy Ave, Bldg 34 Box 10, Colorado 80137-9303, and **ARAPAHOE COUNTY, COLORADO**, a political subdivision of the State of Colorado ("Grantee"), whose street address is 5334 South Prince Street, Littleton, Colorado 80120.

WITNESS, that Grantor, for and in consideration of the payment of Ten (\$10) Dollars 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 **in fee simple** unto Grantee, its heirs and assigns forever, all real property, together with improvements, if any, situate, lying, and being in the County of Arapahoe and the State of Colorado, described as:

A PARCEL OF LAND BEING A PART OF THE WEST HALF OF SECTION 3, TOWNSHIP 4 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF ARAPAHOE, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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SAID PARCEL OF LAND CONTAINING 194,396 SQUARE FEET OR 4.463 ACRES, MORE OR LESS.

Said property is conveyed for road purposes, and except to the extent necessary for subjacent and/or lateral support of roadways or other improvements made to the land, all oil and gas and other minerals rights associated with the property, are excepted from and not included in this conveyance.

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, its heirs and assigns forever. The Grantor, for himself, his heirs and personal representatives, does covenant, grant, bargain, and agree to and with the Grantee, its heirs and assigns, that at the time of the ensembling and delivery of these presents, he is well seized of the premises above conveyed, has/have 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.

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

As used herein, 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.

GRANTOR: PCY Holdings LLC, A Colorado Limited Liability Company

By: Pure Cycle Corporation, a Colorado Corporation, its sole member

By: [Signature]
Name, Title: Mark Harding, President

State of Colorado }
County of Huerfano } ss

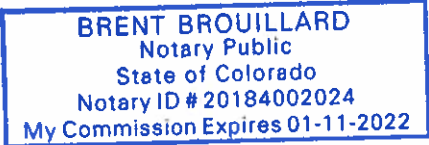
The foregoing instrument was acknowledged before me this 22 day of January, 2018, by Mark Harding, as President of Pure Cycle Corporation sole member of PCY Holdings LLC, an authorized representative of the Grantor.

My commission expires 1-11-22. Witness my hand and official seal.

[Signature]
Signature

Brent Brouillard
Name of Notary

34501 E. Quincy Ave, Wiggins, Co 80137
Address of Notary



(SEAL)

**LEGAL DESCRIPTION – NORTH MONAGHAN ROAD / NORTH COUNTY ROAD 85
RIGHT OF WAY
PCY HOLDINGS, LLC**

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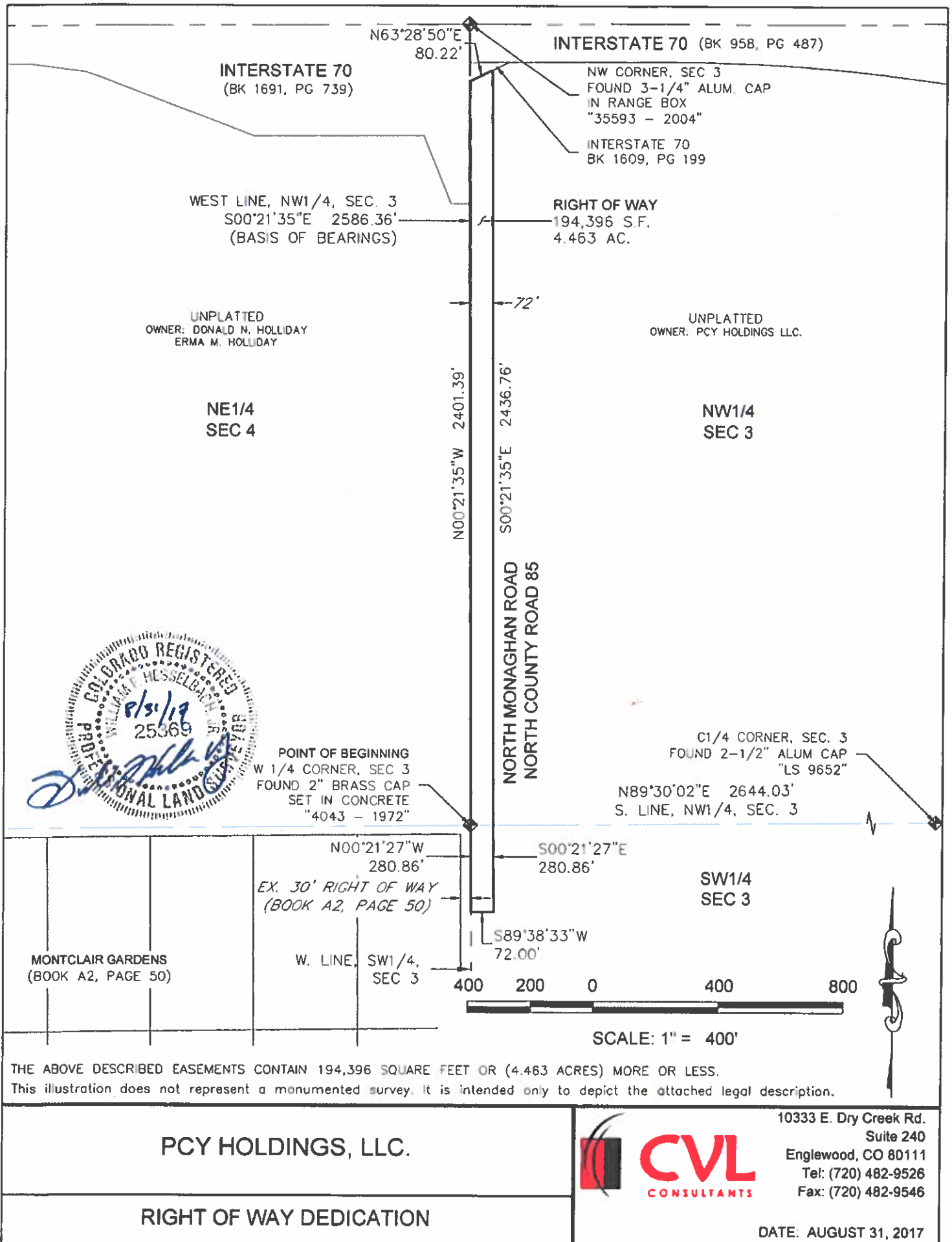
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THE LINEAL UNIT USED IN THE PREPARATION OF THIS LEGAL DESCRIPTION IS THE U.S. SURVEY FOOT AS DEFINED BY THE UNITED STATES DEPARTMENT OF COMMERCE, NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.

I, WILLIAM F. HESSELBACH JR., A SURVEYOR LICENSED IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THE ABOVE LEGAL DESCRIPTION AND ATTACHED EXHIBIT WERE PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND CHECKING.


WILLIAM F. HESSELBACH JR., P.L.S. 25369
FOR AND ON BEHALF OF
CVL CONSULTANTS OF COLORADO, INC.
10333 E. DRY CREEK ROAD, SUITE 240
ENGLEWOOD, CO 80112





THE ABOVE DESCRIBED EASEMENTS CONTAIN 194,396 SQUARE FEET OR (4.463 ACRES) MORE OR LESS.
This illustration does not represent a monumented survey. It is intended only to depict the attached legal description.

PCY HOLDINGS, LLC.

RIGHT OF WAY DEDICATION



10333 E. Dry Creek Rd.
Suite 240
Englewood, CO 80111
Tel: (720) 482-9526
Fax: (720) 482-9546

DATE: AUGUST 31, 2017