



STATE OF COLORADO  
STATE BOARD OF LAND COMMISSIONERS

**First Amendment to Right-of-way Contract No. 768 Book 7 (103108)**

**THIS IS AN AMENDMENT** to Right-of-way No. 768 book 7, made this 1<sup>st</sup> day of January, 2019, between the State of Colorado, acting by and through the STATE BOARD OF LAND COMMISSIONERS (Grantor), whose address is 1127 Sherman Street, Suite 300, Denver, CO 80203 and the State of Colorado, acting by and through the DEPARTMENT OF TRANSPORTATION (Grantee), whose mailing address is 2829 W. Howard Place, Denver, CO 80204:

**WITNESSETH**

WHEREAS, the parties have engaged in negotiations concerning CDOT's need to amend right of way along U.S. 50 and the parties' need to have CDOT under a current lease agreement for the Sargents Maintenance Facility site;

WHEREAS, the parties have agreed to an exchange of property and money that each agency has determined to be in each agency's interest and the interests of the public;

WHEREAS, this Amendment to Right of way contract no. 768 Book 7 and cancellation of Right of way contract no. 758 Book 7, concerns the easement interests exchanged as part of the agreement from Grantor to Grantee;

**NOW THEREFORE**, incorporating the recitals above, Grantor in consideration of the sum good, valuable and adequate consideration, the receipt of which is hereby acknowledged, agrees to amend Right of way contract no 768 book 7 by replacing the legal, in its entirety, with the legal described in **Exhibit A** attached hereto. This amendment also terminates Right-of-way contract no. 758 book 7 at the execution of this Right-of-Way.

This Amendment is incorporated by reference into the Contract, and except to the extent specifically modified hereby, all other terms and conditions of the Contract shall remain in full force and effect through the end of the Contract term.

**IN WITNESS WHEREOF**, the parties hereto have executed the foregoing, the same to be effective as of the day and year first above written.

(signatures on following page)

(Seal)



LESSOR:  
STATE OF COLORADO  
Acting by and through  
The State Board of Land Commissioners

By: David S. Rodenberg  
David S. Rodenberg, Right-of-way Program Manager

Date: 1/28/2019

LESSEE:  
STATE OF COLORADO  
Acting by and through  
The Department of Transportation  
Michael P. Lewis, Executive Director

By: Joshua Laipply  
Joshua Laipply, P.E., Chief Engineer

Date: 1/18/2019

## **EXHIBIT "A"**

**PROJECT NUMBER: FAP 259 J(1)**  
**STATE LAND BOARD GRANT NUMBER: LB-1**  
**DATE: January 9, 2019**  
**DESCRIPTION**

A State Land Board Grant No. LB-1 of the Department of Transportation, State of Colorado Project No. FAP 259 J(1), containing 757,043 sq. ft. (17.379 acres), more or less, in Tract 45, Township 48 North, Range 5 East, of the New Mexico Principal Meridian, in Saguache County, Colorado, said Highway Easement being more particularly described as follows:

Beginning at a point at the intersection of the easterly line of U.S. Highway 50 as established on Project FAP 259 J(1) and the north line of said Tract 45, whence the northeast corner of said Tract 45, a 1" STEEL ROD & 2.5" BRASS CAP stamped "U.S. GENERAL LAND OFFICE SURVEY 1927 AP4 TR39 S10 AP2 TR42 AP1 TR45" bears S. 89°28'49" E., a distance of 33.16 feet:

1. Thence continuing along said easterly line of U.S. Highway 50 as established on Project FAP 259 J(1), S. 37°52'43" W., a distance of 48.16 feet;
2. Thence S. 68°58'27" W., a distance of 116.13 feet;
3. Thence S. 37°52'48" W., a distance of 1,070.82 feet;
4. Thence departing said easterly line of U.S. Highway 50, S. 30°38'38" W., a distance of 691.64 feet;
5. Thence S. 16°45'45" W., a distance of 571.82 feet;
6. Thence S. 6°16'40" W., a distance of 221.25 feet;
7. Thence S. 17°12'55" W., a distance of 356.46 feet to a point on said easterly line of U.S. Highway 50 as established on Project FAP 259 J(1);
8. Thence continuing along said easterly line of U.S. Highway 50, S. 17°12'55" W., a distance of 599.26 feet;
9. Thence S. 33°38'49" W., a distance of 104.22 feet;
10. Thence S. 17°12'35" W., a distance of 899.08 feet;
11. Thence departing said easterly line of U.S. Highway 50, S. 12°41'52" E., a distance of 94.73 feet;

12. Thence S.  $16^{\circ}05'22''$  W., a distance of 653.03 feet;
13. Thence S.  $8^{\circ}40'10''$  E., a distance of 125.90 feet;
14. Thence S.  $28^{\circ}14'48''$  W., a distance of 363.37 feet to a point on the south line of said Tract 45;
15. Thence continuing along said south line of Tract 45, N.  $89^{\circ}04'22''$  W., a distance of 185.27 feet to a point on the westerly line of said U.S. Highway 50 as established on Project FAP 259 J(1);
16. Thence departing said south line of Tract 45 and continuing along said westerly line of U.S. Highway 50 along an arc to the left, having a radius of 2,815.00 feet, a distance of 440.29 feet, (the chord of which bears N.  $21^{\circ}38'36''$  E., a distance of 439.84 feet);
17. Thence N.  $17^{\circ}10'23''$  E., a distance of 918.10 feet;
18. Thence departing said westerly line of U.S. Highway 50, N.  $17^{\circ}08'22''$  E., a distance of 2,325.33 feet;
19. Thence N.  $10^{\circ}12'00''$  E., a distance of 183.29 feet;
20. Thence along an arc to the right, having a radius of 1,985.99 feet, a distance of 774.09 feet, (the chord of which bears N.  $25^{\circ}05'28''$  E., a distance of 769.20 feet) to a point on said westerly line of U.S. Highway 50 as established on Project FAP 259 J(1);
21. Thence continuing along said westerly line of U.S. Highway, N.  $37^{\circ}52'14''$  E., a distance of 773.31 feet;
22. Thence N.  $52^{\circ}12'29''$  E., a distance of 102.76 feet;
23. Thence N.  $37^{\circ}52'43''$  E., a distance of 317.68 feet to a point on said north line of Tract 45;

24. Thence departing said westerly line of U.S. Highway 50 and along said north line of Tract 45, S.  $89^{\circ}28'49''$  E., a distance of 213.93 feet, more or less, to the TRUE POINT OF BEGINNING.

The above described State Land Board Grant contains 757,043 sq. ft. (17.379 acres), more or less.

Basis of Bearings as per Project Control Diagram on Project Number NHPP 0502-077:  
Bearings used in the calculations of coordinates are based on a grid bearing of  $N38^{\circ}46'33''$ E from CM-MP 190.26 to CM-MP 190.37. Both monuments are CDOT Type 1, a  $\frac{3}{4}$ " x 36" finned aluminum rod and a 3.25" aluminum cap, marked appropriately for their milepost location and control position. The survey data was obtained from a Global Positioning System (GPS) observations tied to Continuously Operating Reference Stations (CORS).

For and on behalf of the  
Colorado Department of Transportation  
Robert A. Drum, PLS 38040  
(970) 385-1423  
3803 North Main Avenue, Suite 300  
Durango, CO 81301

