



**ENGINEERING DEPARTMENT**

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**WESTERN STATES**

**Land Services, Inc.**  
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May 16, 2014

Hand Delivered

**REVISED OFFER TO PURCHASE PERMANENT RIGHT OF WAY EASEMENT**

River Glen Homeowners' Association  
Attn: Julie Stapp  
PO Box 1251  
Berthoud, CO 80513

RE: Larimer County – Larimer County Road 17 Bridge Structure Over Little Thompson River  
Project # 9312  
Location: Southwest Corner of Larimer County Road 17 and Bridge Over Little Thompson River;  
as shown by Tract B of the "Amended Plat of River Glen" of 1974  
Structure No: Bridge 17-0.7-2E-A

FEE OWNER: RIVER GLEN HOMEOWNERS ASSOCIATION

BRIEF LEGAL DESCRIPTION: A parcel of land being generally located in the Southeast Quarter of Section 27, Township 4 North, Range 69 West of the 6<sup>th</sup> P.M., Larimer County, Colorado as further described on the attached exhibits

INTERESTS TO BE ACQUIRED: Right of Way Easement (Parcel-1)  
Right of Way Easement (Parcel-2)

Dear Julie,

Thank you for meeting with me on Tuesday, May 13, 2014 at the project location. At that time you presented to me a paper copy of the Counter Proposal regarding the Agreement and Offer to Purchase I hand delivered to you on May 5, 2014 regarding the above referenced right of way.

I have attached a modified Right of Way Agreement in order to accommodate your requests that the Agreement clearly define that only a "Right of Way" is being sought by the County. I note that the Agreement from 1986 includes some of the objectionable language that your Counter Proposal references, but that has already been executed by the HOA. To be clear, a Deed of Dedication conveys only a right of way by easement, and not fee title to the right of way. I trust this new agreement will remove the concerns of the HOA board members regarding its authority to approve without consent of 66% from all HOA members.

In regards to the monetary counter offer, I would like to note the following:

During our meeting on April 11, 2014, it was discussed that neither the HOA nor the County could determine that the fully executed and legal Agreement entered into on September 16, 1986 was closed through conveyance of the warranty deed and payment referenced in the Agreement. The HOA members and County representatives present at that meeting jointly agreed that as we could not verify prior payment, the County would be willing to pay at this time the Agreement consideration of \$1,250.00, even if that meant there could be a possibility of double payment. That is restated in paragraph 2 of the attached Agreement.

In regards to payment for the new right of way containing 2,809 square feet, as shown as Parcel 1 in Exhibit A-1, our offer was based on non buildable land within a flood plain. I utilized a comparable sale of approximately 7.2 acres of nearby vacant and buildable land (copy attached) that sold in 2012 for \$.59/sf and then discounted the value by 75% due to the lack of productive use of the HOA land beneath the easement area, arriving at a value of \$.15/sf as just compensation. Although I am not able to confirm the payments made by CDOT for right of way adjacent to US Hwy 287, according to CDOT plans, the property purchased was from individual residential building lots adjacent to the highway. The comparison of the residential lots to the non-buildable flood plain property is not equitable. Regardless, the County desires to come to an agreement with the HOA on this transaction and therefore has authorized me to utilize the full value from the comparable of \$.59/sf resulting in a total of \$1,657.31, in which the County has rounded to \$1,750, providing to you an increase of \$1,325 for the new right of way acquisition. This provides for an overall payment of:

- |                      |                   |
|----------------------|-------------------|
| 1. 1986 Agreement :  | \$1,250.00        |
| 2. New Right of Way: | \$1,750 (Rounded) |
| <b>TOTAL:</b>        | <b>\$3,000</b>    |

Please review these revision with your Board and I would be happy to meet with you and your Board if necessary should you wish. I look forward to your response.

If you have questions or need further information concerning this matter, please contact me at 970-667-7602 (office) or 970-215-9624 (cell) or by e-mail at [jmazur@ws-ls.com](mailto:jmazur@ws-ls.com).

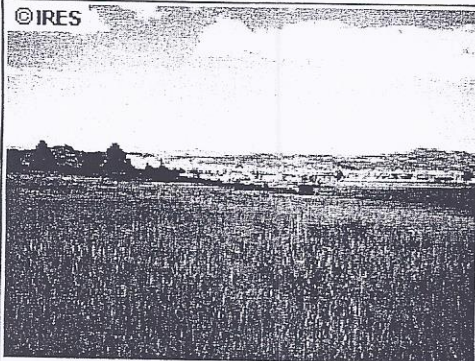
Sincerely,  
WESTERN STATES LAND SERVICES, INC.

  
Justin Mazur  
Acquisitions Agent

Enclosures:                      Comparable Sale  
   Revised Agreement with Legal Descriptions

CC:    C18-30A (file)

Via e-mail:    C. Johnson w/attachments

	<p><b>© IRES</b></p> <p><b>IREs MLS # :</b> 663282      <b>PRICE:</b> \$200,000</p> <p><b>0 Cottonwood Ln, Berthoud 80513</b></p> <p><b>VACANT LAND/LOTS</b>      <b>SOLD</b></p> <p><b>Locale:</b> Berthoud      <b>County:</b> Larimer</p> <p><b>Area/SubArea:</b> 8/22</p> <p><b>Subdivision:</b> Cottonwood Knolls</p> <p><b>Legal:</b> COM AT SE COR NW 1/4 29-4-69, TH ALG ELN NW 1/4 N 135' E 855 FT TPOB, N 135' E 466.44 FT TO N LN SE 1/4 NW 1/4, TH ALG N LN N 8917' 59" W 1070.25 FT, S 3125' 56" E 371.88 FT, S 8920' 30" E 807.61 FT, S 135' W 152.07 FT TO WRLY PROLONG OF N ROW COTTONWOOD LN, TH ALG SD PROLONG S 8918' E 60.01 FT TPOB</p> <p><b>Nearest Town:</b> Berthoud      <b>Miles To Nearest Town:</b> 4</p>
<p><b>Elementary:</b> Ivy Stockwell</p> <p><b>Elementary2:</b> Berthoud</p> <p><b>Middle/Jr.:</b> Turner</p> <p><b>High School:</b> Berthoud</p> <p><b>School District:</b> Thompson R2-j</p>	<p><b>Built:</b>      <b>SqFt Source:</b></p> <p><b>New Const:</b> No</p> <p><b>Builder:</b></p>
<p><b>Lot SqFt:</b> 313,632      <b>Approx. Acres:</b> 7.2</p> <p><b>Elec:</b> PVREA      <b>Water:</b> Little Thompson</p> <p><b>Gas:</b> Xcel      <b>Taxes:</b> \$6,184/2010</p> <p><b>PIN:</b> 9429000052      <b>Zoning:</b> FA1</p> <p><b>Waterfront:</b> No      <b>Water Meter Inst:</b> No</p> <p><b>Well Permit #:</b></p> <p><b>HOA:</b> No</p>	<p><b>CoListing Agent:</b> Julio Cardenas</p> <p><b>CoListing Office:</b> Keller Williams-No. Colo, LOV</p> <p><b>Listing Comments:</b> Not easy to find a property with the privacy and views of this 7.2 acre property. No covenants and only a Road Maintenance Assoc (\$300 annual). Level lot with enough slope near center of lot for a walkout basement with uninterrupted mountain views. No restrictions on types of animals (chickens, goats, horses, etc.) Very nice properties along Cottonwood Lane. Utilities are at the road just need to bring them onto the property. Build your dream home here! A must see!</p>
<p><b>Water Tap Fee:</b>      <b>Sewer Tap Fee:</b></p> <p><b>Irrigation Water Rights:</b> No</p> <p><b>Has Irrig Ditches:</b> No</p> <p><b>Well Information:</b></p> <p><b>Water Rights:</b> A small stream touches at NW corner of property</p> <p><b>Lake/Reservoir/Stream:</b></p> <p><b>Crops:</b></p> <p><b>Improvements on Prop:</b> No</p>	<p><b>Sold Date:</b> 04/05/2012      <b>Sold Price:</b> \$185,000</p> <p><b>Terms:</b> CASH      <b>DOM:</b> 235 <b>DTO:</b> 203 <b>DTS:</b> 235</p> <p><b>Down Pmt Assist:</b> N</p> <p><b>Concession Type:</b> None</p>
	<p><b>Property Features</b></p> <p><b>Location Description:</b> Level Lot, Sloping Lot, Abuts Stream/Creek/River, Abuts Private Open Space, House/Lot Faces SE, Rural, Unincorporated</p> <p><b>Horse Property:</b> Zoning Appropriate for 4+ Horses <b>Fences:</b> Partially Fenced, Metal Post Fence <b>Views:</b> Back Range/Snow Capped</p> <p><b>Lot Improvements:</b> No Improvements <b>Road Access:</b> County Road/County Maintained <b>Road Surface At Property Line:</b> Gravel Road</p> <p><b>Number of Living Unit Allowed:</b> 1 Unit Allowed <b>Utilities:</b> Electricity within 100 ft., Natural Gas within 100 ft. <b>Water/Sewer:</b> District Water, Septic <b>Ownership:</b> Private Owner <b>Possession:</b> Delivery of Deed</p> <p><b>Flood Plain:</b> Minimal Risk <b>Possible Usage:</b> Single Family</p> <p><b>New Financing/Lending:</b> Cash, Conventional <b>Exclusions:</b> - None</p> <p><math display="block">\frac{\\$185,000}{7.2 \text{ ac}} = \\$25,694.44/\text{ac}</math> <math display="block">\frac{\\$25,694.44/\text{ac}}{43,560 \text{ Ft}^2/\text{ac}} = \\$0.59/\text{Ft}^2</math></p>
<p><b>Contact:</b> Phil Mazur <b>Phone:</b> 970-667-7602 <b>Cell:</b> - <b>Email:</b> pmazur@ws-ls.com</p> <p><b>Office:</b> Mazur, Phil B <b>Phone:</b> 970-667-7602</p> <p><b>LA:</b> Viki Cardenas <b>LO:</b> Keller Williams-No. Colo, LOV</p>	

Prepared By: Phil Mazur - Apr 25, 2014 3:10:04 PM

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