

**TOWN OF TIMNATH, COLORADO  
RESOLUTION NO. 36, SERIES 2022**

**A RESOLUTION APPROVING 4<sup>TH</sup> AVE. RIGHT OF WAY ACQUISITION  
FROM ROBERT AND MARTHA MARTIN**

**WHEREAS**, the Town Council of the Town of Timnath (“Town”) pursuant to C.R.S. § 31-15-103, has the power to pass resolutions; and

**WHEREAS**, the Town has included this project in its 2022 Capital Improvement Budget; and

**WHEREAS**, the Town Council is familiar with the Project and finds it to be in the best interest of the Town, its residents, and the general public.

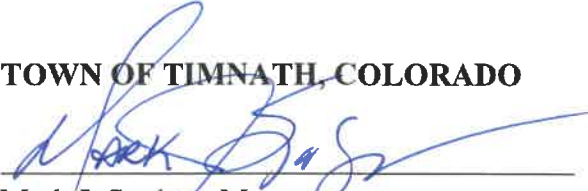
**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF TIMNATH, COLORADO as follows:**

**Section 1. Approval**

The required agreements and expenditures of funds up to \$40,000 is hereby approved for ROW acquisition from Robert and Martha Martin. The required agreements may be finalized by the Town Manager in consultation with the Town Planner, Engineer, Legal Counsel, and other applicable staff or consultants.

**INTRODUCED, MOVED, AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF TIMNATH, ON JULY 26, 2022.**

**TOWN OF TIMNATH, COLORADO**

  
\_\_\_\_\_  
Mark J. Soukup, Mayor

**ATTEST:**

  
\_\_\_\_\_  
Milissa Peters-Garcia, CMC  
Town Clerk



**SPECIAL WARRANTY DEED**

**THIS SPECIAL WARRANTY DEED** is executed and delivered this 6<sup>th</sup> day of October, 2022, by **ROBERT JAMES MARTIN and MARTHA JEAN MARTIN** (“Grantor”), in favor of the **TOWN OF TIMNATH**, a Colorado municipal corporation, whose address is 5300 4<sup>TH</sup> Ave, Timnath, CO 80547 (“Grantee”).

**WITNESSETH**, that Grantor, for and in consideration of Forty Thousand dollars (\$40,000.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell, convey and confirm, unto Grantee, its heirs, successors and assigns forever, all the real property, together with all improvements, if any, situate, lying, and being located in the County of Larimer, State of Colorado, more particularly described as follows:

THOSE PARTS OF THE NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 7 NORTH, RANGE 68 WEST OF THE 6<sup>TH</sup> P.M., COUNTY OF LARIMER, STATE OF COLORADO, AS DESCRIBED MORE FULLY ON ATTACHED EXHIBIT A AND EXHIBIT B.

**TOGETHER** with all and singular the rights, tenements, easements, appendages, ways, hereditaments, privileges, 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 Grantor, either in law or equity, of, in and to the above bargained premises, with the hereditaments, easements, rights of way and appurtenances (collectively, the “Property”).

**TO HAVE AND TO HOLD** the Property above bargained and described with the appurtenances, unto Grantee, its heirs, successors and assigns forever. Grantor, for itself, and its successors and assigns, does covenant, grant, bargain and agree to and with the Grantee, its successors and assigns, that Grantor shall and will WARRANT AND FOREVER DEFEND the Property in the quiet and peaceable possession of Grantee, its heirs, successors and assigns, against all and every person or persons lawfully claiming the whole or any part thereof BY, THROUGH OR UNDER Grantor, subject, however, to taxes and assessments for the current year, and liens, easements, encumbrances and restrictions of record.

## SPECIAL WARRANTY DEED

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**WITNESSETH**, that Grantor, for and in consideration of Forty Thousand dollars (\$40,000.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell, convey and confirm, unto Grantee, its heirs, successors and assigns forever, all the real property, together with all improvements, if any, situate, lying, and being located in the County of Larimer, State of Colorado, more particularly described as follows:

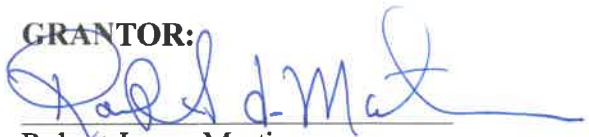
THOSE PARTS OF THE NORTHWEST QUARTER OF SECTION 35,  
TOWNSHIP 7 NORTH, RANGE 68 WEST OF THE 6<sup>TH</sup> P.M., COUNTY OF  
LARIMER, STATE OF COLORADO, AS DESCRIBED MORE FULLY ON  
ATTACHED **EXHIBIT A AND EXHIBIT B**.

**TOGETHER** with all and singular the rights, tenements, easements, appendages, ways, hereditaments, privileges, 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 Grantor, either in law or equity, of, in and to the above bargained premises, with the hereditaments, easements, rights of way and appurtenances (collectively, the “Property”).

**TO HAVE AND TO HOLD** the Property above bargained and described with the appurtenances, unto Grantee, its heirs, successors and assigns forever. Grantor, for itself, and its successors and assigns, does covenant, grant, bargain and agree to and with the Grantee, its successors and assigns, that Grantor shall and will **WARRANT AND FOREVER DEFEND** the Property in the quiet and peaceable possession of Grantee, its heirs, successors and assigns, against all and every person or persons lawfully claiming the whole or any part thereof **BY, THROUGH OR UNDER** Grantor, subject, however, to taxes and assessments for the current year, and liens, easements, encumbrances and restrictions of record.

**IN WITNESS WHEREOF**, Grantor has caused its name to be hereunto subscribed on the day and year first above written.

SUSAN DIANNE BIEBER  
NOTARY PUBLIC  
STATE OF COLORADO  
NOTARY ID 20174036766  
MY COMMISSION EXPIRES SEPTEMBER 17 2025

**GRANTOR:**  
  
Robert James Martin

STATE OF COLORADO )  
 ) ss.  
COUNTY OF LARIMER )


The foregoing instrument was acknowledged before me this 6<sup>th</sup> day of OCTOBER, 2022, by Robert James Martin, as Grantor.

Witness my hand and official seal.

  
Notary Public

My commission expires: SEPTEMBER 17, 2025

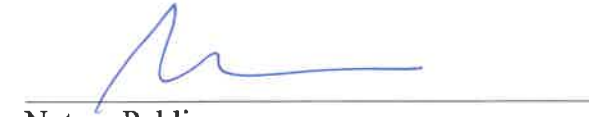
SUSAN DIANNE BIEBER  
NOTARY PUBLIC  
STATE OF COLORADO  
NOTARY ID 20174036766  
MY COMMISSION EXPIRES SEPTEMBER 17 2025

**GRANTOR:**  
  
Martha Jean Martin

STATE OF COLORADO )  
 ) ss.  
COUNTY OF LARIMER )

The foregoing instrument was acknowledged before me this 6<sup>th</sup> day of OCTOBER, 2022, by Martha Jean Martin, as Grantor.

Witness my hand and official seal.

  
Notary Public

My commission expires: SEPTEMBER 17, 2025

**EXHIBIT A**  
**REAL PROPERTY**

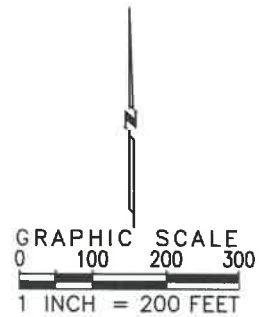
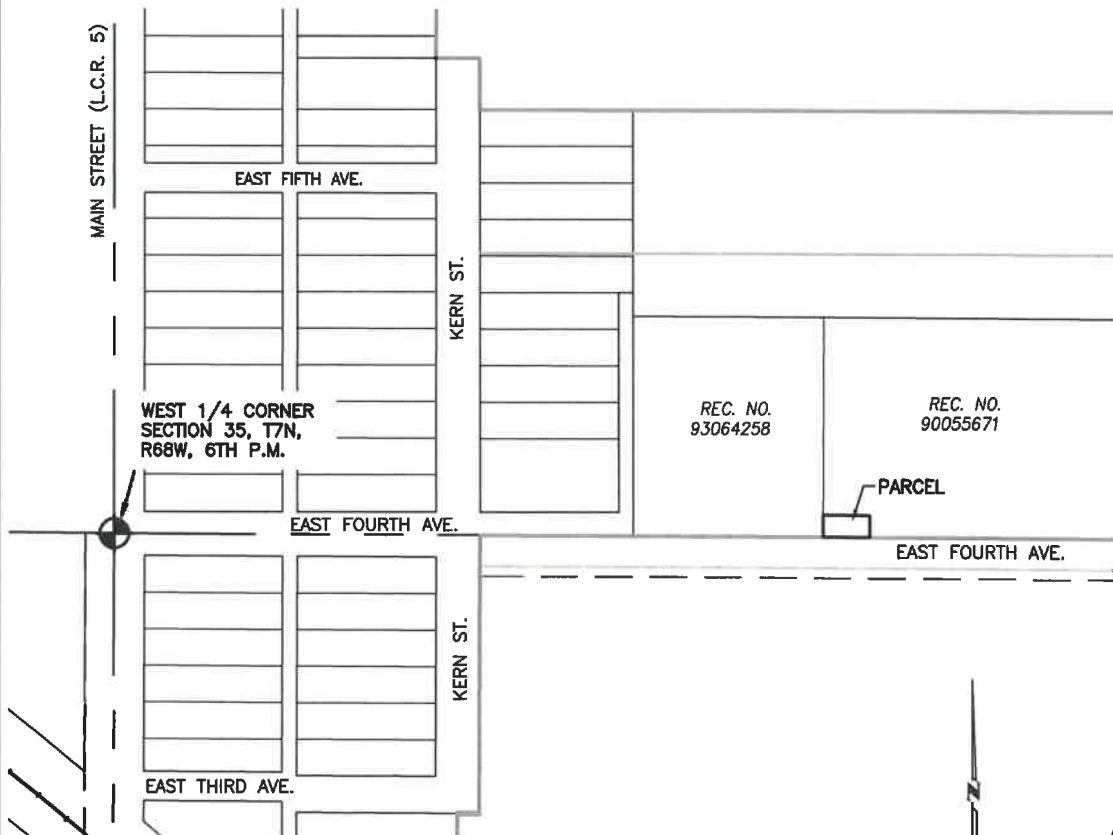
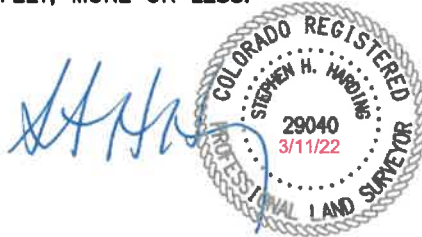


**LEGAL DESCRIPTION**

A PARCEL OF LAND LYING IN THE NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 7 NORTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF LARIMER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE WEST 65 FEET OF THE SOUTH 30 FEET OF THAT PARCEL OF LAND DESCRIBED IN WARRANTY DEED RECORDED AT RECEPTION NO. 90055671 OF SAID LARIMER COUNTY RECORDS, CONTAINING 1950 SQUARE FEET, MORE OR LESS.


PREPARED BY:  
STEPHEN H. HARDING, PLS  
FOR AND ON BEHALF OF  
EMK CONSULTANTS, INC.



**EXHIBIT B**  
**REAL PROPERTY – PARCEL 2**



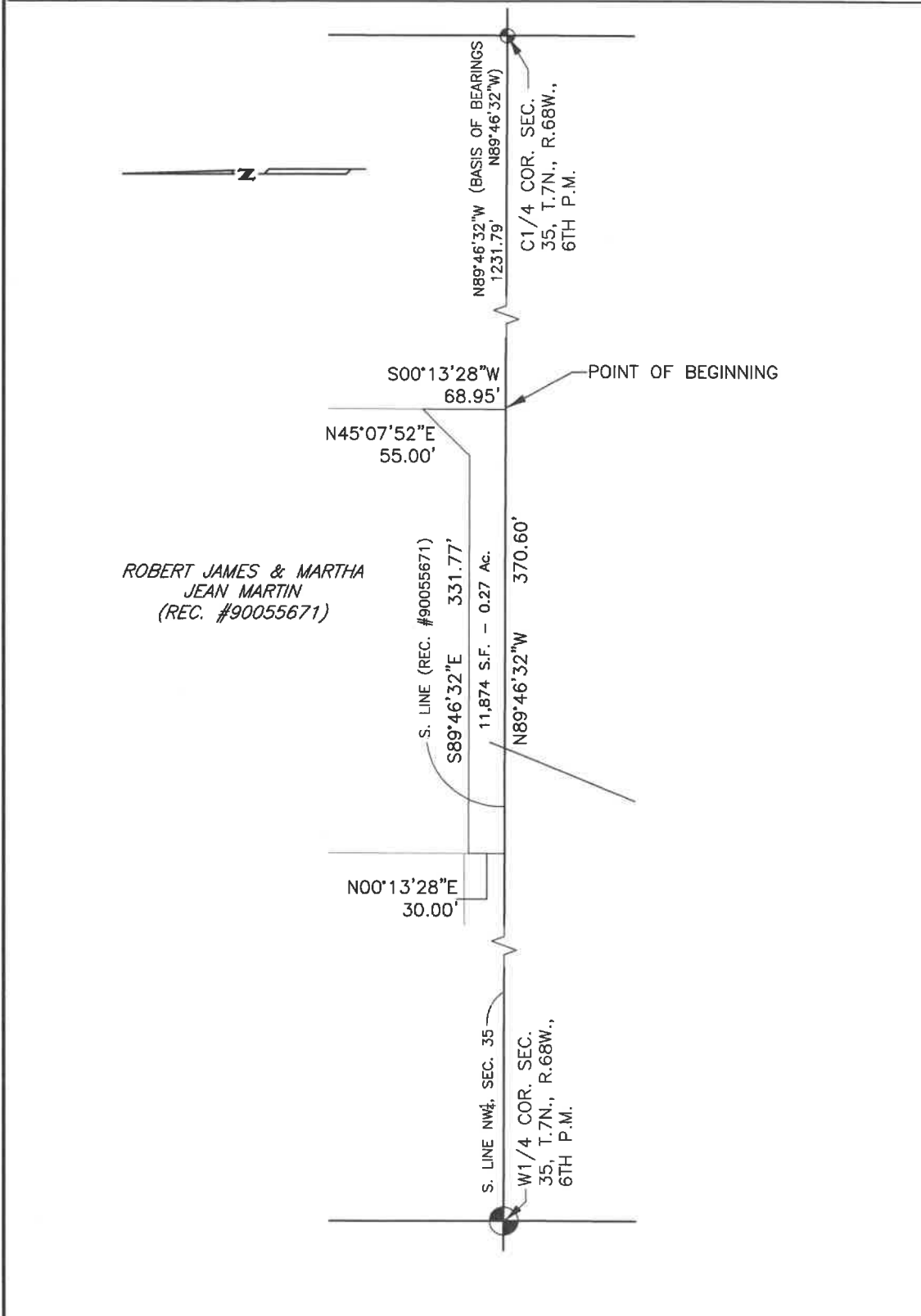
LEGAL DESCRIPTION  
 EMK CONSULTANTS, INC.  
 7006 SOUTH ALTON WAY, BUILDING F, CENTENNIAL, COLORADO 80112-2019 (303) 694-1520

SHEET 1 OF 2   
 ENGINEERING & SURVEYING

NOTICE: This drawing does not represent a monumented survey and is only intended to depict the accompanying legal description.

Date 09/09/15 Job No. 12415  
 Scale 1"=100' Drawn By DMC

NOTICE: According to Colorado law you must commence any legal action based upon any defect in this survey within 3 years after you first discover such defect. In no event, may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon.







LEGAL DESCRIPTION  
 EMK CONSULTANTS, INC.  
 7006 SOUTH ALTON WAY, BUILDING F, CENTENNIAL, COLORADO 80112-2019 (303) 694-1520

SHEET 2 OF 2 (H)

ENGINEERING & SURVEYING

**NOTICE:** This drawing does not represent a monumented survey and is only intended to depict the accompanying legal description.

Date 09/09/15 Job No. 12415  
 Scale N/A Drawn By DSN

**NOTICE:** According to Colorado law you must commence any legal action based upon any defect in this survey within 3 years after you first discover such defect. In no event, may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon.

LEGAL DESCRIPTION

A PARCEL OF LAND LOCATED IN THE NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 7 NORTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF LARIMER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE CENTER QUARTER CORNER OF SAID SECTION 35 WITH THE SOUTH LINE OF SAID NORTHWEST QUARTER OF SECTION 35 BEARING N89°46'32"W FORMING THE BASIS OF BEARINGS FOR THIS DESCRIPTION;

THENCE N89°46'32"W ALONG SAID SOUTH LINE OF THE NORTHWEST QUARTER OF SECTION 35, 1231.79 FEET TO THE SOUTHEAST CORNER OF A PARCEL OF LAND DESCRIBED AT RECEPTION NUMBER 90055671 OF THE LARIMER COUNTY RECORDS AND THE **POINT OF BEGINNING**;

THENCE CONTINUING ALONG SAID SOUTH LINE OF THE NORTHWEST QUARTER OF SECTION 35, N89°46'32"W, 370.60 FEET TO THE WEST LINE OF SAID PARCEL OF LAND DESCRIBED AT RECEPTION NUMBER 90055671;

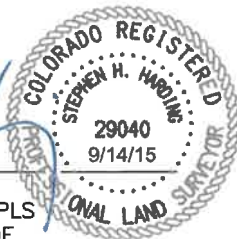
THENCE N00°13'28"E ALONG THE WEST LINE OF SAID PARCEL, 30.00 FEET;

THENCE S89°46'32"E, 331.77 FEET;

THENCE N45°07'52"E, 55.00 FEET TO THE EAST LINE OF SAID PARCEL OF LAND;

THENCE S00°13'28"W ALONG SAID EAST LINE OF SAID PARCEL OF LAND 68.95 FEET TO THE **POINT OF BEGINNING**, CONTAINING 11,874 SQUARE FEET OR 0.27 ACRES, MORE OR LESS.

*Signature of Stephen H. Harding*



PREPARED BY:  
 STEPHEN H. HARDING, PLS  
 FOR AND ON BEHALF OF  
 EMK CONSULTANTS, INC.