

JULY 27, 1998

MEMORANDUM OF UNDERSTANDING

between
the

**COLORADO DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION**

and

PITKIN COUNTY

for

THE ENTRANCE TO ASPEN

PURPOSE

The purpose of this Memorandum of Understanding is to express and memorialize the understandings and agreements of the parties regarding the matters set forth herein and to advance the planning and construction of the State Highway 82 Entrance to Aspen Project. The parties desire to clear the way for early design, right-of-way acquisition, and construction on certain components of the project as soon as the Record of Decision is signed, including those components listed in the section entitled Project Sequencing. The parties further desire to recite and memorialize their mutual understandings concerning the projects and associated mitigation proposals in order to address requirements of Section 4(f) of the Department of Transportation Act of 1966, as amended, and the Federal Aid Highway Act of 1968, and to preserve and protect municipally-owned parklands, open space, recreation areas, wetlands, and designated historic sites and structures.

PARTIES

The parties to this Memorandum are:

Pitkin County, Colorado ("County");
The Colorado Department of Transportation ("CDOT"); and
The Federal Highway Administration ("FHWA").

Although not party to this agreement, The City of Aspen ("City") will be involved in this project. A separate agreement exists with the City.

MITIGATION PLAN

There is a County-owned parcel of Section 4(f) resources impacted by the transportation project and construction of the Moore Intermodal Transfer Center. This is the Moore Open Space. CDOT has determined to acquire a portion of this property through eminent domain proceedings.

CDOT agrees to mitigate all impacts to the Section 4(f) resource listed above in the following manner.

Moore Open Space

- Based on studies to date, CDOT does not anticipate using more than 1.5 acres of the Moore Open Space.
- CDOT shall contain all construction activities to the temporary and permanent easements as provided by the County.
- CDOT, prior to commencement of construction, shall replace the open space taken with CDOT owned property at the former Mills Ranch located at the intersection of State Highway 82 and Brush Creek Road. CDOT shall convey the replacement property from Mills Ranch as public open space by quitclaim deed to the City and County, each to hold an undivided interest in the property. Prior to conveying the replacement land to the City and County, CDOT shall create a transportation easement over the Mills Ranch for a future bridge across the Roaring Fork River. Such future bridge use shall be agreed to by the City, County, and CDOT. In the event that such a bridge is determined by CDOT, the City and the County not to be necessary, CDOT shall remove the easement. Appended hereto as Exhibit "A" are a map and legal description that depict the area of the Mills Ranch to be conveyed to the City and County. The portion of the Mills Ranch to

be conveyed by CDOT shall be subject to restrictions on the sale or change in use provided in City of Aspen Municipal Charter, Article XIII, Section 13.4, or Pitkin County Home Rule Charter Article XIII, section 13.5.3, as applicable. The parties acknowledge that the value of the replacement property is equal to or greater than the value of the property taken. The parties further acknowledge that the actual amount of land to be taken cannot be determined until after final design and engineering is completed for the project. The parties agree that the replacement property, formerly part of the Mills Ranch, constitutes just compensation for the land taken from and any damages to the remainder of the Moore Open Space through the CDOT initiated eminent domain proceedings.

EXISTING MAROON CREEK PEDESTRIAN BRIDGE

- CDOT shall remove the pedestrian bridge, and relocate the segments of the bridge to the Pitkin County Public Works yard. The bridge shall remain the property of Pitkin County.

MEDIAN WIDTHS

- CDOT shall install medians in the new transportation corridor extending from the east end of Maroon Creek to the west end of the cut and cover tunnel. Such median shall allow raised planters, and shall be equipped with underground irrigation. CDOT is responsible for obtaining water for all irrigation and will be solely responsible for any associated costs including tap fees. The typical width of the median will be 12 feet from back of curb to back of curb. The width of the median, however, varies along this stretch of the corridor. The landscaping and maintenance of the medians outside the City limits and within the project limits shall be borne by the County in perpetuity. The details of the County's responsibility for maintenance of the medians outside the city limits and within the project limits shall be specified in a maintenance agreement to be executed between CDOT and the County.

RIGHT-OF-WAY ISSUES

- The County shall also grant and convey CDOT additional 20 foot wide temporary construction easements adjacent to the permanent easements which shall expire upon completion of that component of construction for which it is needed. The permit, easements and temporary construction easements are more completely described in Exhibit "B".
- CDOT shall revegetate and landscape all temporary easements to the satisfaction of the County upon completion of the transportation project.
- CDOT shall confirm all parcel descriptions for impacted and/or exchanged land, and all as-built highway, transit, bridge, and easement dimensions as generally described above by current survey prepared by a licensed surveyor.

PROJECT SEQUENCING

- CDOT shall work cooperatively with the County to construct the following highway components of the preferred alternative as soon as possible:
 - Maroon/Castle Creek State Highway 82 intersection
 - Owl Creek Road/Highway 82 Pedestrian Underpass
 - Maroon Creek Bridge
 - Bus Priority Lane from Shale Bluffs to Buttermilk
 - Airport Business Center to Buttermilk, including the realignment of Owl Creek Road and the signalized, channelized intersection at State Highway 82 and Buttermilk.
- It is understood that these projects will require both privately owned, City owned, and County owned right-of-way. These projects will proceed into construction only after all right-of-way transactions are complete.
- Concerning the realignment of Owl Creek Road and the future construction of the Buttermilk intercept lot, the right-of-way acquisition of property for the construction of those features shall be done in partnership between CDOT and the County.

MISCELLANEOUS

- CDOT shall minimize to the maximum extent practicable disturbance and/or destruction of existing vegetation.
- CDOT shall repair all damage or disturbance caused by construction activities to all County-owned land and/or structures upon completion of the transportation corridor project. This shall include landscaping, berming and re-seeding all disturbed land pursuant to the agreed upon landscape plan. Native plant species of grass, shrubs and trees indigenous to the Aspen area shall be used for landscaping, unless the same is unavailable. The County shall approve all final landscaping.
- CDOT shall provide the County access to and input into final highway and bridge design for that portion of the project to be constructed within the County or on County-owned land and the County must review and agree to all final bid packages applicable thereto. The County's Director of Public Works shall act as the County's contact person for all design and construction activities.
- The County and the City of Aspen shall implement, maintain, and fund the Incremental Transportation Management Program in accordance with the program requirements defined in the Final Environmental Impact Statement to maintain the overall goal of the program.

AMENDMENTS

This Memorandum of Understanding may only be amended upon written agreement of all of the parties.

IN WITNESS WHEREOF, the parties have placed their signatures by and through their duly authorized representatives on the date(s) as indicated.

and the signalized

Colorado Department of Transportation

By: W F Reschek
Executive Director

7/30/98
Date

Pitkin County

By: Suzanne Konchan
Suzanne Konchan, County Manager

7/28/98
Date

Federal Highway Administration

By: James Daves
James Daves, Division Administrator

8/3/98
Date

EXHIBIT A
MILLS RANCH

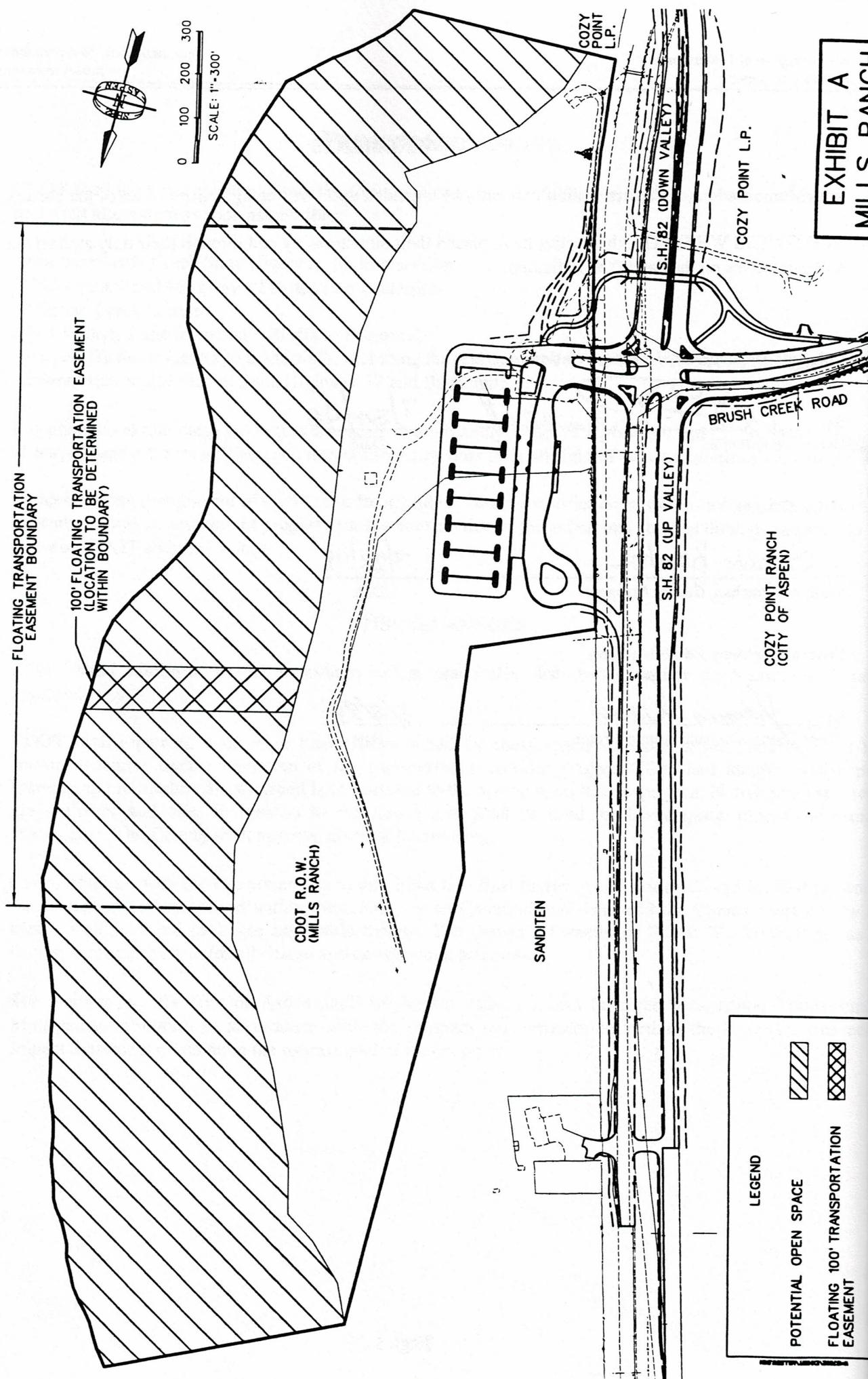


EXHIBIT "A"

PROJECT NUMBER: STR 0821-029 UNIT 3

PARENT PARCEL NUMBER: 302

Project Code: 10211

Date: June 17, 1998

DESCRIPTION

A tract or parcel of land being a part of parcel No. 302 of the Department of Transportation State of Colorado, Project No. STR 0821-029 Unit 3 containing 31.382 acres more or less, in Lots 9 and 10, Section 21, Township 9 South, Range 85 West of the Sixth Principal Meridian, in Pitkin County, Colorado, said tract being more particularly described as follows:

Commencing at the Southeast corner of Section 21, Township 9 South, Range 85 West of the Sixth Principal Meridian; Thence South $89^{\circ} 22' 36''$ West, a distance of 479.20 feet to a point where the center of the main channel of the Roaring Fork River as located in 1996 intersects the South line of said Section 21, said point being the **TRUE POINT OF BEGINNING**;

1. Thence continuing South $89^{\circ} 22' 36''$ West along the South line of said Section 21, a distance of 412.98 feet;
2. Thence North $18^{\circ} 39' 54''$ East, a distance of 99.30 feet;
3. Thence North $35^{\circ} 22' 54''$ East, a distance of 134.30 feet;
4. Thence North $53^{\circ} 25' 22''$ East, a distance of 282.39 feet;
5. Thence North $28^{\circ} 42' 04''$ West, a distance of 118.61 feet;
6. Thence North $20^{\circ} 04' 47''$ East, a distance of 127.08 feet;
7. Thence North $04^{\circ} 32' 16''$ East, a distance of 180.60 feet;
8. Thence North $03^{\circ} 40' 22''$ West, a distance of 949.49 feet;
9. Thence North $11^{\circ} 09' 44''$ East, a distance of 252.30 feet;
10. Thence North $12^{\circ} 28' 42''$ West, a distance of 220.29 feet;
11. Thence North $31^{\circ} 19' 11''$ West, a distance of 314.28 feet;
12. Thence North $19^{\circ} 45' 23''$ West, a distance of 322.57 feet;
13. Thence North $51^{\circ} 40' 03''$ West, a distance of 148.69 feet;

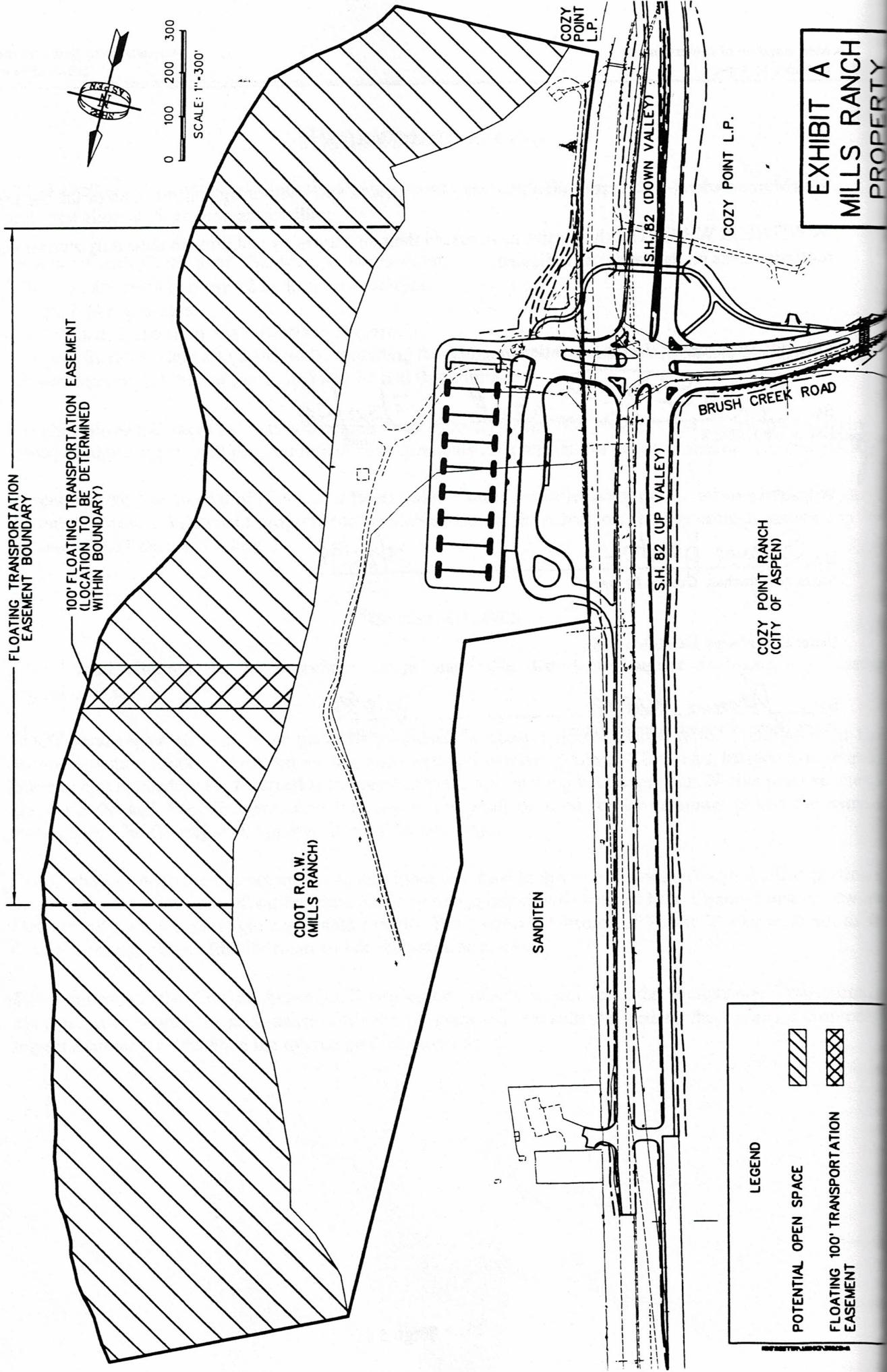


EXHIBIT "A"

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PARENT PARCEL NUMBER: 302

Project Code: 10211

Date: June 17, 1998

DESCRIPTION

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Commencing at the Southeast corner of Section 21, Township 9 South, Range 85 West of the Sixth Principal Meridian; Thence South $89^{\circ} 22' 36''$ West, a distance of 479.20 feet to a point where the center of the main channel of the Roaring Fork River as located in 1996 intersects the South line of said Section 21, said point being the **TRUE POINT OF BEGINNING**;

1. Thence continuing South $89^{\circ} 22' 36''$ West along the South line of said Section 21, a distance of 412.98 feet;
2. Thence North $18^{\circ} 39' 54''$ East, a distance of 99.30 feet;
3. Thence North $35^{\circ} 22' 54''$ East, a distance of 134.30 feet;
4. Thence North $53^{\circ} 25' 22''$ East, a distance of 282.39 feet;
5. Thence North $28^{\circ} 42' 04''$ West, a distance of 118.61 feet;
6. Thence North $20^{\circ} 04' 47''$ East, a distance of 127.08 feet;
7. Thence North $04^{\circ} 32' 16''$ East, a distance of 180.60 feet;
8. Thence North $03^{\circ} 40' 22''$ West, a distance of 949.49 feet;
9. Thence North $11^{\circ} 09' 44''$ East, a distance of 252.30 feet;
10. Thence North $12^{\circ} 28' 42''$ West, a distance of 220.29 feet;
11. Thence North $31^{\circ} 19' 11''$ West, a distance of 314.28 feet;
12. Thence North $19^{\circ} 45' 23''$ West, a distance of 322.57 feet;
13. Thence North $51^{\circ} 40' 03''$ West, a distance of 148.69 feet;

14. Thence North $30^{\circ} 45' 31''$ West, a distance of 136.47 feet to the Northerly line of that certain parcel of land described in deed recorded in Book 736 on Page 296 of the Pitkin County records;
15. Thence North $65^{\circ} 23' 01''$ East along said Northerly line, a distance of 557.09 feet to the center of the main channel of the Roaring Fork River as located in 1996;
16. Thence South $31^{\circ} 58' 34''$ East along said channel center, a distance of 111.09 feet
17. Thence South $40^{\circ} 12' 02''$ East continuing along said channel center, a distance of 58.21 feet;
18. Thence South $29^{\circ} 57' 54''$ East continuing along said channel center, a distance of 91.35 feet;
19. Thence South $12^{\circ} 23' 31''$ East continuing along said channel center, a distance of 30.55 feet;
20. Thence South $27^{\circ} 25' 45''$ East continuing along said channel center, a distance of 61.85 feet;
21. Thence South $33^{\circ} 09' 08''$ East continuing along said channel center, a distance of 51.13 feet;
22. Thence South $17^{\circ} 11' 31''$ East continuing along said channel center, a distance of 83.60 feet;

23. Thence South $09^{\circ} 39' 36''$ East continuing along said channel center, a distance of 50.71 feet;
24. Thence South $17^{\circ} 31' 59''$ East continuing along said channel center, a distance of 96.33 feet;
25. Thence South $13^{\circ} 48' 57''$ East continuing along said channel center, a distance of 74.86 feet;
26. Thence South $12^{\circ} 55' 53''$ East continuing along said channel center, a distance of 77.49 feet;
27. Thence South $09^{\circ} 05' 11''$ East continuing along said channel center, a distance of 64.24 feet;
28. Thence South $19^{\circ} 12' 15''$ East continuing along said channel center, a distance of 81.69 feet;
29. Thence South $25^{\circ} 25' 08''$ East continuing along said channel center, a distance of 42.20 feet;
30. Thence South $22^{\circ} 41' 11''$ East continuing along said channel center, a distance of 30.50 feet;
31. Thence South $19^{\circ} 58' 11''$ East continuing along said channel center, a distance of 39.79 feet;
32. Thence South $80^{\circ} 04' 51''$ East continuing along said channel center, a distance of 31.14 feet;
33. Thence South $17^{\circ} 08' 43''$ East continuing along said channel center, a distance of 58.87 feet;
34. Thence South $01^{\circ} 17' 16''$ West continuing along said channel center, a distance of 33.29 feet;

certain
County
center
21 feet;
35 feet;
0.55 feet;
1.85 feet;
1.13 feet;
3.60 feet;
50.71 feet;
96.33 feet;
74.86 feet;
77.49 feet;
64.24 feet;
81.69 feet;
42.20 feet;
30.50 feet;
39.79 feet;
31.14 feet;
58.87 feet;
33.29 feet;

35. Thence South $03^{\circ} 48' 16''$ East continuing along said channel center, a distance of 50.02 feet;
36. Thence South $10^{\circ} 05' 31''$ East continuing along said channel center, a distance of 26.55 feet;
37. Thence South $03^{\circ} 46' 48''$ East continuing along said channel center, a distance of 122.24 feet;
38. Thence South $03^{\circ} 18' 02''$ West continuing along said channel center, a distance of 219.04 feet;
39. Thence South $00^{\circ} 16' 17''$ West continuing along said channel center, a distance of 122.89 feet;
40. Thence South $11^{\circ} 58' 12''$ West continuing along said channel center, a distance of 47.38 feet;
41. Thence South $26^{\circ} 23' 36''$ West continuing along said channel center, a distance of 69.74 feet;
42. Thence South $32^{\circ} 43' 21''$ West continuing along said channel center, a distance of 104.98 feet;
43. Thence South $29^{\circ} 04' 26''$ West continuing along said channel center, a distance of 72.04 feet;
44. Thence South $15^{\circ} 46' 21''$ West continuing along said channel center, a distance of 59.50 feet;
45. Thence South $05^{\circ} 14' 16''$ West continuing along said channel center, a distance of 63.97 feet;
46. Thence South $11^{\circ} 31' 00''$ East continuing along said channel center, a distance of 77.34 feet;
47. Thence South $09^{\circ} 35' 52''$ East continuing along said channel center, a distance of 64.82 feet;
48. Thence South $26^{\circ} 37' 15''$ East continuing along said channel center, a distance of 128.01 feet;
49. Thence South $29^{\circ} 33' 35''$ East continuing along said channel center, a distance of 133.20 feet;
50. Thence South $11^{\circ} 47' 21''$ East continuing along said channel center, a distance of 107.68 feet;
51. Thence South $03^{\circ} 03' 50''$ West continuing along said channel center, a distance of 119.45 feet;
52. Thence South $11^{\circ} 14' 44''$ West continuing along said channel center, a distance of 194.31 feet;
53. Thence South $16^{\circ} 49' 30''$ West continuing along said channel center, a distance of 89.35 feet;
54. Thence South $18^{\circ} 25' 08''$ West continuing along said channel center, a distance of 87.88 feet;
55. Thence South $47^{\circ} 30' 46''$ West continuing along said channel center, a distance of 121.02 feet;
56. Thence South $53^{\circ} 30' 15''$ West continuing along said channel center, a distance of 59.88 feet;

57. Thence South $47^{\circ} 04' 21''$ West continuing along said channel center, a distance of 65.11 feet;
58. Thence South $39^{\circ} 15' 33''$ West continuing along said channel center, a distance of 46.07 feet;
59. Thence South $29^{\circ} 14' 53''$ West continuing along said channel center, a distance of 48.65 feet to the **TRUE POINT OF BEGINNING**.

The above described parcel contains 1,366,989 square feet or 31.382 acres more or less.

BASIS OF BEARINGS: South $89^{\circ} 22' 36''$ West along the Section line common to the Southeast Quarter of Section 21 and the Northeast Quarter of Section 28, T. 9 S., R. 85 W., 6th P.M.. The Section corner common to Sections 21, 22, 27 and 28 of said Township being a 1992 3-1/2 inch brass cap marked P.L.S. 16129 and the Quarter corner common to Section 21 and 22, being a 1994 3-1/4 inch C.D.O.H. aluminum cap marked P.L.S. 17491.

WRITTEN BY:

Gary D. Gable, PLS 24662
MK Centennial
P.O. Drawer 1307
Arvada, CO 80001



1 feet;
7 feet;
65 feet

southeast
n corner
d P.L.S.
num cap

**EXHIBIT B
MOORE PROPERTY
EASEMENTS**

STATE HIGHWAY 82

EXISTING PROPERTY
LINE

TEMPORARY R.O.W.
EASEMENT

PERMANENT R.O.W.
EASEMENT

CONSTRUCTION LIMITS

Scale = 1" : 100'

