

DISTRICT COURT, ADAMS COUNTY, COLORADO Court Address: Adams County Justice Center 1100 Judicial Center Drive Brighton, CO 80601 Petitioner: CITY OF COMMERCE CITY, COLORADO, a Colorado home rule municipality, v. Respondents: H4 INVESTMENTS, LLLP, a Colorado limited liability limited partnership; et al. Attorneys for Petitioner HOFFMANN, PARKER, WILSON & CARBERRY, P.C. Corey Y. Hoffmann, #24920 M. Patrick Wilson, #26303 Ashley N. Pollock, #39795 511 16th Street, Suite 610 Denver, CO 80202 Telephone: (303) 825-6444 Email: cyhoffmann@hpwclaw.com pwilson@hpwclaw.com anp@hpwclaw.com	COURT USE ONLY Case No. 2015CV031157 Div. W
STIPULATED FINAL RULE AND ORDER	

THIS MATTER, having been resolved by City of Commerce City, Colorado ("Petitioner" or "Commerce City") and Respondents H4 Investments, LLLP, a Colorado limited liability limited partnership; Commerce Place, Inc., a Colorado corporation; Kremmling Center, Inc., a Colorado corporation; David W. Hammer; and Karen J. Hammer, and the other named Respondents that have been served according to C.R.S. § 38-1-103 having no objection or having expressly released any interest in the Subject Property, the Court therefore enters the following Stipulated Final Rule and Order and Release of Lis Pendens:

1. Commerce City has the authority pursuant to Section 4.15 of its Home Rule Charter and pursuant to Article XX, § 6 of the Colorado Constitution to condemn the Subject Property which is the subject of this action, and Petitioner has met the necessary requirements under Colorado law in this matter.

2. Respondents are the record holder of fee title to the property more particularly described in Exhibits A, B, C, D, E, F and G of the Petition in Condemnation filed in this matter, and attached hereto as **Exhibits A, B, C, D, E, F and G** (the "Subject Property").

3. Commerce City and Respondents agree that just compensation for the acquisition of the Subject Property shall be as follows:

- A. Just Compensation for the Subject Property in the amount of Three Hundred and Ninety Eight Thousand and Seven Hundred and Sixty-Four Dollars (\$398,764.00) previously paid to Hammer by the City pursuant to that Possession and Use Agreement dated July 16, 2010, and an additional Five Hundred and Eighty Six Thousand Dollars (\$586,000.00) to be deposited into the Court Registry in this case for total Just Compensation for the Subject Property of Nine Hundred and Eighty Four Thousand and Seven Hundred and Sixty-Four Dollars (\$984,764.00), each party to bear its own attorneys' fees and costs; and
- B. The City agrees that upon the City's receipt of stamped engineering assurance that the roadway improvements constructed at East 104th Avenue and Highway 85 have the necessary support and stability in the absence of the slope easement property acquired by the City, the City shall execute and record a release/relinquishment of the slope easements acquired by the City, and attached hereto as **Exhibit E**.

IT IS ORDERED, ADJUDGED AND DECREED:

- a. Commerce City is hereby adjudged to be the absolute holder and owner in and of the following property rights:
 - i. Fee simple title in the property more particularly described in **Exhibit A**, Property Description Parcels 5A, 5B, and 5C) and **Exhibit B** (Property Description Parcels 5D1, 5D2, 5E, 5F and 5G);
 - ii. Utility easements as more particularly described in **Exhibit C** (Property Description Parcels UE-5A1, UE-5A2, and UE-5C) and **Exhibit D** (Property Description Parcels UE-5D1, UE-5D2, UE-5E, UE-5F and UE-5G);
 - iii. Slope easements as more particularly described in **Exhibit E** (Property Description Parcels SE-5D1, SE-5D2, SE-5E, SE-5F and SE-5G); and
 - iv. Temporary easements as more particularly described in **Exhibit F** (Property Description Parcel TE-5A) and **Exhibit G** (Property Description Parcels TE-5D1, TE-5D2, TE-5E and TE-5F)
- b. Just Compensation for the Subject Property in the amount of Nine Hundred and Eighty Four Thousand and Seven Hundred and Sixty-Four Dollars (\$984,764.00);

- c. Said amount of Just Compensation consists of Three Hundred and Ninety Eight Thousand and Seven Hundred and Sixty-Four Dollars (\$398,764.00) previously paid to Respondents herein, and the additional Five Hundred and Eighty Six Thousand Dollars (\$586,000.00) shall be deposited into the Court Registry in this case within ten (10) days of the Court entering this Final Rule and Order;
- d. A certified copy of this Final Rule and Order shall be recorded and indexed in the Office of the Clerk and Recorder of the County of Adams, State of Colorado, in a like manner and with like effect as if it were a Deed of Conveyance from Respondents to Commerce City herein; and
- e. Upon the recording of this Rule and Order, and to the extent inconsistent with this Rule and Order, the Notice of Lis Pendens, recorded in the County of Adams on _____, at Reception No. _____ shall be released and superseded by this Rule and Order.

IT IS SO ORDERED.

Signed _____, 2016.

BY THE COURT:

District Court Judge

APPROVED AS TO FORM: