

February 21, 2025

Graham Jackson, Esq.  
Kelly Cave, Esq.  
Garfield County Attorney's Office  
108 8th Street, Suite 219  
Glenwood Springs, Colorado 81601  
Sent via email to: [gjackson@garfield-county.com](mailto:gjackson@garfield-county.com); [kcave@garfield-county.com](mailto:kcave@garfield-county.com)

**Re: Colorado Real Property**

Dear Kelly and Graham:

Thanks for recently speaking with me regarding a piece of property which is part of the Park-and-Ride redevelopment in Rifle. I represent the City of Rifle. My client is part of a multi-party agreement to redevelop the existing local Park and Ride in Rifle. **Copy of the MOU reflecting that agreement is enclosed.** The redevelopment is slated to occur in the red shaded area depicted on the **enclosed Google Earth Image**. I am asking that Garfield County provide my client a Quit Claim Deed of any interest they may have in a parcel of land that the County sold and conveyed to the State Highway Commission of Colorado in 1953, for the use and benefit of the Department of Highways of the State of Colorado<sup>1</sup> (the Parcel). Contained within the grant was the following language "*for present and future highway purposes only.*" This language was typical and consistent with state requirements for the Highway Commission's acceptance of Right of Way deeds. Title 43 of the Colorado revised statutes is devoted to transportation matters, and as relevant here, the powers and duties of the Department of Transportation and Transportation Commission relative to highways. According to the transportation provisions, the commission is authorized to acquire land for *state highway purposes* through the power of eminent domain, according to articles 1 to 7 of title 38. § 43-1-208(3), C.R.S. (2010). The department acquires real property for *highway purposes*, whether by condemnation, purchase, lease, or any other means. . . . [but nothing in title 43 purported to limit the department from taking a greater interest in the subsurface estate. *DOT v. Gypsum Ranch Co., Ltd. Liab. Co.*, 244 P.3d 127, 130 (Colo. 2010).

The Parcel is part of the Park and Ride redevelopment at the intersection of Railroad Avenue and Centennial Parkway in Rifle. The land which falls under the deed is part of a complex land swap reflected in the MOU that will result in the property being conveyed to the City from CDOT. The property at issue is known as Parcel 3 in the MOU. See Exhibit A to MOU.

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1. Deed executed on November 5, 1952 and recorded on March 9, 1953 in Book 268, Page 132-33, Reception No. 181917. **Copy enclosed.**

Mail to:  
**Glenwood Springs**  
201 14<sup>th</sup> Street  
Suite 200  
Glenwood Springs, CO 81602

**Aspen**  
0133 Prospector Road  
Suite 4102-J  
Aspen, CO 81611

**Basalt**  
200 Basalt Center  
Suite 200  
Basalt, CO 81621

**Ridgway**  
565 Sherman Street  
Suite 6  
Ridgway, CO 81432

Garfield County was the grantor of the 1953 deed and thus possibly would have a right to enforce the deed restriction.

We have determined that Rifle might need to quiet title on Parcel 3 to effectuate the transactions contemplated in the MOU. As part of that action, we will seek declaratory relief from the court that states that either changed circumstances or impracticability require that the deed restriction be held void. We also will seek relief that the restriction is not violated by the conveyances contemplated by the MOU because they are all done in support of the redevelopment of the Park and Ride which is a highway purpose.

My job is to clean up the title. In Colorado, before a party files an action to quiet title, we can circumvent the involvement of parties who choose not to participate by following this rule:

**(d) Execution of Quitclaim Deed Saves Costs.** If a party, 21 days or more before bringing an action for obtaining an adjudication of the rights of another person with respect to any real property, shall request of such person the execution of a quitclaim deed to such property and shall also tender to such person \$20.00 to cover the expense of the execution and delivery of a deed and if such person shall refuse or neglect to execute and deliver such deed, the filing by such person of a disclaimer shall not avoid the imposition upon such person of the costs in the action afterwards brought.

*C.R.C.P. Rule 105 - Actions Concerning Real Estate.*

Attached is a **Quit Claim deed** to be executed by Board of County Commissioners Chairman Tom Jankovsky. **Hard copies of the deed and a \$20.00 check** are being sent by U.S. Mail per C.R.C.P. 105. The quit claim deed does not mean that the County has any actual interest in the Parcel or any assigned rights, but its effect is that if the County does, it is transferring them to Rifle. Let me know if you have any questions. Thanks again for your cooperation.

Sincerely,

KARP NEU HANLON, P.C.



James F. Fosnaught, Esq.

Enclosures

CC: City of Rifle Manager

**QUIT CLAIM DEED**

The BOARD OF COUNY COMMISSIONERS OF GARFIELD COUNTY COLORADO, whose legal address is 108 8<sup>th</sup> Street, Glenwood Springs, Colorado 8160 (“Grantor”), for the consideration of TWENTY DOLLARS, (\$20.00), in hand paid, does hereby remise, release, sell and QUITCLAIM unto the Grantee, and the Grantee’s heirs and assigns, forever, all the right, title, interest, claim and demand which the Grantor has in and to the real property, together with any improvements thereon to The City of Rifle, whose legal address is 202 Railroad Ave., Rifle, Colorado 81650 (the “Grantee”), the following real property located in the County of GARFIELD, and the State of COLORADO, to wit:

**See Exhibit A.**

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

BOARD OF COUNY COMMISSIONERS OF GARFIELD COUNTY,  
COLORADO

\_\_\_\_\_  
Name: Tom Jankovsky, Chairman of the Board of County Commissioners

ATTEST:

\_\_\_\_\_  
Jackie Harmon  
Garfield County Clerk & Recorder

STATE OF COLORADO                    )  
  ) ss.  
COUNTY OF GARFIELD                )

The foregoing instrument was acknowledged before me this day of \_\_\_\_\_, by TOM JANKOVSKY AS CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF GARFIELD COUNTY, COLORADO .

Witness my hand and official seal.  
My commission expires:

\_\_\_\_\_  
Notary Public

## Exhibit A – Property Description

A tract or parcel of land, No. 39 of Grantee's Project No. F 001-1(4), containing \_\_\_\_\_ acres, in the City of Rifle in Government Lot 3, Section 16, T. 6 S., R. 93 W. of the Sixth P.M. in Garfield County, Colorado, said tract or parcel being more particularly described as follows:

All of Lots numbered 1 to 8 inclusive; those portions of Lots numbered 18 to 23 inclusive lying South and West of a line from the SE corner of Lot 18 to a point on the West line of Lot 23, which point is 50.0 feet South of the NW corner of said Lot 23; The South 75.0 feet of Lot 24; All of those portions of Lots 9 to 12 inclusive lying South and West of a line from a point on the W. line of Lot 9, which point is 84.4 feet W. of the NE corner of Lot 12, to a point on the E. line of Lot 12, which point is 25.6 feet W. of the SE corner of Lot 12, All in Block J, City of Rifle.

### ALSO

A tract or parcel of land, No. 41 of Grantee's Project No. F 001-1(4), containing 1.046 acres, more or less, in Government Lot 2, Sec. 16, T. 6 S., R. 93 W. of the Sixth P.M. in Garfield County, Colorado, said tract or parcel being more particularly described as follows:

Beginning at the SE corner of Lot Number 12 in Block E. of the City of Rifle:

1. Thence along the west line of Lot 2, Sec. 16, S. 0° 04' E. a distance of 150.0 feet;
2. Thence N. 74° 02' 30" E. a distance of 118.4 feet;
3. Thence N. 83° 51' E. a distance of 142.5 feet;
4. Thence N. 86° 09' 30" E. a distance of 270.7 feet to the southerly right of way line of State Highway Project 145-C;
5. Thence along the southerly right of way line of State Highway Project 145-C N. 78° 57' W. a distance of 249.0 feet;
6. Thence along the southerly right of way line of State Highway Project 145-C along the arc of a curve to the right with a radius of 398.1 feet a distance of 198.0 feet (the chord of which arc bears N. 64° 42' W. a distance of 196.0 feet) to the south city limit line of the City of Rifle;
7. Thence along the south city limit line of the City of Rifle  
S. 89° 54' W. a distance of 106.3 feet to the west line of Lot 2, Sec. 16;
8. Thence along the west line of Lot 2, Sec. 16, S. 0° 04' E. a distance of 47.3 feet, more or less, to the point of beginning.

The above described parcel contains 1.046 acres, more or less.

together with all the appurtenances thereunto belonging, including but not in any way limiting in such conveyance, all gravel, earth, rock, timber and all other materials and growths now or hereafter to be found on said property, and the right to remove the same from said premises, and the right to make cuts and fills thereon.

1091

**KARP NEU HANLON PC**  
EXPENSE ACCOUNT  
PO DRAWER 2030  
GLENWOOD SPRINGS, CO 81602  
(970) 945-2261

DATE 2/20/2025 82-123/1070

PAY TO THE ORDER OF Garfield County

\$ 2000

DOLLARS  Security features  
Check in black

**ANB Bank**  
www.anbbank.com  
Telephone 1-866-433-0282  
FOR QCD - Garfield County - 3245

*[Handwritten Signature]*

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