	GRANTED WITH AMENDMENTS	**The moving party is hereby ORDERED to provide a copy of this Order to any pro se parties who have entered an appearance in this action within 10 days from the date of this order.**	**Daniel B. Petre** **District Court Judge** DATE OF ORDER INDICATED ON ATTACHMENT

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CO Pitkin County District Court 9th JD
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DISTRICT COURT, PITKIN COUNTY, COLORADO 506 East Main, Ste. 300 Aspen, Colorado 81611 Phone: (970) 925-7635 Fax: (970) 925-6349	
Petitioners: ROARING FORK TRANSPORTATION AUTHORITY, a State of Colorado regional transportation authority; TOWN OF BASALT, a municipal corporation of the State of Colorado v. **Respondents:** MYERS AND ASSOCIATES, a Colorado general partnership; HOLY CROSS ELECTRIC ASSOCIATION, INC.; TOM OKEN, in his capacity as Treasurer for Pitkin County.	**▲COURT USE ONLY▲**
Attorneys for Petitioners: Malcolm M. Murray, No. 7249 M. Patrick Wilson, No. 26303 Christopher Price, No. 37866 Murray Dahl Kuechenmeister & Renaud LLP 1530 16th Street, Suite 200 Denver, Colorado 80202 Telephone: 303-493-6670 Fax: 303-477-0935 E-mail: mmurray@mdkrlaw.com; pwilson@mdkrlaw.com; cprice@mdkrlaw.com	Case Number: 2011CV339 Div.: 2

RULE AND ORDER

THIS MATTER COMES BEFORE THE COURT on the Consent to Entry of Final Rule and Order entered into and submitted by Petitioners, Roaring Fork Transportation Authority and Town of Basalt (hereinafter "Petitioners") and Respondent-Landowner Myers and Associates.

Based upon the Stipulation and Consent to Entry of Final Rule and Order, all responses, replies or other submittals in response thereto, and the Court's record in this case, and having

been fully advised of the circumstances and facts of this case, **THE COURT HEREBY FINDS AS FOLLOWS**:

1. That Petitioner filed a condemnation action on or about December 27, 2011.

2. That Petitioner seeks to acquire the unencumbered fee interest in certain real property and improvements located in Pitkin County, Colorado as more fully described in the Petition in Condemnation.

3. That Respondent-Landowner Myers and Associates ("Landowner") is the fee owner of the real property described in the Petition in Condemnation (the "Landowner Property"). A legal description of the Landowner Property is attached hereto as Exhibit A and incorporated herein by this reference.

4. That based upon the records and files herein, all persons interested as owners or otherwise, as appearing of record, have been joined as Respondents in this action; that service of process has been properly perfected on all named Respondents as required by law, or that the same have subjected themselves to the jurisdiction of this Court; and that the Court has full and complete jurisdiction of the subject matter of this action and the parties hereto.

5. That venue is proper pursuant to C.R.C.P. 98 and C.R.S. §38-1-102(a) because the Landowner Property being taken in this condemnation action is located in Pitkin County, Colorado.

6. That Respondent Tom Oken, as Treasurer of Pitkin County, has been dismissed as a result of payment of outstanding taxes pursuant to Court Order dated February 2, 2012.

7. That Respondent Holy Cross Electric Association has been dismissed as a result of Court Order dated February 9, 2012.

8. That Petitioners have deposited nine hundred-thousand dollars ($900,000.00) into the Court Registry.

9. That Respondent-Landowner withdrew seven hundred seventeen thousand fourteen dollars and forty-eight cents ($717,014.48) from the Court Registry.

10. That Petitioners and Landowner have reached an agreement and final settlement that the total compensation to be paid for the taking of the 100% unencumbered fee interest in the entire Landowner Property, including all claims for compensation, damages, losses, taxes and assessments, pre and post-judgment interest, costs, expenses, attorney fees, and for any other claims for remuneration is nine hundred thirty-thousand dollars ($930,000.00).

NOW THEREFORE, based upon these findings and other matters in the Court record, **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that the Landowner Property described in Exhibit A hereto has been duly and lawfully taken and condemned by Petitioner

pursuant to the statutes and the Constitution of the State of Colorado, that the interests of all Respondents in the Subject Property have been acquired by Petitioner, and that the Subject Property is hereby conveyed to Petitioner.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Petitioners shall, within fourteen (14) days of this Rule and Order, pay to Respondent-Landowner Myers and Associates c/o Christopher Leach, Moye White LLP, 16 Market Square, 6th Floor, 1400 16th Street, Denver, CO 80202 the sum of thirty-thousand dollars ($30,000.00). This payment shall constitute full and final compensation for the taking of the 100% unencumbered fee interest in the Landowner Property described in the attached Exhibit A.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that all funds currently held on deposit in the Court Registry for this action shall be disbursed to Respondent-Landowner.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that since no Respondent named in this action has timely challenged or objected to the Petitioners' right to condemn the Landowner Property, any such claim, challenge or objection is waived and is now forever barred. Further, all claims for compensation or damages resulting from the taking of the Landowner Property must be made against the amounts deposited by the Petitioners in the Court Registry, as described herein, and not against Petitioners or the Landowner Property.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that a certified copy of this Final Rule and Order may be recorded and indexed in the office of the Clerk and Recorder of Pitkin County, Colorado, in like manner and in like effect as if it were a deed of conveyance of the Landowner Property from the owners and parties interested therein to Petitioner Roaring Fork Transportation Authority. Upon recording of this Rule an Order, the *Lis Pendens* recorded on December 29, 2011 at Reception No. 585492 in the office of the Clerk and Recorder of Pitkin County, shall be released and of no further effect.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Petitioners relocate the 12 inch low pressure irrigation pipe located along the west side of the Landowner Property to a location mutually agreed to by Petitioner and Landowner, so that it continues to provide water for other property owned by Landowner identified as Lots V and W, and that if such mutually agreed location crosses the Landowner Property, that Petitioners grant an easement for the irrigation pipe on terms mutually agreed by Petitioners and Respondent-Landowner with no further consideration required. Alternatively, upon agreement of the parties, Petitioners will pay to Landowner a sum agreed to by the parties adequate to relocate the irrigation pipe; provided, that Landowner will thereafter be solely responsible for the relocation of the irrigation pipe.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Petitioners will improve a driveway located adjacent to the eastern boundary of the Landowner Property which provides access to Cody Lane from Landowner's metal fabrication business located on Lot V, Basalt Business Center South, Basalt, Colorado ("Lot V"). Respondent-Landowner shall be responsible for securing any approvals or permits for the driveway. The improvements must be

sufficient to provide reasonable access for vehicular traffic from Lot V to Cody Lane, and the improvements must be completed contemporaneously with, or before, construction of the parking facility on the Landowner Property.

DONE this _____ day of _____, 2012.

BY THE COURT:

_____

Judge Daniel Brett Petre

EXHIBIT A

DESCRIPTION OF SUBJECT PARCEL

LOT O,
BASALT BUSINESS CENTER SOUTH, according to the Plat thereof recorded May 4, 1993, in Plat Book 31 at Page 80, County of Pitkin, State of Colorado

This document constitutes a ruling of the court and should be treated as such.

Court: CO Pitkin County District Court 9th JD

File & Serve Transaction ID: 44341459

Current Date: May 22, 2012

Case Number: 2011CV339

Case Name: ROARING FORK TRANSPORTATION AUTHORITY et al and MYERS AND ASSOCIATES et al

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Court Authorizer Comments:

The status conference scheduled to take place on 5/23/12 at 1:30 p.m. is vacated.

/s/ Judge Daniel Brett Petre