

GRANT OF STORM SEWER EASEMENT & RELEASE OF PRIOR EASEMENT REQUIREMENTS

Mesa County Valley School District No. 51, a public school district duly organized and validly existing under the laws of the State of Colorado, and successor to School District Number One, Grantor, who is the owner of Block 3 High School Addition, located at 1400 N 5th Street, Grand Junction, CO 81501, for and in consideration of the sum of Ten and 00/100 Dollars and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, has sold, granted and conveyed, and by these presents does hereby sell, grant and convey to the **City of Grand Junction, a Colorado home rule municipality, Grantee,** whose address is 250 N 5th Street, Grand Junction, CO 81501, its successors and assigns forever, a Perpetual Easement for the use and benefit of Grantee, as a perpetual storm sewer easement for the construction, installation, operation, maintenance, repair and replacement of drainage facilities including underground facilities, on, along, over, under, through and across the following described parcel of land, in the City of Grand Junction, County of Mesa State of Colorado, to wit:

For description, see **Exhibit A** attached hereto and incorporated herein.

Said Easement contains 5533 Square Feet or 0.127 Acres, more or less, as described herein and depicted on **Exhibit B** attached hereto and incorporated herein.

TO HAVE AND TO HOLD unto the said Grantee, its successors and assigns forever, together with the right to enter upon said premises with workers and equipment, to survey, maintain, operate, repair, replace, control and use said Easement, and to remove objects interfering therewith, including the trimming of trees and bushes as may be required to permit the operation of standard construction and repair machinery, subject to the terms and conditions contained herein.

The interest conveyed is an easement for the purposes and uses and upon the terms stated herein. Grantor reserves the right to use and occupy the real property burdened by this Easement for any lawful purpose which is not inconsistent with and which will not interfere with the full use and quiet enjoyment of the rights herein granted. Grantor will not install on the Easement, or permit the installation on the Easement, of any building, structure, improvement, retaining wall, sidewalk, patio, tree or other landscaping, other than the usual and customary grasses and other ground cover. In the event such obstacles are installed in the Easement, Grantee has the right to require Grantor to remove such obstacles from the Easement at Grantor's cost. If Grantor does not remove such obstacles, Grantee may remove such obstacles without any liability or obligation for repair and replacement thereof and charge Grantor the Grantee's costs for such removal. If Grantee chooses not to remove the obstacles, then Grantee will not be liable for any damage to the obstacles or any other property to which they are attached.

TO HAVE AND TO HOLD the premises aforesaid, with all and singular the rights, privileges, appurtenances and immunities thereunto belonging or in anywise appertaining, unto the said Grantee and unto its successors and assigns forever, the said Grantor hereby covenanting that Grantor will warrant and defend the title to said premises unto the said Grantee and unto its successors and assigns forever, against the lawful claims and demands of all persons whomsoever.

To allow Grantor to constructs its new building for the Grand Junction High School, Grantee consented to vacate a portion of an original storm sewer easement granted to Grantee in the conveyance document from 1967 for the Elm Avenue Storm Sewer recorded in the records of the Mesa County Clerk and Recorder's office at Reception #939901 (1967 Grant). Grantor was responsible for all costs associated with the relocation of a portion of the Elm Avenue Storm Sewer (Storm Sewer) to the easement area granted herein along with as-builts of the newly constructed

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line. Grantee's vacation was further conditioned upon Grantor releasing Grantee from the requirements included within the 1967 Grant in the paragraphs numbered 2 and 3 concerning indemnification of Grantor and that the grant not impair the right of Grantor to use the surface area of the right-of-way once the Storm Sewer was installed. By signature below, Grantor releases Grantee from any obligations created due to those numbered paragraphs included within the 1967 Grant.

Executed and delivered this 20th day of October, 2022.

Mesa County Valley School District No. 51
a public school district under the laws of Colorado
and successor to School District Number One

By: [Signature]

Name: Clint Garcia
Title: Chief Operations Officer

State of Colorado)
)ss
County of Mesa)

The foregoing instrument was acknowledged before me this 20th day of October, 2022 by Clint Garcia, as Chief Operations Officer for the Mesa County Valley School District No. 51.

My commission expires 3.28.2025.

Witness my hand and official seal.

[Signature]
Notary Public

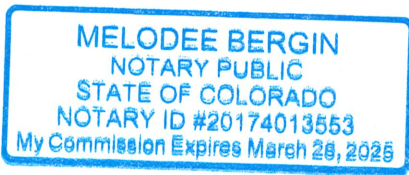


EXHIBIT A

A fifteen foot (15') wide easement across a parcel of land known as Block 3 of the High School Addition plat as recorded at Reception Number 450288, situated in the southwest quarter of Section 11, Township 1 South, Range 1 West of the Ute Meridian, City of Grand Junction, County of Mesa, State of Colorado, said easement lying seven and a half feet (7.5') each side of the following described centerline:

Commencing at the northwest corner of said Block 3, as monumented by a 5/8" rebar, whence the northeast corner of said Block 3, as monumented by a 5/8" rebar, bears South 89°55'38" East, with all bearings herein relative thereto;

Thence South 24°49'03" East a distance of 935.61 feet to a point on the centerline of Elm Avenue Storm Sewer Right-of-Way, as recorded at reception number 939901, said point bearing North 89°37'28" East a distance of 387.10 feet from a point 172 feet south of the centerline of Sherwood Drive extended to the West line of said Block 3;
Thence South 24°49'03" East a distance of 8.24 feet to a point on the southerly line of said Right-of-Way and the Point of Beginning of the centerline herein described;

thence South 57°34'23" East a distance of 168.73 feet
thence North 89°53'49" East a distance of 199.92 feet to a point on the southwesterly line of said Right-of-Way and the Point of Termination,

The sidelines of said easement shall be shortened or extended to close at all angle points and to terminate at the intersecting Right-of-Way lines.

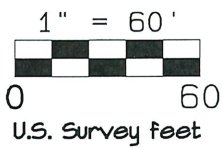
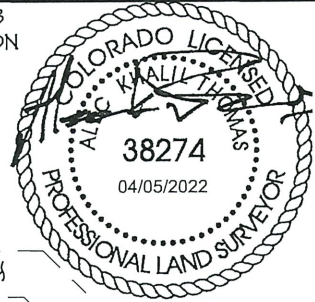
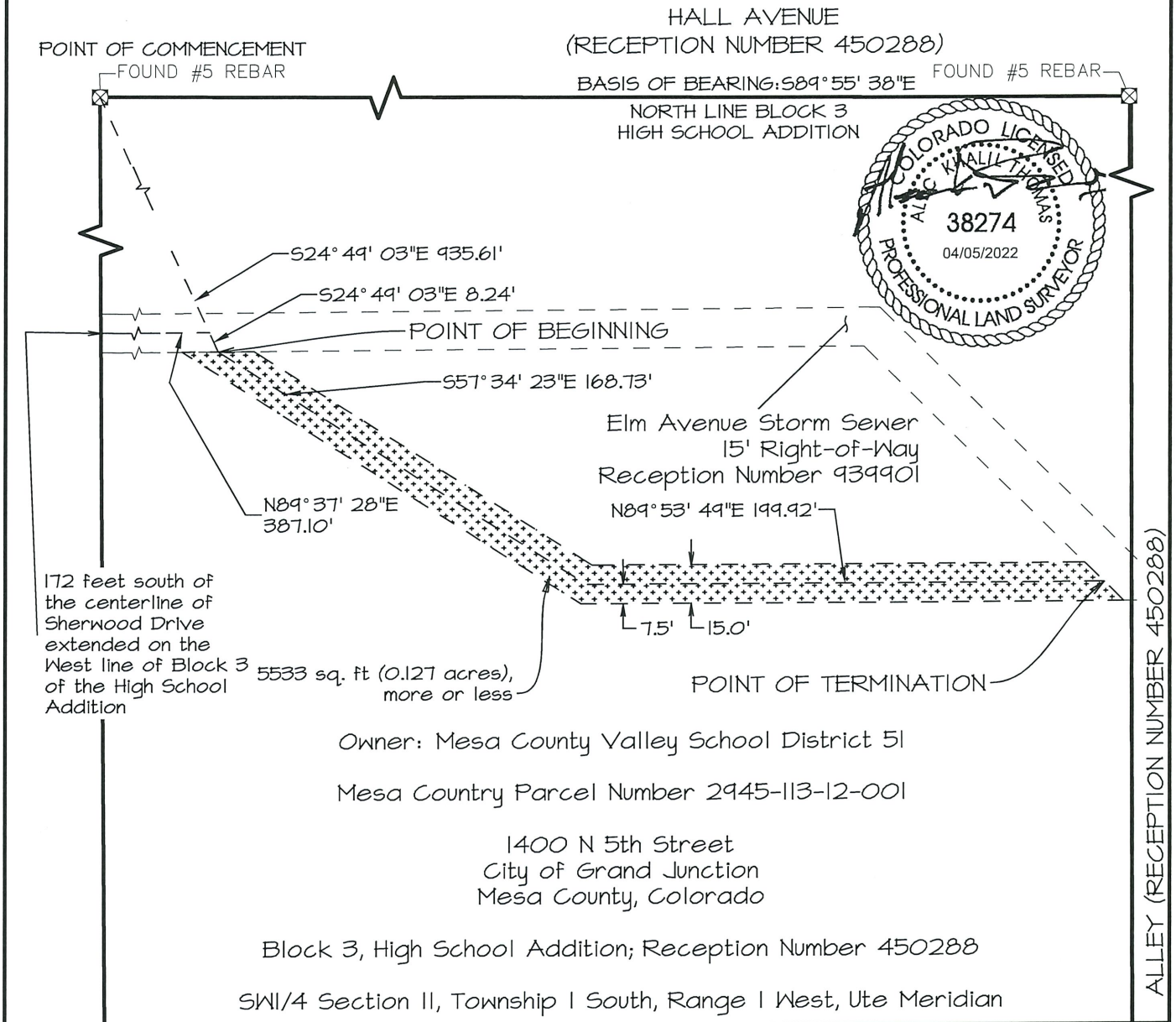
Containing 5533 Sq. feet (0.127 acres), more or less.

This description was prepared by:
Alec K. Thomas
Colorado P.L.S. 38274
215 Pitkin Ave. Suite #201
Grand Junction, CO 81501



NOTICE: Any rewriting or retyping of this description must NOT include this preparation information. Lack of an original seal indicates this document is not the original.

EXHIBIT B



THIS EXHIBIT IS FOR THE PURPOSE OF GRAPHICALLY REPRESENTING A WRITTEN DESCRIPTION - IT DOES NOT REPRESENT A MONUMENTED BOUNDARY SURVEY

RIVER CITY
CONSULTANTS

215 Pitkin Avenue, Unit 201
Grand Junction, CO 81501
Phone: 970.241.4722
Fax: 970.241.8841
www.rccwest.com

Drawn: BDM	Checked: AKT	4/4/22	Job No. 1443-036
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**Resolution to Convey to City of Grand
Junction Storm Sewer Easement at
Grand Junction High School**

Board of Education Resolution: 21/22:107

Adopted: May 25, 2022

WHEREAS, the construction of the new Grand Junction High School requires the moving of a storm sewer owned by the City of Grand Junction from its current location; and

WHEREAS, the City of Grand Junction has an easement for the current location of the storm sewer and has agreed to abandon such easement upon the relocation of the new storm sewer; and

WHEREAS, the City of Grand Junction will require a new easement from the District for the placement and construction of the new storm sewer line; and

WHEREAS, the new storm sewer line is now being constructed on the Grand Junction High School property and once the storm sewer is in place, an "as-built" legal description of the new easement will be prepared for inclusion in a Grant of Easement from the District to the City of Grand Junction; and

WHEREAS, the Board desires to convey the new storm sewer easement to the City of Grand Junction upon the completion of the construction thereof and upon approval of legal counsel of the written grant of easement; and

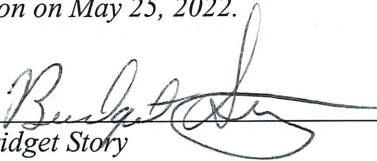
WHEREAS, the Board desires to appoint the Superintendent to execute the Grant of Easement to the City of Grand Junction for the new storm sewer; and

WHEREAS, the Board deems the proposed Grant of Easement for the storm sewer to be in the best interest of the District.

NOW, THEREFORE, BE IT RESOLVED, that Mesa County Valley School District 51 Board of Education hereby authorizes and directs the Superintendent to negotiate, enter into and execute a Grant of Easement to the City of Grand Junction for the new storm sewer at Grand Junction High School, in a form acceptable to the District's lawyer; and

BE IT FURTHER RESOLVED. The Board authorizes the Superintendent or designee to take such further steps in conjunction with legal counsel and execute such other documents as may be required to convey such easement.

I certify that the information contained herein is accurate and was adopted by the Mesa County Valley School District 51 Board of Education on May 25, 2022.



Bridget Story
Assistant Secretary, Board of Education