

CITY OF GRAND JUNCTION, COLORADO

RESOLUTION NO. 05-23

**A RESOLUTION AUTHORIZING AN EASEMENT ON CITY-OWNED PROPERTY TO
805 STRUTHERS, LLC**

Recitals:

The City of Grand Junction is the owner of the following described real property ("Property") in the City of Grand Junction, County of Mesa, State of Colorado, to wit:

A portion of the parcel described in the Warranty Deed as recorded at Reception Number 1694638, City of Grand Junction, County of Mesa, State of Colorado, situated in Southeast 1/4 of Section 23, Township 1 South, Range 1 West, Ute Meridian, said portion being more particularly described as follows:

Commencing at the northwest corner of the Southeast 1/4 of Section 23, whence the northeast corner of the Southeast 1/4 of Section 23 bears South 89°35'48" East, with all bearings contained herein relative thereto;

Thence South 69°44'10" East a distance of 948.49 feet to the southeasterly corner of the parcel recorded at Reception Number 2972502 and the POINT OF BEGINNING;

Thence South 03°34'29" East along the westerly boundary of Trail Edge Townhomes II Subdivision a distance of 42.38 feet to the southwesterly corner of said Subdivision;

Thence South 89°35'57" East along the southerly boundary of said Subdivision a distance of 110.36 feet to the southwesterly corner of Trail Edge Townhomes as recorded at Reception Number 2839703;

Thence South 89°35'57" East along the southerly boundary of said Trail Edge Townhomes a distance of 111.18 feet to the southwesterly corner of Tract A of Edgewater No. 2 Subdivision as recorded at Reception Number 2808385;

Thence South 89°35'57" East along the southerly boundary of said Tract A a distance of 30.00 feet to the southwesterly corner of Lot 2 of Jeffryes Simple Subdivision as recorded at Reception Number 2054147;

Thence South 89°35'57" East along the southerly boundary of said Lot 2 a distance of 17.06 feet.

Thence South 41°44'09" East a distance of 52.73 feet;

Thence South 48°15'51" West a distance of 10.00 feet;

Thence North 41°44'09" West a distance of 48.64 feet;

Thence South 89°48'52" West a distance of 272.05 feet;

Thence North 04°57'44" West a distance of 55.04 feet to a point on the southerly line of the parcel recorded at Reception Number 2972502;

Thence South 89°37'34" East along the southerly line of the parcel recorded at Reception Number 2972502 a distance of 10.30 feet to the POINT OF BEGINNING.

Containing 3979.9 Sq. feet (0.091 acres), more or less.

The City has negotiated an agreement with the 805 Struthers, LLC for a utility easement on and across the Property for the purpose of providing drainage infrastructure to the benefit of 805 Struthers, LLC ("Easement").

The City Council having been advised in the premises deems it appropriate that the City grant the Easement for the purposes stated in the Easement and this Resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO:

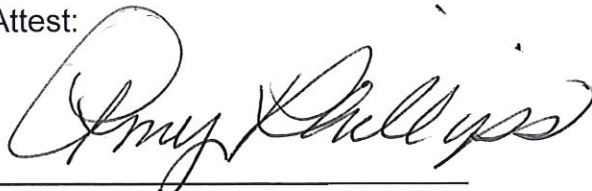
The City Manager is hereby authorized and directed to sign the attached "805 Struthers, LLC" (Utility Easement Agreement) granting an easement for the purposes established and provided in the Easement Agreement, this Resolution and the actions taken in support thereof. All actions taken by the officers, employees and agents of the City relating to the Utility Easement Agreement described or referred to herein and which actions are consistent with the provisions hereof are hereby ratified, approved, and confirmed.

PASSED and ADOPTED this 4th day of January 2023.



Anna M. Stout
President of the City Council

Attest:



Amy Phillips
City Clerk



EASEMENT

The undersigned Grantor hereby acknowledges receipt of good and valuable consideration from 805 STRUTHERS LLC, 312D Aspen Airport Business Center, Aspen CO 81611, in consideration of which Grantor(s) hereby grants unto said Company, its successors and assigns, a non-exclusive easement to construct, operate, maintain, repair, and replace utility lines and all fixtures and devices, used or useful in the operation of said storm drain line, through, under, across, and along a course as said lines may be hereafter situated in the northwest quarter of the southeast quarter of Section 23, Township 1 South, Range 1 West of the Ute Meridian, City of Grand Junction, County of Mesa, State of Colorado, the easement being described as follows:

SEE EXHIBIT A FOR EASEMENT DESCRIPTION AND EXHIBIT B FOR EASEMENT SKETCH, BOTH ATTACHED HERETO AND MADE A PART HEREOF.

The easement varies in width. The side boundary lines of the easement shall be lengthened and shortened as necessary to encompass a continuous strip of not less than the above width at all points on Grantor's property crossed by the above described easement and extending to the boundaries of adjacent properties.

Together with the right to enter upon said premises, to survey, construct, maintain, operate, repair, replace, control, and use said storm drain line and related fixtures and devices, and to remove objects interfering therewith, and together with the right to use so much of the adjoining premises of Grantor during surveying, construction, maintenance, repair, removal, or replacement of said storm drain lines and related fixtures and devices as may be required to permit the operation of standard utility construction or repair machinery. The Grantor reserves the right to use and occupy the easement for any purpose consistent with the rights and privileges above granted and which will not interfere with or endanger any of the said Company's facilities therein or use thereof. Such reservations by Grantor shall in no event include the right to erect or cause to be erected any buildings or structures upon the easement granted or to locate any mobile home or trailer units thereon. In case of the permanent abandonment of the easement, all right, privilege, and interest granted shall terminate.

The work of installing and maintaining said lines and fixtures shall be done with care; the surface along the easement shall be restored substantially to its original level and condition.

Signed this 6 day of January, 2023.

Attest

Grantor

The City of Grand Junction, a Colorado home rule municipality

By: *Amy Phillips*
Name: Amy Phillips
Title: City Clerk

By: *Greg Caton*
Name: Greg Caton
Title: City Manager

STATE OF COLORADO)
) ss.
COUNTY OF MESA)

The foregoing instrument was acknowledged before me this 6 day of January, 2023 by Greg Caton, City Manager and Amy Phillips as City Clerk for the City of Grand Junction, a home rule municipality.

Witness my hand and official seal.

Selestina Sandoval
Notary Public
My Commission expires: 7/31/2025

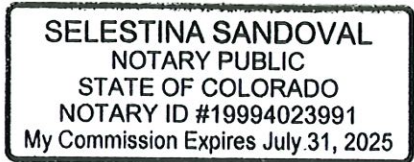


EXHIBIT A

A portion of the parcel described in the Warranty Deed as recorded at Reception Number 1694638, City of Grand Junction, County of Mesa, State of Colorado, situated in Southeast 1/4 of Section 23, Township 1 South, Range 1 West, Ute Meridian, said portion being more particularly described as follows:

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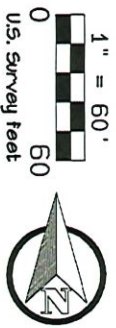
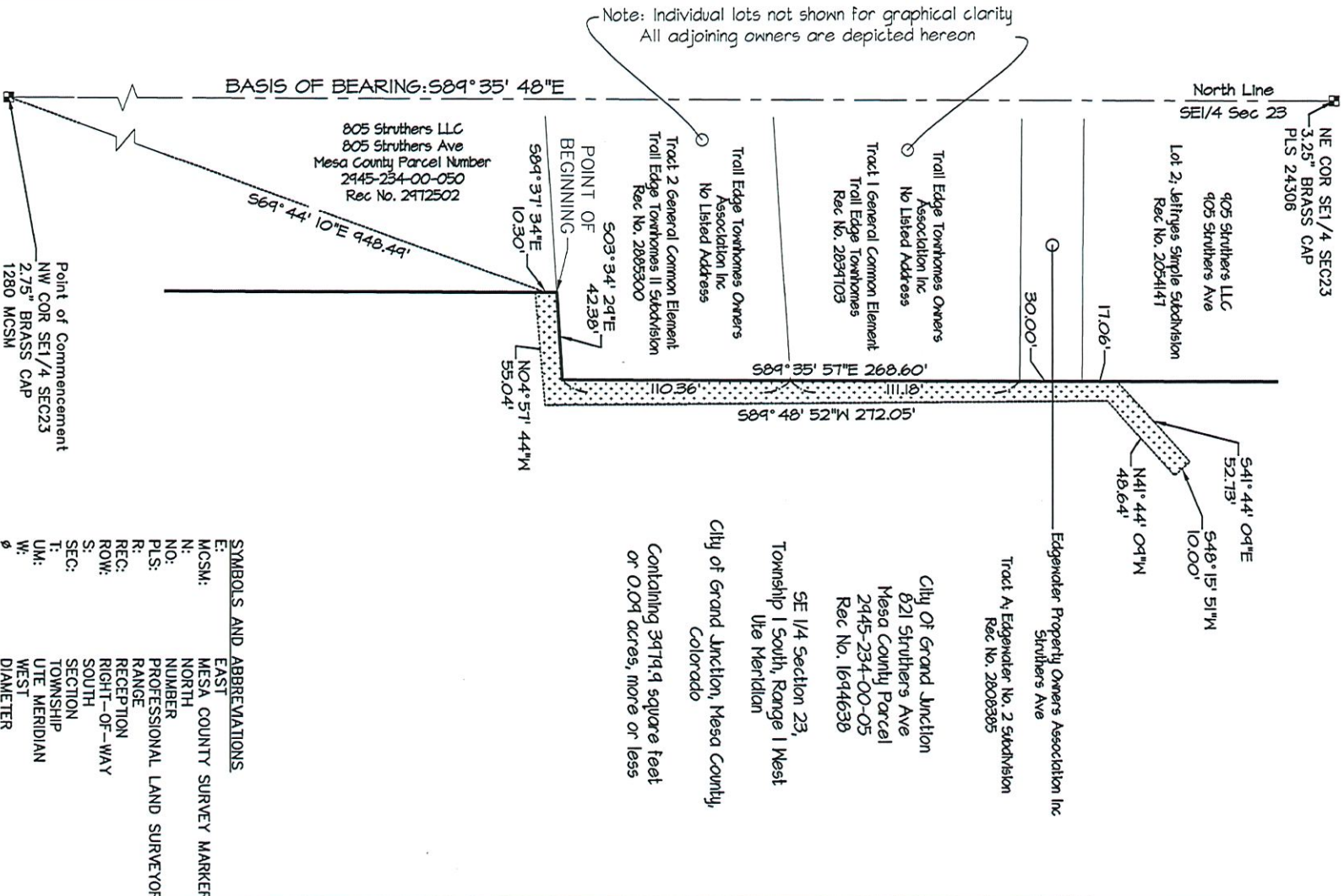
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EXHIBIT B



SYMBOLS AND ABBREVIATIONS

E:	EAST
MCSM:	MESA COUNTY SURVEY MARKER
N:	NORTH
NO:	NUMBER
PLS:	PROFESSIONAL LAND SURVEYOR
R:	RANGE
REC:	RECEPTION
ROW:	RIGHT-OF-WAY
S:	SOUTH
SEC:	SECTION
T:	TOWNSHIP
UM:	UTE MERIDIAN
W:	WEST
Ø	DIAMETER

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

RM RIVER CITY
CONSULTANTS

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

Drawn:BDY Checked:TLK 12/19/22 Job No. 1981-003
517P02.EC15V161 Skamon Sweeney/003 Struthers Property Surveys/DMS