

POWER OF ATTORNEY FOR AND AUTHORIZING THE CREATION OF A SEWER IMPROVEMENT DISTRICT

I, (we) **J. Stewart Hollingsworth & Mary E. Hollingsworth** as owners of the real property described herein,

Property Address: **729 25 Road**  
Mesa County Tax Assessor Number: **2701-334-00-072**  
Legal Description:

Beginning at a point which bears south 776.5 feet from the E¼ Corner of Section 33, Township 1 North, Range 1 West of the Ute Meridian, thence South 308.1 feet to the Northerly right of way of the Grand Valley Canal, thence North 52°15' West 410.33 feet, thence North 79°4' East 299.9 feet, thence East 30.0 feet to the Point of Beginning, EXCEPT the east 30.0 feet fro road right of way. MESA COUNTY, COLORADO.

(Property) located in Mesa County Colorado agree that, as a condition of City approval of the re-construction of an existing individual sewage disposal system (ISDS) also known as septic tank and leach field on the Property that I (we) for ourselves, our heirs, successors and/or assigns covenant and agree that I (we) have executed this a power of attorney in favor of the City Clerk of the City of Grand Junction authorizing and permitting the City Clerk to act on behalf of us our executors or assigns to sign a petition to form a special improvement district to construct a public sewer/sewer improvement district for the benefit of and to serve the Property.

This instrument shall be recorded and shall be deemed a covenant, which binds and shall run with the land.

The requirement that I (we) connect to public sewer as of the date of this document has, with the consent of the City Manager, been deferred to such time, if any, as a sewer improvement district or equivalent legal mechanism is formed, for and benefiting the Property, described herein.

The actual cost that I (we) our heirs, successors and/or assigns shall pay will be determined in accordance with rates and policies established by the City at the time of formation of the improvement district.

I (we) our heirs, successors and/or assigns as owners of the above described real property do hereby agree to participate in an improvement district, if one is formed, for the improvement of sewer service/elimination of ISDS/septic systems, either as a larger scope of work or otherwise, to the then existing standards and do hereby designate and appoint the City Clerk of the City of Grand Junction as my (our) attorney in fact to execute any and all petitions, documents and instruments to effectuate my (our) intention to participate in said improvement district for such purpose or to otherwise act in conformity with said general purpose and direction.

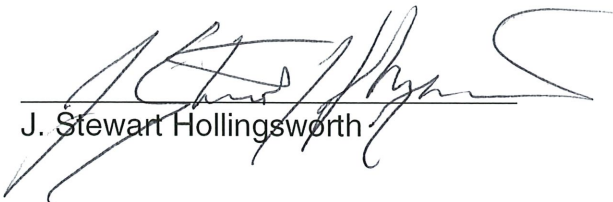
The City Clerk is empowered by me (us) to do and perform any and all acts which the City Clerk shall deem necessary, convenient or expedient to accomplish such improvements, construction or reconstruction as fully as I (we) might do if personally present.

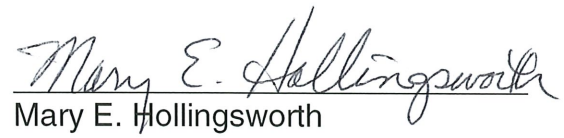
This authority and the covenant created thereby shall be binding upon any and all successors in interest to the Property and shall not cease upon my death (the death of either or both of us) or the dissolution of marriage, partnership, corporation or other form of association which may hold title or claim an interest to the Property.

As a further covenant to run with the land, I (we) agree that in the event of a counter-petition to any proposed sewer improvement(s), improvement district, construction or reconstruction any signature on such petition purporting to affect the land herein described may be ignored and of no force and effect by the City of Grand Junction.

This power of attorney is not terminable; it shall terminate only upon the formation of an improvement district or other legal means of accomplishing the purpose described.

In witness whereof I (we) have signed executed and acknowledged this instrument this \_\_ day of February, 2008.

  
\_\_\_\_\_  
J. Stewart Hollingsworth

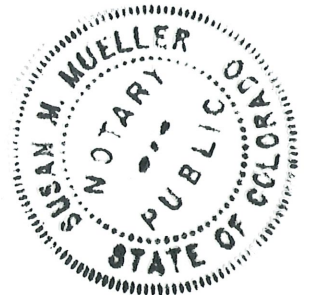
  
\_\_\_\_\_  
Mary E. Hollingsworth

STATE OF Colorado  
COUNTY OF Mesa

The foregoing instrument was subscribed and sworn to before me this 8<sup>th</sup> day of February, 2008.

My Commission expires \_\_\_\_\_ My Commission Expires 06/30/2010

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





February 7, 2008

Jennifer Caldwell  
Community Development Center  
PO Box 20000-5034  
Grand Junction, CO 81502-5034

**Subject:** Waiver of sewer connection  
**Location:** 729 25 Road (Tax #2701-334-00-072)

Dear Ms. Caldwell,

Mesa County Health Department regulations require that a connection to sewer be made when the property to be served is within 400 feet of the sewer through platted rights of way and easements. Sewer is currently available to the south of this parcel within the 25 Road right of way, 380 feet away from the property referenced above. The property is located on the north side of the GVIC low line canal sewer is available on the south side of the canal. Extension of sewer would include a canal crossing. We have estimated that the sewer extension would cost \$45,000 that would be too much a burden to place on a single property owner who is not developing the parcel.

The owner has an existing septic system that is in poor condition and would like to reconstruct it. This area has not been identified as a possible future sewer improvement district. However, if interested, the neighborhood could request that the City/County help to facilitate formation of a sewer improvement district. This effort would fall under the Septic System Elimination Program.

Therefore, in accordance with the Persigo Agreement, and section 3.14 B of the Mesa County Individual Sewage Disposal Systems (I.S.D.S.) Regulations, this letter is to serve as written approval for Mr. J. Stewart Hollingsworth and Mary E. Hollingsworth to reconstruct a septic system for one single family dwelling on the above referenced property.

The City of Grand Junction as operator of the Persigo Sewer System will receive a Power of Attorney that will bind this property as a yes vote for any future sewer improvement district that may be proposed which would benefit this property.

If you have any questions regarding the above, please call me at 244-1590.

Sincerely,



Bret Guillory, PE, CFM  
City Utility Engineer

cc J. Stewart and Mary E. Hollingsworth  
Debi Overholt, City of Grand Junction - Customer Services Division  
File