

## GRANT OF MULTIPURPOSE EASEMENT

**KIMBALL ACQUISITION LLC**, a Colorado Limited Liability Company whose address is 312D Aspen Airport Business Center, Aspen, CO 81611, Grantor, owner of a parcel of land located at 1101 Kimball Avenue, Grand Junction, CO 81501, as recorded at Reception No. 3046003, Public records of Mesa County, Colorado, for and in consideration of Ten and 00/100 Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, has granted and conveyed, and by these presents does hereby 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, a Perpetual Multipurpose Easement for the use and benefit of Grantee and for the use and benefit of the Public Utilities, as approved by Grantee, as a perpetual easement for City approved utilities including the installation, operation, maintenance and repair of said utilities and appurtenances which may include but are not limited to, electric lines, cable TV lines, natural gas pipelines, sanitary sewer lines, storm sewers, water lines, telephone lines, traffic control facilities, street lighting, landscaping, trees and grade structures, on, along, over, under, through and across in the City of Grand Junction, County of Mesa, State of Colorado, more particularly described in **Exhibit A** and depicted on **Exhibit B**, which exhibits are attached hereto and incorporated herein by this reference.

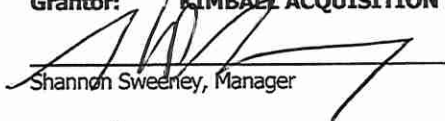
TO HAVE AND TO HOLD unto the said Grantee, its successors and assigns forever, together with the right to enter upon said premises with workers and equipment, to survey, maintain, operate, repair, replace, control and use said Easement, and to remove objects interfering therewith, including the trimming 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 unreasonably interfere with the full use and quiet enjoyment of the rights herein granted. Except as expressly permitted in a written agreement with the Grantee, 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. A planning clearance shall not suffice as a written agreement. In the event such obstacles are installed in the Easement, the Grantee has the right to require the Grantor to remove such obstacles from the Easement at Grantor's cost. If Grantor does not remove such obstacles, the Grantee may remove such obstacles without any liability or obligation for repair and replacement thereof and charge the Grantor the Grantee's costs for such removal. If the Grantee chooses not to remove the obstacles, the Grantee will not be liable for any damage to the obstacles or any other property to which they are attached.

Grantor hereby covenants with Grantee that it has good title to the herein described premises; that it has good and lawful right to grant this Easement; that it will warrant and forever defend the title and quiet possession thereof against the lawful claims and demands of all persons whomsoever.

Executed and delivered this 10<sup>th</sup> day of October, 2023.

Grantor: **KIMBALL ACQUISITION LLC**, a Colorado Limited Liability Company

  
Shannon Sweeney, Manager

State of Colorado )  
County of Delta )ss

**ELIZABETH BLAIR**  
NOTARY PUBLIC  
STATE OF COLORADO  
NOTARY ID 20234031407  
MY COMMISSION EXPIRES AUGUST 16, 2027

The foregoing instrument was acknowledged before me this 10 day of October 2023, by Shannon Sweeney, as Manager for Kimball Acquisition LLC, a Colorado Limited Liability Company.

Witness my hand and official seal.

  
Notary Public

**RATIFICATION OF GRANT OF MULTIPURPOSE EASEMENT**

Ratified, acknowledged, and consented to subordination of interest, by the following Deed of Trust Beneficiary:

The undersigned hereby certifies that it is a holder of a security interest upon the above described property and does hereby join in and consent to this grant of multipurpose easement by the owner thereof and agrees that its security interest as beneficiary of the security interest for ANB Bank, A Colorado State Bank, which is evidenced by that Modification of Deed of Trust dated September 30, 2022 and recorded on 10/06/2022, in the office of the Mesa County Clerk and Recorder, Reception No. 3046004, shall be and is hereby subordinate to this grant of multipurpose easement to the City of Grand Junction.

ANB Bank, a Colorado State Bank

By: *Mark Favro*

Print Name: MARK FAVRO

State of Colorado )  
County of Eagle )  
  )ss  
  )

The foregoing instrument was ratified, acknowledged, and consented to subordination of interest, before me this 20<sup>th</sup> day of October, 2023 by Mark Favro as Community Bank president for ANB Bank, a Colorado State Bank with authority to do so.

Witness my hand and official seal.

*A. Mendozas*  
Notary Public

ALEXIA J MENDOZA VASQUEZ  
NOTARY PUBLIC  
STATE OF COLORADO  
NOTARY ID 20144041179  
MY COMMISSION EXPIRES DEC 14, 2026

## EXHIBIT A

An easement across a Parcel of land known as Block 13 of Benton Canon's First Subdivision as recorded at Reception Number 117077, situated in the Southwest quarter of the Northeast quarter of Section 23, Township 1 South, Range 1 West, Ute Meridian, City of Grand Junction, County of Mesa, State of Colorado, said easement more particularly described as follows;

The North 14 feet of said Block 13,

TOGETHER WITH;

The West 14 feet of said Block 13,

TOGETHER WITH;

The north 31 feet of the south 141 feet of said Block 13

Containing 7953 Sq. ft (0.182 acres) more or less.

This description was prepared by:  
Alec K. Thomas  
Colorado P.L.S. 38274  
215 Pitkin Ave - #201  
Grand Junction, CO 81506

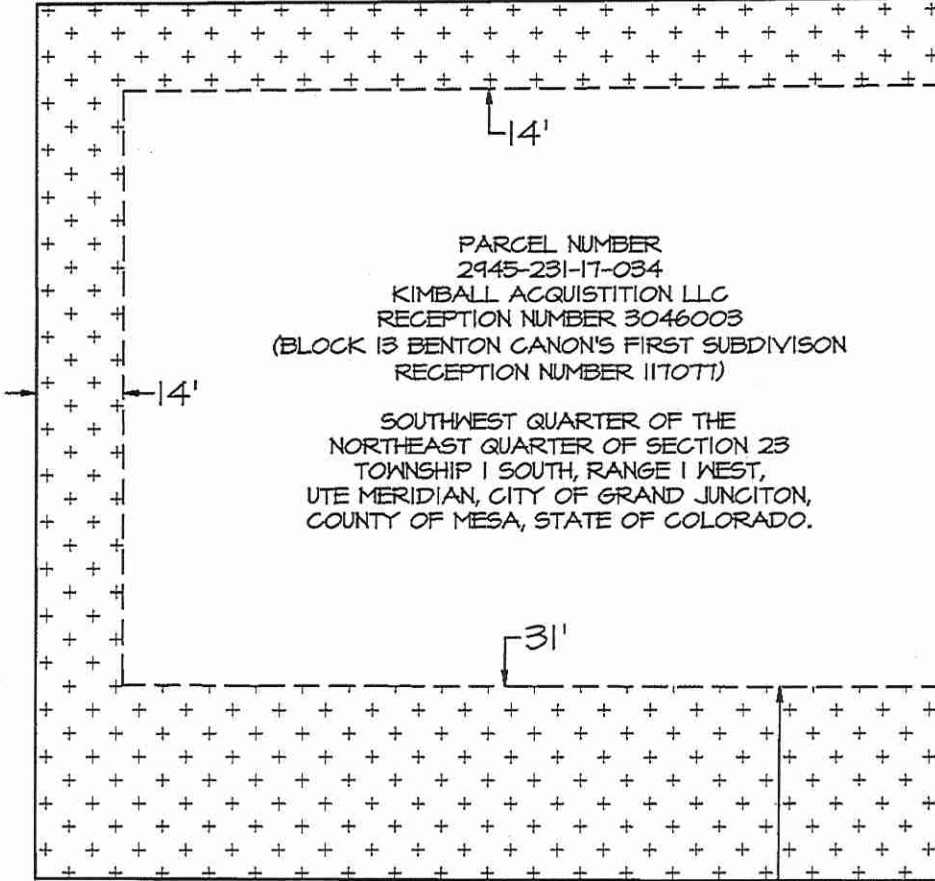


NOTICE: Any rewriting or retyping of this description must NOT include this preparation information. Lack of an original seal indicates this document is not the original.

# EXHIBIT B

KIMBALL AVENUE  
RECEPTION NUMBER 18454

SOUTH 9TH STREET  
RECEPTION NUMBER 18454



PARCEL NUMBER  
2945-231-17-034  
KIMBALL ACQUISITION LLC  
RECEPTION NUMBER 3046003  
(BLOCK 13 BENTON CANON'S FIRST SUBDIVISION  
RECEPTION NUMBER 117071)

SOUTHWEST QUARTER OF THE  
NORTHEAST QUARTER OF SECTION 23  
TOWNSHIP 1 SOUTH, RANGE 1 WEST,  
UTE MERIDIAN, CITY OF GRAND JUNCTION,  
COUNTY OF MESA, STATE OF COLORADO.

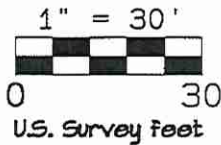
15.0' WATER LINE EASEMENT  
REC NO 767047

PARCEL NUMBER  
2945-231-00-052  
CITY OF GRAND JUNCTION  
RECEPTION NUMBER 1796705



PARCEL NUMBER  
2945-231-42-002  
CITY OF GRAND JUNCTION  
RECEPTION NUMBER 2271780  
(RIVERSIDE PARKWAY)

14'



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

**ATM RIVER CITY CONSULTANTS**  
215 Pitkin Avenue, Unit 201  
Grand Junction, CO 81501  
Phone: 970.241.4722  
Fax: 970.241.8841  
www.rcwest.com

Drawn: BLC | Checked: AKT | 6/1/23 | Job No. 1981-007

S:\PROJECTS\1981 Shannon Sweeney\007 1110 Kimball Ave\Survey\DWG