

UTILITY EASEMENT

THIS EASEMENT made this 13th day of February, 2025 by and between **John Davis & Cynthia Tucker-Davis, Grantors**, who are the owners of a parcel of land located at 1195 Santa Clara Avenue, Grand Junction, CO 81503 as recorded at Reception No. 3066949, in the Mesa County Clerk and Recorder's records, Colorado, for and in consideration of Ten and 00/100 Dollars, (\$10.00) the receipt and sufficiency of which is hereby acknowledged grants and conveys 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, nonexclusive easement (the "Easement") legally described as follows:

See **Exhibit "A"**, legally describing, and **Exhibit "B"**, graphically depicting the Easement, attached hereto and incorporated herein by reference.

This Easement shall be on, along, over, under, through and across the above-described property and carry with it the right of ingress and egress to and from for access on and along said Easement, with the right to construct, install, inspect, monitor, maintain, repair, substitute, change the size of, replace, remove, enlarge, and operate one or more water pipelines and all underground and surface appurtenances, collectively "**Facilities.**" By way of example and not by way of limitation, the parties intend to include (i) mains and conduits within the term "**pipeline(s),**" and (ii) valves, vaults, manholes, hydrants, electric or other related control systems, underground cables, wires, connections, ventilators, and the like within the term "**appurtenance(s).**"

The Grantee shall have the right of subjacent and lateral support to whatever extent is necessary or desirable for the full, complete and undisturbed enjoyment of the rights described in this document. The Grantor shall take no action that would impair the earth cover over, or the lateral or subjacent support for, any of the Facilities within the Easement.

The consideration is acknowledged by the Grantor as full consideration for the Easement and also for damages to the lands of the Grantor by the initial installation of the Facilities. The Grantor reserves the right to use and occupy the area of the Easement for any purpose which does not interfere with the rights and privileges granted and which will not interfere with or endanger any of the Facilities therein or use thereof.

Without limiting the foregoing, Grantor shall not (a) place any permanent obstructions within the area of the Easement which could hinder, conflict, or interfere with the normal operation, repair and maintenance of the Facilities; (b) construct nor permit to be constructed any buildings or structures; (c) install any retaining walls, overhangs or aerial encroachments, street lights, power poles, yard lights, mail boxes, signs, or trash receptacles; (e) plant any trees shrubs or woody plants, or construct any other improvements in, over, on, or across the area of the Easement without the prior written approval of Grantee. Grantor shall not change the grade which increases or decreases the depth of the Facilities below the surface, remove dirt from the surface of the easement, or impound water over the easement without the prior written approval of Grantee. Fencing within the Easement shall be prohibited, except for barbed, smooth or woven wire fences with metal or wooden posts penetrating no more than 24 inches into the surface.

The Grantee, at all times, shall have the right of ingress and egress by a reasonable route to the Easement and upon the same for the purposes hereof, which shall include surveying, inspection and testing.

The Easement shall carry with it the full right and authority to remove any obstruction, restore the surface grade if disturbed to maintain minimum and maximum cover, and cut, remove, trim or otherwise control all trees and landscaping, brush and other growth on the Easement that in Grantee's sole judgment may interfere with Grantee's use of the Easement or rights under this Deed without further recompense to Grantor.

The Grantee shall construct its Facilities in accordance with proper engineering practice; below the surface of and shall backfill excavations made by it or for it in the Easement area. Grantee shall reasonably restore the surface of the Easement to its original condition, except as permanently modified to accommodate the Facilities and less any trees shrubs or other improvements removed by Grantee to accommodate construction and maintenance of the Facilities.

The Grantor agrees that all Facilities constructed in the Easement shall be constructed and maintained at the Grantee's expense and shall remain the property of the Grantee removable or replaceable at the option of the Grantee. The Grantee shall have a dominant right of occupancy of the Easement for the exercise of the Grantee's functions, and the exercise of any rights in the Easement other than those retained by the Grantor shall be within the discretion of the Grantee.

Other public utilities such as sanitary sewer, storm sewer, gas, electric, and cable lines may be installed in the Easement, with prior consent of Grantee, provided they do not interfere with the Grantee's rights and as long as the utilities are crossing the pipeline(s) at right angles, or at substantially right angles. Any gas, electric, or cable line that crosses the pipeline(s) and is not metallic or concrete shall be encased within steel conduit and/or concrete ducts. Any and all utilities that parallel the Facilities shall not be permitted within 10 feet of the

PARCEL NO. 2945-234-00-033
UTILITY EASEMENT (UE-1)

LEGAL DESCRIPTION

A ten foot (10') wide utility easement located within the land described in Reception Number 3066949 located in Lot 4 of Section 23, Township 1 South, Range 1 West, Ute Meridian, City of Grand Junction, County of Mesa, State of Colorado the centerline being more particularly described as follows:

Commencing at the Southeast (SE) corner of said Section 23, whence the East sixteen (E1/16) corner on the south line of said Section 23 bears N89°39'34"W, a distance of 1,323.45 feet using the Mesa County Local Coordinate System with all other bearings contained herein being relative thereto;

thence from the said Point of Commencement N00°16'53"W, a distance of 706.71 feet along the east line of said Lot 4 also being the west line of RIVERGLEN SUBDIVISION same as described in Reception Number 2260394 to a point on the west line of Santa Clara Avenue as dedicated on the plat of said RIVERGLEN SUBDIVISION being the Point of Beginning;

thence N89°06'09"W, a distance of 167.95 feet to the Point of Termination located on the east line of Santa Clara Avenue as dedicated on LAMP LITE PARK FILING NO. ONE AMENDED same as described in Reception Number 1185648.

Said easement being five feet (5') in width on each side of the centerline.

Said utility easement CONTAINING **1,679** Square Feet or **0.04** Acres, more or less, as described.

Authorized by: Renee B. Parent, CO PLS #38266
 City Surveyor - City of Grand Junction
 244 North 7th Street
 Grand Junction, CO 81501



SHEET 1 OF 3

The sketch & description shown hereon have been derived from subdivision plats & deed descriptions as they appear in the office of the Mesa County Clerk & Recorder & monuments as shown. This sketch does not constitute a legal boundary survey, and is not intended to be used as a means for establishing or verifying property boundary lines.

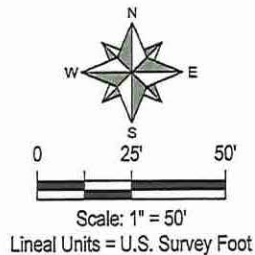
Linden Avenue
Waterline Replacement
Project No. F000536
Located in the SE1/4 of Section 23,
T1S, R1W, U.M., Grand Junction,
County of Mesa, State of Colorado

DRAWN BY: NCW
DATE: 02/03/25
REVIEWED BY: RBP
APPROVED BY: TT
SCALE: N/A

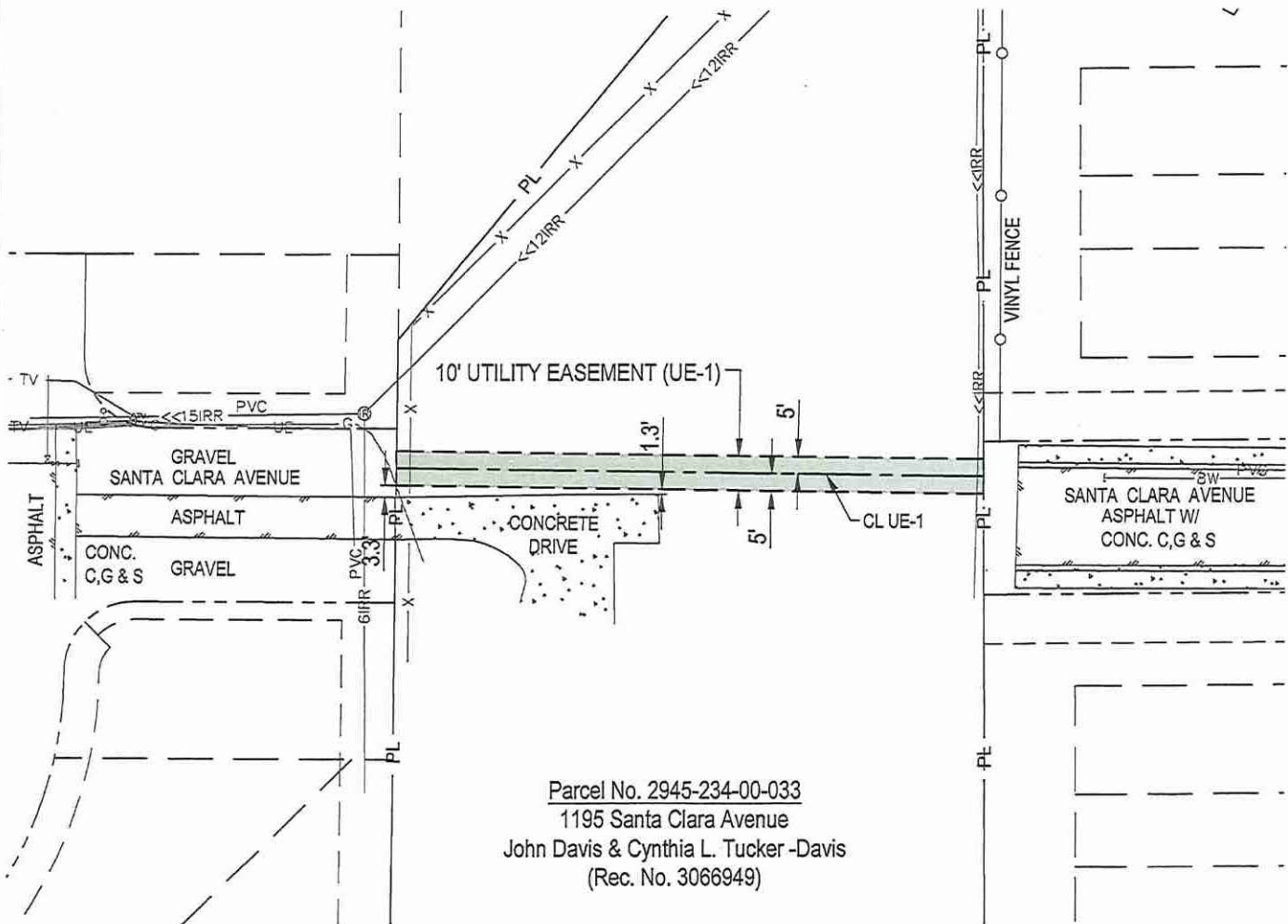
CITY OF
Grand Junction
COLORADO
Engineering & Transportation
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244 North 7th Street - Grand Junction, Co. 81501

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PARCEL NO. 2945-234-00-033
UTILITY EASEMENT (UE-1)



LEGEND			
---	Adjoinder Line	— G —	Gas Line
---	Right-Of-Way Line	— UE —	Electric Line
---	Easement Line (Existing)	— TV —	TV Line
---	Utility Easement (UE-1)	⊗	Irrigation Manhole
— PL —	Property Boundary	Conc. C, G, & S	Conc. Curb, Gutter & Sidewalk
—<<12IRR	Irrigation Line (Size)(Type)	△TV	Telephone Pedestal
— 8W PVC —	Water Line (Size)(Type)	⊠	Electrical Junction Box
⊗	Water Valve	○	Street Light & Pole
— X — X —	Fence Line	+	Street Sign



Parcel No. 2945-234-00-033
 1195 Santa Clara Avenue
 John Davis & Cynthia L. Tucker-Davis
 (Rec. No. 3066949)

ADJACENT PROPERTY OWNERS

- | | |
|--|---|
| <p>(A) Parcel No. 2945-234-09-043
Orchard Mesa Irrigation District
Lot 41, Lamp Lite Park, F1 Amended</p> <p>(B) Parcel No. 2945-234-08-042
1189 Olson Avenue
Christopher M. & Julia Beth Matthews
Lot 31, Lamp Lite Park, F1 Amended</p> <p>(C) Parcel No. 2945-234-08-041
1187 Olson Circle
Ila Wagner
Lot 30, Lamp Lite Park, F1 Amended</p> <p>(D) Parcel No. 2945-234-08-040
1185 Olson Circle
Charles Keim & Michelle Amick
Lot 29, Lamp Lite Park, F1 Amended</p> | <p>(E) Parcel No. 2945-234-08-039
1183 Olson Circle
Edward M. Junak Living Trust
Lot 28, Lamp Lite Park, F1 Amended</p> <p>(F) Parcel No. 2945-234-08-038
1181 Olson Circle
Sandy Brizee-Bowen Living Trust
Lot 27, Lamp Lite Park, F1 Amended</p> <p>(G) Parcel No. 2945-234-12-018
1190 Micaelas Place
Sheila Solano
Lot 18, Block 1, Micaela's Village</p> |
|--|---|



Renee B. Parent, CO PLS #38266
 244 North 7th Street
 Grand Junction, CO. 81501

SHEET 3 OF 3

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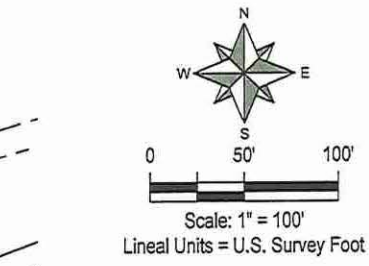
Linden Avenue
 Waterline Replacement
 Project No. F000536
 Located in the SE1/4 of Section 23,
 T1S, R1W, U.M., Grand Junction,
 County of Mesa, State of Colorado

DRAWN BY: NCW
 DATE: 02/03/25
 REVIEWED BY: RBP
 APPROVED BY: TT
 SCALE: 1" = 50'

CITY OF
Grand Junction
 COLORADO
 Engineering & Transportation
 Department
 244 North 7th Street - Grand Junction, Co. 81501

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UTILITY EASEMENT (UE-1)



- ABBREVIATIONS**
- R.O.W. Right-of-Way
 - P.O.B. Point of Beginning
 - P.O.C. Point of Commencement
 - IE Irrigation Easement
 - MPE Multi-Purpose Easement
 - OMI Orchard Mesa Irrigation
 - PEDE Pedestrian Easement
 - UE Utility Easement
 - PL Property Line
 - Rec. Reception
 - No. Number
 - R. Range
 - Sec. Section
 - T. Township
 - U.M. Ute Meridian

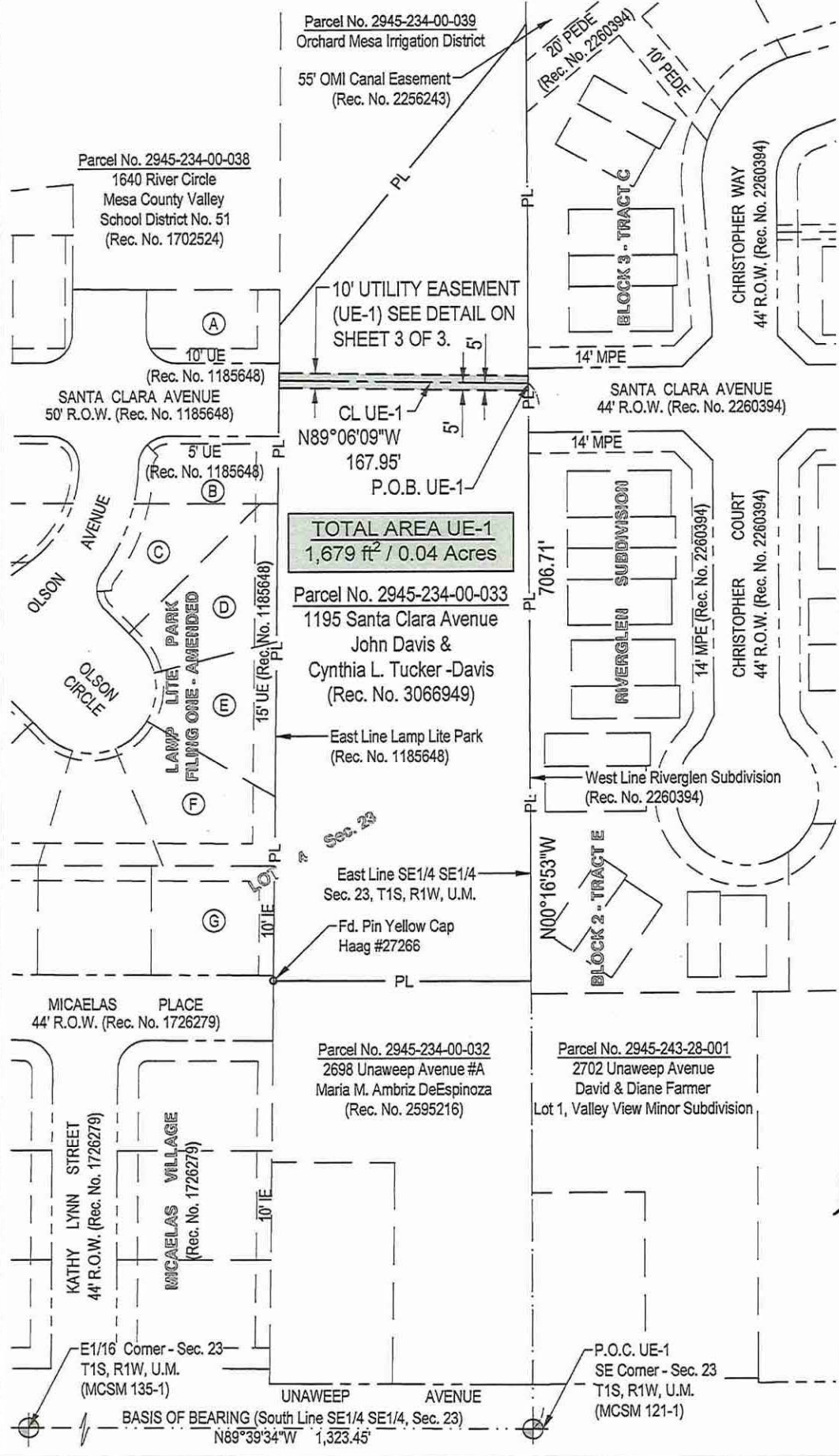
- LEGEND**
- Adjoiner Line
 - - - Right-Of-Way Line
 - - - Easement Line (Existing)
 - - - Utility Easement (UE-1)
 - PL Property Boundary
 - Section Line

NOTE:
1. SEE SHEET NO. 3 OF 3 FOR THE LIST OF ADJACENT PROPERTY OWNERS.



Renee B. Parent, CO PLS #38266
244 North 7th Street
Grand Junction, CO. 81501

SHEET 2 OF 3



TOTAL AREA UE-1
1,679 ft² / 0.04 Acres

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Waterline Replacement
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Located in the SE1/4 of Section 23,
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