

TEMPORARY CONSTRUCTION EASEMENT AGREEMENT

TSN: 2945-012-00-094

This Temporary Construction Easement Agreement ("Agreement") is made and entered into this 18th day of September 2024 by and between **OVER THE HORIZON, LLC**, a Colorado Limited Liability Company, hereinafter referred to as "Owner" whose address is 1111 South 7th Street in Grand Junction, CO, 81501 and the **City of Grand Junction, a Colorado home rule municipality**, hereinafter referred to as "City," whose address is 250 N. 5th Street, Grand Junction, CO 81501, hereinafter referred to as "City".

RECITALS:

- A. The City Council of the City has determined that it is necessary to construct a roundabout at Horizon Drive and G Road at 27 ½ Road. The Horizon Drive & G Road Intersection will be reconstructed, and the existing signalized intersection will be replaced with a two-lane roundabout. The City has determined that the Project is necessary for the health, safety and welfare of its inhabitants.
- B. Owner is the owner of the parcel of land located at the southwest corner of the intersection of Horizon Drive and G Road identified as Mesa County Tax Schedule Number 2945-012-00-094 as identified in the document recorded with Reception Number 2908954 in the Mesa County Clerk and Recorder's records (Owner's Property). The Project shall include the installation of some of the improvements on or adjacent to Owner's Property.
- C. To facilitate prudent and proper completion of the Project improvements, the City needs the Owner's permission to temporarily access and traverse the Owner's Property with workers and equipment in accordance with the terms and conditions of this Agreement and within the limits of the Owner's Property.

NOW, THEREFORE, based on the recitals above and in consideration of their mutual promises and other valuable consideration as herein stated, the receipt and adequacy of which are hereby acknowledged, the parties hereto agree as follows:

1. The Owner hereby grants and conveys to the City a Temporary Construction Easement within the limits of the Owner's Property as described on the attached **Exhibit "A"** and depicted on the attached **Exhibit "B"** both of which are incorporated herein ("Easement Area"), to allow access for workers and equipment to facilitate installation, repair, and replacement of improvements associated with the Project during the term specified in paragraph 2.
2. The term of the City's use of the Temporary Construction Easement herein granted is nonexclusive, except that the Owner agrees that Owner or its successor's, heir's, or assigns, shall not erect or construct any building or other permanent structure within the Easement Area or interfere with City's access, use or operation within the Easement without first obtaining written consent of the City's Manager or City's Public Works Director. The Temporary Construction easement shall commence with written notice presented at least 48 hours prior to the commencement to Owner at Owner's address above by ordinary US mail (presentation complete upon mailing) or in person and shall expire at midnight 12 months from the date of presentation of the written notice to Owner.
3. This Agreement is temporary in nature and is not intended to affect the title of the Owner's Property. The City agrees that this Agreement shall not be recorded nor otherwise entered into the permanent record of any land office. Owner shall be responsible for informing any successor, heir, or assignee of this Agreement.

EXHIBIT A

2945-012-00-094

TEMPORARY EASEMENT PARCEL NO. TE-2 LEGAL DESCRIPTION

A Parcel of land being a portion of Reception Number 2908954, located in Lot 3 (aka the Northeast Quarter of the Northwest Quarter (NE1/4 NW1/4)), Section 1, Township 1 South, Range 1 West, Ute Meridian, City of Grand Junction, Mesa County Colorado being more particularly described as follows:

Commencing at the West Sixteenth Corner of Section 1/Section 36, whence the North Quarter Corner of said Section 1 bears N89°59'29"E a distance of 1321.07 feet using the Mesa County Local Coordinate System with all other bearings contained herein being relative thereto; thence from said point of commencement S60°16'19"E a distance of 659.60 feet to a point on the Southerly Boundary line of Horizon Drive, Reception Number 813634 being the Point of Beginning; thence along said boundary line Northeasterly along the Arc of a 1960.00 foot radius curve concave Northwesterly, a distance of 151.82 feet thru a central angle of 04°26'17" whose cord bears N50°20'11"E a distance of 151.78 feet to the Point of Intersection with the Southerly line of Multi-Purpose Easement Parcel MPE-2; thence the following three (3) courses, 1) N85°29'17"E a distance of 27.05 feet, 2) Southeasterly along the Arc of a 23.50 foot radius curve concave Southwesterly, a distance of 9.74 feet thru a central angle of 23°45'33" whose cord bears S82°37'56"E a distance of 9.68 feet, 3) Southeasterly along the Arc of a 373.50 foot radius curve concave Southwesterly, a distance of 34.34 feet thru a central angle of 05°16'06" whose cord bears S68°07'07"E a distance of 34.33 feet; thence the following four (4) courses 1) Southwesterly along the Arc of a 2015.00 foot radius curve concave Northwesterly, a distance of 145.87 feet thru a central angle of 04°08'52" whose cord bears S48°58'07"W a distance of 145.84 feet, 2) N38°57'27"W a distance of 40.00 feet, 3) Southwesterly along the Arc of a 1975.00 foot radius curve concave Northwesterly, a distance of 52.15 feet thru a central angle of 01°30'46" whose cord bears S51°47'56"W a distance of 52.14 feet, 4) N37°26'41"W a distance of 15.00 feet to the Point of Beginning.

The purpose of the above described Parcel of land is for a Temporary Construction Easement for Horizon Drive and G Road Roundabout at 27 1/2 Road.

Said Parcel of land containing 7833 Square Feet or 0.180 Acres more or less.

Authored by: Renee B. Parent, CO LS38266, City Surveyor, City of Grand Junction
244 N. 7th Street, Grand Junction, Colorado, 81501, 970-256-4003



PUBLIC WORKS ENGINEERING DIVISION

DRAWN BY: MJH
DATE: 6/14/2023
SCALE: N/A
APPR. BY: RBP

LOCATED IN
LOT 3 (AKA NE1/4 NW1/4), SECTION 1,
TOWNSHIP 1 SOUTH, RANGE 1 WEST,
UTE MERIDIAN,
CITY OF GRAND JUNCTION,
COUNTY OF MESA,
STATE OF COLORADO



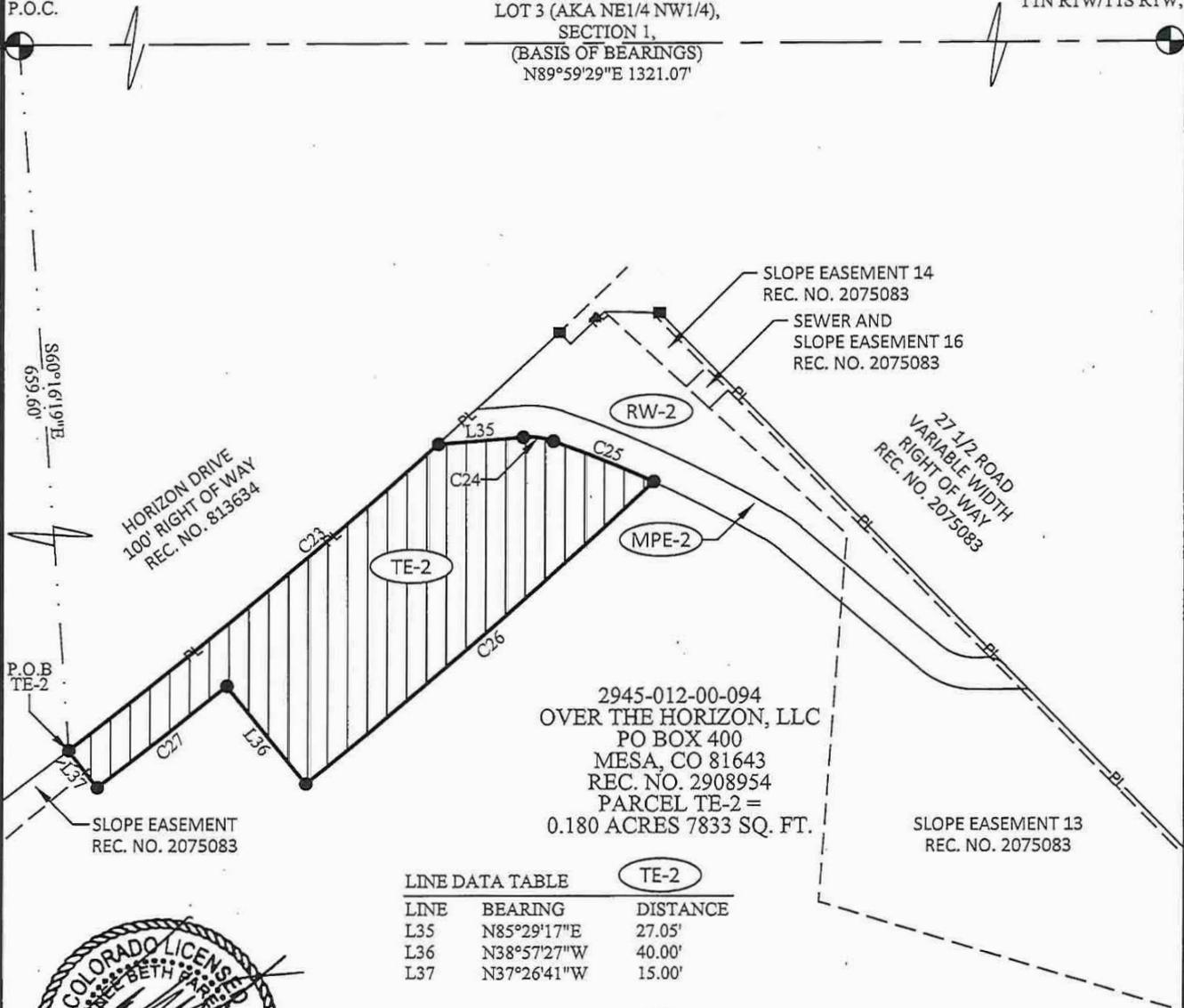
EXHIBIT B

2945-012-00-094
 TEMPORARY EASEMENT PARCEL NO. TE-2

W1/16, SEC. 36/1,
 T1N R1W/T1S R1W
 P.O.C.

NORTH LINE
 LOT 3 (AKA NE1/4 NW1/4),
 SECTION 1,
 (BASIS OF BEARINGS)
 N89°59'29"E 1321.07'

S1/4/N1/4 SEC. 36/1,
 T1N R1W/T1S R1W,



LINE DATA TABLE **TE-2**

LINE	BEARING	DISTANCE
L35	N85°29'17"E	27.05'
L36	N38°57'27"W	40.00'
L37	N37°26'41"W	15.00'

CURVE DATA TABLE **TE-2**

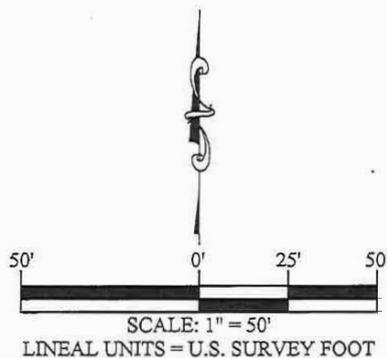
CURVE	ARC	RADIUS	DELTA	CHORD BRG/LENGTH
C23	151.82'	1960.00'	04°26'17"	N50°20'11"E - 151.78'
C24	9.74'	23.50'	23°45'33"	S82°37'56"E - 9.68'
C25	34.34'	373.50'	05°16'06"	S68°07'07"E - 34.33'
C26	145.87'	2015.00'	04°08'52"	S48°58'07"W - 145.84'
C27	52.15'	1975.00'	01°30'46"	S51°47'56"W - 52.14'



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

ABBREVIATIONS/LEGEND

- | | |
|---|---|
| P.O.C. Point of Commencement | MPE Multi-Purpose Easement |
| P.O.B. Point of Beginning | Rec. Reception |
| R.O.W. Right-of-Way | No. Number |
| SEC. Section | RW Right-of-Way |
| T. Township | DE Drainage Easement |
| R. Range | TE Temporary Easement |
| AKA Also Known As | U.M. Ute Meridian |
| ■ Found Property Evidence - 2" Aluminum Cap | PSCO Public Service Company Of Colorado |
| ▲ Found Property Evidence - 2" Aluminum Cap - W.C. 1' SW of Point of Intersection | |
| ● Point of Intersection | |
| ⊕ Found Monument | |



**PUBLIC WORKS
 ENGINEERING DIVISION**

DRAWN BY: MJH
 DATE: 6/14/2023
 SCALE: 1"=50'
 APPR. BY: RBP

LOCATED IN
 LOT 3 (AKA NE1/4 NW1/4), SECTION 1,
 TOWNSHIP 1 SOUTH, RANGE 1 WEST,
 UTE MERIDIAN,
 CITY OF GRAND JUNCTION,
 COUNTY OF MESA,
 STATE OF COLORADO

