

SPECIAL WARRANTY DEED

This Special Warranty Deed made this 26th day of March, 2024 by and between **Heritage Heights Homeowners Association, Inc., a Colorado non-profit corporation**, who is the owner of a parcel of land located along Apex Avenue in Tract E Heritage Heights Filing 5 in Grand Junction, CO 81505 as recorded at Reception No. 2778805, in the Mesa County Clerk and Recorder's records, 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, have sold, granted and conveyed, and by these presents do hereby sell, 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, its successors and assigns forever all right, title and interest in fee simple the following described parcel of land for Public Road and Utilities Right-of-Way purposes, to wit:

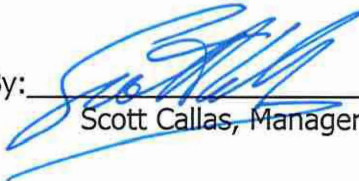
See **Exhibit "A"** and **Exhibit "B"** attached hereto and incorporated herein by reference for the legal descriptions and graphic illustrations of the parcels of land that are the subject of this instrument.

Said Parcel being a part of Mesa County Assessor Parcel No. 2945-044-82-111

TO HAVE AND TO HOLD the premises aforesaid, with all and singular the rights, privileges, appurtenances and immunities thereunto belonging or in anywise appertaining, unto the said Grantee and unto its successors and assigns forever, the said Grantors hereby covenanting that Grantors will warrant and defend the title to said premises unto the said Grantee and unto its successors and assigns forever, against the lawful claims and demands of all persons claiming the whole or any part thereof, by, through or under Grantor, subject to statutory exceptions.

Executed and delivered this 26th day of March, 2024.

Owner:
Heritage Heights Homeowners Association, Inc., a Colorado non-profit corporation

By: 
Scott Callas, Manager

State of Colorado)
)ss
County of Mesa)

The foregoing instrument was acknowledged before me this 26th day of March, 2024 by Scott Callas as Manager of **Heritage Heights Homeowners Association, Inc., a Colorado non-profit corporation.**

My commission expires 9-13-2025.
Witness my hand and official seal.


Notary Public

RICHARD B PITTENRIDGE
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20014025861
MY COMMISSION EXPIRES SEPTEMBER 13, 2025

EXHIBIT A

LEGAL DESCRIPTION

2945-044-82-111

RIGHT-OF-WAY PARCEL NO. RW-19

A parcel of land being a portion of the land as described in Reception Number 2778805 as Tract E of Heritage Heights Filing Five, lying in the NE1/4 SE1/4 of Section 4, Township 1 South, Range 1 West of the Ute Meridian, City of Grand Junction, County of Mesa, State of Colorado and being more particularly described as follows:

Commencing at the South 1/16 Corner of said Section 4, and assuming the East line of said NE1/4 SE1/4 bears N00°02'40"E with all other bearings contained herein being relative thereto; thence from said point of commencement, N25°27'08"W, a distance of 116.15 feet, to point on the westerly right-of-way of 25 road, and the the Point of Beginning;

thence S89°51'50"W, a distance of 4.50 feet; thence N00°02'40"E, a distance of 121.22 feet; thence Northeasterly along the arc of a 167.24 foot radius curve, a distance of 38.88 feet thru a central of angle of 13°19'18" whose chord bears N06°42'18"E, a distance of 38.80 feet, to a point on the westerly right-of-way line of 25 Road; thence along said right-of-way S00°02'40"W, a distance of 159.74 feet, to the Point of Beginning.

Said Parcel of land CONTAINING 661 Square Feet or 0.02 Acres, more or less, as described.

Authored by: Jodie L Grein, CO PLS #38075
Rolland Consulting Engineers
405 Ridges Blvd. Suite A
Grand Junction, CO 81507



ABBREVIATIONS

P.O.C.	Point of Commencement	Rec.	Reception
P.O.B.	Point of Beginning	No.	Number
R.O.W.	Right-of-Way	RW	RIGHT-OF-WAY
SEC.	Section	MPE	Multi-Purpose Easement
T.	Township	TCE	Temporary Construction Easement
R.	Range	U.M.	Ute Meridian
~	Approximately		

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, & is not intended to be used as a means for establishing or verifying property boundary lines.

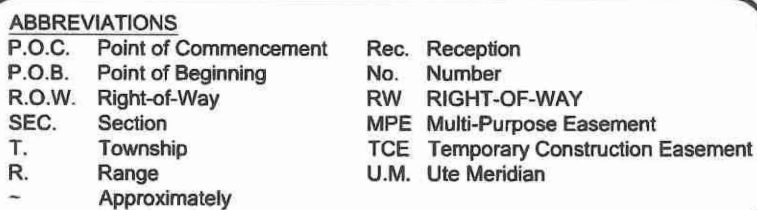
DRAWN BY: NCW
DATE: 8-2023
REVIEWED BY: JLG
APPROVED BY: BH
SCALE:

Portion of 2945-044-82-111
Located in a part of the NE¹/₄ SE¹/₄
Section 4, T.1S, R.1W
Ute Meridian, City of Grand Junction
Mesa County, Colorado

CITY OF
Grand Junction
COLORADO

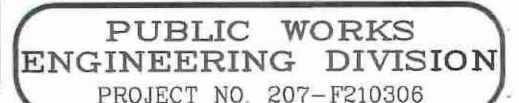
PUBLIC WORKS
ENGINEERING DIVISION
PROJECT NO. 207-F210306

2945-044-82-111
RIGHT-OF-WAY PARCEL NO. RW-19



DRAWN BY:	NCW
DATE:	8-2023
REVIEWED BY:	JLG
APPROVED BY:	BH
SCALE:	1" = 100'

Portion of 2945-044-82-111
Located in a part of the NE $\frac{1}{4}$ SE $\frac{1}{4}$
Section 4, T.1S, R.1W
Ute Meridian, City of Grand Junction
Mesa County, Colorado



HERITAGE HEIGHTS HOMEOWNERS' ASSOCIATION, INC.

**RESOLUTION AUTHORIZING THE SALE
OF A CERTAIN PORTION OF THE COMMON ELEMENTS OF THE
HERITAGE HEIGHTS COMMON INTEREST COMMUNITY
TO THE CITY OF GRAND JUNCTION**

EFFECTIVE DATE: 3/23/2024

RECITALS:

A. The City of Grand Junction provided notice of intent to acquire certain real property titled in the Heritage Heights Homeowners' Association, Inc., ("Association"), which property is described in the attached Exhibit A and depicted in the attached Exhibit B (the Parcel).

B. The Parcel is part of the common elements of the Heritage Heights common interest community.

C. The Colorado Common Interest Ownership Act, C.R.S. §38-33.3-101 *et seq*, authorizes an association to divest, transfer, convey, or encumber the common elements of a common interest community upon the approval of the association's members. C.R.S. §38-33.3-312. The affirmative vote of at least 67% of the voting interests of the common interest community are required for such approval.

D. A ballot question was circulated to the Association members asking for a "yes" or "no" vote on whether to authorize the sale of the Parcel to the City of Grand Junction in fee simple by special warranty deed, in exchange for the following consideration: \$3,000.00 in good funds, plus costs and fees incurred in the preparation and circulation of the written ballot in an amount not to exceed \$1500.00.

E. There are 212 lots within the Heritage Heights common interest community. The ballot question passed with a "yes" vote being returned for 162 lots, which constitutes at least 67% of the voting interests (lot owners) within the Heritage Heights common interest community.

F. The costs and attorney fees incurred in the preparation and circulation of the ballot and this resolution totaled \$ 2726.70.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Heritage Heights Homeowners' Association, Inc. that the Association is duly authorized to convey the Parcel to the City of Grand Junction, in fee simple, by special warranty deed, for the following consideration:

\$3,000.00 in good funds, plus costs and fees incurred in the preparation and circulation of the written ballot in the amount of \$ 1500.00.

The individual authorized to execute the Special Warranty Deed on behalf of the Association is Scott Callas, its manager.

APPROVED AND ADOPTED on the effective date written above.

The undersigned, as President of the Heritage Heights Homeowners' Association, Inc., certifies that at least 67% of the lot owners within Heritage Heights Subdivision authorized the sale of the Parcel as described in this Resolution by written ballot.

HERITAGE HEIGHTS HOMEOWNERS' ASSOCIATION, INC.

BY: Erika Watson secretary
Printed Name: Erika Watson, its President.

ATTEST:



Secretary of the Association

President Savannah Froborn

STATEMENT OF AUTHORITY
 (§38-30-172, C.R.S.)

1. This Statement of Authority relates to an entity¹ named Heritage Heights Homeowners Association, Inc.
2. The entity is a:
- | | |
|--|---|
| ☒ Corporation | ☐ Limited Liability Company |
| ☐ Non-Profit Corporation | ☐ General Partnership |
| ☐ Trust | ☐ Limited Partnership |
| ☐ Business Trust | ☐ Registered Limited Liability Partnership |
| ☐ Governmental Subdivision or Agency | ☐ Registered Limited Liability Limited Partnership |
| ☐ Unincorporated Non-Profit Association | ☐ Limited Partnership Association |
| ☐ Other | please explain: _____ |
3. The entity was formed under the laws of the State of Colorado.
4. The mailing address for the entity is P.O. Box 536, Grand Junction, CO 81507
5. The name(s) & position(s) of each person authorized to execute instruments conveying, encumbering or otherwise affecting title to real property on behalf of the entity is (*all signatures required)
- | | | |
|---|---------------------|----------------|
| • | <u>Scott Callas</u> | <u>Manager</u> |
| | Name | Title |
| • | _____ | _____ |
| | Name | Title |
6. *OPTIONAL* The authority of the foregoing person(s) to bind the entity ☐ is limited ☐ is not limited as follows: _____.
7. *OPTIONAL* Other matters concerning the manner in which the entity deals with its interest(s) in real property: _____.
8. This Statement of Authority is executed on behalf of the entity pursuant to the provisions of §38-30-172, C.R.S.³
9. The Statement of Authority amends and supersedes in all respects any and all prior dated Statements of Authority executed on behalf of the entity.

10.

Executed this 26th day of March, 2024.

Entity:

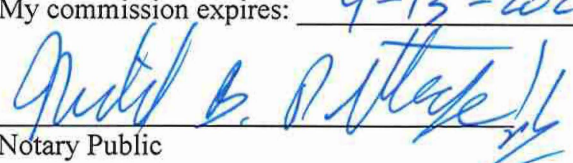
By: 
Scott Callas, Manager

STATE OF COLORADO)
)ss.
COUNTY OF MESA)

The forgoing instrument was acknowledged before me this 26th day of March, 2024,
by Scott Callas as Manager of Heritage Heights Homeowners Association, Inc.

Witness my hand and official seal.

My commission expires: 9-13-2025


Notary Public

RICHARD B PITENRIDGE
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20014025861
MY COMMISSION EXPIRES SEPTEMBER 13, 2025