

AMP795ST

TYPE OF RECORD: PERMANENT

CATEGORY OF RECORD: DEED (COURT DECREED)

NAME OF AGENCY OR CONTRACTOR: AMPCO INC., ELVITA E. VAN GUNDY
AND DEAN VAN GUNDY

STREET ADDRESS/PARCEL NAME/SUBDIVISION/PROJECT: SOUTH 5TH
STREET AND 4TH AVENUE PORTIONS OF LOTS 1, 2, 6, 7 AND 8, 9,
16 AND 17 BLOCK 1 OF SOUTH FIFTH STREET SUBDIVISION IN THE
CITY FRANCHISE TO DENVER AND RIO GRANDE WESTERN RAILROAD CO.
TO EXTEND A SPUR LINE ACROSS CRAWFORD AVENUE TO SERVE THE
PROPERTIES OWNED BY AMPCO, INCORPORATED

CITY DEPARTMENT: PUBLIC WORKS

YEAR: 1979

EXPIRATION DATE: NONE

DESTRUCTION DATE: NONE

STATE OF COLORADO, COUNTY OF MESA

RECORDED AT 3:50 P M FEB 2 1979

RECEPTION NO. 1182931

EARL SAWYER, RECORDER

IN THE DISTRICT COURT

IN AND FOR THE COUNTY OF MESA

STATE OF COLORADO

Civil Action No. 22502

CITY OF GRAND JUNCTION,)
 A Municipal Corporation,)
)
 Petitioner,)
)
 vs.)
)
 ELVETA E. VAN GUNDY, et al.)
)
 Respondents.)

STIPULATED
RULE AND ORDER

This matter came on this day for the Court's consideration and review of the Stipulated Rule and Order filed by the parties. It appears to the Court from the records and files herein that all persons interested as owners or otherwise, as appearing of record, have been joined as respondent parties.

THE COURT FINDS: That it has full and complete jurisdiction of the subject matter of this action and the parties thereto; that service has been made upon all interested parties as required by law; and that the parties have resolved and settled this action, as reflected by the signatures of their counsel.

IT IS ORDERED, ADJUDGED AND DECREED that the property described below has been duly and lawfully taken by petitioner pursuant to the Statutes and the Constitution of the State of Colorado; that the interests of the respondents in said property have been acquired by the petitioner; and that the title to the property described below, together with all appurtenances thereunto belonging, is hereby vested in petitioner:

- a. The West four feet of Lots 1, 2, 6 and 8 in Block 1 South Fifth Street Subdivision in the City of Grand Junction;
- b. The West four feet of the South half of Lot 7 in Block 1 South Fifth Street Subdivision;
- c. Beginning at the Northwest corner of Lot 9 in Block 1 South Fifth Street Subdivision;

thence East four feet; thence Southwesterly to the Southwest corner of said lot; thence North to point of beginning;

- d. The West four feet of a tract described as beginning at a point 145.5 feet South of where the North boundary line of the Southeast quarter of the Northwest quarter of Section 23 Township 1 South Range 1 West of the Ute Meridian intersects the East line of Fifth Street in the City of Grand Junction; thence South 43.5 feet; thence East 111.5 feet; thence North 43.5 feet; thence West 111.5 feet to the point of beginning;
- e. Beginning at the Northeast corner of Lot 16 in Block 1 South Fifth Street Subdivision in the City of Grand Junction; thence South nine feet; thence North $63^{\circ}27'$ West for a distance of twenty one feet to a point on the North line of said Lot 16, thence East to point of beginning;
- f. Beginning at Northeast corner of Lot 17 in Block 1 South Fifth Street Subdivision in the City of Grand Junction; thence South forty feet; thence West for a distance of twenty seven feet; thence Northwesterly on a curve to the right with a radius of 220 feet for a distance of 101.5 feet; thence North $63^{\circ}27'$ West for a distance of sixteen feet to the West line of said Lot 17; thence North to the Northwest corner of said Lot 17, thence East a distance of 139.04 feet to the point of beginning.

FURTHER ORDERED that a certified copy of this Rule and Order be recorded and indexed in the office of the Clerk and Recorder of Mesa County in like manner and in like effect as if it were a deed of conveyance from the owners and parties interested to the petitioner herein.

FURTHER ORDERED that the City of Grand Junction shall grant a franchise to the Denver & Rio Grande Wester Railroad Co. to extend a spur line across Crawford Avenue to serve the properties owned by Ampco, Inc., Elveta E. Van Gundy, Dean Van Gundy and their heirs and assigns on the south side of Crawford Avenue in South Fifth Street Subdivision whenever the extension of the spur line shall be requested by Ampco Inc., Elveta E. Van Gundy, Dean Van Gundy or their heirs and assigns.

DATED this 29 day of January, 1979.

BY THE COURT:

Wm. M. Eia

JUDGE

APPROVED AS TO SUBSTANCE AND FORM:

Wayne B. Schroeder
Wayne B. Schroeder
P. O. Box 871
Boulder, CO 80306

ATTORNEYS FOR RESPONDENTS

Gerald J. Ashby
Gerald J. Ashby
250 North 5th Street
Grand Junction, CO 81501

ATTORNEYS FOR PETITIONER

Certified to be a full
true and correct copy of
original in my custody

Dated Jan 30, 1979

Ben D. Peterson Clerk
Betty J. Shannon Deputy
CLERK
DEPUTY
SEAL
DISTRICT COURT
MESA