

DPC12PAL

TYPE OF RECORD: PERMANENT

CATEGORY OF RECORD: DEED (WARRANTY)

NAME OF AGENCY OR CONTRACTOR: HORACE T. DELONG, EDWIN PRICE, CHARLES E. CHERRINGTON, S. B. HUTCHINSON, FRANK E. DEAN, AND WILLIAM BUTHORN, TRUSTEES TO THE ESTATE OF WILLIAM J. PALMER

STREET ADDRESS/PARCEL NAME/SUBDIVISION/PROJECT: PALMER PARK TO BECOME PART OF ORCHARD MESA CEMETERY, INDENTURE DESIGNATING TRUSTEES, QUIT-CLAIM DEED RELEASE OF OBLIGATION BY PALMER'S HEIRS

CITY DEPARTMENT: PUBLIC WORKS

YEAR: 1912

EXPIRATION DATE: NONE

DESTRUCTION DATE: NONE

THIS DEED made this 26th day of February, A. D. 1912, between Horace T. DeLong, Edwin Price, Charles E. Cherrington, S. B. Hutchinson, Frank E. Dean and Wm. Buthorn, as trustees, of the County of Mesa and State of Colorado, of the first part, and the CITY OF GRAND JUNCTION, a municipal corporation, of the County of Mesa and State of Colorado, of the second part, WITNESSETH:

THAT, WHEREAS, Wm. J. Palmer did, on November 28th, 1908, convey by deed to the parties of the first part, as trustees, the following described real estate, situate, lying and being in the County of Mesa and State of Colorado, to-wit: The West 1/2 of the N. W. 1/4 of the N. W. 1/4 of Section 26, and the West 1/2 of the E 1/2 of the N. W. 1/4 of the N. W. 1/4 of Section 26, containing 30 acres, more or less. Also Lot No. 1 (a part of the N. E. 1/4 of the N. E. 1/4 of Section 27) containing 26.36 acres, more or less; all in Township 1 South, Range 1 West, Ute Meridian, in Mesa County, Colorado, save and except the right of way of the D. & R. G. R. R. Company; and

26.36
30.00
36.36

WHEREAS, the said real estate was conveyed to the said Trustees, their survivors and successors, to be held maintained, carried on and forever kept open as a park, solely for the use, out-door recreation and enjoyment of the inhabitants of Grand Junction, under certain terms and conditions which are fully set forth in said deed, which is recorded in the office of the County Clerk and Recorder, of Mesa County, Colorado, in Book 125, page 154; and

WHEREAS, the said trustees were, by said deed, authorized and instructed to convey the said land to the said city of Grand Junction, for the purpose of a park and pleasure ground, for the benefit of the inhabitants of the city of

1375
1300
72

Grand Junction whenever said city of Grand Junction should, by ordinance duly passed, agree to accept said land as and for a public park and pleasure ground, on the conditions named in said deed, from said Wm. J. Palmer to the said trustees; and

WHEREAS, the said City of Grand Junction has, by ordinance duly passed and adopted, on the 7th day of November, 1911, accepted the said real estate on the terms and conditions set out in the said deed, from said Wm. J. Palmer to the said trustees, and by said ordinance, have agreed to perform all the obligations and conditions required of the said city, by the said deed, and which ordinance further provided that the said described real estate should be known as Palmer Park;

NOW, THEREFORE, the said Horace T. DeLong, Edwin Price, Charles E. Cherrington, S. P. Hutchinson, Frank E. Dean and Wm. Buthorn, as trustees, for and in consideration of the premises, and in consideration of the sum of One Dollar, in hand paid to them by the said party of the second part, receipt whereof is hereby confessed and acknowledged, have granted, bargained, quit-claimed, sold and conveyed, and by these presents do grant, bargain, quit-claim, sell convey and confirm unto the said City of Grand Junction, its successors, forever, said described real estate, to be by the said city of Grand Junction and its successors held, maintained, carried on and forever kept open as a park, solely for the use of out-door recreation and enjoyment of the inhabitants of the City of Grand Junction; subject, however, to the terms and conditions of said deed from the said Wm. J. Palmer to the said trustees, and to the terms and conditions of the said ordinance.

IN WITNESS WHEREOF, the said parties have hereto set their hands and seals the day and year first above written.

Horace T. DeLong (SEAL)
Edwin Rice (SEAL)
Charles E. Cherrington (SEAL)
A. B. Hutchinson (SEAL)
Frank E. Dean (SEAL)
Wm. Buttern (SEAL)

State of Colorado)
County of Mesa) ss.

I, Charles B. Rich, a notary public, in and for said county, in the State aforesaid, do hereby certify that Horace T. DeLong, Edwin Rice, Charles E. Cherrington, A. B. Hutchinson, Frank E. Dean and Wm. Buttern who are personally known to me to be the persons whose names are subscribed to the foregoing deed, appeared before me this day in person and acknowledged that they signed, sealed and delivered the said instrument of writing, as their free and voluntary act and deed, for the uses and purposes therein set forth.

Given under my hand and notarial seal this Sixth day of May A. D. 1912.

My commission expires Jan. 20, 1913.

Charles B. Rich
Notary Public.

177765

429

COMPARED

[Signature]

FILED

427 1922

TAXI *[Signature]* CITY CLERK

State of Colorado, }
County of Mesa }

I hereby certify that this instrument was
Filed for record APR 19 1922
at 9:30 o'clock A.M. said recorded
in Book 258 Page 352

WILLIAM GALLIPE, RECORDER

By *[Signature]* Deputy

\$1.95-

[Signature]

Return to
Hedrick Peck
City Auditor
City Hall



1777657

427

Colorado }
Mesa }
Verify that this first
record APR 1 1908
A 30 District 9, M. S.
R 58 Page 3

M. GALLUPE, REC.
Call of Palmer

8.1.95
J. J. J.

Handwritten notes and signatures in the top right corner.

THIS INDENTURE made this 28th day of November.

A. D. 1908, by and between Wm. J. PALMER, of El Paso County, Colorado, as party of the first part, and HORACE T. DeLONG, EDWIN PRISON, CHARLES W. CHERRINGTON, S. P. HUTCHINSON, FRANK E. DEAN and Wm. BUTHORN, as Trustees, parties of the second part;

WITNESSETH:

WHEREAS the said Wm. J. Palmer heretofore offered to give and to convey unto the City of Grand Junction, a certain tract of land in Mesa County, Colorado, hereinafter described, for the purposes of a park for the benefit of the inhabitants of Grand Junction, upon the condition that the said City of Grand Junction should, for a period of ten years from and after such conveyance, expend at least the sum of One Thousand (\$1,000.) Dollars annually for improving and beautifying said land as a park; and

WHEREAS the Common Council of the City of Grand Junction declined to accept the said property for the purposes of a park; and

WHEREAS certain citizens of Grand Junction believe that the said property should be received from the said Wm. J. Palmer in order that the same may be held and maintained as and for a public park for the inhabitants of Grand Junction, and they have agreed in writing to provide the sum of One Thousand (\$1,000.) Dollars annually for at least ten years next ensuing for the purpose of improving and beautifying said park; and

WHEREAS the said Wm. J. Palmer is willing to convey the said property in order that the same may be held and maintained as a park for the benefit of the inhabitants of Grand Junction, upon the guaranty of said citizens that said amount shall be annually expended in the improvement and beautifying of said park;

NOW, THEREFORE, the said Wm. J. Palmer for and in con-

sideration of the premises and in consideration of the sum of One (\$1.00) Dollar in hand paid to him by the said parties of the second part, receipt whereof is hereby confessed and acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell, convey and confirm unto them, the said HORACE T. DeLONG, EDWIN PRICE, CHARLES E. CHERRINGTON, S. P. HUTCHINSON, FRANK E. DEAN, and Wm. BUTHORN, As Trustees, and to the survivors of them, and to their successors, forever, all of the following described pieces or parcels of land, situate, lying and being in the County of Mesa, State of Colorado, to-wit:

The West 1/2 of the N. W. 1/4 of the N. W. 1/4 of Sec. 26, and the West 1/2 of the E. 1/2 of the N. W. 1/4 of the N. W. 1/4 of Sec. 26, containing 30 acres more or less. Also Lot No. 1 (a part of the N. E. 1/4 of the N. E. 1/4 of Sec. 27) containing 26.36 acres, more or less. All in Twp. 1 S. R. 1 W. Mesa County, Colorado. Save and except the right of way of the D. & R. G. R. R. Company.

TO HAVE AND TO HOLD the said premises above described with the appurtenances, subject to the reservations and conditions hereinafter contained unto them, the said HORACE T. DeLONG, EDWIN PRICE, CHARLES E. CHERRINGTON, S. P. HUTCHINSON, FRANK E. DEAN and Wm. BUTHORN, as Trustees, and the survivors of them, and their successors, forever, but upon the trusts, to the uses and for the purposes hereinafter declared of and concerning the same, and no others; that is to say; IN TRUST for the inhabitants of the City of Grand Junction, to be by the said Trustees and their survivors and successors, held, maintained, carried on and forever kept open as a park solely for the use, the out door recreation and enjoyment of the inhabitants of Grand Junction, subject, however, to the following expressed conditions and reservations; that is to say:

1. In case the property herein conveyed, or the build-

ings thereon, shall ever be taxed, then and in that case, and upon a decision by the Supreme Court of the State of Colorado, sustaining such attempt to tax it, the land herein conveyed shall revert to me and my heirs.

11. In case intoxicating liquors of any kind whatsoever shall be manufactured, sold, dispensed or otherwise disposed of, in or upon the premises hereby granted or any part thereof, then and in that case the land herein conveyed shall immediately revert to me and my heirs.

111. That there shall be expended upon said property for a period of ten years from and after the date of this indenture, at least the sum of One Thousand (\$1,000.) Dollars a year for each of the said ten years in the improvement and beautifying of the said property as a public park and pleasure ground; and in default of the expenditure of such amount of money, the land herein conveyed shall revert to the said Wm. J. Palmer and his heirs.

IV. In case, hereafter, the said City of Grand Junction, shall through its Common Council, by ordinance duly passed, agree to accept the said land herein conveyed as and for a public park and pleasure ground, and the said City, through its Common Council, shall agree to expend at least the sum of One Thousand (\$1,000.) Dollars annually for the purposes above stated, for the aforesaid period of ten years, or any remaining portion thereof, then the parties of the second part herein shall be and they hereby are authorized, empowered and directed to convey the said land to the said City of Grand Junction for the purposes of a park and pleasure ground for the benefit of the inhabitants of the City of Grand Junction.

V. The Trustees herein named, the survivor or survivors of them, by a majority vote of those then alive and acting

shall have sole power to elect their successors in case of the death, resignation, refusal or inability of any of the said Trustees to act, and this power to fill vacancies shall extend to and be vested in the successors, so elected, of the Trustees herein named.

VI. In case the citizens of Grand Junction or in case the Common Council of the City of Grand Junction shall fail to provide the sum of One Thousand (\$1,000.) Dollars annually for at least ten years, as above provided, for the purpose of improving and beautifying said park, then and in that case the above described property shall revert to and again become the property of William J. Palmer, the donor of said park, and all the rights hereby granted to the above Trustees or in case said Trustees shall have conveyed the same to said City of Grand Junction, shall terminate.

IN WITNESS WHEREOF, the said William J. Palmer has hereunto set his hand and seal the day and year first above written.

Wm J Palmer (Seal)

Silvia C Myers

Christina E. Lacy

STATE OF COLORADO,
County of *El Paso* } ss.

I, *Edmond C. van Diest*, a

Notary Public in and for said County, in the State aforesaid, do hereby certify that

Wm J. Palmer

who *is* personally known to me to be the person whose name *is* subscribed to the annexed deed, appeared before me this day in person and acknowledged that *he* signed, sealed and delivered the said instrument of writing as *his* free and voluntary act, for the uses and purposes therein set forth.

Given under my hand and notarial seal, this *28th* day of *November* A. D. 19*08*.

My Commission expires *January 29* 19*12*.

Edmond C. van Diest
Notary Public.

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Book's Next from Jan 1871

COMPUTED

80819

XCP.

JAN 2-1909

$\frac{300}{125}$

P.

154

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*Wm E. Channington
City*

2nd Rev. Stamp

A-U-T-H-E-N-T-I-C-I-T-Y D-E-B-T-O.

.....

THIS DEED, made this 20th day of January, A. D. 1922, between Elsie Myers, Dorothy Palmer and Marjorie Palmer Watt (formerly Marjorie Palmer), individually and as sole heirs at law and residuary devisees of William J. Palmer, deceased, now or formerly of the County of El Paso and State of Colorado, parties of the first part and the City of Grand Junction, a municipal corporation, of the County of Mesa and State of Colorado, party of the second part, WITNESSETH:

That whereas, the parties of the first part desire to sell and the party of the second part desires to purchase the following described real estate, situate, lying and being in the County of Mesa and State of Colorado, to-wit:

The East one-fourth ($E\frac{1}{4}$) of the Northwest quarter ($NW\frac{1}{4}$) of the Northwest quarter ($NW\frac{1}{4}$) of Section twenty-six (26), Township one (1) South of Range one (1) West of the Ute Meridian, and

Whereas, the party of the second part desires to have all of that portion of the following described real estate, lying East of the right of way of The Denver & Rio Grande Railroad, to-wit:

The West one-half ($W\frac{1}{2}$) of the Northwest quarter ($NW\frac{1}{4}$) of the Northwest quarter ($NW\frac{1}{4}$) of Section twenty-six (26) and the West one-half ($W\frac{1}{2}$) of the East one-half ($E\frac{1}{2}$) of the Northwest quarter ($NW\frac{1}{4}$) of the Northwest quarter ($NW\frac{1}{4}$) of Section twenty-six (26) and Lot number one (1) (being a part of the Northeast quarter ($NE\frac{1}{4}$) of the Northeast quarter ($NE\frac{1}{4}$) of Section twenty-seven (27)), all in Township one (1) South of Range one (1) West of the Ute Meridian in Mesa County, Colorado, released from all reservations and conditions contained in that certain conveyance dated the 28th day of November, A. D. 1908, by and between Wm. J. Palmer of El Paso County, Colorado, party of the first part and Horace T. De Long, Edwin Price, Charles E. Cherrington, S. T. Hutchinson, Frank E. Dean and Wm. Buthorn, as trustees, parties of the second part, which said Deed was recorded in the Office of the County Clerk and Recorder of Mesa County, Colorado, on January 2nd, 1909 in book one hundred twenty-five (125) at page one hundred fifty-four (154).

NOW THEREFORE, the said parties of the first part for and
(1)

in consideration of the sum of two thousand dollars (\$2,000.00) in hand paid by the party of the second part, the receipt whereof is hereby confessed and acknowledged, hereby sells and quit claims to the City of Grand Junction, a municipal corporation, of the County of Mesa and State of Colorado, the following real estate, situate in the County of Mesa and State of Colorado, to-wit:

~~The East one-fourth (E $\frac{1}{4}$) of the Northwest quarter (NW $\frac{1}{4}$)~~
of the Northwest quarter (NW $\frac{1}{4}$) of Section twenty-six (26) in Township one (1) South of Range one (1) West of the Ute Meridian, subject only to the rights of way, if any, of roads and ditches, and the lien of the Orchard Mesa Irrigation District, and subject also to the taxes assessed in 1921, payable in 1922, which taxes the party of the second part agrees to pay; also all that portion lying East of the right of way of The Denver & Rio Grande Railroad of the following described real estate, to-wit:

All that part of the West one-half (W $\frac{1}{2}$) of the Northwest quarter (NW $\frac{1}{4}$) of the Northwest quarter (NW $\frac{1}{4}$) of Section twenty-six (26) and the West one-half (W $\frac{1}{2}$) of the East one-half (E $\frac{1}{2}$) of the Northwest quarter (NW $\frac{1}{4}$) of the Northwest quarter (NW $\frac{1}{4}$) of Section twenty-six (26), and all that part of lot number one (1), being a part of the Northeast quarter (NE $\frac{1}{4}$) of the Northeast quarter (NE $\frac{1}{4}$) of Section twenty-seven (27), all in Township one (1) South of Range one (1) West of the Ute Meridian in Mesa County, Colorado, free and clear of all reservations and conditions contained in that certain conveyance dated the 28th day of November, A. D. 1908, by and between Wm. J. Palmer of El Paso County, Colorado, party of the first part and Horace T. De Long, Edwin Price, Charles E. Cherrington, S. P. Hutchinson, Frank E. Dean and Wm. Buthorn, trustees, parties of the second part, which said Deed was recorded on the 2nd day of January, 1909, in the office of the County Clerk and Recorder of Mesa County, Colorado, in book one hundred twenty-five (125) at page one hundred fifty-four (154), releasing unto the said City of Grand Junction, a municipal corporation, each and all reservations and conditions contained in said conveyance from Wm. J. Palmer to Horace T. De Long, Edwin Price, Charles E. Cherrington, S. P. Hutchinson, Frank E. Dean and Wm. Buthorn, trustees.

Together with all and singular the hereditaments and appurtenances thereunto belonging or in anywise appertaining.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals the day and year first above written.



Elsie Myers SEAL

Corolla Palmer SEAL

Marjorie Palmer Watt SEAL

STATE OF Colorado)
County of El Paso) ss.

I, J. Milton Fisher, a notary public in and for said El Paso County in the State aforesaid, do hereby certify that Marjorie Palmer Watt, who is personally known to me to be one of the persons whose name is subscribed to the foregoing Deed, appeared before me this day in person and acknowledged that she signed, sealed and delivered the said instrument of writing as her free and voluntary act and deed for the uses and purposes therein set forth.

Given under my hand and notarial seal this 30th day of January - A. D. 1922.

My Commission expires June 26th 1923

J. Milton Fisher
Notary Public.

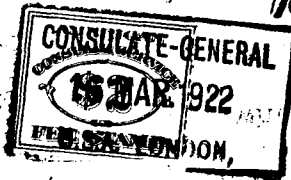
KINGDOM OF GREAT BRITAIN AND IRELAND)
CITY OF LONDON, ENGLAND)
UNITE STATES CONSULATE GENERAL) SS.

I, Russell H. Rhodes Vice Consul of The United States of America at London, England, in the State aforesaid, do hereby certify that Elsie Myers, and Dorothy palmer, who are personally known to me to be the persons whose names are subscribed to the foregoing Deed, appeared before me this day in person, and acknowledged that they signed, sealed and delivered the said instrument of writing as their free and voluntary act and deed, for the uses and purposes therein specified.

March A. D. 1922.

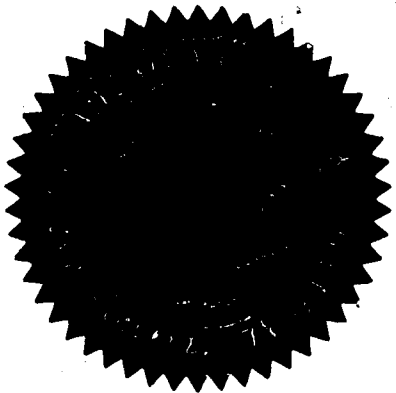
Given under my hand and ^{Official} notarial seal, this 16th day of

Russell H. Rhodes



Vice Consul of The United States Of America at London, England.

#2854



177542

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901

By *[Signature]*

FILED *11/24* 1922
BY *[Signature]* City Clerk

State of Colorado, } ss.
County of _____

I hereby certify that the instrument was
Filed for record
at *10:38* o'clock *A.M.* and recorded
in Book *258* Page *348*.

ELLA M. GILLURE, RECORDER
By *[Signature]* Deputy.

\$ 2 00

City of Denver

[Faint mirrored text from reverse side of the document]