

RMP99DHE

TYPE OF RECORD: PERMANENT

CATEGORY OF RECORD: **DEED (EASEMENT)**

PURPOSE: UTILITIES AND PUBLIC ROAD RIGHT-OF-WAY

NAME OF PROPERTY OWNER OR GRANTOR: MARILYN K. SCHIVELEY, SUSAN RUMP-STEINBACH AND MARJORIE ELLEN RUMP, TRUSTEE OF THE JOHN S. RUMP TRUST

STREET ADDRESS/PARCEL NAME/SUBDIVISION (LOT AND BLOCK): DESERT HILLS ESTATES

PARCEL NO.: 2947-266-00-057

CITY DEPARTMENT: COMMUNITY DEVELOPMENT

YEAR: 1999

EXPIRATION DATE: NONE

DESTRUCTION DATE: NONE

**EASEMENT DEED AND AGREEMENT**

**BOOK 2757 PAGE 755**

This EASEMENT DEED AND AGREEMENT ("Agreement") made, effective as of Oct. 4, ~~1999~~<sup>2000</sup>, by and between **MARILYN K. SCHIVELEY, SUSAN RUMP-STEINBACH and MARJORIE ELLEN RUMP, TRUSTEE OF THE JOHN S. RUMP TRUST**, of 3000 Elmwood, Bakersfield, CA 93305, hereinafter referred to as "Grantor," and **THE CITY OF GRAND JUNCTION**, a Colorado municipality, of 250 North 5th Street, Grand Junction, CO 81506, hereinafter referred to as "Grantee."

The parties agree as follows:

**SECTION ONE  
CONVEYANCE OF EASEMENT**

Grantor, for and in consideration of good and valuable consideration, hereby grants and conveys to Grantee an easement as more particularly described on Exhibit "A," Exhibit "B" and Exhibit "C," attached hereto subject to all current and subsequent real property taxes and assessments, restrictions and reservations of record over and across the property of Grantor as described in Exhibit "A," Exhibit "B" and Exhibit "C." The easement is and shall be perpetual and nonexclusive.

**SECTION TWO  
DESCRIPTION OF EASEMENT**

An easement over and across the property of Grantor for the use and benefit of Grantee, their employees, agents and contractors, or any of their successors in title. The easement is for the sole and exclusive purpose of installation and maintenance of utilities, construction and maintenance of public road right of way and slope maintenance.

**SECTION THREE  
CONDITIONS**

- (a) Grantee shall not fence or otherwise obstruct the easement;
- (b) Grantee shall promptly repair any damage it shall do to Grantor's real property;
- (c) Grantee shall indemnify and hold Grantor harmless from and against any and all loss and damage that shall be caused by the exercise of the rights granted herein or by any wrongful or negligent act or omission of Grantee or of their agents in the course of their employment;
- (d) Grantor reserves the right to use the easement for purposes that will not interfere with Grantee's full enjoyment of the rights granted by this instrument.

**SECTION FOUR  
EASEMENT TO RUN WITH LAND**

This grant of easement shall run with the land and shall be binding on and shall inure to the benefit of the parties to this agreement, their respective heirs, successors, or assigns.

**SECTION FIVE  
NOTICES**

Any notice provided for or concerning this agreement shall be in writing and be deemed sufficiently given when sent by certified or registered mail if sent to the respective address of each property owner as set forth in the records of the Mesa County Assessor.

**SECTION SIX  
GOVERNING LAW**

It is agreed that this agreement shall be governed by, construed, and enforced in accordance with the laws of the State of Colorado. The rule of strict construction does not apply to this instrument. This Easement Deed shall be given a reasonable construction in light of the intention of the parties to provide public road right of way and installation of public utilities.

**SECTION SEVEN  
ENTIRE AGREEMENT**

This Agreement shall constitute the entire agreement between the parties and any prior understanding or representation of any kind preceding the date of this Agreement shall not be binding upon either party except to the extent incorporated in this Agreement.

**SECTION EIGHT  
MODIFICATION OF AGREEMENT**

Any modification of this Agreement or additional obligation assumed by either party in connection with this Agreement shall be binding only if evidenced in writing signed by each party or an authorized representative of each party.

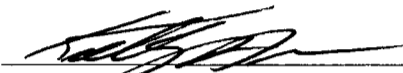
IN WITNESS WHEREOF, each party to the Agreement has caused it to be executed as of the date and year first above written.

"GRANTOR"

Marilyn K. Schiveley  
by Greg K. Kamp P.O.A.  
Marilyn K. Schiveley  
Susan Rump - Steinbach  
by Greg K. Kamp P.O.A.  
Susan Rump-Steinbach

JOHN S. RUMP TRUST  
Marjorie Ellen Rump  
By: by Greg K. Kamp P.O.A.  
Marjorie Ellen Rump, Trustee

"GRANTEE"

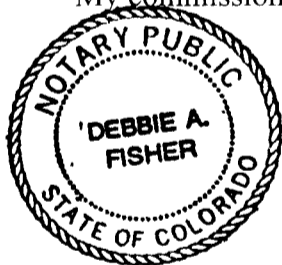
THE CITY OF GRAND JUNCTION, a Colorado municipality  
By:   
City Manager

COLORADO  
STATE OF CALIFORNIA )  
) ss.  
COUNTY OF MESA )

by Greg K. Kamp, P.O.A.

On December 8, 1999, 1999, before me, Debbie A. Fisher, personally appeared Marilyn K. Schiveley,  personally known to me - OR -  proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her authorized capacity, and that by her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

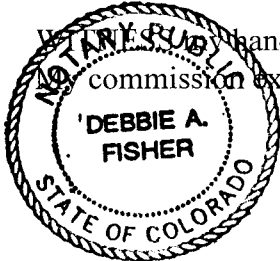
WITNESS my hand and official seal.  
My commission expires: 3-14-2003



Debbie A. Fisher  
Notary Public

COLORADO  
STATE OF CALIFORNIA )  
 ) ss.  
COUNTY OF MESA )

On December 8, 1999, 1999, before me, Debbie A. Fisher,  
personally appeared Susan Rump-Steinbach, ~~personally~~ known to me - OR -  proved to me on  
the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument  
and acknowledged to me that she executed the same in her authorized capacity, and that by her  
signature on the instrument the person, or the entity upon behalf of which the person acted, executed  
the instrument.



WITNESS my hand and official seal.  
My commission expires: 3-14-2003

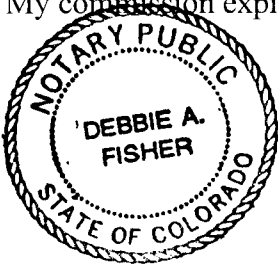
Debbie A. Fisher

Notary Public

COLORADO  
STATE OF CALIFORNIA )  
 ) ss.  
COUNTY OF MESA )

On December 8, 1999, 1999, before me, Debbie A. Fisher,  
personally appeared Marjorie Ellen Rump, Trustee of The John S. Rump Trust, ~~personally~~ known  
to me - OR -  proved to me on the basis of satisfactory evidence to be the person whose name is  
subscribed to the within instrument and acknowledged to me that she executed the same in her  
authorized capacity, and that by her signature on the instrument the person, or the entity upon behalf  
of which the person acted, executed the instrument.

WITNESS my hand and official seal.  
My commission expires: 3-14-2003



Debbie A. Fisher

Notary Public

STATE OF COLORADO )  
 ) ss.  
COUNTY OF MESA )

The foregoing instrument was acknowledged before me this 28<sup>th</sup> day of September, 2000 by Kelly Arnold, City Manager, of the City of Grand Junction, a Colorado municipality, Grantee.

WITNESS my hand and official seal.  
My commission expires:



*Theresa L. Shafer*  
Notary Public

**My Commission expires:  
March 10, 2001**

Exhibit "A"TRACT 4  
14' Multi-Purpose Easement

Commencing at the Northwest corner of the Northeast Quarter of the Northwest Quarter (NE1/4 NW1/4), Section 26, Township 11 South, Range 101 West, of the Sixth Principal Meridian, whence the Northeast corner of said NE1/4 NW1/4 bears South 89 degrees 55 minutes 36 seconds East, a distance of 1335.46 feet, for a basis of bearings, with all bearings contained herein and relative thereto; thence South 00 degrees 50 minutes 21 seconds East, along the West line of said NE1/4 NW1/4, a distance of 1329.57 feet, to the Southwest corner of said NE1/4 NW1/4, Section 26; thence North 89 degrees 53 minutes 08 seconds East, along the South line of said NE1/4 NW1/4, a distance of 124.00 feet; thence South 11 degrees 20 minutes 03 seconds East, a distance of 180.19 feet; thence along the arc of a curve to the right, having a delta angle of 05 degrees 22 minutes 37 seconds, with a radius of 325.00 feet, an arc length of 30.50 feet, a chord bearing of South 08 degrees 38 minutes 44 seconds East, and a chord length of 30.49 feet to the POINT OF BEGINNING; thence along the arc of a non-tangent curve to the left, having a delta angle of 05 degrees 55 minutes 13 seconds, with a radius of 295.20 feet, an arc length of 30.50 feet, a chord bearing of North 08 degrees 38 minutes 44 seconds West, and a chord length of 30.49 feet; thence North 11 degrees 20 minutes 03 seconds West, a distance of 185.15 feet; thence along the arc of a curve to the right, having a delta angle of 12 degrees 41 minutes 09 seconds, with a radius of 275.00 feet, an arc length of 60.89 feet, a chord bearing of North 04 degrees 59 minutes 28 seconds West, and a chord length of 60.76 feet; thence North 01 degrees 21 minutes 06 seconds East, a distance of 122.05 feet; thence along the arc of a curve to the right, having a delta angle of 16 degrees 31 minutes 42 seconds, with a radius of 275.00 feet, an arc length of 79.33 feet, a chord bearing of North 09 degrees 36 minutes 57 seconds East, and a chord length of 79.06 feet; thence North 17 degrees 52 minutes 48 seconds East, a distance of 39.63 feet; thence along the arc of a curve to the right, having a delta angle of 21 degrees 26 minutes 57 seconds, with a radius of 275.00 feet, an arc length of 102.95 feet, a chord bearing of North 28 degrees 36 minutes 16 seconds East, and a chord length of 102.35 feet; thence South 50 degrees 40 minutes 15 seconds East, a distance of 20.00 feet; thence along the arc of a curve to the left, having a delta angle of 21 degrees 26 minutes 57 seconds, with a radius of 255.00 feet, an arc length of 95.46 feet, a chord bearing of South 28 degrees 36 minutes 16 seconds West, and a chord length of 94.91 feet; thence South 17 degrees 52 minutes 48 seconds West, a distance of 39.63 feet; thence along the arc of a curve to the left, having a delta angle of 16 degrees 31 minutes 42 seconds, with a radius of 255.00 feet, an arc length of 73.56 feet, a chord bearing of South 09 degrees 36 minutes 57 seconds West, and a chord length of 73.31 feet; thence South 01 degrees 21 minutes 06 seconds West, a distance of 122.05 feet; thence along the arc of a curve to the left, having a delta angle of 12 degrees 41 minutes 09 seconds, with a radius of 255.00 feet, an arc length of 56.46 feet, a chord bearing of South 04 degrees 59 minutes 28 seconds East, and a chord length

of 56.34 feet; thence South 11 degrees 20 minutes 03 seconds East, a distance of 179.60 feet; thence South 19 degrees 25 minutes 37 seconds West, a distance of 41.90 feet to the POINT OF BEGINNING.

Said parcel containing an area of 0.272 Acres, as described.

12/07/99



**Exhibit B**  
**Temporary Construction Easement**  
**TRACT 4c**

Commencing at the Northwest corner of the Northeast Quarter of the Northwest Quarter (NE1/4 NW1/4), Section 26, Township 11 South, Range 101 West, of the Sixth Principal Meridian, whence the Northeast corner of said NE1/4 NW1/4 bears South 89 degrees 55 minutes 36 seconds East, a distance of 1335.46 feet, for a basis of bearings, with all bearings contained herein and relative thereto; thence South 00 degrees 50 minutes 21 seconds East, along the West line of said NE1/4 NW1/4, a distance of 1329.57 feet, to the Southwest corner of said NE1/4 NW1/4, Section 26; thence North 89 degrees 53 minutes 08 seconds East, along the South line of said NE1/4 NW1/4, a distance of 124.00 feet to the POINT OF BEGINNING; thence North 89 degrees 53 minutes 08 seconds East, a distance of 21.30 feet; thence along the arc of a curve to the left, having a delta angle of 14 degrees 30 minutes 24 seconds, with a radius of 99.00 feet, an arc length of 25.07 feet, a chord bearing of North 00 degrees 18 minutes 59 seconds East, and a chord length of 25.00 feet; thence along the arc of a curve to the right, having a delta angle of 24 degrees 49 minutes 01 seconds, with a radius of 269.00 feet, an arc length of 116.51 feet, a chord bearing of North 05 degrees 28 minutes 17 seconds East, and a chord length of 115.61 feet; thence North 17 degrees 52 minutes 48 seconds East, a distance of 151.87 feet; thence along the arc of a curve to the right, having a delta angle of 21 degrees 26 minutes 57 seconds, with a radius of 215.00 feet, an arc length of 80.49 feet, a chord bearing of North 28 degrees 36 minutes 16 seconds East, and a chord length of 80.02 feet; thence North 50 degrees 40 minutes 15 seconds West, a distance of 60.00 feet; thence along the arc of a curve to the left, having a delta angle of 21 degrees 26 minutes 57 seconds, with a radius of 275.00 feet, an arc length of 102.95 feet, a chord bearing of South 28 degrees 36 minutes 16 seconds West, and a chord length of 102.35 feet; thence South 17 degrees 52 minutes 48 seconds West, a distance of 39.63 feet; thence along the arc of a curve to the left, having a delta angle of 16 degrees 31 minutes 42 seconds, with a radius of 275.00 feet, an arc length of 79.33 feet, a chord bearing of South 09 degrees 36 minutes 57 seconds West, and a chord length of 79.06 feet; thence South 01 degrees 21 minutes 06 seconds West, a distance of 122.05 feet; thence along the arc of a curve to the left, having a delta angle of 12 degrees 41 minutes 09 seconds, with a radius of 275.00 feet, an arc length of 60.89 feet, a chord bearing of South 04 degrees 59 minutes 28 seconds East, and a chord length of 60.76 feet; thence South 11 degrees 20 minutes 03 seconds East, a distance of 4.96 feet to the POINT OF BEGINNING.

Said parcel containing an area of 0.410 Acres, as described.

12/07/99

EXHIBIT C

Tract 7

## 14' Multi-Purpose Easement

Commencing at the Northwest corner of the Northeast Quarter of the Northwest Quarter (NE1/4 NW1/4), Section 26, Township 11 South, Range 101 West, of the Sixth Principal Meridian, whence the Northeast corner of said NE1/4 NW1/4 bears South 89 degrees 55 minutes 36 seconds East, a distance of 1335.46 feet, for a basis of bearings, with all bearings contained herein and relative thereto; thence South 00 degrees 50 minutes 21 seconds East, along the West line of NE1/4 NW1/4, a distance of 1329.57 feet, to the Southwest corner of said NE1/4 NW1/4; thence North 89 degrees 53 minutes 08 seconds East, along the South line of said NE1/4 NW1/4, a distance of 58.84 feet to the POINT OF BEGINNING; thence North 89 degrees 53 minutes 08 seconds East, a distance of 14.22 feet; thence along the arc of a curve to the left, having a delta angle of 00 degrees 52 minutes 23 seconds, with a radius of 325.00 feet, an arc length of 4.95 feet, a chord bearing of South 10 degrees 53 minutes 51 seconds East, and a chord length of 4.95 feet; thence South 11 degrees 20 minutes 03 seconds East, a distance of 185.15 feet; thence along the arc of a curve to the right, having a delta angle of 25 degrees 59 minutes 53 seconds, with a radius of 275.00 feet, an arc length of 124.78 feet, a chord bearing of South 01 degrees 39 minutes 54 seconds West, and a chord length of 123.71 feet; thence South 14 degrees 39 minutes 51 seconds West, a distance of 10.71 feet; thence South 60 degrees 38 minutes 19 seconds West, a distance of 36.73 feet, to a point on the Northerly right-of-way line of South Broadway; thence, along said Northerly right-of-way line of South Broadway, North 73 degrees 19 minutes 07 seconds West, a distance of 19.41 feet; thence leaving said Northerly right-of-way line of South Broadway, North 60 degrees 38 minutes 19 seconds East, a distance of 44.22 feet; thence North 14 degrees 39 minutes 51 seconds East, a distance of 4.81 feet; thence along the arc of a curve to the left, having a delta angle of 25 degrees 59 minutes 53 seconds, with a radius of 261.00 feet, an arc length of 118.43 feet, a chord bearing of North 01 degrees 39 minutes 54 seconds East, and a chord length of 117.42 feet; thence North 11 degrees 20 minutes 03 seconds West, a distance of 185.15 feet; thence along the arc of a curve to the right, having a delta angle of 01 degrees 18 minutes 17 seconds, with a radius of 339.00 feet, an arc length of 7.72 feet, a chord bearing of North 10 degrees 40 minutes 54 seconds West, and a chord length of 7.72 feet to the POINT OF BEGINNING.

Said parcel containing an area of 0.116 Acres, as described.

12/07/99