

SAM02IND

TYPE OF RECORD: PERMANENT

CATEGORY OF RECORD: DEED (SPECIAL WARRANTY DEED)

PURPOSE: PERPETUAL NON-EXCLUSIVE EASEMENT FOR
VEHICULAR & PEDESTRIAN INGRESS & EGRESS OVER AND ON
PROPERTY

NAME OF AGENCY OR CONTRACTOR: SAM'S REAL ESTATE BUSINESS
TRUST

STREET ADDRESS/PARCEL NAME/SUBDIVISION (LOT AND BLOCK):
1040 INDEPENDENT AVENUE - LOT 1 - REPLAT OF INDEPENDENCE
CENTER SUBDIVISION

PARCEL NO.: 2945-103-32-002

CITY DEPARTMENT: PUBLIC WORKS

YEAR: 2002

EXPIRATION DATE: NONE

DESTRUCTION DATE: NONE

6

2083970 10/28/02 0430PM
MONIKA TODD CLK&REC MESA COUNTY CO
REC FEE \$35.00 SURCHG \$1.00
DOCUMENTARY FEE \$EXEMPT

WHEN RECORDED RETURN TO:

City of Grand Junction
Real Estate Division
250 North 5th Street
Grand Junction, CO 81501

SPECIAL WARRANTY DEED

SAM'S REAL ESTATE BUSINESS TRUST, a Delaware business trust, Grantor, for and in consideration of the sum of Ten and 00/100 Dollars (\$10.00), the receipt and sufficiency of which is hereby acknowledged, has granted and conveyed, and by these presents does hereby grant and convey to The City of Grand Junction, a Colorado home rule municipality, whose address is 250 North 5th Street, Grand Junction, Colorado 81501, Grantee, its successors and assigns forever, the following described tract or parcel of land, to wit (hereinafter the "Property"):

See **Exhibit "A"** and **Exhibit "B"** attached hereto and incorporated herein by reference.

Subject to all matters listed on **"Exhibit C"** attached hereto and incorporated herein by this reference.

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 Grantor hereby covenanting that it 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 by, through or under Grantor.

Grantor hereby expressly reserves unto itself a perpetual non-exclusive easement for vehicular and pedestrian ingress and egress over and on the Property conveyed hereby for the benefit of Grantor and Grantor's successors, assigns, employees, lessees, agents, vendors and customers.

Executed and delivered this 18 day of Sept., 2002.

Attest:

SAM'S REAL ESTATE BUSINESS TRUST, a
Delaware business trust

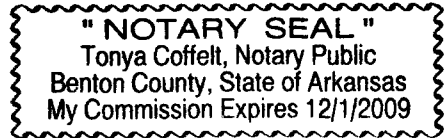
By Jean Mladocky
Title: asst. secretary

By Robert M. Bedard
Title: Assistant Vice President

State of Arkansas)
) ss.
County of Benton)

The foregoing instrument was acknowledged before me this 18th day of September 2002, by Robert M. Bedard, as ASST VICE PRESIDENT and attested to by Jean Mladocky as ASST SECRETARY of SAM'S REAL ESTATE BUSINESS TRUST, a Delaware business trust.

My commission expires 12-1-2009
Witness my hand and official seal.



Tonya Coffelt
Notary Public

Approved as to legal terms only
by [Signature]
Wal-Mart Legal Team
Date: 9-18-02

A tract of land for Right-of-Way located in Lot 1, Replat of Independence Center Subdivision, as recorded in Plat Book 14, Pages 126 and 127 of Mesa County records, and being located in the Southwest Quarter (SW1/4) of Section 10, Township 1 South, Range 1 West of the Ute Meridian, City of Grand Junction, Mesa County, Colorado and more particularly described as follows:

Commencing at the Southwest 1/16th corner, whence the South Center 1/16th corner bears South 89 degrees 59 minutes 00 seconds East, a distance of 1308.95 feet, for a basis of bearings, with all bearings contained herein relative thereto; thence South 89 degrees 59 minutes 00 seconds East, a distance of 393.12 feet; thence North 00 degrees 01 minutes 00 seconds East, a distance of 30.18 feet, to the Southeast corner of Lot 2, said Replat of Independence Center Subdivision, the POINT OF BEGINNING; thence following the East lot line of said Lot 2 the following two (2) courses: (1) along a curve to the left, having a delta angle of 57 degrees 00 minutes 57 seconds, with a radius of 32.00 feet, an arc length of 31.84 feet, a chord bearing of North 28 degrees 30 minutes 29 seconds East, and a chord length of 30.55 feet; (2) North 00 degrees 00 minutes 00 seconds East, a distance of 143.25 feet; thence, along the North line of said Lot 2, North 90 degrees 00 minutes 00 seconds West, a distance of 213.07 feet; thence along the Southwest line of said Lot 1 the following two (2) courses: (1) along a curve to the left, having a delta angle of 02 degrees 42 minutes 34 seconds, with a radius of 233.00 feet, an arc length of 11.02 feet, a chord bearing of North 01 degrees 12 minutes 58 seconds East, and a chord length of 11.02 feet; (2) North 00 degrees 08 minutes 19 seconds West, a distance of 73.93 feet; thence along a curve to the left, having a delta angle of 89 degrees 51 minutes 41 seconds, with a radius of 25.00 feet, an arc length of 39.21 feet, a chord bearing of South 45 degrees 04 minutes 09 seconds East, and a chord length of 35.31 feet; thence North 90 degrees 00 minutes 00 seconds East, a distance of 129.87 feet; thence along a curve to the left, having a delta angle of 53 degrees 05 minutes 07 seconds, with a radius of 48.00 feet, an arc length of 44.47 feet, a chord bearing of North 63 degrees 27 minutes 27 seconds East, and a chord length of 42.90 feet; thence along a curve to the right, having a delta angle of 13 degrees 02 minutes 01 seconds, with a radius of 67.00 feet, an arc length of 15.24 feet, a chord bearing of North 43 degrees 25 minutes 54 seconds East, and a chord length of 15.21 feet; thence along a curve to the left, having a delta angle of 49 degrees 56 minutes 54 seconds, with a radius of 48.00 feet, an arc length of 41.84 feet, a chord bearing of North 24 degrees 58 minutes 27 seconds East, and a chord length of 40.53 feet; thence North 00 degrees 00 minutes 00 seconds East, a distance of 5.00 feet; thence North 90 degrees 00 minutes 00 seconds East, a distance of 52.00 feet; thence South 00 degrees 00 minutes 00 seconds East, a distance of 5.00 feet; thence along a curve to the left, having a delta angle of 49 degrees 56 minutes 54 seconds, with a radius of 48.00 feet, an arc length of 41.84 feet, a chord bearing of South 24 degrees 58 minutes 27 seconds East, and a chord length of 40.53 feet; thence along a curve to the right, having a delta angle of 99 degrees 46 minutes 08 seconds, with a radius of 67.00 feet, an arc length of 116.67 feet, a chord bearing of South 00 degrees 03 minutes 50 seconds East, and a chord length of 102.48 feet; thence along a curve to the left, having a delta angle of 49 degrees 49 minutes 14 seconds, with a radius of 48.00 feet, an arc length of 41.74 feet, a chord bearing of South 24 degrees 54 minutes 37 seconds West, and a chord length of 40.44 feet; thence South 00 degrees 00 minutes 00 seconds East, a distance of 86.19 feet; thence along a curve to the left, having a delta angle of 89 degrees 59 minutes 00 seconds, with a radius of 35.00 feet, an arc length of 54.97 feet, a chord bearing of South 44 degrees 59 minutes 30 seconds East, and a chord length of 49.49 feet, to a point on the existing South lot line of said Lot 1, Replat of Independence Center Subdivision; thence, along said South line of Lot 1, Replat of Independence Center Subdivision, North 89 degrees 59 minutes 00 seconds West, a distance of 109.57 feet to the POINT OF BEGINNING.

Said parcel containing an area of 0.823 Acres more or less, as described.

Prepared By:
Patrick R. Green, PLS 17485
LANDesign, L.L.C.
244 North 7th Street
Grand Junction, CO 81501
Lot 1 ROW

EXHIBIT B

SAM'S Real Estate Business Trust
Lot 1
A Replat of
Independence Center Subdivision
Plat Book 14, Pages 126 & 127
2945-103-32-002

Book 3188 PAGE 187

$\Delta=49^{\circ}56'54''$
 $R=48.00'$
 $L=41.84'$
 $Ch=40.53'$
Bogart
Residential Condominiums
170 - 172

N24°58'27"E

N00°00'00"E
5.00'

N90°00'00"E
52.00'

S00°00'00"W
5.00'

$\Delta=49^{\circ}56'54''$
 $R=48.00'$
 $L=41.84'$
 $Ch=40.53'$
 $Brg=S24^{\circ}58'27''E$

$\Delta=99^{\circ}46'08''$
 $R=67.00'$
 $L=116.67'$
 $Ch=102.48'$
 $Brg=S00^{\circ}03'50''E$

SCALE: 1"=50'

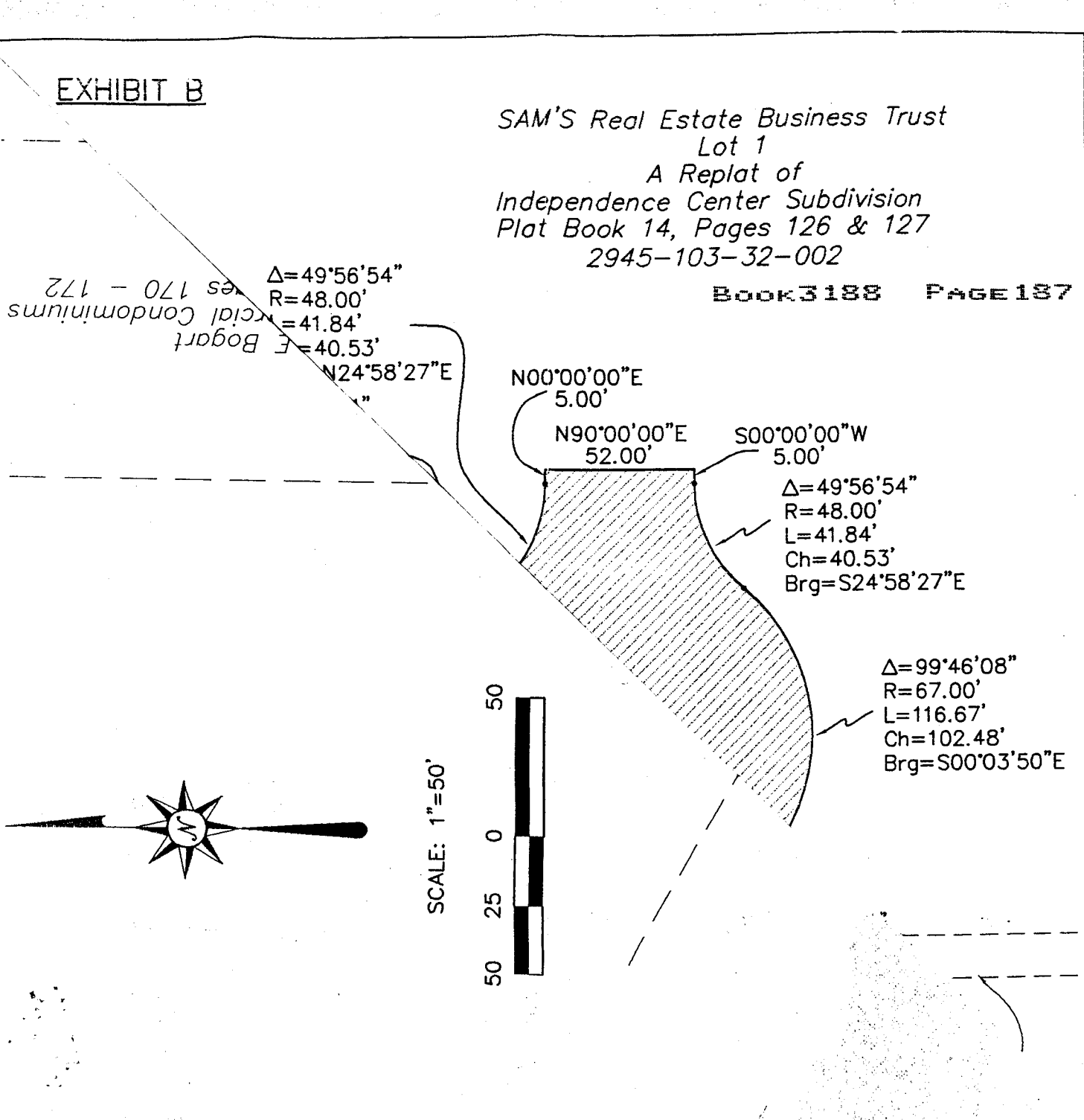


EXHIBIT C

Permitted Exceptions

1. Rights or claims of parties in possession, not shown by the public records.
2. Easements, or claims of easements, not shown by the public records.
3. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, and any facts which a correct survey and inspection of the premises would disclose and which are not shown by the public records.
4. Any lien, or right to a lien, for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the public records.
5. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the effective date hereof, but prior to the date that proposed insured acquires of record for value the estate or interest or mortgage thereon covered by this commitment.
6. Unpatented mining claims; reservations or exceptions in patents, or an act authorizing the issuance thereof; water rights, claims or title to water.
7. All taxes and assessments now a lien or payable.
8. All easement(s) across herein described property as shown on the Plat of said subdivision, together with incidental purposes.
9. Reservations and exceptions in Patents, or Acts authorizing the issuance thereof, including the reservation of the right of proprietor of a vein or lode to extract and remove his ore therefrom should the same be found to penetrate or intersect the premises as reserved in United States Patent recorded January 14, 1893 in Book 11 at Page 248.
10. Right of way granted to Grand Valley Rural Power Lines, Inc., by instrument recorded November 15, 1937 in Book 369 at Page 155 and in Quit Claim Deed recorded May 5, 1972 in Book 976 at Page 220, across the North 50 feet of E 1/4 NE 1/4 SW 1/4 Section 10, Township 1 South, Range 1 West, Ute Meridian to erect, construct, operate and maintain a line or lines for the transmission or distribution of electric energy and right to enter over adjoining lands of grantor for purposes of exercising the rights and privileges herein granted, in which the specific location is not defined.
11. Easement and/or Right of way granted to Public Service Company by instrument recorded October 7, 1966 in Book 901 at Page 410 together with incidental purposes.
12. Terms, conditions, stipulations, obligations and provisions of the Easement and Agreement recorded November 19, 1991 in Book 1866 at Page 344 together with incidental purposes.
13. Terms, conditions, stipulations, obligations and provisions of the Easement Agreement recorded October 1, 1985 in Book 1557 at Page 644 together with incidental purposes.

14. Restrictions, which do not contain a forfeiture or reverter clause, but omitting restrictions, if any, based on race, color, religion, or national origin, as contained in instrument recorded October 1, 1985 in Book 1557 at Page 644, including the terms and conditions thereof.

15. Note(s) as shown on the Plat of Replat of Independence Center Subdivision providing as follows:

1. Property does not fall within the 100 year flood plain, as per the Army Corps of Engineers Flood Hazard Information Maps.

2. 18' PVP irrigation line right-of-way conveyed by irrigation easement in Book 461 at Page 157, Mesa County Records.

3. 10' Sanitary Sewer Lines crossing Lot 3 and the Easterly part of Lot 1 shall not be accepted by the City of Grand Junction until said Sanitary Sewer lines are brought up to City of Grand Junction standards. Maintenance and upgrade responsibilities remain with property owners until such time.