

51N77BVS

|                                       |   |
|---------------------------------------|---|
| TYPE OF RECORD:                       | PERMANENT   |
| CATEGORY OF RECORD:                   | EASEMENT (AGREEMENT)  |
| NAME OF PROPERTY<br>OWNER OR GRANTOR: | SCHOOL DISTRICT NO. 51, FRANK<br>NISLEY, JR., G. DOUGLAS HOLLING AND<br>JOHN BRINKLEY |
| PURPOSE:                              | DRAINAGE EASEMENT   |
| ADDRESS:                              | BOOKCLIFF VIEW SUBDIVISION  |
| CITY DEPARTMENT:                      | PUBLIC WORKS AND PLANNING   |
| YEAR:                                 | 1977  |
| EXPIRATION DATE:                      | NONE  |
| DESTRUCTION DATE:                     | NONE  |

AGREEMENT

THIS AGREEMENT, made and entered into this 22 day of March, 1977, between MESA COUNTY VALLEY SCHOOL DISTRICT NO. 51 (herein called "District"), the CITY OF GRAND JUNCTION (herein called "City"), FRANK NISLEY, JR. and G. DOUGLAS HOLLING (herein called "Developers"), and JOHN BRINKLEY (herein called "Brinkley");

RECITATIONS:

1. The District and Brinkley are the owners of separate tracts of real estate located in Section 24, Township 1 South, Range 1 West of the Ute Principal Meridian, located immediately north of Cheyenne Drive in Mesa County, Colorado.

2. Developers are the owners of all subdivided lots in Bookcliff View Subdivision, a subdivision located immediately south of the District's property.

3. All of the aforementioned real estate is located within the City of Grand Junction.

4. Historically, irrigation waste water has exited from agricultural property which is now subdivided for residential purposes and known as Bookcliff View Subdivision in a northerly direction through a culvert under Cheyenne Drive, thence northeasterly across the southeast corner of the District's property, and thence continuing in a northeasterly direction along a channel on Brinkley's property to the Colorado River.

5. The parties wish to provide for a change in use of said easement to include surface drainage from the subdivision,

and also to relocate the same in a buried pipeline to be installed and maintained as hereinafter described.

THEREFORE, THE PARTIES AGREE:

1. Upon execution of this Agreement and installation of the buried pipeline as contemplated herein, the previously existing waste water easement across District property shall be relocated along a permanent drainage easement as more fully described on Exhibit "A" attached.

2. Developers shall install and construct a buried pipeline system to carry drainage and siphon overflow from Bookcliff View Subdivision under Cheyenne Drive and on to District's and Brinkley's property according to the design, drawing and specifications attached hereto as Exhibit "B". All costs of the project shall be paid by Developers, except the cost of pipe across District property, which shall be paid for by the District. Developers shall be solely responsible for design, quality of materials and workmanship regarding the system. Installation shall be of workmanlike quality. The design and material specifications shall be in conformity with City requirements.

3. Following installation of the system the City shall assume and thereafter be responsible for maintenance and repair, with full use and benefit of the easements therefor.

4. The District and Brinkley agree that historical uses of the system shall be expanded to include natural and storm drainage from Bookcliff View Subdivision.

5. Developers hereby relinquish any claim to the previously existing channel for waste water drainage across the

southeastern portion of District property, and consent to a relocation of the same along the permanent drainage easement more fully described on Exhibit "A".

6. This Agreement shall inure to the benefit and be binding upon the heirs, representatives, successors in interest and assigns of the parties hereto.

SIGNED:

MESA COUNTY VALLEY SCHOOL DISTRICT  
NO. 51

By *Madineh Higgoth*  
President

ATTEST:

*Robert C. McDonald*  
Secretary of the Board

CITY OF GRAND JUNCTION

By *James E. Wysocki*

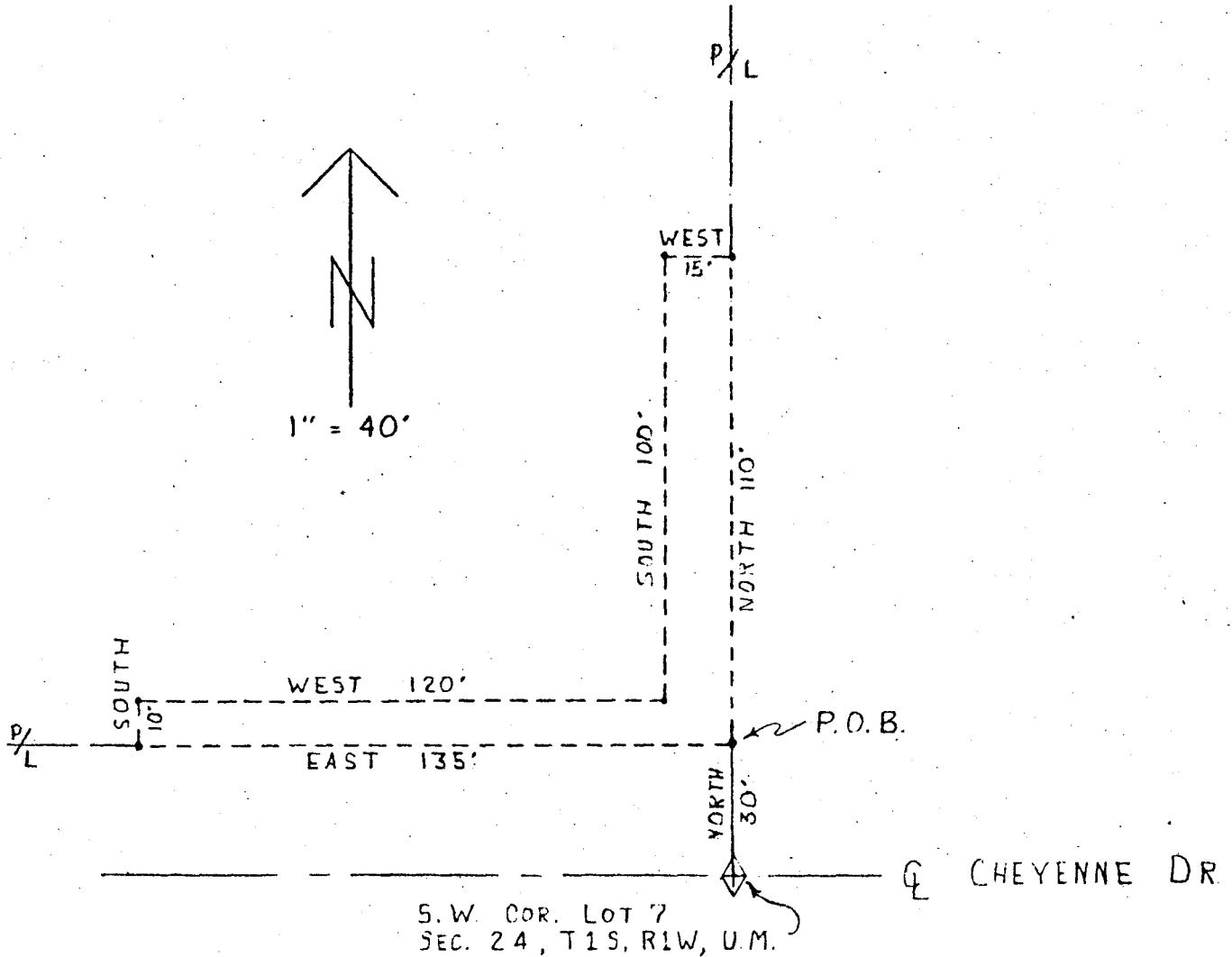
ATTEST:

*Deva B. Lockhart*  
City Clerk

*Frank Nisley, Jr.*  
Frank Nisley, Jr.

*G. Douglas Holling*  
G. Douglas Holling

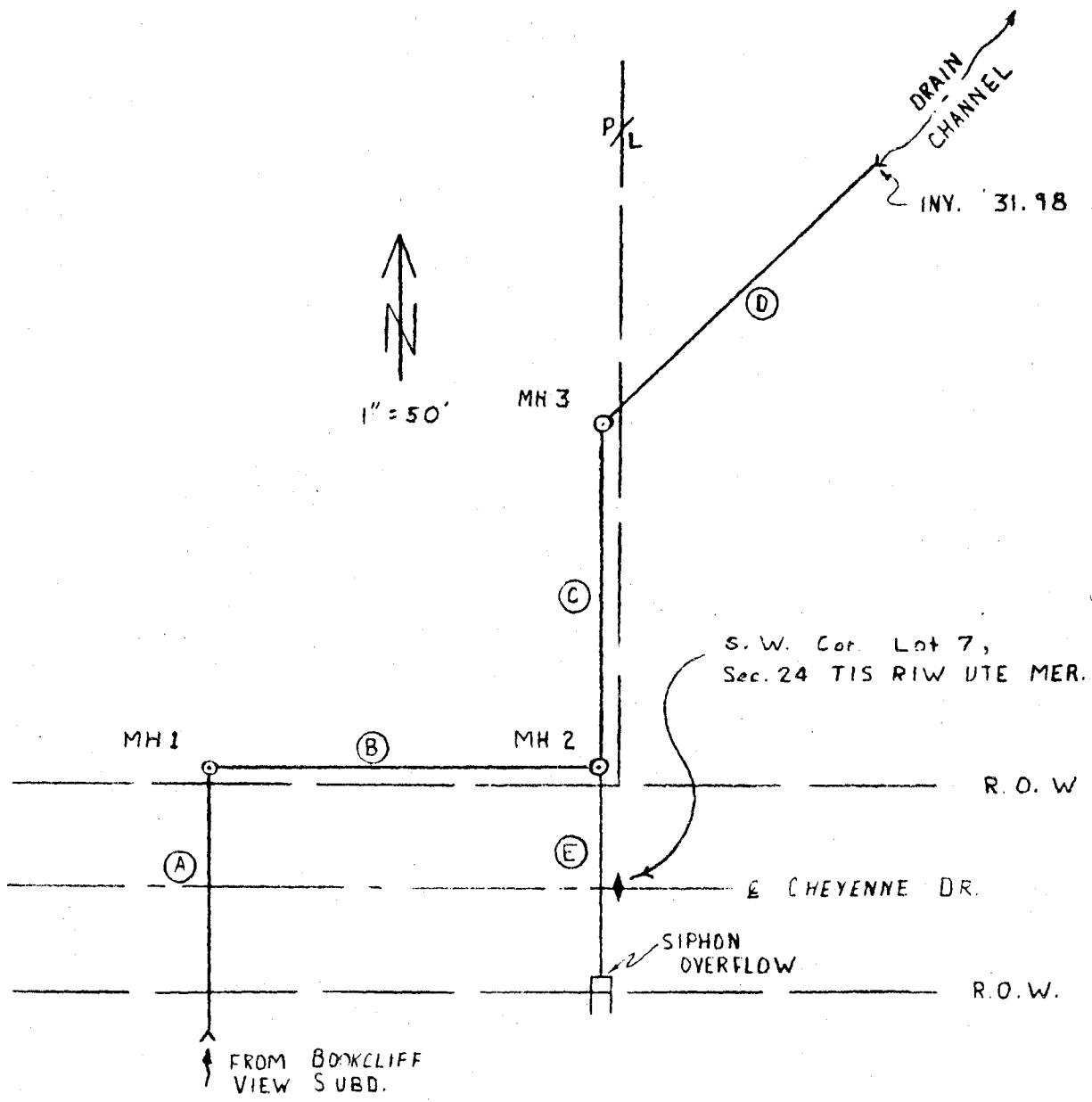
*John Brinkley*  
John Brinkley



A PERMINENT DRAINAGE EASEMENT BEGINNING AT A POINT 30.0 FT. NORTH OF THE SOUTHWEST CORNER OF LOT 7, SECTION 24, TOWNSHIP 1 SOUTH, RANGE 1 WEST, UTE MERIDIAN; THENCE NORTH 110.0 FT. ALONG THE EAST PROPERTY LINE, THENCE WEST 15.0 FT., THENCE SOUTH 100.0 FT., THENCE WEST 120.0 FT., THENCE SOUTH 10.0 FT., THENCE EAST 135.0 FT. ALONG THE SOUTH PROPERTY LINE TO THE POINT OF BEGINNING.

|   |         |
|---|---------|
| CITY OF GRAND JUNCTION, COLO.           |         |
| DRAINAGE EASEMENT<br>ON THE PROPERTY OF |         |
| SCHOOL DISTRICT 51                      |         |
| GRAND JUNCTION, COLORADO                |         |
| WESTERN ENGINEERS, INC.                 | 2-28-77 |

EXHIBIT "A"



| PIPE | DIA. (IN.) | TYPE   | LENGTH (FT.) | MANNING N | SLOPE | DESIGN FLOW | $Q_{max}$ (C.F.S.) |
|------|------------|--------|--------------|-----------|-------|-------------|--------------------|
| A    | 12         | C.M.P. | 75           | .024      | .0107 | 1.7         | 1.84               |
| B    | <b>12</b>  | PVC    | 115          | .011      | .0113 | 1.7         | 2.29               |
| C    | 12         | PVC    | 99           | .011      | .0120 | 3.0         | 3.57               |
| D    | <b>12</b>  | PVC    | 110          | .011      | .0254 | 3.0         | 3.40               |
| E    | <b>8</b>   | CONC.  | 60           | .013      | .0667 | 1.0         | 2.58               |

DRAINAGE DOWNSTREAM FROM  
BOOKCLIFF VIEW SUBDIVISION

WESTERN ENGINEERS INC.  
FOR MOUNTAIN REALTY  
DESIGN: T.K.H. 2/24/77 W.O. 1232

EXHIBIT "B"