

BER97PIN

TYPE OF RECORD: PERMANENT

CATEGORY OF RECORD: **EASEMENT**

PURPOSE: PERPETUAL UTILITIES EASEMENTS

NAME OF PROPERTY OWNER OR GRANTOR: ELLEN V. BERKLEY

STREET ADDRESS/PARCEL NAME/SUBDIVISION (LOT AND BLOCK): 298 PINE STREET,
GRAND JUNCTION, COLORADO

PARCEL NO.: 2945-252-01-001

CITY DEPARTMENT: PUBLIC WORKS

YEAR: 1997

EXPIRATION DATE: NONE

DESTRUCTION DATE: NONE

GRANT OF EASEMENT

1798502 1012AM 05/13/97
MONIKA TODD CLK&REC MESA COUNTY CO
DOCUMENT FEE \$EXEMPT

Ellen V. Berkley, Grantor, for and in consideration of the sum of One Hundred Twelve and 49/100 Dollars (\$112.49), the receipt and sufficiency of which is hereby acknowledged, has given and granted and by these presents does hereby give and grant unto the City of Grand Junction, a Colorado home rule municipality, Grantee, whose address is 250 North 5th Street, Grand Junction, Colorado 81501, for the use of Grantee and for the use of the Public Utilities, two (2) Perpetual Utilities Easements on, along, over, under, through and across the following described parcel of land, to wit:

Easement Parcel No. 1:

Commencing at the Northwest Corner of Lot 1, Block 2 of Ferguson's Subdivision situate in the Northwest 1/4 of Section 25, Township 1 South, Range 1 West of the Ute Meridian in the City of Grand Junction, County of Mesa, State of Colorado, as recorded in Plat Book 7 at Page 39 in the office of the Mesa County Clerk and Recorder; thence S 90°00'00" E along the North boundary line of said Lot 1 a distance of 13.00 feet to the **True Point of Beginning**; thence S 90°00'00" E along the North boundary of said Lot 1 a distance of 5.00 feet; thence leaving the North boundary of said Lot 1, S 00°08'00" E a distance of 5.00 feet; thence N 90°00'00" W a distance of 5.00 feet; thence N 00°08'00" W a distance of 5.00 feet to the Point of Beginning, containing 25.0 square feet as described herein and depicted on **Exhibit "A"** attached hereto and incorporated herein by reference, and also

Easement Parcel No. 2:

Commencing at the Northwest Corner of Lot 1, Block 2 of Ferguson's Subdivision situate in the Northwest 1/4 of Section 25, Township 1 South, Range 1 West of the Ute Meridian in the City of Grand Junction, County of Mesa, State of Colorado, as recorded in Plat Book 7 at Page 39 in the office of the Mesa County Clerk and Recorder; thence S 90°00'00" E along the North boundary line of said Lot 1 a distance of 66.41 feet to the **True Point of Beginning**; thence S 90°00'00" E along the North boundary of said Lot 1 a distance of 5.00 feet; thence leaving the North boundary of said Lot 1, S 00°08'00" E a distance of 5.00 feet; thence N 90°00'00" W a distance of 5.00 feet; thence N 00°08'00" W a distance of 5.00 feet to the Point of Beginning, containing 25.0 square feet as described herein and depicted on **Exhibit "A"** attached hereto and incorporated herein by reference.

TO HAVE AND TO HOLD unto the said Grantee, together with the right to enter upon said premises, to survey, maintain, operate, repair, replace, control and use said Utilities Easements, subject to the terms and conditions contained herein.

1. Grantor reserves the right to use and occupy the aforescribed easements for any lawful purpose which is not inconsistent with the rights herein granted; provided, however, that Grantor hereby covenants with Grantee that the easement area shall not be burdened or overburdened by the Grantor erecting or placing any improvements or structures thereon which might act to prevent reasonable ingress and egress for workers and equipment on, along, over, under, through and across the easement areas.

2. Grantee agrees that the work and act of installing, maintaining and repairing utilities and related appurtenances and facilities shall be performed with due care using commonly accepted standards and techniques, taking precautions for the protection of persons and property; all damages to persons or property resulting from the failure to exercise due care, or other higher standard of care as may be applicable, shall be paid for and repaired at the expense of Grantee.

3. Grantor hereby covenants with Grantee that she has good title to the aforescribed premises; that she has good and lawful right to grant these Easements; that she will warrant and forever defend the title and quiet possession thereof against the lawful claims and demands of all persons whomsoever.

Executed and delivered this 31st day of March, 1997.

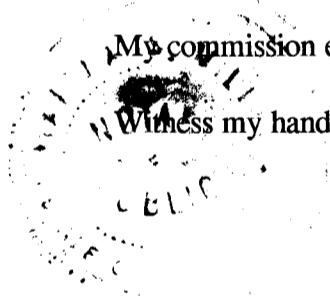
Ellen V. Berkley
Ellen V. Berkley

State of Colorado)
)ss.
County of Mesa)

The foregoing instrument was acknowledged before me this 31st day of March, 1997, by Ellen V. Berkley.

My commission expires: June 7, 1999

Witness my hand and official seal.

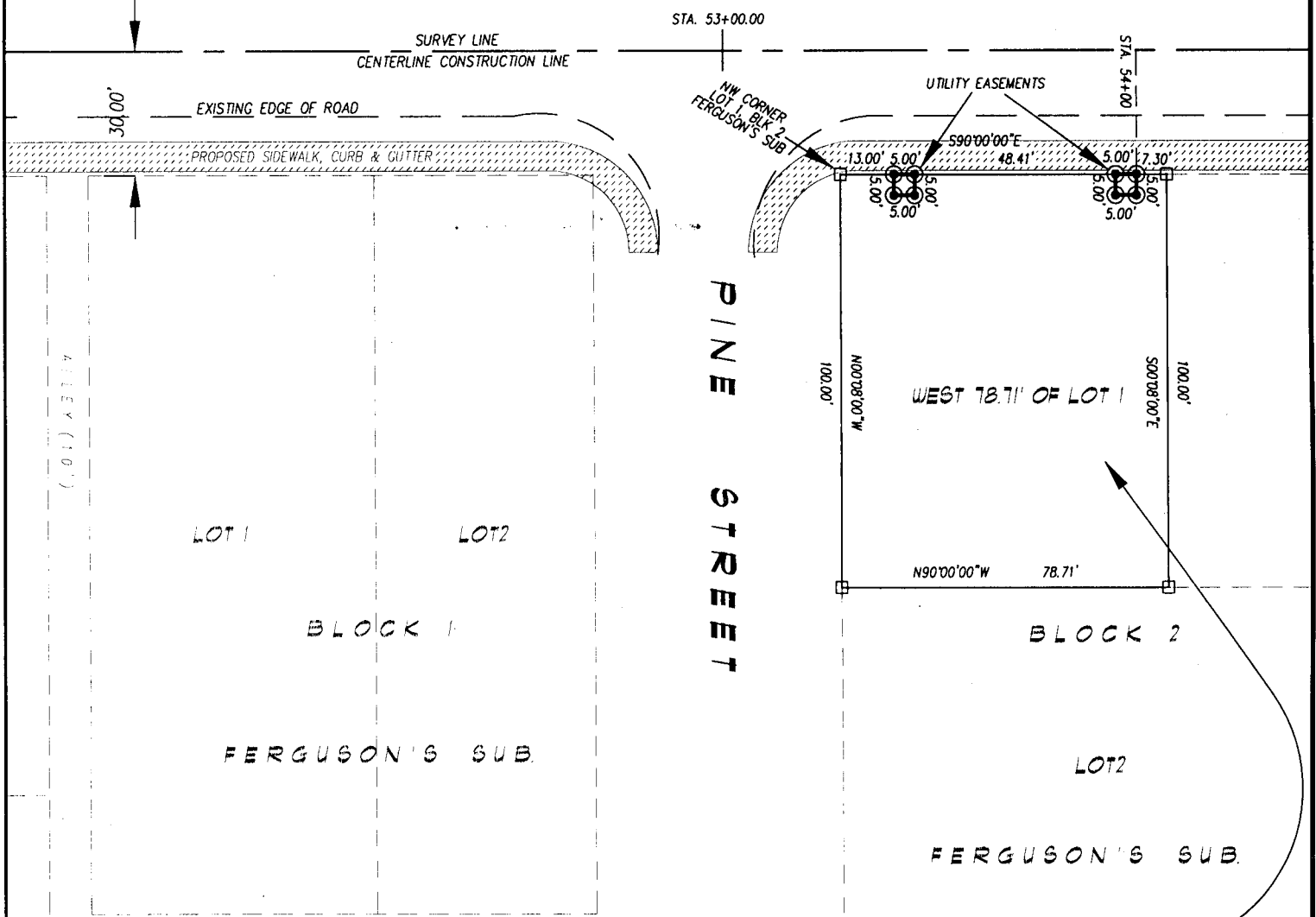


Matthew S. Miller
Notary Public

EXHIBIT "A"



UNAWEEP (C ROAD)



2945-252-01-001
 ELLEN V. BERKLEY
 298 PINE STREET
 UTILITY EASEMENT AREA = 50.00 SQ.FT.

DRAWN BY: SRP
 DATE: 1-31-97
 SCALE: 1" = 40'
 APPR. BY: IW
 FILE NO: WEEP68.DWG

EASEMENT DESCRIPTION MAP
 UNAWEEP (173)

DEPARTMENT OF PUBLIC WORKS
 ENGINEERING DIVISION
 CITY OF GRAND JUNCTION