

BGR02IDP

TYPE OF RECORD: PERMANENT

CATEGORY OF RECORD: **EASEMENT (NON-EXCLUSIVE)**

PURPOSE: ELECTRONIC AND TELECOMMUNICATIONS UTILITIES

NAME OF PROPERTY OWNER OR GRANTOR: WILLIAM BELGER AND ARLENE M. BELGER

STREET ADDRESS/PARCEL NAME/SUBDIVISION (LOT AND BLOCK): 416 INDEPENDENT AVENUE, GRAND JUNCTION

PARCEL NO.: 2945-104-00-078

CITY DEPARTMENT: PUBLIC WORKS

YEAR: 2002

EXPIRATION DATE: NONE

DESTRUCTION DATE: NONE

### GRANT OF NON-EXCLUSIVE EASEMENTS

William Belger and Arlene M. Belger, as Trustees of The William and Arlene M. Belger Trust dated October 9, 1981, Grantors, for and in consideration of the sum of Four Hundred Ninety Five and 00/100 Dollars (\$495.00), the receipt and sufficiency of which is hereby acknowledged, have sold, granted and conveyed, and by these presents do hereby sell, grant and convey to 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 and benefit of Grantee and for the use and benefit of the Public Utilities, as approved by Grantee, two (2) Non-Exclusive Easements for the installation, operation, maintenance, repair and replacement of facilities associated with the conversion of electric and telecommunications utilities from overhead to underground in conjunction with Grantee's Independent Avenue Improvement Project, on, along, over, under, through and across the following described parcels of land, to wit:

Easement Parcel No. 1: Commencing at the Southeast Corner of the Northeast Quarter of the Southeast Quarter ("NE $\frac{1}{4}$  SE $\frac{1}{4}$ ") of Section 10, Township 1 South, Range 1 West of the Ute Meridian, City of Grand Junction, County of Mesa, State of Colorado, and considering the South line of the NE $\frac{1}{4}$  SE $\frac{1}{4}$  of said Section 10 to bear N 89°56'21" W with all bearings contained herein being relative thereto; thence N 89°56'21" W along the South line of the NE $\frac{1}{4}$  SE $\frac{1}{4}$  of said Section 10 a distance of 1118.00 feet; thence leaving the South line of said NE $\frac{1}{4}$  SE $\frac{1}{4}$ , N 00°03'39" E a distance of 1.00 feet to the True Point of Beginning; thence N 89°56'21" W a distance of 5.00 feet; thence N 00°03'39" E a distance of 30.00 feet; thence S 89°56'21" E a distance of 5.00 feet to a point on the East line of that certain 30 foot wide Ingress and Egress Easement as described by instrument recorded in Book 1240 at Page 877 in the office of the Mesa County Clerk and Recorder; thence S 00°03'39" W along said East line a distance of 30.00 feet, more or less, to the Point of Beginning, containing 150.00 square feet (0.0034 Acres), more or less, as described herein and depicted on "**Exhibit A**" attached hereto and incorporated herein by reference,

And also:

Easement Parcel No. 2: Commencing at the Southeast Corner of the Northeast Quarter of the Southeast Quarter ("NE $\frac{1}{4}$  SE $\frac{1}{4}$ ") of Section 10, Township 1 South, Range 1 West of the Ute Meridian, City of Grand Junction, County of Mesa, State of Colorado, and considering the South line of the NE $\frac{1}{4}$  SE $\frac{1}{4}$  of said Section 10 to bear N 89°56'21" W with all bearings contained herein being relative thereto; thence N 89°56'21" W along the South line of the NE $\frac{1}{4}$  SE $\frac{1}{4}$  of said Section 10 a distance of 1223.00 feet; thence leaving the South line of said NE $\frac{1}{4}$  SE $\frac{1}{4}$ , N 00°03'39" E a distance of 1.00 feet to the True Point of Beginning; thence N 00°03'39" E a distance of 10.00 feet; thence S 89°56'21" E a distance of 7.00 feet; thence S 00°03'39" W a distance of 10.00 feet; thence N 89°56'21" W a distance of 7.00 feet, more or less, to the Point of Beginning, containing 70.00 square feet (0.0016 Acres), more or less, as described herein and depicted on "**Exhibit A**" attached hereto and incorporated herein by reference.

TO HAVE AND TO HOLD unto the said Grantee, its successors and assigns forever, together with the right of ingress and egress for workers and equipment to survey, maintain, operate, repair, replace, control and use said Easements, and to remove objects interfering therewith, including the trimming of trees and bushes as may be required to permit the operation of standard construction and repair machinery, subject to the terms and conditions contained herein.

1. Grantors have granted and conveyed the aforescribed Easements to facilitate the conversion of electric and telecommunications utilities from overhead to underground with the understanding that one purpose of such conversion is to improve the aesthetic appearance of the Independent Avenue corridor. Therefore, utilization by Grantee and/or the Public Utilities of the Easements herein granted shall be

specifically limited to the installation, operation, maintenance, repair and replacement of such converted utilities, to include buried electric lines, telephone lines, cable television lines, conduit, and above ground switch cabinets and transformers. The easement rights herein granted do not include the right to expand utilization of said Easements for any other purpose, including, but not limited to, broadcast towers, telecommunications antennae, water lines, sanitary sewer lines, natural gas lines, storm drainage facilities or any other utility or facility unless Grantors or Grantor's heirs, successors or assigns have authorized such uses by subsequent conveyance instruments.

2. Grantors reserve the right to use and occupy the real property burdened by these Easements for any lawful purpose which is not inconsistent with and which will not interfere with the full use and quiet enjoyment by Grantee and the Public Utilities of the easement rights herein granted; provided, however, that Grantors hereby covenant and agree that the easement areas shall not be burdened or overburdened by the Grantors erecting, constructing, placing or installing any items or structures thereon which may be detrimental to the authorized facilities installed in said easement areas or which may act to prevent reasonable ingress and egress for workers and equipment on, along, over, under, through and across said easement areas.

3. Utilization of the Easements by Grantee and/or the Public Utilities shall be performed in a responsible manner with due care using commonly accepted standards and techniques. The Public Utilities which are authorized to utilize said Easements shall, within a reasonable time not to exceed thirty (30) days following the completion of installation, maintenance, repair or replacement of facilities authorized herein, at such Public Utility's sole cost, repair, replace and restore any damage to the Easement areas or adjoining property of Grantor caused by such Public Utility's utilization of the rights herein conveyed. Such repairs shall include the replacement of landscaping, paving and concrete, and the repair of ruts or other subsidence of the Easement areas or the adjoining property of Grantor which may be caused by any such Public Utility's utilization of the Easements.

4. Grantors hereby covenant with Grantee that they have has good and lawful right to grant these Easements and that they will warrant and forever defend the title and quiet possession thereof against the lawful claims and demands of all persons claiming by, through or under Grantors.

Executed and delivered this 18 day of March, 2002.

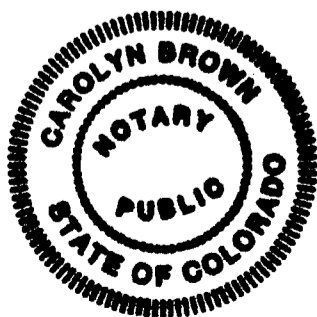
William Belger - Co-Trustee  
William Belger, Co-Trustee of The  
William and Arlene M. Belger Trust  
dated October 9, 1981

Arlene M. Belger, Co-Trustee  
Arlene M. Belger, Co-Trustee of The  
William and Arlene M. Belger Trust  
dated October 9, 1981

State of Colorado )  
)ss.  
County of Garfield

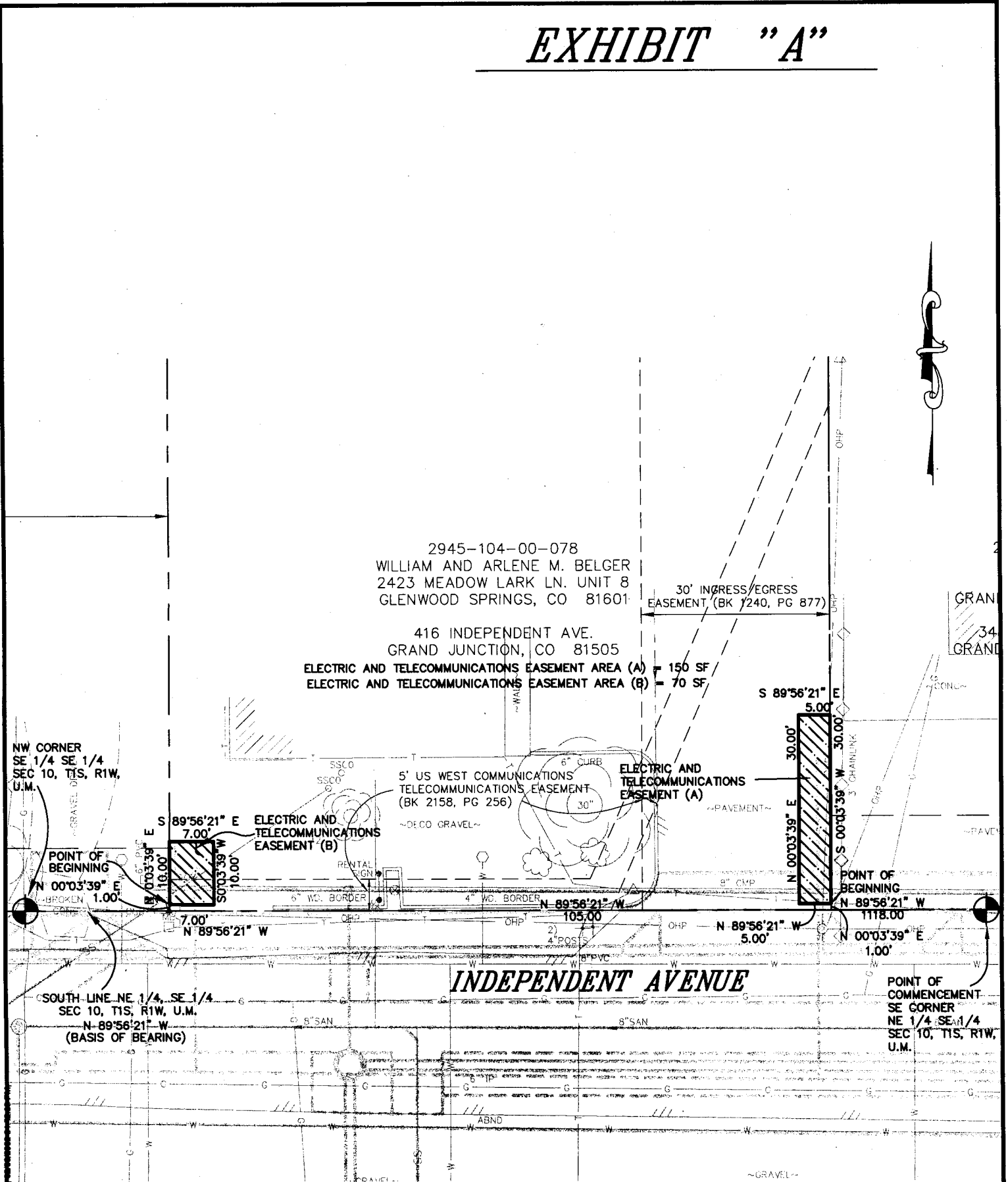
The foregoing instrument was acknowledged before me this 18th day of March, 2002, by William Belger and Arlene M. Belger, Co-Trustees of The William and Arlene M. Belger Trust dated October 9, 1981.

My commission expires: 11-01-2004.  
Witness my hand and official seal.



Carolyn Brown  
Notary Public

# EXHIBIT "A"



The sketch and description shown hereon has been derived from subdivision plats and deed descriptions as they appear in the office of the Mesa County Clerk and Recorder. This sketch does not constitute a legal survey, and is not intended to be used as means for establishing or verifying property boundary lines.

RECORDER NOTE: POOR QUALITY DOCUMENT PROVIDED FOR REPRODUCTION

DRAWN BY: JCS  
 DATE: 10-10-2001  
 SCALE: 1" = 20'  
 APPR. BY: JW  
 FILE NO. ROW.DWG

INDEPENDENT AVENUE  
 RIGHT-OF-WAY DESCRIPTION MAP

DEPARTMENT OF PUBLIC WORKS  
 ENGINEERING DIVISION  
 CITY OF GRAND JUNCTION