

BH095282

TYPE OF RECORD: PERMANENT

CATEGORY OF RECORD: EASEMENT

NAME OF AGENCY OR CONTRACTOR: BRIARGATE HOME OWNERS
ASSOCIATION, INC. BY: DIANNA K. SAYA (PRESIDENT) AND LINDA
THURLOW (SECRETARY)

STREET ADDRESS/PARCEL NAME/SUBDIVISION/PROJECT: 523 28 1/4
ROAD PARCEL NO. E115, 2943-073-26-023 E117, 2943-073-26-
022, E119 NOS. 2943-073-26-021, AND ROAD EASEMENT

CITY DEPARTMENT: PUBLIC WORKS

YEAR: 1995

EXPIRATION DATE: NONE

DESTRUCTION DATE: NONE

GRANT OF EASEMENT1712812 03:54 PM 03/28/95
MONIKA TODD CLK&REC MESA COUNTY CO
DOC EXEMPT

BRIARGATE HOME OWNERS ASSOCIATION, INC., Grantor, for and in consideration of the sum of One Thousand Seven Hundred Eighty Six and 00/100 Dollars (\$1,786.00), the receipt and sufficiency of which is hereby acknowledged, hereby grants and conveys to the City of Grand Junction, a Colorado home rule municipality, Grantee, whose legal address is 250 North 5th Street, Grand Junction, Colorado 81501, its successors and assigns forever, the herein described Perpetual Easements No. E115, E117 and E119 of City of Grand Junction 28¼ Road Project for the installation, operation, maintenance, repair and conveyance of utilities, irrigation water and facilities, storm water runoff and facilities, and tree planting purposes, together with the right of ingress and ingress for workers and equipment, on, along, over under, through and across the following described Parcels being a part of Tracts A, B and C of Briargate, a Replat of Block Two and Block Three, Eastgate Plaza Filing No. One, situated in the NE¼ SW¼ SW¼ of Section 7, Township 1 South, Range 1 East of the Ute Meridian, City of Grand Junction, County of Mesa, State of Colorado, said Parcels being more particularly described by the following metes and bounds, to wit:

Parcel No. E115: Beginning at the Southeast Corner of Tract B of said Briargate, and considering the East line of the NE¼ SW¼ SW¼ of said Section 7 to bear N 02°05'00" E with all bearings contained herein being relative thereto;
Thence N 02°05'00" E along the East boundary of said Tract B a distance of 98.12 feet to the Northeast Corner of said Tract B;
Thence N 87°59'08" W along the North boundary of said Tract B a distance of 5.00 feet;
Thence S 02°05'00" W a distance of 37.04 feet;
Thence S 01°15'54" W a distance of 61.08 feet to a point on the South boundary of said Tract B;
Thence S 87°59'08" E a distance of 4.12 feet to the Point of Beginning,
containing 463.96 square feet as described herein and depicted on the attached Exhibit "A".

Parcel No. E117: Beginning at the Southeast Corner of Tract C of said Briargate, and considering the East line of the NE¼ SW¼ SW¼ of said Section 7 to bear N 02°05'00" E with all bearings contained herein being relative thereto;
Thence N 02°05'00" E along the East boundary of said Tract C a distance of 24.00 feet to the Northeast Corner of said Tract C;
Thence N 87°59'08" W along the North boundary of said Tract C a distance of 5.00 feet;
Thence S 02°05'00" W a distance of 24.00 feet to a point on the South boundary of said Tract C;
Thence S 87°59'08" E a distance of 5.00 feet to the Point of Beginning,
containing 120.00 square feet as described herein and depicted on the attached Exhibit "A".

Parcel No. E119: Beginning at the Southeast Corner of Tract A of said Briargate, and considering the East line of the NE¼ SW¼ SW¼ of said Section 7 to bear N 02°05'00" E with all bearings contained herein being relative thereto;
Thence N 02°05'00" E along the East boundary of said Tract A a distance of 97.00 feet to the Northeast Corner of said Tract A;
Thence N 87°59'08" W along the North boundary of said Tract A a distance of 5.00 feet;
Thence S 02°05'00" W a distance of 97.00 feet to a point on the South boundary of said Tract A;
Thence S 87°59'08" E a distance of 5.00 feet to the Point of Beginning,
containing 485.00 square feet as described herein and depicted on the attached Exhibit "A".

TO HAVE AND TO HOLD the premises herein granted unto the Grantee, its successors and assigns forever, subject to the following terms, covenants, conditions and restrictions:

1. Grantee, as a condition of this grant, agrees that entry to the easement areas for the purposes herein described shall be conducted so as to cause minimum interference to the Grantor and Grantor's successors and assigns. Grantee further agrees that it shall correct any damage(s), both material as well as aesthetic, which may be caused by its entry as described herein.

2. Grantor shall have the right to continue to use the real property burdened by this Easement for any lawful purpose which will not interfere with Grantee's full use and enjoyment of the Grantee's rights herein granted; provided, however, Grantor hereby covenant with Grantee that the easement areas 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 on, along, over, under, through and across the easement areas.

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

Signed this 28th day of March, 1995.

Attest:

Briargate Home Owners Association, Inc.

Linda Thurlow

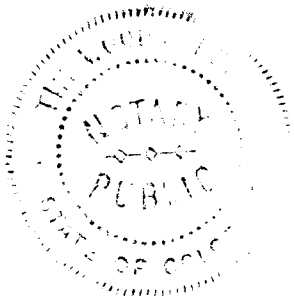
Dianna K. Saya

State of Colorado)
)ss.
County of Mesa)

The foregoing instrument was acknowledged before me this 28th day of March, 1995, by Dianna K. Saya as President and attested to by Linda Thurlow as Secretary of Briargate Home Owners Association, Inc.

Witness my hand and official seal.

My commission expires 2/28/98



Jim Woodmansee
Notary Public

EXHIBIT "A"

2943-073-26-021
 2943-073-26-022
 2943-073-26-023

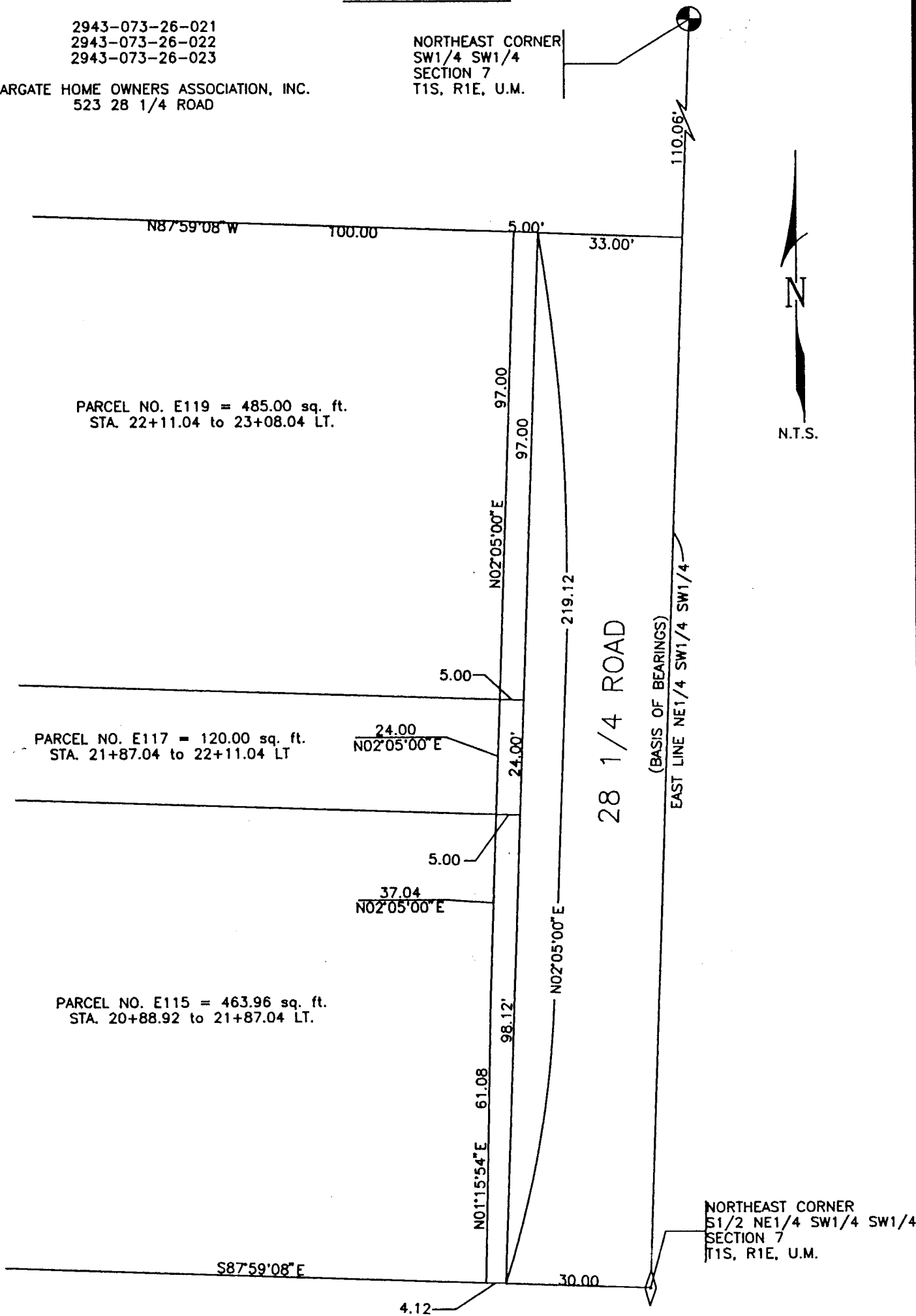
BRIARGATE HOME OWNERS ASSOCIATION, INC.
 523 28 1/4 ROAD

NORTHEAST CORNER
 SW1/4 SW1/4
 SECTION 7
 T1S, R1E, U.M.

PARCEL NO. E119 = 485.00 sq. ft.
 STA. 22+11.04 to 23+08.04 LT.

PARCEL NO. E117 = 120.00 sq. ft.
 STA. 21+87.04 to 22+11.04 LT.

PARCEL NO. E115 = 463.96 sq. ft.
 STA. 20+88.92 to 21+87.04 LT.



R.O.W. DESCRIPTION MAP
 E113
 PARCEL NO. STA. 20+38.92 to 20+88.92 LT.
 APPROVED *Jim Woodmansee*
 DATE _____ DRAWN BY C.L.M. 12/21/94

CITY OF GRAND JUNCTION ENGINEERING DEPARTMENT
 28 1/4 ROAD - NORTH AVE. to ORCHARD AVE.