

BRA98ORC

TYPE OF RECORD: PERMANENT

CATEGORY OF RECORD: EASEMENT

NAME OF AGENCY OR CONTRACTOR: BRACH ENTERPRISES, LLC, LOUIS R. BRACH

STREET ADDRESS/PARCEL NAME/SUBDIVISION: 104 ORCHARD AVENUE, NORTH 1ST STREET
UTILITY EASEMENT, PARCEL NO. 2945-112-00-028

CITY DEPARTMENT: PUBLIC WORKS

YEAR: 1998

EXPIRATION DATE: NONE

DESTRUCTION DATE: NONE

GRANT OF EASEMENT

Brach Enterprises, LLC, a Colorado limited liability company, Grantor, for and in consideration of the sum of One Thousand Seven Hundred Seventy Seven and 00/100 Dollars (\$1,177.00), the receipt and sufficiency of which is hereby acknowledged, has sold, conveyed and granted and by these presents does hereby sell, convey 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, three (3) Perpetual Utilities Easements on, along, over, under, through and across the following described parcels of land, to wit:

See 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 to enter upon said premises, to survey, maintain, operate, repair, replace, control and use said Utilities Easements, and to remove objects interfering therewith, including the trimming of trees and bushes as may be required to permit the operation of standard utility construction and repair machinery, subject to the terms and conditions contained herein.

1. Grantor shall have 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 of the rights herein granted; provided, however, that Grantor hereby covenants 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 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.
3. Grantor hereby covenants with Grantee that it has good title to the aforescribed 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 and demands of all persons whomsoever.

Executed and delivered this 4th day of February, 1998.

Brach Enterprises, LLC,
a Colorado limited liability company

By: Louis R. Brach
Louis R. Brach, General Partner

State of Colorado)
)ss.
County of Mesa)

The foregoing instrument was acknowledged before me this 4th day of February 1998, by Louis R. Brach as General Partner of Brach Enterprises, LLC, a Colorado limited liability company.

My commission expires: 3.3.01

Witness my hand and official seal.

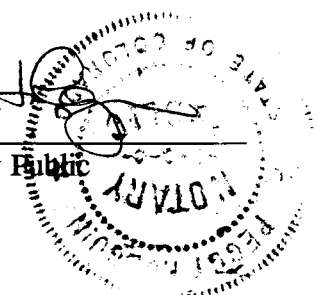
Peggy H. [Signature]
Notary Public


Exhibit "A"

Three (3) Perpetual Utilities Easements on, along, over, under, through and across the following described parcels of land situate in the Northwest 1/4 of Section 11, Township 1 South, Range 1 West of the Ute Meridian, City of Grand Junction, County of Mesa, State of Colorado, said easements being more particularly described as follows, to wit:

Easement Parcel No. 1:

Commencing at the West 1/4 Corner of said Section 11, and considering the West line of the Northwest 1/4 of said Section 11 to bear N 00°00'00" E with all bearings contained herein being relative thereto; thence N 00°00'00" E along the West line of said Northwest 1/4 a distance of 30.00 feet; thence leaving said West line, N 90°00'00" E a distance of 50.00 feet to a point on the North right-of-way line for Orchard Avenue; thence along a line which intersects the North right-of-way line for Orchard Avenue with the East right-of-way line for North First Street, as described in that certain Warranty Deed recorded in Book 1844 at Page 974 in the office of the Mesa County Clerk and Recorder, N 38°25'17" W a distance of 27.08 feet to the **True Point of Beginning**; thence along said intersecting right-of-way line, N 38°25'17" W a distance of 2.53 feet to a point on the East right-of-way line for North First Street; thence N 00°35'32" W along said right-of-way line a distance of 8.00 feet; thence leaving said right-of-way line, N 89°24'28" E a distance of 10.00 feet; thence S 00°35'32" E a distance of 10.00 feet; thence S 89°24'28" W a distance of 8.45 feet to the Point of Beginning, containing 98.45 square feet as described herein and as depicted on **Exhibit "B"** attached hereto and incorporated herein by reference.

Easement Parcel No. 2:

Commencing at the West 1/4 Corner of said Section 11, and considering the West line of the Northwest 1/4 of said Section 11 to bear N 00°00'00" E with all bearings contained herein being relative thereto; thence N 00°00'00" E along the West line of said Northwest 1/4 a distance of 30.00 feet; thence leaving said West line, N 90°00'00" E a distance of 50.00 feet to a point on the North right-of-way line for Orchard Avenue; thence along a line which intersects the North right-of-way line for Orchard Avenue with the East right-of-way line for North First Street, as described in that certain Warranty Deed recorded in Book 1844 at Page 974 in the office of the Mesa County Clerk and Recorder, N 38°25'17" W a distance of 29.61 feet to a point on the East right-of-way line for North First Street; thence N 00°35'32" W along the East right-of-way line for North First Street a distance of 146.68 feet; thence continuing along said right-of-way line, N 00°00'00" E a distance of 23.31 feet to the **True Point of Beginning**; thence N 00°00'00" E along the East right-of-way line for North First Street a distance of 8.32 feet; thence leaving said right-of-way line, S 74°05'21" E a distance of 68.98 feet; thence S 70°51'24" E a distance of 27.23 feet; thence S 67°04'24" E a distance of 44.12 feet; thence S 87°48'13" E a distance of 9.75 feet; thence S 02°11'47" W a distance of 14.00 feet; thence N 87°48'13" W a distance of 11.90 feet; thence N 02°11'47" E a distance of 6.26 feet; thence N 67°04'24" W a distance of 44.59 feet; thence N 70°51'24" W a distance of 26.74 feet; thence N 74°05'21" W a distance of 66.47 feet to the Point of Beginning, containing 1,270.85 square feet as described herein and as depicted on **Exhibit "B"** attached hereto and incorporated herein by reference.

continued on next page

Exhibit "A" continued**Easement Parcel No. 3:**

Commencing at the West 1/4 Corner of said Section 11, and considering the West line of the Northwest 1/4 of said Section 11 to bear N 00°00'00" E with all bearings contained herein being relative thereto; thence N 00°00'00" E along the West line of said Northwest 1/4 a distance of 30.00 feet; thence leaving said West line, N 90°00'00" E a distance of 50.00 feet to a point on the North right-of-way line for Orchard Avenue; thence along a line which intersects the North right-of-way line for Orchard Avenue with the East right-of-way line for North First Street, as described in that certain Warranty Deed recorded in Book 1844 at Page 974 in the office of the Mesa County Clerk and Recorder, N 38°25'17" W a distance of 29.61 feet to a point on the East right-of-way line for North First Street; thence N 00°35'32" W along the East right-of-way line for North First Street a distance of 146.68 feet; thence continuing along said right-of-way line, N 00°00'00" E a distance of 55.48 feet to the **True Point of Beginning**;

thence N 00°00'00" E along the East right-of-way line for North First Street a distance of 20.00 feet;

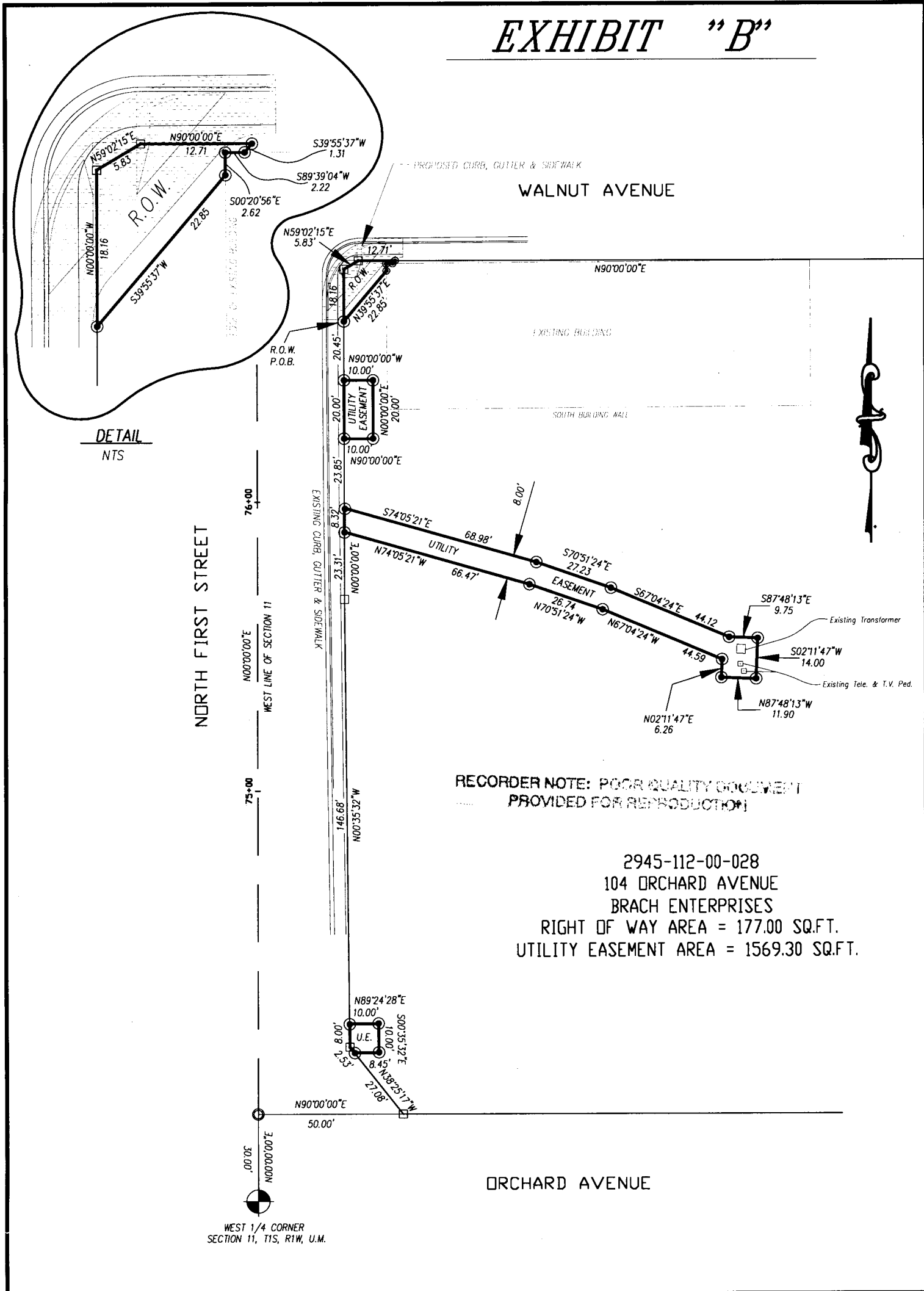
thence leaving said right-of-way line, N 90°00'00" E a distance of 10.00 feet;

thence S 00°00'00" W a distance of 20.00 feet;

thence N 90°00'00" W a distance of 10.00 feet to the Point of Beginning,

containing 200.0 square feet as described herein and as depicted on **Exhibit "B"** attached hereto and incorporated herein by reference.

EXHIBIT "B"



DRAWN BY: SRP
DATE: 8-04-97
SCALE: 1" = 40'
APPR. BY: TKH
FILE NO: F100b.DWG

RIGHT-OF-WAY DESCRIPTION MAP

NORTH FIRST STREET - ORCHARD AVE. TO PATTERSON AVE
(100)

DEPARTMENT OF PUBLIC WORKS
ENGINEERING DIVISION
CITY OF GRAND JUNCTION