

BUR88TIA

TYPE OF RECORD: PERMANENT

CATEGORY OF RECORD: EASEMENT

NAME OF AGENCY OR CONTRACTOR: CARL L. BURLEY, LOUISE P.
BURLEY, PAUL GUILLORY

STREET ADDRESS/PARCEL NAME/SUBDIVISION/PROJECT: LOT 8 OF
BLOCK 7 OF TIARA RADO SUBDIVISION, ACCESS IN TIARA RADO GOLF
COURSE, GREEN NO. 4 TO TEE BOX IN NO. 5, WEST SIDE OF GREEN
NO. 1 AND GREEN NO. 4

CITY DEPARTMENT: PUBLIC WORKS AND PARKS AND RECREATION

YEAR: 1988

EXPIRATION DATE: NONE

DESTRUCTION DATE: NONE

Carl L. Burley*"Oil Properties"*

GRAND JUNCTION, COLORADO 81502

BOOK 1683 PAGE 935

February 12, 1988

City of Grand Junction
250 North 5th Street
Grand Junction, Colorado 81501-2668

1480154 03:12 PM
MAR 11 1988 E.SAWYER,CLK&REC MESA CITY,CO

Attention: Gerald J. Ashby

RE: Tiara Rado Property
Exhibit A

Gentlemen:

This letter, when executed by you, will represent our understanding regarding the subject property and the claims which the owners thereof have placed against the City of Grand Junction. The matters addressed touch on those instances which are of primary importance to all parties, and statements made should be interpreted in a light most favorable to the private property interests of Burley-Guillory. Where matters are not specifically addressed, it is anticipated that any future problems arising would be resolved in a spirit of cooperation and in an equitable relationship between the private property interests and the general public as such public's use of the Tiara Rado Golf Course would dictate.

1. Access

It is understood that the golfers, as well as the City employees and representatives, have uninhibited access from No. 4 Green to No. 5 Tee Box in as direct a route as is reasonably anticipated, taking into consideration that such route does cross an intended, though not presently constructed, roadway from the cul-de-sac at Liberty Cap Court to the interior of the private property.

2. The City of Grand Junction, their employees or invitees shall have access along the west side of No. 1 Green and No. 4 Green as they presently exist, such access being limited to the current usage which is identified as minor encroachments onto the private property of Burley-Guillory. Such current usage does include the use by vehicular traffic and access by golfers for the purpose of "retrieving and/or playing" their ball as it may lie on that portion of the private property within the developed portion of the golf course.

3. There will be no use of the existing roadway on the

private Burley-Guillory property along No. 5 Fairway by the City or its employees. Vehicular traffic will be prohibited insofar as reasonably possible by the City of Grand Junction. Although it is foreseeable that some use of said property will be made by golfers with golf carts, it is understood that the City will discourage the use of the private property by golfers for any purpose other than the retrieval of golf balls.

- 4. At the time of execution of this letter of understanding, the City of Grand Junction will pay to Burley-Guillory the amount of \$2,000 by cash or check. It is understood that payment of such amount relieves the City of any obligation or liability whatsoever for any past encroachment or alleged damages to the subject Burley-Guillory property; and that such payment is in consideration for Burley-Guillory waiving any rights which they may have had prior to the date of this letter.

If the forgoing generally represents our understanding, you are requested to obtain execution of this letter by proper City authorities and return a fully executed copy to this office.

Very truly yours,

Carl L. Burley
Carl L. Burley

Louise P. Burley
Louise P. Burley

Paul Guillory
Paul Guillory

CLB/gls

CC: Ted Novak, Parks & Recreation Department

The forgoing represents the understanding arrived at between the parties signatory hereto.

Richard R. Eckhart, Clerk
Witness City Clerk

The City of Grand Junction

By: Mark T. Kellen
City Manager

EXHIBIT A

A tract of land located in a part of the SW1/4 Section 22, Township 11 South, Range 101 West of the 6th P.M., County of Mesa, Colorado, being more particularly described as follows: Beginning at the Southeast Corner of Lot 8, Block 7 of Tiara Rado Subdivision Filing No. Two as filed and recorded in the office of the Mesa County Clerk and Recorder and considering the East line NW1/4SW1/4 of said Section 22 to bear South 00°34'02" West with all other bearings contained herein relative thereto; thence along the boundary of the Tiara Rado Golf Course (as filed and recorded in Book 1031, Page 22 of the Mesa County Records) by the following nine courses and distances:

South 09°16'37" East 56.793 feet
South 71°12'23" West 766.681 feet
South 54°34'08" West 183.860 feet
South 18°06'37" East 77.420 feet
South 89°33'54" East 631.717 feet
North 75°49'46" East 152.193 feet
North 36°52'45" East 337.062 feet
North 12°49'17" West 132.630 feet
North 45°14'02" West 85.025 feet to a point on the Southerly boundary of said Tiara Rado Filing No. Two; thence South 80°43'23" West along said Southerly boundary a distance of 50.00 feet to the point of beginning.

STATE OF COLORADO)
) ss.
County of Mesa)

The foregoing instrument was acknowledged before me
this 8th day of March, 1988, by Carl L. Burley, Louise P.
Burley and Paul Guillory.

My commission expires 11-6, 1988 . Witness
my hand and official seal.

Margaret Kelly
Notary Public



STATE OF COLORADO)
) ss.
County of Mesa)

The foregoing instrument was acknowledged before me
this 8th day of March, 1988, by Mark K. Achen as City
Manager and Neva B. Lockhart as City Clerk for the City of
Grand Junction, a municipal corporation.

My commission expires June 13, 1991 . Witness
my hand and official seal.

Charles J. Martony
Notary Public

