#### CPS03ELM

TYPE OF RECORD: PERMANENT

CATEGORY OF RECORD: EASEMENT (MULTI-PURPOSE)

NAME OF CONTRACTOR: CPS ENTERPRISE, LLC

PURPOSE: A PERPETUAL EASEMENT FOR THE

INSTALLATION, OPERATION, MAINTENANCE, REPAIR AND REPLACEMENT

OF UTILITIES

SUBJECT/PROJECT: 2863 ELM AVENUE, HUGHES TRIPLEX

TAX PARCEL #: 2943-074-00-030

CITY DEPARTMENT: PUBLIC WORKS

YEAR: 2003

EXPIRATION DATE: NONE

DESTRUCTION DATE: NONE

WHEN RECORDED RETURN AO: City of Grand Junction **Real Estate Division** 250 North 5<sup>th</sup> Street Grand Junction, CO 81501

PAGE DOCUMENT

BOOK3477 PAGEÓ64

0430PM 2147004 09/08/03 JANICE WARD CLK&REC MESA COUNTY CO RECFEE \$10.00 SURCHG \$1.00 DOCUMENTARY FEE \$EXEMPT

### GRANT OF MULTI-PURPOSE EASEMENT

CPS Enterprises, LLC, a Colorado limited liability company, Grantor, for and in consideration of the sum of Ten and 00/100 Dollars (\$10.00), the receipt and sufficiency of which is hereby acknowledged, has granted and conveyed, and by these presents does hereby 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, a Perpetual Multi-Purpose Easement for the use and benefit of Grantee and for the use and benefit of the Public Utilities, as approved by Grantee, as a Perpetual Easement for the installation, operation, maintenance, repair and replacement of utilities and appurtenances related thereto, as approved by Grantee, including, but not limited to, electric lines, cable television lines, natural gas pipelines, sanitary sewer lines, storm sewers and storm water drainage facilities, water lines, telephone lines, and also for the installation, operation maintenance, repair and replacement of traffic control facilities, street lighting, landscaping, trees and grade structures, as approved by Grantee, on, along, over, under, through and across the following described premises, 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 of ingress and egress for workers and equipment to survey, maintain, operate, repair, replace, control and use said Easement, 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, the said Grantor hereby covenanting with Grantee that the Easement area shall not be burdened or overburdened by the installation, construction or placement of any structures or any other item or fixture which might be detrimental to the facilities of Grantee and/or the Public Utilities or which might act to prevent reasonable ingress and egress for workers and equipment on, along, over, under, through and across the Easement area, the said Grantor hereby further covenanting with Grantee that it has good title to the aforedescribed premises; that it has good and lawful right to grant this Easement; 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 8 day of 5,2003.

CPS Enterprises, LLC, a Colorado limited liability company, Grantor:

James A. Hughes, Manager

State of Colorado County of Mesa

The foregoing instrument was acknowledged before me this Stoday of September, 2003, by James A. Hughes, Manager of CPS Enterprises, LLC, a Colorado limited liability company.

10/29/2005 My commission expires

Witness my hand and official seal.

Bayleen Henderson Notary Public

My Commission Expires 10/29/2005

#### EXHIBIT "A"

## Legal Description of a Perpetual Multi-Purpose Easement

The South 14.0 feet of the North 44.0 feet of the West 72 feet of the N½ NE¼ SW¼ SE¼ of Section 7, Township 1 South, Range 1 East of the Ute Meridian, City of Grand Junction, County of Mesa, State of Colorado, said Easement being more particularly described by metes and bounds as follows, to wit:

Commencing at the Northwest corner of the SW ¼ of the SE ¼ of Section 7, Township 1 South, Range 1 East of the Ute Meridian, City of Grand Junction, County of Mesa, State of Colorado, and considering the North line of the SW ¼ of the SE ¼ of said Section 7 to bear S 89°49′19" E with all bearings contained herein being relative thereto; thence S 89°49′19" E along the North line of the SW ¼ of the SE ¼ of said Section 7 a distance of 660.33 feet, more or less, to the Northwest corner of the West 72 feet of the N½ NE¼ SW¼ SE¼ of said Section 7;

thence leaving the North line of the SW ¼ of the SE ¼ of said Section 7, S 00°05′05″ E a distance of 30.00 feet to the Northwest corner of Grantor's property as described by Warranty Deed recorded in Book 3217 at Page 28 in the office of the Mesa County Clerk and Recorder, said point also being on the South right-of-way line for Elm Avenue as described by instrument recorded in Book 930 at Page 471 in the office of the Mesa County Clerk and Recorder, said point being the **True Point of Beginning** of the Easement herein described;

thence S 89°49'19" E along a line which is common with the North boundary line of Grantor's property and the South right-of-way line for Elm Avenue as aforesaid a distance of 72.0 feet to the Northeast corner of Grantor's property;

thence leaving said common line, S 00°05'05" E along the East boundary line of Grantor's property a distance of 14.0 feet;

thence leaving the East boundary line of Grantor's property, N 89°49'19" W a distance of 72.0 feet to a point on the West boundary line of Grantor's property, said line being common with the East boundary line of Anderson Subdivision as recorded in Plat Book 11 at Page 15 in the office of the Mesa County Clerk and Recorder;

thence N 00°05'05" E along said common line a distance of 14.0 feet to the Point of Beginning.