

CUM96ELM

TYPE OF RECORD: PERMANENT

CATEGORY OF RECORD: EASEMENT

NAME OF AGENCY OR CONTRACTOR: MARILYN Y. CUMBNEY AND BEVERLY
D. HEFLEY

STREET ADDRESS/PARCEL NAME/SUBDIVISION/PROJECT: STREET
IMPROVEMENTS TO 803 ELM AVENUE AND NORTH 7TH TO CANNELL
ELM AVENUE SUBDIVISION 2945-114-14-010

CITY DEPARTMENT: PUBLIC WORKS

YEAR: 1996

EXPIRATION DATE: NONE

DESTRUCTION DATE: NONE

GRANT OF EASEMENT

Marilyn Y. Cumbey and Beverly D. Hefley, Grantors, for and in consideration of the installation, maintenance and repair of street improvements to Elm Avenue, the receipt and sufficiency of which is hereby acknowledged, hereby grant and convey 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 Easement for the installation, operation, maintenance, repair and conveyance of a water meter and appurtenances, together with the right of ingress for workers and equipment, on, along, over, under, through and across the following described Parcel situated in the SW¼ SE¼ of Section 11, Township 1 South, Range 1 West 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:

Beginning at the NW Corner of Lot 21, Elm Avenue Subdivision, thence S00°00'00"E a distance of 4.00 feet, thence S90°00'00"E a distance of 32.93 feet to the True Point of Beginning, thence S00°00'00"E a distance of 5.00 feet, thence S90°00'00"E a distance of 5.00 feet, thence N00°00'00"W a distance of 5.00 feet, thence N90°00'00"W a distance of 5.00 to the Point of Beginning.

The above described parcel of land contain 25.00 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 area for the purposes herein described shall be conducted so as to cause minimum interference to the Grantors, their heirs, 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. Grantors 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, Grantors hereby covenant with Grantee that the easement

area shall not be burdened or overburdened by the Grantors 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 area.

3. Grantors hereby covenant with Grantee that they have good title to the aforescribed premises; that they have good and lawful right to grant this Easement; that they will warrant and forever defend the title and quiet possession thereof against the lawful claims of all persons whomsoever.

Signed this 25th day of June, 1996.

Marilyn Y. Cumbey
Marilyn Y. Cumbey

Beverly D. Hefley
Beverly D. Hefley
AKA Beverly D. Armstrong

State of Colorado)

)ss.

County of Mesa)

The foregoing instrument was acknowledged before me this 25 day of June, 1996, by Marilyn Y. Cumbey and Beverly D. Hefley.

Witness my hand and official seal.

My commission expires April 5, 2000

Denise Williams
Notary Public

The foregoing legal description was prepared by P. Holquin, 250 North 5th Street, Grand Junction, Colorado 81501.

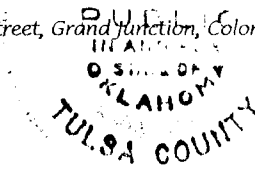
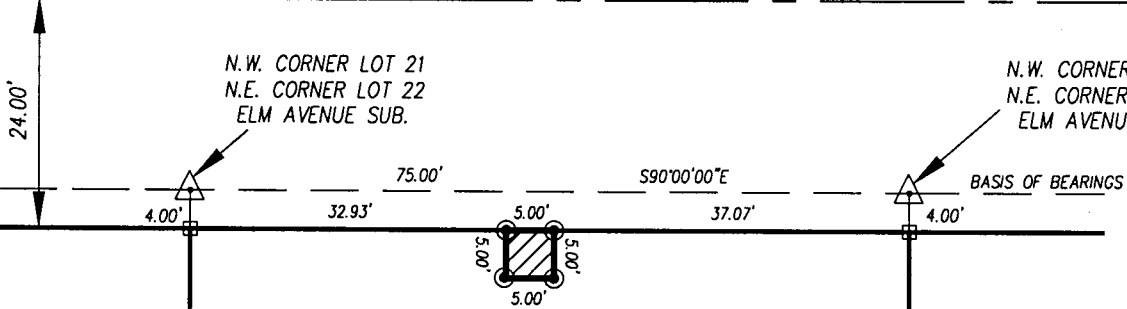


EXHIBIT "A"



ELM AVENUE

N90°00'00"W



N.W. CORNER LOT 21
N.E. CORNER LOT 22
ELM AVENUE SUB.

N.W. CORNER LOT 20
N.E. CORNER LOT 21
ELM AVENUE SUB.

BASIS OF BEARINGS

2945-114-14-010
MARILYN Y. CUMBNEY & BEVERLY D. HEFLEY
803 ELM AVENUE
WATER METER
EASEMENT AREA = 25.0 SQ.FT.

LOT 22

LOT 21

LOT 20

N90°00'00"W

75.00'

DRAWN BY: SRP
DATE: 05-30-96
SCALE: 1" = 20'
APPR. BY:
FILE NO: ELM14010.DWG

EASEMENT DESCRIPTION MAP
ELM AVENUE - N. 7TH TO CANNELL

DEPARTMENT OF PUBLIC WORKS
ENGINEERING DIVISION
CITY OF GRAND JUNCTION