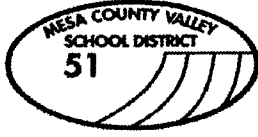


D5108PPA

TYPE OF RECORD:	PERMANENT
CATEGORY OF RECORD:	EASEMENT (STORM DRAINAGE)
NAME OF PROPERTY OWNER OR GRANTOR:	MESA COUNTY VALLEY SCHOOL DISTRICT NO. 51 – DOS RIOS ELEMENTARY SCHOOL
PURPOSE:	PALMER PARK SUBDIVISION
ADDRESS:	265 LINDEN AVENUE
TAX PARCEL NO.:	2945-261-26-942
CITY DEPARTMENT:	PUBLIC WORKS AND PLANNING
YEAR:	2008
EXPIRATION DATE:	NONE
DESTRUCTION DATE:	NONE



**Mesa County Valley School District No. 51**

**Temporary Ingress/Egress and Drainage Easements  
Dos Rios Elementary School**

Board of Education Resolution: 08-09: 20

Adopted: September 24, 2008

WHEREAS, Alpine Bank (herein "Developer") owns certain property bordering on the District's property known as Dos Rios Elementary School (herein "School"); and

WHEREAS, Developer is seeking subdivision approval for Palmer Park Subdivision; and

WHEREAS, as a condition for subdivision approval the City of Grand Junction (herein "City") requires that Developer provide acceptable storm drainage for the Palmer Park Subdivision; and

WHEREAS, Developer proposes to install an underground drainage pipeline (herein the "drain line") located on District property at a location which historically has served as an open drainage channel for the land located north of the District Property; and

WHEREAS, Developer will install the drain line in accordance with the City's specification and upon completion and acceptance of said drain line, the City will assume ownership and maintain responsibilities of the drain line; and

WHEREAS, the Developer and City are in need of non-exclusive easements, as described in the Grant of Ingress/Egress Easement and the Grant of the Grant of Storm Drainage Easement Agreement, as well as a Temporary Construction Easement, all three agreements being attached hereto, for the purpose of installing and maintaining the drainage line; and

WHEREAS, it appears that the interests to be conveyed will not materially interfere with the District's present or future use or enjoyment of its property or the operation of the School, that the easement will provide a public record of a right that is not presently recorded, and that conveyance thereof will work to the benefit of the District.

NOW, THEREFORE, BE IT RESOLVED that the Board of Education hereby approves the attached Temporary Construction Easement, Grant of Ingress/Egress Easement and Grant of Storm Drainage Easement and Agreement; and

FURTHER RESOLVED President and Secretary of the Board are hereby authorized to execute, on behalf of the Board, the attached Agreements.

*I hereby certify that the information contained in the above resolution is accurate and was adopted by the Mesa County Valley School District No. 51 Board of Education on September 24, 2008.*

  
Jamie Sidanycz  
Secretary, Board of Education

## GRANT OF STORM DRAINAGE EASEMENT AGREEMENT

THIS GRANT OF STORM DRAINAGE EASEMENT AGREEMENT is made and entered into this 7<sup>th</sup> of October, 2008, by and between **MESA COUNTY VALLEY SCHOOL DISTRICT NO. 51, a Colorado Public School District, Grantor**, whose address is 2115 Grand Avenue, Grand Junction, CO 81501, hereinafter referred to as "the District", and **THE CITY OF GRAND JUNCTION, a Colorado home rule municipality, Grantee**, whose address is 250 North 5<sup>th</sup> Street, Grand Junction, Colorado, 81501, hereinafter referred to as "the City", for the use and benefit of the City, a non-exclusive easement for Storm Drainage purposes, on, along, over, through, under and across the Parcel as described on the attachments.

### Recitals.

- A. The District is the owner of certain real property commonly known as Dos Rios Elementary School located at 265 Linden Avenue in the City of Grand Junction, Mesa County, Colorado (hereinafter referred to as "the District Property").
- B. The developers of Palmer Park Subdivision will be installing a storm drain line ("the Project") in the easement to allow the elimination of the existing open drain ditch. Said developers will coordinate the logistics and scheduling of that work with the School District. The storm drain line will be installed in accordance with the City's specifications and upon completion and acceptance of said storm drain line by the City, the City will assume ownership and maintenance responsibilities.
- C. The District desires to cooperate in and assist with the Project by conveying to the City an interest in the use of the District Property for the purposes stated above.

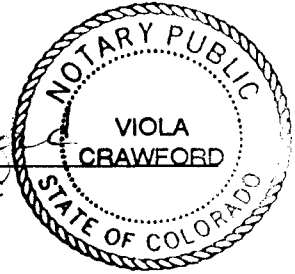
NOW THEREFORE, in consideration of the recitals, the mutual covenants and conditions contained herein, and other valuable consideration, the parties by authority of their respective bodies, agree as follows:

1. The District hereby grants and conveys to the City, its successors and assigns forever, a perpetual Storm Drainage Easement on, along, over, under, through and across the District Property within the limits and for the purposes as described on **Exhibit "A"** and depicted on **Exhibit "B"** which is attached hereto and incorporated herein by reference, to have and to hold said easement unto the City, its successors and assigns forever, subject to the terms, covenants, conditions and restrictions stated herein.
2. The District reserves the right to use and occupy the District Property not encumbered by the perpetual easement for any lawful purpose which is not inconsistent with the rights herein granted. In the event of permanent abandonment of the Project or any of the related facilities and/or utilities by the City, its successors and assigns, all rights, privileges and interests herein granted shall automatically terminate. If the Storm Drainage easement is abandoned, Grantor shall have the option to request release of the Easement, which release shall not be unreasonably withheld or delayed.





Viola Crawford  
Notary Public



Attested by:

The City of Grand Junction,  
a Colorado home rule municipality,

Stephanie Tuin  
Stephanie Tuin, City Clerk

[Signature]  
Laurie Kadrich, City Manager

State of Colorado )  
                                  ) ss.  
County of Mesa     )

The foregoing instrument was acknowledged before me this 7<sup>th</sup> day of October, 2008, by ~~Laurie Kadrich~~ <sup>Rich Englehart Acting</sup> as City Manager and attested to by Stephanie Tuin as City Clerk of the City of Grand Junction, a Colorado home rule municipality.

My commission expires: \_\_\_\_\_

Witness my hand and official seal.

Jana Pietro  My Commission Expires 08/28/2012  
Notary Public

**Exhibit "A"**

Drainage Easement

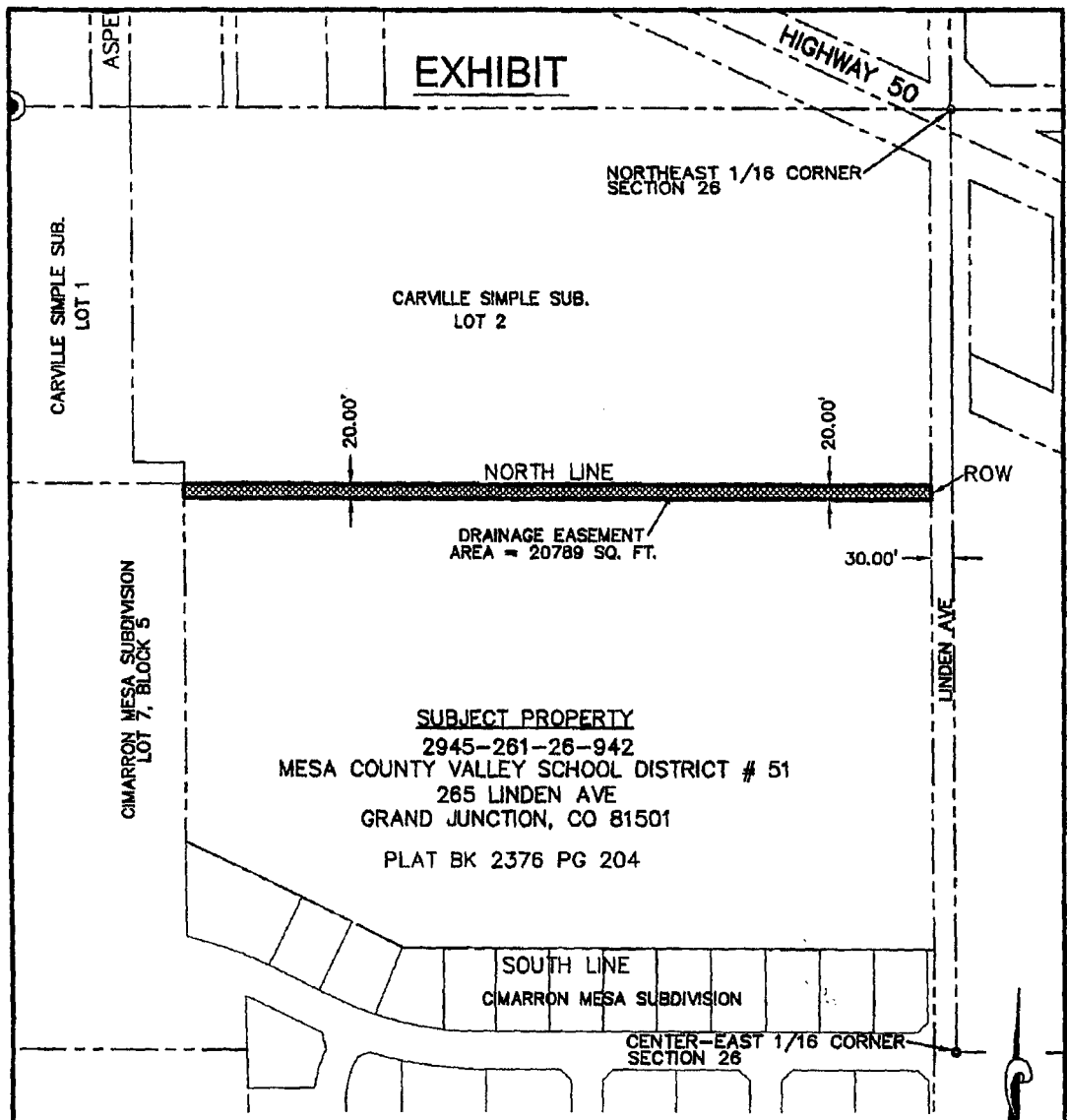
A twenty-foot wide Drainage Easement containing approximately 20,789 square feet, more or less, situate in the SW1/4NE1/4 of Section 26 in Township One South, Range One West of the Ute Meridian in the City of Grand Junction, Mesa County, Colorado, described as follows:

The northerly 20 feet, of that certain property described in a deed recorded in Book 2376 at Page 204 in the office of the Mesa County Clerk and Recorder, said property being described as follows:

Lot 1 of Miles Craig Minor Subdivision, Reception No. 1819902 as described herein and depicted on "**Exhibit B**" attached hereto and incorporated herein by reference.

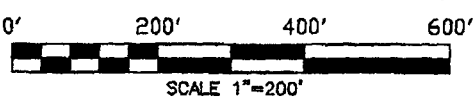


The foregoing legal description was prepared by Jodie Grein for Rolland Engineering, 405 Ridges Blvd., Grand Junction, CO.



**SUBJECT PROPERTY**  
 LOT 1 MILES CRAIG MINOR SUBDIVISION  
 PER PLAT BOOK-16 PAGE-38 MESA CO RECORDS

The sketch and description shown hereon has been derived from subdivision plats and deed descriptions as they appear in the office of the Mesa County Clerk and Recorder. This sketch does not constitute a legal survey, and is not intended to be used as a means for establishing or verifying property boundary lines.

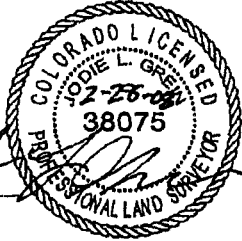


**LIST OF ABBREVIATIONS:**

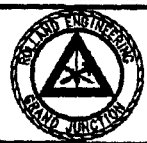
- ROW RIGHT OF WAY
- N NORTH
- BK BOOK
- PG PAGE

NOTE: THIS MAP IS NOT A MONUMENTED SURVEY PLAT.

*Jodie L. Grein*  
 Jodie L. Grein  
 Professional Land Surveyor  
 P.L.S. No. 38075



*FEB 28, 2008*  
 Date



NOLLAND ENGINEERING  
 408 10th Street  
 Grand Junction, CO 81503  
 (970) 243-8300

File Name: C:\0051\0051EASESOUTH.DWG			
<b>DOS RIOS ELEMENTARY DRAINAGE EASEMENT</b>			
IN THE SW 1/4 NE 1/4 SECTION 26			
T1S. RIW OF THE UTE MERIDIAN			
IN THE CITY OF GRAND JUNCTION,			
MESA COUNTY, COLORADO			
Designed	Checked	Drawn	Sheet
JLG	JLG	JLG	6091
Date	2/28/08	of	1