

DAV96JPK

TYPE OF RECORD: PERMANENT

CATEGORY OF RECORD: EASEMENT

NAME OF AGENCY OR CONTRACTOR: JOHN DAVIS

STREET ADDRESS/PARCEL NAME/SUBDIVISION: JAMES PARK MOBILE
HOME PARK, IRRIGATION EASEMENT, INGRESS/EGRESS EASEMENT,
UTILITIES EASEMENT

CITY DEPARTMENT: PUBLIC WORKS

YEAR: 1996

EXPIRATION DATE: PERMANENT

DESTRUCTION DATE: NONE

GRANT OF EASEMENT
IRRIGATION EASEMENT

1776402 1104AM 11/01/96
BOWEN TODD CLERK MESA COUNTY CO
DOCUMENT FEE \$EXEMPT

JOHN DAVIS, whose address is 1023 24 Road, Grand Junction, Colorado 81505, 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 sold, granted and conveyed and by these presents does hereby sell, grant and convey unto the City of Grand Junction, a Colorado home rule municipality, whose address is 250 North 5th Street, Grand Junction, Colorado 81501, Grantee, for the use of the City and for the use and benefit of the present and future owner(s) of real property and irrigation facilities located upstream and downstream of the premises herein described, a perpetual non-exclusive easement for the installation, operation, maintenance and repair of irrigation facilities, together with the right of ingress and egress for persons or equipment, on, along, over, under, through and across the following described real property in the County of Mesa, State of Colorado, to wit:

See James Park Irrigation Easement attached hereto as **Exhibit "A"** and incorporated herein by reference.

TO HAVE AND TO HOLD the premises herein granted unto the Grantee, its successors and assigns forever, together with the right to enter upon said premises, to survey, construct, maintain, operate, repair, replace, control any private irrigation systems, and to remove objects interfering therewith, including the trimming of trees and bushes as may be required to permit the operation of standard irrigation construction and repair machinery, 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 Grantor and to the Grantor's heirs, successors and assigns.
2. Grantor shall have the right to continue to use the real property burdened by this easement for any lawful purpose which will not interfere with the full use and quiet enjoyment of Grantee's rights herein granted; provided, however, Grantor hereby covenants with Grantee that the easement area 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 on, along, over, under, through and across the easement area.
3. Grantor hereby covenants with Grantee that he has good title to the aforescribed premises; that he has good and lawful right to grant this easement; that he will warrant and forever defend the title and quiet possession thereof against the lawful claims and demands of all persons whomsoever.

Executed this 23 day of Sept, 1996.

[Signature]
John Davis

State of Colorado)
)ss.
County of Mesa)

The foregoing instrument was acknowledged before me this 23 day of Sept, 1996, by John Davis.

My commission expires: 08/21/2000

Witness my hand and official seal.

[Signature]
Notary Public

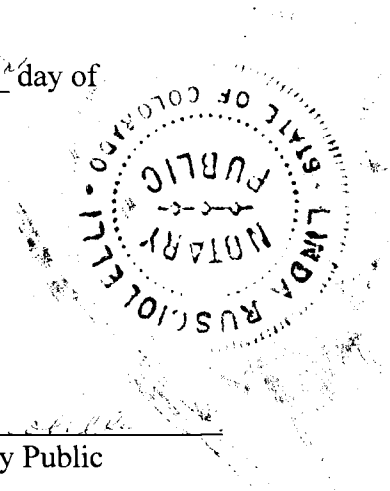


EXHIBIT "A"

JAMES PARK IRRIGATION EASEMENT

Beginning at the Southeast Corner of Lot 2 of Darwin Subdivision, situate in the NE1/4 NW1/4 of Section 18, Township 1 South, Range 1 East of the Ute Meridian, City of Grand Junction, County of Mesa, State of Colorado, as recorded in Plat Book 12 at Page 303 in the office of the Mesa County Clerk and Recorder;

thence S 90E00'00" W along a line which is common with the South boundary of said Lot 2 and the North right-of-way of Gunnison Avenue a distance of 432.97 feet;

thence 31.39 feet along the arc of a curve to the right having a radius of 20.00 feet, a central angle of 89E54'55", and a long chord bearing N 45E02'32" W a distance of 28.26 to a point on a line which is common with the West boundary line of said Lot 2 and the East boundary line of 28 1/4 Road;

thence N 00E05'05" W along said common line a distance of 69.35 feet;

thence leaving said common line, S 70E06'36" E a distance of 15.96 feet;

thence S 00E05'05" E a distance of 68.89 feet;

thence N 90E00'00" E a distance of 437.96 feet to a point on the East boundary line of said Lot 2;

thence S 00E00'00" E along the East boundary line of said Lot 2 a distance of 15.00 feet to the True Point of Beginning.

GRANT OF EASEMENT1776+03 1104AM 11/01/96
MORNING TOWN CLERK REC MESA COUNTY CO
DOCUMENT FEE \$EXEMPT

INGRESS/EGRESS EASEMENT

JOHN DAVIS, whose address is 1023 24 Road, Grand Junction, Colorado 81505, 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 sold, granted and conveyed and by these presents does hereby sell, grant and convey unto the City of Grand Junction, a Colorado home rule municipality, whose address is 250 North 5th Street, Grand Junction, Colorado 81501, Grantee, a non-exclusive easement for ingress and egress purposes for the use and benefit of the Grantee and for the use and benefit of the public service providers, including, but not limited to, postal services, trash services, fire services, police services and emergency services, and for the residents, guests and invitees of James Park, a planned residential community situate in and being a part of Lot 2 of Darwin Subdivision in the NE1/4 NW1/4 of Section 18, Township 1 South, Range 1 East of the Ute Meridian, City of Grand Junction, County of Mesa, State of Colorado, as recorded in Plat Book 12 at Page 303 in the office of the Mesa County Clerk and Recorder, said easement being more particularly described as follows, to wit:

A non-exclusive perpetual easement on, along, over and across all of the private roadways within said Lot 2 of Darwin Subdivision as shown on the final site plan for James Park, attached hereto as **Exhibit "A"** and incorporated herein by reference, as the same have been approved by the City of Grand Junction in accordance with Community Development File No. FP-96-55.

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. Grantor, not Grantee, shall be responsible for the condition of the public roadways within said Lot 2 and shall further be responsible for the operation, maintenance and repair of said private roadways.
2. Grantor hereby does agree and does indemnify the Grantee, its officers, employees and agents, and holds the Grantee, its officers, employees and agents harmless from all liability, loss or other damage claims or obligations and from any injuries or losses of any nature to persons or property which may result from any cause; No liability shall accrue to the Grantee from any act or failure to act of the Grantee, its officers, employees and agents, nor from the Grantee's exercise and use of the rights herein granted.
3. Grantor hereby covenants with Grantee that he has good title to the aforescribed premises; that he has good and lawful right to grant this easement; that he will warrant and forever defend the title and quiet possession thereof against the lawful claims and demands of all persons whomsoever.

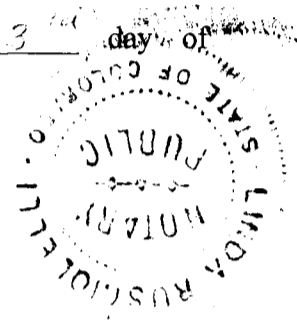
Executed this 23 day of Sept, 1996.

[Signature]
John Davis

State of Colorado)
)ss.
County of Mesa)

The foregoing instrument was acknowledged before me this 23 day of Sept, 1996, by John Davis.

My commission expires: 08/21/2000
Witness my hand and official seal.



[Signature]
Notary Public

JAMES PARK

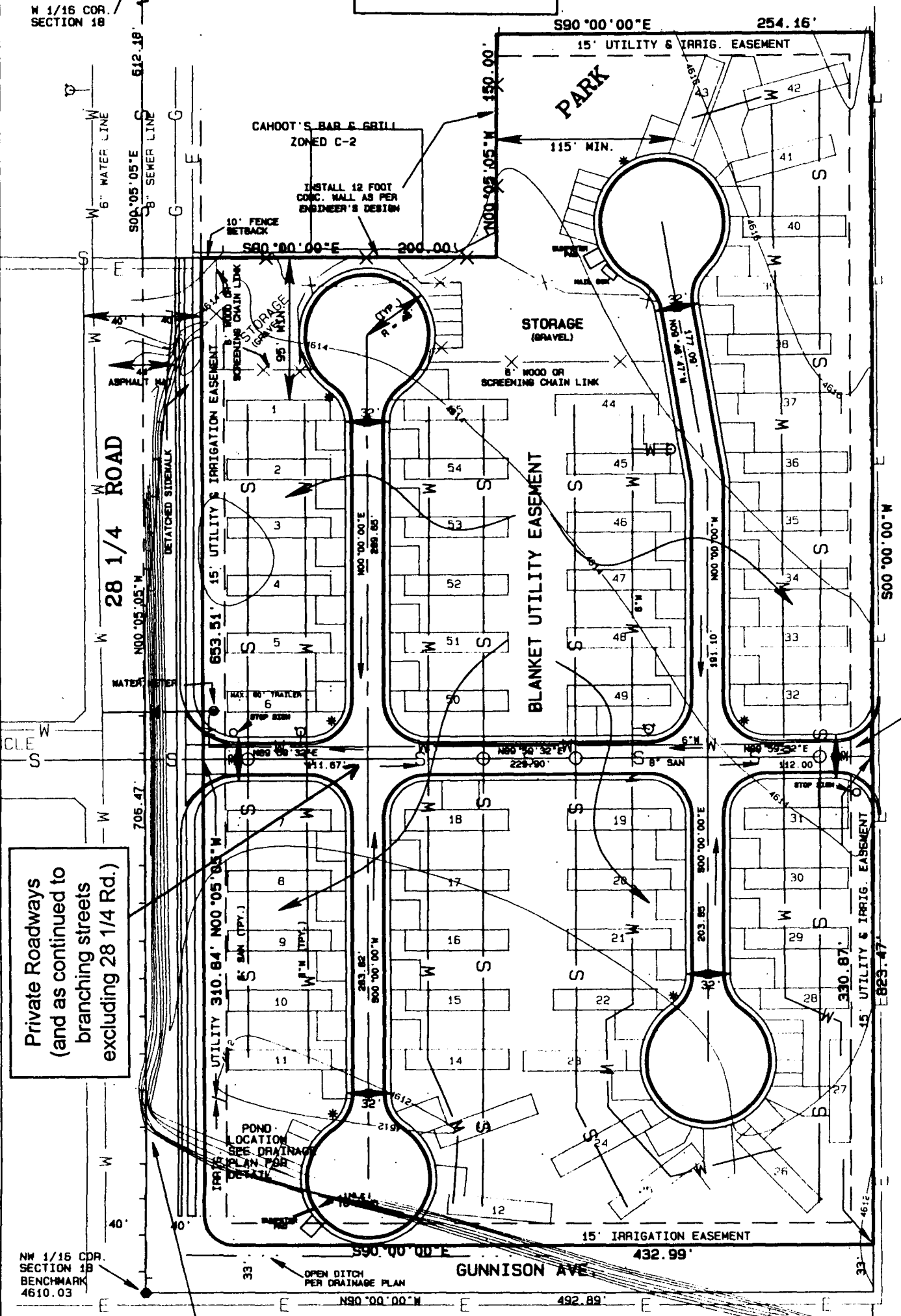
LOT 2, DARWIN SUBDIVISION

SITE PLAN

BOOK 2276 PAGE 74

EXHIBIT "A"

VACANT LAND / ZONED C-1



NW 1/16 COR. SECTION 18

NW 1/16 COR. SECTION 18
BENCHMARK
4610.03

Private Roadways
(and as continued to
branching streets
excluding 28 1/4 Rd.)

MESA COUNTY DITCH (A.K.A. GOODWILL DRAIN)
TO BE PIPED. SEE STORM DRAIN PLAN

VACANT LAND / ZONED I-1

GRANT OF EASEMENT

UTILITIES EASEMENT

1776404 1104AN 11/01/96
RONIKA TOOD CLERK REC MESA COUNTY CO
DOCUMENT FEE \$EXEMPT

JOHN DAVIS, whose address is 1023 24 Road, Grand Junction, Colorado 81505, 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 sold, granted and conveyed and by these presents does hereby sell, grant and convey unto the City of Grand Junction, a Colorado home rule municipality, whose address is 250 North 5th Street, Grand Junction, Colorado 81501, Grantee, for itself and for the use and benefit of the public utility providers, a non-exclusive Perpetual Easement for the installation, operation, maintenance and repair of utilities and related appurtenances and facilities, together with the right of ingress and ingress for workers and equipment, on, along, over, under, through and across the following described real property in the County of Mesa, State of Colorado, to wit:

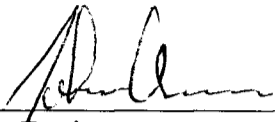
All of Lot 2 of Darwin Subdivision situate in the NE1/4 NW1/4 of Section 18, Township 1 South, Range 1 East of the Ute Meridian, as recorded in Plat Book 12 at Page 303 in the office of the Mesa County Clerk and Recorder, Except those portions of said Lot 2 which are identified for use as manufactured home sites 1 through 55 as shown on the final site plan for James Park, attached hereto as **Exhibit "A"** and incorporated herein by reference, as the same has been approved by the City of Grand Junction in accordance with Community Development File No. FP-96-55.

TO HAVE AND TO HOLD the premises herein granted unto the Grantee, its successors and assigns forever, together with the right to enter upon said premises, to survey, construct, maintain, operate, repair, replace, control and use said utilities, including, but not limited to, electric lines, cable TV lines, natural gas pipelines, sanitary sewer lines, water lines, telephone lines, and also for the installation and maintenance of traffic control facilities, street lighting, street trees and grade structures, 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 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 Grantor and to the Grantor's heirs, successors and assigns.
2. Grantor shall have the right to continue to use the real property burdened by this easement for any lawful purpose which will not interfere with the full use and quiet enjoyment of Grantee's rights herein granted; provided, however, Grantor hereby covenants with Grantee that the easement area 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 on, along, over, under, through and across the easement area.

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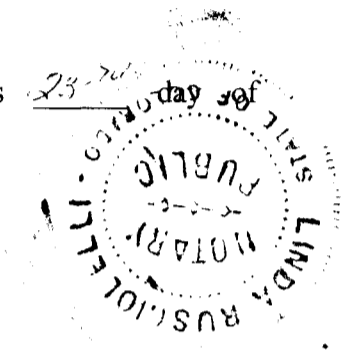


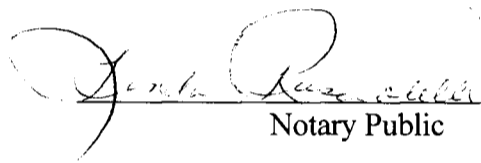
John Davis

State of Colorado)
)ss.
County of Mesa)

The foregoing instrument was acknowledged before me this 23rd day of Sept, 1996, by John Davis.

My commission expires: 08/21/2000
Witness my hand and official seal.





Notary Public

JAMES PARK

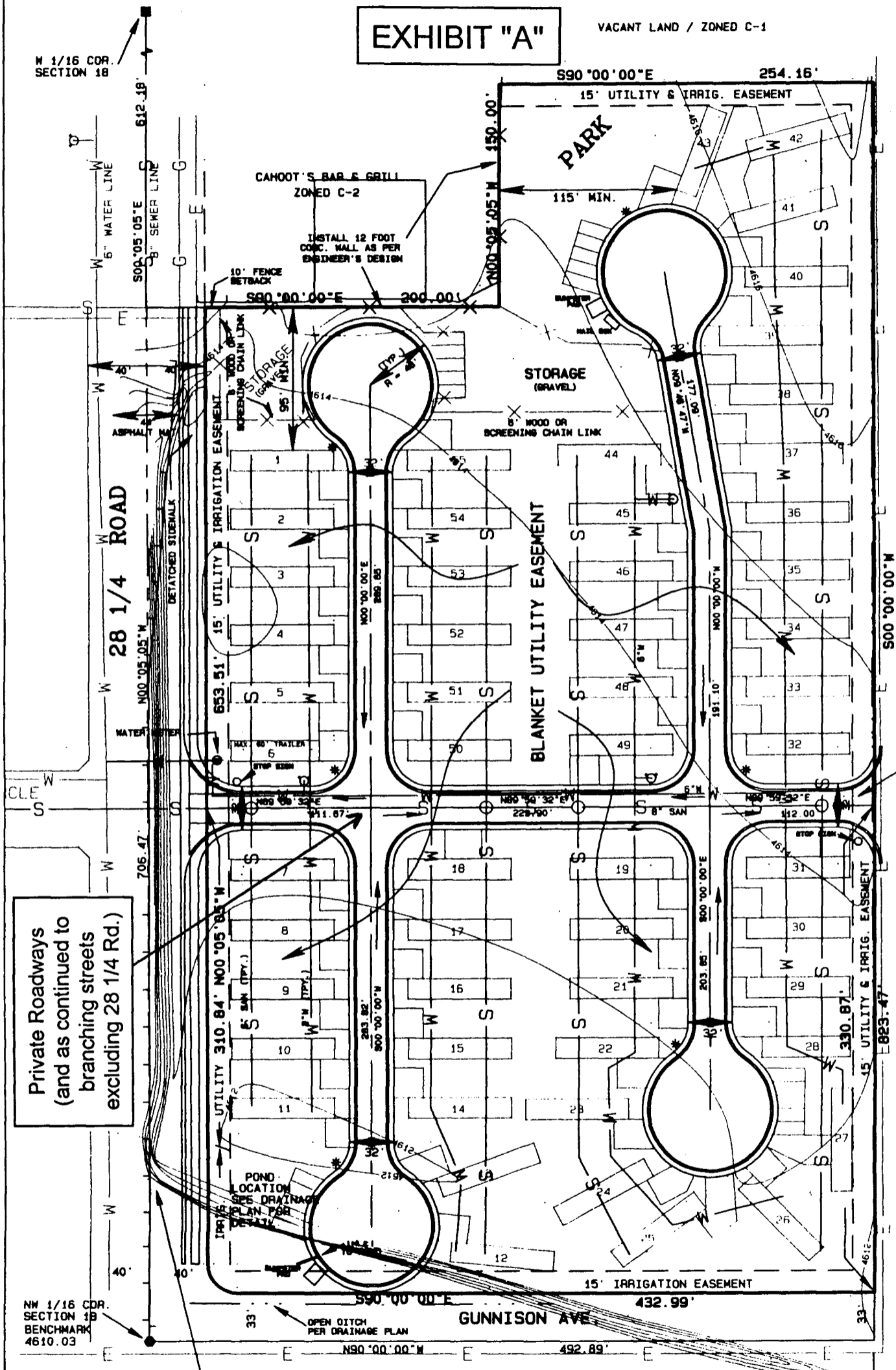
LOT 2, DARWIN SUBDIVISION

SITE PLAN

BOOK 2276 PAGE 77

EXHIBIT "A"

VACANT LAND / ZONED C-1



NW 1/16 CDR. SECTION 18

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BENCHMARK 4610.03

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