

DVS02IDP

TYPE OF RECORD: PERMANENT

CATEGORY OF RECORD: **EASEMENT**

PURPOSE: RETAINING WALL FOR PUBLIC ROADWAY IMPROVEMENTS

NAME OF PROPERTY OWNER OR GRANTOR: WANDA E. DAVIS, HARRY LEE DUNNING AND
WILLIAM H. DUNNING

STREET ADDRESS/PARCEL NAME/SUBDIVISION (LOT AND BLOCK): 434 INDEPENDENT
AVENUE, GRAND JUNCTION

PARCEL NO.: 2945-104-00-079

CITY DEPARTMENT:

YEAR: 2002

EXPIRATION DATE: NONE

DESTRUCTION DATE: NONE

When recorded return to:
City of Grand Junction
Real Estate Division
250 North 5th Street
Grand Junction, CO 81501

2041226 02/15/02 0430PM
MONIKA TODD CLK® MESA COUNTY CO
REC FEE \$20.00
DOCUMENTARY FEE \$EXEMPT

GRANT OF RETAINING WALL EASEMENT

Wanda E. Davis, Harry Lee Dunning and William H. Dunning, Grantors, for and in consideration of the sum of Ninety-Six and 08/100 Dollars (\$96.08), the receipt and sufficiency of which is hereby acknowledged, have sold, granted and conveyed, and by these presents do hereby sell, grant and convey unto the City of Grand Junction, a Colorado home rule municipality, Grantee, whose address is 250 North 5th Street, Grand Junction, Colorado 81501, a Perpetual Easement for the installation, operation, maintenance, repair and replacement of a retaining wall providing stability for public roadway improvements, on, along, over, under, through and across the following described parcel of land, to wit:

A certain perpetual easement lying in the Northeast Quarter of the Southeast Quarter (NE ¼ SE ¼) of Section 10, Township 1 South, Range 1 West of the Ute Principal Meridian, City of Grand Junction, County of Mesa, State of Colorado, being more particularly described as follows:

COMMENCING at the Southeast Corner of the Northeast Quarter of the Southeast Quarter (NE ¼ SE ¼) of said Section 10, and considering the South line of the NE ¼ SE ¼ of said Section 10 to bear N 89°56'21" W with all bearings contained herein being relative thereto; thence N 89°56'21" W, along the said South line of the NE ¼ SE ¼, a distance of 1316.99 feet; thence N 00°04'20" E a distance of 15.37 feet to the TRUE POINT OF BEGINNING; thence N 00°05'34" E a distance of 12.48 feet; thence S 89°54'26" E a distance of 3.00 feet; thence S 00°05'34" W a distance of 16.00 feet; thence N 40°19'29" W a distance of 4.63 feet, more or less, to the POINT OF BEGINNING.

Containing 42.70 square feet (0.0010 Acres), more or less, as described herein and depicted on **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 to enter upon said premises with 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 construction and repair machinery, subject to the terms and conditions contained herein.

1. Grantors shall have the right to use and occupy the real property burdened by this Easement for any lawful purpose which is not inconsistent with and which will not interfere with the full use and quiet enjoyment of the rights herein granted; provided, however, that Grantors hereby covenant with Grantee that the Easement area shall not be burdened or overburdened by the installation, construction or placement of any improvements, structures or fixtures thereon which may be detrimental to the facilities of Grantee or which may act to prevent reasonable ingress and egress for workers and equipment on, along, over, under, through and across the Easement area.
2. Grantee agrees that Grantee's utilization of the Easement and the rights herein conveyed shall be performed with due care using commonly accepted standards and techniques.
3. Grantors hereby covenant with Grantee they have good title to the herein described 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 and demands of all persons whomsoever.

Executed and delivered this 14 day of FEB, 2002.

Wanda E. Davis
Wanda E. Davis

Harry Lee Dunning

William H. Dunning

State of Arizona)
)ss.
County of Pima)

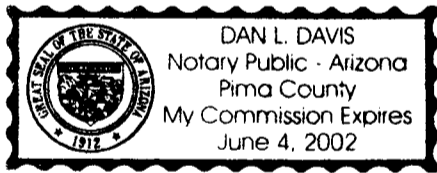
The foregoing instrument was acknowledged before me this 14 day of
FEBRUARY, 2002, by Wanda E. Davis.

My commission expires 6-4-2002.

Witness my hand and official seal.

Dan L. Davis

Notary Public



State of Colorado)
)ss.
County of Mesa)

The foregoing instrument was acknowledged before me this _____ day of
_____, 2002, by Harry Lee Dunning and William H. Dunning.

My commission expires _____.

Witness my hand and official seal.

Notary Public

The foregoing legal description was prepared by Peter T. Krick, 250 North 5th Street, Grand Junction, Colorado 81501.

Executed and delivered this 14th day of February, 2002.

Wanda E. Davis

Harry Lee Dunning
Harry Lee Dunning

William H. Dunning
William H. Dunning

State of Arizona)
)ss.
County of _____)

The foregoing instrument was acknowledged before me this _____ day of _____, 2002, by Wanda E. Davis.

My commission expires _____.

Witness my hand and official seal.

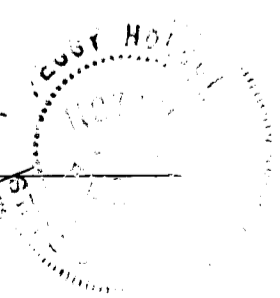
Notary Public

State of Colorado)
)ss.
County of Mesa)

The foregoing instrument was acknowledged before me this 14th day of February, 2002, by Harry Lee Dunning and William H. Dunning.

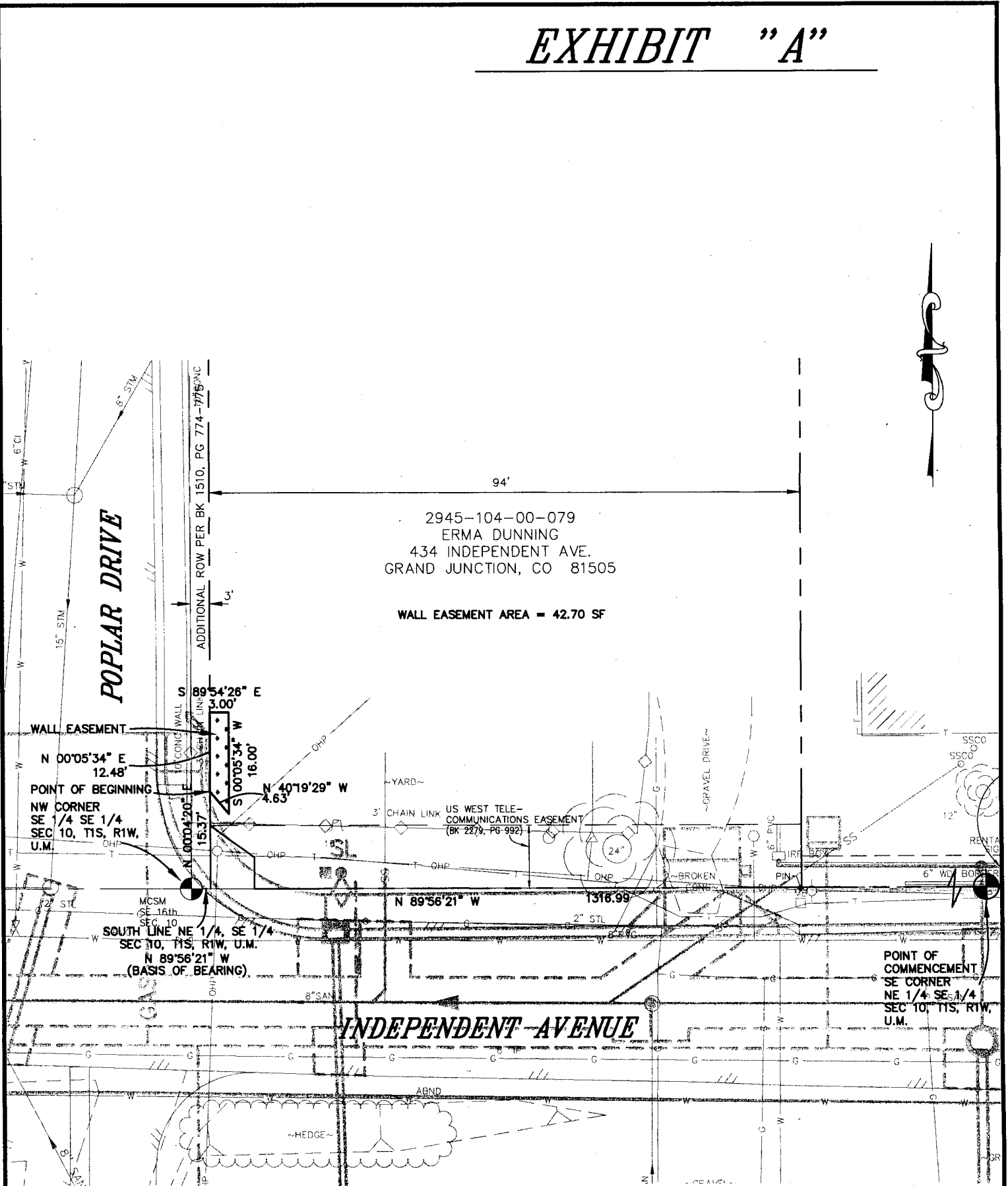
My commission expires 3.3.05.

Witness my hand and official seal.

Peter T. Krick
Notary Public


The foregoing legal description was prepared by Peter T. Krick, 250 North 5th Street, Grand Junction, Colorado 81501.

EXHIBIT "A"



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 means for establishing or verifying property boundary lines.

DRAWN BY: JCS
 DATE: 10-10-2001
 SCALE: 1" = 20'
 APPR. BY: TW
 FILE NO. ROW.DWG

**INDEPENDENT AVENUE
 RIGHT-OF-WAY DESCRIPTION MAP**

**DEPARTMENT OF PUBLIC WORKS
 ENGINEERING DIVISION
 CITY OF GRAND JUNCTION**