

ELM02KAN

TYPE OF RECORD: PERMANENT

CATEGORY OF RECORD: **EASEMENT**

PURPOSE: WATER PIPELINES

NAME OF PROPERTY OWNER OR GRANTOR: ELAM CONSTRUCTION

STREET ADDRESS/PARCEL NAME/SUBDIVISION (LOT AND BLOCK):
KANNAH CREEK FLOWLINE WEST OF 27 ROAD & SOUTH OF B ¼ ROAD
ON ORCHARD MESA

PARCEL NO. : 2945-264-00-046

CITY DEPARTMENT: PUBLIC WORKS

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

BOOK 3022 PAGE 476
2040794 02/13/02 0345PM
MONIKA TODD CLK&REC MESA COUNTY CO
REC FEE \$25.00
DOCUMENTARY FEE \$EXEMPT

GRANT OF EASEMENT

Elam Construction, Inc., a Colorado corporation, Grantor, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, has granted and conveyed, and by these presents does hereby 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 Perpetual Easement for the installation, operation, maintenance, repair and replacement of water pipelines and related facilities, on, along, over, under, through and across the following described parcel of land, to wit:


See Exhibit "A" and Exhibit "B" attached hereto and incorporated herein by reference.

TO HAVE AND TO HOLD said Perpetual Easement unto the said Grantee, its successors and assigns forever, together with the right of ingress and egress for workers and equipment to enter upon said premises, to survey, maintain, operate, install, repair, replace, control and use said Easement and the water pipelines and appurtenances and facilities related thereto, 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 terms and conditions contained herein.

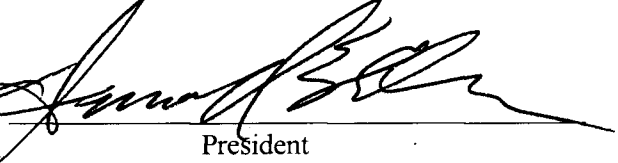
1. Grantor shall have the right to use and occupy the real property burdened by this Easement for any lawful purpose which is not inconsistent with the rights herein granted and which will not interfere with the full use and quiet enjoyment of Grantee's rights herein granted; provided, however, that Grantor hereby covenants with Grantee that the easement area shall not be burdened or overburdened by the installation or placement of any improvements, structures, items or fixtures 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's utilization of the above conveyed premises shall be conducted in a reasonable and prudent manner. The work and act by Grantee of installing, maintaining, repairing and replacing said water pipelines and related facilities shall be performed with due care using commonly accepted standards and techniques.
3. Grantor hereby covenants with Grantee that it will warrant and forever defend the above conveyed premises in the quiet and peaceful possession of Grantee, its successors and assigns, against the lawful claims and demands of all persons whomsoever.

Executed and delivered this 30 day of JAN., 2002.

Attest:



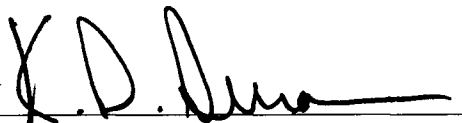
Elam Construction, Inc.
a Colorado corporation


President

State of Colorado)
)ss.
County of Mesa)

The foregoing instrument was acknowledged before me this 30TH day of JANUARY, 2002, by Harold F. Elam as President and attested to by STEPHEN J. KASPAR as ASST. SECRETARY of Elam Construction, Inc., a Colorado corporation.

My commission expires: 07/13/04
Witness my hand and official seal.


Notary Public

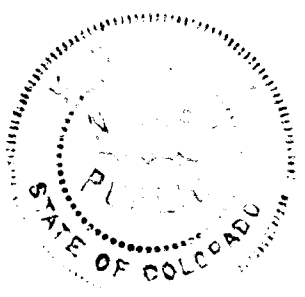


EXHIBIT "A"

A Perpetual Easement situate in the Southwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ "(SW $\frac{1}{4}$ SE $\frac{1}{4}$ ") and in the West $\frac{3}{4}$ of the Southeast $\frac{1}{4}$ Quarter of the Southeast $\frac{1}{4}$ ("W $\frac{3}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ ") of Section 26, Township 1 South, Range 1 West of the Ute Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

BEGINNING at the Northeast Corner of the W $\frac{3}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 26, and considering the East line of the W $\frac{3}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 26 to bear S 00°07'17" E with all bearings contained herein being relative thereto;

thence S 00°07'17" E along the East line of said W $\frac{3}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ a distance of 516.63 feet;

thence leaving said East line, N 78°33'24" W a distance of 101.94 feet;

thence N 82°40'49" W a distance of 200.30 feet;

thence S 88°02'47" W a distance of 548.25 feet;

thence N 57°47'28" W a distance of 577.91 feet;

thence N 58°28'24" W a distance of 187.86 feet;

thence N 84°16'51" W a distance of 134.75 feet;

thence N 87°56'17" W a distance of 321.70 feet;

thence N 88°30'05" W a distance of 122.10 feet;

thence S 59°57'34" W a distance of 99.62 feet;

thence N 31°44'02" W a distance of 44.13 feet;

thence N 01°49'00" E a distance of 72.30 feet, more or less, to a point on the North line of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 26 from whence the Northwest Corner of said SW $\frac{1}{4}$ SE $\frac{1}{4}$ bears N 89°52'25" W a distance of 114.11 feet;

thence S 89°52'25" E along the North line of said SW $\frac{1}{4}$ SE $\frac{1}{4}$ a distance of 20.01 feet;

thence leaving said North line, S 01°49'00" W a distance of 66.86 feet;

thence S 31°44'02" E a distance of 18.68 feet;

thence N 59°57'34" E a distance of 85.85 feet;

thence S 88°30'05" E a distance of 111.40 feet;

thence N 45°20'06" W and distance of 42.55 feet;

thence N 00°20'06" W a distance of 12.38 feet, more or less, to a point on the North line of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 26 from whence the Northwest corner of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 26 bears N 89°52'25" W a distance of 297.17 feet;

thence leaving said North line, S 45°20'06" E a distance of 32.55 feet;

thence S 87°56'17" E a distance of 317.13 feet;

thence S 84°16'51" E a distance of 145.19 feet;

thence S 58°28'24" E a distance of 197.50 feet;

thence S 57°47'28" E a distance of 565.62 feet;

thence N 88°02'47" E a distance of 539.20 feet;

thence S 82°40'49" E a distance of 204.98 feet;

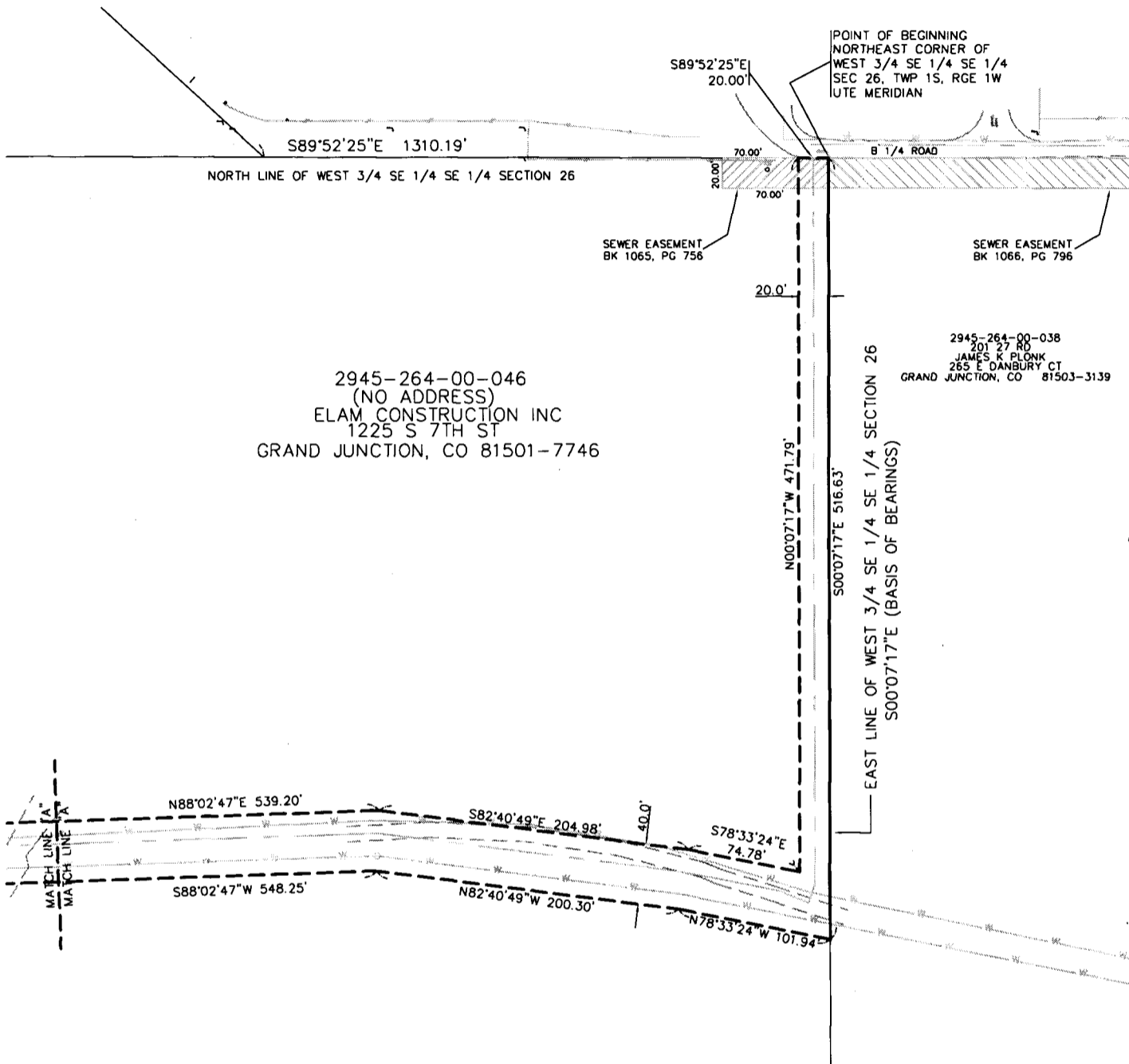
thence S 78°33'24" E a distance of 74.78 feet, more or less, to a point on a line which is 20.00 feet West of and parallel with the East line of the W $\frac{3}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 26;

thence N 00°07'17" W along said parallel line a distance of 471.79 feet, more or less, to a point on the North line of the W $\frac{3}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 26;

thence S 89°52'25" E along said North line a distance of 20.00 feet to the POINT OF BEGINNING.

Containing 100,138 square feet (2.30 Acres) more or less, as described herein and depicted on **Exhibit "B"** attached hereto and incorporated herein by reference.

EXHIBIT "B"



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.

SHEET 1 OF 3

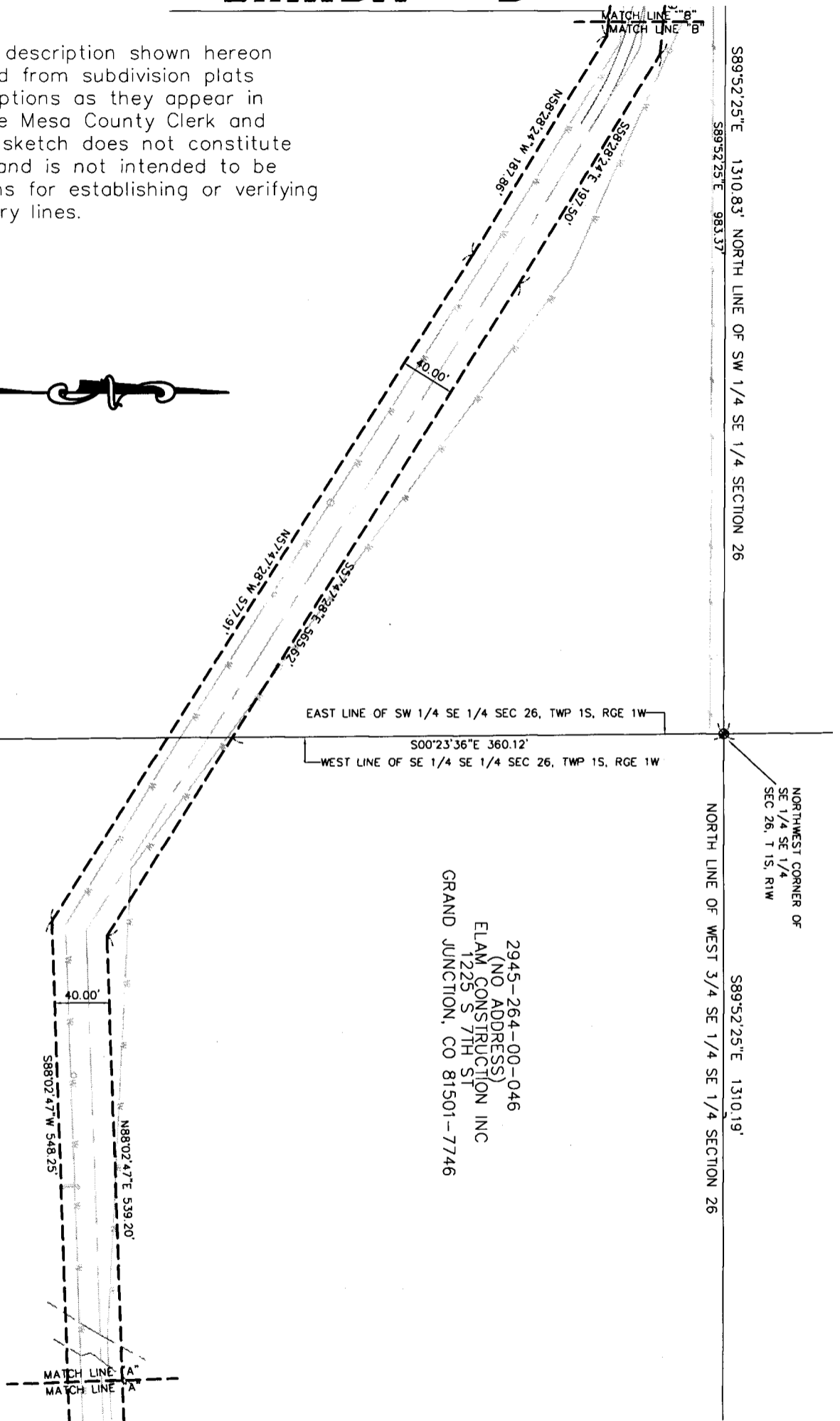
DRAWN BY: P.T.K.
DATE: 01-22-2002
SCALE: 1" = 100'
APPR. BY: IW
FILE NO: ELAM.DWG

EASEMENT DESCRIPTION MAP
2945-264-00-046

DEPARTMENT OF PUBLIC WORKS
ENGINEERING DIVISION
CITY OF GRAND JUNCTION

EXHIBIT "B"

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.



2945-264-00-046
 (NO ADDRESS)
 ELAM CONSTRUCTION INC
 1225 S 7TH ST
 GRAND JUNCTION, CO 81501-7746

SHEET 2 OF 3

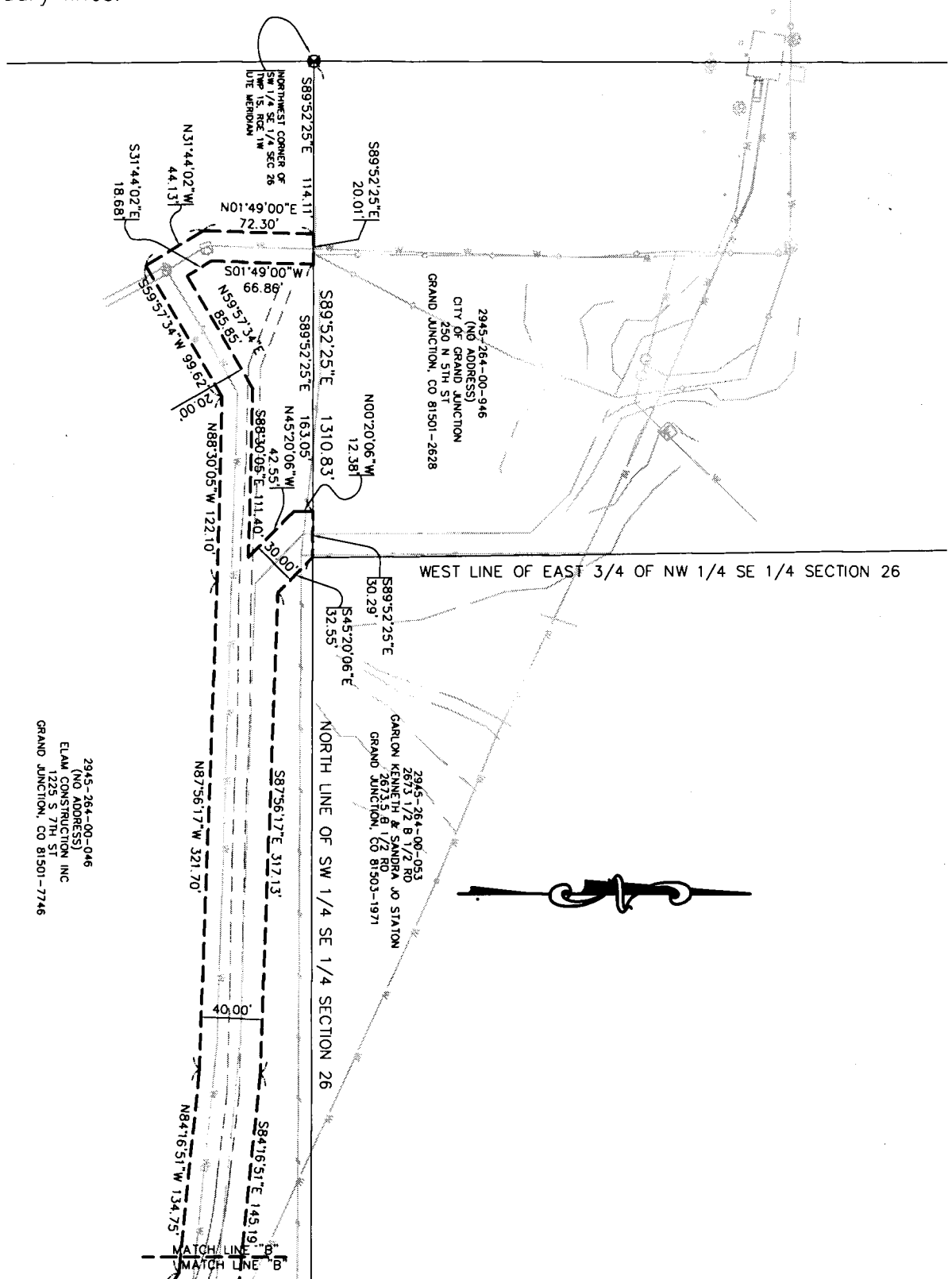
DRAWN BY: P.I.K.
 DATE: 01-22-2002
 SCALE: 1" = 100'
 APPR. BY: IW
 FILE NO: ELAM.DWG

EASEMENT DESCRIPTION MAP
 2945-264-00-046

DEPARTMENT OF PUBLIC WORKS
 ENGINEERING DIVISION
 CITY OF GRAND JUNCTION

EXHIBIT "B"

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.



2945-264-00-046
(NO ADDRESS)
ELAM CONSTRUCTION INC
1229 S 7TH ST
GRAND JUNCTION, CO 81501-7746

2945-264-00-946
(NO ADDRESS)
CITY OF GRAND JUNCTION
250 N 5TH ST
GRAND JUNCTION, CO 81501-2628

2945-264-00-053
2673 1/2 B 1/2 RD
CARLON KENNETH & SANDRA JO STATION
2673 5 B 1/2 RD
GRAND JUNCTION, CO 81503-1971



SHEET 3 OF 3

DRAWN BY: P.T.K.
DATE: 01-22-2002
SCALE: 1" = 100'
APPR. BY: JW
FILE NO: ELAM.DWG

EASEMENT DESCRIPTION MAP
2945-264-00-046

DEPARTMENT OF PUBLIC WORKS
ENGINEERING DIVISION
CITY OF GRAND JUNCTION