

ELY72LWL

TYPE OF RECORD: PERMANENT

CATEGORY OF RECORD: EASEMENT

NAME OF AGENCY OR CONTRACTOR: LAURENCE ELY AND MARJORIE ELY

STREET ADDRESS/PARCEL NAME/SUBDIVISION/PROJECT: LOWELL LANE
RIGHT-OF-WAY 2738 F ROAD SS 28-27

CITY DEPARTMENT: PUBLIC WORKS

YEAR: 1972

EXPIRATION DATE: NONE

DESTRUCTION DATE: NONE

(29) STATE OF COLORADO, COUNTY OF MESA
RECORDED AT 2:15 P.M. FEB 22 1972
RECEPTION NO. 1019828 ANNIE M. DUNSTON, RECORDER

RIGHT-OF-WAY AGREEMENT

THAT LAURENCE ELY and MARJORIE ELY of the County of Mesa, State of Colorado, herein called Grantor, for good and valuable consideration, the receipt of which is hereby acknowledged, does hereby grant and convey to the City of Grand Junction, a municipale corporation existing under and by virtue of the laws of the State of Colorado, herein called Grantee, a right-of-way to locate, place, construct, operate, repair and maintain an underground sanitary sewer pipe line over, on across and under the following described lands, to wit:

A fifteen foot (15') wide easement five feet (5') on the North and ten feet (10') on the South side of the following described centerline, said easement being located in the Southwest Quarter (SW1/4) of Section 1, Township 1 South, Range 1 West, U.M.:

Beginning at a point on the East line of Lowell Lane as it now exists January 18, 1971, said point being 20 feet North of the South Right-of-Way line; Thence South 89°11'00" East, 300 feet, more or less, to the East property line and termination point of said easement. ALSO an additional ten foot (10') temporary construction easement on each side of the above described lands.

Said pipe line shall be placed underground and upon completion, the surface of the ground shall be returned as nearly as practicable to its original level. Grantor shall have the right to make any use of the above described property Grantor deems desirable so long as it in no way interferes with the construction, operation, repair and maintenance of said pipe line.

IN WITNESS WHEREOF the owner(s) ~~has~~ (have) hereunto set their hand seal this 2nd day of February A.D., ~~1971~~ 1972

Laurence Ely
Marjorie Ely

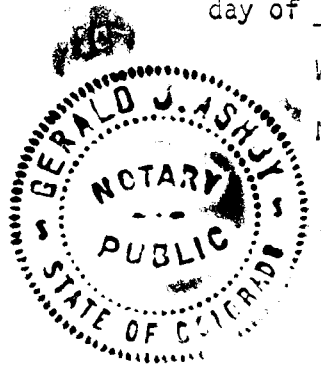
STATE OF COLORADO)
 : ss
COUNTY OF MESA)

The foregoing instrument was acknowledged before me this 7th day of February A.D., ~~1971~~ 1972 by Laurence Ely and Marjorie Ely

WITNESS my hand and official seal.

My commission expires: August 9, 1975

Gerald J. Ashby
Notary Public



HENRY B. GALLEY

• *Realtor--Appraisals*

Telephone 242-3402
124 North Fifth Street
GRAND JUNCTION, COLO.

December 9, 1971

Mr. Gerald Ashby
City Attorney
City Hall
Grand Junction, Colorado 81501

Dear Mr. Ashby:

In accordance with your request I have made an examination of the sewer line easement through the property of Lawrence Ely, 2738 F Road.

The purpose of the appraisal is to establish a fair value of the easement.

Description of the Easement:

A 15-foot permanent easement, 5 feet on the north and 10 feet on the south side of the following described center line, said easement being located in the SW 1/4 of Section 1 T 1S R 1W of the Ute Meridian. Beginning at a point on the east line of the Lowell Lane, as it now exists, said point being 20 feet north of the south right of way line, thence south 89° 11' east 300 feet, more or less, to the east property line and termination point of said easement. Also an additional 10-foot temporary construction easement on each side of the above described permanent easement.

In acquiring such an easement there is reserved to the owner of the fee land, any and all rights to the use of the right of way that are not inconsistent with the construction, operation, maintenance and access to and from the property within the easement. There is not permitted any structure to be built on the right of way, nor can the condemnor make any unreasonable use of the right of way.

An easement being of lesser value than that of fee simple, it follows that the value of the easement must of necessity be less than the fee value.

It is found that subdivided vacant lots in the area are averaging from 10¢ to 12¢ per square foot and more. Vacant land in tracts 5 to 20 acres are selling for an average of \$2,500 per acre or about 6¢ per square foot. Consequently it is my conclusion that the subject land should be valued at 8¢ per square foot.

Easement Area:

Permanent easement, 15 X 300 feet 4500 square feet

Temporary Easement, 20 X 300 feet 6000 square feet

Value:

Permanent easement 4500 sq. ft. @ 8¢	\$360.00	
75% of fee value		\$270.00
Temporagey Easement 6000 sq. ft. @ 8¢	\$480.00	
30% of fee value		144.00
Value of Permanent Easement	\$270.00	
Value of Temporary Easement	<u>144.00</u>	
Total Value	\$414.00	


Henry B. Galley