

ERN02IDP

TYPE OF RECORD: PERMANENT

CATEGORY OF RECORD: **EASEMENT**

PURPOSE: SLOPE STABILITY FOR PUBLIC ROADWAY IMPROVEMENTS

NAME OF PROPERTY OWNER OR GRANTOR: HUGO C. ERNST AND CYNTHIA ANN ERNST

STREET ADDRESS/PARCEL NAME/SUBDIVISION (LOT AND BLOCK): 643 INDEPENDENT AVENUE, GRAND JUNCTION

PARCEL NO.: 2945-104-00-105

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 5<sup>th</sup> Street  
Grand Junction, CO 81501

2053321 04/29/02 0341PM  
MONIKA TODD CLK&REC MESA COUNTY CO  
REC FEE \$15.00  
DOCUMENTARY FEE \$EXEMPT

**GRANT OF SLOPE EASEMENT**

**BOOK 3067 PAGE 951**

Hugo C. Ernst and Cynthia Ann Ernst, Grantors, for and in consideration of the sum of Five Hundred Ninety-Nine and 69/100 Dollars (\$599.69), the receipt and sufficiency of which is hereby acknowledged, have sold, granted and conveyed, and by these presents do hereby sell, grant and convey to 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 materials providing slope 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 Southwest Quarter of the Southeast Quarter (NE<sup>1</sup>/<sub>4</sub> SW<sup>1</sup>/<sub>4</sub> SE<sup>1</sup>/<sub>4</sub>) 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 Northwest Corner of the Northeast Quarter of the Southwest Quarter of the Southeast Quarter (NE<sup>1</sup>/<sub>4</sub> SW<sup>1</sup>/<sub>4</sub> SE<sup>1</sup>/<sub>4</sub>) of said Section 10, and considering the North line of the NE<sup>1</sup>/<sub>4</sub> SW<sup>1</sup>/<sub>4</sub> SE<sup>1</sup>/<sub>4</sub> of said Section 10 to bear S89°58'48"E with all bearings mentioned herein being relative thereto; thence S89°58'48"E, along the North line of said NE<sup>1</sup>/<sub>4</sub> SW<sup>1</sup>/<sub>4</sub> SE<sup>1</sup>/<sub>4</sub> of said Section 10, a distance of 161.00 feet; thence leaving said North line, S 00°03'18" E a distance of 60.00 feet to a point being the Northwest corner of Lot 1, Block 1, Plat of Motor City, as same is recorded in Plat Book 11, Page 249, Public Records of Mesa County, Colorado, and the TRUE POINT OF BEGINNING; thence continuing S 00°03'18" E, along the West line of said Lot 1, Block 1, a distance of 10.00 feet; thence leaving said West line, N 89°58'48" W a distance of 10.00 feet; thence N 82°56'36" W a distance of 81.63 feet; more or less, to a point on the South line of the open and used South right-of-way for Independent Avenue; thence S 89°58'48" E along said South right-of-way for Independent Avenue, a distance of 91.00 feet, more or less, to the Point of Beginning.

Containing 505.0 square feet (0.0116 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 of ingress and egress for 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 utility 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 structure or any other item or fixture which may be detrimental to the facilities of Grantee or the Public Utilities, or which may act to impede or prevent reasonable ingress and egress for workers and equipment on, along, over, under, through and across the Easement area.

2. Grantee agrees that Grantees' utilization of the herein described Easement shall be performed with due care using commonly accepted standards and techniques.

3. Grantors hereby covenant with Grantee that they have good title to the aforescribed premises; that they have good and lawful right to grant the herein described 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 23 day of APRIL, 2002.

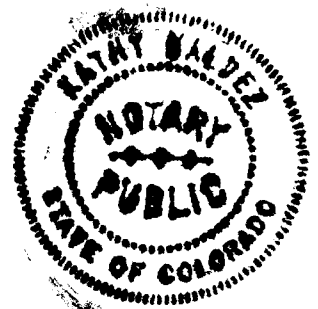
Hugo C. Ernst  
Hugo C. Ernst

Cynthia Ann Ernst  
Cynthia Ann Ernst

State of Colorado )  
                                  )ss.  
County of Mesa     )

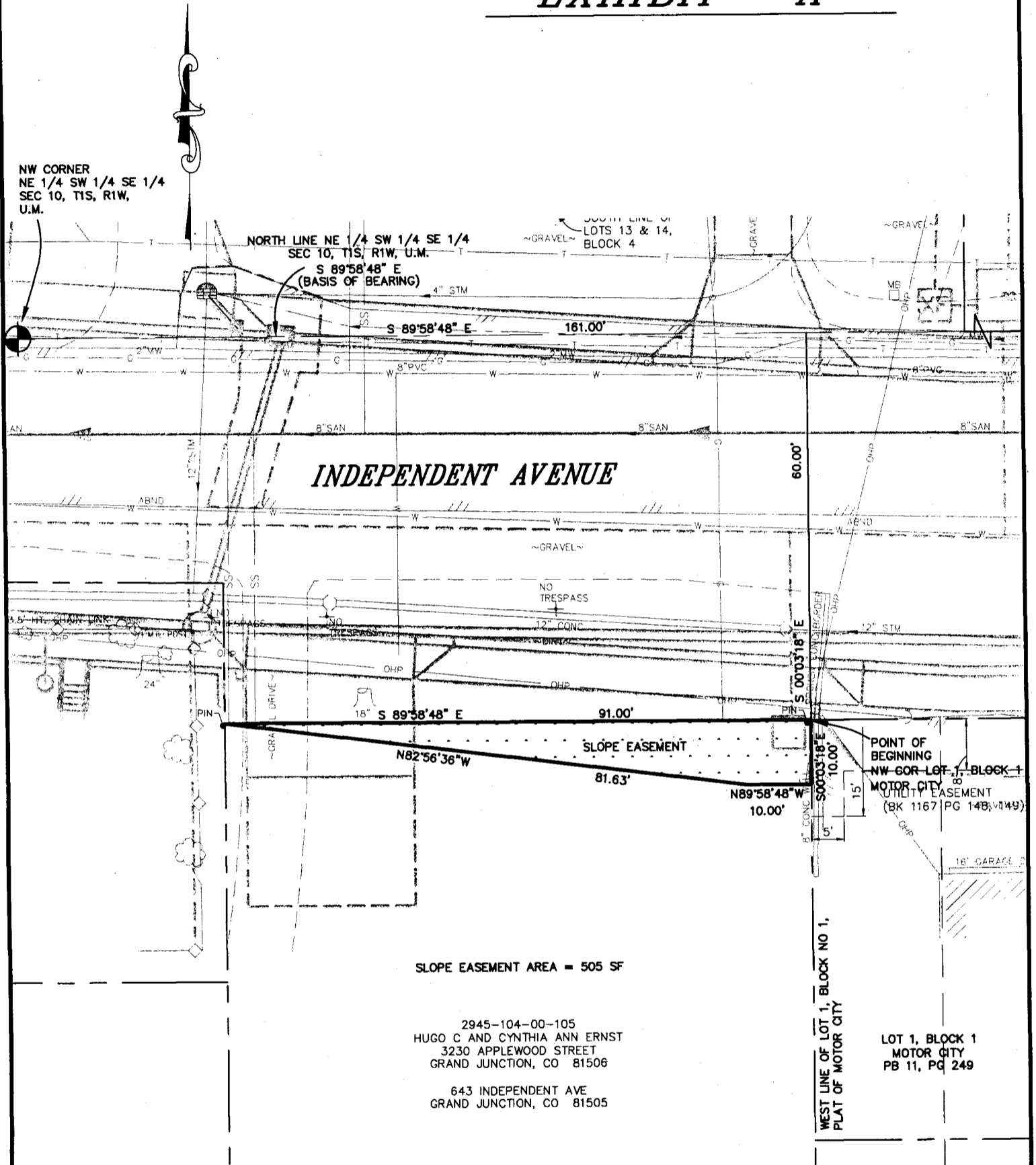
The foregoing instrument was acknowledged before me this 23 day of April, 2002, by Hugo C. Ernst and Cynthia Ann Ernst.

My commission expires: 4-21-04  
Witness my hand and official seal.



Kathy Valdez  
Notary Public

# EXHIBIT "A"



SLOPE EASEMENT AREA = 505 SF

2945-104-00-105  
 HUGO C AND CYNTHIA ANN ERNST  
 3230 APPLEWOOD STREET  
 GRAND JUNCTION, CO 81506  
 643 INDEPENDENT AVE  
 GRAND JUNCTION, CO 81505

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.

RECORDER NOTE: POOR QUALITY DOCUMENT  
 PROVIDED FOR REPRODUCTION

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**