

FHF98265

TYPE OF RECORD: PERMANENT

CATEGORY OF RECORD: EASEMENT

NAME OF AGENCY OR CONTRACTOR: CLARENCE L. FILES, SHIRLEY A. HOWARD, DONALD G. FILES AND ROBERT L. FILES

STREET ADDRESS/PARCEL NAME/SUBDIVISION: 631 26 1/2 ROAD, SEWER EASEMENT, PARCEL NO. 2945-023-00-001, LOT 1, LOT 2, NORTHFIELD ESTATES SUBDIVISION

CITY DEPARTMENT: PUBLIC WORKS

YEAR: 1998

EXPIRATION DATE: NONE

DESTRUCTION DATE: NONE

GRANT OF EASEMENT

Clarence L. Files, Shirley A. Howard, Donald G. Files and Robert L. Files, Grantors, for and in consideration of the installation, operation, maintenance and repair of a sanitary sewer line and related facilities in accordance with the terms and conditions of that certain Memorandum of Agreement dated the 15th day of January, 1992, and recorded in Book 1875 at Page 228 in the office of the Mesa County Clerk and Recorder, the receipt and sufficiency of which is hereby acknowledged, have granted and conveyed and by these presents do hereby 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 Sanitary Sewer Easement on, along, over, under, through and across the following described parcel of land, to wit:

Commencing at the Northwest Corner of the NE1/4 NE1/4 SW1/4 of Section 2, Township 1 South, Range 1 West of the Ute Meridian, County of Mesa, State of Colorado, and considering the North line of NE1/4 NE1/4 SW1/4 of said Section 2 to bear N 89°50'00" E with all bearings contained herein being relative thereto;  
thence S 00°16'47" E along the West line of the NE1/4 NE1/4 SW1/4 of said Section 2 a distance of 49.12 feet to a point on the South right-of-way line for F-1/2 Road;  
thence S 69°53'13" E along the South right-of-way line for F-1/2 Road a distance of 16.01 feet to the **True Point of Beginning**;  
thence S 69°53'13" E along the South right-of-way line for F-1/2 Road a distance of 11.58 feet;  
thence leaving said right-of-way line, S 28°48'14" W a distance of 22.33 feet;  
thence N 00°16'47" W a distance of 23.55 feet to the Point of Beginning,  
containing 127.84 square feet 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, to survey, maintain, operate, repair, replace, control and use said Sanitary Sewer 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 Grantors erecting or placing any improvements or structures thereon which might 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 the work and act of installing, maintaining and repairing sanitary sewer facilities and related appurtenances 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 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 5<sup>th</sup> day of February, 1998.

Clarence L. Files  
Clarence L. Files

Shirley A. Howard  
Shirley A. Howard

Donald G. Files  
Donald G. Files

Robert L. Files  
Robert L. Files  
1-22-98

State of Colorado             )  
  )ss.  
County of Mesa                )

The foregoing instrument was acknowledged before me this 32 day of January, 1998, by Clarence L. Files, Shirley A. Howard, Donald G. Files and Robert L. Files.

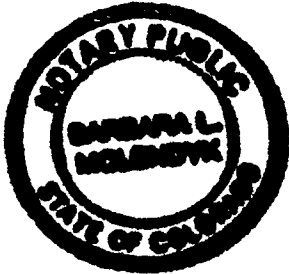
My commission expires: 7-9-2000

Witness my hand and official seal.

1-30-98

Barbara L. McLaughlin

[Signature]  
Notary Public



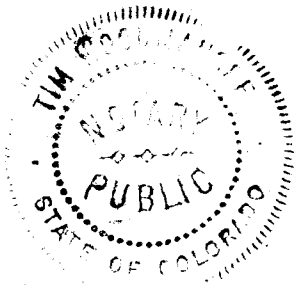
My Commission expires  
June 5, 2001

State of Colorado )  
 )ss.  
County of Mesa )

The foregoing instrument was acknowledged before me this 5<sup>th</sup> day of February, 1998, by Shirley A. Howard.

My commission expires: 2/28/98

Witness my hand and official seal.



Tim Woodmansee  
Notary Public

# EXHIBIT "A"

NORTHFIELD ESTATES SUBDIVISION

LOT 2

LOT 1

PROPOSED SEWER LINE

GRAND VALLEY CANAL

CENTER 1/4 CORNER SECTION 2, T 1 S, R 1 W, U.M.

NORTHWEST CORNER NE 1/4 NE 1/4 SW 1/4 SECTION 2, T 1 S, R 1 W, U.M.

N89°50'00"E 657.99' BASIS OF BEARINGS

S69°53'13"E 16.01'

S69°53'13"E 11.58'

F-1/2 RD.

EXISTING ROAD

R.O.W. LINE

2945-023-00-001  
SHIRLEY A. HOWARD & CLARENCE L. FILES  
631 26 1/2 ROAD  
SEWER EASEMENT AREA = 127.84 SQ.FT.

EXISTING 15' SEWER LINE EASEMENT ( BOOK 1875, PAGE 228 )

EXISTING 50' TEMPORARY CONSTRUCTION EASEMENT ( BOOK 1875, PAGE 229 )

RECORDER NOTE: POOR QUALITY DOCUMENT PROVIDED FOR REPRODUCTION

DRAWN BY: SRP  
DATE: 10-23-97  
SCALE: 1" = 100'  
APPR. BY: TW  
NO: NORTHWS.DWG

EASEMENT DESCRIPTION MAP

SEWER EASEMENT

DEPARTMENT OF PUBLIC WORKS  
ENGINEERING DIVISION  
CITY OF GRAND JUNCTION