

FIS95WGP

TYPE OF RECORD: PERMANENT

CATEGORY OF RECORD: EASEMENT

NAME OF AGENCY OR CONTRACTOR: WILLIAM R PATTERSON AND DAVID
P FISHER, MESA COUNTY VALLEY SCHOOL DISTRICT NO. 51

STREET ADDRESS/PARCEL NAME/SUBDIVISION: CANYON VIEW
SUBDIVISION AND WINGATE ELEMENTARY SCHOOL ACCESS EASEMENT TO
WINGATE PARK ADJACENT TO WINGATE ELEMENTARY SCHOOL

CITY DEPARTMENT: PUBLIC WORKS

YEAR: 1995

EXPIRATION DATE: PERMANENT

DESTRUCTION DATE: PERMANENT

INGRESS AND EGRESS AGREEMENT

BOOK 2153 PAGE 877

THIS INGRESS AND EGRESS AGREEMENT is made and entered into this ~~10th~~ day of May, 1995, by and between MESA COUNTY VALLEY SCHOOL DISTRICT NO. 51, "Grantor", WILLIAM R. PATTERSON and DAVID P. FISHER, "Grantees", and THE CITY OF GRAND JUNCTION, a Colorado home rule municipality, "the City".

RECITALS:

1721421 01:03 PM 06/26/95
MONIKA TODD CLK&REC MESA COUNTY CO

A. The Grantor is the owner of that certain real property commonly known as Wingate Elementary School, which property is more particularly described on Exhibit "A" which is attached hereto and incorporated by reference, said property hereinafter referred to as "the School Property."

B. The Grantees are the owners of that certain real property located in and being a part of Lot 1 in Block 3 of Canyon View Subdivision, which property is more particularly described on Exhibit "B" which is attached hereto and incorporated herein by reference, and are desirous of donating the said property to the City as a gift of open space land. Said Property, which is hereinafter referred to as "the Open Space Parcel", is presently void of any legal access.

C. The City is willing to accept title to the Open Space Parcel, as a gift, provided that a dedicated non-public and non-motorized access be first given by private grant or dedication.

D. The Grantor has agreed to grant a conditional private right of ingress and egress on, along, over, through and across the School Property in the manner and location described on Exhibit "C" which is attached hereto and incorporated herein by reference, said parcel hereinafter referred to as "the Ingress and Egress Access."

NOW, THEREFORE, based on the recitals above and for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, receipt of which is hereby acknowledged, and having determined that the Ingress and Egress Access described herein will not interfere with present or future school purposes, Grantor hereby grants and conveys to the Grantee, its successors and assigns, a private right of access for ingress and egress purposes on, along, over, through and across that certain portion of land owned by the Grantor and known as the Wingate School Property, which access is more particularly described in the attached Exhibit "C" FOR SO LONG AS the Open Space Parcel is used exclusively for open space or as a public park.


The Ingress and Egress Access is restricted for private ingress and egress purposes by non-motorized methods of travel; provided, however, that the City of Grand Junction, with the approval and consent of the Superintendent of Schools, may travel on, along, over, through and across the Ingress and Egress Access with motorized equipment for the purpose of installing, maintaining, repairing and replacing improvements located on and appurtenant to the Open Space Parcel described in the attached Exhibit "B" .

Dated the day and year first above written.

MESA COUNTY VALLEY SCHOOL DISTRICT NO. 51 THE CITY OF GRAND JUNCTION

By [Signature]
President, Board of Education

By [Signature]
William R. Patterson


Attest 
[Signature]
Secretary, Board of Education

[Signature]
William R. Patterson
David P. Fisher

STATE OF COLORADO)
)ss.
COUNTY OF MESA)

The foregoing instrument was acknowledged before me this day 16th of May, 1995, by , Debra Johns, as President, and attested to by Mary K. Kalenian, as Secretary, of the Board of Education of Mesa County Valley School District No. 51.

Witness my hand and official seal.
My commission expires:

[Signature]
Notary Public


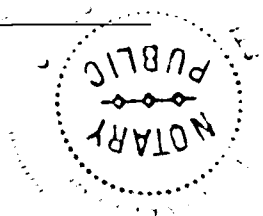
STATE OF COLORADO)
)ss.
COUNTY OF MESA)

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The foregoing instrument was acknowledged before me this day ^{June} 26th of May,
1995, by Mark K. Achen, as City Manager, of the City of Grand
Junction, a Colorado home rule municipality.

Witness my hand and official seal.
My commission expires: 2/28/98

Tom Woodmansee
Notary Public



STATE OF COLORADO)
)ss.
COUNTY OF MESA)

The foregoing instrument was acknowledged before me this day 31st of May,
1995, by William R. Patterson and David P. Fisher.

Witness my hand and official seal.
My commission expires: 7-8-98

Steven Coulson
Notary Public

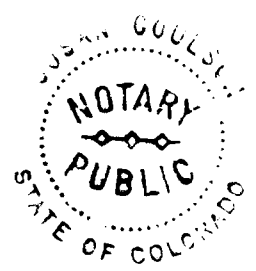


Exhibit "A"

Description of the Wingate School Property, 334 South Camp Road, owned by Mesa County Valley School District No. 51:

Beginning at the Northeast Corner of Tract 39 of Section 11, Township 11 South, Range 101 West of the Sixth Principal Meridian, City of Grand Junction, County of Mesa, State of Colorado: thence South $89^{\circ}54'21''$ West a distance of 30.00 feet; thence along the arc of a curve to the left having a radius of 60.58 feet and along chord which bears South $22^{\circ}43'00''$ West a distance of 46.72 feet; thence South $45^{\circ}24'00''$ West a distance of 129.01 feet; thence South $89^{\circ}54'21''$ West a distance of 542.44 feet; thence North $00^{\circ}02'00''$ East a distance of 133.50 feet; thence South $89^{\circ}54'29''$ West a distance of 23.68 feet; thence North $00^{\circ}02'42''$ West a distance of 845.97 feet; thence South $86^{\circ}43'14''$ East a distance of 678.19 feet; thence South $00^{\circ}02'00''$ West a distance of 806.06 feet to the Point of Beginning.

Exhibit "B"

Description of Open Space Parcel to be dedicated to the City of Grand Junction, a Colorado home rule municipality, owned by William R. Patterson and David P. Fisher, being a parcel of land located in Lot 1 of Block Three of Canyon View Subdivision, situated in Tract 37 of Section 11, Township 11 South, Range 101 West of the Sixth Principal Meridian, County of Mesa, State of Colorado:

Beginning at the Southeast Corner of said Lot 1, from whence the Southeast Corner of said Tract 37 bears North $89^{\circ}35'29''$ East a distance of 705.66 feet; thence South $89^{\circ}35'29''$ West along the South boundary of said Canyon View Subdivision a distance of 307.43 feet; thence North $18^{\circ}35'44''$ East a distance of 208.10 feet; thence North $10^{\circ}42'56''$ East a distance of 130.59 feet; thence North $04^{\circ}21'45''$ West a distance of 136.80 feet; thence North $10^{\circ}31'58''$ West a distance of 115.30 feet; thence North $20^{\circ}01'51''$ West a distance of 130.84 feet; thence North $48^{\circ}45'23''$ East a distance of 67.43 feet; thence North $63^{\circ}25'32''$ East a distance of 78.59 feet; thence North $72^{\circ}53'50''$ East a distance of 80.88 feet; thence North $62^{\circ}25'45''$ East a distance of 100.84 feet; thence South $00^{\circ}21'59''$ East a distance of 846.11 feet to the Point of Beginning.

A twelve (12) foot wide access way commencing at a point to be designated by the Superintendent of Schools along the boundary of the School Property and South Camp Road, and continuing along a course to also be designated by the Superintendent of Schools along, over, through and across the School Property to the Open Space Parcel. The Superintendent may, from time to time, redesignate the course of said access way.