

GVD09215

TYPE OF RECORD:	PERMANENT
CATEGORY OF RECORD:	EASEMENT (SANITARY SEWER)
NAME OF PROPERTY OWNER OR GRANTOR:	GRAND VALLEY DRAINAGE DISTRICT ALONG KNIGHT AND DURMAS PROPERTY
PURPOSE:	SANITARY SEWER EASEMENT FOR UTE WATER SUBDIVISION
FILE#:	FP-2009-060
ADDRESS:	780 21 ½ ROAD
TAX PARCEL NO.:	2697-361-13-001
CITY DEPARTMENT:	PUBLIC WORKS AND PLANNING
YEAR:	2009
EXPIRATION DATE:	NONE
DESTRUCTION DATE:	NONE

DEED OF EASEMENT

THE DEED OF EASEMENT is made this 13TH day of AUGUST, 2009, by and between GRAND VALLEY DRAINAGE DISTRICT, herein called "Grantor", and City of Grand Junction, herein called "Grantee";

WITNESSETH: That the said GRANTOR for and in consideration of other goods and valuable consideration, in hand paid by the City of Grand Junction, the receipt whereof is hereby confessed and acknowledged, to wit: has granted, bargained, sold and conveyed and by these presents does grant, bargain, sell, convey and confirm unto the GRANTEE, its successors and assigns, forever, a perpetual sanitary sewer easement, in, over, across, through, and under the following described property situated in the County of Mesa and State of Colorado, to wit:

A twenty foot (20.00') wide easement across that parcel of land described in deed recorded in Book 2587, Page 80, Mesa County records, located in the Northwest Quarter of the Northeast Quarter (NW¼ NE¼) of Section 36, Township 1 North, Range 2 West of the Ute Meridian and being more particularly described as follows:

COMMENCING at the Southwest corner of the SW¼ SE¼ Section 25, whence the Northwest corner of the SW¼ SE¼ Section 25 bears North 00 degrees 00 minutes 10 seconds East, a distance of 1320.24 feet for a basis of bearings, with all bearings contained herein relative thereto thence South 89 degrees 46 minutes 22 seconds East, a distance of 244.49 feet, along the South line of said SW¼ SE¼ Section 25, also being the North line of said NW¼ NE¼ Section 36; thence South 00 degrees 13 minutes 38 seconds West, a distance of 40.00 feet to the South right-of-way line of H Road, as shown on plat of Valley West Filing No. One, recorded in Plat Book 12, Page 26, also being the North line of Lot 1, Knight & Durmas Simple Subdivision, as shown on plat recorded in Book 3712, Pages 802 and 803 to the POINT OF BEGINNING; thence South 22 degrees 45 minutes 15 seconds West, a distance of 192.62 feet; thence South 55 degrees 57 minutes 43 seconds West, a distance of 157.61 feet, to a point on the East right-of-way line of 21½ Road, as shown on said plat of Valley West Filing No. One, also being the West line of said Lot 1, Knight & Durmas Simple Subdivision; thence North 00 degrees 08 minutes 46 seconds East, a distance of 24.18 feet, along said right-of-way line; thence North 55 degrees 57 minutes 43 seconds East, a distance of 138.06 feet; thence North 22 degrees 45 minutes 15 seconds East, a distance of 178.36 feet; thence South 89 degrees 46 minutes 22 seconds East, a distance of 21.65 feet to the POINT OF BEGINNING.

This sanitary sewer easement is dedicated to the City of Grand Junction as a perpetual easement for City approved sanitary sewer lines including the installation, operation, maintenance and repair of said utilities and appurtenances which is limited to sanitary sewer lines and appurtenant facilities.

The GRANTOR covenants that they are the owner of the above described property and hereby warrants and agrees to defend the title to the above described premises.

This Deed of Easement covers all of the agreements between the parties and no representations or statements, verbal or written, have been made modifying, adding to, or changing the terms of this Deed of Easement.

This easement and all provisions hereof shall be applicable to and binding upon the parties and their respective heirs, devisees, successors and assigns.

IN WITNESS WHEREOF, this Deed of Easement has been executed and signed as of the day and year first above written.

GRANTORS:

[Handwritten signature of Mel Mulock]

GRAND VALLEY DRAINAGE DISTRICT

STATE OF COLORADO)
) ss.
COUNTY OF MESA)

The forgoing instrument was acknowledged before me this 13TH day of AUGUST, 2009, by MEL MULOCK
Witness my hand and official seal

My commission expires: 4-14-2013
(SEAL)

[Handwritten signature of Steven K. Thomas]
Notary Public

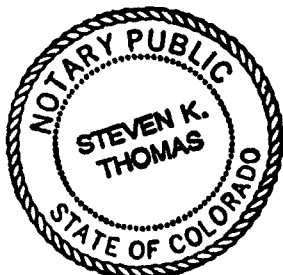


EXHIBIT A

A 20.00 foot wide Utility Easement

A twenty foot (20.00') wide easement across that parcel of land described in deed recorded in Book 2587, Page 80, Mesa County records, located in the Northwest Quarter of the Northeast Quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 36, Township 1 North, Range 2 West of the Ute Meridian and being more particularly described as follows:



















COMMENCING at the Southwest corner of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 25, whence the Northwest corner of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 25 bears North 00 degrees 00 minutes 10 seconds East, a distance of 1320.24 feet for a basis of bearings, with all bearings contained herein relative thereto thence South 89 degrees 46 minutes 22 seconds East, a distance of 244.49 feet, along the South line of said SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 25, also being the North line of said NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 36; thence South 00 degrees 13 minutes 38 seconds West, a distance of 40.00 feet to the South right-of-way line of H Road, as shown on plat of Valley West Filing No. One, recorded in Plat Book 12, Page 26, also being the North line of Lot 1, Knight & Durmas Simple Subdivision, as shown on plat recorded in Book 3712, Pages 802 and 803 to the POINT OF BEGINNING; thence South 22 degrees 45 minutes 15 seconds West, a distance of 192.62 feet; thence South 55 degrees 57 minutes 43 seconds West, a distance of 157.61 feet, to a point on the East right-of-way line of 21 $\frac{1}{2}$ Road, as shown on said plat of Valley West Filing No. One, also being the West line of said Lot 1, Knight & Durmas Simple Subdivision; thence North 00 degrees 08 minutes 46 seconds East, a distance of 24.18 feet, along said right-of-way line; thence North 55 degrees 57 minutes 43 seconds East, a distance of 138.06 feet; thence North 22 degrees 45 minutes 15 seconds East, a distance of 178.36 feet; thence South 89 degrees 46 minutes 22 seconds East, a distance of 21.65 feet to the POINT OF BEGINNING.

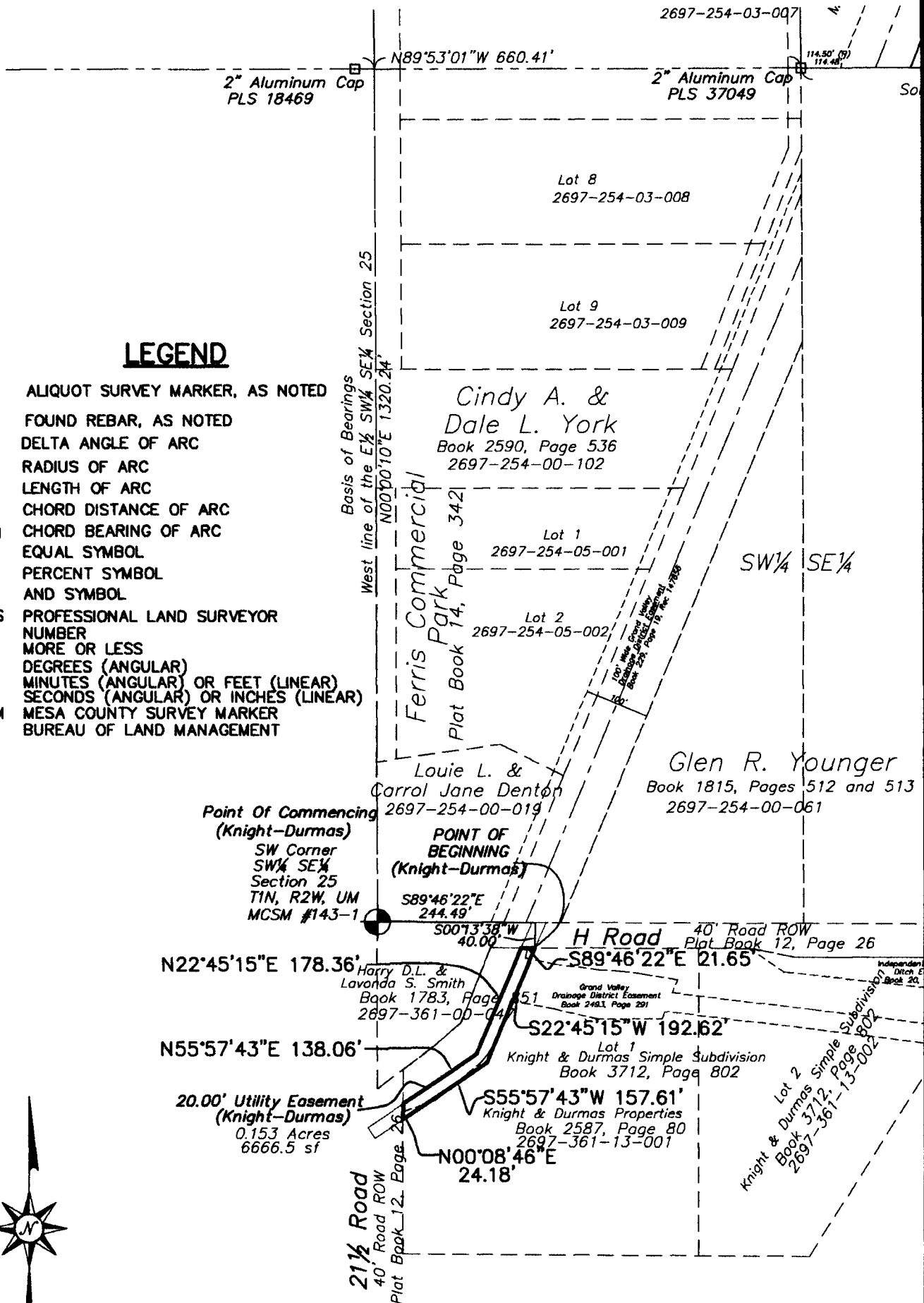
Said parcel having an area of 0.153 Acres, as described.

Ute Water Sewer Easement Knight-Durmas.doc/rsk
Prepared by:
Stanley K. Werner, PLS 27279
High Desert Surveying, LLC
1673 Highway 50 Unit C
Grand Junction, Colorado 81503

EXHIBIT B

20.00 Foot Wide Utility Easement

- LEGEND**
-  ALIQUOT SURVEY MARKER, AS NOTED
 -  FOUND REBAR, AS NOTED
 -  DELTA ANGLE OF ARC
 -  RADIUS OF ARC
 -  LENGTH OF ARC
 -  Ch CHORD DISTANCE OF ARC
 -  Brg CHORD BEARING OF ARC
 -  = EQUAL SYMBOL
 -  % PERCENT SYMBOL
 -  & AND SYMBOL
 -  PLS PROFESSIONAL LAND SURVEYOR
 -  No. NUMBER
 -  ± MORE OR LESS
 -  ° DEGREES (ANGULAR)
 -  ' MINUTES (ANGULAR) OR FEET (LINEAR)
 -  " SECONDS (ANGULAR) OR INCHES (LINEAR)
 -  MCSM MESA COUNTY SURVEY MARKER
 -  BLM BUREAU OF LAND MANAGEMENT



SCALE: 1" = 200'



High Desert Surveying, LLC

1673 Highway 50 Unit C
Grand Junction, Colorado 81503
Tele: 970-254-8649 Fax: 970-241-0451

PROJ. NO. 08-02	Surveyed	Drawn	APP'D	SHEET	OF
DATE: April, 2009	smg	rsk	skw	1	1

GRANT OF SANITARY SEWER EASEMENT

**Re-Recorded to correct Scrivener's error on Deed of Easement recorded in the
Office of the Mesa County Clerk and Recorder
August 19, 2009, Reception No. 2502166 at Book 4905 Page 987**

Grand Valley Drainage District, Grantor, whose legal address is 722 23 Road, Grand Junction, CO 81505, for and in consideration of the sum of Ten and 00/100 Dollars (\$10.00), and other 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 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 Sanitary Sewer Easement for the installation, operation, maintenance, repair and replacement of sanitary sewer facilities and appurtenances related thereto, on, along, over, under, through and across the following described parcel of land, to wit:

A twenty foot (20.00') wide easement for sanitary sewer purposes across that parcel of land described in deed recorded in Book 2493, Pages 290 and 291 and Book 2587, Page 80, Mesa County records and as shown on that plat recorded in Book 3712, Pages 802 and 803, Mesa County records, located in the Northwest Quarter of the Northeast Quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 36, Township 1 North, Range 2 West of the Ute Meridian and being more particularly described as follows:

COMMENCING at the Southwest corner of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 25, whence the Northwest corner of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 25 bears North 00 degrees 00 minutes 10 seconds East, a distance of 1320.24 feet for a basis of bearings, with all bearings contained herein relative thereto thence South 89 degrees 46 minutes 22 seconds East, a distance of 244.49 feet, along the South line of said SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 25, also being the North line of said NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 36; thence South 00 degrees 13 minutes 38 seconds West, a distance of 40.00 feet to the South right-of-way line of H Road, as shown on plat of Valley West Filing No. One, recorded in Plat Book 12, Page 26, also being the North line of Lot 1, Knight & Durmas Simple Subdivision, as shown on plat recorded in Book 3712, Pages 802 and 803 to the POINT OF BEGINNING; thence South 22 degrees 45 minutes 15 seconds West, a distance of 192.62 feet; thence South 55 degrees 57 minutes 43 seconds West, a distance of 157.61 feet, to a point on the East right-of-way line of 21 $\frac{1}{2}$ Road, as shown on said plat of Valley West Filing No. One, also being the West line of said Lot 1, Knight & Durmas Simple Subdivision; thence North 00 degrees 08 minutes 46 seconds East, a distance of 24.18 feet, along said right-of-way line; thence North 55 degrees 57 minutes 43 seconds East, a distance of 138.06 feet; thence North 22 degrees 45 minutes 15 seconds East, a distance of 178.36 feet; thence South 89 degrees 46 minutes 22 seconds East, a distance of 21.65 feet to the POINT OF BEGINNING.

Said parcel having an area of 0.153 Acres, 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. The interest conveyed is an easement for the limited purposes and uses and upon the terms stated herein. Grantor reserves 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 substantially interfere with the full use and quiet enjoyment of the rights herein granted; provided, however, that Grantor hereby covenants with Grantee that the Easement shall not be burdened or overburdened by the installation, construction or placement of any improvements, structures or fixtures thereon 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. Nothing in this section shall be interpreted to

prevent Grantor from installing landscaping features or similar improvements typically located in Easements.

2. Grantee agrees that Grantee's utilization of the Easement and the rights herein conveyed shall be performed with due care using industries best accepted standards and techniques.

3. Grantor hereby covenants with Grantee it has good title to the herein described premises; that it has good and lawful right to grant this Easement; that it 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 October, 2009.

Grand Valley Drainage District

By:



President of the Board of Directors

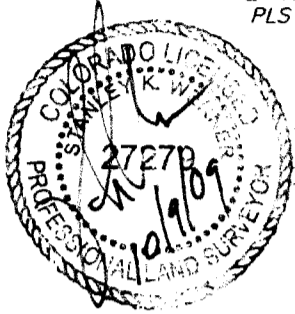
Attested By:



Secretary of the Board of Directors

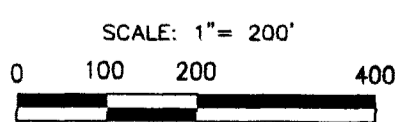
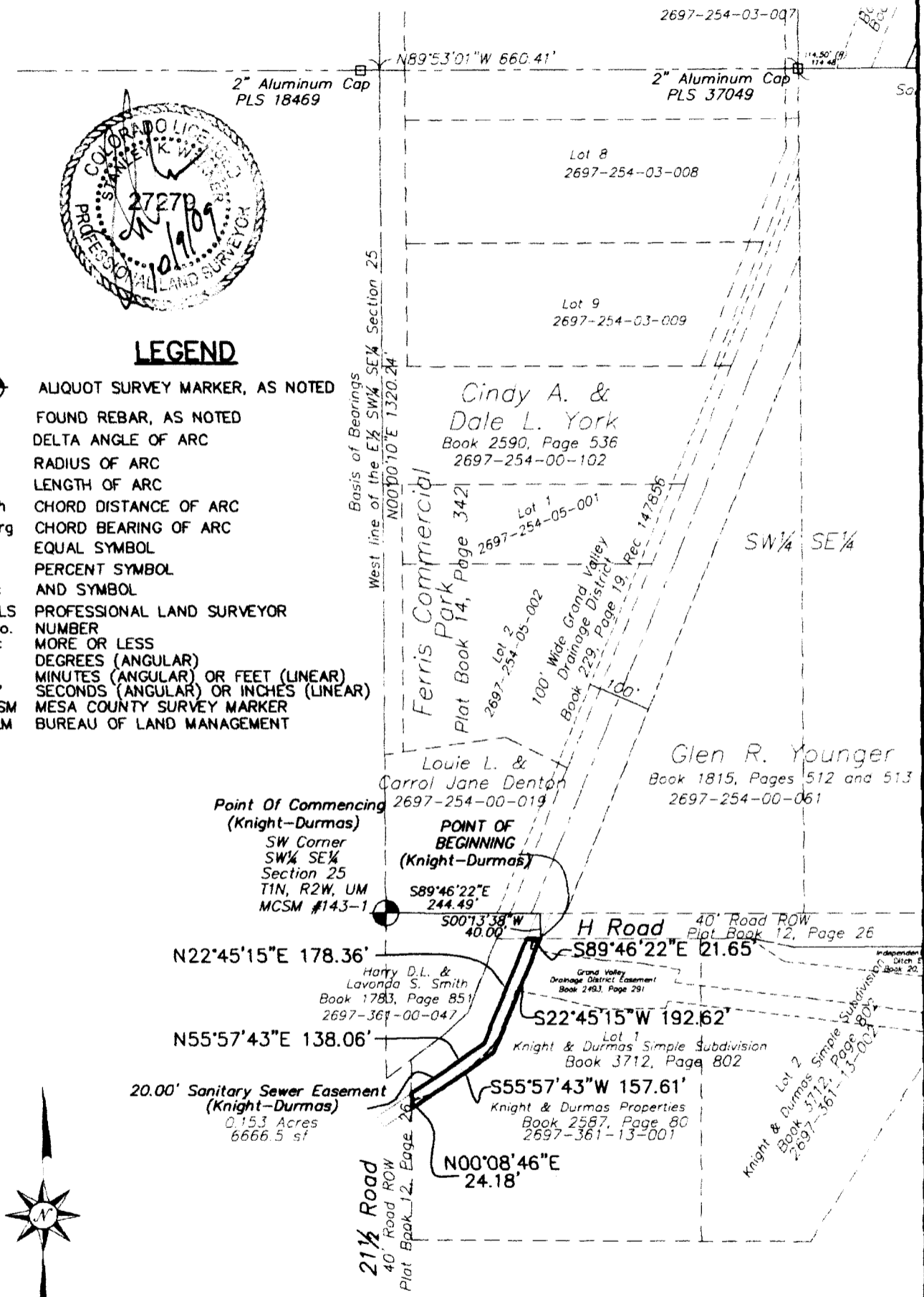
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20.00 Foot Wide Sanitary Sewer Easement



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DATE: October, 2009	smg	rsk	skw	1	1