

JCP06650

TYPE OF RECORD: PERMANENT

CATEGORY OF RECORD: EASEMENT

NAME OF PROPERTY  
OWNER OR GRANTOR: J.C. PENNEY PROPERTIES, INC.

PURPOSE: STORM SEWER EASEMENT FOR  
RANCHMANS DITCH DIVERSION

ADDRESS: 2422 HWY 6 & 50

PARCEL #: 2945-092-10-003

CITY DEPARTMENT: PUBLIC WORKS AND PLANNING

YEAR: 2006

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

2331277 BK 4219 PG 417-419  
08/04/2006 01:39 PM  
Janice Ward CLK&REC Mesa County, CO  
RecFee \$15.00 SurChg \$1.00  
DocFee EXEMPT

### GRANT OF STORM SEWER EASEMENTS

**J. C. Penney Properties, Inc., Grantor**, whose address is 6501 Legacy Drive, Plano TX, 75024, for and in consideration of the sum of Eighty-Three Thousand Two Hundred Eighty-Three and 00/100 Dollars (\$83,283.00) the receipt and sufficiency of which is hereby acknowledged, has sold, granted and conveyed, and by these presents does 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 stormwater and irrigation pipeline and stormwater drainage facilities, on, along, over, under, through and across the following described parcel of land, to wit:

A certain perpetual storm sewer easement located in the Northeast Quarter of the Northwest Quarter (NE 1/4 NW 1/4) of Section 9, Township One South, Range One West of the Ute Principal Meridian, County of Mesa, State of Colorado, and being more particularly described as follows:

Commencing at the Northeast corner of the NE 1/4 NW 1/4 of said Section 9 and assuming the East line of the NE 1/4 NW 1/4 of said Section 9 to bear S00°03'25"W with all bearings contained herein relative thereto; thence S00°03'25"W along the East line of the NE 1/4 NW 1/4 of said Section 9 a distance of 266.53; thence N89°56'35"W a distance of 50.00 feet to a point on the West right of way of 24 1/2 Road and the East line of Lot 3, Mesa Mall Subdivision, as recorded in Plat Book 12, Page 233 and the Point of Beginning; thence S00°03'25"W along the West right of way of 24 1/2 Road and the East line of said Lot 3 a distance of 68.01 feet; thence S56°59'39"W a distance of 107.16 feet; thence S25°29'21"W a distance of 233.24 feet; thence S52°57'36"W a distance of 62.59 feet; thence S55°58'26"W a distance of 56.79 feet; thence S58°57'39"W a distance of 96.79 feet; thence S61°58'26"W a distance of 167.72 feet to a point on the Southwesterly line of said Lot 3; thence N45°07'51"W along the Southwesterly line of said Lot 3 a distance of 59.64 feet; thence N61°58'26"E a distance of 183.76 feet; thence N58°57'39"E a distance of 93.81 feet; thence N55°58'26"E a distance of 53.81 feet; thence N52°57'36"E a distance of 47.16 feet; thence N25°29'21"E a distance of 235.39 feet; thence N56°59'39"E a distance of 160.35 feet to the Point of Beginning.

Said parcel contains 0.98 acres (42,709.00 square feet), 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 construction and repair machinery, subject to the terms and conditions contained herein.

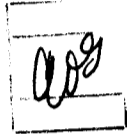
1. Grantor shall have the right to use and occupy the real property burdened by this Easement for any lawful purpose which is not inconsistent with and which will not interfere with the full use and quiet enjoyment of the rights herein granted; provided, however, that Grantor hereby covenants with Grantee that the Easement area 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 area.

2. Grantee's work and act of installing, operating, maintaining, repairing and replacing said storm water drainage facilities shall be performed with due care using commonly accepted standards and techniques.

3. Grantor hereby covenants with Grantee it has good title to the aforescribed premises; that it has good and lawful right to grant this Easement; 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 3rd day of August, 2006.

J. C. Penney Properties, Inc.



By: Dale R. McDonough  
Vice President

State of Texas                    )  
  )ss.  
County of Collin                    )

The foregoing instrument was acknowledged before me this 3rd day of August, 2006 by Dale R. McDonough, Vice President, J. C. Penney Properties, Inc.

My commission expires 10/30/07.

Witness my hand and official seal.



Danielle Pitts  
Notary Public

# EXHIBIT "A"

POINT OF COMMENCEMENT  
NE CORNER  
NE1/4 NW1/4  
SECTION 9  
T 1S, R1W, U.M.

LOT A  
MESA MALL SECOND MINOR  
SUBDIVISION  
(PB 14, PG 351)

2945-092-10-003  
2422 HWY 6 & 50  
JC PENNEY PROPERTIES INC #559-5

LOT 3  
MESA MALL SUBDIVISION  
PLAT BK 12, PG 233

STORM SEWER EASEMENT  
0.98 ACRES (42,709 SQ. FT.)

5.00' GAS EASEMENT

10.00' TELEPHONE EASEMENT

P.O.B.

N89°56' 35"W  
50.00'

500°03'25"W  
68.01'

24 1/2 ROAD

EAST LINE NE1/4 NW1/4 SECTION 9 BASIS OF BEARINGS

N52°57'36"E  
47.16'

N55°58'26"E  
53.81'

N58°57'39"E  
93.81'

N61°58'26"E  
183.76'

N45°07'51"W  
59.64'

S61°58'26"W  
167.72'

S58°57'39"W  
96.79'

S55°58'26"W  
56.79'

S52°57'36"W  
62.59'

2945-092-10-019

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 a means for establishing or verifying property boundary lines.

DRAWN BY: T.L.P.  
DATE: 4-14-06  
SCALE: 1" = 100'  
APPR. BY: P.T.K.

**RANCHMANS DITCH DIVERSION  
STORM SEWER EASEMENT**  
JC PENNEY PROPERTIES, INC  
(2945-092-10-003)

CITY OF  
**Grand Junction**  
COLORADO