

KIM97UNA

TYPE OF RECORD: PERMANENT

CATEGORY OF RECORD: EASEMENT

NAME OF AGENCY OR CONTRACTOR: BERNARD A. KIMMEY JR. AND
MARILYN W. KIMMEY

STREET ADDRESS/PARCEL NAME/SUBDIVISION/PROJECT: 2717 UNAWEEP
AVENUE UNAWEEP AVENUE IMPROVEMENTS PROJECT 2945-252-00-021

CITY DEPARTMENT: PUBLIC WORKS

YEAR: 1997

EXPIRATION DATE: NONE

DESTRUCTION DATE: NONE

GRANT OF EASEMENT

1790255 1104AM 03/05/97
MONIKA TODD CLK&REC MESA COUNTY CO
DOCUMENT FEE \$EXEMPT

Bernard A. Kimmey Jr. and Marilyn W. Kimmey, Grantors, for and in consideration of the sum of Thirty One and 25/100 Dollars (\$31.25), the receipt and sufficiency of which is hereby acknowledged, have given and granted and by these presents do hereby give and grant unto the City of Grand Junction, a Colorado home rule municipality, Grantee, whose address is 250 North 5th Street, Grand Junction, Colorado 81501, for the use of Grantee and for the use of the Public Utilities, a Perpetual Utilities Easement on, along, over, under, through and across the following described parcel of land, to wit:

Commencing at the Northwest Corner of Section 25, Township 1 South, Range 1 West of the Ute Meridian in the City of Grand Junction, County of Mesa, State of Colorado, and considering the North line of the Northwest 1/4 of the Northwest 1/4 (NW1/4 NW1/4) of said Section 25 to bear N 90°00'00" E with all bearings contained herein being relative thereto; thence N 90°00'00" E along the North line of said NW1/4 NW1/4 a distance of 835.56 feet; thence S 00°09'00" E a distance of 30.00 feet; thence N 90°00'00" E a distance of 8.08 feet to a point on the South right-of-way for Unaweep Avenue and the True Point of Beginning; thence N 90°00'00" E along the South right-of-way for Unaweep Avenue a distance of 5.00 feet; thence leaving said right-of-way line, S 00°09'00" E a distance of 5.00 feet; thence N 90°00'00" W a distance of 5.00 feet; thence N 00°09'00" W a distance of 5.00 feet to the True Point of Beginning, containing 25.00 square feet as described herein and as depicted on the **Exhibit "A"** attached hereto and incorporated herein by reference.

TO HAVE AND TO HOLD unto the said Grantee, together with the right to enter upon said premises, to survey, maintain, operate, repair, replace, control and use said Utilities Easement, subject to the terms and conditions contained herein.

1. Grantors reserve the right to use and occupy the aforescribed easement for any lawful purpose which is not inconsistent with 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 utilities and related appurtenances and facilities shall be performed with due care using commonly accepted standards and techniques, taking precautions for the protection of persons and property; all damages to persons or property resulting from the failure to exercise due care, or other higher standard of care as may be applicable, shall be paid for and repaired at the expense of Grantee.

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 17th day of February, 1997.

Bernard A. Kimmey Jr.
Bernard A. Kimmey Jr.

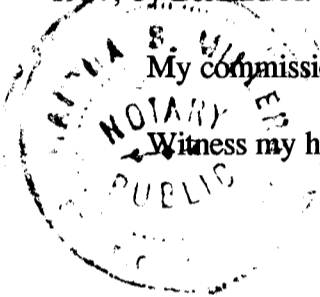
Marilyn W. Kimmey
Marilyn W. Kimmey

State of Colorado)
)ss.
County of Mesa)

The foregoing instrument was acknowledged before me this 17th day of February, 1997, by Bernard A. Kimmey Jr. and Marilyn W. Kimmey.

My commission expires: June 7, 1999

Witness my hand and official seal.

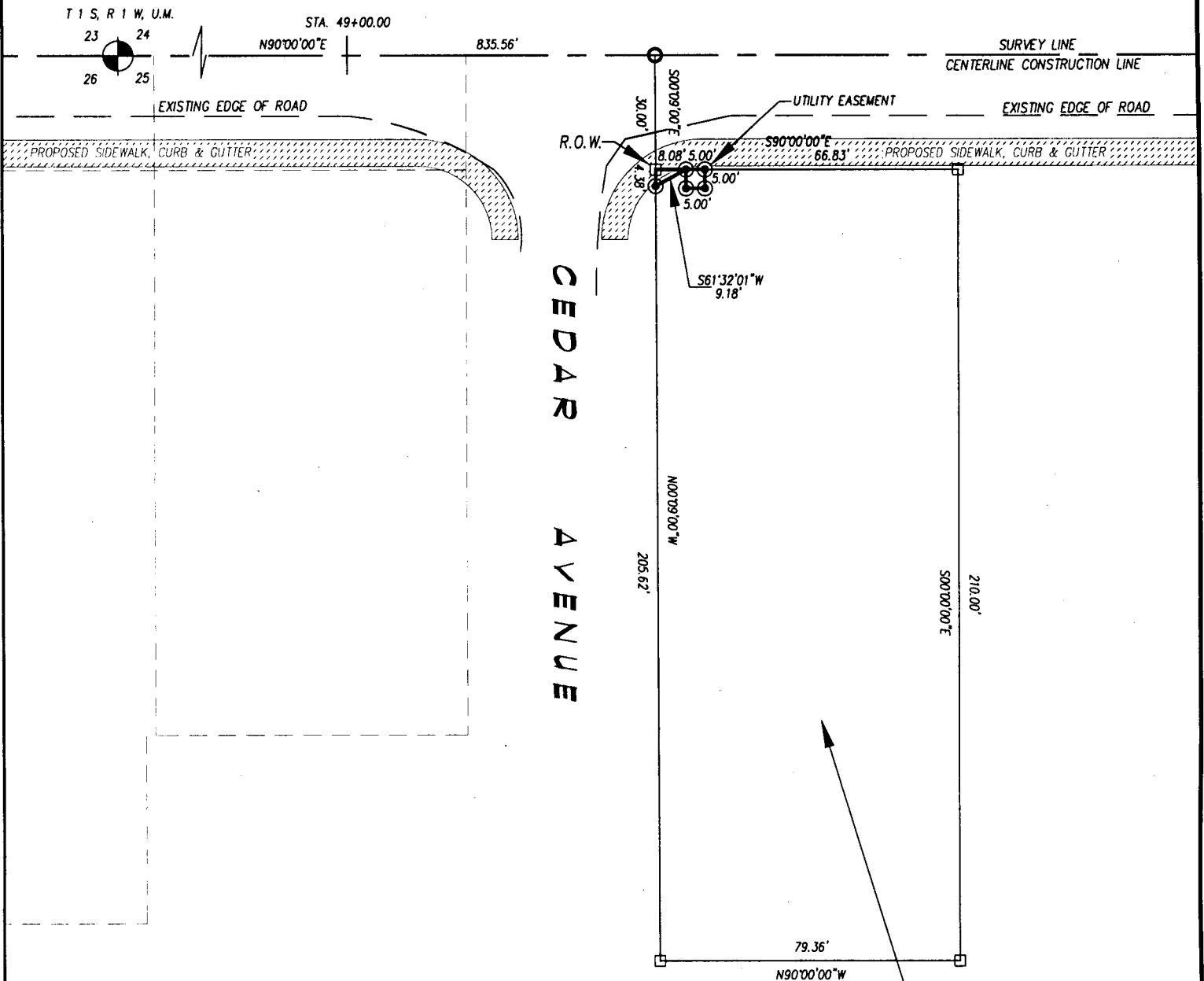


Matthew S. Miller
Notary Public

EXHIBIT "A"



UNAWEEP (C ROAD)



2945-252-00-021
 BERNARD A. KIMMEY, JR. & MARILYN W. KIMMEY
 2717 UNAWEEP AVENUE
 RIGHT-OF-WAY AREA = 17.68 SQFT.
 UTILITY EASEMENT AREA = 25.00 SQFT.

DRAWN BY: SRP
 DATE: 1-31-97
 SCALE: 1" = 40'
 APPR. BY: TW
 FILE NO: WEEP65.DWG

EASEMENT DESCRIPTION MAP

UNAWEEP (167)

DEPARTMENT OF PUBLIC WORKS
 ENGINEERING DIVISION
CITY OF GRAND JUNCTION