

KRY04255

TYPE OF RECORD: PERMANENT

CATEGORY OF RECORD: **EASEMENT**

NAME OF PROPERTY OWNER OR GRANTOR: MAX A. KREY AND HELEN KREY

PURPOSE: RETAINING WALL EASEMENT - A PERPETUAL EASEMENT FOR THE INSTALLATION, OPERATION, MAINTENANCE, REPAIR AND REPLACEMENT OF A RETAINING WALL PROVIDING STABILITY FOR PUBLIC ROADWAY IMPROVEMENTS

ADDRESS: 25.5 ROAD (NO ADDRESS OR SUBDIVISION) -
BEG CENTER SEC 10 1S 1W N 89DEG43MIN E 535FT N9DEG43MIN E
300FT N 359.1FT N 89DEG54MIN W 585.6FT S658.5FT TO BEG

PARCEL#: 2945-101-00-091

CITY DEPARTMENT: PUBLIC WORKS

YEAR: 2004

EXPIRATION DATE: NONE

DESTRUCTION DATE: NONE

WHEN RECORDED RETURN TO:

City of Grand Junction
Real Estate Division
250 North 5th Street
Grand Junction, CO 81501

2180569 BK 3602 PG 673-675
03/08/2004 12:48 PM
Janice Ward CLK&REC Mesa County, CO
RecFee \$15.00 SurChg \$1.00
DocFee EXEMPT

GRANT OF RETAINING WALL EASEMENT

Max A. Krey and Helen Krey, Grantors, for good and valuable consideration, 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 Easement for the installation, operation, maintenance, repair and replacement of a retaining wall providing stability for public roadway improvements, on, along, over, under, through and across the following described parcel of land, to wit:

A certain parcel of land being a perpetual easement lying in the Southwest Quarter of the Northeast Quarter (SW 1/4 NE 1/4) of Section 10, Township 1 South, Range 1 West of the Ute Principal Meridian, City of Grand Junction, County of Mesa, State of Colorado, being more particularly described as follows:

COMMENCING at the Southwest corner of the SW 1/4 NE 1/4 of said Section 10 and assuming the West line of the SW 1/4 NE 1/4 of said Section 10 bears N 00°03'31" E with all other bearings contained herein being relative thereto; thence from said Point of Commencement, N 00°03'31" E along the West line of the SW 1/4 NE 1/4 of said Section 10, a distance of 101.85 feet; thence S 89°56'29" E a distance of 30.00 feet to a point on the East right of way for 25-1/2 Road, as same is described in Book 721, Page 371, Public Records of Mesa County, Colorado and being the POINT OF BEGINNING; thence from said Point of Beginning, S 89°56'29" E a distance of 4.00 feet; thence S 10°53'31" E a distance of 68.41 feet; thence S 52°40'35" E a distance of 8.34 feet; thence S 84°13'54" E a distance of 96.85 feet, more or less, to a point on the North right of way for West Orchard Avenue, as same is described in Book 100, Page 578, Public Records of Mesa County, Colorado and being a line 20.00 feet North of and parallel with, the South line of the SW 1/4 NE 1/4 of said Section 10; thence N 89°56'10" W along said North right of way, a distance of 104.10 feet; thence N 50°37'24" W a distance of 8.22 feet; thence N 09°17'18" W a distance of 58.74 feet, more or less, to a point on the East right of way for said 25-1/2 Road; thence N 00°03'31" E along said East right of way, a distance of 18.66 feet, more or less, to the Point of Beginning.

CONTAINING 1,156.0 Square Feet, more or less, as described 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 with 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. 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 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 agrees that Grantee's utilization of the Easement and the rights herein conveyed shall be performed with due care using commonly accepted standards and techniques.
3. Grantors hereby covenant with Grantee they have good title to the herein described 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 8th day of MARCH, 2004.

Max A. Krey
Max A. Krey

Helen Krey
Helen Krey

State of Colorado)
)ss.
County of Mesa)

The foregoing instrument was acknowledged before me this 8th day of March, 2004, by Max A. Krey and Helen Krey.

My commission expires 3.3.05.

Witness my hand and official seal.

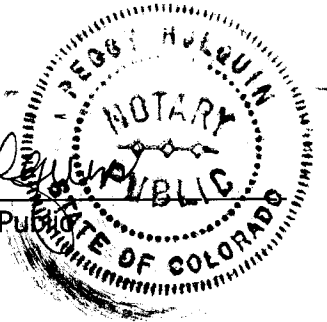
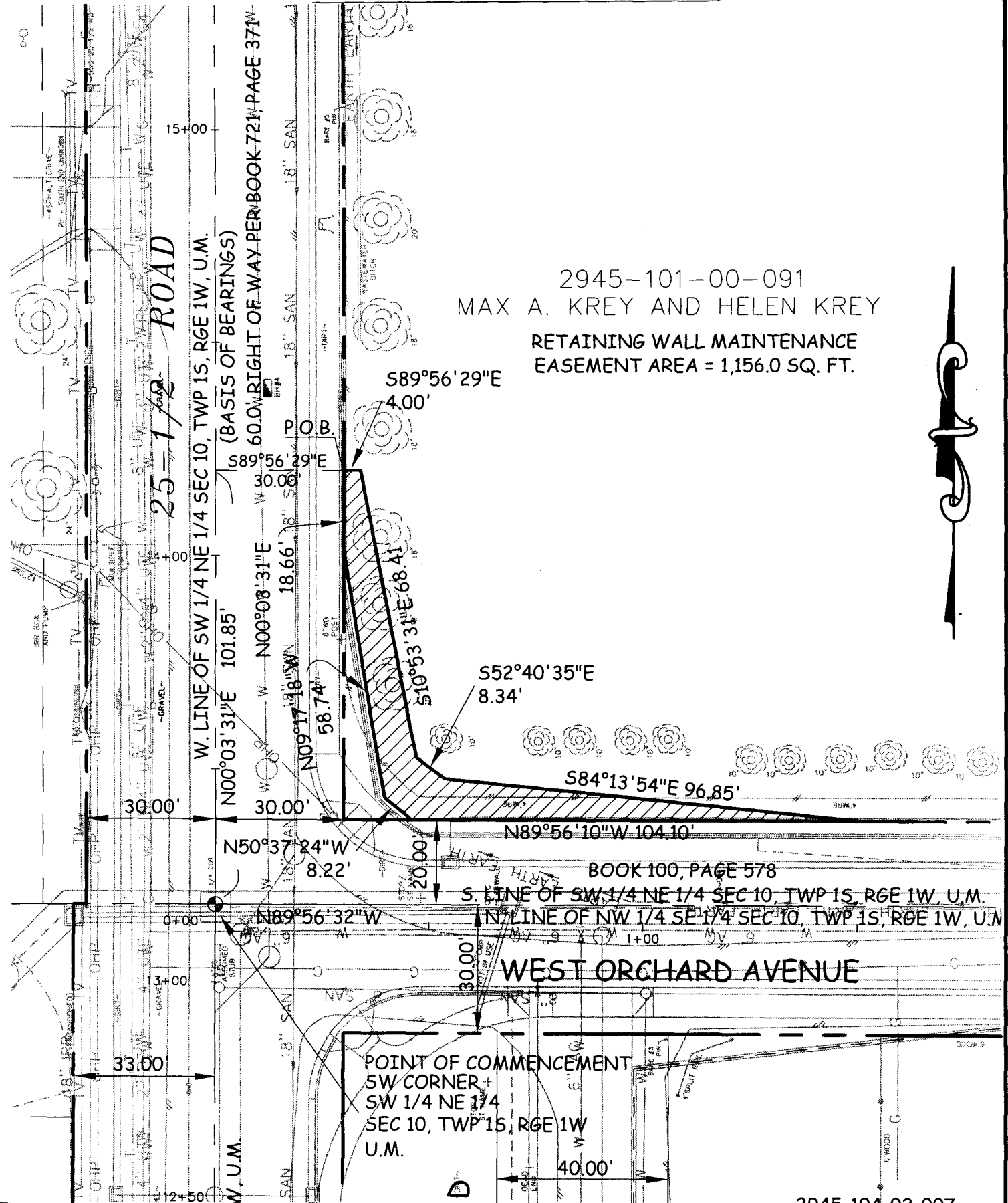
Peggy Holquin
Notary Public


EXHIBIT "A"



2945-101-00-091
 MAX A. KREY AND HELEN KREY
 RETAINING WALL MAINTENANCE
 EASEMENT AREA = 1,156.0 SQ. FT.



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.

2945 101 00 007

REVISED: 1-27-04

DRAWN BY: P.T.K.
 DATE: 12-31-2003
 SCALE: 1" = 30'
 APPR. BY: TW

25.5 ROAD
 RETAINING WALL MAINTENANCE EASEMENT
 MAX A. KREY and HELEN KREY
 2945-101-00-091

CITY OF **grand junction** COLORADO
 serving the community together