

LHS007TH

TYPE OF RECORD: PERMANENT

CATEGORY OF RECORD: **EASEMENT**

PURPOSE: INSTALLATION, OPERATION, MAINTENANCE REPAIR AND REPLACEMENT OF  
ELECTRIC AND TELECOMMUNICATIONS FACILITIES

NAME OF PROPERTY OWNER OR GRANTOR: SISTERS OF CHARITY OF LEAVENWORTH HEALTH  
SYSTEM, INC., A KANSAS NON-PROFIT CORPORATION

STREET ADDRESS/PARCEL NAME/SUBDIVISION (LOT AND BLOCK): 2635 NORTH 7<sup>TH</sup>  
STREET

PARCEL NO.: 2945-112-00-971

CITY DEPARTMENT: PUBLIC WORKS

YEAR: 2000

EXPIRATION DATE: NONE

DESTRUCTION DATE: NONE

1978766 01/02/01 0203PM  
 MONIKA TODD CLK&REC MESA COUNTY CO  
 REC FEE \$15.00  
 DOCUMENTARY FEE \$EXEMPT

### GRANT OF PUBLIC UTILITIES EASEMENT

Sisters of Charity of Leavenworth Health System, Inc., a Kansas non-profit corporation, Grantor, for and in consideration of the installation, operation, maintenance, repair and replacement of electric and telecommunications facilities, the receipt and sufficiency of which is hereby acknowledged, has granted and conveyed, and by these presents does hereby grant and convey unto to 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 and benefit of Grantee and for the use and benefit of the Public Utilities, a Perpetual Easement for the installation, operation, maintenance, repair and replacement of electric and telecommunications facilities, on, along, over, under, through and across the following described parcel of land, to wit:

Commencing at the North  $\frac{1}{4}$  corner of Section 11, Township 1 South, Range 1 West of the Ute Meridian, City of Grand Junction, County of Mesa, State of Colorado, and considering the north line of the NW $\frac{1}{4}$  of said Section 11 to bear N 89°58'00"W with all bearings contained herein being relative thereto; thence N 89°58'00"W along said North line a distance of 53.00 feet;  
 thence S00°02'00"W a distance of 40.00 feet to a point on the south right-of-way line for Patterson Road as described by instrument recorded in Book 1626 on Pages 306 and 307, in the office of the Mesa County Clerk and Recorder,  
 thence S44°58'00"E along said right-of-way line a distance of 14.14 feet to a point on the west right-of-way line for North 7<sup>th</sup> Street as described by instrument recorded in Book 1501 on Pages 438 through 440, in the office of the Mesa County Clerk and Recorder;  
 thence S00°02'00"W along said West right-of-way line a distance of 24.82 feet to the True Point of Beginning;  
 thence continuing along said west right-of-way line, S00°02'00"W a distance of 118.55 feet;  
 thence leaving said right-of-way line, N89°58'00"W a distance of 14.00 feet;  
 thence N00°02'00"E a distance of 112.16 feet;  
 thence N48°58'58"W a distance of 20.55 feet;  
 thence N89°31'32"W a distance of 213.53 feet;  
 thence N79°45'53"W a distance of 28.65 feet;  
 thence N89°31'32"W a distance of 231.96 feet to a point on the west boundary of Grantor's property;  
 thence N00°00'00"W along said boundary line a distance of 14.00 feet to a point on the South line of an existing utility easement as described by instrument recorded at Book 1736 on Pages 716 through 718, in the office of the Mesa County Clerk and Recorder;  
 thence along said South easement line, S89°58'00"E a distance of 233.21 feet;  
 thence leaving said South easement line, S79°45'53"E a distance of 28.70 feet;  
 thence S89°31'32"E a distance of 217.51 feet;  
 thence S48°58'58"E a distance of 32.11 feet to the True Point of Beginning,

containing 8,658.42 square feet 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. 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 structure or any other item or fixture which may be detrimental to the facilities of Grantee or the Public Utilities, or which may act to impede or prevent reasonable ingress and egress for workers and equipment on, along, over, under, through and across the Easement area.

2. Grantee agrees that Grantees' utilization of the Easement shall be performed with due care using commonly accepted standards and techniques.

3. Grantor hereby covenants with Grantee that it has good title to the aforescribed 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 19th day of December, 2000.

Sisters of Charity of Leavenworth Health System, Inc,  
a Kansas non-profit corporation

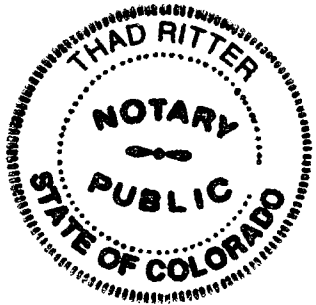
Robert W. Ladenburger  
By: Robert W. Ladenburger, Attorney in Fact  
for William M. Murray, President of Sisters of Charity  
of Leavenworth Health System, Inc.,

State of Colorado )  
  )ss.  
County of Mesa        )

The foregoing instrument was acknowledged before me this 19th day of December, 2000,  
by Robert W. Ladenburger, Attorney in Fact for William M. Murray, President of Sisters of Charity of  
Leavenworth Health System, Inc.,

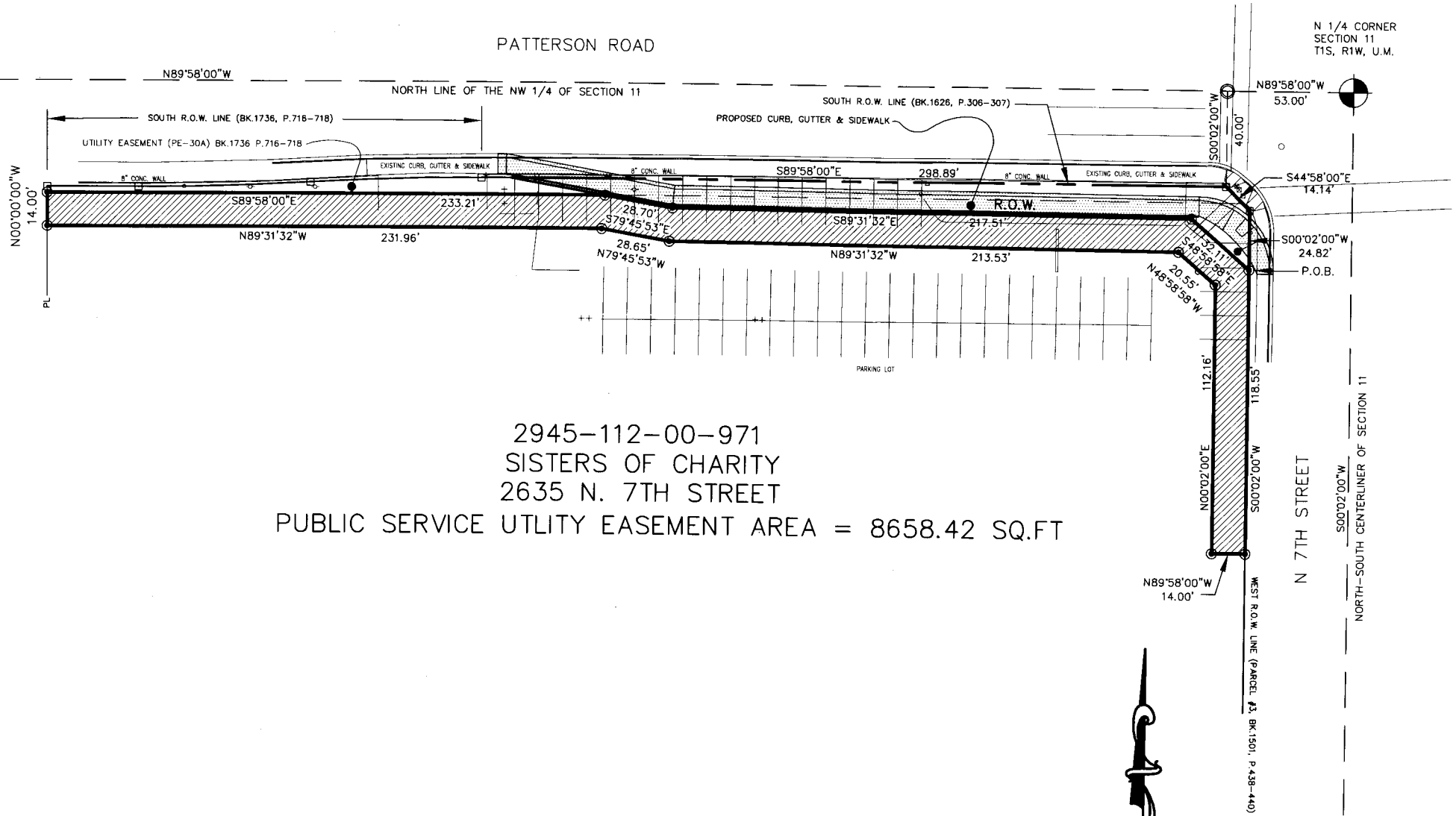
My commission expires 3/3/01.

Witness my hand and official seal.



Thad Ritter  
Notary Public

EXHIBIT "A"



2945-112-00-971  
 SISTERS OF CHARITY  
 2635 N. 7TH STREET  
 PUBLIC SERVICE UTILITY EASEMENT AREA = 8658.42 SQ.FT

DEPARTMENT OF PUBLIC WORKS  
 ENGINEERING DIVISION  
 CITY OF GRAND JUNCTION

RIGHT-OF-WAY DESCRIPTION MAP  
 North 7th Street and Patterson Avenue

DRAWN BY: SRP  
 DATE: 10-18-2000  
 SCALE: 1" = 60'  
 APPR. BY: IW  
 FILE NO: 7th&patB.DWG