

LUM97ASP

TYPE OF RECORD: PERMANENT

CATEGORY OF RECORD: EASEMENT

NAME OF AGENCY OR CONTRACTOR: JOSEPH A. LUMBARDY AND MOZELLE
LUMBARDY

STREET ADDRESS/PARCEL NAME/SUBDIVISION/PROJECT: 1757 ASPEN
STREET IRRIGATION EASEMENT FOR UNAWEEP AVENUE IMPROVEMENT
PROJECT 2945-234-05-007

CITY DEPARTMENT: PUBLIC WORKS

YEAR: 1997

EXPIRATION DATE: NONE

DESTRUCTION DATE: NONE

GRANT OF EASEMENT

1803681 1106AM 06/27/97
MONIKA TODD CLK&REC MESA COUNTY CO
DOCUMENT FEE \$EXEMPT

Joseph A. Lumbardy and Mozelle Lumbardy, Grantors, for and in consideration of the sum of Ten and 00/100 Dollars (\$10.00), 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, whose address is 250 North 5th Street, Grand Junction, Colorado 81501, Grantee, for the use and benefit of present and future owners of real property and irrigation facilities located upstream and downstream of the herein described premises, a perpetual, non-exclusive easement for the installation, operation, maintenance and repair of a buried irrigation pipeline and facilities appurtenant thereto, on, along, over, under, through and across the following described parcel of land, to wit:

Commencing at the Southeast Corner of Lot 17, Block 11 of Orchard Mesa Heights, a subdivision situate in the Southeast 1/4 of Section 23, Township 1 South, Range 1 West of the Ute Meridian in the City of Grand Junction, County of Mesa, State of Colorado, as recorded in Plat Book 1 at Page 16 in the office of the Mesa County Clerk and Recorder, and considering the South line of the SE1/4 of said Section 23 to bear N 90°00'00" E with all bearings contained herein being relative thereto; thence N 00°00'00" E along the East boundary of said Block 11 a distance of 46.00 feet to a point on the East boundary of Lot 16 of said Block 11 and the **True Point of Beginning**;
thence N 90°00'00" W a distance of 125.00 feet to a point on the West boundary of said Lot 16;
thence N 00°00'00" E a distance of 15.00 feet to a point on the West boundary of Lot 15 of said Block 11;
thence S 90°00'00" E a distance of 125.00 feet to a point on the East boundary of said Lot 15;
thence S 00°00'00" E a distance of 15.00 feet to the Point of Beginning,
containing 1,875.00 square feet as described herein and as 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, to survey, construct, 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 irrigation construction and repair machinery, subject to the following terms, covenants, conditions and restrictions:

1. Grantors shall have the right to use and occupy the aforescribed easement for any lawful purpose which will not interfere with the full use and quiet enjoyment of Grantee's 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.

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 25th day of June, 1997.

Joseph A. Lumbardy
Joseph A. Lumbardy

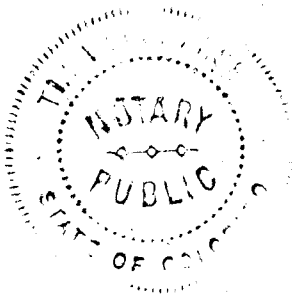
Mozelle Lumbardy
Mozelle Lumbardy

State of Colorado)
)ss.
County of Mesa)

The foregoing instrument was acknowledged before me this 25th day of June, 1997, by Joseph A. Lumbardy and Mozelle Lumbardy

My commission expires: 2-28-98

Witness my hand and official seal.

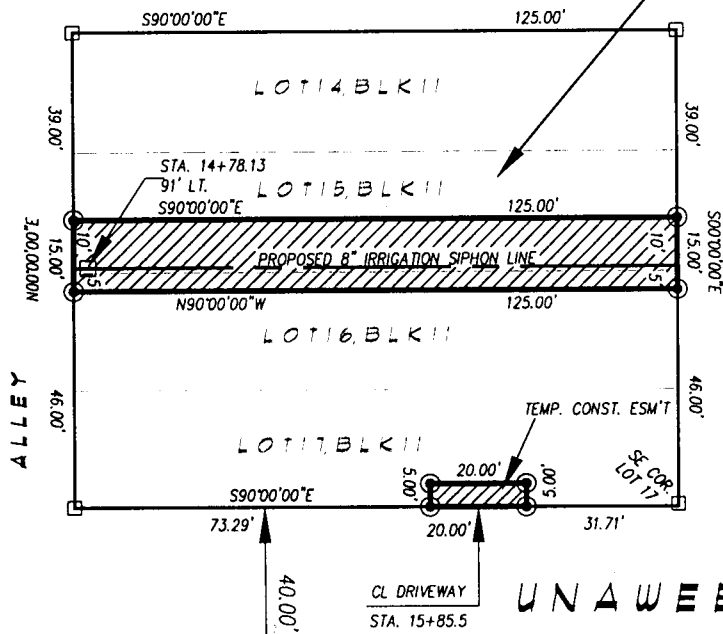


Jim Woodmansee
Notary Public

EXHIBIT "A"



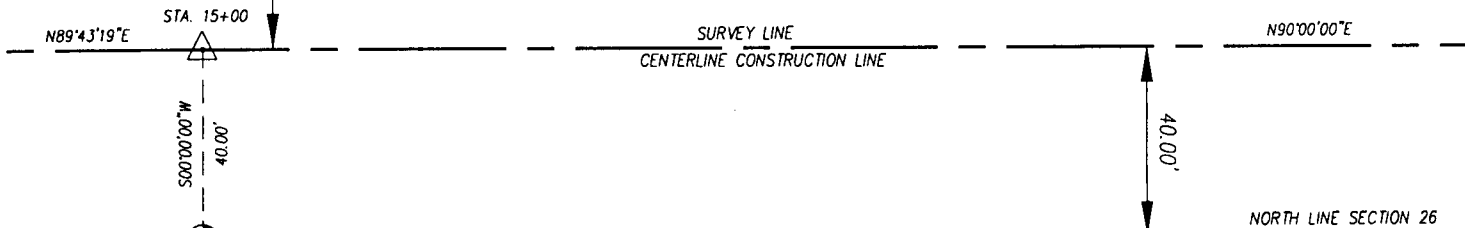
2945-234-05-007
 JOSEPH A. & MOZELLE LUMBARDY
 1757 ASPEN STREET
 IRRIGATION EASEMENT AREA : 1875.00 SQ.FT.
 TEMP. CONST. EASEMENT AREA : 100.00 SQ.FT.



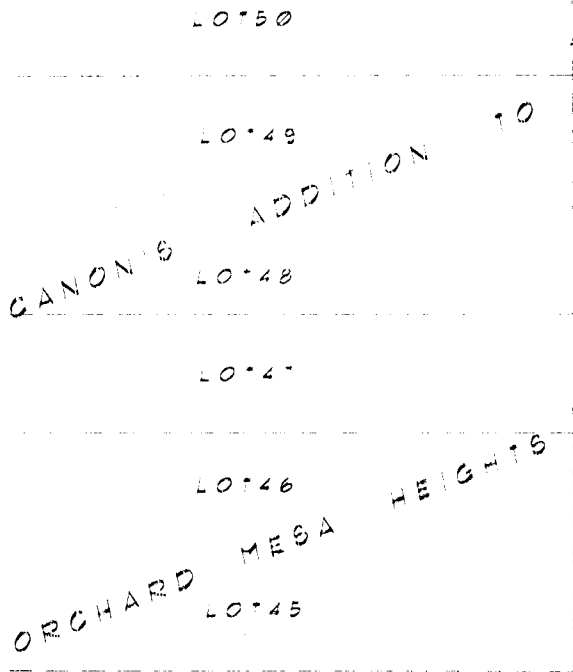
ORCHARD MESA HEIGHTS

UNAWEEP

(C ROAD)



N 1/4 COR.
 SECTION 26
 T1S, R1W, U.M.



ASPEN STREET

DRAWN BY: SRP
 DATE: 10-22-96
 SCALE: 1" = 40'
 APPR. BY: JW
 FILE NO: WEEP9.DWG

EASEMENT DESCRIPTION MAP
 UNAWEEP (108)

DEPARTMENT OF PUBLIC WORKS
 ENGINEERING DIVISION
 CITY OF GRAND JUNCTION