

MAL96ELM

TYPE OF RECORD: PERMANENT

CATEGORY OF RECORD: EASEMENT

NAME OF AGENCY OR CONTRACTOR: STEVEN L. MALCOLM AND HELEN L. MALCOLM

STREET ADDRESS/PARCEL NAME/SUBDIVISION/PROJECT: STREET IMPROVEMENTS TO 830 ELM AVENUE AND NORTH 7TH TO CANNELL ELM AVENUE SUBDIVISION 2945-114-13-027

CITY DEPARTMENT: PUBLIC WORKS

YEAR: 1996

EXPIRATION DATE: NONE

DESTRUCTION DATE: NONE

GRANT OF EASEMENT

1760395 0242PM 06/12/96
MONIKA TODD CLK® MESA COUNTY CO
DOCUMENT FEE \$EXEMPT

Steven L. Malcolm and Helen L. Malcolm, Grantors, for and in consideration of the installation, maintenance and repair of street improvements to Elm Avenue, the receipt and sufficiency of which is hereby acknowledged, hereby grant and convey to the City of Grand Junction, a Colorado home rule municipality, Grantee, whose legal address is 250 North 5th Street, Grand Junction, Colorado 81501, its successors and assigns forever, the herein described Perpetual Easement for the installation, operation, maintenance, repair and conveyance of a luminaire street light and associated appurtenances, together with the right of ingress for workers and equipment, on, along, over, under, through and across the following described Parcel situated in the NW¹/₄ SE¹/₄ of Section 11, Township 1 South, Range 1 West of the Ute Meridian, City of Grand Junction, County of Mesa, State of Colorado, said Parcels being more particularly described by the following metes and bounds, to wit:

Beginning at the SW Corner of Lot 9, Elm Avenue Subdivision, thence N00°00'00"W a distance of 4.00 feet, thence S90°00'00"E a distance of 32.47 feet to the True Point of Beginning, thence N00°00'00"W a distance of 5.00 feet, thence S90°00'00"E a distance of 5.00 feet, thence S00°00'00"E a distance of 5.00 feet, thence N90°00'00"W a distance of 5.00 to the True Point of Beginning.

The above described parcel of land contain 25.00 square feet as described herein and depicted on the attached Exhibit "A".

TO HAVE AND TO HOLD the premises herein granted unto the Grantee, its successors and assigns forever, subject to the following terms, covenants, conditions and restrictions:

1. Grantee, as a condition of this grant, agrees that entry to the easement area for the purposes herein described shall be conducted so as to cause minimum interference to the Grantors, their heirs, successors and assigns. Grantee further agrees that it shall correct any damage(s), both material as well as aesthetic, which may be caused by its entry as described herein.

2. Grantors shall have the right to continue to use the real property burdened by this Easement for any lawful purpose which will not interfere with Grantee's full use and enjoyment of the Grantee's rights herein granted;

provided, however, 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 on, along, over, under, through and across the easement area.

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 of all persons whomsoever.

Signed this 8 day of JUNE, 1996.

Steven L. Malcolm

Steven L. Malcolm

Helen L. Malcolm

Helen L. Malcolm

State of Colorado)

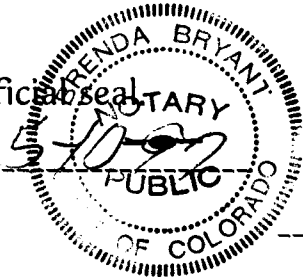
)ss.

County of Mesa)

The foregoing instrument was acknowledged before me this 8th day of June, 1996, by Steven L. Malcolm and Helen L. Malcolm.

Witness my hand and official seal

My commission expires

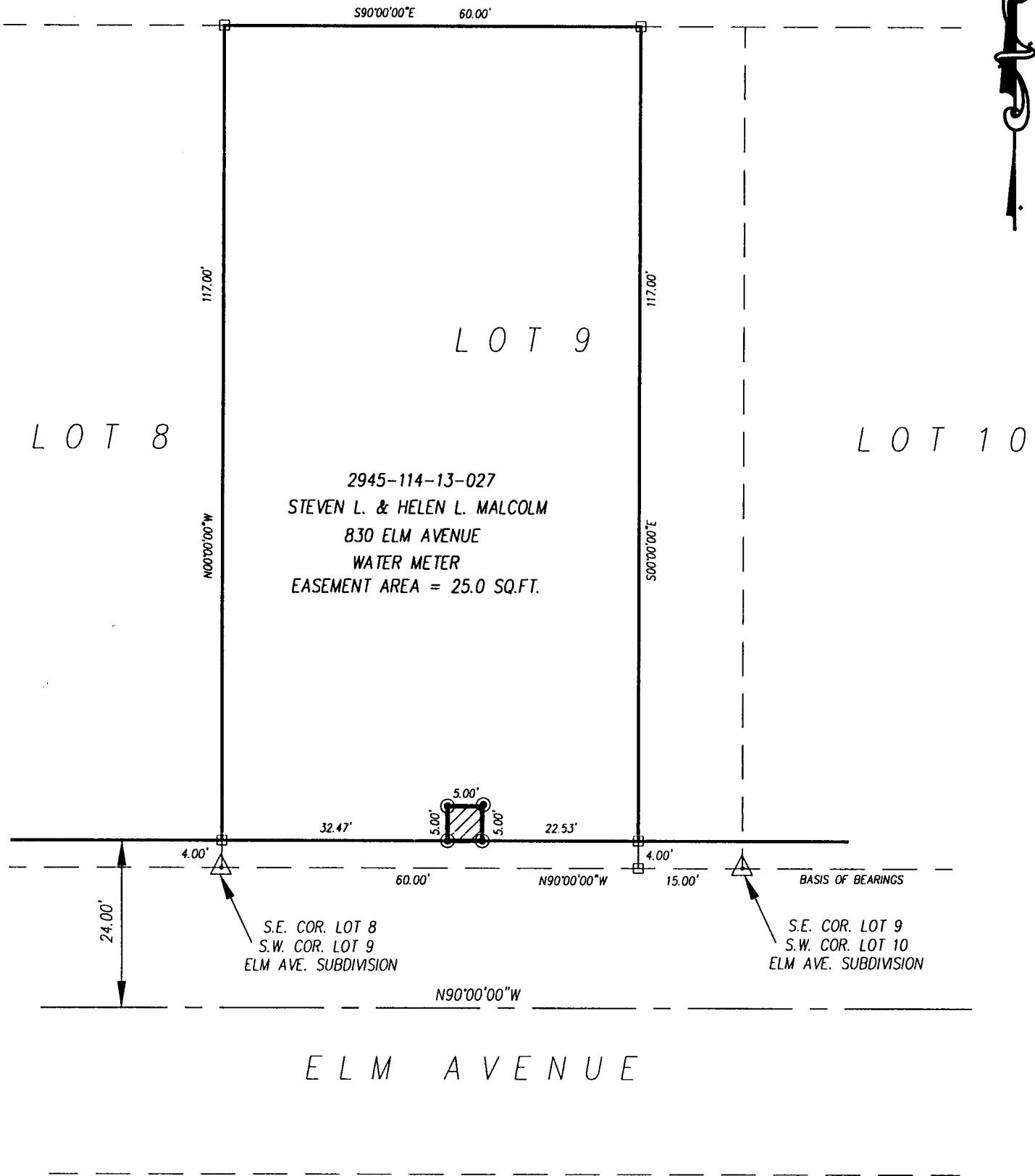


Brenda Bryant

Notary Public

My Commission Expires 05/10/1997

EXHIBIT "A"



DRAWN BY: SRP
 DATE: 05-28-96
 SCALE: 1" = 20'
 APPR. BY: _____
 FILE NO: ELM13027.DWG

EASEMENT DESCRIPTION MAP

ELM AVENUE - N. 7TH TO CANNELL

DEPARTMENT OF PUBLIC WORKS
 ENGINEERING DIVISION
CITY OF GRAND JUNCTION