

MSD97UNA

TYPE OF RECORD: PERMANENT

CATEGORY OF RECORD: EASEMENT

NAME OF AGENCY OR CONTRACTOR: MESA COUNTY VALLEY SCHOOL
DISTRICT NO. 51

STREET ADDRESS/PARCEL NAME/SUBDIVISION: ADJACENT TO ORCHARD
MESA MIDDLE SCHOOL AT 2736 UNAWEEP AVENUE RIGHT OF WAY
SIDEWALK EASEMENT UTILITY EASEMENT FOR UNAWEEP AVENUE
IMPROVEMENT PROJECT

CITY DEPARTMENT: PUBLIC WORKS

YEAR: 1997

EXPIRATION DATE: PERMANENT

DESTRUCTION DATE: PERMANENT

1787818 0224PM 02/10/97
MONIKA TODD CLK&REC MESA COUNTY CO
DOCUMENT FEE \$EXEMPT

GRANT OF EASEMENT AGREEMENT

8 PAGE DOCUMENT

THIS GRANT OF EASEMENT AGREEMENT is made and entered into this 4th day of February, 1997, by and between MESA COUNTY VALLEY SCHOOL DISTRICT NO. 51, a Colorado Public School District, hereinafter referred to as "the District", and THE CITY OF GRAND JUNCTION, a Colorado home rule municipality, whose address is 250 North 5th Street, Grand Junction, Colorado 81501, hereinafter referred to as "the City".

Recitals.

A. The District believes itself to be the owner of certain real property described as the West 1/2 of the Southeast 1/4 Southwest 1/4 of Section 24, Township 1 South, Range 1 West of the Ute Meridian in the City of Grand Junction, County of Mesa, State of Colorado (hereinafter referred to as "the Property").

B. The City has adopted plans for the construction and installation of improvements to Unawep Avenue adjacent to the south of the Property, said improvements to include a new street section with curbing, gutter, sidewalk, underground storm sewer, street lights, conversion of overhead utilities to underground, replacement of domestic water mains and service lines, and the installation of fire hydrants.

C. Prior to proceeding with the improvement project adjacent to the Property, the City must provide documentation that all easements necessary for the installation, operation, maintenance and repair of the aforescribed improvements have been obtained.

D. The District desires to cooperate in and assist with the Unawep Avenue Improvement Project by conveying to the City an interest in the use of the Property for the purposes stated above.

NOW, THEREFORE, in consideration of the recitals, the mutual covenants and conditions contained herein, and other valuable consideration, the parties by authority of their respective bodies, agree as follows:

1. The District hereby grants and conveys, without warranty, to the City, its successors and assigns forever, six (6) perpetual easements on, along, over, under, through and across the Property within the limits and for the purposes described on Exhibit "A" depicted on Exhibit "B", which Exhibits are attached hereto and incorporated herein by reference, to have and to hold said easements unto the City, its successors and assigns forever, subject to the terms, covenants, conditions and restrictions stated herein.

2. The six perpetual easements granted above shall include the right to enter upon the premises to survey, construct, install, operate, maintain, repair and replace improvements associated with the Project, and shall include the right and obligation to properly maintain the same

from time to time, including the removal of objects interfering with the use and operation of said improvements, including the trimming of trees and bushes.

3. The City 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, and in particular, the employees and students of the District and members of the general public who utilize the Property and the equipment and facilities of Orchard Mesa Middle School; 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 the City. The City shall indemnify the District and hold the District harmless from any and all damages or claims for damages to persons or property alleged to be caused by or arising from the negligence or willful misconduct of the City.

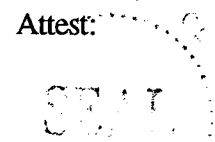
4. The District reserves the right to use and occupy the Property not encumbered by the five perpetual easements for any lawful purpose which is not inconsistent with the rights herein granted. In the event of permanent abandonment of the Project or any of the related facilities and/or utilities by the City, its successors and assigns, all rights, privileges and interests herein granted shall automatically terminate. Permanent abandonment shall have occurred if the City shall fail to use the easements or maintain the improvements for any twelve (12) consecutive months.

5. This Agreement shall be valid only if both Exhibits "A" and "B" referred to above are attached hereto and recorded in sequence with this instrument.

IN WITNESS WHEREOF, the parties hereto have caused this instrument to be executed as of the day and year first above written.

Attest:

Mesa County Valley School District No. 51


Mary K. Kalenian
Mary K. Kalenian, Secretary

Debra D. Johns
Debra D. Johns, President



The City of Grand Junction, a Colorado home rule municipality

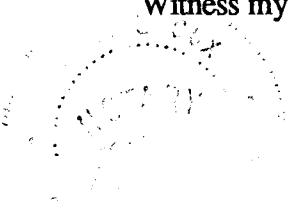
Stephanie Nye
Stephanie Nye, City Clerk

Mark K. Achen
Mark K. Achen, City Manager

State of Colorado)
)ss.
County of Mesa)

The foregoing instrument was acknowledged before me this 4 day of February, 1997, by Debra D. Johns as President and attested to by Mary K. Kalenian as Secretary of the Board of Education of Mesa County Valley School District No. 51.

My commission expires: 12-2-97.
Witness my hand and official seal.

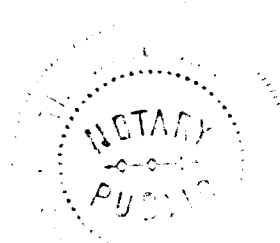


Bruney L. Coy
Notary Public

State of Colorado)
)ss.
County of Mesa)

The foregoing instrument was acknowledged before me this 10th day of February, 1997, by Mark K. Achen as City Manager and attested to by Stephanie Nye as City Clerk of the City of Grand Junction, a Colorado home rule municipality.

My commission expires: 2/28/98.
Witness my hand and official seal.



Jim Woodmansee
Notary Public

Easement Parcel No. PE-164A:

Commencing at the Southwest Corner of the West 1/2 of the Southeast 1/4 Southwest 1/4 (W1/2 SE1/4 SW1/4) of Section 24, 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 South line of said W1/2 SE1/4 SW1/4 to bear N 90°00'00" W with all bearings contained herein being relative thereto; thence N 00°00'00" E along the West line of said W1/2 SE1/4 SW1/4 a distance of 30.0 feet to the **True Point of Beginning**;

thence N 00°00'00" E along the West line of said W1/2 SE1/4 SW1/4 a distance of 55.00 feet;

thence N 90°00'00" E a distance of 5.00 feet;

thence S 00°00'00" W a distance of 55.00 feet;

thence N 90°00'00" W a distance of 5.00 feet to the Point of Beginning, containing 275.0 square feet as described herein and depicted on Exhibit "B" attached hereto, for the installation, operation, maintenance and repair of underground electric utilities.

Easement Parcel No. PE-164B:

Commencing at the Southwest Corner of the West 1/2 of the Southeast 1/4 Southwest 1/4 (W1/2 SE1/4 SW1/4) of Section 24, 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 South line of said W1/2 SE1/4 SW1/4 to bear N 90°00'00" W with all bearings contained herein being relative thereto; thence N 00°00'00" E along the West line of said W1/2 SE1/4 SW1/4 a distance of 30.0 feet; thence N 90°00'00" E a distance of 34.51 feet to the **True Point of Beginning**;

thence N 00°00'00" E a distance of 10.00 feet;

thence N 90°00'00" E a distance of 15.00 feet;

thence S 00°00'00" W a distance of 10.00 feet;

thence N 90°00'00" W a distance of 15.00 feet to the Point of Beginning, containing 150.0 square feet as described herein and depicted on Exhibit "B" attached hereto, for the installation, operation, maintenance and repair of a street light and for electrical and telecommunications facilities switch cabinets.

Easement Parcel No. PE-164C:

Commencing at the Southwest Corner of the West 1/2 of the Southeast 1/4 Southwest 1/4 (W1/2 SE1/4 SW1/4) of Section 24, 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 South line of said W1/2 SE1/4 SW1/4 to bear N 90°00'00" W with all bearings contained herein being relative thereto; thence N 00°00'00" E along the West line of said W1/2 SE1/4 SW1/4 a distance of 30.0 feet; thence N 90°00'00" E a distance of 297.24 feet to the **True Point of Beginning**;

Exhibit "A"

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thence N 00°00'00" E a distance of 50.00 feet;
thence N 90°00'00" E a distance of 5.00 feet;
thence S 00°00'00" W a distance of 50.00 feet;
thence N 90°00'00" W a distance of 5.00 feet to the Point of Beginning, containing 250.0 square feet as described herein and depicted on Exhibit "B" attached hereto, for the installation, operation, maintenance and repair of a fire hydrant.

Easement Parcel No. PE-164D:

Commencing at the Southeast Corner of the West 1/2 of the Southeast 1/4 Southwest 1/4 (W1/2 SE1/4 SW1/4) of Section 24, 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 South line of said W1/2 SE1/4 SW1/4 to bear N 90°00'00" W with all bearings contained herein being relative thereto; thence N 90°00'00" W along the South line of said W1/2 SE1/4 SW1/4 a distance of 194.78 feet; thence N 00°00'00" E a distance of 30.00 feet to the True Point of Beginning;

thence N 90°00'00" W a distance of 5.00 feet;
thence N 00°00'00" E a distance of 5.00 feet;
thence S 90°00'00" E a distance of 5.00 feet;
thence S 00°00'00" W a distance of 5.00 feet to the Point of Beginning, containing 25.0 square feet as described herein and depicted on Exhibit "B" attached hereto, for the installation, operation, maintenance and repair of a street light.

Easement Parcel No. PE-164E:

Commencing at the Southeast Corner of the West 1/2 of the Southeast 1/4 Southwest 1/4 (W1/2 SE1/4 SW1/4) of Section 24, 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 South line of said W1/2 SE1/4 SW1/4 to bear N 90°00'00" W with all bearings contained herein being relative thereto; thence N 90°00'00" W along the South line of said W1/2 SE1/4 SW1/4 a distance of 46.41 feet; thence N 00°00'00" E a distance of 30.00 feet to the True Point of Beginning;

thence N 90°00'00" W a distance of 8.59 feet;
thence N 00°00'00" E a distance of 10.00 feet;
thence S 90°00'00" E a distance of 15.00 feet to a point on the East right-of-way for 27-3/8 Road;
thence S 00°00'00" E a distance of 3.59 feet;
thence S 45°00'03" W a distance of 9.07 feet to the Point of Beginning, containing 129.43 square feet as described herein and depicted on Exhibit "B" attached hereto, for the installation, operation, maintenance and repair of electrical and telecommunications facilities transformers and switch cabinets.

Exhibit "A"

Sidewalk Easement:

Commencing at the Southwest Corner of the West 1/2 of the Southeast 1/4 Southwest 1/4 (W1/2 SE1/4 SW1/4) of Section 24, 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 South line of said W1/2 SE1/4 SW1/4 to bear N 90°00'00" W with all bearings contained herein being relative thereto; thence N 00°00'00" E along the West line of said W1/2 SE1/4 SW1/4 a distance of 30.0 feet; thence N 90°00'00" E a distance of 49.51 feet to the **True Point of Beginning**;

thence 220.58 feet along the arc of a non-tangent curve to the right having a radius of 303.00 feet, a central angle of 41°27'37", and a long chord bearing N 85°04'04" E a distance of 215.74 feet;

thence 43.43 feet along the arc of a curve to the left having a radius of 499.00 feet, a central angle of 04°59'14", and a long chord bearing S 79°19'07" E a distance of 43.42 feet;

thence N 90°00'00" E a distance of 29.87 feet;

thence 45.43 feet along the arc of a curve to the left having a radius of 499.00 feet, a central angle of 05°12'59", and a long chord bearing N 80°22'26" E a distance of 45.42 feet;

thence 205.73 feet along the arc of a curve to the right having a radius of 311.00 feet, a central angle of 37°54'08", and a long chord bearing S 84°51'39" E a distance of 202.00 feet;

thence S 90°00'00" W a distance of 26.97 feet;

thence 174.60 feet along the arc of a non-tangent curve to the left having a radius of 301.00 feet, a central angle of 33°14'10", and a long chord bearing N 87°13'11" W a distance of 172.17 feet;

thence 41.60 feet along the arc of a curve to the left having a radius of 509.00 feet, a central angle of 04°40'59", and a long chord bearing S 80°05'29" W a distance of 41.59 feet;

S 00°00'00" E a distance of 1.19 feet;

thence S 00°00'00" W a distance of 1.19 feet;

thence S 90°00'00" W a distance of 42.00 feet;

thence N 00°00'00" E a distance of 1.29 feet;

thence 39.85 feet along the arc of a non-tangent curve to the right having a radius of 509.00 feet, a central angle of 04°29'29", and a long chord bearing N 79°02'26" W a distance of 39.84 feet;

thence 191.03 feet along the arc of a curve to the left having a radius of 293.00 feet, a central angle of 37°21'18", and a long chord bearing S 87°17'30" W a distance of 187.66 feet;

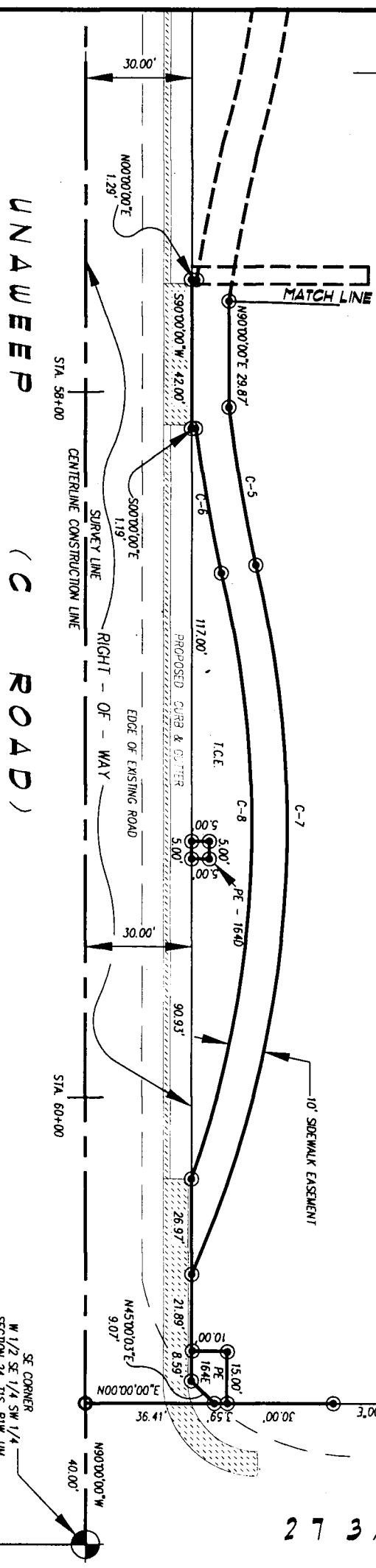
thence S 90°00'00" W a distance of 24.97 feet to the Point of Beginning, containing 5,203.74 square feet as described herein and depicted on Exhibit "B" attached hereto, for the installation, operation, maintenance and repair of a public sidewalk.

EXHIBIT "B"



2945-243-00-943
 MESA COUNTY VALLEY SCHOOL DISTRICT NO. 1
 ORCHARD MESA MIDDLE SCHOOL
 2736 C ROAD

CURVE	RADIUS	LENGTH	TANGENT	CHORD	BEARING	DELTA
C-5	499.00'	45.43'	22.73'	45.42'	N80°22'26"E	051°12'59"
C-6	509.00'	41.60'	20.81'	41.59'	S80°05'29"W	04°40'59"
C-7	311.00'	205.23'	106.79'	202.00'	S84°51'39"E	37°54'08"
C-8	301.00'	174.60'	89.83'	172.17'	N87°13'11"W	33°14'10"



SE CORNER
 W 1/2 SE 1/4 SW 1/4
 SECTION 24, T15, R11W, UM

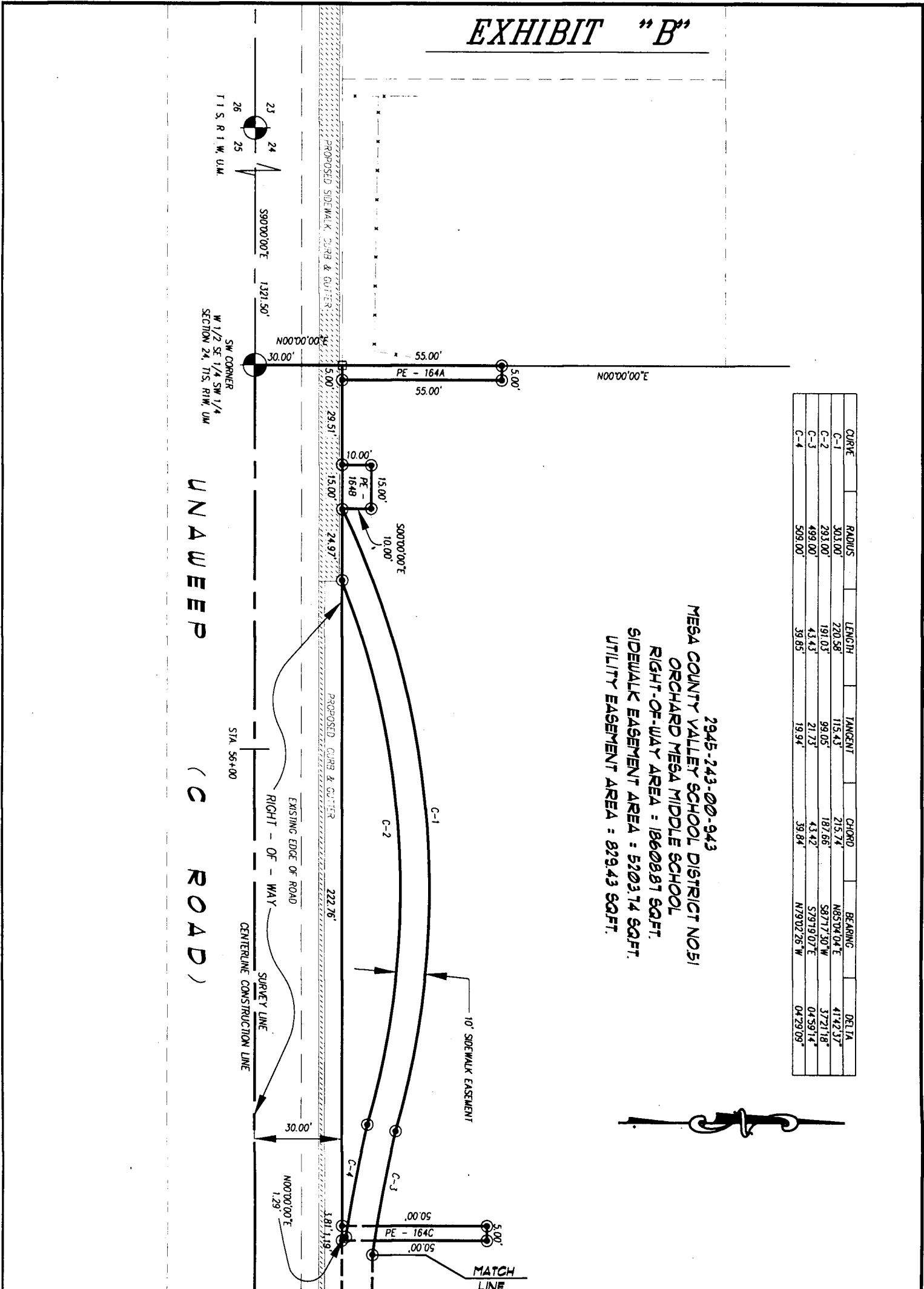
273/8 ROAD

DRAWN BY: SRP
 DATE: 1-23-97
 SCALE: 1" = 40'
 APPR. BY: TW
 FILE NO: WEEP50AT.DWG

EASEMENT DESCRIPTION MAP
 UNAWEEP (164)
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DEPARTMENT OF PUBLIC WORKS
 ENGINEERING DIVISION
 CITY OF GRAND JUNCTION

EXHIBIT "B"



CURVE	RADIUS	LENGTH	TANGENT	CHORD	BEARING	DELTA
C-1	303.00'	220.58'	115.43'	215.74'	N85°04'04"E	41°42'37"
C-2	293.00'	191.03'	99.05'	187.66'	S87°17'30"W	37°21'18"
C-3	499.00'	43.43'	21.73'	43.42'	S79°19'07"E	07°59'14"
C-4	509.00'	39.85'	19.94'	39.84'	N79°02'26"W	04°29'09"

2945-243-00-943
 MESA COUNTY VALLEY SCHOOL DISTRICT NOS1
 ORCHARD MESA MIDDLE SCHOOL
 RIGHT-OF-WAY AREA : 1860887 SQ.FT.
 SIDEWALK EASEMENT AREA : 520314 SQ.FT.
 UTILITY EASEMENT AREA : 82943 SQ.FT.



DRAWN BY: SRP
 DATE: 1-23-97
 SCALE: 1" = 40'
 APPR. BY: IW
 FILE NO: WPEP501.DWG

EASEMENT DESCRIPTION MAP

UNAWEEP (164)
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DEPARTMENT OF PUBLIC WORKS
 ENGINEERING DIVISION
 CITY OF GRAND JUNCTION