

RHC01GGS

TYPE OF RECORD: PERMANENT

CATEGORY OF RECORD: **EASEMENT (RECREATIONAL)**

PURPOSE: PUBLIC RIGHT-OF-WAY FOR PEDESTRIAN, WALKING, BICYCLING AND OTHER
NON-MOTORIZED ACCESS

NAME OF PROPERTY OWNER OR GRANTOR: RED HART CONSTRUCTION, INC., A COLORADO
CORPORATION

STREET ADDRESS/PARCEL NAME/SUBDIVISION (LOT AND BLOCK): GARDEN GROVE
SUBDIVISION, 2838 ORCHARD AVENUE, GRAND JUNCTION

PARCEL NO.: 2943-072-00-038

FILE NO.: FP-2001-046

CITY DEPARTMENT: PUBLIC WORKS

YEAR: 2001

EXPIRATION DATE: NONE

DESTRUCTION DATE: NONE

WHEN RECORDED PLEASE RETURN TO:

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

Book 2970 Page 994

2028147 11/29/01 0430PM
MONIKA TODD CLK&REC MESA COUNTY CO
REC FEE \$15.00

3

PAGE DOCUMENT

DOCUMENTARY FEE \$EXEMPT

GRANT OF PUBLIC RIGHT-OF-WAY AND RECREATIONAL EASEMENT

Red Hart Construction, Inc., a Colorado corporation, Grantor, for and in consideration of the sum of Ten and 00/100 Dollars (\$10.00), the receipt and sufficiency of which is hereby acknowledged, has granted and conveyed, and by these presents does hereby grant and convey to the City of Grand Junction, a Colorado home rule municipality, Grantee, whose address is 250 North 5th Street, Grand Junction, Colorado 81501, two (2) Public Right-of-Way and Recreational Easements, for the use and benefit of Grantee and for the use and benefit of the General Public, as non-exclusive Perpetual Easements for ingress and egress access use for public pedestrian, walking, bicycling and other non-motorized access, on, along, over, under, through and across the following described parcels of land, to wit:

See 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 Easements, and to remove objects interfering therewith, including the trimming of trees and bushes as may be required to permit the utilization of said Easements for the rights and purposes herein conveyed, subject to the terms and conditions contained herein.

1. The Easements herein granted shall include the right to enter upon the premises to construct, install, operate, maintain and repair recreational and trails facilities, including, but not limited to, asphalt, concrete or other permanent surface improvements, together with signs, markers, fences, barricades and other appurtenances, and shall include the right to enter said premises with workers and equipment to properly maintain the same.
2. The City of Grand Junction and other emergency services shall be authorized to utilize said Easements for motorized emergency and maintenance vehicles and equipment for the purposes of providing emergency services (fire, police and ambulance) and for maintaining improvements installed on, along, over, under, through and across said Easements.
3. Grantor hereby covenants with Grantee that the Easement areas shall not be burdened or overburdened by the installation, construction or placement of any structures or any other item or fixture which might be detrimental to the use and maintenance of the Easements by Grantee and the General Public, or which might act to prevent reasonable ingress and egress for workers and equipment on, along, over, under, through and across the Easement areas.
4. Grantor hereby covenants with Grantee that it has good title to the aforescribed premises; that it has good and lawful right to grant these Easements; 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 21 day of November, 2001.

Grantor:
Red Hart Construction, Inc.,
a Colorado corporation

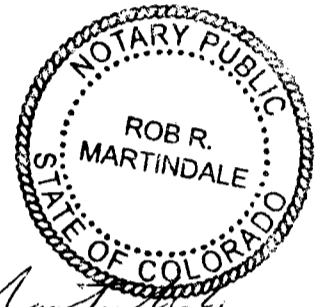
By: 
Daniel Gearhart, President

State of Colorado)
)ss.
County of Mesa)

The foregoing instrument was acknowledged before me this 21st day of November 2001, by Daniel Gearhart as President of Red Hart Construction, Inc., a Colorado corporation.

My commission expires 3/26/2005.

Witness my hand and official seal.



Rob R. Martindale
Notary Public

EXHIBIT "A"
PUBLIC RIGHT-OF-WAY AND RECREATIONAL EASEMENTS
Legal Descriptions

Easement Parcel No. 1:

Commencing at the West $\frac{1}{4}$ Corner of Section 7, Township 1 South, Range 1 East of the Ute Meridian, City of Grand Junction, County of Mesa, State of Colorado, and considering the South line of the Northwest $\frac{1}{4}$ of said Section 7 to bear S $89^{\circ}51'30''$ E with all bearings contained herein being relative thereto; thence S $89^{\circ}51'00''$ E along the South line of the Northwest $\frac{1}{4}$ of said Section 7 a distance of 1978.64 feet to the Southeast Corner of the East $\frac{1}{2}$ of the West $\frac{1}{2}$ of the Southeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ ("E $\frac{1}{2}$ W $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ ") of said Section 7; thence N $00^{\circ}11'18''$ W along the East line of the E $\frac{1}{2}$ W $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 7 a distance of 1100.13 feet to the True Point of Beginning; thence leaving the East line of the E $\frac{1}{2}$ W $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 7, N $70^{\circ}50'11''$ W a distance of 81.24 feet; thence 78.78 feet along the arc of a curve concave to the South, having a radius of 196.71 feet, a central angle of $22^{\circ}56'48''$, and a long chord bearing N $82^{\circ}18'35''$ W a distance of 78.26 feet; thence S $86^{\circ}13'01''$ W a distance of 174.52 feet to a point on the West line of the E $\frac{1}{2}$ W $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 7; thence N $00^{\circ}16'52''$ W along the West line of the E $\frac{1}{2}$ W $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 7 a distance of 25.05 feet; thence leaving the West line of the E $\frac{1}{2}$ W $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 7, N $86^{\circ}13'01''$ E a distance of 172.99 feet; thence 88.79 feet along the arc of a curve concave to the South, having a radius of 221.71 feet, a central angle of $22^{\circ}56'48''$, and a long chord bearing S $82^{\circ}18'35''$ E a distance of 88.20 feet; thence S $70^{\circ}50'11''$ E a distance of 72.46 feet to a point on the East line of the E $\frac{1}{2}$ W $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 7; thence S $00^{\circ}11'18''$ E along the East line of the E $\frac{1}{2}$ W $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 7 a distance of 26.50 feet to the Point of Beginning,

Easement Parcel No. 2:

Commencing at the West $\frac{1}{4}$ Corner of Section 7, Township 1 South, Range 1 East of the Ute Meridian, City of Grand Junction, County of Mesa, State of Colorado, and considering the South line of the Northwest $\frac{1}{4}$ of said Section 7 to bear S $89^{\circ}51'30''$ E with all bearings contained herein being relative thereto; thence S $89^{\circ}51'00''$ E along the South line of the Northwest $\frac{1}{4}$ of said Section 7 a distance of 1978.64 feet to the Southeast Corner of the East $\frac{1}{2}$ of the West $\frac{1}{2}$ of the Southeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ ("E $\frac{1}{2}$ W $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ ") of said Section 7; thence N $00^{\circ}11'18''$ W along the East line of the E $\frac{1}{2}$ W $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 7 a distance of 1179.62 feet to the True Point of Beginning; thence leaving the East line of the E $\frac{1}{2}$ W $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 7, N $70^{\circ}50'11''$ W a distance of 54.90 feet; thence 108.82 feet along the arc of a curve concave to the South, having a radius of 271.71 feet, a central angle of $22^{\circ}56'48''$, and a long chord bearing N $82^{\circ}18'35''$ W a distance of 108.09 feet; thence S $86^{\circ}13'01''$ W a distance of 169.93 feet to a point on the West line of the E $\frac{1}{2}$ W $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 7; thence N $00^{\circ}16'52''$ W along the West line of the E $\frac{1}{2}$ W $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 7 a distance of 25.05 feet; thence leaving the West line of the E $\frac{1}{2}$ W $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 7, N $86^{\circ}13'01''$ E a distance of 168.40 feet; thence 118.83 feet along the arc of a curve concave to the South, having a radius of 296.71 feet, a central angle of $22^{\circ}56'48''$, and a long chord bearing S $82^{\circ}18'35''$ E a distance of 118.04 feet; thence S $70^{\circ}50'11''$ E a distance of 46.12 feet to a point on the East line of the E $\frac{1}{2}$ W $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 7; thence S $00^{\circ}11'18''$ E along the East line of the E $\frac{1}{2}$ W $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 7 a distance of 26.50 feet to the Point of Beginning.