

RIO914TH

TYPE OF RECORD: PERMANENT

CATEGORY OF RECORD: EASEMENT

NAME OF PROPERTY
OWNER OR GRANTOR: THE DENVER AND RIO GRANDE WESTERN
RAILROAD COMPANY

PURPOSE: A PERPETUAL STORM SEWER LINE EASEMENT

ADDRESS: D AND RGW RAILROAD SUBDIVISION
FILING NO. 6 – LOTS 3, 4 & 5

PARCEL NO: 2945-232-07-010
2945-232-07-011

CITY DEPARTMENT: PUBLIC WORKS AND PLANNING

YEAR: 1991

EXPIRATION DATE: NONE

DESTRUCTION DATE: NONE

GRANT OF EASEMENT

This Grant of Easement, made this 23rd day of April, 1991, by and between THE DENVER AND RIO GRANDE WESTERN RAILROAD COMPANY, "Grantor", and THE CITY OF GRAND JUNCTION, COLORADO, a municipal corporation, whose legal address is 250 North 5th Street, Grand Junction, Colorado 81501-2668, hereinafter called "Grantee".

RECITALS

A. The Grantor has caused certain lands to be laid out, surveyed and platted as D&RGW Railroad Subdivision Filing Six, a subdivision of the City of Grand Junction, Mesa County, Colorado, which subdivision is filed and recorded in Plat Book 13 at Page 437 in the office of the Mesa County Clerk and Recorder.

B. Several years prior to the platting of said lands and with the consent of Grantor or Grantor's predecessors, Grantee caused to be installed a storm sewer line which runs over, upon, across, in, through and under that property of Grantor in Lots 3, 4, and 5 of the said D&RGW Railroad Subdivision Filing Six.

C. The document which gave Grantee the right to install, repair and maintain said storm sewer has been lost or destroyed, and an easement for the perpetual maintenance and repair of said sewer line should have been laid out on the plat of D&RGW Railroad Filing Six.

NOW, THEREFORE, based on the recitals above and for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, Grantor has granted, and by these presents does hereby grant unto the Grantee, its successors and assigns forever, a storm sewer line easement over, upon, across, in, through and under that property of Grantor in Lots 3, 4 and 5 of the D&RGW Railroad Subdivision Filing Six described as follows, to wit:

Description approved

[Handwritten signature]

Description:

A strip of land 10 feet wide, 5 feet on each side of a centerline across Lots 3, 4 and 5 of the D&RGW Railroad Subdivision Filing Six situated in the NE1/4 of the NW1/4 of Section 23, Township 1 South, Range 1 West of the Ute Meridian, Mesa County, Colorado, being more particularly described as follows, to wit:

Commencing at the southwest corner of Lot 5 of the D&RGW Railroad Subdivision Filing Six; thence N 00°28'28" E along the west line of said Lot 5, 56.91 feet to the TRUE POINT OF BEGINNING; thence N 75°36'02" E, 553.80 feet; thence N 65°09'12" E, 245.83 feet to the east line of Lot 3, the D&RGW Railroad Subdivision Filing Six to the POINT OF TERMINUS, said point being located N 00°01'19" E a distance of 59.06 feet from the southeast corner of said Lot 3.

TO HAVE AND TO HOLD the said premises above described, with the appurtenances and privileges thereunto belonging unto the Grantee, its successors and assigns so long as said easement is used for the construction, reconstruction, installation, repair, operation and maintenance of said storm sewer line. This easement is granted upon the express condition that the hereinbefore described property shall be used solely for the purposes herein set forth, and in the event of abandonment for a period of two years, then this easement shall cease and terminate with respect to that part or portion of said described property so abandoned and said property so abandoned, shall be freed from the burden of this easement.

Grantor further grants, unto Grantee, the right of ingress and egress to and from said easement over and across its property by means of roads and lanes therein, if such there be, otherwise by such route or routes as shall occasion the least practical damage and inconvenience to Grantor. Grantor reserves the right to use and occupy the easement area for any purpose not inconsistent with Grantee's full enjoyment of the rights hereby granted, providing the same shall not interfere with the construction, reconstruction, installation, alteration, maintenance, repairing, inspection, and operation of said storm sewer line.

IN WITNESS WHEREOF, the Grantor has hereunto set its hand and seal the day and year first above written.

GRANTOR:

THE DENVER AND RIO GRANDE WESTERN RAILROAD COMPANY

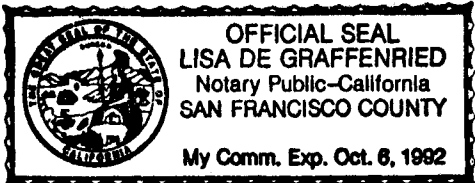
[Handwritten Signature]

Vice President

Approved as to Form
[Handwritten Signature]
General Attorney

STATE OF California)
COUNTY OF San Francisco) ss

The foregoing instrument was acknowledged before me this 23rd day of April, 1991 by S.D. Steel as Vice President of THE DENVER AND RIO GRANDE WESTERN RAILROAD COMPANY, a Delaware corporation.



[Handwritten Signature]

Notary Public

My Commission expires _____

Witness my hand and official seal.