

SMP04255

TYPE OF RECORD: PERMANENT

CATEGORY OF RECORD: **EASEMENT**

NAME OF PROPERTY OWNER OR GRANTOR: NINA B. SIMPSON AND
ROBERT T. SIMPSON

PURPOSE: A PERPETUAL EASEMENT FOR THE
INSTALLATION, OPERATION, MAINTENANCE, REPAIR AND REPLACEMENT
OF MATERIALS PROVIDING SLOPE STABILITY FOR PUBLIC ROADWAY
IMPROVEMENTS

ADDRESS: 830 INDEPENDENT AVENUE - BLOCK 5 OF
WESTLAKE PARK SUBDIVISION

PARCEL#: 2945-104-01-006

CITY DEPARTMENT: PUBLIC WORKS

YEAR: 2004

EXPIRATION DATE: NONE

DESTRUCTION DATE: NONE

When recorded return to:
City of Grand Junction
Real Estate Division
250 North 5th Street
Grand Junction, CO 81501

GRANT OF SLOPE EASEMENT

Nina B. Simpson and Robert T. Simpson, Grantors, for and in consideration of the sum of Six Thousand One Hundred Forty-eight and 20/100 Dollars (\$6,148.20), the receipt and sufficiency of which is hereby acknowledged, have sold, granted and conveyed, and by these presents do hereby sell, grant and convey unto the City of Grand Junction, a Colorado home rule municipality, Grantee, whose address is 250 North 5th Street, Grand Junction, Colorado 81501, a Perpetual Easement for the installation, operation, maintenance, repair and replacement of materials providing slope stability for public roadway improvements, on, along, over, under, through and across the following described parcel of land, to wit:

A certain parcel of land being a perpetual easement lying in the Northwest Quarter of the Southeast Quarter (NW 1/4 SE 1/4) of Section 10, Township 1 South, Range 1 West of the Ute Principal Meridian, City of Grand Junction, County of Mesa, State of Colorado and being a portion of the Plat of West Lake Park Subdivision, as same is recorded in Plat Book 7, Page 91 of the Public Records of Mesa County, Colorado and being more particularly described as follows:

COMMENCING at the Northwest corner of the NW 1/4 SE 1/4 of said Section 10 and assuming the West line of the NW 1/4 SE 1/4 of said Section 10 bears S 00°03'26" W with all other bearings contained herein being relative thereto; thence from said Point of Commencement, S 00°03'26" W along the West line of the NW 1/4 SE 1/4 of said Section 10, a distance of 30.00 feet; thence S 89°56'32" E, along a line 30.00 feet South of and parallel with the North line of the NW 1/4 SE 1/4 of said Section 10, being the South right of way for West Orchard Avenue, a distance of 62.10 feet to the POINT OF BEGINNING; thence from said Point of Beginning, continue S 89°56'32" E along said South right of way, a distance of 3.90 feet, more or less, to a point on the West right of way for Minnow Drive, as shown on said Plat of West Lake Park Subdivision; thence S 00°03'26" W along the West right of way for said Minnow Drive, being the East line of Tract D of said Plat of West Lake Park Subdivision, a distance of 125.32 feet; thence S 16°33'43" W a distance of 117.68 feet; thence N 89°56'34" W a distance of 2.57 feet to a point on the East right of way for 25-1/2 Road, as same is described in Book 696, Page 595, Public Records of Mesa County, Colorado; thence N 00°03'26" E along said East right of way, being a line 30.00 feet East of and parallel with the West line of the NW 1/4 SE 1/4 of said Section 10, a distance of 192.21 feet; thence N 06°58'58" E a distance of 11.72 feet; thence N 39°15'06" E a distance of 42.04 feet; thence N 67°16'09" E a distance of 4.47 feet, more or less, to the Point of Beginning.

CONTAINING 6,148.2 Square Feet, more or less, as described herein and 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 with workers and equipment, to survey, 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 construction and repair machinery, subject to the terms and conditions contained herein.

1. Grantors shall have the right to use and occupy the real property burdened by this Easement for any lawful purpose which is not inconsistent with and which will not interfere with the full use and quiet enjoyment of the rights herein granted; provided, however, that Grantors hereby covenant with Grantee that the Easement area shall not be burdened or overburdened by the installation, construction or placement of any improvements, structures or fixtures thereon which may be detrimental to the facilities of Grantee or which may 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 Grantee's utilization of the Easement and the rights herein conveyed shall be performed with due care using commonly accepted standards and techniques.

3. Grantors hereby covenant with Grantee they have good title to the herein described 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 26th day of February, 2004.

Nina B. Simpson
Nina B. Simpson

Robert T. Simpson
Robert T. Simpson

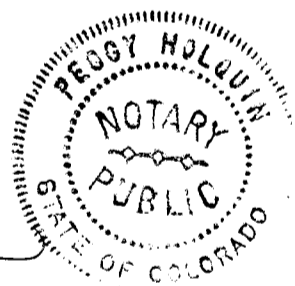
State of Colorado)
)ss.
County of Mesa)

The foregoing instrument was acknowledged before me this 26th day of February, 2004, Nina B. Simpson and Robert T. Simpson.

My commission expires: 3-3-05

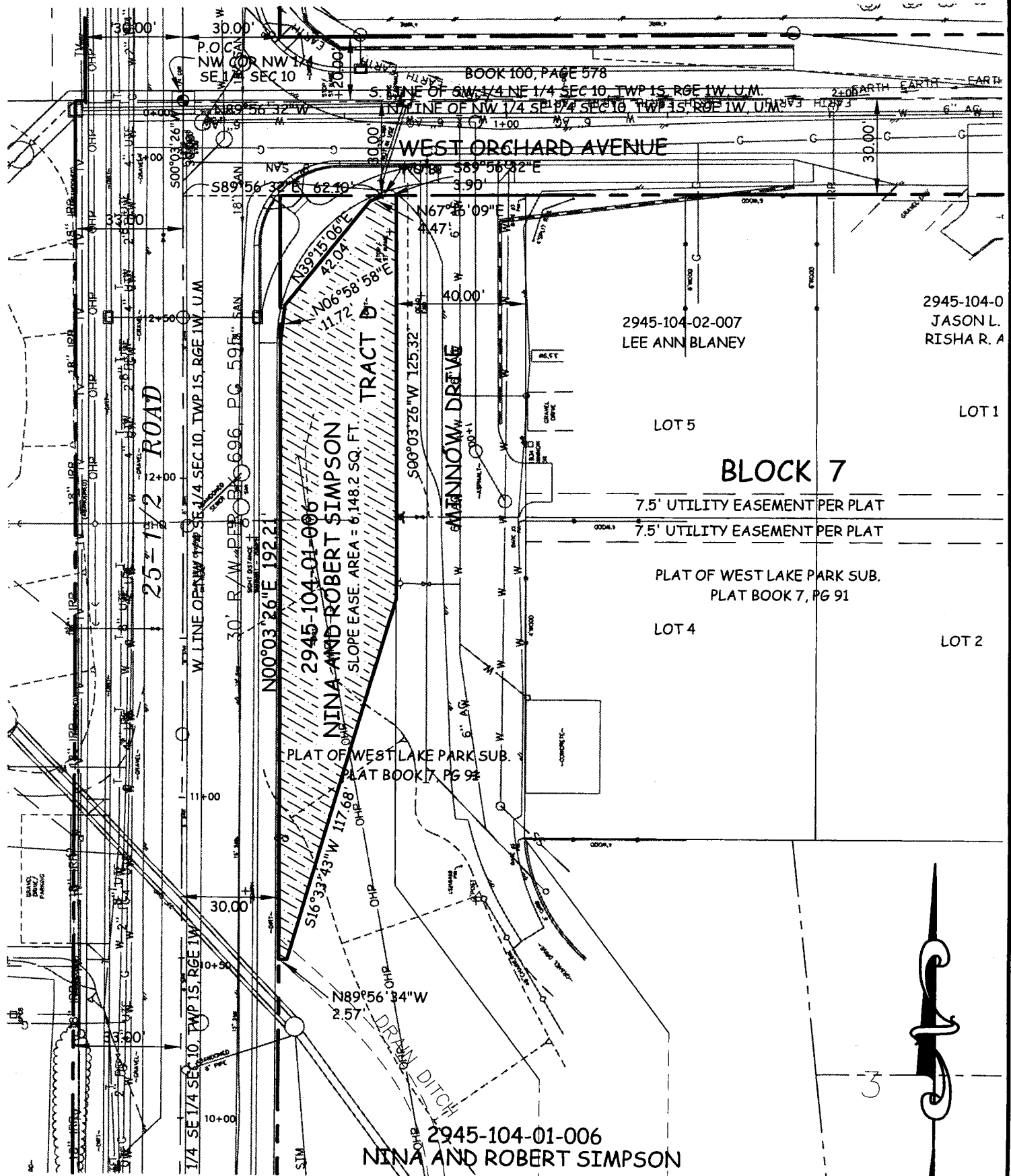
Witness my hand and official seal.

Peggy Holquin
Notary Public



The foregoing legal description was prepared by P. Krick 250 North 5th Street, Grand Junction, Colorado 81501.

EXHIBIT "A"



The sketch and description shown hereon has been derived from subdivision plats and deed descriptions as they appear in the office of the Mesa County Clerk and Recorder. This sketch does not constitute a legal survey, and is not intended to be used as a means for establishing or verifying property boundary lines.

DRAWN BY: P.T.K.
 DATE: 01-06-2004
 SCALE: 1" = 40'
 APPR. BY: TW

25.5 ROAD
 SLOPE EASEMENT
 NINA B. SIMPSON AND
 ROBERT T. SIMPSON
 2945-104-01-006

REVISED: 1-19-04 (SLOPE AREA)

CITY OF
grand junction
 COLORADO
 serving the community together