

SMT99275

TYPE OF RECORD: PERMANENT

CATEGORY OF RECORD: **EASEMENT**

PURPOSE: INSTALLATION, OPERATION, MAINTENANCE, REPAIR AND REPLACEMENT OF ELECTRIC AND TELECOMMUNICATIONS FACILITIES

NAME OF PROPERTY OWNER OR GRANTOR: ST. MATTHEWS PARISH, A COLORADO NON-PROFIT CORPORATION

STREET ADDRESS/PARCEL NAME/SUBDIVISION (LOT AND BLOCK): LOT 1, BLOCK 6, KNOLLS SUBDIVISION FILING NO. 2 (27 ½ ROAD, PATTERSON ROAD TO G ROAD)

PARCEL NO.: 2945-011-88-001

CITY DEPARTMENT: PUBLIC WORKS

YEAR: 1999

EXPIRATION DATE: NONE

DESTRUCTION DATE: NONE

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GRANT OF ELECTRIC AND TELECOMMUNICATIONS EASEMENT

St. Matthews Parish, a Colorado non-profit corporation, Grantor, for and in consideration of the sum of Four Thousand Seven Hundred Twenty Two and 47/100 Dollars (\$4,722.47), the receipt and sufficiency of which is hereby acknowledged, has sold, granted and conveyed, and by these presents does hereby sell, 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, for the use and benefit of Grantee and for the use and benefit of the Public Utilities, two (2) Perpetual Easements for the installation, operation, maintenance, repair and replacement of electric and telecommunications facilities, on, along, over, under, through and across the following described parcels of land, to wit:

Easement Parcel A:

Beginning at the Southwest Corner of Lot 1, Block 4 of The Knolls Subdivision, Filing 1, situate in the Southwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ (SW $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 1, Township 1 South, Range 1 West of the Ute Meridian, City of Grand Junction, County of Mesa, State of Colorado, as recorded in Plat Book 15 at Pages 243 and 244 in the office of the Mesa County Clerk and Recorder, and considering the West line of the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 1 to bear N 00°02'13" E with all bearings contained herein being relative thereto;

thence along a line which is common with the east right-of-way line for 27 $\frac{1}{2}$ Road and the west boundary line of said Lot 1, N 00°02'13" E a distance of 310.00 feet to a point on the south line of an existing utility easement as described by instrument recorded in Book 2560 at Page 799 in the office of the Mesa County Clerk and Recorder;

thence S 89°57'47" E along the south line of said existing utility easement a distance of 14.00 feet;

thence leaving the south line of said existing utility easement, S 00°02'13" W a distance of 36.86 feet;

thence N 89°57'47" W a distance of 4.00 feet;

thence S 00°02'13" W a distance of 271.32 feet to a point on the south boundary line of said Lot 1;

thence S 79°42'14" W along the south boundary line of said Lot 1 a distance of 10.16 feet to the Point of Beginning,

containing 3,238.35 square feet as described herein and depicted on Exhibit "A" attached hereto and incorporated herein by reference; AND ALSO

Easement Parcel B:

Commencing at the Southwest Corner of Lot 1, Block 4 of The Knolls Subdivision, Filing 1, situate in the Southwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ (SW $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 1, Township 1 South, Range 1 West of the Ute Meridian, City of Grand Junction, County of Mesa, State of Colorado, as recorded in Plat Book 15 at Pages 243 and 244 in the office of the Mesa County Clerk and Recorder, and considering the West line of the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 1 to bear N 00°02'13" E with all bearings contained herein being relative thereto; thence along a line which is common with the east right-of-way line for 27 $\frac{1}{2}$ Road and the west boundary line of said Lot 1, N 00°02'13" E a distance of 325.00 feet to a point on the north line of an existing utility easement as described by instrument recorded in Book 2560 at Page 799 in the office of the Mesa County Clerk and Recorder, said point being the True Point of Beginning;

thence along a line which is common with the east right-of-way line for 27 $\frac{1}{2}$ Road and the west boundary line of said Lot 1, N 00°02'13" E a distance of 78.14 feet to the intersection of the east right-of-way line for 27 $\frac{1}{2}$ Road with the south right-of-way line for Cortland Avenue as described by instrument recorded in Book 2560 at Page 794 in the office of the Mesa County Clerk and Recorder;

thence N 45°04'07" E along said intersecting right-of-way line a distance of 19.79 feet;

thence leaving said right-of-way line, S 00°02'13" W a distance of 92.12 feet to a point on the north line of the aforesaid existing utility easement recorded in Book 2560 at Page 799;

thence N 89°57'47" W along the north line of said existing utility easement a distance of 14.00 feet to the Point of Beginning,

containing 1,191.85 square feet 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 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 operation of standard utility construction and repair machinery, subject to the terms and conditions contained herein.

1. Grantor shall have the right to use and occupy the real property burdened by these Easements 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 Grantor hereby covenants with Grantee that the Easement areas shall not be burdened or overburdened by the installation, construction or placement of

any structure or any other item or fixture which may be detrimental to the facilities of Grantee or the Public Utilities, or which may act to impede or prevent reasonable ingress and egress for workers and equipment on, along, over, under, through and across the Easement areas.

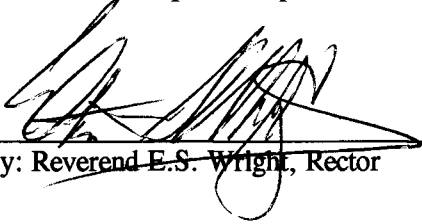
2. Grantee agrees that Grantees' utilization of the Easements shall be performed with due care using commonly accepted standards and techniques.

3. Grantee's use of the Easements shall be specifically limited to the installation, operation, maintenance, repair and replacement of underground electric and telecommunications facilities, including cabinets, switch boxes and pedestals appurtenant thereto. The easement rights herein granted do not include the right to expand utilization of the easements for any other purposes, including, but not limited to, the installation of broadcast towers and telecommunications antennae, unless such uses are authorized by subsequent conveyance instrument(s).

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 claiming under or through Grantor.

Executed and delivered this 19th day of August, 1999.

St. Matthews Parish,
a Colorado non-profit corporation

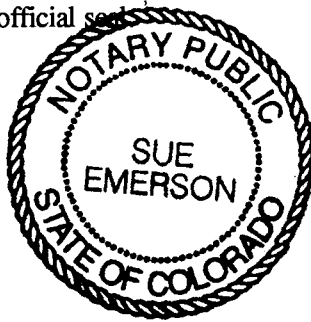

by: Reverend E.S. Wright, Rector


State of Colorado)
)ss.
County of Mesa)

The foregoing instrument was acknowledged before me this 19th day of August, 1999, by Reverend E.S. Wright as Rector of St. Matthews Parish, a Colorado non-profit corporation.

My commission expires: 1/20/2002

Witness my hand and official seal




Notary Public

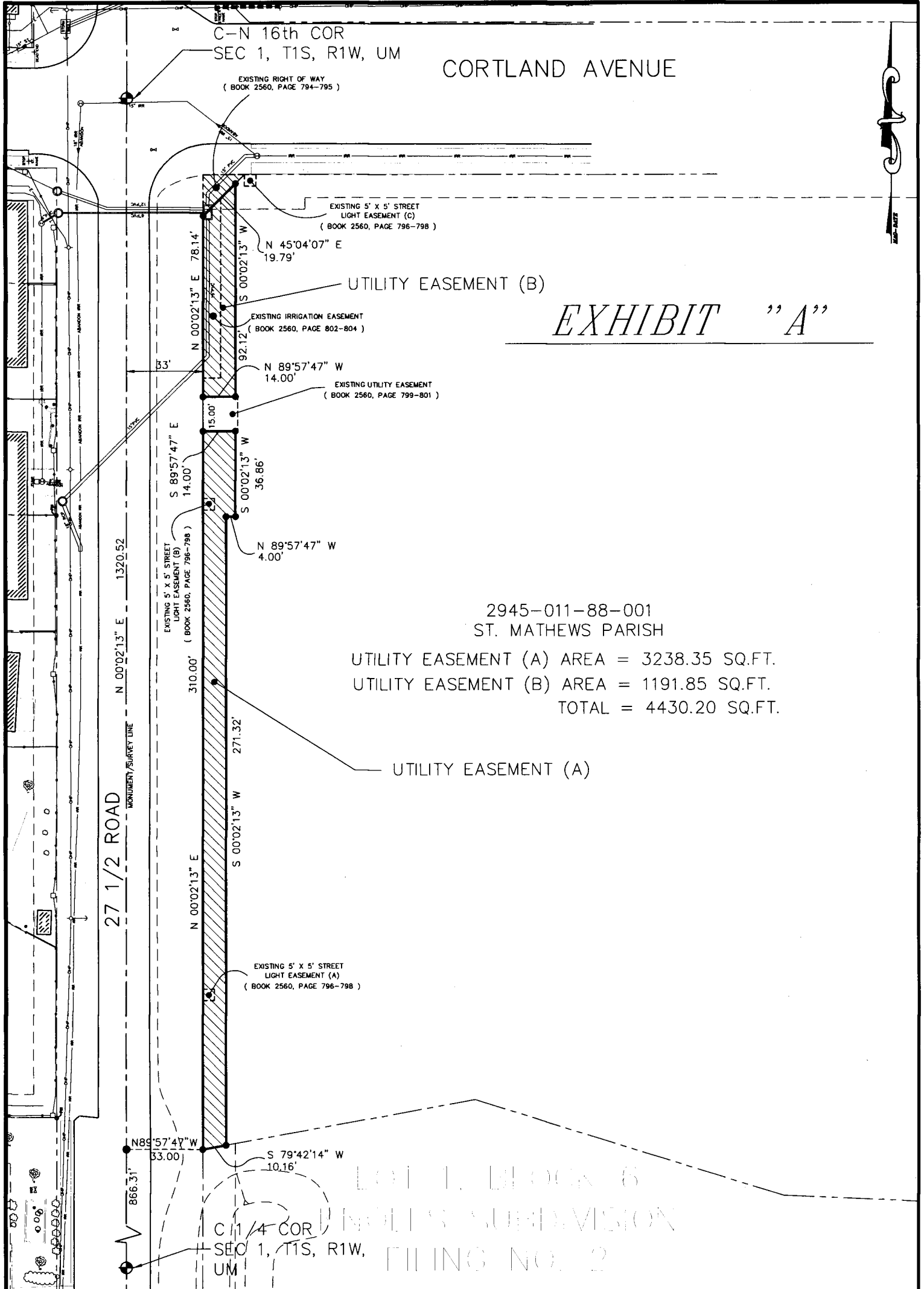


EXHIBIT "A"

2945-011-88-001
 ST. MATHEWS PARISH
 UTILITY EASEMENT (A) AREA = 3238.35 SQ.FT.
 UTILITY EASEMENT (B) AREA = 1191.85 SQ.FT.
 TOTAL = 4430.20 SQ.FT.

UTILITY EASEMENT (A)

DRAWN BY: SRP
 DATE: 8-18-99
 SCALE: 1" = 50'
 APPR. BY: TW
 FILE NO: 01188001.DWG

RIGHT-OF-WAY DESCRIPTION MAP

27 1/2 ROAD - PATTERSON ROAD TO C ROAD

*DEPARTMENT OF PUBLIC WORKS
 ENGINEERING DIVISION
 CITY OF GRAND JUNCTION*