

STR9924R

TYPE OF RECORD: PERMANENT

CATEGORY OF RECORD: EASEMENT

NAME OF AGENCY OR CONTRACTOR: SETTER FAMILY PARTNERSHIP, LTD., A COLORADO LIMITED PARTNERSHIP SIGNED BY A. GEORGE SETTER, GENERAL PARTNER

STREET ADDRESS/PARCEL NAME/SUBDIVISION/PROJECT: GRANT OF EASEMENT FOR BURIED UTILITIES AT 629 24 ROAD - PARCEL NO. 2945-054-00-101

CITY DEPARTMENT: PUBLIC WORKS

YEAR: 1999

EXPIRATION DATE: NONE

DESTRUCTION DATE: NONE

3

BACK DOCUMENT

**GRANT OF EASEMENT
FOR BURIED UTILITIES**

BOOK 2657 PAGE 658

1930402 12/01/99 1007AM
MONIKA TODD CLK&REC MESA COUNTY CO
REC FEE \$15.00
DOCUMENTARY FEE \$EXEMPT

SETTER FAMILY PARTNERSHIP, LTD., a Colorado limited partnership, 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, for the use and benefit of Grantee and for the use and benefit of the Public Utilities, an undivided one-half (1/2) interest in and to a Perpetual Utilities Easement on, along, over, under, through and across the following described parcel of land, to wit:

Commencing at the Southeast Corner of the Northeast ¼ of the Southeast ¼ (NE ¼ SE ¼) of Section 5, Township 1 South, Range 1 West of the Ute Meridian, City of Grand Junction, County of Mesa, State of Colorado, and considering the East line of the NE ¼ SE ¼ of said Section 5 to bear N 00°01'38" W with all bearings contained herein being relative thereto; thence N 89°58'38" W along the South line of the NE ¼ SE ¼ of said Section 5 a distance of 91.50 feet to a point on the West line of an existing Easement as described by instruments recorded in Book 2615 at Page 870 and Book 2615 at Page 874 in the office of the Mesa County Clerk and Recorder, said point being the True Point of Beginning; thence along the West line of said existing Easement, N 00°14'04" W a distance of 15.00 feet; thence leaving the West line of said existing Easement, N 89°58'38" W a distance of 10.00 feet; thence S 00°14'04" E a distance of 15.00 feet to a point on the South line of the NE ¼ SE ¼ of said Section 5; thence S 89°58'38" E along the South line of the NE ¼ SE ¼ of said Section 5 a distance of 10.00 feet to the Point of Beginning, containing 150.00 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 Easement, 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. Grantee agrees that the work and act of the initial installation of buried utilities authorized pursuant to this Grant of Easement shall be performed in a manner that will preserve vehicular access to and from the business conducted upon Grantors' property.
2. Grantor and Grantee each agree that the easement rights hereby conveyed are and shall be expressly limited to the installation, operation, maintenance, repair and replacement of buried utilities; provided, however, that above ground facilities, including, but not limited to, transformers, pedestals, switch boxes and risers, may be installed on, along, over, through and across the above described premises.
3. Grantor 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 Grantor hereby covenants with Grantee that the Easement area 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 area.
4. Grantee agrees that Grantees' utilization of the Easement shall be performed with due care using commonly accepted standards and techniques.
5. Grantor hereby covenants with Grantee that it has good title to the aforescribed premises; that it has good and lawful right to grant this Easement; 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 17th day of November, 1999.

SETTER FAMILY PARTNERSHIP, LTD.,
a Colorado limited partnership

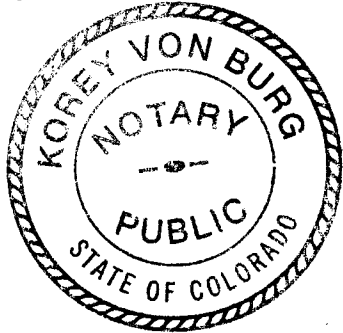
A. George Setter
A. George Setter, General Partner

State of Colorado)
)ss.
County of Mesa)

The foregoing instrument was acknowledged before me this 17th day of November, 1999, by A. George Setter, General Partner of Setter Family Partnership, Ltd., a Colorado limited partnership.

My commission expires: 01/18/02

Witness my hand and official seal.



Korey Von Burg
Notary Public

EXHIBIT "A"

N. LINE S 1/2 SE 1/4 NE 1/4 SE 1/4
 N 89°57'27" W



60.00'
 R.O.W.

R.O.W.

N 00°01'38" W

LEACH CREEK

FUTURE 24 ROAD
 IMPROVEMENTS

2945-054-00-101
 JONES FAMILY LIMITED PARTNERSHIP &
 SETTER FAMILY PARTNERSHIP-LTD
 629 24 RD
 UTILITY EASEMENT AREA = 150.00 SQ.FT.

EXISTING
 5' UTILITY EASEMENT
 (Bk 2615, Pg'S 870 & 874)

24 ROAD

N 89°58'38" W
 10.00'
 S 00°14'04" E
 15.00'

UTILITY EASEMENT

N 89°58'38" W

S. LINE NE 1/4 SE 1/4 SEC. 5

TRUE
 P.O.B.

N 00°14'04" W
 15.00'

SE COR. OF THE
 NE 1/4 OF
 THE SE 1/4
 OF SEC. 5
 T1S,R1W,U.M.

N 89°58'38" W
 91.50'

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DRAWN BY: JCS
 DATE: 11-15-99
 SCALE: 1" = 40'
 APPR. BY: IW
 FILE NO: FU24RD4.DWG

EASEMENT DESCRIPTION MAP
 24 ROAD

DEPARTMENT OF PUBLIC WORKS
 ENGINEERING DIVISION
 CITY OF GRAND JUNCTION