

WCM98ZTO

TYPE OF RECORD: PERMANENT

CATEGORY OF RECORD: EASEMENT

NAME OF AGENCY OR CONTRACTOR: WYLIE R. AND CARRIE J. MILLER

STREET ADDRESS/PARCEL NAME/SUBDIVISION/PROJECT: LOTS 1 AND 2 OF THE
PATTERSON PARKWEST SUBDIVISION, BENSLEY-BRISTOL MINOR SUBDIVISION, SANITARY
SEWER EASEMENT, ZTOM LLC AND HARLAN L. BENSLEY, ALICE L. BENSLEY, WILLIAM E.
BRISTOL AND MARJORIE A. BRISTOL, FILE NO. MS-1998-011

CITY DEPARTMENT: PUBLIC WORKS

YEAR: 1998

EXPIRATION DATE: NONE

DESTRUCTION DATE: NONE

SANITARY SEWER EASEMENT

THIS SANITARY SEWER EASEMENT, made this 2 day of February, 1998, between Wylie R. Miller and Carrie J. Miller (hereinafter referred to as "Grantor"), and ZTOM, LLC and Harlan L. Bensley, Alice L. Bensley, William E. Bristol and Marjorie A. Bristol (hereinafter collectively referred to as "Grantee").

WHEREAS, the Grantor is seised in fee simple of a piece of land in Mesa County, Colorado, more completely described as Lots 1 and 2 of the Parkwest Subdivision, and the Grantee is seised in fee simple of another piece of land adjoining thereto in Mesa County, Colorado, more completely described as set forth on Exhibit "A"; and

WHEREAS, a sanitary sewer has been constructed by the Grantor beneath the surface of his said land, and is connected with the main or public sewer, the course of which sewer is described as set forth on Exhibit "B" which is attached hereto and incorporated herein by reference.

WITNESSETH, that, in consideration of the sum of \$10.00 paid by the Grantee to the Grantor, the receipt whereof is hereby acknowledged, the Grantor hereby grants permanently to the Grantee, its heirs and assigns forever, a sanitary sewer easement for the passage of sewage water and soil from the said land of the Grantee, and for that purpose also the right to make and at all times repair and maintain all such connections with the said sewer line at the point where the connection is made between the two lines as may be reasonable and proper in that behalf, making good, nevertheless, at his own expense, all damage or disturbance which may be caused to the said land of the Grantor in relation to such connections, repairs or maintenance. This easement is appurtenant to the Grantee's property described hereinabove.

Notwithstanding any of the foregoing this easement shall be automatically vacated upon the recordation of the Plat for the Parkwest Subdivision containing a utility easement along the same course as this easement and including the same use for the Grantee.

IN WITNESS WHEREOF, the parties hereto set their hands and seals on the date first above mentioned.

Wylie R. Miller
Wylie R. Miller

Carrie J. Miller
Carrie J. Miller

STATE OF COLORADO)
) ss
COUNTY OF MESA)

The foregoing instrument was acknowledged before me this 5 day of February, 1998, by Wylie R. Miller and Carrie J. Miller.

My commission expires: 1-25-2002

Notary Public
Notary Public

EXHIBIT "A"

Bentley-Barton
Major Sub.

TYPE LEGAL DESCRIPTION(S) BELOW, USING ADDITIONAL SHEETS AS NECESSARY. USE SINGLE SPACING WITH A ONE INCH MARGIN ON EACH SIDE.



Beginning at a point on the East line of the SE1/4 SE1/4 of Section 4, Township 1 South, Range 1 West of the Ute Meridian, whence the Mesa County Survey marker for the Southeast corner of said Section 4 bears S00°00'00"W, a distance of 300.00 feet, said point being the Northeast corner of a parcel of land described in Book 1499 at Page 778;

Thence along the Northerly line of said parcel of land, N90°00'00"W, a distance of 30.00 feet;

Thence N00°00'00"E, a distance of 2.04 feet to the Northerly line of Parkwest Subdivision;

Thence along said Northerly line, S89°48'21"W, a distance of 695.16 feet to the Easterly line of the West 4 acres of the E3/4 S1/2 SE1/4 SE1/4 of said Section 4;

Thence along said Easterly line, N00°00'10"W, a distance of 356.57 feet to the North line of the S1/2 SE1/4 SE1/4 of said Section 4;

Thence along said North line, N89°48'49"E, a distance of 725.18 feet to the East line of said SE1/4 SE1/4;

Thence S00°00'00"W, a distance of 358.61 feet to the Point of Beginning.

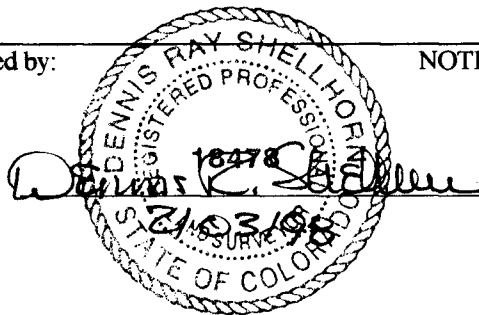
EXHIBIT B

EASEMENT DESCRIPTION

An twenty foot wide easement generally following an existing sanitary sewer line across Lot 1 of Patterson Parkwest Subdivision, subdivision of the City of Grand Junction, Mesa County, Colorado; lying ten feet each side of the following described centerline:

Beginning at a point on the South line of said Lot 1, whence the Southeast corner of said Lot 1 bears N89°48'02"E, a distance of 121.64 feet;
Thence N00°06'58"W, a distance of 14.69 feet to a manhole;
Thence N56°58'21"W, a distance of 238.17 feet to a manhole;
Thence N00°07'00"W, a distance of 106.96 feet to the North line of said Lot 1, the Point of Termination.

This description was prepared by:
Dennis R. Shellhorn
Colorado P.L.S. 18478
529 25 1/2 Road, Suite 210
Grand Junction, Colorado



NOTICE: Any rewriting or retyping of this description must NOT include this preparation information. Lack of an original seal indicates this document is not the original.