

WEL85WEL

TYPE OF RECORD: PERMANENT

CATEGORY OF RECORD: EASEMENT

NAME OF AGENCY OR CONTRACTOR: WELLINGTON AVENUE MEDICAL
BUILDING CONDOMINIUM ASSOCIATION, INC., BUILDING NUMBER 2
BY: GILBERT I. MADISON, JR., MD (PRESIDENT) AND JOYCE D.
BUTTERBOUGH (SECRETARY) AND GRAND VALLEY IRRIGATION COMPANY,
A CORPORATION TELMAN POND (PRESIDENT) AND DEBBIE J. CLARK
(SECRETARY)

STREET ADDRESS/PARCEL NAME/SUBDIVISION/PROJECT: WELLINGTON
AVE. LOT 2 IN WELLINGTON MEDICAL SUBDIVISION FILING NUMBER
ONE

CITY DEPARTMENT: PUBLIC WORKS

YEAR: 1985

EXPIRATION DATE: NONE

DESTRUCTION DATE: NONE

EASEMENT AGREEMENT

This EASEMENT AGREEMENT is granted this 29th day of March, 1985, by and between WELLINGTON AVENUE MEDICAL BUILDING CONDOMINIUM ASSOCIATION, INC., BUILDING NUMBER 2, as Grantor, and GRAND VALLEY IRRIGATION COMPANY, as Grantee:

Recitals:

The City of Grand Junction is widening Patterson Road, in the City, and in that process must widen the bridge at 26.6 and Patterson Road. In order to accomplish the bridge widening, the City must relocate a portion of the canal of the Grantee over which the bridge passes. The relocation of the canal removes a part of the access to the canal by placing the canal against lands in Mesa County, Colorado, owned by Grantor and described as:

Lot 2 in Wellington Medical Subdivision
Filing Number One.

To provide access to the canal, it is necessary that the Grantee have an easement over the lands of the Grantor;

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Grantor does give and grant to the Grantee an easement to allow ingress and egress through the northerly part of said Lot 2 near Patterson Road and Eighth Street from the easterly boundary of Lot 3 to the cul-de-sac on Eighth Street as is shown on the attached Exhibit "A".

It is recognized that the parking lot is not constructed to handle heavy equipment, and the easement shall not be used by Grantee for such equipment without consent of the Grantor or its successor in interest.

Grantor also grants to the Grantee permission to block for a reasonable period of time as many parking spots as may be necessary to undertake and complete repairs to the canal. Any damages incurred as a result of such repairs to said parking lot will be repaired by the Grantee as quickly as possible.

Grantee agrees to save and hold harmless the Grantor from any and all claims and demands arising from the use of the easement as herein set forth, and agrees to provide a gate between the canal property and Grantor's parking lot to prevent unauthorized use of the easement by others.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals the day and year first above written.

Attest:

WELLINGTON AVENUE MEDICAL BUILDING
CONDOMINIUM ASSOCIATION, INC.
BUILDING NUMBER 2

James D. Butcherbaugh
Secretary

By: DM Johnson, MD.
President

GRAND VALLEY IRRIGATION COMPANY

Attest:

By: Selman Pond
President

William J. Clark
Secretary

STATE OF COLORADO)
) ss:
COUNTY OF MESA)

The foregoing instrument was acknowledged before me this
29th day of March, 1985, by Gilbert J. Madison Jr, MD
as the President and Joyce O. Butterbaugh as
the Secretary of WELLINGTON AVENUE MEDICAL BUILDING, CONDOMINIUM
ASSOCIATION, INC., BUILDING NUMBER 2, a corporation.

My notarial commission expires: January 21, 1988
Witness my hand and official seal.

Clarence W. Judd
Notary Public
Address: 250 North 5th Street
Grand Junction, Co 81501

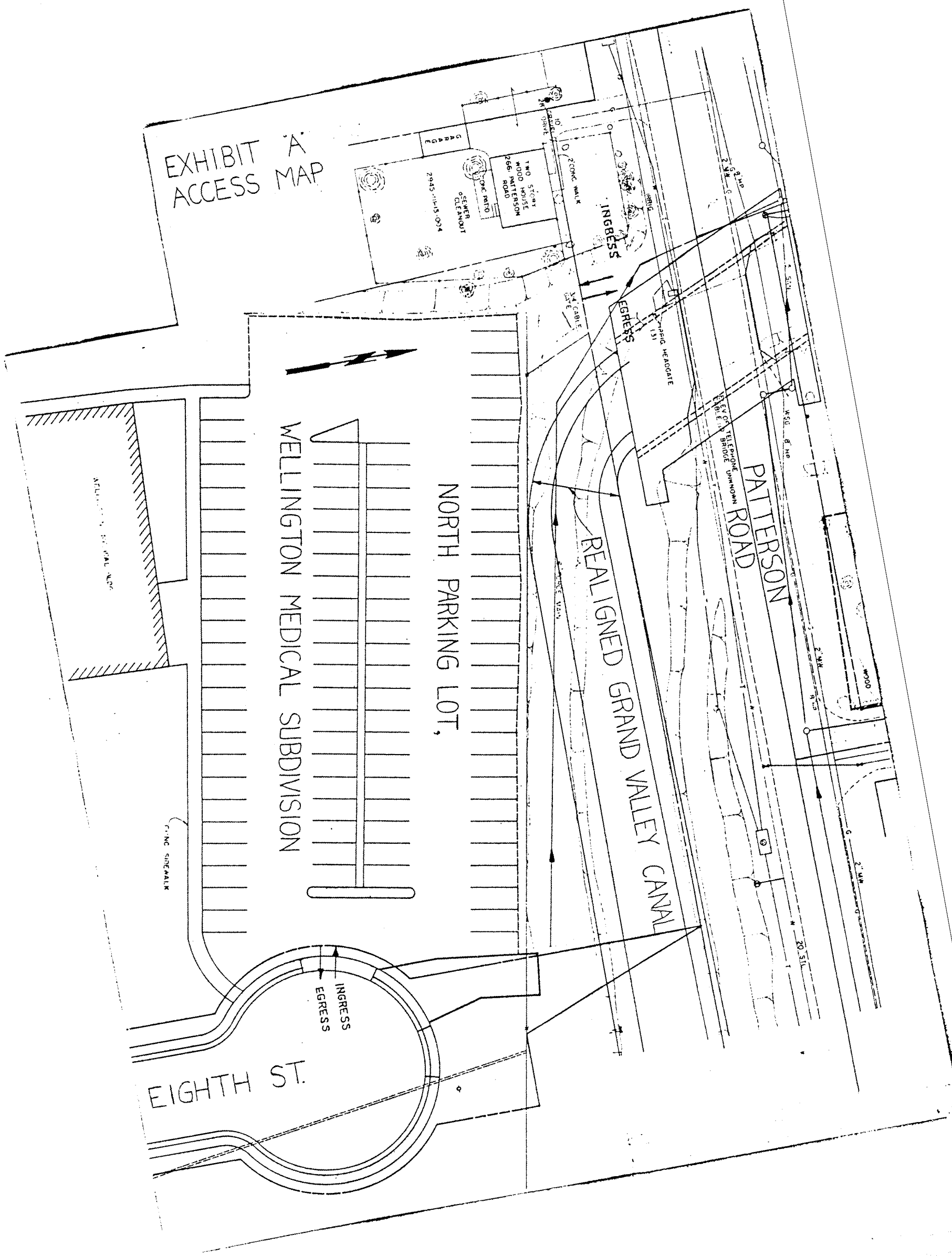
STATE OF COLORADO)
) ss:
COUNTY OF MESA)

The foregoing instrument was acknowledged before me this
27th day of APRIL 1985, by Selman Pond
as the President and William J. Clark
as the Secretary of GRAND VALLEY IRRIGATION COMPANY, a corporation.

My notarial commission expires: _____
Witness my hand and official seal.

Notary Public
Address: _____

EXHIBIT 'A'
ACCESS MAP



WELLINGTON MEDICAL SUBDIVISION

NORTH PARKING LOT,

WELLINGTON MEDICAL SUBDIVISION

REALIGNED GRAND VALLEY CANAL

PATTERSON ROAD

EIGHTH ST.

INGRESS
EGRESS

INGRESS

EGRESS

PAVING SIDEWALK

2 STOREY WOOD PATTERSON 2651 ROAD

SEWER CLEANOUT 2945-11-15-004

CABLE HEADGATE

SEWER CLEANOUT BRIDGE UNKNOWN

20 STU

WOOD

AGREEMENT CONCERNING INDEMNIFICATION

THIS AGREEMENT is entered into this 29th day of March, 1985, by and between WELLINGTON AVENUE MEDICAL BUILDING CONDOMINIUM ASSOCIATION, INC., BUILDING NUMBER 2, hereinafter "Wellington", and THE CITY OF GRAND JUNCTION, hereinafter "City", with GRAND VALLEY IRRIGATION COMPANY, hereinafter "Company", as a beneficiary of the Agreement.

Recitals:

In the EASEMENT AGREEMENT attached hereto and made a part hereof by this reference, the Company is given an easement over a parking lot of Wellington to accomplish repairs to the canal of the Company. The Company agrees to repair any damages to the parking lot occasioned by that use. City has offered to Wellington Seven Thousand Five Hundred Dollars (\$7,500.00) to indemnify the Company from claims made for damage. Wellington has accepted this sum for any claims which may hereafter arise out of the Company use of easement, other than those which may arise out of misuse of the easement.

IN CONSIDERATION OF THE MONIES PAID IT IS AGREED:

That the payment of Seven Thousand Five Hundred Dollars (\$7,500.00) by the City to Wellington shall be in full for any damages caused by the Company in proper exercise of its easement rights, now or in the future.

Further, this Agreement shall be recorded together with the Easement Agreement to be binding upon the present owners of the land described in the Easement Agreement, its successors and assigns.

Executed the day and year first above written.

WELLINGTON AVENUE MEDICAL BUILDING
CONDOMINIUM ASSOCIATION, INC.
BUILDING NUMBER 2

Attest:

By: *Madison M.D.*
President

Louise D. Butterbaugh
Secretary

CITY OF GRAND JUNCTION

Attest:

By: Mark Achen
City Manager

Neva B Lockhart
City Clerk *by Neesa S Martin*
Deputy City Clerk

GRAND VALLEY IRRIGATION COMPANY

Attest:

By: Lehman Pond
President

William J. Clark
Secretary

STATE OF COLORADO)
) ss:
COUNTY OF MESA)

The foregoing instrument was acknowledged before me this 29th day of March, 1985, by Gilbert I. Madison, Jr. MD as the President and Joyce D. Butterbaugh as the Secretary of WELLINGTON AVENUE MEDICAL BUILDING, CONDOMINIUM ASSOCIATION, INC., BUILDING NUMBER 2, a corporation.

My notarial commission expires: January 21, 1988
Witness my hand and official seal.

David W. Gode
Notary Public

Address: 250 North 5th Street
Grand Junction, Co. 81501

STATE OF COLORADO)
) ss:
COUNTY OF MESA)

The foregoing instrument was acknowledged before me this 29th day of March, 1985, by MARK K. ACHEN as City Manager, and NEVA B. LOCKHART, as City Clerk, of the CITY OF GRAND JUNCTION, a municipal corporation.

My notarial commission expires: January 21, 1988
Witness my hand and official seal.

Carol W. Guder
Notary Public

Address: 250 North 5th Street
Grand Junction, Co. 81501

STATE OF COLORADO)
) ss:
COUNTY OF MESA)

The foregoing instrument was acknowledged before me this
_____ day of _____, 1985, by _____
as the President and _____
as the Secretary of GRAND VALLEY IRRIGATION COMPANY, a
corporation.

My notarial commission expires: _____
Witness my hand and official seal.

Carol W. Guder
Notary Public

Address: _____
