

WHI04SAG

TYPE OF RECORD: PERMANENT

CATEGORY OF RECORD: EASEMENT

NAME OF PROPERTY OWNER OR GRANTOR: JOHN WHITING

PURPOSE: FOR THE RIGHT OF INGRESS AND EGRESS
FOR THE INSTALLATION, OPERATION, MAINTENANCE, REPAIR AND
REPLACEMENT OF WATER PIPELINES AND RELATED FACILITIES
REEDER MESA WATERLINE

ADDRESS: 4565 BLUE SAGE DRIVE

PARCEL NO: 2969-264-00-433

CITY DEPARTMENT: PUBLIC WORKS

YEAR: 2004

EXPIRATION: NONE

DESTRUCTION: NONE

WHEN RECORDED RETURN TO:

City of Grand Junction
 Real Estate Division
 250 North 5th Street
 Grand Junction, CO 81501

2217656 BK 3752 PG 837-839
 10/05/2004 09:24 AM
 Janice Ward CLK&REC Mesa County, CO
 RecFee \$15.00 SurChg \$1.00
 DocFee EXEMPT

GRANT OF EASEMENT

John Whiting, Grantor, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, has granted and conveyed, and by these presents does hereby grant and convey unto the City of Grand Junction, a Colorado home rule municipality, whose address is 250 North 5th Street, Grand Junction, Colorado 81501, Grantee, two Perpetual Easements for the installation, operation, maintenance, repair and replacement of water pipelines and related facilities, on, along, over, under, through and across the following described parcels of land, to wit:

Two (2) certain easements for water line purposes lying in Sections 25 and 26, Township 2 South, Range 2 East of the Ute Principal Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

Water Line Easement A

COMMENCING at the Northeast corner of that certain parcel of land having Mesa County Assessor Tax Control Number 2969-264-00-433 with a Warranty Deed describing said Parcel recorded in Book 2575, Pages 985 and 986, Public Records of Mesa County, Colorado, and assuming the East line of said Parcel bears S 33°16'16" E with all other bearings contained herein being relative thereto; thence S 33°16'16" E along the Easterly line of said Parcel a distance of 102.09 feet to the POINT OF BEGINNING; thence from said Point of Beginning, continue S 33°16'16" E along the East line of said Parcel, a distance of 42.01 feet; thence S 74°32'10" W a distance of 223.96 feet, more or less, to a point on the North line of said Parcel; thence N 37°12'14" E along the North line of said Parcel, a distance of 65.96 feet; thence N 74°32'10" E a distance of 158.66 feet, more or less, to a point on the East line of said Parcel to the Point of Beginning.

CONTAINS 0.176 Acres (7,652.34 Sq. Ft), more or less, as described herein and as depicted on Exhibit "A" attached hereto and incorporated herein by reference.

Water Line Easement B

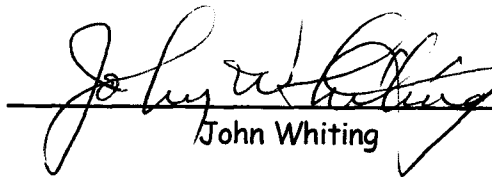
COMMENCING at the Southeast corner of that certain parcel of land having Mesa County Assessor Tax Control Number 2969-264-00-433 with a Warranty Deed describing said Parcel recorded in Book 2575, Pages 985 and 986, Public Records of Mesa County, Colorado, and assuming the East line of said Parcel bears S 33°16'16" E with all other bearings contained herein being relative thereto; thence S 18°40'39" W along the South line of said Parcel, a distance of 75.00 feet to the POINT OF BEGINNING and being the beginning of a 278.67 foot radius curve, concave Northwest, having a long chord bearing of S 36°37'42" W with a long chord length of 171.77 feet; thence from said Point of Beginning, along the South line of said Parcel, Southwesterly 174.61 feet along the arc of said curve, through a central angle of 35°54'04"; thence N 35°25'16" W a distance of 10.00 feet to a point being the beginning of a 268.67 foot radius non-tangent curve, concave Northwest, being concentric to the previously described curve, having a long chord bearing of N 36°37'42" E with a long chord length of 165.61 feet; thence 168.35 feet Northeasterly along the arc of said curve, through a central angle of 35°54'04"; thence S 71°19'20" E a distance of 10.00 feet, more or less, to the Point of Beginning.

CONTAINS 0.039 Acres (1,714.80 Sq. Ft), more or less, as described herein and as depicted on Exhibit "A" attached hereto and incorporated herein by reference.

TO HAVE AND TO HOLD said Perpetual Easements unto the said Grantee, its successors and assigns forever, together with the right of ingress and egress for workers and equipment to enter upon said premises, to survey, maintain, operate, install, repair, replace, control and use said Easements and the water pipelines and appurtenances and facilities related thereto, 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 the rights herein granted and which will not interfere with the full use and quiet enjoyment of Grantee's rights herein granted; provided, however, that Grantor hereby covenants with Grantee that the easement areas shall not be burdened or overburdened by the installation or placement of any improvements, structures, items or fixtures 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 easements' area.
2. Grantee's utilization of the above conveyed premises shall be conducted in a reasonable and prudent manner. The work and act by Grantee of installing, maintaining, repairing and replacing said water pipelines and related facilities shall be performed with due care using commonly accepted standards and techniques.
3. Grantor hereby covenants with Grantee that he will warrant and forever defend the above conveyed premises in the quiet and peaceful possession of Grantee, its successors and assigns, against the lawful claims and demands of all persons whomsoever.

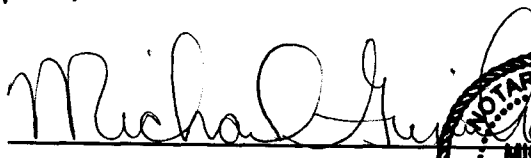
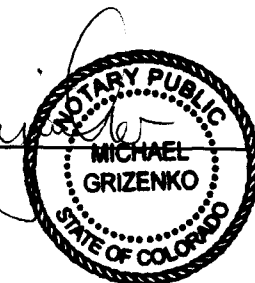
Executed and delivered this 4TH day of OCTOBER, 2004.


John Whiting

State of Colorado)
)ss.
County of Mesa)

The foregoing instrument was acknowledged before me this 4TH day of OCTOBER, 2004, by John Whiting.

My commission expires: 10/09/2007
Witness my hand and official seal.

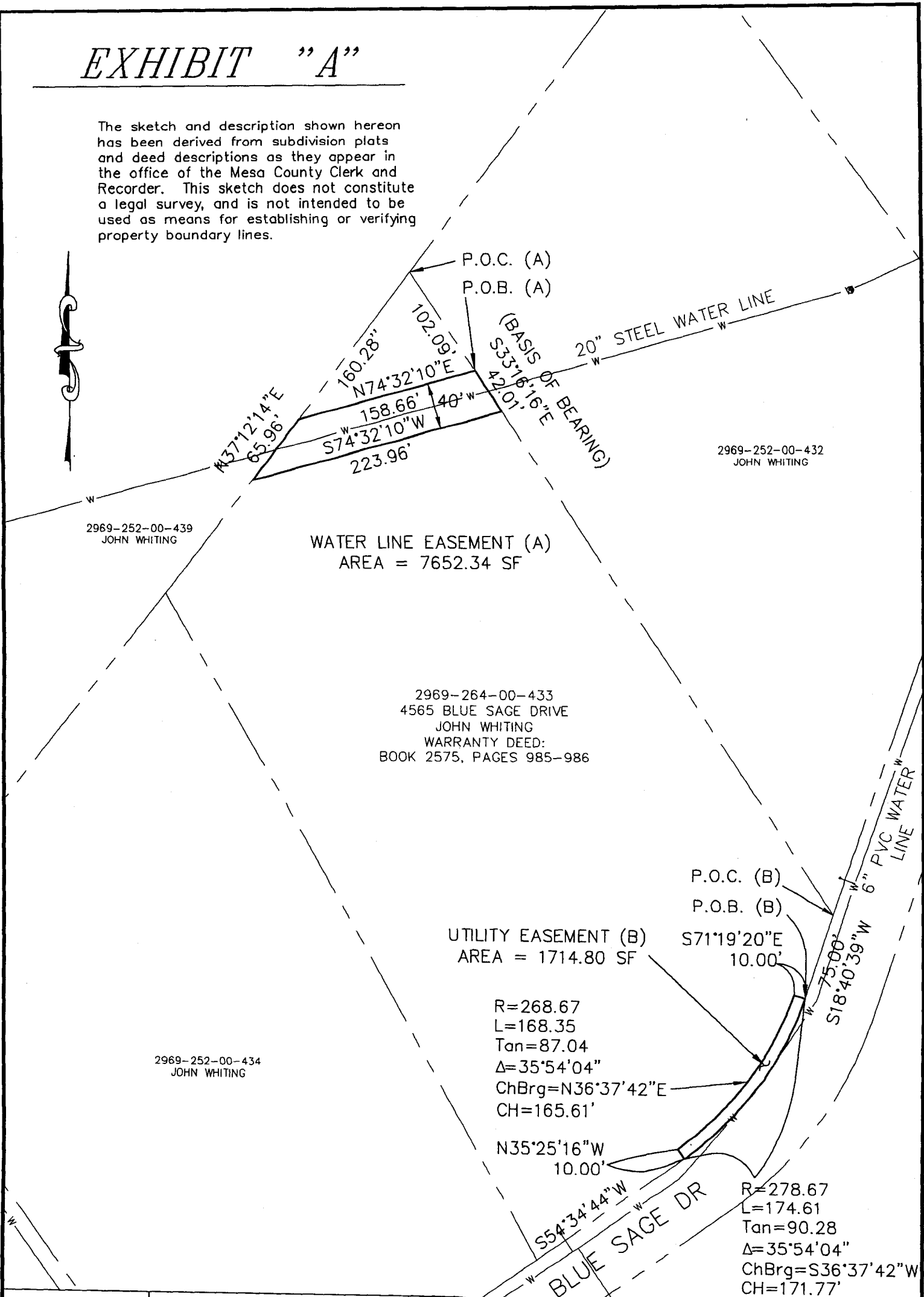

Notary Public 

My Commission Expires 10/09/2007

Legal description by Peter T. Krick, City of Grand Junction, 250 North 5th Street, Grand Junction, CO 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 means for establishing or verifying property boundary lines.



DRAWN BY: JCS
 DATE: 6-25-2003
 SCALE: 1" = 100'
 APPR. BY: TW
 DEP 1978-99.dwg

REEDER MESA WATERLINE
 RIGHT-OF-WAY DESCRIPTION MAP

DEPARTMENT OF PUBLIC WORKS
 ENGINEERING DIVISION
 CITY OF GRAND JUNCTION