

WRM98PPS

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: LOT 1 OF THE PATTERSON  
PARKWEST SUBDIVISION, BENSLEY-BRISTOL MINOR SUBDIVISION STORMWATER DRAINAGE  
FILE NO. MS-1998-001

CITY DEPARTMENT: PUBLIC WORKS

YEAR: 1998

EXPIRATION DATE: NONE

DESTRUCTION DATE: NONE

STORMWATER DRAINAGE EASEMENT

THIS STORMWATER DRAINAGE EASEMENT, made this 5 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 Lot 1 of the Patterson Parkwest Subdivision, City of Grand Junction, Colorado, 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, Grantee and Grantor desire to construct a stormwater drain beneath the surface of his said land, and which will be connected with the main stormwater drain, the course of which stormwater drain is described as set forth on Exhibit "B" which is attached hereto and incorporated herein by reference.

WITNESSETH, that, the Grantor hereby grants to the Grantee, its heirs and assigns forever, a permanent stormwater drainage easement over and across said lands of the Grantors, their heirs and assigns of such character and sufficient size as to make a proper and sufficient outlet forever for the historical stormwater drainage from the Grantee's property, and for that purpose also the right to make and at all times repair and maintain all such connections with the said stormwater drain 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 their 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 property owned by the Grantee and described herein.

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

Victoria Cannizzo  
Notary Public

EXHIBIT "A"

Bentley-Bristol  
Minor Sub.

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

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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.

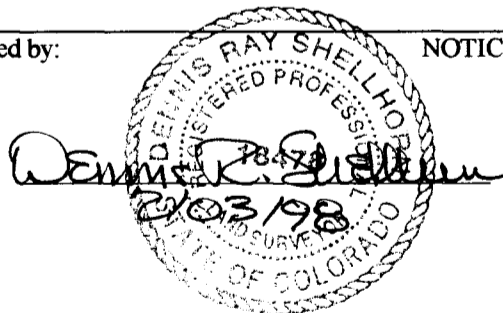
EXHIBIT B

EASEMENT DESCRIPTION

An easement across Lot 1 of Patterson Parkwest Subdivision, subdivision of the City of Grand Junction, Mesa County, Colorado; being more particularly described as follows:

Beginning at the Southeast corner of said Lot 1;  
Thence along the South line of said Lot 1, S89°48'02"W, a distance of 217.50 feet;  
Thence N00°11'58"W, a distance of 10.00 feet;  
Thence N89°48'02"E, a distance of 207.53 feet;  
Thence ten feet westerly of and parallel with the line common to Lots 1 and Lot 2 of Patterson Parkwest Subdivision, N00°00'00"E, a distance of 242.14 feet to the North line of said Lot 1;  
Thence along said North line, N89°48'02"E, a distance of 10.00 feet;  
Thence S00°00'00"W, a distance of 52.14 feet to the Northeast corner of said Lot 2;  
Thence along the line common to said Lots 1 and 2, S00°00'00"W, a distance of 200.00 feet to the Point of Beginning.

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.