

RESOLUTION NO. 42-93

**AUTHORIZING THE CONVEYANCE OF A WATER LINE EASEMENT
TO THE CLIFTON WATER DISTRICT**

WHEREAS, City of Grand Junction Resolution No. 20-93, passed and adopted on March 17, 1993, authorized the inclusion of certain tracts of land owned by the City, located south of the Town of Whitewater, within the boundaries of the Clifton Water District; and

WHEREAS, The Clifton Water District has requested a 20-foot wide easement for the installation, operation, maintenance and repair of a water line and associated appurtenances across a certain tract of land owned by the City of Grand Junction located south of the Town of Whitewater, Colorado; and

WHEREAS, the City Council of the City of Grand Junction has determined that the conveyance of said easement would not adversely impact the value or usability of said tract of land.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO:

That the City Manager, on behalf of the City and as the act of the City, is hereby authorized and directed to execute the attached Grant of Easement to convey to the Clifton Water District a 20-foot wide water line easement situated in the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 23, Township 2 South, Range 1 East of the Ute Meridian, County of Mesa, State of Colorado, the centerline of which is described as follows:

Beginning at a point on the Mesa County Road designated as Desert Road, said point being 10.0 feet South of the North Boundary line of said SE $\frac{1}{4}$ NE $\frac{1}{4}$ from whence the Northwest Corner of said SE $\frac{1}{4}$ NE $\frac{1}{4}$ bears N 88°50' W a distance of 489.1 feet; thence East, parallel with and 10.0 feet South of the North Boundary line of said SE $\frac{1}{4}$ NE $\frac{1}{4}$, to the intersection of the East Boundary line of said SE $\frac{1}{4}$ NE $\frac{1}{4}$ and the Point of Terminus.

PASSED and ADOPTED this 7th day of July, 1993.

Attest:

/s/ Stephanie Nye
City Clerk

/s/ Reford C. Theobald
President of the Council

WATER LINE EASEMENT

This WATER LINE EASEMENT is executed this 8th day of July, 1993, by THE CITY OF GRAND JUNCTION, a Colorado home rule municipality, Grantor, whose address is 250 North 5th Street, Grand Junction, Colorado, 81501, to THE CLIFTON WATER DISTRICT, Grantee, whose address is Post Office Box 100, Clifton, Colorado 81520-0100.

WITNESSETH, That the Grantor, in consideration of One Dollar (\$1.00) and other valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell, transfer and convey unto the Grantee, its successors and assigns, a 20-foot wide easement for the installation, operation, maintenance and repair of an underground water pipeline, together with the right of ingress and egress for workers and equipment, on, along, over, under, through and across the following described real property situated in the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 23, Township 2 South, Range 1 East of the Ute Meridian, County of Mesa, State of Colorado, said easement being 10 feet on both sides of the following described center-line, to wit:

Beginning at a point on the Mesa County Road designated as Desert Road, said point being 10.0 feet South of the North Boundary line of said SE $\frac{1}{4}$ NE $\frac{1}{4}$ from whence the Northwest Corner of said SE $\frac{1}{4}$ NE $\frac{1}{4}$ bears N 88°50' W a distance of 489.1 feet; thence East, parallel with and 10.0 feet South of the North Boundary line of said SE $\frac{1}{4}$ NE $\frac{1}{4}$, to the intersection of the East Boundary line of said SE $\frac{1}{4}$ NE $\frac{1}{4}$ and the Point of Terminus.

Grantor reserves the right to use and occupy the easement area for any purpose not inconsistent with the Grantee's full enjoyment of the rights hereby granted; Grantee shall conduct its activities in a reasonable and prudent manner that will not unreasonably limit the joint use of the easement area by Grantor and Grantee.

Grantor hereby covenants with Grantee that the easement area shall not be burdened or overburdened by the Grantor erecting or placing any improvements thereon which might prevent reasonable ingress and egress to and from the easement area.

The grant and other provisions of this Water Line Easement shall constitute a covenant running with the land for the benefit of the Grantee, its successors and assigns.

IN WITNESS WHEREOF, the Grantor has executed this instrument this 8th day of July, 1993.

Attest:

/s/ Mark K. Achen
City Manager

Stephanie Nye
City Clerk

STATE OF COLORADO)
)ss.
COUNTY OF MESA)

The foregoing instrument was acknowledged before me this 8th day of July, 1993, by Mark K. Achen as City Manager and Stephanie Nye as City Clerk for the City of Grand Junction, a Colorado home rule municipality.

My commission expires June 13, 1995.

Witness my hand and official seal.

/s/ Theresa F. Martinez
Notary Public