

RESOLUTION NO. 23-96

CONCERNING THE GRANTING OF FOUR (4) NON-EXCLUSIVE UTILITIES
EASEMENTS ACROSS CITY OWNED PROPERTY

WHEREAS, at the request of the City, the Public Service Company of Colorado is converting electric facilities from overhead to underground in conjunction with the Fifth Street Urban Renewal Project; and

WHEREAS, the Public Service Company of Colorado requires four (4) easements across property owned by the City to complete the overhead to underground conversion; and

WHEREAS, such action will help the City achieve its objective of improving and enhancing the Fifth Street corridor between Struthers Avenue and South Avenue.

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

That the City Manager is hereby authorized to execute the attached Grant of Easement conveying non-exclusive easements across City owned property to the Public Service Company of Colorado.

PASSED and ADOPTED this 6th day of March, 1996.

Attest:

/s/ Stephanie Nye
City Clerk

/s/ Ron Maupin
President of the Council

GRANT OF EASEMENT

The City of Grand Junction, a Colorado home rule municipality, Grantor, whose address is 250 North 5th Street, Grand Junction, Colorado 81501, for and in consideration of the sum of Ten (\$10.00) Dollars, the receipt and sufficiency of which is hereby acknowledged, has given and granted and by these presents does hereby give and grant unto the PUBLIC SERVICE COMPANY OF COLORADO, a Colorado corporation, whose address is Seventeenth Street Plaza, 1225 17th Street, Denver, Colorado 80202-5533, Grantee, the herein described non-exclusive easements to construct, operate, maintain, repair and replace utility lines and all fixtures and devices, used or useful in the operation of said lines, on, along, over, under, through and across the following described parcels of land, to wit:

Easement Parcel No. 1:

The North 5.0 feet of Lot 13, Block 1 of South Fifth Street Subdivision situate in the SE1/4 NW1/4 of Section 23, Township 1 South, Range 1 West of the Ute Meridian in the City of Grand Junction, County of Mesa, State of Colorado, as recorded in Plat Book 7 at Page 19 in the office of the Mesa County Clerk and Recorder.

Easement Parcel No. 2:

Beginning at the Southeast Corner of Lot 2, Block 2 of South Fifth Street Subdivision situate in the SE1/4 NW1/4 of Section 23, Township 1 South, Range 1 West of the Ute Meridian in the City of Grand Junction, County of Mesa, State of Colorado, as recorded in Plat Book 7 at Page 19 in the office of the Mesa County Clerk and Recorder;
thence N 89°23'04" W along the South line of said Lot 2 a distance of 10.0 feet;
thence N 00°12'49" E a distance of 10.0 feet;
thence S 89°23'04" E a distance of 10.0 feet to a point on the East line of said Lot 2;
thence S 00°12'49" W along the East line of said Lot 2 a distance of 10.0 feet to the Point of Beginning.

Easement Parcel No. 3:

Beginning at the Southeast Corner of Lot 4, Block 2 of South Fifth Street Subdivision situate in the SE1/4 NW1/4 of Section 23, Township 1 South, Range 1 West of the Ute Meridian in the City of Grand Junction, County of Mesa, State of Colorado, as recorded in Plat Book 7 at Page 19 in the office of the Mesa County Clerk and Recorder;
thence N 87°37'24" W along the South line of said Lot 4 a distance of 111.67 feet to the Southwest Corner of said Lot 4;
thence N 00°06'44" W along the West line of said Lot 4 a distance of 5.0 feet;
thence S 87°37'26" E a distance of 101.70 feet;
thence N 00°12'49" E a distance of 5.0 feet;
thence S 87°37'26" E a distance of 10.0 feet to a point on the East line of said Lot 4;
thence S 00°12'49" W along the East line of said Lot 4 a distance of 10.0 feet to the Point of Beginning.

Easement parcel No. 4:

Commencing at the Center 1/4 Corner of Section 23, Township 1 South, Range 1 West of the Ute Meridian in the City of Grand Junction, County of Mesa, State of Colorado; thence West along the North line of the SW 1/4 of said Section 23 a distance of 598.62 feet to the True Point of Beginning;
thence South a distance of 10.00 feet;
thence West a distance of 115.00 feet;
thence North a distance of 10.00 feet;
thence East a distance of 115.00 feet to the True Point of Beginning.

Together with the right to enter upon said premises, to survey, construct, maintain, operate, repair, replace, control and use said utility lines and related fixtures and devices, and to trim trees and bushes as may be required to permit the operation of standard utility construction or repair machinery, subject to the terms and conditions contained herein.

Grantor reserves the right to use and occupy the aforescribed easements for any purpose consistent with the rights and privileges above granted and which will not unreasonably interfere with any of the Grantee's facilities therein or the use thereof. Such reservation by the Grantor shall in no event include the right to erect or cause to be erected any buildings or structures upon the easements. In the event of permanent abandonment of any of the easements by Grantee, all rights, privileges and interests herein granted to any such easement shall automatically terminate. Permanent abandonment shall have occurred if Grantee shall fail to use the easement for any twelve (12) consecutive months.

The work and act of installing and maintaining said lines and fixtures shall be performed with due care; the surface along the easements shall be restored substantially to its original level and condition immediately upon the completion of installation, maintenance and repair work; all damages to persons or property resulting from the failure to exercise due care, or other higher standard of care as may be applicable, shall be paid for and repaired at the expense of Grantee; Grantee shall indemnify Grantor, its officers, employees and agents and hold Grantor, its officers, employees and agents harmless from any and all damages or claims for damages to persons or property alleged to be caused by or arising from the negligence or willful misconduct of Grantee.

Signed this _____ day of _____, 1996.

Attest: _____
The City of Grand Junction, a Colorado home
rule municipality

City Clerk

By: _____
City Manager

State of Colorado)
)ss.
County of Mesa)

The foregoing instrument was acknowledged before me this ____ day of _____, 1996, by Mark K. Achen as City Manager and attested to by Stephanie Nye as City Clerk for the City of Grand Junction, a Colorado home rule municipality.

Witness my hand and official seal.

My commission expires: _____

Notary Public