

RESOLUTION NO. 48-96

CONCERNING THE GRANTING OF A TELECOMMUNICATIONS EASEMENT
TO U.S. WEST COMMUNICATIONS, INC.

WHEREAS, U.S. West Communications, Inc., has requested an easement for the installation, operation, maintenance and repair of a buried telecommunications cable across the City owned property described as Lot 2 of The Ridges Minor Subdivision situated in the NW1/4 of Section 20, Township 1 South, Range 1 West of the Ute Meridian, City of Grand Junction, County of Mesa, State of Colorado; and

WHEREAS, the City Council of the City of Grand Junction has determined that such action will not be detrimental to the inhabitants of the City of Grand Junction.

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 a ten (10.0) foot wide telecommunications easement across Lot 2 of The Ridges Minor Subdivision to U.S. West Communications, Inc.

PASSED and ADOPTED this 15th day of May, 1996.

Attest:

/s/ Stephanie Nye
City Clerk

/s/ Linda Afman
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 U.S. WEST COMMUNICATIONS, Inc., a Colorado corporation, whose address is 1808 California Street, Denver, Colorado 80202, Grantee, the herein described ten (10.0) foot wide non-exclusive telecommunications easement for the installation, operation, maintenance, repair and replacement of buried telecommunications cable, on, along, over, under, through and across that certain real property described as Lot 2 of The Ridges Minor Subdivision as recorded in Plat Book 14 at Page 160 in the office of the Mesa County Clerk, said property lying, being and situate in the NW1/4 of Section 20, Township 1 South, Range 1 West of the Ute Meridian in the City of Grand Junction, County of Mesa, State of Colorado, the boundary lines of said easement being more particularly described by the following metes and bounds, to wit:

See **Exhibit "A"** attached hereto and incorporated herein by reference.

Together with the right to enter upon said premises, to survey, construct, maintain, operate, repair, replace, control and use said telecommunications cable and related fixtures and devices, subject to the following terms, covenants, conditions and restrictions:

1. Grantor reserves the right to use and occupy the easement 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.

2. In the event of permanent abandonment of the easement by Grantee, all rights, privileges and interests herein granted shall automatically terminate. Permanent abandonment shall have occurred if Grantee shall fail to use the easement for any twelve (12) consecutive months.

3. The work and act of installing and maintaining said telecommunications cable and fixtures shall be performed with due care; the surface along the easement shall be restored substantially to its original level, condition and integrity immediately upon the completion of installation, maintenance and repair work; if the Grantee refuses or neglects to commence restoration of the surface of the easement within thirty (30) days after written demand by the Grantor, or fails to complete such restoration work within a reasonable time thereafter, the Grantor may enter upon the easement and perform such restoration work without liability to Grantee's operations and/or facilities by reason thereof, and if the Grantor performs such restoration work, the Grantee shall pay to the Grantor, on demand, the cost thereof with interest at the rate of fifteen percent (15%) per annum from the date of payment by the Grantor for such restoration work until paid in full by Grantee.

4. 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

EXHIBIT "A"

Beginning at the Southeast Corner of The Ridges Minor Subdivision, situate in the NW1/4 of Section 20, Township 1 South, Range 1 West of the Ute Meridian in the City of Grand Junction, County of Mesa, State of Colorado, from whence the East 1/4 Corner of said Section 20 bears S 61°06'18" E a distance of 828.43 feet with all bearings contained herein being relative thereto, said Point of Beginning being common with the Southwest Corner of Lot 14C, Block 18 of The Ridges Filing No. 3 and also being on the Northerly right-of-way line for Mariposa Drive;

thence 95.99 feet along the arc of a curve to the right having a radius of 740.00 feet, a central angle of 07°25'55", and a long chord bearing S 86°17'03" W a distance of 95.92 feet to a point of compound curvature;

thence 99.46 feet along the arc of a curve to the right having a radius of 63.32 feet, a central angle of 90°00'00", and a long chord bearing N 45°00'00" W a distance of 89.55 feet to a point of tangency;

thence N 00°00'00" E a distance of 58.40 feet to a point of curvature;

thence 179.87 feet along the arc of a curve to the left having a radius of 140.00 feet, a central angle of 73°36'40", and a long chord bearing N 36°48'20" W a distance of 167.75 feet to a point of tangency;

thence N 73°36'40" W a distance of 66.77 feet;

thence N 30°30'49" W a distance of 155.0 feet;

thence S 59°29'11" E a distance of 10.00 feet;

thence S 30°30'49" W a distance of 142.17 feet;

thence S 73°36'40" E a distance of 53.94 feet to a point of curvature;

thence 192.71 feet along the arc of a curve to the right having a radius of 150.0 feet, a central angle of 73°36'40", and a long chord bearing S 36°48'20" E a distance of 179.73 feet;

thence S 00°00'00" W a distance of 58.40 feet to a point of curvature;

thence 83.75 feet along the arc of a curve to the left having a radius of 53.32 feet, a central angle of 90°00'00", and a long chord bearing S 45°00'00" E a distance of 75.41 feet to a point of compound curvature;

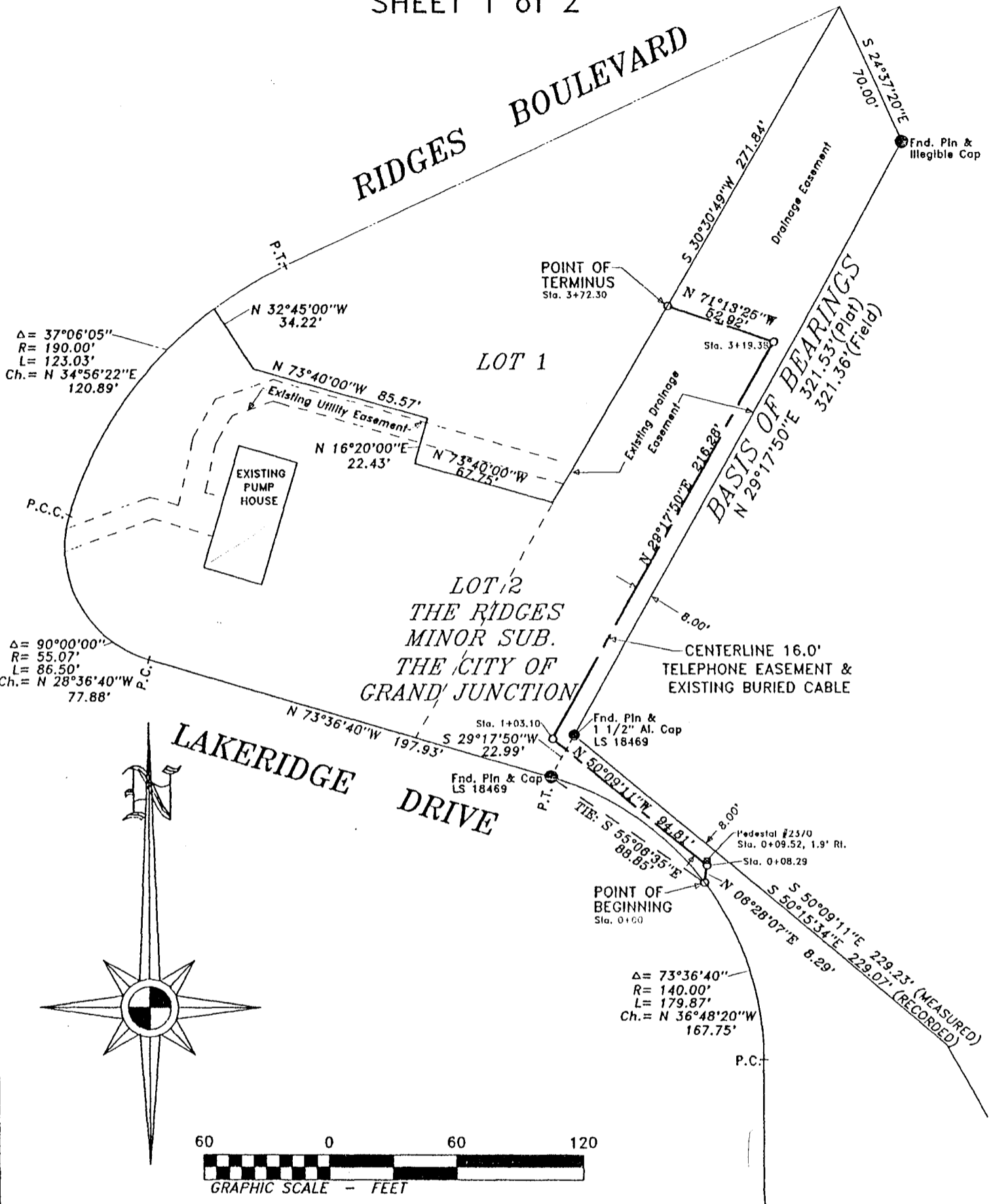
thence 90.44 feet along the arc of a curve to the left having a radius of 730.0 feet, a central angle of 07°05'54", and a long chord bearing N 86°45'11" E a distance of 90.38 feet to a point on the Easterly boundary line of said Lot 2;

thence S 30°26'46" E along said Easterly boundary line a distance of 10.00 feet to the Point of Beginning.

EXHIBIT "A"

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SHEET 1 of 2



HALL & ASSOCIATES, INC.
 Professional Land Surveyors
 902 Redwood Drive
 Loveland, CO 80538
 (970) 663-1177

NOTE: Easements may not lie entirely within the boundaries of Lot 2. Those portions of the Telephone Easement which lie within Public Right of Way are not to be granted.

MARIPOSA DRIVE

REVISED 08/13/96 KLF

See Sheet 2 for Easement Descriptions


NAME CITY OF GRAND JUNCTION				 U.S. WEST COMMUNICATIONS, INC.			
NE 1/4 SECTION	20	TOWNSHIP	1 SOUTH			RANGE	1 WEST
UTE	PRINCIPAL MERIDIAN	MESA	COUNTY,	COLORADO		DRN. BY: DCB	GEO CODE 250290
JOB NO.	532D514	GRAND JUNCT.	EXCH.	R.O.W. NO.	DATE: 8-7-96		

EXHIBIT "A"

SHEET 2 of 2

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EASEMENT DESCRIPTIONS

A strip of land, 16 feet in width, in Lot 2, The Ridges Minor Subdivision, situate in the Northeast 1/4 of Section 20, Township 1 South, Range 1 West of the Ute Principal Meridian, Mesa County, Colorado, the centerline of which is described as follows:

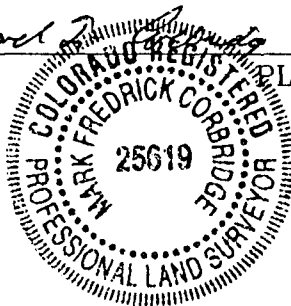
Considering the Southeasterly line of said Lot 2, monumented as shown hereon, as bearing S 29°17'50" W, as shown on said Plat, and with all bearings contained herein relative thereto.

From a Point of Tangency on the Southwesterly line of said Lot 2, and on the Northeasterly Right of Way line of Lakeridge Drive, said point of tangency being on the extension of the Southeasterly line of Lot 2; THENCE S 55°06'35" E, 88.85 feet to the POINT OF BEGINNING, which is a point on said right of Way; THENCE N 06°28'07" E, 8.29 feet; THENCE N 50°09'11" W, parallel with and 8.00 feet distant Southwesterly of the Northeasterly line of Lot 2, 94.81 feet; THENCE N 29°17'50" E, parallel with and 8.00 feet distant Northwesterly of the Southeasterly line of Lot 2, 216.28 feet; THENCE N 17°13'25" W, 52.92 feet to the POINT OF TERMINUS, which is a point on the Northwesterly line of Lot 2. Said strip being 372.30 feet in length and containing 5957 square feet, more or less.

Surveyors Statement

I do hereby state that this easement description is the result of a survey done by me or under my direct supervision and is accurately represented hereon to the best of my knowledge and belief.

8-14-96 *Mod*
Mark F. Corbridge PLS 25619




NOTE:

This Exhibit does not represent a boundary survey. It is prepared exclusively for the depiction of a proposed easement acquisition across the parcel shown.

HALL & ASSOCIATES, INC.
Professional Land Surveyors
902 Redwood Drive
Loveland, CO 80538
(970) 663-1177

HAI FILE NO. 96-24-57A

REVISED 08/13/96 KLF

NAME		CITY OF GRAND JUNCTION				U.S. WEST COMMUNICATIONS, INC.	
NE 1/4 SECTION 20		TOWNSHIP 1 SOUTH		RANGE 1 WEST		SCALE: 1"=60'	
UTE PRINCIPAL MERIDIAN		MESA		COUNTY, COLORADO		DRN. BY: DCB	
JOB NO. 532D514	GRAND JNCT.	EXCH.	R.O.W. NO.	DATE: 8-7-96	GEO CODE 250290		