

RESOLUTION NO. 95-96

CONCERNING THE GRANTING OF A UTILITY EASEMENT ACROSS CITY PROPERTY  
TO THE PUBLIC SERVICE COMPANY OF COLORADO

WHEREAS, the Public Service Company of Colorado has installed electric power lines across the City owned Canyon View Sports Complex property to provide electric power to various facilities associated with the park; and

WHEREAS, the Public Service Company of Colorado requires an easement for the purpose of operating, maintaining and repairing said electric power lines.

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 utility easement across the City owned Canyon View Sports Complex to the Public Service Company of Colorado.

PASSED and ADOPTED this 16th day of October, 1996.

Attest:

/s/ Linda Afman  
President of the Council

/s/ Stephanie Nye  
City Clerk

## 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 easement to install, operate, maintain, repair and replace electric lines and related facilities on, along, over, under, through and across the following described parcel of land, to wit:

See **Exhibit “A”** and **Exhibit “B”** attached hereto and incorporated herein by reference.

Together with the right to enter upon said premises, to survey, maintain, operate, repair, replace, control and use said electric lines and related facilities, subject to the terms and conditions contained herein.

1. Grantor reserves the right to use and occupy the aforescribed Easement described in Exhibit “A” and depicted on Exhibit “B” for any purpose which is not inconsistent with the rights herein granted. 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.
2. The work and act of installing and maintaining said electric lines and related facilities shall be performed with due care; the surface and condition of the ground along the easement shall not be disturbed without the prior written consent of the City; in the event the Grantee disturbs the surface and condition of the ground the Grantee shall, at the Grantee’s sole cost and expense, substantially restore the surface and condition of the ground 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.
3. This Grant of Easement shall be valid only if the Exhibit “A” and the Exhibit “B” referred to above are attached to and recorded in sequence with this document.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 1996.

The City of Grand Junction, a Colorado Attest:  
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"**

A Utility Easement located in a portion of Section 33, Township 1 North, Range 1 West of the Ute Meridian, City of Grand Junction, County of Mesa, State of Colorado, said easement being 10.00 feet wide, 5.00 feet on each side of the following described center line, to wit:

Commencing at the Southwest Corner of said Section 33, which is a Mesa County Survey Marker Brass Cap, whence the South Quarter Corner of Section 33, a Mesa County Survey Marker Brass Cap, bears S 89°59'55" E, thence N 63°20'31" E 1478.34 feet to the POINT OF BEGINNING;

thence N 90°00'00" W 25.00 feet;  
thence S 00°40'29" W 225.25 feet;  
thence N 89°50'55" W 996.97 feet;  
thence N 21°22'57" W 151.08 feet;  
thence N 24°51'05" E 27.29 feet;  
thence N 02°57'35" W 74.59 feet;  
thence N 09°45'52" W 57.81 feet;  
thence S 86°21'39" E 17.54 feet;  
thence N 03°16'08" E 158.23 feet;  
thence N 08°13'08" E 137.48 feet;  
thence N 09°05'22" E 200.48 feet;  
thence N 17°23'04" E 89.93 feet;  
thence N 01°15'50" E 140.68 feet;  
thence N 00°00'07" E 100.88 feet;  
thence N 27°49'20" W 20.33 feet;  
thence N 00°00'02" W 64.55 feet;  
thence N 89°59'53" W 279.20 feet;  
thence N 00°42'07" E 163.37 feet;  
thence N 10°55'17" E 284.77 feet;  
thence 328.97 feet along the arc of a non-tangent curve to the right having a radius of 960.28 feet, a central angle of 19°37'43", and a long chord of which bears N 14°35'58" E a distance of 327.37 feet;  
thence N 04°47'37" W 97.49 feet;  
thence N 36°17'27" W 65.00 feet to the POINT OF TERMINUS,  
containing 0.85 acres, more or less.