

RESOLUTION NO. 60-98

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

WHEREAS, the City of Grand Junction is the owner of Outlot A, Graff Minor Subdivision, pursuant to the recorded plat thereof dated the 9<sup>th</sup> day of June, 1998, situate in the Northeast ¼ of Section 7, Township 1 South, Range 1 East of the Ute Meridian, County of Mesa, State of Colorado; and

WHEREAS, the Public Service Company of Colorado requires an easement for the purposes of installing, operating, maintaining, repairing and replacing electric power lines and facilities and appurtenances related thereto which existed over and across said Outlot A prior to the City receiving title to said Outlot A.

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 to the Public Service Company of Colorado a utility easement over and across Outlot A, Graff Minor Subdivision.

PASSED and ADOPTED this 16th day of September, 1998.

Attest:

/s/ Christine English  
Acting City Clerk

/s/ Reford C. Theobald  
President of the Council Pro Tem

## 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 and 00/100 Dollars (\$10.00), 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, Grantee, whose address is Seventeenth Street Plaza, 1225 17th Street, Denver, Colorado 80202-5533, the herein described easement to install, operate, maintain, repair and replace electric and telecommunications lines and related facilities, on, along, over, under, through and across a portion of Outlot "A" of Graff Minor Subdivision, situate in the Northeast 1/4 of Section 7, Township 1 South, Range 1 East of the Ute Meridian, City of Grand Junction, County of Mesa, State of Colorado, as recorded in Plat Book 16 at Page 252 in the office of the Mesa County Clerk and Recorder, being more particularly described as follows:

Commencing at the southeast corner of Outlot "A" of Graff Minor Subdivision, situate in the Northeast 1/4 of Section 7, Township 1 South, Range 1 East of the Ute Meridian, City of Grand Junction, County of Mesa, State of Colorado, as recorded in Plat Book 16 at Page 252 in the office of the Mesa County Clerk and Recorder; thence N 90°00'00" W along the southerly line of said Outlot "A" a distance of 260.00 feet to a point; thence continuing along the southerly line of said Outlot "A", N 87°15'00" W a distance of 100.90 feet to the True Point of Beginning;

thence N 87 15'00" W along the southerly line of said Outlot "A" a distance of 10.01 feet to a point;  
thence leaving the southerly line of said Outlot "A", N 00°00'00" W a distance of 31.70 feet to a point;  
thence S 88°50'26" E a distance of 148.23 feet to a point on the northerly line of said Outlot "A";  
thence S 84°36'08" E along the northerly line of said Outlot "A" a distance of 135.31 feet to a point;  
thence leaving the northerly line of said Outlot "A", N 88°50'26" W a distance of 272.96 feet to a point;  
thence S 00°00'00" E a distance of 21.98 feet to the Point of Beginning,  
containing 2,374.33 square feet as described.

TO HAVE AND TO HOLD unto said Grantee, its successors and assigns, together with the right to enter upon said premises, to survey, maintain, operate, repair, replace, control and use said Easement, subject to the terms and conditions contained herein.

1. Grantor reserves the right to use and occupy the aforescribed Easement 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 and telecommunications lines and related facilities shall be performed with the highest standard of care; the surface and condition of the ground along the Easement shall not be disturbed without the prior written consent of Grantor or Grantor's

successors and assigns; in the event Grantee disturbs the surface and condition of the ground Grantee shall, at 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.

3. 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.

Executed and delivered this \_\_\_\_\_ day of \_\_\_\_\_, 1998.

Attest:

The City of Grand Junction, a Colorado  
home rule municipality

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
City Manager

State of Colorado        )  
                                      )ss.  
County of Mesa         )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 1998, by Mark K. Achen as City Manager and attested to by Stephanie Nye as City Clerk of the City of Grand Junction, a Colorado home rule municipality.

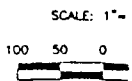
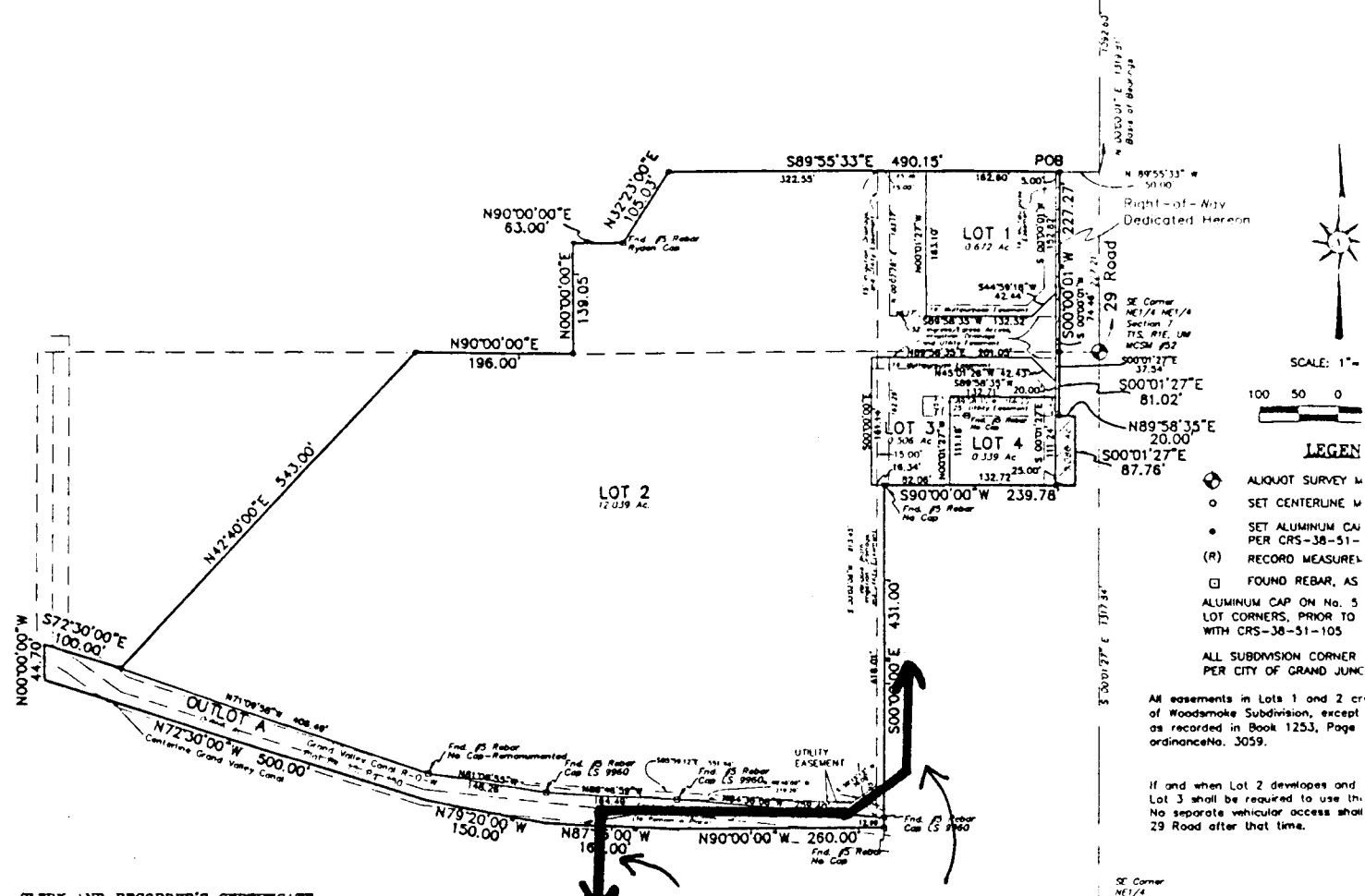
My commission expires: \_\_\_\_\_

Witness my hand and official seal

\_\_\_\_\_  
Notary Public

# GRAFF MINOR SUBDIVISION

Section 7  
T1S, R1E, UN  
MCSM #49



### LEGEN

- ⊙ ALIQUOT SURVEY W
  - SET CENTERLINE W
  - SET ALUMINUM CAP PER CRS-38-51-
  - (R) RECORD MEASURE
  - FOUND REBAR, AS ALUMINUM CAP ON No. 5 LOT CORNERS, PRIOR TO WITH CRS-38-51-105
- ALL SUBMISSION CORNER PER CITY OF GRAND JUNC

All easements in Lots 1 and 2 of Woodsmoke Subdivision, except as recorded in Book 1253, Page ordinance No. 3059.

If and when Lot 2 develops and Lot 3 shall be required to use the No separate vehicular access shall 29 Road after that time.

Approximate location of power lines

### CLERK AND RECORDER'S CERTIFICATE

STATE OF COLORADO } ss  
COUNTY OF MESA

I hereby certify that this instrument was filed in my office at \_\_\_\_\_ o'clock  
\_\_\_\_\_ M., \_\_\_\_\_ A.D., 19\_\_\_\_ and was duly recorded in Plat Book \_\_\_\_\_  
Page No. \_\_\_\_\_ Reception No. \_\_\_\_\_ Drawer No. \_\_\_\_\_ Fees: \_\_\_\_\_

Clerk and Recorder \_\_\_\_\_

By \_\_\_\_\_  
Deputy

### NOTARY PUBLIC CERTIFICATION

STATE OF COLORADO } ss  
COUNTY OF MESA

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_ A.D., 1998.  
Witness my hand and official seal:

Notary Public \_\_\_\_\_  
My Commission Expires 8/27/2000

AREA SUMMARY		
LOTS	= 13.556 Acres	93.44%
OUTLOT A	= 0.866 Acres	5.97%
ROAD ROW	= 0.086 Acres	00.59%
<b>TOTAL</b>	<b>= 14.508 Acres</b>	<b>100.00%</b>

### CITY OF GRAND JUNCTION APPROVAL

This plat of Graff Minor Subdivision, a subdivision of a part of the City of Grand Junction, County of Mesa, State of Colorado, is approved and accepted this \_\_\_\_\_ day of \_\_\_\_\_ A.D., 1998.

City Manager \_\_\_\_\_  
President of City Council \_\_\_\_\_

### NOTARY PUBLIC CERTIFICATION

STATE OF COLORADO } ss  
COUNTY OF MESA

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_ A.D., 1998.  
Witness my hand and official seal:

Notary Public \_\_\_\_\_  
My Commission Expires 8/27/2000

### GENERAL NOTES

Basis of bearings assume the East line of the NE1/4 NE1/4 of Section 7 to bear N 00°00'01" E, a distance of 1319.81 feet, as shown on the Plat of Woodsmoke Subdivision, as recorded in Plat Book 13, Pages 150 through 152. Both monuments on this line are Mesa County Survey Markers.

Note: Property corners located during this survey that were within 0.25± feet of the calculated point were accepted as being "in position".

Easement and Title Information provided by Abstract and Title Co. of Mesa County, Inc., Commitment No. 899619.

There shall be no Declaration of Covenants and Restrictions recorded with this plat.

### LIENHOLDERS RATIFICATION OF PLAT

THE UNDERSIGNED, having property interests in or encumbrances upon the real property involved, DO HEREBY RATIFY AND AFFIRM the Plat of Graff Minor Subdivision.  
Signed this \_\_\_\_\_ day of \_\_\_\_\_, 1998.

Sue Hadfield  
by Sue Hadfield, ASST. VTR President

STATE OF KENTUCKY } ss  
COUNTY OF JEFFERSON

The foregoing instrument was acknowledged before me by Sue Hadfield, ASST. VTR this \_\_\_\_\_ day of \_\_\_\_\_ A.D., 1998.  
Witness my hand and official seal:

Notary Public \_\_\_\_\_  
My Commission Expires \_\_\_\_\_



I, Patrick R. Graff, Surveyor, Colorado, has performed a field survey of this subdivision plat and the applicable laws.

Date certified \_\_\_\_\_

NOTICE: REFER TO THE INSTRUMENT FOR THE FULL COMPLETE AND LEGAL DESCRIPTION OF THE PROPERTY AND THE LOCATION OF THE PROPERTY. THIS INSTRUMENT IS NOT VALID UNLESS IT IS FILED WITH THE COUNTY CLERK'S OFFICE AND THE COUNTY RECORDS. THE INSTRUMENT IS NOT VALID UNLESS IT IS FILED WITH THE COUNTY CLERK'S OFFICE AND THE COUNTY RECORDS. THE INSTRUMENT IS NOT VALID UNLESS IT IS FILED WITH THE COUNTY CLERK'S OFFICE AND THE COUNTY RECORDS.