

RESOLUTION NO. 74-00

**ACCEPTING A WATER LINE EASEMENT FROM MESA COUNTY
TO ACCOMMODATE RELOCATION OF THE KANNAH CREEK FLOWLINE**

WHEREAS, the City intends to replace and relocate certain portions of the City's main water supply water pipeline, commonly known as the Kannah Creek Flowline, in 2002; and

WHEREAS, a portion of the relocated Kannah Creek Flowline will be installed across real property owned by the County of Mesa which is commonly known as Intermountain Veterans Memorial Park; and

WHEREAS, by Mesa County Resolution No. MCM 2000-79, the County of Mesa has granted and conveyed to the City an easement which will allow the City to install the Kannah Creek Flowline on, along, over, under, through and across portions of the Intermountain Veterans Memorial Park property.

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

That the Mayor is hereby authorized and directed to execute the attached Grant of Easement as conveyed by Mesa County, accepting said Grant of Easement with its terms and conditons.

PASSED and ADOPTED this 2nd day of August, 2000.

Attest:

/s/ Gene Kinsey
President of the Council

/s/ Stephanie Nye
City Clerk

MESA COUNTY, COLORADO
RESOLUTION NO. MCM 2000- 79

BOOK 2753 PAGE 285

A RESOLUTION DIRECTING THE COMMISSIONER TO CONVEY REAL ESTATE,
TO CONVEY A GRANT OF EASEMENT

WHEREAS, Mesa County owns certain real property in the Southeast ¼ of Section 25, Township 1 South, Range 1 West of the Ute Meridian, commonly known as the Intermountain Veterans Memorial Park; and

WHEREAS, the City of Grand Junction, a Colorado home rule municipality, desires to obtain an easement for the installation, operation, maintenance, repair and replacement of an underground water pipeline, commonly known as the Kannah Creek Flowline, on, along, over, under, through and across a portion of the above described real property; and

WHEREAS, the Board of County Commissioners of Mesa County, Colorado finds:

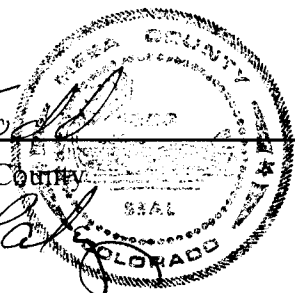
1. Granting this easement is in the best interests of the health, safety and welfare of the residents of Mesa County; and
2. Granting this easement is consistent with the mission of Mesa County; and
3. Granting this easement will not unduly inhibit the County's use of the parcel; and
4. Granting this easement will not diminish the value of the parcel; and
5. Granting this easement is in conformance with all County, State and Federal laws and regulations.

NOW THEREFORE IT IS HEREBY RESOLVED:

The Commissioner to Convey Real Estate is hereby authorized and directed to execute a Grant of Easement and deliver said Easement to the City of Grand Junction, a Colorado home rule municipality, for acceptance and recording in the form of the document presented on behalf of the Board of County Commissioners of Mesa County, Colorado.

DULY MOVED, SECONDED AND PASSED THIS 5th DAY OF JUNE 2000

Attest:

The seal of Mesa County, Colorado, is circular with the text "MESA COUNTY COLORADO" around the perimeter and "SEAL" in the center. It is stamped over the signatures of the County Clerk and the Chair of the Board of County Commissioners.
Monika Todd
County Clerk, Mesa County
by Roberto Lopez
Deputy
Doralyn B. Genova
Doralyn Genova, Chair
Board of Mesa County Commissioners

**MESA COUNTY, COLORADO
GRANT OF EASEMENT**

This Grant of Easement is made this 5th day of ^{June}~~May~~, 2000 by and between the *COUNTY OF MESA, STATE OF COLORADO*, whose legal address is P.O. Box 20,000, Grand Junction, Colorado 81502 (Grantor herein) and the *CITY OF GRAND JUNCTION*, a Colorado home rule municipality, whose legal address is 250 North 5th Street, Grand Junction, Colorado 81501 of the County of Mesa, State of Colorado (Grantee herein).

In exchange for and in consideration of good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Grantor hereby grants and conveys to Grantee and its successors, a perpetual easement for the installation, operation, maintenance, repair and replacement of an underground water pipeline commonly known as the Kannah Creek Flowline, together with the right of ingress and egress for workers and equipment, on, along, over, under, through and across the following described real property in the County of Mesa, State of Colorado, to wit:

Commencing at the Northwest Corner of the South $\frac{1}{2}$ of the Southeast $\frac{1}{4}$ ($S\frac{1}{2} SE\frac{1}{4}$) of Section 25, Township 1 South, Range 1 West of the Ute Meridian, County of Mesa, State of Colorado, and considering the North line of the $S\frac{1}{2} SE\frac{1}{4}$ of said Section 25 to bear $S 89^{\circ}51'31'' E$ with all bearings contained herein being relative thereto; thence $S 89^{\circ}51'31'' E$ along the North line of the $S\frac{1}{2} SE\frac{1}{4}$ of said Section 25 a distance of 742.32 feet to a point on the Westerly boundary line of the property of Grantor, said point being the True Point of Beginning;

Thence $N 22^{\circ}00'07'' E$ along the said westerly boundary line a distance of 435.19 feet to a point on the southerly Right-of-Way line for U.S. Highway 50;

Thence along the southerly Right-of-Way line for U.S. Highway 50 the following three (3) courses:

1. $S 69^{\circ}23'00'' E$ a distance of 1,313.65 feet;
2. $S 68^{\circ}05'00'' E$ a distance of 549.29 feet to the intersection of said Right-of-Way line with the East line of the $S\frac{1}{2} SE\frac{1}{4}$ of said Section 25;
3. $S 68^{\circ}03'25'' E$ a distance of 984.85 feet to a point on the East boundary line of the property of Grantor;

Thence $S 00^{\circ}24'39'' E$ along said East boundary line a distance of 32.44 feet;

Thence leaving said East boundary line, $N 68^{\circ}03'25'' W$ a distance of 997.18 feet;

Thence $N 68^{\circ}05'00'' W$ a distance of 548.94 feet;

Thence $N 69^{\circ}23'00'' W$ a distance of 1,284.03 feet;

Thence $S 22^{\circ}00'07'' W$ a distance of 393.87 feet to a point on the North line of the $S\frac{1}{2} SE\frac{1}{4}$ of said Section 25;

Thence $N 89^{\circ}51'31'' W$ along the North line of the $S\frac{1}{4} SE\frac{1}{4}$ of said Section 25 a distance of 32.32 feet to the Point of Beginning, containing 97,605.00 square feet as described herein and depicted on Exhibit "A" attached hereto and incorporated herein by reference.

Grantee has the right to enter upon said premises, to survey, maintain, operate, repair, replace, control and use of said easement, subject to the terms and conditions contained herein.

1. Grantor reserves the right to use and occupy the afore described easement for any lawful purpose which is not inconsistent with the rights herein granted; and
2. Grantee agrees the work and act of installing, operating, maintaining, repairing and replacing the underground water pipeline and related appurtenances and facilities shall be performed with due care using commonly accepted standards and techniques, taking precautions for the protection of persons and property; and

- 3. 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; and
- 4. Grantee shall protect, defend, indemnify, and hold harmless Grantor, its officers, officials, employees and agents free and harmless from, and against, any and all losses, penalties, damages, or liabilities of every kind and character arising out of, or relating to, any and all claims obligations, actions, proceedings, liens, or causes of action arising directly or indirectly, out of Grantee's use and occupancy of this Easement.
- 5. Grantor will be notified at least one week prior to use of easement.

THE COUNTY OF MESA, STATE OF COLORADO

By: Stacey McLennan

Stacey McLennan, Commissioner to Convey Real Estate, appointed by Resolution No. MCM 95-160, is authorized to execute this Grant of Easement by Resolution No. MCM 2000-79.

STATE OF COLORADO }
County of Mesa } ss.

The foregoing instrument was acknowledged before me this 5 day of June 2000, by Stacey McLennan, as the Commissioner to Convey Real Estate for the County of Mesa, State of Colorado, a Colorado governmental subdivision.

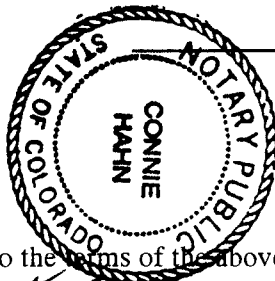
Witness my hand and official seal:

My notarial commission expires:

[Signature]

2/26/2003

My Commission Expires February 26, 2003



ACCEPTANCE:

Grantee accepts and agrees to the terms of the above Grant of Easement this 2nd day of August, 2000.

By: Gene Kinsey

Gene Kinsey, Mayor
City of Grand Junction

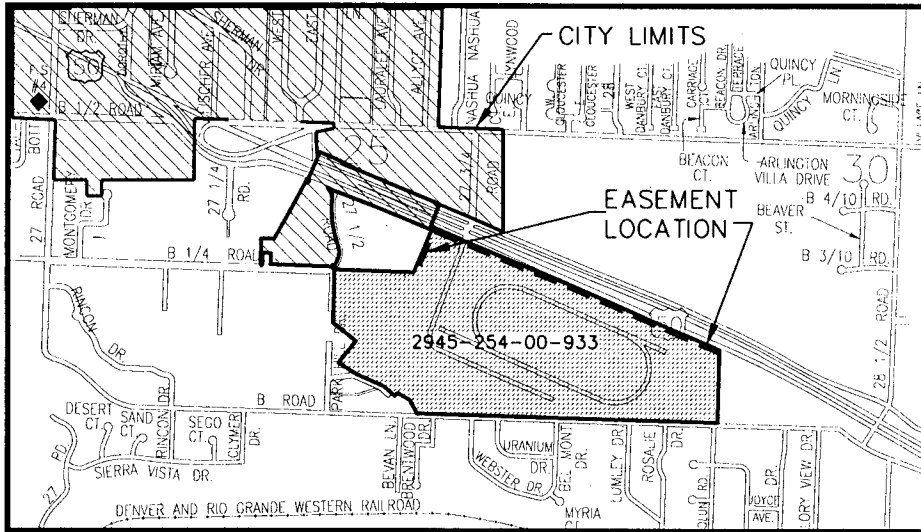


ATTEST:

Stephanie Hye

City Clerk

EXHIBIT "A"

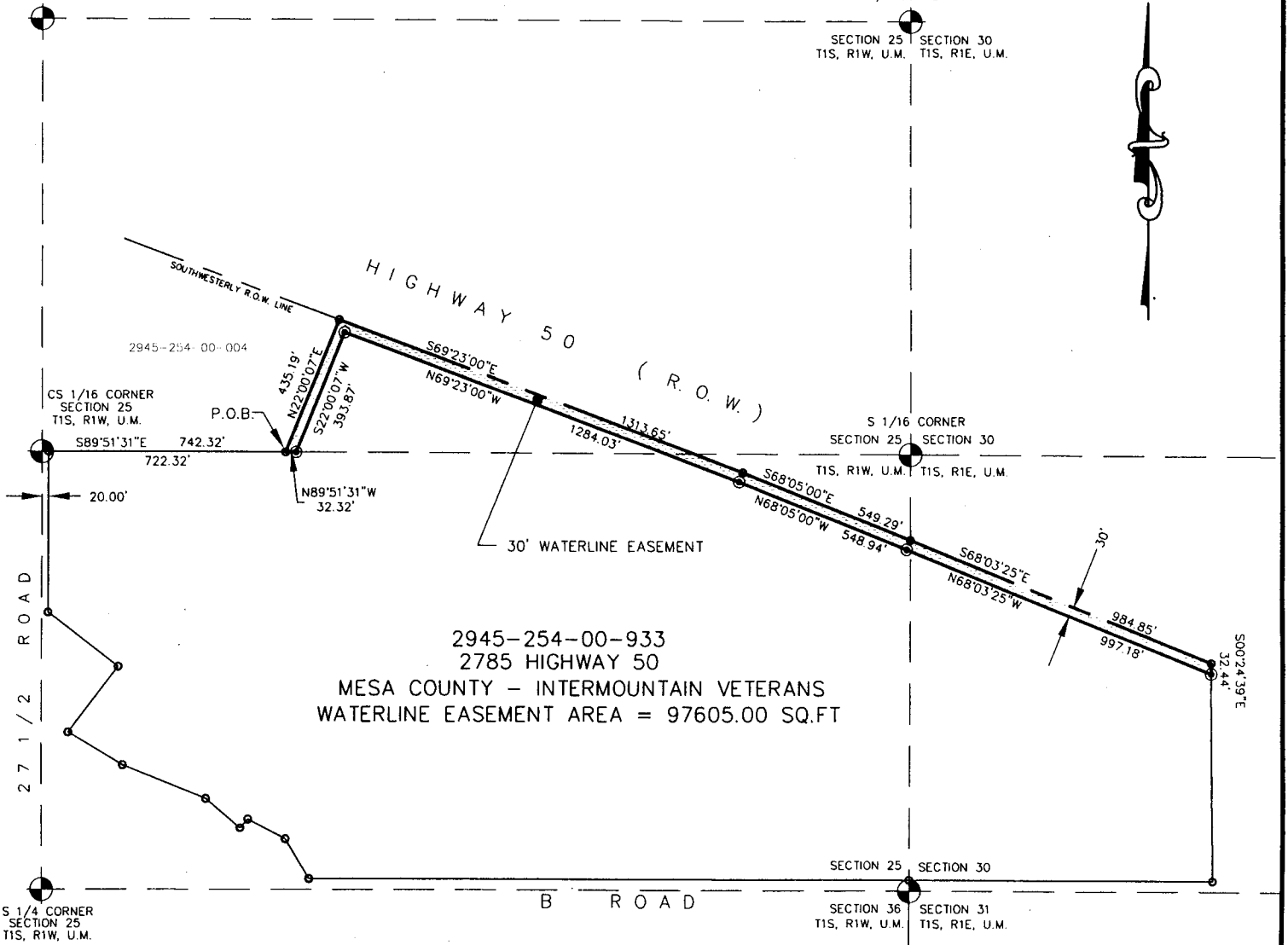


VICINITY MAP
NTS

C 1/4 CORNER
SECTION 25
T1S, R1W, U.M.

1/4 CORNER

SECTION 25 SECTION 30
T1S, R1W, U.M. T1S, R1E, U.M.



RECORDER NOTE: POOR QUALITY DOCUMENT
PROVIDED FOR REPRODUCTION

DRAWN BY: SRP
DATE: 3-6-2000
SCALE: 1" = 500'
APPR. BY: IW
FILE NO: VETS2.DWG

EASEMENT DESCRIPTION MAP

WATERLINE EASEMENT

DEPARTMENT OF PUBLIC WORKS
ENGINEERING DIVISION
CITY OF GRAND JUNCTION