

**CITY OF GRAND JUNCTION**

**RESOLUTION NO. 33-14**

**A RESOLUTION VACATING A 20' SEWER EASEMENT  
LOCATED AT 2619 H ROAD**

**RECITALS:**

As a part of the 2014 Sewer Replacement Project, the City intends to relocate the sewer line that diagonally across the front portion of the property located at 2619 H Road, Grand Junction, Colorado. The sewer line is expected to be upgraded and relocated to cross the front edge of the property along H Road and then to extend south along the west edge of the property. After the sewer is relocated/reconstructed the present easement (where the sewer is being removed from) will no longer be needed. The granting of a new sewer easement is required for the new sewer line.

The City Council finds that the vacation is consistent with the Comprehensive Plan, the Grand Valley Circulation Plan and Section 21.02.100 (c) of the Grand Junction Municipal Code.

The Planning Commission, having heard and considered the vacation request, found the criteria of the Code to have been met, and recommended conditional approval. The condition includes the grant of a new sewer easement.

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

The following described 20' Sewer Easement is hereby vacated:

All of that certain 20.0 foot wide easement recorded in Book 887, Page 968, Public Records of Mesa County, Colorado, lying in the Northwest Quarter of the Northwest Quarter (NW 1/4 NW 1/4) of Section 35, Township 1 North, Range 1 West of the Ute Principal Meridian, that lies entirely within that certain parcel of land described in Book 5624, Page 328, Public Records of Mesa County, Colorado.

CONTAINING 7,216 Square Feet or 0.166 Acres, more or less, as described.

The vacation is conditioned upon the following occurring:

The reconstruction of the sewer line on the property at 2619 H Road, Grand Junction, Colorado in the easement area shown on Exhibit A and the recordation of the Grant of Sewer Easement attached as shown on Exhibit C.

The vacation of the easement shown in Exhibit B shall not be effective unless and until the sewer

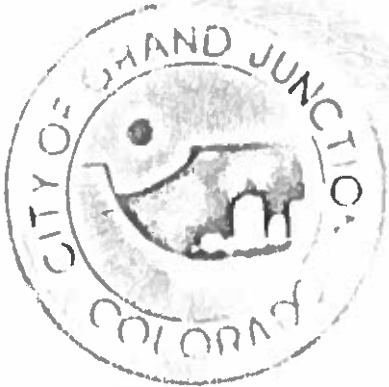
is constructed in the easement area shown in Exhibit A is fully operational.

PASSED and ADOPTED this 5<sup>th</sup> day of November, 2014.

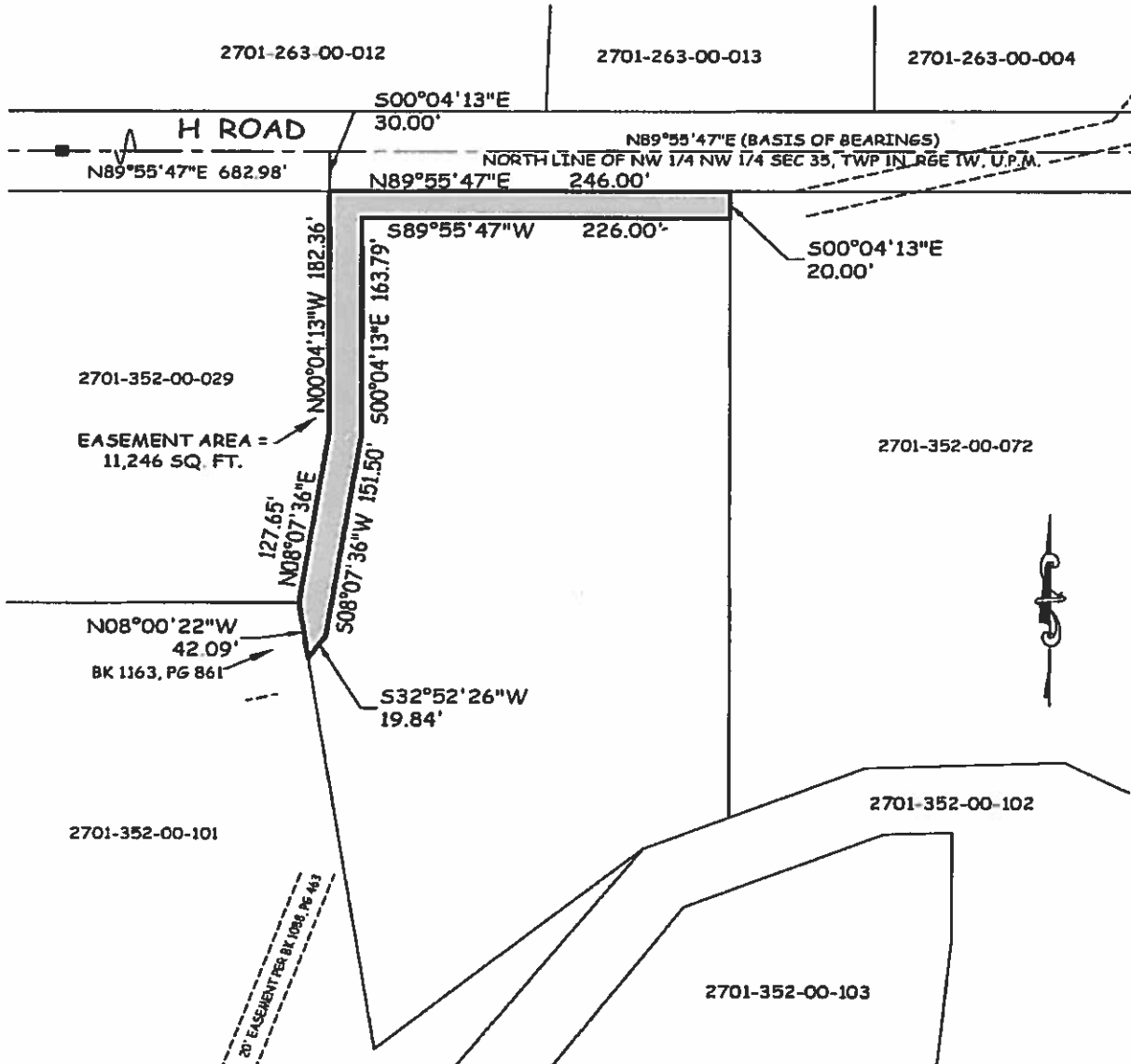
ATTEST:

*Donna Forre*  
President of City Council

*Stephanie Hu*  
City Clerk



# EXHIBIT " A "



**ABBREVIATIONS**

- P.O.C. POINT OF COMMENCEMENT
- P.O.B. POINT OF BEGINNING
- R.O.W. RIGHT OF WAY
- SEC. SECTION
- TWP. TOWNSHIP
- RGE. RANGE
- U.M. UTE MERIDIAN



1 inch = 100 ft.  
Lineal Units = U.S. Survey Foot

The sketch and description shown hereon has been derived from subdivision plats and deed descriptions as they appear in the office of the Mesa County Clerk and Recorder. This sketch does not constitute a legal survey, and is not intended to be used as a means for establishing or verifying property boundary lines.

DRAWN BY: P.T.K.  
DATE: 03-07-2014  
SCALE: 1" = 100'  
APPR. BY: J.B.

JOSEPH COLEMAN AND  
MARGARET COLEMAN  
2619 H ROAD  
NEW SANITARY SEWER EASEMENT  
2701-352-00-071

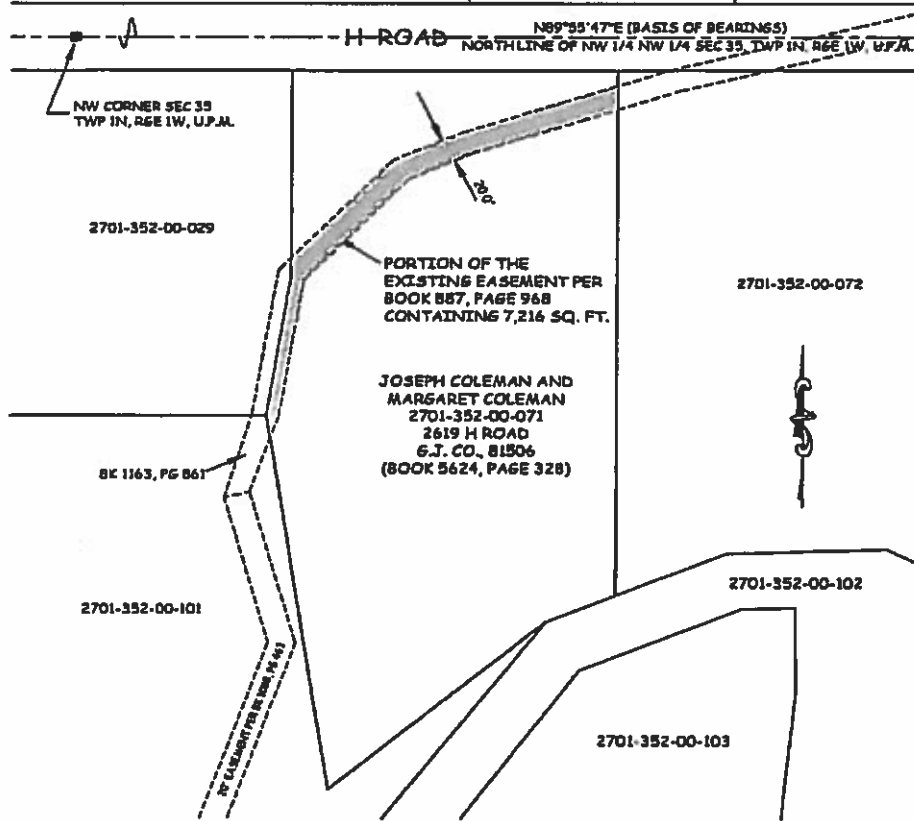
CITY OF  
**Grand Junction**  
COLORADO

# EXHIBIT " B "

2701-263-00-012

2701-263-00-013

2701-263-00-004



**ABBREVIATIONS**  
 P.O.C. POINT OF COMMENCEMENT  
 P.O.B. POINT OF BEGINNING  
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0 50 100  
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DRAWN BY: P.T.K.  
 DATE: 01-10-2014  
 SCALE: 1" = 100'  
 APPR. BY: J.B.

JOSEPH COLEMAN AND  
 MARGARET COLEMAN  
 2619 H ROAD  
 EXISTING EASEMENT  
 2701-352-00-071

CITY OF  
**Grand Junction**  
 COLORADO

## GRANT OF SANITARY SEWER EASEMENT

Joseph Coleman and Margaret Coleman, Grantors, whose address is 2548 I Road, Grand Junction, Colorado, 81505, owners of the following described real property in Mesa County, Colorado:

A parcel of land described in Book 4927, Page 415, Public Records of Mesa County, Colorado

for and in consideration of the sum of Ten and 00/100 Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, has granted and conveyed, and by these presents do hereby grant and convey to the City of Grand Junction, a Colorado home rule municipality, Grantee, whose address is 250 N. 5th Street, Grand Junction, CO 81501, for the use and benefit of the Persigo 201 Sewer System, a Perpetual Easement for the installation, operation, maintenance, repair and replacement of sanitary sewer facilities, on, along, over, under, through and across the following described parcel of land, to wit:

A certain 20.0 foot wide parcel of land lying in the Northwest Quarter of the Northwest Quarter (NW 1/4 NW 1/4) of Section 35, Township 1 North, Range 1 West of the Ute Principal Meridian, lying entirely within that certain parcel of land described in Book 4927, Page 415, Public Records of Mesa County, Colorado and being more particularly described as follows:

COMMENCING at the Northwest corner of said Section 35 and assuming the North line of the NW 1/4 NW 1/4 of said Section 35 bears N 89°55'47" E with all other bearings contained herein being relative thereto; thence from said Point of Commencement, N 89°55'47" E, along the North line of the NW 1/4 NW 1/4 of said Section 35, a distance of 682.98 feet; thence S 00°04'13" E, a distance of 30.00 feet to a point on the South right of way for H Road, being the Northwest corner of that certain parcel of land described in Book 4927, Page 415, Public Records of Mesa County, Colorado and also being the POINT OF BEGINNING; thence from said Point of Beginning, N 89°55'47" E, along the South right of way for H Road, a distance of 246.00 feet to the Northeast corner of said parcel of land; thence S 00°04'13" E, along the East line of said parcel of land, a distance of 20.00 feet; thence S 89°55'47" W, along a line 20.00 feet South of and parallel with, the South right of way for H Road, a distance of 226.00 feet; thence S 00°04'13" E, along a line 20.00 feet East of and parallel with, the West line of said parcel of land, a distance of 163.79 feet; thence S 08°07'36" W, along a line 20.00 feet East of and parallel with, the West line of said parcel of land, a distance of 151.50 feet; thence S 32°52'26" W, a distance of 19.84 feet to a point on the West line of said parcel of land; thence N 8°00'22" W, along the West line of said parcel of land, a distance of 42.09 feet; thence N 08°07'36" E, along the West line of said parcel of land, a distance of 127.65 feet; thence N 00°04'13" W, along the West line of said parcel of land, a distance of 182.36 feet, more or less, to the Point of Beginning.

Said easement contains 11,246 Square Feet or 0.258 Acres, more or less, as described herein and depicted on "Exhibit A", attached hereto and incorporated herein by reference.

TO HAVE AND TO HOLD unto the said Grantee, its successors and assigns forever, together with the right to enter upon said premises with workers and equipment, to survey, maintain, operate, repair, replace, control and use said Easement, and to remove objects interfering therewith, including the trimming of trees and bushes as may be required to permit the operation of standard construction and repair machinery, subject to the terms and conditions contained herein.

SHEET 1 OF 3

The foregoing description was prepared by Peter T. Erick, 250 H 5th St, G.J. CO

The interest conveyed is an Easement for the purposes and uses and upon the terms stated herein. Grantors hereby covenant with Grantee that the Easement shall not be burdened or overburdened by the installation, construction or placement of any improvements, structures or fixtures thereon which may be detrimental to the facilities of Grantee or which may act to prevent reasonable ingress and egress for workers and equipment on, along, over, under, through and across the Easement area.

The Easement shall be for the use and benefit of Grantee, its members, employees, agents and contractors or any of its successors in title or interest, and the public for sanitary sewer and related facilities purposes.

Grantors hereby covenant with Grantee that Grantors have good title to the herein described premises; that Grantors have good and lawful right to grant this Easement; that Grantors warrant and forever defend the title and quiet possession thereof against the lawful claims and demands of all persons whomsoever.

This grant is conditioned upon the Grantee vacating and/or releasing all rights and interests that the Grantee has in the easement which is found in the Mesa County Clerk and Recorder's records in Book 887, Page 968. A vacation and/or release shall be recorded with a copy of this document for the condition to be complete.

Executed this 17 day of September, 2014, by Joseph Coleman and Margaret Coleman.

[Signature] 9/17/14  
Joseph Coleman date

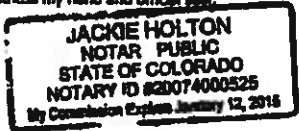
[Signature] 9-17-14  
Margaret Coleman date

State of Colorado }  
County of Mesa } ss.

The foregoing instrument was acknowledged before me by Joseph Coleman and Margaret Coleman this 17<sup>th</sup> day of September, 2014.

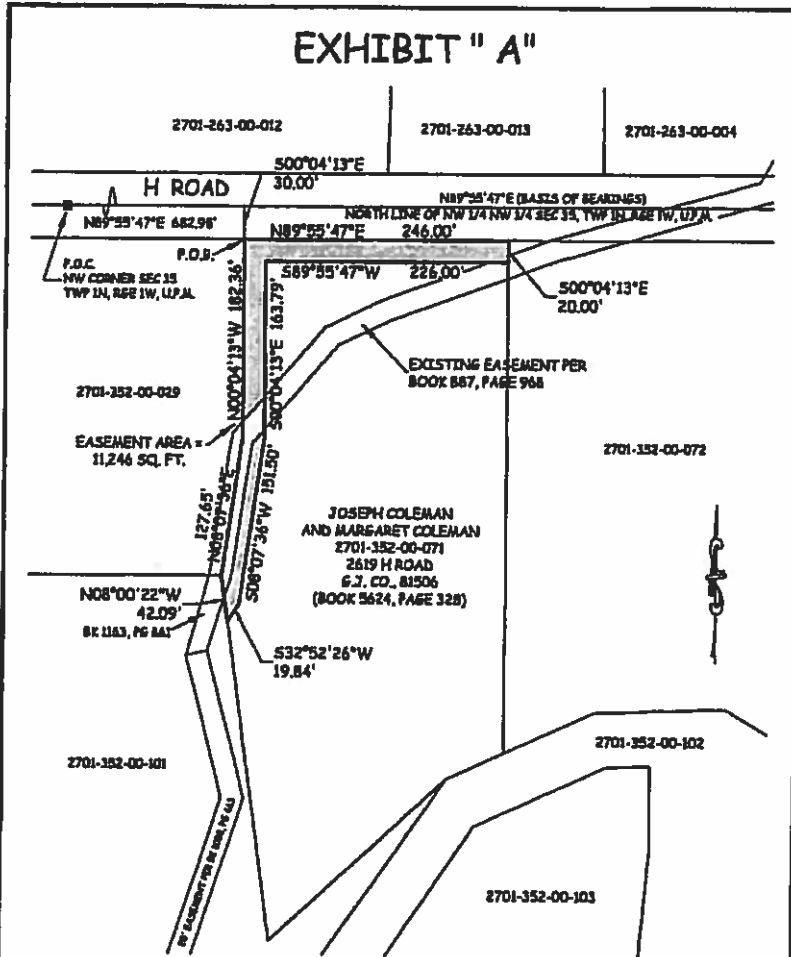
My commission expires January 12, 2018.

Witness my hand and official seal.

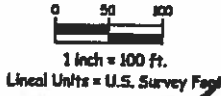


[Signature]  
Notary Public

# EXHIBIT " A "



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SHEET 3 OF 3

DRAWN BY: <u>P.T.E.</u> DATE: <u>03-07-2014</u> SCALE: <u>1" = 100'</u> APPR. BY: <u>J.R.</u>	JOSEPH COLEMAN AND MARGARET COLEMAN 2619 H ROAD SANITARY SEWER EASEMENT 2701-352-00-071	CITY OF <b>Grand Junction</b> COLORADO
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