

General Meeting Checklist / Pre-Application Conference Checklist

Date: 12/13/04

Applicant: PAUL JAGUM

Phone: 256-4023

Tax Parcel #: 2945-233-15-001 to 004

Location

Proposal Vacate High St. to South P/L and merge all parcels

Conference Attendance

While all factors in a development proposal require careful thought, preparation and design, the following circled items are brought to the petitioner's attention as needing special attention or consideration. Other items of special concern may be identified during the review process. General Meetings and pre-application conference notes/standards are valid for only six months following the meeting/conference date shown above. Incomplete submittals will not be accepted. Submittals with insufficient information identified during the review process, which have not been addressed by the applicant will not be scheduled for a public hearing. Failure to meet any deadlines for the review process may result in the project not being scheduled for hearing or being pulled from the agenda. Any changes to the approved plan will require re-review and approval prior to those changes being accepted.

Zoning & Land Use

Planner's Notes

- a. Zoning: C-1
b. Growth Plan Land Use Designation: C
c. Growth Plan (Goals & Policies) Applicability:
d. Corridor Guidelines or other Plan applicability:
e. Land Use Compatibility:

Off-site Impacts

- a. access/right-of-way required
b. traffic impact
c. street improvements
d. drainage/stormwater management
e. availability of utilities

Site Development

- a. bulk requirements
b. access, traffic circulation
c. parking (off-street: handicap, bicycle, lighting)
d. landscaping (street frontages, parking areas)
e. screening & buffering

Misc.

- a. revocable permit
b. State Highway Access Permit
c. floodplain, wetlands
d. proximity to airport (clear or critical zone)
e. geologic hazard, soils

Other

- a. related files
b. other concerns Vacation of Right of Way criteria must be addressed in the General Project Report

Fees

- a. application fee:
Fee is due at the time of submittal. Make check payable to the City of Grand Junction
b. Transportation Capacity Payment (TCP):
c. Drainage fee:
d. Parks & Open Space Fee:
e. School Impact Fee:
f. Recording Fee:
g. Plant Investment Fee (PIF) (Sewer Impact):

Processing Requirements

- a. Reference Documents - ZDC, SSID
b. Submittal Requirements
c. Review Process

PLEASE RETURN A COPY OF THIS FORM IN THE COMMUNITY DEVELOPMENT DEPT REVIEW PACKET

We, the undersigned, being the owner's of the property adjacent to or situated in the City of Grand Junction, Mesa County, State of Colorado, as described herein do hereby petition this:

Petition for (check all appropriate boxes):

- | | | |
|--|--|--|
| <input checked="" type="checkbox"/> Subdivision Plat/Plan - Simple | <input type="checkbox"/> Site Plan Review - Major | <input type="checkbox"/> Concept Plan |
| <input type="checkbox"/> Subdivision Plat/Plan - Major Preliminary | <input type="checkbox"/> Site Plan Review - Minor | <input type="checkbox"/> Minor Change |
| <input type="checkbox"/> Subdivision Plat/Plan - Major Final | <input type="checkbox"/> Conditional Use Permit | <input type="checkbox"/> Change of Use |
| <input type="checkbox"/> Planned Development - ODP | <input checked="" type="checkbox"/> Vacation, Right-of-Way | <input type="checkbox"/> Revocable Permit |
| <input type="checkbox"/> Planned Development - Preliminary | <input type="checkbox"/> Vacation, Easement | <input type="checkbox"/> Variance |
| <input type="checkbox"/> Planned Development - Final | <input type="checkbox"/> Extension of Time | <input type="checkbox"/> Condominium Plat |
| <input type="checkbox"/> Annexation/Zone of Annexation | <input type="checkbox"/> Rezone | <input type="checkbox"/> Growth Plan Amendment |

From: _____

From: _____

From: _____

To: _____

To: _____

To: _____

Site Location:

High Street

Site Tax No.(s):

2945-233-15-001 through 004

Site Acreage/Square footage:

2.02 acres

Site Zoning:

C-1

Project Description:

THIS PROJECT WILL VACATE THE HIGH STREET RIGHT OF WAY TO THE SOUTH PROPERTY LINE AND MERGE FOUR PARCELS INTO ONE.

FOR PAYMENT, PLEASE CHECK RESPONSIBLE PARTY:

CITY OF GRAND JUNCTION

RANDY D. VANGUNDY

D. PAUL JAGIM

Property Owner Name

Developer Name

Representative Name

1018 S. 5th STREET

*PUBLIC WORKS UTILITIES
250 S. 5th STREET*

Address

Address

Address

GRAND JUNCTION, CO 81501

GRAND JUNCTION CO 81501

City/State/Zip

City/State/Zip

City/State/Zip

(970) 242-9500

(970) 256-4023

Business Phone No.

Business Phone No.

Business Phone No.

E-Mail

E-Mail

paulj@gjcity.org

E-Mail

Fax Number

Fax Number

(970) 256-4011

Fax Number

RANDY VANGUNDY

PAUL JAGIM

Contact Person

Contact Person

Contact Person

242-9500

256-4023

Contact Phone No.

Contact Phone No.

Contact Phone No.

Note Legal property owner is owner of record on date of submittal.

We hereby acknowledge that we have familiarized ourselves with the rules and regulations with respect to the preparation of this submittal, that the foregoing information is true and complete to the best of our knowledge, and that we assume the responsibility to monitor the status of the application and the review comments. We recognize that we or our representative(s) must be present at all required hearings. In the event that the petitioner is not represented, the item may be dropped from the agenda and an additional fee charged to cover rescheduling expenses before it can again be placed on the agenda.

[Signature of Paul Jagim]

Signature of Person Completing Application

2/28/05

Date

Randy Dean Vangundy 3-15-05

Required Signature of Legal Property Owner(s) - attach additional sheets if necessary

3-14-05

Date

**General Project Report: VanGundy Subdivision
Simple Subdivision and ROW Vacation
April 4, 2005**

Project Description:

The Vangundy Subdivision project is located at 1531, 1559, and 1561 High Street in Grand Junction. Included in the proposed project are four existing parcels owned by Dean and Randy VanGundy that encompass approximately 3.3 acres. The proposed project is a simple subdivision with right-of-way vacation that will consolidate the four existing parcels and a section of High Street right-of-way into one parcel of approximately 3.6 acres. The project will not result in any change in use to the area.

Public Benefit:

The City of Grand Junction's Public Works and Utilities department approached the VanGundy's with a request to acquire a new 20' wide permanent utility easement near the west edge of 1561 High Street and a temporary construction easement. The easements are required for construction of a new 24" gravity sewer main included in the *Duck Pond Park Lift Station Elimination and Gravity Sewer Construction Project*. An agreement between The City of Grand Junction and the VanGundy's has been entered into whereby the VanGundy's have granted the permanent easement and temporary construction easement necessary for construction of the 24" sewer main. In exchange, The City of Grand Junction's Public Works and Utilities Department agreed to make application on behalf of the VanGundy's to the Community Development Department for a simple subdivision and right-of-way vacation.

The vacation of this portion of the High Street right-of-way will relieve the City of responsibility for maintenance of this portion of seldom used right-of-way. This section of High Street has not been constructed, operated, or maintained as a public street.

Project Compliance, Compatibility, and Impact:

The proposed vacation of a portion of High Street right-of-way appears to meet the requirements of the Zoning and Development Code:

- will not conflict with the Growth Plan or major street plan.
- will not cause any parcels to become landlocked or restricted.
- will not restrict the provision of public facilities and services to any parcels or the general community.

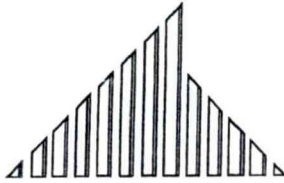
Existing public facilities and utilities will not be impacted by the proposed lot consolidation and right-of-way vacation. Land use will not be changed as a result of the simple subdivision.

Development Schedule and Phasing:

The Community Development application and review process is scheduled to occur concurrently with construction of the *Duck Pond Park Lift Station Elimination and Gravity Sewer Construction Project*. It is the desire of the City of Grand Junction's Public Works and Utilities Department and the VanGundy's to record the final plat of the VanGundy subdivision prior to August 31, 2005.

Report Prepared By: D. Paul Jagim, P.E.
Project Engineer
Engineering Division





**ABSTRACT & TITLE CO.
OF MESA COUNTY, INC.**

Issuing Agent For:
TRANSNATION
TITLE INSURANCE COMPANY

1114 N. 1st., Suite 201, Grand Junction, CO 81501 • (970) 242-8234 • FAX: (970) 241-4925

	AMOUNT	PREMIUM
HC Peck & Associates	OWNER \$NonConcurrent	\$ 300.00
Tim Woodmansee	MORTGAGE \$	\$
2529 Highcountry Court	COST OF TAX CERTIFICATE	\$
Grand Junction, CO 81501	FORM 100	\$
	ALTA 8.1	\$
		\$
		\$

Your Reference **Van Gundy**

CC's To: **(2) HC Peck & Assoc - Tim Woodmansee**

No. **00914368 C**

Tax Schedule No. **2945-233-15-001, 2945-233-15-002, 2945-233-15-003, 2945-233-15-004**

Property Address , , CO

— **COMMITMENT TO INSURE** —

Transnation Title Insurance Company, an Arizona corporation, herein called the Company, for a valuable consideration, hereby commits to issue its policy or policies of title insurance, as identified in Schedule A, in favor of the proposed insured named in Schedule A, as owner or mortgagee of the estate or interest covered hereby in the land described or referred to in Schedule A, upon payment of the premiums and charges therefor; all subject to the provisions of Schedules A and B and to the conditions and stipulations shown on the reverse side.

Customer Contact: **Karen A. Grew-Ellison/Title**
Phone: **(970) 242-8234**

By *Karen A Grew-Ellison*
AUTHORIZED SIGNATURE

The effective date of this commitment is **November 4, 2004** at 7:00 A.M.
At which time fee title was vested in:

Dean H. Van Gundy, as to a Life Estate and Randy Dean Van Gundy, as to the remainder

SCHEDULE A

1. Policies to be issued:
(A) Owners':

(B) Mortgagee's:

SCHEDULE A — Continued

2. Covering the Land in the State of Colorado, County of Mesa
Described as:

Parcel No. 1

A part of Lots 6 and 7 and all of Lots 8 and 9 in Block 36 of MOON AND DAY'S ADDITION TO ORCHARD MESA HEIGHTS as recorded in the records of the County of Mesa, State of Colorado; ALSO a strip of land being situated between the West line of Lot 9, Block 36 of said Moon and Day's Addition and the Easterly right-of-way line of the Denver and Rio Grande Railroad Company's Third Division main track, and said strip of land being bounded on the South by the North right-of-way line of High Street of said Moon and Day's Addition, being more particularly described as follows:

Beginning at a point on the Northeasterly right-of-way line of said High Street from which the Southeast corner of Lot 6 of said Block 36 bears South 56°32'00" East 45.73 feet; thence North 00°00'00" East, 100.00 feet to the South bank of the Colorado River; thence Northwesterly along said South bank to a point on the Easterly right-of-way line of said Denver & Rio Grande Railroad Company's Third Division main track; thence along said railroad right-of-way line and the arc of a curve to the left whose radius is 616.8 feet and whose long chord bears South 14°42'10" West, 177.26 feet to the North right-of-way line of said High Street; thence South 87°38'00" East along the North right-of-way line of said High Street 115.07 feet to the Southeast corner of Lot 8 of said Block 36; thence South 56°32'00" East along the Northeasterly right-of-way line of said High Street 93.52 feet to the point of beginning.

Parcel No. 2

A part of Lots 1, 2, 3, 4, 5, 6 and 7 in Block 36 of MOON AND DAY'S ADDITION TO ORCHARD MESA HEIGHTS as recorded in the records of the County of Mesa, State of Colorado being more particularly described as follows:

Beginning at a point on the Northeasterly right-of-way line of High Street of said Moon and Day's Addition from which the Southeast corner of Lot 6 of said Block 36 bears South 56°32'00" East 45.73 feet; thence North 00°00'00" East, 100.00 feet to the South bank of the Colorado River; thence Southeasterly along said South bank to a point on the West right-of-way line of Colorado State Highway No. 6; thence South 38°04'00" West along said Highway right-of-way line 165.00 feet; thence South 27°49'00" West along said Highway right-of-way line 114.00 feet to the intersection with the East right-of-way line of said High Street; thence North 06°47'00" East along the East right-of-way line of said High Street 260.65 feet to the Southeast corner of Lot 6 of said Block 36; thence North 56°32'00" West along the Northeasterly right-of-way line of said High Street 45.73 feet to the point of beginning.

Parcel No. 3

A parcel of land located in Lot 7 in the SW 1/4 of Section 23, Township 1 South, Range 1 West of the Ute Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

Commencing at a point in the center of the Denver & Rio Grande Railroad Company's Third Division main track, known as Station 3889 plus 87.3 and Mile Post 423 plus 2321.4 of said Railroad Company's mileage, said point being 421 feet measured Southerly along the center of

SCHEDULE A — Continued

said Third Division main track from the South end of the Railroad Company's Grand River Bridge No. 423A;
thence North 83°13'00" East at a right angle to said Third Division main track, 100.00 feet to Corner No. 1 and the True Point of Beginning, said Corner No. 1 being on the Easterly right-of-way line of said Third Division main track;
thence Northerly along said right-of-way on a curve to the right with a radius of 616.8 feet and an arc distance of 92.8 feet to Corner No. 2;
thence North 82°08'00" East, 110.00 feet to Corner No. 3;
thence South 56°32'00" East 117.00 feet to Corner No. 4;
thence South 6°47'00" East along a line parallel with said Third Division main track, 271.40 feet to Corner No. 5;
thence Southerly along a line parallel with said Third Division main track on a curve to the right with a radius of 1,738.7 feet and an arc distance 114.50 feet to the Mesa County right-of-way as recorded in Deed No. 4366 of the records of the County of Mesa;
thence South 20°53'19" West, 56.88 feet along said County right-of-way to the North line of Block 33 of Moon and Day's Addition to Orchard Mesa Heights, as recorded in the records of the County of Mesa, State of Colorado;
thence South 88°44'00" West along the North line of said Block 33, 184.00 feet to Corner No. 7, said Corner No. 7 being on the Easterly right-of-way line of said Third Division main track;
thence Northerly along the Easterly right-of-way line of said Third Division main track on a curve to the left with the radius of 1,532.7 feet and an arc distance of 147.5 feet to Corner No. 8;
thence North 6°47'00" West along the Easterly right-of-way line of said Third Division main track, 252.3 feet to Corner No. 1 and the True Point of Beginning;
TOGETHER WITH that portion of vacated High Street adjoining the above described property as vacated by Order of the Board of County Commissioners recorded in Book 399 at Page 221 of the records of Mesa County, Colorado;
EXCEPT that right-of-way deeded in Book 705 at Page 80 of the records of the County of Mesa for roadway purposes.

SCHEDULE A — Continued
REQUIREMENTS

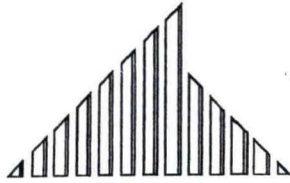
3. The following are the requirements to be complied with prior to the issuance of said policy or policies. Any other instrument recorded subsequent to the date hereof may appear as an exception under Schedule B of the policy to be issued. Unless otherwise noted, all documents must be recorded in the office of clerk and recorder of the county in which said property is located.

SCHEDULE B — Section 2

Schedule B of the policy or policies to be issued will contain exceptions to the following matters unless the same are disposed of to the satisfaction of the Company.

1. Rights or claims of parties in possession not shown by the public records.
2. Easements, or claims of easements, not shown by the public records.
3. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, and any facts which a correct survey and inspection of the premises would disclose and which are not shown by the public records.
4. Any lien, or right to a lien, for services, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the public records.
5. Unpatented mining claims; reservations or exceptions in patents or in Acts authorizing the issuance thereof.
6. Any and all unpaid taxes, assessments and unredeemed tax sales.
7. Reservation of right of proprietor of any penetrating vein or lode to extract his ore, in U.S. Patent recorded May 26, 1888 in Book 23 at Page 138.
8. Reservation of all mineral rights unto C. H. McCurdy as reserved in Deed recorded February 24, 1908 in Book 128 at Page 269, and any and all assignments thereof or interests therein. Affects Parcels 1 and 2.
9. Reservation unto the Mesa Point Coal Company of the right to mine coal and clay from the land provided that the same shall be done in such a manner as not to in any way impair or damage or interfere with the use by the owner of a reservoir or for any other railroad purposes as set forth in Decree recorded January 4, 1908 in Book 119 at Page 87. Affects Parcel 3.
10. Road right-of-way as granted to Mesa County by Quit Claim Deed recorded August 8, 1908 in Book 131 at Page 151.
11. Road right-of-way as ordered and dedicated to the public by Decree recorded January 4, 1908 in Book 119 at Page 87. Affects Parcel 3.
12. Right of way, whether in fee or easement only, for a lateral ditch to discharge waste water, granted to Orchard Mesa Heights Irrigation and Ditch Company by instrument recorded July 16, 1959 in Book 758 at page 414, in which the specific location of the easement is not defined.
13. Right of way conveyed to the Mesa County, Colorado by document recorded March 3, 1933 in Book 332 at Page 511.
14. Any rights, interest or easements in favor of the riparian owners, the State of Colorado, the United States of America, or the general Public, which exist, have existed, or are claimed to exist in and over the waters and present and past bed and banks of the Colorado River.

NOTE: EXCEPTIONS N/A WILL NOT APPEAR IN THE MORTGAGE POLICY TO BE ISSUED
HEREUNDER



**ABSTRACT & TITLE CO.
OF MESA COUNTY, INC.**

Issuing Agent For:
TRANSNATION
TITLE INSURANCE COMPANY

— **CONDITIONS AND STIPULATIONS** —

Please read carefully

1. This is a Commitment to issue one or more policies of title insurance in our Standard Form when the requirements set forth in the Commitment have been satisfied. The policy is available and should be examined before this Commitment is used if there is any question about coverage.
2. Only the policies shown are committed to. If there are any changes in the transaction, order an amendment from us.
3. The date on this Commitment is important. Nothing after that date has been considered by us.
4. This Commitment is good for 6 months only. Extensions should be ordered from us if they are needed.

PURSUANT TO SENATE BILL 91-14 (CRS 10-11-122) NOTICE IS HEREBY GIVEN THAT:

- (a) THE SUBJECT REAL PROPERTY MAY BE LOCATED IN A SPECIAL TAXING DISTRICT;
- (b) A CERTIFICATE OF TAXES DUE LISTING EACH TAXING JURISDICTION SHALL BE OBTAINED FROM THE COUNTY TREASURER OR THE COUNTY TREASURER'S AUTHORIZED AGENT;
- (c) INFORMATION REGARDING SPECIAL DISTRICTS AND THE BOUNDARIES OF SUCH DISTRICTS MAY BE OBTAINED FROM THE BOARD OF COUNTY COMMISSIONERS, THE COUNTY CLERK AND RECORDER, OR THE COUNTY ASSESSOR.

NOTE:

A TAX CERTIFICATE WILL BE ORDERED FROM THE COUNTY TREASURER BY THE COMPANY AND THE COSTS THEREOF CHARGED TO THE PROPOSED INSURED UNLESS WRITTEN INSTRUCTIONS TO THE CONTRARY ARE RECEIVED BY THE COMPANY PRIOR TO THE ISSUANCE OF THE TITLE POLICY ANTICIPATED BY THIS COMMITMENT.

1114 N. 1st Street, Suite 201
P.O. Box 3738
Grand Junction, CO 81501
970/242-8234
FAX 970/241-4925

COMPARED

QUIT CLAIM DEED

M. A. + M. B.

Margaret McGinley -to- Mesa County
Filed for Record Jun 25, 1941 at 8:31 o'clock A. M.
C. B. Pond, Recorder

#386289

KNOW ALL MEN BY THESE PRESENTS, That I, Margaret McGinley, Norah McGinley Flynn and Dorothy McGinley of the County of Mesa and State of Colorado, for the consideration of One Hundred Dollars, in hand paid, hereby sell and quit-claim to Mesa County of the County of Mesa and State of Colorado, the following real property, situate in the County of Mesa and State of Colorado, to-wit: A portion of Lots 1, 2, 3, and 4 in Riverside Subdivision in the NW 1/4 of the SW 1/4, Sec. 10, T 1 S., R. 1 W., Ute Meridian, more fully described as follows: Beginning at the SE corner of said NW 1/4 SW 1/4, thence North for 109.9 feet, thence N 61° - 22' W for 1466.4 feet, thence N 77° - 23' W for 31.5 feet to the West boundary of said NW 1/4 SW 1/4, thence South for 132.5 feet, thence S 61° - 22' E for 1436.1 feet to the South boundary of said NW 1/4 SW 1/4, thence East for 59.5 feet to the point of beginning, and containing 4.29 acres, more or less, all in Mesa County, Colorado. (IRS) 55/ with all its appurtenances. Signed and delivered this 11th day of June A. D. 1941.

Margaret M. McGinley
Margaret McGinley
Norah McGinley Flynn
Norah McGinley Flynn
Dorothy McGinley
Dorothy McGinley

In the Presence of

STATE OF COLORADO)
COUNTY OF MESA) ss.

I, C. B. Pond, County Clerk and Recorder, in and for said Mesa County, in the State aforesaid, do hereby certify that Margaret M. McGinley, who is personally known to me to be the person whose name is subscribed to the foregoing deed, appeared before me this day in person, and acknowledged that she signed, sealed and delivered the said instrument of writing as her free and voluntary act and deed, for the uses and purposes therein set forth. Given under my hand and official seal, this 24th day of June, A. D. 1941. (Mesa County)(Seal) C. B. Pond, County Clerk and Recorder

STATE OF COLORADO)
COUNTY OF EAGLE) ss.

I, Helen Joxen, in and for said Eagle County, in the State aforesaid, do hereby certify that Norah McGinley Flynn who is personally known to me to be the person whose name is subscribed to the foregoing deed, appeared before me this day in person, and acknowledged that she signed, sealed and delivered the said instrument of writing as her free and voluntary act and deed, for the uses and purposes therein set forth. Given under my hand and notarial seal, this 11th day of June, A. D. 1941. Helen Joxen Notary Public Helen Joxen Eagle County, Colorado My Commission expires Feb. 15, 1943. (Helen Joxen) Notary Public (Eagle County, Colorado)

STATE OF COLORADO)
COUNTY OF MESA) ss.

I, F. L. Tilton, Deputy County Clerk, in and for said Mesa County, in the State aforesaid, do hereby certify that Dorothy McGinley, who is personally known to me to be the person whose name is subscribed to the foregoing deed, appeared before me this day in person, and acknowledged that she signed, sealed and delivered the said instrument of writing as her free and voluntary act and deed, for the uses and purposes therein set forth. Given under my hand and official seal, this 24th day of June, A. D. 1941. (Mesa County Colorado) F. L. Tilton Deputy County Clerk (Seal)

COMPARED

KC-MJR

CERTIFIED COPY OF ORDER
Mesa County Board of Commissioners to State
Filed for record Jun 28 1941 at 12:05 o'clock P.M.
C. B. Pond, Recorder

STATE OF COLORADO)
County of Mesa) ss.

At a regular adjourned meeting of the Board of County Commissioners for MESA County, Colorado, held at the Court House, in Grand Junction on Friday the 27th day of June A. D. 1941, there were present:

- W. F. Perkins Chairman,
H. Grady Puett Commissioner,
Oscar C. Mayne Commissioner,
E. B. Adams County Attorney,
..... Clerk,
F. L. Tilton Deputy.

when the following proceedings, among others, were had and done, to-wit:

ORDER
The trustees of the Denver and Pio Grande Western Railroad Company, through K. L. Morarty, Superintendent, and Homer A. Feller, having filed their petition with the Board of County Commissioners requesting the closing of High Street between Lots Eight (8) and Nine (9), in Block Thirty-Six (36) of the Moon and Day's Addition to Orchard Mesa, and the Board finding that they are the owners of all of the land adjoining said part of High street requested to be vacated,

ACCORDINGLY, IT IS HEREBY ORDERED That High Street between Lots Eight (8) and Nine (9), in Block Thirty-six (36) of the Moon and Day's Addition to Orchard Mesa, be, and the same is, hereby vacated.

STATE OF COLORADO)
County of Mes.) ss.

I, C. B. Pond, County Clerk and ex-officio Clerk of the Board of County Commissioners in and for the County and State aforesaid, do hereby certify that the annexed and foregoing Order is truly copied from the Records of the Proceedings of the Board of County Commissioners of said Mesa County, now in my office.

In Witness Whereof, I have hereunto set my hand and affixed the seal of said County, at Grand Junction, Colo. this 27th day of June A. D. 1941.

C. B. Pond
County Clerk
Per F. L. Tilton
Deputy.

(Mesa County, Colorado)(Seal)

23-138

and agree, to and with said party of the second part, his
 executor, administrator and assigns, to warrant and defend the
 sale of said property, goods and chattels, hereby made unto the
 said party of the second part, his executor, administrator and
 assigns, against all and every person or persons whatsoever.
 In witness whereof, I have hereunto set my hand and seal,
 this first day of April A.D. 1886.
 Signed, sealed, and delivered, in presence of Laura P. Baunister
 Chas. S. King

Record

5943
 Coal Certificate
 Nelson Pritchard
 Made for record
 May 24, 1886.
 No. 921000
 Nelson Pritchard
 Nelson Pritchard

General Land Office
 No. 239

Coal Certificate
 No. 1 Ute Series.

The United States of America, do all to whom these presents shall
 come, greeting: Whereas, in pursuance of the Revised Statutes of the
 United States, there has been deposited in the General Land Office of
 the United States the certificate of the Register of the Land Office of
 Gunnison in the State of Colorado, whereby it appears that Nelson
 Pritchard did on the twentieth day of January, A. D. 1884, enter and
 pay for the lot seven of the southwest quarter of section twenty-three,
 in township one south of range one west of the Ute Principal
 Meridian, embracing nine and forty-nine hundredths acres of land,
 more or less, as shown by the official plat of the survey of said
 land returned to the General Land Office by the Surveyor General.
 The same being Coal Entry No. 1 in the series of said Office.
 Now know ye, that the United States of America, in consideration
 of the premises, and in conformity with said Act of Congress,
 have given and granted, and by these presents do give and grant,
 unto the said Nelson Pritchard and to his heirs the said
 tract above described: To have and to hold the same, together with
 all the rights, privileges, immunities, and appurtenances, of whatever
 nature thereunto belonging, unto the said Nelson Pritchard and
 to his heirs and assigns forever: subject to any vested and accrued
 water rights for mining, agricultural, manufacturing, or other
 purposes, and rights to ditches and reservoirs used in connection with
 such water rights as may be recognized and acknowledged by the
 local customs, laws, and decisions of Courts, and also subject to the
 right of the proprietor of a vein or lode to extract and remove his ore
 therefrom, should the same be found to penetrate or intersect the
 premises hereby granted, as provided by law.

No. 50-1
 Title Bond for
 Coal Certificate
 Nelson Pritchard
 made for record
 to
 W. J. Lyneal
 (for of record)
 County of Gunnison
 State of Colorado
 this instrument was
 filed for record in my
 office on 9th March,
 A. D. May 21, 1886
 and is duly recorded
 in book 25 page
 No. 139
 W. J. Lyneal
 County Clerk
 for Gunnison
 Nelson
 now a
 dollar
 Joseph
 of the
 Gunnison
 and
 day of
 Gunnison
 said
 a few
 Nelson

1252.
 Mason Cole
 party of the
 assigns former
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 and part. his
 and defend the
 and into the
 demeritiated and
 is jawbomr.
 hands and seal

ister seal

these presents shall
 and Statutes of the
 al. Land Office of
 the Land Office at
 appears that Nelson
 A. D. 1854, under and
 sections twenty-three
 the Principal
 the acres of land
 survey of said
 the Surveyor General
 of said Office
 near, in consideration
 of Congress
 to give and grant
 heirs the said
 same together with
 inances, of whatever
 or Pritchard and
 and assured
 any, or other
 in connection with
 knowledge of
 and reason his
 state of affairs

2000 Bond for
 Nelson Pritchard
 Joseph A. Crawford
 to
 W. A. Lyford
 Secy of Genl. Off
 County of Mesa
 I hereby certify that
 the instrument was
 filed for record in my
 office at 9th March
 18th May 21, 1858
 and is duly recorded
 in book 26 page
 42187
 W. A. Lyford Secy
 of the Genl. Off
 of the Land Office

President of the United States of America, have caused
 these letters to be made Patent, and the Seal of the
 General Land Office to be hereunto affixed.
 Given under my hand, at the City of Washington,
 the sixteenth day of December, in the year of our Lord,
 One thousand eight hundred and eighty six, and of the
 Independence of the United States the One hundred and
 eleventh.
 By the President: Grover Cleveland
 By Mr. McKean, Secretary.
 Robt. W. Ross
 Recorder of the General Land Office

Recorded Vol. 2, Page 170.

Know all men by these presents, that we, Joseph A. Crawford and
 Nelson Pritchard of the County of Mesa and State of Colorado,
 are held and firmly bound with W. A. Lyford in the penal sum
 of One thousand Dollars, lawful money of the United States, for
 the payment of which sum well and truly to be made, all hereby
 bound ourselves, our heirs, executors, administrators and assigns, firmly
 by these presents. Witness our hands and seals this 25th day of May
 A.D. 1858. The Conditions of the above obligation are such: That when
 as the above bounden, Joseph A. Crawford and Nelson Pritchard
 have on the day of the date hereof, sold to the said W. A. Lyford
 the following described real estate, lying, being and situated in the
 County of Mesa and State of Colorado, to wit: An undivided two
 fourths interest in and to lot numbered seven (7) of the South west
 quarter of Section twenty three (23) in township one (1) South of Range
 one (1) West of one (1) Principal Meridian embracing more and forty
 seven hundredths (47¹⁰⁰) acres of land, more or less, as shown by the
 official plat of the survey of said land returned to the General
 Land Office by the Surveyor General. The same being, said section
 spot in the series of said office, together with all improvements
 thereon, and including cars, tracks and all kinds of mining tools
 now on said premises, for the sum of Five hundred and thirty three
 dollars, lawful money, which sum of money is to be paid to the said
 Joseph A. Crawford and Nelson Pritchard, or deposited to the credit
 of the said Joseph A. Crawford and Nelson Pritchard in the
 Banking House of The First National Bank in the city of Grand
 Junction, Col., on or before the 25th day of July A.D. 1858 and the
 said Joseph A. Crawford and Nelson Pritchard shall, on the 25th
 day of July A.D. 1858 or at any time before, on the payment of the
 sum of Five hundred and thirty three Dollars, so to be paid as
 hereinbefore mentioned, make, execute, acknowledge and deliver to
 the said W. A. Lyford or to such person or persons as he shall designate
 a good and sufficient deed or deeds of all the foregoing premises
 in and to the said land hereby sold.

DECREE.
The Mesa Point Coal Company --- to --- The Denver and Rio Grande Railroad Co.
Filed for record Jan. 4, A. D. 1908 at 9.20 A. M.
R. E. Starr, Recorder.

order.

#71928

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STATE OF COLORADO)
)SS IN THE COUNTY COURT OF MESA COUNTY, COLORADO.
COUNTY OF MESA)

The Denver and Rio Grande Railroad
Company, a corporation, Petitioner.
against
The Mesa Point Coal Company,
a corporation, Respondent,
and
W. C. McCurdy, assignee of the Colorado
State Bank of Grand Junction, Colorado,
and A. A. Miller, Intervenor.

DECREE.

Now on this 28 day of September, A. D. 1907 in open Court come the parties to this action the
Petitioner, The Denver and Rio Grande Railroad Company being represented by E. N. Clarke and Brown &
Nourse, its attorneys, and the Respondent, The Mesa Point Coal Company, and the Intervenor, W. C.
McCurdy, assignee of the Colorado State Bank of Grand Junction, Colorado and A. A. Miller, being
represented by James W. Bucklin, their attorney, the said parties by their said attorneys file in
open Court their stipulation in words and figures as follows, to-wit:

STATE OF COLORADO)
)SS IN THE COUNTY COURT OF MESA COUNTY, COLORADO.

COUNTY OF MESA)
The Denver and Rio Grande Railroad
Company, a corporation, Petitioner,
against
The Mesa Point Coal Company,
a corporation, Respondent,
and
W. C. McCurdy, assignee of the Colorado
State Bank of Grand Junction, Colorado,
and A. A. Miller, Intervenor.

STIPULATION.

The above entitled cause having been settled by the payment of the Denver and Rio Grande Rail-
road Company, Petitioner to the Respondent and Intervenor of the sum of seventeen hundred and twenty
dollars, the Petitioner being here represented by E. N. Clark and Brown and Nourse, its attorneys,
and the Respondent and the Intervenor being represented by James W. Bucklin, their attorney, it is
hereby stipulated and agreed by and between the Petitioner and the Respondent and Intervenor:

That judgment shall be rendered and entered herein in favor of Petitioner and against the Res-
pondent and the Intervenor as follows:

1. That the description of the land sought to be condemned as set forth in the Petition shall
be and is hereby amended and the following described tract of land substituted in lieu thereof, to-wit:
Commencing at a point in the center of the D. & R. G. R. R., Co's. Third Division main track,
known as station 89 plus 87.3, Mile post 423 plus 2321.4 of the Railroad Company's mileage, said
point being 421 feet measured southerly along center of track from the south end of the Railroad
Company's Grand River Bridge No. 423-A.- thence north 83 degrees 13 mins. at right angles to track
a distance of 190 feet to corner No. 1 on easterly right of way line of Railroad Company, thence
northerly along said right of way line on a curve to the right with a radius of 616.8 feet a dis-
tance of 92.8 feet to corner No. 2; thence north 82 degrees 8 mins. east a distance of 109.8 feet to
corner No. 3; thence south 56 degrees 32 mins. east a distance of 117.0 feet to corner No. 4; thence
south 6 degrees 47 mins. east parallel with track a distance of 271.0 feet to corner No. 5; thence
southerly parallel with track on a curve to the right with a radius of 1738.7 feet a distance of
167.3 feet to corner No. 6; thence south 28 degrees 44 mins. west at right angles to track a dis-
tance of 206.0 feet to corner No. 7; on said easterly right of way line; thence northerly along said
right of way line on a curve to the left with a radius of 1532.7 feet a distance of 147.5 feet to
corner No. 8; thence north 6 degrees 47 mins. west along said right of way line a distance of 252.3
feet to corner No. 1, place of beginning; containing 2.3 acres.

All situate in Lot seven (7) in the southwest quarter of Section twenty three (23) in Township
1 (1) south of Range one (1) west of the Ute Principal Meridian in Mesa County, Colorado, and the
Court shall render and enter a decree herein divesting all the right, title and interest which the
Respondent and the Intervenor, or any or either of them had or held in or to said property or any
part thereof at the date of the filing of the petition for Condemnation herein on the 27th day of
April A. D. 1905 and all right, title and interest which the said Respondent and the Intervenor or
any or either of them have at any time since had or held in or to the said property or any part
thereof and all right, title and interest which the Respondent and the Intervenor or any or either
of them have, hold or claim in or to the said property or any part thereof and vesting the same in
Petitioner, The Denver and Rio Grande Railroad Company and vesting in said Petitioner title to said
property in fee simple; reserving however to the Respondent and Intervenor, their heirs, successors
and assigns the right to mine coal and clay from said land provided that the same shall be done in
such manner as not in any way to impair or damage or interfere with the use by the Petitioner of
said land for reservoir purposes or for any other railroad use.

2. That the Court render and enter a decree herein declaring to be a public highway a certain
tract of land owned by Respondent and Intervenor, thirty feet wide and lying east of and adjoining
the property above described by metes and bounds as follows, to-wit:

Beginning at corner No. 1 which is same as corner No. 6 of the D. and R. G. R. R. Co's. reser-
voir grounds, thence north 88 degrees 44 mins. east a distance of 30 feet to corner No. 2; thence
northerly on a curve to the left with a radius of 1768.7 feet a distance of 170.2 feet to corner No.
3; thence north 6 degrees 47 mins. west a distance of 271.0 feet to corner No. 4; thence south 83
degrees 13 mins. west a distance of 30 feet to corner No. 5, which is same as corner No. 4 of said
reservoir grounds; thence south 6 degrees 47 mins. east a distance of 271.0 feet to corner No. 6-
corner No. 5 of reservoir grounds; thence southerly on a curve to the right with a radius of 1738.7
feet a distance of 167.3 feet to corner No. 1, place of beginning, containing 0.303 acres.

All situate in Lot seven (7) in the southwest quarter of Section twenty three (23) in Township
one (1) south of Range one (1) west of the Ute Principal Meridian in Mesa County, Colorado, and the
Respondent and Intervenor further stipulate and agree that they will execute in proper form and
file with the Board of County Commissioners of Mesa County dedication statement and plat
setting the said land as a public highway and do whatever they can to secure the same.

thereof by the said Board of County Commissioners.

3. That the Petitioner shall pay the costs of this proceeding.

4. That the Court shall enter any further decrees, judgments or orders as may be necessary to carry into effect the provisions of this stipulation.

Dated, September 28, A. D. 1907.

E. N. Clark and Brown & Nourse. Attorneys for Petitioner. James W. Bucklin. Attorney for Respondent and the Interveners.

Signed and filed in open Court.

Wherefor in consideration of said stipulation the matter having been fully considered, ordered, adjudged and decreed by the Court:

1. That judgment be and the same is hereby rendered and entered herein in favor of the petitioner and against the Respondent and the Interveners.

2. It is considered ordered adjudged and decreed that the description of the land sought to be condemned as set forth in the petition be and the same is hereby amended and the following described tract of land substituted in lieu thereof:

Commencing at a point in the center of the D. & R. G. R. R. Co's. Third Division main track, known as station 89 plus 87.3, Mile Post 423 plus 2321.4 of the Railroad Company's mileage, said point being 421 feet measured southerly along center of track from the south end of the Railroad Company's Grand River Bridge No. 423-A- thence north 83 degrees 13 mins. at right angles to track a distance of 100 feet to corner No. 1 on easterly right of way line of Railroad Company, thence northerly along said right of way line on a curve to the right with a radius of 616.8 feet a distance of 92.8 feet to corner No. 2; thence north 82 degrees 8 mins. east a distance of 109.8 feet to corner No. 3; thence south 56 degrees 32 mins. east a distance of 117.0 feet to corner No. 4; thence south 5 degrees 47 mins. east parallel with track a distance of 271.0 feet to corner No. 5; thence southerly parallel with track on a curve to the right with a radius of 1738.7 feet to corner No. 6; thence south 85 degrees 44 mins. west at right angles to track a distance of 206.0 feet to corner No. 7; on said easterly right of way line; thence northerly along said right of way line on a curve to the left with a radius of 1532.7 feet a distance of 147.5 feet to corner No. 8; thence north 6 degrees 47 mins. west along said right of way line a distance of 252.3 feet to corner No. 1, place of beginning containing 2.3 acres. All situate in Lot seven (7) in the southwest quarter of Section twenty three (23) in Township one (1) south of Range one (1) west of the Ute Principal meridian in Mesa County Colorado.

And it is considered ordered adjudged and decreed that all the right, title and interest which the Respondent and the Interveners or any or either of them had or held in or to said property or any part thereof at the date of the filing of the Petition for Condemnation herein on the 27th day of April, A. D. 1905 and all right, title and interest which they or any or either of them have at any time since had or held in or to said property or any part thereof and all right, title and interest which they or any or either of them now have, hold or claim in or to said property or any part thereof is hereby divested from them and vested in the Petitioner; reserving however to the Interveners, their heirs, successors and assigns the right to mine coal and clay from said land provided that the same shall be done in such manner as not in any way to impair or damage or interfere with the use by the Petitioner of said land for reservoir purposes or for any other railroad use.

3. It is further considered, ordered, adjudged and decreed that a certain piece of land belonging to the Respondent and the Interveners, the same being thirty feet wide and lying east of and adjoining the property above described and described by notes and bounds as follows, to-wit:

Beginning at corner No. 1 which is same as corner No. 6 of the D. & R. G. R. R. Co's. reservoir grounds, thence north 85 degrees 44 mins. east a distance of 30 feet to corner No. 2; thence northerly on a curve to the left with a radius of 1768.7 feet a distance of 170.2 feet to corner No. 3; thence north 6 degrees 47 mins. west a distance of 271.0 feet to corner No. 4; thence south 85 degrees 15 mins. west a distance of 30 feet to corner No. 5; which is same as corner No. 4 of said reservoir grounds thence south 6 degrees 47 mins. east a distance of 271.0 feet to corner No. 6 - corner No. 5 of reservoir grounds; thence southerly on a curve to the right with a radius of 1738.7 feet a distance of 167.3 feet to corner No. 1, place of beginning; containing 0.333 acres. All situate in Lot seven (7) in the southwest quarter of Section twenty three (23) in Township one (1) south of Range one (1) west of the Ute Principal Meridian in Mesa County, Colorado.

4. It is ordered, adjudged and decreed by the Court that the Petitioner pay the costs of this proceeding.

Done in open Court this 28th day of September, A. D. 1907.

Walter S. Sullivan, Judge.

THE DENVER AND RIO GRANDE RAILROAD COMPANY, a corporation, Petitioner, vs. MESA POINT COAL COMPANY, a corporation, Respondent, and State Bank of Grand Junction, Col) and A. A. Miller, Interveners.)

RECEIPT.

Received this 28th day of September A. D. 1907 from J. Monroe Stewart, Clerk of the County Court, Mesa County, Colorado, the sum of seventeen hundred and twenty dollars (\$1720.00) the same being in the hands of the said Clerk and under stipulation of parties payable by said Clerk to the Respondents and Interveners.

James W. Bucklin Attorney for Respondents and Interveners.

James W. Stewart, Clerk of County Court.

I, Theo. W. Priarose, Clerk of the County Court of Mesa County, the same being a Court of Record, in the State aforesaid, do hereby certify that the above and foregoing to be a true, perfect and complete copies of Decree and Assignments appear from the records and files now remaining in my office. I have hereunto set my hand and affixed the seal of said Court, at Grand Junction, Colorado, this 10th day of December, A. D. 1907.

STATE OF COLORADO

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STATE OF

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QUIT-CLAIM DEED

This Deed, Made this ninth day of August in the year of our Lord one thousand nine hundred and eight

BETWEEN Henry S. Dwyer and Edwin A. Moon of the County of Meade and State of Colorado, of the first part, and Mrs. A. M. Dwyer of the County of Meade and the State of Colorado, of the second part:

Filed for record at 2:00 o'clock P. M. on the 9 day of August A. D. 1908
By R. L. Dwyer Recorder.
By [Signature] Deputy.

WITNESSETH, That the said part of of the first part, for and in consideration of the sum of one dollar and other goods and valuable considerations Dollars, to the said part of of the first part, in hand paid by the said part of of the second part, the receipt whereof is hereby confessed and acknowledged, hath remised, released, sold, conveyed and quit-

claimed, and by these presents do remise, release, sell, convey and quit-claim unto the said part of of the second part, and its heirs and assigns forever, all the right, title, interest, claim and demand which the said part of of the first part hath in and to the following described Real property situate, lying and being in the County of Meade and State of Colorado, to wit:

Beginning at a point 40 feet north of the Northwest corner Block 5 in Orchard Mesa Height subdivision according to the second amended plat thereof as of record in the office of the Clerk and Recorder of Meade County, thence North 41° 15' East 355 feet; thence North 36° 15' East 570 feet to the Grand River; thence along said river North 38° 50' West 194 feet; thence South 27° 45' West 420 feet; thence South 2° 15' East 65 feet to the Southeast corner of the D. T. R. Co. Reservoir grounds; thence South 6° 15' West 246.5 feet to a point 40 feet north of the Northwest corner Block 31 Orchard Mesa Height subdivision; thence East 90 feet to place of beginning; also beginning at the same point; thence East along the south line of Lot 7 aforesaid to a point 40 feet north of the Northeast corner lot 4 Orchard Mesa Height subdivision according to the same plat; thence North 20 feet; thence West to a point 20 feet north of the place of beginning; thence South 20 feet to the place of beginning.

TO HAVE AND TO HOLD the same, together with all and singular the appurtenances and privileges thereto belonging or in any wise thereto appertaining, and all the estate, right, title, interest and claim whatsoever of the said part of of the first part, either in law or equity, to the only proper use, benefit and behoof of the said part of of the second part, its heirs and assigns forever.

IN WITNESS WHEREOF, The said part of of the first part hereunto set their hand and seal the day and year first above written.

Signed, Sealed and Delivered in Presence of

Henry S. Dwyer [SEAL]
Edwin A. Moon [SEAL]
[SEAL]
[SEAL]

STATE OF COLORADO,

County of Meade) ss. O. P. McNeal, Deputy, Not. Pub. Notary Public
in and for said Meade County, in the State aforesaid, do hereby certify that

Henry S. Dwyer and Edwin A. Moon who are personally known to me to be the persons whose names are subscribed to the foregoing Deed, appeared before me this day in person, and acknowledged that they signed, sealed and delivered the said instrument of writing as their free and voluntary act, for the uses and purposes therein set forth.



Given under my hand and official seal, this 9 day of August A. D. 1908
My commission expires 190

O. P. McNeal [SEAL]
Deputy, Not. Pub.

BOOK 758 PAGE 414

Grand Junction, Colorado,
This 20th Day of May, 1959.

To Whom It May Concern.

I, THE UNDERSIGNED, DO HEREBY AGREE, GRANT AND GIVE TO
"ORCHARD MESA HEIGHTS IRRIGATION AND DITCH COMPANY" A LEGAL
AND LAWFUL DITCH RIGHT-OF-WAY ACROSS MY DEEDED PROPERTY, THIS
DITCH BEING A LATERAL TO THE ABOVE SAID COMPANY, AND TO BE USED
TO CARRY AND DISCHARGE WASTE WATER FROM THIS LATERAL.
I ALSO AGREE AND UNDERSTAND, THAT THE ABOVE NAMED IRRIGATION
AND DITCH COMPANY AND ITS MEMBERS ON THIS LATERAL DITCH WILL
NOT BE LIABLE FOR ANY DAMAGE FROM WASTE WATER THAT MIGHT EVER
OCCUR TO MY PROPERTY.

SIGNED,

Richard S. Kendall

and sworn to before me this 20th Day of May 1959.



Richard S. Kendall
My Commission expires June 4, 1952

COMPARED
MA 20

WARRANTY DEED OR QUIT-CLAIM—Standard Form—The C. F. Heald Book Book & Lith. Co., Denver, Colo. 1870

in consideration of
Dollars

situated
in the County of

in the

Know all Men by these Presents, That I, Anna O. Soule and Hugh E. Soule
of the County of Meade and State of Colorado for the consideration of
Four Hundred and Fifty (\$450.) DOLLARS
in hand paid, hereby sell and convey to Meade County, Colorado

of the County of Meade and the State of Colorado, the following real property, ^{situate} in the County of
and State of Colorado, to-wit: Beginning at a point on the East
property line of Block 36 of Town and Range Addition to Richard
Meade Heights South of Grand Junction, Colorado, which is 1222.7
feet West and 710.5 feet South of the center of Section 23 Twp.
1-S. R. 1-W. 1-E. 11th Meridian; thence Northeastly along said
property line five (5) feet, thence 71.8° 22' W 195 feet, thence S
28° 47' W 161 feet, thence along a curve to the left, radius
1697.1 feet, a distance of 167 feet, more or less, to the Western
boundary line of said Block 36 thence Southly along said
Western boundary line 15 feet, more or less, to the corner of
said Block 36 thence Northeastly along the Eastern boundary
line of said Block 36 to beginning.

Hereby conveying all homestead rights in the above
described property.

with all its appurtenances and warrant the title to the same

Signed and delivered this 15th day of December, A. D. 1922.

In the presence of

Hugh E. Soule
Anna O. Soule

STATE OF COLORADO,
County of Meade

I, Chas. F. Keene, Deputy County Clerk, in and
for said Meade County, in the State aforesaid, do hereby certify that Anna O. Soule &
Hugh E. Soule
who are personally known to me to be the persons whose names are subscribed to the foregoing deed, appeared before me this day in person,
and acknowledged that they signed, sealed and delivered the said instrument of writing as their free and voluntary act and deed, for
the uses and purposes herein set forth.



Given under my hand and official seal, this 28th day of Dec,
A. D. 1922.
My commission expires 1-1-19 A. D. 1923.

Chas. F. Keene
Deputy County Clerk

Filed for Record the 5 day of Mar, A. D. 1923, at 11 o'clock A.M.

E. W. Jordan

* 271888

Legal in and
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see this day in person,
party not and deed, for

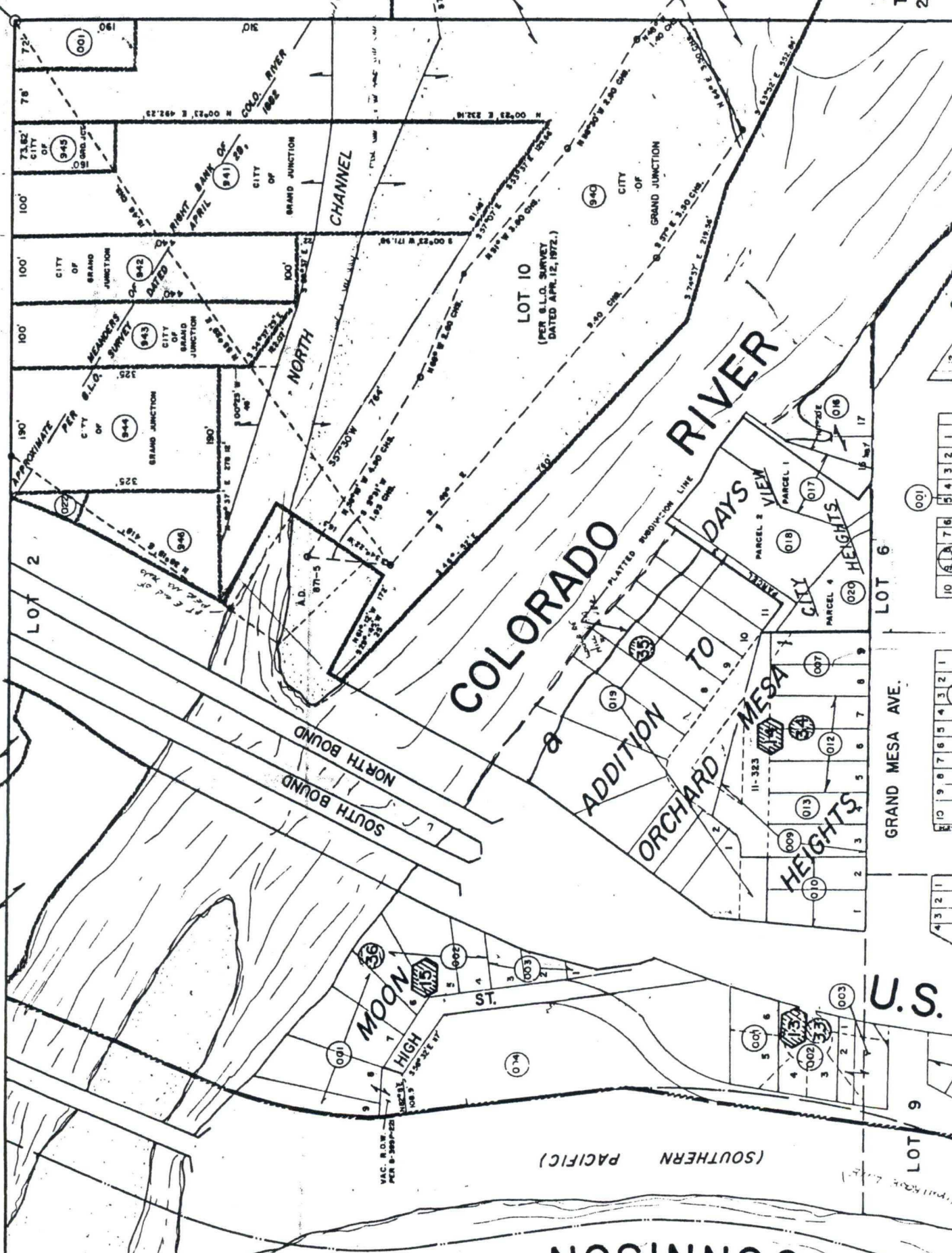
By Public
o'clock P.M.
Recorder
Denver

CENTER 1/4 COR.
SECTION 23
T.1N. R.1W.

SEE
2945234

Adjoining
T.1S. R.1W
2945234

T.1S. R.1W
2945232
Adjoining



U.S.

LOT 9

LOT 6

LOT 2

LOT 10
(PER S.L.O. SURVEY
DATED APRIL 12, 1872.)

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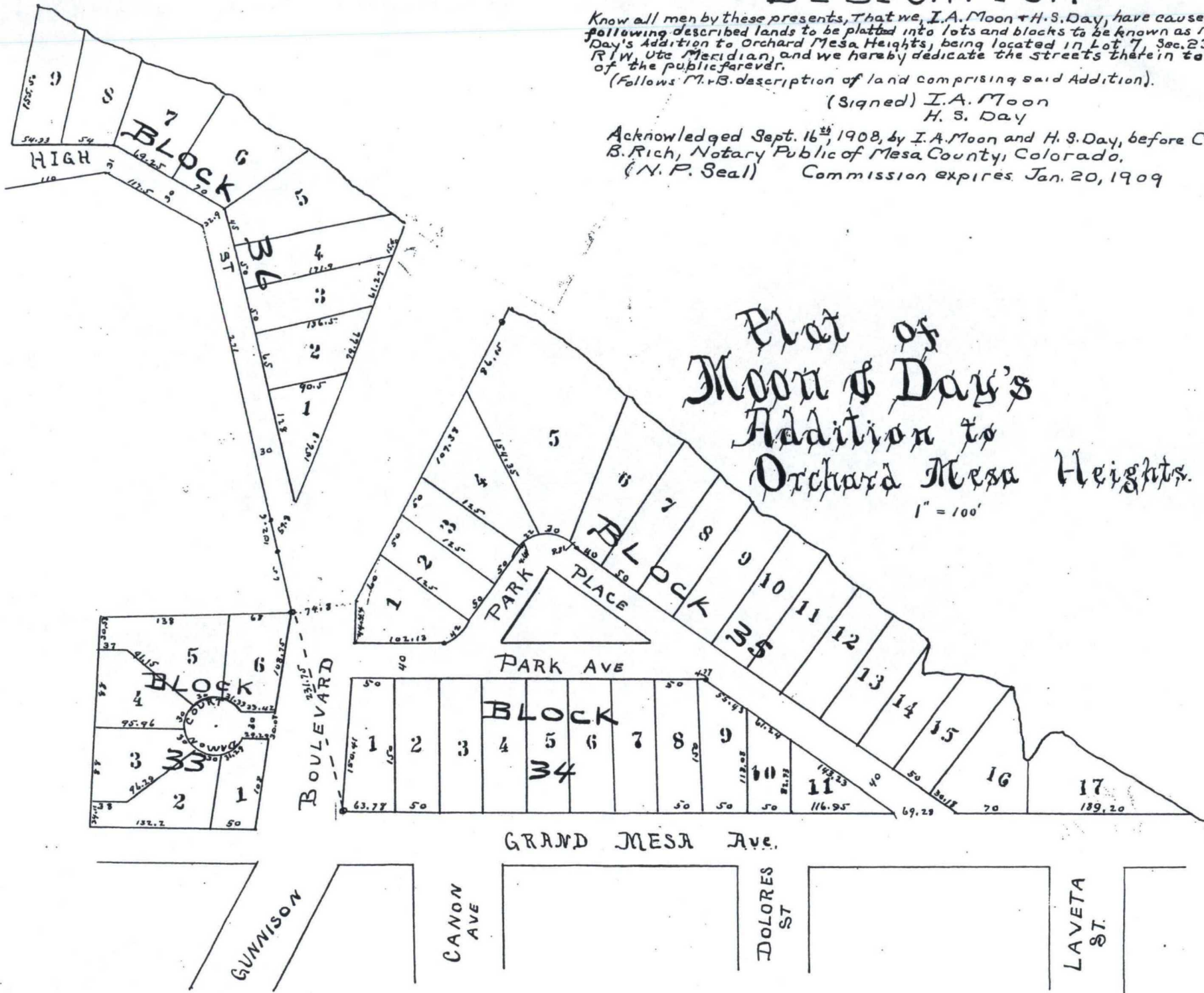
DEDICATION

Know all men by these presents, That we, I.A. Moon & H.S. Day, have caused the following described lands to be platted into lots and blocks to be known as Moon & Day's Addition to Orchard Mesa Heights, being located in Lot 7, Sec. 23, Tp. 1-S, R. 1-W, Ute Meridian, and we hereby dedicate the streets therein to the use of the public forever.

(Follows M. & B. description of land comprising said Addition).

(Signed) I.A. Moon
H. S. Day

Acknowledged Sept. 16th, 1908, by I.A. Moon and H. S. Day, before Charles B. Rich, Notary Public of Mesa County, Colorado,
(N. P. Seal) Commission expires Jan. 20, 1909



Plat of
Moon & Day's
Addition to
Orchard Mesa Heights.
1" = 100'

DEED

Grantor(s) Dean H. Van Gundy

whose address is 1018 S. 5th Grand Junction, 81501

*County of Mesa, State of Colorado

for the consideration of Ten (10.00) Dollars in hand paid, and other good and valuable consideration hereby sells, grants

and convey(s) to Randy Dean Van Gundy, Grantee

whose legal address is 561 Bentwood Street

County of Mesa, and State of Colorado, to his heirs, and assigns forever, the following real property in the County of Mesa, and State of

Colorado, to wit:

One contiguous lot consisting of three parcels of land completely located within Mesa county Colorado In Township One South, Range One West, as more fully described in Exhibit A (two pages) attached hereto and incorporated herein.

Said three (3) parcels are presently carried on Mesa County's tax rolls as four (4) parcels as follows:

- 2945-233-15-001
2945-233-15-002
2945-233-15-003
2945-233-15-004

Love and affection

also known by street and number as 1531 High Street, Grand Junction, Colorado

with all its appurtenances, Subject to and except: Grantor hereby does reserve for himself a Life Estate in his interest for the duration of his (Grantor's) life. Said Life Estate does embue Grantor with right to full use and control of said premises up to time of Grantor's demise (death). Said Life Estate does recognize Grantor's and Grantee's rights to sell, transfer or otherwise alienate each's respective interests in said premises. Grantee warrants Grantor's right of first refusal, for duration of Life Estate, to purchase of Grantee's interests herein.

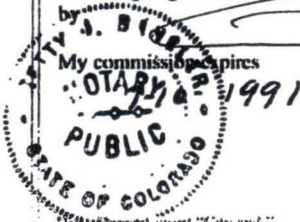
Signed this 28 day of February, 1990.

Handwritten signatures of Dean H. Van Gundy and Randy Dean Van Gundy

STATE OF COLORADO,

County of Mesa } ss.

The foregoing instrument was acknowledged before me this 28 day of February, 1990.



Witness my hand and official seal.

Handwritten signature of Betty J. Dangler

BETTY J. DANGLER, Notary Public. My Commission Expires July 10, 1991

Recorder's Note: No Real Property Transfer Document Received

A part of Lots 6 and 7 and all of Lots 8 and 9 of Block 36 of Moon and Day's Addition to Orchard Mesa Heights as recorded in the records of the County of Mesa, State of Colorado. ALSO a strip of land being situated between the West line of Lot 9, Block 36 of said Moon and Day's Addition and the Easterly right-of-way line of the Denver and Rio Grande Railroad Company's Third Division main track, and said strip of land being bounded on the South by the North right-of-way line of High Street of said Moon and Day's Addition, being more particularly described as follows:

Beginning at a point on the Northeasterly right-of-way line of said High Street from which the Southeast corner of Lot 6 of said Block 36 bears South 56°32'00" East 45.73 feet; thence North 00°00'00" East, 100.00 feet to the South bank of the Colorado River; thence Northwesterly along said South bank to a point on the Easterly right-of-way line of said Denver & Rio Grande Railroad Company's Third Division main track; thence along said railroad right-of-way line and the arc of a curve to the left whose radius is 616.8 feet and whose long chord bears South 14°42'10" West, 177.26 feet to the North right-of-way line of said High Street; thence South 87°38'00" East along the North right-of-way line of said High Street 115.07 feet to the Southeast corner of Lot 8 of said Block 36; thence South 56°32'00" East, along the Northeasterly right-of-way line of said High Street 93.52 feet to the Point of Beginning.

PARCEL NO. 2

A part of Lots 1, 2, 3, 4, 5, 6 and 7 of Block 36 of Moon and Day's Addition to Orchard Mesa Heights as recorded in the records of the County of Mesa, State of Colorado, being more particularly described as follows:

Beginning at a point on the Northeasterly right-of-way line of High Street of said Moon and Day's Addition from which the Southeast corner of Lot 6 of said Block 36 bears South 56°32'00" East, 45.73 feet; thence North 00°00'00" East, 100.00 feet to the South bank of the Colorado River; thence Southeasterly along said South bank to a point on the West right-of-way line of Colorado State Highway No. 6; thence South 38°04'00" West along said Highway right-of-way line 165.00 feet; thence South 27°49'00" West along said Highway right-of-way line 114.00 feet to the intersection with the East right-of-way line of said High Street; thence North 06°47'00" East along the East right-of-way line of said High Street 260.65 feet to the Southeast corner of Lot 6 of said Block 36; thence North 56°32'00" West along the Northeasterly right-of-way line of said High Street 45.73 feet to the point of beginning.

PARCEL NO. 3

A parcel of land located in Lot 7 in the Southwest Quarter (SW $\frac{1}{4}$) of Section 23, Township 1 South, Range 1 West of the Ute Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

Commencing at a point in the center of the Denver & Rio Grand Railroad Company's Third Division main track, known as Station 3889 plus 87.3 and Mile Post 423 plus 2321.4 of said Railroad Company's mileage, said point being 421 feet measured southerly along the center of said Third Division main track from the south end of the railroad Company's Grand River Bridge No. 423A; thence North 83°13'00" East at a right angle to said Third Division main track, 100.00 feet to Corner No. 1 and the True Point of Beginning, said Corner No. 1 being on the Easterly right-of-way line of said Third Division main track; thence Northerly along said right-of-way line on a curve to the right with a radius of 616.8 feet and an arc distance of 92.8 feet to Corner No. 2; thence North 82°08'00" East, 110.00 feet to Corner No. 3;



CONTINUATION OF PARCEL NO. 3

thence South 56°32'00" East, 117.00 feet to Corner No. 4; thence South 6°47'00" East along a line parallel with said Third Division main track, 271.40 feet to Corner No. 5; thence Southerly along a line parallel with said Third Division main track on a curve to the right with a radius of 1,738.7 feet and an arc distance 114.50 feet to the Mesa County right-of-way as recorded in Deed No. 4366 of the records of the County of Mesa; thence South 20°53'19" West, 56.88 feet along said County right-of-way to the North line of Block 33 of Moon and Day's Addition to Orchard Mesa Heights, as recorded in the records of the County of Mesa, State of Colorado; thence South 88°44'00" West along the North line of said Block 33, 184.00 feet to Corner No. 7, said Corner No. 7 being on the Easterly right-of-way line of said Third Division main track; thence Northerly along the Easterly right-of-way line of said Third Division main track on a curve to the left with the radius of 1,532.7 feet and an arc distance of 147.5 feet to Corner No. 8; thence North 6°47'00" West along the Easterly right-of-way line of said Third Division main track, 252.3 feet to Corner No. 1 and the True Point of Beginning. TOGETHER WITH that portion of vacated High Street adjoining the above described property as vacated by Order of the Board of County Commissioners recorded in Book 399 at Page 221 of the records of Mesa County, Colorado. EXCEPT that right-of-way-deeded in Book 705, Page 80 of the records of the County of Mesa for roadway purposes.

Mesa County, Colorado

Page 2 of 2
Exhibit A



Annie M. Dunston

BOOK 705 PAGE 80

Annie M. Dunston

RECORDER'S STAMP

KNOW ALL MEN BY THESE PRESENTS, That I,

J. W. ROUSSIN AND ALMA C. ROUSSIN

of the County of Mesa and State of Colorado, for the consideration of Ten Dollars and other valuable consideration Dollars, in hand paid, hereby sell and quit claim to

DEPARTMENT OF HIGHWAYS STATE OF COLORADO

of the County of Mesa and State of Colorado, the following real property, situate in the County of Mesa and State of Colorado, to-wit:

A tract or parcel of land No. 1 of Colorado Department of Highways Project No. F 019-1 (4) containing 0.247 acres, more or less, in Lot 7, in the SW 1/4 Section 23, Township 1 South, Range 1 West of the Ute Meridian, in Mesa County, Colorado, said tract or parcel being more particularly described as follows:

Beginning at a point on the N. line of Block 33 of the Moon and Day's Addition to Orchard Mesa Heights Subdivision from which point the NW corner of Block 33 bears S. 88° 56' 30" W., a distance of 6.3 feet;

- 1. Thence N. 88° 56' 30" E., along the N. line of Block 33 of Moon and Day's Addition to Orchard Mesa Heights Subdivision, a distance of 30.6 feet;
2. Thence along the arc of a curve to the right with a radius of 176.0 feet, a distance of 135.8 feet (the chord of this arc bears N. 32° 53' 30" E., a distance of 132.5 feet);
3. Thence N. 68° 02' E., a distance of 22.2 feet;
4. Thence along the arc of a curve to the left with a radius of 211.0 feet, a distance of 105.1 feet (the chord of this arc bears N. 40° 44' E., a distance of 104.0 feet) to the W. line of High Street;
5. Thence N. 7° 00' W. along the W. side of High Street, a distance of 116.4 feet;
6. Thence S. 83° 00' W., a distance of 5.0 feet;
7. Thence along the arc of a curve to the right with a radius of 171.0 feet, a distance of 185.1 feet (the chord of this arc bears S. 24° 00' W., a distance of 176.1 feet);
8. Thence S. 41° 58' W., a distance of 22.2 feet;
9. Thence along the arc of a curve to the left with a radius of 206.0 feet, a distance of 165.2 feet (the chord of this arc bears S. 32° 01' W., a distance of 160.9 feet), more or less, to the point of beginning.

The above described parcel contains 0.247 acres, more or less.

with all its appurtenances.

Signed and delivered this 24th day of January, A. D. 19 57

In the presence of

J. W. ROUSSIN (SEAL)
ALMA C. ROUSSIN (SEAL)

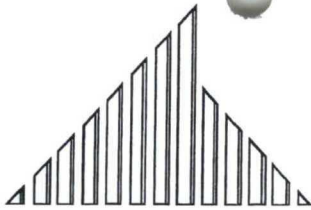
STATE OF COLORADO, County of MESA

The foregoing instrument was acknowledged before me this 24th day of January 1957, by J. W. Roussin and Alma C. Roussin

My commission expires September 19, 1960

[Signature]

NOTICE: This instrument is subject to the provisions of the Colorado Real Estate Act, Chapter 124, C.R.S., which provides that any instrument recorded after January 1, 1957, shall be subject to the provisions of that Act.



**ABSTRACT & TITLE CO.
OF MESA COUNTY, INC.**

1114 N. 1st Street, Suite 201, P.O. Box 3738, Grand Junction, CO 81502 970/242-8234 Fax 970/241-4925

CC's To:
(2) Peggy Holguin - City Grand Junction

***"Where Title Examination is a Science ... and
Closing is an Art"***

Wiring Instructions:

American National Bank of Grand Junction, Colorado
P.O. Box 1508
131 North 6th Street
Grand Junction, CO 81502

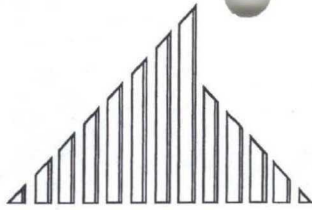
ABA #: 107001232
For final credit of : Abstract & Title Co. - Trust Account
Account No.: 0019009737

If there are any questions regarding these instructions, please contact a closing assistant at Abstract & Title Co. of Mesa County, Inc.

sherry@abstracttitle.biz rebecca@abstracttitle.biz

Issuing Agent For:

**TRANSNATION
TITLE INSURANCE COMPANY**



ABSTRACT & TITLE CO. OF MESA COUNTY, INC.

1114 N. 1st Street, Suite 201, P.O. Box 3738, Grand Junction, CO 81502 970/242-8234 Fax 970/241-4925

Abstract & Title Co. Privacy Policy

The Financial Services Modernization Act recently enacted by Congress has brought many changes to the financial services industry, which includes insurance companies and their agents. One of the changes is that we are now required to explain to our customers the ways in which we collect and use customer information.

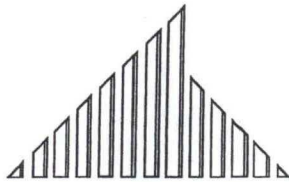
What kinds of information we collect. We collect information about you, (for instance, your name, address, telephone number), and information about your transaction, including the identity of the real property that you are buying or financing. We obtain a copy of any deeds, notes, or mortgages that are involved in the transaction. We may get this information from you or from the lender, attorney, or real estate broker that you have chosen. Our title insurance company then obtains information from the public records about the property so that we can prepare a title insurance policy or other documents pertaining to your transaction. If we provide closing, escrow, or settlement services, typically we require your social security number. Also, we may receive additional information from third parties including appraisals, credit reports, land surveys, escrow account balances, and sometimes bank account numbers to facilitate the transaction.

How we use this information. The information we may have collected is used to complete the transaction you have requested that we perform. We may share internally and with nonaffiliated third parties in order to carry out and service your transaction, to protect against fraud or unauthorized transactions, for institutional risk control, and to provide information to government and law enforcement agencies. Abstract & Title Co. does not share your information with marketers outside its own office. Directly related companies may share certain information among themselves in order to identify and market their own products that they think may be useful to you. Credit information about you is shared only to facilitate your transaction or for some other purpose permitted by law.

How we protect your information. We restrict access to nonpublic personal information about you to those employees who need the information to provide products or services to you. We maintain physical, electronic, and procedural safeguards that comply with law to guard your nonpublic personal information. We reinforce the company's privacy policy with our employees. If you have any concerns about your privacy please contact Abstract & Title.

Issuing Agent For:

**TRANSACTION
TITLE INSURANCE COMPANY**



**ABSTRACT & TITLE CO.
OF MESA COUNTY, INC.**

Issuing Agent For:
TRANSNATION
TITLE INSURANCE COMPANY

1114 N. 1st., Suite 201, Grand Junction, CO 81501 • (970) 242-8234 • FAX: (970) 241-4925

	AMOUNT	PREMIUM
City of Grand Junction	OWNER \$NonConcurrent	\$ 300.00
Peggy Holguin	MORTGAGE \$	\$
250 N 5th St	COST OF TAX CERTIFICATE	\$
Grand Junction, CO 81501	FORM 100	\$
	ALTA 8.1	\$
		\$
		\$

Your Reference **Van Gundy**

CC's To: **(2) City of Grand Junction - Peggy H**

No. **00914107 C 2**

Tax Schedule No. **2945-233-15-001, 2945-233-15-002, 2945-233-15-003, 2945-233-15-004**

Property Address **High Street, Grand Junction, CO**

— COMMITMENT TO INSURE —

Transnation Title Insurance Company, an Arizona corporation, herein called the Company, for a valuable consideration, hereby commits to issue its policy or policies of title insurance, as identified in Schedule A, in favor of the proposed insured named in Schedule A, as owner or mortgagee of the estate or interest covered hereby in the land described or referred to in Schedule A, upon payment of the premiums and charges therefor; all subject to the provisions of Schedules A and B and to the conditions and stipulations shown on the reverse side.

Customer Contact: **Karen A. Grew-Ellison/Title**
Phone: **(970) 242-8234**

By *Karen A Grew-Ellison*
AUTHORIZED SIGNATURE

The effective date of this commitment is **May 12, 2005 at 7:00 A.M.**

At which time fee title was vested in:

Dean H. Van Gundy, as to a life estate and Randy Dean Van Gundy, as to the remainder

SCHEDULE A

1. Policies to be issued:

(A) Owners':

(B) Mortgagee's:

SCHEDULE A — Continued

2. Covering the Land in the State of Colorado, County of Mesa

Described as:

Parcel No. 1

A part of Lots 6 and 7 and all of Lots 8 and 9 in Block 36 of MOON AND DAY'S ADDITION TO ORCHARD MESA HEIGHTS as recorded in the records of the County of Mesa, State of Colorado; ALSO a strip of land being situated between the West line of Lot 9, Block 36 of said Moon and Day's Addition and the Easterly right-of-way line of the Denver and Rio Grande Railroad Company's Third Division main track, and said strip of land being bounded on the South by the North right-of-way line of High Street of said Moon and Day's Addition, being more particularly described as follows:

Beginning at a point on the Northeasterly right-of-way line of said High Street from which the Southeast corner of Lot 6 of said Block 36 bears South 56°32'00" East 45.73 feet; thence North 00°00'00" East, 100.00 feet to the South bank of the Colorado River; thence Northwesterly along said South bank to a point on the Easterly right-of-way line of said Denver & Rio Grande Railroad Company's Third Division main track; thence along said railroad right-of-way line and the arc of a curve to the left whose radius is 616.8 feet and whose long chord bears South 14°42'10" West, 177.26 feet to the North right-of-way line of said High Street; thence South 87°38'00" East along the North right-of-way line of said High Street 115.07 feet to the Southeast corner of Lot 8 of said Block 36; thence South 56°32'00" East along the Northeasterly right-of-way line of said High Street 93.52 feet to the point of beginning.

Parcel No. 2

A part of Lots 1, 2, 3, 4, 5, 6 and 7 in Block 36 of MOON AND DAY'S ADDITION TO ORCHARD MESA HEIGHTS as recorded in the records of the County of Mesa, State of Colorado being more particularly described as follows:

Beginning at a point on the Northeasterly right-of-way line of High Street of said Moon and Day's Addition from which the Southeast corner of Lot 6 of said Block 36 bears South 56°32'00" East 45.73 feet; thence North 00°00'00" East, 100.00 feet to the South bank of the Colorado River; thence Southeasterly along said South bank to a point on the West right-of-way line of Colorado State Highway No. 6; thence South 38°04'00" West along said Highway right-of-way line 165.00 feet; thence South 27°49'00" West along said Highway right-of-way line 114.00 feet to the intersection with the East right-of-way line of said High Street; thence North 06°47'00" East along the East right-of-way line of said High Street 260.65 feet to the Southeast corner of Lot 6 of said Block 36; thence North 56°32'00" West along the Northeasterly right-of-way line of said High Street 45.73 feet to the point of beginning.

Parcel No. 3

A parcel of land located in Lot 7 in the SW 1/4 of Section 23, Township 1 South, Range 1 West of the Ute Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

Commencing at a point in the center of the Denver & Rio Grande Railroad Company's Third Division main track, known as Station 3889 plus 87.3 and Mile Post 423 plus 2321.4 of said Railroad Company's mileage, said point being 421 feet measured Southerly along the center of

SCHEDULE A — Continued

said Third Division main track from the South end of the Railroad Company's Grand River Bridge No. 423A;
thence North $83^{\circ}13'00''$ East at a right angle to said Third Division main track, 100.00 feet to Corner No. 1 and the True Point of Beginning, said Corner No. 1 being on the Easterly right-of-way line of said Third Division main track;
thence Northerly along said right-of-way on a curve to the right with a radius of 616.8 feet and an arc distance of 92.8 feet to Corner No. 2;
thence North $82^{\circ}08'00''$ East, 110.00 feet to Corner No. 3;
thence South $56^{\circ}32'00''$ East 117.00 feet to Corner No. 4;
thence South $6^{\circ}47'00''$ East along a line parallel with said Third Division main track, 271.40 feet to Corner No. 5;
thence Southerly along a line parallel with said Third Division main track on a curve to the right with a radius of 1,738.7 feet and an arc distance 114.50 feet to the Mesa County right-of-way as recorded in Deed No. 4366 of the records of the County of Mesa;
thence South $20^{\circ}53'19''$ West, 56.88 feet along said County right-of-way to the North line of Block 33 of Moon and Day's Addition to Orchard Mesa Heights, as recorded in the records of the County of Mesa, State of Colorado;
thence South $88^{\circ}44'00''$ West along the North line of said Block 33, 184.00 feet to Corner No. 7, said Corner No. 7 being on the Easterly right-of-way line of said Third Division main track;
thence Northerly along the Easterly right-of-way line of said Third Division main track on a curve to the left with the radius of 1,532.7 feet and an arc distance of 147.5 feet to Corner No. 8;
thence North $6^{\circ}47'00''$ West along the Easterly right-of-way line of said Third Division main track, 252.3 feet to Corner No. 1 and the True Point of Beginning;
TOGETHER WITH that portion of vacated High Street adjoining the above described property as vacated by Order of the Board of County Commissioners recorded in Book 399 at Page 221 of the records of Mesa County, Colorado;
EXCEPT that right-of-way deeded in Book 705 at Page 80 of the records of the County of Mesa for roadway purposes.

SCHEDULE A — Continued

REQUIREMENTS

3. The following are the requirements to be complied with prior to the issuance of said policy or policies. Any other instrument recorded subsequent to the date hereof may appear as an exception under Schedule B of the policy to be issued. Unless otherwise noted, all documents must be recorded in the office of clerk and recorder of the county in which said property is located.

SCHEDULE B — Section 2

Schedule B of the policy or policies to be issued will contain exceptions to the following matters unless the same are disposed of to the satisfaction of the Company.

1. Rights or claims of parties in possession not shown by the public records.
2. Easements, or claims of easements, not shown by the public records.
3. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, and any facts which a correct survey and inspection of the premises would disclose and which are not shown by the public records.
4. Any lien, or right to a lien, for services, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the public records.
5. Unpatented mining claims; reservations or exceptions in patents or in Acts authorizing the issuance thereof.
6. Any and all unpaid taxes, assessments and unredeemed tax sales.
7. Reservation of right of proprietor of any penetrating vein or lode to extract his ore, in U.S. Patent recorded May 26, 1888 in Book 23 at Page 138.
8. Reservation of all mineral rights unto C. H. McCurdy as reserved in Deed recorded February 24, 1908 in Book 128 at Page 269, and any and all assignments thereof or interests therein. Affects Parcels 1 and 2.
9. Reservation unto the Mesa Point Coal Company of the right to mine coal and clay from the land provided that the same shall be done in such a manner as not to in any way impair or damage or interfere with the use by the owner of a reservoir or for any other railroad purposes as set forth in Decree recorded January 4, 1908 in Book 119 at Page 87. Affects Parcel 3.
10. Road right-of-way as granted to Mesa County by Quit Claim Deed recorded August 8, 1908 in Book 131 at Page 151.
11. Road right-of-way as ordered and dedicated to the public by Decree recorded January 4, 1908 in Book 119 at Page 87. Affects Parcel 3.
12. Right of way, whether in fee or easement only, for a lateral ditch to discharge waste water, granted to Orchard Mesa Heights Irrigation and Ditch Company by instrument recorded July 16, 1959 in Book 758 at page 414, in which the specific location of the easement is not defined.
13. Right of way conveyed to the Mesa County, Colorado by document recorded March 3, 1933 in Book 332 at Page 511.
14. Any rights, interest or easements in favor of the riparian owners, the State of Colorado, the United States of America, or the general Public, which exist, have existed, or are claimed to exist in and over the waters and present and past bed and banks of the Colorado River.
15. Terms, agreements, provisions, conditions and obligations as contained in Grant of Sanitary Sewer Easement recorded March 18, 2005 in Book 3858 at Page 196, Reception No. 2244246.

GRANT OF SANITARY SEWER EASEMENT

RecFee \$15.00

SurChg \$1.00

DocFee EXEMPT

THIS GRANT OF EASEMENT made and entered into this 10TH day of March, 2005, by and between Dean H. Van Gundy and Randy Dean Van Gundy (collectively, hereinafter referred to as the "Grantors"), whose addresses are, respectively, 1018 South Fifth Street, Grand Junction, Colorado 81501 and 561 Bentwood, Grand Junction, Colorado 81504, and the City of Grand Junction, Colorado, a Colorado home rule municipality, whose address is 250 North Fifth Street, Grand Junction, CO 81501 (hereinafter referred to as the "Grantee").

WITNESSETH THAT:

For Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Grantors have this date bargained, conveyed, delivered, transferred, and sold, and by these presents, does bargain, convey, deliver, transfer and sell unto the Grantee, its successors and assigns, 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 and appurtenances related thereto, on along over, under, through the following described premises, to wit (hereinafter referred to as the "Easement Area"):

A parcel of land located in Section 23, T 1 S, R 1 W, Ute Meridian, Mesa County, Colorado, twenty feet in width for the purpose of a sanitary sewer easement, more particularly described as follows:

Beginning at the Northwest corner of Block 33 of the Moon & Day Addition in the City of Grand Junction, Section 23, T 1 S, R 1 W, Ute Meridian, whence the Southwest Corner of said Section 23 bears S 32°06'48" W a distance of 1812.74 feet, with all bearings contained hereon relative thereto; thence N 88°47'45" E a distance of 2.67 feet to the Point of Beginning; thence N 02°18'36" W a distance of 183.28 feet; thence N 06°41'55" W a distance of 326.41 feet; thence along a curve to the right with a radius of 616.80 feet, a length of 82.59 feet, a central angle of 07°40'18", and a chord bearing of N 07°19'36" E a distance of 82.52 feet; thence S 06°41'55" E a distance of 407.24 feet; thence S 02°18'36" E a distance of 184.44 feet; thence S 88°47'45" W a distance of 20.00 feet to the Point of Beginning.

This Easement is appurtenant to the aforescribed real property and shall constitute a covenant running with the land, and binding upon Grantors' successors and assigns.

TO HAVE AND TO HOLD unto the said Grantee, its successors and assigns forever, together with the right of perpetual ingress and egress for workers and equipment to survey, improve, 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 utility construction and repair machinery, together with the terms, covenants and conditions and restrictions contained herein.

Grantors' use and occupancy of the real property burdened by this Easement shall not be inconsistent with and shall not interfere with the full use and quiet enjoyment of the rights herein granted; Grantors hereby covenant with Grantee that the Easement Area shall not be burdened or overburdened by the installation, construction or placement of any structure or other item or fixture which may be detrimental to the facilities of Grantee or which may act to impede or prevent reasonable ingress and egress for workers and equipment on, along, over, under through and across the Easement Area.

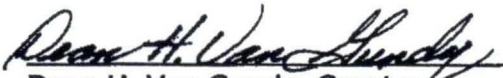
Grantors hereby covenant with Grantee that they have good title to the aforescribed premises; that they have good and lawful right to grant this Easement; that they will warrant and forever defend the title and quiet possession thereof against the lawful claims and demands of all persons whomsoever.

Grantors shall have the right to use and occupy the Easement Area for any purpose not inconsistent with Grantee's full enjoyment of the rights hereby granted.

It is contemplated by Grantors that this Grant of Easement shall be amended or supplemented at such time as is necessary if the precise location of the Easement created hereby changes during construction.

IN WITNESS WHEREOF, the Grantors have hereunto set their hands and seals the day and year first above written.


Randy Dean Van Gundy, Grantor


Dean H. Van Gundy, Grantor

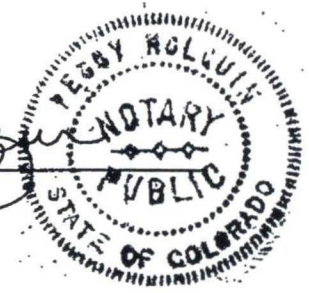
STATE OF COLORADO)
)ss:
COUNTY OF MESA)

The foregoing instrument was acknowledged before this 10th day of March, 2005 by Dean H. Van Gundy.

Witness my hand and official seal.

My commission expires: 3.3.09

Peggy Helgen
Notary Public



STATE OF COLORADO)
)ss:
COUNTY OF MESA)

The foregoing instrument was acknowledged before this 10th day of March, 2005 by Randy Dean Van Gundy.

Witness my hand and official seal.

My commission expires: 3.3.09

Peggy Helgen
Notary Public



Juanita Peterson - Filing Fee's

From: Juanita Peterson
To: Rhonda Edwards
Subject: Filing Fee's

Ronnie - Still looking for the filing fee's for Ord. 3730, Vac. ROW at 237 S. 7th St, from March 2005 and Ord. 3823 Vac. ROW at 1531, 1559 and 1561 High Street from Sept. 2005. I need to get update information since these are getting old. Thanks. J

4-10-08
getting statements
from Jamie
Conditions (give
per 2 wks)

Stephanie Tuin - Status of Pending Docs

11-7-06

From: Stephanie Tuin
To: Edwards, Rhonda
Date: 11/7/06 3:44 PM
Subject: Status of Pending Docs
CC: Kreiling, Jamie; Trent, Sheryl
Attachments: Stephanie Tuin1.vcf

We have some really old stuff in the pending file we would like to get cleared, recorded or filed. Please advise the status of the following:

Resolution No. 40-05 - Vacation of Blue Heron Lake Ind Park emergency access easement from March, 2005 - needs to be recorded

Ordinance No. 3730 - Vacating ROW at 237 S. 7th Street, from March 2005, needs recorded

Ordinance No. 3823 - Vacating ROW at 1531, 1559 and 1561 High Street, from Sept. 2005 - needs recorded

Ordinance No. 3895 - Vacating ROW at 215 Franklin from May, 2006 - needs recorded

Please advise status of each. Thanks.

Stephanie Tuin
City Clerk
970-244-1511
stepht@ci.grandjct.co.us

From: Rhonda Edwards
To: Kemp, Debra
Date: 3/24/2005 1:10:21 PM
Subject: Re: ROW Vacation adjacent to 237 S. 7th Street

This one may sit awhile. The proposed buyer is not happy with the conditions of approval and now has my boss involved. We will see what happens.

ORDINANCE

Ordinance No. 3730

Title/Subject: An Ordinance Vacating a Right-of-Way Located Adjacent to 237 S. 7th Street

Meeting Date (1st) 03-02-05

Meeting Date (2nd) 03-16-05

03-04-05 Proposed Published

03-18-05 Final Published

Signed & Sealed
 Recorded
 Records Tracking

Copies to:

3/21/05

Community Development Planning Tech.

3/18/05

Peggy Holquin

3/21/05

Sandi Nimon

3/21/05

Jay Valentine

3/18 - Emailed Ronnie for \$16 for recording fees

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO. 3730

**AN ORDINANCE VACATING A RIGHT-OF-WAY LOCATED
ADJACENT TO 237 S. 7th STREET**

Recitals:

A request to vacate the southern portion of the north/south alley between 6th Street and 7th Street adjacent to Ute Avenue has been submitted by the City of Grand Junction. The City will reserve and retain a Multi-Purpose Easement on, along, over, under, through and across the entire area of the right-of-way to be vacated. Approval of the right-of-way vacation is conditioned upon the closure of one access point adjacent to subject property on Ute Avenue within one year of City Council approval and will require a Development Improvements Agreement with security to be posted prior to recordation of the vacation.

The City Council finds that the request to vacate the herein described right-of-way is consistent with the Growth Plan and Section 2.11 of the Zoning and Development Code.

The Planning Commission, having heard and considered the request, found the criteria of the Zoning Code to have been met, and recommends that the vacation be approved as requested subject to the condition that the City shall reserve and retain a Multi-Purpose Easement, on, along, over, under, through and across the entire area of the hereinafter described right-of-way and closure of one access point along Ute Avenue will occur within one year of approval.

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

1. The following described right-of-way is hereby vacated:

All that portion of the North-South alley in Block 127 of the City of Grand Junction lying south of the East-West alley in said Block 127, and more particularly described as follows:

Commencing at the city street monument at the intersection of Sixth Street and Colorado Avenue whence the city street monument at the intersection of Seventh Street and Colorado Avenue bears N90°00'00"E and all other bearings are relative thereto; thence N90°00'00"E 309.8 feet to the extension of the west line of said North-South alley; thence south along said west line 205.0 feet to the south line of said East-West alley and the Point of Beginning; thence south along said west line 125.0 feet to the northerly right-of-way line of Ute Avenue; thence east along said northerly right-of-way 15.0 feet to the east line of said North-South alley; thence north along said east line 125.0 feet to the south line of said East-West alley; thence west along said south line to the point of beginning, as described herein and depicted on Exhibit "A" attached here to and incorporated herein by reference. Said alleys being in block 127 of the City of Grand Junction, Colorado, and shown on the plats thereof.

2. The City hereby reserves and retains a Multi-Purpose Easement on, long, over, under, through and across the entire area of the above described right-of-way, for the use and benefit of the City and for the use and benefit of the Public Utilities, as approved by the City, as a Multi-Purpose Easement for the installation, operation, maintenance, repair and replacement of existing and future utilities and appurtenances related thereto, as approved by the City, including, but not limited to, electric lines, cable television lines, natural gas pipelines, sanitary sewer lines, storm sewers and storm water drainage facilities, water lines, telephone lines, and also for the installation, operation, maintenance, repair and replacement of traffic control facilities. Street lighting, landscaping, trees and grade structures, as approved by the City, together with the right of ingress and egress for 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 utility construction and repair machinery.

Introduced for first reading on this 2nd day of March, 2005

PASSED and ADOPTED this 16th day of March, 2005

ATTEST:

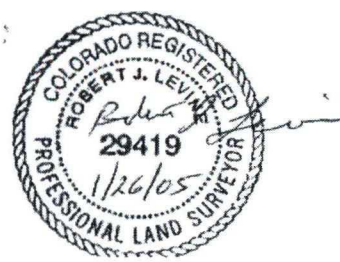
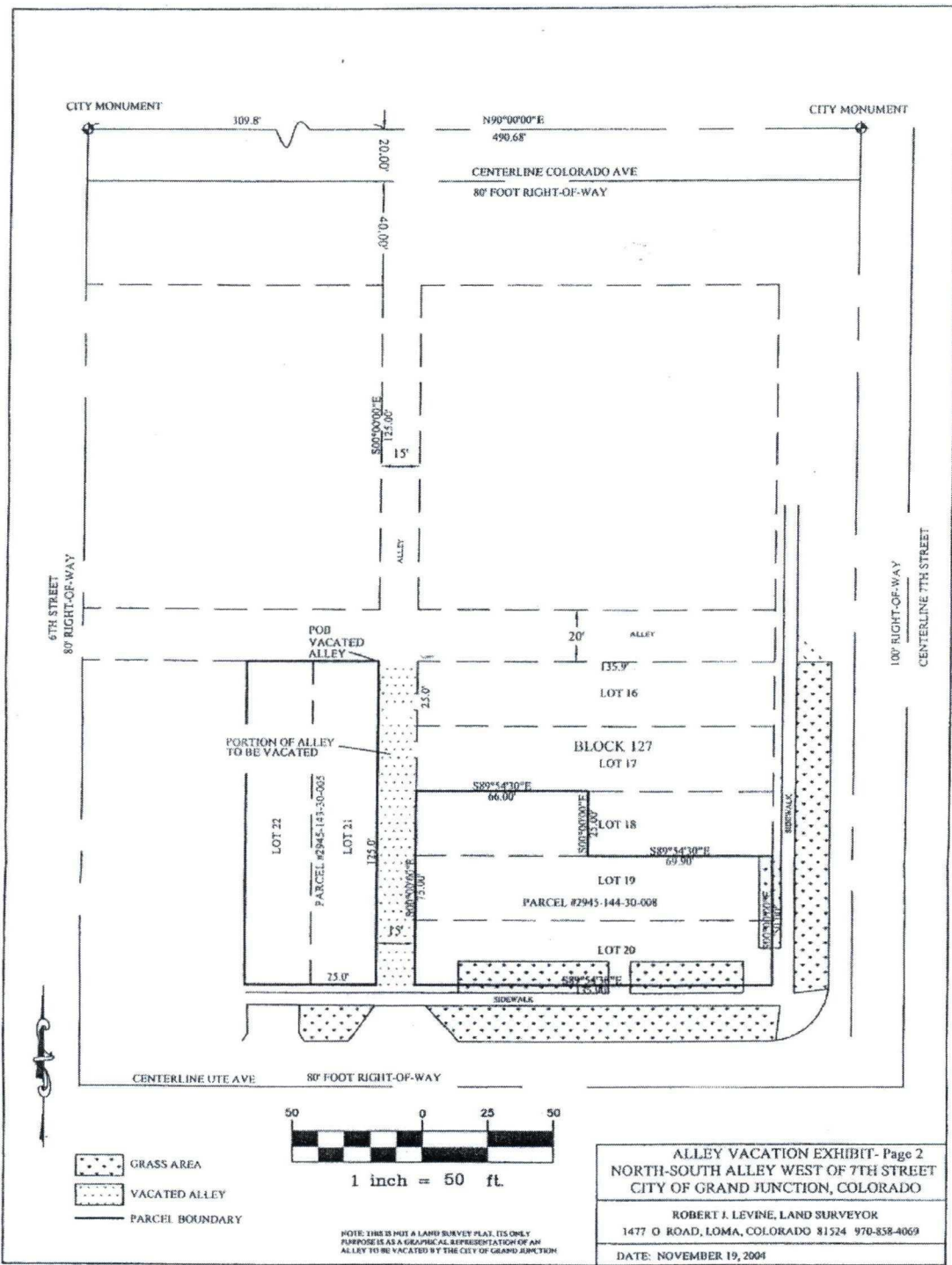


City Clerk



President of City Council

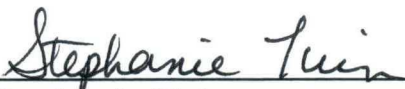
Exhibit "A"



I HEREBY CERTIFY THAT the foregoing Ordinance, being Ordinance No. 3730 was introduced by the City Council of the City of Grand Junction, Colorado at a regular meeting of said body held on the 2nd day of March, 2005 and that the same was published in The Daily Sentinel, a newspaper published and in general circulation in said City, at least ten days before its final passage.

I FURTHER CERTIFY THAT a Public Hearing was held on the 16th day of March, 2005, at which Ordinance No. 3730 was read, considered, adopted and ordered published in full by the Grand Junction City Council.

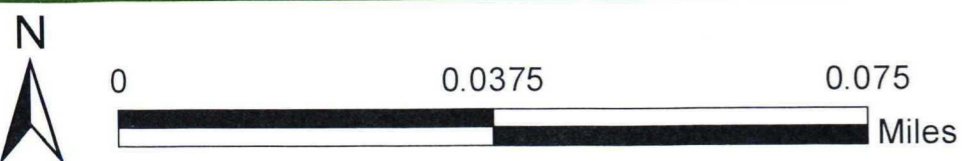
IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said City this 18th day of March, 2005.



Stephanie Tuin
City Clerk

Published: March 4, 2005
Published: March 18, 2005
Effective: April 17, 2005

Van Gundy Subdivision



Date: 10/29/2014

1 inch = 100 feet

Easements:

**VanGundy Subdivision
Simple Subdivision and ROW Vacation
April 4, 2005**

This is the 20' Permanent Utility Easement granted for the construction of a 24" gravity sewer main as part of the *Duck Pond Park Lift Station Elimination and Gravity Sewer Construction Project*.

GRANT OF SANITARY SEWER EASEMENT

RecFee \$15.00

SurChgs \$1.00

DocFee EXEMPT

THIS GRANT OF EASEMENT made and entered into this 10TH day of March, 2005, by and between Dean H. Van Gundy and Randy Dean Van Gundy (collectively, hereinafter referred to as the "Grantors"), whose addresses are, respectively, 1018 South Fifth Street, Grand Junction, Colorado 81501 and 561 Bentwood, Grand Junction, Colorado 81504, and the City of Grand Junction, Colorado, a Colorado home rule municipality, whose address is 250 North Fifth Street, Grand Junction, CO 81501 (hereinafter referred to as the "Grantee").

WITNESSETH THAT:

For Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Grantors have this date bargained, conveyed, delivered, transferred, and sold, and by these presents, does bargain, convey, deliver, transfer and sell unto the Grantee, its successors and assigns, 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 and appurtenances related thereto, on along over, under, through the following described premises, to wit (hereinafter referred to as the "Easement Area"):

A parcel of land located in Section 23, T 1 S, R 1 W, Ute Meridian, Mesa County, Colorado, twenty feet in width for the purpose of a sanitary sewer easement, more particularly described as follows:

Beginning at the Northwest corner of Block 33 of the Moon & Day Addition in the City of Grand Junction, Section 23, T 1 S, R 1 W, Ute Meridian, whence the Southwest Corner of said Section 23 bears S 32°06'48" W a distance of 1812.74 feet, with all bearings contained hereon relative thereto; thence N 88°47'45" E a distance of 2.67 feet to the Point of Beginning; thence N 02°18'36" W a distance of 183.28 feet; thence N 06°41'55" W a distance of 326.41 feet; thence along a curve to the right with a radius of 616.80 feet, a length of 82.59 feet, a central angle of 07°40'18", and a chord bearing of N 07°19'36" E a distance of 82.52 feet; thence S 06°41'55" E a distance of 407.24 feet; thence S 02°18'36" E a distance of 184.44 feet; thence S 88°47'45" W a distance of 20.00 feet to the Point of Beginning.

This Easement is appurtenant to the aforescribed real property and shall constitute a covenant running with the land, and binding upon Grantors' successors and assigns.

TO HAVE AND TO HOLD unto the said Grantee, its successors and assigns forever, together with the right of perpetual ingress and egress for workers and equipment to survey, improve, 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 utility construction and repair machinery, together with the terms, covenants and conditions and restrictions contained herein.

Grantors' use and occupancy of the real property burdened by this Easement shall not be inconsistent with and shall not interfere with the full use and quiet enjoyment of the rights herein granted; Grantors hereby covenant with Grantee that the Easement Area shall not be burdened or overburdened by the installation, construction or placement of any structure or other item or fixture which may be detrimental to the facilities of Grantee or which may act to impede or prevent reasonable ingress and egress for workers and equipment on, along, over, under through and across the Easement Area.


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

Grantors shall have the right to use and occupy the Easement Area for any purpose not inconsistent with Grantee's full enjoyment of the rights hereby granted.

It is contemplated by Grantors that this Grant of Easement shall be amended or supplemented at such time as is necessary if the precise location of the Easement created hereby changes during construction.

IN WITNESS WHEREOF, the Grantors have hereunto set their hands and seals the day and year first above written.


Randy Dean Van Gundy, Grantor


Dean H. Van Gundy, Grantor

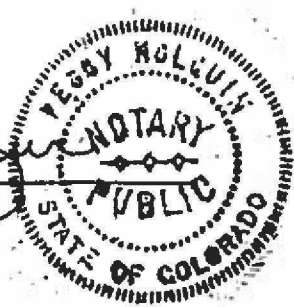
STATE OF COLORADO)
)ss:
COUNTY OF MESA)

The foregoing instrument was acknowledged before this 10th day of March, 2005 by Dean H. Van Gundy.

Witness my hand and official seal.

My commission expires: 3.3.09

Peggy Holguin
Notary Public



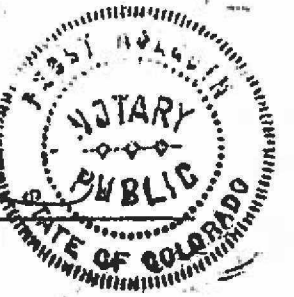
STATE OF COLORADO)
)ss:
COUNTY OF MESA)

The foregoing instrument was acknowledged before this 10th day of March, 2005 by Randy Dean Van Gundy.

Witness my hand and official seal.

My commission expires: 3.3.09

Peggy Holguin
Notary Public



TREASURER'S CERTIFICATE OF TAXES DUE

Date: 04/01/2005

Certificate No: 13744

STATE OF COLORADO
COUNTY OF MESA

I, the undersigned do hereby certify that the entire amount of taxes and assessments due upon the real estate or personal property described below, and all sales of the same for unpaid taxes or assessments shown by the books in my office, from which the same may still be redeemed, with the amount required for redemption, are as noted herein:

Title Co	: INDIVIDUAL REQUEST	Order #:	
Seller	:	Buyer	:
Lender	:	Ordered:	CITY OF GJ
Tax Year	: 2004	User ID:	
Schedule #:	2945-233-15-001		

Description:

A PT OF LOT 6 ALL LOTS 7 TO 9 INC BLK 36 MOON + DAY ADD AS FOLL BEG 10FT W + 42.5FT N OF NE COR D + R G RESERVOIR TR N 100FT TO S BK COLO R NWLY ALG BK TO RR ROW SWLY ALG ROW 165.5FT TO N LI HIGH ST ELY ALG N LI TO BEG & VAC HIGH ST ROW ADJ ON S OF LOTS 8 & 9 OF SD BLK 36 AS PER B-399 P-221 OF MESA CO RECORDS

Amounts Due as of Certificate Date

Current Taxes		Base	Penalty
05 OM01	\$	112.50	
04 REAL		297.38	
Total Due	\$	409.88	

BEFORE PAYING TOTAL DUE, PLEASE CALL FOR UPDATED FIGURES
IF PENALTY IS DUE OR IF THERE ARE OUTSTANDING TAX SALES

-- Continued --



2945-233-15-001

Tax Charges Distribution for Taxing Year '04:

Description	Rate	Amount	Description	Rate	Amount
COLO RIVER*	0.2520	0.97			
MESA COUNTY	21.7090	83.37			
GRAND JCT*	8.0000	30.72			
SCH DST 51	32.0140	122.93			
LIBRARY	3.0000	11.52			
UTE WATER	1.5000	5.76			
SCH D51BOND	9.5000	36.48			
GR MOSQUITO	2.1080	8.09			
GJ TMLR*	-0.6400	-2.46			
OM Irr		112.50			
			Totals ----->	77.4430	409.88

MONICA TODD
Mesa County Treasurer

BY: 



CERTIFIED DATE

April 1, 2005