

**GRANT OF MULTI-PURPOSE EASEMENT**

O'Reilly Auto Enterprises, LLC, a Delaware limited liability company, Grantor, whose mailing address is 233 S. Patterson, Springfield, Missouri 65802, is the fee simple owner of the real property located in Mesa County, Colorado and described in the attached Exhibit A, which is incorporated herein by this reference. Grantor, for and in consideration of the sum of Ten and 00/100 Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, has granted and conveyed, and by these presents does hereby grant and convey to the City of Grand Junction, a Colorado home rule municipality, Grantee, whose address is 250 North 5th Street, Grand Junction, Colorado 81501, a Perpetual Multi-Purpose Easement for the use and benefit of Grantee and for the use and benefit of the Public Utilities, as approved by Grantee, as a perpetual easement for City approved utilities including the installation, operation, maintenance and repair of said utilities and appurtenances which may include but are not limited to, electric lines, cable TV lines, natural gas pipelines, sanitary sewer lines, storm sewers, water lines, telephone lines, traffic control facilities, street lighting, landscaping, trees and grade structures, on, along, over, under, through and across the land described in the attached Exhibit B, and depicted in the attached Exhibit C, which exhibits are incorporated herein by this reference, said easement area containing 2,520 square feet, more or less.

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

1. The interest conveyed is an easement for the limited purposes and upon the terms stated herein. Grantor reserves the right to use and occupy the real property burdened by this easement for any lawful purpose which will not substantially interfere with the full use of the rights herein granted. Except as expressly permitted in writing by the Grantee, Grantor will not install or permit the installation of any building, structure, improvement, retaining wall, sidewalk, patio, tree or other landscaping, other than the usual and customary grasses and other ground cover, in or on the easement area. In the event such are installed, the City has the right to require the Grantor to remove them at Grantor's expense, or if Grantor fails to do so, to remove them without any liability or obligation for repair and replacement, and to charge Grantor for such removal. If the City chooses not to remove the obstacles, the City will not be liable for any damage to the obstacles or any other property to which they are attached.
2. Grantor hereby covenants with Grantee that it has good title to the herein described premises; that it has good and lawful right to grant this Easement; that it will warrant and forever defend the title and quiet possession thereof against the lawful claims and demands of all persons whomsoever.

Executed and delivered this 24<sup>th</sup> day of January, 2017.

GRANTOR: O'Reilly Auto Enterprises, LLC, a Delaware limited liability company

  
\_\_\_\_\_  
Scott Kraus, Senior Vice-President of Ozark Services, Inc., sole member of O'Reilly Auto Enterprises, LLC

State of Missouri            )  
  )ss.  
County of Greene        )

The foregoing instrument was acknowledged before me this 24<sup>th</sup> day of January, 2017, by Scott Kraus as Senior Vice President of Ozark Services, Inc., sole member of O'Reilly Auto Enterprises, LLC.

My commission expires 6/25/18  
Witness my hand and official seal.

  
  
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Notary Public

## EXHIBIT A

Part of Lot 4 and part of Lot 5, Fisher Subdivision, Mesa County, Colorado, more particularly described as follows:

Beginning at the NE Corner of said Lot 5; thence  $N00^{\circ}09'17''E$  along the East Line of Lot 4, 157.89 feet; thence  $S89^{\circ}59'40''W$ , 233.73 feet to the Westerly Line of said Lot 4 and the beginning of a 550.00 foot radius curve to the right, the central angle of which is  $17^{\circ}13'46''$ ; thence along the arc of said curve 165.39 feet to the NW Corner of said Lot 5; thence  $S08^{\circ}00'20''E$  along the West Line of said Lot 5, 22.11 feet; thence  $N89^{\circ}59'40''E$ , 183.05 feet to the East Line of said Lot 5; thence  $N00^{\circ}09'17''E$ , 21.89 feet to the point of beginning,

Excepting therefrom, that portion conveyed to the City of Grand Junction in the Deed recorded December 1, 1980 in Book 1286 at Page 800,

County of Mesa, State of Colorado.

NOTE: The above legal description was provided by Tait, ALTA /ACSM Land Title Survey dated September 25, 2015 and revised October 14, 2015, Job No. OAI0460

## EXHIBIT B

### A 14.00 FOOT WIDE MULTI PURPOSE EASEMENT

Situated in a part of Lot 4 and part of Lot 5, Fisher Subdivision, Mesa County, Colorado, more particularly described as follows:

Assuming the Easterly line of said Lot 4 as bearing North  $00^{\circ}09'17''$  East according to the Final plat of Fisher Subdivision as recorded May 16, 1979 at reception number 1191875 in Plat Book 12, Page 161 of Mesa County, Colorado records, with all bearings contained herein relative thereto.

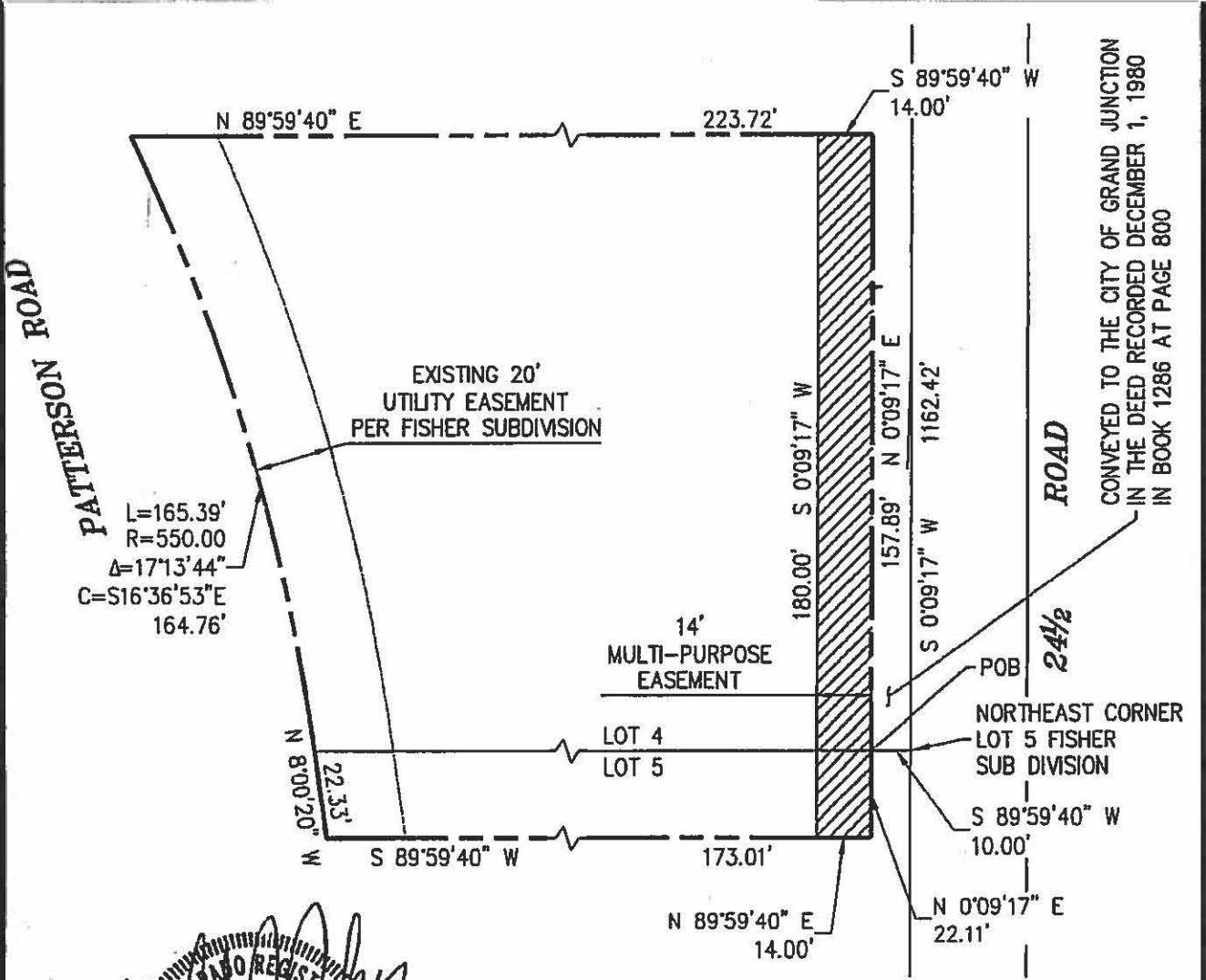
Commencing at the Northeast Corner of said Lot 5; thence South  $89^{\circ}59'40''$  West, along the North Line of said Lot 5, a distance of 10.00 feet to a point on the Westerly line of that certain parcel of land as conveyed to the City of Grand Junction in the Deed recorded December 1, 1980 in Book 1286 at Page 800, said point being the Point of Beginning for this Easement; thence North  $00^{\circ}09'17''$  East, along said Westerly line, a distance of 157.89 feet to a point on the North line of said Lot 4, thence South  $89^{\circ}59'40''$  West, along the North line of said Lot 4, a distance of 14.00 feet; thence South  $00^{\circ}09'17''$  West, along a line parallel with and 14.00 feet Westerly of, measured at right angles to, the Westerly line of that parcel described in said Book 1286 at Page 800, a distance of 180.00 feet; thence North  $89^{\circ}59'40''$  East, a distance of 14.00 feet, returning to the Westerly line of that parcel described in said Book 1286 at Page 800; thence North  $00^{\circ}09'17''$  East, along said Westerly line, a distance of 22.11 feet to the Point of Beginning;

Containing 2,520 square feet more or less.

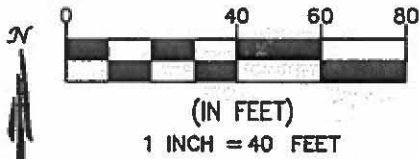
Prepared July 25, 2016  
by Michael J. DeDecker PLS  
For and on behalf of  
Tait and Associates  
6163 E. County Road 16  
Loveland, Colorado 80537



# EXHIBIT C



**EXHIBIT "B"**  
**14' MULTI-PURPOSE EASEMENT:**  
 A PORTION OF LOTS 4 AND 5, FISHER SUBDIVISION, LOCATED IN THE SOUTHWEST QUARTER OF SECTION 4, TOWNSHIP 1 SOUTH, RANGE 1 WEST OF THE UTÉ MERIDIAN, CITY OF GRAND JUNCTION, COUNTY OF MESA, STATE OF COLORADO



DRAWN: CSC DATE: 7/22/2018 CHECKED: DATE: REVISION S: DATE: JOB NO: QA10480	<b>EXHIBIT B - MULTI PURPOSE EASEMENT</b>  GRAND JUNCTION 2 (GJ2) O'REILLY AUTO PARTS 2442 PATTERSON RD GRAND JUNCTION, CO 81505	<b>TAIT</b> 440 E. Lincoln County Road 16 Grand Junction, CO 81507 970.247.7142 www.tait.com License No. 1176212/1997	[Redacted]
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