

GRANT OF DRAINAGE EASEMENT

MCCALLUM FAMILY, LLC, a Colorado Limited Liability Company, Grantor for and in consideration of the sum of Six Thousand Two Hundred Eighty and 75/100 Dollars (\$6,280.75), the receipt and sufficiency of which is hereby acknowledged, has sold, granted and conveyed, and by these presents does hereby sell, 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 Easement for the installation, operation, maintenance, repair and replacement of storm water drainage facilities and appurtenances related thereto, on, along, over, under, through and across the following described premises, to wit:

See Exhibit "A" for Riverside Parkway Parcel No. PE B-22Rev dated April 1, 2005, attached hereto and incorporated herein by reference.

TO HAVE AND TO HOLD unto the said Grantee, its successors and assigns forever, together with the right 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, the said Grantor hereby covenanting with Grantee that the Easement area shall not be burdened or overburdened by the installation, construction or placement of any structures or any other items or fixtures which might be detrimental to the facilities of Grantee and/or the Public Utilities or which might act to prevent reasonable ingress and egress for workers and equipment on, along, over, under, through and across the Easement area, the said Grantor hereby further covenanting with Grantee that it has good title to the aforescribed 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, subject to the Exceptions set forth in **Exhibit "B"** attached hereto and incorporated herein by reference.

Executed and delivered this 2nd day of June, 2005.

McCallum Family, LLC
a Colorado Limited Liability Company:

By: *Stephen McCallum*
Stephen McCallum, Manager

State of Colorado)
)ss.
County of Mesa)

The foregoing instrument was acknowledged before me this 2nd day of June, 2005, by Stephen McCallum, Manager of McCallum Family, LLC, a Colorado limited liability company.

My commission expires: 10/17/2006
Witness my hand and official seal.



Claudia D. Rossman
Notary Public

Carter=Burgess

January 10, 2005

071514.402.1.0025

Revised March 30, 2005

EXHIBIT "A"

707 17th Street, Suite 2300
Denver, Colorado 80202-3404
Phone: 303.820.5240
Fax: 303.820.2402
www.c-b.com

PROPERTY DESCRIPTION


Parcel PE B-22Rev

A parcel of land being a portion of Lot 3, West Independent Minor Subdivision, recorded in Plat Book 16 at Page 349 in the Mesa County Clerk & Recorder's Office on January 8, 1999, lying in the Southwest Quarter of Section 10, Township 1 South, Range 1 West of the Ute Principal Meridian, City of Grand Junction, Colorado being more particularly described as follows:

COMMENCING at the Northwest corner of the Southwest Quarter of the Southwest Quarter of Section 10 (a found 2 ½" Brass Cap stamped "MESA COUNTY SURVEY MARKER LS illegible" in concrete), whence the witness monument to the Northeast corner of the Southwest Quarter of the Southwest Quarter of said Section 10 (a found Aluminum Cap stamped "1/16 45.0 2003 LS17465") bears N89°56'54"E (Basis of Bearing-assumed) a distance of 1274.54 feet; THENCE S39°04'46"E a distance of 657.18 feet to a point on the southerly line of said Lot 3, being the POINT OF BEGINNING;

THENCE S78°37'30"W along said southerly line of Lot 3 a distance of 14.32 feet;
THENCE N40°43'00"W along the southwesterly line of said Lot 3 a distance of 238.49 feet;
THENCE N00°00'00"W along the westerly line of said Lot 3 a distance of 22.76 feet;
THENCE N90°00'00"E along the northerly line of said Lot 3 a distance of 20.08 feet;
THENCE S36°41'20"E a distance of 250.28 feet to the POINT OF BEGINNING.

Containing 5,433 square feet, (0.125 Acres), more or less to the City of Grand Junction as a perpetual easement for the installation, operation, maintenance, repair and replacement of storm drainage facilities and appurtenances related thereto.


Prepared by:
Date: 4-1-05
Marla Mellor McOmber, S 24961
For and on behalf of Carter & Burgess, Inc.




EXHIBIT "B"

**SCHEDULE B – SECTION II
EXCEPTIONS**

1. Easements, or claims of easements, not shown by the public records.
2. Unpatented mining claims: reservations or exceptions in Patents or in Acts authorizing the issuance thereof.
3. Water rights, claims or title to water, whether or not shown by the public records.
4. Any existing leases and/or tenancies.
5. All oil, gas and other mineral interests, including limestone, that have been, are or may be claimed by others.
6. Terms, conditions, provisions, agreements and obligations as specified in Easement and Agreement between Grand Junction Drainage District and McCallum Family, LLC dated December 16, 1998 and recorded December 22, 1998 in Book 2530 at Page 84.
7. Terms, conditions, provisions, agreements and obligations as specified in Right-of-Way Easement between Rocco, Edith Mary, Michael J. & Elaine E. Ligrani and The Mountain States Telephone and Telegraph Company dated September 19, 1978 and recorded September 25, 1978 in Book 1166 at Page 975.
8. All matters set forth in West Independent Minor Subdivision recorded January 8, 1999 in Plat Book No. 16 at Page 349.

END OF EXHIBIT "B"