

2271135 BK 3973 PG 628-631
08/22/2005 04:32 PM
Janice Ward CLK&REC Mesa County, CO
RecFee \$20.00 SurChs \$1.00
DocFee EXEMPT

WARRANTY DEED

THIS DEED, dated this 18th day August, 2005, between The Sterling Company, a Colorado corporation, whose legal address is P.O. Box 756, Grand Junction, Mesa County, Colorado 815021, grantor, and The City of Grand Junction, a Colorado home rule municipality, whose legal address is 250 North 5th Street, Grand Junction, Colorado 81501, grantee:

NO DOCUMENTARY FEE
REQUIRED

WITNESS, that the grantor, for and in consideration of the sum of Three Hundred Eighty Thousand One Hundred Twenty and 00/100 Dollars (\$380,120.00), the receipt and sufficiency of which is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell, convey and confirm unto the grantee, its successors and assigns forever, all the real property, together with improvements, if any, situate, lying and being in the County of Mesa and State of Colorado, described as follows:

Three (3) tracts or parcels of land for Public Roadway and Utilities Right-of-Way purposes known as Riverside Parkway Parcel Nos. E-45Rev dated March 3, 2005 as described in Exhibit "A", and also E-46Rev dated March 3, 2005 as described in Exhibit "B", and also R E-46B dated July 6, 2005 as described in Exhibit "C", which Exhibits are attached hereto and incorporated herein by reference.

TOGETHER with all and singular the hereditaments and appurtenances thereunto belonging, or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all the estate, right, title, interest, claim and demand whatsoever of the grantor, either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances;

TO HAVE AND TO HOLD the said premises above bargained and described, with the appurtenances, unto the grantee, its successors and assigns forever. The grantor, for itself and for its successors and assigns, does covenant, grant, bargain, and agree to and with the grantee, its successors and assigns, that at the time of the ensembling and delivery of these presents, grantor is well seized of the premises above conveyed, has good, sure, perfect, absolute and indefeasible estate of inheritance, in law, in fee simple, and has good right, full power and lawful authority to grant, bargain, sell and convey the same in manner and form as aforesaid, and that the same are free and clear from all former and other grants, bargains, sales, liens, taxes, assessments, encumbrances and restrictions of whatever kind or nature whatsoever.

The grantor shall and will WARRANT AND FOREVER DEFEND the above bargained premises in the quiet and peaceable possession of the grantee, it's successors and assigns, against all and every person or persons lawfully claiming the whole or any part thereof.

IN WITNESS WHEREOF, the grantor has executed this deed on the date set forth above.

The Sterling Company,
a Colorado corporation, Grantor:

By: B. Douglas Smith
B. Douglas Smith, President
B. Douglas Smith

STATE OF Arizona)
COUNTY OF Maricopa)ss.

The foregoing instrument was acknowledged before me this 18 day of August, 2005, by B. Douglas Smith as President of The Sterling Company, a Colorado corporation.

My commission expires: July 15, 2008
Witness my hand and official seal.

Helen Plew
Notary Public



WHEN RECORDED RETURN TO:
H.C. PECK & ASSOCIATES, INC.
ATTN: SHAWN HANCOCK
P.O. BOX 480306
DENVER, CO 80248-0306

RIVERSIDE PARKWAY
PARCEL NOS. E-45REV, E-46REV & RE-46B

March 3, 2005
071514.402.1.0025

EXHIBIT "A"

PROPERTY DESCRIPTION

Parcel No. E-45Rev

A parcel of land being a portion of a tract of land described in Book 503 at Page 559 recorded in the Mesa County Clerk and Recorder's Office on January 25, 1950, lying in the Northwest Quarter of Section 23, Township 1 South, Range 1 West of the Ute Principal Meridian, Mesa County, Colorado being more particularly described as follows:

COMMENCING at the Center Quarter Corner of said Section 23 (a 3"Brass Cap stamped "MESA COUNTY SURVEY MARKER-C 1/4 S23-NO1280) whence the Center North 1/16th Corner of said Section 23 (a brass cap stamped PLS16413-1/16 S23-1991) bears N00°11'11"E a distance of 1315.15 feet;
THENCE N17°02'40"W a distance of 939.94 feet to the southerly line of said tract of land described in Book 503 at Page 559, being the POINT OF BEGINNING;


THENCE the following two (2) courses along the southerly and westerly lines of said tract of land:


- 1) N89°20'57"W a distance of 31.72 feet;
- 2) THENCE N00°57'33"W a distance of 42.76 feet;

THENCE S36°57'10"E a distance of 53.95 feet to the POINT OF BEGINNING.

Containing 678 square feet (0.016 Acres) more or less.

Basis of Bearing: N89°58'01"E between Mesa County Local Coordinate System points Southwest Corner of Section 15 (2-1/2"Alumn.Cap in Monument Box Stamped: AES T1S R1W S16/S15/S21/S22 2002 PLS 24320) and the Southeast Corner of Section 15, (2-1/2"Brass Cap Stamped: COUNTY SURVEY MARKER 828-1 15/14/22/23), both in Township 1 South, Range 1 West Ute P.M.


 Prepared by:
 Date: 3/03/05
 Marla Mellor McOmber, PLS 24961
 For and on behalf of Carter & Burgess, Inc



March 3, 2005
071514.402.1.0025

EXHIBIT "B"

PROPERTY DESCRIPTION
Parcel No. E-46Rev

A parcel of land being a portion of a tract of land described in Book 517 at Page 230 recorded in the Mesa County Clerk and Recorder's Office on January 25, 1950, lying in the Northwest Quarter of Section 23, Township 1 South, Range 1 West of the Ute Principal Meridian, Mesa County, Colorado being more particularly described as follows:

COMMENCING at the Center Quarter Corner of said Section 23 (a 3"Brass Cap stamped "MESA COUNTY SURVEY MARKER-C 1/4 S23-NO1280) whence the Center North 1/16th Corner of said Section 23 (a brass cap stamped PLS16413-1/16 S23-1991) bears N00°11'11"E a distance of 1315.15 feet;
THENCE N17°02'40"W a distance of 939.94 feet to the northerly line of said tract of land described in Book 517 at Page 230, being the POINT OF BEGINNING;

THENCE S36°57'10"E a distance of 236.10 feet;
THENCE the following two (2) courses along the easterly and southerly lines of said tract of land:

- 1) S00°41'48"W a distance of 180.73 feet;
- 2) THENCE N89°24'12"W a distance of 46.38 feet;


THENCE N48°59'47"W a distance of 159.88 feet;
THENCE the following two (2) courses along the westerly and northerly lines of said tract of land:


- 1) N00°57'33"W a distance of 264.41 feet;
- 2) THENCE S89°20'57"E a distance of 31.72 feet to the POINT OF

BEGINNING.

Containing 43,114 square feet (0.990 Acres) more or less.

Basis of Bearing: N89°58'01"E between Mesa County Local Coordinate System points Southwest Corner of Section 15 (2-1/2"Alumn.Cap in Monument Box Stamped: AES T1S R1W S16/S15/S21/S22 2002 PLS 24320) and the Southeast Corner of Section 15, (2-1/2"Brass Cap Stamped: COUNTY SURVEY MARKER 828-1 15/14/22/23), both in Township 1 South, Range 1 West Ute P.M.


Prepared by:
Date: 3/03/05
Marla Mellor McOmb, PLS 24961
For and on behalf of Carter & Burgess, Inc.



Carter & Burgess, Inc. Carter & Burgess Architects/Engineers, Inc. Carter & Burgess Consultants, Inc.
C&B Architects/Engineers, Inc. C&B Architects/Engineers, P.C. C&B Nevada, Inc.

June 30, 2005
071514.402.1.0025

EXHIBIT "C"

PROPERTY DESCRIPTION
Parcel No. R E-46B


A parcel of land being a portion of a tract of land described in Book 517 at Page 230 recorded in the Mesa County Clerk and Recorder's Office on January 25, 1950, lying in the Northwest Quarter of Section 23, Township 1 South, Range 1 West of the Ute Principal Meridian, Mesa County, Colorado being more particularly described as follows:

COMMENCING at the Center Quarter Corner of said Section 23 (a 3" Brass Cap stamped "MESA COUNTY SURVEY MARKER-C 1/4 S23-NO1280) whence the Center North 1/16th Corner of said Section 23 (a brass cap stamped PLS16413-1/16 S23-1991) bears N00°11'11"E a distance of 1315.15 feet;
THENCE N18°58'31"W a distance of 560.19 feet to the POINT OF BEGINNING;

THENCE N89°24'12"W along the southerly line of said tract of land described in Book 517 at Page 230 a distance of 118.92 feet;
THENCE N00°57'33"W along the westerly line of said tract of land described in Book 517 at Page 230 a distance of 103.67 feet;
THENCE S48°59'47"E a distance of 159.88 feet to the POINT OF BEGINNING.

Containing 6162 square feet (0.141 Acres) more or less.

Basis of Bearing: N89°58'01"E between Mesa County Local Coordinate System points Southwest Corner of Section 15 (2-1/2" Alumn. Cap in Monument Box Stamped: AES T1S R1W S16/S15/S21/S22 2002 PLS 24320) and the Southeast Corner of Section 15, (2-1/2" Brass Cap Stamped: COUNTY SURVEY MARKER 828-1 15/14/22/23), both in Township 1 South, Range 1 West Ute P.M.


Prepared by:
Date: 7-6-05
Marla Mellor McOmber, PLS 24961
For and on behalf of Carter & Burgess, Inc

Carter & Burgess, Inc. Carter & Burgess Consultants, Inc.
C&B Architects/Engineers, Inc. C&B Architects/Engineers, P.C. C&B Nevada, Inc.

COPY

2324429 BK 4188 PG 124-126
06/23/2006 03:57 PM
Janice Ward CLK&REC Mesa County, CO
RecFee \$15.00 SurChs \$1.00
DocFee \$125.00

WHEN RECORDED. RETURN TO:

Dean H. Van Gundy
~~1018 South 5th St~~ 645 4th Avenue
Grand Jct., CO 81501
Attn: _____

SPECIAL WARRANTY DEED

A Colorado corporation
The Sterling Co., ("Grantor"), for One Million, Two Hundred Fifty Thousand Dollars (\$1,250,000) in hand paid, hereby grants, sells and conveys to Dean H. Van Gundy, ("Grantee"), the following real property (the "Property") located in the County of Mesa, State of Colorado, to wit:

See attached Exhibit "A"

together with all and singular the hereditaments and appurtenances thereto belonging, or in anywise appertaining and the reversions, remainders, rents, issues and profits thereof; and all the estate, right, title, interest, claim and demand whatsoever of the Grantor, either in law or in equity, of, in and to the Property, with the hereditaments and appurtenances, including without limitation (a) all easements, servitudes and other rights, now belonging to the Property, (b) in and to any land lying in the bed of any street, road or alley, open or closed, adjoining the Property to their center line, (c) to the extent the following pertain specifically to the Property, in utility rights, paid service fees, development or developer rights, drainage rights, approval rights, easements, agreements with other landowners regarding the construction, installation or cost of utilities, roads or other improvements, permits, licenses, warranties, governmental concessions and approvals, contracts, claims and rights of reimbursement, and (d) in all water and water rights appurtenant to the Property (provided the conveyance of appurtenant water or water rights, if any exist, shall be without any warranty or representation whatsoever);

TO HAVE AND TO HOLD the Property with the appurtenances unto Grantee, its successors and assigns forever. And Grantor, for itself, its successors and assigns, does warrant the title to the Property and does covenant and agree that Grantor shall and will WARRANT AND FOREVER DEFEND the property in the quiet and peaceable possession of Grantee, its successors and assigns, against all and every person or persons lawfully claiming or to claim the whole or any part thereof, by, through, or under Grantor, except of the lien of general taxes and assessments for the current year and all subsequent years and the matters shown on Exhibit A attached to this Deed (the "Permitted Exceptions").

The liability of Grantor hereunder is the liability of the entity only, and no liability is assumed by, or may be asserted against the officers, directors, stockholders or agents of Grantor, all such liability against such parties being waived.

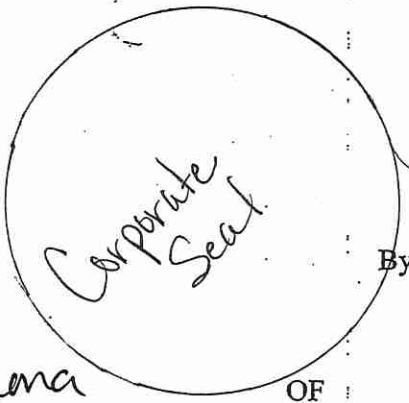
Signed this 16th day of June, 2006

\$125

U0008703



Recorders Note: Grantee address is same as return to add.
per Tammy @ United Title



The Sterling Co.

By: B. Douglas Smith
Name: B. Douglas Smith
Title: President

STATE Arizona OF
COUNTY OF Maricopa

The foregoing instrument was acknowledged before me this 16th day of June
2006, by B. Douglas Smith as President of The Sterling Co., a Colo. Corp.
on behalf of such company. He/She is personally known to me or has provided
Driver's License identification.

Helen Plew
Notary Public



My Commission Expires July 15, 2008

Exhibit A
SPECIAL WARRANTY DEED

Legal Description

Lots 20, 21, 22, 23 and 24
Block 1,
South 5th Street Subdivision,
EXCEPT that part of lots 20 and 21 as conveyed to The City of Grand Junction, in Warranty
Deed recorded August 22, 2005 in Book 3973 at page 628,

County of Mesa,
State of Colorado.

Permitted Exceptions

Taxes and Assessments not certified to the Treasurer's Office.

Any facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of the land or by making inquiry of persons in possession thereof.

Easements, or claims of easements, not shown by public records.

Discrepancies, conflicts in boundary lines, shortage in area, encroachments, and any facts which a correct survey and inspection of the land would disclose, and which are not shown by the public records.

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.

Any and all unpaid taxes, assessments and unredeemed tax sales.

Any water rights or claims or title to water, in, on or under the land.

Any existing leases or tenancies.

An easement for utility and incidental purposes as reserved by the City of Grand Junction in the instrument recorded December 16, 1946 in Book 453 at page 463.

An easement for utility and incidental purposes as reserved by the City of Grand Junction in the instrument recorded May 7, 1949 in Book 505 at page 559.

An easement for utility and incidental purposes as reserved by the City of Grand Junction in the instrument recorded December 16, 1946 in Book 462 at page 9.