

GRANT OF UTILITY EASEMENT

DPE LLC, a Colorado Limited Liability Company, also known as DPE, LLC, **Grantor** whose address is 1110 24 Rd., Grand Junction, CO 81505, who is the owner of the following described real property in Mesa County, Colorado:

Lot 1 of D.P.E. Simple Subdivision, Book 4055, Page 545, said parcel recorded with Reception Number 2291684, Public Records of Mesa County, Colorado

for and in consideration of the sum of Ten and 00/100 Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, has granted and conveyed, and by these presents does hereby grant and convey to the **City of Grand Junction, a Colorado home rule municipality, Grantee**, whose address is 250 N. 5th Street, Grand Junction, CO 81501, for the use and benefit of the public, including but not limited to City approved public utilities, a perpetual Easement for the installation, operation, maintenance, repair and replacement of 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, equivalent other public utility providers and appurtenant facilities on, along, over, under, through and across the following described parcel of land, to wit:

A certain parcel of land lying in the East Half of the West Half of the Northwest Quarter (E-1/2 W-1/2 NW 1/4) of Section 10, Township 1 South, Range 1 West of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

The North 15.0 feet of the West 13.65 feet of Lot 1, D.P.E. Simple Subdivision, as same is recorded in Book 4055, Page 545, Public Records of Mesa County, Colorado.

Said Easement contains 204.8 Square Feet or 0.005 Acres, more or less, as described herein and depicted on "**Exhibit A**", attached hereto and incorporated herein by reference.

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

The interest conveyed is an easement for the purposes and uses and upon the terms stated herein. Grantor will not install on the Easement, or permit the installation on the Easement, of any building, structure, improvement, retaining wall, sidewalk, patio, tree or other landscaping, other than the usual and customary grasses and other ground cover, including asphalt as on the site at the time of this grant. In the event such obstacles are installed in the Easement, the City has the right to require the Grantor to remove such obstacles from the Easement at Grantor's cost. If Grantor does not remove such obstacles, the City may remove such obstacles without any liability or obligation for repair and replacement thereof, and charge the Grantor the City's costs 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.

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

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 13 day of November, 2018, by DPE LLC.

Owner:

Dennis H. Eschliman
Dennis H. Eschliman
as Member of DPE LLC

Patricia A. Eschliman
Patricia A. Eschliman
as Member of DPE LLC

State of Colorado)
)ss.
County of Mesa)

The foregoing instrument was acknowledged before me this 13 day of November, 2018, by Dennis H. Eschliman and Patricia A. Eschliman as Members of DPE LLC.

My commission expires July 23, 2020.
Witness my hand and official seal.

Hanna M. Costanzo
Notary Public

HANNA M. COSTANZO
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID #20124044930
My Commission Expires July 23, 2020

Ratified, consented to subordination of interest, and acknowledged by the following Deed of Trust Beneficiaries:

The undersigned hereby certifies that it is a holder of a security interest upon the above described property and does hereby join in and consent to this grant of utility easement by the owner thereof and agrees that its security interest which is evidenced by that Construction Deed of Trust dated January 12, 2006 and recorded on 01/31/2006, in the office of the Mesa County Clerk and Recorder, Reception No. 2299129, a Modification of Deed of Trust dated December 5, 2006 and recorded on 01/11/2007, in the office of the Mesa County Clerk and Recorder, Reception 2358398, and a Modification of Deed of Trust dated December 12, 2016 and recorded on 01/23/2017, in the office of the Mesa County Clerk and Recorder, Reception 2787924 shall be and are hereby subordinate to this grant of utility easement to the City of Grand Junction.

Wells Fargo Bank, National Association, whose address is 2808 North Avenue Grand Junction, CO 81501, ratifies, consents to subordination of interest, and acknowledges the foregoing grant of utility easement:

Wells Fargo Bank, National Association

By: Ronald Sawyer
Print Name: RONALD SAWYER
Print Title: Relationship Manager

State of Colorado)
)ss
County of Mesa)

The foregoing instrument was ratified, consented to subordination of interest, and acknowledged by Ronald Sawyer, as Relationship Manager for Wells Fargo Bank, National Association, before me this 14 day of November, 2018.

My commission expires July 23, 2020.
Witness my hand and official seal.

Hanna M. Costanzo
Notary Public

HANNA M. COSTANZO
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID #20124044930
My Commission Expires July 23, 2020

EXHIBIT "A"

9

1

2

3

4

5

BLOCK 4
WESTGATE PARK
(PB 12, PG 134)

13.65'
15.0'
15.0'
13.65'

UTILITY
EASEMENT



EXISTING 6' PERIMETER EASEMENT

LOT 1
D.P.E. SIMPLE
SUBDIVISION
BK 4055, PG 545
2945-102-49-001
575 S. WESTGATE DRIVE

8

15' UTILITY EASEMENT

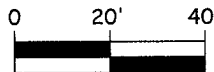
14' MULTIPURPOSE
EASEMENT

S. WESTGATE DRIVE

11

ABBREVIATIONS

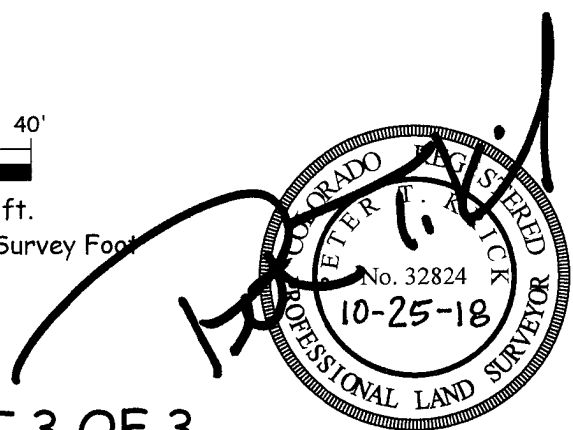
- P.O.C. POINT OF COMMENCEMENT
- P.O.B. POINT OF BEGINNING
- R.O.W. RIGHT OF WAY
- SEC. SECTION
- TWP. TOWNSHIP
- RGE. RANGE
- U.M. UTE MERIDIAN



1 inch = 40 ft.

Lineal Units = U.S. Survey Foot

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



SHEET 3 OF 3

DRAWN BY: P.T.K.
DATE: 08-23-2018
SCALE: 1" = 40'
APPR. BY: M.G.

UTILITY EASEMENT
LOT 1
D.P.E. SIMPLE SUBDIVISION
(BK 4055, PG 545)



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