

51597RIV

TYPE OF RECORD: PERMANENT

CATEGORY OF RECORD: POWER OF ATTORNEY

NAME OF AGENCY OR CONTRACTOR: 515 ANIMAS INCORPORATED, DAVID
F. CANN

STREET ADDRESS/PARCEL NAME/SUBDIVISION: 2189 RIVER ROAD,
PARCEL NO. 2697-364-10-005

CITY DEPARTMENT: COMMUNITY DEVELOPMENT

YEAR: 1997

EXPIRATION DATE: NONE

DESTRUCTION DATE: NONE

Street Address: 2189 RIVER ROAD
G. J.

BOOK 2415 PAGE 423

Parcel # 2697-364-10-005

1836440 03/12/98 0213PM
MONIKA TODD CLK® MESA COUNTY CO
REC FEE \$15.00 SURCHG \$1.00

**UTILITY CONNECTION AND ANNEXATION AGREEMENT
AND DECLARATION OF COVENANTS**

This Utility Connection and Annexation Agreement and Declaration of Covenants is made between SIS ANIMAS INC, of the County of Mesa, State of Colorado, herein called 'declarant' or 'owner,' and the CITY OF GRAND JUNCTION, COLORADO, in Mesa County, State of Colorado, herein called 'City.'

WITNESSETH:

1. Owner hereby covenants that (s)he is the Owner in fee of the following described real property located in Mesa County, Colorado: [attach the legal as Exhibit "A"]

2. In consideration for and as a condition precedent to being allowed to connect to the Persigo Regional Sewer System and to receive sewer service for the above described property, said Owner hereby covenants, agrees and declares that the following terms, covenants, conditions, restrictions, and obligations shall be deemed to run with the land described in paragraph 1 above, and shall be binding and accrue to the Declarant, Declarant's heirs, successors and assigns and any person acquiring or holding an interest in said property, their grantees, successors, heirs, executors, administrators or assigns, for the benefit of the City and said property.
 - a. Sewer service from the City of Grand Junction or the Persigo Regional Sewer System shall be subject to all terms and conditions as provided by the ordinances and regulations of the City as such may exist from time to time.
 - b. The owner and applicant agree to annex (and to execute a petition for annexation of the property served) to the City upon request at any time that such property is eligible for annexation. Further, each such owner and/or applicant agrees to forthwith execute and deliver to the City subsequent petition(s) for annexation at any time upon request of the City. This agreement shall be binding upon and shall run with the land for which service is provided.
 - c. As a condition precedent to the supplying of such sewer services, the undersigned consumer who is the owner in fee of the real property so supplied as described above, hereby agrees and covenants to apply for and consent to the annexation of the area described above to the City of Grand Junction at such date as the area described above or any portion thereof becomes eligible for annexation, as determined solely by the City. The undersigned hereby irrevocably appoints the Grand Junction City Clerk as his lawful attorney-in-fact for the purpose of executing a petition for annexation or petition for

annexation election with respect to the property described above. The undersigned further agrees to fully cooperate in annexation efforts and to sign no annexation petition or petition for annexation election which has the effect or is intended to hinder any annexation and to take no actions to hinder, delay, or avoid annexation of the property described above. The City shall be entitled to recover all costs, including reasonable attorney's fees, which it incurs in enforcing this annexation agreement on account of any breach of this agreement by the undersigned, his or her heirs, successors, or assigns,

IN WITNESS THEREOF, Owner has executed this Agreement as of the date above first written.

[Signature]
Signature of Declarant(s)/Owner (s)

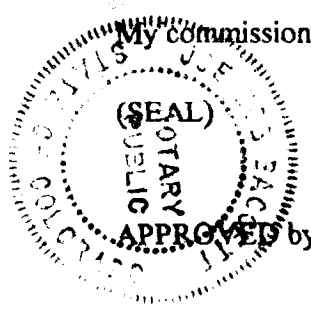
DAVID F CANN FOR SJ ANIMAL INC
(Print Name (s))

12/10/97
Date of Signature (s)

STATE OF COLORADO)
) ss.
COUNTY OF MESA)

The foregoing was acknowledged before me this 10TH day of DECEMBER, 1997, by

Witness my hand and official seal.
My commission expires: 2-28-2001



[Signature]
Notary
6245 CLERMONT ST
Address

By [Signature]

APPROVED by the City of Grand Junction

WARRANTY DEED

Grantor(s) **PARISH VENTURES, A COLORADO LIMITED PARTNERSHIP**

1816876 0329PM 10/16/97
MONIKA TODD CLK&REC MESA COUNTY Co
DOCUMENTARY FEE \$8.69

whose address is **1776 LINCOLN STREET SUITE 1100 DENVER, COLORADO 80203**, State of
*County of **DENVER**

COLORADO, for the consideration of
EIGHTY SIX THOUSAND NINE HUNDRED TWO AND NO/100--- dollars, in hand paid, hereby sell(s)

and convey(s) to **515 ANIMAS, INC., A COLORADO CORPORATION**

whose legal address is **6245 CLERMONT STREET COMMERCE CITY, COLORADO 80022**, and State of **COLORADO**
County of **ADAMS**

the following real property in the County of **MESA**, and State of

Colorado, to wit:

That part of Block One of Railhead Industrial Park as Amended, lying in the SE 1/4 of Section 36, Township One North, Range Two West of the Ute Meridian, Mesa County, Colorado, being more particularly described as follows:

Commencing at a Mesa County Survey Marker for the Southeast Corner of said Section 36, from whence a Mesa County Survey Marker for the S 1/4 Corner of Section 31, Township 1 North, Range 1 West of the Ute Meridian bears North 89°45'49" East 2639.22 feet, thence North 33°02'08" West 1572.48 feet to a 5/8-inch galv and cap, IS 18469, for the Southwest Corner of said Block One, thence North 63°10'49" East 34.53 feet to the Northwest Corner of a tract of land recorded in Book 2276 at Page 245 of the Mesa County real property records; thence North 63°10'49" East 333.84 feet to the Northwest Corner of said Block One, thence South 56°31'00" East 219.05 feet to the point of beginning, thence South 33°44'18" West 288.96 feet to the northerly line of that tract recorded in Book 2276 at Page 245, thence South 56°40'18" East 401.44 feet to the Northeast Corner of that tract recorded in Book 2276 at Page 245 and the westerly line of a tract recorded in Book 2334 at Pages 901-902 of the Mesa County real property records; thence North 33°44'18" East 287.88 feet to the Northwest Corner of that tract recorded in Book 2334 at Pages 901 - 902; thence North 56°31'00" West 401.44 feet to the beginning,

also known by street and number as: **VACANT LAND ON RIVER ROAD, GRAND JUNCTION, COLORADO 81505**

assessor's schedule or parcel number: **A PART OF 2701-313-10-003**

with all its appurtenances, and warrant(s) the title to the same, subject to **TAXES FOR 1997 DUE AND PAYABLE IN 1998, AND ALL SUBSEQUENT TAXES AND ASSESSMENTS; EASEMENTS, RIGHTS OF WAY, COVENANTS, CONDITIONS, RESTRICTIONS, RESERVATIONS AND AGREEMENTS OF RECORD.**

BOOK 2367 PAGE 855

RECORDED
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BOOK 2415 PAGE 425

Exh. b. 1 A