

FOR97RSV

TYPE OF RECORD: PERMANENT

CATEGORY OF RECORD: POWER OF ATTORNEY

NAME OF AGENCY OR CONTRACTOR: MICHAEL P. FORAKER AND
KATHLEEN M. FORAKER

STREET ADDRESS/PARCEL NAME/SUBDIVISION/PROJECT: 364 ROSEVALE
ROAD 2945-221-00-098

CITY DEPARTMENT: COMMUNITY DEVELOPMENT

YEAR: 1997

EXPIRATION DATE: NONE

DESTRUCTION DATE: NONE

Street Address: 364 ROSEVALE Rd
Grand Jct Colo 81503

1792240 1149AM 03/21/97
MONIKA TODD CLK&REC MESA COUNTY CO

Parcel # 2945-221-00-098

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

This Utility Connection and Annexation Agreement and Declaration of Covenants is made between MICHAEL P. FOZAKER & KATHLEEN M. FOZAKER, 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

ROSEVALE EXTENSION

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.

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

MICHAEL P. FOVAKER / KATHLEEN M. FOVAKER
(Print Name (s))

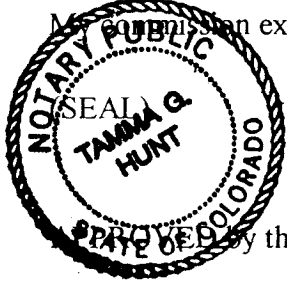
3/12/97
Date of Signature (s)

STATE OF COLORADO)
) ss.
COUNTY OF MESA)

The foregoing was acknowledged before me this *10th* day of *March*, 199*7*, by

Witness my hand and official seal.

My Public Commission expires: *1-15-2001*



Tammra J Hunt
Notary
631 Pioneer Rd Grand Jct CO 81504
Address

by the City of Grand Junction

By *[Handwritten signature]*

EXHIBIT A

Legal Description of the territory to be annexed.

| | | | | | |
|--------------|-----|------------|-----------------|----------|-------|
| 95/00 | | | | | 15235 |
| | | AMOUNT DUE | | | |
| Land Improve | 520 | 44.10 | 1996 | | |
| | | | | TAX AREA | |
| | | | 2945-221-00-098 | | 10775 |

BEG 50FT N OF SW COR LOT 13 ROSEVALE SUB SEC 22 1S 1W N 100FT E 232FT S 100FT W
 BEG