

MCF0623R

TYPE OF RECORD:	PERMANENT
CATEGORY OF RECORD:	<b>POWER OF ATTORNEY (SEWER IMPROVEMENT)</b>
NAME OF GRANTOR/OWNER:	MARK A MCFEE
SUBJECT/PROJECT:	470 23 ROAD
TAX PARCEL #:	2945-172-00-117
CITY DEPARTMENT:	PUBLIC WORKS
YEAR:	2006
EXPIRATION DATE:	NONE
DESTRUCTION DATE:	NONE

POWER OF ATTORNEY FOR AND AUTHORIZING THE CREATION OF A SEWER IMPROVEMENT DISTRICT

I, (we) **Mark A. McFee** as owners of the real property described herein,

Property Address:	<b>470 23 Road</b>	2298878 BK 4083 PG 859-860
Mesa County Tax Assessor Number:	<b>2945-172-00-117</b>	01/30/2006 02:12 PM
Legal Description:		Janice Ward CLK&REC Mesa County, CO RecFee \$10.00 SurChg \$1.00

A parcel of land situated in the NE1/4 of the NE1/4 of Section 18, Township 1 South, Range 1 West of the Ute Meridian, more particularly described as follows: Beginning 542.5 feet South of the Northwest corner of the Southwest 1/4 Northwest 1/4 of Section 17, Township 1 South, Range 1 West, Ute Meridian; thence South 100 feet; thence East 197 feet to the South Boundary of the First Lift Canal of the Redlands Irrigation and Power Company; thence Northwesterly along said canal to a point 177 feet East of the Point of Beginning; thence West 177 feet to the Point of Beginning; EXCEPT the West 25 feet thereof for road right-of-way as deeded to Mesa County by deed recorded October 21, 1969 in Book 940 at Page 197, Mesa County, Colorado. also known by the street and number as 470 23 Road, Grand Junction, Colorado 81503

(Property) located in the City of Grand Junction Colorado agree that, as a condition of City approval of the replacement of an individual sewage disposal system (ISDS) also known as septic tank and leach field on the Property that I (we) for ourselves, our heirs, successors and/or assigns covenant and agree that I (we) have executed this a power of attorney in favor of the City Clerk of the City of Grand Junction authorizing and permitting the City Clerk to act on behalf of us our executors or assigns to sign a petition to form a special improvement district to construct a public sewer/sewer improvement district for the benefit of and to serve the Property.

This instrument shall be recorded and shall be deemed a covenant, which binds and shall run with the land.

The requirement that I (we) connect to public sewer as of the date of this document has, with the consent of the City Manager, been deferred to such time, if any, as a sewer improvement district or equivalent legal mechanism is formed, for and benefiting the Property, described herein.

The actual cost that I (we) our heirs, successors and/or assigns shall pay will be determined in accordance with rates and policies established by the City at the time of formation of the improvement district.

I (we) our heirs, successors and/or assigns as owners of the above described real property do hereby agree to participate in an improvement district, if one is formed, for the improvement of sewer service/elimination of ISDS/septic systems, either as a larger scope of work or otherwise, to the then existing standards and do hereby designate and appoint the City Clerk of the City of Grand Junction as my (our)

attorney in fact to execute any and all petitions, documents and instruments to effectuate my (our) intention to participate in said improvement district for such purpose or to otherwise act in conformity with said general purpose and direction.

The City Clerk is empowered by me (us) to do and perform any and all acts which the City Clerk shall deem necessary, convenient or expedient to accomplish such improvements, construction or reconstruction as fully as I (we) might do if personally present.

This authority and the covenant created thereby shall be binding upon any and all successors in interest to the Property and shall not cease upon my death (the death of either or both of us) or the dissolution of marriage, partnership, corporation or other form of association which may hold title or claim an interest to the Property.

As a further covenant to run with the land, I (we) agree that in the event of a counter-petition to any proposed sewer improvement(s), improvement district, construction or reconstruction any signature on such petition purporting to affect the land herein described may be ignored and of no force and effect by the City of Grand Junction.

This power of attorney is not terminable; it shall terminate only upon the formation of an improvement district or other legal means of accomplishing the purpose described.

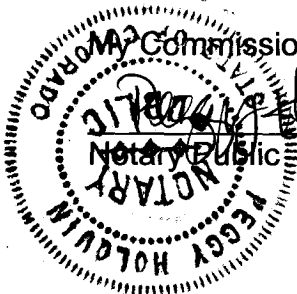
In witness whereof I (we) have signed executed and acknowledged this instrument this 27<sup>th</sup> day of January 2006.

Mark A. McFee  
Mark A. McFee

STATE OF COLORADO  
COUNTY OF MESA

The foregoing instrument was subscribed and sworn to before me this 27<sup>th</sup> day of January, 2006.

My Commission expires 3.3.2009



Peggy Holquin  
Notary Public