

PCI97BRD

TYPE OF RECORD: PERMANENT

CATEGORY OF RECORD: POWER OF ATTORNEY

NAME OF AGENCY OR CONTRACTOR: PACE ENTERPRISES INC, VERNON  
PACE

STREET ADDRESS/PARCEL NAME/SUBDIVISION: 28 1/2 ROAD AND  
B ROAD

CITY DEPARTMENT: COMMUNITY DEVELOPMENT

YEAR: 1997

EXPIRATION DATE: NONE

DESTRUCTION DATE: NONE

Street Address: 28 1/2 road and B road

1830616 01/30/98 0430PM  
MONIKA TODD CLK&REC MESA COUNTY CO  
REC FEE \$15.00 SURCHG \$1.00

Parcel # \_\_\_\_\_

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

This Utility Connection and Annexation Agreement and Declaration of Covenants is made between Pace Enterprises 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



EXHIBIT A  
ANNEXATION PETITION

Legal Description of the territory to be annexed.

(TO BE ATTACHED)

A parcel of land being part of Lots 27, 28 and 29 of the Grand Junction Orchard Mesa Land Company's Orchard Subdivision, located in the SW 1/4 SE 1/4 of Section 30, Township 1 South, Range 1 East, of the Ute Meridian, Mesa County, Colorado. Said parcel being more particularly described as follows:

Commencing at the Northwest corner of the said SW 1/4 SE 1/4 of said Section 30 from whence the South one-quarter corner of Section 30 bears S 00°05'25" W, a distance of 1315.03 feet with all bearings contained herein being referenced thereto. Thence S 00°05'25" W, a distance of 20.00 feet. Thence S 89°55'53" E, a distance of 30.00 feet, to a point on the North line of said Lot 28, of Grand Junction Orchard Mesa Land Company's ORCHARD SUBDIVISION, being the POINT OF BEGINNING. Thence around the said dedication boundary the following thirteen (13) courses:

- 1.) S 89°55'53" E, a distance of 836.75 feet, continuing along the North lines of said Lots 28 and 27;
- 2.) S 00°00'00" W, a distance of 196.00 feet;
- 3.) S 90°00'00" W, a distance of 56.40 feet;
- 4.) S 00°00'00" W, a distance of 462.80 feet;
- 5.) Westerly 309.30 feet along a 360.00 foot radius curve to the right with a central angle of 49°13'35", the chord of which bears N 63°28'36" W, a distance of 299.87 feet;
- 6.) S 65°19'49" W, a distance of 82.04 feet;
- 7.) N 78°07'17" W, a distance of 38.72 feet;
- 8.) N 38°42'04" W, a distance of 44.51 feet;
- 9.) N 10°34'06" E, a distance of 44.06 feet;
- 10.) Westerly 321.30 feet along a 360.00 foot radius curve to the left with a central angle of 51°08'12", the chord of which bears N 64°25'54" W, a distance of 310.74 feet;
- 11.) S 00°05'25" W, a distance of 125.00 feet;
- 12.) S 90°00'00" W, a distance of 100.06 feet to a point on the East right-of-way line of 28 1/2 Road;
- 13.) N 00°05'25" E, a distance of 465.00 feet along said East right-of-way line to the point of beginning.

The above parcel, as described, contains 9.23 acres, more or less.