

PRS98E75

TYPE OF RECORD: PERMANENT

CATEGORY OF RECORD: POWER OF ATTORNEY

NAME OF AGENCY OR CONTRACTOR: PRSV COMPANY, LLC

STREET ADDRESS/PARCEL NAME/SUBDIVISION/PROJECT: E ³/₄ ROAD AND PRESERVE
LANE, THE PRESERVE SUBDIVISION FILINGS NO. 3 AND NO. 4

CITY DEPARTMENT: COMMUNITY DEVELOPMENT

YEAR: 1998

EXPIRATION DATE: NONE

DESTRUCTION DATE: NONE

Street Address: E 3/4 Road And Preserve Lane

1871394 10/30/98 1040AM
MONIKA TODD CLK&REC MESA COUNTY Co
REC FEE \$15.00 SURCHG \$1.00

Parcel # THE Preserve Subdivision Filings #3 & #4

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

This Utility Connection and Annexation Agreement and Declaration of Covenants is made between PRSV COMPANY, LLC, 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.

PRSV COMPANY, LLC
David G. Behrhorst
Signature of Declarant(s)/Owner (s) MANAGER

DAVID G. BEHRHORST
(Print Name (s))

OCTOBER 22, 1998
Date of Signature (s)

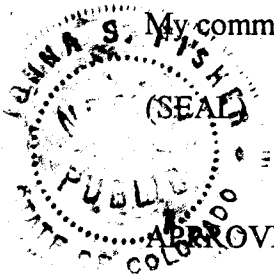
STATE OF COLORADO)
COUNTY OF PITKIN) ss.

The foregoing was acknowledged before me this 21st day of OCTOBER, 1998, by DAVID G. BEHRHORST, MANAGER OF PRSV COMPANY, LLC

Witness my hand and official seal.

My commission expires: 4/21/00

[Signature]
Notary
1735 Riverside Dr Aspen, CO
Address



APPROVED by the City of Grand Junction

By [Signature]

BEGINNING at the Southwest corner of the NW1/4 NE1/4 of Section 22; thence, along the South line of the NW1/4 NE1/4 of Section 22, South 89 degrees 12 minutes 39 seconds East, a distance of 60.40 feet, to a point at the Southwesterly corner of The Preserve, Filing No. One, as recorded in Plat Book 16, Pages 42 and 43; thence along the Southwesterly line of The Preserve, Filing No. One the following two (2) courses: (1) North 16 degrees 02 minutes 24 seconds West, a distance of 314.47 feet; (2) North 30 degrees 21 minutes 21 seconds West, a distance of 148.29 feet, to a point at the Southernmost corner of OUTLOT B, The Preserve, Filing No. One; thence, along the boundary of said OUTLOT B the following five (5) course: (1) North 59 degrees 38 minutes 39 seconds East, a distance of 40.59 feet; (2) North 06 degrees 56 minutes 21 seconds East, a distance of 75.00 feet; (3) along the arc of a non-tangent curve to the right, having a delta angle of 59 degrees 55 minutes 07 seconds, with a radius of 50.00 feet, an arc length of 52.29 feet, a chord bearing of North 53 degrees 06 minutes 06 seconds West, and a chord length of 49.94 feet; (4) along the arc of a non-tangent curve to the right, having a delta angle of 09 degrees 15 minutes 34 seconds, with a radius of 125.00 feet, an arc length of 20.20 feet, a chord bearing of North 74 degrees 50 minutes 23 seconds West, and a chord length of 20.18 feet; (5) North 70 degrees 12 minutes 36 seconds West, a distance of 82.07 feet, to a point on the boundary of The Preserve, Filing No. One; thence, along the boundary of The Preserve, Filing No. One the following two (2) courses: (1) North 30 degrees 21 minutes 21 seconds West, a distance of 231.82 feet; (2) along the arc of a non-tangent curve to the right, having a delta angle of 14 degrees 45 minutes 54 seconds, with a radius of 783.00 feet, an arc length of 201.78 feet, a chord bearing of North 22 degrees 52 minutes 47 seconds West, and a chord length of 201.22 feet, to a point at the Southernmost corner of OUTLOT E, The Preserve, Filing No. Two, as recorded in Plat Book 2459, Pages 462 through 464; thence, around the boundary of said OUTLOT E, The Preserve, Filing No. Two the following five (5) courses: (1) North 31 degrees 15 minutes 01 seconds East, a distance of 144.76 feet; (2) North 55 degrees 43 minutes 34 seconds East, a distance of 229.20 feet; (3) North 74 degrees 30 minutes 59 seconds East, a distance of 145.33 feet; (4) South 89 degrees 38 minutes 47 seconds East, a distance of 105.20 feet; (5) North 64 degrees 39 minutes 02 seconds West, a distance of 531.79 feet, to a point at the Southernmost corner of OUTLOT F, The Preserve, Filing No. Two; thence, along the boundary of said OUTLOT F, The Preserve, Filing No. Two the following four (4) courses: (1) North 36 degrees 52 minutes 39 seconds East, a distance of 331.00 feet; (2) North 00 degrees 45 minutes 53 seconds East, a distance of 122.48 feet; (3) North 68 degrees 25 minutes 58 seconds West, a distance of 208.35 feet; (4) North 32 degrees 42 minutes 01 seconds East, a distance of 477.86 feet, to a point on the Southerly right-of-way line of State Highway 340, as established by Colorado State Highway Department Project No. S 0143 (4); thence along the said Southerly right-of-way line the following four (4) courses: (1) along the arc of a non-tangent curve to the left, having a delta angle of 05 degrees 30 minutes 25 seconds, with a radius of 1232.50 feet, an arc length of 118.46 feet, a chord bearing of North 70 degrees 03 minutes 54 seconds West, and a chord length of 118.42 feet; (2) North 47 degrees 40 minutes 42 seconds West, a distance of 204.90 feet; (3) along the arc of a non-tangent curve to the left, having a delta angle of 09 degrees 24 minutes 52 seconds, with a radius of 1332.50 feet, an arc length of 218.95 feet, a chord bearing of North 85 degrees 31 minutes 12 seconds West, and a chord length of 218.70 feet; (4) South 89 degrees 46 minutes 48 seconds West, a distance of 426.80 feet; thence South 00 degrees 41 minutes 29 seconds West, a distance of 196.39 feet; thence North 76 degrees 31 minutes 02 seconds West, a distance of 224.97 feet; thence North 02 degrees 33 minutes 23 seconds West, a distance of 195.27 feet, to a point on the said Southerly right-of-way line of State Highway 340; thence, along said Southerly right-of-way line the following two (2) courses: (1) North 69 degrees 09 minutes 27 seconds West, a distance of 10.74 feet; (2) along the arc of a non-tangent curve to the right, having a delta angle of 15 degrees 14 minutes 40 seconds, with a radius of 1482.50 feet, an arc length of 394.45 feet, a chord bearing of North 78 degrees 07 minutes 02 seconds West, and a chord length of 393.28 feet, to a point on the Southerly Mesa County right-of-way line of F¹/₄ Road, as described in Book 997, Page 328; thence, along said Southerly right of way line, North 89 degrees 10 minutes 42 seconds West, a distance of 525.66 feet; thence South 09 degrees 54 minutes 23 seconds East, a distance of 34.61 feet; thence South 15 degrees 32 minutes 23 seconds East, a distance of 754.53 feet; thence South 74 degrees 00 minutes 26 seconds West, a distance of 26.64 feet, to a point on the centerline of Redlands Water and Power Company First Lift Canal; thence, along said centerline to the First Lift Canal the following ten (10) courses: (1) South 12 degrees 21 minutes 14 seconds East, a distance of 61.24 feet; (2) South 22 degrees 43 minutes 21 seconds East, a distance of 50.40 feet; (3) South 29 degrees 37 minutes 58 seconds East, a distance of 72.50 feet; (4) South 38 degrees 32 minutes 15 seconds East, a distance of 62.15 feet; (5) South 52 degrees 17 minutes 21 seconds East, a distance of 106.46 feet; (6) South 60 degrees 12 minutes 07 seconds East, a distance of 30.57 feet; (7) South 71 degrees 58 minutes 19 seconds East, a distance of 32.05 feet; (8) South 78 degrees 12 minutes 12 seconds East, a distance of 333.68 feet; (9) South 71 degrees 14 minutes 45 seconds East, a distance of 36.19 feet; (10) South 55 degrees 12 minutes 40 seconds East, a distance of 52.36 feet; thence South 02 degrees 25 minutes 34 seconds East, a distance of 157.37 feet, to the Northwest corner of the NE1/4 NW1/4 of said Section 22; thence South 02 degrees 38 minutes 14 seconds East, a distance of 601.77 feet; thence South 03 degrees 13 minutes 18 seconds East, a distance of 206.80 feet; thence South 01 degrees 09 minutes 42 seconds West, a distance of 526.14 feet, to a point on the South line of the NE1/4 NW1/4 of said Section 22; thence, along the said South line of the NE1/4 NW1/4 of said Section 22, South 89 degrees 13 minutes 01 seconds East, a distance of 1283.61 feet to the POINT OF BEGINNING.

Said parcel containing an area of 81.088 Acres, as described.