

THM94CYN

TYPE OF RECORD: PERMANENT

CATEGORY OF RECORD: POWER OF ATTORNEY

NAME OF AGENCY OR CONTRACTOR: THOMAS AND SON, INC. JOHN M.
THOMAS, PRESIDENT

STREET ADDRESS/PARCEL NAME/SUBDIVISION/PROJECT: CANYON VIEW
SUBDIVISION TRACT 37 TOWNSHIP 11 SOUTH

CITY DEPARTMENT: COMMUNITY DEVELOPMENT

YEAR: 1994

EXPIRATION DATE: NONE

DESTRUCTION DATE: NONE

POWER OF ATTORNEY AND SEWERAGE SERVICE AGREEMENT

1679503 02:22 PM 04/22/94 MONIKA TODD CLK&REC MESA COUNTY CO

WE, (I) THOMAS & Son, Inc owner(s) of the real property situate in Mesa County, Colorado and described as: see attached legal description

BOOK 2065 PAGE 919

which property is not presently eligible for annexation to the City of Grand Junction, but requires connection of the property to the City's sewerage system, do hereby designate and appoint the City Clerk of the City of Grand Junction as our Attorney in Fact to sign any petition for annexation of the described land to the City, when eligible, whether for the described land alone or in conjunction with other lands. Such authority shall be a covenant running with the land, shall be binding upon successors in interest and shall not cease upon my death (the death of either or both of us).

As a further covenant to run with the land, we (I) agree that in the event a counter-petition to a proposed annexation of the land is prepared, and signature on such petition purporting to affect the land herein described may be ignored as of no force and effect by the City under annexation requirements.

Further, the then owner or owners of this land or any portion of it shall not be permitted to vote in any annexation election, but such vote may be cast by the City Clerk.

As a further covenant running with the land, it is understood that the City shall have the right, along with suit for collection of monies owing, to shut off sewerage service for failure to pay charges when the same are due. Requiring payment for all costs, plus penalties, of such shutting off and opening before service will be resumed; and, in addition, such charges shall constitute a lien against the property enforceable by appropriate action.

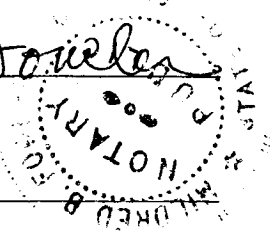
IN WITNESS WHEREOF, we (I) have hereunto set our (my) hand (s) and seal (s) this 20th day of April, 1994.

John M. Thomas, Pres.

STATE OF COLORADO) COUNTY OF MESA)

The foregoing instrument was acknowledged before me this 20th day of April, 1994 by John M. Thomas - President

WITNESS my hand and official seal: Meldred B Fowler Notary Public My Commission expires: 10-26-96



DW

Thomas's Sun, Inc

That the undersigned, ~~John M. Thomas~~, is the owner of that real property in the County of Mesa, State of Colorado, being situated in Tract 37, Township 11 South, Range 101 West of the Sixth Principal Meridian, County of Mesa, State of Colorado, described in Book **2069** Page **504** of the records of the Mesa County Clerk and Recorder, and as shown on the accompanying plat, said property being more particularly described as follows:

Commencing at a Mesa County Survey Monument at the Southeast corner of Tract 37, Township 11 South, Range 101 West of the Sixth Principal Meridian, County of Mesa, State of Colorado, and with all bearings herein being relative to N 00°17'47" W between Mesa County Survey Monuments at the West one-quarter corner and Northwest corner of Section 19, Township 1 South, Range 1 West of the Ute Meridian;
Thence along the East line of said Tract 37,
N 00°17'47" W a distance of 1953.46 feet;
Thence S 89°42'13" W, a distance of 30.00 feet to the Point of Beginning;
Thence S 00°17'47" E, a distance of 1145.96 feet;
Thence N 87°11'34" W, a distance of 678.21 feet;
Thence S 00°21'59" E, a distance of 846.11 feet to a rebar and cap on the South line of said Tract 37;
Thence along the South line of said Tract 37,
S 89°35'29" W, a distance of 706.23 feet;
Thence N 00°20'31" W, a distance of 1318.33 feet;
Thence N 00°57'47" W, a distance of 638.45 feet;
Thence N 89°42'13" E, a distance of 1390.88 feet to the Point of Beginning.

That said owner has caused the said real property to be laid out and surveyed as CANYON VIEW SUBDIVISION, a subdivision of a part of Mesa County, Colorado.

That said owner does hereby dedicate and set apart all of the streets and roads as shown hereon to the use of the public forever, and hereby dedicates to the Public Utilities those portions of said real property which are labeled as utility easements on the accompanying plat as perpetual easements for the installation and maintenance of utilities, irrigation and drainage facilities, including but not limited to electric lines, gas lines, telephone lines; together with the right to trim interfering trees and brush; with perpetual right of ingress and egress for installation and maintenance of such lines. Such easements shall be utilized in a reasonable and prudent manner.

That all expenses for street paving or improvements shall be furnished by the seller or purchaser, not the County of Mesa.

IN WITNESS WHEREOF said owner has caused his name to be hereunto subscribed this _____ day of _____, A.D., 1994

John M. Thomas, **President - THOMAS & SON, INC**

State of Colorado)
County of Mesa) ss

This plat was acknowledged before me by _____ on this _____ day of _____, A.D., 1994 for the aforementioned purposes.

My Commission expires: _____ Notary Public _____