

TPI98FRD

TYPE OF RECORD: PERMANENT

CATEGORY OF RECORD: POWER OF ATTORNEY

NAME OF AGENCY OR CONTRACTOR: THRIFTY PAYLESS INCORPORATED

STREET ADDRESS/PARCEL NAME/SUBDIVISION: 2992 F ROAD, PARCEL NO.2943-054-00-113 (RITE AID)

CITY DEPARTMENT: COMMUNITY DEVELOPMENT

YEAR: 1998

EXPIRATION DATE: NONE

DESTRUCTION DATE: NONE

Street Address: 2992 F Road

1845234 05/08/98 0234PM
MONIKA TODD CLK&REC MESA COUNTY CO
REC FEE \$15.00 SURCHG \$1.00

Parcel # 2943-054-00-113

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

This Utility Connection and Annexation Agreement and Declaration of Covenants is made between THRIFTY PAGES, 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 City Water System and to receive water 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. Water service from the City of Grand Junction or the City Water 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 water 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.

THRIFTY PAYLESS, INC.

By: Charles E. Bradsky, Atty. Rep.
Signature of Declarant/Owner

Charles E. Bradsky
(Print Name)

4/2/98
Date of Signature

Pennsylvania
STATE OF COLORADO)
Cumberland) ss.
COUNTY OF MESA)

The foregoing was acknowledged before me this 2nd day of April, 1998, by

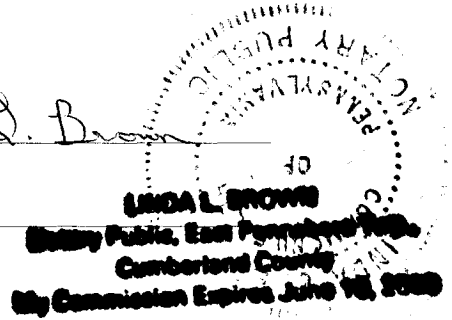
Witness my hand and official seal.

My commission expires:

(SEAL)

Linda L. Brown
Notary

Address



APPROVED by the City of Grand Junction

By _____

EXHIBIT A
ANNEXATION PETITION

Legal Description of the territory to be annexed.

BOUNDARY DESCRIPTION

A PARCEL OF LAND IN THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 5, TOWNSHIP 1 SOUTH, RANGE 1 EAST OF THE UTE MERIDIAN AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: (WARRANTY DEED AS RECORDED IN BOOK 2164, PAGES 952 AND 953 AND RIGHT-OF-WAY DEED AS RECORDED IN BOOK 1363, PAGE 261).

COMMENCING FROM THE SOUTHEAST CORNER OF SECTION 5, T1S, R1E, UM; THENCE SOUTH 89 DEGREES 56 MINUTES 20 SECONDS WEST, A DISTANCE OF 410.00 FEET; THENCE NORTH 00 DEGREES 11 MINUTES 40 SECONDS WEST, A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING; THENCE NORTH 00 DEGREES 11 MINUTES 40 SECONDS WEST, A DISTANCE OF 250.00 FEET; THENCE NORTH 89 DEGREES 56 MINUTES 20 SECONDS EAST, A DISTANCE OF 370.00 FEET; THENCE SOUTH 00 DEGREES 11 MINUTES 40 SECONDS EAST, A DISTANCE OF 225.00 FEET; THENCE SOUTH 44 DEGREES 52 MINUTES 20 SECONDS WEST, A DISTANCE OF 35.31 FEET; THENCE SOUTH 89 DEGREES 56 MINUTES 20 SECONDS WEST, A DISTANCE OF 345.00 FEET; TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINING AN AREA OF 2.1116 ACRES, AS DESCRIBED.