

CITY VIEW HEIGHTS

A Replat of Lots 12, 13, 14, 15 Block 35, Lots 10 & 11, Block 34 and a vacated portion of Park Avenue of the 1908 Plat of MOON & DAY'S ADDITION TO ORCHARD MESA HEIGHTS

DEDICATION

KNOW ALL MEN BY THESE PRESENTS:

That the undersigned, Walter K. Waymeyer, Robert A. & Diane C. Mather, Stephen V. & Virginia K. Finocchio, and Jimmy E. & Julie A. Thorson, are the owners of that real property situated in the City of Grand Junction, County of Mesa, State of Colorado, and is described in Bk. 1260 at P.39, Bk. 1562 at P. 597, Bk. 1635 at P. 798, and Bk. 1854 at P. 72 respectively, of the Mesa County Clerk and Recorders Office, and being situated in Section 23, Township 1 South, Range 1 West of the Ute Principal Meridian, Mesa County, Colorado as shown on the accompanying plat (sheet 2). Said property being additionally described as follows: Commencing at the City Monument (a Mesa County brass cap) at the intersection of Canon and Grand Mesa Avenue; thence East 331.81' along the centerline of Grand Mesa Avenue on a line to the City Monument (Mesa County brass cap) at the intersection of Laveta and Grand Mesa Avenue, said line being the basis of bearings for this description. Thence North 30.00' to the Point of Beginning. Thence N 00°00'00" W 167.05' along the East line of the Amended Plat of Moon & Day's Addition to Orchard Mesa Heights (1960); thence S 54°44'00" E 59.18'; thence N 35°16'00" E 144.42'; thence descending a steep bank N 35°16'00" E 73.18' to the mean high water line of the Colorado river; thence continuing along the mean high water line the following five (5) courses and distances: 1) S 50°07'38" E 9.50'; 2) S 52°59'36" E 61.18'; 3) S 61°50'01" E 56.83'; 4) S 52°20'14" E 63.79' ; 5) S 50°14'44" E 9.04'; thence leaving the mean high water line and ascending a steep slope S 35°16'00" W 76.96' to the witness corner; thence continuing S35°16'00" W 141.66'; thence S 54°44'00" E 30.15' to the North right-of-way line of Grand Mesa Avenue; thence N 90°00'00" W 236.23' along said right-of-way to the point of beginning.

That said owners have caused the said real property to be laid out and surveyed as Parcels 1-4 inclusive of City View Heights a Replat of Lots 12, 13, 14, 15 Block 35, Lots 10 and 11 Block 34 and a vacated portion of Park Avenue of the 1908 Plat of MOON & DAY'S ADDITION TO ORCHARD MESA HEIGHTS, a Replat of a part of the City of Grand Junction, County of Mesa, State of Colorado.

That said owners do hereby dedicate to the City of Grand Junction, for the use of the public forever 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, sewer lines, telephone lines, and appurtenances; together with the right to trim interfering trees and brush; with perpetual right of ingress and egress for installation and maintenance of such lines, and said owners hereby dedicate all utility easements to the use and benefit of the owners of the lots hereby platted. Such easements and rights shall be utilized in a reasonable and prudent manner. The areas shown as utility easements are dedicated to the owners of the property within said City View Heights REPLAT OF LOTS 12, 13, 14, 15 BLOCK 35, LOTS 10 AND 11 BLOCK 34 AND A VACATED PORTION OF PARK AVENUE OF THE 1908 PLAT OF MOON AND DAY'S ADDITION TO ORCHARD MESA HEIGHTS for a perpetual ingress and egress for themselves and the general public, including the postal service, trash, fire, police, emergency vehicles and the City of Grand Junction.

IN WITNESS THEREOF said owners have caused their names to be herunto subscribed this 27th day of May A.D., 1993.

Robert M. Mather  
ROBERT M. MATHER

Diane C. Mather  
DIANE C. MATHER

Walter K. Waymeyer by Alice J. Nugent  
WALTER K. WAYMEYER

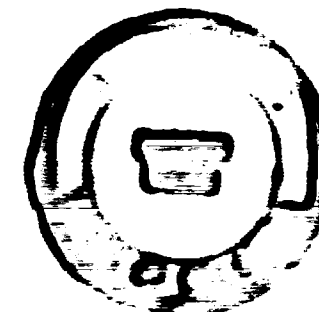
Stephen V. Finocchio  
STEPHEN V. FINOCCHIO

Virginia K. Finocchio  
VIRGINIA K. FINOCCHIO

Jimmy E. Thorson  
JIMMY E. THORSON

Julie A. Thorson  
JULIE A. THORSON

STATE OF COLORADO }  
COUNTY OF MESA } S.S.



The foregoing instrument was acknowledged before me this 27th day of May A.D., 1993 by Walter K. Waymeyer, Robert M. & Diane C. Mather, Stephen V. & Virginia Finocchio, and Jimmy E. & Julie A. Thorson.

My commission expires: 9/9/96 Notary Public

CLERK AND RECORDERS CERTIFICATE

STATE OF COLORADO }  
COUNTY OF MESA } S.S.

I hereby certify that this instrument was filed in my office at 11:02 o'clock A.M. this 3rd day of JUNE A.D., 1993, and is duly recorded in Plat Book No. 14, Page 120 & 121 Reception No. 164/234 Drawer No. AA-5.

CITY APPROVAL

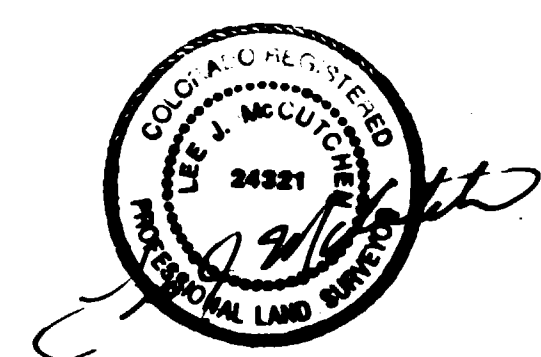
The City View Heights Replat of Lots 12, 13, 14, 15 Block 35, Lots 10 & 11, Block 34, and a vacated portion of Park Avenue of the 1908 Plat of Moon & Day's Addition to Orchard Mesa Heights, a subdivision in the City of Grand Junction, County of Mesa, State of Colorado was approved and accepted this 2nd day of JUNE A.D., 1993.

Mark Achen  
City Mqanager

[Signature]  
President of Council

Jerry Timm  
Director of Development

[Signature]  
Grand Junction Planning Commission  
Chairman



Jerry D. Denton  
Grand Junction City Engineer

CITY VIEW HEIGHTS A REPLAT LOCATED IN SECTION 23 T1S R1W UTE PM, CITY OF GRAND JUNCTION MESA COUNTY, COLORADO			
DAGGETT SURVEYING, INC. GRAND JUNCTION, COLORADO			
SURVEYED BY:	LJM	DATE SURVEYED:	1/20/93-12/17/93
DRAWN BY:	RTB,LJM	DATE DRAWN:	FINAL 5/20/93
REVISION:		CREW:	LJM,CCR

# A Replat of Lots 12, 13, 14, 15 Block 35, Lots 10 & 11, Block 34 and a vacated portion of Park Avenue of the 1908 Plat of MOON & DAY'S ADDITION TO ORCHARD MESA HEIGHTS

### LEGEND AND ABBREVIATIONS:

- GRAND JUNCTION CITY MONUMENT
- X WIRE FENCE
- ⊙ CALCULATED POINT
- UTILITY POLE
- PHONE RISER
- SET 5/8" REBAR W/ ALUMINUM CAP L.S. 24321
- ⊙ FND. NHPQ PIN
- SET 5/8" REBAR W/ ALUMINUM CAP L.S. 24321 WITNESS CORNER
- NAFC NOT ACCEPTED FOR CONTROL
- ORIGINAL MOON & DAY'S LINES

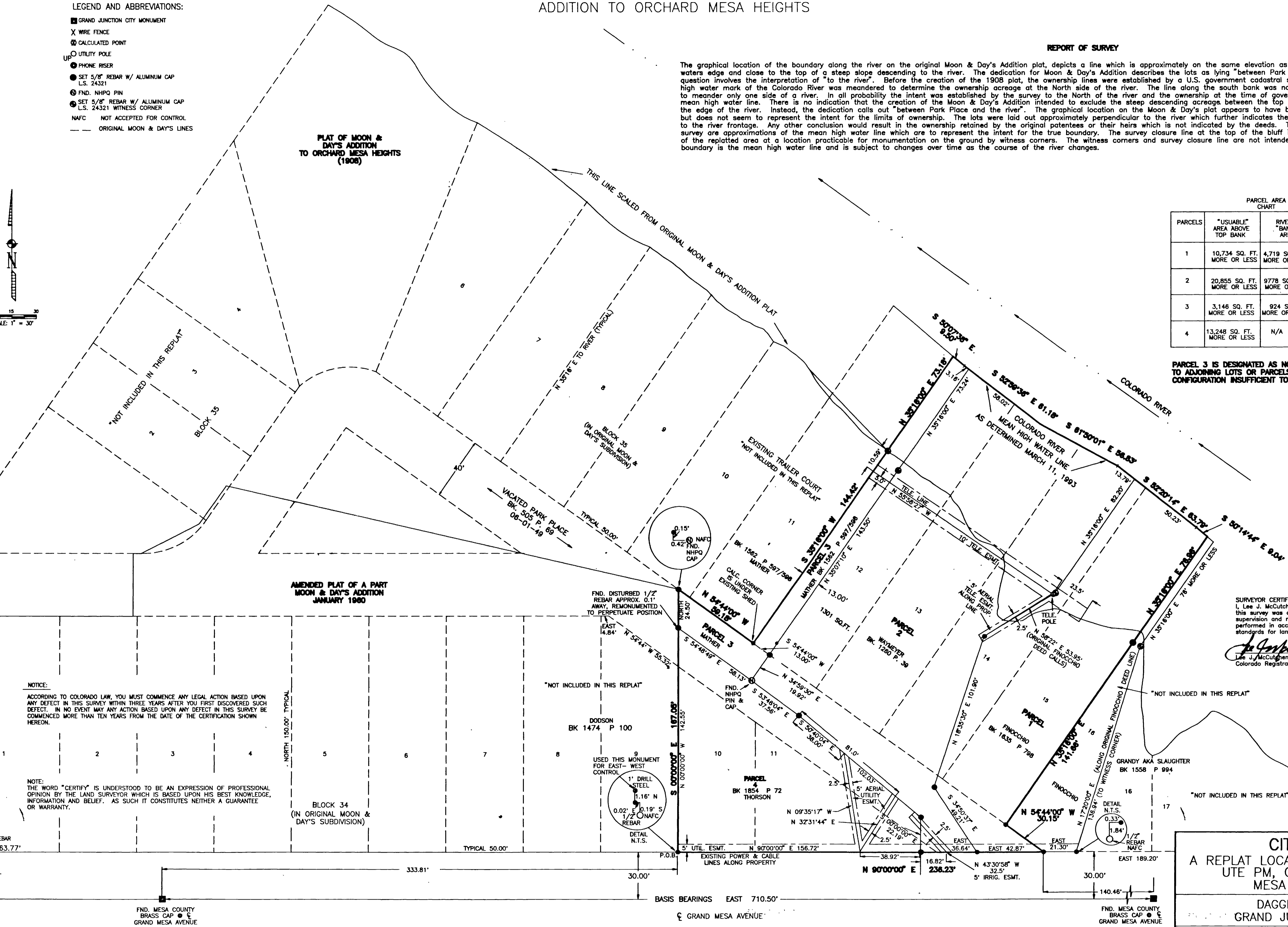
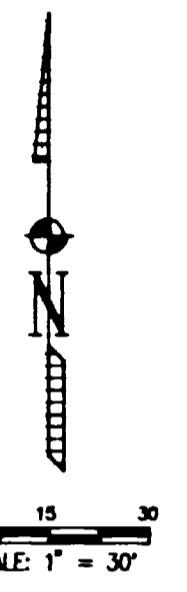
### REPORT OF SURVEY

The graphical location of the boundary along the river on the original Moon & Day's Addition plat, depicts a line which is approximately on the same elevation as the subdivision lots, 70' to 80' from the waters edge and close to the top of a steep slope descending to the river. The dedication for Moon & Day's Addition describes the lots as lying "between Park Place and the river". The basic ownership question involves the interpretation of "to the river". Before the creation of the 1908 plat, the ownership lines were established by a U.S. government cadastral survey. In this government survey, the high water mark of the Colorado River was meandered to determine the ownership acreage at the North side of the river. The line along the south bank was not meandered, but it was not uncommon to meander only one side of a river. In all probability the intent was established by the survey to the North of the river and the ownership at the time of government patent was intended to be at the mean high water line. There is no indication that the creation of the Moon & Day's Addition intended to exclude the steep descending acreage between the top of bluff and the high water mark near the edge of the river. Instead, the dedication calls out "between Park Place and the river". The graphical location on the Moon & Day's plat appears to have been the convenient area to survey and map but does not seem to represent the intent for the limits of ownership. The lots were laid out approximately perpendicular to the river which further indicates the intent to give all of the lots equal rights to the river frontage. Any other conclusion would result in the ownership retained by the original patentees or their heirs which is not indicated by the deeds. The meander courses shown on this survey are approximations of the mean high water line which are to represent the intent for the true boundary. The survey closure line at the top of the bluff is to establish a mathematical closure of the replatted area at a location practicable for monumentation on the ground by witness corners. The witness corners and survey closure line are not intended to be the true boundary. The true boundary is the mean high water line and is subject to changes over time as the course of the river changes.

### PARCEL AREA CHART

PARCELS	"USUABLE" AREA ABOVE TOP BANK	RIVER "BANK" AREA	TOTAL AREA
1	10,734 SQ. FT. MORE OR LESS	4,719 SQ. FT. MORE OR LESS	15,453 SQ. FT. MORE OR LESS
2	20,855 SQ. FT. MORE OR LESS	9778 SQ. FT. MORE OR LESS	30,633 SQ. FT. MORE OR LESS
3	3,146 SQ. FT. MORE OR LESS	924 SQ. FT. MORE OR LESS	4,079 SQ. FT. MORE OR LESS
4	13,248 SQ. FT. MORE OR LESS	N/A	13,248 SQ. FT. MORE OR LESS

PARCEL 3 IS DESIGNATED AS NON-TRANSFERABLE EXCEPT TO ADJOINING LOTS OR PARCELS AS PARCEL 3 HAS A CONFIGURATION INSUFFICIENT TO MEET CITY LOT STANDARDS



NOTICE: ACCORDING TO COLORADO LAW, YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVERED SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.

NOTE: THE WORD "CERTIFY" IS UNDERSTOOD TO BE AN EXPRESSION OF PROFESSIONAL OPINION BY THE LAND SURVEYOR WHICH IS BASED UPON HIS BEST KNOWLEDGE, INFORMATION AND BELIEF. AS SUCH IT CONSTITUTES NEITHER A GUARANTEE OR WARRANTY.

SURVEYOR CERTIFICATE  
I, Lee J. McCutchen, do hereby certify to Walter K. Waymeyer, Etal that this survey was done upon the described ground and made under my direct supervision and responsibility. I further certify that this survey was performed in accordance to the Colorado revised statutes and minimum standards for land surveys and plats as adopted July 1, 1988.  
*Lee J. McCutchen*  
Lee J. McCutchen  
Colorado Registration No. 24321  
Date 5/21/93



**CITY VIEW HEIGHTS**  
A REPLAT LOCATED IN SECTION 23 T1S R1W  
UTE PM, CITY OF GRAND JUNCTION  
MESA COUNTY, COLORADO  
DAGGETT SURVEYING, INC.  
GRAND JUNCTION, COLORADO

SURVEYED BY: LJM	DATE SURVEYED: 1/20/93- 2/17/93
DRAWN BY: RTB,LJM	DATE DRAWN: FINAL 5/20/93
REVISION:	CREW: LJM,CCR