

PETITION FOR UTILITY EASEMENT VACATION

City of Grand Junction

Utility Easement

We, the undersigned, hereby petition for the ~~road~~/located at

3rd and Sherwood Streets, Grand Junction, Colorado to be vacated for the following reason(s):

See attached Exhibit A.

Legal description of proposed vacation:

Part of Lot 3, all of Lot 4, Block 13, Sherwood Addition, City of

Grand Junction, Mesa County, Colorado. *Enclosed 1/2" on either side*

of adjacent lot line between lot 3 and Block 13 Sherwood Addition City of Grand Junction

Signature of adjacent property owners.

Address.

Johnny J. and Lanona F. Wyatt

2549 G 1/2 Road, Grand Jct, CO

R. A. VanDeusen

P. O. Box 2245 Grand Jct. CO.

Dalby, Wendland, & Jensen

P. O. Box 430 Grand Jct. CO.

DATE SUBMITTED TO DEVELOPMENT DEPARTMENT June 30, 1978

SUBMITTED BY: *Robert J. Berry Audrey L. Berry* FEE PD. _____

STATE OF COLORADO)
) ss.
COUNTY OF MESA)

The foregoing instrument was acknowledge before me this 30th day of June, 1978. By *Robert J. Berry & Audrey L. Berry*
My Commission expires: My Commission expires Jan. 20, 1979

David Shepard
NOTARY PUBLIC

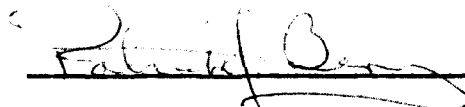
EXHIBIT A

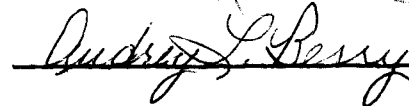
PETITION FOR UTILITY EASEMENT VACATION

City of Grand Junction

On May 21, 1961, the Owner of the subject property granted a utilities easement to the City of Grand Junction along the lot line of Lot 3 and Lot 4, Block 31, Sherwood Addition (Exhibit B). On July 28, 1961, a correction of this easement was filed by the Owner changing this easement to the lot line along Lot 2 and Lot 3 of Block 13, Sherwood Addition (Exhibit C) because it was the Owner's original intention that the easement run between Lots 2 and 3 and not between Lots 3 and 4. The Commonwealth Land and Title Insurance Company claims that the instrument dated July 28, 1961 purporting to alter this easement is ineffective to do so.

The undersigned purchased this land on May 19, 1978 for the purpose of constructing a building on the subject property. Because there are no utilities on the subject easement and apparently all utilities that are to serve the area are installed in other easements along the boundaries of the subject property and because the subject easement will severely restrict the development of the subject land and because it was not the intention of the original grantor to locate an easement along Lot 3 and Lot 4, the undersigned petitioner hereby respectfully requests that the subject utilities easement dated May 21, 1961 be vacated.





State of Colorado)
County of Mesa)

Recorded at 2:28 o'clock P.M. on May 11
Reception No. 22629 Annie M. Dunston
Annie M. Dunston
Recorder

BOOK 804 PAGE 12

EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

That LOYD FILES, for himself, his heirs, personal representa-
tives and assigns, does hereby give, grant and convey unto the
CITY OF GRAND JUNCTION, a Colorado municipal corporation, its
successors and assigns, an easement for an electric line and
utilities over, along and across the following described property
situate in the County of Mesa and State of Colorado, to-wit:

Seven and one-half (7½) feet on each side of the line
described as follows:

The common boundary line of Lots 3 and 4, Blk 13,
Sherwood Addition.

IN WITNESS WHEREOF, we have hereunto set our hands and seals
this 25th day of May, A. D. 1961.

Lloyd Files
Lloyd Files

STATE OF COLORADO)
) ss.
COUNTY OF MESA)

The foregoing instrument was acknowledged before me on this
25th day of May, A. D. 1961, by Lloyd Files.

Witness my hand and official seal.

Annie M. Dunston
Notary Public

My commission expires:



State of Colorado)
County of Mesa) ss. Recorded at 1:22 o'clock P.M. July 28, 1961
807 MR 393) ss. Rejection No. 796R18
Annie M. Dunston
Recorder

EASEMENT

ORIGINAL

KNOW ALL MEN BY THESE PRESENTS:
That LOYD FILES, for himself, his heirs, personal representa-
tives and assigns, does hereby give, grant and convey unto the
CITY OF GRAND JUNCTION, a Colorado municipal corporation, its
successors and assigns, an easement for an electric line and
utilities over, along and across the following described property
situate in the County of Mesa and State of Colorado, to-wit:

Seven and one-half (7½) feet on each side of the
line described as follows:

The common boundary line of Lots 2 and 3, Blk 13,
Sherwood Addition.

This conveyance is to correct and replace an easement
filed May 25, 1961, in Book 804 Page 12, between Loyd
Files and the City of Grand Junction, and makes said
Agreement null and of no consequence.

IN WITNESS WHEREOF, we have hereunto set our hands and seals
this 28th day of July, A. D. 1961.

Loyd Files
Loyd Files

STATE OF COLORADO)
COUNTY OF MESA) ss.

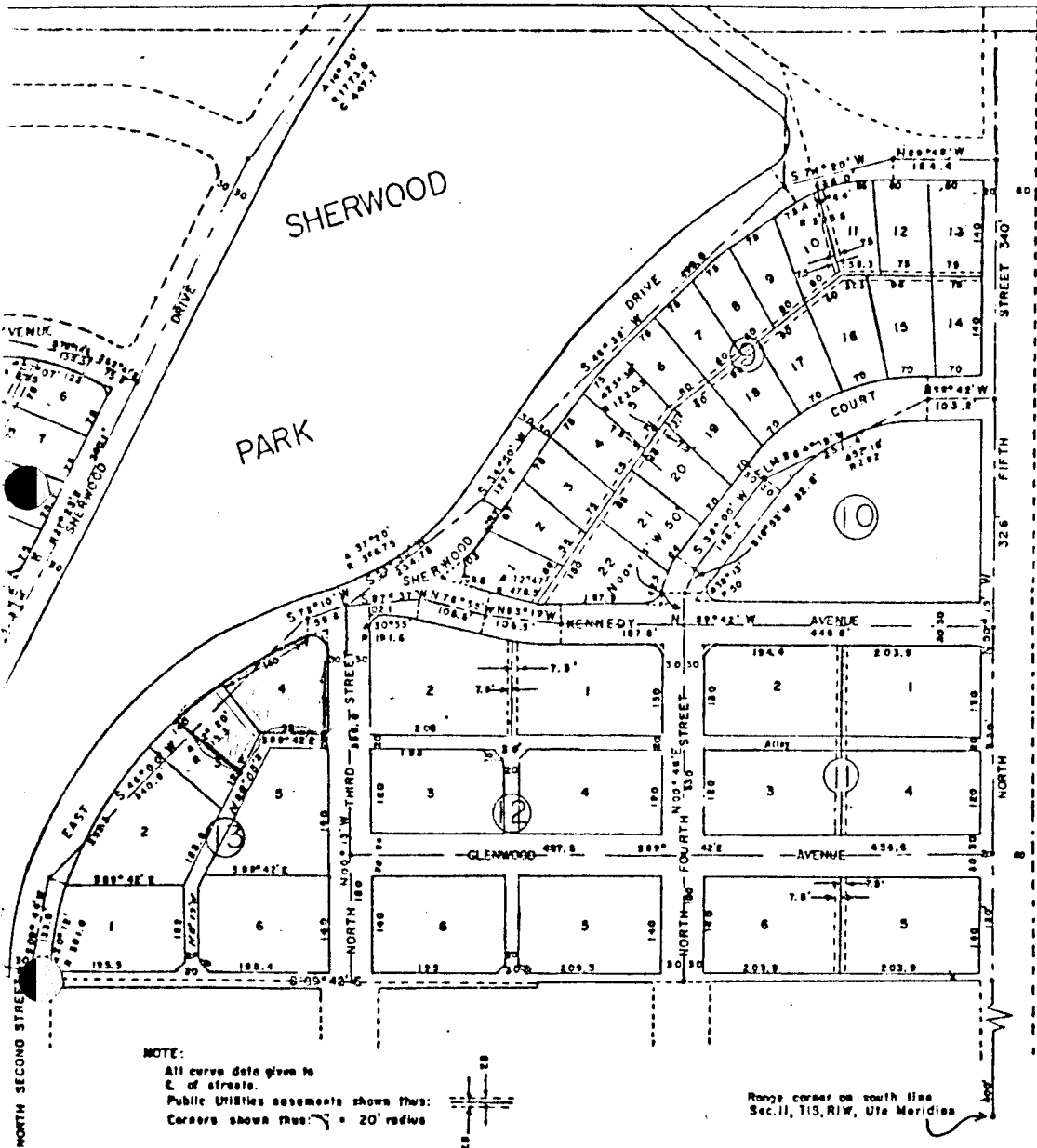
The foregoing instrument was acknowledged before me on this
28th day of July, A. D. 1961, by Loyd Files.

Witness my hand and official seal.



Fred E. Hadie
Notary Public

My commission expires: My Commission expires February 11, 1963



NOTE:
 All curve data given to
 E. of streets.
 Public Utilities assessments shows thus:
 Corners shown thus: $\frac{1}{2}$ = 20' radius

Range corner on south line
 Sec. 11, T1S, R1W, Ute Meridian

SHERWOOD ADDITION
 SUBDIVISION PLAT OF BLOCKS 8, 9, 11, 12 & 13

KNOW ALL MEN BY THESE PRESENTS, that WHEREAS the Columbine Company is the owner of all of Blocks 8, 9, 11, 12 & 13, in Sherwood Addition, EXCEPT as follows:

Owner's Name	Former Description	New Description
F. C. Martin	S140ft. of E. 165ft. of Block 11, except the S10ft. thereof.	E. 165 feet Lot 5, Block 11, except the S10ft. thereof.
Roy F. Shumann & Merrill C. Shumann	Beginning of the northeast corner of Block 11, thence south 130ft., thence west 130ft., thence north 130ft., thence east 130ft. to point of beginning.	The East 130 ft. of Lot 1, Block 11

AND WHEREAS there was heretofore filed a revised plat of said blocks, and the owners now desire to subdivide said blocks into lots, and to dedicate certain streets and alleys,

NOW, THEREFORE, the undersigned owners of all the blocks involved here in hereby subdivide blocks 8, 9, 11, 12 and 13 into lots as numbered and shown on this plat, the same to be known and described as being in Sherwood Addition. The undersigned further dedicate to the use of the public, forever, all streets and alleys as shown on the plat and not heretofore dedicated.

Executed July 7th, 1954.

Attest: Frank R. Hall Secretary
 COLUMBINE COMPANY
 BY: [Signature] President
[Signature] Secretary
[Signature] Roy F. Shumann
[Signature] Merrill C. Shumann

State of Colorado, SS
 County of Mesa

The foregoing instrument was acknowledged before me this 7th day of July, 1954, by C. D. Smith, Jr. as President and Frank R. Hall as Secretary of Columbine Company and by F. C. Martin, Roy F. Shumann and Merrill C. Shumann. My commission expires Feb. 20, 1955.

[Signature] Notary Public

Action of the City of Grand Junction, Colorado

This subdivided plat of Blocks 8, 9, 11, 12 and 13, in Sherwood Addition, is approved for filing this 27th day of July, 1954.

[Signature] Director of Public Works and Planning
[Signature] City Manager
[Signature] President of City Council

Attest: [Signature] City Clerk

Statement of Surveyor

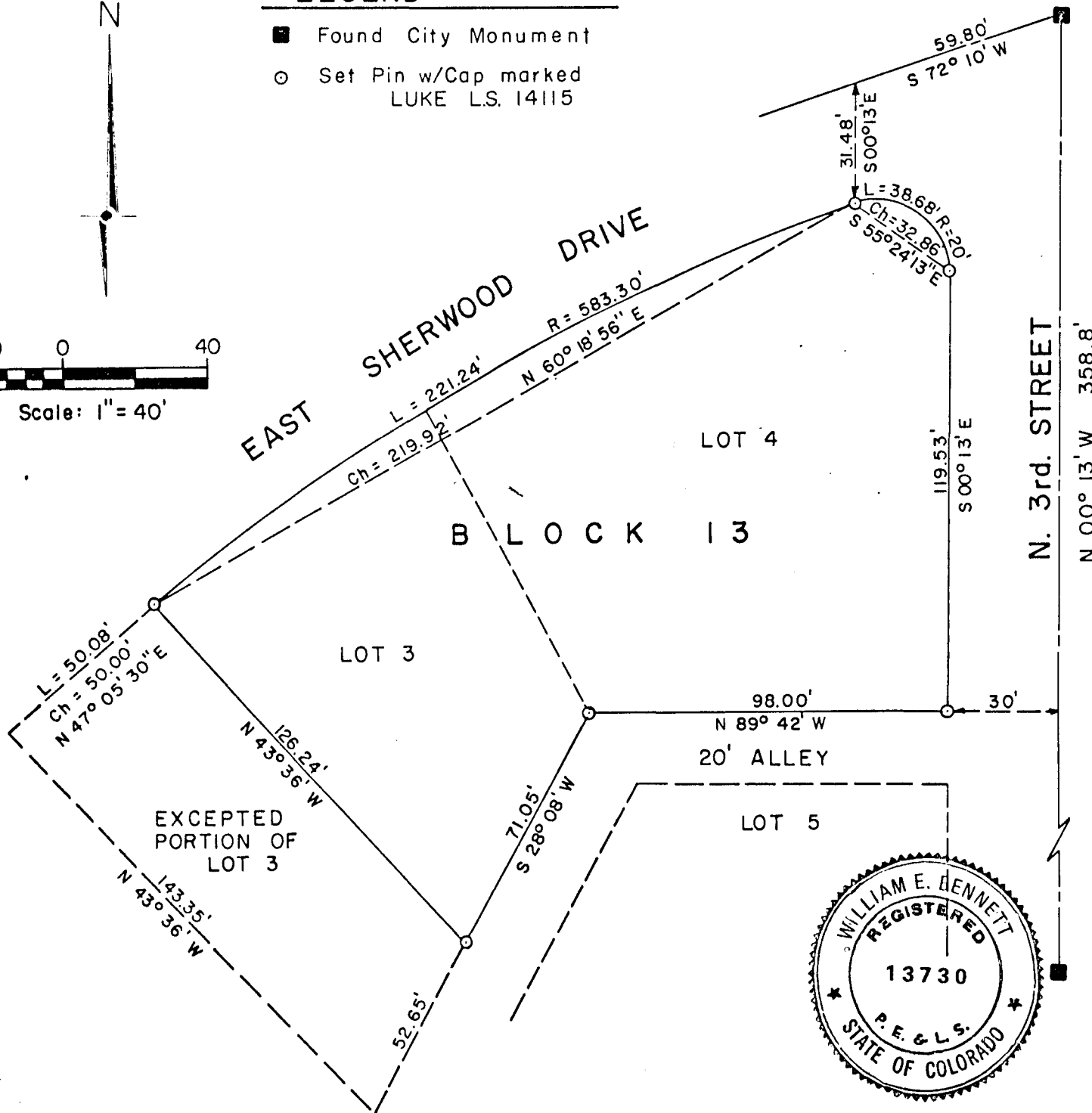
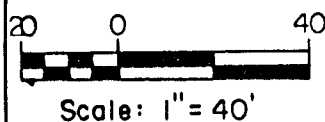
I hereby certify this to be a true and correct plat of the land described herein, and the subdivision thereon.

[Signature] Registered Land Surveyor



LEGEND

- Found City Monument
- Set Pin w/Cap marked
LUKE L.S. 14115



LEGAL DESCRIPTION

Lots 3 and 4 in Block 13 of Sherwood Addition, according to the Subdivision Plat of Blocks 8, 9, 11, 12, and 13, recorded in Book 8, Page 2 of Plats, in the office of the Clerk and Recorder of Mesa County, State of Colorado.

EXCEPTING THEREFROM that portion of said Lot 3 described as follows:

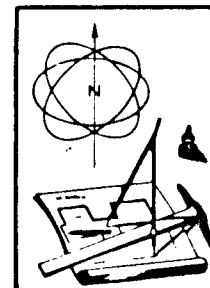
Beginning at the point of intersection of the common line between Lots 2 and 3 in Block 13, Sherwood Addition, in the City of Grand Junction, and the Southeasterly right of way line of East Sherwood Drive; thence, 50.08 feet along the arc of a curve to the right with a radius of 583.3 feet, the chord of which bears North 47°05'30" East, 50 feet; thence, South 43°36' East, 126.24 feet to the Northwesternly right of way line of the alley running through said Block 13; thence, South 28°08' West a distance of 52.65 feet along said Northwesternly right of way line to its point of intersection with the common line between said Lots 2 and 3; thence, North 43°36' West, along said common line a distance of 143.35 feet to the point of beginning.

Said property contains 23,682.22 Sq. Ft. more or less.

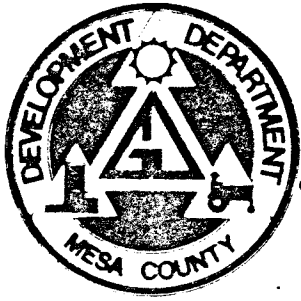
SURVEYOR'S CERTIFICATE

I, William E. Bennett, a registered land surveyor in the State of Colorado, do hereby certify that this survey was made under my direct supervision and that this plat represents said survey.

William E. Bennett
WILLIAM E. BENNETT P.E. & L.S. 13730



ARMSTRONG ENGINEERS ENGINEERING - SURVEYING CONCRETE & SOILS - TESTING	
SCALE 1" = 40'	P. J. BERRY CO., INC.
DATE 5/15/78	
DRAWN BY BKJ	SHEET 1 of 1
CHECKED BY WEB	
DATE OF SURVEY 5/12/78	JOB NUMBER 781708



**CITY - COUNTY
DEVELOPMENT DEPT.**

P.O. BOX 897 - GRAND JUNCTION, COLORADO - 81501
DIAL (303) 243-9200 ext. 343

Grand Junction Planning - Mesa County Planning - Building Department

July 31, 1978

Patrick & Audrey Berry
2917 Applewood
Grand Junction, Colorado 81501

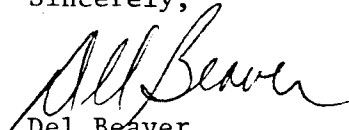
Dear Petitioner:

The Grand Junction Planning Commission at the regularly scheduled meeting on July 25, 1978, approved the Utility Easement Vacation between Lots 3 & 4, Block 13, Sherwood Addition, City of Grand Junction as petitioned for.

This item is scheduled for the City Council meeting of August 16, 1978, 7:30 p.m. for final action.

If you have any questions concerning this approval, please contact us prior to that meeting.

Sincerely,


Del Beaver
Senior City Planner

DB:df

Subdivision Easement Vacation

Date 30 JUN 78 Item # 66-78

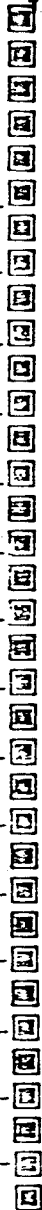
Petitioner Patrick J. Berry

11111 Loc. - 3rd & Sherwood Street

Review Agencies Comments

Review Agencies Comments

No comments, nor
objections from PSC



Action Taken

Action Taken

P.C. Approved 25 July 78

P.C. _____

C.C. Approved 16 Aug 78

C.C. _____

Comments

Comments

ITEMS REQUIRED FROM DEVELOPER

Check

Utility Agreement

Title Investigation

Drainage

Landscaping

Covenants

Improvements Guarantee

Annexation

Other (Specify)