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File 1993-0005

Name: Ptarmigan Ridge North - Preliminary Plat

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X		Public Notice Posting - 2/12/93			
X		E-mail			
X		Commitment for Title Ins. - Chicago Title Ins. Co. - 8/26/92			
X	X	City Council Minutes - 5/19/92 - **			

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CO 81506

Exhibits: B, O, U, X, Y, Z(c)

Ptarmigan Ridge North

Preliminary Plan

Project Narrative

The purpose of the Preliminary Plan is to create two separate neighborhoods of a more graspable size, without through traffic, and with a diversity of lot and home sizes. This in opposition to more traditional subdivisions designed up to the 1970's with the total project area covered with uniform lots where through traffic patterns encourage "detours" and "shortcuts" by non-residents and hence greater total traffic. Through auto traffic (as opposed to pedestrian traffic) tends to encourage greater traffic flow within the neighborhood because no several options are open. This in turn places potentially greater loads on streets which are not designed for such flows.

A diversity of lot sizes gives economic access to a greater cross-section of the community. This will be done by the density shifting accomplished by the ODP, expanding the size of some lots appreciably above the minimum size to create more private open space for visual relief and by redefining lot setbacks on smaller lots to more effectively utilize visual open areas.

Other setback adjustments will help to reorient neighborhood interaction along the front streets in 4 to 6 unit pods or mini-neighborhoods served by centrally placed shared private drives which will integrate into, and extend the current hierarchy of streets. Setbacks will be specifically established at the Final Plan.

While through auto traffic will not be encouraged by this design, through pedestrian path will offer yet another alternative and a safer and more interesting choice than simply skirting the perimeter on high-traffic streets.

It is also hoped that the ODP and Preliminary Plan will allow the changing in the density placements to foster cooperation with the city for small parks which will visually buffer the remainder of Ptarmigan Ridge and create islands of relief from current all asphalt and concrete pedestrian routes. Landscaping will generally be done by individual lot owners.

Traffic Flow:

Traffic flow will be eventually split between the North 15th Street exit and the right angle confluence with 27 1/2 Road (which will be aligned with Cortland Ave., although sized to discourage traffic from entering a no exit area.) Total numbers of roads entering onto 27 1/2 Road will also be reduced in addition to joining this main thoroughfare at a logical site with good line-of-sight.

In summation, this Preliminary Plan will allow for lowered costs to the developer which increases the economic accessibility of new lots to the community as a whole, and also permits a much more contemporary, efficient, and aesthetic land use than straight zone designation.

The remainder of Ptarmigan Ridge North will be developed over a 2 to 4 year time span.

FILE:PRPRELIM

F

Ptarmigan Ridge North
(Preliminary)

Mesa County, Colorado

Covenants, Conditions, and Restrictions

These covenants are meant to help establish and continue a strong sense of neighborhood and quality within Ptarmigan Ridge. These covenants shall be enforced by the association.

1. All lots shall be used for single family dwellings and shall not be further subdivided except to establish lot lines in the townhome portion.

2. No animals other than housepets (as defined by section 5-10-4 of the City of Grand Junction Zoning and Development Code) shall be allowed and these will be confined by the owners to their lot. No animals shall be kept, bred, or maintained for commercial purposes. No horses, cattle, sheep, goats, or donkeys will be allowed to be kept on Ptarmigan Ridge lots.

3. Each single family detached dwelling shall be constructed so that the dwelling space on the first floor, excluding decks, patios, porches, carports, and garages, shall be not less than the following minimum square footages for both single story and two (2) story structures. If the structure is a tri-level, if the main living area is spread over two continuous and adjacent levels, the combination of such levels shall be construed to be the first floor.

1 story: 1500 min.
2 story: 750 min. first floor

PLANNING DEPARTMENT
PLANNING OFFICE

4. All building set back requirements are designated on the site plan. Building envelopes are indicated on the site plan.

5. All foundation plans shall be engineered by a licensed Colorado engineer and bear the stamp of same.

6. Invalidation of any one of these covenants by judgement, statute, or court order shall in no way effect any other covenant. These covenants are binding upon all purchasers of a lot or lots in Ptarmigan now and in the future.

7. No trailer, basement, tent, barn, or other outbuilding or temporary structure shall be used as a residence, temporary or permanent.

8. Only persons holding title to land in Ptarmigan Ridge shall have the right to seek remedy at law or in equity against any person or persons violating or attempting to violate any of these covenants.

9. There is hereby established Ptarmigan Ridge Homeowners Association, an association of which every lot owner will be a member. Membership passes automatically with the sale of the lot. The association shall have the duty to administer the water rights and irrigation practices for Ptarmigan Ridge. It shall have the right to assess members on any reasonable basis for their fair share of the costs of irrigation water, and such charges shall be a lien against each owner's lot. In the event that any such charges become more than thirty (30) days overdue, the association may assess a reasonable penalty, and may add to the assessment all costs of collection, including attorney's fees. The lien, if foreclosed, shall be foreclosed in the manner of a mechanic's lien under Colorado law. The members of the association, by majority vote, may elect officers. They may, but are not required to, adopt bylaws governing their organization. There shall be one vote per lot in any filed portion of the total Ptarmigan Ridge subdivision.

10. The above covenants may be modified and/or amended by a vote of members of the Homeowners Association with approval by no less than 80% of the members.

11. These covenants shall run with the land for the benefit of all future owners.

12. No vehicles shall be allowed on any lot, that can't be driven under their own power within twenty-four hours. Storage of Recreational Vehicles (as defined in Chapter Thirteen-Definitions of the City of Grand Junction Zoning and Development Code) is prohibited in the street. Storage of RV's is allowed on the lots behind a fenced area.

10/10/10
10/10/10
From Office

Date:

Ptarmigan Investments Inc.

By: _____

FILE: PRPPF

STAFF REVIEW

FILE #5-93

DATE: January 19, 1993
Revised February 5, 1993

REQUEST: Preliminary Plan--Ptarmigan Ridge North

LOCATION: North of Ridge Drive and West of 27 1/2 Road

APPLICANT: John A. Siegfried

EXISTING LAND USE: Vacant

PROPOSED LAND USE: Residential--attached and detached units

SURROUNDING LAND USE:

NORTH--Undeveloped

EAST --Single Family Residential and Church Use

SOUTH--Single Family Residential

WEST --Single Family Residential

EXISTING ZONING: PR (Planned Residential) 4 units per acre

PROPOSED ZONING: Same

SURROUNDING ZONING:

NORTH--PB (Planned Business)

EAST --RSF-4, PR (Planned Residential)

SOUTH--RSF-5

WEST --RSF-4

RELATIONSHIP TO COMPREHENSIVE PLAN/POLICIES/GUIDELINES:

No Comprehensive Plan/Policies/Guidelines exist for this area.

STAFF ANALYSIS:

A rezone and Outline Development Plan (ODP) was approved for Ptarmigan Ridge North in November of 1992. A total of 91 units on 23 acres were approved with the ODP. The proposed preliminary plan shows 60 single family lots with the remainder being townhomes. The development is within the Airport Critical Zone. Low density residential development (less than 4 units per acre) requires compliance with the procedures and requirements of a Special Use Permit. This proposal meets the requirements and criteria for Special Use. The proposed development is compatible with the surrounding area.

A 14' front yard setback is being proposed for all lots. At the suggestion of City staff, the developer agrees that all garages will be required to have a 20' front yard setback to allow for the parking of vehicles in the driveway.

As required in the Outline Development Plan, a pedestrian access must be provided between North 15th Court and Cortland Court. The developer is also proposing a pedestrian access between Christensen Court and Ptarmigan Ridge Circle.

The drainage facilities, ponds and retention areas, must all be designated as common areas to be maintained by the homeowners.

If a privacy fence is to be proposed along 27 1/2 Road it must be approved with the final plat and plan.

The final plat for any of the lots accessing to Cortland Court will require the dedication of the full width of Cortland Court at the intersection of Cortland and 27 1/2 Road. If the required south half of the ROW cannot be acquired, a revised Preliminary Plan will be required to realign the roadway.

The single family lots proposed for lots 1 and 2, block 3 may be more appropriate as a continuation of the townhouse lots.

STAFF RECOMMENDATION:

Staff recommends approval with the following conditions:

1. That a pedestrian access be provided between North 15th Court and Cortland Court in addition to the one provided between Christensen Court and Ptarmigan Ridge Circle.
2. That the drainage facilities be located in designated common open space to be maintained by the homeowners.
3. That garages be required to have a 20' front yard setback to allow for vehicles to park in the driveways.
4. That all technical requirements as indicated on the review sheet summary and the staff report be addressed with the submittal of final plans/plats.

STAFF REVIEW

FILE #5-93

DATE: January 19, 1993

REQUEST: Preliminary Plan--Ptarmigan Ridge North

LOCATION: North of Ridge Drive and West of 27 1/2 Road

APPLICANT: John A. Siegfried

EXISTING LAND USE: Vacant

PROPOSED LAND USE: Residential--attached and detached units

SURROUNDING LAND USE:

NORTH--Undeveloped

EAST --Single Family Residential and Church Use

SOUTH--Single Family Residential

WEST --Single Family Residential

EXISTING ZONING: PR (Planned Residential) 4 units per acre

PROPOSED ZONING: Same

SURROUNDING ZONING:

NORTH--PB (Planned Business)

EAST --RSF-4, PR (Planned Residential)

SOUTH--RSF-5

WEST --RSF-4

RELATIONSHIP TO COMPREHENSIVE PLAN/POLICIES/GUIDELINES:

No Comprehensive Plan/Policies/Guidelines exist for this area.

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A rezone and Outline Development Plan (ODP) was approved for Ptarmigan Ridge North in November of 1992. A total of 91 units on 23 acres were approved with the ODP. The proposed preliminary plan shows 60 single family lots with the remainder being townhomes. The development is within the Airport Critical Zone. Low density residential development (less than 4 units per acre) requires compliance with the procedures and requirements of a Special Use Permit. This proposal meets the requirements and criteria for Special Use. In general, the proposed development is compatible with the surrounding area.

Issues and Comments

1. The proposed phasing for final platting should be indicated on the site plan.
2. A minimum of a 20' front yard setback should be maintained to allow for parking vehicles in driveways.
3. The signature of the other property owner (Christensen) is required on the Development Application.
4. The pedestrian linkages between neighborhoods must be indicated on the site plan as required in ODP.
5. How will maintenance of the drainage facilities be accomplished, such as the pond?
6. Lots 1 and 2, Block 4 would be better as a continuation of the townhome lots.
7. Lot 2, Block 4 and Lot 7, Block 3 may have very little buildable area.
8. If a privacy fence is to be proposed along 27 1/2 Road it must be approved with the final plat and plan.
9. The final plat for any of the lots accessing to Cortland Court will require the dedication of the full width of Cortland Court at the intersection of Cortland and 27 1/2 Road. If the require south half of the ROW cannot be acquired, a revised Preliminary Plan will be required to realign the roadway.
10. As per the street naming requirements of the Zoning and Development Code, Ren Road should be Ren Lane and Ptarmigan Ridge Court where it loops should be Ptarmigan Ridge Circle.
11. All other review agency comments must be satisfactorily addressed.

STAFF RECOMMENDATION:

Will make recommendation after review of response to comments.

REVIEW COMMENTS - January 18, 1993

Page 1 of 3

FILE NO. #5-93

**TITLE HEADING: PRELIMINARY PLAN - PTARMIGAN
RIDGE NORTH**

ACTIVITY: Major Subdivision - Preliminary Plan

LOCATION: North of Ridge Drive & West of 27 1/2 Road

PETITIONER: John A. Siegfried

PETITIONER'S ADDRESS/TELEPHONE:

P.O. Box 9088
Grand Junction, CO 81502
241-7025

ENGINEER/REPRESENTATIVE:

STAFF REPRESENTATIVE: Kathy Portner

**NOTE: WRITTEN RESPONSE BY THE PETITIONER TO THE REVIEW COMMENTS
IS REQUIRED ON OR BEFORE 5:00 P.M., January 27, 1993**

CITY AGENCIES:

FIRE DEPARTMENT

George Bennett _____ **244-1400**

The location of the fire hydrants was not acceptable - please see enclosed copy of utility plan for new location. If you have any questions please contact our office.

POLICE DEPARTMENT

Marty Currie _____ **244-3563**

No problems noted.

DEVELOPMENT ENGINEER

Gerald Williams _____ **244-1590**

Application is complete - see redline comments on attached plans and Improvements Agreement.

CITY PROPERTY AGENT

Tim Woodmansee 244-1565

More information is needed on lot line bearings and distances. This is especially true for the areas labeled as "Townhouse Lots".

CITY UTILITIES ENGINEER

Bill Cheney 244-1590

1. Water - Ute Water. The City reserves the right to supply water to this subdivision at some future date.
2. Sewer - City of Grand Junction. Sewer lines are available as shown on the "Utility Plan". It is assumed that enough preliminary engineering has been done to insure adequate grade is available for gravity flow. The sewer layout as proposed is acceptable. Final acceptance of the design will be determined at time of Final Plan submittal.

COMMUNITY DEVELOPMENT DEPARTMENT

Kathy Portner 244-1446

See attached.

OTHER REVIEW AGENCIES:

GRAND VALLEY RURAL ELECTRIC

Perry Rupp 242-0040

Not in GVP Service Area.

GRAND VALLEY WATER USERS

G.W. Klapwyk 242-5065

See attached comments.

U.S. WEST

Leon Peach 244-4964

New or additional telephone facilities necessitated by this project may result in a "Contract" and up-front monies required from developer prior to ordering or placing of said facilities. For more information please call.

UTE WATER

Gary R. Mathews

242-7491

Ute Water has a 18" main line on the East side that runs North on 27 1//2 Road and a 8" main on the east side that runs south on 27 1/2 Road.

Ptarmigan Ridge North would be supplied off of the 8" main line. This line is a looped system.

It will be necessary to either move or add some manholes to the project so the water line can be installed properly. Whenever possible, water lines will be installed on the North and East side of roadways, approximately 2' from inside of curb.

The project needs valve clusters installed at all intersections.

Ute Water is not in favor of the proposed water line easement between Christensen Court and Ptarmigan Ridge Court.

Ute needs a recorded easement for the 8" water main that runs between North 15th Street and Cortland Court.

POLICIES AND FEES IN EFFECT AT THE TIME OF APPLICATION WILL APPLY.

RESPONSES TO REVIEW COMMENTS - FEBRUARY 1, 1993

FILE NO. #5-93

PRELIMINARY PLAN - PTARMIGAN RIDGE NORTH

JOHN A. SIEGFRIED
P.O. BOX 9088
GRAND JUNCTION, CO 81501

FIRE DEPARTMENT

We have revised the utility plan to reflect the locations and the additional number of fire hydrants required.

DEVELOPMENT ENGINEER

We have revised the plans to comply with the redline comments on the plans.

CITY PROPERTY AGENT

Tim informed us that no revisions were needed at this time, but more information would be required at the Final Plat stage.

CITY UTILITIES ENGINEER

1. That's for the courts to decide.
2. Enough preliminary engineering has been done to insure adequate grade is available for gravity flow.

GRAND VALLEY WATER USERS ASSOC.

We have had extensive discussions with Bill Klapwyk concerning the open irrigation ditch on our southern boundary common to the Christensen property. We have proposed several solutions and Bill has proposed some others. Bill will be discussing the variety of solutions at their Board meeting Feb. 4, 1993. We continue to be in negotiation with them and the final solution will be incorporated in our Final Plan/Plat stage which we anticipate submitting March 1, 1993.

UTE WATER

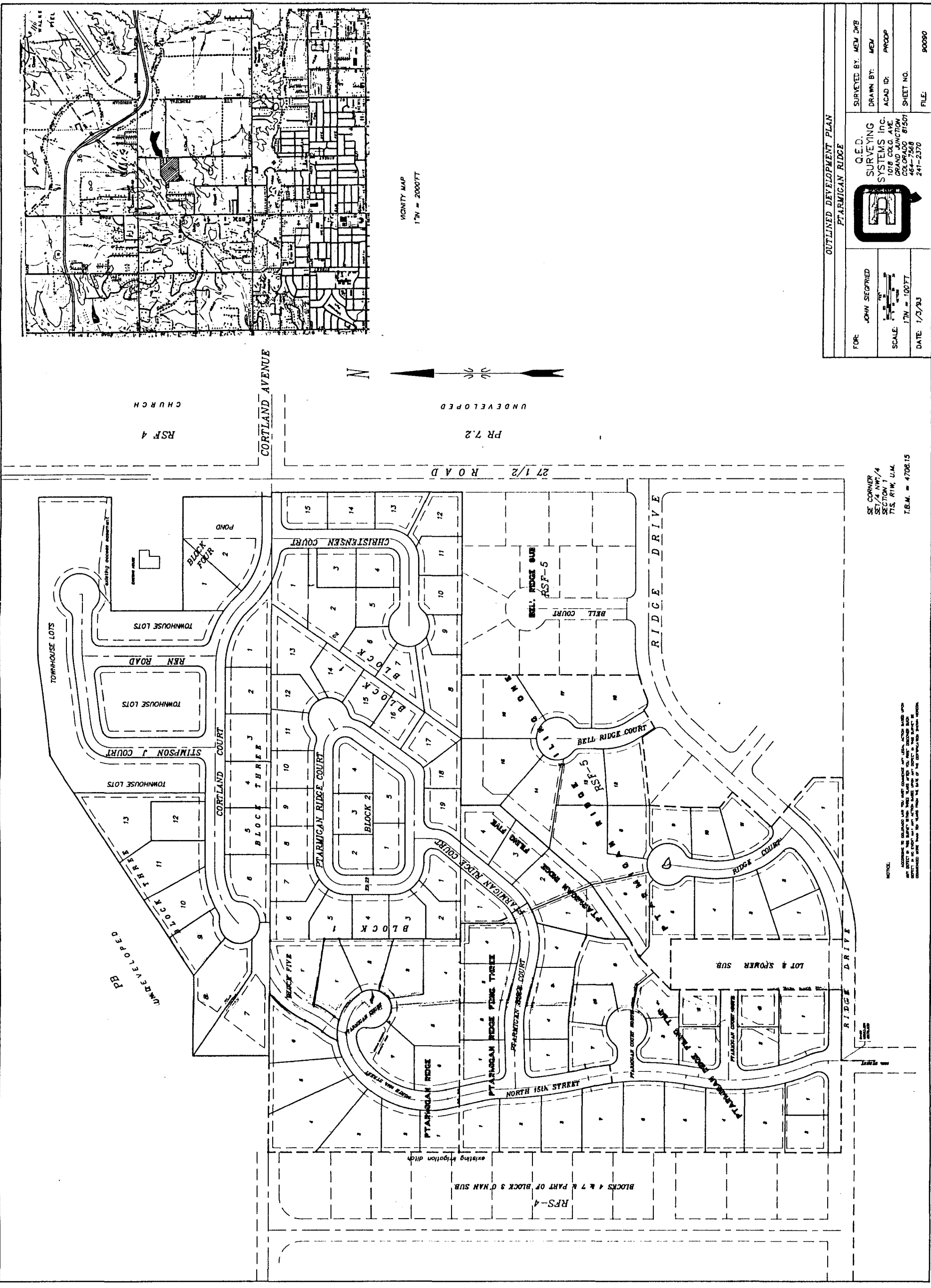
We have resolved all comments and revised plans accordingly. We have submitted a revised plan to them for their review. We have removed the water line between Christensen Court and Ptarmigan Ridge Circle. The Fire Department is aware of this change and have agreed to it. Valve clusters will be shown on final plans.

COMMUNITY DEVELOPMENT

1. Phasing has not been decided yet. We will either final all of our remaining property as one phase or do it in 2 phases: the townhome area and the SFD lots as their own separate phases.
2. Setback for garages shall be 20' from the front property line and 14' from the front property line for the house.
3. This will be provided.
4. The site plan has been revised to show the path.

PTARMIGAN RIDGE NORTH
RESPONSES TO REVIEW COMMENTS (continued)

5. Maintenance will be accomplished by individual lot owners with the benefit of a "user's manual" provided by us.
6. We believe the 2 SFD lots are the better use, in order to maintain the isolation of the townhomes.
7. There is adequate buildable area on these 2 lots.
8. We have not considered fencing at this early stage.
9. The Christensens have indicated to us that they will provide the necessary R.O.W.
10. We have revised the plans accordingly.



OUTLINED DEVELOPMENT PLAN PTARMIGAN RIDGE	
FOR: JOHN SEIGRIED	Q.E.D. SURVEYING SYSTEMS INC. 1018 COLG. AVE. GRAND JUNCTION COLO. 81501 464-2568 241-2370
SCALE: 1" = 100' FT	SURVEYED BY: MEM DMB
DATE: 1/3/83	DRAWN BY: MEM
	ACAD ID: PROOP
	SHEET NO. 90090
	FILE:

SE CORNER
SE 1/4 NW 1/4
SECTION 1
T1S, R1W, U1M
T.B.M. = 4708.15

NOTICE:
ACCORDING TO COLORADO LAW YOU MUST CONVEYANCE ANY LOTS, WHICH SAVED ANY
AND EFFECT OF THIS MAP BY THE STATE OF COLORADO. THIS MAP IS NOT VALID UNLESS
CONVEYANCE MADE WITHIN THE STATE OF COLORADO.

VICINITY MAP
1" = 2000' FT

PR 7.2
27 1/2 ROAD

RSF 4
CHURCH

UNDEVELOPED
R.B.

RPS-4
BLOCKS 4 & 7 & PART OF BLOCK 3 OF NAN SUB

existing irrigation ditch

CURVE TABLE

CURVE	RADIUS	LENGTH	CHORD	CHORD BEARING	DELTA ANGLE	TANGENT
1	178.00	108.18	45.35	S39°20'37"W	54.83	88.63
2	178.00	108.18	45.35	N39°20'37"E	54.83	88.63
3	122.00	76.15	30.28	S32°33'02"W	40.88	66.00
4	122.00	76.15	30.28	N32°33'02"E	40.88	66.00
5	78.00	49.09	19.37	N13°04'12"E	13.05	22.00
6	222.00	139.28	54.46	S39°20'37"W	77.36	130.00
7	222.00	139.28	54.46	N39°20'37"E	77.36	130.00
8	222.00	139.28	54.46	S32°33'02"W	66.00	110.00
9	222.00	139.28	54.46	N32°33'02"E	66.00	110.00
10	72.00	45.15	17.80	N30°16'12"W	17.80	33.00
11	72.00	45.15	17.80	S30°16'12"E	17.80	33.00
12	122.00	76.15	30.28	N32°33'02"E	40.88	66.00
13	122.00	76.15	30.28	S32°33'02"W	40.88	66.00
14	178.00	108.18	45.35	S39°20'37"W	54.83	88.63
15	178.00	108.18	45.35	N39°20'37"E	54.83	88.63

AREA SUMMARY

LOTS = 18.88 ACRES = 82.1%
 ROADS = 4.125 ACRES = 17.9%
 TOTAL = 23.066 ACRES = 100%

PRELIMINARY PLAN

OFFICIAL DEVELOPMENT PLAN

PTRAMIGAN RIDGE NORTH

BOUNDARY DESCRIPTION

A parcel of land situated in the NW1/4 Section 1, Township 1 South, Range 1 West of the Ute Meridian, Grand Junction, Colorado being described as follows:
 Considering the East line of the NW1/4 Section 1, T1S, R1W, U.M. to bear S00°02'05"W and all bearings contained herein to be relative thereto:
 Beginning at the NW corner of Lot 1, Block One, Ptarmigan Ridge Filing Three being 213.00 feet N89°49'54"W and 879.51 feet N00°02'34"E of the SW corner of the SE1/4 NW1/4 Section 1, T1S, R1W, U.M.; thence N00°02'34"E 439.75 feet to the NW corner of Lot One Spomer Subdivision; thence S89°51'59"E 371.71 feet to the POINT OF BEGINNING thence 109.28 feet along the arc of a curve to the left with a radius of 222.00 feet and whose chord bears S39°20'37"W 108.18 feet; thence 45.47 feet along the arc of a curve to the right with a radius of 178.00 feet and whose chord bears S32°33'02"W 45.35 feet; 40.88 feet along the arc of a curve to the left with a radius of 122.00 feet and whose chord bears S30°16'12"W 40.89 feet; thence 47.23 feet along the arc of a curve to the right with a radius of 122.00 feet and whose chord bears S85°25'13"E 46.93 feet; thence 13.07 feet along the arc of a curve to the right with a radius of 78.00 feet and whose chord bears N33°04'12"E 13.05 feet; thence 56.71 feet along the arc of a curve to the left with a radius of 222.00 feet and whose chord bears N32°33'02"E 56.56 feet; thence S81°18'54"E 153.72 feet; thence S00°02'34"W 314.50 feet to the North line of Ptarmigan Ridge Filing Three; thence S89°51'18"E 35.00 feet; thence S00°02'34"W 128.75 feet; thence 24.89 feet along the arc of a curve to the left with a radius of 128.00 feet and whose chord bears S85°25'13"E 46.93 feet; thence 13.07 feet along the arc of a curve to the right with a radius of 78.00 feet and whose chord bears N33°04'12"E 13.05 feet; thence 56.71 feet along the arc of a curve to the left with a radius of 222.00 feet and whose chord bears N32°33'02"E 56.56 feet; thence S81°18'54"E 153.72 feet; thence S00°02'34"W 314.50 feet to the North line of Ptarmigan Ridge Filing One; thence S89°51'18"E 707.73 feet to the West right-of-way line for 27 1/2 Road; thence N00°02'05"E 440.07 feet; thence N89°52'00"W 10.00 feet; thence N00°02'05"E 205.45 feet; thence N89°57'55"W 261.00 feet to the SW corner of a parcel of land describe in Book 1351 at Page 775 of the Mesa County Clerk and Records Office; thence N00°02'05"E 167.00 feet; thence S89°57'55"E 261.00 feet; thence N00°02'05"E 167.00 feet; thence N89°57'55"W 368.00 feet; thence S82°51'05"W 219.62 feet; thence S55°59'05"W 596.47 feet; thence N89°57'55"W 190.00 feet; thence S00°02'05"W 175.81 feet to the North Line of Ptarmigan Ridge Filing Four; thence S89°51'59"E 148.03 feet to the POINT OF BEGINNING, containing 23.066 Acres as described.

LEGEND & NOTES

- BOUNDARY MONUMENTS TO BE SET IN CONCRETE NO. 5 RE-BAR V/CAP L.S. 16413
- ⊥ LOT CORNER
- ◆ MESA COUNTY BRASS CAP

THERE IS A 14' WIDE UTILITY AND IRRIGATION EASEMENT ALONG THE FRONT OF ALL LOT LINE NEXT TO THE STREETS

THE EASEMENTS ALONG THE REAR OF THE LOTS ARE UTILITY, IRRIGATION AND DRAINAGE EASEMENTS AND ARE THE WIDTH AS SHOWN

PRELIMINARY PLAN

OFFICIAL DEVELOPMENT PLAN

PTRAMIGAN RIDGE NORTH

FOR: JOHN SIEGFRIED
 SCALE: 1" = 100 FT
 DATE: 1/3/93

Q.E.D. SURVEYING SYSTEMS Inc.
 1018 COLO. AVE.
 GRAND JUNCTION COLORADO 81501
 464-7588
 241-2370

SURVEYED BY: MEM DKR
 DRAWN BY: MEM
 ACAD ID: PRNFN
 SHEET NO.
 FILE: 90090

SE CORNER SE1/4 NW1/4 SECTION 1 T1S, R1W, U.M.
 T.B.M. = 4708.15

NOTICE

ACCORDING TO COLORADO LAW YOU MUST OBTAIN AN OPINION FROM A LICENSED SURVEYOR BEFORE YOU PROCEED WITH ANY DEVELOPMENT IN THIS SURVEY OR ANY OTHER SURVEY. THE SURVEYOR'S LIABILITY IS LIMITED TO THE DATE OF THE ORIGINAL SURVEY. THE SURVEYOR IS NOT RESPONSIBLE FOR ANY CHANGES MADE TO THIS SURVEY AFTER THE DATE OF THE ORIGINAL SURVEY.

#5-93

file copy copy

AVIGATION EASEMENT

BOOK 2079 PAGE 18

168555 09:06 AM 06/14/94
MONIKA TODD CLERK Mesa County Co
DOC EXEMPT

THIS EASEMENT is made and entered into by and between the WALKER FIELD, COLORADO, PUBLIC AIRPORT AUTHORITY, a body corporate and politic and constituting a political subdivision of the State of Colorado, hereinafter called GRANTEE, and SUMRALL CORP.

hereinafter, GRANTOR;

WHEREAS, Grantee is the owner and operator of Walker Field Airport situated in the County of Mesa, State of Colorado, and in close proximity to the land of Grantor, and Grantee desires to obtain and preserve for the use and benefit of the public a right of free and unobstructed flight for aircraft landing upon, taking off from, or maneuvering about said airport; and

WHEREAS, Grantor is the owner in fee simple of that certain parcel of land situated in the County of Mesa, State of Colorado, to wit:

PTARMIGAN RIDGE NORTH SUBDIVISION

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, the Grantor, for himself, his heirs, administrators, executors, successors and assigns, does hereby grant, bargain, sell and convey unto the Grantee, its successors and assigns, for the use and benefit of the public, an easement and right of way appurtenant to Walker Field Airport, for the passage of all aircraft ("aircraft" being defined for the purposes of this instrument as any device known or hereafter invented, used or designed for navigation or flight in the air) by whomsoever owned and operated, in the navigable airspace above the surface of Grantor's Property to an infinite height above said Grantor's property, together with the right to cause in said airspace such noise and vibrations, smoke, fumes, glare, dust, fuel particles and all other effects that may be caused by the normal operation of aircraft landing at or taking off from or operating at or on said Walker Field Airport, and Grantor hereby waives, remises and releases any right or cause of action which Grantor now has or which Grantor may have in the future against Grantee, its successors and assigns, due to such noise, vibrations, smoke, fumes, glare, dust, fuel particles and all other effects caused by the normal operation of such aircraft.

FURTHER, Grantor hereby covenants, for and during the life of this easement, that Grantor:

(a) shall not hereafter construct, permit or suffer to maintain upon said land any obstruction that extends into navigable airspace required for use of said airport runway surfaces; (Navigable airspace is defined for the purpose of this instrument

Original
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From Office

PTD 93

as airspace at and above the minimum flight altitudes, including take off and landing, as prescribed in Federal Aviation Administration Federal Air Regulations Part 91, and as such regulations are amended.)

BOOK 2079 PAGE 19

(b) shall not hereafter use or permit or suffer use of said land in such a manner as to create electrical or electronic interference with radio communication or radar operation between the installation upon Walker Field Airport and aircraft, or to make it difficult for flyers to distinguish between airport lights and others or to result in glare in the eyes of flyers using the said airport, or to impair visibility in the vicinity of the airport, or otherwise to endanger the landing, taking off or maneuvering of aircraft.

Grantor agrees the aforesaid covenants and agreements shall run with the land for the benefit of Grantee, its successors and assigns, until said airport shall be abandoned and shall cease to be used for public airport purposes.

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal on this 14 day of JUNE, A.D. 1994.

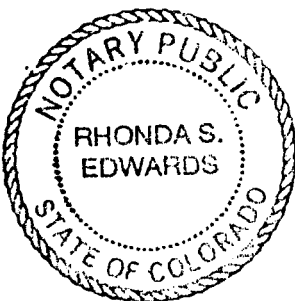
SUMRALL CORP.
GARY HILBERTSON, ATTORNEY
IN FACT

~~BOB SUMRALL, PRESIDENT~~
(Title)

STATE OF COLORADO)
) ss.
COUNTY OF MESA)

The foregoing instrument was acknowledged before me this 14th day of June, A.D. 1994, by ~~Bob Sumrall, president~~ GARY HILBERTSON ATTORNEY IN FACT FOR SUMRALL CORP.

My Commission expires: 9-20-97



Rhonda S. Edwards
Notary Public