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F1.	File 1994-00/6 Name: Wal-Mart Replat – North Avenue and Melody Lane				
P r e s e n t	S c a n e d	retrieval system. In some instances, items are found on the list but are not present in the sile because they are already scanned elsewhere on the system. These scanned documents be found on the ISYS query system in their designated categories. Documents specific to certain files, not found in the standard checklist materials, are listed Remaining items, (not selected for scanning), will be listed and marked present. This independent of the contents of each file.	scanned electronic development are denoted with (**) and will at the bottom of the page.		
X	X	X Table of Contents			
		*Review Sheet Summary			
X	X				
X	X	X Review Sheets			
		Receipts for fees paid for anything			
X	X	X *Submittal checklist			
X	X	X *General project report			
		Reduced copy of final plans or drawings			
		Reduction of assessor's map.			
		Evidence of title, deeds, easements			
X	X				
		Public notice cards	77.77		
		Record of certified mail			
X	X	X Legal description			
		Appraisal of raw land			
		Reduction of any maps – final copy			
		*Final reports for drainage and soils (geotechnical reports)			
		Other bound or non-bound reports			
		Traffic studies			
X	X	X *Review Comments			
X	X	X *Petitioner's response to comments			
		*Staff Reports			
		*Planning Commission staff report and exhibits			
		*City Council staff report and exhibits			
		*Summary sheet of final conditions			
		DOCUMENT DESCRIPTION:			
X	X	X Agreement and No Build Easement – Exhibit "C"			
X	-				
X		Treasurer's Certificate of Taxes Due – 3/1/94			
X		Quit Claim Deed - Bk 1059 / Pg 189			
		X Special Warranty Deed – Bk 1741 / Pg 969-971, Bk 1694 / Pg 416-420			
	X	X Correspondence			
X		X Final Plat – See in GIS Historical Maps - **			
\Box					
\perp	\perp				
- 1	ı				



DEVELOPMENT PPLICATION

Community Development Department 250 North 5th Street Grand Junction, CO 81501 (303) 244-1430

Original
Do NOT Remove
From Office

Receipt _ Date		
Rec'd By		
File No.	#76	94

We, the undersigned, being the owners of property situated in Mesa County, State of Colorado, as described herein do hereby peution this:

PETITION	PHASE	SIZE	LOCATION	ZONE	LAND USE
Subdivision Plat/Plan	[X] Minor [] Major [] Resub		North ave. \$ Melody In	C-1	Commucial
[] Rezone				From: To:	
[] Planned Development	[] ODP [] Prelim [] Final				
[] Conditional Use					
[] Zone of Annex					
[] Text Amendment					
[] Special Use					
					[] Right-of-Way
[] Vacation					[] Easement
PROPERTY OWN	IER	<u> م</u> لاِ	EVELOPER	A. S.	[] Easement REPRESENTATIVE
PROPERTY OWN		ДO	EVELOPER	•	REPRESENTATIVE
PROPERTY OWN	STORES, INC.	A D	EVELOPER	QED SUP Name	REPRESENTATIVE
PROPERTY OWN	STORES, INC.		EVELOPER	QED SUP Name	REPRESENTATIVE
PROPERTY OWN WAL-MART Name 701 S. WAITO Address	STORES, INC.	Name		QED SUP Name	REPRESENTATIVE
PROPERTY OWN WAL-MART Name 701 S. WALTO Address BENTOWILLE A City/State/Zip	STORES, INC.	Name		Name IOIS COL Address THAMA TU City/State/Zip	REPRESENTATIVE VEYING SYSTEMS, INC. O. AUE.
PROPERTY OWN WAL-MART Name 701 S. WAITO Address	STORES, INC.	Name		QED SUP Name	REPRESENTATIVE WEYING SYSTEMS, INC. O. AUE. WICTION, OOLO.
PROPERTY OWN WAL-MART Name 701 S. WAITO Address BENTONULE A City/State/Zip 501 273-8/1 Business Phone No.	STORFS, INC. AN BLUD. ANK 72716	Name Address City/State/Zip Business Phore	ne No.	Name 1018 Cot Address TRAND TU City/State/Zip	REPRESENTATIVE WEYING SYSTEMS, INC. O. AUE. WICTION, OOLO.
PROPERTY OWN WAL-MART Name 701 S. WAITO Address BENTONDIUE A City/State/Zip 501 273-811 Business Phone No. NOTE: Legal property ow	TORFS, INC. AN BLUB. ARK 72714 9 where is owner of record	Name Address City/State/Zip Business Phoron on date of subs	ne No.	Name IOIS COL Address TRANA TU City/State/Zip 303 241- Business Phone II	REPRESENTATIVE WEYING SYSTEMS, INC. O. AUE. AUCTION, ROLO. 2370 No.
PROPERTY OWN LIPAL-MART Name 701 S. WAITO Address BENTONDIUE A City/State/Zip S01 273-811 Business Phone No. NOTE: Legal property ow We hereby acknowledge foregoing information is trand the review comment represented, the item will	PLUB. PLUB. PAR 72714 That we have familiarize the and complete to the service. We recognize that	Name Address City/State/Zip Business Phore on date of subset of our knowe or our representations.	ne No. mittal. th the rules and regulation owledge, and that we assure esentative(s) must be presented.	Name 1018 Cot Address TRAND TU City/State/Zip Business Phone in the responsibility to responsibility to respond at all hearings. In	REPRESENTATIVE WEYING SYSTEMS, INC. O. AUE. WICTION, OOLO.
PROPERTY OWN INAL-MART Name 701 S. WAITO Address BENTONIUE A City/State/Zip S01 273-8/1 Business Phone No. NOTE: Legal property ow We hereby acknowledge foregoing information is trand the review comment	PLUB. PLUB. PAR 72714 That we have familiarize the and complete to the service. We recognize that	Name Address City/State/Zip Business Phore on date of subset of our knowe or our representations.	ne No. mittal. th the rules and regulation owledge, and that we assure esentative(s) must be presented.	Name 1018 Cot Address TRAND TU City/State/Zip Business Phone in the responsibility to responsibility to respond at all hearings. In	REPRESENTATIVE WEYING SYSTEMS, / WO. O. AUG. AUG. POLO. Poparation of this submittal, that the nonitor the status of the application the event that the petitioner is not

John Timar 20532 Germain St. Chatsworth, CA 91311 Ray H. McKissen

Kenneth Summers 544 Shank Ct. P.O. Box 40834 Grand Junction, CO 81503 Grand Junction, CO 81502

Stanley L. Seugman 3026 Patterson Rd.

Muriel Corn P.O. Box 1849 Grand Junction, CO 81504 Grand Junction, CO 81502

W.F. Wilson 493 Sparn St. Grand Junction, CO 81501

410 Ridgeway Dr. Grand Junction, CO 81503

Twila B. Rutter Howard, CO 81233 John B. Mahan 489 1/2 Sparn Street Grand Junction, CO 81501

Monument Realty 759 Horizon Dr., Suite A 2335 Hall Ave. 488 Melody Lane Grand Junction, CO 81501 Grand Junction, CO 81501

William G. Thomas

Jefre V. Reekers

George R. Guyton Marie Tipping William R. Jarvis 506 28 3/4 Rd. 2868 Freeway East 2491 S. Broadway Grand Junction, CO 81501 Grand Junction, CO 81503 Marie Tipping

Jeanie Voong 3043 E Road Grand Junction, CO 81504

Dotty Corp. of Colorado 18000 E. Smith Rd. Aurora, CO 80011

Peerless Tyre Co. 9251 E. 104th Ave. Henderson, CO 80640

Robbins McMullin P.O. Box 37 Grand Junction, CO 81502

Fruitvale Water & Sanit. 2887 North Ave. Grand Junction, CO 81501 Grand Junction, CO 81502

Valley Church of Christ P.O. Box 4285

Gladys L. Collins 967 25 Road Grand Junction, CO 81505

George E. Metz #2 Cognac Ct. Grand Junction, CO 81503

Roy E. Moore 486 1/2 Melody Lane Grand Junction, Co 81501

Erwin E. Easter 624 31 1/2 Road Grand Junction, CO 81504

Clyde Theobold 494 Melody Lane

James E. Benson 2206 Arrowhead Lane Grand Junction, CO 81501 Grand Junction, CO 81501

Harold D. Harris 1027 Main St. Grand Junction, CO 81501

Leo T. McCullough DM 492 Melody Lane Grand Junction, CO 81501

Robert Lee Jones 482 Melody Lane Grand Junction, CO 81501 Joyce M. Longwell P.O. Box 40298

Ruth L. Raney 478 Melody Lane Grand Junction, CO 81502 Grand Junction, CO 81501

W.B. Swisher 1640 O Road Loma, CO 81524

Jose L. Gallegos 417 Chiswick Grand Junction, CO 81504 Orange, CA 92669

Frances T. Wallace 3212 E. Palmyra

Boyd Phillips, Jr. 9113 Emerald Grove Lakeside, CA 92040

Jesus Herrera 481 Sparn

Daniel J. Benson 479 Sparn Grand Junction, CO 81501 Grand Junction, CO 81501

Pauline K. Pederson 2440 E. Tudor Rd.-1124 Anchorage, AK 99507

Phillip D. Smith 2440 E. Tudor Rd.-1124 Anchorage, AK 99507

Lawrence D. Vent 490 Harris Rd. Grand Junction, CO 81501

Com Act Housing Corp. P.O. Box 83 Grand Junction, CO 81502

Steve Fleming 461 Pera St. Clifton, CO 81520-8701 Federal Natl. Mortgage Assoc. P.O. Box 3368 Englewood, CO 80155

Sharyn K. Carter 488 Harris Rd. Grand Junction, CO 81501 Aspen, CO 81612

Erwin I. Slater P.O. Box 2334

SUBMITTAL CHESKLIST

MINOR SUBDIVISION

Yorth ave. & Melody Project Name: Wal-Mart Keplat Location: **ITEMS** DISTRIBUTION DESCRIPTION Survey **FOTAL RECID.** City Attorney
City G. J.P.C. (8 sets)
City G. J.P.C. (8 sets)
City Downtown Dev. A
City Police
County Planning
County Bldg. Dept.
County Surveyor
Walker Field Colorado Geological SSID REFERENCE **27** 6 School Dist. Original Drainage GVRP Water Do NOT Remove From Office **♦**Iola •10 Application Fee \$460 + \$15 \au\u00e4 VII-1 ■ Submittal Checklist* VII-3 Review Agency Cover Sheet* VII-3 11111111111111111 Application Form* VII-1 11"x17" Reduction of Assessor's Map VII-1 Evidence of Title VII-2 Appraisal of Raw Land VII-1 Names and Addresses VII-3 1 Legal Description VII-2 1 VII-1 11 1 Desc Easements VII-2 1 1 11 Avigation Easement VII-1 O ROW VII-3 111 Covenants, Conditions, & Restrictions VII-1 111 Common Space Agreements VII-1 County Treasurer's Tax Cert. VII-1 Improvements Agreement/Guarantee* VII-2 CDOT, 404, or Floodplain Permit VII-3.4 General Project Report X-7 IX-21 Location Map Composite Plan IX-10 11"x17" Reduction Composite Plan IX-10 Final Plat IX-15 11"x17" Reduction of Final Plat IX-15 Cover Sheet IX-11 1 2 Grading & Stormwater Mgmt Plan IX-17 1 2 Storm Drainage Plan and Profile IX-30 1 1 1 1 Water and Sewer Plan and Profile* IX-34 1/2 1 1 1 1 1 Roadway Plan and Profile IX-28 Road Cross-sections IX-27 1 2 O Detail Sheet IX-12 1 2 2 1 1 Landscape Plan IX-20 Geotechnical Report 111 X-8 1 1 Phase I & II Environmental Report X-10,11 Final Drainage Report X-5,6 1 2 Stormwater Management Plan X-14 1 2 Sewer System Design Report X-13 1 2 1 1 2 1 O Water System Design Report X-16 1 2 1 X-15 O Traffic Impact Study

NOTES:

An asterisk in the item description column indicates that a form is supplied by the City.

Required submittal items and distribution are indicated by filled in circles, some of which may be filled in during the pre-application conference. Additional items or copies may be subsequently requested in the review process.

³⁾ Each submitted item must be labeled, named, or otherwise identified as described above in the description column.

PROJECT NARRATIVE

REPLAT OF LOT 1 WAL-MART MINOR SUBDIVISION IS SIMPLY AN EXPANSION OF THE EXISTING LOT 1 WAL-MART MINOR SUBDIVISION INTO ADJOINING PROPERTIES. THE EXPANSION WILL BE 165 FEET TO THE WEST AND 41 AND 60 FEET ON THE SOUTH. THE PROPOSED EXPANSION WILL TAKE PLACE IN STAGES. NO NEW PARCELS ARE CREATED BY THIS ACTION. NO PART OF THIS PROPERTY FALLS WITHIN THE FLOOD BOUNDARY AS PER FEMA MAP #080117 0007.

7.6 94

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As the majority of this property is an existing WAL-MART store on a platted subdivision lot and parking lot, the appraisal may be determined by the purchase price of areas and parcels to be added to Lot 1 of WAL-MART MINOR SUBDIVISION. If this is not acceptable an appraisal suitable to all parties concerned will be forthcoming.

Do NOT Remove

#76 94

A parcel of land situated in the NE1/4 Section 18, Township 1 South, Range 1 East of the Ute Meridian, Grand Junction, Colorado being described as follows: Considering the North line of the NE1/4 NE1/4 Section 18, T1S, R1E, U.M. to bear S90°00'00"W and all bearings contained herein to be relative thereto: Commencing at the NW corner NE1/4 NE1/4 Section 18, Township 1 South, Range 1 East, U.M.; thence S00°09'25"E 50.00 feet along the West line of the W1/8 NE1/4 NE1/4 Section 18, T1S, R1E, U.M. to the NW corner of Lot 1 Wal-Mart Minor Sub. being the POINT OF BEGINNING; thence N90°00'00"E 356.39 feet to the NW corner of Lot 2 Wal-Mart Minor Sub.; thence S00°16′12"E 187.00 feet; thence S44°51′54"E 35.27 feet; thence N90°00′00"E 183.50 feet; thence N00°16′12"W 47.00 feet to the SW corner of that parcel of land described in Book 957 Page 318; thence N90°00′00″E 64.00 feet to the NE corner of Lot 1 Wal-Mart Minor Sub.; thence S00°16′12"E 810.36 feet along the East line of Lot 1 Wal-Mart Minor Sub. to the SE corner of Lot 1 Wal-Mart Minor Sub.; thence S89°59′51"E 30.00 feet to the East line of the W1/2 NE1/4 NE1/4 Sec. 18; thence S00°16′12"E 294.00 feet along the East line of the W1/2 NE1/4 NE1/4 Section 18 to the SE corner of the W1/2 NE1/4 NE1/4 Section 18; thence N89°59′52"W 411.20 feet; thence S00°00′08"W 515.47 feet to the SW corner of Lot 1 Gunnison Avenue South Subdivision, also being the North right-of-way line for I-70 Business Loop; thence S73°29'52"W 784.78 feet; thence N00°09'31"W 708.43 feet to the South right-of-way for Gunnison Avenue; thence S89°59′52"E 203.97 feet; thence N00°09′25"W 30.00 feet; thence S89°59′52"E 135.29 feet; thence N00°09′24"W 1279.29 feet to the South right-of-way line for North Avenue; thence N89°59'22"E 165.28 feet; thence S00°09'25"E 10.00 feet to the point of beginning, containing 32.87 Acres as described.

76 9/#

Original Do NOT Remove

,FAXED: 602/491-2581



Grand Junction Community Development Department Planning • Zoning • Code Enforcement 250 North Fifth Street Grand Junction, Colorado 81501-2668 (303) 244-1430 FAX (303) 244-1599

March 7, 1994

Scott Moore Dunaway and Associates

RE: WalMart Expansion and platting

Dear Mr. Moore:

We are in receipt of the review packets for the proposed replat of lot 1, WalMart Minor Subdivision. As was discussed with the surveyor, Dan Brown, at the time of the pre-application meeting, the replat must be of all properties involved. Therefore, the three parcels to the south of the existing WalMart must be included, in their entirety, on the plat.

I did research development file #46-91 in our office on the conditions of approval of the vacation of Gunnison Avenue as it relates to those three properties to the south of WalMart. The approval of the vacation was subject to a 60 foot wide easement for utilities centered on the vacated ROW, the dedication of 30 ft. of ROW for Melody Lane and an adjustment of property lines so that all parcels have frontage on a dedicated ROW. All of those requirements could be met through the replatting of the parcels.

The City's policy for replats is that where lot lines are being adjusted between platted lots or between a platted lot and a metes and bounds described lot, a plat of all properties, in their entirety, must be recorded. The proposal to include only those portions of the properties to the south to be conveyed to WalMart on the plat is not acceptable and not consistent with City policy. However, because there is no proposed increase in the total number of lots or parcels existing, the review of the replat can be done administratively rather than through a hearing process. I am therefore rejecting the submittal made by Dan Brown for the WalMart replat and returning all packets to him. The separately submitted review of the site plan for WalMart is in process and will continue; however, a Planning Clearance for Building Permit will not be issued until the approved plat is recorded.

If you have questions you can call me at 244-1446.

Sincerely,

Katherine M. Portner Planning Supervisor

REVIEW COMMENTS

Page 1 of 2

FILE #76-94 TITLE HEADING: Replat of Lot 1, Wal-Mart Minor

Subdivision

LOCATION:

North Avenue & Melody Lane

PETITIONER:

Wal-Mart Stores, Inc.

PETITIONER'S ADDRESS/TELEPHONE:

701 Walton Boulevard

Department 8710

Bentonville, Arkansas 72716-8710

501-273-8123

PETITIONER'S REPRESENTATIVE:

Q.E.D. (Dan Brown)

STAFF REPRESENTATIVE:

Kathy Portner

NOTE: WRITTEN RESPONSE BY THE PETITIONER TO THE REVIEW COMMENTS IS REQUIRED ON OR BEFORE 5:00 P.M., MAY 23, 1994.

CITY UTILITY ENGINEER

4/25/94

Bill Cheney

244-1590

No comment.

FRUITVALE LATERAL & WASTE DITCH

4/26/94

George Black

245-2155

- 1. Please note that "0" surface drainage will be allowed into the Association ditches located on the north and west boundaries of the proposed replat of Lot #1.
- 2. If the property owner wishes to pipe the existing Association ditch, PVC heavy duty pipe, 10" in diameter must be placed in clean sand, on the same grade as the existing ditch.

U.S. WEST

4/26/94

Leon Peach

244-4964

No comments at this time.

GRAND JUNCTION DRAINAGE DISTRICT

5/3/94

John L. Ballagh

242-4343

There are no known Grand Junction Drainage District facilities existing or planned through or adjacent to the site of the replat of Lot 1, Wal-Mart Minor Subdivision.

FILE #76-94 / REVIEW COMMENTS / page 2 of 2

CITY DEVELOPMENT ENGINEER Jody Kliska

5/9/94 244-1591

- 1. See attached Plat Dedication Guidelines. Dedications should follow these guidelines.
- 2. The plat is incorrectly titled. This is more than a replat of Lot 1, as it is enlarging Lot 1 and affects other properties.
- 3. The original or most recent property line for Lot 1 should be shown as well as the new line.
- 4. Please define the no-build easement.
- 5. What is the road and utility easement? Do you plan to vacate it?
- ∠ 6. There is no dedication for the irrigation easement on the west side of Lot 1.
- 7. Does the blanket drainage easement for Lot 1 include the building? Will a portion of it have to be vacated to expand the building? This easement needs to be better defined so it is clear what it includes.
 - 8. Is the existing irrigation ditch on the south side of North Avenue in an easement? Should it be?
 - 9. All plat submittals need to be accompanied by a computer printout showing boundary closure as per SSID manual.
 - 10. Redlined plat attached.

COMMUNITY DEVELOPMENT DEPARTMENT Kathy Portner

5/9/94 244-1446

- 1. Title is incorrect. Should be titled something different with the sub-title shown as "including a Replat of Lot 1, Wal-Mart Minor Subdivision".
- Dedication language must include dedication of the following easements: drainage, nobuild, irrigation and ingress/egress. The dedication dedicates the utility easements twice. The second dedication to the owners is probably supposed to be the dedication of the ingress/egress easement.
- 3. Original property lines must be shown as dashed lines on the plat.
- 4. The no-build easement must be defined as to restrictions and what's allowed.
- 5. What is the road and utility easement Book 1059 Page 789 as shown? Is it vacated?
- 6. Note 1 blanket easement must be revised to define where the easement is. As written, it would include that area where the building exists and is proposed. An easement vacation may be required.

LATE COMMENTS

PARKS & RECREATION DEPARTMENT Don Hobbs

5/12/94 244-1542

We will need to see the purchase price documentation before we can agree to use it rather than the appraisal.



WAL-MART TWO SUBDIVISION WRITTEN RESPONSE TO REVIEW COMMENTS

CITY DEVELOPMENT ENGINEER - JODY KLISKA

- 1. Corrected on plat.
- 2. Corrected on plat.
- 3. Corrected on plat.
- 4. Corrected on plat.
- 5. This is an easement recorded in Feb. 20, 1976, it may be desirable for Wal-Mart to vacate their portion of this easement, however at this time, there hasn't been any movement in that direction.
- 6. Corrected on plat.
- 7. Corrected on plat.
- 8. Irrigation ditch is at present in the ROW for North Ave. not on Wal-Mart's property, therefor no easement is needed.
- 9. Printout is accompanying this plat.
- 10. See enclosed plat.

COMMUNITY DEVELOPMENT DEPARTMENT - KATHY PORTNER

- 1. Corrected on plat.
- 2. Corrected on plat.
- 3. Corrected on plat.
- 4. Corrected on plat.
- 5. This is an easement recorded in Feb. 20, 1976, it may be desirable for Wal-Mart to vacate their portion of this easement, however at this time, there hasn't been any movement in that direction.
- 6. Corrected on plat.

RECEIVED GRAND JUNCTION PLANNING DEPARTMENT

MAY 18 1994

WAL-MART TWO SUBDIVISION	ON BOUNDARY	-		
COURSE BEARING	DISTANCE	PT#	NORTHING	EASTING
DESCRIPTION				
		1	5985.25	4336.73
1-2 S00°09′25″E	10.00	2	5975.25	4336.75
2-3 N90°00′00″E	356.39	3	5975.25	4693.14
3-4 S00°16′12″E	187.00	4	5788.25	4694.02
4-5 S44°51′54″E	35.27	5	5763.25	4718.90
5-6 N90°00′00″E	183.50	6	5763.25	4902.40
6-7 N00°16′12"W	47.00	7	5810.26	4902.18
7-8 N90°00′00″E	64.00	8	5810.26	4966.18
8-9 S00°16′12″E	810.36	9	4999.91	4970.00
9-10 S89°59′51″E	30.00	10	4999.90	5000.00
10-11 S00°16′12″E	294.00	11	4705.91	5001.39
11-12 N89°59′52″W	411.20	12	4705.92	4590.19
12-13 S00°00′08"W	515.47	13	4190.45	4590.17
13-14 S73°29′52"W	784.78	14	3967.53	3837.72
14-15 N00°09'31"W	708.43	15	4675.95	3835.76
15-16 S89°59′52″E	203.97	16	4675.94	4039.73
16-17 N00°09′25″W	30.00	17	4705.94	4039.65
17-18 S89°59′52″E	135.29	18	4705.94	4174.94
18-19 N00°09′24"W	1279.29	19	5985.22	4171.44
19-1 N89°59′22″E	165.28	1	5985.25	4336.73
Closure error distance:				
Closure Precision> 1 in	n 625123275	0069.91	Total Distance	ce

AREA> 1431816 SF. 32.87 AC.

Traversed> 6251.23

LOT ONE	BOUNDARY				
COURSE	BEARING	DISTANCE	PT#	NORTHING	EASTING
			2	5975.25	4336.75
2-3	N90°00′00"E	356.39	3	5975.25	4693.14
3-4	S00°16′12"E	187.00	4	5788.25	4694.02
4-5	S44°51′54''E	35.27	5	5763.25	4718.90
5-6	N90°00′00"E	183.50	6	5763.25	4902.40
6-7	NOO°16′12"W	47.00	7	5810.26	4902.18
7-8	N90°00′00"E	64.00	8	5810.26	4966.18
8-23	S00°16′12"E	870.36	23	4939.91	4970.28
23-22	N89°59′51"W	380.08	22	4939.92	4590.20
22-21	N00°00′08"E	19.00	21	4958.92	4590.20
21-20	N89°59′51"W	415.95	20	4958.94	4174.25
20-25	N00°09124"W	1016.29	25	5975.22	4171.47
25-2	N89°59′21″E	165.28	2	5975.25	4336.75
Closure	error distance>	0.0000000	Error	Rearing>	E

Closure error distance> 0.00000000 Error Bearing> E Closure Precision> 1 in 3740129151076.83 Total Distance Traversed> 3740.13 AREA> 760738 SF. 17.46 AC.

LOT TWO	BOUNDARY				
COURSE	BEARING	DISTANCE	PT#	NORTHING	EASTING
			23	4939.91	4970.28
23-24	S00°16′12"E	234.00	24	4705.91	4971.39
24-12	N89°59′52"W	381.20	12	4705.92	4590.19
12-22	N00°00′08"E	234.00	22	4939.92	4590.20
22-23	S89°59′51"E	380.08	23	4939.91	4970.28
Closure	error distance>	0.00000000	Error	Bearing> E	
Cloamo	Descriptions 1 in	1000074040	25 <i>66</i> 57	Total Diate	2222

Closure Precision> 1 in 1229274942566.57 Total Distance Traversed> 1229.27 AREA> 89068 SF. 2.04 AC.

LOT THRE	EE BOUNDARY				
COURSE	BEARING	DISTANCE	PT#	NORTHING	EASTING
			18	4705.94	4174.94
18-20	NOO°09′24''W	253.00	20	4958.94	4174.25
20-21	S89°59′51″E	415.95	21	4958.92	4590.20
21-13	S00°00′08"W	768.47	13	4190.45	4590.17
13-14	S73°29152"W	784.78	14	3967.53	3837.72
14-15	N00°09′31''W	708.43	15	4675.95	3835.76
15-16	S89°59′52″E	203.97	16	4675.94	4039.73
16-17	NOO°09125"W	30.00	17	4705.94	4039.65
17-18	S89°59′52"E	135.29	18	4705.94	4174.94
07		0.0000000	17	D = = = = = = = = = = = = = = = = = = =	T?

Closure error distance> 0.00000000 Error Bearing> E Closure Precision> 1 in 3299895624510.00 Total Distance Traversed> 3299.90 AREA> 571537 SF. 13.12 AC.



Grand Junction Community Development Department Planning • Zoning • Code Enforcement 250 North Fifth Street Grand Junction, Colorado 81501-2668 (303) 244-1430 FAX (303) 244-1599

June 9, 1994

Mark Hermundstad 200 N. 6th Street Grand Junction, CO 81501

Wal-Mart Two Subdivision

Dear Mr. Hermundstad:

This is to confirm that all lots created with the Wal-Mart Two Subdivision plat conform with the City of Grand Junction zoning regulations. Lot 2 and the north 254 feet of lot 3 are zoned I-2 (heavy industrial) and the remainder of lot 3 is zoned I-1 (light industrial). There are no required side or rear yard setbacks in the industrial zones which are the only setback requirements the proposed lot line adjustments would affect.

Sincerely,

Katherine M. Portner

Latherine M. Portu

Planning Supervisor

Plat recorded

10:30 0 m grow 10 1994

Recorded copy in file #13-94

bk 2078 fg 483

EXHIBIT "C"

AGREEMENT AND NO BUILD EASEMENT

THIS AGREEMENT is made as of the _____ day of ______, 1994, between WAL-MART STORES, INC., a Delaware corporation, whose address is 702 S. W. Eighth Street, Bentonville, Arkansas 72716 (hereinafter called "Grantee") and DOTTY CORPORATION OF COLORADO whose address is 18000 East Smith Road, Aurora, Colorado 80011, (hereinafter called "Grantor").

WHEREAS, Grantor is owner of Parcel A in the city of Grand Junction, County of Mesa, State of Colorado hereinafter described in Exhibit "A" attached hereto, which northerly property line of Parcel A abuts the Wal-Mart Tract, hereinafter described as Parcel B in Exhibit "A", measuring approximately sixty (60') feet by four hundred twelve and fifty-two hundredths (412.52') feet;

WHEREAS, Grantee is desirous of obtaining a no build easement area from Grantor;

WHEREAS, the City of Grand Junction requires certain covenants and agreements from Wal-Mart;

WITNESSETH

NOW, THEREFORE, the said Grantor, for and in consideration of Ten Dollars (\$10.00) and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, does hereby grant to Grantee, its successors and assigns, a non-exclusive right to a "No Build Easement" on, over, across or under Parcel A measuring approximately twenty (20') feet by one hundred eighty-two and seventy-two hundredths (182.72') feet located in Grand Junction, Colorado. THE EASEMENTS ARE MADE SUBJECT TO THE FOLLOWING:

- 1. The Grantor shall have the right to use and enjoy fully said premises for parking and drive lanes subject to the easement rights hereby granted, but Grantor agrees that it will not construct nor permit to be constructed any lakes, ponds, buildings or other structures of a permanent nature upon or over said easement area without the written consent of both Grantee and the City of Grand Junction.
- 2. The Grantee will indemnify and hold harmless the Grantor from any claims for damages or injuries arising out of or connected directly or indirectly with the use by the Grantee of the easement granted herein.
- 3. The easement granted hereunder is a permanent easement and will continue in full force and effect so long as the easement is used by the Grantee, its successors and assigns.
- 4. This easement contains all of the agreements and stipulations between the Grantor and Grantee with respect to the granting of said easement, and the same shall inure to the benefit of and be binding upon the Grantor and Grantee and their respective successors and assigns and thereafter so long as it is required by the City to meet the public safety and health needs.
- 5. The City of Grand Junction shall retain the right to enforce the terms of the easement against both the Grantor and the Grantee so long as the building is in existence. The Grantee, and its successors and assigns, shall indemnify and hold harmless the City of Grand Junction, its officers, agents and employees from any claims, however stated, for damages or injuries arising out of the use of the easement and the failure to provide unobstructed access to emergency personnel and equipment.

- 6. While the Wal-Mart building is in existence, the Grantee agrees to take such steps as may be required to maintain the sixty foot-swath of unobstructed area except for the portion the surrounds the Wal-Mart loading dock as shown on Exhibit "B". This easement is intended to satisfy the criteria for an unlimited area *surrounding a* building as outlined in Section 506(b) of the Uniform Building Code. Grantee agrees to police the area of the easement and to enforce the terms of this agreements as against the owner of the burdened property, and as to others as may reasonably be required.
- 7. This easement shall not be terminated or relocated or otherwise modified without the prior written consent of the City's Chief Building Official or the Fire Chief.
- 8. This easement contains all of the agreements and stipulations between the Grantor and Grantee with respect to the granting of said easement, and the same shall inure to the benefit of and be binding upon the Grantor and Grantee and their respective successors and assigns. This easement shall be recorded by Grantee at its expense in the official county records and shall provide copies of same to all parties to the easement.

IN WITNESS WHEREOF, the undersigned have executed this easement agreement the date first written above.

		WAL-MART STORES, INC.
Attest:		
Assistant Secretary		Its Asst. Vice President of Real Estate
Attest:		WAGNER EQUIPMENT CO.
lts:		lts:
Attest:		CITY OF GRAND JUNCTION, COLORADO
lts:		Its:
	CORPORATE A	ACKNOWLEDGEMENT
STATE OF COLORADO))§	
COUNTY OF) 8	
to me personally known w of Dotty Corporation of Co instrument is the corporate sealed in behalf of said co	ho, being by me o blorado, a e seal of said corp proporation by the o	personally appeared

In witness whereof, I above written.	have hereunto set my	hand and official seal the day and year last
		Notary Public Residing in
	CORPORATE ACKNO	OWLEDGEMENT
STATE OF ARKANSAS)	
COUNTY OF BENTON) §	
and for the county and state Estate, of Wal-Mart Stores, In who executed as such office	e aforesaid, came c., a corporation, who or the within instrument	, 1994, before me a notary public in, Assistant Vice President of Real o is personally known to me to be the person of writing on behalf of such corporation, and f the same to be the act and deed of said
In testimony whereof, year last above written.	l have hereunto set my	hand and affixed my notary seal the day and
		Dorothy L. Jensen Notary Public Residing in Benton county
	ACKNOWLED	SEMENT
STATE OF COLORADO COUNTY OF MESA On this day of _)) §) , 1994, pers	onally appeared
of The City of Gran seal affixed to said instrumen was signed and sealed in be	, being by me duly sw Id Junction of Colorad It is the corporate seal half of said corporatio	orn, did say that is the, and that the of said corporation and that said instrument n by the authority of its trument to be the free act and deed of said
In witness whereof, I habove written.	ave hereunto set my	hand and official seal the day and year last
		Notary Public Residing in

EXHIBIT "A"

PARCEL A: LAND OWNED AND RETAINED BY DOTTY CORPORATION COVERED BY NO BUILD EASEMENT TO WAL-MART

A parcel of land situated in NE/4 of Section 18 T1S R1E of the Ute Meridian, being described as follows:

Considering the South line of the NE/4NE/4 of Section 18, T1S, R1E, Ute P.M. to bear N 89°36'23" W and all bearings contained herein to be relative hereto.

COMMENCING at the NE Corner of a parcel of land described in Book 1836 Page 437 thence \$ 00°00'15" E 60.00 feet along the East line of said Parcel described in Book 1836 Page 437 to the POINT OF BEGINNING; Thence N 89°036'23" W 182.72 feet; thence \$ 00°023'27" E 20.00 feet; thence \$ 89°036'23" E 182.72 feet; thence N 00°00'15" W 20.00 feet to the point of beginning.

PARCEL B: LAND OWNED AND RETAINED BY WAL-MART

A parcel of land situated in NE/4 of Section 18, T1S, R1E of the Ute Meridian, being described as follows:

Considering the South line of the NE/4NE/4 of Section 18, T1S, R1E, Ute P.M. to bear N 89°36'23" W and all bearing contained herein to be relative hereto.

Beginning at the NE Corner of a parcel of land described in Book 1836 Page 437 thence N 89° 36'23" W 412.52 feet to the NW/4 of said parcel described in Book 1836 Page 437; thence S 00° 23'37" E 60.00 feet thence S 89° 36'23" E 412.11 feet more or less to the east line of said parcel described in Book 1836 Page 437; thence N 00° 00'15" W 60.00 feet to the point of beginning.