

GRANT OF EASEMENT AND RELINQUISHMENT OF EASEMENT

Chaparral West, Inc. Grantor, a Colorado corporation whose address is P.O. Box 1765, Grand Junction, CO 81502-1765, is the owner of that certain real property in Mesa County, Colorado platted as Independence Estates Filing 1, as that plat is recorded with the Mesa County Clerk and Recorder at Reception # 2847435.

Grantor, for and in consideration of good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, has granted and conveyed, and by these presents does hereby grant and convey to **The City of Grand Junction**, a Colorado home rule municipality, **Grantee**, whose address is 250 North 5th Street, Grand Junction, Colorado 81501, for the benefit and on behalf of the public and for the benefit and use of the Persigo 201 Sewer System, its members, employees, agents, contractors and successors in interest, a **perpetual easement** for the installation, operation, maintenance, repair and replacement of sanitary sewer and appurtenant facilities and for the conveyance of sewer waste, along, over, under, through and across the above-described parcels of land. Said easement area is depicted in the attached **Exhibit B** as "20' sewer easement per reception #2847435" and shown on the plat of Independence Estates Filing 1, recorded at Reception #2847435.

TO HAVE AND TO HOLD unto the said Grantee, its successors and assigns forever, together with the right to enter upon said premises with workers and equipment, to survey, maintain, operate, repair, replace, control and use said easement, and to remove objects interfering therewith, including but not limited to the trimming of trees and bushes as may be required.

The interest conveyed is an easement for the purposes and uses and upon the terms stated herein. Grantor reserves the right to use and occupy the real property burdened by this easement for any lawful purpose which is not inconsistent with and which will not substantially interfere with the full use and quiet enjoyment of the rights herein granted; provided, however, that Grantor hereby covenants with Grantee that the easement area shall not be burdened or interfered with by the installation, construction or placement of any structures or any other item or fixture which might be detrimental to the facilities of Grantee or to the maintenance activities of the Grantee or which might act to prevent reasonable ingress and egress for Grantee and for the use of the easement area for the purposes stated herein.

Grantor hereby covenants and warrants that it has good title to the herein described premises; that it has good and lawful right to grant this Easement; and it warrants and will forever defend the title and quiet possession thereof against the lawful claims and demands of all persons whomsoever.

Grantor, its successors and assigns, shall not interfere with the surface use of the easement area granted to Grantee hereunder.

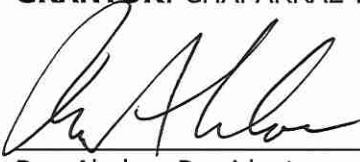
Grantee is the owner of that certain 20' sewer easement over Grantor's property, described in the attached **Exhibit A** and depicted in the attached **Exhibit B** as "vacated 20' sewer easement," which exhibits are incorporated herein by this reference. Grantor has caused the sewer facilities in said easement to be removed and relocated to that area of land within that sewer easement granted by this instrument and dedicated on Independence Estates Filing 1 plat. Therefore, and in consideration thereof, Grantee hereby relinquishes its interest in said easement.

This agreement shall be governed by, construed, and enforced in accordance with the laws of the State of Colorado. In the event of any litigation hereunder the prevailing party shall be entitled to recover its attorney's fees in addition to all other damages and remedies at law.

Executed and delivered this 12th day of December, 2018.

[signature on following page]

GRANTOR: CHAPARRAL WEST, INC.



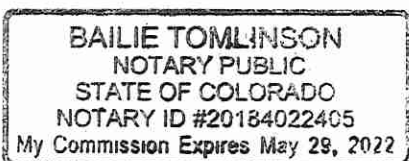
Ron Abeloe, President

State of Colorado)
)ss.
County of Mesa)

The foregoing instrument was acknowledged before me this 12th day of December, 2018 by Ron Abeloe as President of Chaparral West, Inc.

My commission expires May 29, 2021.

Witness my hand and official seal.





Notary Public

GRANTEE: CITY OF GRAND JUNCTION



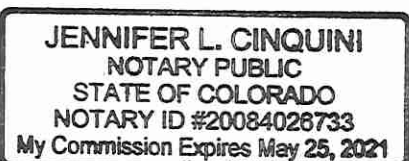
Greg Caton, City Manager

State of Colorado)
)ss.
County of Mesa)

The foregoing instrument was acknowledged before me this 11th day of December, 2018 by Greg Caton as City Manager for the City of Grand Junction.

My commission expires May 25, 2021.

Witness my hand and official seal.





Notary Public

EXHIBIT A

LEGAL DESCRIPTION OF RELINQUISHED EASEMENT

A 20' Sewer Easement situated in the SE1/4 of Section 35, Township 1 North, Range 2 West, Ute Meridian, Mesa County, Colorado, as depicted in Book 1977 Pages 277-279 of the Mesa County Clerk and Recorders Office. The vacated portion being described as follows:

Beginning at point lying S00°04'00"W 217.79 feet from the NE corner of Independence Estates Filing #1 (Reception #2847435) and considering the East line of Independence Estates Filing #1 to Bear S00°04'00"W and all bearings contained herein to be relative thereto:

thence S79°54'27"W 526.82 feet;

thence S33°09'07"W 285.65 feet to the North line of a 20' sewer easement dedicated on Independence Estates Filing #1 (Reception #2847435);

thence along the North line of said 20' sewer easement, N70°47'51"E 32.74 feet;

thence N33°08'41"E 251.08 feet;

thence N79°54'27"E 514.59 feet to the East line of Independence Estates Filing #1;

thence along the East line of Independence Estates Filing #1, N00°04'00"E 20.32 feet to the point of beginning.

EXCEPT all that portion lying within the 20' sewer easement dedicated on Independence Estates Filing #1 (Reception #2847435)

County of Mesa, State of Colorado.

Authored by:

David M. Morris PLS #30111

Q.E.D. Surveying Systems Inc.

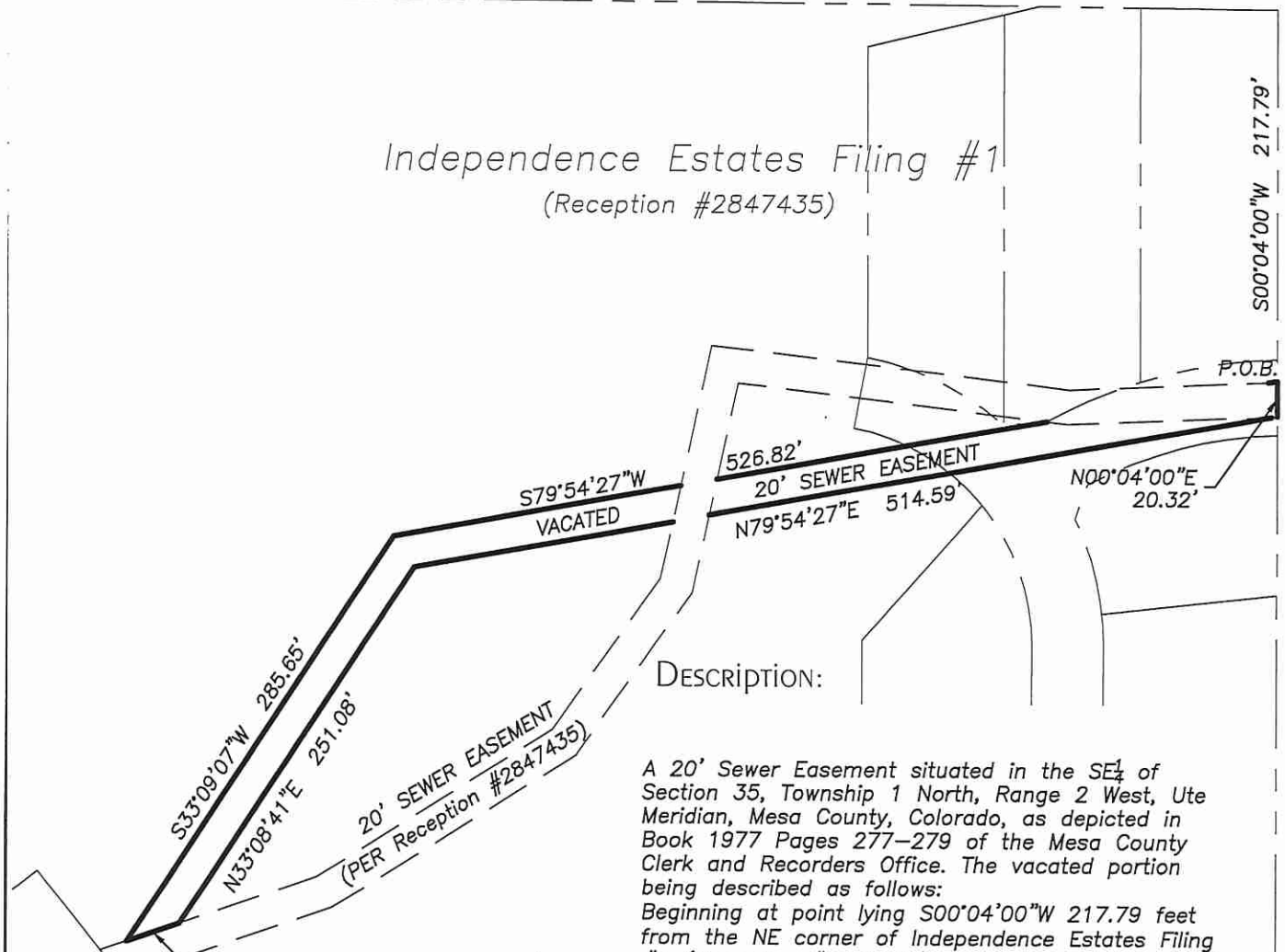
10/15/18

EXHIBIT "B"

NE corner of
Independence
Estates Filing #1

Independence Estates Filing #1
(Reception #2847435)

S00°04'00"W 217.79'



Description:

A 20' Sewer Easement situated in the SE $\frac{1}{4}$ of Section 35, Township 1 North, Range 2 West, Ute Meridian, Mesa County, Colorado, as depicted in Book 1977 Pages 277-279 of the Mesa County Clerk and Records Office. The vacated portion being described as follows:
Beginning at point lying S00°04'00"W 217.79 feet from the NE corner of Independence Estates Filing #1 (Reception #2847435) and considering the East line of Independence Estates Filing #1 to Bear S00°04'00"W and all bearings contained herein to be relative thereto:
thence S79°54'27"W 526.82 feet;
thence S33°09'07"W 285.65 feet to the North line of a 20' sewer easement dedicated on Independence Estates Filing #1 (Reception #2847435);
thence along the North line of said 20' sewer easement, N70°47'51"E 32.74 feet;
thence N33°08'41"E 251.08 feet;
thence N79°54'27"E 514.59 feet to the East line of Independence Estates Filing #1;
thence along the East line of Independence Estates Filing #1, N00°04'00"E 20.32 feet to the point of beginning.

EXCEPT all that portion lying within the 20' sewer easement dedicated on Independence Estates Filing #1 (Reception #2847435)

County of Mesa, State of Colorado.

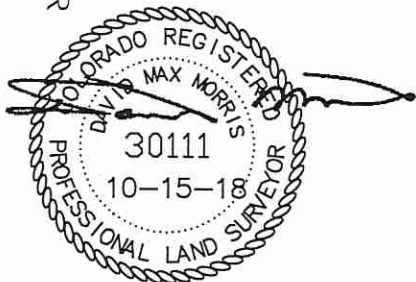
NOTES:

1.) THIS EXHIBIT IS FOR THE PURPOSE OF GRAPHICALLY REPRESENTING A WRITTEN DESCRIPTION- IT DOES NOT REPRESENT A MONUMENTED BOUNDARY SURVEY



All Lineal Units used on this plat are U.S. Survey feet.

COUNTRY MEADOWS FILING FOUR
Reception # 1924345



SEWER EASEMENT VACATION

Situated in the SE $\frac{1}{4}$ Section 35, T1N, R2W UTE MERIDIAN

FOR: Chaparral West, Inc.	 <p>Q.E.D. SURVEYING SYSTEMS Inc. 2718 Sierra Vista GRAND JUNCTION COLORADO 81503 (970) 241-2370 464-7568</p>	SURVEYED BY: MSM
SCALE: 1" = 100'		DRAWN BY: DMM
DATE: 10/15/18		ACAD ID: INDEPENDENCE ESTATES
		SHEET NO.
		FILE: 2018-284