

GRANT OF MULTI-PURPOSE AND INGRESS/EGRESS EASEMENT

Dillon Real Estate Co., Inc., a Kansas Corporation, Grantor, for and in consideration of the sum of Ten and 00/100 Dollars (\$10.00) and other 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,** whose address is 250 North 5th Street, Grand Junction, Colorado 81501, a Perpetual Multi-Purpose Easement for the use and benefit of Grantee and for the use and benefit of the Public Utilities, as approved by Grantee, as a perpetual easement for the installation, operation, maintenance, repair and replacement of utilities and appurtenances related thereto, including, but not limited to, electric lines, cable television lines, natural gas pipelines, sanitary sewer lines, storm sewers and storm water drainage facilities, irrigation and drainage facilities, water lines, telephone lines, and also for the installation, operation maintenance, repair and replacement of traffic control facilities, street lighting, landscaping, trees and grade structures, on, along, over, under, through and across the following described parcel of land, **and also;** a perpetual Ingress/Egress Easement on, along, over, under, through and across the following described Parcel of land, to wit:

A 30' INGRESS-EGRESS & UTILITY EASEMENT SITUATED IN THE SW ¼ OF SECTION 4, TOWNSHIP 1 SOUTH, RANGE 1 WEST, UTE MERIDIAN, BEING A PART OF LOT 2A, REPLAT OF MESA VILLAGE SUBDIVISION AS RECORDED FEBRUARY 16, 1996 AT RECEPTION NO. 1746811, CITY OF GRAND JUNCTION, COUNTY OF MESA, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SW CORNER OF SAID LOT 2A, WHENCE THE SW CORNER OF THE NW ¼ OF THE SW ¼ OF SAID SECTION 4 BEARS N36°17'02"W A DISTANCE OF 84.33 FEET, SAID POINT LYING ON THE EASTERLY R.O.W. LINE OF 24 ROAD; THENCE N00°04'47"E ALONG THE WEST LINE OF SAID LOT 2A AND SAID EASTERLY R.O.W. LINE A DISTANCE OF 67.90 FEET; THENCE N00°06'21"E CONTINUING ALONG SAID WESTERLY LINE AND SAID EASTERLY R.O.W. LINE A DISTANCE OF 314.55 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING N00°06'21"E ALONG SAID EASTERLY R.O.W. LINE AND SAID WESTERLY LINE A DISTANCE OF 30.00 FEET; THENCE S89°53'39"E A DISTANCE OF 177.32 FEET TO A POINT OF NON-TANGENT CURVE; THENCE ALONG A CURVE TO THE LEFT WHOSE CHORD BEARS S89°53'39"E A DISTANCE OF 140.13 FEET, SAID CURVE HAVING A CENTRAL ANGLE OF 27°00'42", A RADIUS OF 300.00 FEET, AN ARC LENGTH OF 141.43 FEET; THENCE S89°53'39"E NON-TANGENT TO THE LAST DESCRIBED CURVE A DISTANCE OF 66.48 FEET TO A POINT LYING ON THE EASTERLY LINE OF SAID LOT 2A AND THE WESTERLY R.O.W. LINE OF MARKET STREET; THENCE S00°06'15"W ALONG SAID EASTERLY LINE AND SAID WESTERLY R.O.W. LINE A DISTANCE OF 30.00 FEET; THENCE N89°53'39"W A DISTANCE OF 63.01 FEET TO A POINT OF CURVE THENCE ALONG A NON-TANGENT CURVE TO THE RIGHT WHOSE CHORD BEARS N89°53'39"W A DISTANCE OF 147.06 FEET, SAID CURVE HAVING A CENTRAL ANGLE OF 25°44'57", A RADIUS OF 330.00 FEET, AN ARC LENGTH OF 148.30 FEET; THENCE N89°53'39"W NON-TANGENT TO THE LAST DESCRIBED CURVE A DISTANCE OF 173.86 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS (11,556 SQUARE FEET) 0.2653 ACRES.

BEARINGS ARE BASED ON THE WEST LINE OF THE NW 1/4 OF THE SW 1/4 OF SECTION 4, TOWNSHIP 1 SOUTH, RANGE 1 WEST, OF THE UTE MERIDIAN BEARING N00°06'21"E AS REFERENCED AND BOUNDED BY A 3.25" MESA COUNTY ALUMINUM CAP L.S.

NO. __677 IN A RANGE BOX AT THE SW CORNER OF THE NW 1/4 OF THE SW 1/4 OF SAID SECTION 4 AND A 3.25" HIGH DESERT SURVEYING ALUMINUM CAP L.S. NO. 24953 IN A RANGE BOX AT THE NW CORNER OF THE NW 1/4 OF THE SW 1/4 OF SECTION 4.

As described herein and depicted on **Exhibit "A"** attached hereto and incorporated herein by reference.

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 the trimming of trees and bushes as may be required to permit the operation of standard construction and repair machinery, subject to the terms and conditions contained herein.

RECEPTION # 2532037, BK 5007 PG 995 05/05/2010 at 04:03:24 PM, 1 OF 3, R \$15:00 S \$1:00 EXEMPT Janice Rich, Mesa County, CO CLERK AND RECORDER

1. The interest conveyed is Utility Easement and also; Ingress/Egress Easement for the limited 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 shall not be burdened or overburdened by the installation, construction or placement of any improvements, structures or fixtures thereon which may be detrimental to the facilities of Grantee or which may act to prevent reasonable ingress and egress for workers and equipment on, along, over, under, through and across the Easement.

2. Grantee agrees that Grantee's utilization of the Easement and the rights herein conveyed shall be performed with due care using industries best accepted standards and techniques.

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

Executed and delivered this 8th day of February, 2010.

Dillon Real Estate Co., Inc.,
a Kansas Corporation

By: *Paul W. Heldman*
Paul W. Heldman, Vice President and Secretary



State of Ohio)
)ss.
County of Hamilton)

The foregoing instrument was acknowledged before me this 8th day of February, 2010, by Paul W. Heldman, Vice President and Secretary, Dillon Real Estate Co., Inc., a Kansas Corporation.

My commission expires _____.

Witness my hand and official seal.

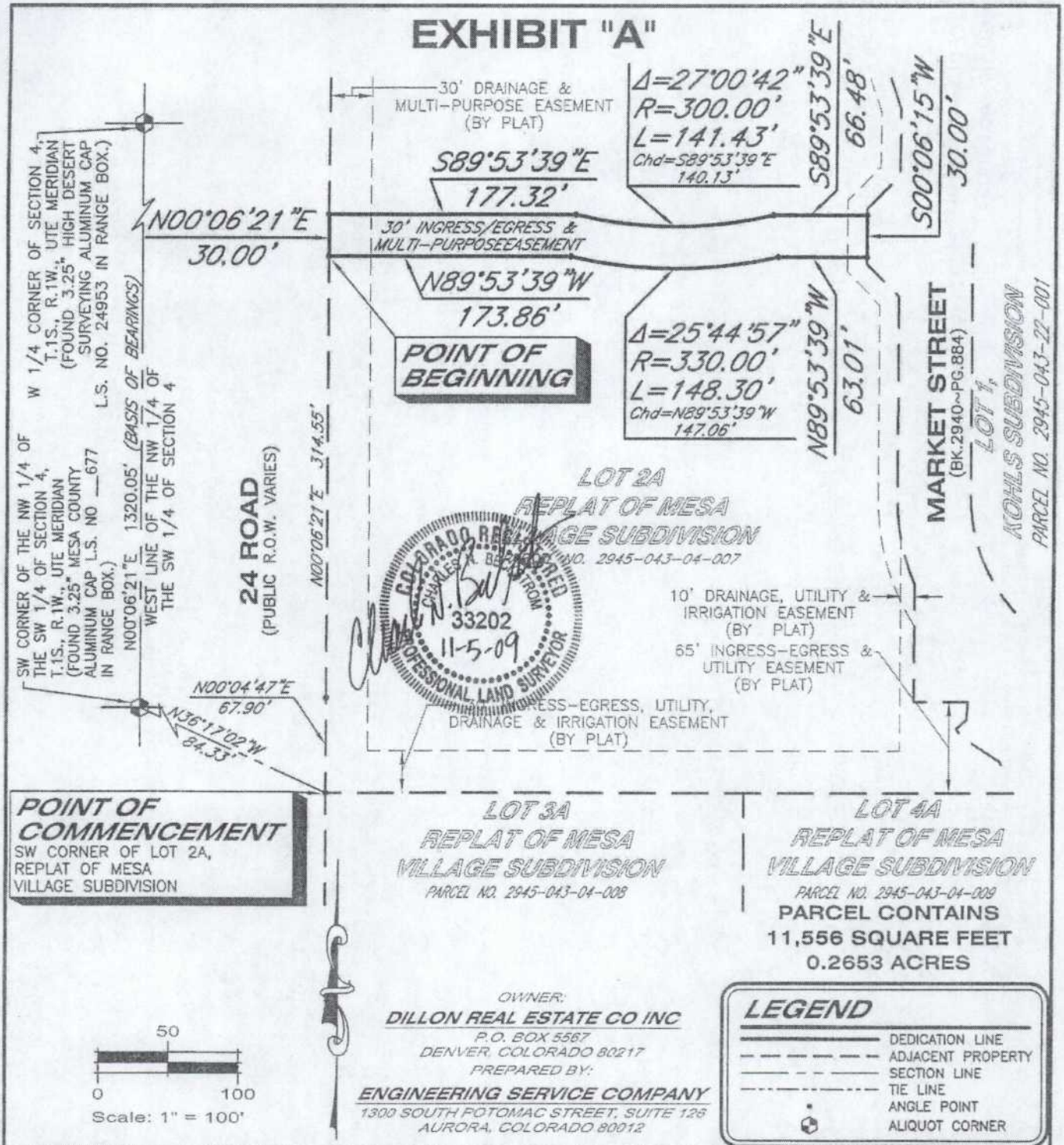


JENNIFER K. GOTHARD
Attorney at Law
Notary Public, State of Ohio
My Commission Has No Expiration
Date: Section 147.03 O.R.C.

Jennifer K. Gothard
Notary Public

This instrument prepared by K. Valdez, City of Grand Junction, 250 N. 5th Street, Grand Junction, CO 81501

EXHIBIT "A"



SW CORNER OF THE NW 1/4 OF THE SW 1/4 OF SECTION 4, T.1S., R.1W., UTE MERIDIAN (FOUND 3.25" HIGH DESERT SURVEYING ALUMINUM CAP IN RANGE BOX.)
 L.S. NO. 24953 IN RANGE BOX.)

W 1/4 CORNER OF SECTION 4, T.1S., R.1W., UTE MERIDIAN (FOUND 3.25" HIGH DESERT SURVEYING ALUMINUM CAP IN RANGE BOX.)
 L.S. NO. 24953 IN RANGE BOX.)

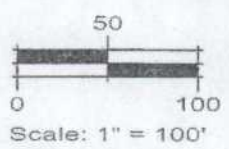
SW CORNER OF THE NW 1/4 OF THE SW 1/4 OF SECTION 4, T.1S., R.1W., UTE MERIDIAN (FOUND 3.25" MESA COUNTY ALUMINUM CAP L.S. NO. 677 IN RANGE BOX.)

POINT OF COMMENCEMENT
 SW CORNER OF LOT 2A, REPLAT OF MESA VILLAGE SUBDIVISION

24 ROAD
 (PUBLIC R.O.W. VARIES)

MARKET STREET
 (BK. 2940-PG. 884)

LOT 1,
 KOHL'S SUBDIVISION
 PARCEL NO. 2945-043-22-001



CITY OF GRAND JUNCTION

NOTE: THIS EXHIBIT DOES NOT REPRESENT A MONUMENTED SURVEY. IT IS INTENDED ONLY TO DEPICT THE ATTACHED DESCRIPTION.

DRAWN BY: SAM	SCALE: 1"=100'	R.O.W. FILE#
CHECKED BY: CNB	DATE: 11/05/09	

30' INGRESS-EGRESS & MULTI-PURPOSE EASEMENT
 A PART OF LOT 2A, REPLAT OF MESA VILLAGE SUBDIVISION
 SITUATED IN THE SW 1/4 OF SECTION 4,
 TOWNSHIP 1 SOUTH, RANGE 1 WEST, UTE MERIDIAN
 CITY OF GRAND JUNCTION, COUNTY OF MESA,
 STATE OF COLORADO