RECEPTION #: 2647847, BK 5445 PG 482 03/18/2013 at 08:53:40 AM. 1 OF 2, R \$15.00 S \$1.00 D \$0.00 Sheila Reiner, Mesa County, CO CLERK AND RECORDER

WARRANTY DEED

THIS DEED, dated October 5 20 2, between MARK L. GAMBLE of the County of Mesa, State of Colorado, "Grantor", and THE CITY OF GRAND JUNCTION, a Colorado home rule municipality, whose legal address is 250 North 5th Street, Grand Junction, Mesa County, Colorado, 81501, "Grantee":

WITNESS, that the Grantor, for and in consideration of the sum of Ten and 00/100 DOLLARS, (\$10.00), the receipt and sufficiency of which is hereby acknowledged, hereby grants, bargains, sells, conveys and confirms unto the Grantee and the Grantee's heirs and assigns forever, all the real property, together with any improvements thereon, located in the County of Mesa and State of Colorado, described as follows:

See attached Exhibit "A" dated April 26, 2011 Project Number: NH 0701-198 Project Code: 17302 Parcel Number: 44

also known by street address as: N/A and assessor's schedule or parcel number: N/A

TOGETHER with all and singular the hereditaments and appurtenances thereunto belonging, or in anywise appertaining, the reversions, remainders, rents, issues and profits thereof, and all the estate, right, title, interest, claim and demand whatsoever of the Grantor, either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances;

TO HAVE AND TO HOLD the said premises above bargained and described, with the appurtenances, unto the Grantee and the Grantee's heirs, successors and assigns forever. The Grantor, for himself and his heirs, successors, assigns and personal representatives, does covenant, grant, bargain, and agree to and with the Grantee, and the Grantee's heirs, successors and assigns: that at the time of the ensealing and delivery of these presents, the Grantor is well seized of the premises above described; has good, sure, perfect, absolute and indefeasible estate of inheritance, in law and in fee simple, and has good right, full power and lawful authority to grant, bargain, sell and convey the same in manner and form as aforesaid; and that the same are free and clear from all former and other grants, bargains, sales, liens, taxes, assessments, encumbrances and restrictions of whatever kind or nature soever, except

Reserving unto the Grantor, all coal, oil, gas and other hydrocarbons, and all clay and other valuable mineral in and under said premises; provided, however, and the Grantor hereby covenants and agrees that, the Grantee shall forever have the right to take and use, without payment of further compensation to the Grantor, any and all sand, gravel, earth, rock, and other road building materials found in or upon said Parcel No. 44 referenced above and described in Exhibit "A"

The Grantor further covenants and agrees that no exploration for, or development of any of the products hereby reserved, will ever be conducted on or from the surface of the premises described in Exhibit A, and that in the event any of such operations may hereafter be carried on beneath the surface of said premises, the Grantor shall perform no act which may impair the subsurface or lateral support of said premises. This reservation and the covenants and agreements hereunder, shall inure to and be binding upon the Grantor and Grantor's heirs, personal and legal representatives, successors and assigns forever.

The Grantor shall and will WARRANT AND FOREVER DEFEND the above described premises in the quiet and peaceable possession of the Grantee and Grantee's heirs, successors and assigns, against all and every person or persons lawfully claiming the whole or any part thereof.

IN WITNESS WHEREOF, the Grantor has executed this deed on the date set forth above.

STATE OF COLORADO)

County of Mesa

The foregoing instrument was acknowledged before me this Mark L. Gamble.

Witness my hand and official/seal mmission expires:

EXHIBIT "A"

PROJECT NUMBER: NH 0701-198 **PARCEL NUMBER: 44** PROJECT CODE: 17302 **DATE: APRIL 26, 2011** DESCRIPTION

A tract or parcel of land No. 44 of the Department of Transportation, State of Colorado Project No. NH 0701-198 containing 5,049 sq. ft. (0.116 acres), more or less, being a portion of a parcel of land described in Book 3525, Page 439, recorded at the Mesa County Clerk and Recorder's Office on 11/10/2003, located in the SW 1/4, Section 10, Township 1 South, Range 1 West, of the Ute Meridian, Grand Junction, Mesa County, Colorado, said tract or parcel being more particularly described as follows:

Commencing at the West Quarter Corner of said Section 10 being a 3 ½" alloy cap, stamped "T 1 S R 1 W, E 1/4, S9, S10, LS 18469, 2001, Mesa County Survey Marker, No. 642-1", whence the Center Quarter Corner being a 3 1/2" aluminum cap, stamped "C 1/4", S9, DOI, T 1 S R 1 W, 1988, BLM", of Section 9, Township 1 South, Range 1 West, of the Ute Meridian, bears, S.89°55'50"W., a distance of 2645.40 feet (basis of bearing – assumed);

THENCE S.35°05'16"E., a distance of 1573.63 feet, to the northerly right-of-way line of W. Independent Avenue as it exists in March 2011, said point also being the TRUE POINT OF BEGINNING;

- 1. Thence N. 33°19'33" E., a distance of 29.94 feet,
- Thence N. 00°02'01" W., a distance of 44.75 feet to the northwesterly line of said parcel of land described in Book 3525, Page 439, being the southeasterly line of a parcel of land described in Book 1030, Page 326 recorded at the Mesa County Clerk and Recorder's Office on 1/24/1975;
- 3. Thence N. 28°29'14" E., along said northwesterly line a distance of 28.13 feet, to a point on the southerly right-of-way line of I-70 Business, (December, 2008), as delineated on the Colorado Department of Highways right of way plans, Project FAP F 001-1(24),
- Thence S. 61°30'51" E., coincident with said southerly right-of-way line a distance of 46.47
- Thence S. 00°02'01" E., a distance of 39.02 feet,
- 6. Thence N. 89°53'38" E., a distance of 3.24 feet,
- 7. Thence S. 13°01'55" E., a distance of 15.78 feet,
- 8. Thence S. 45°02'01" E., a distance of 17.81 feet to a point on the northwesterly line of a parcel of land described in Book 691, Page 74, recorded at the Mesa County Clerk and Recorder's Office on 7/27/1956;
- 9. Thence S. 28°45'07" W., coincident with said northwesterly line a distance of 6.03 feet, to the northerly right-of-way line of W. Independent Avenue as it exists in March 2011:
- Thence S. 89°56'54" W., coincident with said northwesterly line, a distance of 87.20 feet, more or less, to the TRUE POINT OF BEGINNING.

The above described parcel contains 5,049 sq. ft. (0.116 acres), more or less.

Marla M. McOmber 4-26 3011 On Colorado Professional Land Surveyor No. 24961

For and on Behalf of Jacobs Engineering Group Inc.

707 17th Street, Suite 2300, Denver, CO 80202