AGENDA ITEM or FINAL CONTRACT REVIEW SUBMITTAL FORM

Agenda Item:

Action Requested: Board of County Commissioners' Signature

Parties to the Agreement: Gunnison County and Don E. Wilson and Sue Anne Wilson

Term Begins: **Term Ends:** **Grant Contract #:**

Summary:

This is the Perpetual Easement for the North Gunnison Sewer Line across the Wilson Parcel on the west side of HW#135

Fiscal Impact: $3,000

Submitted by: Marlene D. Crosby **Submitter's Email Address:** mcrosby@gunnisoncounty.org

Finance Review: (●) Required ( ) Not Required

Comments:
No concerns, will be covered in the 2018 adopted budget. lln

Reviewed by: GUNCOUNTY1\lNienhueser Discharge Date: 9/26/2018

County Attorney Review: (●) Required ( ) Not Required

Comments:
ok db 9/28/18

Reveiwed by: GUNCOUNTY1\dBaumgarten Discharge Date: 9/28/2018 Certificate of Insurance Required

Yes ( ) No (●)

County Manager Review:

Comments:

Reveiwed by: GUNCOUNTY1\mbirnie Discharge Date: 9/28/2018

( ) Consent Agenda (●) Regular Agenda ( ) Worksession Time Allotted: DCM Report

Agenda Date: 10/2/2018

Revised April 2015

GRANT OF PERPETUAL EASEMENT

THIS GRANT OF PERPETUAL EASEMENT, made this _____ day of _____, 20___, between Don E. Wilson and Sue Anne Wilson, address P.O. Box 1516, Gunnison, CO 81230, his/her/their successors and assigns, hereinafter "Grantor," and the Board of County Commissioners of Gunnison County, Colorado, 200 East Virginia, Gunnison, Colorado 81230, hereinafter "County", witnesses:

That the Grantor, for and in consideration of: 1) Physical installation of two (2) taps in the mainline and one (1) 8" stub out for access to multiple taps to serve their parcel installed by Grantee for Grantor; 2) Waiver by Grantee of the County portion of the tap fee for one (1) tap; 3) Payment by Grantee to the City of Gunnison in an amount not to exceed Three Thousand Dollars ($3,000.00), which consideration is hereby acknowledged to be valuable and sufficient for this Grant of Perpetual Easement, grants a perpetual easement (hereinafter "Easement") to County, its successors and assigns, in and to the real property described in Exhibit A, a two page document attached hereto and incorporated herein for the purposes of use and maintenance of an underground sewer line system including sewer lines and manholes, which purposes include but are not limited to the right to ingress and egress to the Easement, the right to excavate, grade, condition and drain the Easement as needed to repair and maintain the sewer line and appurtenances, the right to operate and maintain motor vehicles and construction vehicles on the Easement, and to remove all obstructions from the Easement which may constitute a hindrance to said construction, installation, use and maintenance.

The Grantee will restore the surface to its original contour as nearly as practicable, and will reasonably replace or rebuild any and all damaged parts of all drainage or irrigation systems, shrubbery, fences, signs, and pavement; the damage to which is occasioned by the construction, installation, use and maintenance of said sewer lines under and through the said property; however, that the Grantee shall have the right to cut or clear trees and brush on said easement that might interfere with the operation of those activities. In addition, Grantee shall construct such reasonable temporary fencing as may be required should existing fencing be affected by such construction, installation, use and maintenance.

Reasonable efforts shall be made by Grantee to provide the Grantor with 24 hours notice, which may be oral or written, before entry upon the easement for maintenance or repair.

IN WITNESS WHEREOF, the parties hereto have hereunto subscribed their name as of the date first written.

BOARD OF COUNTY COMMISSIONERS,
GUNNISON COUNTY, COLORADO

_____
Chairman

Attest:

_____
Clerk

_____
Grantor

_____
Grantor

STATE OF FLORIDA)
)
COUNTY OF)

The foregoing was signed and acknowledged before me this _____ day of _____, 20___, by _____.

Witness my hand and official seal.
My commission expires: _____.

_____
Notary Public

DSW FAMILY LIMITED PARTNERSHIP Sewer Line Easement

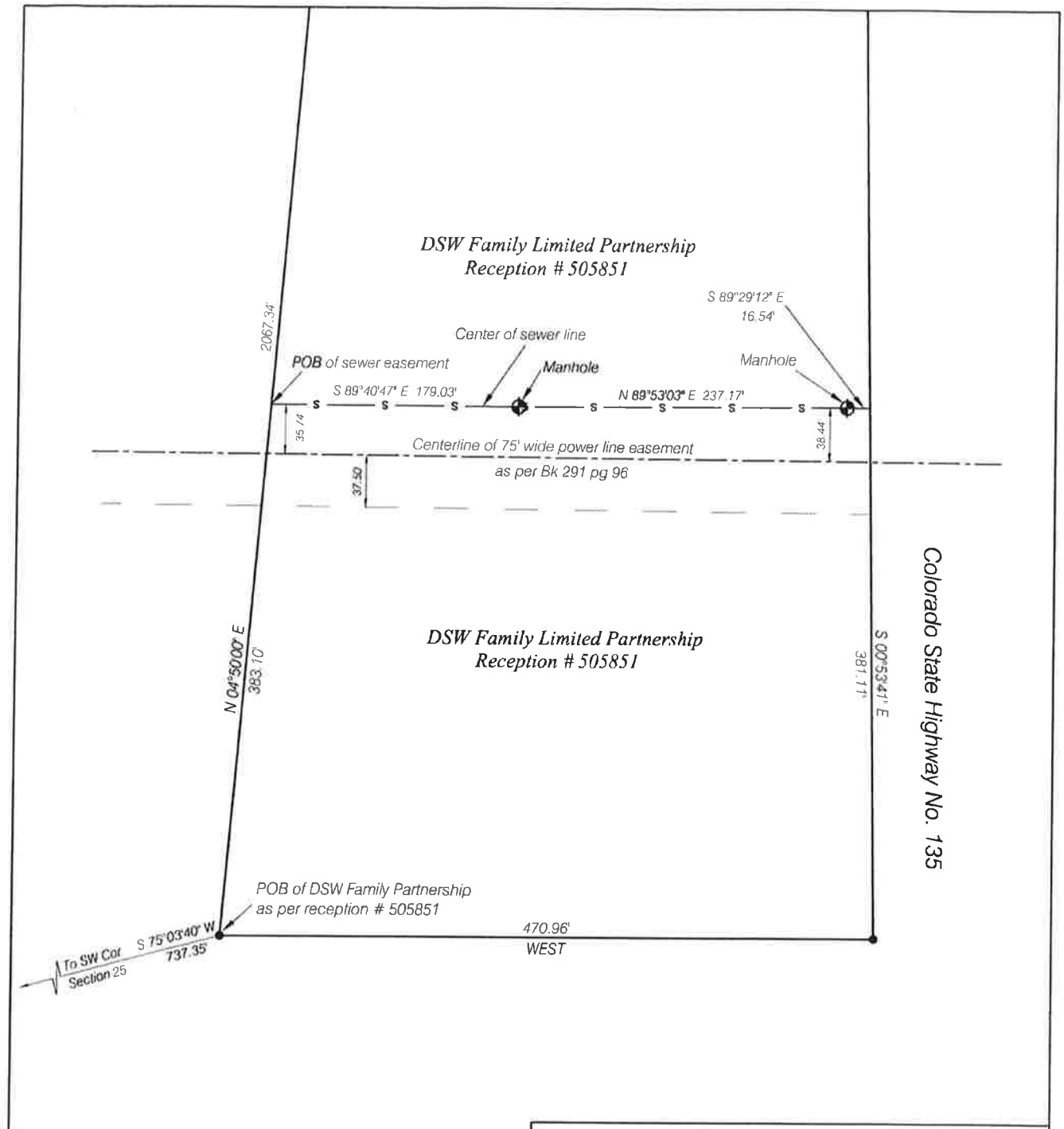
Township 50 North, Range 1 West, N.M.P.M.
Section 25: A 20.00 foot wide sewer line easement located within the SW1/4, the centerline of said easement being more particularly described as follows:

Beginning at a point which is the intersection of the westerly boundary of the DSW FAMILY LIMITED PARTNERSHIP property as recorded at reception number 505851 in the records of Gunnison County with the centerline of an existing sewer line, said point of intersection being North 4° 50' 00" East 383.10 feet more or less from the southwesterly most corner (POINT OF BEGINNING) of said property, thence the following courses:

1. South 89° 40' 47" East 179.03 feet along said centerline to a manhole;
2. North 89° 53' 03" East 237.17 feet along said centerline to a manhole;
3. South 89° 29' 12" East 16.54 feet more or less along said centerline to the east boundary of said property, this point being the terminus of the herein described easement.

The sidelines of the herein described easement are to be shortened or lengthened so as to meet at angle points, begin on said westerly boundary and end on said east boundary.

County of Gunnison,
State of Colorado.



Plat of DSW Family Partnership
Sewer Line Easement Location

Note: This Plat is a graphical representation of the on ground sewer line location. This is not to be used for easement or boundary location.

Scale: 1"=100'	Date: 03/10/06	LT:
Drawn: SH	Checked: SH	Job: 05005

EXHIBIT A
BARGAIN AND SALE DEED
DSW FAMILY LIMITED PARTNERSHIP
TO
DON E. WILSON AND SUE ANNE WILSON

Property Description Prepared for DON WILSON of area west of Eilebrecht remainder and east of existing fenceline. (Proposed Quit Claim deed lands)

A tract of land within the SW1/4 of Section 25, Township 50 North, Range 1 West, New Mexico Principal Meridian, Gunnison County, Colorado; said tract being more particularly described as follows:

Commencing at the southwest corner of said Section 25, (as marked by a private surveyor's brass cap monument); thence North 75° 03' 40" East 737.35 feet to the southwest corner of the Eilebrecht property, (as recorded in Book 403 at Page 242 of the records of Gunnison County); thence North 04° 50' 00" East 3.14 feet along the west boundary of said property to a point on an existing east-west fenceline; said point also being the POINT OF BEGINNING for the herein described tract; thence the following courses around said tract:

1. North 04° 50' 00" East 2064.20 feet along said boundary to a point;
2. North 89° 51' 00" West 11.28 feet to a point on an existing north-south fenceline;
3. South 04° 58' 29" West 869.68 feet along said fenceline;
4. South 22° 23' 59" West 13.71 feet along said fenceline;
5. South 04° 47' 16" West 512.00 feet along said fenceline;
6. North 68° 41' 48" West 31.44 feet along said fenceline;
7. South 04° 41' 59" West 248.94 feet along said fenceline;
8. South 17° 17' 43" East 8.67 feet along said fenceline;
9. South 04° 40' 20" West 408.86 feet along said fenceline;
10. South 11° 28' 29" East 15.15 feet along said fenceline to the intersection point of said north-south fenceline and said east-west fenceline;
11. South 89° 34' 49" East 38.13 feet along said east-west fenceline to a point on said west boundary, said point also being the POINT OF BEGINNING of the herein described tract.

This tract contains 1.14 acres more or less.

The basis of bearings used herein is astronomic north as determined by solar observations.

JAMES P. FUREY REGISTERED 11250 LAND L.S. STATE OF COLORADO

Sept 12, 1996

556873
Page: 1 of 2
08/15/2005 01:05P
S Dominguez Gunnison Cty Co 066 R 11.00 D 0.00

BARGAIN AND SALE DEED

DSW FAMILY LIMITED PARTNERSHIP, a Colorado limited liability limited partnership, for good and valuable consideration, hereby sells and quitclaims an undivided one-half interest to **DON E. WILSON,** whose address is P.O. Box 1516, Gunnison, Colorado 81230, and an undivided one-half interest to **SUE ANNE WILSON,** whose address is P.O. Box 1516, Gunnison, Colorado 81230, Grantees, as tenants in common, the following real property in Gunnison County, Colorado:

As set forth on attached Exhibit A,

with all its appurtenances.

Signed this 15TH day of August, 2005.

DSW FAMILY LIMITED PARTNERSHIP, a Colorado limited liability limited partnership

By: DSW Enterprises, Inc., a Colorado corporation, its general partner

By: Don E. Wilson
DON E. WILSON, President

STATE OF COLORADO)
) ss.
County of Gunnison)

The foregoing instrument was acknowledged before me this 15th day of August, 2005, by Don E. Wilson as President of DSW Enterprises, Inc., a Colorado corporation, General Partner of DSW Family Limited Partnership, a Colorado limited liability limited partnership.

Witness my hand and official seal.
My commission expires: 9/23/2007

NOTARY PUBLIC ROBERT M. O'HAYRE STATE OF COLORADO

Robert M. O'Hayre
Notary Public

SPECIAL WARRANTY DEED

DSW FAMILY LIMITED PARTNERSHIP, a Colorado limited liability limited partnership, Grantor, for the consideration of ten dollars and other valuable consideration in hand paid, hereby sells and conveys an undivided one-half interest to **DON E. WILSON,** whose address is P.O. Box 1516, Gunnison, Colorado 81230, and an undivided one-half interest to **SUE ANNE WILSON**, whose address is P.O. Box 1516, Gunnison, Colorado 81230, Grantees, as tenants in common, the following real property in the County of Gunnison, and State of Colorado, to wit:

As set forth on attached Exhibit A,

Together with all water and water rights, well and well rights and all mineral rights decreed to or appurtenant to the above described property,

Street address: 1141 Highway 135, Gunnison, Colorado 81230.

with all its appurtenances, and warrants title to the same against all persons claiming under Grantor (except the water rights described above, which are conveyed without warranty) subject to:

1. Reservations contained in the United States Patent recorded June 16, 1882 in Book 41 at page 466 and May 31, 1883 in Book 45 at page 42;
2. Easement for road as reserved in Deed recorded February 17, 1961 in Book 350 at page 430, and any and all assignments thereof or interests therein;
3. All minerals, oil, gas and hydro-carbon substances in or under all of the right of way as reserved in Deed recorded March 29, 1956 in Book 294 at page 491;
4. Right of way for an electrical transmission line as granted in instrument recorded in Book 291 at page 24 and in instrument recorded September 30, 1952 in Book 291 at page 96;
5. Right of way for ditch as disclosed by Agreement recorded November 19, 1938 in Book 259 at page 83;
6. Lease referred to in deed recorded March 31, 1960 in Book 345 at page 243;
7. Right of way as reserved by deed recorded June 12, 1968 in Book 403 at page 242;
8. Terms and conditions as set forth in Contract and Grant of Easement recorded November 16, 1994 in Book 755 at page 833;
9. A non-exclusive easement and right of way for ingress and egress as granted in Warranty Deed recorded December 18, 1978 in Book 525 at page 806, and any and all assignments thereof or interests therein;
10. Terms and conditions in Cross Easement Agreement as recorded November 21, 1994 in Book 756 at page 67;
11. Deed of Trust to Gunnison Savings and Loan Association recorded December 11, 2002 at Reception No. 526369;
12. Deed of Trust to Gunnison Savings and Loan Association recorded December 11, 2002 at Reception No. 526370; and
13. Taxes and assessments for 2005 due and payable in 2006.

Signed this 15TH day of August, 2005.
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DSW FAMILY LIMITED PARTNERSHIP, a Colorado limited liability limited partnership

By: DSW Enterprises, Inc., a Colorado corporation, its general partner

By: Don E Wilson
DON E. WILSON, President

STATE OF COLORADO)
) ss.
County of Gunnison)

The foregoing instrument was acknowledged before me this 15th day of August, 2005, by Don E. Wilson as President of DSW Enterprises, Inc., a Colorado corporation, General Partner of DSW Family Limited Partnership, a Colorado limited liability limited partnership.

Witness my hand and official seal.
My commission expires: 9/23/2007

NOTARY PUBLIC ROBERT M. O'HAYRE STATE OF COLORADO

Robert M O'Hayre
Notary Public

EXHIBIT A
SPECIAL WARRANTY DEED
DSW FAMILY LIMITED PARTNERSHIP
TO
DON E. WILSON AND SUE ANNE WILSON

Township 50 North, Range 1 West, N.M.P.M.

Section 25: A tract of land situate in the SW1/4 of said Section 25, being more particularly described as follows:

Commencing at the southwest corner of said Section 25, (as marked by a private surveyor's brass cap monument); thence North 75°03'40" East 737.35 feet to the southwest corner of the land conveyed by deed from Virgil and Lee Spann to Kenneth and Edna Mae Eilebrecht, said deed recorded in Book 403 at page 242 of the Gunnison County Records, said corner being the POINT OF BEGINNING for the herein described tract; thence the following courses around said tract:

1. North 04°50'00" East 2067.34 feet along the westerly boundary of said land;
2. South 89°51'00" East 30.10 feet along the South line of Tract 7-A of the Gunnison County District Court Rule and Order as described in Book 485 at page 495;
3. South 04°50'00" West 228.00 feet along the westerly boundary of property conveyed by deed from Eilebrecht to Mountain Valley Broadcasting Corporation, said deed recorded in Book 525 at page 806;
4. South 89°51'00" East 230.00 feet along the South line of said property;
5. North 04°50'00" East 228.00 feet along the easterly line of said property;
6. South 89°51'00" East 376.66 feet along the South line of Tract 7-A as described in Book 485 at page 495;
7. South 36°44'00" West 236.56 feet, following the westerly boundary of Parcel 7 of the Gunnison County District Court Rule and Order as described in Book 485 at page 495;
8. South 30°08'00" West 164.00 feet, continuing along said boundary;
9. Along the arc of a curve to the left a distance of 434.30 feet, said curve having a radius of 1235.85 feet and a long chord of South 17°55'00" West 432.07 feet along said boundary;
10. South 07°05'30" West 99.50 feet along said boundary;
11. South 03°04'00" East 264.50 feet, following said boundary;
12. South 00°53'41" East 953.04 feet along said boundary;
13. West 470.96 feet to the POINT OF BEGINNING of the herein described tract,

County of Gunnison,
State of Colorado.

Wilderson, O'Hayre, Dawson & Frazier, P. C., P. O. Box 179, Gunnison, Colorado 81230, Tele: 970-641-3326