

OVERBYE-SIEGMUND REPLAT
A REPLAT OF PART OF TRACT 10, ORCHARD SUBDIVISION
TO THE TOWN OF FRUITA
 LOCATED IN THE SW 1/4 OF SECTION 8, T1N, R2W, UTE P.M.
 CITY OF FRUITA, MESA COUNTY, COLORADO

DEDICATION

KNOW ALL MEN BY THESE PRESENTS:

That the undersigned, Laurence E. Overbye and Connie Jo Overbye, and Abbie C. Siegmund are the owners of that real property being part of Tract 10 of Orchard Subdivision to the Town of Fruita, City of Fruita, Mesa County, Colorado, the same being lands described in a Deed of Trust in Book 1086, Page 350, and by Quitclaim Deed in Book 3561, Page 50 respectively, and being more specifically described as follows:

THE NORTH 125 FEET OF THE FOLLOWING DESCRIBED PROPERTY (Deed of Trust-Book 1086, Page 350):

Beginning 200.00 feet East (N90°00'00"E) of the Southwest corner of Tract 10 in Orchard Subdivision to the Town of Fruita; thence East (N90°00'00"E) 75.00 feet; thence North (N00°00'00"E) 265.00 feet along the West line of Mulberry Street; thence West (N90°00'00"W) 75.00 feet; thence South (S00°00'00"E) 265.00 feet to the point of beginning, said parcel subject to any easements or rights-of-way of record.

THE SOUTH 140 FEET OF THE FOLLOWING DESCRIBED PROPERTY (Quit Claim Deed, Book 3561, Page 50):

Beginning 200.00 feet East (N90°00'00"E) of the Southwest corner of Tract 10 in Orchard Subdivision to the Town of Fruita; thence East (N90°00'00"E) 75.00 feet; thence North (N00°00'00"E) 265.00 feet along the West line of Mulberry Street; thence West (N90°00'00"W) 75.00 feet; thence South (S00°00'00"E) 265.00 feet to the point of beginning, said parcel subject to any easements or rights-of-way of record.

that said owners have caused the said real property to be laid out and surveyed as Overbye-Siegmund Replat, a replat of a part of Tract 10 of the Orchard Subdivision to the Town of Fruita, and being a subdivision of part of the City of Fruita, Mesa County, Colorado.

In witness whereof, said owners have caused their names to be hereunto subscribed this 21 day of July A.D., 2004.

Laurence E. Overbye Connie Jo Overbye Abbie C. Siegmund
 Laurence E. Overbye Connie Jo Overbye Abbie C. Siegmund

State of Colorado) }
 County of Mesa) ss

This plat was acknowledged before me by Laurence E. Overbye, Connie Jo Overbye, and Abbie C. Siegmund on this 21 day of July A.D., 2004, for the aforementioned purposes.

Notary public Daniel E. Williams
 My commission expires 03/30/2008
 My address is 1800 W. Rd. Fruita, CO 81524

CITY COUNCIL CERTIFICATE

This plat approved by the City Council of the City of Fruita, Colorado, for filing with the Clerk and Recorder of Mesa County, Colorado, and for conveyance or dedication to the City of the public dedications shown hereon; subject to the provisions that approval in no way obligates the City of Fruita for financing or constructing of improvements on said lands, streets or easements dedicated to the public except as specifically agreed to by the City of Fruita for maintenance of public improvements until construction of said improvements has been completed in accordance with the City of Fruita's specifications and the City of Fruita has agreed to accept said improvements. This approval does not guarantee that the size, soil conditions, subsurface geology, ground water conditions, or flooding conditions of any lot shown hereon are such that a building permit, development permit, or any other required permit will be issued. This approval is with the understanding that all expenses involving required improvements for all utility services, paving, grading, landscaping, curbs, gutters, sidewalks, road lighting, road signs, flood protection devices, drainage structures, and all other improvements that may be required shall be the responsibility of the owners designated hereon and not the City of Fruita, unless otherwise specifically agreed to in writing by the City Council.

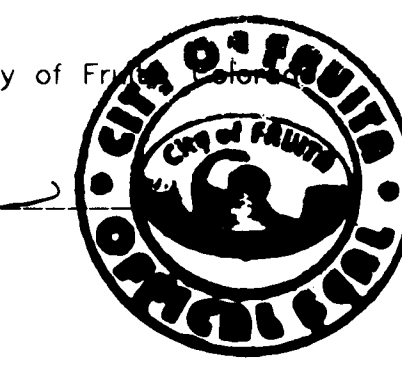
City of Fruita, Colorado

By: [Signature]
 Mayor

Witness my hand and seal of the City of Fruita

Attest:

By: [Signature]
 City Clerk



SURVEYOR'S CERTIFICATE

I, Wayne H. Lizer, a registered Professional Land Surveyor in the State of Colorado, hereby certify that this plat was made from notes taken in the field by me during May of 1977, and during January and February of 2004, and that this plat is true and correct to the best of my knowledge and belief, said plat conforms to all applicable laws and regulations of the State of Colorado.

Wayne H. Lizer 7/19/04
 Wayne H. Lizer P.E., P.L.S. 14113



NOTICE: According to Colorado Law, you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten years from the date of certification shown hereon.

NOTICE

The properties shown on this plat show an original tie distance of 200 feet to the Southwest corner of Tract 10 of the Orchard Tracts to the Town of Fruita.

Based on found corners on the described parcels, the actual tie distance in the field has been found and computed to be 213.20 feet.

It has been discovered that, according to the plat of Osborne Subdivision done by Western Engineers, said plat recorded in Plat Book 11, Page 344, 1978, that there were two Mesa County Survey Monuments 12.15 feet apart for the West 1/16 Corner of the North side of Section 17, T1N, T2W of the Ute Meridian in Mesa County, Colorado.

This is substantiated in the Mesa County Surveyor's Office Reset Book for Mesa County Survey Monument Records shown in Field Book 22, Page 18.

At some point in time after 1978, both monuments were destroyed by construction work on K Road, and the Westerly monument was replaced in 1983.

It is the opinion of the writer of this Notice, Wayne H. Lizer, and the current Mesa County Surveyor, Leroy Stiles, that the difference in the original tie distance and the tie distance of this replat is possibly due to the distance between the two said monuments of 12.15 feet found by Western Engineers in 1978, and the monument that was re-established not being placed in correct position, said point being the West 1/16 Corner of the North side of said Section 17.

CLERK AND RECORDER'S CERTIFICATE

State of Colorado) }
 County of Mesa) ss

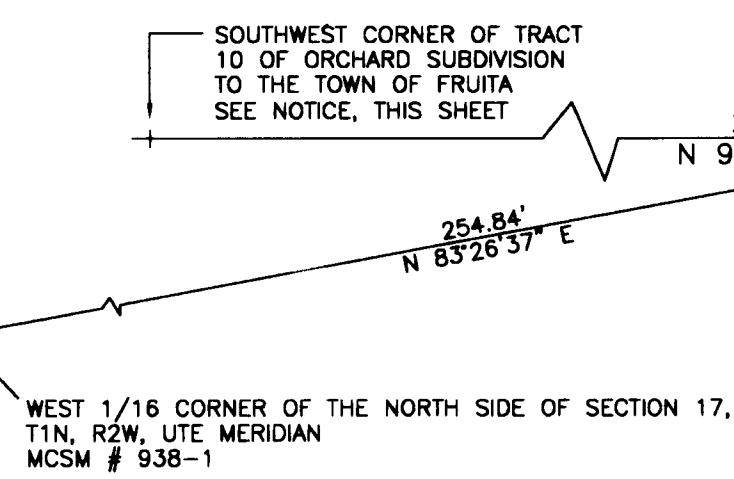
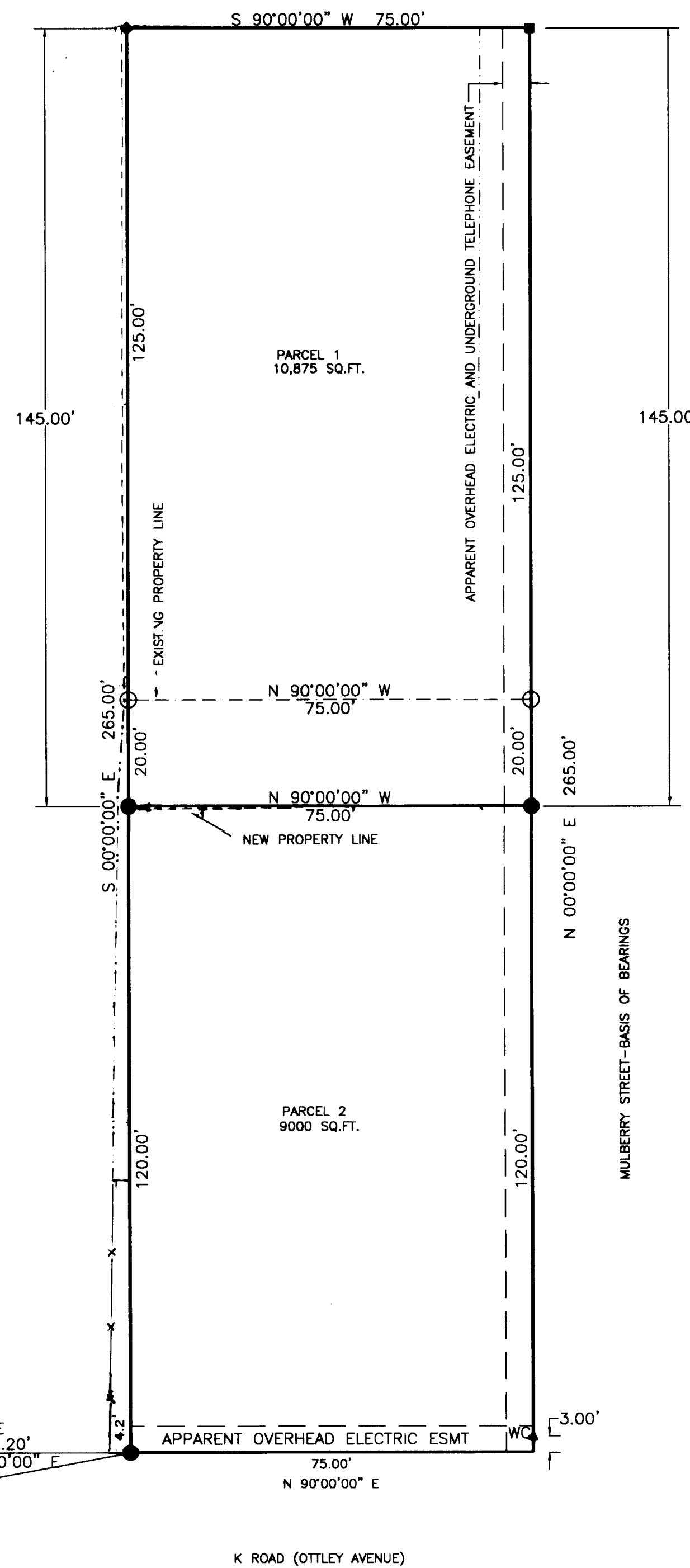
I hereby certify that this instrument was filed in the office of the Clerk and Recorder of Mesa County, Colorado at 4:18 o'clock P.M. this 27th day of July A.D., 2004, and is duly recorded in Plat Book No. 3704 Page 252, as reception No. 2204615, Drawer No. PP-80 Fees 10⁰⁰
[Signature] Lucinda Muldrew, Deputy
 Clerk and Recorder of Mesa County

TITLE CERTIFICATE

Meridian Land Title, LLC does hereby certify that I have examined the title to all lands shown on this plat and that title to such lands is vested in LAURENCE E. OVERBYE, CONNIE JO OVERBYE + ABBIE C. SIEGMUND free and clear of all liens, taxes and encumbrances, except as follows:
DEED OF TRUST IN FAVOR OF CONNIE BODNETTS, REC. 5/25/04 IN BOOK 3660/707

EXECUTED this 20th day of July 2004.

By: [Signature]
 title examiner's signature



LEGEND

- FOUND 5/8" REBAR PREVIOUSLY SET BY W.H.L. CAP MISSING CAP REPLACED MARKED PEPLS 14113
- WC▲ WITNESS CORNER SET-5/8" REBAR WITH CAP MARKED WC PEPLS 14113, IN CONCRETE
- SET 5/8" REBAR WITH CAP MARKED PEPLS 14113, OUTSIDE CORNERS SET IN CONCRETE
- DESTROYED IRON PIPE (FOUND ON PREVIOUS SURVEY DONE BY W.H.L. IN 1977) RESET WITH 5/8" REBAR WITH CAP IN CONCRETE MARKED PEPLS 14113
- FOUND 3/8" METAL BAR (ALSO FOUND ON PREVIOUS SURVEY BY W.H.L. IN 1977), SET IN CONCRETE
- WOOD FENCE
- - - VINYL FENCE
- ⊙ MESA COUNTY SURVEY MONUMENT
- x-x- WIRE FENCE

SHEET 1 OF 1

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A REPLAT OF PART OF TRACT 10, ORCHARD SUBDIVISION TO THE TOWN OF FRUITA LOCATED IN THE SW 1/4 OF SECTION 8, T1N, R2W, UTE P.M. CITY OF FRUITA, MESA COUNTY, COLORADO					
W.H. LIZER AND ASSOCIATES					
ENGINEERING CONSULTING AND LAND SURVEYING 578 25 ROAD-UNIT B GRAND JUNCTION, COLORADO					
DATE: 1/14/04	PROJ. NO. 033941-12	SCALE: 1"=20'	FILE NAME: OVERBYE2	DRAWN BY: WHL	CHECKED BY: W.H.L.