

## REVOCABLE PERMIT

### Recitals.

1. Apple Glen Development LLC, hereinafter referred to as the Petitioners, have requested that the City of Grand Junction issue a Revocable Permit to allow the Petitioners to install, operate, maintain, repair and replace irrigation improvements, as approved by the City, within the limits of the following described public rights-of-way for Golden Apple Drive, Apple Glen Drive, Green Apple Drive and Crab Apple Drive to wit:

#### Permit Area 1:

A parcel of land, located in Apple Glen Subdivision, in the SW1/4 SE1/4 of Section 29, Township 1 North, Range 1 West, of the Ute Meridian, City of Grand Junction, Mesa County, Colorado, being more particularly described as follows;

Beginning at a point on the southerly right-of-way of Golden Apple Drive, said point being the Northeast corner of Lot 50 of said subdivision, whence the Northwest Corner of said Lot 50 Bears N74°57'11"W, a distance of 72.10 feet, with all bearings being relative thereto; thence the following courses and distances;

1. Along said southerly right-of-way N74°57'11"W a distance of 6.54 feet;
2. Leaving said southerly right-of-way N15°02'49"E a distance of 44.00 feet, to a point on the northerly right-of-way of Golden Apple Drive:
3. Along said northerly right-of-way S74°57'11"E a distance of 10.00 feet;
4. Leaving said northerly right-of-way S15°02'49"W a distance of 44.00 feet to a point on said southerly right-of-way;
5. Along said southerly right-of-way N74°57'11"W a distance of 3.46 feet to the Point of Beginning.

Containing approximately 440.0 square feet.

This description was prepared by Jodie Grein LS-38075 for Rolland Consulting Engineers, 405 Ridges Blvd., Grand Junction, CO.

#### Permit Area 2:

A parcel of land, located in Apple Glen Subdivision, in the SW1/4 SE1/4 of Section 29, Township 1 North, Range 1 West, of the Ute Meridian, City of Grand Junction, Mesa County, Colorado, being more particularly described as follows;

Beginning at a point on the westerly right-of-way of Apple Glen Drive, said point being the Southeast corner of Lot 51 of said subdivision, whence the Northeast Corner of said Lot 51 Bears N15°02'49"E, a distance of 72.37 feet, with all bearings being relative thereto; thence the following courses and distances;

1. Along said westerly right-of-way N15°02'49"E a distance of 9.59 feet;
2. Leaving said westerly right-of-way S54°21'02"E a distance of 47.01 feet, to a point on the easterly right-of-way of Apple Glen Drive;
3. Along said easterly right-of-way S15°02'49"W a distance of 10.00 feet;
4. Leaving said easterly right-of-way, N54°21'02"W a distance of 47.01 feet to the westerly right-of-way of Apple Glen Drive;
5. Along said westerly right-of-way N15°02'49"E a distance of 0.41 feet to the Point of Beginning.

Containing approximately 440.0 square feet.

This description was prepared by Jodie Grein LS-38075 for Rolland Consulting Engineers, 405 Ridges Blvd., Grand Junction, CO.

Permit Area 3:

A parcel of land, located in Apple Glen Subdivision, in the SW1/4 SE1/4 of Section 29, Township 1 North, Range 1 West, of the Ute Meridian, City of Grand Junction, Mesa County, Colorado, being more particularly described as follows;

Beginning at a point on the westerly right-of-way of Apple Glen Drive, said point being the Northeast corner of Lot 29 of said subdivision, whence the Southeast Corner of said Lot 29 Bears S00°02'08"W, a distance of 87.00 feet, with all bearings being relative thereto; thence the following courses and distances;

1. Along said westerly right-of-way N00°02'08"E a distance of 2.30 feet;
2. Leaving said westerly right-of-way N89°49'08"E a distance of 44.00 feet, to a point on the easterly right-of-way of Apple Glen Drive;
3. Along said easterly right-of-way S00°02'08"W a distance of 10.00 feet;
4. Leaving said easterly right-of-way, S89°49'08"W a distance of 44.00 feet to the westerly right-of-way of Apple Glen Drive;
5. Along said westerly right-of-way N00°02'08"E a distance of 7.70 feet to the Point of Beginning.

Containing approximately 440.0 square feet.

This description was prepared by Jodie Grein LS-38075 for Rolland Consulting Engineers, 405 Ridges Blvd., Grand Junction, CO.

Permit Area 4:

A parcel of land, located in Apple Glen Subdivision, in the SW1/4 SE1/4 of Section 29, Township 1 North, Range 1 West, of the Ute Meridian, City of Grand Junction, Mesa County, Colorado, being more particularly described as follows;

Commencing at a point on the northerly right-of-way of Green Apple Drive, said point being the Southwest corner of Lot 22 of said subdivision, whence the Southeast Corner of said Lot 22 Bears S89°57'52"E, a distance of 80.99 feet, with all bearings being relative thereto; thence S89°57'52"E, a distance of 3.18 feet to the Point of Beginning; thence the following courses and distances;

1. Along said northerly right-of-way S89°57'52"E a distance of 10.00 feet;
2. Leaving said northerly right-of-way S00°02'08"W a distance of 44.00 feet, to a point on the southerly right-of-way of Green Apple Drive:
3. Along said southerly right-of-way N89°57'52"W a distance of 10.00 feet;
4. Leaving said southerly right-of-way, N00°02'08"E a distance of 44.00 feet to the Point of Beginning.

Containing approximately 440.0 square feet.

This description was prepared by Jodie Grein LS-38075 for Rolland Consulting Engineers, 405 Ridges Blvd., Grand Junction, CO.

Permit Area 5:

A parcel of land, located in Apple Glen Subdivision, in the SW1/4 SE1/4 of Section 29, Township 1 North, Range 1 West, of the Ute Meridian, City of Grand Junction, Mesa County, Colorado, being more particularly described as follows;

Commencing at a point on the northerly right-of-way of Crab Apple Drive, said point being the Southeast corner of Lot 9 of said subdivision, whence the Southwest Corner of said Lot 9 Bears N89°57'00"W, a distance of 114.97 feet, with all bearings being relative thereto; thence S89°57'00"W, a distance of 32.58 feet to the Point of Beginning; thence the following courses and distances;

1. Leaving said northerly right-of-way S00°03'00"W a distance of 44.00 feet, to a point on the southerly right-of-way of Crab Apple Drive:
2. Along said southerly right-of-way N89°57'00"W a distance of 10.00 feet;
3. Leaving said southerly right-of-way N00°03'00"E a distance of 44.00 feet, to a point on the northerly right-of-way of Crab Apple Drive:
4. Along said northerly right-of-way S89°57'00"E a distance of 10.00 feet; to the Point of Beginning.

Containing approximately 440.0 square feet.

This description was prepared by Jodie Grein LS-38075 for Rolland Consulting Engineers, 405 Ridges Blvd., Grand Junction, CO.

2. Based on the authority of the Charter and § 21.02.180 of the Grand Junction Zoning and Development Code applying the same, the City, by and through the Community

Development Department, has determined that such action would not at this time be detrimental to the inhabitants of the City.

NOW, THEREFORE, IN ACCORDANCE WITH HER LAWFUL AUTHORITY, KATHY PORTNER, AS COMMUNITY SERVICES MANAGER, DOES HEREBY ISSUE:

to the above-named Petitioners a Revocable Permit for the purposes of irrigation lines within the limits of the public rights-of-way described; provided, however, that this Permit is conditioned upon the following:

1. The installation, operation, maintenance, repair and replacement of irrigation improvements by the Petitioners within the public rights-of-way as authorized pursuant to this Permit shall be performed with due care or any other higher standard of care as may be required by the City to avoid creating hazardous or dangerous situations and to avoid damaging public roadways, sidewalks, utilities, or any other facilities presently existing or which may in the future exist in said right-of-way.
2. The City, on its behalf and on behalf of the County of Mesa, the State of Colorado and the Public Utilities, hereby reserves and retains a perpetual right to utilize all or any portion of the public rights-of-way for any purpose whatsoever. The City further reserves and retains the right to revoke this Permit at any time and for any or no reason.
3. The Petitioners, for themselves and for their successors and assigns, agree that they shall not hold, nor attempt to hold, the City of Grand Junction, its officers, employees and agents, liable for damages caused to any improvements and/or facilities to be installed by the Petitioners within the limits of the public rights-of-way (including the removal thereof), or any other property of the Petitioners or any other party, as a result of the Petitioners' occupancy, possession or use of said public rights-of-way or as a result of any City, County, State or Public Utility activity or use thereof or as a result of the installation, operation, maintenance, repair and replacement of public improvements.
4. The Petitioners agree that they shall at all times keep the above described public rights-of-way and the facilities authorized pursuant to this Permit in good condition and repair.
5. This Revocable Permit for irrigation lines shall be issued only upon concurrent execution by the Petitioners of an agreement that the Petitioners and the Petitioners' successors and assigns shall save and hold the City of Grand Junction, its officers, employees and agents harmless from, and indemnify the City, its officers, employees and agents, with respect to any claim or cause of action however stated arising out of, or in any way related to, the encroachment or use permitted, and that upon revocation of this Permit by the City the Petitioners shall, at the sole expense and cost of the Petitioners, within thirty (30) days of notice of revocation (which may occur by mailing a first class letter to Petitioners' last known address), peaceably surrender said public rights-of-way and, at their own expense, remove any encroachment so as to make the described public rights-of-way available for use by the City, the County of Mesa, the State of Colorado, the

Public Utilities or the general public. The provisions concerning holding harmless and indemnity shall survive the expiration, revocation, termination or other ending of this Permit.

6. The Petitioners, for themselves and for their successors and assigns, agree that they shall be solely responsible for maintaining and repairing the condition of any and all plantings, improvements and/or facilities authorized pursuant to this Permit. The Petitioners shall not install any trees, vegetation or other improvements that create sight distance problems.

7. This Revocable Permit and the following Agreement shall be recorded by the Petitioners, at the Petitioner's expense, in the office of the Mesa County Clerk and Recorder.

Dated this 6 day of November, 2018.

Written and Recommended by:

The City of Grand Junction,  
a Colorado home rule municipality

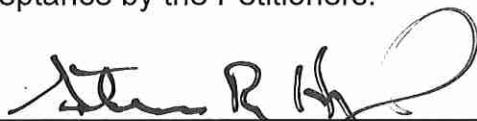


Planner



Community Services Manager,  
Community Development Department

Acceptance by the Petitioners:



Apple Glen Development, LLC

Steven Hejl, Managing Member

**AGREEMENT**

Apple Glen Development LLC, for themselves and for their successors and assigns, do hereby agree to abide by each and every term and condition contained in the foregoing Revocable Permit for landscaping and irrigation. Furthermore, they shall indemnify the City of Grand Junction, its officers, employees and agents and hold the City of Grand Junction, its officers, employees and agents harmless from all claims and causes of action as recited in said Permit.

Within thirty (30) days of revocation of said Permit, peaceably surrender said public right-of-way to the City of Grand Junction and, at their sole cost and expense, remove any encroachment so as to make said public right-of-way fully available for use by the City of Grand Junction, the County of Mesa, the State of Colorado, the Public Utilities or the general public.

The Permittee acknowledges the existence of good and sufficient consideration for this Agreement.

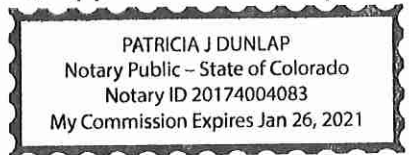
Dated this 6 day of November, 2018.

By signing, the Signatories represent that they have full authority to bind the Permittee to each and every term and condition hereof and/or in the Permit.

Steven R Hejl  
Apple Glen Development, LLC  
Steven R Hejl, Managing Member

State of Colorado )  
                                  )ss.  
County of Mesa     )

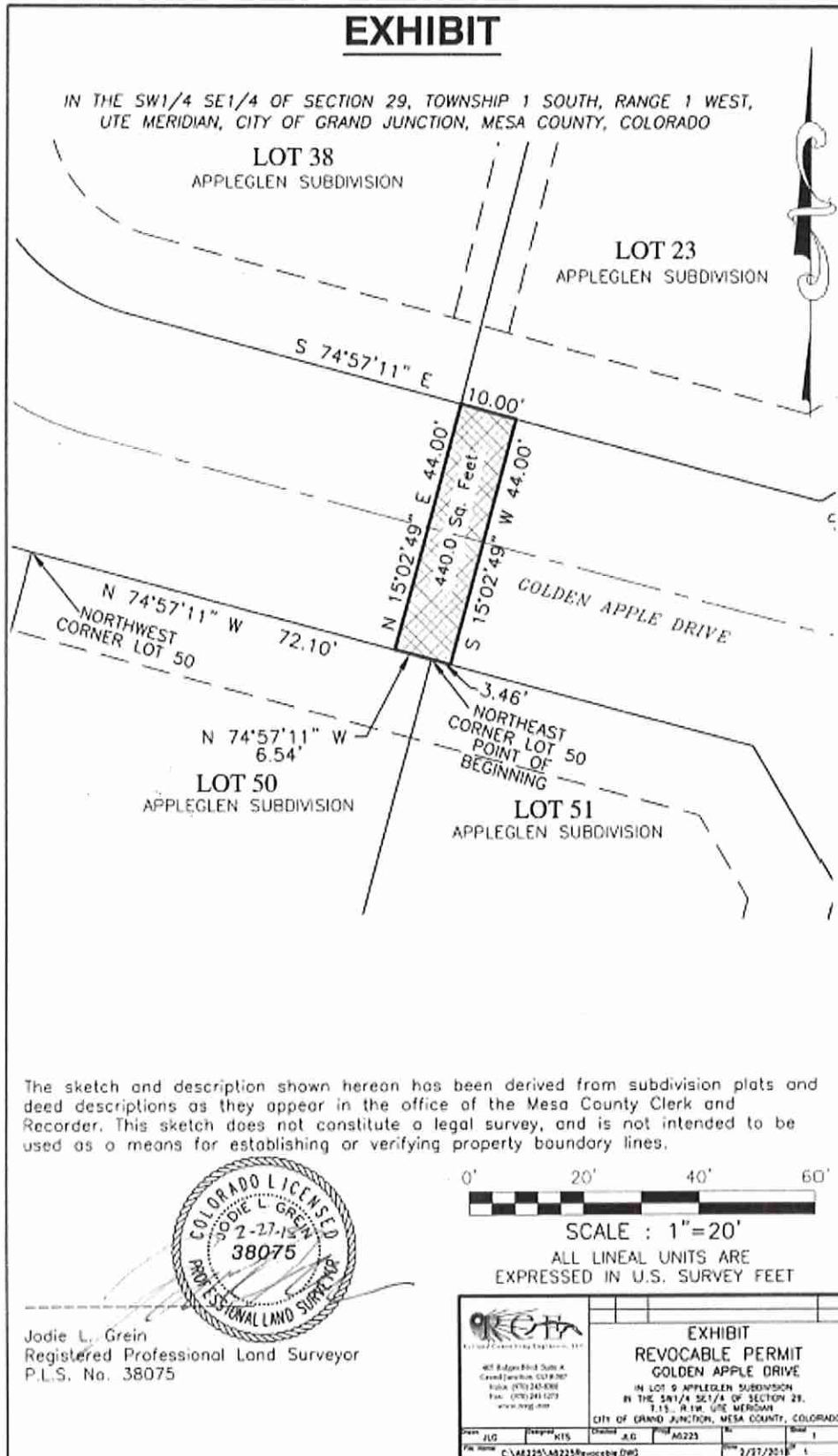
The foregoing Agreement was acknowledged before me this 6 day of November, 2018, by Steven J. Hejl, Managing Member, Apple Glen Development LLC.



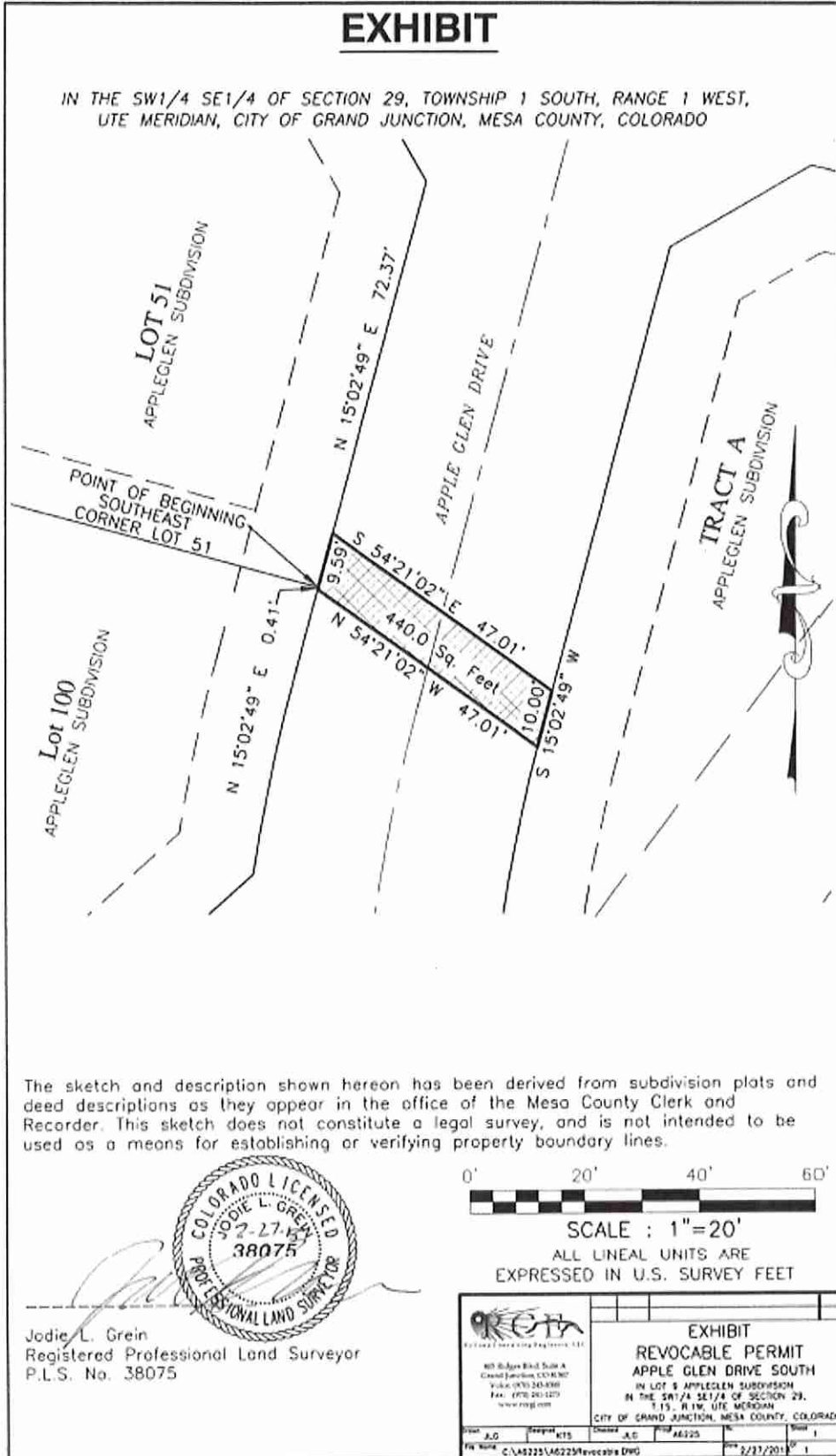
My Commission expires: Jan. 26, 2021  
Witness my hand and official seal.

Patricia J Dunlap  
Notary Public

Permit Area 1:



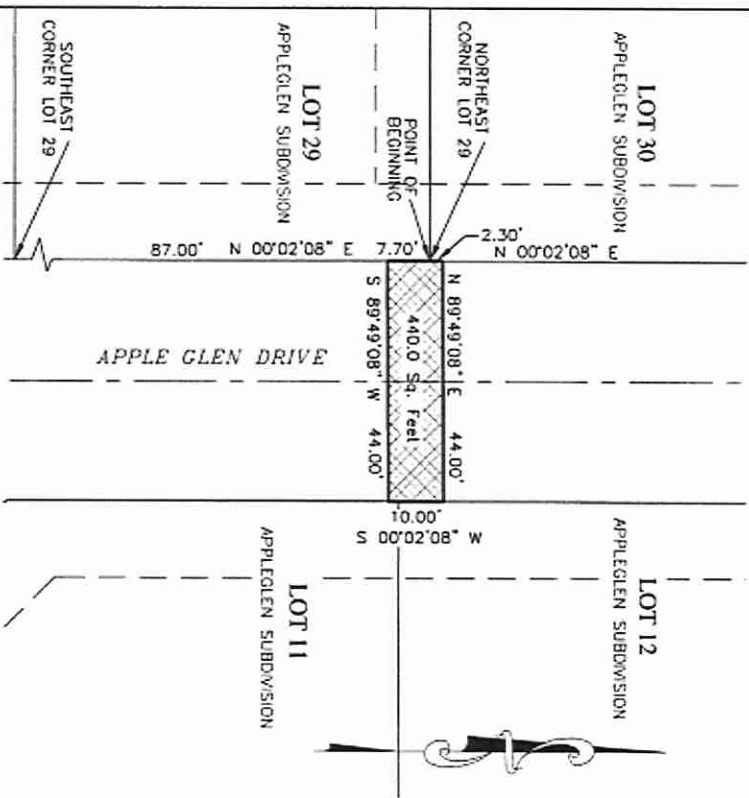
Permit Area 2:





# EXHIBIT

IN THE SW1/4 SE1/4 OF SECTION 29, TOWNSHIP 1 SOUTH, RANGE 1 WEST,  
 10E MERIDIAN, CITY OF GRAND JUNCTION, MESA COUNTY, COLORADO



The sketch and description shown hereon has been derived from subdivision plats and deed descriptions as they appear in the office of the Mesa County Clerk and Recorder. This sketch does not constitute a legal survey, and is not intended to be used as a means for establishing or verifying property boundary lines.



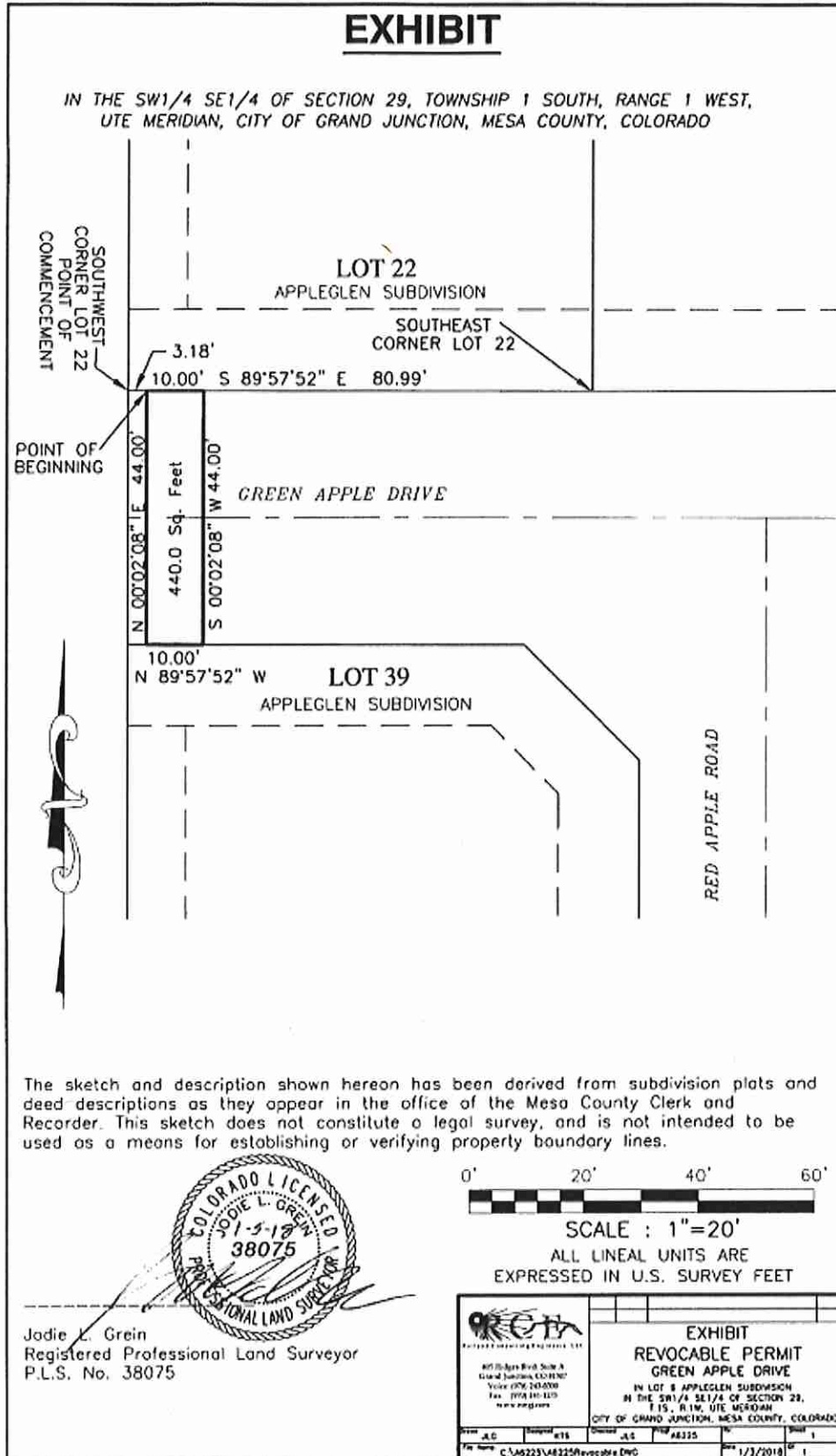
SCALE : 1"=20'  
 ALL LINEAL UNITS ARE  
 EXPRESSED IN U.S. SURVEY FEET

Jodie K. Grein  
 Registered Professional Land Surveyor  
 P.L.S. No. 38075



4740 Grand Ave. Grand Junction, CO 81505 Phone: (970) 241-1111 Fax: (970) 241-1112	
EXHIBIT REVOCABLE PERMIT APPLE GLEN DRIVE NORTH	IN LOT 3 APPLE GLEN SUBDIVISION IN T1S, R1W, 10E MERIDIAN, MESA COUNTY, COLORADO CITY OF GRAND JUNCTION, MESA COUNTY, COLORADO
DATE OF EXHIBIT: 11/11/2011 DRAWN BY: JKG SCALE: AS SHOWN	SHEET NO. 1 OF 1

Permit Area 4:



Permit Area 5:

