

## REVOCABLE PERMIT

### Recitals.

1. JCI Construction 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 Hennessy Way, Redwing Lane, Bookcliff Avenue and Dawn Drive, to wit:

#### Exhibit A:

A revocable permit across that real property known as Patterson Pines Subdivision located in part of the Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$  NW $\frac{1}{4}$ ), Section 8, Township 1 South, Range 1 East, of the Ute Meridian in Grand Junction, Mesa County, Colorado, being more particularly described as follows:

BEGINNING at the Northeast corner of Lot 1, Block One of Patterson Pines Subdivision whence the Northwest corner of said Lot 1 bears South 89°57'13" West, a distance of 90.14 feet, for a basis of bearings with all bearings contained herein relative thereto; thence North 00°02'47" West, a distance of 10.00 feet, along the West right-of-way line of Hennessy Way, as shown on plat of said Patterson Pines Subdivision; thence North 89°57'13" East, a distance of 31.50 feet, along the North boundary of said Patterson Pines Subdivision; thence South 00°02'47" East, a distance of 10.00 feet, along the East right-of-way line of Hennessy Way, as shown on plat of said Patterson Pines Subdivision; thence South 89°57'13" West, a distance of 31.50 feet to the POINT OF BEGINNING.

Said parcel containing an area of 315 Square Feet, as described.

#### Exhibit B:

A revocable permit description across that real property known as Patterson Pines located in part of the Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$  NW $\frac{1}{4}$ ), Section 8, Township 1 South, Range 1 East, of the Ute Meridian in Grand Junction, Mesa County, Colorado, being more particularly described as follows:

BEGINNING at the Northeast corner of Lot 21, Block Two of Patterson Pines Subdivision whence the Southeast corner of said Lot 21 bears South 00°02'47" East, a distance of 75.02 feet for a basis of bearings with all bearings contained herein relative thereto; thence North 89°57'13" East, a distance of 31.50 feet, across the right-of-way of Redwing Lane, as shown on plat of said Patterson Pines Subdivision; thence South 00°02'47" East, a distance of 10.00 feet, along the East right-of-way line of Redwing Lane, as shown on plat of said Patterson Pines Subdivision; thence South 89°57'13" West, a distance of 31.50 feet, re-crossing the right-of-way of Redwing Lane, as shown on plat of said Patterson Pines Subdivision; thence North 00°02'47" West, a distance of 10.00 feet, along

the West right-of-way line of Redwing Lane, as shown on plat of said Patterson Pines Subdivision to the POINT OF BEGINNING.

Said parcel containing an area of 315 Square Feet, as described.

Exhibit C:

A revocable permit across that real property known as Patterson Pines Subdivision located in part of the Northwest Quarter of the Northwest Quarter (NW¼ NW¼), Section 8, Township 1 South, Range 1 East, of the Ute Meridian in Grand Junction, Mesa County, Colorado, being more particularly described as follows:

BEGINNING at the Southeast corner of Lot 11, Block Three of Patterson Pines Subdivision whence the Southwest corner of said Lot 11 bears South 89°57'13" West, a distance of 50.00 feet for a basis of bearings with all bearings contained herein relative thereto; thence along the North right-of-way line of Bookcliff Avenue as shown on plat of said Patterson Pines Subdivision the following two (2) courses: (1) North 89°57'13" East, a distance of 1.77 feet; (2) North 78°29'22" East, a distance of 14.03 feet; thence South 00°04'07" East, a distance of 37.79 feet, along the East boundary of said Patterson Pines Subdivision across the right-of-way of said Bookcliff Avenue; thence South 89°57'13" West, a distance of 15.53 feet, along the South right-of-way line of said Bookcliff Avenue; thence North 00°02'47" West, a distance of 35.00 feet, re-crossing said right-of-way of said Bookcliff Avenue to the POINT OF BEGINNING.

Said parcel containing an area of 563 Square Feet, as described.

Exhibit D:

A revocable permit across that real property known as Patterson Pines Subdivision located in part of the Northwest Quarter of the Northwest Quarter (NW¼ NW¼), Section 8, Township 1 South, Range 1 East, of the Ute Meridian in Grand Junction, Mesa County, Colorado, being more particularly described as follows:

BEGINNING at the Southeast corner of Lot 6, Block One of Patterson Pines Subdivision whence the Southwest corner of said Lot 6 bears South 89°57'14" West, a distance of 90.00 feet for a basis of bearings with all bearings contained herein relative thereto; thence North 00°02'47" West a distance of 5.00 feet along the West right-of-way line of Hennessy Way as shown on plat of said Patterson Pines Subdivision; thence crossing said right of way North 89°57'14" East, a distance of 31.50 feet; thence South 00°02'47" East, a distance of 5.00 feet along the East right of way line of Hennessy Way; thence South 89°57'14" West, a distance of 31.50 feet, re-crossing said right-of-way of said Hennessy Way to the POINT OF BEGINNING.

Said parcel containing an area of 157 Square Feet, as described.

Exhibit E:

A revocable permit description across that real property known as Patterson Pines located in part of the Northwest Quarter of the Northwest Quarter (NW¼ NW¼), Section 8, Township 1 South, Range 1 East, of the Ute Meridian in Grand Junction, Mesa County, Colorado, being more particularly described as follows:

BEGINNING at the Southeast corner of Lot 17, Block One of Patterson Pines Subdivision whence the Southwest corner of said Lot 17 bears South 89°55'29" West, a distance of 60.00 feet for a basis of bearings with all bearings contained herein relative thereto; thence North 89°55'29" East, a distance of 35.00 feet, along the South right-of-way line of Dawn Drive to the Southwest lot corner of Lot 1, Block Four as shown on plat of said Patterson Pines Subdivision; thence North 00°02'47" West, a distance of 10.00 feet, along said West line of said Lot 1, Block Four; thence South 89°55'29" West, a distance of 35.00 feet, to the East line of said Lot 17, Block One; thence South 00°02'47" East, a distance of 10.00 feet along said West right-of-way line of said Dawn Drive to the POINT OF BEGINNING.

Said parcel containing an area of 350.00 Square Feet, 0.01 Acres, as herein described.

The above descriptions cross public right-of-way located within the recorded subdivision plat of Patterson Pines Subdivision, City of Grand Junction, Mesa County, Colorado.

These descriptions were prepared by:  
Jeffrey C. Fletcher PLS 24953  
High Desert Surveying, LLC  
1673 Highway 50 Unit C  
Grand Junction, Colorado 81503

2. Based on the authority of the Charter and § 21.02.180 of the Grand Junction Zoning & 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, TAMRA ALLEN, AS COMMUNITY DEVELOPMENT DIRECTOR, DOES HEREBY ISSUE:

to the above-named Petitioners a Revocable Permit for the purposes of irrigation improvements within the limits of the public right-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 right-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 improvements 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 30<sup>TH</sup> day of SEPTEMBER, 2019.

Written and Recommended by:

The City of Grand Junction,  
a Colorado home rule municipality



\_\_\_\_\_  
Scott D. Peterson  
Senior Planner



\_\_\_\_\_  
Tamra Allen  
Community Development Director

Acceptance by the Petitioners:



\_\_\_\_\_  
Edison S. Lenhart  
Manager  
JCI Construction LLC

**AGREEMENT**

JCI Construction 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 irrigation improvements. 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 rights-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 30<sup>th</sup> day of SEPTEMBER, 2019.

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.

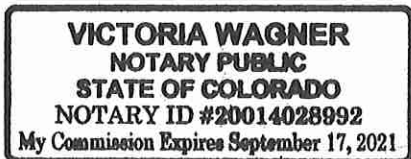
*Edison S. Lenhart*

\_\_\_\_\_  
Edison S. Lenhart  
Manager  
JCI Construction LLC

State of Colorado )  
                                  )ss.  
County of Mesa     )

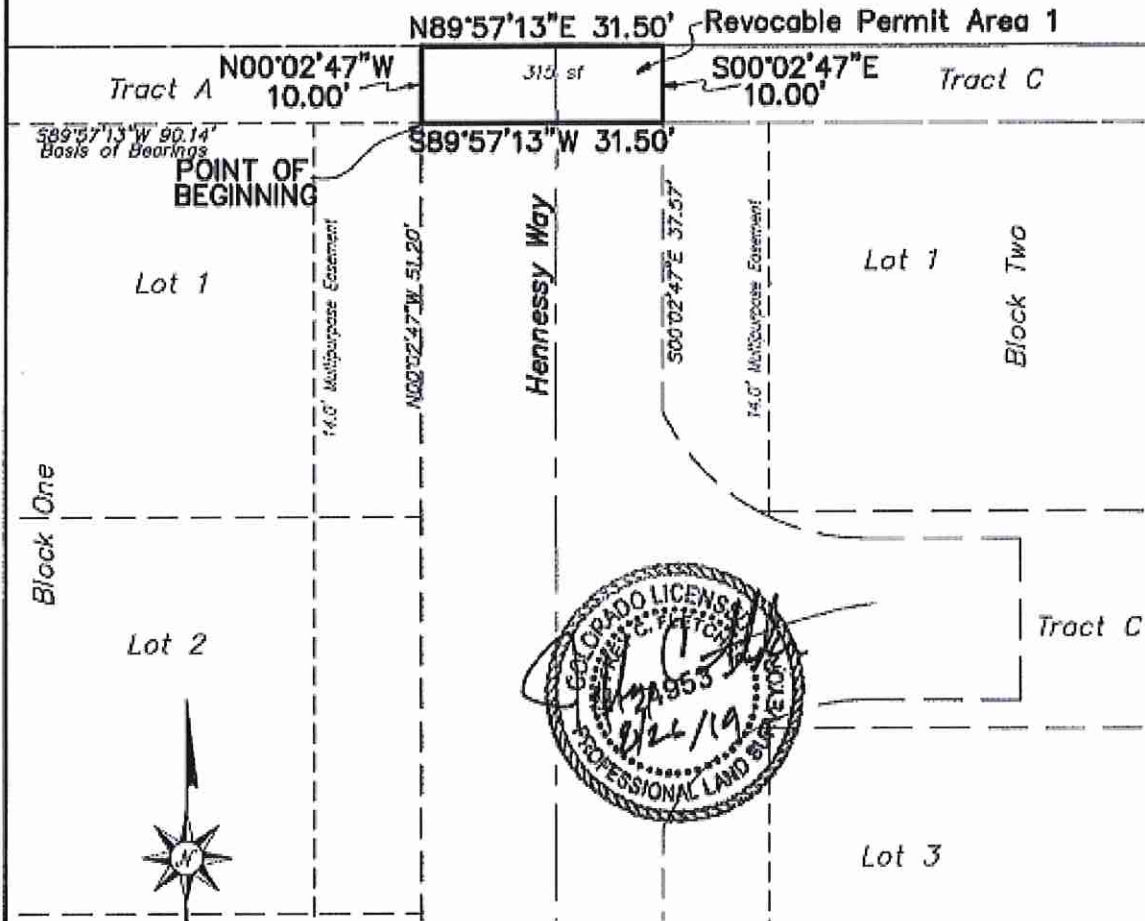
The foregoing Agreement was acknowledged before me this 30<sup>th</sup> day of September, 2019, by Edison S. Lenhart, Manager for JCI Construction LLC.

My Commission expires: 09-17-2021  
Witness my hand and official seal.



*Victoria Wagner*  
\_\_\_\_\_  
Notary Public

# EXHIBIT A REVOCABLE PERMIT

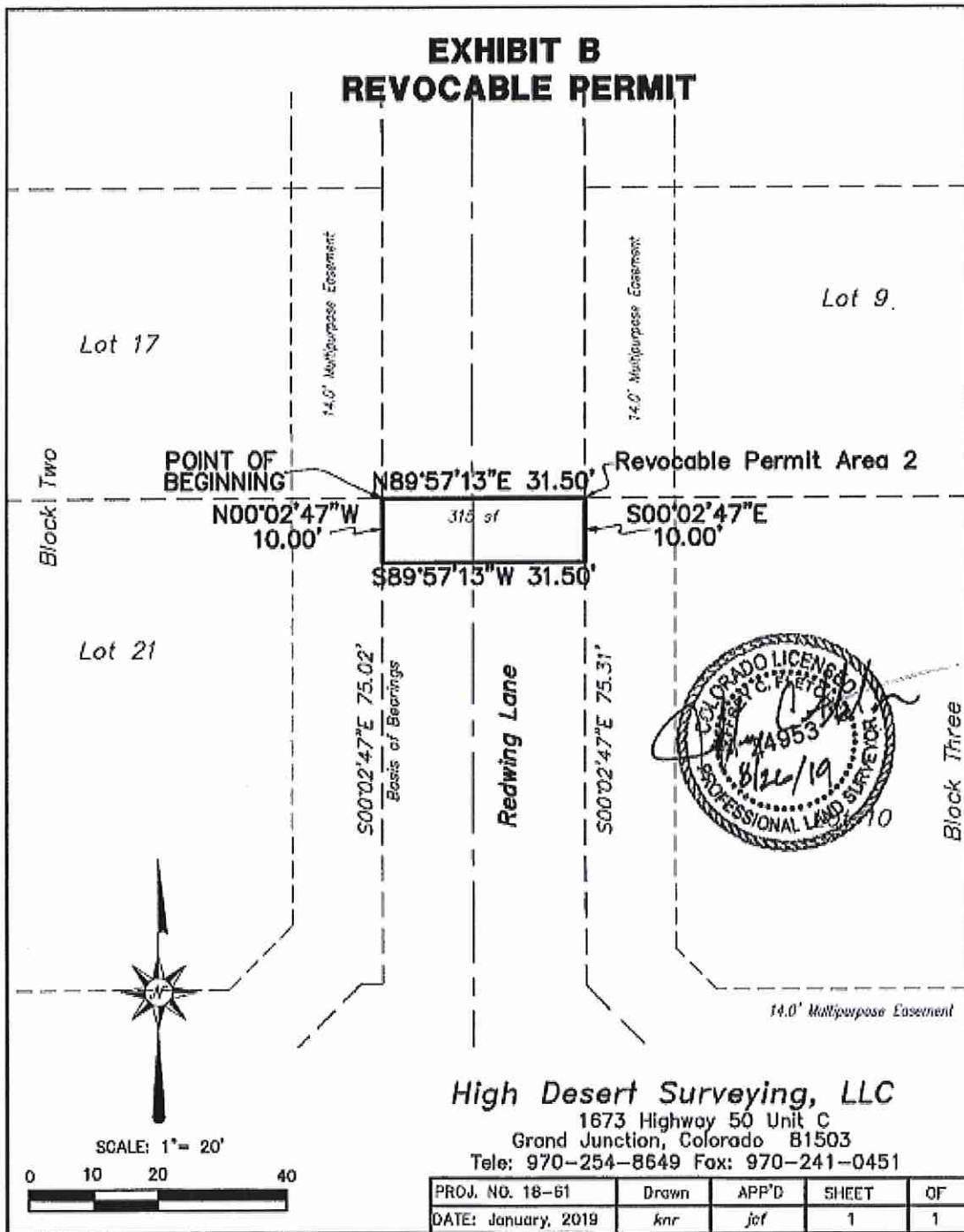


**High Desert Surveying, LLC**

1673 Highway 50 Unit C  
Grand Junction, Colorado 81503  
Tele: 970-254-8649 Fax: 970-241-0451

PROJ. NO. 18-81	Drawn	APP'D	SHEET	OF
DATE: January, 2019	knr	jcf	1	1

## EXHIBIT B REVOCABLE PERMIT

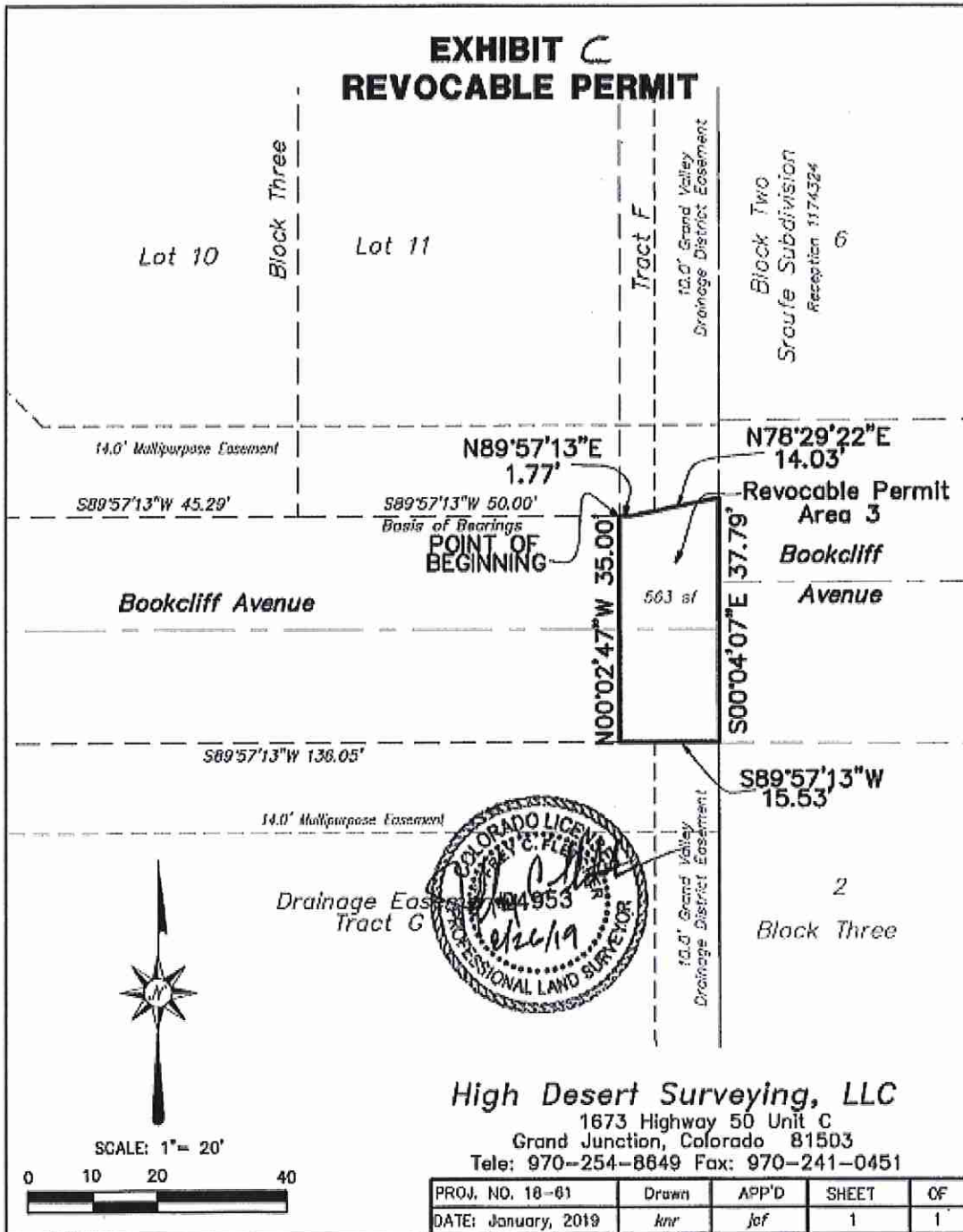


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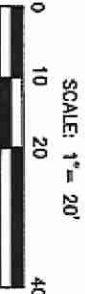
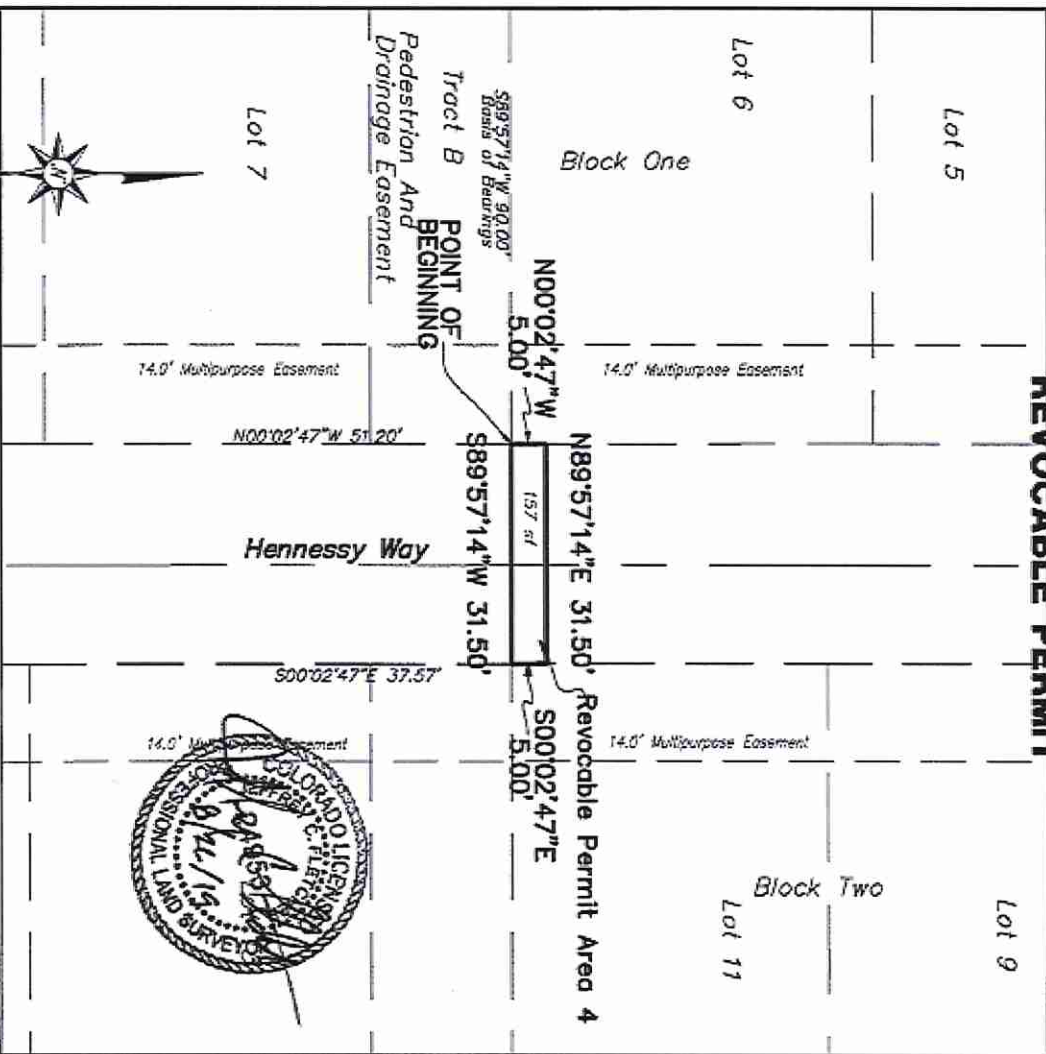
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DATE: January, 2019				



# EXHIBIT C REVOCABLE PERMIT



**EXHIBIT D  
REVOCABLE PERMIT**

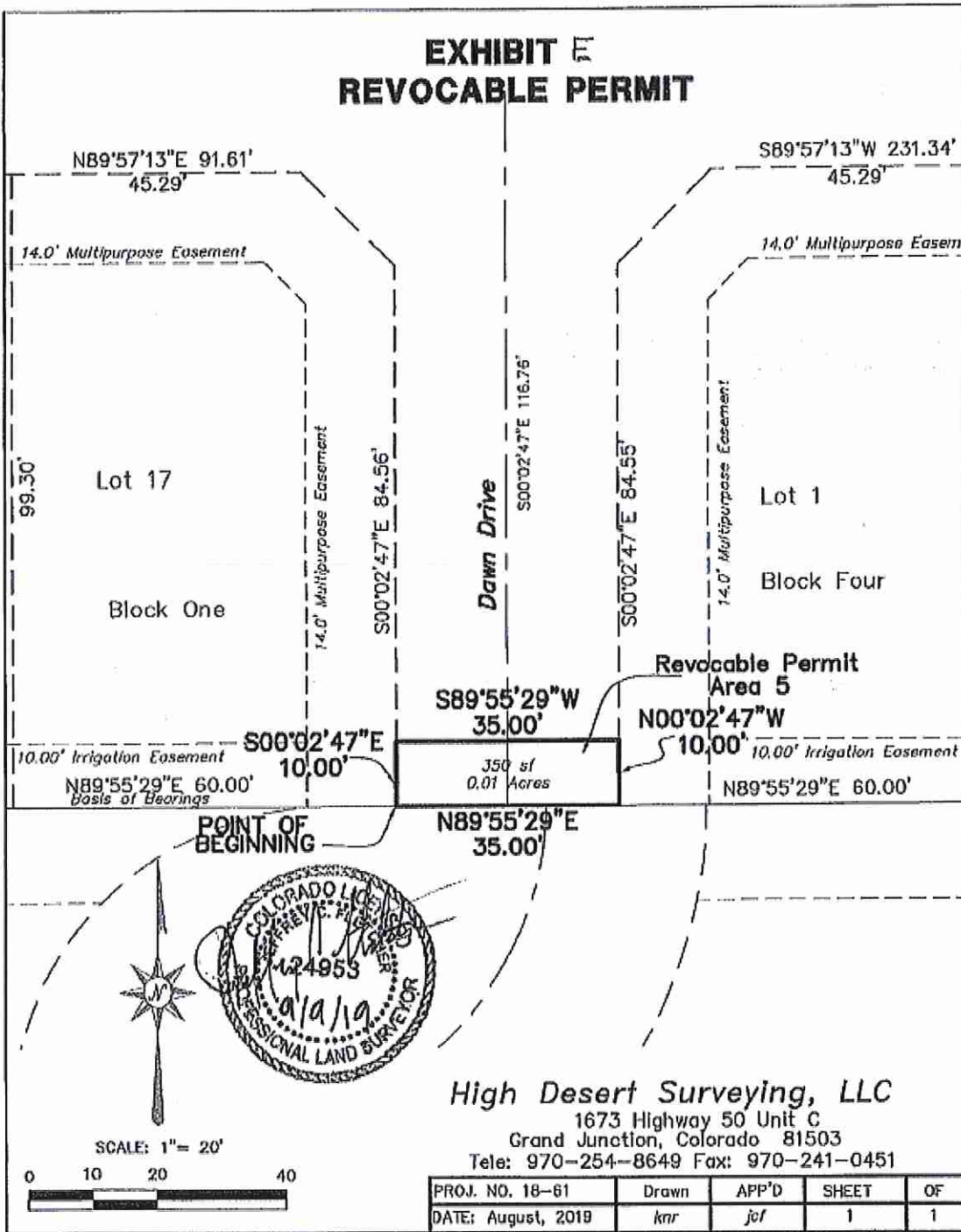


SCALE: 1" = 20'

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PROJ. NO. 18-61	Drawn	APP'D	SHEET	OF
DATE: January, 2019	Kir	Jef	1	1

# EXHIBIT E REVOCABLE PERMIT



POINT OF BEGINNING



SCALE: 1" = 20'



**High Desert Surveying, LLC**

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Tele: 970-254-8649 Fax: 970-241-0451

PROJ. NO. 18-61	Drawn	APP'D	SHEET	OF
DATE: August, 2019	knr	jcf	1	1