

REVOCABLE PERMIT

Recitals.

1. 3125 D Road 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 River Walk Way, Silver Creek Lane and Platte River Drive, to wit:

Permit Area 1:

A parcel of land situated in the northwest quarter of the northwest quarter of Section 22 Township 1 South, Range 1 East, of the Ute Meridian, County of Mesa, State of Colorado, said parcel being more particularly described as follows:

Commencing at the northeast corner of Lot 1 also being the southeast corner of Tract A of River Walk Subdivision Filing One, a plat recorded at the Mesa County Clerk and Recorder's office, being on the southerly right-of-way line of Platte River Drive;

thence North 0°14'43" East along the east line of said Tract A, 0.72 feet to the Point of Beginning,

thence North 0°14'43" east along said east line, 5.41 feet;

thence North 67°41'26" east, 42.59 feet;

thence South 89°46'39" east, 4.67 feet to the east line of said River Walk Subdivision Filing One;

thence South 0°14'43" west, 5.00 feet to;

thence North 89°46'39" West, 3.67 feet;

thence South 67°41'26" West, 43.67 feet the east line of said Tract A and the Point of Beginning;

Containing 236.50 square feet, more or less,

All bearings herein are relative to said recorded plat of River Walk Subdivision Filing One.

Permit Area 2:

A five foot (5') wide parcel of land situated in the northwest quarter of the northwest quarter of Section 22 Township 1 South, Range 1 East, of the Ute Meridian, County of

Mesa, State of Colorado, said parcel lying two and one-half feet (2.5') each side of the following described centerline:

Beginning at the westerly common point of Lot 44 and Lot 45 of River Walk Subdivision Filing One, a plat recorded at the Mesa County Clerk and Recorder's office, being on the easterly right-of-way line of Silver Creek Lane;

thence 2.63 feet along the arc of a curve concave to the northwest with a radius of 53.00 feet and a chord bearing South 18°18'41" West 2.63 feet to the Point of Beginning;

thence North 89°48'34" West a distance of 45.68 feet to the east line of Tract B of said River Walk Subdivision Filing One and the Point of Termination,

Containing 228 Sq. feet more or less.

All bearings herein are relative to said recorded plat of River Walk Subdivision Filing One.

Permit Area 3:

A parcel of land situated in the northwest quarter of the northwest quarter of Section 22 Township 1 South, Range 1 East, of the Ute Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

Commencing at the northeast corner of Lot 51 of River Walk Subdivision Filing One, a plat recorded at the Mesa County Clerk and Recorder's office, being on the southerly right-of-way line of Platte River Drive;

thence North 89°48'34" West along the north line of Lot 51 a distance of 9.50 feet to the Point of Beginning;

THENCE North 89°48'34" West along the north line of said Lot 51, 5.00 feet;

THENCE North 0°14'56" East, 44.00 feet to the south line of Lot 1 of said River Walk Subdivision Filing One;

THENCE South 89°48'34" East along the said south line, 1.23 feet;

THENCE North 45°13'04" East along the southeast line of said Lot 1, 5.33 feet;

THENCE South 0°14'56" West, 47.77 feet to the north line of said Lot 51 and the Point of Beginning;

Containing 227 square feet, more or less,

All bearings herein are relative to said recorded plat of River Walk Subdivision Filling One.

These descriptions were written by:
Alec K. Thomas, PLS 38274
River City Consultants
744 Horizon Court #110
Grand Junction, CO. 81506

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 14TH day of NOVEMBER, 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:



Dustin Andrew Gehrett
Title: Member
3125 D Road LLC

AGREEMENT

3125 D Road 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.

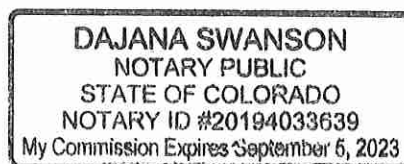
Dated this 14th day of November, 2019.

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.

Dustin Andrew Gehrett

Dustin Andrew Gehrett
Title: Member
3125 D Road LLC

State of Colorado)
)ss.
County of Mesa)



The foregoing Agreement was acknowledged before me this 14th day of November, 2019, by Dustin Andrew Gehrett, Member for 3125 D Road LLC.

My Commission expires: Sept. 5 2023
Witness my hand and official seal.

D Swanson
Notary Public

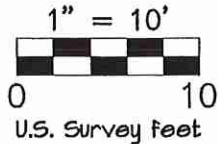
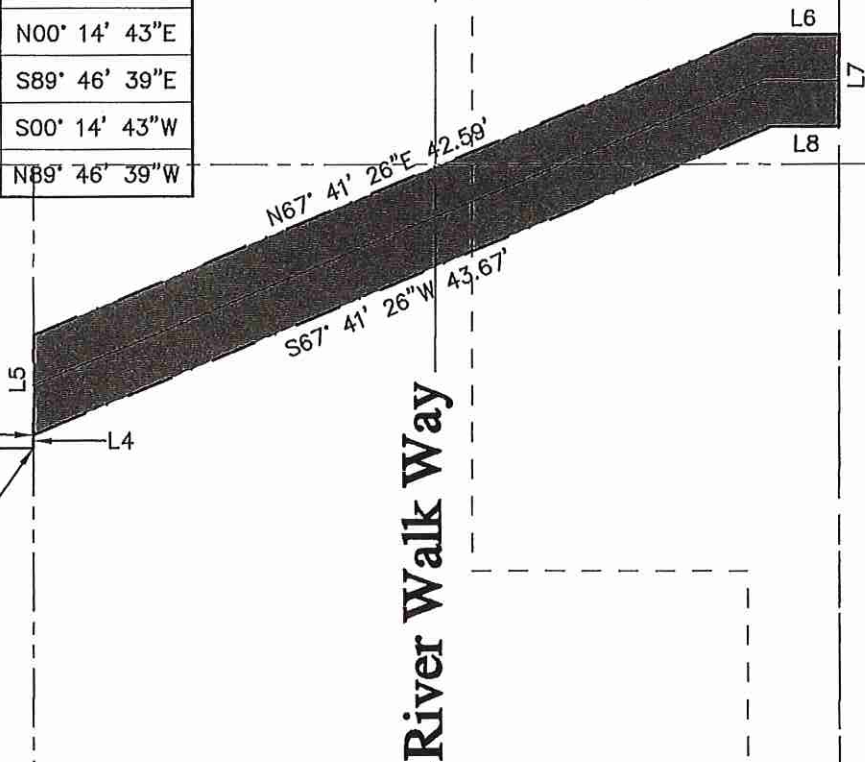
PERMIT AREA 1:

Line Table		
Line #	Length	Direction
L4	0.72	N00° 14' 43"E
L5	5.41	N00° 14' 43"E
L6	4.67	S89° 46' 39"E
L7	5.00	S00° 14' 43"W
LB	3.67	N89° 46' 39"W



Tract A
Multi-Purpose Easement
4304 SF

P.O.B. →
P.O.C. ↙
LOT 1



THIS EXHIBIT IS FOR THE PURPOSE OF GRAPHICALLY REPRESENTING A WRITTEN DESCRIPTION - IT DOES NOT REPRESENT A MONUMENTED BOUNDARY SURVEY



RIVER CITY
CONSULTANTS

744 Horizon Court, Suite 110
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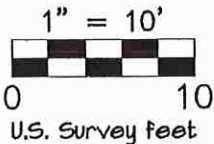
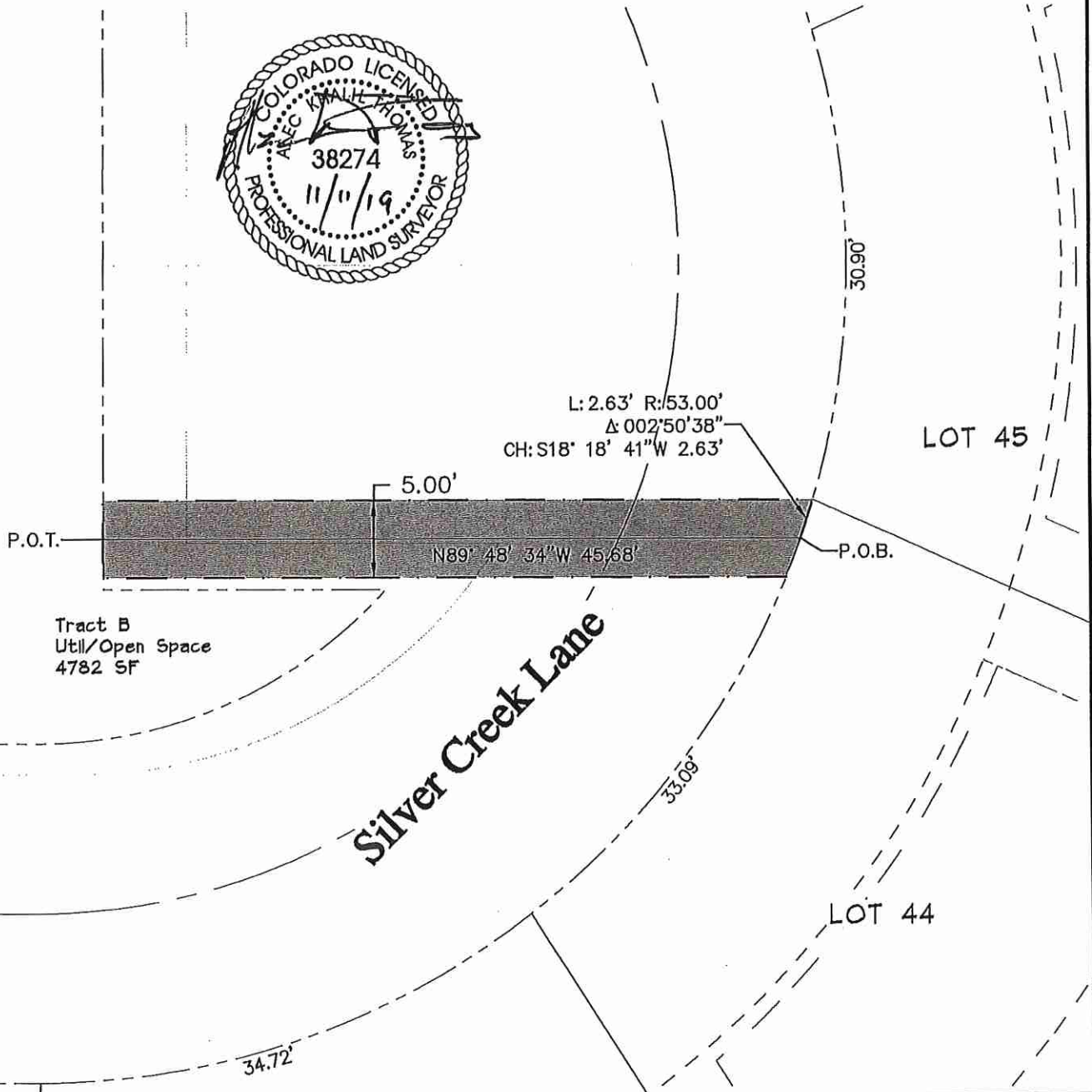
REVOCABLE PERMIT

Drawn: AKT | Checked: TPJ | 10/24/19 | Job No. 1749-001

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PERMIT AREA 2:

EXHIBIT B



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REVOCABLE PERMIT

Drawn: AKT	Checked: NA	10/24/19	Job No. 1749-001
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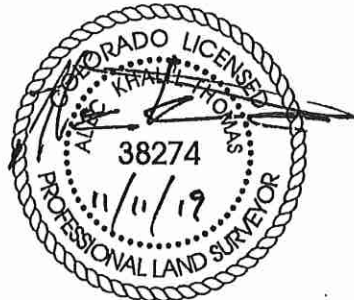
PERMIT AREA 3:

EXHIBIT B

LOT 1

48.72'

20.18'



Platte River Drive

Line Table		
Line #	Length	Direction
L1	5.00	N89° 48' 34"W
L2	1.23	S89° 48' 34"E
L3	5.33	N45° 13' 04"E

N00° 14' 56"E 44.00'

S00° 14' 56"W 47.77'

P.O.B.

N89° 48' 34"W 9.50'

48.00'

LOT 51

P.O.C.



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