

## REVOCABLE PERMIT

### Recitals.

1. West Branch Development LLC and the West Branch Homeowners Association, hereinafter referred to as the Petitioners, has 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 to wit:

#### Permit Area 1 Brealyn Court:

A parcel of land located in the Southwest Quarter of the Southeast Quarter of Section 17, Township 1 South Range 1 East of the Ute Meridian, Commencing at the East Sixteenth Corner on the South Line of said Section 17 from whence the South Quarter Corner of said Section 17 bears S89°58'40"W a distance of 1317.50 feet, thence S89°58'40"W along said South Line a distance of 200.00 feet; thence N00°01'27"E a distance of 60.00 feet to the Point of Beginning.

thence S89°58'33W a distance of 44.00 feet; thence N0°01'27'W a distance of 10.00 feet; thence N89°58'33"E a distance of 44.00 feet;  
thence S0°01'27"E a distance of 10.00 feet to the Point of Beginning. Said parcel contains 440 square feet as described and depicted on Exhibit A.

#### Permit Area 2 Trace Court:

A parcel of land located in the Southwest Quarter of the Southeast Quarter of Section 17, Township 1 South Range 1 East of the Ute Meridian, Commencing at the East Sixteenth Corner on the South Line of said Section 17 from whence the South Quarter Corner of said Section 17 bears S89°58'40"W a distance of 1317.50 feet, thence N0°01'27"W along the East Line of said Section 17 a distance of 294.99 feet; thence S89°58'40"W a distance of 77.00 feet to the Point of Beginning.

thence S89°58'40W a distance of 38.00 feet; thence N0°01'27'W a distance of 10.00 feet; thence N89°58'40"E a distance of 38.00 feet;  
thence S0°01'27"E a distance of 10.00 feet to the Point of Beginning. Said parcel contains 380 square feet as described and depicted on Exhibit B.

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 Division, 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 lines 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 right-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 right-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 right-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 right-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 right-of-way and, at their own expense, remove any encroachment so as to make the described public right-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.

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 11 day of February, 2020.

Written and Recommended by:

The City of Grand Junction,  
a Colorado home rule municipality

  
\_\_\_\_\_  
Planner

  
\_\_\_\_\_  
Community Development Director

Acceptance by the Petitioners:

  
\_\_\_\_\_  
Ben D. Hill, Manager  
West Branch Development LLC

  
\_\_\_\_\_  
Ben D. Hill  
West Branch Homeowners Association

**AGREEMENT**

West Branch Development LLC and the West Branch Homeowners Association, 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 11 day of February, 2020.

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.

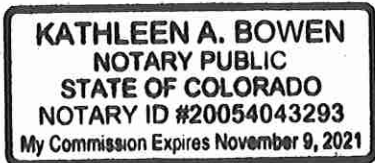
\_\_\_\_\_  
Ben D. Hill, Manager  
West Branch Development LLC

State of Colorado )  
                                  )ss.  
County of Mesa     )

The foregoing Agreement was acknowledged before me this 11<sup>th</sup> day of February, 2020 by Ben D. Hill.

My Commission expires: 11-09-2021  
Witness my hand and official seal.

Kathleen A. Bowen  
Notary Public



Ben D Hill

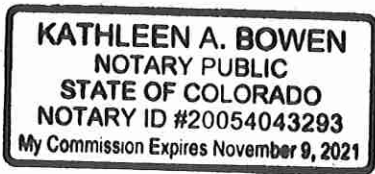
Ben D. Hill  
West Branch Homeowners Association

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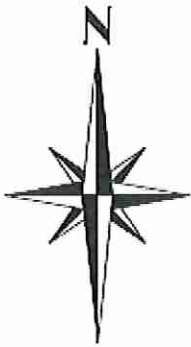
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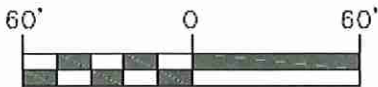


# EXHIBIT A

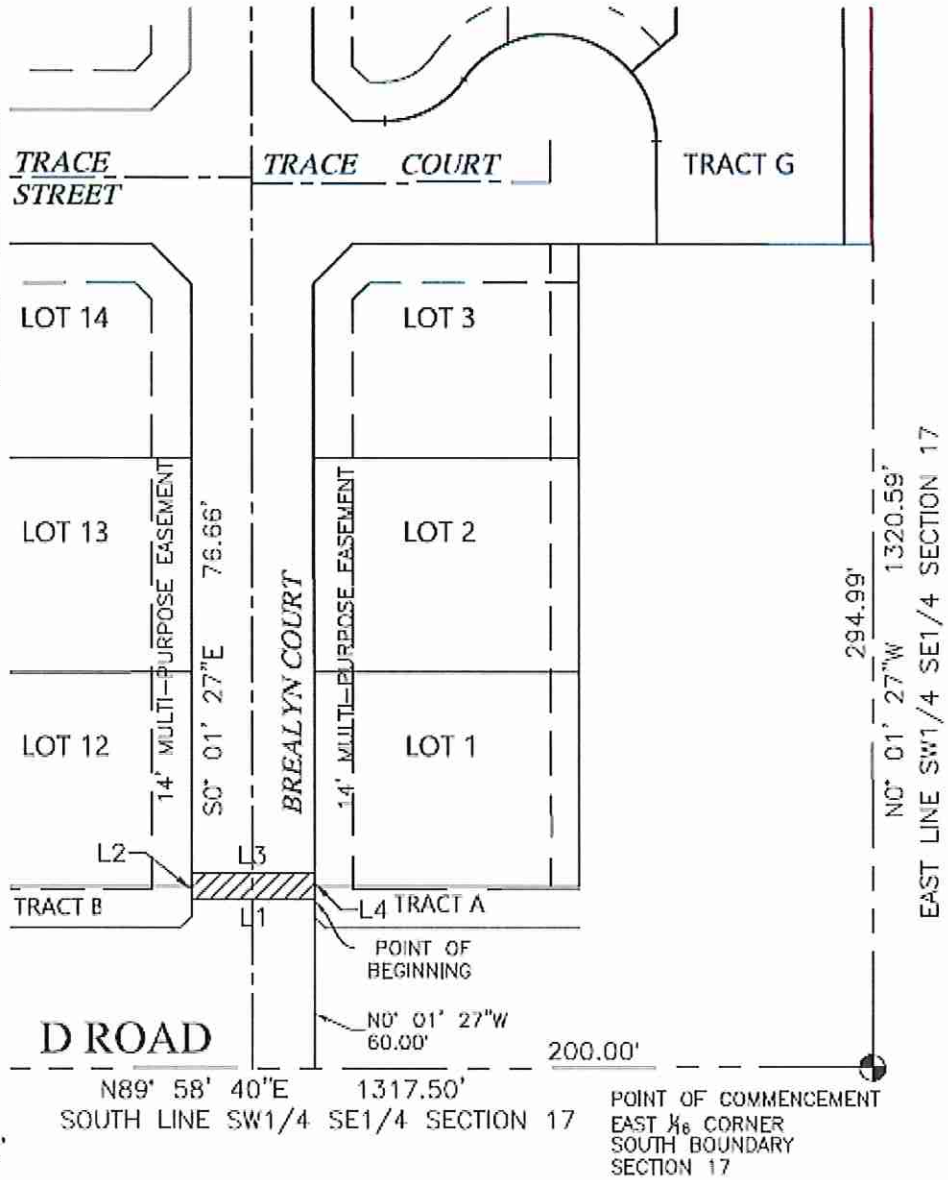
Line Table		
Line #	Direction	Length
L1	S89° 58' 33"W	44.00'
L2	N00° 01' 27"W	10.00'
L3	N89° 58' 33"E	44.00'
L4	S00° 01' 27"E	10.00'



GRAPHIC SCALE:  
1"=60'



LINEAR UNITS ARE U.S. SURVEY FEET



Legal Description Sketch  
West Branch Subdivision Filing One  
Revocable Permit – Brealyn Court

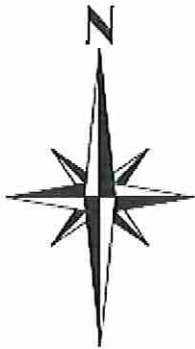
**POLARIS SURVEYING**  
PATRICK W. CLICK P.L.S.  
3194 MESA AVE  
GRAND JUNCTION, CO 81504  
PHONE (970)434-7038

In the SW<sup>1</sup>/<sub>4</sub> SE<sup>1</sup>/<sub>4</sub> Section 17,  
Township 1 South, Range 1 East of the Ute Meridian,  
City of Grand Junction, County of Mesa, State of Colorado

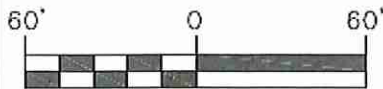


# EXHIBIT B

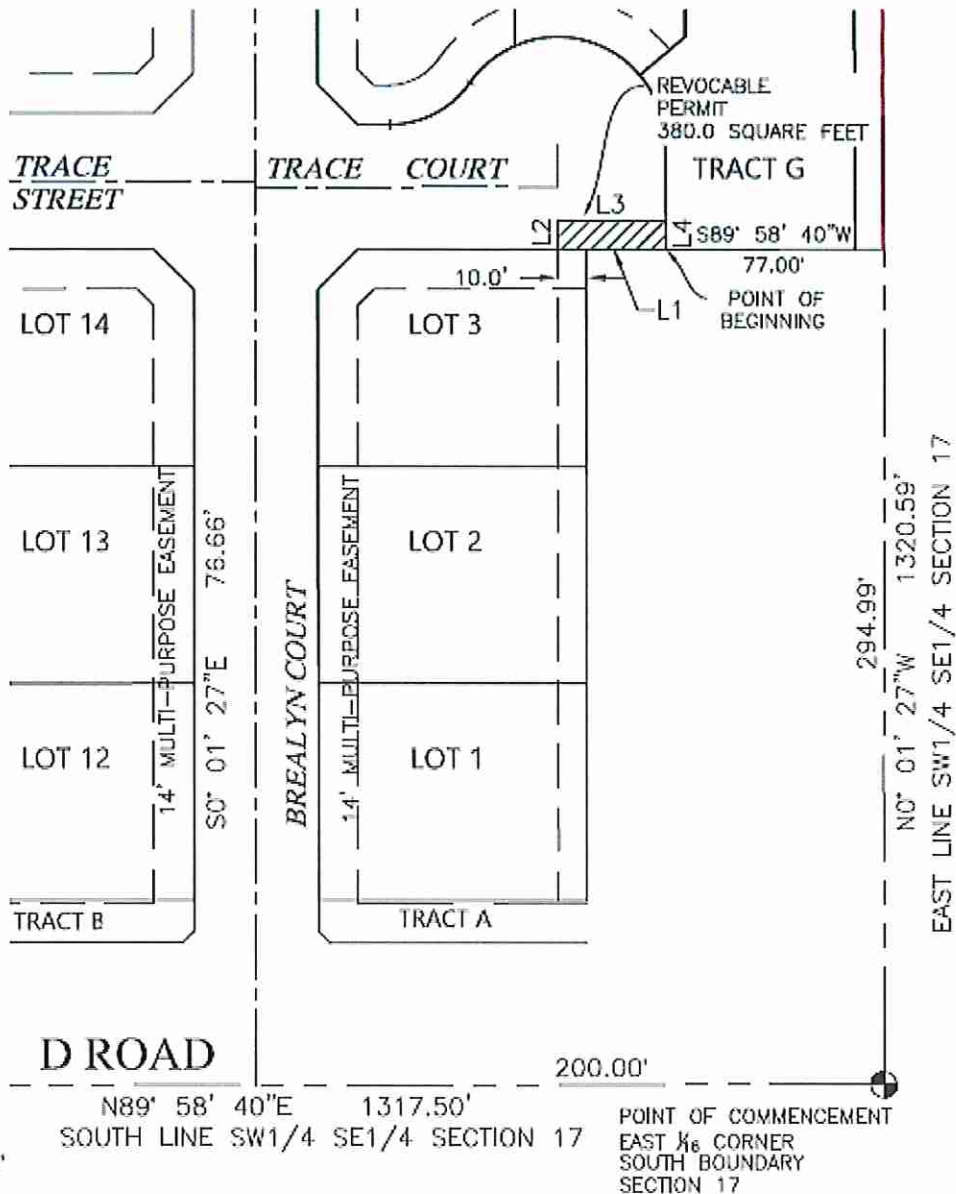
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West Branch Subdivision Filing One  
Revocable Permit - Trace Court

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