

## REVOCABLE PERMIT

### Recitals.

1. Granite Falls GJ 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 Belle Canyon Avenue, Sieber Canyon Avenue and Knowles Canyon Avenue, to wit:

#### Permit Area 1:

A ten foot (10') wide easement across the right-of-way of Belle Canyon Avenue in Granite Falls Filing Two and Three, City of Grand Junction, County of Mesa, State of Colorado, said easement lying five feet (5') each side of the following described centerline:

Commencing at the northeast corner of Lot 68 of Granite Falls Filing Three;

Thence South 00°03'27" East a distance of 5.00 feet, to the Point of Beginning of the centerline herein described;

Thence North 82°10'39" East a distance of 44.41 feet to the west line of Lot 37 and the Point of Termination,

The sidelines of said easement shall be shortened or extended to terminate at the intersecting property lines.

Containing 444 Sq. feet (0.010 acres), more or less.

All bearings herein are relative to said recorded plat of Granite Falls Filing Three.

#### Permit Area 2:

A ten foot (10') wide easement across the right-of-way of Sieber Canyon Avenue in Granite Falls Filing Three, City of Grand Junction, County of Mesa, State of Colorado, said easement lying five feet (5') each side of the following described centerline:

Beginning at the northwest corner of Lot 16 of Granite Falls Filing Three;

Thence North 0°03'27" West, 44.00 feet to the southwest corner of Lot 68 of said Granite Falls Filing Three;

Thence North 89°56'33" East, 10.00 feet;

Thence South 0°03'27" East, 44.00 feet to the north line of said Lot 16;

Thence South 89°56'33" West, 10.00 feet to the Point of Beginning;

Containing 440 Sq. feet (0.010 acres), more or less.

All bearings herein are relative to said recorded plat of Granite Falls Filing Three.

Permit Area 3:

A ten foot (10') wide easement across the right-of-way of Knowles Canyon Avenue in Granite Falls Filing Three, City of Grand Junction, County of Mesa, State of Colorado, said easement lying five feet (5') each side of the following described centerline:

Commencing at the East corner common to Lots 15 and Lot 16 Granite Falls Filing Three;

Thence 4.94 feet along the arc of a curve to the right with a radius of 172.00 feet, whose chord bears North 06°41'07" West a distance of 4.94 feet, to the Point of Beginning of the centerline herein described;

Thence North 73°27'06" East a distance of 45.05 feet to the West line of Lot 18 and the Point of Termination,

The sidelines of said easement shall be shortened or extended to terminate at the intersecting property lines.

Containing 450 Sq. feet (0.010 acres), more or less.

All bearings herein are relative to said recorded plat of Granite Falls Filing Three.

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 16<sup>TH</sup> day of JUNE, 2020.

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:



\_\_\_\_\_  
David Bagg  
Title: Member  
Granite Falls GJ LLC

**AGREEMENT**

Granite Falls GJ 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 16<sup>th</sup> day of June, 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.

[Signature]  
David Bagg  
Title: Member  
Granite Falls GJ LLC

State of Colorado )  
  )ss.  
County of Mesa        )

The foregoing Agreement was acknowledged before me this 16<sup>th</sup> day of June, 2020, by David Bagg, Manager for Granite Falls GJ LLC.  
member

My Commission expires: \_\_\_\_\_  
Witness my hand and official seal.

[Signature]  
Notary Public

**TINA L BEAR**  
**NOTARY PUBLIC**  
**STATE OF COLORADO**  
NOTARY ID 19994015905  
My Commission Expires June 4, 2023

PERMIT AREA 1

# EXHIBIT



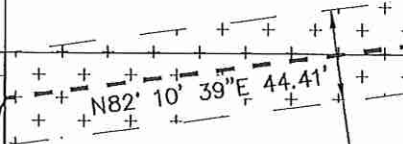
67

49

10' IRRIGATION EASEMENT

S00° 03' 27"E 5.00'

POB



10' IRRIGATION EASEMENT

POT

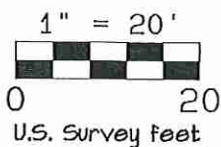
68

BELLE CANYON AVENUE

10.00'

14' MULTIPURPOSE EASEMENT

37



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  
Grand Junction, CO 81506  
Phone: 970.241.4722  
Fax: 970.241.8841  
www.rccwest.com

Drawn: CVW Checked: AKT 02/26/20 Job No. 0208-025

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# PERMIT AREA 2

## EXHIBIT



68

N89° 56' 33"E

N00° 03' 27"W 44.00'  
S00° 03' 27"E 44.00'

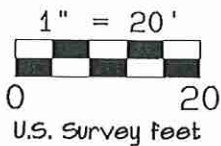
SIEBER CANYON AVENUE

14.00'  
Multi-Purpose  
Easement

P.O.B.

S89° 56' 33"W

16



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**RIVER CITY**  
CONSULTANTS

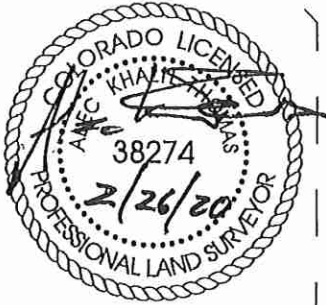
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PERMIT AREA 3

EXHIBIT



16

14' MULTIPURPOSE EASEMENT

KNOWLES CANYON AVENUE

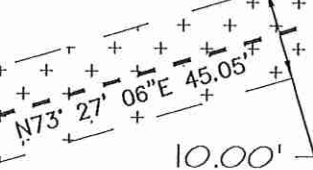
14' MULTIPURPOSE EASEMENT

17

10' IRRIGATION EASEMENT

POB

5'



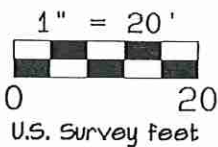
10' IRRIGATION EASEMENT

15

18

Curve Table

Curve #	Length	Radius	Delta	Chord Length	Chord Bearing
C1	4.94'	172.00'	001°38'40"	4.94'	N06° 41' 07"W



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