

REVOCABLE PERMIT

Recitals.

1. McCurter Land Company 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 Lime Creek Road & Tara Avenue, to wit:

Permit Area 1 (Exhibit A):

A five (5') foot wide strip of land across Lime Creek Road in Aspen Leaf Estates, situated in the southwest quarter of the southwest quarter of Section 34, Township 1 North, Range 1 West of the Ute Meridian, City of Grand Junction, County of Mesa, State of Colorado, said easement lying 2.5 feet on each side of the following described centerline:

Bearings based on the tangential portion of the west line Lot 18 of said Aspen Leaf Estates being South 00°01'09" East with all bearing herein relative thereto;

Commencing at the west corner common to said Lot 18 and Tract C of said Aspen Leaf Estates,
Thence South 34°39'38" East, a distance of 3.04 feet to the Point of Beginning;
Thence South 89°58'48" West, a distance of 59.09 feet to the east line of Tract B of said Aspen Leaf Estates and the Point of Termination,

The sidelines of said easement shall be shortened or extended to close at all angle points and terminate at the intersecting property lines.

Containing 295 sq. feet more or less.

Permit Area 2 (Exhibit B):

A five (5') foot wide strip of land across Lime Creek Road in Aspen Leaf Estates, situated in the southwest quarter of the southwest quarter of Section 34, Township 1 North, Range 1 West of the Ute Meridian, City of Grand Junction, County of Mesa, State of Colorado, said easement lying 2.5 feet on each side of the following described centerline:

Bearings based on the tangential portion of the east line Lot 5 of said Aspen Leaf Estates being North 16°21'38" West with all bearing herein relative thereto;

Commencing at the northeast corner common to said Lot 5 and Lot 6 of said Aspen Leaf Estates,
Thence North 16°21'38" West, a distance of 2.50 feet to the Point of Beginning;

Thence North 68°57'07" East, a distance of 44.15 feet to the west line of Lot 13 of said Aspen Leaf Estates and the Point of Termination,

The sidelines of said easement shall be shortened or extended to close at all angle points and terminate at the intersecting property lines.

Containing 221 sq. feet more or less.

Permit Area 3 (Exhibit C):

A five (5') foot wide strip of land across Tara Avenue in Aspen Leaf Estates, situated in the southwest quarter of the southwest quarter of Section 34, Township 1 North, Range 1 West of the Ute Meridian, City of Grand Junction, County of Mesa, State of Colorado, said easement lying 2.5 feet on each side of the following described centerline:

Bearings based on the east line Lot 14 of said Aspen Leaf Estates, being North 00°06'18" West with all bearing herein relative thereto;

Commencing at the northeast corner of said Lot 14 of said Aspen Leaf Estates;
Thence South 89°52'18" West, a distance of 2.50 feet to a point on the north line of said Lot 14 and the Point of Beginning;
Thence North 00°06'18" West, a distance of 44.00 feet to the south line of Lot 11 of said Aspen Leaf Estates and the Point of Termination,

The sidelines of said easement shall be shortened or extended to close at all angle points and terminate at the intersecting property lines.

Containing 220 sq. feet more or less.

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 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 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 right-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.

AGREEMENT

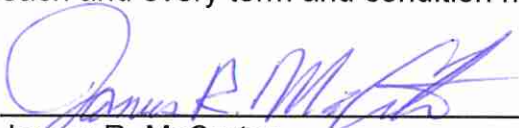
McCurter Land Company, LLC, for themselves and for their successors and assigns, do hereby agree to abide by each and every term and condition contained in the foregoing Revocable Permit for irrigation improvements. Furthermore, they shall indemnify the City of Grand Junction, its officers, employees 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 12 day of August, 2021.

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.



James R. McCurter
Title: Member
McCurter Land Company, LLC
an Arkansas limited liability company

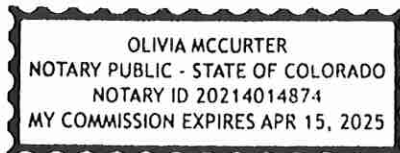
State of Colorado)
)ss.
County of Mesa)

The foregoing Agreement was acknowledged before me this 12 day of August, 2021, by James R. McCurter, Member, McCurter Land Company, LLC, an Arkansas limited liability company.

My Commission expires: April 15, 2025
Witness my hand and official seal.

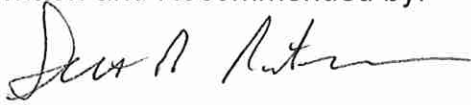


Notary Public



Dated this 12th day of AUGUST, 2021.

Written and Recommended by:



Scott D. Peterson
Senior Planner

The City of Grand Junction,
a Colorado home rule municipality



Tamra Allen

Community Development Director

Felix Landry, Planning Supervisor

for Tamra Allen

Acceptance by the Petitioners:

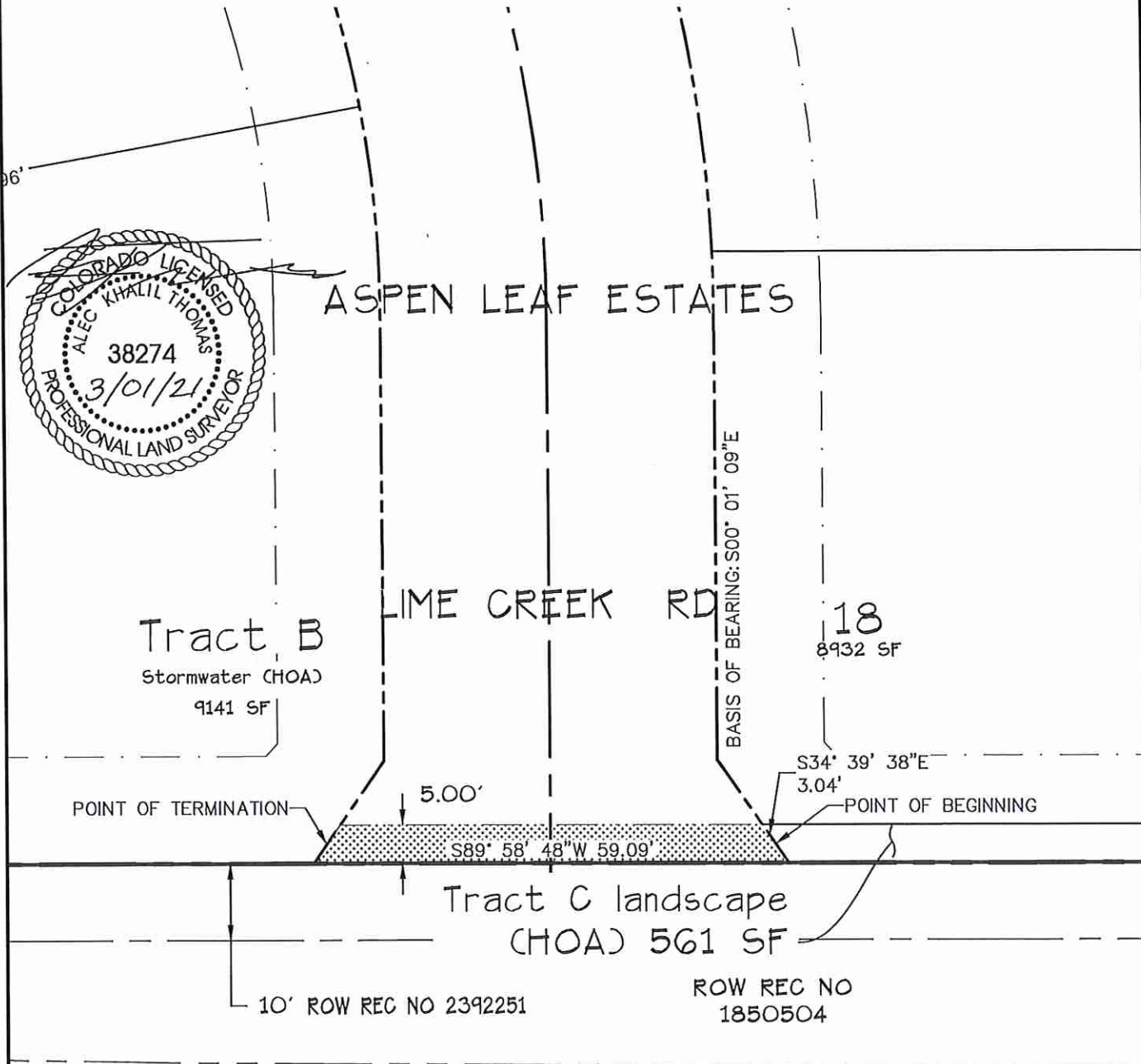


James R. McCurter

Title: Member

McCurter Land Company, LLC
an Arkansas limited liability company

EXHIBIT A



Tract B
Stormwater (HOA)
9141 SF

ASPEN LEAF ESTATES

LIME CREEK RD

18
8932 SF

POINT OF TERMINATION

5.00'

S34° 39' 38"E

3.04'

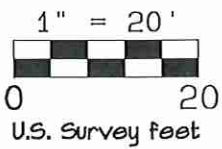
POINT OF BEGINNING

S89° 58' 48" W 59.09'

Tract C landscape
(HOA) 561 SF

10' ROW REC NO 2392251

ROW REC NO
1850504



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

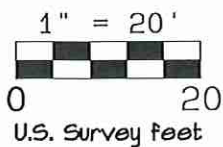
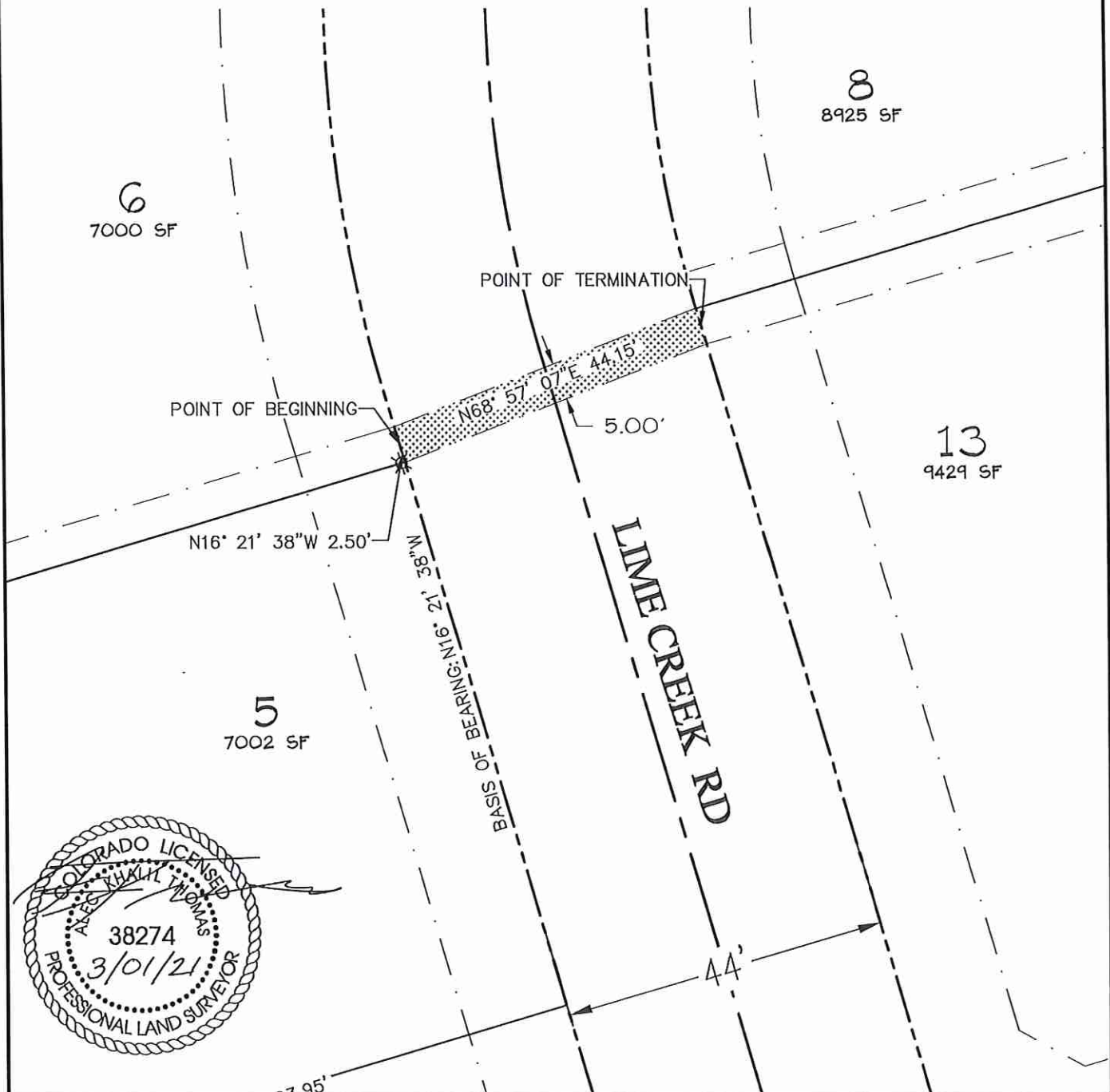
RIVER CITY
CONSULTANTS

215 Pitkin Ave, Unit 201
Grand Junction, CO 81508
Phone: 970.241.4722
Fax: 970.241.8841
www.rccwest.com

Drawn: AKT | Checked: BDM | 3/2/21 | Job No. 1071-010

5/PROJ/15/01 Freeway Properties (McClure)/010 Highland Estates Survey (DMS/01-010) ASPEN LEAF SEED/VEGAN reversible penning

EXHIBIT B



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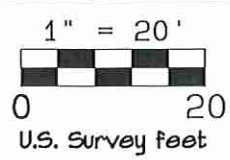
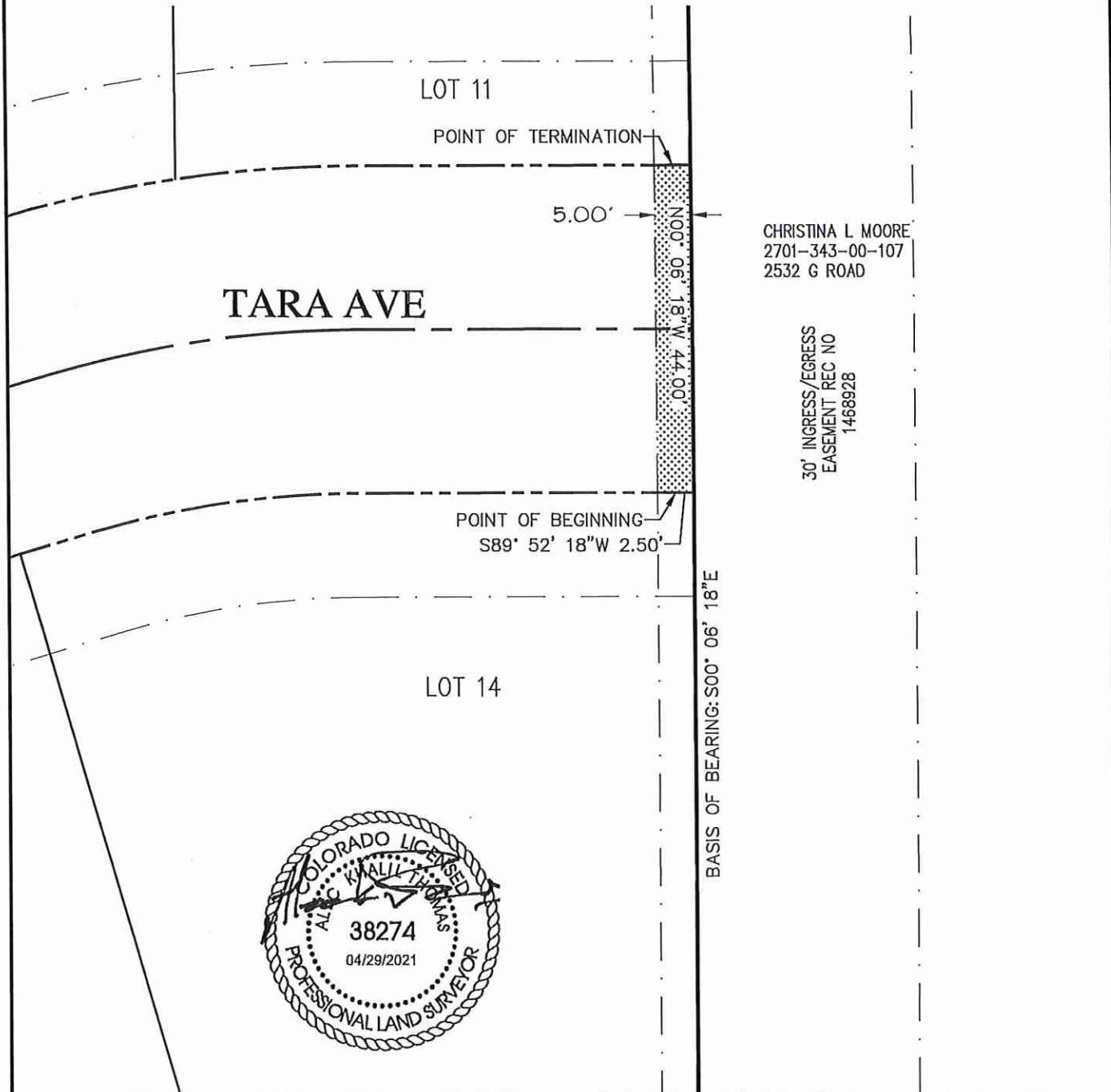
 **RIVER CITY**
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5/PRO/EG/3/21 Freeway Properties (McCarter)/CO Highland Estates/Survey/DMS/071-010 AEPEN LEAF SUBDIVISION revocable permit.dwg

EXHIBIT C



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5/19/2021 Freeway Properties (McClure)/100 Highland Estates Survey (McClure) 100 ASPEN LEAF SUBDIVISION re-subdivision