

## REVOCABLE PERMIT

### Recitals.

1. J Double A, 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 Burnbank Way, to wit:

#### Permit Area:

A parcel of land located in Arabesque Subdivision Filing Three in the NW1/4 NW1/4 of Section 5, Township 1 South, Range 1 East, of the Ute Meridian, City of Grand Junction, Mesa County, Colorado, being more particularly described as follows;

Beginning at the northeast corner of Lot 6, Block 2 of said subdivision, being on the southerly right-of-way of Burnbank Way, whence the northwest corner of Lot 6, Block 2 of said subdivision bears S89°54'22"W, a distance of 85.50 feet with all bearings being relative thereto; thence the following 4 courses:

1. Along said the southerly right-of-way, S89°54'22"W a distance of 20.00 feet;
2. Leaving said southerly line, N00°05'38"W a distance of 44.00 feet, to the northerly right-of-way of Burnbank Court;
3. Along said northerly right-of-way, N89°54'22"E a distance of 20.00 feet, to the easterly line of said subdivision;
4. Along said easterly line of said subdivision, S00°05'38"E a distance of 44.00 feet to the Point of Beginning.

Containing approximately 880 square feet.

This description was prepared by:  
Jodie Grein, LS-38075  
Rolland Consulting Engineers  
405 Ridges Blvd.  
Grand Junction, CO. 81507

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.

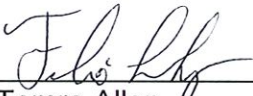
7. This Revocable Permit and the following Agreement shall be recorded by the Petitioners, at the Petitioner's expense, in the office of the Mesa County Clerk and Recorder.

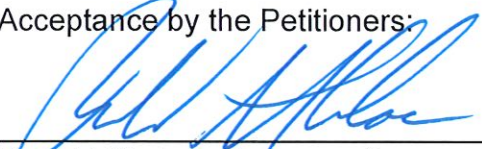
Dated this 8 day of December, 2021.

Written and Recommended by:

The City of Grand Junction,  
a Colorado home rule municipality

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

 12-7-21  
\_\_\_\_\_  
Tamra Allen  
Community Development Director  
Felix Landry for Tamra Allen  
Planning Supervisor

Acceptance by the Petitioners:  
  
\_\_\_\_\_  
Ronald Abeloe, Manager of  
J Double A, LLC

**AGREEMENT**

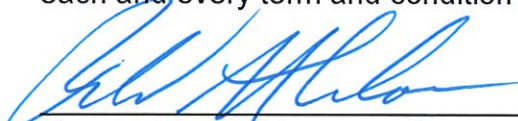
J Double A, LLC, for themselves and for their successors and assigns, do hereby agree to abide by each and every term and condition contained in the foregoing Revocable Permit for irrigation improvements. Furthermore, they shall indemnify the City of Grand Junction, its officers, employees and agents 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 8<sup>th</sup> day of December, 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.

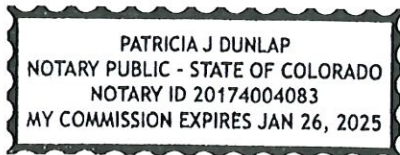
  
\_\_\_\_\_  
Ronald Abeloe, Manager of  
J Double A, LLC

State of Colorado )  
  )ss.  
County of Mesa     )

The foregoing Agreement was acknowledged before me this 8 day of December, 2021, by Ronald Abeloe, Manager of J Double A, LLC.

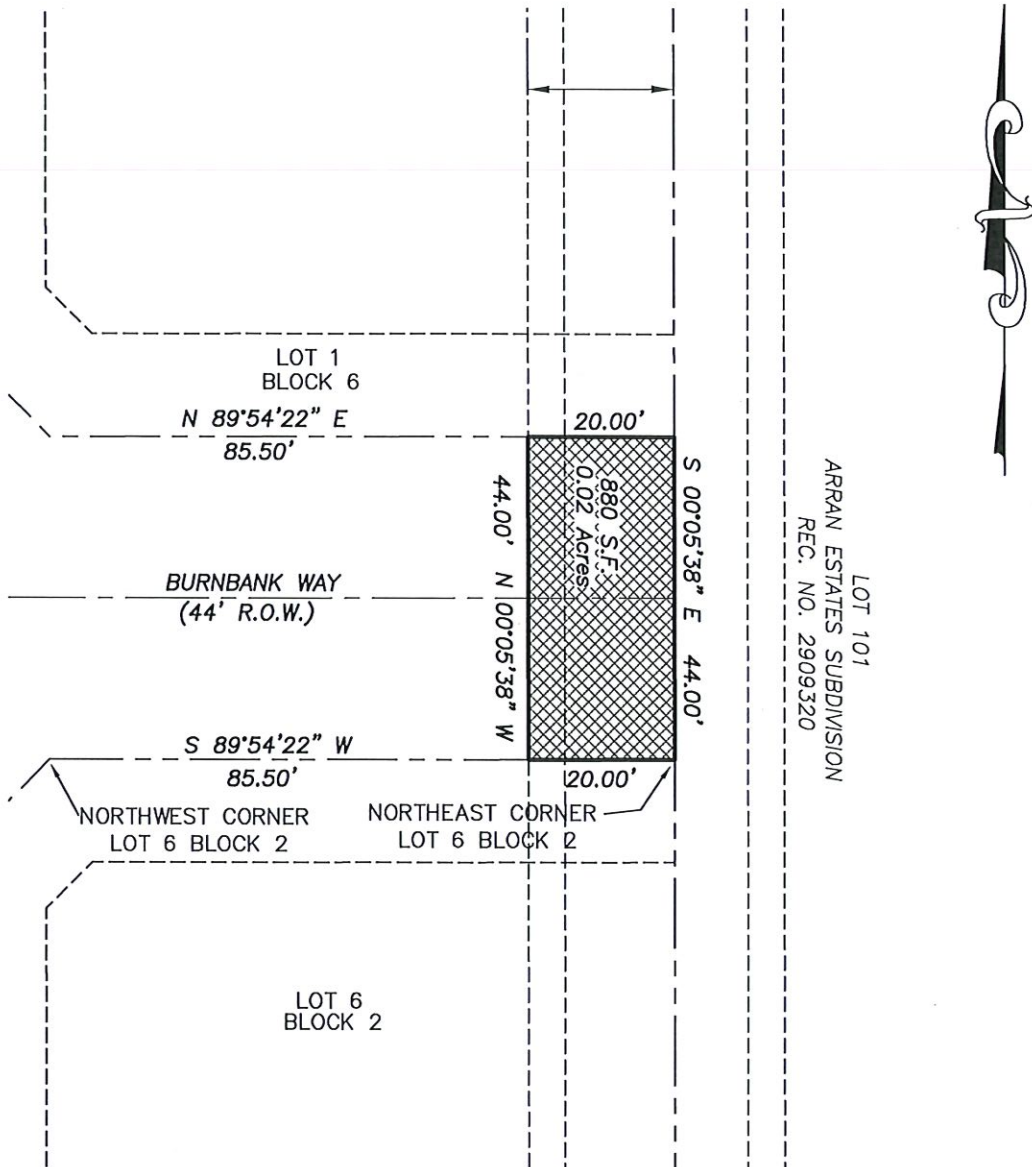
My Commission expires: Jan. 26, 2025  
Witness my hand and official seal.

  
\_\_\_\_\_  
Notary Public

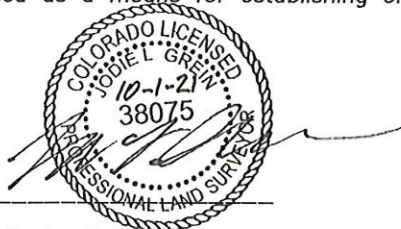


# EXHIBIT

IN ARABESQUE SUB. FILING THREE NW1/4 NW1/4 SECTION 5, T.1S, R.1E,  
UTE MERIDIAN, CITY OF GRAND JUNCTION, MESA COUNTY, COLORADO




The sketch and description shown hereon has been derived from subdivision plats and deed descriptions as they appear in the office of the Mesa County Clerk and Recorder. This sketch does not constitute a legal survey, and is not intended to be used as a means for establishing or verifying property boundary lines.



Jodie L. Grein  
Registered Professional Land Surveyor  
P.L.S. No. 38075



SCALE : 1"=10'  
ALL LINEAL UNITS ARE  
EXPRESSED IN U.S. SURVEY FEET

 Kelland Consulting Engineers, LLC 405 Ridges Blvd. Suite A Grand Junction, CO 81507 Voice: (970) 243-8300 Fax: (970) 241-1273 www.kcegi.com		<b>EXHIBIT</b> <b>REVOCABLE PERMIT</b> <b>BURNBANK WAY</b>		
		IN LOT 502 OF ARABESQUE SUB. FILING THREE NW1/4 NW1/4 SECTION 5, T.1S, R.1E, UTE MERIDIAN, CITY OF GRAND JUNCTION, MESA COUNTY, COLORADO		
Drawn JLG	Designed ESS	Checked JLG	Project B7430	Date 2/27/18
File Name: C:\B7430\B7430rev permit exhibitLDWG		Sheet 1		Of 1