

REVOCABLE PERMIT

Recitals.

1. KENCO, LLC, hereinafter referred to as the Petitioner, has requested that the City of Grand Junction issue a Revocable Permit to allow the Petitioner 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 Palmer Street and Tracy Ann Road, to wit:

Permit Area 1 (Exhibit A):

That Revocable Permit across that real property located in the Northeast Quarter (NE $\frac{1}{4}$) Section 26, Township 1 South, Range 1 West, of the Ute Meridian, Grand Junction, Mesa County, Colorado being more particularly described as follows:

BEGINNING at the Northeast Corner of Lot 1, Block 1, TRACYS VILLAGE SUBDIVISION as shown on plat recorded in the Mesa County records from which the Northwest corner of said Lot 1, Block 1 bears North 89°53'57" West, a distance of 117.55 feet, for a basis of bearings, with all bearings contained herein relative thereto; thence North 89°54'07" West, a distance of 21.95 feet, along the North line of said Lot 1, Block 1; thence North 00°06'03" East, a distance of 5.00 feet; thence across the right-of-way for Palmer Street as described in Reception 9891 and Reception 2418646 Mesa County records, South 89°50'45" East, a distance of 83.32 feet, to a point on the West line of Lot 1, Block 3, said Tracys Village Subdivision; thence along said West line Lot 1, Block 3 with a non-tangent curve turning to the left, having a delta angle of 04°32'10", a radius of 270.00 feet, an arc length of 21.38 feet, and a chord length of 21.37 feet, with a chord bearing of South 21°06'20" East; thence North 89°53'57" West, a distance of 64.33 feet, across the right-of-way for Tracy Ann Road in said Tracys Village Subdivision to the East line of said Lot 1, Block 1; thence along said East line of said lot 1, Block 1, with a non-tangent curve turning to the right, having a delta angle of 02°44'00", a radius of 330.00 feet, an arc length of 15.74 feet, and a chord length of 15.74 feet, with a chord bearing of North 17°33'12" West to the POINT OF BEGINNING,

Said parcel containing an area of 0.03 Acres, as herein described.

Prepared by:
Jeffrey C. Fletcher PLS 24953
High Desert Surveying, Inc.
1673 Highway 50 Unit C
Grand Junction, Colorado 81503

Permit Area 2 (Exhibit B):

That Revocable Permit across that real property located in the Northeast Quarter (NE $\frac{1}{4}$) Section 26, Township 1 South, Range 1 West, of the Ute Meridian, Grand Junction, Mesa County, Colorado being more particularly described as follows:

BEGINNING at the Southeast Corner of Lot 5, Block 3, Tracys Village Subdivision as shown on plat recorded in the Mesa County records from which the Southwest corner of said Lot 5, Block 3 bears North 81°58'43" West, a distance of 212.32 feet, for a basis of bearings, with all bearings contained herein relative thereto; thence North 48°57'51" East, a distance of 25.92 feet; thence South 00°05'36" East, a distance of 93.61 feet to a point on the North Line of Lot 1, Block 2 of said Tracys Village Subdivision; thence North 41°06'48" West, a distance of 20.01 feet; thence North 81°58'43" West, a distance of 6.94 feet; thence North 00°05'36" West, a distance of 60.61 feet; thence South 81°58'43" East, a distance of 0.42 feet to the POINT OF BEGINNING.

Said parcel containing an area of 0.03 Acres, as herein described.

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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 Petitioner 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 Petitioner 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 Petitioner, 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 Petitioner within the limits of the public rights-of-way (including the removal thereof), or any other property of the Petitioner or any other party, as a result of the Petitioner's 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 Petitioner agrees 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 Petitioner of an agreement that the Petitioner and the Petitioner's 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 Petitioner shall, at the sole expense and cost of the Petitioner, within thirty (30) days of notice of revocation (which may occur by mailing a first class letter to Petitioner's 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 Petitioner, 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 Petitioner 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 Petitioner, at the Petitioner's expense, in the office of the Mesa County Clerk and Recorder.

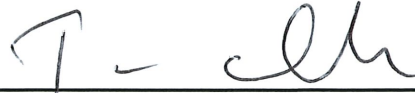
Dated this 15TH day of August, 2022.

Written and Recommended by:

The City of Grand Junction,
a Colorado home rule municipality

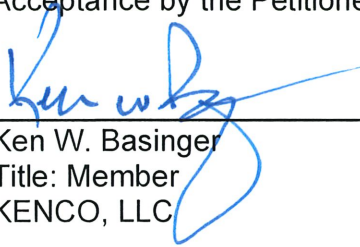


Scott D. Peterson
Senior Planner



Tamra Allen
Community Development Director

Acceptance by the Petitioner:



Ken W. Basinger
Title: Member
KENCO, LLC

AGREEMENT


KENCO, 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 15TH day of August, 2022.

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.



Ken W. Basinger
Title: Member
KENCO, LLC

State of Colorado)
)ss.
County of Mesa)

The foregoing Agreement was acknowledged before me this 15th day of August, 2022, by Ken W. Basinger, Member, KENCO, LLC.

My Commission expires: 02/16/2025
Witness my hand and official seal.



Notary Public

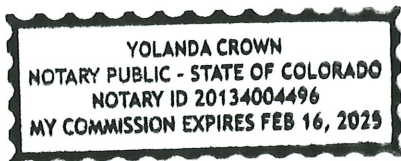
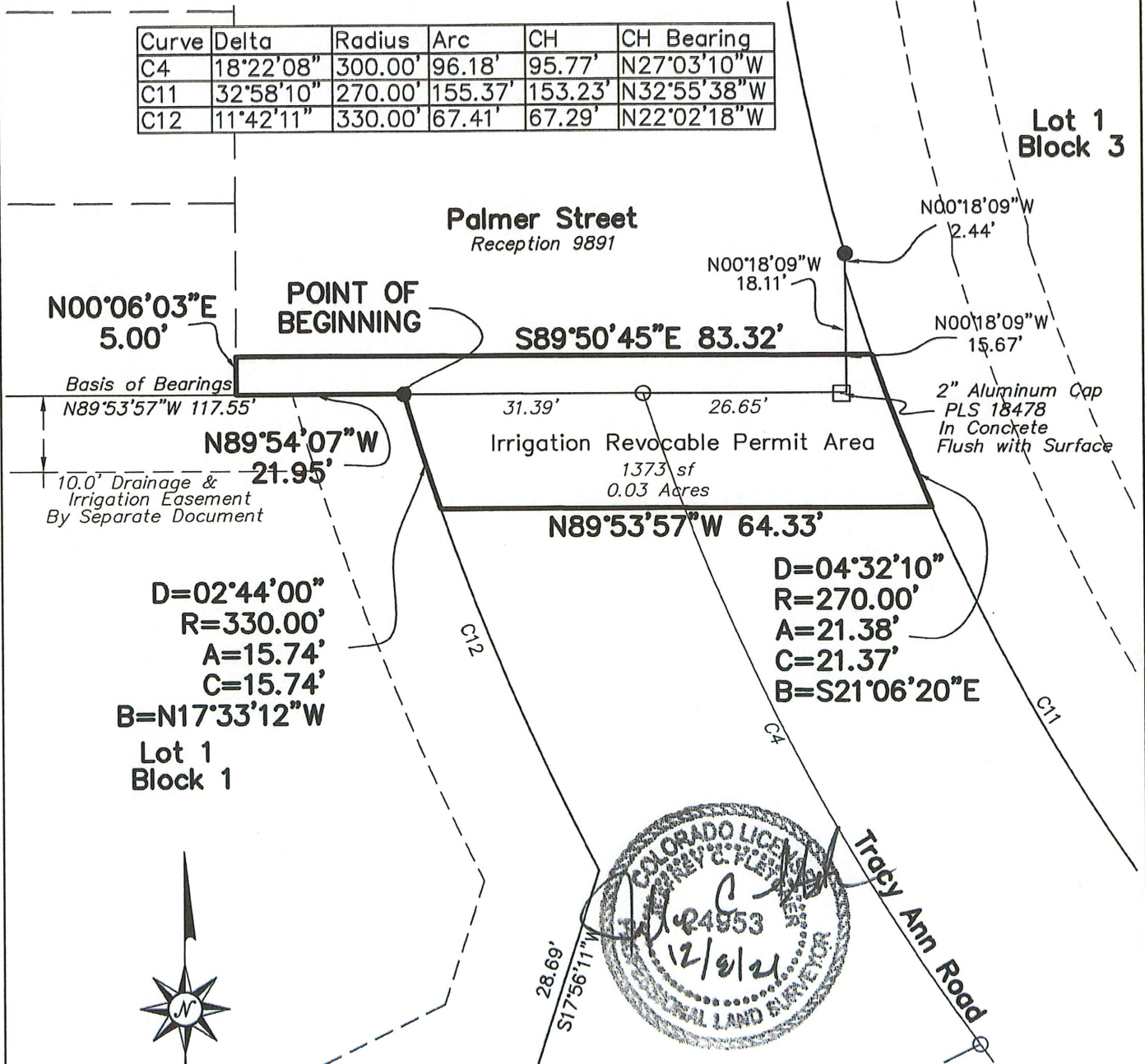


EXHIBIT A REVOCABLE PERMIT

Curve	Delta	Radius	Arc	CH	CH Bearing
C4	18°22'08"	300.00'	96.18'	95.77'	N27°03'10"W
C11	32°58'10"	270.00'	155.37'	153.23'	N32°55'38"W
C12	11°42'11"	330.00'	67.41'	67.29'	N22°02'18"W

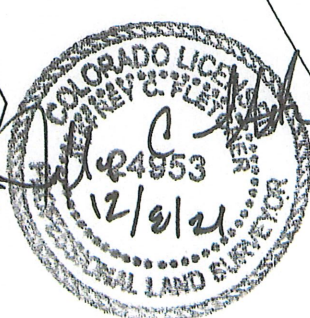
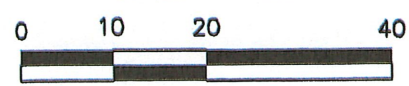


D=02°44'00"
R=330.00'
A=15.74'
C=15.74'
B=N17°33'12"W
Lot 1
Block 1

D=04°32'10"
R=270.00'
A=21.38'
C=21.37'
B=S21°06'20"E



SCALE: 1" = 20'

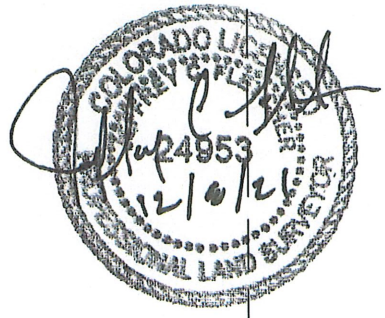
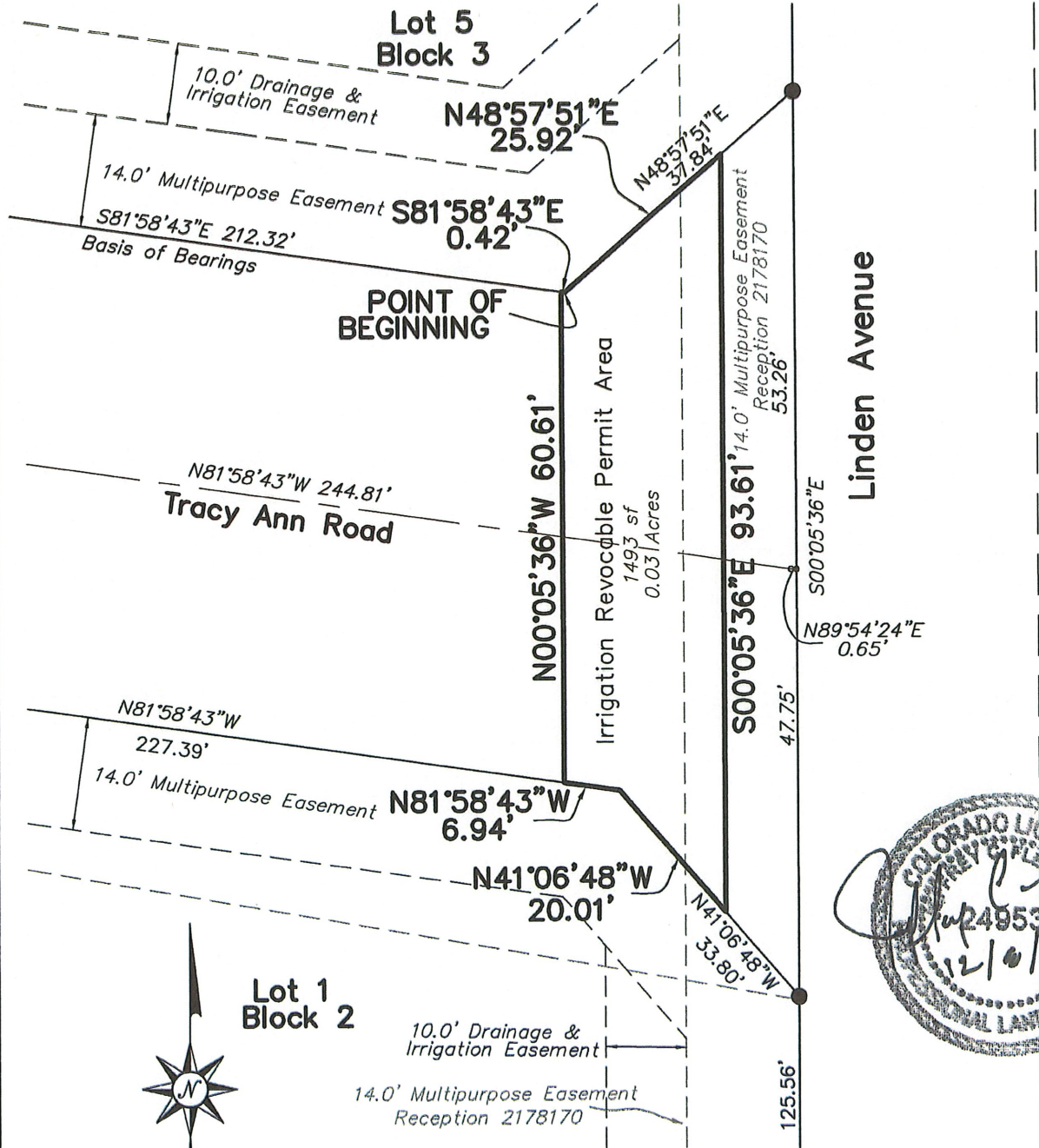


High Desert Surveying, LLC

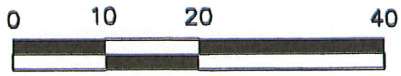
1673 Highway 50 Unit C
 Grand Junction, Colorado 81503
 Tele: 970-254-8649 Fax: 970-241-0451

PROJ. NO.	DRAWN	CHECKED	SHEET	OF
20-106	knr	jcf	1	1

EXHIBIT B REVOCABLE PERMIT



SCALE: 1" = 20'



High Desert Surveying, LLC

1673 Highway 50 Unit C
Grand Junction, Colorado 81503

Tele: 970-254-8649 Fax: 970-241-0451

PROJ. NO. 20-106	DRAWN	CHECKED	SHEET	OF
DATE: July, 2021	knr	jcf	1	1