

REVOCABLE PERMIT

Recitals.

1. Clear Creek Meadows III 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 right-of-way for Valarie Lane North, Valarie Lane South and Malmar Drive, to wit:

Permit Areas:

Valarie Lane North

A parcel of land, located in Clear Creek Meadows subdivision, in the NE1/4 SW1/4 of Section 15, 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 a point on the northerly right-of-way of Valarie Lane, said point being the southwest corner of Lot 2 of said subdivision, whence the southeast corner of said Lot 2 Bears N89°49'33"E, a distance of 49.06 feet, with all bearings being relative thereto; thence the following courses and distances;

1. Leaving said northerly right-of-way S09°49'33"W a distance of 44.58 feet, to a point on the southerly right-of-way of Valarie Lane;
2. Along said southerly right-of-way, on the arc of a 308.00 foot radius non-tangent curve to the right for a distance of 12.10', with a chord which bears N87°36'30"W a distance of 12.10 feet, and a central angle of 2°15'05";
3. Leaving said southerly right-of-way N09°49'33"E a distance of 44.31 feet to a point on the northerly right-of-way of Valarie Lane;
4. Along said northerly right-of-way on the arc of a 264.00 foot radius non-tangent curve to the left for a distance of 12.14', with a chord which bears S88°51'24"E a distance of 12.14 feet, and a central angle of 2°38'05", to the Point of Beginning.

As depicted in Exhibit A, containing approximately 533 square feet.

Valarie Lane South

A parcel of land, located in Clear Creek Meadows subdivision, in the NE1/4 SW1/4 of Section 15, 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 a point on the easterly right-of-way of Valarie Lane, said point being the northwest corner of Lot 12 of said subdivision, whence the southwest corner of said Lot 12 Bears S00°10'27"E, a distance of 68.04 feet, with all bearings being relative thereto; thence the following courses and distances;

1. Along said easterly right-of-way S00°10'27"E a distance of 13.86 feet
2. Leaving said easterly right-of-way S59°49'33"W a distance of 50.81 feet, to a point on the westerly right-of-way of Valarie Lane;
3. Along said westerly right-of-way N00°10'27"W a distance of 13.86 feet;

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Permit Areas:

Valarie Lane North

A parcel of land, located in Clear Creek Meadows subdivision, in the NE1/4 SW1/4 of Section 15, 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 a point on the northerly right-of-way of Valarie Lane, said point being the southwest corner of Lot 2 of said subdivision, whence the southeast corner of said Lot 2 Bears N89°49'33"E, a distance of 49.06 feet, with all bearings being relative thereto; thence the following courses and distances;

1. Leaving said northerly right-of-way S09°49'33"W a distance of 44.58 feet, to a point on the southerly right-of-way of Valarie Lane;
2. Along said southerly right-of-way, on the arc of a 308.00 foot radius non-tangent curve to the right for a distance of 12.10', with a chord which bears N87°36'30"W a distance of 12.10 feet, and a central angle of 2°15'05";
3. Leaving said southerly right-of-way N09°49'33"E a distance of 44.31 feet to a point on the northerly right-of-way of Valarie Lane;
4. Along said northerly right-of-way on the arc of a 264.00 foot radius non-tangent curve to the left for a distance of 12.14', with a chord which bears S88°51'24"E a distance of 12.14 feet, and a central angle of 2°38'05", to the Point of Beginning.

As depicted in Exhibit A, containing approximately 533 square feet.

Valarie Lane South

A parcel of land, located in Clear Creek Meadows subdivision, in the NE1/4 SW1/4 of Section 15, 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 a point on the easterly right-of-way of Valarie Lane, said point being the northwest corner of Lot 12 of said subdivision, whence the southwest corner of said Lot 12 Bears S00°10'27"E, a distance of 68.04 feet, with all bearings being relative thereto; thence the following courses and distances;

1. Along said easterly right-of-way S00°10'27"E a distance of 13.86 feet
2. Leaving said easterly right-of-way S59°49'33"W a distance of 50.81 feet, to a point on the westerly right-of-way of Valarie Lane;
3. Along said westerly right-of-way N00°10'27"W a distance of 13.86 feet;

4. Leaving said westerly right-of-way N59°49'33"E a distance of 50.81 feet to a point on the easterly right-of-way of Valarie Lane, and the Point of Beginning.

As depicted in Exhibit B, containing approximately 610 square feet.

Malmar Drive

A parcel of land, located in Clear Creek Meadows subdivision, in the NE1/4 SW1/4 of Section 15, 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 a point on the northerly right-of-way of Malmar Drive, said point being the southeast corner of Lot 5 of said subdivision, whence the southwest corner of said Lot 5 Bears S89°49'33"W, a distance of 78.13 feet, with all bearings being relative thereto; thence the following courses and distances;

1. Along the easterly line of said subdivision, S00°05'03"E a distance of 44.00 feet;
2. Leaving said easterly line, along the southerly right-of-way of Malmar Drive, S89°49'33"W a distance of 10.00 feet;
3. Leaving said southerly right-of-way N00°05'03"W a distance of 44.00 feet, to a point on the northerly right-of-way of Malmar Drive;
4. Along said northerly right-of-way S89°49'33"E a distance of 10.00 feet to the Point of Beginning.

As depicted in Exhibit C, containing approximately 440 square feet.

Descriptions prepared by Jodie Grein LS-38075 for Rolland Consulting Engineers, 405 Ridges Blvd., Grand Junction, CO.

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 HIS LAWFUL AUTHORITY, ~~GREG MOBERG~~ ^{FELIX}, AS DEVELOPMENT SERVICES MANAGER, DOES HEREBY ISSUE:

LAUNDRY FAL

to the above-named Petitioners a Revocable Permit for the purposes of landscaping and/or irrigation 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 landscape and/or 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 rights-of-way and the facilities authorized pursuant to this Permit in good condition and repair.

5. This Revocable Permit for landscaping and irrigation 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. 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 14TH day of MARCH, 2023.

Written and Recommended by:

The City of Grand Junction,
a Colorado home rule municipality


Planner


Community Development Director

Acceptance by the Petitioners:


Terrance Lawrence, General Managing Partner
Clear Creek III LLC

AGREEMENT

Clear Creek III 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 landscaping and/or 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 14th day of March, 2023.

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.

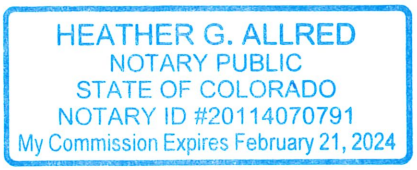

Terrance Lawrence, General Managing Partner
Clear Creek III LLC

State of Colorado)
)ss.
County of Mesa)

The foregoing Agreement was acknowledged before me this 14th day of March, 2023, by Terrance Lawrence, General Managing Partner, Clear Creek III LLC.

My Commission expires: 2-21-2024

Witness my hand and official seal.




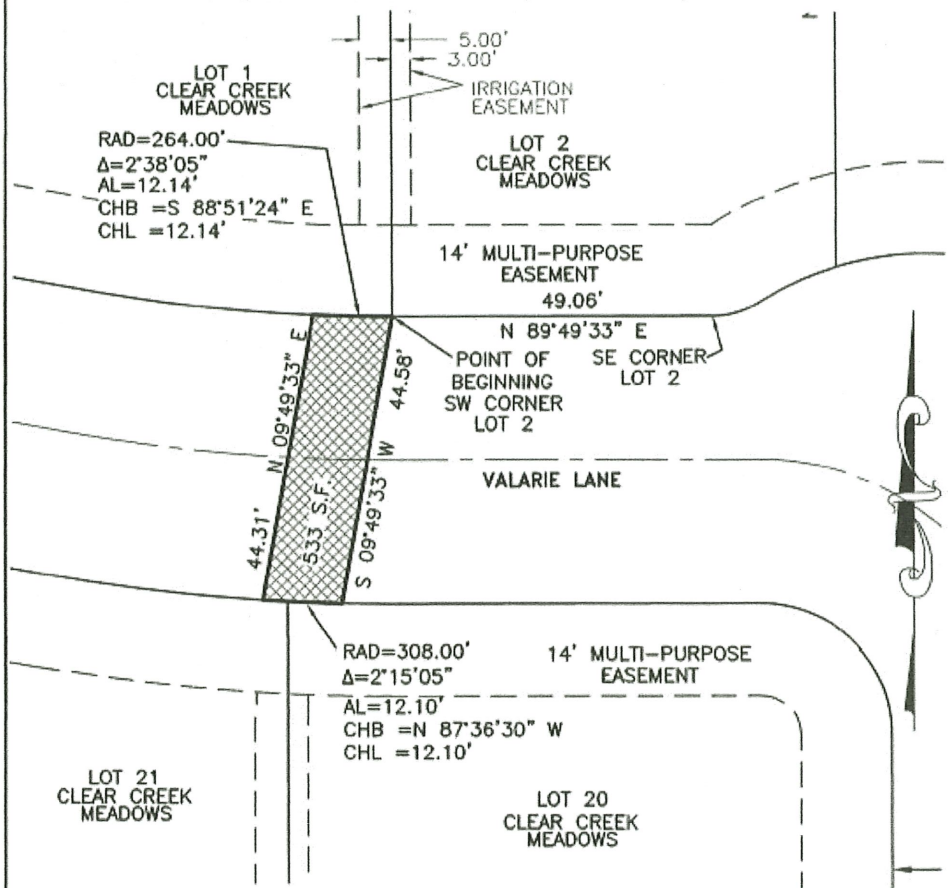

Notary Public

EXHIBIT A

IN THE SW1/4 SE1/4 OF SECTION 29, TOWNSHIP 1 SOUTH, RANGE 1 WEST,
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

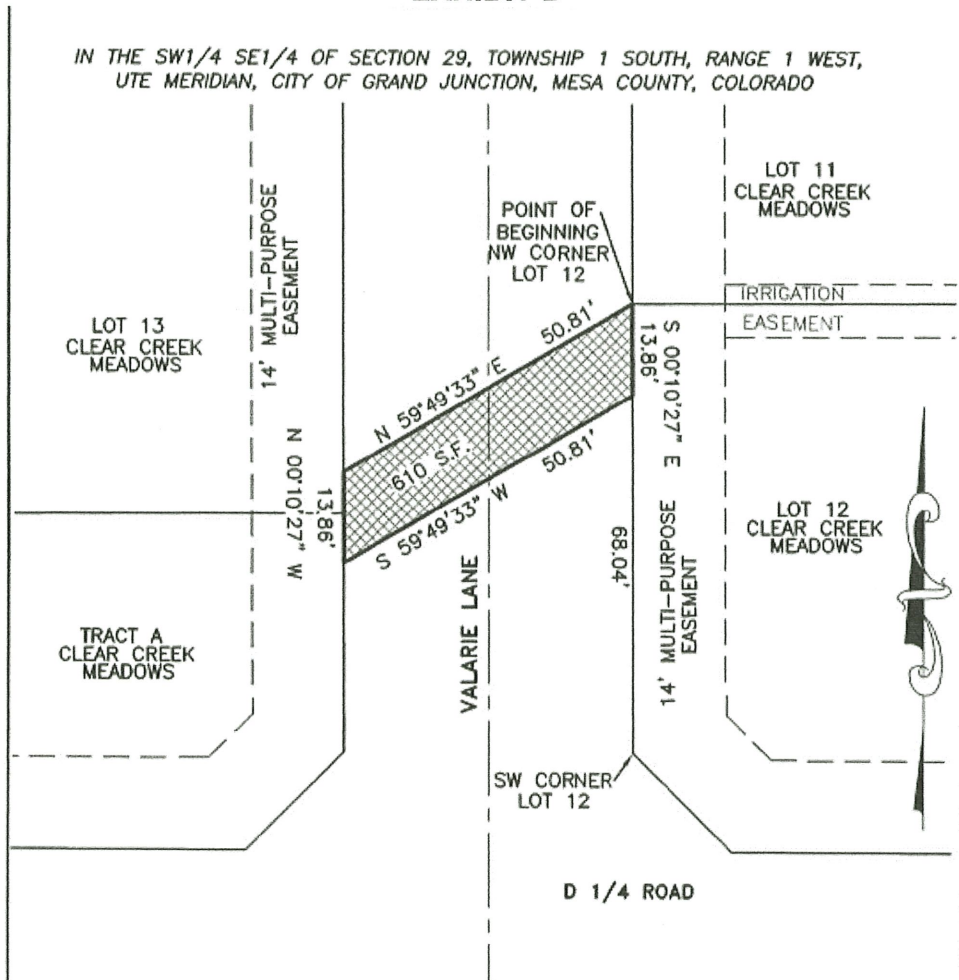


SCALE : 1"=20'
ALL LINEAL UNITS ARE
EXPRESSED IN U.S. SURVEY FEET

		EXHIBIT REVOCABLE PERMIT VALARIE LANE NORTH	
<small>405 Ridge Road, Suite A Grand Junction, CO 81502 Phone: (970) 243-4336 Fax: (970) 241-1275 www.grandjct.com</small>		<small>IN THE NE1/4 SW1/4 OF SECTION 15, T.1S., R.1E., UTE MERIDIAN CITY OF GRAND JUNCTION, MESA COUNTY, COLORADO</small>	
From: JLG	Checked: ESS	Drawn: JLG	Sheet: 1
<small>File Name: C:\A1483\A1483-Revocable.DWG</small>		<small>Date: 10/7/22</small>	<small>Scale: 1"=20'</small>

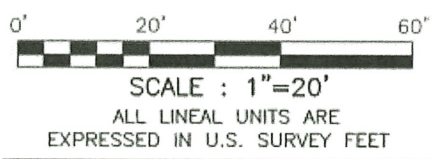
EXHIBIT B

IN THE SW1/4 SE1/4 OF SECTION 29, TOWNSHIP 1 SOUTH, RANGE 1 WEST,
UTE MERIDIAN, CITY OF GRAND JUNCTION, MESA COUNTY, COLORADO



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




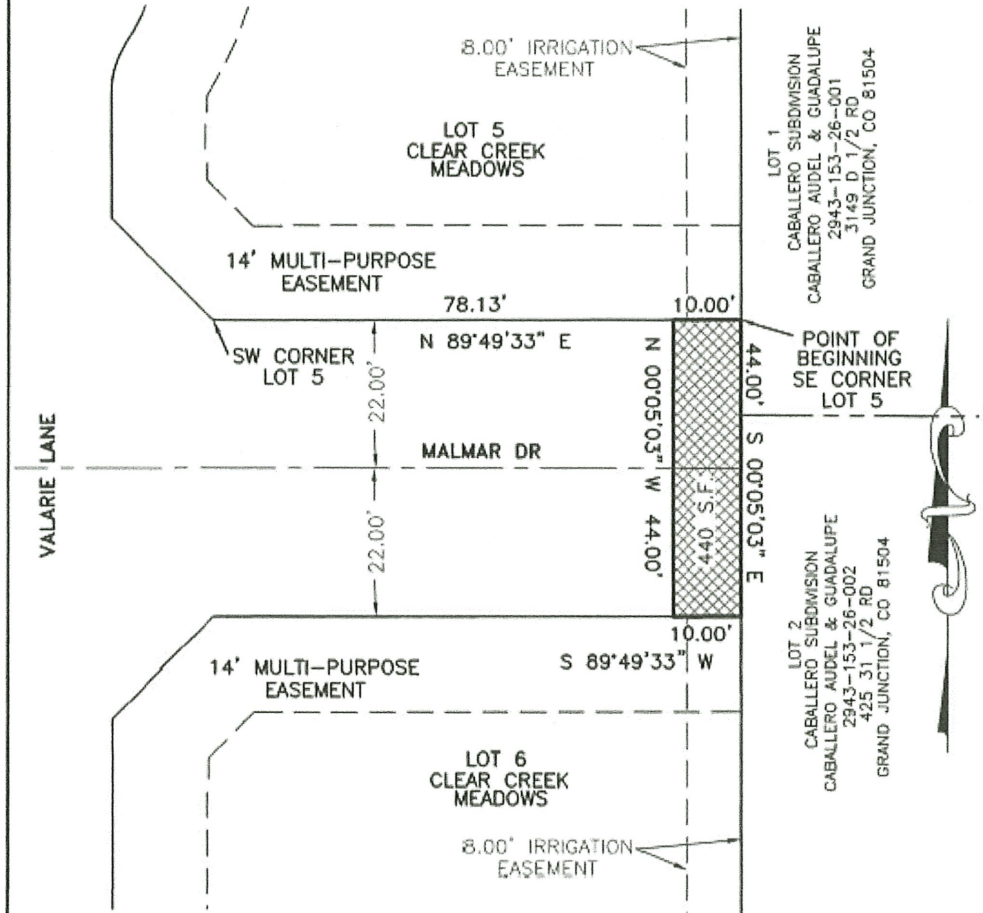
 Grand Junction, CO 81507 Phone: (970) 244-0300 Fax: (970) 241-1223 www.gea.com		EXHIBIT REVOCABLE PERMIT VALARIE LANE SOUTH IN THE NE1/4 SW1/4 OF SECTION 15, T.1S., R.1E., UTE MERIDIAN CITY OF GRAND JUNCTION, MESA COUNTY, COLORADO	
Date: JLD	Prepared: ESS	Checked: JLD	Drawn: AB225
File Number: GVA1463VA1463-Revocable DRG	Date: 10/7/22	Sheet: 1	Total: 1

EXHIBIT C

IN THE NE1/4, SW1/4 OF SECTION 15, TOWNSHIP 1 SOUTH, RANGE 1 EAST,
UTE MERIDIAN, CITY OF GRAND JUNCTION, MESA COUNTY, COLORADO



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



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		<p>EXHIBIT REVOCABLE PERMIT MALMAR DRIVE</p>	
<p>80 Ridge Road, Suite A Grand Junction, CO 81507 Voice: (970) 243-6800 Fax: (970) 243-1275 www.etaeng.com</p>		<p>IN THE NE1/4 SW1/4 OF SECTION 15, T.1S., R.1E, UTE MERIDIAN CITY OF GRAND JUNCTION, MESA COUNTY, COLORADO</p>	
<p>Drawn: JLG</p>	<p>Checked: ESS</p>	<p>Project: AR225</p>	<p>Sheet: 1</p>
<p>File Name: C:\A1463\A1463-Revocable.DWG</p>		<p>Date: 10/7/22</p>	