

## REVOCABLE PERMIT

### Recitals.

1. Cimarron Mesa, Inc., 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 Brooke Lane and B ½ Road, to wit:

#### Permit Area 1 (Brooke Lane):

A parcel of land situated in the Southeast Quarter of the Northwest Quarter and the Southwest Quarter of the Northeast Quarter of Section 26, Township 1 South, Range 1 West, Ute Meridian. City of Grand Junction, County of Mesa, State of Colorado, said parcel being more particularly described as follows:

Beginning at the northwest corner of Lot 41 of Cimarron Estates, a subdivision plat recorded at the Mesa County Clerk and Recorder's office;

thence North 80°45'18" West, a distance of 44.56 feet to the east line of Lot 42 of said Cimarron Estates;

thence North 00°07'48" East, a distance of 5.00 feet;

thence South 80°45'18" East, a distance of 44.56 feet to the west line of Lot 40 of said Cimarron Estates;

thence South 00°07'48" West, a distance of 5.00 feet to the Point of Beginning. Said parcel containing 220 square feet or 0.01 acres more or less.

All bearings herein are relative to said recorded plat of Cimarron Estates.

#### Permit Area 2 (B ½ Road):

A parcel of land situated in the Southeast Quarter of the Northwest Quarter and the Southwest Quarter of the Northeast Quarter of Section 26, Township 1 South, Range 1 West, Ute Meridian. City of Grand Junction, County of Mesa, State of Colorado, said parcel being more particularly described as follows:

Beginning at the northeast corner of Lot 5 of Cimarron Estates, a subdivision plat recorded at the Mesa County Clerk and Recorder's office;

thence North 12°59'54" West, a distance of 52.01 feet to the southwest corner of Lot 42 of said Cimarron Estates and the beginning of a curve concave to the south having a radius of 496.00 feet and a central angle of 00°34'40" and being subtended by a chord which bears North 76°06'12" East 5.00 feet;

Thence easterly along said curve, a distance of 5.00 feet to a point of cusp;

Thence South 12°59'54" East, a distance of 52.00 feet to the north line of Lot 4 of said Cimarron Estates and the beginning of a curve concave to the south having a radius of 444.00 feet and a central angle of 00°38'43" and being subtended by a chord which bears South 75°59'53" West 5.00 feet;

Thence westerly along said curve, a distance of 5.00 feet to the Point of Beginning, Said parcel containing 260 square feet or 0.01 acres more or less.

All bearings herein are relative to said recorded plat of Cimarron Estates.

The above descriptions prepared by:  
Alec K. Thomas  
River City Consultants  
215 Pitkin Ave – Suite 201  
Grand Junction, Colorado 81501

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.

Dated this 10<sup>th</sup> day of July, 2023.

Written and Recommended by:

The City of Grand Junction,  
a Colorado home rule municipality

Katherine Herbert  
Katherine Herbert  
Associate Planner

T. Allen  
Tamra Allen  
Community Development Director

**AGREEMENT**

Cimarron Mesa, Inc., 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 29<sup>th</sup> day of June, 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.

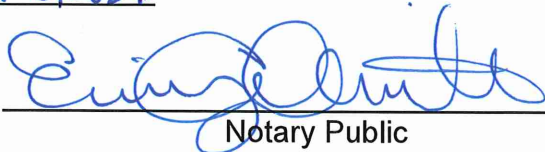


\_\_\_\_\_  
Mike Foster  
Title: Vice President  
Cimarron Mesa, Inc.

State of Colorado )  
  )ss.  
County of Mesa     )

The foregoing Agreement was acknowledged before me this 29<sup>th</sup> day of June, 2023, by Michael Foster, Vice President, Cimarron Mesa, Inc.

My Commission expires: September 5, 2024  
Witness my hand and official seal.

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

EMILY CHRISTENSEN  
NOTARY PUBLIC  
STATE OF COLORADO  
NOTARY ID #20124057829  
My Commission Expires September 5, 2024

Acceptance by the Petitioners:

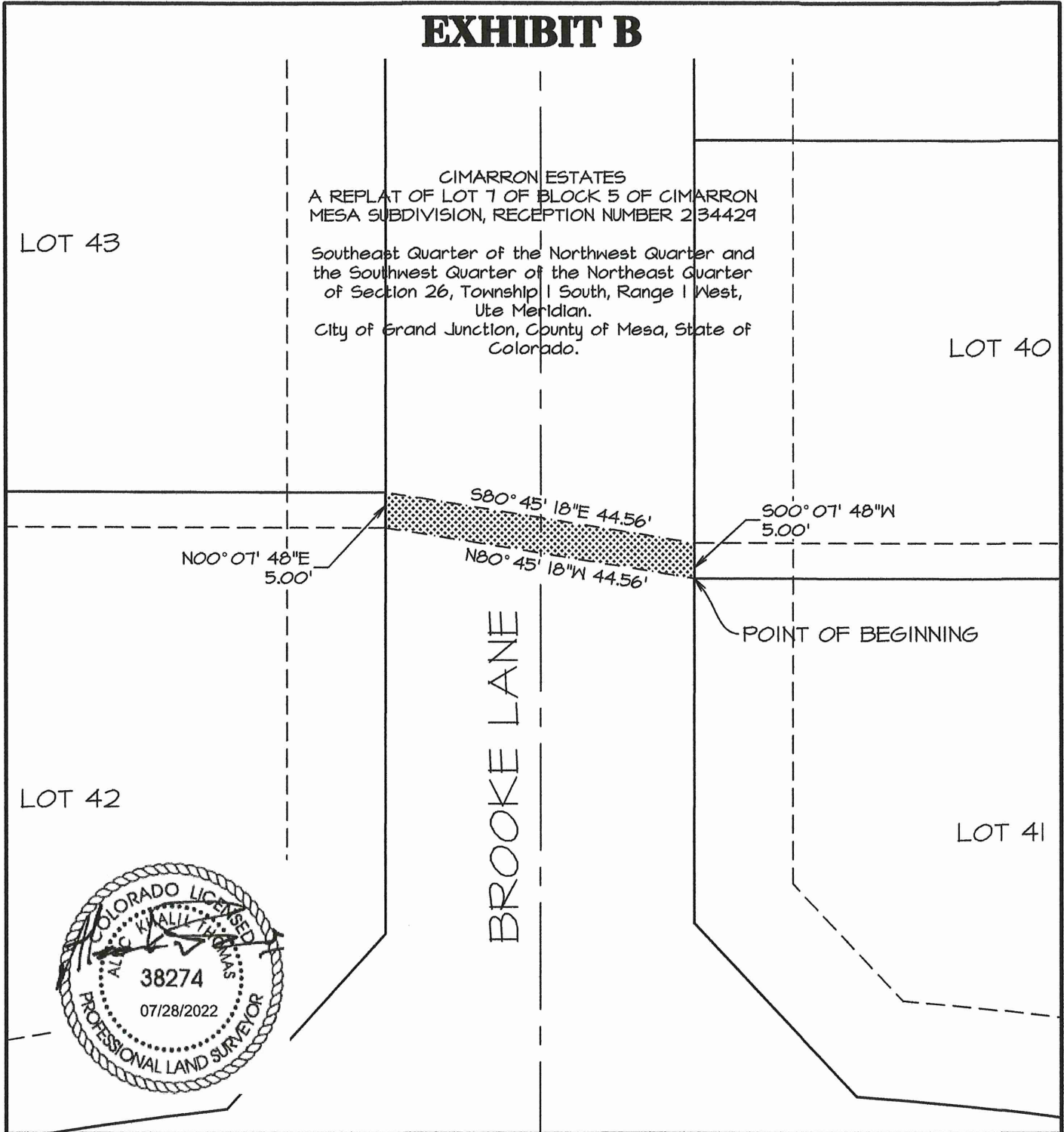


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Mike Foster  
Title: Vice President  
Cimarron Mesa, Inc.

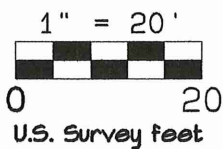
Permit Area 1

**EXHIBIT B**



CIMARRON ESTATES  
 A REPLAT OF LOT 7 OF BLOCK 5 OF CIMARRON  
 MESA SUBDIVISION, RECEPTION NUMBER 234429

Southeast Quarter of the Northwest Quarter and  
 the Southwest Quarter of the Northeast Quarter  
 of Section 26, Township 1 South, Range 1 West,  
 Ute Meridian.  
 City of Grand Junction, County of Mesa, State of  
 Colorado.



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

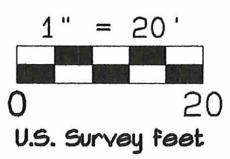
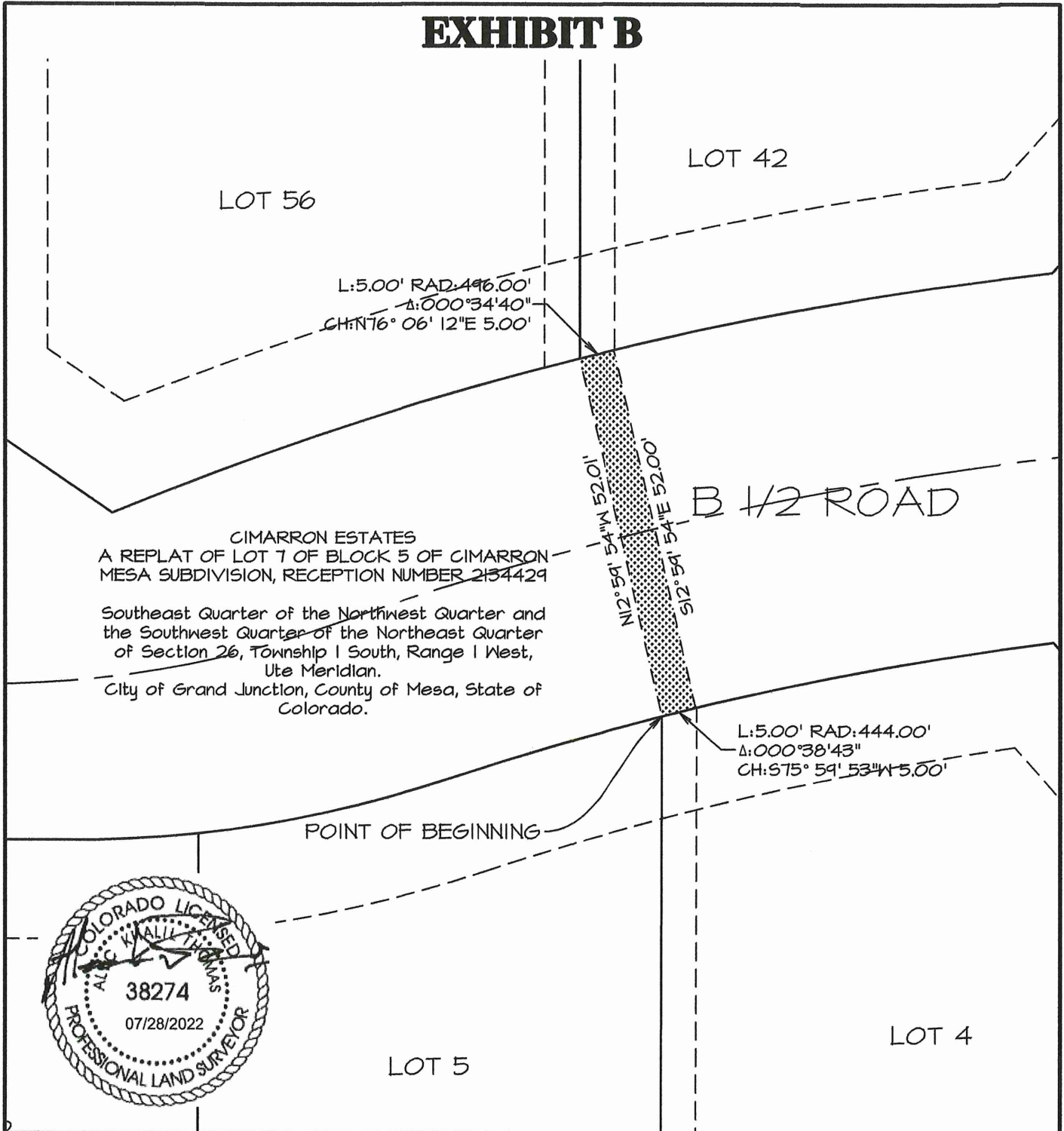
**ATM RIVER CITY**  
 CONSULTANTS  
 215 Pitkin Avenue, Unit 201  
 Grand Junction, CO 81501  
 Phone: 970.241.4722  
 Fax: 970.241.8841  
 www.rcwest.com

Drawn: AKT | Checked: NA | 7/27/22 | Job No. 1068-009

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Permit Area 2

**EXHIBIT B**



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

**RIVER CITY**  
CONSULTANTS

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