

## REVOCABLE PERMIT

### Recitals.

1. Brad Brisbin, Ann Brisbin and Charles E. Jackson, 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 landscaping and irrigation line improvements, as approved by the City, within the limits of the following described public rights-of-way, to wit:

#### Permit Area:

See attached Exhibits.

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, TAMRA ALLEN, AS COMMUNITY DEVELOPMENT DIRECTOR, DOES HEREBY ISSUE:

to the above-named Petitioners a Revocable Permit for the purposes of irrigation 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 landscape and 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 right-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 14 day of March, 2024.

Written and Recommended by:

The City of Grand Junction,  
a Colorado home rule municipality

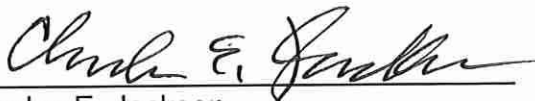
*Kristen K. Ashbeck*  
Planner

*Rich Hill*  
Community Development Director

Acceptance by the Petitioners:

*Brad Brisbin*  
Brad Brisbin

  
Ann Brisbin

  
Charles E. Jackson



**AGREEMENT**

Brad Brisbin, Ann Brisbin and Charles E. Jackson, 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 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 4<sup>th</sup> day of March, 2024.

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.

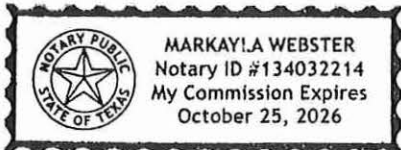
Charles E. Jackson  
Charles E. Jackson

State of Texas )  
County of Furt Bend )ss.

The foregoing Agreement was acknowledged before me this 4<sup>th</sup> day of March, 2024, by Charles E. Jackson.

My Commission expires: October 25, 2026  
Witness my hand and official seal.

Markayla Webster  
Notary Public



Brad Brisbin  
Brad Brisbin

State of Colorado )  
County of Arapahoe )ss.

The foregoing Agreement was acknowledged before me this 5 day of March, 2024, by Brad Brisbin.

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

Ann Brisbin  
Ann Brisbin

State of Colorado )  
County of Arapahoe )ss.

Stacey R Manweiler  
Notary Public

STACEY R MANWEILER  
NOTARY PUBLIC  
STATE OF COLORADO  
NOTARY ID# 20054013569  
MY COMMISSION EXPIRES APR. 15, 2025

The foregoing Agreement was acknowledged before me this 5 day of March, 2024, by Ann Brisbin.

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

STACEY R MANWEILER  
NOTARY PUBLIC  
STATE OF COLORADO  
NOTARY ID# 20054013569  
MY COMMISSION EXPIRES APR. 15, 2025

Stacey R Manweiler  
Notary Public

## EXHIBITS

A tract of land situated in the NW1/4 NW1/4 of Section 14, Township 1 South, Range 1 West of the Ute Meridian, City of Grand Junction, Mesa County, Colorado, said tract being located entirely within the Right-of-Way for North Third Street, being more particularly described as follows:

Beginning at the Southwest Corner of the North 75 feet of Lot 1 Block 9 City of Grand Junction Resurvey of Second Division as recorded at Reception Number 54332 of the Mesa County Records, from whence the Southwest Corner of said Lot 1 bears  $S0^{\circ}01'27''E$  a distance of 70.82 feet for a Basis of Bearings, all bearings herein related thereto; thence  $S0^{\circ}01'27''E$  along the West Line of said Lot 1 a distance of 10.57 feet; thence  $S89^{\circ}58'33''W$  a distance of 17.49 feet; thence  $N0^{\circ}01'27''W$  a distance of 10.57 feet; thence  $N89^{\circ}58'33''E$  a distance of 17.49 feet to the Point of Beginning.

Said tract contains 185 square feet.

Above legal description written by:

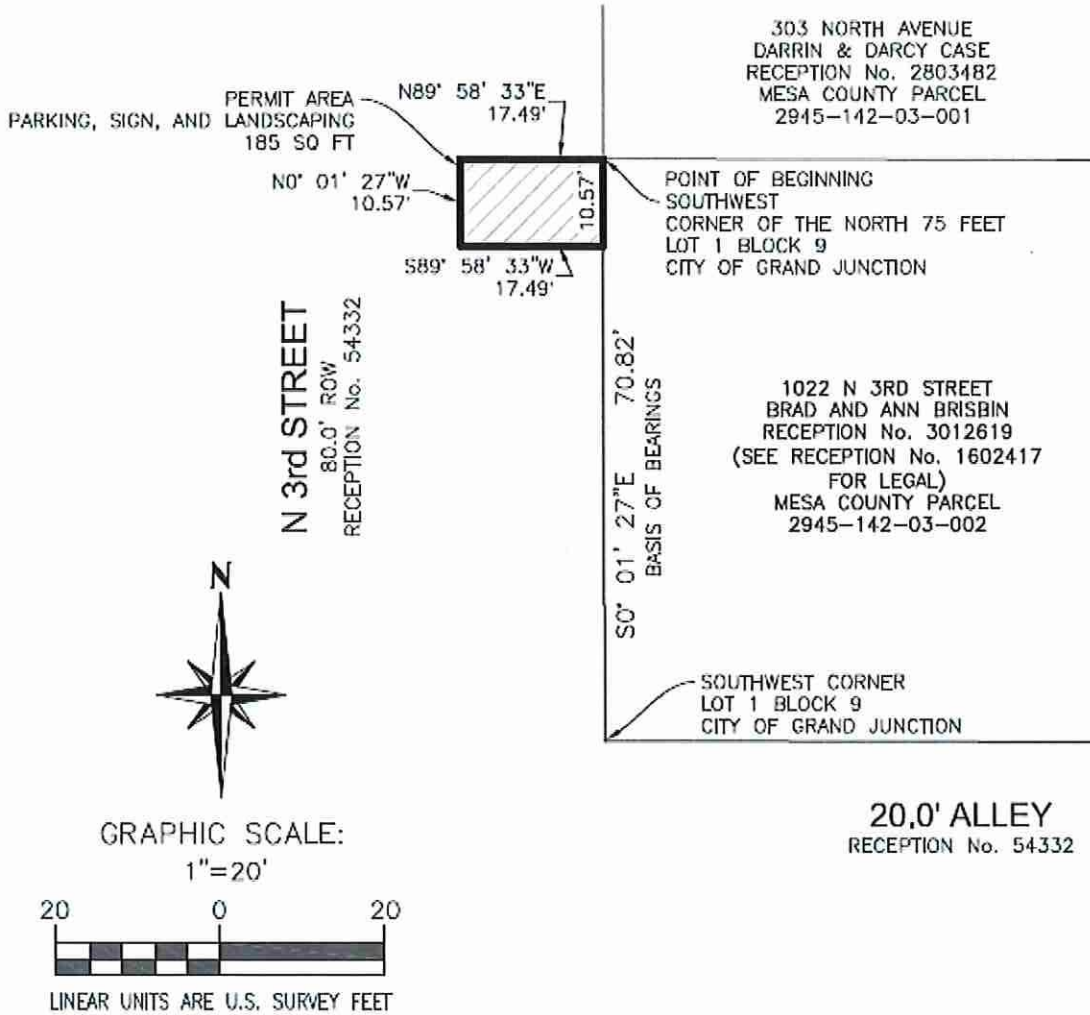
Patrick W. Click

Colorado registered Professional Surveyor No. 37904

3194 Mesa Avenue Unit B

Grand Junction, Colorado 81504

# LEGAL EXHIBIT



## LEGAL DESCRIPTION SKETCH

JOB: 2023-142 DATE: 1/29/2024

REVOCABLE PARKING, SIGN, AND LANDSCAPING PERMIT

1022 N 3RD STREET

GRAND JUNCTION, COLORADO

NW1/4 NW1/4 SECTION 14

T1S, R1W, UTE

MESA COUNTY, COLORADO

## POLARIS SURVEYING

PATRICK W. CLICK P.L.S.

3194 MESA AVE

GRAND JUNCTION, CO 81504

PHONE (970)434-7038

A tract of land situated in the NW1/4 NW1/4 of Section 14, Township 1 South, Range 1 West of the Ute Meridian, City of Grand Junction, Mesa County, Colorado, said tract being located entirely within the Right-of-Way for North Third Street, being more particularly described as follows:

Commencing at the Southwest Corner of Lot 1 Block 9 City of Grand Junction Resurvey of Second Division as recorded at Reception Number 54332 of the Mesa County Records, from whence the Southwest Corner of the North 75 feet of said Lot 1 bears  $N0^{\circ}01'27''W$  a distance of 70.82 feet for a Basis of Bearings, all bearings herein related thereto; thence  $N0^{\circ}01'27''W$  along the West Line of said Lot 1 a distance of 29.74 feet to the Point of Beginning; thence  $S89^{\circ}58'06''W$  a distance of 17.84 feet; thence  $N0^{\circ}01'27''W$  a distance of 6.51 feet; thence  $N89^{\circ}58'06''E$  a distance of 17.84; thence  $S0^{\circ}01'27''E$  along said West Line a distance of 6.51 feet to the Point of Beginning.

Said tract contains 116 square feet.

Above legal description written by:

Patrick W. Click

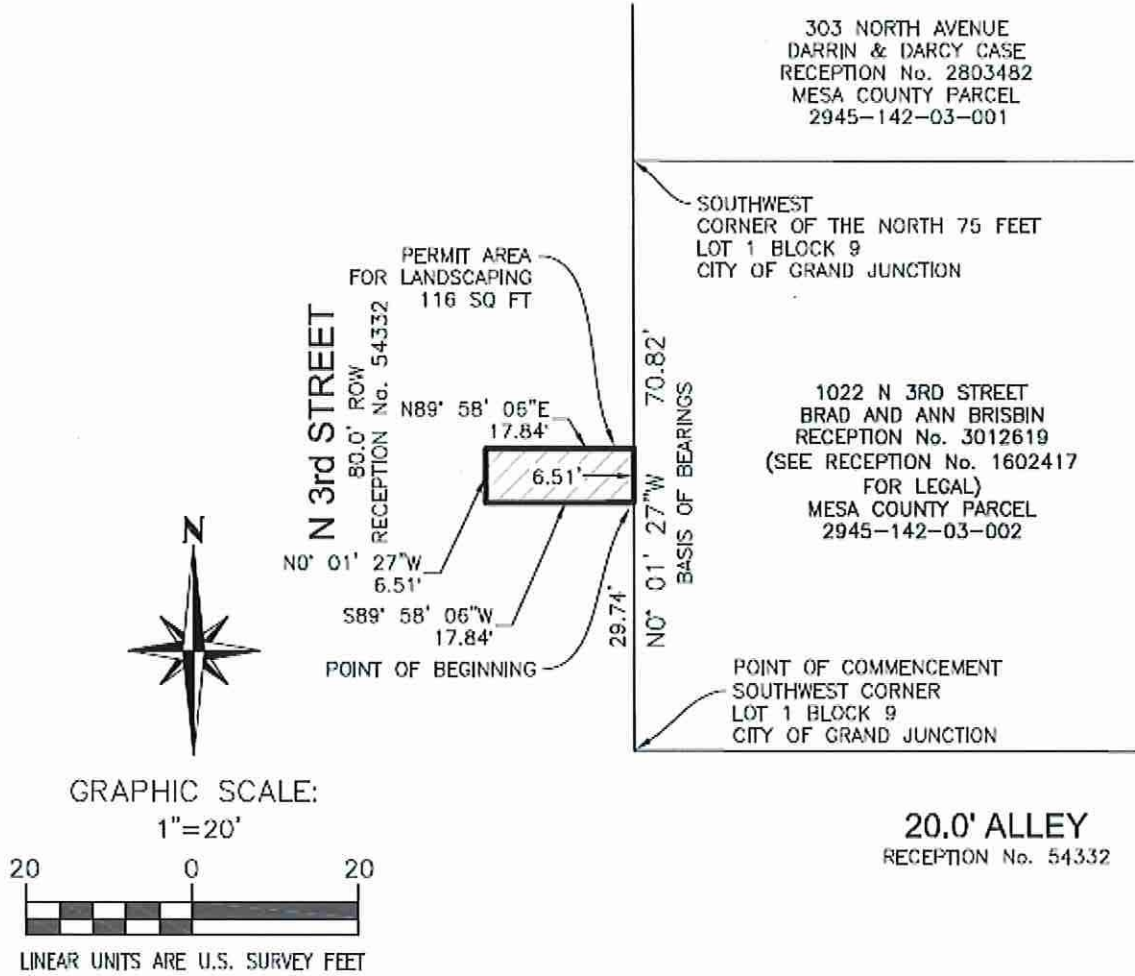
Colorado registered Professional Surveyor No. 37904

3194 Mesa Avenue Unit B

Grand Junction, Colorado 81504



# LEGAL EXHIBIT



## LEGAL DESCRIPTION SKETCH

JOB: 2023-142 DATE: 1/29/2024

REVOCABLE LANDSCAPING PERMIT

1022 N 3RD STREET  
GRAND JUNCTION, COLORADO

NW1/4 NW1/4 SECTION 14  
T15, R1W, UTE  
MESA COUNTY, COLORADO

## POLARIS SURVEYING

PATRICK W. CLICK P.L.S.

3194 MESA AVE  
GRAND JUNCTION, CO 81504  
PHONE (970)434-7038

A tract of land situated in the NW1/4 NW1/4 of Section 14, Township 1 South, Range 1 West of the Ute Meridian, City of Grand Junction, Mesa County, Colorado, said tract being located entirely within the Right-of-Way for North Third Street, being more particularly described as follows:

Beginning at the Southwest Corner of Lot 1 Block 9 City of Grand Junction Resurvey of Second Division as recorded at Reception Number 54332 of the Mesa County Records, from whence the Southwest Corner of the North 75 feet of said Lot 1 bears N0°01'27"W a distance of 70.82 feet for a Basis of Bearings, all bearings herein related thereto; thence S0°01'27"E a distance of 2.94 feet; thence N89°49'20"W a distance of 10.12 feet; thence N50°44'36"W a distance of 10.08 feet; thence N0°00'31"W a distance of 22.38; thence N89°58'33"E a distance of 17.91 feet; thence S0°01'27"E along the West Line of said Lot 1 a distance of 25.85 feet to the Point of Beginning.

Said tract contains 490 square feet.

Above legal description written by:

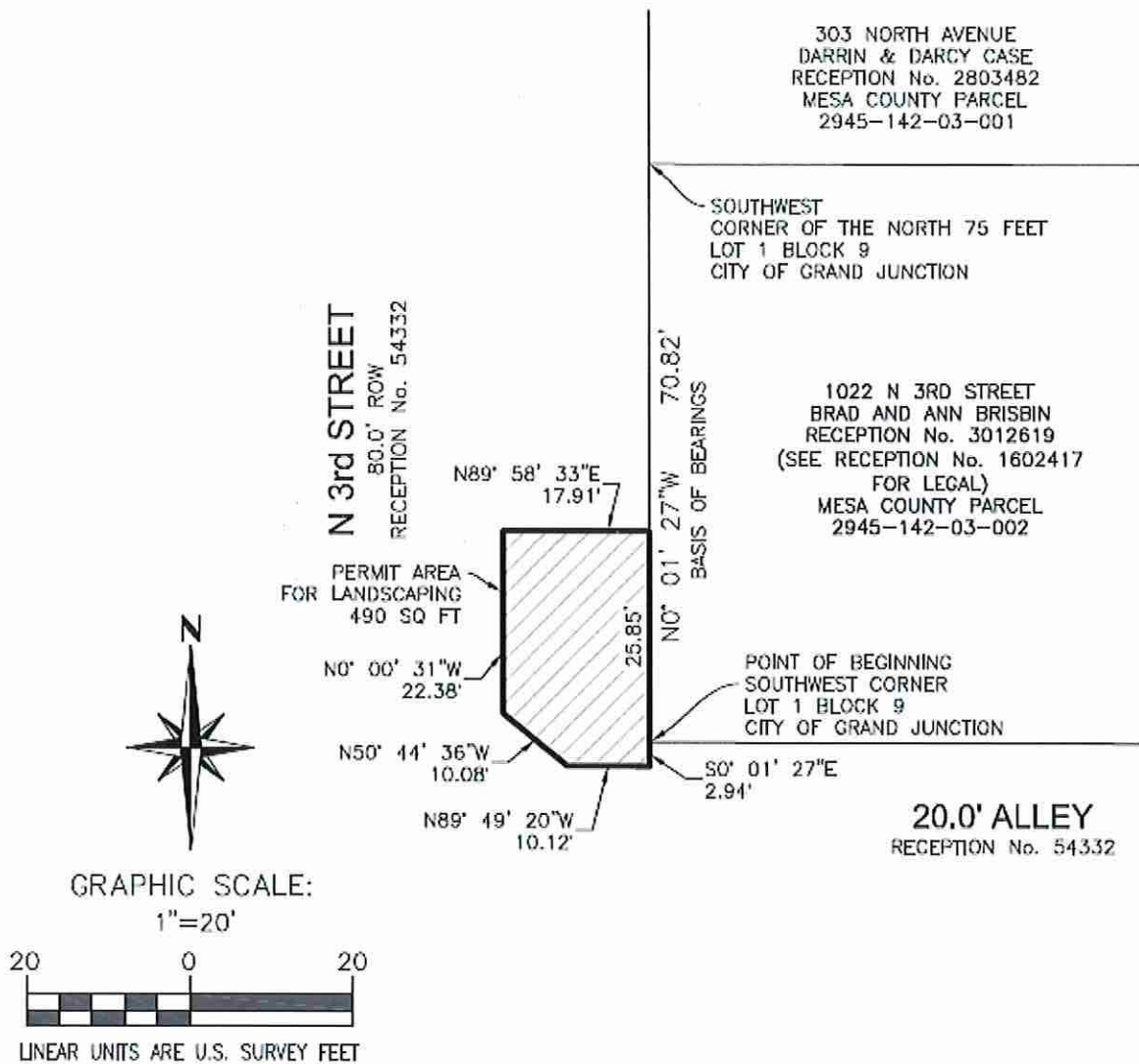
Patrick W. Click

Colorado registered Professional Surveyor No. 37904

3194 Mesa Avenue Unit B

Grand Junction, Colorado 81504

# LEGAL EXHIBIT



## LEGAL DESCRIPTION SKETCH

JOB: 2023-142 DATE: 1/29/2024

REVOCABLE LANDSCAPING PERMIT

1022 N 3RD STREET

GRAND JUNCTION, COLORADO

NW1/4 NW1/4 SECTION 14

T15, R1W, UTE

MESA COUNTY, COLORADO

## POLARIS SURVEYING

PATRICK W. CLICK P.L.S.

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