

## REVOCABLE PERMIT

### Recitals.

1. NextCity Networks Colorado, LLC, hereinafter referred to as the Petitioners, have requested that the City of Grand Junction issue a Revocable Permit to allow the placement of a utility cabinet and associated meter, as approved by the City, within the limits of the following described public rights-of-way for SE Corner of N 15<sup>th</sup> Street & Glenwood Avenue, to wit:

#### Permit Area:

(See Attached Exhibits A & B)

*A REVOCABLE PERMIT LOCATED WITHIN GLENWOOD AVENUE (60' ROW REC#535907), BEING WITHIN A PORTION OF THAT RIGHT-OF-WAY NORTH OF BLOCK 3 PARKPLACE HEIGHTS (REC#535907)*

*ALL BEARINGS ARE GRID BEARINGS OF THE MESA COUNTY LOCAL COORDINATE SYSTEM GRAND VALLEY AREA ZONE, THE BEARING OF THE LINE BETWEEN THE NORTHWEST CORNER OF SAID BLOCK 3 (FOUND 1.25" PLASTIC CAP MARKED LS38428 -1") AND THE SOUTHWEST CORNER OF THE PARCEL DESCRIBED IN REC#3047176 (FOUND 1.25" PLASTIC CAP MARKED LS38428 +3") IS SOUTH 00°00'14" EAST.*

*SAID REVOCABLE PERMIT DESCRIPTION COMMENCES AT THE NORTHWEST CORNER OF SAID BLOCK 3;*

*TENCE, SOUTH 89°56'48" EAST, ALONG THE SOUTH RIGHT-OF-WAY LINE OF GLENWOOD AVENUE, A DISTANCE OF 32.57' TO THE POINT OF BEGINNING;*

*TENCE, NORTH 01°03'07" WEST, LEAVING SAID RIGHT-OF-WAY LINE, A DISTANCE OF 7.73 FEET;*

*TENCE, SOUTH 87°02'21" EAST, A DISTANCE OF 10.86 FEET;*

*TENCE, SOUTH 00°03'12" WEST, A DISTANCE OF 7.18 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF GLENWOOD AVENUE.*

*TENCE, NORTH 89°56'48" WEST, ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 10.70 FEET TO THE POINT OF BEGINNING;*

*SAID REVOCABLE PERMIT AREA CONTAINING 80.3 SQUARE FEET MORE OR LESS.*

The above descriptions prepared by:

James David Combs  
Bona Fide Surveying LLC  
P.O. Box 640  
Fruita, Colorado 81521

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 HIS LAWFUL AUTHORITY, TRENTON PRALL, AS ENGINEERING AND TRANSPORTATION DIRECTOR, DOES HEREBY ISSUE:

to the above-named Petitioner a Revocable Permit for the purposes of placement of a utility cabinet and associated meter within the limits of the public rights-of-way described; provided, however, that this Permit is conditioned upon the following:

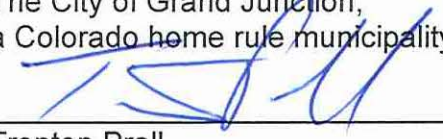
1. The installation, operation, maintenance, repair and replacement of the utility cabinet and associated meter by the Petitioners within the public rights-of-way as authorized pursuant to this Permit shall be performed with due care or any other higher standard of care as may be required by the City 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 placement of a utility cabinet and associated meter 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 the utility cabinet and associated meter authorized pursuant to this Permit. The Petitioners shall not install any additional item that may that may 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 16 day of July, 2024.


Written and Recommended by:

The City of Grand Junction,  
a Colorado home rule municipality

  
\_\_\_\_\_  
Jenna Gorney  
Associate Planner

  
\_\_\_\_\_  
Trenton Prall  
Engineering and Transportation Director

Acceptance by the Petitioners:

  
\_\_\_\_\_  
Gregory Brad Gunter  
Title: Vice President  
NextCity Networks Colorado, LLC



**AGREEMENT**

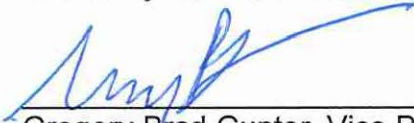
NextCity Networks Colorado, LLC, for themselves and for their successors and assigns, do hereby agree to abide by each and every term and condition contained in the foregoing Revocable Permit for a utility cabinet and associated meter. Furthermore, they shall indemnify the City of Grand Junction, its 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 16 day of July, 2024.

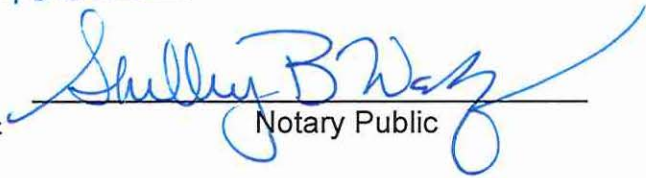
By signing, the Signatories represent that they have full authority to bind the Permittee to each and every term and condition hereof and/or in the Permit.


  
\_\_\_\_\_  
Gregory Brad Gunter, Vice President  
NextCity Networks Colorado, LLC

State of Colorado    )  
                                  ) ss.  
County of Mesa        )

The foregoing Agreement was acknowledged before me this 16 day of July, 2024, by Gregory Brad Gunter, Vice President, NextCity Networks Colorado, LLC.

My Commission expires: 4/6/2025  
Witness my hand and official seal.

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

 **Shelley B. Watz**  
Notary Public  
State of Florida  
Comm# HH114239  
Expires 4/6/2025

# REVOCABLE PERMIT EXHIBIT A

## GLENWOOD AVENUE

### GRAND JUNCTION, COLORADO

#### PERMIT AREA DESCRIPTION

A REVOCABLE PERMIT LOCATED WITHIN GLENWOOD AVENUE (60' ROW REC#535907), BEING WITHIN A PORTION OF THAT RIGHT-OF-WAY NORTH OF BLOCK 3 PARKPLACE HEIGHTS (REC#535907)

ALL BEARINGS ARE GRID BEARINGS OF THE MESA COUNTY LOCAL COORDINATE SYSTEM GRAND VALLEY AREA ZONE, THE BEARING OF THE LINE BETWEEN THE NORTHWEST CORNER OF SAID BLOCK 3 (FOUND 1.25" PLASTIC CAP MARKED LS38428 -1") AND THE SOUTHWEST CORNER OF THE PARCEL DESCRIBED IN REC#3047176 (FOUND 1.25" PLASTIC CAP MARKED LS38428 +3") IS SOUTH 00°00'14" EAST.

SAID REVOCABLE PERMIT DESCRIPTION COMMENCES AT THE NORTHWEST CORNER OF SAID BLOCK 3; THENCE, SOUTH 89°56'48" EAST, ALONG THE SOUTH RIGHT-OF-WAY LINE OF GLENWOOD AVENUE, A DISTANCE OF 32.57' TO THE POINT OF BEGINNING;

THENCE, NORTH 01°03'07" WEST, LEAVING SAID RIGHT-OF-WAY LINE, A DISTANCE OF 7.73 FEET;

THENCE, SOUTH 87°02'21" EAST, A DISTANCE OF 10.86 FEET;

THENCE, SOUTH 00°03'12" WEST, A DISTANCE OF 7.18 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF GLENWOOD AVENUE.

THENCE, NORTH 89°56'48" WEST, ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 10.70 FEET TO THE POINT OF BEGINNING;

SAID REVOCABLE PERMIT AREA CONTAINING 80.3 SQUARE FEET MORE OR LESS.

#### SURVEYOR'S CERTIFICATE

I, JAMES DAVID COMBS, COLORADO PROFESSIONAL LAND SURVEYOR NUMBER 38658, DO HEREBY CERTIFY THAT THIS REVOCABLE PERMIT EXHIBIT AND THE ACTUAL SURVEY ON THE GROUND WAS PERFORMED BY ME OR UNDER MY DIRECT SUPERVISION, THAT I AM RESPONSIBLE FOR THIS SURVEY AND THAT IT MEETS THE MINIMUM STANDARDS FOR SURVEYING IN COLORADO. I FURTHER CERTIFY THAT IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.



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OF 2  
SHEETS

PROJECT: REVOCABLE PERMIT EXHIBIT  
GLENWOOD AVENUE  
GRAND JUNCTION, COLORADO

**BONA FIDE** SURVEYING LLC  
JOB NO. 2024.0037  
DATE: 5/22/24

PO BOX 640  
FRUITA, CO 81521  
970-200-5654  
james@bonafidesurveying.com  
www.bonafidesurveying.com

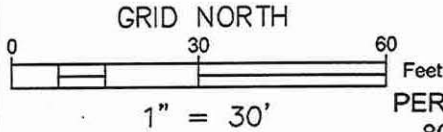




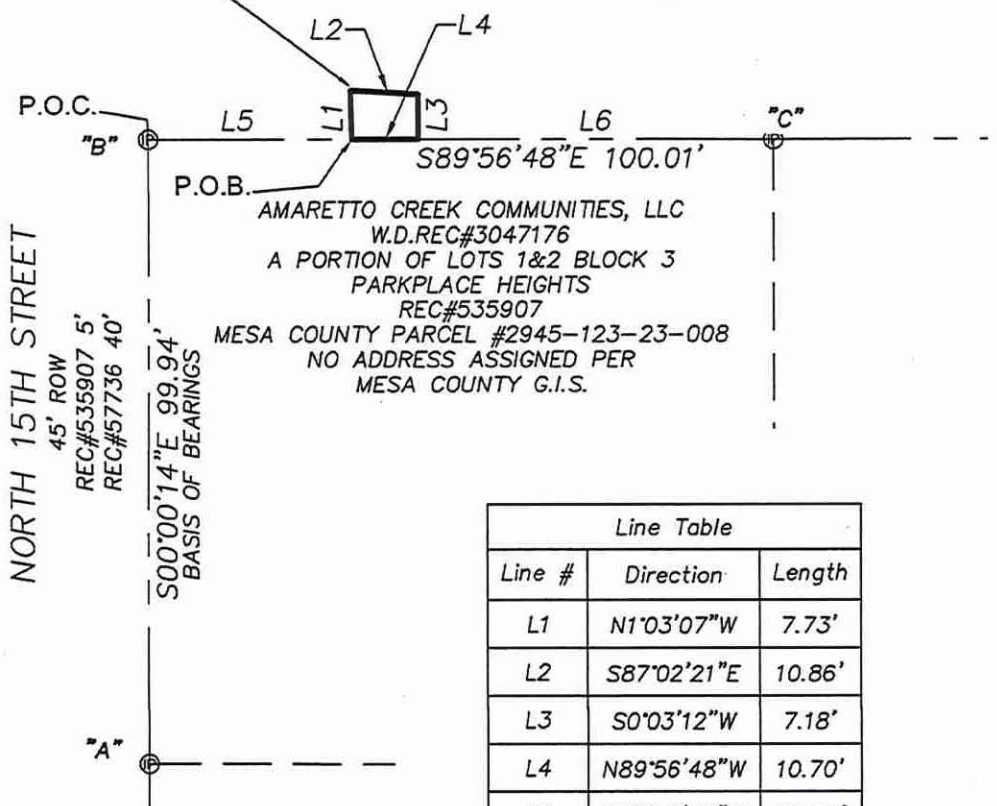
# REVOCABLE PERMIT EXHIBIT B

## GLENWOOD AVENUE GRAND JUNCTION, COLORADO

GLENWOOD AVENUE  
60' ROW REC#535907



PERMIT AREA  
80.3 SQ. FT.



AMARETTO CREEK COMMUNITIES, LLC  
W.D.REC#3047176  
A PORTION OF LOTS 1&2 BLOCK 3  
PARKPLACE HEIGHTS  
REC#535907  
MESA COUNTY PARCEL #2945-123-23-008  
NO ADDRESS ASSIGNED PER  
MESA COUNTY G.I.S.

Line Table		
Line #	Direction	Length
L1	N1°03'07"W	7.73'
L2	S87°02'21"E	10.86'
L3	S0°03'12"W	7.18'
L4	N89°56'48"W	10.70'
L5	N89°56'48"W	32.57'
L6	S89°56'48"E	56.74'

### MONUMENT LEGEND

- "A" ~ FOUND 1.25" PLASTIC CAP MARKED LS38428 (+3")
- "B" ~ FOUND 1.25" PLASTIC CAP MARKED LS38428 (-1")
- "C" ~ FOUND 1.25" PLASTIC CAP MARKED LS38428 (FLUSH)

### LEGEND

- G.I.S. GEOGRAPHIC INFORMATION
- W.D. WARRANTY DEED
- REC# RECEPTION NUMBER
- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCEMENT
- — — — — PROPERTY LINE
- PERMIT AREA
- ⊙ FOUND REBAR WITH CAP
- - - - - RIGHT-OF-WAY

### NOTES

- THIS IS NOT A LAND SURVEY PLAT.
- ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.

### BASIS OF BEARINGS

ALL BEARINGS ARE GRID BEARINGS OF THE MESA COUNTY LOCAL COORDINATE SYSTEM GRAND VALLEY AREA ZONE, THE BEARING OF THE LINE BETWEEN POINTS "B" (FOUND 1.25" PLASTIC CAP MARKED LS38428 -1") AND "A" (FOUND 1.25" PLASTIC CAP MARKED LS38428 +3") IS SOUTH 00°00'14" EAST.

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OF 2  
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GLENWOOD AVENUE  
GRAND JUNCTION, COLORADO

**BONA FIDE** SURVEYING LLC  
JOB NO. 2024.0037  
DATE: 7/2/24

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