

## 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 N. 6<sup>th</sup> Street, to wit:

#### Permit Area:

(See Attached Exhibits A & B)

*A REVOCABLE PERMIT LOCATED WITHIN NORTH 6TH AVENUE (80' ROW REC#2,000,000), BEING DIRECTLY WEST OF LOT 2, SANGER SIMPLE SUBDIVISION (REC#2378913)*

*ALL BEARINGS ARE GRID BEARINGS OF THE MESA COUNTY LOCAL COORDINATE SYSTEM GRAND VALLEY AREA ZONE, THE BEARING OF THE LINE BETWEEN THE SOUTHWEST CORNER OF LOT ONE WHITE HALL SUBDIVISION AS RECORDED IN REC#2679136 (FOUND 2" ALUMINUM CAP MARKED LS38464 FLUSH) AND THE NORTHWEST CORNER OF SAID LOT ONE (FOUND 1" BRASS TAG IN CONCRETE MARKED LS20677 FLUSH) IS NORTH 00-00'08" EAST.*

*SAID REVOCABLE PERMIT DESCRIPTION COMMENCES AT THE SOUTHWEST CORNER OF SAID LOT 2;*

*THENCE, NORTH 47°50'32" WEST, A DISTANCE OF 11.68' TO THE POINT OF BEGINNING;*

*THENCE, NORTH 88°20'49" WEST, A DISTANCE OF 6.27 FEET;*

*THENCE, NORTH 01°52'55" WEST, A DISTANCE OF 11.27 FEET;*

*THENCE, NORTH 87°45'33" EAST, A DISTANCE OF 6.16 FEET;*

*THENCE, SOUTH 02°22'03" EAST, A DISTANCE OF 11.69 FEET TO THE POINT OF BEGINNING;*

*SAID REVOCABLE PERMIT AREA CONTAINING 71.3 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:

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

The City of Grand Junction,  
a Colorado home rule municipality

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

Acceptance by the Petitioners:

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



REVOCABLE PERMIT EXHIBIT A  
NORTH 6TH STREET  
GRAND JUNCTION, COLORADO

PERMIT AREA DESCRIPTION

A REVOCABLE PERMIT LOCATED WITHIN NORTH 6TH AVENUE (80' ROW REC#2,000,000), BEING DIRECTLY WEST OF LOT 2, SANGER SIMPLE SUBDIVISION (REC#2378913)

ALL BEARINGS ARE GRID BEARINGS OF THE MESA COUNTY LOCAL COORDINATE SYSTEM GRAND VALLEY AREA ZONE, THE BEARING OF THE LINE BETWEEN THE SOUTHWEST CORNER OF LOT ONE WHITE HALL SUBDIVISION AS RECORDED IN REC#2679136 (FOUND 2" ALUMINUM CAP MARKED LS38464 FLUSH) AND THE NORTHWEST CORNER OF SAID LOT ONE (FOUND 1" BRASS TAG IN CONCRETE MARKED LS20677 FLUSH) IS NORTH 00°00'08" EAST.

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THENCE, NORTH 88°20'49" WEST, A DISTANCE OF 6.27 FEET;

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THENCE, NORTH 87°45'33" EAST, A DISTANCE OF 6.16 FEET;

THENCE, SOUTH 02°22'03" EAST, A DISTANCE OF 11.69 FEET TO THE POINT OF BEGINNING;

SAID REVOCABLE PERMIT AREA CONTAINING 71.3 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.



2  
SHEET  
OF 2  
SHEETS

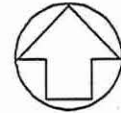
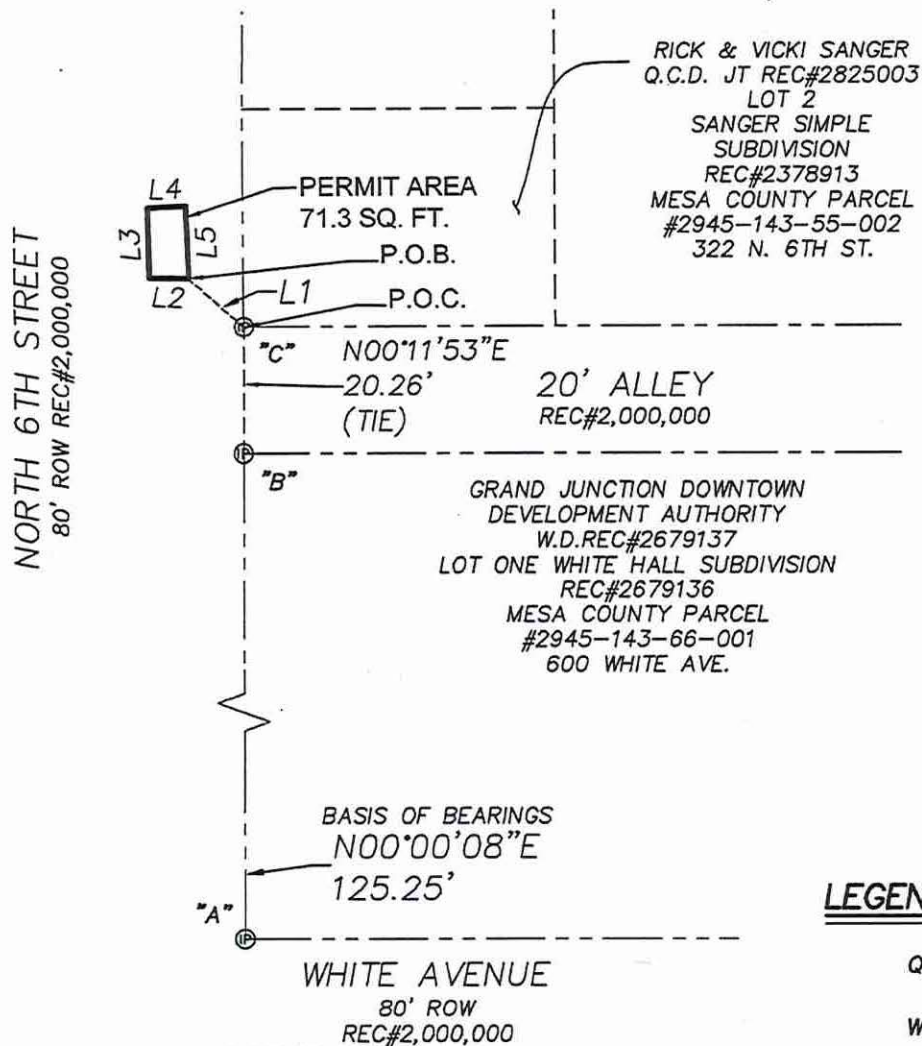
PROJECT: REVOCABLE PERMIT EXHIBIT  
NORTH 6TH STREET  
GRAND JUNCTION, COLORADO

**BONA FIDE** SURVEYING LLC  
JOB NO. 2024.0039  
DATE: 7/2/24

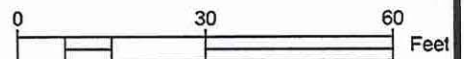
PO BOX 640  
FRUITA, CO 81521  
970-200-5654  
james@bonafidesurveying.com  
www.bonafidesurveying.com

# REVOCABLE PERMIT EXHIBIT B

NORTH 6TH STREET  
GRAND JUNCTION, COLORADO



GRID NORTH



1" = 30'

Line Table		
Line #	Direction	Length
L1	N47°50'32"W	11.68'
L2	N88°20'49"W	6.27'
L3	N1°52'55"W	11.27'
L4	N87°45'33"E	6.16'
L5	S2°22'03"E	11.69'

## LEGEND

Q.C.D. JT	QUIT CLAIM DEED JOINT TENANTS
W.D.	WARRANTY DEED
REC#	RECEPTION NUMBER
P.O.B.	POINT OF BEGINNING
P.O.C.	POINT OF COMMENCEMENT
	PERMIT AREA
	PROPERTY LINE
	FOUND REBAR WITH CAP
	RIGHT-OF-WAY LINE

## MONUMENT LEGEND

- "A" ~ FOUND 2" ALUMINUM CAP MARKED LS38464 (FLUSH)
- "B" ~ FOUND 1" BRASS TAG IN CONCRETE MARKED LS20677 (FLUSH)
- "C" ~ FOUND 2" ALUMINUM CAP MARKED LS20677 (FLUSH)

## 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 "A" (FOUND 2" ALUMINUM CAP MARKED LS38464 FLUSH) AND "B" (FOUND 1" BRASS TAG IN CONCRETE MARKED LS20677 FLUSH) IS NORTH 00°00'08" EAST.

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1  
SHEET  
OF 2  
SHEETS

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NORTH 6TH STREET  
GRAND JUNCTION, COLORADO

**BONA FIDE** SURVEYING LLC  
JOB NO. 2024.0039  
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