

REVOCABLE PERMIT

Recitals.

1. BOA BUILDERS 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 landscape improvements, as approved by the City, within the limits of the following described public right-of-way for Bunting Avenue, to wit:

Permit Area:

A parcel of land situated in the Southwest Quarter of the Southwest Quarter of Section 12, Township 1 South, Range 1 West, of the Ute Meridian, City of Grand Junction, County of Mesa, State of Colorado, said parcel being more particularly described as follows:

Commencing at the Westerly City of Grand Junction Block Monument at the intersection of Bunting Avenue and 13th Street, being an iron pin in a monument box, whence the City of Grand Junction Block Monument at the intersection of Bunting Avenue and 15th Street, being an illegible 2" aluminum cap in a monument box, bears North 89°59'55" East, with all bearings herein relative thereto;

thence South 44°56'00 East, a distance of 56.51 feet, to the northwesterly corner of Block 2 of the De Voe Subdivision as recorded at Reception Number 351826, being a #5 rebar and the Point of Beginning,

Thence South 00°05'17" West, along the west line of said Block 2 a distance of 121.14 feet to a number 5 rebar;

Thence North 89°55'51" West, a distance of 9.56 feet;

Thence North 00°27'20" East, a distance of 121.13 feet to the beginning of a curve concave to the southeast having a radius of 12.67 feet and a central angle of 75°10'48" and being subtended by a chord which bears North 41°57'16" East 15.46 feet;

Thence northerly along said curve, a distance of 16.63 feet;

Thence North 89°56'22" East, a distance of 84.38 feet;

Thence South 00°07'45" West, a distance of 11.59 feet to a number 5 rebar;

Thence South 89°59'55" West along the north line of said Block 2, a distance of 85.90 feet to the Point of Beginning,

Said parcel containing 2,172 square feet or 0.05 acres more or less.

See Exhibit B.

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 HER LAWFUL AUTHORITY, TAMRA ALLEN, AS COMMUNITY DEVELOPMENT DIRECTOR, DOES HEREBY ISSUE:

to the above-named Petitioners a Revocable Permit for the purposes of landscaping and 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 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 26 day of September, 2023.

Written and Recommended by:

The City of Grand Junction,
a Colorado home rule municipality


Planner


Community Development Director

Acceptance by the Petitioners:


Wendi Gechter, Member - BOA BUILDERS LLC

AGREEMENT

BOA BUILDERS 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 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 28th day of September, 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.

Wendi Gechter

Wendi Gechter, Member - BOA BUILDERS LLC

State of Colorado)
)ss.
County of Mesa)

The foregoing Agreement was acknowledged before me this 28 day of September, 2023, by BOA BUILDERS LLC.

My Commission expires: Jan. 26, 2025
Witness my hand and official seal.

Patricia J Dunlap
Notary Public

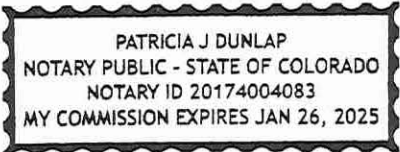


EXHIBIT B

FOUND IRON PIN
IN MONUMENT BOX
CITY BLOCK MONUMENT
BUNTING AVENUE &
13TH STREET
POINT OF COMMENCEMENT
NOTE: THE WESTERLY OF 2 BLOCK
MONUMENTS AT THIS INTERSECTION

FOUND 2" Ø ALUMINUM
IN MONUMENT BOX
CITY BLOCK MONUMENT
BUNTING AVENUE &
15TH STREET

BASIS OF BEARING: N89° 54' 55" E
544' 56" 00" E

L: 16.63' RAD: 12.67'
Δ: 075' 10' 48"
CH: N41° 57' 16" E 15.46'

60.00' BUNTING AVENUE RIGHT-OF-WAY
RECEPTION NUMBERS 309040 & 351826
NOTE: DOCUMENTS EXIST THAT REFER TO THIS
RIGHT-OF-WAY AS CHERRY AVENUE AND OLIVE AVENUE
N89° 56' 22" E 84.38'

FOUND #5 REBAR
POINT OF BEGINNING
S89° 54' 55" W 85.90'

LOT 1 LOT 2 LOT 3

CS ASSETS LLC
2445-123-20-001
BLOCK 2, DE VOE SUBDIVISION,
RECEPTION NUMBER 351826



60.00' 13TH STREET
RIGHT-OF-WAY
RECEPTION NUMBER
351826

N00° 21' 20" E 121.13'

S00° 07' 45" W 121.14'

Line Table

Line #	Length	Direction
L3	9.56'	N04° 55' 51" W
L4	11.54'	S00° 07' 45" W

FOUND #5 REBAR

20.00' ALLEY RIGHT-OF-WAY
RECEPTION NUMBER 351826

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



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Drawn: bjc Checked: bdm 6/29/23 Job No. 1714-014

S:\PROJECTS\710 30A Builders\G14 123 Bunting Ave\Survey\DWG