

## REVOCABLE PERMIT

### Recitals.

1. Clearnetwork, LLC, hereinafter referred to as the Petitioners, have requested that the City of Grand Junction issue a Revocable Permit to allow the placement of an active network operations cabinet (NOC) and associated concrete pad and power meter, as approved by the City, within the limits of the open space and utility easement overlain Tract A (such tract bearing Parcel No. 2701-334-14-00), recorded via reception No. 1617458, as part of The Cove at Fountainhead, A Replat of a Portion of the Replat of Fountainhead Subdivision, Except Lot 1, Block 3. Said open space and utility easement is located near the northwest corner of the intersection of 25 Road and G Road, to wit:

#### Permit Area:

(See Attached Exhibit)

*A 10 foot by 10 foot area situated in Section 33, Township 1 North, Range 1 West, Ute Meridian, County of Mesa, State of Colorado being better described as beginning at a point on the South line of Tract A, The Cove at Fountainhead, Reception No. 1617458, said point being N56°30'37"W 90.71 feet from the Southeast corner of said Section 33; Thence N00°02'20"E 10.00 feet;  
Thence S89°57'40"E 10.00 feet;  
Thence S00°02'20"W 10.00 feet to a point on said South line of Tract A;  
Thence along said South line of Tract A N89°57'40"W 10.00 feet to the Point of Beginning.  
Contains 100 Square Feet more or less as described.  
County of Mesa, State of Colorado*

#### BASIS OF BEARINGS:

*The bearing between the found 3 1/4" aluminum cap in monument box at the Southeast corner of Section 33, Township 1 North, Range 1 West, Ute Meridian, County of Mesa, State of Colorado and the found 3 1/4" aluminum BLM cap at the S1/16 corner common to Sections 33 and 34 bears N00°11'12"W (Mesa County Local Coordinate System, Zone, Grand Valley Area)*

The above descriptions prepared by:

Fredrick Adam Bollard  
Del-Monte Consultants, Inc.  
125 Colorado Avenue  
Montrose, Colorado 81401

2. Based on the authority of the City Charter, 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 an active network operations cabinet (NOC) and associated concrete pad and power meter within the

limits of the open space and utility easement described; provided, however, that this Permit is conditioned upon the following:

3. The installation, operation, maintenance, repair and replacement of the active network operations cabinet (NOC) by the Petitioners within the open space and utility easement 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 the adjacent right-of-way or within the existing open space and utility easement.

4. The City reserves and retains the right to revoke this Permit at any time and for any or no reason.

5. 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 adjacent public improvements and/or facilities to be installed by the Petitioners within the limits of the open space and utility easement (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 open space and utility easement 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.

6. The Petitioners agree that they shall at all times keep the above-described open space and utility easement and the facilities authorized pursuant to this Permit in good condition and repair.

7. This Revocable Permit for placement of an active network operations cabinet (NOC) and associated concrete pad and power 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 open space and utility easement and, at their own expense, remove any materials so as to make the described open space and utility easement 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.

8. 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 active network operations cabinet (NOC) and associated concrete pad and power meter authorized pursuant to this Permit. The Petitioners shall not install any additional item that may create sight distance problems.

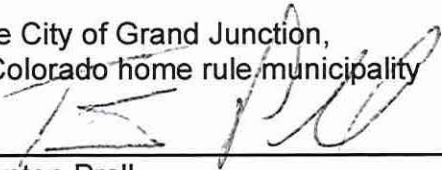
9. This Revocable Permit and the following Agreement shall be recorded by the Petitioners, at the Petitioner's expense, in the office of the Mesa County Clerk and Recorder.

Dated this 20 day of December, 2024.

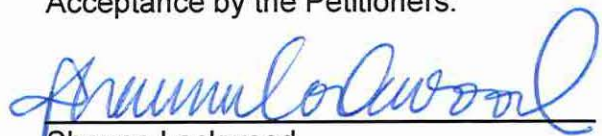
Written by:

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

The City of Grand Junction,  
a Colorado home rule municipality

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

Acceptance by the Petitioners:

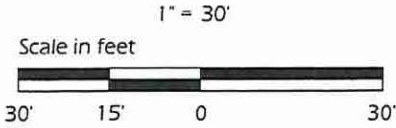
  
\_\_\_\_\_  
Shauna Lockwood  
Title: Authorized Agent, Clearnetworx, LLC



**LEGEND**

- = FOUND MONUMENT AS NOTED
- ◊ = FOUND 3 1/4" ALUMINUM CAP AS NOTED

S1/16 CORNER  
FOUND 3 1/4"  
ALUMINUM CAP BLM



FOUND 1 1/2"  
ALUMINUM CAP ON 5/8"  
REBAR LS 20632

N00°11'12"W 435.12'

S00°11'12"E 548.88'

(RECEPTION NO. 12485,  
1332451 & 1617458)

25 ROAD

BASIS OF BEARINGS  
N00°11'12"W 1316.89'

N89°48'48"E 491.26'

N44°48'48"E 66.89'

THE COVE AT FOUNTAINHEAD HOA  
RECEPTION NO. 1708295  
PARCEL NO:  
2701-334-14-000

TRACT A  
OPEN SPACE AND UTILITY  
EASEMENT  
RECEPTION NO. 1617458

S89°57'40"E 10.00'  
N00°02'20"E 10.00'

PERMIT AREA  
100 SQ. FT.

S00°02'20"W 10.00'

FOUND  
1/2"  
REBAR

N89°57'40"W 537.07'

POINT OF BEGINNING

L=31.49'  
R=20.00'  
Δ=90°13'32"  
CH=N44°55'34"E  
CHD=28.34'

TIE: N56°30'37"W 90.71'

**G ROAD**  
(RECEPTION NO. 12485,  
1332451 & 1617458)

FOUND 3 1/4"  
ALUMINUM CAP IN  
MONUMENT BOX

**SURVEYORS CERTIFICATE:**

I, Frederick Ballard, a Professional Land Surveyor in the State of Colorado, do hereby certify that the above shown parcel has been surveyed by me and/or under my direct supervision and that such survey is accurately represented hereon, and is based on my knowledge, information and belief, and is in accordance with applicable standards or practice and is not a guaranty or warranty, either expressed or implied. This survey does not include easements except those specifically shown hereon.

POINT OF COMMENCEMENT



Frederick Ballard, P.L.S. 37690



DEL MONT CONSULTANTS, INC.  
ENGINEERING & SURVEYING  
120 Cherokee Ave. • Montrose, CO 81401 • (970) 269-2201  
www.delmont.com • survey@delmont.com

**PERMIT AREA A3  
EXHIBIT**

D.M. JOB NO. 24162

DATE ISSUED: 2024-09-23

SHEET: 1 of 1

DESIGNED BY:	DCC	SCALE:	AS NOTED
CHECKED BY:	FAB	FILE NAME:	24162V_D01-01

GRAND JUNCTION, CO

CLEARNETWORKX/DEEPLY DIGITAL