

RESOLUTION NO. 20-08

A RESOLUTION CONCERNING THE ISSUANCE OF A REVOCABLE PERMIT TO REDLANDS INVESTMENT PROPERTIES, LLC

Recitals:

A. GJ Development, LLC, hereinafter referred to as the Petitioner, represent it is the owner of the following described real property in the City of Grand Junction, County of Mesa, State of Colorado, to wit:

All that portion of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 27, Township 11 South, Range 101 West of the Sixth Principle Meridian in the City of Grand Junction, County of Mesa, State of Colorado, bounded on the south by The Seasons at Tiara Rado Filing No. 1, on the south and southwest by Tiara Rado Golf Course, and on the west by the Redlands Water and Power Second Lift Canal, said portion being more particularly described by the following perimeter:

Commencing at an alloy cap, marked PLS 22580, for the N $\frac{1}{4}$ Corner of said Section 27, whence an alloy cap, marked PLS 12770, for the E $\frac{1}{16}$ Corner on the northerly line of said Section 27 bears S88°19'50"E for a distance of 1329.33 feet; thence S88°19'50"E for a distance of 682.79 feet to the Point of Beginning; thence S88°19'50"E for a distance of 646.54 feet to the E $\frac{1}{16}$ Corner of said Section 27; thence S00°46'52"E, on the easterly line of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 27 for a distance of 641.86 feet to the northeast corner of The Seasons at Tiara Rado Filing No.1, a subdivision recorded in Plat Book 13 at Page 469, Reception Number 1541184, in the Office of the Mesa County Clerk and Recorder; thence, running on and along the northerly line of said subdivision, N89°56'49"W for a distance of 174.77 feet to an angle point; thence N89°37'08"W for a distance of 66.91 feet to an angle point on the boundary line of the Tiara Rado Golf Course, as described in a deed recorded on February 10, 1975, in Book 1031 at Page 20 in the Office of the Mesa County Clerk and Recorder; thence, running on and along said Tiara Rado Golf Course boundary line the following four courses and distances:

1. N55°53'59"W for a distance of 98.70 feet;
2. S69°40'05"W for a distance of 315.09 feet;
3. N48°53'40"W for a distance of 301.91 feet;
4. N37°32'41"W for a distance of 58.90 feet to a point on the centerline of the Redlands Water and Power Second Lift Canal;

Thence, departing said Tiara Rado Golf Course boundary line, running northerly and northeasterly on and along the centerline of said Canal, the following twenty-three courses and distances:

1. N32°14'14"W for a distance of 4.50 feet;
2. N18°20'24"W for a distance of 17.59 feet to a point of curvature;
3. 6.43 feet on the arc of a 20.00 foot radius curve to the right, the central angle of which is 18°25'30" and the chord of which bears N09°07'39"W 6.40 feet;
4. N00°05'05"E for a distance of 13.57 feet to a point of curvature;
5. 9.67 feet on the arc of a 30.00 foot radius curve to the right, the central angle of which is 18°28'32" and the chord of which bears N09°19'22"E 9.63 feet;
6. N18°33'38"E for a distance of 32.34 feet to a point of curvature;

7. 3.94 feet on the arc of 50.00 foot radius curve to the right, the central angle of which is 4°31'00" and the chord of which bears N20°49'08"E 3.94 feet;
8. N23°04'38"E for a distance of 35.45 feet;
9. N23°49'52"E for a distance of 115.73 feet to a point of curvature;
10. 3.63 feet on the arc of 100.00 foot radius curve to the right, the central angle of which is 02°04'53" and the chord of which bears N24°52'19"E 3.63 feet;
11. N25°54'45"E for a distance of 35.54 feet to a point of curvature;
12. 13.92 feet on the arc of a 200.00 foot radius curve to the right, the central angle of which is 03°59'14" and the chord of which bears N27°54'22"E 13.92 feet;
13. N29°53'59"E for a distance of 32.78 feet to a point of curvature;
14. 15.07 feet on the arc of a 125.00 foot radius curve to the right, the central angle of which is 06°54'27" and the chord of which bears N33°21'12"E 15.06 feet;
15. N36°48'26"E for a distance of 28.54 feet to a point of curvature;
16. 12.91 feet on the arc of a 240.00 foot radius curve to the right, the central angle of which is 03°04'57" and the chord of which bears N38°20'54"E 12.91 feet;
17. N39°53'23"E for a distance of 73.37 feet to a point of curvature;
18. 14.45 feet on the arc of a 240.00 foot radius curve to the left, the central angle of which is 03°27'01" and the chord of which bears N38°09'52"E 14.45 feet;
19. N36°26'22"E for a distance of 18.10 feet to a point of curvature;
20. 9.49 feet on the arc of a 75.00 foot radius curve to the left, the central angle of which is 07°15'06" and the chord of which bears N32°48'49"E 9.49 feet;
21. N29°11'16"E for a distance of 23.17 feet to a point of curvature;
22. 8.84 feet on the arc of a 50.00 foot radius curve to the left, the central angle of which is 10°07'36" and the chord of which bears N24°07'28"E 8.83 feet;
23. N19°03'40"E for a distance of 6.62 feet to the intersection with the northerly line of said Section 27 and the point of beginning.

(containing 11.82 acres, more or less)

This description was prepared by Richard Mason for Rolland Engineering, 405 Ridges Blvd., Grand Junction, CO.

and identified by Mesa County Tax Schedule Number 2947-271-00-028.

B. The Petitioner has requested that the City Council of the City of Grand Junction issue a Revocable Permit to allow the Petitioner to install, maintain and repair a landscaping berm for drainage purposes within the following described public owned property:

All that portion of the Tiara Rado Golf Course situate in the NE1/4 of Section 27 in Township 11 South, Range 101 West of the Sixth Principal Meridian in the City of Grand Junction, Mesa County, Colorado, described by the following perimeter:

Commencing at the N1/4 Corner of said Section 27 whence the E1/16 Corner of said Section 27 bears S88°19'50"E a distance of 1329.33 feet; thence S42°31'23"E for a distance of 726.70 feet to the Point of Beginning; thence the following:

1. S48°53'40"E for a distance of 301.91 feet;

2. S48°53'40"E for a distance of 30.00 feet;
3. S41°06'20"W for a distance of 40.00 feet;
4. N48°53'40"W for a distance of 291.64 feet;
5. N83°53'40"W for a distance of 163.14 feet;
6. N06°06'20"E for a distance of 40.00 feet;
7. S83°53'40"E for a distance of 142.00 feet;
8. N41°06'20"E for a distance of 19.36 feet to the beginning.

(containing approximately 18,963 square feet, more or less.)

This description was prepared by Richard Mason for Rolland Engineering, 405 Ridges Blvd., Grand Junction, CO 81503.

C. Relying on the information supplied by the Petitioner and contained in File No. FP-2007-157 in the office of the City's Public Works and Planning Department, the City Council has determined that such action would not at this time be detrimental to the inhabitants of the City of Grand Junction.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO:

That the City Manager is hereby authorized and directed to issue the attached Revocable Permit to the above-named Petitioner for the purpose aforescribed and within the limits of the City owned property aforescribed, subject to each and every term and condition contained in the attached Revocable Permit.

PASSED and ADOPTED this 6th day of February, 2008.

Attest:

/s/: James J. Doody
President of the City Council

/s/: Stephanie Tuin
City Clerk

REVOCABLE PERMIT

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Thence, departing said Tiara Rado Golf Course boundary line, running northerly and northeasterly on and along the centerline of said Canal, the following twenty-three courses and distances:

24. N32°14'14"W for a distance of 4.50 feet;
25. N18°20'24"W for a distance of 17.59 feet to a point of curvature;
26. 6.43 feet on the arc of a 20.00 foot radius curve to the right, the central angle of which is 18°25'30" and the chord of which bears N09°07'39"W 6.40 feet;
27. N00°05'05"E for a distance of 13.57 feet to a point of curvature;
28. 9.67 feet on the arc of a 30.00 foot radius curve to the right, the central angle of which is 18°28'32" and the chord of which bears N09°19'22"E 9.63 feet;
29. N18°33'38"E for a distance of 32.34 feet to a point of curvature;
30. 3.94 feet on the arc of 50.00 foot radius curve to the right, the central angle of which is 4°31'00" and the chord of which bears N20°49'08"E 3.94 feet;
31. N23°04'38"E for a distance of 35.45 feet;
32. N23°49'52"E for a distance of 115.73 feet to a point of curvature;

33. 3.63 feet on the arc of 100.00 foot radius curve to the right, the central angle of which is $02^{\circ}04'53''$ and the chord of which bears $N24^{\circ}52'19''E$ 3.63 feet;
34. $N25^{\circ}54'45''E$ for a distance of 35.54 feet to a point of curvature;
35. 13.92 feet on the arc of a 200.00 foot radius curve to the right, the central angle of which is $03^{\circ}59'14''$ and the chord of which bears $N27^{\circ}54'22''E$ 13.92 feet;
36. $N29^{\circ}53'59''E$ for a distance of 32.78 feet to a point of curvature;
37. 15.07 feet on the arc of a 125.00 foot radius curve to the right, the central angle of which is $06^{\circ}54'27''$ and the chord of which bears $N33^{\circ}21'12''E$ 15.06 feet;
38. $N36^{\circ}48'26''E$ for a distance of 28.54 feet to a point of curvature;
39. 12.91 feet on the arc of a 240.00 foot radius curve to the right, the central angle of which is $03^{\circ}04'57''$ and the chord of which bears $N38^{\circ}20'54''E$ 12.91 feet;
40. $N39^{\circ}53'23''E$ for a distance of 73.37 feet to a point of curvature;
41. 14.45 feet on the arc of a 240.00 foot radius curve to the left, the central angle of which is $03^{\circ}27'01''$ and the chord of which bears $N38^{\circ}09'52''E$ 14.45 feet;
42. $N36^{\circ}26'22''E$ for a distance of 18.10 feet to a point of curvature;
43. 9.49 feet on the arc of a 75.00 foot radius curve to the left, the central angle of which is $07^{\circ}15'06''$ and the chord of which bears $N32^{\circ}48'49''E$ 9.49 feet;
44. $N29^{\circ}11'16''E$ for a distance of 23.17 feet to a point of curvature;
45. 8.84 feet on the arc of a 50.00 foot radius curve to the left, the central angle of which is $10^{\circ}07'36''$ and the chord of which bears $N24^{\circ}07'28''E$ 8.83 feet;
46. $N19^{\circ}03'40''E$ for a distance of 6.62 feet to the intersection with the northerly line of said Section 27 and the point of beginning.

(containing 11.82 acres, more or less)

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and identified by Mesa County Tax Schedule Number 2947-271-00-028.

B. The Petitioner has requested that the City Council of the City of Grand Junction issue a Revocable Permit to allow the Petitioner to install, maintain and repair a landscaping berm for drainage purposes within the following described public owned property:

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9. $S48^{\circ}53'40''E$ for a distance of 301.91 feet;
10. $S48^{\circ}53'40''E$ for a distance of 30.00 feet;
11. $S41^{\circ}06'20''W$ for a distance of 40.00 feet;
12. $N48^{\circ}53'40''W$ for a distance of 291.64 feet;
13. $N83^{\circ}53'40''W$ for a distance of 163.14 feet;

14. N06°06'20"E for a distance of 40.00 feet;
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C. Relying on the information supplied by the Petitioner and contained in File No. FP-2007-157 in the office of the City's Public Works and Planning Department, the City Council has determined that such action would not at this time be detrimental to the inhabitants of the City of Grand Junction.

NOW, THEREFORE, IN ACCORDANCE WITH THE ACTION OF THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO:

There is hereby issued to the above-named Petitioner a Revocable Permit for the purpose aforescribed and within the limits of the public owned property aforescribed; provided, however, that the issuance of this Revocable Permit shall be conditioned upon the following terms and conditions:

1. The Petitioner's use and occupancy of the public owned property as authorized pursuant to this Permit shall be performed with due care or any other higher standard of care as may be required to avoid creating hazardous or dangerous situations and to avoid damaging public improvements and public utilities or any other facilities presently existing or which may in the future exist in said public owned property.
2. The City hereby reserves and retains a perpetual right to utilize all or any portion of the aforescribed public owned property for any purpose whatsoever. The City further reserves and retains the right to revoke this Permit at any time and for any reason.
3. The Petitioner, for itself and for its successors, assigns and for all persons claiming through the Petitioner, agrees that it shall defend all efforts and claims to hold, or attempt to hold, the City of Grand Junction, its officers, employees and agents, liable for damages caused to any property of the Petitioner or any other party, as a result of the Petitioner's occupancy, possession or use of said public owned property or as a result of any City activity or use thereof or as a result of the installation, operation, maintenance, repair and replacement of public improvements.
4. The Petitioner agrees that it shall at all times keep the above described public owned property in good condition and repair.
5. This Revocable Permit shall be issued only upon the concurrent execution by the Petitioner of an agreement that the Petitioner and the Petitioner's 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 Petitioner shall, at the sole cost and expense of the Petitioner, within thirty (30) days of notice of revocation (which may occur by mailing a first class letter to the last known address), peaceably surrender said public owned property and, at its own expense, remove any encroachment so as to make the aforescribed public owned property available for use by the City or the general public. The provisions concerning holding harmless and indemnity shall survive the expiration, revocation, termination or other ending of this Permit.

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

Dated this _____ day of _____, 2008.

Attest:

The City of Grand Junction,
a Colorado home rule municipality

City Clerk

City Manager

Acceptance by the Petitioner:

GJ Development, LLC

AGREEMENT

GJ Development, LLC, for itself and for its successors and assigns, does hereby agree to:

(a) Abide by each and every term and condition contained in the foregoing Revocable Permit;

(b) Indemnify and hold harmless the City of Grand Junction, its officers, employees and agents with respect to all claims and causes of action, as provided for in the approving Resolution and Revocable Permit;

(c) Within thirty (30) days of revocation of said Permit by the City Council, peaceably surrender said public right-of-way to the City of Grand Junction;

(d) At the sole cost and expense of the Petitioner, remove any encroachment so as to make said public right-of-way fully available for use by the City of Grand Junction or the general public.

Dated this _____ day of _____, 2008.

GJ Development, LLC

By: _____
Teresa K. Anson, Member

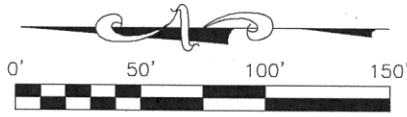
State of Colorado)
County of Mesa)

The foregoing Agreement was acknowledged before me this ___ day of _____, 2008, by Teresa K. Anson, Member of GJ Development, LLC.

My Commission expires: _____
Witness my hand and official seal.

Notary Public

(PLS 12770)
E1/16 CORNER
SEC 22/SEC 27
T11S, R101W
6TH P.M.



SCALE: 1" = 50'

ALL LINEAL MEASUREMENTS ARE
EXPRESSED IN U.S. SURVEY FEET.

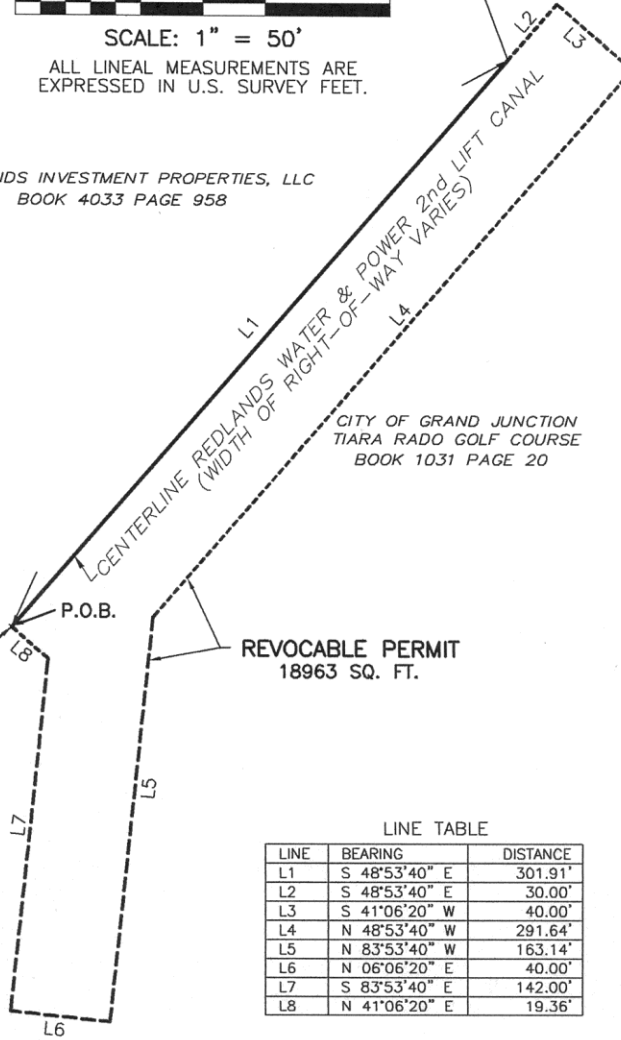
REDLANDS INVESTMENT PROPERTIES, LLC
BOOK 4033 PAGE 958

N88°19'50"W 1329.33
BASIS OF BEARING

CITY OF GRAND JUNCTION
TIARA RADO GOLF COURSE
BOOK 1031 PAGE 20

REVOCABLE PERMIT
18963 SQ. FT.

(PLS 22580)
N1/4 CORNER
SECTION 27
T11S, R101W
6TH P.M.

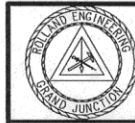


LINE TABLE

LINE	BEARING	DISTANCE
L1	S 48°53'40" E	301.91'
L2	S 48°53'40" E	30.00'
L3	S 41°06'20" W	40.00'
L4	N 48°53'40" W	291.64'
L5	N 83°53'40" W	163.14'
L6	N 06°06'20" E	40.00'
L7	S 83°53'40" E	142.00'
L8	N 41°06'20" E	19.36'

LEGEND AND ABBREVIATIONS

- FOUND REBAR & CAP PLS-9960
- FOUND REBAR & CAP PLS-22580
- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCEMENT



ROLLAND ENGINEERING
402 Ridge Blvd
Grand Jct, CO 81503
(970) 243-6300

File Name: C:\PROJECTS\6029\6029EXHGOLF.DWG

EXHIBIT
REVOCABLE PERMIT
IN THE NE1/4 OF SECTION 27
T11S, R101W, 6TH P.M.
CITY OF GRAND JUNCTION,
MESA COUNTY COLORADO

Designed	Checked	RAM	Plot	6029	Sheet	1
Drawn	DMA	1/30/08	Inc		Of	1