

## REVOCABLE PERMIT

### Recitals.

1. Heritage Estates Subdivision, Filings 1, 2, 3 and 4, hereinafter referred to as the Petitioner, has requested that the City of Grand Junction issue a Revocable Permit to allow the Petitioner to install, operate, maintain, repair and replace irrigation improvements, as approved by the City, within the limits of the following described public rights-of-way for Streets Routt Avenue, Orion Way, Waite Avenue, Chalisa Avenue, to wit:

Permit areas are described on Sheet 2 of Exhibit A attached and are depicted on Sheet 1 of Exhibit A attached.

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 Public Works and Planning Department, 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, LISA COX, AS PLANNING MANAGER, DOES HEREBY ISSUE:

Heritage Estates Subdivision, Filings 1, 2, 3 and 4, the above-named Petitioner a Revocable Permit for the purposes of 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 irrigation improvements by the Petitioner 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.

**AGREEMENT**

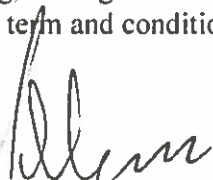
John Davis, Registered Agent for Heritage Estates LLC, for himself and for his successors and assigns, do hereby agree to abide by each and every term and condition contained in the foregoing Revocable Permit for irrigation for Heritage Estates Subdivision, Filings 1, 2, 3 and 4. Furthermore, they shall 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.

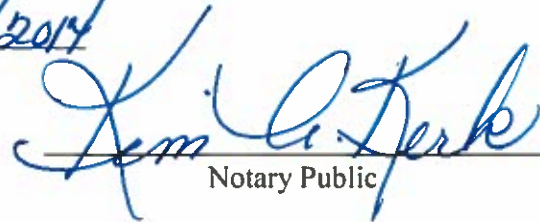
Dated this 4<sup>th</sup> day of April, 2013.

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.

  
\_\_\_\_\_  
John Davis, Registered Agent for Heritage Estates LLC

State of Colorado    )  
                                  )ss.  
County of Mesa        )

The foregoing Agreement was acknowledged before me this 4<sup>th</sup> day of April, 2013, by John Davis.

My Commission expires: 04/14/2014  
Witness my hand and official seal.  
  
\_\_\_\_\_  
Notary Public



My Commission Expires 04/14/2014

# REVOCABLE PERMIT SKETCH

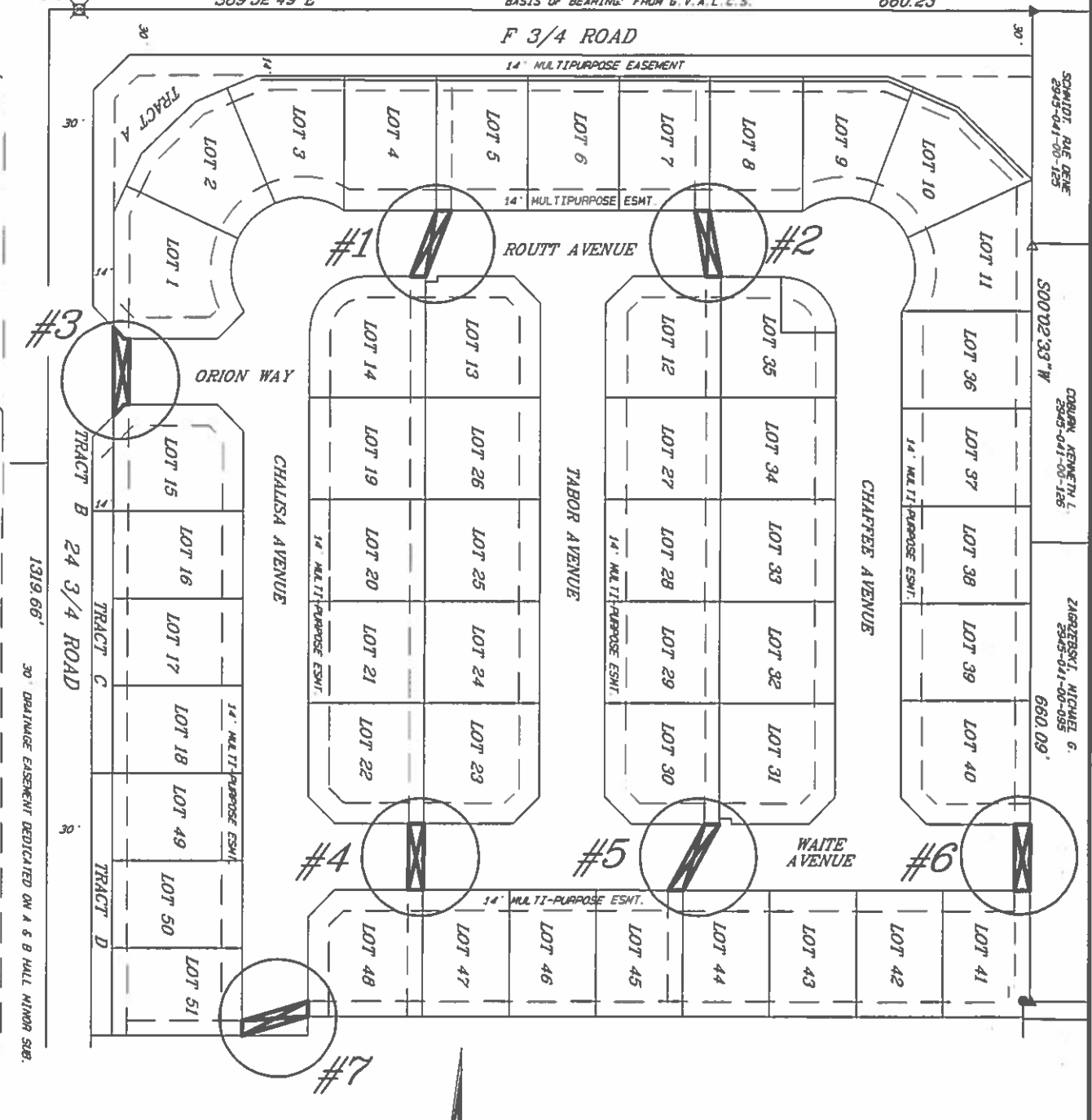
NE 1/4 1/4 COR.  
MC - 24 06'

2945-041-00-102  
RAEDENS S. BASTINGER  
679 25 ROAD

S89°52'49"E

BASIS OF BEARING: FROM G.V.A.L.C.S.

660.23'



SCHMIDT, AIG. GENE  
2945-041-00-123

S00°02'33"W

COBBIN, KENNETH L.  
2945-041-00-126

ZIGERSKI, MICHAEL G.  
2945-041-00-095  
680.09'

1319.66'

30' DRAINAGE EASEMENT DEDICATED ON A & B HILL MINOR SUB.

## REVOCABLE PERMIT DESCRIPTIONS

### SEE SHEET 1 OF 2 FOR GRAPHICAL REPRESENTATION.

#1 From the southeast corner of Lot 4, southwesterly across Routt Avenue to a point on the north line of Lot 14, 10.00 feet west of the northeast corner of Lot 14; thence offsetting this line 10.00 feet east across Routt Avenue.

#2 From the southeast corner of Lot 7, southeasterly across Routt Avenue to the northeast corner of Lot 12; thence offsetting this line 10.00 feet west across Routt Avenue.

#3 From the southwest corner of Lot 1, south across Orion Way to the northeast corner of Lot 15; thence offsetting this line east 10.00 feet across Orion Way.

#4 From the southeast corner of Lot 22, south across Waite Avenue to the northeast corner of Lot 48; thence offsetting this line 10.00 feet west across Waite Avenue.

#5 From the southeast corner of Lot 30, southwesterly across Waite Avenue to the northeast corner of Lot 45; thence offsetting this line 10.00 feet west across Waite Avenue.

#6 From the southeast corner of Lot 40, south across Waite Avenue to the northeast corner of Lot 41; thence offsetting this line west 10.00 feet across Waite Avenue.

#7 From the southeast corner of Lot 51, northeasterly across Chalisa Avenue to the southwest corner of Lot 48; thence offsetting this line north 10.00 feet across Chalisa Avenue.

The above descriptions are all 10.00 feet wide and crossing public right-of-way located within the recorded subdivision plats of Heritage Estates, Filing 1, 2, 3 & 4, City of Grand Junction, Mesa County, Colorado.