

BAR09GRD

TYPE OF RECORD:	PERMANENT
CATEGORY OF RECORD:	REVOCABLE PERMIT
NAME OF PROPERTY OWNER OR GRANTOR:	LANCE BARKER
PURPOSE:	LANDSCAPING
ADDRESS:	2757 G ROAD
PARCEL NO.	2945-011-46-007
CITY DEPARTMENT:	PUBLIC WORKS AND PLANNING
YEAR:	2009
EXPIRATION DATE:	NONE
DESTRUCTION DATE:	NONE

## REVOCABLE PERMIT

### Recitals.

1. Lance Barker, 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 landscape improvements, as approved by the City, within the limits of the following described public right-of-way for G Road, to wit:

#### Permit Area:

A certain parcel of land lying in the Northwest Quarter of the Northeast Quarter (NW 1/4 NE 1/4) of Section 1, Township 1 South, Range 1 West of the Ute Principal Meridian, County of Mesa, State of Colorado, lying entirely within the right of way for G Road, being more particularly described as follows:

BEGINNING at the Northwest corner of Lot 7, Block One, Ptarmigan Estates, as same is recorded in Plat Book 13, Pages 456 through 458, inclusive, Public Records of Mesa County, Colorado and assuming the North line of the NW 1/4 NE 1/4 of said Section 1 bears S 89°55'46" E with all other bearings contained herein relative thereto; thence from said POINT OF BEGINNING, N 08°04'25" W along a line being the West line of said Lot 7, Block One projected Northerly, a distance of 25.25 feet; thence S 89°55'46" E a distance of 109.78 feet; thence S 00°04'14" W, a distance of 25.00 feet to the Northeast corner of said Lot 7, Block One; thence N 89°55'46" W along the North line of said Lot 7, Block One, a distance of 106.20 feet, more or less, to the Point of Beginning.

CONTAINING 2,700 Square Feet, more or less, as described and as shown in attached Exhibit "A".

2. Based on the authority of the Charter and § 2.17B of the Grand Junction Zoning and Development Code applying the same, the City, by and through the Public Works and Planning Director, has determined that such action would not at this time be detrimental to the inhabitants of the City.

NOW, THEREFORE, IN ACCORDANCE WITH LAWFUL AUTHORITY, THE PUBLIC WORKS AND PLANNING DIRECTOR, DOES HEREBY ISSUE:

to the above-named Petitioner 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 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 Petitioner, for himself and for his successors and assigns, agrees that he 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 Petitioner within the limits of the public right-of-way (including the removal thereof), or any other property of the Petitioner or any other party, as a result of the Petitioner's 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 Petitioner agrees that he 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 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 expense and cost of the Petitioner, within thirty (30) days of notice of revocation (which may occur by mailing a first class letter to Petitioner's last known address), peaceably surrender said public right-of-way and, at his 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 Petitioner, for himself and for his successors and assigns, agrees that he 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 Petitioner shall not install any trees, vegetation or other improvements that create sight distance problems. The Petitioner shall not erect any structures, temporary or permanent in nature, in said area as described above.

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

Dated this 5<sup>th</sup> day of June, 2009.

Written and Recommended by:

The City of Grand Junction,  
a Colorado home rule municipality

    *Bonnie Edwards*      
Planner

    *Tom Noa*      
Public Works and Planning Department Director

Acceptance by the Petitioner:  
    *Lance Barker*      
Lance Barker

**AGREEMENT**

Lance Barker, 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 landscaping and irrigation. Furthermore, he 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 his 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 5th day of June, 2009.

By signing, the Signatory represents that he has full authority to bind the Permittee to each and every term and condition hereof and/or in the Permit.

Lance Barker  
Lance Barker

State of Colorado )  
County of Hinsdale )ss.  
~~Mesa~~ )

The foregoing Agreement was acknowledged before me this 5th day of June, 2009, by Lance Barker.

My Commission expires: 3-9-11

Witness my hand and official seal.

Jean Roberts

Notary Public



# EXHIBIT "A"

K 5

PUTTER  
DRIVE

1  
BLOCK 4

3

10' UTILITY & IRR  
10' UTILITY & IRR

G ROAD

(BASIS OF BEARINGS)  
NORTH LINE OF THE NW 1/4 NE 1/4 SECTION 1, TWP 1 SOUTH, RGE 1 WEST, UTE MERIDIAN

N08°04'25"W  
25.25'

S89°55'46"E 109.78'

S00°04'14"W  
25.00'

30.00'  
30.00'

N89°55'46"W 106.20'

20' UTILITY AND IRRIGATION EASEMENT

P.O.B.  
N.W. CORNER LOT 7  
BLOCK ONE

LOT 8

LOT 7

LANCE BARKER  
2757 G ROAD  
2945-011-46-007  
(BK 4700, PG 957)  
PERMIT AREA = 2,700 SQ. FT.

LOT 5

BLOCK ONE

12' 12'  
INGRESS, EGRESS & UTILITY EASEMENT

PTARMIGAN ESTATES  
(PLAT BOOK 13, PAGES 456-458)

LOT 6

**ABBREVIATIONS**

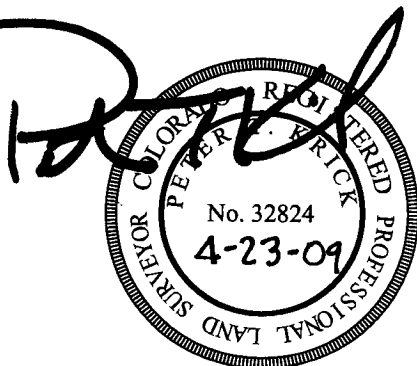
- R.O.W. RIGHT OF WAY
- SEC. SECTION
- TWP. TOWNSHIP
- RGE. RANGE
- U.M. UTE MERIDIAN
- P.O.C. POINT OF COMMENCEMENT
- P.O.B. POINT OF BEGINNING
- SSMH SANITARY SEWER MAN HOLE

0 25 50

1 inch = 50 ft.

LINEAL UNITS = US SURVEY FOOT

The sketch and description shown hereon has been derived from subdivision plats and deed descriptions as they appear in the office of the Mesa County Clerk and Recorder. This sketch does not constitute a legal survey, and is not intended to be used as a means for establishing or verifying property boundary lines.



THIS IS NOT A SURVEY

DRAWN BY: PTK  
DATE: 4-21-09  
SCALE: 1" = 50'  
APPR. BY: PTK

LANCE BARKER  
2757 G ROAD  
NW 1/4 NE 1/4 SEC 1  
TWP 1S, RGE 1W, U.M

CITY OF  
**Grand Junction**  
COLORADO