

BER06GND

TYPE OF RECORD:	PERMANENT
CATEGORY OF RECORD:	REVOCABLE PERMIT
NAME OF PROPERTY OWNER OR GRANTOR:	ALMA BERA
PURPOSE:	RIGHT-OF-WAY TO ALLOW PETIONER TO INSTALL, OPERATE, MAINTAIN, REPAIR AND REPLACE IRRIGATION IMPROVEMENTS
ADDRESS:	416 W. GRAND AVENUE (EL POSO AREA IMPROVEMENT DISTRICT)
PARCEL NO.:	2945-151-00-074
CITY DEPARTMENT:	PUBLIC WORKS AND PLANNING
YEAR:	2006
EXPIRATION:	NONE
DESTRUCTION:	NONE

REVOCABLE PERMIT

2318555 BK 4162 PG 626-629
05/23/2006 03:11 PM
Janice Ward CLK&REC Mesa County, CO
RecFee \$20.00 SurChg \$1.00

Recitals.

1. *Alma Bera*, hereinafter referred to as the Petitioner, has requested that the City of Grand Junction, ("the City"), 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 right-of-way for *El Poso Area Improvement District*, to wit:

Permit Area:

A parcel of land for irrigation purposes located in the Southwest Quarter of the Northeast Quarter (SW 1/4 NE 1/4) of Section 15, Township 1 South, Range 1 West of the Ute Meridian, City of Grand Junction, Mesa County, State of Colorado, being a portion of West Grand Avenue right-of-way and more particularly described as follows (see attached Exhibit "A"):

Beginning at the Southeast corner of that certain parcel of land described in Book 1102, Page 351, Public Records of Mesa County, Colorado; thence Southerly along the extension of the East line of said parcel a distance of 75.00 feet; thence Westerly along a line parallel with and 75.00 South of the South line of said parcel a distance of 10.00 feet; thence Northerly along a line 10.00 feet West of and parallel with the Southerly project of the East line of said parcel a distance of 75.00 feet to a point on the South line of said parcel; thence Easterly along the South line of said parcel a distance of 10.00 feet, more or less, to the Point of Beginning.

2. Based on the authority of the Charter and § 2.17B of the City of Grand Junction Zoning and Development Code applying the same, the City, by and through the acting Community Development Director, 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, SHERYL TRENT, AS ACTING COMMUNITY DEVELOPMENT DIRECTOR, DOES HEREBY ISSUE:

to 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 Petitioner, for herself and for her assigns, agrees that she 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 she 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 irrigation shall be issued only upon concurrent execution by the Petitioner of an agreement that the Petitioner and the Petitioner's 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 her 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 herself and for her assigns, agrees that she shall be solely responsible for maintaining and repairing the condition of any and all improvements and/or facilities authorized pursuant to this Permit. The Petitioner shall not install any improvements that create sight distance problems.

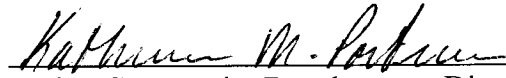
7. This Revocable Permit and the following Agreement shall be recorded by the Petitioner, at the District's expense, in the office of the Mesa County Clerk and Recorder.

Dated this 21 day of MARCH, 2006.

Written and Recommended by:

The City of Grand Junction,
a Colorado home rule municipality


Planner


Acting Community Development Director
ASSY.

Acceptance by the Petitioner:


Alma Bera

EXHIBIT "A"



MALDONADO ST (50' ROW)

2945-151-00-074
ALMA BERA
416 W. GRAND AVE.
GRAND JUNCTION, CO 81501

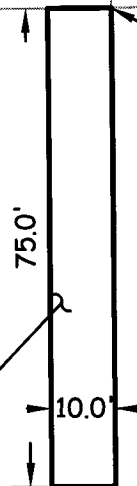
BOOK 1102, PG 351

SOUTH LINE BOOK 1102, PG 351

POB
SE COR BK 1102, PG 351

W. GRAND AVE. (100' ROW)

REVOCABLE PERMIT
AREA = 750.00 SQ. FT.



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.

DRAWN BY: MG
DATE: 03-06-2006
SCALE: 1" = 30'
APPR. BY: PTK

EL POSO STREET IMPROVEMENT DISTRICT
REVOCABLE PERMIT FOR
2945-151-00-074



AGREEMENT

Alma Bera, for herself and for her assigns, does hereby agree to abide by each and every term and condition contained in the foregoing Revocable Permit for irrigation. Furthermore, she 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 her 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 21 day of MARCH, 2006.

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

Alma Bera
Alma Bera

State of Colorado)
)ss.
County of Mesa)

The foregoing Agreement was acknowledged before me this 21 day of MARCH, 2006, by *Alma Bera*.

My Commission expires: 10/9/2007
Witness my hand and official seal.



My Commission Expires 10/09/2007

Michael Grizenko
Notary Public