

BER06GRD

TYPE OF RECORD:	PERMANENT
CATEGORY OF RECORD:	REVOCABLE PERMIT
NAME OF PROPERTY OWNER OR GRANTOR:	MAC & BERNICE E. BERA
PURPOSE:	RIGHT-OF-WAY TO ALLOW PETIONER TO INSTALL, OPERATE, MAINTAIN, REPAIR AND REPLACE IRRIGATION IMPROVEMENTS
ADDRESS:	414 W. GRAND AVENUE (EL POSO AREA IMPROVEMENT DISTRICT)
PARCEL NO.:	2945-151-00-106
CITY DEPARTMENT:	PUBLIC WORKS AND PLANNING
YEAR:	2006
EXPIRATION:	NONE
DESTRUCTION:	NONE

REVOCABLE PERMIT

2318557 BK 4162 PG 634-637
 05/23/2006 03:12 PM
 Janice Ward CLK&REC Mesa County, CO
 RecFee \$20.00 SurChg \$1.00

Recitals.

1. **Mac & Bernice E. Bera**, hereinafter referred to as the Petitioners, have requested that the City of Grand Junction issue a Revocable Permit to allow the Petitioners 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, lying entirely within West Grand Avenue right of way and more particularly described as follows (see attached Exhibit "A"):

A parcel of land, 10 feet in width, whose westerly line is described as follows: beginning at a point 27.00 feet east of the Southwest corner of that certain parcel of land described in Book 1799, Page 840, Public Records of Mesa County, Colorado; thence southerly at right angles to the South line of that parcel as described in said Book 1799, Page 840, a distance of 75.00 feet,

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 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 COMMUNITY DEVELOPMENT DIRECTOR, DOES HEREBY ISSUE:

to the above-named Petitioners 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 Petitioners 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 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.
4. The Petitioners agree that they 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 Petitioners of an agreement that the Petitioners and the Petitioners' 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

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 public right-of-way and, at their 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 Petitioners, for themselves and for their assigns, agree that they shall be solely responsible for maintaining and repairing the condition of any and all improvements and/or facilities authorized pursuant to this Permit. The Petitioners shall not install any improvements that create sight distance problems.


7. This Revocable Permit and the following Agreement shall be recorded by the Petitioners, 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 Petitioners:


Mac Bera

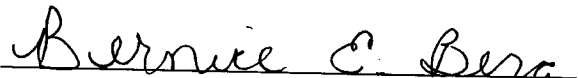
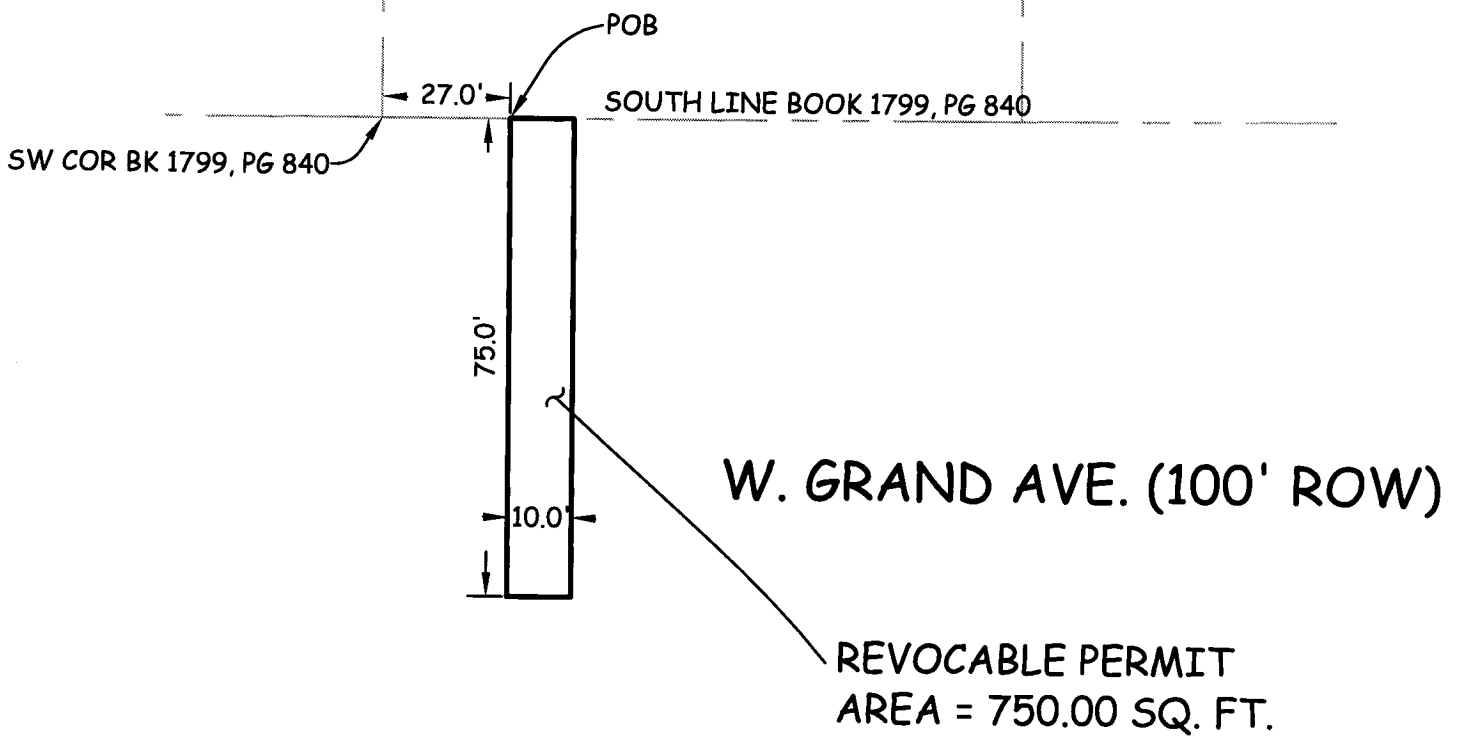

Bernice E. Bera

EXHIBIT "A"



2945-151-00-106
MAC & BERNICE E. BERA
414 W. GRAND AVE.
GRAND JUNCTION, CO 81501

BOOK 1799, PG 840



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
2945-151-00-106



AGREEMENT

Mac Bera and Bernice E. Bera, for themselves and for their assigns, do hereby agree to abide by each and every term and condition contained in the foregoing Revocable Permit for irrigation. 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 Permittees acknowledge the existence of good and sufficient consideration for this Agreement.

Dated this 21 day of MARCH, 2006.

By signing, the Signatories represent they have full authority to bind the Permittees to each and every term and condition hereof and/or in the Permit.

Mac Bera
Mac Bera

Bernice E. Bera
Bernice E. Bera

State of Colorado)
)ss.
County of Mesa)

The foregoing Agreement was acknowledged before me this 21 day of MARCH, 2006, by **Mac Bera and Bernice E. Bera**.

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

Michael Grizenko
Notary Public



My Commission Expires 10/09/2007