

BRA077TH

TYPE OF RECORD:	PERMANENT
CATEGORY OF RECORD:	REVOCABLE PERMIT
NAME OF PROPERTY OWNER OR GRANTOR:	ROBERT L. AND VICTORIA L. BRAY
PURPOSE:	LANDSCAPE, IRRIGATION, MASONRY SCREEN WALL IMPROVEMENTS
ADDRESS:	222 NORTH 7 TH STREET (CIAVONNE ROBERTS)
PARCEL NO.:	2945-144-08-029
CITY DEPARTMENT:	PUBLIC WORKS AND PLANNING
YEAR:	2007
EXPIRATION:	NONE
DESTRUCTION:	NONE

REVOCABLE PERMIT**Recitals.**

1. Robert L. and Victoria L. Bray, 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 landscape improvements including irrigation system and a masonry screen wall, as approved by the City, within the limits of the public right-of-way as described in Exhibits A, B and C attached.
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 HIS LAWFUL AUTHORITY, TIM MOORE, AS PUBLIC WORKS AND PLANNING DIRECTOR, DOES HEREBY ISSUE:

to the above-named Petitioners a Revocable Permit for the purposes of decorative masonry walls, 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 including irrigation system and masonry screen wall 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 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.
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 landscaping, irrigation and a masonry screen wall shall be issued only upon concurrent execution by the Petitioners of an agreement that the Petitioners and the Petitioners' 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 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 successors and assigns, agree that they shall be solely responsible for maintaining and repairing the condition of any and all plantings, irrigation systems, masonry screen wall and improvements and/or facilities authorized pursuant to this Permit. The Petitioners shall not install any trees, vegetation or other improvements that create sight distance problems.

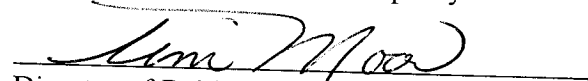
7. This Revocable Permit and the following Agreement shall be recorded by the Petitioners, at the Petitioner's expense, in the office of the Mesa County Clerk and Recorder.

Dated this 7th day of May, 2007.


Written and Recommended by:


Project Manager/Planner

The City of Grand Junction,
a Colorado home rule municipality


Director of Public Works and Planning

Acceptance by the Petitioner:


Robert L. Bray

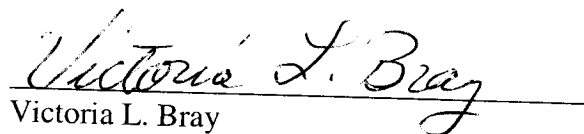

Victoria L. Bray

EXHIBIT A – PERMIT AREA LEGAL DESCRIPTION

A portion of White Avenue lying northerly of Block 93, City of Grand Junction, in the SE1/4 of Section 14, Township One South, Range One West of the Ute Meridian, City of Grand Junction, Mesa County, Colorado, being more particularly described as follows:

Commencing at a 5/8-inch rebar (PLS 30110) for the N.E. Corner of Lot 14, in Block 93, City of Grand Junction, whence a 5/8-inch rebar (PLS 30110) for the S.E. Corner of said Lot 14 bears S00°03'56"E for a distance of 124.97 feet; thence N89°54'51"W for a distance of 72.30 feet to a point on the north line of said Block 93 and the point of beginning; thence the following four courses and distances:

1. N89°54'51"W for a distance of 63.54 feet;
2. Leaving said north line, N00°05'09"E for a distance of 2.09 feet;
3. S89°54'51"E for a distance of 63.54 feet;
4. S00°05'09"W for a distance of 2.09 feet to the beginning.

Containing 133 square feet more or less

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

EXHIBIT B - PERMIT AREA

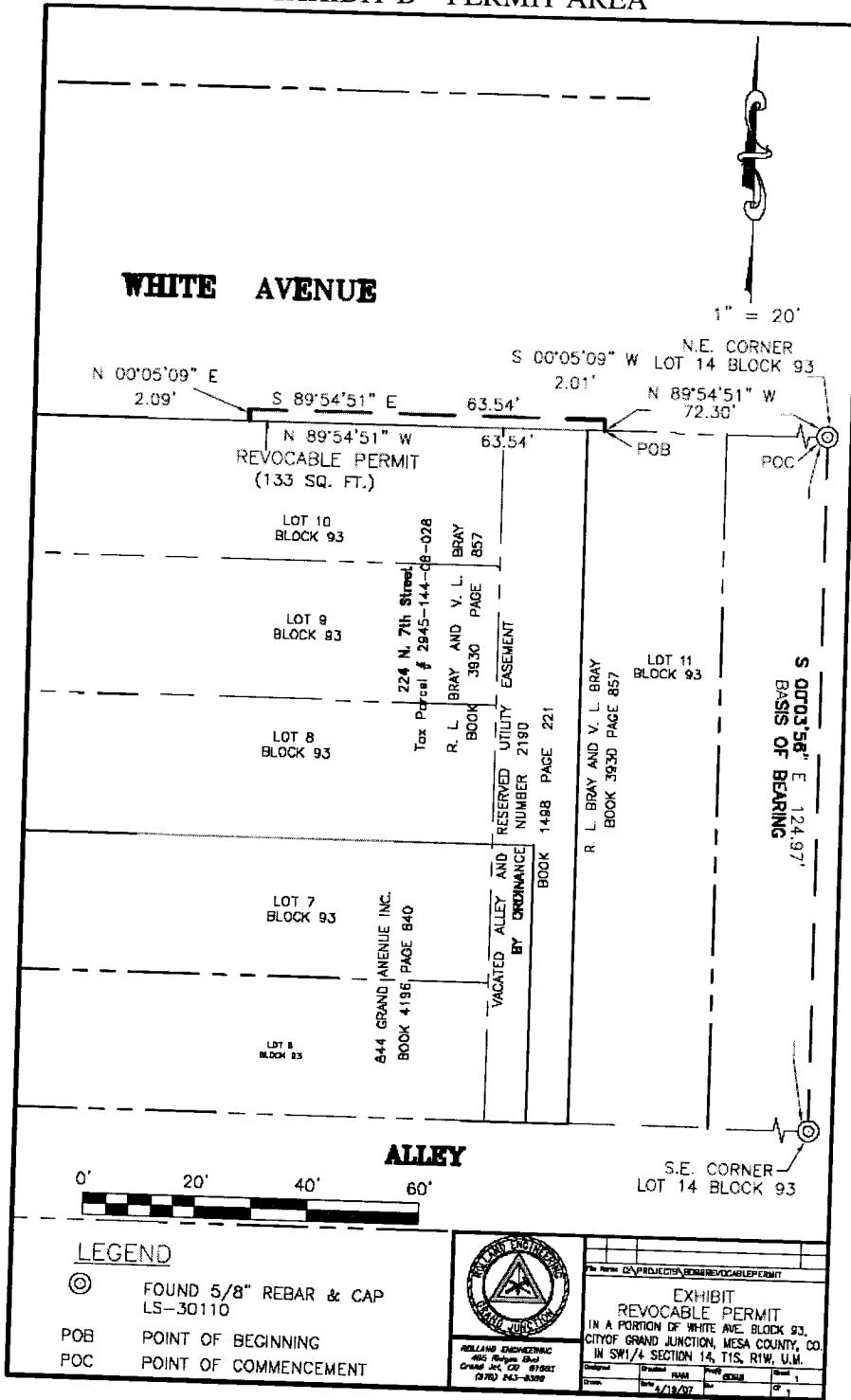


EXHIBIT C – SITE PLAN IMPROVEMENTS IN RIGHT-OF-WAY

