

BUT09PTM

TYPE OF RECORD:	PERMANENT
CATEGORY OF RECORD:	REVOCABLE PERMIT
NAME OF PROPERTY OWNER OR GRANTOR:	R. ARNOLD AND KAREN S. BUTLER
PURPOSE:	LANDSCAPING
ADDRESS:	4060 PTARMIGAN PIAZZA
PARCEL NO.	2945-011-46-005
CITY DEPARTMENT:	PUBLIC WORKS AND PLANNING
YEAR:	2009
EXPIRATION DATE:	NONE
DESTRUCTION DATE:	NONE

REVOCABLE PERMIT

Recitals.

1. R. Arnold Butler and Karen S. Butler, 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, 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 5, 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 00°04'14" E, a distance of 25.00 feet; thence S 89°55'46" E a distance of 224.10 feet; thence S 09°50'17" W along a line being the Northerly projection of the East line of said Lot 5, Block One, a distance of 25.37 feet to the Northeast corner of said Lot 5, Block One; thence N 89°55'46" W along the North line of said Lot 5, Block One, a distance of 219.80 feet, more or less, to the Point of Beginning.

CONTAINING 5,549 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 Petitioners 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 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 and irrigation 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 their 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.

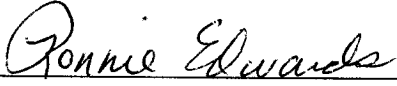
6. The Petitioners, for themselves and for their successors and assigns, agree that they shall be solely responsible for maintaining and repairing the condition of any and all plantings, improvements and/or facilities authorized pursuant to this Permit. The Petitioners shall not install any trees, vegetation or other improvements that create sight distance problems. The Petitioners 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 Petitioners, at the City's expense, in the office of the Mesa County Clerk and Recorder.

Dated this 3 day of May, 2009.

Written and Recommended by:

The City of Grand Junction,
a Colorado home rule municipality

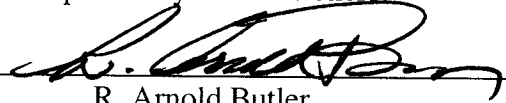


Planner




Public Works and Planning Department Director

Acceptance by the Petitioners:

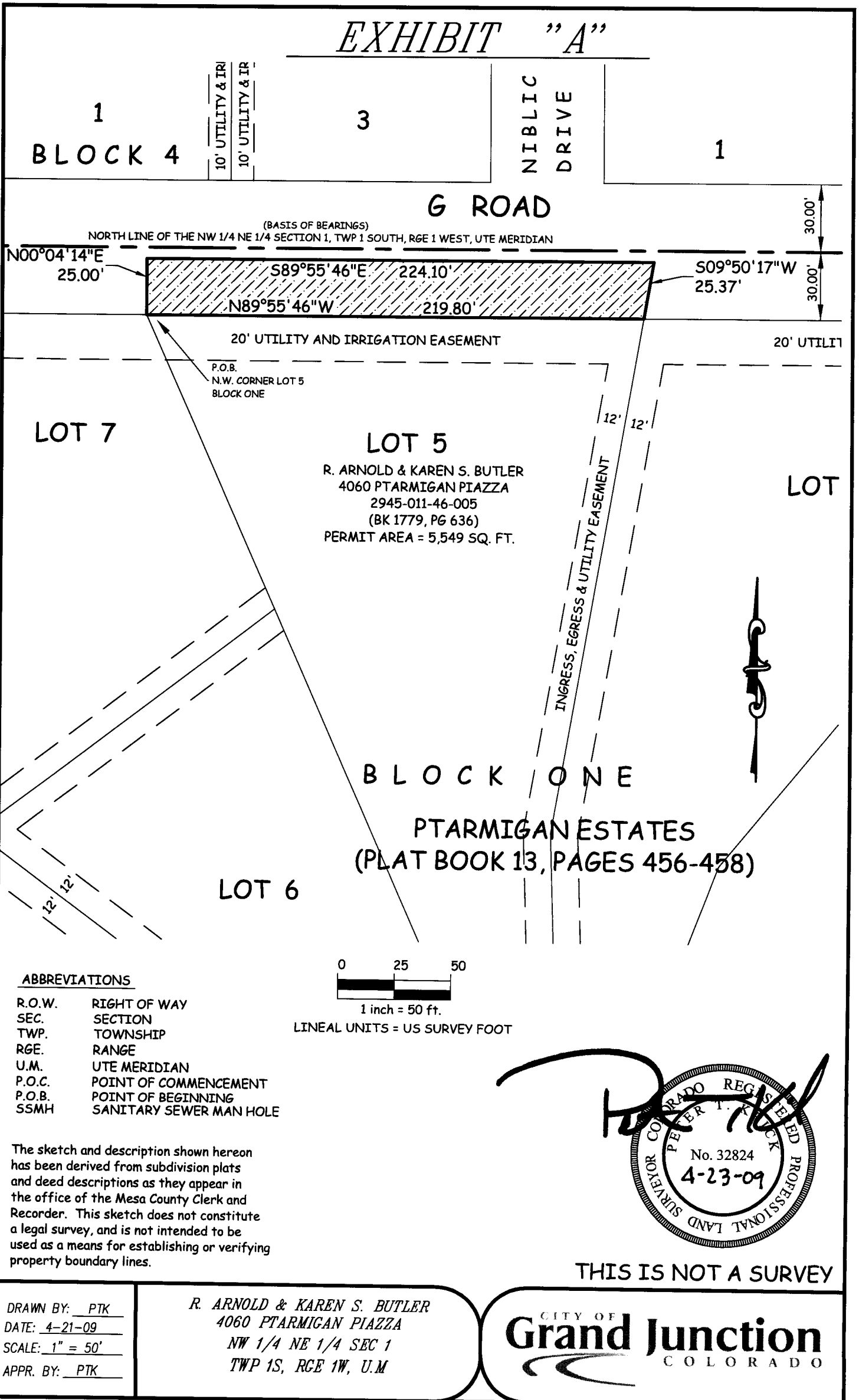


R. Arnold Butler



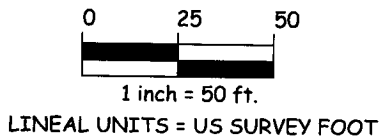
Karen S. Butler

EXHIBIT "A"

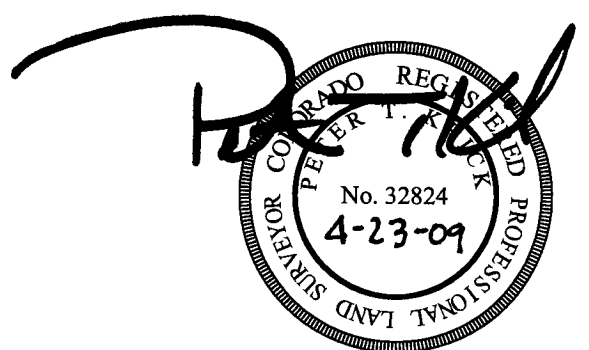


ABBREVIATIONS

- 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



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

R. ARNOLD & KAREN S. BUTLER
 4060 PTARMIGAN PIAZZA
 NW 1/4 NE 1/4 SEC 1
 TWP 1S, RGE 1W, U.M

