

COL0727H

TYPE OF RECORD:	PERMANENT
CATEGORY OF RECORD:	REVOCABLE PERMIT
NAME OF PROPERTY OWNER OR GRANTOR:	COLORADO WEST IMPROVEMENTS, INC.
PURPOSE:	PRIVATE IRRIGATION LINES
ADDRESS:	NE CORNER OF 27 1/4 ROAD & H ROAD (BOOKCLIFF TECH PARK)
PARCEL NO.:	2701-253-00-288
CITY DEPARTMENT:	PUBLIC WORKS AND PLANNING
YEAR:	2007
EXPIRATION:	NONE
DESTRUCTION:	NONE



REVOCABLE PERMIT

Recitals.

RECEPTION #: 2373553, BK 4394 PG 20 04/05/2007 at
03:58:28 PM, 1 OF 5, R \$25.00 S \$1 00 Doc Code: REV
PERMIT
Janice Rich, Mesa County, CO CLERK AND RECORDER

1. Robert Bickley, President of Colorado West Improvements, Inc, hereinafter referred to as the Petitioner, have requested that the City of Grand Junction issue a Revocable Permit to allow the Petitioner to install, operate, maintain and repair private irrigation lines, as approved by the City, within the limits of the following described public right-of-way for Saccomanno Drive and Sentinel Way, to wit:

Permit Area:

Three separate strips of land for private irrigation lines situate in the NE 1/4 NW 1/4 of Section 36, Township 1 North, Range 1 West of the Ute Meridian and in the recorded plat of Bookcliff Tech Park, City of Grand Junction, Mesa County, Colorado, described as follows:

A 15.00 foot strip running north and south across Saccomanno Drive, the west side of said strip is an extension of the east line of Lot 4, also being an extension of the 15' irrigation & drainage easement along the east line of said Lot 4

A 25 foot strip running north and south across Saccomanno Drive the east line of said strip is the east boundary line of said Bookcliff Tech Park, also being an extension of the 25' irrigation, drainage and access easement along the east line of Lot 5 being said east boundary line.

A 20 foot strip running east and west across Sentinel Way along the north right-of-way line of H Road and connecting with the 20' irrigation & drainage easement along the south part of Lot 1 west to Tract C.

Said strips contain 3560 square feet more or less.

The above described strips are graphically shown on the 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 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, THE COMMUNITY DEVELOPMENT DIRECTOR, DOES HEREBY ISSUE:

to the above-named Petitioner a Revocable Permit for the purposes of private irrigation lines 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 and repair of private irrigation lines 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 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 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 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 private irrigation lines 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 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 Petitioner, 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 irrigation lines, 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.
7. This Revocable Permit and the following Agreement shall be recorded by the Petitioner, at the Petitioner's expense, in the office of the Mesa County Clerk and Recorder.

Dated this 5th day of April, 2007.

Written and Recommended by:

The City of Grand Junction,
a Colorado home rule municipality

Ronnie Edwards
Planner

Lisa Eloy
~~Community Development Director~~
Public Works & Planning Dept.

Acceptance by the Petitioner:

[Signature]

Robert Bickley, President of Colorado West Improvements, Inc.

AGREEMENT

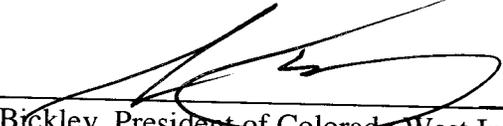
Robert Bickley, President of Colorado West Improvements, Inc. for themselves and for their successors and assigns, do hereby agree to abide by each and every term and condition contained in the foregoing Revocable Permit for private irrigation lines. Furthermore, they shall indemnify the City of Grand 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 Permittee acknowledges the existence of good and sufficient consideration for this Agreement.

Dated this 4th day of April, 2007.

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



Robert Bickley, President of Colorado West Improvements, Inc.

State of Colorado)
)ss.
County of Mesa)

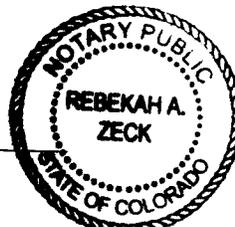
The foregoing Agreement was acknowledged before me this 4th day of April, 2007, by Robert Bickley.

My Commission expires: 10/27/2010

Witness my hand and official seal.



Notary Public



My Commission Expires 10/27/2010

EXHIBIT A

EAST LINE
LOT 4

15' WIDE
PERMIT WIDTH
660 S.F.

LOT 5

SCALE 1" = 150'



SACCOMANNO DRIVE

LOT 2

25' WIDE
PERMIT WIDTH
1716 S.F.

LOT 1

20' WIDE
PERMIT WIDTH
1164 S.F.

TRACT C

14' MULTIPURPOSE EASEMENT
SENTINEL WAY



H ROAD

60' ROAD PROCLAMATION BOOK 714 PAGE 521

N89°59'12"W

169.72'
N89°59'15"W

S 1/4 COR.
SEC. 25
MCSN #164
P.O.B.