

LEV07GR6

TYPE OF RECORD:	PERMANENT
CATEGORY OF RECORD:	REVOCABLE PERMIT
NAME OF PROPERTY OWNER OR GRANTOR:	WILLIAM R. OGLE FOR LEVEL III DEVELOPMENT, INC.
PURPOSE:	LANDSCAPING RIGHT-OF-WAY
ADDRESS:	GRANITE PARKWAY AND VISTA HILLS DRIVE TRACT H CHIPETA HEIGHTS SUBDIVISION (PARCEL 5)
CITY DEPARTMENT:	PUBLIC WORKS AND PLANNING
YEAR:	2007
EXPIRATION DATE:	NONE
DESTRUCTION DATE:	NONE

## REVOCABLE PERMIT

### Recitals.

1. William R. Ogle, for Level III Development, Inc., 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 Granite Parkway and Vista Hills Drive, to wit:

Permit Area known as Parcel 5: (Exhibit B attached)

A parcel of land for landscaping located in Chipeta Heights Subdivision, a subdivision located in Lot 25 and Lot 32 of the Grand Junction Orchard Mesa Land Company's Orchard Subdivision as shown on plat recorded in Plat Book 1, Page 26, Mesa County records, in the SE1/4, SE1/4, Section 30, T1S, R1E, Ute Meridian, City of Grand Junction, Mesa County, Colorado and being more particularly described as follows:

BEGINNING at SW corner of Tract H, Chipeta Heights Subdivision, whence the West line of Tract H bears  $N00^{\circ}10'07''W$ , a distance of 233.99' for a basis of bearings, with all bearings shown hereon relative thereto; thence along the North right-of-way line for Granite Parkway the following two (2) courses: (1)  $N89^{\circ}57'28''E$ , a distance of 17.67'; (2) along a curve to the left, having a delta angle of  $04^{\circ}11'06''$ , with a radius of 320.00', an arc length of 23.37', with a chord bearing of  $N87^{\circ}54'34''E$ , with a chord length of 23.37', to a point at the SW corner of the corner clip at the NW corner of the intersection of Granite Parkway and Vista Hills Drive; thence  $N36^{\circ}26'11''E$ , a distance of 37.95', along said corner clip to the Westerly right-of-way for Vista Hills Drive; thence along the Westerly right-of-way line for Vista Hills Drive,  $N12^{\circ}56'39''W$ , a distance of 207.86'; thence  $S89^{\circ}58'25''E$ , a distance of 1.54', to a point at the back of paving for Vista Hills Drive; thence along the back of paving for Vista Hills Drive and Granite Parkway the following five (4) courses: (1)  $S12^{\circ}56'26''E$ , a distance of 214.31'; (2) along a curve to the right, having a delta angle of  $32^{\circ}56'04''$ , with a radius of 53.00', an arc length of 30.47', with a chord bearing of  $S35^{\circ}12'51''W$ , with a chord length of 30.05'; (3) along a curve to the right, having a delta angle of  $05^{\circ}38'11''$ , with a radius of 321.08', an arc length of 31.59', with a chord bearing of  $S87^{\circ}11'01''W$ , with a chord length of 31.57'; (4)  $N89^{\circ}24'18''W$ , a distance of 17.74'; thence  $N00^{\circ}00'36''W$ , a distance of 0.80' to the POB. Said parcel containing an area of 0.015 acres, as described.

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 HIS 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 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, 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 25<sup>th</sup> day of JUNE, 2007.

Written and Recommended by:  
municipality

The City of Grand Junction,  
a Colorado home rule

Ronnie Edwards  
Planner

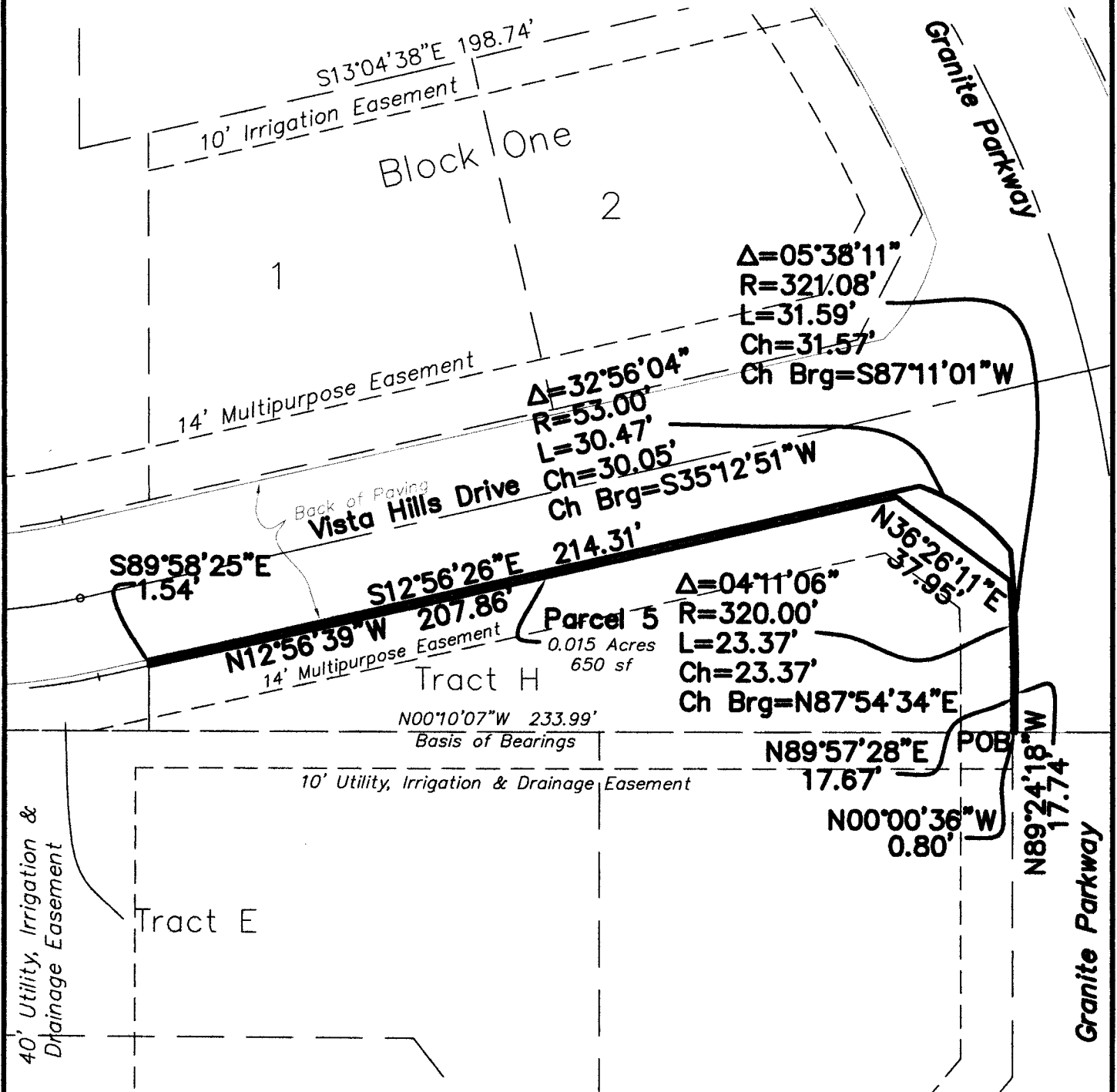
Tim Moe  
Public Works and Planning Director

Acceptance by the Petitioners:

William R. Ogle  
William R. Ogle, for Level III Development, Inc.



# EXHIBIT B

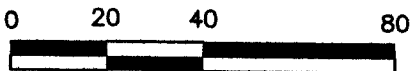


- LEGEND**
- ALIQUOT SURVEY MARKER, AS NOTED
  - FOUND REBAR, AS NOTED
  - △ DELTA ANGLE OF ARC
  - R RADIUS OF ARC
  - L LENGTH OF ARC
  - Ch CHORD DISTANCE OF ARC
  - Brg CHORD BEARING OF ARC

- PLS PROFESSIONAL LAND SURVEYOR
- No. NUMBER
- DEGREES
- MINUTES OR FEET
- INCHES OR SECONDS
- MCSM MESA COUNTY SURVEY MARKER
- ROW RIGHT-OF-WAY
- POB POINT OF BEGINNING
- POC POINT OF COMMENCING



SCALE: 1" = 40'



## High Desert Surveying, LLC

1673 Highway 50 Unit C  
 Grand Junction, Colorado 81503  
 Tele: 970-254-8649 Fax: 970-240-0451

PROJ. NO. 05-75	Drawn	APP'D	SHEET	OF
DATE: Feb., 2007	rsk	jcf	1	1