

LEV07GR3

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 TRACT D CHIPETA HEIGHTS SUBDIVISION (PARCEL 2)
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, to wit:

Permit Area known as Parcel 2: (Exhibit B attached)

A 1.00 foot wide 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 D, Chipeta Heights Subdivision, whence the West line of said Tract D bears N13°04'38"W, a distance of 198.74' for a basis of bearings, with all bearings shown hereon relative thereto; thence along the North right-of-way line of Granite Parkway the following four (4) courses: (1) along a non-tangent curve to the left, having a delta angle of 15°35'09", with a radius of 320.00', an arc length of 87.05', with a chord bearing of N46°51'30"E, with a chord length of 86.78'; (2) along a reverse curve to the right, having a delta angle of 40°22'57", with a radius of 380.00', an arc length of 267.83', with a chord bearing of N59°15'24"E, with a chord length of 262.32'; (3) along a curve to the right, having a delta angle of 10°35'04", with a radius of 380.00', an arc length of 70.20', with a chord bearing of N84°44'25"E, with a chord length of 70.10'; (4) S89°58'03"E, a distance of 17.56'; thence S87°05'37"E, a distance of 19.94', to a point at the back of paving for Granite Parkway; thence along back of paving the following three (3) courses: (1) N89°58'03"W, a distance of 37.47'; (2) along a curve to the left, having a delta angle of 50°58'01", with a radius of 379.00', an arc length of 337.14', with a chord bearing of S64°32'56"W, with a chord length of 326.13'; (3) along a reverse curve to the right, having a delta angle of 15°39'40", with a radius of 321.00', an arc length of 87.74', with a chord bearing of S46°53'46"W, with a chord length of 87.47'; thence N13°04'38"W, a distance of 1.09' to the POB. Said parcel containing an area of 0.010 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

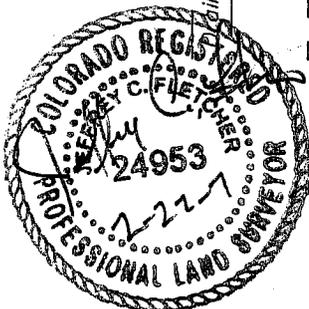
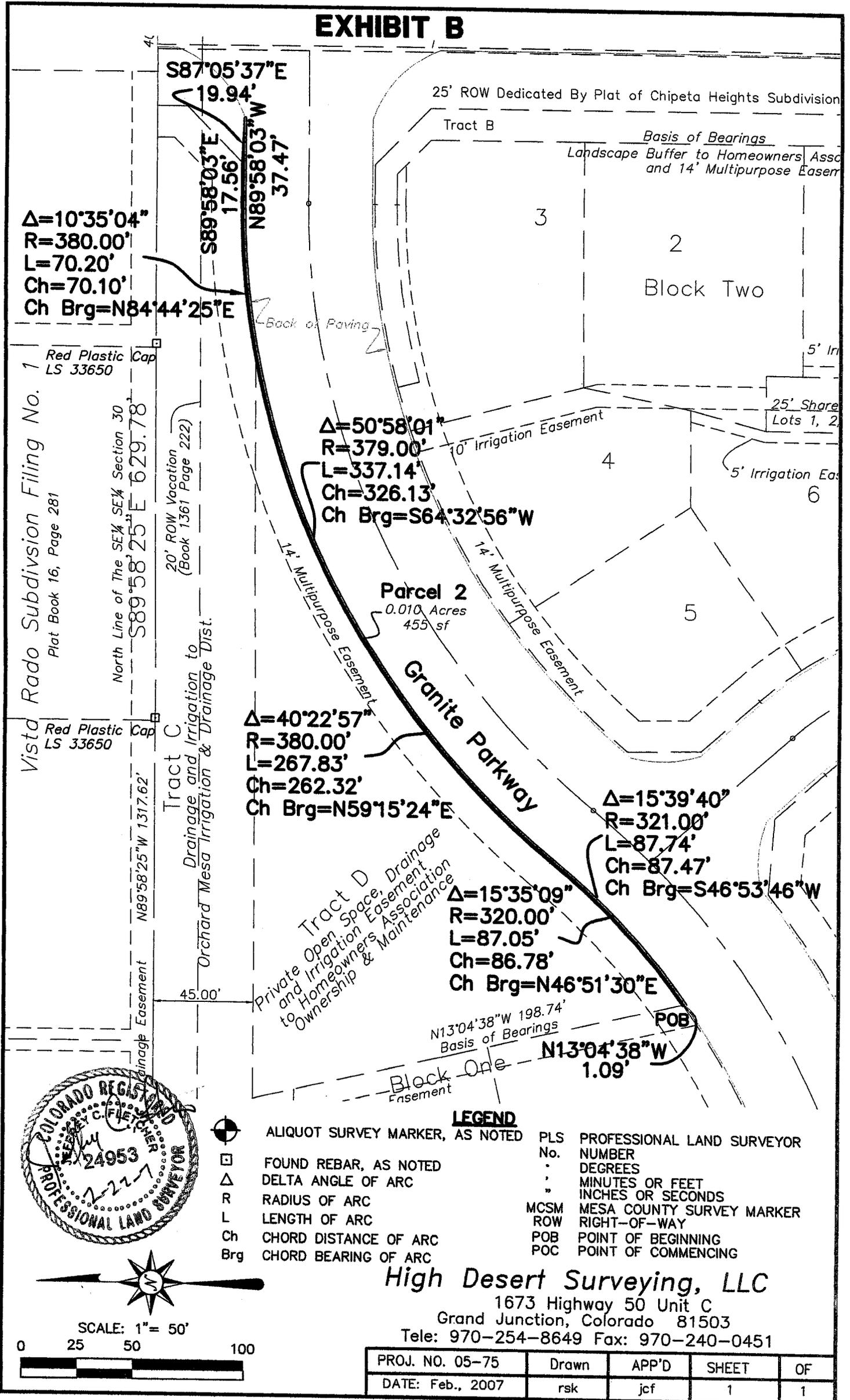
Tom Mow  
Public Works and Planning Director

Acceptance by the Petitioners:

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



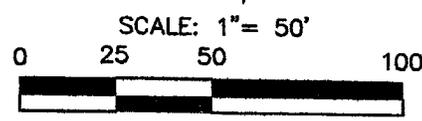
# EXHIBIT B



- 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

- LEGEND**
- PLS No. PROFESSIONAL LAND SURVEYOR 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

**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