

PRO05FRD

TYPE OF RECORD:	PERMANENT
CATEGORY OF RECORD:	REVOCABLE PERMIT
NAME OF PROPERTY OWNER OR GRANTOR:	DAVE F. PROIETTI, LISA R. PROIETTI, AND DAM MAD LAND COMPANY LLC.
PURPOSE:	RIGHT-OF-WAY FOR F ROAD TO ALLOW PETIONERS TO INSTALL, OPERATE, MAINTAIN, REPAIR AND REPLACE LANDSCAPE IMPROVEMENTS
ADDRESS:	2385 F ROAD (PROETTI DENTAL OFFICE)
PARCEL NO.:	2945-034-53-001
CITY DEPARTMENT:	PUBLIC WORKS AND PLANNING
YEAR:	2005
EXPIRATION:	NONE
DESTRUCTION:	NONE

REVOCABLE PERMIT

2297502 BK 4079 PG 450-454
01/20/2006 04:07 PM
Janice Ward CLK&REC Mesa County, CO
RecFee \$25.00 SurChg \$1.00

Recitals.

1. Dave F. Proietti, Lisa R. Proietti, and Dam Mad Land Company, LLC, A Colorado Limited Liability Company, hereinafter referred to as the Petitioner, has requested that the City of Grand Junction issue a Revocable Permit to allow the Petitioner to install, operate, maintain, repair and replace drainage improvements, as approved by the City, within the limits of the following described public right-of-way for F Road, to wit:

Permit Area:

Commencing at the S1/4 of Section 3, Township 1 South, Range 1 West, of the Ute Meridian, Mesa County, Colorado, whence the E1/16 of said Section 3 bears S89°54'59"E for a basis of bearings, with all bearings contained herein relative thereto; thence S89°54'59"E a distance of 527.55 feet; thence N00°02'44"E 26.10 feet to the Point of Beginning; thence N00°02'44"E 17.17 feet; thence N89°54'59"W 167.68 feet; thence S00°05'01"W 17.17 feet; thence S89°54'59"E 167.69 feet to the Point of Beginning.

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, BOB BLANCHARD, AS COMMUNITY DEVELOPMENT DIRECTOR DOES HEREBY ISSUE:

to the above-named Petitioner a Revocable Permit for the purposes of 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 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 itself and for its assigns, agree that it 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 it 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.

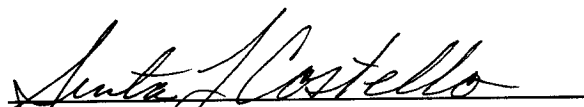
5. This Revocable Permit for irrigation shall be issued only upon concurrent execution by the Petitioner of an agreement that the Petitioner and the Petitioner's assigns shall save and hold the City of Grand Junction, its officers, employees and agents harmless from, and indemnify the City, its officers, 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 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 Petitioner, for itself and for its assigns, agree that it 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 Petitioner shall not install any trees, vegetation or other improvements that create sight distance problems.

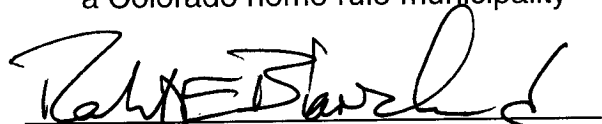
7. This Revocable Permit and the following Agreement shall be recorded by the Petitioner, at the Petitioner's expense, in the office of the Mesa County Clerk and Recorder.

Dated this 9th day of December, 2005.

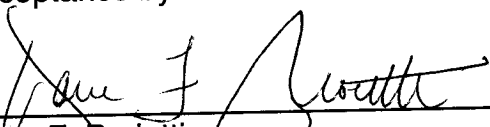
Written and Recommended by:


Planner

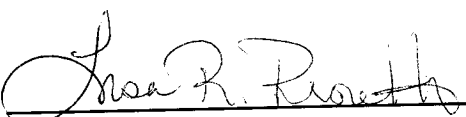
The City of Grand Junction,
a Colorado home rule municipality


Community Development Director

Acceptance by the Petitioner:



Dave F. Proietti

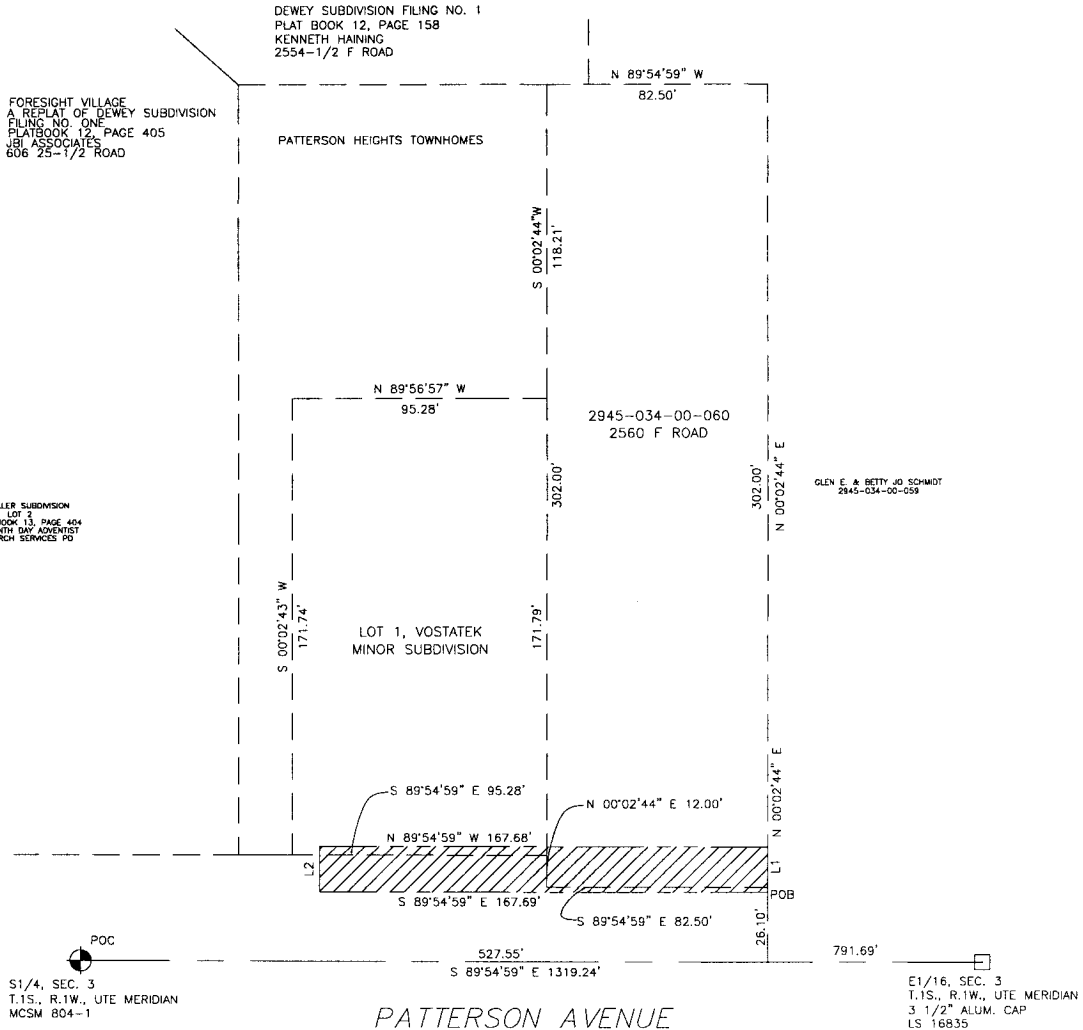


Lisa R. Proietti

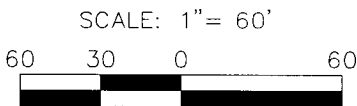


Dam Mad Land Company, LLC
A Colorado Limited Liability Company, by Lisa R. Proietti, Managing Member

UNIMPROVED RIGHT OF WAY
 LOCATED IN SW 1/4 SE 1/4 OF SECTION 3,
 TOWNSHIP 1 SOUTH, RANGE 1 WEST, UTE MERIDIAN



LINE	BEARING	DISTANCE
L1	N 00°02'44" E	17.17'
L2	S 00°05'01" W	17.17'



Revised date: October 20, 2005

Prepared by: Stanley K. Werner, P.L.S. 27279