

## REVOCABLE PERMIT

### Recitals.

1. HLI Holdings LLC, 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 and irrigation improvements, as approved by the City, within the limits of the following described public right-of-way for Athena and Durant Streets, to wit:

#### Permit Area:

##### Parcel 1 – Athena Street (West):

A parcel of land situated in the west half of the east half of the southeast quarter of the northwest quarter of Section 29, Township 1 South, Range 1 East of the Ute Meridian, City of Grand Junction, Mesa County, Colorado.

Commencing at the southwest corner of Tract C of Chipeta Estates;

Thence along the south line of said Tract C South  $89^{\circ}50'34''$  West, a distance of 5.73 feet to the Point of Beginning;

Thence continuing along said south line North  $89^{\circ}50'34''$  East, a distance of 11.97 feet;

Thence departing said south line South  $33^{\circ}31'53''$  East, a distance of 5.99 feet;

Thence South  $00^{\circ}09'26''$  East, a distance of 33.61 feet;

Thence South  $24^{\circ}52'05''$  West, a distance of 5.95 feet to the north line of Lot 14 of said Chipeta Estates;

Thence along said north line South  $89^{\circ}50'34''$  West, a distance of 11.04 feet;

Thence departing said north line North  $24^{\circ}52'05''$  East, a distance of 8.40 feet;

Thence North  $00^{\circ}09'26''$  West, a distance of 28.39 feet;

Thence North  $33^{\circ}31'53''$  West, a distance of 9.58 feet to the Point of Beginning.

Containing 460 square feet, more or less.

**BASIS OF BEARINGS STATEMENT:** Bearings are based on grid north of the Mesa County Local Coordinate System, GVA locally determined by GPS observations on the brass cap Mesa County survey marker at the center one-quarter corner of Section 29, and the brass cap Mesa County survey marker at the center-west one-sixteenth corner of Section 29. The measured bearing of this line is  $S89^{\circ}50'34''W$ .

##### Parcel 2 – Athena Street (East):

A parcel of land situated in the west half of the east half of the southeast quarter of the northwest quarter of Section 29, Township 1 South, Range 1 East of the Ute Meridian, City of Grand Junction, Mesa County, Colorado.

Commencing at the northeast corner of Lot 18 of Chipeta Estates;

Thence along the north line of said Lot 18 South  $89^{\circ}50'34''$  West, a distance of 6.26 feet to the Point of Beginning;

Thence continuing along said north line South 89°50'34" West, a distance of 10.82 feet;  
Thence departing said north line North 22°38'02" West, a distance of 5.74 feet;  
Thence North 00°08'02" West, a distance of 32.58 feet;  
Thence North 22°21'58" East, a distance of 6.62 feet to the south line of Lot 17 of said Chipeta Estates;  
Thence along said south line North 89°50'34" East, a distance of 10.83 feet;  
Thence departing said north line South 22°21'58" West, a distance of 8.78 feet;  
Thence South 00°08'02" East, a distance of 28.60 feet;  
Thence South 22°38'02" East, a distance of 7.89 feet to the Point of Beginning.

Containing 451 square feet, more or less.

**BASIS OF BEARINGS STATEMENT:** Bearings are based on grid north of the Mesa County Local Coordinate System, GVA locally determined by GPS observations on the brass cap Mesa County survey marker at the center one-quarter corner of Section 29, and the brass cap Mesa County survey marker at the center-west one-sixteenth corner of Section 29. The measured bearing of this line is S89°50'34"W.

**Parcel 3 – Durant Street:**

A parcel of land situated in the west half of the east half of the southeast quarter of the northwest quarter of Section 29, Township 1 South, Range 1 East of the Ute Meridian, City of Grand Junction, Mesa County, Colorado.

Beginning at the northeast corner of Tract A of Chipeta Estates;  
Thence along the southeasterly line of Lot 1 of said Chipeta Estates North 44°50'34" East, a distance of 13.44 feet;  
Thence departing said southeasterly line North 89°50'34" East, a distance of 44.00 feet to an angle point on the west line of Lot 31 of said Chipeta Estates;  
Thence along the southwesterly line of said Lot 31 South 45°09'16" East, a distance of 13.43 feet;  
Thence departing said southwesterly line South 89°50'34" West, a distance of 63.00 feet to the Point of Beginning.

Containing 508 square feet, more or less.

**BASIS OF BEARINGS STATEMENT:** Bearings are based on grid north of the Mesa County Local Coordinate System, GVA locally determined by GPS observations on the brass cap Mesa County survey marker at the center one-quarter corner of Section 29, and the brass cap Mesa County survey marker at the center-west one-sixteenth corner of Section 29. The measured bearing of this line is S89°50'34"W.

2. Based on the authority of the Charter and § 21.02.180 of the Grand Junction Municipal Code applying the same, the City, by and through the Community Development Division, has determined that such action would not at this time be detrimental to the inhabitants of the City.

NOW, THEREFORE, IN ACCORDANCE WITH HER LAWFUL AUTHORITY, KATHY PORTNER, AS COMMUNITY SERVICES MANAGER, 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 and irrigation 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 15<sup>th</sup> day of February, 2017.

Written and Recommended by:

The City of Grand Junction,  
a Colorado home rule municipality



Planner



Kathy Portner, Community Services Manager

Acceptance by the Petitioners:



Craig N. Springer, Manager  
HLI Holdings LLC

**AGREEMENT**

HLI Holdings LLC, 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 landscaping and irrigation. 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 15<sup>th</sup> day of February, 2017.

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

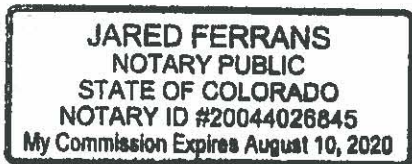
\_\_\_\_\_  
Craig N. Springer, Manager  
HLI Holdings LLC

State of Colorado    )  
                                  )ss.  
County of Mesa        )

The foregoing Agreement was acknowledged before me this 15<sup>th</sup> day of FEBRUARY, 2017, by JARED FERRANS on behalf of Craig N. Springer, Manager, HLI Holdings LLC.

My Commission expires: \_\_\_\_\_

Witness my hand and official seal.



\_\_\_\_\_  
  
Notary Public

### EXHIBIT A

A parcel of land situated in the west half of the east half of the southeast quarter of the northwest quarter of Section 29, Township 1 South, Range 1 East of the Ute Meridian, City of Grand Junction, Mesa County, Colorado.

Commencing at the southwest corner of Tract C of Chipeta Estates;  
Thence along the south line of said Tract C South 89°50'34" West, a distance of 5.73 feet to the Point of Beginning;  
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The measured bearing of this line is S89°50'34"W.

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This description was prepared by:  
Kenneth Scott Thompson  
Colorado P.L.S. 18480  
744 Horizon Court - #110  
Grand Junction, CO 81506

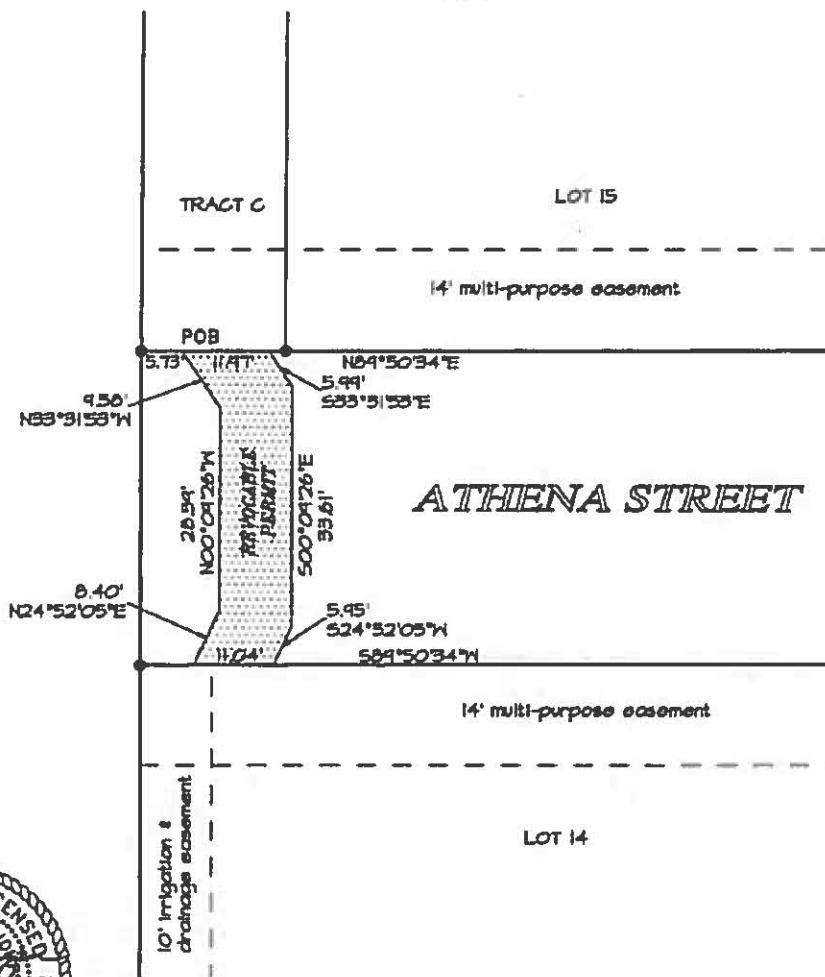


NOTICE: Any rewriting or retyping of this description must NOT include this preparation information. Lack of an original seal indicates this document is not the original.

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## EXHIBIT B Revocable Permit



THIS EXHIBIT IS FOR THE PURPOSE OF GRAPHICALLY REPRESENTING A WRITTEN DESCRIPTION - IT DOES NOT REPRESENT A MONUMENTED BOUNDARY SURVEY



		744 Horizon Ct.	
		Suite 110	
		Grand Junction	
		CO 81508	
		979-241-4722	
Drawn by: slg	Checked by: akt	Date: Jul 5, 2016	Job No. 1452-004
1452-004 Chipeta Estates.pro			

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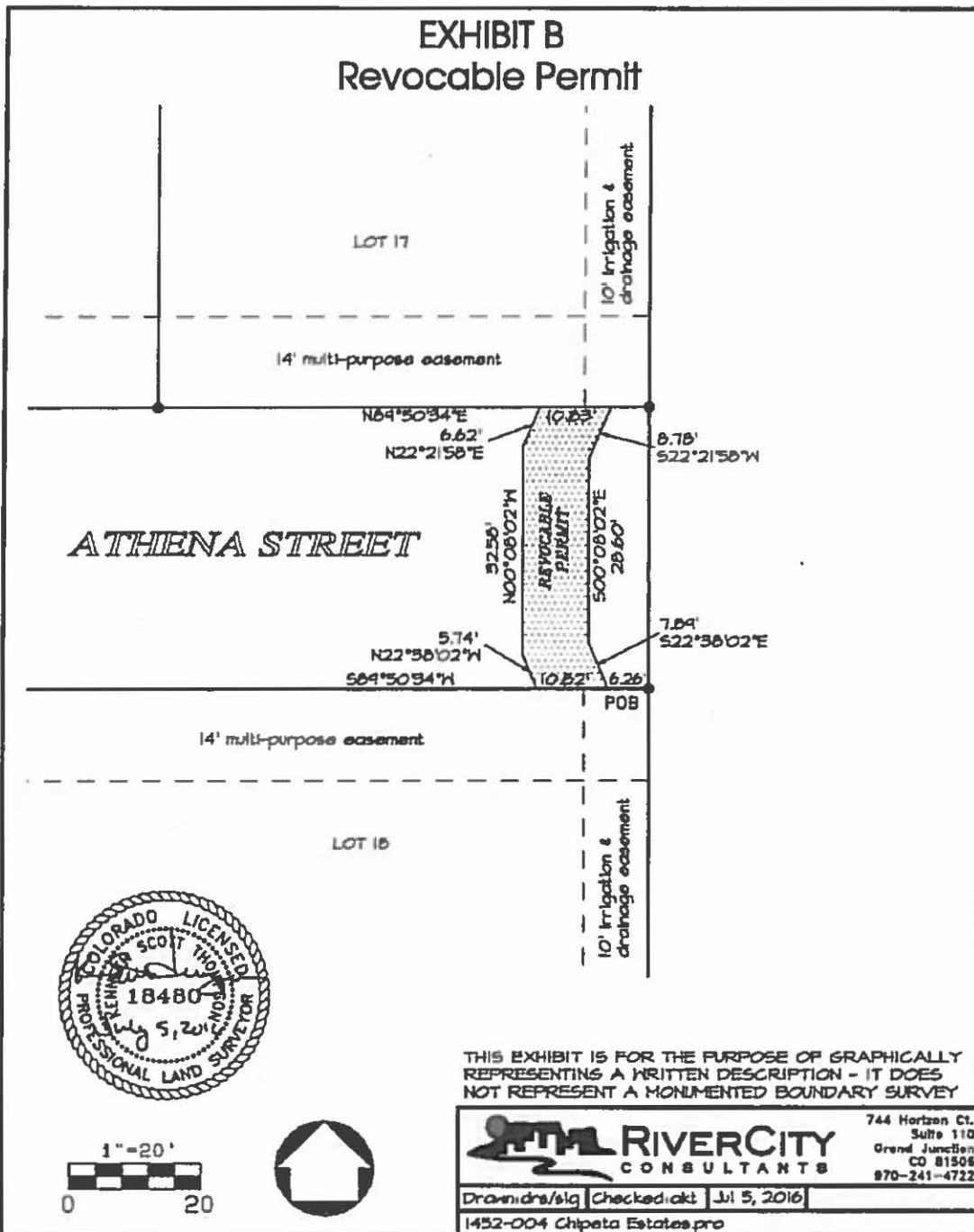
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Grand Junction, CO 81506



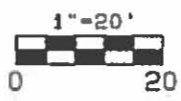
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	744 Horizon Ct. Suite 110 Grand Junction CO 81506 970-241-4722	
	Dra: mdr/slg Checked: akt Date: Jul 5, 2016	1452-004 Chipeta Estates.pro

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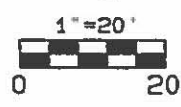
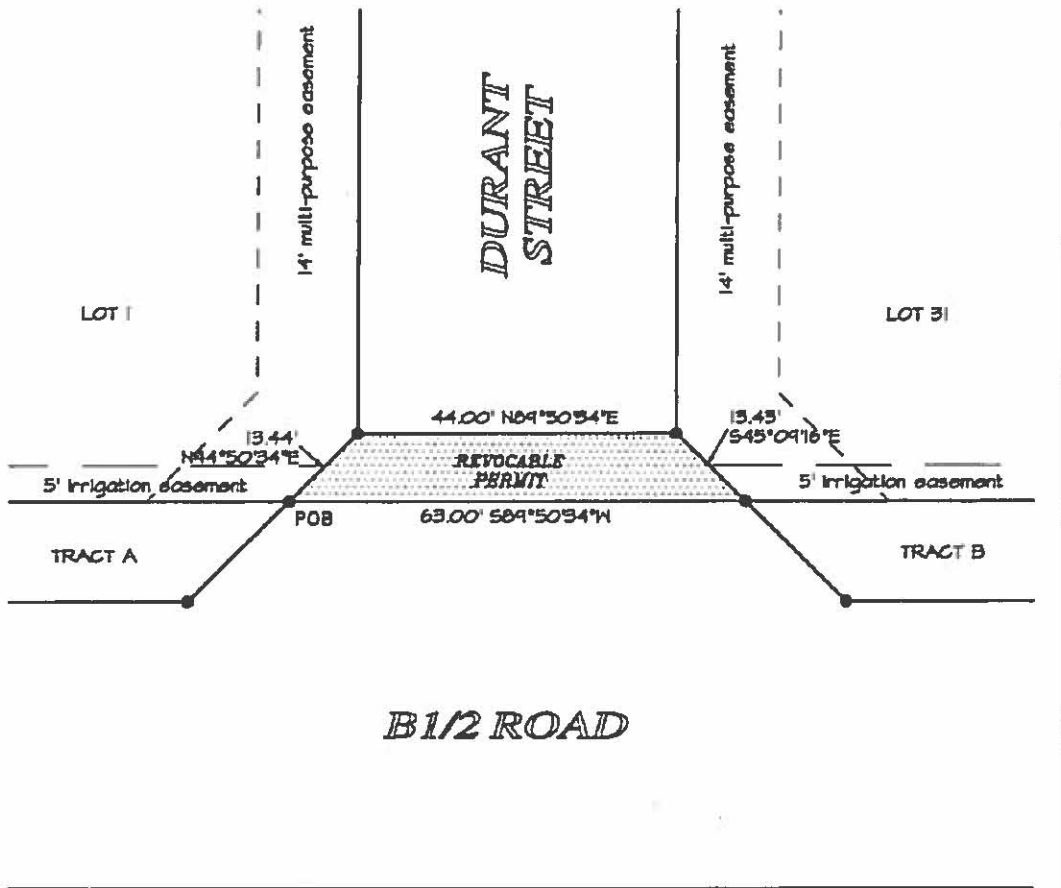
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