

REVOCABLE PERMIT

Recitals.

1. Paradise Hills Properties 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 irrigation line improvements, as approved by the City, within the limits of the following described public rights-of-way for Autumn Brook Court and Spring Crossing, to wit:

Permit Area #1:

A parcel of land situated in the northeast quarter of the northeast quarter of Section 26, Township 1 North, Range 1 West of the Ute Meridian, Mesa County, Colorado, being more particularly described as follows:

Commencing at the eastern most angle point of Lot 7 of Summer Hill Filing No. 8a, a plat recorded in the Mesa County Clerk and Recorder's office, being on the southerly right-of-way line of Autumn Brook Court;

Thence along said southerly right of way 5.18 feet along the arc of a 53.00 foot radius non-tangent curve to the left, through a central angle of 5°35'42", with a chord bearing North 86°37'01" East, a distance of 5.17 feet to the Point of Beginning;

Thence North 08°53'03" West, a distance of 31.08 feet;

Thence 5.01 feet along the arc of a 22.00 foot radius non-tangent curve to the left, through a central angle of 13°03'00", with a chord bearing North 81°06'57" East, a distance of 5.00 feet to a point of cusp;

Thence South 08°53'03" East, a distance of 31.08 feet;

Thence 5.00 feet along the arc of a 53.00 foot radius non-tangent curve to the right, through a central angle of 5°24'26", with a chord bearing South 81°06'57" West, a distance of 5.00 feet to the Point of Beginning.

Containing 155 square feet, more or less.

All bearings herein are relative to said recorded plat of Summer Hill Filing 8a.

Permit Area #2:

A parcel of land situated in the northeast quarter of the northeast quarter of Section 26, Township 1 North, Range 1 West of the Ute Meridian, Mesa County, Colorado, being more particularly described as follows:

Commencing at the southerly common point of Lot 16 and Tract 8-2 of Summer Hill Filing No. 8a, a plat recorded in the Mesa County Clerk and Recorder's office, being on the northerly right-of-way line of Autumn Brook Court;

Thence along said northerly right of way South 54°49'54" East, a distance of 7.07 feet to the Point of Beginning;

Thence continuing along said northerly right of way South 54°49'54" East, a distance of 5.85 feet;

Thence South 66°28'22" West, a distance of 57.12 feet;

Thence North 09°48'38" West, a distance of 5.15 feet;

Thence North 66°28'22" East, a distance of 52.86 feet to the Point of Beginning.

Containing 275 square feet, more or less.

All bearings herein are relative to said recorded plat of Summer Hill Filing 8a.

Permit Area #3:

A parcel of land situated in the northeast quarter of the northeast quarter of Section 26, Township 1 North, Range 1 West of the Ute Meridian, Mesa County, Colorado, being more particularly described as follows:

Commencing at the northeasterly common point of Lot 4 and Tract 8-2 of Summer Hill Filing No. 8a, a plat recorded in the Mesa County Clerk and Recorder's office, being on the westerly right-of-way line of Spring Crossing;

Thence along said right-of-way North 35°12'39" East, a distance of 5.00 feet;

Thence South 54°47'21" East, a distance of 40.00 feet;

Thence South 35°12'39" West, a distance of 5.00 feet;

Thence North 54°47'21" West, a distance of 40.00 feet to the Point of Beginning.

Containing 200 square feet, more or less.

All bearings herein are relative to said recorded plat of Summer Hill Filing 8a.

2. Based on the authority of the Charter and § 21.02.180 of the Grand Junction Zoning and Development Code applying the same, the City, by and through the Community Development Department, 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, TAMRA ALLEN, AS COMMUNITY DEVELOPMENT DIRECTOR, DOES HEREBY ISSUE:

to the above-named Petitioners a Revocable Permit for the purposes of irrigation line improvements within the limits of the public rights-of-way described; provided, however, that this Permit is conditioned upon the following:

1. The installation, operation, maintenance, repair and replacement of irrigation line 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 irrigation line improvements 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 18th day of December, 2017.

Written and Recommended by:

The City of Grand Junction,
a Colorado home rule municipality



Scott D. Peterson
Senior Planner



Tamra Allen
Community Development Director,
Community Development Department

Acceptance by the Petitioners:



Kevin L. Bray, Manager
Paradise Hills Properties, LLC

AGREEMENT

Paradise Hills Properties 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 irrigation line improvements. 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 18th day of December, 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.



Kevin L. Bray, Manager
Paradise Hills Properties, LLC

State of Colorado)
)ss.
County of Mesa)

The foregoing Agreement was acknowledged before me this 18th day of December, 2017, by Kevin L. Bray, Manager, Paradise Hills Properties, LLC.

My Commission expires: 11/06/2018
Witness my hand and official seal.

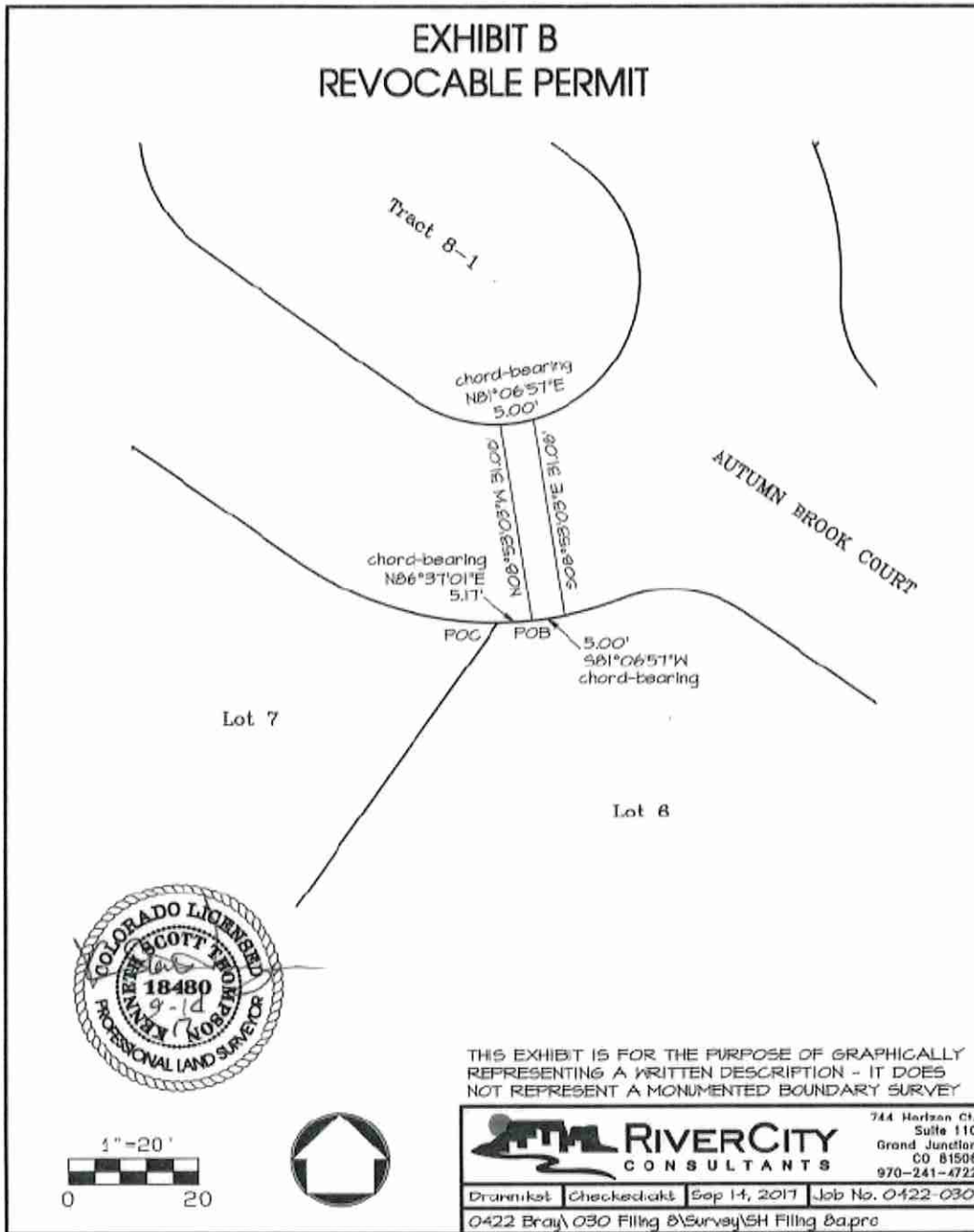


Notary Public

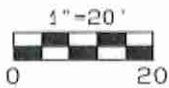
TRACY A. STATES
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID #20064045541
My Commission Expires November 6, 2018

PERMIT AREA #1

EXHIBIT B
REVOCABLE PERMIT



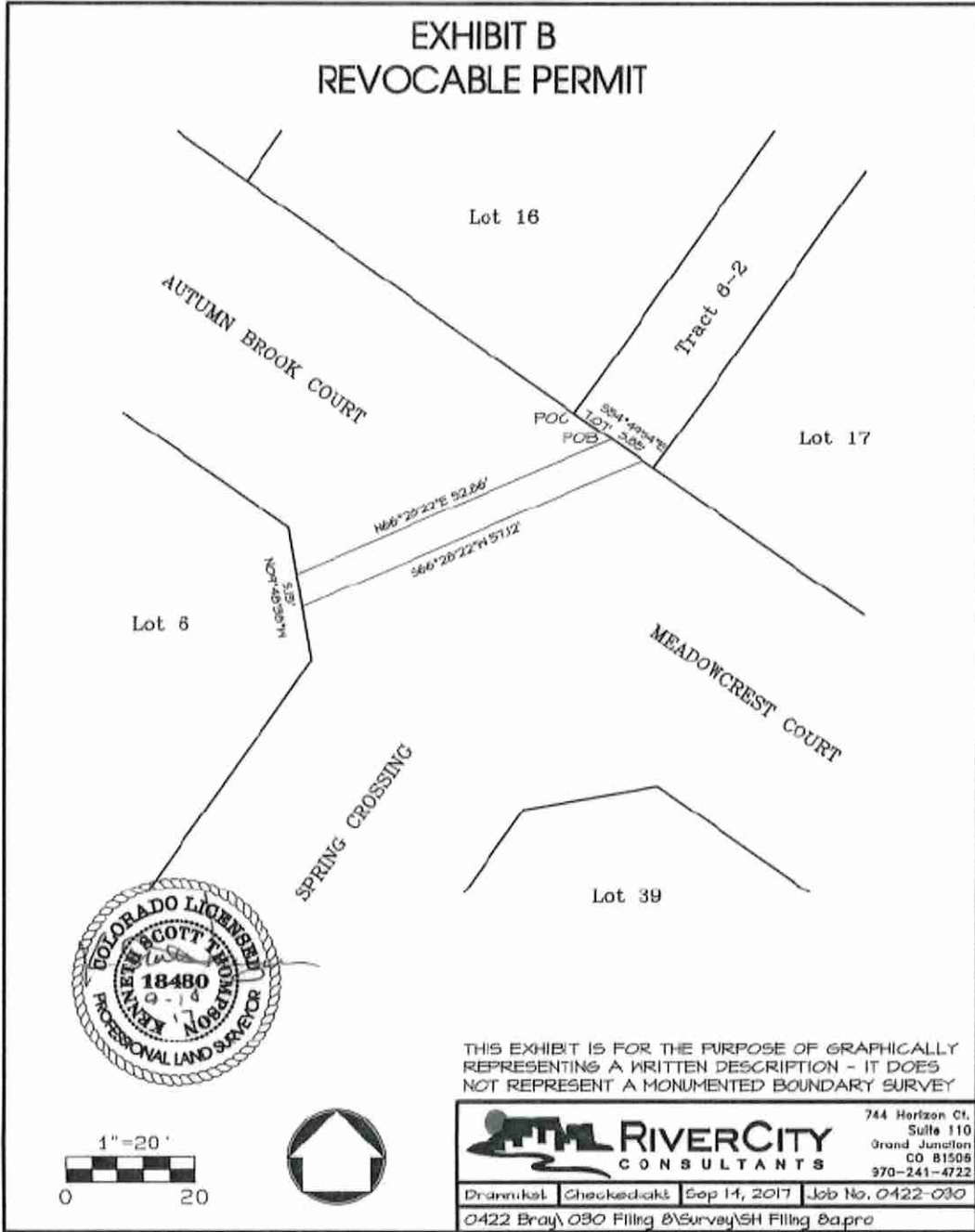
THIS EXHIBIT IS FOR THE PURPOSE OF GRAPHICALLY REPRESENTING A WRITTEN DESCRIPTION - IT DOES NOT REPRESENT A MONUMENTED BOUNDARY SURVEY



		744 Hartman Ct. Suite 110 Grand Junction CO 81508 970-241-4722	
Drawn by	Checked by	Sep 14, 2017	Job No. 0422-030
0422 Bray\030 Filing & Survey\SH Filing & a.pro			

PERMIT AREA #2

EXHIBIT B
REVOCABLE PERMIT

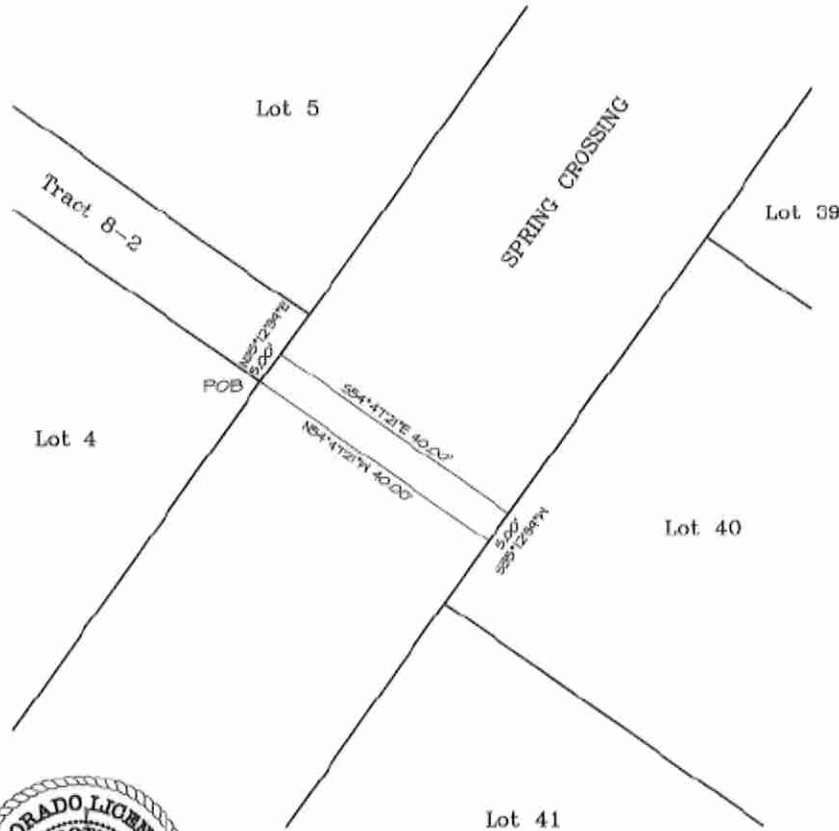


THIS EXHIBIT IS FOR THE PURPOSE OF GRAPHICALLY REPRESENTING A WRITTEN DESCRIPTION - IT DOES NOT REPRESENT A MONUMENTED BOUNDARY SURVEY

		744 Horizon Ct. Suite 110 Grand Junction CO 81506 970-241-4722
Drawn by:	Checked by:	Sep 14, 2017
0422 Bray\030 Filing & Survey\SH Filing & a.pro		Job No. 0422-030

PERMIT AREA #3

EXHIBIT B
REVOCABLE PERMIT



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