

REVOCABLE PERMIT

Recitals.

1. Granite Falls GJ 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 improvements, as approved by the City, within the limits of the following described public rights-of-way for Pollock Canyon Avenue and Mescalero Avenue, to wit:

Permit Area 1:

A ten-foot wide parcel across the right-of-way of Pollock Canyon Avenue in Granite Falls Subdivision, City of Grand Junction, County of Mesa, State of Colorado, being more particularly described as follows:

Beginning at the northwest corner of Lot 104 of Granite Falls Subdivision;
Thence along the west boundary line of said Lot 104 South $00^{\circ}16'06''$ East, a distance of 10.00 feet;
Thence South $83^{\circ}54'11''$ West, a distance of 44.23 feet to the southeast corner of Lot 57 of said Granite Falls Subdivision;
Thence along the east line of said Lot 57 North $00^{\circ}16'06''$ West, a distance of 10.00 feet;
Thence North $83^{\circ}54'12''$ East, a distance of 44.23 feet to the Point of Beginning.

Containing 0.010 acres, more or less.

Permit Area 2:

A ten-foot wide parcel across the right-of-way of Pollock Canyon Avenue in Granite Falls Subdivision, City of Grand Junction, County of Mesa, State of Colorado, being more particularly described as follows:

Beginning at the southwest corner of Lot 29 of Granite Falls Subdivision;
Thence North $88^{\circ}34'54''$ West, a distance of 44.06 feet to the southeast corner of Lot 43 of said Granite Falls Subdivision at a point of cusp on a 128.00 foot radius curve concave to the west;
Thence along the east line of said Lot 43 10.00 feet northerly along the arc of said curve, through a central angle of $4^{\circ}28'42''$, with a chord bearing North $02^{\circ}38'01''$ East, a distance of 10.00 feet to a point of cusp;
Thence South $88^{\circ}34'54''$ East, a distance of 44.01 feet to the west line of said Lot 29;
Thence along said west line 10.00 feet along the arc of a 172.00 foot radius non-tangent curve to the right, through a central angle of $3^{\circ}19'55''$, with a chord bearing South $02^{\circ}19'20''$ West, a distance of 10.00 feet to the Point of Beginning.

Containing 0.010 acres, more or less.

Permit Area 3:

A ten-foot wide parcel across the right-of-way of Mescalero Avenue in Granite Falls Subdivision, City of Grand Junction, County of Mesa, State of Colorado, being more particularly described as follows:

Beginning at the northeast corner of Lot 29 of Granite Falls Subdivision;
Thence along the northerly line of said Lot 29 North $82^{\circ}34'23''$ West, a distance of 10.05 feet; Thence North $13^{\circ}11'59''$ East, a distance of 48.75 feet to the southerly line of Tract B of said Granite Falls Subdivision;
Thence along said southerly line South $82^{\circ}34'23''$ East, a distance of 10.05 feet;
Thence South $13^{\circ}11'59''$ West, a distance of 48.75 feet; to the Point of Beginning.

Containing 0.011 acres, more or less.

Permit Area 4:

A ten-foot wide parcel across the right-of-way of Mescalero Avenue in Granite Falls Subdivision, City of Grand Junction, County of Mesa, State of Colorado, being more particularly described as follows:

Commencing at the northeast corner of Lot 1 of Granite Falls Subdivision;
Thence North $02^{\circ}49'43''$ East, a distance of 17.42 feet to an angle point on the common boundary of Tract C and Mescalero Avenue of said Granite Falls Subdivision;
Thence along said common line South $89^{\circ}44'01''$ West a distance of 2.20 feet to the Point of Beginning;
Thence continuing along said common line South $89^{\circ}44'01''$ West, a distance of 10.03 feet; Thence North $04^{\circ}26'14''$ West, a distance of 39.60 feet to the southerly line of Tract B of said Granite Falls Subdivision;
Thence along said southerly line North $89^{\circ}44'01''$ East, a distance of 10.03 feet;
Thence South $04^{\circ}26'14''$ East, a distance of 39.60 feet to the Point of Beginning.

Containing 0.009 acres, more or less.

Permit Area 5:

A ten-foot wide parcel across the right-of-way of Mescalero Avenue in Granite Falls Subdivision, City of Grand Junction, County of Mesa, State of Colorado, being more particularly described as follows:

Commencing at the northeast corner of Lot 1 of Granite Falls Subdivision;
Thence North $02^{\circ}49'43''$ East, a distance of 17.42 feet to the Point of Beginning at an angle point on the common boundary of Tract C and Mescalero Avenue of said Granite Falls Subdivision;
Thence along said common line South $89^{\circ}44'01''$ West a distance of 0.95 feet;

Thence North 00°14'10" West, a distance of 39.50 feet to the southerly line of Tract B of said Granite Falls Subdivision;
Thence along said southerly line North 89°44'01" East, a distance of 5.00 feet;
Thence continuing along said line North 00°15'59" West, a distance of 8.57 feet;
Thence continuing along said line North 44°44'01" East, a distance of 7.07 feet;
Thence departing said line South 00°14'10" East, a distance of 62.11 feet to the northeasterly line of said Tract C;
Thence along said line North 45°15'59" West, a distance of 12.79 feet to the Point of Beginning.

Containing 0.011 acres, more or less.

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 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 improvements by the Petitioners within the public rights-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 rights-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 rights-of-way and the facilities authorized pursuant to this Permit in good condition and repair.

5. This Revocable Permit for irrigation 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 rights-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 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 June, 2018.

Written and Recommended by:

The City of Grand Junction,
a Colorado home rule municipality

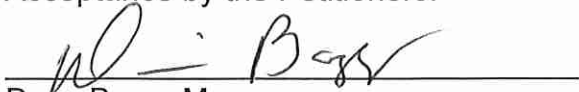


Scott D. Peterson
Senior Planner



Tamra Allen,
Community Development Director

Acceptance by the Petitioners:



Dave Bagg, Manager
Granite Falls GJ LLC

AGREEMENT

Granite Falls GJ 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 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 rights-of-way to the City of Grand Junction and, at their sole cost and expense, remove any encroachment so as to make said public rights-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 20 day of June, 2018.

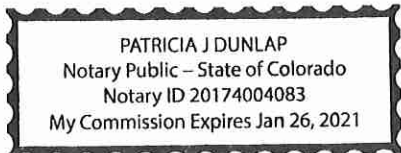
By signing, the Signatories represent that they have full authority to bind the Permittee to each and every term and condition hereof and/or in the Permit.

Dave Bagg
Dave Bagg, Manager
Granite Falls GJ LLC

State of Colorado)
)ss.
County of Mesa)

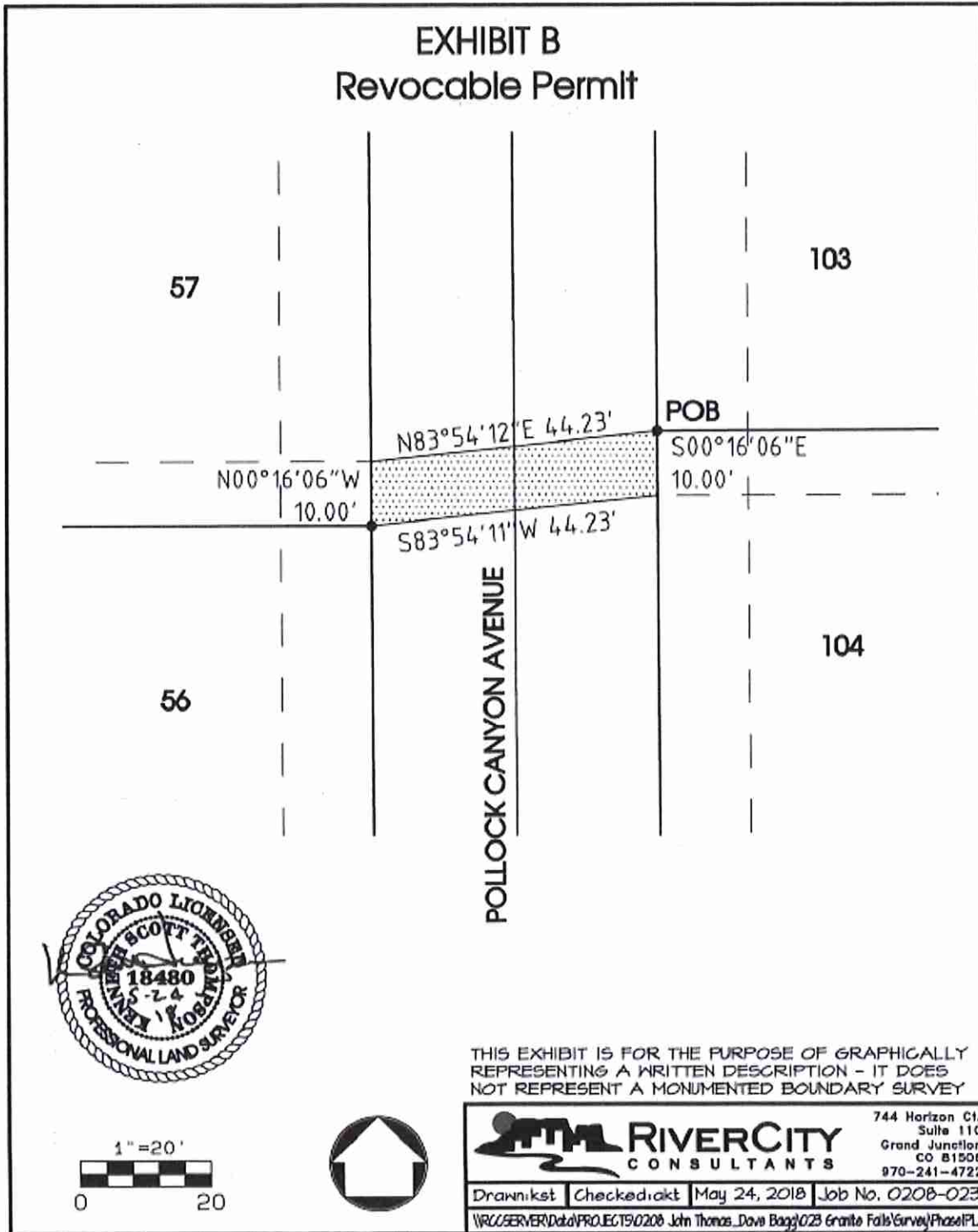
The foregoing Agreement was acknowledged before me this 20 day of June, 2018, by Dave Bagg, Manager, Granite Falls GJ LLC.

My Commission expires: Jan. 26, 2021
Witness my hand and official seal.



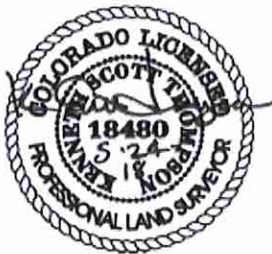
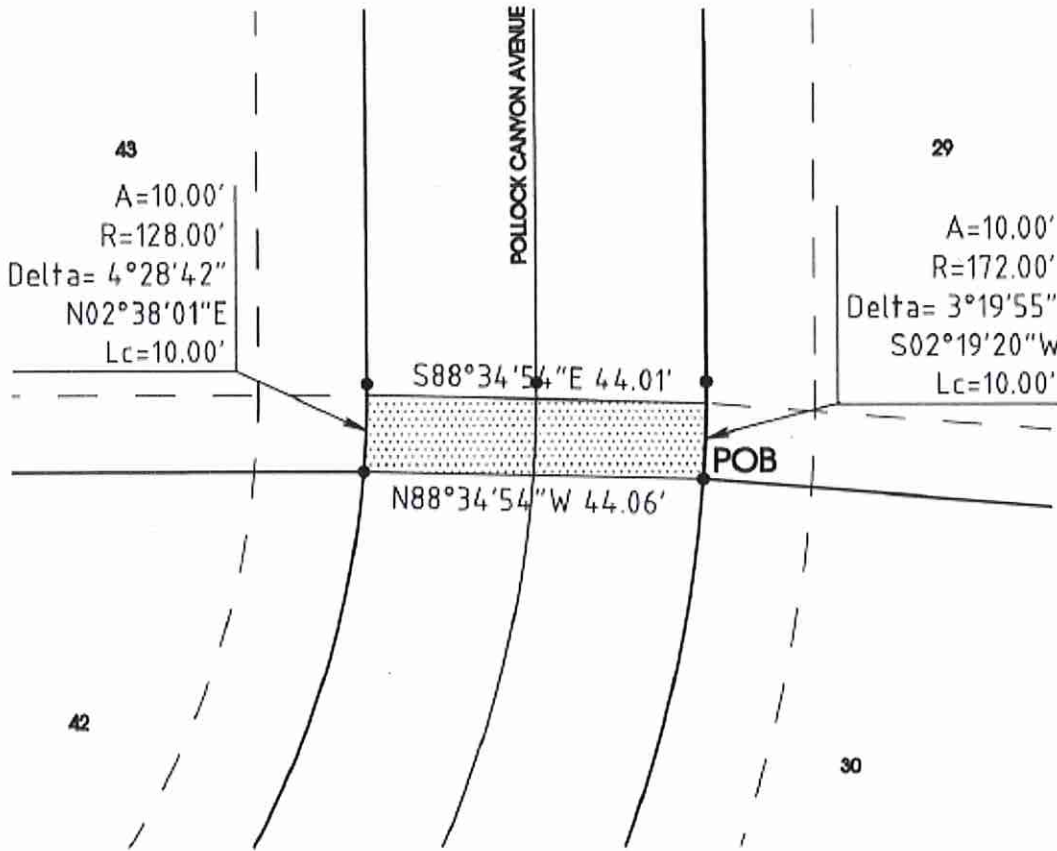
Patricia J Dunlap
Notary Public

Permit Area 1:

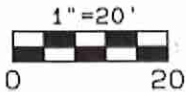


Permit Area 2:

EXHIBIT B Revocable Permit



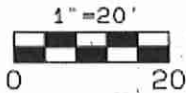
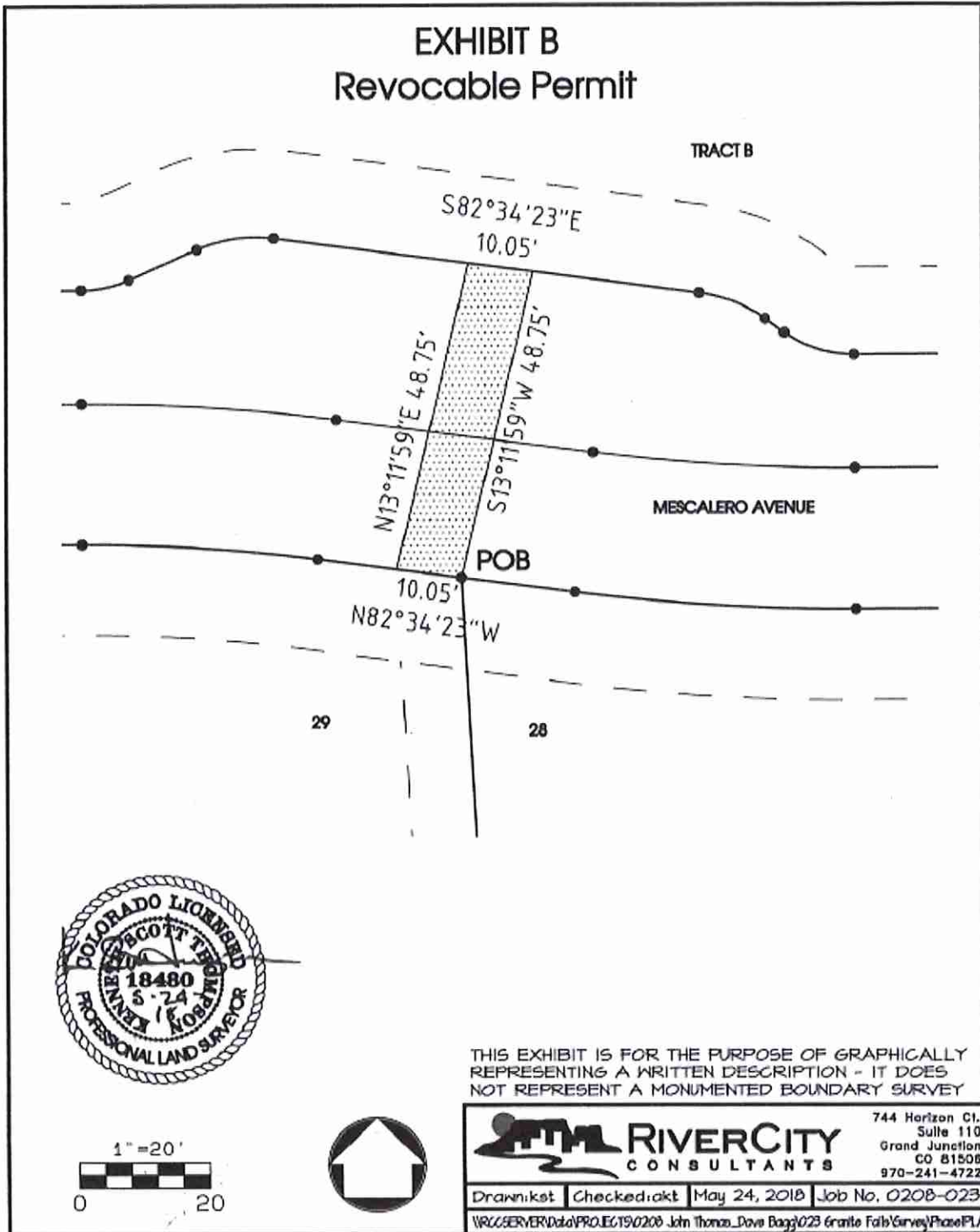
THIS EXHIBIT IS FOR THE PURPOSE OF GRAPHICALLY REPRESENTING A WRITTEN DESCRIPTION - IT DOES NOT REPRESENT A MONUMENTED BOUNDARY SURVEY



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	CONSULTANTS			Grand Junction CO 81508 970-241-4722
Drawn:kst	Checked:akt	May 24, 2018	Job No. 020B-023	
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Permit Area 3:

EXHIBIT B Revocable Permit

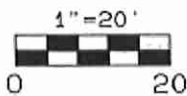
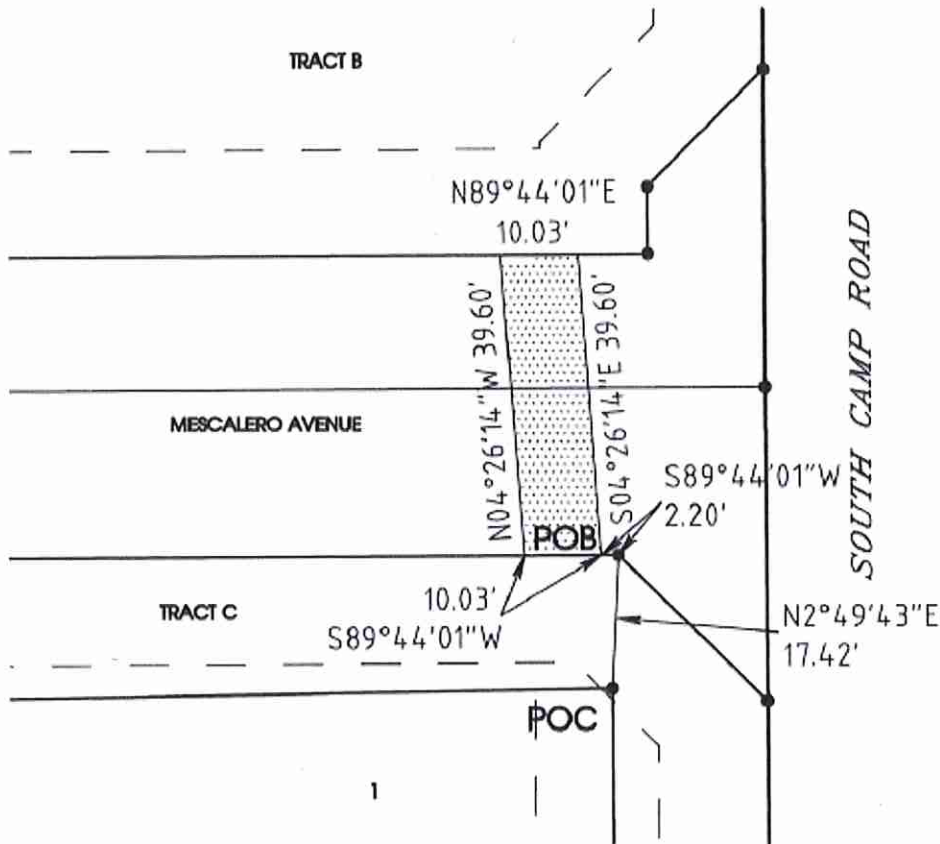


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Permit Area 4:

EXHIBIT B Revocable Permit

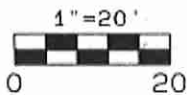
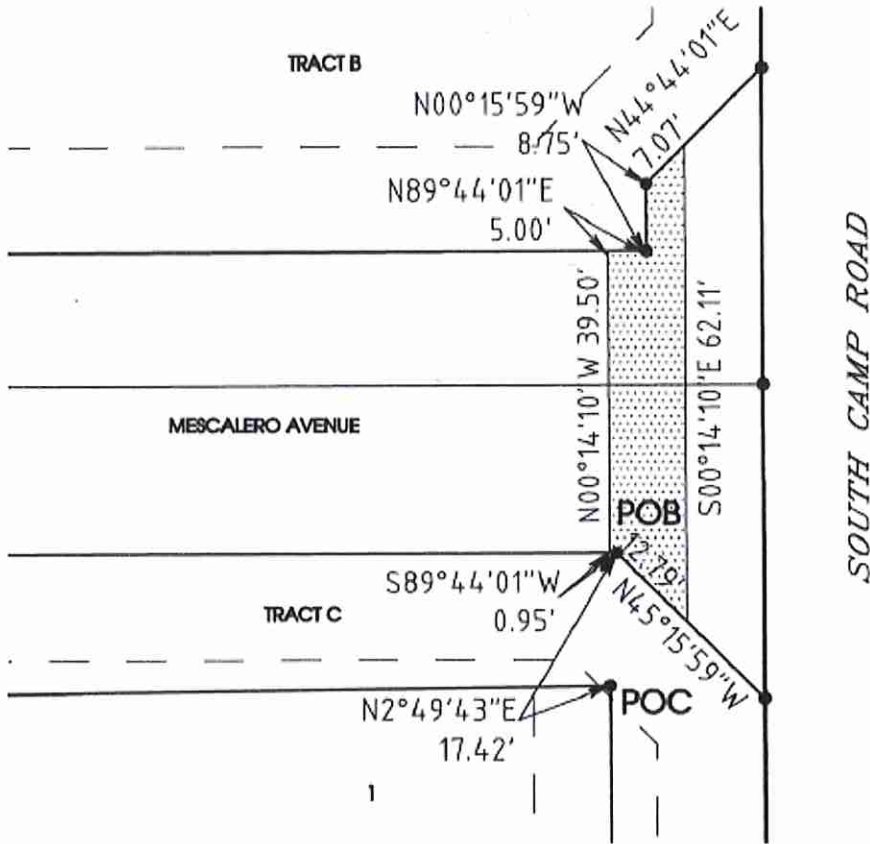


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Permit Area 5:

EXHIBIT B Revocable Permit



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