

REVOCABLE PERMIT

Recitals

1. Lenora J. Bailey, hereinafter referred to as the Petitioner, represents that she is the owner of that certain real property in the City of Grand Junction, County of Mesa, State of Colorado, described as Lot 7, Block 2 of Willowbrook Subdivision Replat, situate in the Southwest $\frac{1}{4}$ of Section 2, Township 1 South, Range 1 West of the Ute Meridian as recorded in Plat Book 10 at Page 38 in the office of the Mesa County Clerk and Recorder, also known as 202 Willowbrook Road, and has requested that the City of Grand Junction issue a Revocable Permit to allow the Petitioner to install, operate, maintain, repair and replace landscape improvements within the limits of the following described public right-of-way:

Permit Area No. 1:

Commencing at the Radius Point set for the center of the 50-foot radius cul-de-sac for Willowbrook Road; thence S $81^{\circ}24'20''$ W a distance of 50.00 feet to a point on the westerly right-of-way line for Willowbrook Road, said point being the True Point of Beginning;

thence along the westerly right-of-way line for Willowbrook Road, 44.86 feet along the arc of a curve concave to the Northeast, having a radius of 50.00 feet, a central angle of $51^{\circ}24'16''$, and a long chord bearing S $34^{\circ}17'53''$ E a distance of 43.37 feet;

thence leaving said right-of-way line, East a distance of 3.0 feet;

thence 47.95 feet along the arc of a non-tangent curve concave to the Southwest, having a radius of 40.0 feet, a central angle of $68^{\circ}40'46''$, and a long chord bearing N $37^{\circ}26'46''$ W a distance of 45.13 feet to the Point of Beginning.

Permit Area No. 2:

Commencing at the Radius Point set for the center of the 50-foot radius cul-de-sac for Willowbrook Road; thence N $81^{\circ}24'33''$ W a distance of 50.00 feet to a point on the westerly right-of-way line for Willowbrook Road, said point being the True Point of Beginning;

thence along the westerly and northwesterly right-of-way line for Willowbrook Road, 71.05 feet along the arc of a curve concave to the Southeast, having a radius of 50 feet, a central angle of $81^{\circ}24'55''$, and a long chord bearing N $49^{\circ}17'43''$ E a distance of 65.22 feet;

thence leaving said right-of-way line, South a distance of 7.0 feet;

thence 44.50 feet along the arc of a non-tangent curve concave to the Southeast, having a radius of 43.0 feet, a central angle of $59^{\circ}17'37''$, and a long chord bearing S $60^{\circ}21'10''$ W a distance of 42.54 feet;

thence 19.21 feet along the arc of a curve concave to the Northwest, having a radius of 55.0 feet, a central angle of $20^{\circ}00'33''$, and a long chord bearing S $40^{\circ}42'46''$ W a distance of 19.11 feet to the Point of Beginning.

2. Based on the foregoing, the City has determined that such action would not at this time be detrimental to the inhabitants of the City of Grand Junction.

NOW, THEREFORE, IN ACCORDANCE WITH THE ACTION OF THE CITY OF GRAND JUNCTION, COLORADO:

There is hereby issued to the above-named Petitioner a Revocable Permit for the purposes aforescribed and within the limits of the public right-of-way aforescribed; provided, however, that the issuance of this Revocable Permit shall be conditioned upon the following terms and conditions:

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 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 aforescribed 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 reason.
3. The Petitioner, for herself and for her heirs, successors and assigns, agrees that she shall not hold, nor attempt to hold, the City of Grand Junction, its officers, employees and agents, liable for damages caused to the facilities to be installed by the Petitioner within the limits of said 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 of 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 she 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 shall be issued only upon concurrent execution by the Petitioner of an agreement that the Petitioner and the Petitioner's heirs, 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 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 the last known address), peaceably surrender said public right-of-way and, at her own

expense, remove any encroachment so as to make the aforescribed 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 herself and for her heirs, successors and assigns, agrees that she shall be solely responsible for maintaining and repairing the condition of facilities authorized pursuant to this Permit.

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 20 day of October, 2001.

Attest:

The City of Grand Junction,
a Colorado home rule municipality

Stephanie Nun
City Clerk

[Signature]
City Manager



Acceptance by the Petitioner

Lenora Jayne Bailey
Lenora J. Bailey

AGREEMENT

Lenora J. Bailey, for herself and for her heirs, successors and assigns, does hereby agree to: Abide by each and every term and condition contained in the foregoing Revocable Permit; As set forth, 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 her 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.

Dated this 30 day of October, 2001.

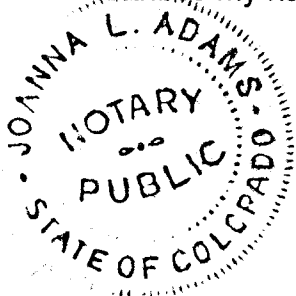
Lenora Jayne Bailey
Lenora J. Bailey

State of Colorado)
)ss.
County of Mesa)

The foregoing Agreement was acknowledged before me this 30 day of October, 2001, by Lenora J. Bailey.

My Commission expires: 8-8-02

Witness my hand and official seal.



Joanna L. Adams
Notary Public

Memo

To: Shelly Dackonish, Staff Attorney

From: Stephanie Tuin, City Clerk 

Date: October 13, 2010

Re: Revocable Permit

It has come to my attention that the attached revocable permit was issued to the wrong address and therefore is not associated with the correct property in the County records. The address in the permit is 202 Willowbrook Road and the correct address is 222 Willowbrook Road (Parcel No. 2945-023-04-001).

If you could produce a correction document I will have it recorded so the file is correct and Mesa County records can be corrected.

Thank you.