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PAGE DOCUMENT

RECEPTION #: 2461938, BK 4741 PG 498 10/16/2008 at 04:29:52 PM, 1 OF 5, R \$25.00 S \$1.00 Doc Code: REV PERMIT  
Janice Rich, Mesa County, CO CLERK AND RECORDER

**REVOCABLE PERMIT**

**Recitals.**

1. Jim Fahrenholtz, 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 landscape improvements, as approved by the City, within the limits of the following described public right-of-way for Spruce Street, to wit:

Permit Area:

An area along the East right-of-way line of Spruce Street adjacent to and being the West property line of Lot 1, Fahrenholtz-Carey Subdivision, as recorded in the Mesa County records and being more particularly described as follows:

BEGINNING at the Southwest corner of said Lot 1, Fahrenholtz-Carey Subdivision, whence the Northwest corner of said Fahrenholtz-Carey Subdivision bears North 00 degrees 03 minutes 08 seconds East, a distance of 125.38 feet for a basis of bearings, with all bearings contained herein relative thereto; thence North 89 degrees 48 minutes 25 seconds West, a distance of 21.29 feet, to a point on the back of the East curb line of said Spruce Street; thence North 00 degrees 00 minutes 26 seconds West, a distance of 125.38 feet, along said back of curb line; thence South 89 degrees 48 minutes 25 seconds East, a distance of 21.42 feet, to the Northwest corner of said Lot 1, Fahrenholtz-Carey Subdivision; thence South 00 degrees 03 minutes 08 seconds West, a distance of 125.38 feet, along said West property line of said Lot 1, Fahrenholtz-Carey Subdivision, to the POINT OF BEGINNING.

Said area containing 2678 square feet for 0.061 acres, as herein described.

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 Public Works and Planning 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, LISA COX, AS PLANNING MANAGER, DOES HEREBY ISSUE:

to the above-named Petitioner 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 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 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 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 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 Petitioner and the Petitioner's 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 Petitioner's 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.

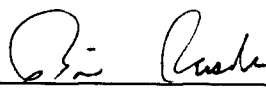
6. The Petitioners, for themselves and for their successors and assigns, agree that they shall be solely responsible for maintaining and repairing the condition of any and all plantings, improvements and/or facilities authorized pursuant to this Permit. The Petitioner shall not install any trees, vegetation or other improvements that create sight distance problems.

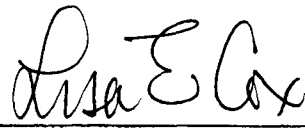
7. This Revocable Permit and the following Agreement shall be recorded by the Petitioner, at the Petitioner's expense, in the office of the Mesa County Clerk and Recorder.

Dated this 15<sup>th</sup> day of October, 2008.

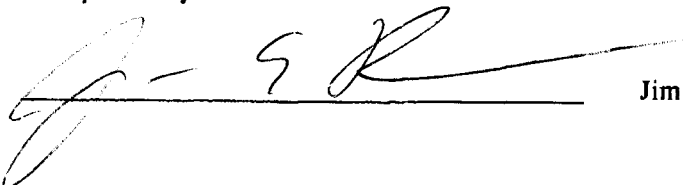
Written and Recommended by:

The City of Grand Junction,  
a Colorado home rule municipality

  
\_\_\_\_\_  
Planner

  
\_\_\_\_\_  
Planning Manager,  
Public Works and Planning Department

Acceptance by the Petitioner:

  
\_\_\_\_\_  
Jim Fahrenholtz

**AGREEMENT**

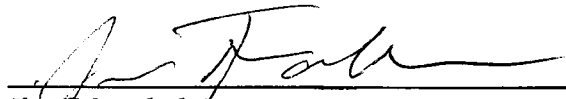
Jim Fahrenholtz, for themselves and for their successors and assigns, do hereby agree to abide by each and every term and condition contained in the foregoing Revocable Permit for landscaping and irrigation. Furthermore, they shall indemnify the City of Grand Junction, its officers, employees and agents 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 October, 2008.

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.

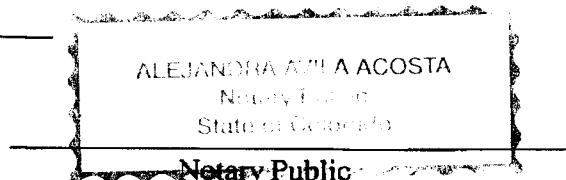
  
\_\_\_\_\_

Jim Fahrenholtz

State of Colorado    )  
                                  )ss.  
County of Mesa        )

The foregoing Agreement was acknowledged before me this 15<sup>th</sup> day of October, 2008, by Alejandra A. Acosta

My Commission expires: 09/09  
Witness my hand and official seal.

  
ALEJANDRA AVILA ACOSTA  
Notary Public  
State of Colorado  
Notary Public

**EXHIBIT A**  
**Revocable Easement Permit**

A revocable easement along the East right-of-way line of Spruce Street adjacent to and being the West property line of Lot 1, Fahrenholtz-Carey Subdivision, as recorded at Book 4741, Page 497, Mesa County records and being more particularly described as follows:

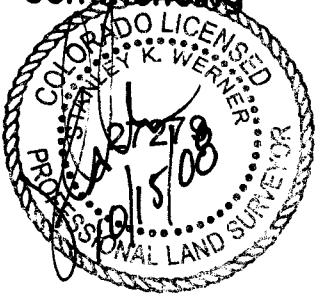
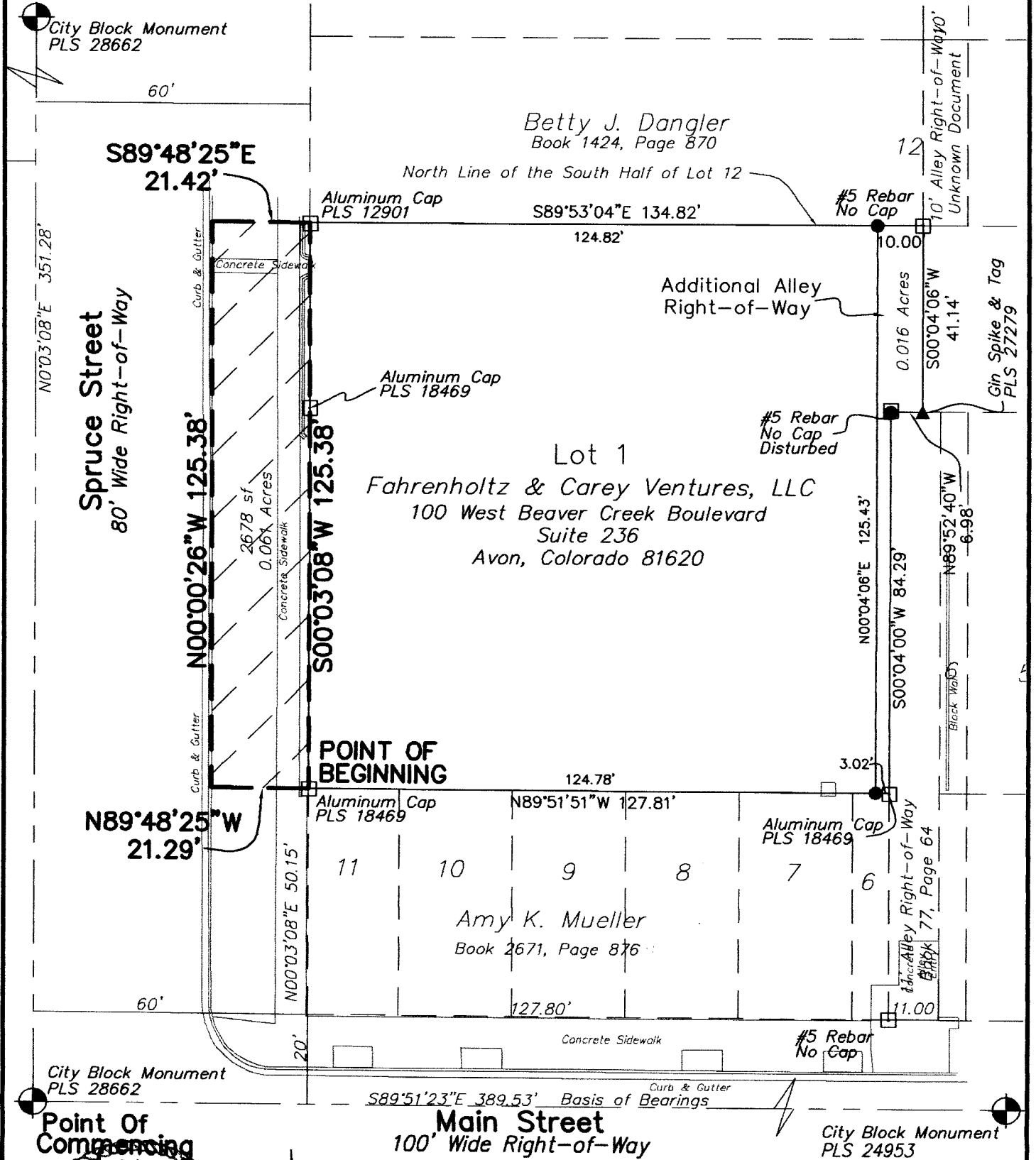
BEGINNING at the Southwest corner of said Lot 1, Fahrenholtz-Carey Subdivision, whence the Northwest corner of said Fahrenholtz-Carey Subdivision bears North 00 degrees 03 minutes 08 seconds East, a distance of 125.38 feet for a basis of bearings, with all bearings contained herein relative thereto; thence North 89 degrees 48 minutes 25 seconds West, a distance of 21.29 feet, to a point on the back of the East curb line of said Spruce Street; thence North 00 degrees 00 minutes 26 seconds West, a distance of 125.38 feet, along said back of curb line; thence South 89 degrees 48 minutes 25 seconds East, a distance of 21.42 feet, to the Northwest corner of said Lot 1, Fahrenholtz-Carey Subdivision; thence South 00 degrees 03 minutes 08 seconds West, a distance of 125.38 feet, along said West property line of said Lot 1, Fahrenholtz-Carey Subdivision, to the POINT OF BEGINNING.

Said easement containing 2678 square feet or 0.061 acres, as herein described.



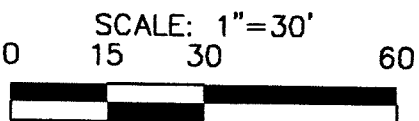
Fahrenholtz-Carey Revocable Permit.doc/rsk  
Prepared by:  
Stanley K. Werner, PLS 27279  
High Desert Surveying, LLC  
1673 Highway 50 Unit C  
Grand Junction, CO 81503

# EXHIBIT B REVOCABLE EASEMENT PERMIT



## FAHRENHOLTZ-CAREY SUBDIVISION

CITY OF GRAND JUNCTION  
MESA COUNTY, COLORADO  
**High Desert Surveying, LLC**  
1673 Highway 50 Unit C  
Grand Junction, Colorado 81503  
Tele: 970-254-8649 Fax: 970-241-0451



PROJ. NO. 08-73	Drawn	APP'D	SHEET	OF
DATE: October, 2008	rsk	skw	1	1