

RECEPTION #: 2635671, BK 5397
PG 383 12/05/2012 at 08:32:03 AM,
1 OF 4, R \$25.00 S \$1.00
Sheila Reiner, Mesa County, CO
CLERK AND RECORDER

REVOCABLE PERMIT

Recitals.

1. Heritage Estates LLC and Heritage Estates Subdivision, hereinafter referred to as the Petitioner, have requested that the City of Grand Junction issue a Revocable Permit to allow the Petitioner to install, operate, maintain, repair and replace irrigation improvements, as approved by the City, within the limits of the following described public right-of-way for Routt Avenue (Lot 4), to wit:

Permit Area:

A strip of land being 10.00 feet wide located within the right-of-way of Routt Avenue as dedicated on the recorded plat of Heritage Estates Filing 1, City of Grand Junction, Mesa County, Colorado, being 5.00 feet on each side of the following described line:

Commencing at the southeast corner of Lot 4 of said Heritage Estates Filing 1;

thence S89°58'04"E a distance of 3.57 feet to the Point of Beginning;

thence S20°50'59"W a distance of 47.07 feet to the Point of Terminus.

Said permit contains 417 square feet more or less.

The side lines of said 10.00 foot strip to be extended or shortened to meet at angle points and to terminate at the said right-of-way of Routt Avenue.

And as shown on Exhibit "A" attached.

2. Based on the authority of the Charter and § 21.02.180(d)(i) of the Grand Junction Zoning and Development Code applying the same, and pursuant to C.R.S. 43-2-135, 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 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 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 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 irrigation improvements and/or facilities authorized pursuant to this Permit.

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 29th day of November, 2012.

Written and Recommended by:

The City of Grand Junction,
a Colorado home rule municipality

Lori V. Bowers
Planner

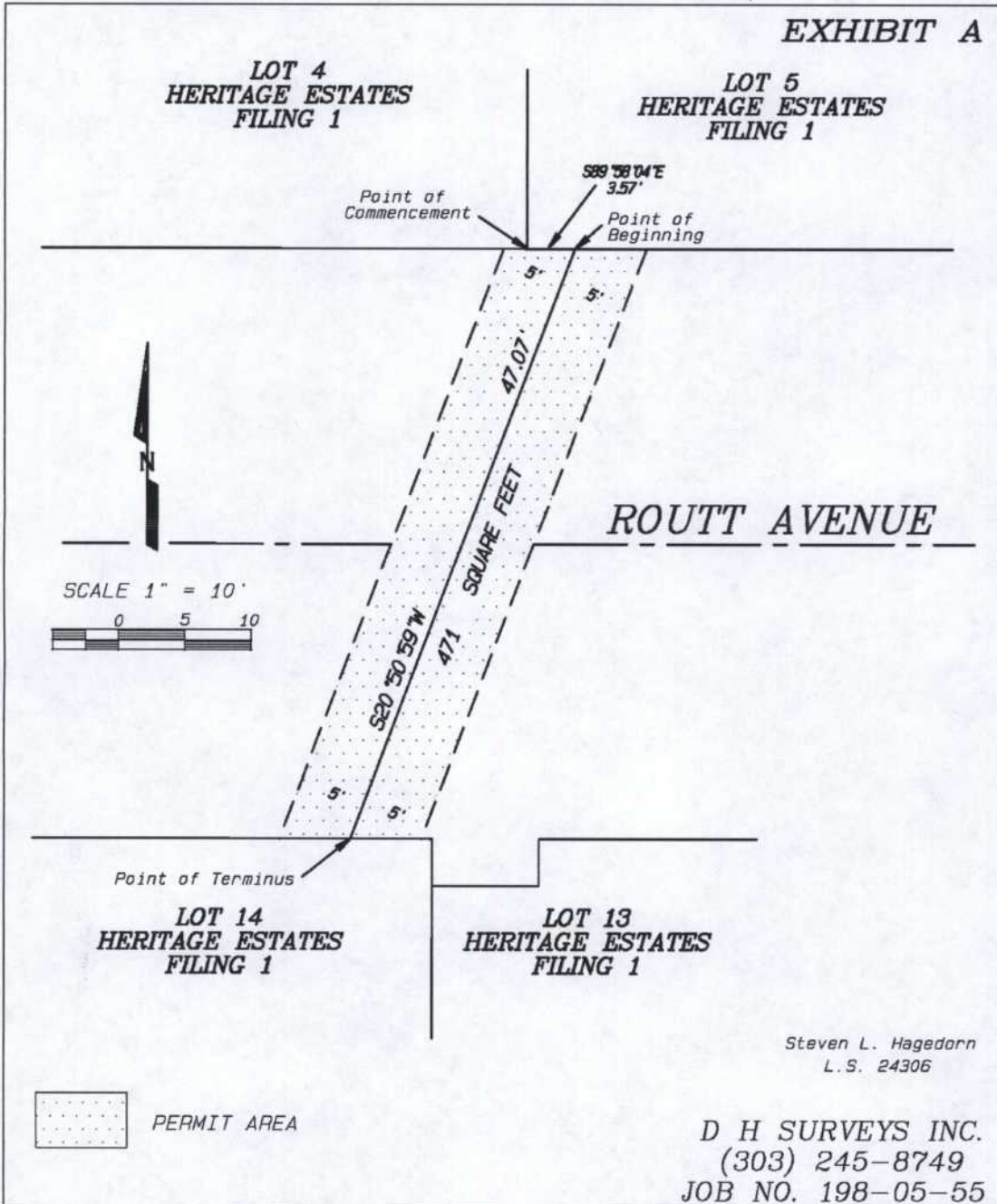
L.V.B.

Lisa Clay
Planning Manager,
Public Works and Planning Department

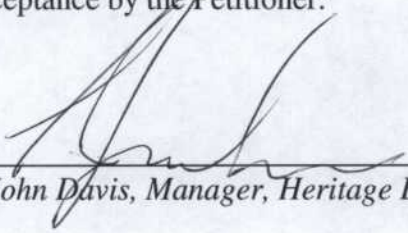
EXHIBIT A

**LOT 4
HERITAGE ESTATES
FILING 1**

**LOT 5
HERITAGE ESTATES
FILING 1**



Acceptance by the Petitioner:



L. John Davis, Manager, Heritage Estates LLC and for Heritage Estates Subdivision