

RESOLUTION NO. 36-19

**A RESOLUTION CONCERNING
THE ISSUANCE OF A REVOCABLE PERMIT TO HYBRID CONFECTIONS LLC TO
ALLOW FOR THE INSTALLATION OF A FOOD PROCESSING INTERCEPTOR
ENCROACHING WITHIN THE PUBLIC ALLEY RIGHT-OF-WAY SOUTH OF AND
ADJACENT TO 635 PITKIN AVENUE**

Recitals.

A. Hybrid Confections LLC – Doug Simons, hereinafter referred to as the Petitioner, represents he is the owner of the following described real property in the City of Grand Junction, County of Mesa, State of Colorado, to wit:

Lots 7 through 10 in Block 149 of Grand Junction together with that portion as described in Ordinance No. 3960 recorded November 15, 2006 at Reception No. 2348900, County of Mesa, State of Colorado

B. The Petitioner has requested that the City of Grand Junction issue a Revocable Permit to allow for installation of a food processing interceptor, subject to the terms of the permit, within the limits of the following described public alley right-of-way, to wit (refer to Exhibit B for graphical representation):

A parcel of land located in Block 149 of the City of Grand Junction, Colo. Second Division Survey as Amended. Recorded in the Mesa County Records January 22, 1909 at Reception Number 80773, said parcel of land being more particularly described as follows:

The North 10 feet of the East – West 20-foot Alley adjacent to Lots 7 and 8 in said Block 149.

EXCEPT that portion of said 20-foot Alley that portion as described in Ordinance No. 3960 recorded November 15, 2006 at Reception Number 2348900 of the Mesa County Records

Said parcel contains 447 square feet as described.

C. Relying on the information supplied by the Petitioner and contained in File No. RVP-2019-264 in the office of the City's Community Development Department, the City Council has determined that such action would not at this time be detrimental to the inhabitants of the City of Grand Junction.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO:

1. That the City Manager is hereby authorized and directed to issue the attached Revocable Permit to the above-named Petitioner for the purpose aforescribed and within the limits of the public right-of-way aforescribed, subject to each and every term and condition contained in the attached Revocable Permit.

PASSED and ADOPTED this 17th day of June, 2019.

Attest:


Deputy City Clerk


President of the City Council

REVOCABLE PERMIT

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C. Relying on the information supplied by the Petitioner and contained in File No. RVP-2019-264 in the office of the City's Community Development Department, the City Council 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 COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO:

1. The Petitioner's use and occupancy of 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 improvements and public utilities or any other facilities presently existing or which may in the future exist in said right-of-way.

2. The City 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 himself and for his 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 Petitioner agrees that he 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 installation of a food processing interceptor that encroaches in the alley right-of-way shall be issued only upon concurrent execution by the Petitioner 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.

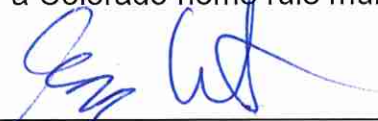
6. This Revocable Permit, the foregoing Resolution and the following Agreement shall be recorded by the Petitioner, at the Petitioner's expense, in the off of the Mesa County Clerk and Recorder.

Dated this 24 day of June, 2019.

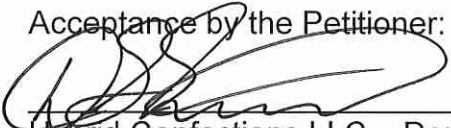
Written and Recommended by:


Deputy City Clerk

The City of Grand Junction,
a Colorado home rule municipality


City Manager

Acceptance by the Petitioner:

A handwritten signature in black ink, appearing to read 'Doug Simons', written over a horizontal line.


Hybrid Confections LLC – Doug Simons

AGREEMENT

Hybrid Confections LLC – Doug Simons, for themselves and successors and assigns, does hereby agree to:

- (a) Abide by each and every term and condition contained in the foregoing Revocable Permit;
- (b) Indemnify and hold harmless the City of Grand Junction, its officers, employees and agents with respect to all claims and causes of action, as provided for in the approved Resolution and Revocable Permit;
- (c) Within thirty (30) days of revocation of said Permit by the City Council, peaceably surrender said public right-of-way fully available for use by the City of Grand Junction or the general public; and
- (d) At the sole cost and expense of the petitioner, remove any encroachment so as to make said public right-of-way fully available for use by the City of Grand Junction or the general public.

Dated this 25th day of June, 2019.

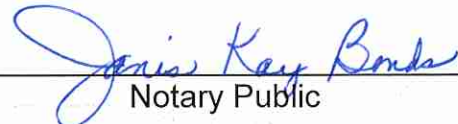


 Hybrid Confections LLC – Doug Simons

State of Colorado)
)ss.
 County of Mesa)

The foregoing Agreement was acknowledged before me this 25th day of June, 2019, by Hybrid Confections LLC – Doug Simons.

My Commission expires: March 3, 2020
 Witness my hand and official seal.



 Notary Public

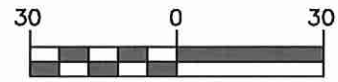
JANIS KAY BONDS
 NOTARY PUBLIC
 STATE OF COLORADO
 NOTARY ID 20184009006
 MY COMMISSION EXPIRES MARCH 3, 2020

Exhibit B

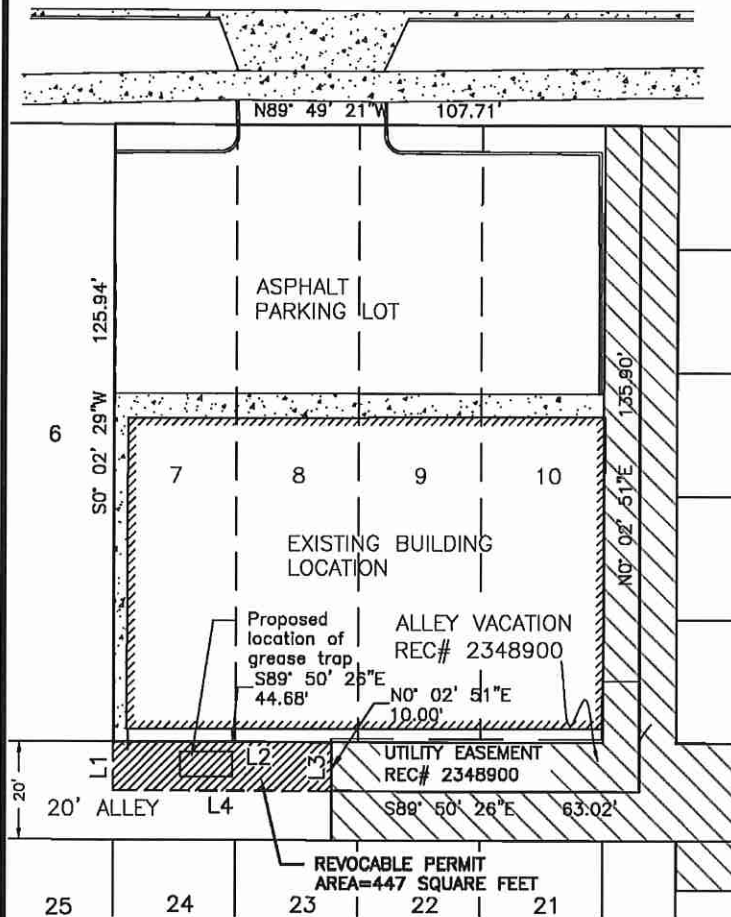
PITKIN AVENUE
(80' ROW)



GRAPHIC SCALE:
1"=30'



LINEAR UNITS ARE U.S. SURVEY FEET



Line Table		
Line #	Direction	Length
L1	S00° 09' 34"W	10.00'
L2	N89° 50' 26"W	44.68'
L3	N00° 02' 51"E	10.00'
L4	S89° 50' 26"E	44.70'

Legal Description Sketch

635 Pitkin Avenue
City of Grand Junction - Block 149
Revocable Permit: 20' East-West Alley

In the Southwest Quarter Section 14,
Township 1 South, Range 1 West of the Ute Meridian,
City of Grand Junction, County of Mesa, State of Colorado

POLARIS SURVEYING

PATRICK W. CLICK P.L.S.
3194 MESA AVE
GRAND JUNCTION, CO 81504
PHONE (970)434-7038