

**RESOLUTION NO. 20-20**

**A RESOLUTION CONCERNING  
THE ISSUANCE OF A REVOCABLE PERMIT TO 2H MECHANICAL LLC TO ALLOW  
FOR ENCROACHMENT OF PORTIONS OF PARKING STALLS WITHIN THE  
PUBLIC RIGHT-OF-WAY SOUTHEAST OF AND ADJACENT TO 757 VALLEY  
COURT**

**Recitals.**

A. 2H Mechanical LLC – Ricky A Houtris, 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:

BEG SELY COR LOT 6 VALLEY WEST FIL NO 2 N 33DEG21' E 230FT N 56DEG39' W 335FT S 33DEG21' W 230FT S 56DEG39' E 335FT TO BEG

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 strip of land situate in the SW 1/4 NE 1/4 of Section 36, Township 1 North, Range 2 West of the Ute Meridian, also being a portion of Lot 6, Valley West Subdivision, Filing No. Two as recorded under Reception No. 1192076, City of Grand Junction, Mesa County, Colorado, being describes as follows:

Commencing at the southwest corner of a parcel of land recorded under Reception No. 2820670 of said Mesa County;  
thence N33°27'16"E a distance of 84.31 feet along the westerly right-of-way of Valley Court to the point of beginning;  
thence N33°27'16"E a distance of 145.69 feet along said right-of-way;  
thence S56°32'44"E a distance of 5.78 feet;  
thence S33°27'48"W a distance of 219.15 feet;  
thence N57°10'26"W a distance of 5.76 feet to the point of beginning.

Said strip contains 840 square feet as described.

C. Relying on the information supplied by the Petitioner and contained in File No. RVP-2020-120 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 15<sup>th</sup> day of April, 2020.

Attest:

W. Winkelmans  
City Clerk

J. Mark West  
President of the City Council



## REVOCABLE PERMIT

### Recitals.

A. 2H Mechanical LLC – Ricky Houtris, hereinafter referred to as the Petitioner, represents it is the owner of the following described real property in the City of Grand Junction, County of Mesa, State of Colorado, to wit:

BEG SELY COR LOT 6 VALLEY WEST FIL NO 2 N 33DEG21' E 230FT N 56DEG39' W 335FT S 33DEG21' W 230FT S 56DEG39' E 335FT TO BEG

B. The Petitioner has requested that the City Council of the City of Grand Junction issue a Revocable Permit to allow the Petitioner to construct a 6' tall metal fence within the following described public right-of-way as identified on Exhibit B:

A strip of land situate in the SW 1/4 NE 1/4 of Section 36, Township 1 North, Range 2 West of the Ute Meridian, also being a portion of Lot 6, Valley West Subdivision, Filing No. Two as recorded under Reception No. 1192076, City of Grand Junction, Mesa County, Colorado, being describes as follows:

Commencing at the southwest corner of a parcel of land recorded under Reception No. 2820670 of said Mesa County;  
thence N33°27'16"E a distance of 84.31 feet along the westerly right-of-way of Valley Court to the point of beginning;  
thence N33°27'16"E a distance of 145.69 feet along said right-of-way;  
thence S56°32'44"E a distance of 5.78 feet;  
thence S33°27'48"W a distance of 219.15 feet;  
thence N57°10'26"W a distance of 5.76 feet to the point of beginning.

Containing approximately 840 square feet.

C. Relying on the information supplied by the Petitioner and contained in File No. RVP-2020-120 in the office of the City's Community Development Division, 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:

There is hereby issued to the above-named Petitioner a Revocable Permit for the purpose 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 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 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 itself and for its successors, assigns and for all persons claiming through the Petitioner, agrees that it shall defend all efforts and claims to hold, or attempt to hold, the City of Grand Junction, its officers, employees and agents, liable for damages caused to any 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 activity or use thereof or as a result of the installation, operation, maintenance, repair and replacement of public improvements.

4. The Petitioner agrees that it shall at all times keep the above described public right-of-way in good condition and repair.

5. This Revocable Permit shall be issued only upon the 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 cost and expense 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 its own expense, remove any encroachment so as to make the aforescribed public right-of-way available for use by the City 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 office of the Mesa County Clerk and Recorder.

7. Permittee shall obtain all applicable Planning Clearance's from City Planning and Mesa County Building Department.

Dated this 13 day of MAY, 2020.

The City of Grand Junction,  
a Colorado home rule municipality

Attest:

Wanda Winkelmann

City Clerk

[Signature]

City Manager



Acceptance by the Petitioner:

[Signature]

2H Mechanical LLC  
Ricky Houtris