

CITY OF GRAND JUNCTION, COLORADO

RESOLUTION NO. 36-20

**A RESOLUTION CONCERNING
THE ISSUANCE OF A REVOCABLE PERMIT TO THE LOWELL VILLAGE
METROPOLITAN DISTRICT TO ALLOW FOR THE CONSTRUCTION, INSTALLATION AND
MAINTENANCE OF PRIVATE STORM DRAINAGE MICROBASINS, LANDSCAPING AND
IRRIGATION SYSTEMS WITHIN THE PARK STRIPS BETWEEN THE CURB AND THE
PUBLIC SIDEWALK IN THE WHITE AVENUE, NORTH 8TH STREET AND GRAND AVENUE
PUBLIC RIGHTS-OF-WAY ADJACENT TO LOTS 1, 2, 3 AND 4 R5 BLOCK SUBDIVISION
AMENDED**

Recitals.

A. The Lowell Village Metropolitan District, herein after referred to as the Petitioner, represents that it is the governing authority for private improvements within its boundaries stated in its Metropolitan District Service Plan to wit: LOTS 1, 2, 3 and 4 R5 Block Subdivision Amended;

B. The Petitioner has requested that the City of Grand Junction issue a Revocable Permit to allow for the construction, installation and maintenance of private storm drainage microbasins, landscaping and irrigation systems within the park strips between the curb and the public sidewalk in the White Avenue, North 8th Street and Grand Avenue rights-of-way adjacent to Lots 1, 2, 3 and 4 R5 Block Subdivision Amended, subject to the terms of the permit, within the limits of the following described public rights-of-way, to wit (refer to Exhibit A for graphical representation):

A certain parcel of land lying in the Southeast Quarter (SE 1/4) of Section 14, Township 1 South, Range 1 West of the Ute Meridian, City of Grand Junction, County of Mesa, State of Colorado,

Beginning at the Southeast corner Lot 2, R5 Block Subdivision Amended (Reception No.2835112) thence N00°03'39"E along the West right of way line of North 8th Street adjoining the East line of said Lot 2, a distance of 125.39 feet; thence S89°55'50"E, a distance of 21.15 feet; thence S00°01'46"W, a distance of 136.90 feet; thence S45°11'41"W, a distance of 14.11 feet; thence N89°56'57"W, a distance of 194.80 feet; thence N00°01'33"E, a distance of 21.56 feet to a point on the North line of White Avenue right of way and a point on the South line of said Lot 2; thence S89°55'18"E, a distance of 183.59 feet to the Point of Beginning. White Avenue and North 8th Street right-of-way depicted on Plat of Resurvey of Second Division of City of Grand Junction, Plat Book 2, Page 37 recorded at the Mesa County Clerk and Records Office.

Said description contains an area of 7,011 Square Feet more or less, as described herein and illustrated on Exhibit "A".

C. Relying on the information supplied by the Petitioner and contained in File Nos. SUB-2018-578 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 1st day of July 2020.

Attest:

W Winkelmann
City Clerk

C. E. Pete W. Sarano
President of the City Council



REVOCABLE PERMIT

Recitals.

A. The Lowell Village Metropolitan District, herein after referred to as the Petitioner, represents that it is the governing authority for private improvements within its boundaries stated in its Metropolitan District Service Plan to wit: LOTS 1, 2, 3 and 4 R5 Block Subdivision Amended

B. The Petitioner has requested that the City of Grand Junction issue a Revocable Permit to allow for the construction, installation and maintenance of private storm drainage microbasins, landscaping and irrigation systems within the park strips between the curb and the public sidewalk in the White Avenue, North 8th Street and Grand Avenue rights-of-way adjacent to Lots 1, 2, 3 and 4 R5 Block Subdivision Amended, subject to the terms of the permit, within the limits of the following described public rights-of-way, to wit (refer to Exhibit A for graphical representation):

A certain parcel of land lying in the Southeast Quarter (SE 1/4) of Section 14, Township 1 South, Range 1 West of the Ute Meridian, City of Grand Junction, County of Mesa, State of Colorado,

Beginning at the Southeast corner Lot 2, R5 Block Subdivision Amended (Reception No.2835112) thence N00°03'39"E along the West right of way line of North 8th Street adjoining the East line of said Lot 2, a distance of 125.39 feet; thence S89°55'50"E, a distance of 21.15 feet; thence S00°01'46"W, a distance of 136.90 feet; thence S45°11'41"W, a distance of 14.11 feet; thence N89°56'57"W, a distance of 194.80 feet; thence N00°01'33"E, a distance of 21.56 feet to a point on the North line of White Avenue right of way and a point on the South line of said Lot 2; thence S89°55'18"E, a distance of 183.59 feet to the Point of Beginning. White Avenue and North 8th Street right-of-way depicted on Plat of Resurvey of Second Division of City of Grand Junction, Plat Book 2, Page 37 recorded at the Mesa County Clerk and Records Office.

Said description contains an area of 7,011 Square Feet more or less, as described herein and illustrated on Exhibit "A".

C. Relying on the information supplied by the Petitioner and contained in File Nos. SUB-2018-578 and SUB-2019-687 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 itself and for his successors and assigns, agree that it 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 it shall at all times keep the above described public right-of-way and the facilities authorized pursuant to this Permit in good condition, repair and operation.

5. This Revocable Permit for the private storm drainage microbasins, landscaping and irrigation systems in the rights-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 its 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 office of the Mesa County Clerk and Recorder.

Dated this 1st day of July, 2020.


Written and Recommended by: The City of Grand Junction,
a Colorado home rule municipality

Wanda Wankelmann
City Clerk

[Signature]
City Manager



Acceptance by the Petitioner:




Jeremy Nelson for the Lowell Village Metropolitan District

AGREEMENT

The Lowell Village Metropolitan District, for itself, its 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 8th day of July, 2020.

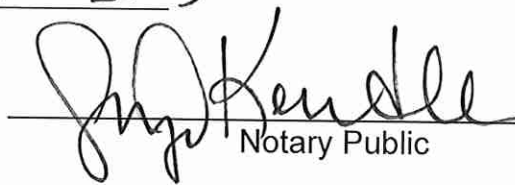


 Jeremy Nelson for Lowell Village Metropolitan District

State of Colorado)
)ss.
 County of Mesa)

The foregoing Agreement was acknowledged before me this 8th day of July, 2020, by Jeremy Nelson.

My Commission expires: Dec. 5th 2023
 Witness my hand and official seal.



 Notary Public

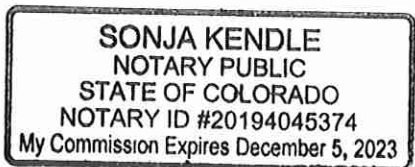
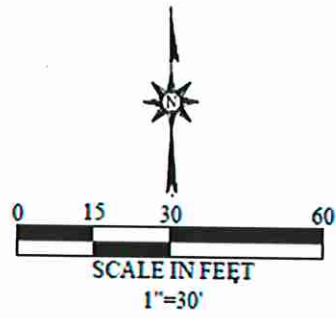
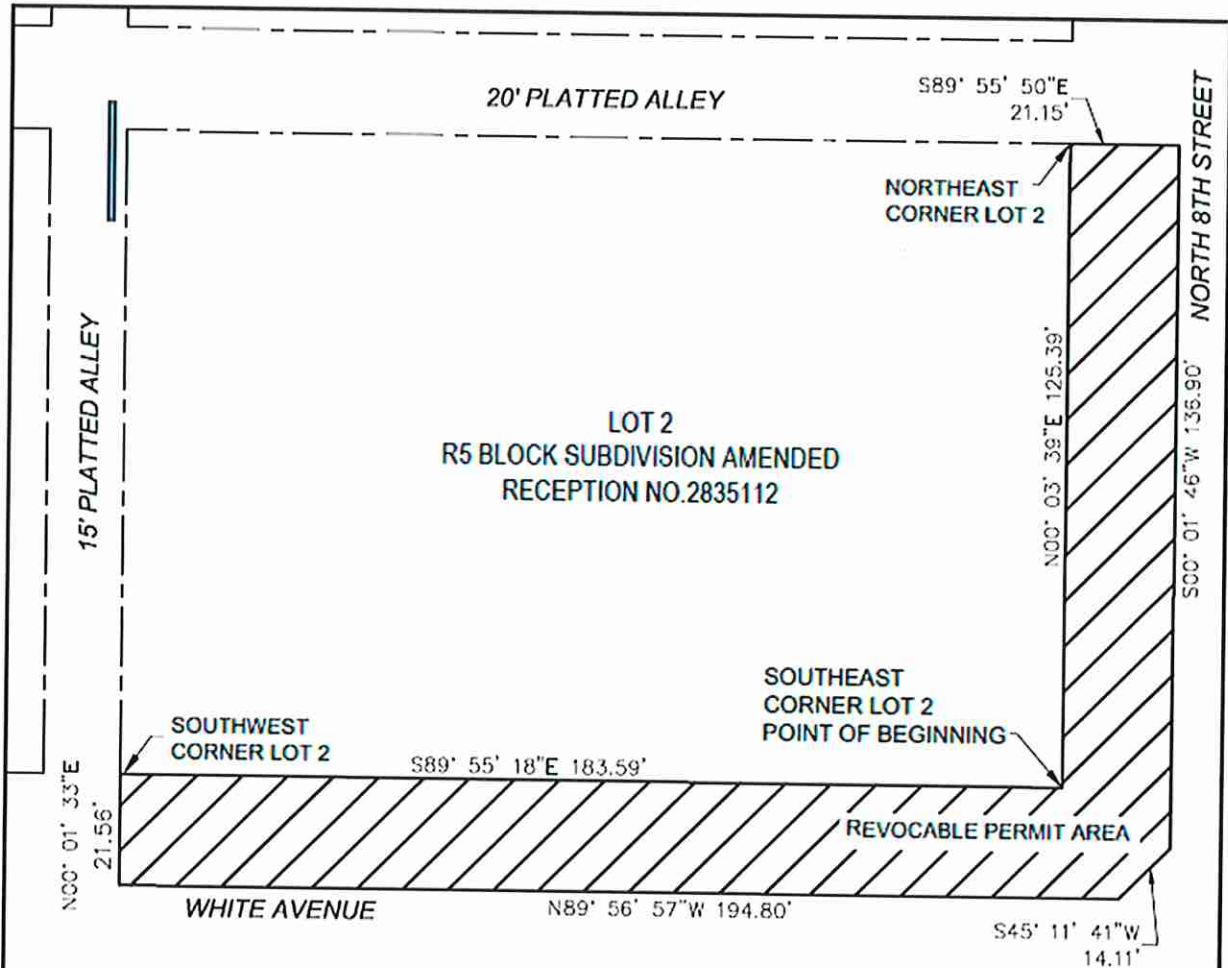


EXHIBIT A

REVOCABLE PERMIT
 SOUTHEAST 1/4 OF SECTION 14,
 TOWNSHIP 1 SOUTH, RANGE 1 WEST, UTE MERIDIAN,
 CITY OF GRAND JUNCTION, COUNTY OF MESA, STATE OF COLORADO



CHRISTOPHER C. RANSIER
 CO PLS 38089
 717 CENTAURI DRIVE
 GRAND JUNCTION, CO 81506

*This Exhibit is not intended to be used for establishing or verifying property boundary lines.
 *Linear units are in U.S. Survey Feet.