

**CITY OF GRAND JUNCTION, COLORADO**

**RESOLUTION NO. 20-21**

**A RESOLUTION CONCERNING THE ISSUANCE OF A REVOCABLE PERMIT TO FROG POND LLC TO ALLOW PRIVATE WATER SERVICE METER BOXES, WATER METERS AND ASSOCIATED INFRASTRUCTURE FOR FROG POND SUBDIVISION WITHIN THE PUBLIC RIGHT-OF-WAY OF SOUTH REDLANDS ROAD**

**LOCATED AT 2501 MONUMENT ROAD**

**Recitals.**

A. Frog Pond, LLC, hereinafter referred to as the Petitioner, has requested that the City Council of the City of Grand Junction issue a Revocable Permit to allow the Petitioner to install, maintain and repair private water service meter boxes, water meters and associated infrastructure within the following described public right-of-way:

**Permit Area 1:**

A parcel of land situated in the northwest quarter of the northwest quarter of Section 22, Township 1 South, Range 1 West of the Ute Meridian, Mesa County, Colorado lying within South Redlands Road right-of-way as recorded at Reception Number 1001479 and being more particularly described as follows:

Commencing at Mesa County Survey Marker 812 for the north sixteenth corner common to said Sections 21 and 22 whence a 3.25" aluminum cap in monument box marked PLS 24943 for the center-north sixteenth corner of said Section 22 bears South 89°46'42" East with all bearings herein relative thereto;

thence North 50°34'26" East a distance of 471.91 feet to a point on the west line of said right-of-way and the Point of Beginning;

thence North 26°32'42" East, a distance of 10.04 feet;

thence South 68°43'29" East, a distance of 27.76 feet;

thence North 17°36'19" East, a distance of 17.13 feet;

thence South 72°23'41" East, a distance of 20.00 feet;

thence South 17°36'19" West, a distance of 30.00 feet;

thence North 72°23'41" West, a distance of 20.00 feet;

thence North 17°36'19" East, a distance of 2.85 feet;

thence North 68°43'29" West, a distance of 29.32 feet to the Point of Beginning, said parcel containing 885 square feet or 0.02 acres more or less.

**Permit Area 2:**

A parcel of land situated in the northwest quarter of the northwest quarter of Section 22, Township 1 South, Range 1 West of the Ute Meridian, Mesa County, Colorado lying within South Redlands Road right-of-way as recorded at Reception Number 1001479 and being more particularly described as follows:

Commencing at Mesa County Survey Marker 812 for the north sixteenth corner common to said Sections 21 and 22 whence a 3.25" aluminum cap in monument box marked PLS 24943 for the center-north sixteenth corner of said Section 22 bears South 89°46'42" East with all bearings herein relative thereto;

thence North 75°26'25" East a distance of 255.02 feet to a point on the west line of said right-of-way and the Point of Beginning;

thence North 26°32'42" East, a distance of 10.18 feet;

thence South 52°47'20" East, a distance of 48.99 feet;

thence South 27°48'25" West, a distance of 10.14 feet;

thence North 52°47'20" West, a distance of 48.77 feet to the Point of Beginning, said parcel containing 489 square feet or 0.01 acres more or less.

B. Relying on the information supplied by the Petitioner and contained in File No. PLD-2020-146 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 3<sup>rd</sup> day of March 2021.

  
\_\_\_\_\_  
President of the City Council

Attest:

  
\_\_\_\_\_  
City Clerk





## REVOCABLE PERMIT

### Recitals.

A. Frog Pond, LLC, hereinafter referred to as the Petitioner, has requested that the City Council of the City of Grand Junction issue a Revocable Permit to allow the Petitioner to install, maintain and repair private water service meter boxes, water meters and associated infrastructure within the following described public right-of-way:

#### Permit Area 1:

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thence North 50°34'26" East a distance of 471.91 feet to a point on the west line of said right-of-way and the Point of Beginning;

thence North 26°32'42" East, a distance of 10.04 feet;

thence South 68°43'29" East, a distance of 27.76 feet;

thence North 17°36'19" East, a distance of 17.13 feet;

thence South 72°23'41" East, a distance of 20.00 feet;

thence South 17°36'19" West, a distance of 30.00 feet;

thence North 72°23'41" West, a distance of 20.00 feet;

thence North 17°36'19" East, a distance of 2.85 feet;

thence North 68°43'29" West, a distance of 29.32 feet to the Point of Beginning, said parcel containing 885 square feet or 0.02 acres more or less.

#### Permit Area 2:

A parcel of land situated in the northwest quarter of the northwest quarter of Section 22, Township 1 South, Range 1 West of the Ute Meridian, Mesa County, Colorado lying within South Redlands Road right-of-way as recorded at Reception Number 1001479 and being more particularly described as follows:

Commencing at Mesa County Survey Marker 812 for the north sixteenth corner common to said Sections 21 and 22 whence a 3.25" aluminum cap in monument box marked PLS 24943 for the center-north sixteenth corner of said Section 22 bears South 89°46'42" East with all bearings herein relative thereto;

thence North 75°26'25" East a distance of 255.02 feet to a point on the west line of said right-of-way and the Point of Beginning;

thence North 26°32'42" East, a distance of 10.18 feet;

thence South 52°47'20" East, a distance of 48.99 feet;

thence South 27°48'25" West, a distance of 10.14 feet;  
thence North 52°47'20" West, a distance of 48.77 feet to the Point of Beginning,  
said parcel containing 489 square feet or 0.01 acres more or less.

B. Relying on the information supplied by the Petitioner and contained in File No. PLD-2020-146 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:

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.

Dated this 4 day of March, 2021.

Attest:

W Winkelmann  
City Clerk

The City of Grand Junction,  
a Colorado home rule municipality

[Signature]  
City Manager

Acceptance by the Petitioner:

Kevin L. Bray, Manager  
Frog Pond, LLC



**AGREEMENT**

Frog Pond, LLC, for itself and for 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 approving 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 to the City of Grand Junction;

(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 \_\_\_\_\_ day of \_\_\_\_\_, 2021.

Frog Pond, LLC

By: \_\_\_\_\_  
Kevin L. Bray, Manager

State of Colorado )  
                                  )ss.  
County of Mesa     )

The foregoing Agreement was acknowledged before me this \_\_\_ day of \_\_\_\_\_, 2021, by Kevin L. Bray, Manager of Frog Pond, LLC.

My Commission expires: \_\_\_\_\_  
Witness my hand and official seal.

\_\_\_\_\_  
Notary Public

# PERMIT AREA 1

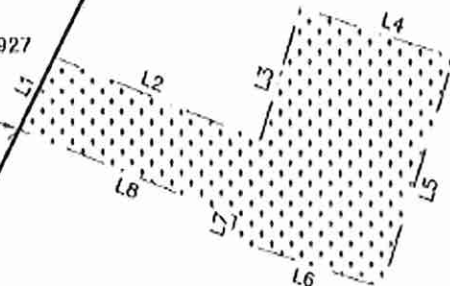


SOUTH REDLANDS ROAD  
ROW (WIDTH VARIES)  
REC NO 1001479

REC NO 2739927

P.O.B.

N50° 34' 26"E 471.91'



BASIS OF BEARING: S89° 46' 42"E

FOUND 3" Ø BRASS CAP  
ON 2" PIPE  
COUNTY SURVEY MARKER NO  
(N 1/16 SECTION 22 & 21  
REFERRED TO AS B12)

FOUND 3.25" Ø ALUMINUM CAP  
IN MONUMENT BOX  
PLS 24943  
(C-N 1/16  
SECTION 22)

**Line Table**

Line #	Length	Direction
L1	10.04	N26° 32' 42"E
L2	27.76	S68° 43' 29"E
L3	17.13	N17° 36' 19"E
L4	20.00	S72° 23' 41"E
L5	30.00	S17° 36' 19"W
L6	20.00	N72° 23' 41"W
L7	2.85	N17° 36' 19"E
L8	29.32	N68° 43' 29"W

1" = 20'  
0 20  
U.S. Survey feet



THIS EXHIBIT IS FOR THE PURPOSE OF GRAPHICALLY REPRESENTING A WRITTEN DESCRIPTION - IT DOES NOT REPRESENT A MONUMENTED BOUNDARY SURVEY



**RIVER CITY**  
CONSULTANTS

215 Park Avenue, Unit 201  
Grand Junction, CO 81501  
Phone: 970.241.4722  
Fax: 970.241.8611  
www.rccent.com

Drawn: AKT | Checked: NA | 4/2/20 | 0422-031

S:\PROJECTS\0422 Braj\031 Frog Pond\Survey\0422-031 REVOCABLE.dwg

# PERMIT AREA 2

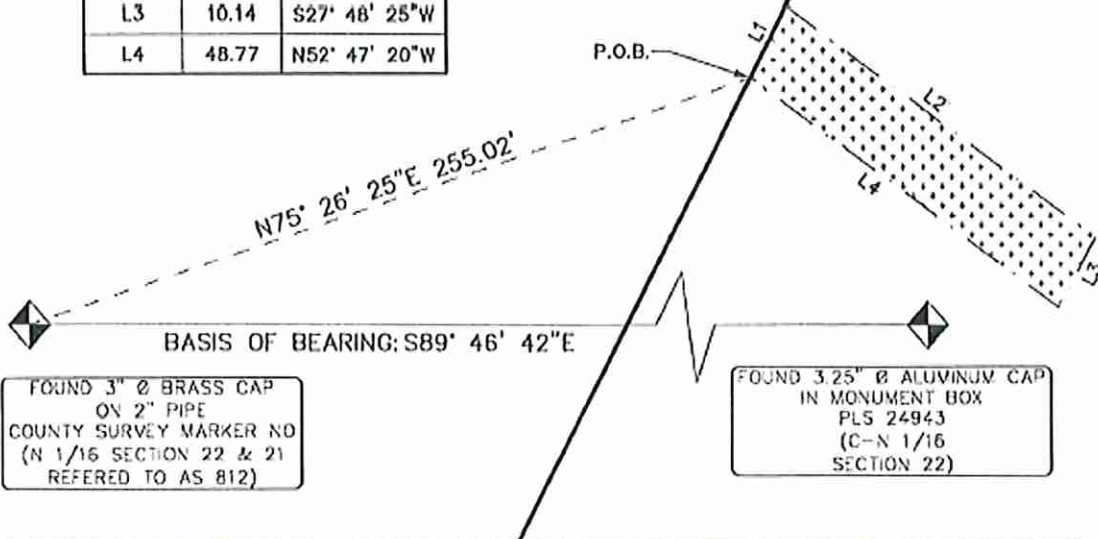


Line Table		
Line #	Length	Direction
L1	10.18	N26° 32' 42"E
L2	48.99	S52° 47' 20"E
L3	10.14	S27° 48' 25"W
L4	48.77	N52° 47' 20"W

REC NO 2739927

SOUTH REDLANDS ROAD  
ROW (WIDTH VARIES)  
REC NO 1001479

P.O.B.



FOUND 3" Ø BRASS CAP  
ON 2" PIPE  
COUNTY SURVEY MARKER NO  
(N 1/16 SECTION 22 & 21  
REFERRED TO AS 812)

FOUND 3.25" Ø ALUMINUM CAP  
IN MONUMENT BOX  
PLS 24943  
(C-N 1/16  
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1" = 20'  
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**RIVER CITY**  
215 Park Avenue, Unit 201  
Grand Junction, CO 81501  
Phone: 970.261.4222  
Fax: 970.241.8541  
www.rcsurvey.com

Drawn: mm Checked: NA 9/16/20 0422-031

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