

**RESOLUTION NO. 28-22**

**A RESOLUTION CONCERNING  
THE ISSUANCE OF A REVOCABLE PERMIT TO  
DARIN CAREI FOR CERTAIN IMPROVEMENTS IN THE PUBLIC RIGHT OF WAY**

**Recitals.**

A. Darin Carei, herein referred to as the Petitioner, represents he is the owner of the following described real property in the City of Grand Junction, Colorado, to wit:

LOT 1 GRAFF MINOR SUB SEC 7 1S 1E - 0.67AC and identified by Mesa County Tax Schedule Number 2943-071-18-001.

B. The Petitioner has requested that the City Council issue a Revocable Permit to allow the Petitioner to install, maintain and repair a free-standing sign, fence and raised planter within the public right of way depicted and owing described in the attached Exhibits A and B. Exhibits A and B are incorporated by reference as if fully set forth.

C. Relying on the application and information supplied by the Petitioner and contained in File No. RVP-2021-810 in the City's Community Development Department, the City Council has determined that granting a Revocable Permit, as provided by City Charter and other applicable law, 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 Petitioner for the purposes described within the limits of the public right-of-way as defined, depicted and described, subject to each and every term and condition contained in the Revocable Permit and Agreement all as attached hereto.

PASSED and ADOPTED this 6<sup>th</sup> day of April 2022.

Attest:

  
\_\_\_\_\_  
Laura Bauer  
Interim City Clerk

  
\_\_\_\_\_  
C.B. McDaniel  
President of the City Council



## REVOCABLE PERMIT

### Recitals.

A. Darin Carei, hereinafter referred to as the Petitioner, represent it is the owner of the following described real property in the City of Grand Junction, County of Mesa, State of Colorado, to wit:

LOT 1 GRAFF MINOR SUB SEC 7 1S 1E - 0.67AC and identified by Mesa County Tax Schedule Number 2943-071-18-001.

B. 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 a free-standing sign, fence and raised planter within the following described public right-of-way:

See Attached Exhibits A & B.

C. Relying on the information supplied by the Petitioner and contained in File No. RVP-2021-810 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.

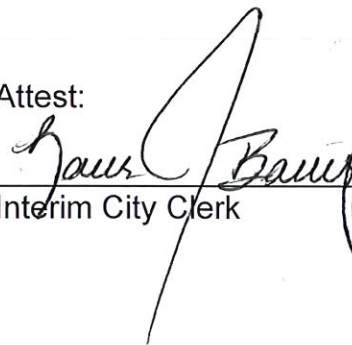
4. The Petitioner agrees that it shall at all times keep the above-described public right-of-way in good condition and repair.

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 7 day of April, 2022.

Attest:

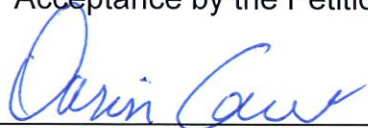
  
Interim City Clerk

The City of Grand Junction,  
a Colorado home rule municipality



  
City Manager

Acceptance by the Petitioner:

  
Darin Carei

**AGREEMENT**

Darin Carei, 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 14 day of April, 2022.

Darin Carei

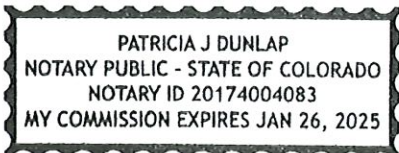
By: *Darin Carei*  
Darin Carei

State of Colorado )  
                          )ss.  
County of Mesa     )

The foregoing Agreement was acknowledged before me this 14 day of April, 2022, by Darin Carei.

My Commission expires: Jan. 26, 2025  
Witness my hand and official seal.

*Patricia J Dunlap*  
Notary Public



# EXHIBIT A

## Legal Description

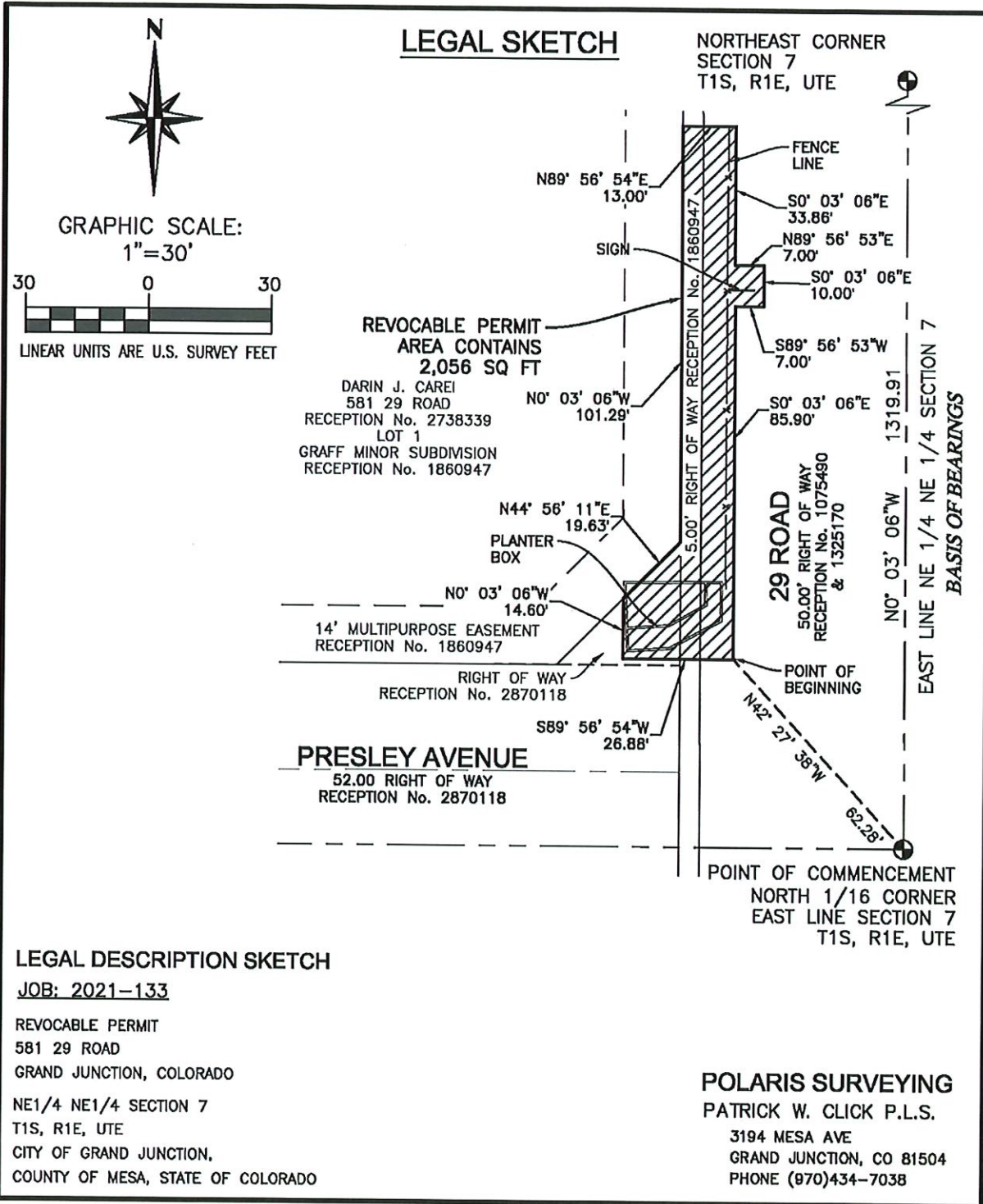
A tract of land situated in the Northeast Quarter of the Northeast Quarter of Section 7, Township 1 South, Range 1 East of the Ute Meridian, City of Grand Junction, Mesa County, Colorado and being more particularly described as follows:

Commencing at the North Sixteenth Corner on the East Line of said Section 7 from whence the Northeast Corner of Section 7 bears  $N0^{\circ}03'06''W$  a distance of 1319.91 feet for a Basis of Bearings, all bearings herein related thereto; thence  $N42^{\circ}27'38''W$  a distance of 62.28 feet to the Point of Beginning; thence  $S89^{\circ}56'54''W$  a distance of 26.88 feet; thence  $N0^{\circ}03'06''W$  a distance of 14.60 feet to the Northwestern Right of Way Line for Presley Avenue as described at Reception Number 2870118 of the Mesa County Records; thence  $N44^{\circ}56'11''E$  along said Northwestern Right of Way Line a distance of 19.63 feet to the West Right of Way Line for 29 Road as described at Reception Number 1860947 of the Mesa County Records; thence  $N0^{\circ}03'06''W$  along said West Right of Way Line a distance of 101.29 feet; thence  $N89^{\circ}56'54''E$  a distance of 13.00 feet; thence  $S0^{\circ}03'06''E$  a distance of 33.86 feet; thence  $N89^{\circ}56'53''E$  a distance of 7.00 feet; thence  $S0^{\circ}03'06''E$  a distance of 10.00 feet; thence  $S89^{\circ}56'53''W$  a distance of 7.00 feet; thence  $S0^{\circ}03'06''E$  a distance of 85.90 feet to the Point of Beginning.

Said tract of land contains 2,056 square feet as described.

Legal description written by: Patrick W. Click  
Colorado licensed surveyor number 37904  
3194 Mesa Ave #B  
Grand Junction, CO 81504

# EXHIBIT B



**LEGAL DESCRIPTION SKETCH**

JOB: 2021-133

REVOCABLE PERMIT  
581 29 ROAD  
GRAND JUNCTION, COLORADO

NE1/4 NE1/4 SECTION 7  
T1S, R1E, UTE  
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