

RESOLUTION NO. 50-22

**A RESOLUTION CONCERNING
THE ISSUANCE OF A REVOCABLE PERMIT TO
H.R. ADVENTURES, LLC IN A PORTION OF ALLEY RIGHT-OF-WAY**

Recitals.

A. H.R. Adventures, LLC, herein referred to as the Petitioner, represents they are the owner of the following described real property in the City of Grand Junction, Colorado, to wit:

LOT 17 + 18 BLK 103 TOWN OF GRAND JUNCTION FIRST DIVISION RESURVEY
SEC 14 1S 1W - 0.144 AC and identified by Mesa County Tax Schedule Number
2945-143-16-018.

B. The Petitioner has requested that the City Council issue a Revocable Permit to allow the Petitioner to install, maintain and repair a fire escape within the public right-of-way depicted and 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-2022-196 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 15th day of June 2022.

Attest:



Amy Phillips
City Clerk



Anna M. Stout
President of the City Council



REVOCABLE PERMIT

Recitals.

A. H.R. Adventures, LLC, 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 17 + 18 BLK 103 TOWN OF GRAND JUNCTION FIRST DIVISION RESURVEY
SEC 14 1S 1W - 0.144 AC and identified by Mesa County Tax Schedule Number
2945-143-16-018.

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 fire escape within the public right-of-way depicted and described in the attached Exhibits A and B. a free-standing sign, fence and raised planter within the following described public right-of-way:

See Attached Exhibits A and B.

C. Relying on the information supplied by the Petitioner and contained in File No. RVP-2022-196 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.

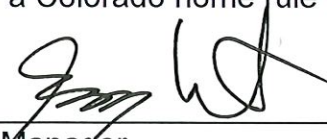
Dated this 27 day of June, 2022.

Attest:



City Clerk

The City of Grand Junction,
a Colorado home rule municipality



City Manager

Acceptance by the Petitioner:



H.R. Adventures, LLC by Dena Carpenter

AGREEMENT

H.R. Adventures, 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 to make said public right-of-way fully available for use by the City of Grand Junction or the general public.

Dated this 21st day of June, 2022.

H.R. Adventures, LLC – Dena Carpenter

By: Dena Carpenter
Dena Carpenter

State of Colorado)
) ss.
County of Mesa)

The foregoing Agreement was acknowledged before me this 21 day of June, 2022, by Dena Carpenter.

My Commission expires: 12-28-2025
Witness my hand and official seal.

[Signature]
Notary Public

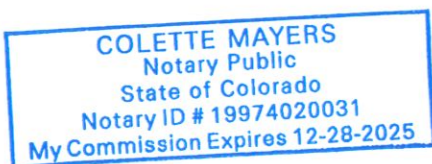


EXHIBIT A

Legal Description

Located within the 20' alley on the north side of Lots 17 and 18, Block 103, Map of First Division, Resurvey, Town of Grand Junction, Col. (Reception No. 3206), Grand Junction, Mesa County, Colorado more particularly described as:

Commencing at the city block corner monument located at the intersection of Main Street and N. 5th Street, from which the city block corner monument located at the intersection of Main Street and N. 4th Street bears N89°57'05"W 481.51 feet; running thence along east block line N00°02'00"E 145.83 feet; thence N89°55'59"W 70.19 feet to the northwest corner of said Lot 18 and the Point of Beginning.

Running thence N00°04'01"E 4.00 feet; thence S89°55'59"E 34.50 feet; thence S00°04'01"W 4.00 feet to the north line of said Lot 17; thence along said north line N89°55'59"W 34.50 feet to the northwest corner of said Lot 18 and the Point of Beginning.

Revocable Permit Area contains 138 square feet.

Boundary description prepared by:

Alexandre B. Lheritier, PLS 38464
Kart Surveying, LLC
734 Main St.
Grand Junction, CO 81501

EXHIBIT B

