

CITY OF GRAND JUNCTION, COLORADO

RESOLUTION NO. 91-22

**A RESOLUTION ISSUING A REVOCABLE PERMIT TO ALLOW PRIVATE
STORMWATER DRAINAGE PIPE FOR THE PROPOSED CANNON XPRESS
CARWASH LOCATED AT 683 24 ROAD WITHIN THE RIGHT-OF-WAY OF 24 ROAD**

Recitals:

- A. Grand Junction 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:

A parcel of land in the South 1/2 of the NE 1/4 of the NE1/4 of Section 5, Township 1 South, Range 1 West of the Ute Meridian, being more particularly described as follows:

Commencing at the Northeast corner of said Section 5; thence S00°00'00"W along the East line of the NE1/4 of said Section 5 a distance of 660.07 feet to the Northeast Corner of Said S1/2 of the NE1/4 of the NE1/4 of said Section 5 and the True Point of Beginning; thence continuing S00°00'00"W along said East line of the NE1/4 of said Section 5 a distance of 300.00 feet; thence N89°55'26"W 435.60 FEET;

Thence N00°00'00"W 300.00 feet to a point on the North Line of said S1/2 of the NE1/4 of the NE1/4 of Section 5 a distance of 435.60 feet to the True Point of Beginning;

EXCEPTING THEREFROM the East 50 feet thereof as conveyed to Mesa County for the purposed of roadway and utility installations in Quit Claim Deed recorded March 3, 1983 in Book 1418 at Page 266;

AND ALSO EXCEPTING therefrom that portion thereof conveyed to the City of Grand Junction, a Colorado home rule municipality, in Warranty Deed recorded August 31, 1999 at Book 2627 at Page 619,

AND ALSO EXCEPTING therefrom that portion thereof conveyed to the City of Grand Junction, a Colorado home rule municipality, in Quit Claim Deed recorded December 5, 2018 at Reception Number 2863490;

AND ALSO EXCEPTING that certain tract of land conveyed to the City of Grand Junction for Public Roadway and Utility Right-of-Way purposes in that certain Warranty Deed recorded July 1,2021 at Reception No. 2988713

County of Mesa, State of Colorado

- B. The Petitioner has requested that the Grand Junction City Council issue a Revocable Permit to allow the Petitioner to install, maintain and repair a private stormwater drainage pipe in the 24 Road public right-of-way described in the attached Revocable Permit Exhibits A and B. Revocable Permit Exhibits A and B are incorporated by references as if fully set forth.

C. Relying on the information supplied by the Petitioner and contained in File No. RVP-2022 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 7th day of December, 2022.

ATTEST:



City Clerk



Mayor



EXHIBIT A

A ten foot (10') wide portion of land across the Rights-of-Way as described at Reception Numbers 1318077, 1918043, and 2988713, situated in Lot 1 of Section 5, Township 1 South, Range 1 West of the Ute Meridian, City of Grand Junction, County of Mesa, State of Colorado, said portion lying five feet (5') each side of the following described centerline:

Commencing at the Northeast Corner of said Section 5, as monumented with a 3.25" aluminum cap in a monument box marked "L.S 20677, MCSM NO. 80-2 2000," whence the North 1/16 Corner on the east line of said Section 5, as monumented with a 3" brass cap marked "MCSM NO. 1225," bears South 00°02'01" East with all bearings herein relative thereto;

Thence South 00°02'01" East along said east line, a distance of 928.06 feet the Point of Beginning;

Thence South 89°57'59" West perpendicular to said east line, a distance 102.13 feet to a point on the easterly line of the parcel of land as recorded at Reception Number 3023863 and the Point of Termination.

The sidelines of said parcel shall be shortened or extended to terminate at the intersecting property lines.

Containing 1021.3 Sq. feet (0.02 acres), more or less

This description was prepared by:
Brandon D. Martinez
Colorado P.L.S. 38806
215 Pitkin Ave - #201
Grand Junction, CO 81501



NOTICE: Any rewriting or retyping of this description must NOT include this preparation information. Lack of an original seal indicates this document is not the original.

EXHIBIT B

POINT OF COMMENCEMENT
NE CORNER SECTION 5
FOUND 3.25" ALUMINUM CAP
IN MONUMENT BOX
L.S. 20677
MCSM NO. 80-2 2000

LOT 1
SECTION 5
TOWNSHIP 1 SOUTH
RANGE 1 WEST
UTE MERIDIAN

CITY OF GRAND JUNCTION
COUNTY OF MESA
STATE OF COLORADO

LOT 4
SECTION 4

RECEPTION NUMBER 3023863

MESA COUNTY PARCEL
2945-051-00-096

283 24 ROAD, GRAND JUNCTION
CO 81505

OWNER: CANNON PROPERTIES
GRAND JUNCTION LLC

RIGHT OF WAY
PARCEL NO. RW-7
RECEPTION NUMBER 2988713

10' RIGHT OF WAY
RECEPTION NUMBER 1918043

24 ROAD RIGHT-OF-WAY
RECEPTION NUMBER 1518077

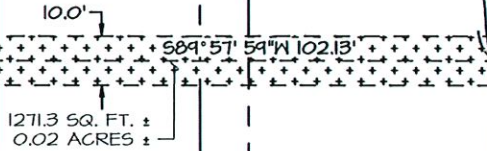
928.06'
EAST LINE OF SECTION 5
BASIS OF BEARING: 500° 02' 01"E

MESA COUNTY PARCEL
2945-042-00-018
Reception Number 2638521

NO ADDRESS LISTED
OWNER: USHER NV LLC

POINT OF TERMINATION

POINT OF BEGINNING



ROAD BOOK / PETITION
RIGHT-OF-WAY
ROAD BOOK 1, PAGE 4



NORTH 1/16 CORNER SECTION 514
FOUND 3" BRASS CAP
MCSM 1225

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



RIVER CITY
CONSULTANTS
215 Pitkin Avenue, Unit 201
Grand Junction, CO 81501
Phone: 970.241.4722
Fax: 970.241.8841
www.rcwest.com

Drawn: BLC | Checked: BDM | 11/14/22 | Job No. 2026-001
51 PROJECTS/2026 Joey Wilkinson/001 683 24 Road Survey/DMS



REVOCABLE PERMIT

Recitals.

A. Grand Junction 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:

PROPERTY DESCRIPTION (as recorded at Reception Number 3023863):

A parcel of land in the South 1/2 of the NE 1/4 of the NE1/4 of Section 5, Township 1 South, Range 1 West of the Ute Meridian, being more particularly described as follows:

Commencing at the Northeast corner of said Section 5; thence S00°00'00"W along the East line of the NE1/4 of said Section 5 a distance of 660.07 feet to the Northeast Corner of Said S1/2 of the NE1/4 of the NE1/4 of said Section 5 and the True Point of Beginning;

thence continuing S00°00'00"W along said East line of the NE1/4 of said Section 5 a distance of 300.00 feet;

thence N89°55'26"W 435.60 FEET;

Thence N00°00'00"W 300.00 feet to a point on the North Line of said S1/2 of the NE1/4 of the NE1/4 of Section 5 a distance of 435.60 feet to the True Point of Beginning;

EXCEPTING THEREFROM the East 50 feet thereof as conveyed to Mesa County for the purposed of roadway and utility installations in Quit Claim Deed recorded March 3, 1983 in Book 1418 at Page 266;

AND ALSO EXCEPTING therefrom that portion thereof conveyed to the City of Grand Junction, a Colorado home rule municipality, in Warranty Deed recorded August 31, 1999 at Book 2627 at Page 619,

AND ALSO EXCEPTING therefrom that portion thereof conveyed to the City of Grand Junction, a Colorado home rule municipality, in Quit Claim Deed recorded December 5, 2018 at Reception Number 2863490;

AND ALSO EXCEPTING that certain tract of land conveyed to the City of Grand Junction for Public Roadway and Utility Right-of-Way purposes in that certain Warranty Deed recorded July 1,2021 at Reception No. 2988713

County of Mesa, State of Colorado and identified by Mesa County Tax Schedule Number 2945-051-00-096.

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 private stormwater drainage pipe within the following described public right-of-way:

A ten foot (10') wide portion of land across the Rights-of-Way as described at Reception Numbers 1318077,1918043, and 2988713, situated in Lot 1 of Section 5, Township 1 South, Range 1 West of the Ute Meridian, City of Grand Junction, County of Mesa, State of Colorado, said portion lying five feet (5*) each side of the following described centerline:

Commencing at the Northeast Corner of said Section 5, as monumented with a 3.25" aluminum cap in a monument box marked "L.S 20677, MCSM NO. 80-2 2000," whence the North 1/16 Comer on the east line of said Section 5, as monumented with a 3" brass cap marked "MCSM NO. 1225," bears South 00°02'01" East with all bearings herein relative thereto;

Thence South 00°02'01" East along said east line, a distance of 928.06 feet the Point of Beginning;

Thence South 89°57'59" West perpendicular to said east line, a distance 102.13 feet to a point on the easterly line of the parcel of land as recorded at Reception Number 3023863 and the Point of Termination.

The sidelines of said parcel shall be shortened or extended to terminate at the intersecting property lines.

Containing 1021.3 square feet as described.

C. Relying on the information supplied by the Petitioner and contained in File No. RVP-2022-650 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 _____ day of _____, 2022.

The City of Grand Junction,
a Colorado home rule municipality

Attest:

City Clerk

City Manager

Acceptance by the Petitioner:

Grand Junction LLC

AGREEMENT

Grand Junction 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 _____, 2022.

Company Name and incorporation

By: _____
 Manager's Name, Managing Member

State of Colorado)
)ss.
County of Mesa)

The foregoing Agreement was acknowledged before me this ___ day of _____, 20XX, by *Manager's Name*, Managing Member of *Company Name and incorporation*.

My Commission expires: _____
Witness my hand and official seal.

Notary Public