

RESOLUTION NO. 83-23

**A RESOLUTION CONCERNING
THE ISSUANCE OF A REVOCABLE PERMIT TO
BOA BUILDERS LLC**

Recitals.

A. BOA BUILDERS 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:

LOTS 1 TO 3 INC + W 10.9FT OF LOT 4 BLK 2 DEVOE SUB SEC 12 1S 1W
and identified by Mesa County Tax Schedule Number 2945-123-20-001.

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 stormwater v-pan within the following described public right-of-way:

A three (3') foot strip of land situated in the Southwest Quarter of the Southwest Quarter of Section 12, Township 1 South, Range 1 West, of the Ute Meridian, City of Grand Junction, County of Mesa, State of Colorado, said strip laying one and one-half (1.5') feet on each side of the following described centerline:

Commencing at the Westerly City of Grand Junction Block Monument at the intersection of Bunting Avenue and 13th Street, being an iron pin in a monument box, whence the City of Grand Junction Block Monument at the intersection of Bunting Avenue and 15th Street, being an illegible 2" aluminum cap in a monument box, bears North 89°59'55" East, with all bearings herein relative thereto;

Thence South 10°30'36" East, a distance of 165.40 feet to the Point of Beginning;

Thence South 89°55'51" East, a distance of 92.36 feet to the Point of Termination.

Said parcel containing 277 square feet, more or less.

See Exhibit B.

C. Relying on the information supplied by the Petitioner and contained in File No. RVP-2022-817 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:

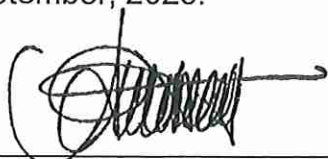
1. That the City Manager is hereby authorized and directed to issue the attached Revocable Permit to the above-named Petitioner for the purpose aforescribed and within the limits of the public right-of-way aforescribed, subject to each and every term and condition contained in the attached Revocable Permit.

PASSED and ADOPTED this 19th day of September, 2023.

Attest:



City Clerk



President of the City Council



REVOCABLE PERMIT

Recitals.

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C. Relying on the information supplied by the Petitioner and contained in File No. RVP-2022-817 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.

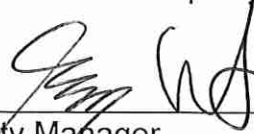
Dated this 27 day of September, 2023.

The City of Grand Junction,
a Colorado home rule municipality

Attest:



City Clerk



City Manager

Acceptance by the Petitioner:

Wanda Geckte for BOA Builders LLC
BOA BUILDERS LLC

EXHIBIT B

FOUND IRON PIN
IN MONUMENT BOX
CITY BLOCK MONUMENT
BUNTING AVENUE &
13TH STREET
POINT OF COMMENCEMENT
NOTE THE WESTERLY OF 2 BLOCK
MONUMENTS AT THIS INTERSECTION

FOUND 2" X 4" ALUMINUM
IN MONUMENT BOX
CITY BLOCK MONUMENT
BUNTING AVENUE &
13TH STREET

BASIS OF BEARING: N04°54'55"E

60.00' BUNTING AVENUE RIGHT-OF-WAY
RECEPTION NUMBERS 304040 & 351026
NOTE: DOCUMENTS EXIST THAT REFER TO THIS
RIGHT-OF-WAY AS CHERRY AVENUE
AND OLIVE AVENUE

FOUND #5 REBAR

15' PLASTIC
CAP

LOT 1

LOT 2

LOT 3

CS ASSETS LLC
2945-123-20-001
BLOCK 2, DE VOE
SUBDIVISION, RECEPTION
NUMBER 351026

60.00' 13TH STREET
RIGHT-OF-WAY
RECEPTION NUMBER
351026

FOUND #5 REBAR

FOUND #5 REBAR

S89°55'51"E 92.36'

3.00'

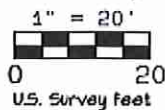
POINT OF BEGINNING

20.00' ALLEY RIGHT-OF-WAY
RECEPTION NUMBER 351026

POINT OF TERMINATION

S10°30'36"E
165.40'

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



215 PRick Avenue, Unit 201
Grand Junction, CO 81501
Phone: 970.241.4722
Fax: 970.241.6641
www.rcvcs.com

Drawn: BLC Checked: AKT 6/5/23 Job No. 1714-014

S:\PROJECTS\116 BOA Builders\014 13B Bunting Ave\Survey\DWG

AGREEMENT

BOA BUILDERS 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 28th day of September, 2023.

BOA BUILDERS LLC

By: 
Wendi Gechter, Member

State of Colorado)
)ss.
County of Mesa)

The foregoing Agreement was acknowledged before me this 28 day of September, 2023, by Wendi Gechter, Member of BOA BUILDERS LLC

My Commission expires: Jan. 26, 2023
Witness my hand and official seal.


Notary Public

