

RESOLUTION NO. 114-23

**A RESOLUTION CONCERNING
THE ISSUANCE OF A REVOCABLE PERMIT TO
BRAD BRISBIN, ANN BRISBIN AND CHARLES JACKSON
CONCERNING 1022 N. 3rd STREET, GRAND JUNCTION, COLORADO**

Recitals.

A. Brad Brisbin, Ann Brisbin And Charles Jackson, hereinafter referred to as the Petitioners, represent they are the owners of the following described real property in the City of Grand Junction, County of Mesa, State of Colorado, to wit:

S 70FT OF LOTS 1 TO 3 INC BLK 9 CITY OF GRAND JUNCTION RESURVEY
OF SECOND DIVISION SEC 14 1S 1W UM RECD 4/17/1905 RECPT NO 54332
MESA CO RECDS
County of Mesa, State of Colorado

Also known by street address as: 1022 N 3rd Street, Grand Junction, CO 81501

and identified by Mesa County Tax Schedule Number 2945-142-03-002

B. The Petitioners have requested that the City Council of the City of Grand Junction issue a Revocable Permit to allow for a portion of a parallel parking stall on the northern boundary to encroach into the 3rd St Right-of-Way adjacent to the West side of the property located at 1022 N 3rd St within the following described public right-of-way:

A tract of land situated in the NW1/4 NW1/4 of Section 14, Township 1 South, Range 1 West of the Ute Meridian, City of Grand Junction, Mesa County, Colorado, said tract being located entirely within the Right-of-Way for North Third Street, being more particularly described as follows:

Beginning at the Southwest Corner of the North 75 feet of Lot 1 Block 9 City of Grand Junction Resurvey of Second Division as recorded at Reception Number 54332 of the Mesa County Records, from whence the Southwest Corner of said Lot 1 bears S0°01'27"E a distance of 70.82 feet for a Basis of Bearings, all bearings herein related thereto; thence S0°01'27"E along the West Line of said Lot 1 a distance of 10.57 feet; thence S89°58'33"W a distance of 17.49 feet; thence N0°01'27"W a distance of 10.57 feet; thence N89°58'33"E a distance of 17.49 feet to the Point of Beginning.

Said tract contains 185 square feet.

C. Relying on the information supplied by the Petitioners and contained in File No. RVP-2023-761 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:

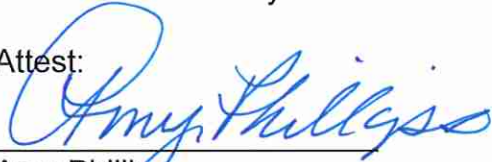
1. That the City Manager is hereby authorized and directed to issue the attached Revocable Permit to the above-named Petitioners for the purpose aforescribed and within the limits of the public right-of-way aforescribed, subject to each and every term and condition contained in the attached Revocable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

PASSED and ADOPTED this 20th day of December, 2023.



Anna M. Stout
President of the City Council

Attest:



Amy Phillips
City Clerk



REVOCABLE PERMIT

Recitals.

A. Brad Brisbin, Ann Brisbin And Charles Jackson, hereinafter referred to as the Petitioners, 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:

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OF SECOND DIVISION SEC 14 1S 1W UM RECD 4/17/1905 RECPT NO 54332
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C. Relying on the information supplied by the Petitioner and contained in File No. RVP-2023-761 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 Petitioners 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 Petitioners' 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 Petitioners, for themselves and for their 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 Petitioners agree 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 Petitioners shall, at the sole cost and expense of the Petitioners, 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 Petitioners, at the Petitioners' expense, in the office of the Mesa County Clerk and Recorder.


Dated this 14 day of March, 2024.

The City of Grand Junction,
a Colorado home rule municipality

Attest:



Amy Phillips
City Clerk



Greg Caton
City Manager

Acceptance by the Petitioners:



Brad Brisbin

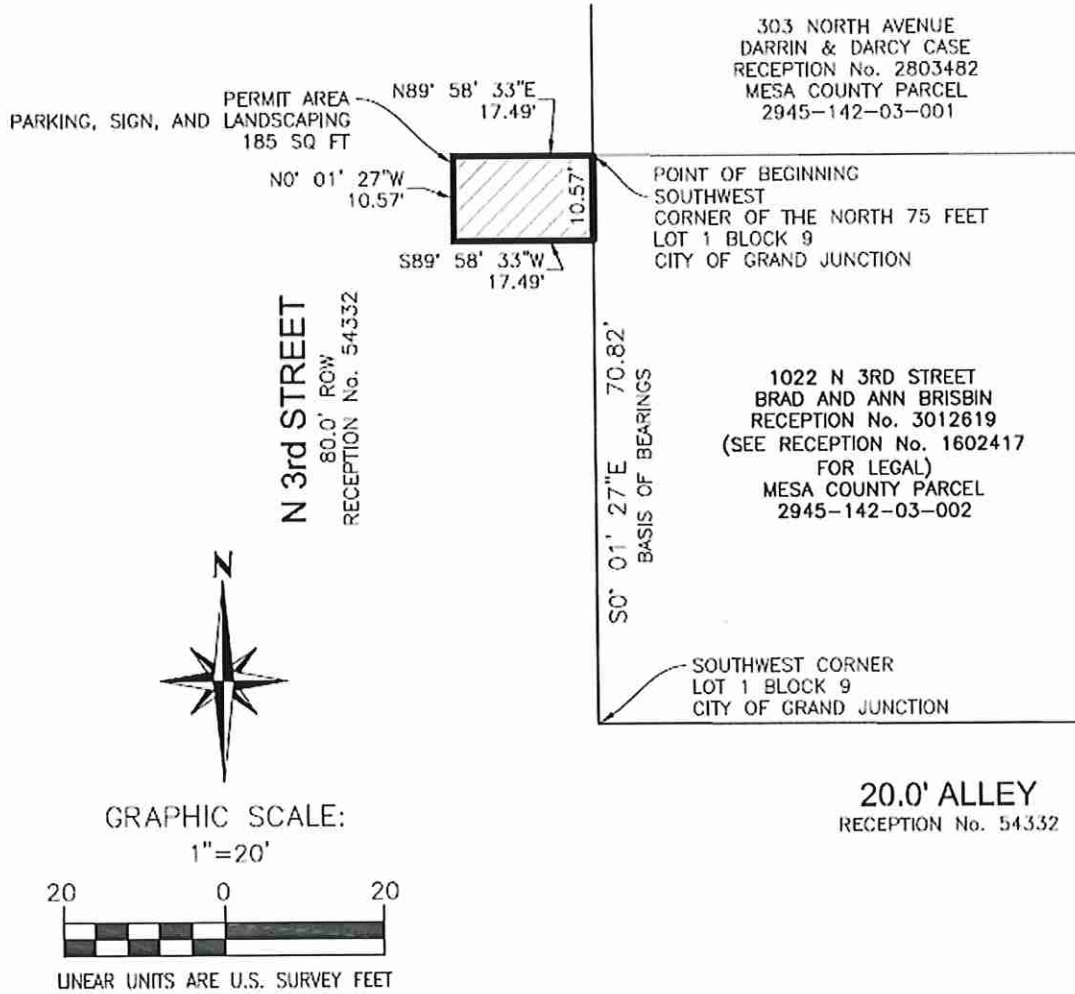


Ann Brisbin



Charles Jackson

LEGAL EXHIBIT



LEGAL DESCRIPTION SKETCH

JOB: 2023-142 DATE: 1/29/2024
REVOCABLE PARKING, SIGN, AND LANDSCAPING PERMIT
1022 N 3RD STREET
GRAND JUNCTION, COLORADO
NW1/4 NW1/4 SECTION 14
T1S, R1W, UTE
MESA COUNTY, COLORADO

POLARIS SURVEYING
PATRICK W. CLICK P.L.S.
3194 MESA AVE
GRAND JUNCTION, CO 81504
PHONE (970)434-7038

AGREEMENT

Brad Brisbin, Ann Brisbin And Charles Jackson, for themselves and for their successors and assigns, do 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 4th day of March, 2024.

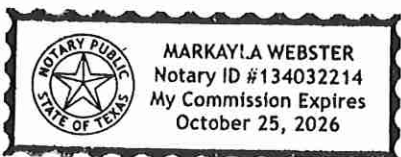
By: Charles Jackson
Charles Jackson

State of Texas)
County of Fort Bend)ss

The foregoing Agreement was acknowledged before me this 4th day of March, 2024, by Charles Jackson.

My Commission expires: October 25, 2026
Witness my hand and official seal.

Markayla Webster
Notary Public

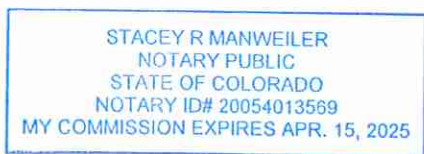


By: Ann Brisbin
Ann Brisbin

State of Colorado)
County of Arapahoe)ss.

The foregoing Agreement was acknowledged before me this 5 day of March, 2024, by Ann Brisbin.

My Commission expires: April 15, 2025
Witness my hand and official seal.



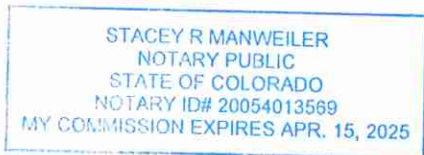
Stacey R. Manweiler

By: Brad Brisbin
Brad Brisbin

State of Colorado)
County of Arapahoe)ss.

The foregoing Agreement was acknowledged before me this 5 day of March, 2024, by Brad Brisbin.

My Commission expires: April 15, 2025
Witness my hand and official seal.



Stacey R. Manweiler