

RESOLUTION NO. 12-25

**A RESOLUTION CONCERNING
THE ISSUANCE OF A REVOCABLE PERMIT TO BTN, LLC TO ALLOW FOR THE
ENCROACHMENT OF EXISTING BUILDING WITHIN THE PUBLIC RIGHT-OF-WAY
ADJACENT TO 811 S. 7TH STREET**

Recitals.

A. BTN, LLC, hereinafter referred to as the Petitioner, represents he is the owner of the following described real property in the City of Grand Junction, County of Mesa, State of Colorado, to wit:

BEG 200FT N OF SW COR NW4NE4 SEC 123 1S 1W E 132FT N 50FT W 132FT S 50FT TO
BEG & W 11.5FT STRIP OF S 7TH ST ROW ADJ SD PARCEL ON E AS DESC IN B-1685 P-
222 & B-1687 P-613 OF MESA CO RECDS

B. The Petitioner has requested that the City of Grand Junction issue a Revocable Permit to allow for existing building encroachment, subject to the terms of the permit, within the limits of the following described public right-of-way for S. 7th Street, to wit (refer to Exhibit B for graphical representation):

A parcel of land situated in the Northwest Quarter the Northeast Quarter (NW¼ NE¼) of Section 23, Township 1 South, Range 1 West, of the Ute Meridian, being more particularly described as follows:

COMMENCING at the Southwest corner of the Northwest Quarter of the Northeast Quarter (NW¼ NE¼) of Section 23, Township 1 South, Range 1 West of the Ute Meridian, whence the Northwest corner of said NW¼ NE¼ bears N00°21'15"W for a basis of bearings with all bearings hereon relative thereto; thence along the West line of said NW¼ NE¼, N00°21'15"W a distance of 252.04 feet to the Northwest corner of Parcel 1 as described by Warranty Deed Reception No. 3103281; thence along the North line of said Parcel 1, N89°49'27"E a distance of 142.81 feet to the West line of South 7th Street right-of-way, Reception Numbers 5370, 279253, 1480946, 1482334, 1484933 and the POINT OF BEGINNING; thence continuing N89°49'27"E a distance of 5.00 feet; thence S00°30'14"E a distance of 7.44 feet; thence N89°49'27"E a distance of 3.83 feet; thence S00°30'14"E a distance of 29.68 feet; thence S89°49'27"W a distance of 8.83 feet returning to said West line of South 7th Street right-of-way; thence along said West line N00°30'14"W a distance of 37.12 feet to the POINT OF BEGINNING.

City of Grand Junction, County of Mesa, State of Colorado.

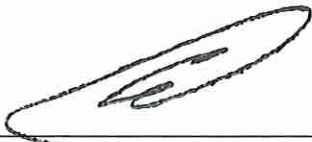
Said parcel contains an area of 299.3 square feet, more or less, as herein described.

C. Relying on the information supplied by the Petitioner and contained in File No. RVP-2025-40 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 March, 2025.



Abram Herman
President of the City Council



Attest:



Selestina Sandoval
City Clerk

REVOCABLE PERMIT

Recitals.

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BEG & W 11.5FT STRIP OF S 7TH ST ROW ADJ SD PARCEL ON E AS DESC IN B-1685 P-
222 & B-1687 P-613 OF MESA CO RECDS

B. The Petitioner has requested that the City of Grand Junction issue a Revocable Permit to allow for existing building, subject to the terms of the permit, within the limits of the following described public right-of-way for N. 12th Street, to wit (refer to Exhibit B for graphical representation):

A parcel of land situated in the Northwest Quarter the Northeast Quarter (NW¼ NE¼) of Section 23, Township 1 South, Range 1 West, of the Ute Meridian, being more particularly described as follows:

COMMENCING at the Southwest corner of the Northwest Quarter of the Northeast Quarter (NW¼ NE¼) of Section 23, Township 1 South, Range 1 West of the Ute Meridian, whence the Northwest corner of said NW¼ NE¼ bears N00°21'15"W for a basis of bearings with all bearings hereon relative thereto; thence along the West line of said NW¼ NE¼, N00°21'15"W a distance of 252.04 feet to the Northwest corner of Parcel 1 as described by Warranty Deed Reception No. 3103281; thence along the North line of said Parcel 1, N89°49'27"E a distance of 142.81 feet to the West line of South 7th Street right-of-way, Reception Numbers 5370, 279253, 1480946, 1482334, 1484933 and the POINT OF BEGINNING; thence continuing N89°49'27"E a distance of 5.00 feet; thence S00°30'14"E a distance of 7.44 feet; thence N89°49'27"E a distance of 3.83 feet; thence S00°30'14"E a distance of 29.68 feet; thence S89°49'27"W a distance of 8.83 feet returning to said West line of South 7th Street right-of-way; thence along said West line N00°30'14"W a distance of 37.12 feet to the POINT OF BEGINNING.

City of Grand Junction, County of Mesa, State of Colorado.

Said parcel contains an area of 299.3 square feet, more or less, as herein described.

C. Relying on the information supplied by the Petitioner and contained in File No. RVP-2025-40 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:

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 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 or no reason.
3. The Petitioner, for himself and for his successors and assigns, agree that they shall not hold, nor attempt to hold, the City of Grand Junction, its officers, employees and agents, liable for damages caused to any improvements and/or facilities to be installed by the Petitioners within the limits of the public right-of-way (including the removal thereof), or any other property of the Petitioners or any other party, as a result of the Petitioners' occupancy, possession or use of said public right-of-way or as a result of any City, County, State or Public Utility activity or use thereof or as a result of the installation, operation, maintenance, repair and replacement of public improvements.
4. The Petitioner agrees that he shall at all times keep the above described public right-of-way and the facilities authorized pursuant to this Permit in good condition and repair.
5. This Revocable Permit for existing fencing, masonry wall, and landscaping, as well as the construction of a 30 square foot free-standing monument sign, and a 16 square foot flush-mounted sign that encroach in the right-of-way shall be issued only upon 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 expense and cost of the Petitioner, within thirty (30) days of notice of revocation (which may occur by mailing a first class letter to Petitioner's last known address), peaceably surrender said public right-of-way and, at their own expense, remove any encroachment so as to make the described public right-of-way available for use by the City, the County of Mesa, the State of Colorado, the Public Utilities 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 20th day of March, 2025.

The City of Grand Junction,
a Colorado home rule municipality

Attest:



City Clerk



City Manager

Acceptance by the Petitioner:

BTN, LLC

AGREEMENT

BTN, LLC, for themselves and 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 approved 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 fully available for use by the City of Grand Junction or the general public; and
- (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 _____, 2025.

BTN, LLC

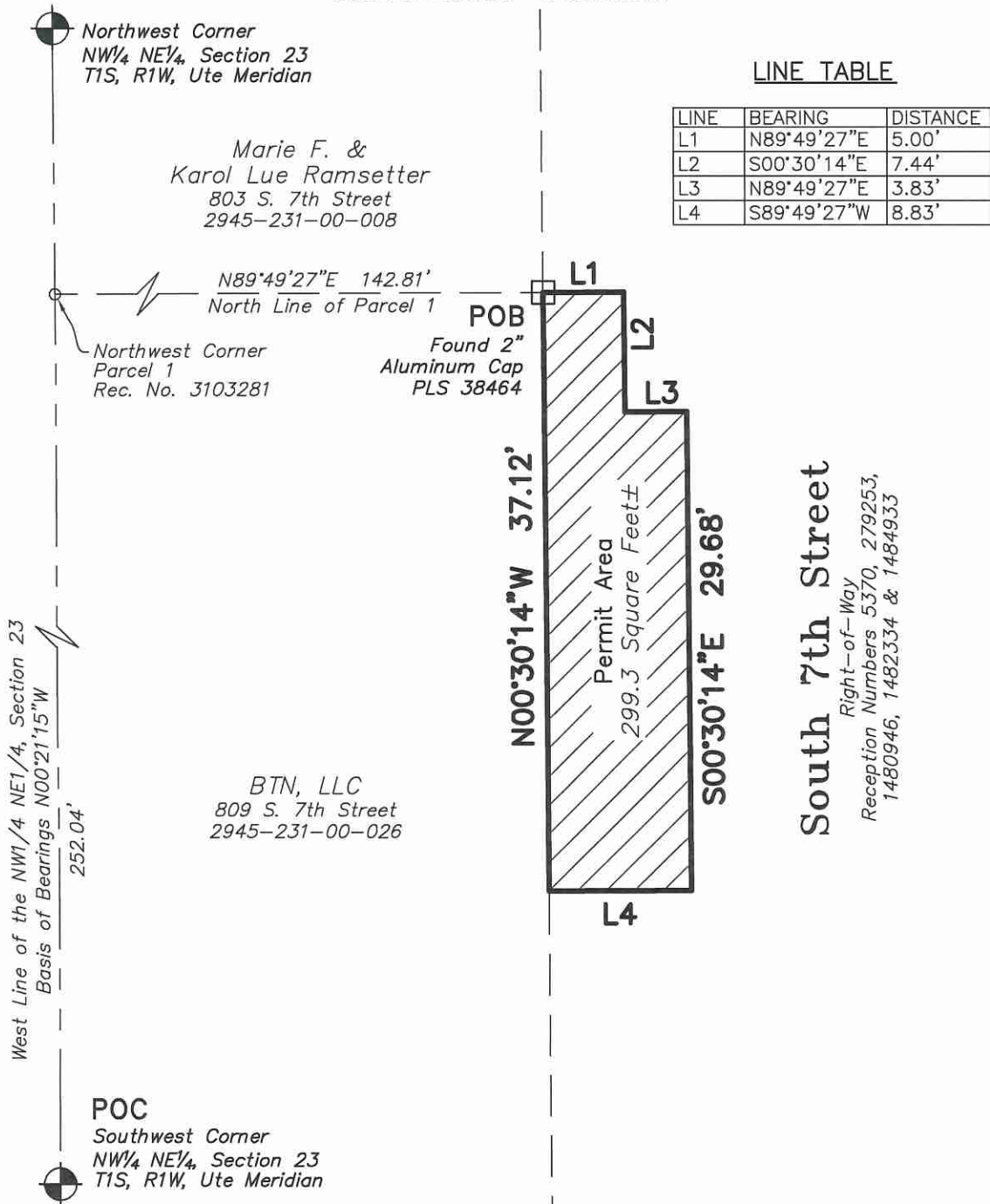
State of Colorado)
)ss.
County of Mesa)

The foregoing Agreement was acknowledged before me this _____ day of _____, 2025, by BTN, LLC.

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

Notary Public

EXHIBIT B
Revocable Permit



- LEGEND & ABBREVIATIONS
- ALIQUOT SURVEY MARKER
 - FOUND BOUANDRY EVIDENCE
 - CALCULATED POSITION
 - Rec. No. RECEPTION NUMBER
 - PLS PROFESSIONAL LAND SURVEYOR
 - POC POINT OF COMMENCEMENT
 - POB POINT OF BEGINNING
 - T TOWNSHIP
 - R RANGE
 - PERMIT BOUANDRY
 - ADJOINER LINE
 - SECTION LINE



High Desert Surveying, Inc.
591 25 Road, Suite B1
Grand Junction, Colorado 81505
Tele: 970-254-8649 Fax: 970-241-0451

SCALE: 1"= 10'



PROJ. NO. 24-113	Surveyed	Drawn	APP'D	SHEET	OF
DATE: March, 2025	BO/SG	BE	-	1	1