

RESOLUTION

Resolution No. 73-25

Title: A Resolution Concerning the Issuance of a Revocable Permit to 410 Hill Avenue, LLC to Allow for the Encroachment of Existing Building Within the Public Right-of-Way Adjacent to 410 Hill Avenue

Meeting Date 11/19/2025
Signed & Sealed 11/21/2025

Published N/A

Recorded N/A

Copies to:

RESDOC/ TRIM – PDF

_____ John Gross (TRIM Link)

_____ Tamra (TRIM Link)

_____ Johnny (TRIM Link)

_____ Jay V. (TRIM Link)

_____ John S. (TRIM Link)

_____ Mike B. (TRIM Link)

_____ (TRIM Link)

RESOLUTION NO. 73-25

**A RESOLUTION CONCERNING
THE ISSUANCE OF A REVOCABLE PERMIT TO 410 HILL AVENUE, LLC TO
ALLOW FOR THE ENCROACHMENT OF EXSITING BUILDING WITHIN THE
PUBLIC RIGHT-OF-WAY ADJACENT TO 410 HILL AVENUE.**

Recitals.

A. 410 Hill Avenue, LLC, hereinafter referred to as the Petitioner, represents they are the owner of the following described real property in the City of Grand Junction, County of Mesa, State of Colorado, to wit:

LOTS 26 TO 32 INC BLK 30 CITY OF GRAND JUNCTION RESURVEY OF SECOND DIVISION
SEC 14 1S 1W UM RECD 4/17/1905 RECPT NO 54332 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 N. 4th Street and north Alley, to wit (refer to Exhibit B for graphical representation):

A Portion of that sixty (60') foot Right-of-Way dedicated to the City of Grand Junction for 4th Street by Plat of Resurvey of Second Division of City of Grand Junction as recorded at the Mesa County Clerk and Recorder at Reception Number 54332, situated in the northeast quarter of the northwest quarter of Section 14, Township 1 South, Range 1 West of the Ute Meridian, City of Grand Junction, County of Mesa, State of Colorado. Said portion being more particularly described as follows:

The East 3.5 feet of said 4th Street Right-of-Way parallel with and adjoining the south sixty-eight (68') feet of the west line of Lot 32 of Block 30 of said Plat of Resurvey of Second Division of City of Grand Junction,

Containing 238 Sq. feet more or less.

TOGETHER WITH:

A portion of the twenty (20') foot Alley Right-of-Way within block 30 of the Plat of Resurvey of Second Division of City of Grand Junction as recorded at Reception Number 54332, situated in the northeast quarter of the northwest quarter of Section 14, Township 1 South, Range 1 West of the Ute Meridian, City of Grand Junction, County of Mesa, State of Colorado. Said portion being more particularly described as follows:

The west 55 feet of said Alley Right-of-Way,

except the north 16.50 feet of said Alley Right-of-Way.

Containing 193 Sq. feet more or less.

C. Relying on the information supplied by the Petitioner and contained in File No. RVP-2025-647 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 November, 2025.

Attest:


City Clerk





President of the City Council

REVOCABLE PERMIT

Recitals.

A. 410 Hill Avenue, LLC, hereinafter referred to as the Petitioner, represents they are 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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SEC 14 1S 1W UM RECD 4/17/1905 RECPT NO 54332 MESA CO RECD

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 N. 4th Street and north Alley, to wit (refer to Exhibit B for graphical representation):

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except the north 16.50 feet of said Alley Right-of-Way.

Containing 193 Sq. feet more or less.

C. Relying on the information supplied by the Petitioner and contained in File No. RVP-2025-647 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 themselves and for their 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 they 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 building, including walls and roof 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 off of the Mesa County Clerk and Recorder.

Dated this _____ day of _____, 2025.

The City of Grand Junction,
a Colorado home rule municipality

Attest:

City Clerk

City Manager

Acceptance by the Petitioner:

410 Hill Avenue, LLC

AGREEMENT

410 Hill Avenue, 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.

410 Hill Avenue, LLC

State of Colorado)
)ss.
County of Mesa)

The foregoing Agreement was acknowledged before me this _____ day of _____, 2025, by 410 Hill Avenue, LLC.

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

Notary Public

EXHIBIT A

A Portion of that sixty (60') foot Right-of-Way dedicated to the City of Grand Junction for 4th Street by Plat of Resurvey of Second Division of City of Grand Junction as recorded at the Mesa County Clerk and Recorder at Reception Number 54332, situated in the northeast quarter of the northwest quarter of Section 14, Township 1 South, Range 1 West of the Ute Meridian, City of Grand Junction, County of Mesa, State of Colorado. Said portion being more particularly described as follows:

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except the north 16.50 feet of said Alley Right-of-Way.

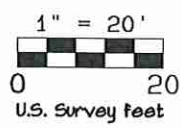
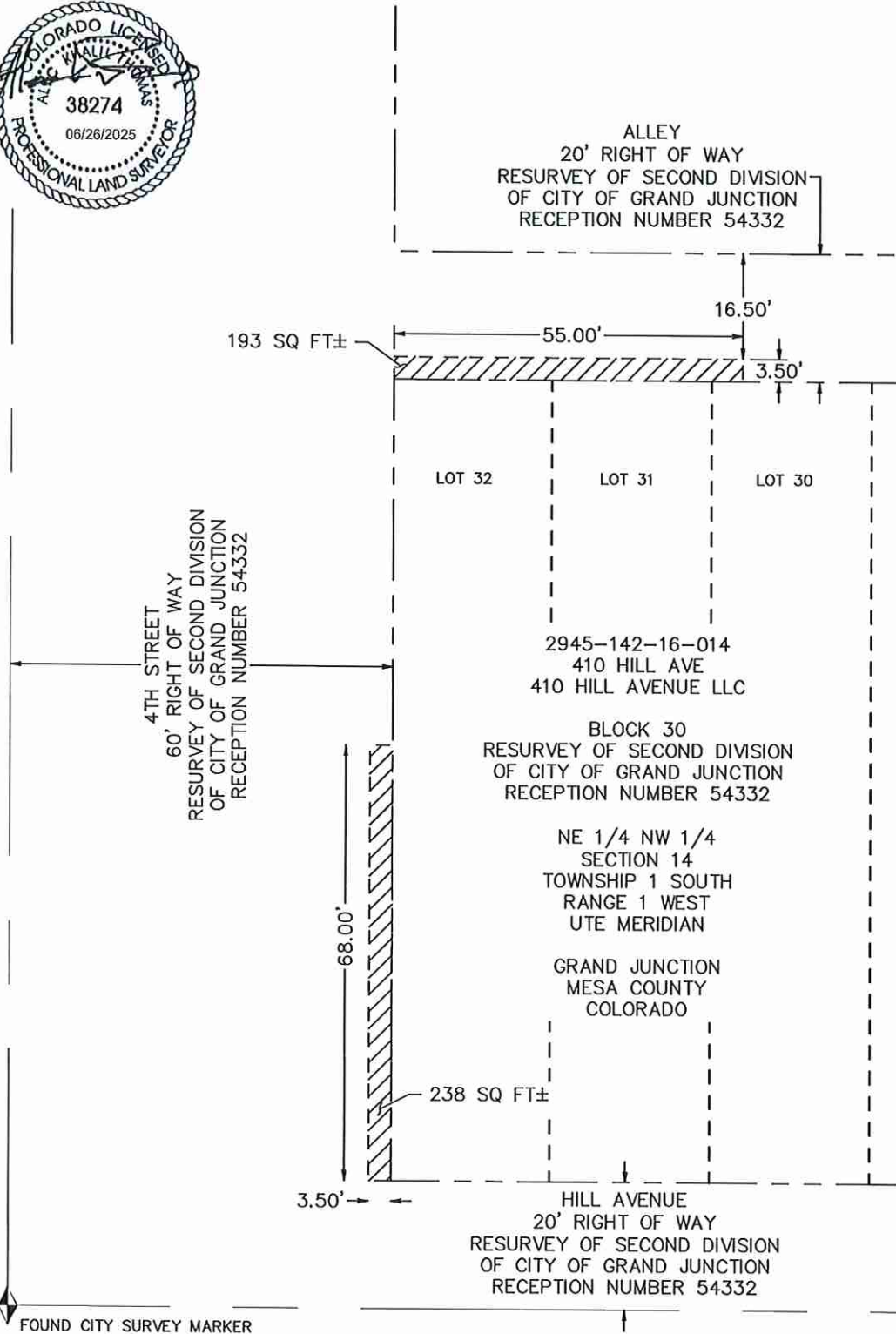
Containing 193 Sq. feet more or less.



This description was prepared by:
Alec K. Thomas
Colorado P.L.S. 38274
215 Pitkin Avenue, Unit 201
Grand Junction, CO 81506

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



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
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www.rcwest.com

Drawn: BLC	Checked: AKT	6/26/25	Job No. 0356-031
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