

RESOLUTION NO. 10-26

A RESOLUTION ISSUING A REVOCABLE PERMIT WITHIN 263 SQUARE FEET OF THE 20' ALLEY IN BLOCK 126 OF THE CITY OF GRAND JUNCTION PLAT FOR A SKY BRIDGE AIRSPACE ENCROACHMENT AT 230 S 5TH ST

Recitals.

The Grand Junction Downtown Development Authority (Petitioner) represents that they are the owner of the following described real property in the City of Grand Junction:

LOT 27 TO 32 INC BLK 126 TOWN OF GRAND JUNCTION FIRST DIVISION RESURVEY SEC 14 1S 1W UM RECD 10/6/1885 RECPT NO 3206 MESA CO RECD

The Petitioner has requested that the City issue a Revocable Permit to allow for a Pedestrian Skybridge airspace encroachment, subject to the terms of the permit, within the limits of the following described public right-of-way in the 20' alley in Block 126 and depicted on Exhibit B to this Resolution which Exhibit is incorporated by this reference:

A parcel of land situated in the Southwest Quarter of Section 14, Township 1 South, Range 1 West of the Ute Meridian, City of Grand Junction, County of Mesa, State of Colorado, lying entirely within the 20.00' Alley located in Block 126 of the City of Grand Junction Plat recorded at Reception Number 3206 of the Mesa County Records and being more particularly described as follows:

Commencing at the Southwest Corner of Lot 4 in aforementioned Block 126 from whence the Northwest Corner of said Lot 4 bears N0°02'41"E a distance of 125.53 feet for a basis of bearings, all bearings hereon related thereto; thence S89°55'58"E along the North Line of aforementioned 20.00' Alley a distance of 36.63 feet to the Point of Beginning; thence S89°55'58"E along said North Line a distance of 14.05 feet; thence S0°01'32"W a distance of 20.00 feet to the South Line of aforementioned 20.00' Alley; thence N89°55'58"W along said South Line a distance of 12.21 feet; thence N5°12'44"W a distance of 20.09 feet to the Point of Beginning.

Said parcel of land contains 263 square feet as described.


Said parcel of land is further subject to airspace limitations, being defined as lying within an area 18.00 feet above the proposed finish floor and not extending above the parapet of the building to be built at 230 S 5th Street, Grand Junction, Colorado. With a proposed floor elevation of 4584.63 feet the limits of the airspace would be between 4602.63 feet and 4661.30 feet. Elevations are based on the Project Benchmark located at the Southwest Corner of Lot 32 Block 126, City of Grand Junction being a found 1-1/2-inch aluminum disc PLS 18480 with an elevation of 4582.72 feet [NAVD88].

Relying on the information supplied by the Petitioner and contained in File No. RVP-2026-51 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.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO:

In consideration and adoption of the Recitals the City Manager is hereby authorized and directed to issue the attached Revocable Permit to the above-named Petitioner for the purposes described and within the limits of the public right-of-way described and depicted subject to each and every term and condition of the Revocable Permit.

PASSED and ADOPTED this 4th day of February 2026.



Cody Kennedy
President of the City Council

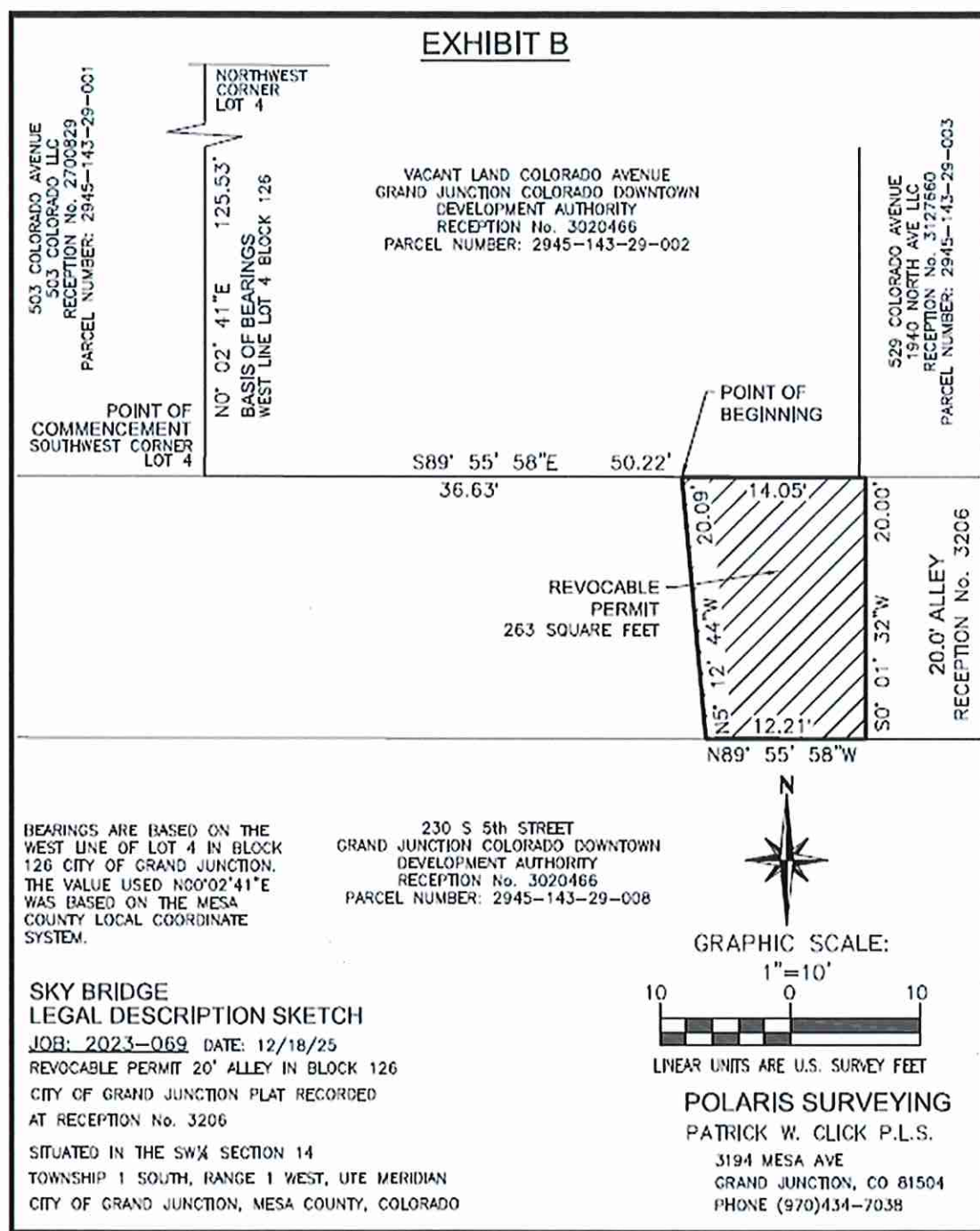


Attest:



Selestina Sandoval
City Clerk

Exhibit B



REVOCABLE PERMIT FOR GJ DOWNTOWN DEVELOPMENT AUTHORITY ASSOCIATED WITH 230 SOUTH 5TH ST LLC

RECITALS

1. The Grand Junction Downtown Development Authority, hereinafter referred to as the "Petitioner," with an address of 248 S 4th St, Grand Junction CO 81501, has requested that the City of Grand Junction (the "City") issue this Revocable Permit (the "Permit") to allow the Petitioner to utilize, for the purposes of placement of a skybridge connecting two structures owned by Petitioner, as approved by the City, the airspace within the limits of the following described public property, to wit:

Permit Area:

A parcel of land situated in the Southwest Quarter of Section 14, Township 1 South, Range 1 West of the Ute Meridian, City of Grand Junction, County of Mesa, State of Colorado, lying entirely within the 20.00' Alley located in Block 126 of the City of Grand Junction Plat recorded at Reception Number 3206 of the Mesa County Records and being more particularly described as follows:

Commencing at the Southwest Corner of Lot 4 in aforementioned Block 126 from whence the Northwest Corner of said Lot 4 bears N0°02'41"E a distance of 125.53 feet for a basis of bearings, all bearings hereon related thereto; thence S89°55'58"E along the North Line of aforementioned 20.00' Alley a distance of 36.63 feet to the Point of Beginning; thence S89°55'58"E along said North Line a distance of 14.05 feet; thence S0°01'32"W a distance of 20.00 feet to the South Line of aforementioned 20.00' Alley; thence N89°55'58"W along said South Line a distance of 12.21 feet; thence N5°12'44"W a distance of 20.09 feet to the Point of Beginning.

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Above legal description written by:

Patrick W. Click

Colorado registered Professional Surveyor No. 37904 3194 Mesa Avenue Unit B

the "Area."

2. Based on the authority of the City Charter and §21.01.020 of the Grand Junction Zoning and Development Code applying the same, the City, by and through the City Manager or his designee, has determined that such action would not at this time be detrimental to the inhabitants of the City.

NOW, THEREFORE, IN ACCORDANCE WITH THE AUTHORITY OF THE SIGNER HERETO, the Petitioner is hereby and herewith issued a Revocable Permit for the purposes of construction, operation and maintenance of a skybridge as the same is described in Exhibit A and B within the limits of the Area; provided, however, that this Permit is conditioned upon the following:

a. The installation, operation, maintenance, repair and replacement of the skybridge by the Petitioner within the public property as authorized pursuant to this Permit shall be performed with due care or any other higher standard of care as may be required by the City to avoid creating hazardous or dangerous situations and to avoid damaging public roadways, sidewalks, utilities, or any other facilities presently existing or which may in the future exist in the Area.

b. The City, on its behalf for the City and its public, and on behalf of the public utility entities, districts, or organizations that have been granted easements on or through the Area (the "Public Utilities"), hereby reserves and retains a perpetual right to utilize all or any portion of the public property that is not being utilized for purposes of initial construction and thereafter the operation and maintenance of the skybridge for any lawful purpose of the City and/or Public Utilities whatsoever. The City further reserves and retains the right to revoke this Permit for Petitioner's or its successors or assigns failure to comply with the conditions state herein or in the following Agreement.

c. The Petitioner, for itself and for its successors and assigns, agrees that it 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 Petitioner within the limits of the public property (including the removal thereof), or any other property of the Petitioner or any other party, as a result of the Petitioner's occupancy, possession or use of said public property 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.

d. The Petitioner, for itself and for its successors and assigns, agrees that it shall at all times keep the above-described public property and the facilities authorized pursuant to this Permit in good condition and repair.

e. This Revocable Permit for the purposes of placement of a skybridge over and across the Area building 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 Petitioners' last known address), peaceably surrender said public property and, at their own expense, remove any encroachment so as to make the described public property 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.

f. The Petitioner, for itself and for its successors and assigns, agrees that it shall be solely responsible for maintaining and repairing the skybridge and any and all improvements and/or facilities authorized pursuant to this Permit. The Petitioner agrees that the skybridge shall be a minimum of seventeen feet (17') above the surface of the public right-of-way beneath the Area at its lowest point and shall not create any sight obstructions for vehicular traffic through the Area.

g. This Revocable Permit 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 _____, 2025.

Approved by The City of Grand Junction, a Colorado home rule municipality



City Manager

Director of Community Development

Acceptance and Acknowledgment by the Petitioner:

Grand Junction Downtown Development Authority

AGREEMENT

The Grand Junction Downtown Development Authority, for itself and for its assigns, does hereby agree to abide by each and every term and condition contained in the foregoing Revocable Permit for the purposes of placement of a skybridge over and across the Area. Furthermore, it shall indemnify the City of Grand Junction, its officers, employees and agents and hold the City of Grand Junction, its officers, employees and agents harmless from all claims and causes of action as recited in said Permit.

Within thirty (30) days of revocation of said Permit, Petitioner agrees to peaceably surrender said public property to the City of Grand Junction and, at its sole cost and expense, remove any encroachment so as to make said public property fully available for use by the City of Grand Junction, the County of Mesa, the State of Colorado, the Public Utilities and/or the general public.

The Permittee acknowledges the existence of good and sufficient consideration for the making and enforcement of this Agreement.

Dated this _____ day of _____, 2026.

By signing, the Signatory represents he has full authority to bind the Petitioner to each and every term and condition hereof and/or in the Permit.

[Petitioning Entity]

State of Colorado)
)ss.
County of Mesa)

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

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

Notary Public

Exhibit A

LEGAL DESCRIPTION

A parcel of land situated in the Southwest Quarter of Section 14, Township 1 South, Range 1 West of the Ute Meridian, City of Grand Junction, County of Mesa, State of Colorado, lying entirely within the 20.00' Alley located in Block 126 of the City of Grand Junction Plat recorded at Reception Number 3206 of the Mesa County Records and being more particularly described as follows:

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Exhibit B

