

RESOLUTION NO. 12-26

A RESOLUTION CONCERNING THE ISSUANCE OF A REVOCABLE PERMIT TO THE GRAND JUNCTION DOWNTOWN DEVELOPMENT AUTHORITY TO ALLOW FOR THE ENCROACHMENT OF A STORM SEWER LINE WITHIN THE 20 ' ALLEY IN BLOCK 126 OF THE GRAND JUNCTION PLAT

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 RECDS

The Petitioner has requested that the City issue a Revocable Permit to allow for a storm sewer line 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 3.10 feet to the Point of Beginning; thence S89°55'58"E along said North Line a distance of 4.04 feet; thence S8°23'01"W a distance of 20.21 feet to the South Line of aforementioned 20.00' Alley; thence N89°55'58"W along said South Line a distance of 4.04 feet; thence N8°23'01"E a distance of 20.21 feet to the Point of Beginning.

Said parcel of land contains 81 square feet as described.

Relying on the information supplied by the Petitioner and contained in File No. RVP-2026-61 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

REVOCABLE PERMIT

Recitals.

A. Grand Junction Downtown Development Authority, 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:

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 RECDS

B. The Petitioner has requested that the City of Grand Junction issue a Revocable Permit to allow for a sewer service line 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 to wit (refer to Exhibit B for graphical representation):

The Petitioner has requested that the City issue a Revocable Permit to allow for a storm sewer line 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 3.10 feet to the Point of Beginning; thence S89°55'58"E along said North Line a distance of 4.04 feet; thence S8°23'01"W a distance of 20.21 feet to the South Line of aforementioned 20.00' Alley; thence N89°55'58"W along said South Line a distance of 4.04 feet; thence N8°23'01"E a distance of 20.21 feet to the Point of Beginning.

Said parcel of land contains 81 square feet as described.

C. Relying on the information supplied by the Petitioner and contained in File No. RVP-2026-61 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 and the Charter and Ordinances of the City 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 to allow for a storm sewer line 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 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 _____ day of _____, 2026.

City of Grand Junction, a Colorado home rule municipality


Selestina Sandoval
City Clerk


Michael P. Bennett
City Manager

Acceptance by the Petitioner:

Grand Junction Downtown Development Authority

By _____

Title _____

AGREEMENT

Grand Junction Downtown Development Authority, 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 _____, 2026.

Grand Junction Downtown Development Authority

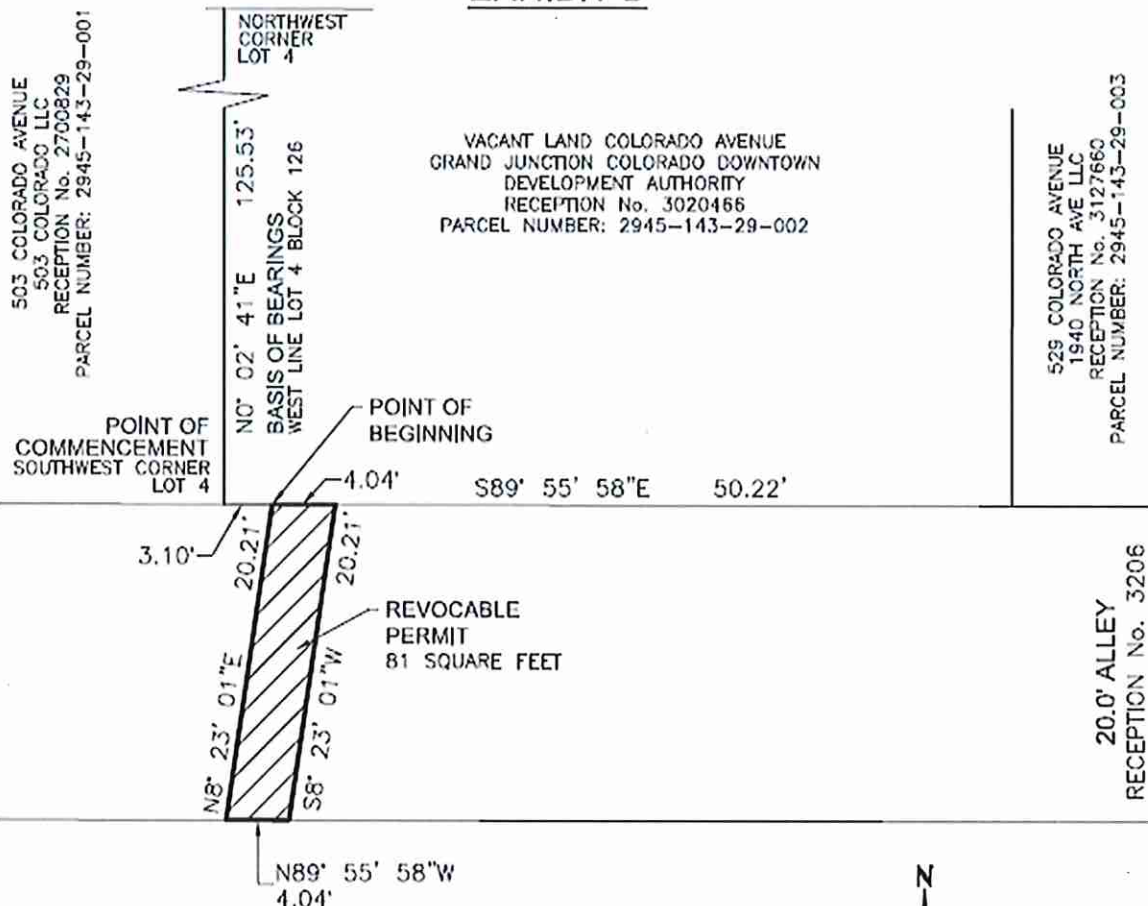
State of Colorado)
)ss.
County of Mesa)

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

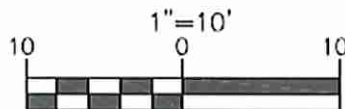


BEARINGS ARE BASED ON THE
WEST LINE OF LOT 4 IN BLOCK
126 CITY OF GRAND JUNCTION.
THE VALUE USED N00°02'41"E
WAS BASED ON THE MESA
COUNTY LOCAL COORDINATE
SYSTEM.

230 S 5th STREET
GRAND JUNCTION COLORADO DOWNTOWN
DEVELOPMENT AUTHORITY
RECEPTION No. 3020466
PARCEL NUMBER: 2945-143-29-008



GRAPHIC SCALE:



LINEAR UNITS ARE U.S. SURVEY FEET

STORM SEWER LINE LEGAL DESCRIPTION SKETCH

JOB: 2023-069 DATE: 12/18/25
REVOCABLE PERMIT 20' ALLEY IN BLOCK 126
CITY OF GRAND JUNCTION PLAT RECORDED
AT RECEPTION No. 3206

SITUATED IN THE SW 1/4 SECTION 14
TOWNSHIP 1 SOUTH, RANGE 1 WEST, UTE MERIDIAN
CITY OF GRAND JUNCTION, MESA COUNTY, COLORADO

POLARIS SURVEYING

PATRICK W. CLICK P.L.S.

3194 MESA AVE
GRAND JUNCTION, CO 81504
PHONE (970)434-7038