RECEPTION#: 3098316
7/10/2024 10:41:26 AM, 1 of 9
Recording: $53.00,
Bobbie Gross, Mesa County, CO.
CLERK AND RECORDER

RESOLUTION NO. 43-24

A RESOLUTION CONCERNING THE ISSUANCE OF A REVOCABLE PERMIT TO ICETIME, LLC

Recitals.

A. ICETIME, LLC, 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:

LOT 1 ICE SKATING SUBDIVISION, SAME AS RECORDED AT RECEPTION NO. 2334019
City of Grand Junction, County of Mesa, State of Colorado

Also known by street address as: 2515 Riverside Parkway, Grand Junction, CO 81507

and identified by Mesa County Tax Schedule Number 2945-103-52-001

B. The Petitioners have requested that the City Council of the City of Grand Junction issue a Revocable Permit to allow for installation of storm drain infrastructure within the following described public right-of-way and parcel under the ownership of the City of Grand Junction:

A parcel of land situated in the Southeast Quarter (SE¼) of Section 9 and the Southwest Quarter (SW¼) of Section 10, Township 1 South, Range 1 West, of the Ute Meridian, City of Grand Junction, County of Mesa, State of Colorado being more particularly described as follows:

COMMENCING at a found Witness Corner being a point on the South line of the Southwest Quarter (SW¼) of Section 10, Township 1 South, Range 1 West, of the Ute Meridian, whence the Southeast corner of said SW¼ bears S89°47'44"E a distance of 2585.39 feet for a Basis of Bearings with all bearings shown hereon relative thereto; thence along the South line of said SW¼ N89°47'44"W a distance of 40.12 feet to the Southwest corner of said SW¼; thence along the West line of said SW¼ N00°05'56"W a distance of 590.65 feet to the POINT OF BEGINNING; thence N19°32'39"W a distance of 109.75 feet; thence N70°27'21"E a distance of 10.00 feet; thence S19°32'39"E a distance of 103.16 feet to the North line of Lot 1, Ice Skating Subdivision, Reception No. 2334019; thence along the North line of said Lot 1 S79°42'47"W a distance of 2.64 feet; thence continuing along said North line being a curve to the left having a central angle of 02°58'20", a radius of 91.00 feet, an arc length of 4.72 feet, and a chord which bears S78°16'03"W a distance of 4.72 feet returning to the West line of said SW¼; thence along said West line S00°05'56"E a distance of 8.16 feet to the POINT OF BEGINNING.

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

Said parcel contains an area of 1034 square feet, 0.02 acres as herein described.

C. Relying on the information supplied by the Petitioners and contained in File No. RVP-2024-125 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 aforedescribed and within the limits of the public right-of-way aforedescribed, subject to each and every term and condition contained in the attached Revocable Permit.

PASSED and ADOPTED this 5th day of June 2024.

Abram Herman
President of the City Council

Attest:

Selestina Sandoval
City Clerk

REVOCABLE PERMIT

Recitals.

A. ICETIME, LLC, 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:

LOT 1 ICE SKATING SUBDIVISION, SAME AS RECORDED AT RECEPTION NO. 2334019
City of Grand Junction, County of Mesa, State of Colorado

Also known by street address as: 2515 Riverside Parkway, Grand Junction, CO 81507

and identified by Mesa County Tax Schedule Number 2945-103-52-001

B. The Petitioners have requested that the City Council of the City of Grand Junction issue a Revocable Permit to allow for installation of storm drain infrastructure as depicted in Exhibit B within the following described public right-of-way and parcel under the ownership of the City of Grand Junction:

A parcel of land situated in the Southeast Quarter (SE¼) of Section 9 and the Southwest Quarter (SW¼) of Section 10, Township 1 South, Range 1 West, of the Ute Meridian, City of Grand Junction, County of Mesa, State of Colorado being more particularly described as follows:

COMMENCING at a found Witness Corner being a point on the South line of the Southwest Quarter (SW¼) of Section 10, Township 1 South, Range 1 West, of the Ute Meridian, whence the Southeast corner of said SW¼ bears S89°47'44"E a distance of 2585.39 feet for a Basis of Bearings with all bearings shown hereon relative thereto; thence along the South line of said SW¼ N89°47'44"W a distance of 40.12 feet to the Southwest corner of said SW¼; thence along the West line of said SW¼ N00°05'56"W a distance of 590.65 feet to the POINT OF BEGINNING; thence N19°32'39"W a distance of 109.75 feet; thence N70°27'21"E a distance of 10.00 feet; thence S19°32'39"E a distance of 103.16 feet to the North line of Lot 1, Ice Skating Subdivision, Reception No. 2334019; thence along the North line of said Lot 1 S79°42'47"W a distance of 2.64 feet; thence continuing along said North line being a curve to the left having a central angle of 02°58'20", a radius of 91.00 feet, an arc length of 4.72 feet, and a chord which bears S78°16'03"W a distance of 4.72 feet returning to the West line of said SW¼; thence along said West line S00°05'56"E a distance of 8.16 feet to the POINT OF BEGINNING.

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

Said parcel contains an area of 1034 square feet, 0.02 acres as herein described.

C. Relying on the information supplied by the Petitioner and contained in File No. RVP-2024-125 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 aforedescribed and within the limits of the public right-of-way and City of Grand Junction property aforedescribed; 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 and City of Grand Junction property 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 and City of Grand Junction property.

2. The City hereby reserves and retains a perpetual right to utilize all or any portion of the aforedescribed public right-of-way and City of Grand Junction property 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 and City of Grand Junction property 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 and City of Grand Junction property 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 aforedescribed public right-of-way and City of Grand Junction property 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 5th day of June, 2024.

The City of Grand Junction,
a Colorado home rule municipality

Attest:

Selestina Sandoval
City Clerk

Andrea Phillips
Interim City Manager

Acceptance by the Petitioners:

ICETIME, LLC

Amanda Repsher

David Repsher manager

HIGH DESERT SURVEYING, INC
591 25 Road, Suite B1
Grand Junction, CO 81505
Tel: 970-254-8649 Fax: 970-241-0451

EXHIBIT A
Revocable Permit
Legal Description

A parcel of land situated in the Southeast Quarter (SE¼) of Section 9 and the Southwest Quarter (SW¼) of Section 10, Township 1 South, Range 1 West, of the Ute Meridian, City of Grand Junction, County of Mesa, State of Colorado being more particularly described as follows:

COMMENCING at a found Witness Corner being a point on the South line of the Southwest Quarter (SW¼) of Section 10, Township 1 South, Range 1 West, of the Ute Meridian, whence the Southeast corner of said SW¼ bears S89°47'44"E a distance of 2585.39 feet for a Basis of Bearings with all bearings shown hereon relative thereto; thence along the South line of said SW¼ N89°47'44"W a distance of 40.12 feet to the Southwest corner of said SW¼; thence along the West line of said SW¼ N00°05'56"W a distance of 590.65 feet to the POINT OF BEGINNING; thence N19°32'39"W a distance of 109.75 feet; thence N70°27'21"E a distance of 10.00 feet; thence S19°32'39"E a distance of 103.16 feet to the North line of Lot 1, Ice Skating Subdivision, Reception No. 2334019; thence along the North line of said Lot 1 S79°42'47"W a distance of 2.64 feet; thence continuing along said North line being a curve to the left having a central angle of 02°58'20", a radius of 91.00 feet, an arc length of 4.72 feet, and a chord which bears S78°16'03"W a distance of 4.72 feet returning to the West line of said SW¼; thence along said West line S00°05'56"E a distance of 8.16 feet to the POINT OF BEGINNING.

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

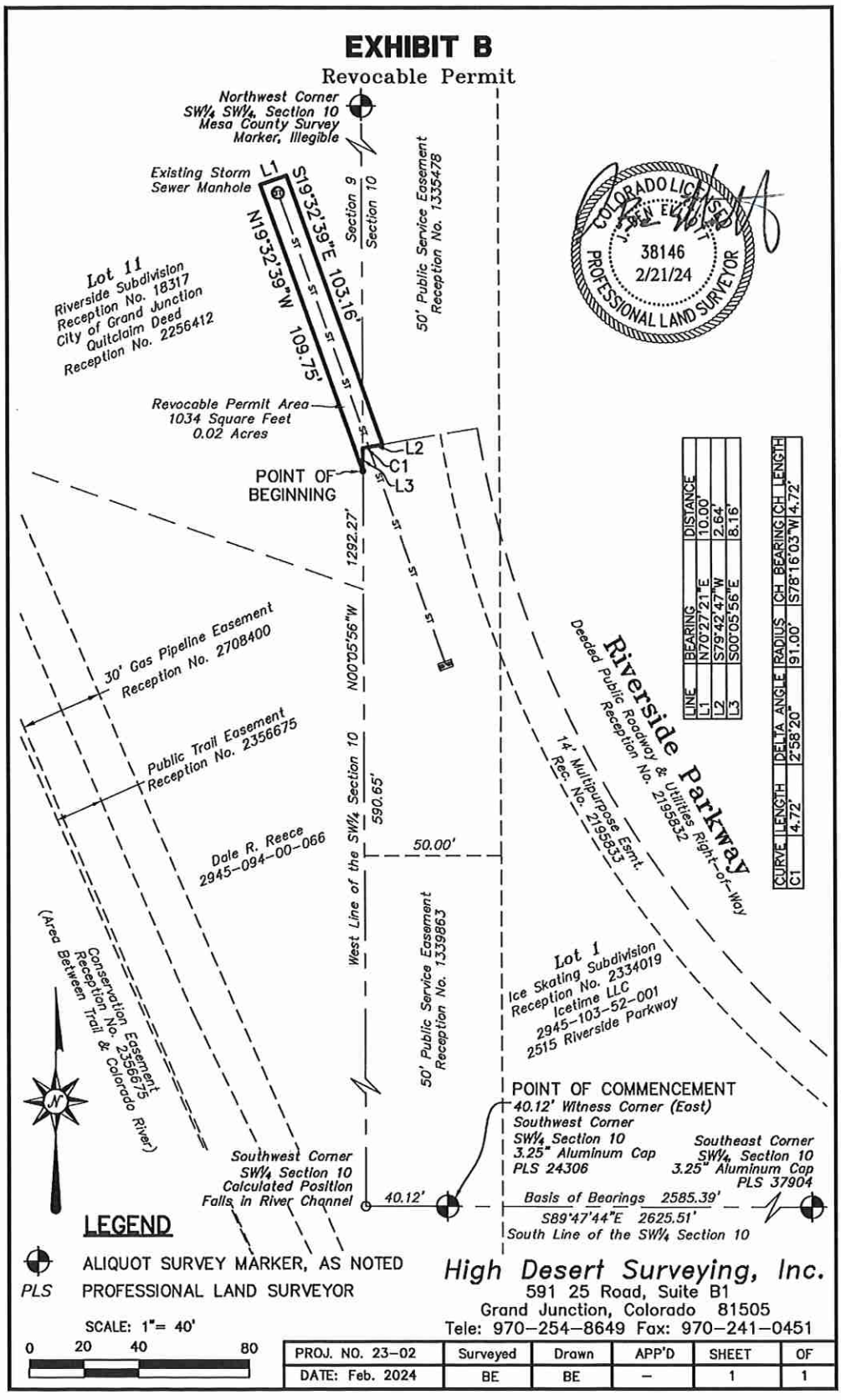
Said parcel contains an area of 1034 square feet, 0.02 acres as herein described.



23-02 RP Exhibit A.doc
Prepared By: BE
J. Ben Elliott, PLS 38146
High Desert Surveying, Inc.

EXHIBIT B

Revocable Permit



LINE	BEARING	DISTANCE
L1	N70°27'21"E	10.00'
L2	S79°42'47"W	2.64'
L3	S00°05'56"E	8.16'

CURVE	LENGTH	DELTA ANGLE	RADIUS	CH BEARING	CH LENGTH
C1	4.72'	2°58'20"	91.00'	S78°16'03"W	4.72'

LEGEND

⊕ ALIQUOT SURVEY MARKER, AS NOTED

PLS PROFESSIONAL LAND SURVEYOR

SCALE: 1"= 40'

0 20 40 80

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

PROJ. NO. 23-02	Surveyed	Drawn	APP'D	SHEET	OF
DATE: Feb. 2024	BE	BE	–	1	1

CITY OF Grand Junction COLORADO

AGREEMENT

ICETIME, LLC, 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 5th day of July, 2024.

By: _____
Amanda Repsher, ICETIME, LLC

State of Colorado)
)ss.
County of Mesa)

The foregoing Agreement was acknowledged before me this 5th day of July, 2024, by Amanda Repsher.

My Commission expires: 06/25/2025
Witness my hand and official seal.

_____
Notary Public

CORRINE PAULINE LINDER
NOTARY PUBLIC - STATE OF COLORADO
NOTARY ID 20214025252
MY COMMISSION EXPIRES JUN 25, 2025

By: David Repsher, Manager
David Repsher, ICETIME, LLC

State of Colorado)
)ss.
County of Mesa)

The foregoing Agreement was acknowledged before me this 5th day of July, 2024, by David Repsher.

My Commission expires: 06/25/2025
Witness my hand and official seal.

CORRINE PAULINE LINDER
NOTARY PUBLIC - STATE OF COLORADO
NOTARY ID 20214025252
MY COMMISSION EXPIRES JUN 25, 2025