

RESOLUTION NO. 12-93

CONCERNING THE ISSUANCE OF A REVOCABLE PERMIT  
TO W. R. BRAY AND JEAN L. BRAY

WHEREAS, W. R. Bray and Jean L. Bray, who represent that they are the owners of Lots 15, 16, 17 and 19 of Block 6 of the City of Grand Junction, have petitioned the City Council of the City of Grand Junction for a Revocable Permit to allow the use of the following described public right-of-way for the installation of landscape improvements:

That portion of the public right-of-way for North 7th Street located in the parkway between the curb and sidewalk and behind the sidewalk adjacent to the east of the above described real property; and

WHEREAS, the City Council of the City of Grand Junction 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:

That the City Manager, on behalf of the City and as the act of the City, is hereby authorized and directed to grant the attached Revocable Permit to the above named Petitioners for the purpose aforescribed and within the public right-of-way aforescribed, subject to each and every term and condition contained in the attached Revocable Permit.

PASSED and ADOPTED this 17th day of February, 1993.

Attest:

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City Clerk

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President of the Council

## REVOCABLE PERMIT

WHEREAS, W. R. Bray and Jean L. Bray, who represent that they are the owners of Lots 15, 16, 17 and 19 of Block 6 of the City of Grand Junction, have petitioned the City Council of the City of Grand Junction for a Revocable Permit to allow the use of the following described public right-of-way for the installation of landscape improvements:

That portion of the public right-of-way for North 7th Street located in the parkway between the curb and sidewalk and behind the sidewalk adjacent to the east of the above described real property; and

WHEREAS, the City Council of the City of Grand Junction 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 granted to W. R. Bray and Jean L. Bray a Revocable Permit for the purpose aforescribed and within the public right-of-way aforescribed; provided, however, that the issuance of this Revocable Permit shall be conditioned upon the following terms and conditions:

1. The City, on behalf of itself and all other Public Utilities, hereby reserves and retains the right to utilize the aforementioned public right-of-way for the installation, operation, maintenance and repair of existing and future utilities, including the right of ingress and egress over, under, through and across said right-of-way. The Petitioners, for themselves and for their heirs, successors and assigns, agrees that they will not hold, nor attempt to hold, the City or any other Public Utility liable for any damages caused to improvements installed by the Petitioners, or any other property of the Petitioners or any other person, as a result of the City or any other Public Utility's installation, operation, maintenance and repair of existing and future utilities situated within the aforescribed right-of-way.

2. This Revocable Permit shall be issued only upon the concurrent execution by the Petitioners of an agreement that the Petitioners will save and hold the City, its officers, employees and agents harmless from, and indemnify the City, its officers, employees and agents, any claim or cause of action however stated arising out of the encroachment and use granted, and that upon revocation of this Permit by the City the Petitioners will, within thirty (30) days of notice of revocation, peaceably surrender said right-of-way to the City and, at their own expense, remove any encroachment so as to restore the right-of-way to its original condition, or better.

3. The Petitioners, for themselves and for their heirs, successors and assigns, agree that they shall be solely responsible for maintaining and repairing the condition of the aforescribed right-of-way, including any improvements installed by the Petitioners, should the same become damaged or destroyed as a result of the installation, operation, maintenance and repair of existing and future utilities situated within said right-of-way.

4. This Revocable Permit, the foregoing Resolution, and the following Agreement shall be recorded by the Petitioner in the office of the Mesa County Clerk and Recorder.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 1993.

Attest

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
City Manager

Acceptance:

\_\_\_\_\_  
W. R. Bray

\_\_\_\_\_  
Jean L. Bray

