

RESOLUTION NO. 13-93

**CONCERNING THE ISSUANCE OF A REVOCABLE PERMIT TO
GERALD F. DORN AND NORMA C. DORN, EDITH R. DARNELL, AND
GERALD E. WESTERBECK AND YVONNE K. WESTERBECK**

WHEREAS, Gerald F. Dorn and Norma C. Dorn represent that they are the owners of the following described real property in the City of Grand Junction, Mesa County, Colorado, to wit:

The West 63 feet of Lot 16-3 and the West 1.5 feet of Lot 16-5 and all of Lot 16-4 of Crest View Townhomes, A Replat of Lots 16 & 17 of Crest View Subdivision in Section 1, Township 1 South, Range 1 West of the Ute Meridian, EXCEPT Beginning at the Southeast corner of said Lot 16-4, thence N 89°58'40" W 9.0 feet, thence N 00°01'20" E 40 feet, thence S 89°58'40" E 3.5 feet, thence S 00°01'20" W 3.0 feet, thence S 89°58'40" E 5.5 feet, thence S 00°01'20" W 3.5 feet to the Point of Beginning, AND EXCEPT the North 3 feet of the West 63 feet of said Lot 16, also known as 1516 Crestview Way; and

WHEREAS, Edith R. Darnell represents that she is the owner of the following described real property in the City of Grand Junction, Mesa County, Colorado, to wit:

All of Lots 16-1 and 16-2 and the North 3 feet of Lot 16-3 of Crest View Townhomes, A Replat of Lots 16 & 17 of Crest View Subdivision in Section 1, Township 1 South, Range 1 West of the Ute Meridian, also known as 1550 Crestview Way; and

WHEREAS, Gerald E. Westerbeck and Yvonne K. Westerbeck represent that they are the owners of the following described real property in the City of Grand Junction, Mesa County, Colorado, to wit:

Lot 8 of A Replat of Lots 5 through 14 of Crest View Subdivision in Section 1, Township 1 South, Range 1 West of the Ute Meridian, also known as 1528 Crestview Court; and

WHEREAS, the above named petitioners have petitioned the City Council of the City of Grand Junction for a Revocable Permit to allow the installation of a 6-foot privacy fence and landscape improvements in the following described public right-of-way for North 15th Street:

Parcel No. 1: Beginning at the Southwest corner of Lot 8 of A Replat of Lots 5 through 14 of Crest View Subdivision, thence S 87°33'00" W 6.0 feet, thence N 00°01'20" E 56.0 feet, thence N 47°56'11" E 8.1 feet, to the West line of said Lot 8, thence S 00°01'20" W, along the West line of said Lot 8, 61.17 feet to the

Point of Beginning;

Parcel No. 2: Beginning at a point on the West line of Lot 16-4 of Crest View Townhomes, A Replat of Lots 16 & 17 of Crest View Subdivision, from whence the Southwest corner of said Lot 16-4 bears S 00°01'20" W 24.81 feet, thence West 4.0 feet, thence N 00°01'20" E 176.0 feet, thence N 40°45'57" E 6.13 feet, thence S 00°01'20" W 180.64 feet to the Point of Beginning; 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:

City Clerk

President of the Council

REVOCABLE PERMIT

WHEREAS, Gerald F. Dorn and Norma C. Dorn represent that they are the owners of the following described real property in the City of Grand Junction, Mesa County, Colorado, to wit:

The West 63 feet of Lot 16-3 and the West 1.5 feet of Lot 16-5 and all of Lot 16-4 of Crest View Townhomes, A Replat of Lots 16 & 17 of Crest View Subdivision in Section 1, Township 1 South, Range 1 West of the Ute Meridian, EXCEPT Beginning at the Southeast corner of said Lot 16-4, thence N 89°58'40" W 9.0 feet, thence N 00°01'20" E 40 feet, thence S 89°58'40" E 3.5 feet, thence S 00°01'20" W 3.0 feet, thence S 89°58'40" E 5.5 feet, thence S 00°01'20" W 3.5 feet to the Point of Beginning, AND EXCEPT the North 3 feet of the West 63 feet of said Lot 16, also known as 1516 Crestview Way; and

WHEREAS, Edith R. Darnell represents that she is the owner of the following described real property in the City of Grand Junction, Mesa County, Colorado, to wit:

All of Lots 16-1 and 16-2 and the North 3 feet of Lot 16-3 of Crest View Townhomes, A Replat of Lots 16 & 17 of Crest View Subdivision in Section 1, Township 1 South, Range 1 West of the Ute Meridian, also known as 1550 Crestview Way; and

WHEREAS, Gerald E. Westerbeck and Yvonne K. Westerbeck represent that they are the owners of the following described real property in the City of Grand Junction, Mesa County, Colorado, to wit:

Lot 8 of A Replat of Lots 5 through 14 of Crest View Subdivision in Section 1, Township 1 South, Range 1 West of the Ute Meridian, also known as 1528 Crestview Court; and

WHEREAS, the above named petitioners have petitioned the City Council of the City of Grand Junction for a Revocable Permit to allow the installation of a 6-foot privacy fence and landscape improvements in the following described public right-of-way for North 15th Street:

Parcel No. 1: Beginning at the Southwest corner of Lot 8 of A Replat of Lots 5 through 14 of Crest View Subdivision, thence S 87°33'00" W 6.0 feet, thence N 00°01'20" E 56.0 feet, thence N 47°56'11" E 8.1 feet, to the West line of said Lot 8, thence S 00°01'20" W, along the West line of said Lot 8, 61.17 feet to the Point of Beginning;

Parcel No. 2: Beginning at a point on the West line of Lot 16-4 of Crest View

Townhomes, A Replat of Lots 16 & 17 of Crest View Subdivision, from whence the Southwest corner of said Lot 16-4 bears S 00°01'20" W 24.81 feet, thence West 4.0feet, thence N 00°01'20" E 176.0 feet, thence N 40°45'57" E 6.13 feet, thence S 00°01'20" W 180.64 feet to the Point of Beginning; 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 Gerald F. Dorn and Norma C. Dorn, Edith R. Darnell, and Gerald E. Westerbeck and Yvonne K. Westerbeck, 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 himself and for their heirs, successors and assigns, agree 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. Prior to installation of the proposed fences, the Petitioners shall obtain a Fence Permit in accordance with the regulations and requirements set forth in Section 5-1-5 of the Zoning and Development code of the City of Grand Junction.

3. This Revocable Permit shall be issued only upon the concurrent execution by the Petitioner 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.

4. 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

AGREEMENT

Gerald F. Dorn and Norma C. Dorn, Edith R. Darnell, and Gerald E. Westerbeck and Yvonne K. Westerbeck, for themselves and for his heirs, successors and assigns, do hereby agree to: Abide by each and every term and condition contained in the foregoing Permit: 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) day of revocation of said Permit, peaceably surrender said public 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.

DATED this ____ day of _____, 1993.

Gerald F. Dorn

Norma C. Dorn

Gerald E. Westerbeck

Yvonne K. Westerbeck

Edith R. Darnell

**STATE OF COLORADO)
)ss.
COUNTY OF MESA)**

The foregoing Agreement was acknowledged before me this ____ day of _____, 1993, by Gerald F. Dorn, Norma C. Dorn, Edith R. Darnell, Gerald E. Westerbeck, and Yvonne K. Westerbeck.

Witness my hand and official seal.

My Commission expires: _____

Notary Public