

RESOLUTION NO. 24-93

CONCERNING THE ISSUANCE OF A REVOCABLE PERMIT TO
RAY A. MEACHAM

WHEREAS, Ray A. Meacham represents that he is the owner of the real property described as Lots 11 through 22, inclusive, in Block 4 of the City of Grand Junction, except the North 10 feet of Lots 11 through 16 as described in Book 1440 at Page 239 in the office of the Mesa County Clerk and Recorder, also known as 865 North Avenue, and has petitioned the City Council of the City of Grand Junction for a Revocable Permit to allow the encroachment of an existing building situated in the following described public right-of-way for North Avenue, also known as U.S. Highway 6 & 24 By-Pass:

Beginning at the original Northeast Corner of said Lot 16; thence S 00°04'08" E along the East line of said Lot 16 a distance of 10 feet; thence West a distance of 120 feet; thence N 00°04'54" W a distance of 10 feet to the original North line of said Block 4; thence East along said line a distance of 120 feet to the Point of Beginning; and

WHEREAS, pursuant to C.R.S. 43-2-135, the City of Grand Junction has the authority to exercise full responsibility for and control over any such highway rights-of-ways located within the limits of the City of Grand Junction; and

WHEREAS, 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:

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 Petitioner 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 21st day of April, 1993.

Attest:

City Clerk

President of the Council

REVOCABLE PERMIT

WHEREAS, Ray A. Meacham represents that he is the owner of the real property described as Lots 11 through 22, inclusive, in Block 4 of the City of Grand Junction, except the North 10 feet of Lots 11 through 16 as described in Book 1440 at Page 239 in the office of the Mesa County Clerk and Recorder, also known as 865 North Avenue, and has petitioned the City Council of the City of Grand Junction for a Revocable Permit to allow the encroachment of an existing building situated in the following described public right-of-way for North Avenue, also known as U.S. Highway 6 & 24 By-Pass:

Beginning at the original Northeast Corner of said Lot 16; thence S 00°04'08" E along the East line of said Lot 16 a distance of 10 feet; thence West a distance of 120 feet; thence N 00°04'54" W a distance of 10 feet to the original North line of said Block 4; thence East along said line a distance of 120 feet to the Point of Beginning; and

WHEREAS, pursuant to C.R.S. 43-2-135, the City of Grand Junction has the authority to exercise full responsibility for and control over any such highway rights-of-ways located within the limits of the City of Grand Junction; 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 Ray A. Meacham 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, the State of Colorado, the County of Mesa and all other public utilities, hereby reserves and retains a perpetual right to utilize the aforescribed public right-of-way for the installation, operation, maintenance and repair of existing and future street improvements and utilities, including the right of ingress and egress on, along, over, under, through and across said right-of-way. The Petitioner, for himself and for his heirs and assigns, agrees that he will not hold, nor attempt to hold, the City of Grand Junction, State of Colorado, County of Mesa or any other public utility liable for damages caused to the improvements situated within said right-of-way, or any other property of the Petitioner or any other party, as a result of the Petitioner's occupancy and use of said right-of-way or the operation, maintenance and repair of street improvements and utilities by the City of Grand Junction, State of Colorado, County of Mesa or any other public utility.

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2. This Revocable Permit shall be issued only upon the concurrent execution by the Petitioner of an agreement that the Petitioner will save and hold the City of Grand Junction, 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 Petitioner will, within one hundred and eighty (180) days of notice of revocation, peaceably surrender said right-of-way and, at his own expense, remove any encroachment so as to make the right-of-way available for use by the City of Grand Junction, State of Colorado, County of Mesa or any other public utility.

3. The Petitioner, for himself and for his heirs and assigns, agrees that he shall be solely responsible for maintaining and repairing the condition of the existing building and all other future improvements installed by the Petitioner.

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:

Ray A. Meacham

AGREEMENT

Ray A. Meacham, for himself and for his heirs and assigns, does hereby agree to: Abide by each and every term and condition contained in the foregoing Revocable 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 one hundred and eighty days (180) days of revocation of said Permit, peaceably surrender said public right-of-way to the City and, at his own expense, remove any encroachment so as to make the right-of-way available for use by the City of Grand Junction, State of Colorado, County of Mesa or any other public utility.

Dated this _____ day of _____, 1993.

Ray A. Meacham

STATE OF COLORADO)
)ss.
COUNTY OF MESA)

The foregoing Agreement was acknowledged before me this _____ day of _____, 1993, by Ray A. Meacham.

Witness my hand and official seal.

My commission expires: _____

Notary Public