

RESOLUTION NO. 32-93

CONCERNING THE ISSUANCE OF A REVOCABLE PERMIT TO
KIM CUNNINGHAM, 1716 ROUBIDEAU STREET

WHEREAS, Kim Cunningham represents that he is the owner of the real property described as Lots 1 through 4, Block 15 of Orchard Mesa Heights Subdivision, also known as 1716 Roubideau Street, and has petitioned the City Council of the City of Grand Junction for a Revocable Permit to allow the installation of a fence and landscape improvements in the following described public right-of-way for Roubideau Street:

Beginning at the Southeast corner of Lot 1 of Block 15, Orchard Mesa Heights Subdivision; thence South a distance of 25.0 feet; thence West a distance of 105.0 feet; thence North a distance of 25.0 feet to the Southwest corner of Lot 4 of Block 15, Orchard Mesa Heights Subdivision; thence East a distance of 105.0 feet to the Point of Beginning; 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 2nd day of June, 1993.

Attest:

City Clerk

President of the Council

REVOCABLE PERMIT

WHEREAS, Kim Cunningham represents that he is the owner of the real property described as Lots 1 through 4, Block 15 of Orchard Mesa Heights Subdivision, also known as 1716 Roubideau Street, and has petitioned the City Council of the City of Grand Junction for a Revocable Permit to allow the installation of a fence and landscape improvements in the following described public right-of-way for Roubideau Street:

Beginning at the Southeast corner of Lot 1 of Block 15, Orchard Mesa Heights Subdivision; thence South a distance of 25.0 feet; thence West a distance of 105.0 feet; thence North a distance of 25.0 feet to the Southwest corner of Lot 4 of Block 15, Orchard Mesa Heights Subdivision; thence East a distance of 105.0 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 Kim Cunningham 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 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, its officers, employees and agents 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 or any other public utility.

2. Prior to the installation of any fence(s) within said right-of-way, the Petitioner 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 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 thirty (30) 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 or any other public utility.

4. The Petitioner, for himself and for his heirs and assigns, agrees that he shall be solely

responsible for maintaining and repairing the condition of said right-of-way and all other future improvements installed by the Petitioner.

5. 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:

Kim Cunningham

AGREEMENT

Kim Cunningham, 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 thirty days (30) 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 or any other public utility.

Dated this _____ day of _____, 1993.

Kim Cunningham

STATE OF COLORADO)
)ss.
COUNTY OF MESA)

The foregoing Agreement was acknowledged before me this _____ day of _____, 1993, by Kim Cunningham.

Witness my hand and official seal.

My commission expires: _____

Notary Public