

RESOLUTION NO. 88-93

CONCERNING THE ISSUANCE OF A REVOCABLE PERMIT TO
ROBERT J. ARCIERI AND DEBORAH A. ARCIERI

WHEREAS, Robert J. Arcieri and Deborah A. Arcieri, represent that they are the owners of the real property located at 1525 North 1st Street in Grand Junction and have petitioned the City Council of the City of Grand Junction for a Revocable Permit to allow the installation of a monument sign and landscape improvements in the following described public right-of-way for North 1st Street:

Commencing at the Mesa County Brass Cap for the Southeast Corner of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 10, Township 1 South, Range 1 West of the Ute Meridian, and considering the East line of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 10 to bear N 01°39'48" E with all bearings contained herein being relative thereto; thence N 01°39'48" E along the East line of said NE $\frac{1}{4}$ SE $\frac{1}{4}$ a distance of 248.75 feet; thence N 88°02'16" W a distance of 40.0 feet to the West right-of-way for North 1st Street and the Point of Beginning; thence N 01°39'48" E along said West right-of-way a distance of 79.93 feet to the North line of the S $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 10; thence S 87°58'25" E along said North line a distance of 10.0 feet; thence S 01°39'48" W a distance of 79.92 feet; thence N 88°02'16" W a distance of 10.0 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 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 1st day of December, 1993.

Attest:

/s/ Stephanie Nye
City Clerk

/s/ R.T. Mantlo

President of the Council Pro Tem

REVOCABLE PERMIT

WHEREAS, Robert J. Arcieri and Deborah A. Arcieri, represent that they are the owners of the real property located at 1525 North 1st Street in Grand Junction and have petitioned the City Council of the City of Grand Junction for a Revocable Permit to allow the installation of a monument sign and landscape improvements in the following described public right-of-way for North 1st Street:

Commencing at the Mesa County Brass Cap for the Southeast Corner of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 10, Township 1 South, Range 1 West of the Ute Meridian, and considering the East line of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 10 to bear N 01°39'48" E with all bearings contained herein being relative thereto; thence N 01°39'48" E along the East line of said NE $\frac{1}{4}$ SE $\frac{1}{4}$ a distance of 248.75 feet; thence N 88°02'16" W a distance of 40.0 feet to the West right-of-way for North 1st Street and the Point of Beginning; thence N 01°39'48" E along said West right-of-way a distance of 79.93 feet to the North line of the S $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 10; thence S 87°58'25" E along said North line a distance of 10.0 feet; thence S 01°39'48" W a distance of 79.92 feet; thence N 88°02'16" W a distance of 10.0 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 Robert J. Arcieri and Deborah A. Arcieri, 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 Petitioners, for themselves and for their heirs and assigns, agrees that they 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 Petitioners or any other party, as a result of the Petitioners' 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 monument sign within said right-of-way, the Petitioners shall obtain a Sign Permit in accordance with the regulations and requirements set forth in 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 Petitioners of an agreement that the Petitioners 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 Petitioners 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 Petitioners, for themselves and for their heirs and assigns, agrees that they shall be solely responsible for maintaining and repairing the condition of said right-of-way and all other future improvements installed by the Petitioners.

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

Dated this _____ day of _____, 1993.

Attest:

/s/ Stephanie Nye
City Clerk

/s/ Mark K. Achen
City Manager

Acceptance:

Robert J. Arcieri

Deborah A. Arcieri

AGREEMENT

Robert J. Arcieri and Deborah A. Arcieri, for themselves and for their heirs and assigns, do 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 their 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.

Robert J. Arcieri

Deborah A. Arcieri

STATE OF COLORADO)
)ss.
COUNTY OF MESA)

The foregoing Agreement was acknowledged before me this _____ day of _____, 1993, by Robert J. Arcieri and Deborah A. Arcieri.

Witness my hand and official seal.

My commission expires: _____

Notary Public