

RESOLUTION NO. 110-94

CONCERNING THE ISSUANCE OF A REVOCABLE PERMIT TO
SIDNEY GOTTLIEB

WHEREAS, Sidney Gottlieb represents that he is the owner of the real property described as Lot 17 in Block 9 of The Ridges, Filing No. Six, located in the Southeast Quarter (SE¼) of Section 17, Township 1 South, Range 1 West of the Ute Meridian, City of Grand Junction, County of Mesa, State of Colorado, as recorded in Plat Book 12 at Page 385 in the office of the Mesa County Clerk and Recorder, and has petitioned the City Council of the City of Grand Junction for a Revocable Permit to allow the installation of an underground storm drainage facility in the following described District Open Space situated in said Ridges, Filing No Six:

Beginning at a point on the Easterly boundary of Lot 17 in Block 9 of The Ridges, Filing No. Six, from whence the Northeasterly Corner of said Lot 17 bears N 09°44'00" E a distance of 69.16 feet; thence N 67°43'35" E a distance of 145.20 feet; thence S 79°59'21" E a distance of 108.55 feet; thence S 17°32'38" E a distance of 92.71 feet; thence S 76°05'09" E a distance of 32.27 feet to a point on the Westerly right-of-way line for Ridges Boulevard; thence S 37°00'00" W along the Westerly right-of-way for Ridges Boulevard a distance of 21.74 feet; thence leaving said right-of-way, N 76°05'09" W a distance of 34.96 feet; thence N 17°32'38" W a distance of 91.80 feet; thence N 79°59'21" W a distance of 90.64 feet; thence S 67°43'35" W a distance of 151.91 feet to a point on the Easterly boundary of said Lot 17; thence N 09°44'00" E along the Easterly boundary of said Lot 17 a distance of 23.59 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 District Open Space aforescribed, subject to each and every term and condition contained in the attached Revocable Permit.

PASSED and ADOPTED this 16th day of November, 1994.

Attest:

/s/ Stephanie Nye
City Clerk

/s/ R.T. Mantlo
President of the Council

REVOCABLE PERMIT

WHEREAS, Sidney Gottlieb represents that he is the owner of the real property described as Lot 17 in Block 9 of The Ridges, Filing No. Six, located in the Southeast Quarter (SE¼) of Section 17, Township 1 South, Range 1 West of the Ute Meridian, City of Grand Junction, County of Mesa, State of Colorado, as recorded in Plat Book 12 at Page 385 in the office of the Mesa County Clerk and Recorder, and has petitioned the City Council of the City of Grand Junction for a Revocable Permit to allow the installation of an underground storm drainage facility in the following described District Open Space situated in said Ridges, Filing No Six:

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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 Sidney Gottlieb a Revocable Permit for the purpose aforescribed and within the District Open Space 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 District Open Space for any purpose which the City deems to be prudent and necessary, including, but not limited to, the installation, operation, maintenance and repair of utilities, including the right of ingress and egress for workers and equipment on, along, over, under, through and across said District Open Space. The City further reserves and retains the right to revoke this Permit at any time and for any reason.

2. The Petitioner, for himself and for his successors 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 Petitioner's underground storm drainage facility or any other property of the Petitioner or any other party, as a result of the Petitioner's occupancy and use of said District Open Space or the use of said District Open Space by the City or any other public utility.

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 District Open Space and, at his own expense, remove any encroachment so as to make the District Open Space available for use by the City of Grand Junction or any other public utility.

4. The Petitioner, for himself and for his successors and assigns, agrees that he shall be solely responsible for maintaining and repairing the condition of said underground storm drainage facility and the aforescribed District Open Space.

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 _____, 1994.

Attest:

City Clerk

City Manager

Acceptance:

Sidney Gottlieb

AGREEMENT

Sidney Gottlieb, for himself and for his heirs, successors 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 (30) days of revocation of said Permit, peaceably surrender said District Open Space to the City and, at his own expense, remove any encroachment so as to make the District Open Space available for use by the City of Grand Junction or any other public utility.

Dated this _____ day of _____, 1994.

Attest:

Sidney Gottlieb

STATE OF)
)ss.
COUNTY OF)

The foregoing Agreement was acknowledged before me this _____ day of _____, 1994, by Sidney Gottlieb.

Witness my hand and official seal.

My commission expires: _____

Notary Public