

RESOLUTION NO. 12-94

CONCERNING THE ISSUANCE OF A REVOCABLE PERMIT TO  
RANDOLPH EUGENE ADMIRE AND KAROLYN DIANN ADMIRE

WHEREAS, Randolph Eugene Admire and Karolyn Diann Admire represent that they are the owners of the real property located at 826 26½ Road 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 sanitary sewer service line in the following described public right-of-way for North 26½ Road:

Commencing at a point which is common to the East Right-of-Way for North 26½ Road and the Northwest Corner of Lot 4 in Block 10 of Paradise Hills Filing No. 2 as recorded in Plat Book 10 at Page 62 in the office of the Mesa County Clerk and Recorder; thence S 00°07'50" W along the West line of said Lot 4 a distance of 3.0 feet to the True Point of Beginning; thence Northwesterly to a point which is 24.5 feet west of the East Right-of-Way for North 26½ Road; thence North a distance of 174.0 feet to the Point of Terminus; 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 19th day of January, 1994.

Attest:

/s/ Stephanie Nye  
City Clerk

/s/ Reford C. Theobald  
President of the Council

## REVOCABLE PERMIT

WHEREAS, Randolph Eugene Admire and Karolyn Diann Admire represent that they are the owners of the real property located at 826 26½ Road 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 sanitary sewer service line in the following described public right-of-way for North 26½ Road:

Commencing at a point which is common to the East Right-of-Way for North 26½ Road and the Northwest Corner of Lot 4 in Block 10 of Paradise Hills Filing No. 2 as recorded in Plat Book 10 at Page 62 in the office of the Mesa County Clerk and Recorder; thence S 00°07'50" W along the West line of said Lot 4 a distance of 3.0 feet to the True Point of Beginning; thence Northwesterly to a point which is 24.5 feet west of the East Right-of-Way for North 26½ Road; thence North a distance of 174.0 feet to the Point of Terminus; 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 RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO:

There is hereby granted to Randolph Eugene Admire and Karolyn Diann Admire 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, representatives and assigns, agree 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 sanitary sewer service line situated within said right-of-way, or any other property of the Petitioners 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. 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, with respect to 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 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 and to substantially restore the condition of the right-of-way to same condition as that which existed prior to

the entrance and use of said right-of-way by the Petitioners.

3. The Petitioners, for themselves and for their heirs, representatives and assigns, agree that they will properly maintain the sanitary sewer service line and shall at all times keep the same in good repair; further, the Petitioners agree that, in the event said sanitary sewer service line shall become damaged, for whatever cause or reason, that they shall, at their sole cost and expense, diligently pursue to completion the full repair and restoration of said sanitary sewer service line and right-of-way.

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 \_\_\_\_\_, 1994.

Attest:

/s/ Stephanie Nye  
City Clerk

/s/ Mark K. Achen  
City Manager

Acceptance:

\_\_\_\_\_  
Randolph Eugene Admire

\_\_\_\_\_  
Karolyn Diann Admire

AGREEMENT

Randolph Eugene Admire and Karolyn Diann Admire, for themselves and for their heirs, representatives 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 as provided in said Permit 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 \_\_\_\_\_, 1994.

\_\_\_\_\_  
Randolph Eugene Admire

\_\_\_\_\_  
Karolyn Diann Admire

STATE OF COLORADO    )  
                                  )ss.  
COUNTY OF MESA    )

The foregoing Agreement was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 1994, by Randolph Eugene Admire and Karolyn Diann Admire.

Witness my hand and official seal.

My commission expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public