

RESOLUTION NO. 26-94

CONCERNING THE ISSUANCE OF A REVOCABLE PERMIT TO  
THOMAS M. MINGUS AND JOANNE MINGUS

WHEREAS, Thomas M. Mingus and Joanne Mingus, as joint tenants, represent that they are the owners of the real property located at the Northwest Corner of 29 Road and North Avenue which is described as Lots 1, 2, 3 and 4 in Roscoe R. Griffin Subdivision as recorded in Plat Book 7 at Page & in the office of the Mesa County Clerk and Recorder, Except the South 20 feet and Except the East 20 feet thereof for Roadway and Utilities Right-of-Way purposes, also known as at 2896 North Avenue, and have petitioned the City Council of the City of Grand Junction for a Revocable Permit to allow the installation of a sign and landscape improvements in the following described public right-of-way for 29 Road:

Beginning at the intersection of the North right-of-way for North Avenue and the West right-of-way for 29 Road from whence the Southeast Corner of Section 7, Township 1 South, Range 1 East of the Ute Meridian, City of Grand Junction, County of Mesa, State of Colorado, bears S 89°51' E a distance of 50.0 feet and S 00°06' E a distance of 50.0 feet; thence N 00°06' W a distance of 179.25 feet to the North line of Lot 4 in Roscoe R. Griffin Subdivision; thence S 89°51' E a distance of 20.0 feet to the Original Northeast Corner of said Lot 4; thence S 00°06' E along the Original East line of said Subdivision a distance 179.25 feet; thence N 89°51' W a distance of 20.0 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 purposes 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 6th day of April, 1994.

Attest:

/s/ Stephanie Nye  
City Clerk

/s/ Reford C. Theobald  
President of the Council

## REVOCABLE PERMIT

WHEREAS, Thomas M. Mingus and Joanne Mingus, as joint tenants, represent that they are the owners of the real property located at the Northwest Corner of 29 Road and North Avenue which is described as Lots 1, 2, 3 and 4 in Roscoe R. Griffin Subdivision as recorded in Plat Book 7 at Page & in the office of the Mesa County Clerk and Recorder, Except the South 20 feet and Except the East 20 feet thereof for Roadway and Utilities Right-of-Way purposes, also known as at 2896 North Avenue, and have petitioned the City Council of the City of Grand Junction for a Revocable Permit to allow the installation of a sign and landscape improvements in the following described public right-of-way for 29 Road:

Beginning at the intersection of the North right-of-way for North Avenue and the West right-of-way for 29 Road from whence the Southeast Corner of Section 7, Township 1 South, Range 1 East of the Ute Meridian, City of Grand Junction, County of Mesa, State of Colorado, bears S 89°51' E a distance of 50.0 feet and S 00°06' E a distance of 50.0 feet; thence N 00°06' W a distance of 179.25 feet to the North line of Lot 4 in Roscoe R. Griffin Subdivision; thence S 89°51' E a distance of 20.0 feet to the Original Northeast Corner of said Lot 4; thence S 00°06' E along the Original East line of said Subdivision a distance 179.25 feet; thence N 89°51' W a distance of 20.0 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 Thomas M. Mingus and Joanne Mingus a Revocable Permit for the purposes 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 City further reserves and retains the right to revoke this Permit at any time and for any reason.

2. The Petitioners, for themselves and for their heirs, successors 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 improvements 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 installation, operation, maintenance and repair of street improvements and utilities by the City of Grand Junction or any other public utility.

3. Prior to the installation of the sign, 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.

4. 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 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.

5. The Petitioners, for themselves and for their heirs, successors and assigns, agree that they shall be solely responsible for maintaining and repairing the condition of said right-of-way and all improvements installed by the Petitioners.

6. 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 6th day of April, 1994.

Attest:

/s/ Stephanie Nye  
City Clerk

/s/ Mark K. Achen  
City Manager

Acceptance:

\_\_\_\_\_  
Thomas G. Mingus

\_\_\_\_\_  
Joanne Mingus

AGREEMENT

Thomas G. Mingus and Joanne Mingus, for themselves and for their heirs, successors 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 (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 \_\_\_\_\_, 1994.

\_\_\_\_\_  
Thomas G. Mingus

\_\_\_\_\_  
Joanne Mingus

STATE OF COLORADO    )  
                                  )ss.  
COUNTY OF MESA    )

The foregoing Agreement was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 1994, by Thomas G. Mingus and Joanne Mingus.

Witness my hand and official seal.  
My commission expires: \_\_\_\_\_

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