

RESOLUTION NO. 51-94

CONCERNING THE ISSUANCE OF A REVOCABLE PERMIT
TO WILLIAM S. DAWSON

WHEREAS, William S. Dawson represents that he is the owner of the real property situated at 596 25 Road in the City of Grand Junction and has petitioned the City Council of the City of Grand Junction for a Revocable Permit to allow the installation of landscape improvements in the following described public right-of-way for Patterson Road and 25 Road:

Parcel No. 1: Commencing at the Northwest Corner of Section 10, Township 1 South, Range 1 West of the Ute Meridian, City of Grand Junction, County of Mesa, State of Colorado, and considering the North line of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 10 to bear S 89°53'40" E with all bearings contained herein being relative thereto; thence S 89°53'40" E along the North line of said NW $\frac{1}{4}$ NW $\frac{1}{4}$ a distance of 50.0 feet; thence South a distance of 50.0 feet to the intersection of the East right-of-way line for 25 Road and the South right-of-way line for Patterson Road, said point being the True Point of Beginning; thence S 89°53'40" E along the South right-of-way line of Patterson Road a distance of 100.20 feet to the Westerly line of an existing driveway; thence along the Westerly line of said existing driveway the following two (2) courses and distances: 1) N 03°17'15" E a distance of 17.45 feet; 2) N 26°33'42" W a distance of 11.18 feet to the back of the curb for Patterson Road; thence along the back of the curb for Patterson Road the following two (2) courses and distances: 1) N 89°53'40" W a distance of 83.65 feet; 2) 44.03 feet along the arc of a curve to the left having a radius of 28.0 feet, a central angle of 90°06'10", and a long chord which bears S 45°03'15" W a distance of 39.63 feet; thence N 87°44'47" E a distance of 15.51 feet to the True Point of Beginning.

Parcel No. 2: Commencing at the Northwest Corner of Section 10, Township 1 South, Range 1 West of the Ute Meridian, City of Grand Junction, County of Mesa, State of Colorado, and considering the North line of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 10 to bear S 89°53'40" E with all bearings contained herein being relative thereto; thence S 89°53'40" E along the North line of said NW $\frac{1}{4}$ NW $\frac{1}{4}$ a distance of 180.0 feet; thence South a distance of 50.0 feet to a point on the South right-of-way line for Patterson Road and the True Point of Beginning; thence S 89°53'40" E along the South right-of-way line for Patterson Road a distance of 45.0 feet; thence North a distance of 27.5 feet to the back of the curb for Patterson Road; thence N 89°53'40" W along the back of the curb for Patterson Road a distance of 38.76 feet to the Easterly line of an existing driveway; thence along the Easterly line of said existing driveway the following two (2) courses and distances: 1) S 26°33'42" W a distance of 11.18 feet; S 04°03'29" W a distance of 17.53 feet to the True 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 rights-of-ways aforescribed, subject to each and every term and condition contained in the attached Revocable Permit.

PASSED and ADOPTED this 15th day of June, 1994.

R.T. Mantlo
President of the Council

ATTEST:

/s/ Stephanie Nye
City Clerk

REVOCABLE PERMIT

WHEREAS, William S. Dawson represents that he is the owner of the real property situated at 596 25 Road in the City of Grand Junction and has petitioned the City Council of the City of Grand Junction for a Revocable Permit to allow the installation of landscape improvements in the following described public right-of-way for Patterson Road and 25 Road:

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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 William S. Dawson a Revocable Permit for the purpose

aforescribed and within the public rights-of-ways 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 rights-of-ways for the installation, operation, maintenance and repair of future street improvements and utilities, including the right of ingress and egress on, along, over, under, through and across said public rights-of-ways. 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 heirs, 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 improvements situated within said rights-of-ways, or any other property of the Petitioner or any other party, as a result of the Petitioner's occupancy and use of said rights-of-ways or the installation, operation, maintenance and repair of street improvements and utilities by the City of Grand Junction 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 the Permit by the City, the Petitioner will, within thirty (30) days notice of revocation, peaceably surrender said rights-of-ways and, at his own expense, remove any encroachment so as to make said rights-of-ways available for use by the City of Grand Junction or any other public utility.

4. The Petitioner, for himself and for his heirs, successors and assigns, agrees that he shall be solely responsible for maintaining and repairing the condition of said rights-of-ways and all improvements installed thereon 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 _____, 1994.

City Clerk

City Manager

Acceptance:

William S. Dawson

AGREEMENT

William S. Dawson, 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 notice of revocation of said Permit, peaceably surrender said rights-of-ways to the City and, at his own expense, remove any encroachment so as to make said rights-of-ways available for use by the City of Grand Junction or any other public utility.

Dated this _____ day of _____, 1994.

William S. Dawson

STATE OF COLORADO)
)ss.
COUNTY OF MESA)

The foregoing Agreement was acknowledged before me this _____ day of _____, 1994, by William S. Dawson.

Witness my hand and official seal.
My commission expires: _____

Notary Public