

RESOLUTION NO. 6-95

CONCERNING THE ISSUANCE OF A REVOCABLE PERMIT TO  
HELEN A. BOWLING

WHEREAS, Helen A. Bowling represents that she is the owner of the real property located at 2980 F Road in Grand Junction and has petitioned the City Council of the City of Grand Junction for a Revocable Permit to allow the installation of an underground sanitary sewer service line across the following described portion of the City owned property which is commonly known as Burkey Park North:

Commencing at the Southwest Corner of the SE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 5, Township 1 South, Range 1 East of the Ute Meridian, County of Mesa, State of Colorado; thence East along the South line of the SE $\frac{1}{4}$  SE $\frac{1}{4}$  of said Section 5 a distance of 291.20 feet; thence N 00°08'00" E a distance of 105.85 feet to the Point of Beginning; thence N 00°08'00" W a distance of 10.29 feet; thence S 76°32'12" E a distance of 284.09 feet to a point on the North right-of-way for F Road; thence West along the North right-of-way line for F Road a distance of 42.96 feet; thence leaving said right-of-way line, N 76°32'12" W a distance of 239.89 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 City property aforescribed, subject to each and every term and condition contained in the attached Revocable Permit.

PASSED and ADOPTED this 4th day of January, 1995.

Attest:

/s/ Stephanie Nye  
City Clerk

/s/ Reford C. Theobald  
President of the Council Pro Tem

## REVOCABLE PERMIT

WHEREAS, Helen A. Bowling represents that she is the owner of the real property located at 2980 F Road in Grand Junction and has petitioned the City Council of the City of Grand Junction for a Revocable Permit to allow the installation of an underground sanitary sewer service line across the following described portion of the City owned property which is commonly known as Burkey Park North:

Commencing at the Southwest Corner of the SE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 5, Township 1 South, Range 1 East of the Ute Meridian, County of Mesa, State of Colorado; thence East along the South line of the SE $\frac{1}{4}$  SE $\frac{1}{4}$  of said Section 5 a distance of 291.20 feet; thence N 00°08'00" E a distance of 105.85 feet to the Point of Beginning; thence N 00°08'00" W a distance of 10.29 feet; thence S 76°32'12" E a distance of 284.09 feet to a point on the North right-of-way for F Road; thence West along the North right-of-way line for F Road a distance of 42.96 feet; thence leaving said right-of-way line, N 76°32'12" W a distance of 239.89 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 Helen A. Bowling a Revocable Permit for the purpose aforescribed and within the City property 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 City property 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 City property. The City further reserves and retains the right to revoke this Permit at any time and for any reason.
2. The Petitioner, for herself and for her heirs, successors and assigns, agrees that she 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 sanitary sewer service line or any other property of the Petitioner or any other party, as a result of the Petitioner's occupancy and use of said City property or the use of said City property 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 City property and, at her own expense, remove any encroachment so as to make the City property available for use by the City of Grand Junction or any other public utility.

4. The Petitioner, for herself and for her heirs, successors and assigns, agrees that she shall be solely responsible for maintaining and repairing the condition of said underground sanitary sewer service line and the aforescribed City property.

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 \_\_\_\_\_, 1995.

Attest:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
City Manager

Acceptance:

\_\_\_\_\_  
Helen A. Bowling

AGREEMENT

Helen A. Bowling, for herself and for her 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 City property to the City and, at her own expense, remove any encroachment so as to make the City property available for use by the City of Grand Junction or any other public utility.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 1995.

\_\_\_\_\_  
Helen A. Bowling

STATE OF COLORADO    )  
                                  )ss.  
COUNTY OF MESA    )

The foregoing Agreement was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 1994, by Helen A. Bowling.

Witness my hand and official seal.

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

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