

RESOLUTION NO. 11-97

CONCERNING THE ISSUANCE OF A REVOCABLE PERMIT TO  
DARIN J. CAREI

Recitals

1. Darin J. Carei, hereinafter referred to as "the Petitioner", represent that he is the owner of the following described real property, to wit:

Lots 13, 14, 15, 16, 17 and 18 in Block 10 of the Original Plat of the City of Grand Junction, situate in the Northwest 1/4 of Section 14, Township 1 South, Range 1 West of the Ute Meridian in the City of Grand Junction, County of Mesa, State of Colorado, except the North 10.0 feet of Lots 13, 14, 15 and 16 of said Block 10, also known as 261 North Avenue in the City of Grand Junction,

and have requested that the City Council of the City of Grand Junction issue a Revocable Permit to allow the Petitioner to utilize the following described public right-of-way for North Third Street, located adjacent to the East of the above described property, for parking purposes, to wit:

Parcel No.1: Commencing at the City of Grand Junction Survey Monument at the intersection of North Third Street and North Avenue, whence the City of Grand Junction Survey Monument at the intersection of North Third Street and Belford Avenue bears S 00°00'00" W a distance of 351.61 feet, with all bearings contained herein being relative thereto; thence N 89°49'57" W along the north line of the NW 1/4 of said Section 14 a distance of 20.00 feet to a point; thence S 00°00'00" W a distance of 40.00 feet to the northeast corner of Lot 16, Block 10 of the Original Plat of the City of Grand Junction; thence S 00°00'00" W along the east line of said Lot 16 a distance of 12.03 feet to a point on an existing chain fence and True Point of Beginning; thence along said existing chain fence, S 44°35'08" E a distance of 17.96 feet; thence continuing along said chain fence, S 00°09'24" E a distance of 120.70; thence leaving said fence, S 88°25'44" W a distance of 12.94 feet to the southeast corner of said Lot 16; thence N 00°00'00" E along the east line of said Lot 16 a distance of 133.85 feet to the Point of Beginning, and

Parcel No. 2: Commencing at the City of Grand Junction Survey Monument at the intersection of North Third Street and Belford Avenue, whence the City of Grand Junction Survey Monument at the intersection of North Third Street and North Avenue bears N 00°00'00" E a distance of 351.61 feet, with all bearings contained herein being relative thereto; thence N 89°54'36" W along the centerline of said Belford Avenue a distance of 20.00 feet to a point; thence N 00°00'00" E a distance of 20.00 feet to the southeast corner of Lot 17, Block 10 of the Original Plat of the City of Grand Junction; thence N 00°00'00" E along the east line of said Lot 17 a distance of 0.93 feet to a point on an existing chain fence and True Point of Beginning of the parcel described herein; thence N 00°00'00" E along the east line of said Lot 17, a distance of 122.04 feet to a point; thence leaving said east line, N 90°00'00" E a distance of 12.85 feet to a point on said chain

fence; thence along said existing chain fence, S 00°00'37" W a distance of 112.07 feet; thence continuing along said chain fence, S 52°09'19" W a distance of 16.25 to the Point of Beginning.

2. Based on the foregoing, 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 issue the attached Revocable Permit to Darin J. Carei, 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 5th day of February, 1997.

Attest:

/s/ Linda Afman  
President of the City Council

/s/ Stephanie Nye  
City Clerk

## REVOCABLE PERMIT

### Recitals

1. Darin J. Carei, hereinafter referred to as "the Petitioner", represents that he is the owner of the following described real property, to wit:

Lots 13, 14, 15, 16, 17 and 18 in Block 10 of the Original Plat of the City of Grand Junction, situate in the Northwest 1/4 of Section 14, Township 1 South, Range 1 West of the Ute Meridian in the City of Grand Junction, County of Mesa, State of Colorado, except the North 10.0 feet of Lots 13, 14, 15 and 16 of said Block 10, also known as 261 North Avenue in the City of Grand Junction,

and have requested that the City Council of the City of Grand Junction issue a Revocable Permit to allow the Petitioner to utilize the following described public right-of-way for North Third Street, located adjacent to the East of the above described property, for parking purposes, to wit:

Parcel No.1: Commencing at the City of Grand Junction Survey Monument at the intersection of North Third Street and North Avenue, whence the City of Grand Junction Survey Monument at the intersection of North Third Street and Belford Avenue bears S 00°00'00" W a distance of 351.61 feet, with all bearings contained herein being relative thereto; thence N 89°49'57" W along the north line of the NW 1/4 of said Section 14 a distance of 20.00 feet to a point; thence S 00°00'00" W a distance of 40.00 feet to the northeast corner of Lot 16, Block 10 of the Original Plat of the City of Grand Junction; thence S 00°00'00" W along the east line of said Lot 16 a distance of 12.03 feet to a point on an existing chain fence and True Point of Beginning; thence along said existing chain fence, S 44°35'08" E a distance of 17.96 feet; thence continuing along said chain fence, S 00°09'24" E a distance of 120.70; thence leaving said fence, S 88°25'44" W a distance of 12.94 feet to the southeast corner of said Lot 16; thence N 00°00'00" E along the east line of said Lot 16 a distance of 133.85 feet to the Point of Beginning, and

Parcel No. 2: Commencing at the City of Grand Junction Survey Monument at the intersection of North Third Street and Belford Avenue, whence the City of Grand Junction Survey Monument at the intersection of North Third Street and North Avenue bears N 00°00'00" E a distance of 351.61 feet, with all bearings contained herein being relative thereto; thence N 89°54'36" W along the centerline of said Belford Avenue a distance of 20.00 feet to a point; thence N 00°00'00" E a distance of 20.00 feet to the southeast corner of Lot 17, Block 10 of the Original Plat of the City of Grand Junction; thence N 00°00'00" E along the east line of said Lot 17 a distance of 0.93 feet to a point on an existing chain fence and True Point of Beginning of the parcel described herein; thence N 00°00'00" E along the east line of said Lot 17, a distance of 122.04 feet to a point; thence leaving said east line, N 90°00'00" E a distance of 12.85 feet to a point on said chain fence; thence along said existing chain fence, S 00°00'37" W a distance of 112.07 feet; thence continuing along said chain fence, S 52°09'19" W a distance of 16.25 to the Point of Beginning.

2. Based on the representations of the Petitioner, 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 issued to the above-named Petitioner 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, the State of Colorado, the County of Mesa and all other public utilities, hereby reserves and retains a perpetual right to utilize all of the aforescribed public right-of-way for any City or public utility purposes, including, but not limited to, 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.

2. The Petitioner, for himself and for his heirs, successors and assigns, agree that they shall not hold, nor attempt to hold, the City of Grand Junction, its officers, employees and agents, the State of Colorado, the County of Mesa or any public utility liable for damages caused to the improvements situated within said public right-of-way (including the removal thereof), or any other property of the Petitioner or any other party, as a result of the Petitioner's occupancy, possession or use of said public right-of-way or as a result of any City activity or use thereof or as a result of the installation, operation, maintenance or repair of public improvements, including, but not limited to, street improvements and utilities.

3. This Revocable Permit shall be issued only upon the concurrent execution by the Petitioner of an agreement that the Petitioner, and the Petitioner's heirs, successors and assigns, shall 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, or in any way related to, the encroachment or use permitted, and that upon revocation of this Permit by the City the Petitioner shall, at the sole expense and cost of the Petitioner, within thirty (30) days of notice of revocation (which may occur by mailing a first class letter to the last known address), peaceably surrender said public right-of-way and, at his own expense, remove any encroachment so as to make the public right-of-way available for use by the City of Grand Junction, the State of Colorado, the County of Mesa or any other public utility. The provisions concerning holding harmless and indemnity shall survive the expiration, termination or other ending of this Permit.

4. The Petitioner, for himself and for his heirs, successors and assigns, agree that they shall be solely responsible for maintaining and repairing the condition of the existing and all other future improvements installed by the Petitioner.

5. This Revocable Permit, the related Resolution and the following Agreement shall be recorded by the Petitioner, at the Petitioner's expense, in the office of the Mesa County Clerk and Recorder.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 1997.

Attest:

The City of Grand Junction, a  
Colorado home rule municipality

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

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

Acceptance:

\_\_\_\_\_  
Darin J. Carei

AGREEMENT

Darin J. Carei, for himself and for his heirs, successors and assigns, do hereby agree to: Abide by each and every term and condition contained in the foregoing Revocable Permit; As set forth, 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 of Grand Junction and, at his own expense, remove any encroachment so as to make the public right-of-way fully available for use by the City of Grand Junction, the State of Colorado, the County of Mesa, or any public utility.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 1997.

\_\_\_\_\_  
Darin J. Carei

State of Colorado     )  
                                  )ss.  
County of Mesa        )

The foregoing Agreement was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 1997, by Darin J. Carei.

Witness my hand and official seal.

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

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