

RESOLUTION NO. 22-97

CONCERNING THE ISSUANCE OF A REVOCABLE PERMIT TO
TRENTON C. PRALL AND MICHELLE L. PRALL

Recitals

1. Trenton C. Prall and Michelle L. Prall, hereinafter referred to as "the Petitioners", represent that they are the owners of that certain real property located at 420 Rio Vista Road in the County of Mesa, State of Colorado, described as follows:

Parcel No. 1: Beginning at the Northeast Corner of the SE1/4 SW1/4 of Section 17, Township 1 South, Range 1 West of the Ute Meridian in the County of Mesa, State of Colorado, thence South 548 feet, thence East 300 feet, thence North 350 feet, thence West 275 feet, thence North 198 feet, thence West 25 feet to the Point of Beginning, and

Parcel No. 2: Beginning at the Northeast Corner of the SE1/4 SW1/4 of Section 17, Township 1 South, Range 1 West of the Ute Meridian in the County of Mesa, State of Colorado, thence South 100 feet, thence West to the center line of that certain public road right of way described in Book 811 at Page 587 of the records of Mesa County, thence in a Northerly direction along the center line of said public road to its intersection with the North line of said SE1/4 SW1/4, thence East along the North line of said SE1/4 SW1/4 to the point of beginning, EXCEPT a tract conveyed to the County of Mesa, State of Colorado, by instrument recorded October 5, 1961, in Book 811 at page 587 for road right of way,

and have requested that the City Council of the City of Grand Junction issue a Revocable Permit to allow the Petitioners to install, operate, maintain and repair a sanitary sewer pipeline within the following described public open space owned by the City, to wit:

Beginning at the Northwest Corner of Lot 2, Block 1 of Cobblestone Ridges, Phase 2, as recorded in Plat Book 15 at Pages 202 and 203 in the office of the Mesa County Clerk and Recorder;
thence N 00°16'04" W a distance of 57.16 feet;
thence N 89°43'56" E a distance of 10.00 feet;
thence S 00°16'04" E a distance of 53.99 feet;
thence S 35°26'09" E a distance of 179.25 feet;
thence S 27°47'36" E a distance of 40.20 feet;
thence S 30°12'19" E a distance of 21.97 feet to a point on the Northerly right-of-way line for Rana Road;
thence along said road right-of-way, 10.00 feet along the arc of a non-tangent curve to the left having a radius of 275.00 feet, a central angle of 02°05'02", and a long chord bearing S 60°49'35" W a distance of 10.00 feet;
thence leaving said right-of-way line and along the Northeasterly boundary of Block 1 of said Cobblestone Ridges, Phase 2, the following three (3) courses and distances:

1. N 30°12'19" W a distance of 22.00 feet;
2. N 27°47'36" W a distance of 39.74 feet;
3. N 35°26'09" W a distance of 181.75 feet 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 Trenton C. Prall and Michelle L. Prall for the purposes aforescribed and within the public open space aforescribed, subject to each and every term and condition contained in the attached Revocable Permit.

PASSED and ADOPTED this 5th day of March, 1997.

Attest:

/s/ Stephanie Nye
City Clerk

/s/ Linda Afman
President of the City Council

REVOCABLE PERMIT

Recitals

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Parcel No. 2: Beginning at the Northeast Corner of the SE1/4 SW1/4 of Section 17, Township 1 South, Range 1 West of the Ute Meridian in the County of Mesa, State of Colorado, thence South 100 feet, thence West to the center line of that certain public road right of way described in Book 811 at Page 857 of the records of Mesa County, thence in a Northerly direction along the center line of said public road to its intersection with the North line of said SE1/4 SW1/4, thence East along the North line of said SE1/4 SW1/4 to the point of beginning, EXCEPT a tract conveyed to the County of Mesa, State of Colorado, by instrument recorded October 5, 1961, in Book 811 at page 587 for road right of way,

and have requested that the City Council of the City of Grand Junction issue a Revocable Permit to allow the Petitioners to install, operate, maintain and repair a sanitary sewer pipeline within the following described public open space owned by the City, to wit:

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thence S 30°12'19" E a distance of 21.97 feet to a point on the Northerly right-of-way line for Rana Road;
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thence leaving said right-of-way line and along the Northeasterly boundary of Block 1 of said Cobblestone Ridges, Phase 2, the following three (3) courses and distances:

1. N 30°12'19" W a distance of 22.00 feet;
2. N 27°47'36" W a distance of 39.74 feet;

3. N 35°26'09" W a distance of 181.75 feet to the Point of Beginning.

2. Based on the representations of the Petitioners, 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 Petitioners a Revocable Permit for the purposes aforescribed and within the public open space 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 open space for any City or public utility purposes, including, but not limited to, the installation, operation, maintenance and repair of existing and future utilities, including the right of ingress and egress on, along, over, under, through and across said public open space.

2. The Petitioners, for themselves and for their 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 open space (including the removal thereof), or any other property of the Petitioners or any other party, as a result of the Petitioner's occupancy, possession or use of said public open space 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 Petitioners of an agreement that the Petitioners, 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 Petitioners shall, at the sole expense and cost of the Petitioners, 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 open space and, at their own expense, remove any encroachment so as to make the public open space 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 Petitioners, for themselves and for their 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 Petitioners.

5. This Revocable Permit, the related Resolution and the following Agreement shall be recorded by the Petitioners, 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:

Acceptance:

Trenton C. Prall

Michelle L. Prall

AGREEMENT

Trenton C. Prall and Michelle L. Prall, 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; 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 open space to the City of Grand Junction and, at their own expense, remove any encroachment so as to make the public open space 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.

Trenton C. Prall

Michelle L. Prall

State of Colorado)
)ss.
County of Mesa)

The foregoing Agreement was acknowledged before me this ____ day of _____, 1997, by Trenton C. Prall and Michelle L. Prall.

Witness my hand and official seal.

My commission expires:_____

Notary Public