

RESOLUTION NO. 49-97

CONCERNING THE ISSUANCE OF A REVOCABLE PERMIT TO  
DEPOT PRESERVATION & RESTORATION COMPANY

Recitals

1. Depot Preservation & Restoration Company, a Colorado limited liability company, hereinafter referred to as "the Petitioner", represents that it is the owner of the following described real property, to wit:

Beginning at the southerly corner of a parcel of land in the SW1/4 SW1/4 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, described in deed dated August 20, 1954, to the City of Grand Junction, as recorded in Book 617, Page 220 in the office of the Mesa County Clerk and Recorder; thence S 48°51'00" W, 12.00 feet; thence S 41°09'00" E, 371.95 feet parallel with the main line of the D&RGW Railroad; thence S 48°51'00" W, 41.03 feet to a non-tangent curve; thence northwesterly on said curve concave northeasterly having a radius of 463.48 feet, whose chord bears N 50°46'33" W 156.88 feet, a central angle of 19°29'15", an arc length of 157.64 feet; thence N 41°09'00" W parallel with said main line, 430.34 feet; thence N 48°51'00" E, 79.26 feet to the Southwesterly line of land described in aforesaid deed to the City of Grand Junction, recorded in Book 617 at Page 220; thence S 41°09'00" E along said southwesterly line, 213.05 feet to the point of beginning, also known as street and number South Avenue Railroad Depot, Grand Junction, Colorado 81501,

and has requested that the City Council of the City of Grand Junction issue a Revocable Permit to allow the Petitioner to install, operate, maintain and repair, within Parcel No. 1 and within Parcel No. 2 described below, parking areas, sidewalk surfacing, historic lighting, barriers and landscaping, and to install, operate, maintain and repair within Parcel No. 3 described below, sidewalk surfacing, historic lighting, barriers, landscaping and a water tower as an identification feature, to wit:

Parcel No. 1:

A portion of that certain public right-of-way for South Avenue dedicated with the platting of D&RGW Railroad Subdivision, Filing Five, as recorded in Plat Book 13 at Page 460 in the office of the Mesa county Clerk and Recorder, being more particularly described as follows: Commencing at the City of Grand Junction Monument set for the intersection of Second Street and Pitkin Avenue in the SW1/4 SW1/4 of Section 14, Township 1 South, Range 1 West of the Ute Meridian, County of Mesa, State of Colorado, and considering the line between the City Monument set for the intersection of Second Street and Pitkin Avenue and a City Monument set for the intersection of

Second Street and Ute Avenue to bear N 00°18'42" W with all bearings contained herein being relative thereto; thence S 88°40'04" W a distance of 156.95 feet to the Point of Beginning;

thence N 48°51'00" E a distance of 38.00 feet;

thence S 41°09'00" E a distance of 108.18 feet;

thence N 89°55'42" E a distance of 37.10 feet;

thence S 00°00'00" W a distance of 42.50 feet;

thence S 41°09'00" E a distance of 44.74 feet;

thence S 00°00'00" W a distance of 6.53 feet;

thence 1.76 feet along the arc of a curve to the left having a radius of 100.0 feet, a central angle of 01°00'24", and a long chord bearing S 00°30'08" E a distance of 1.76 feet;

thence S 48°51'00" W a distance of 32.56 feet;

thence N 41°09'00" W a distance of 215.55 feet to the Point of Beginning.

Parcel No. 2

A portion of that certain public right-of-way for Second Street and Pitkin Avenue as dedicated on the Original Plat of the City of Grand Junction, being more particularly described as follows: Commencing at the City of Grand Junction Monument set for the intersection of Second Street and Pitkin Avenue in the SW1/4 SW1/4 of Section 14, Township 1 South, Range 1 West of the Ute Meridian, County of Mesa, State of Colorado, and considering the line between the City Monument set for the intersection of Second Street and Pitkin Avenue and a City Monument set for the intersection of Second Street and Ute Avenue to bear N 00°18'42" W with all bearings contained herein being relative thereto; thence N 78°15'54" W a distance of 126.03 feet to the Point of Beginning;

thence S 41°09'00" E a distance of 57.50 feet;

thence N 48°51'00" E a distance of 8.50 feet;

thence S 41°09'00" E a distance of 10.26 feet;

thence 35.78 feet along the arc of a curve to the left having a radius of 49.00 feet, a central angle of 41°50'28", and a long chord bearing S 62°04'14" E a distance of 34.99 feet;

thence 84.01 feet along the arc of a curve to the right having a radius of 58.00 feet, a central angle of 82°59'28", and a long chord bearing S 41°29'44" E a distance of 76.86 feet;

thence S 00°00'00" W a distance of 42.49 feet;

thence N 41°09'00" W a distance of 44.74 feet;

thence N 00°00'00" E a distance of 42.50 feet;

thence S 89°55'42" W a distance of 37.10 feet;

thence N 41°09'00" W a distance of 108.18 feet;

thence N 48°51'00" E a distance of 6.50 feet to the Point of Beginning.

Parcel No. 3:

A portion of that certain public right-of-way for South Avenue as dedicated on the Original Plat of the City of Grand Junction and a portion of that certain public right-of-way for South Avenue dedicated with the platting of D&RGW Railroad Subdivision, Filing Five, as recorded in Plat Book 13 at Page 460 in the office of the Mesa county Clerk and Recorder, being more particularly described as follows: Commencing at the City of Grand Junction Monument set for the intersection of Second Street and Pitkin Avenue in the SW1/4 SW1/4 of Section 14, Township 1 South, Range 1 West of the Ute Meridian, County of Mesa, State of Colorado, and considering the line between the City Monument set for the intersection of Second Street and Pitkin Avenue and a City Monument set for the intersection of Second Street and Ute Avenue to bear N 00°18'42" W with all bearings contained herein being relative thereto; thence S 03°44'22" E a distance of 144.84 feet to the Point of Beginning;

thence 70.06 feet along the arc of a curve to the left having a radius of 100.0 feet, a central angle of 40°08'38", and a long chord bearing S 21°04'43" E a distance of 68.64 feet;

thence S 41°09'00" E a distance of 71.19 feet;

thence S 48°51'00" W a distance of 11.50 feet;

thence S 41°09'00" E a distance of 127.31 feet;

thence 49.02 feet along the arc of a curve to the left having a radius of 57.50 feet, a central angle of 48°50'58", and a long chord bearing S 65°34'31" E a distance of 47.55 feet;

thence N 90°00'00" E a distance of 26.65 feet;

thence S 00°00'00" W a distance of 5.00 feet;

thence N 90°00'00" W a distance of 26.65 feet;

thence 13.45 feet along the arc of a curve to the right having a radius of 62.50 feet, a central angle of 12°19'49", and a long chord bearing N 83°50'05" W a distance of 13.42 feet;

thence S 09°27'00" W a distance of 21.71 feet;

thence N 41°09'00" W a distance of 313.95 feet;

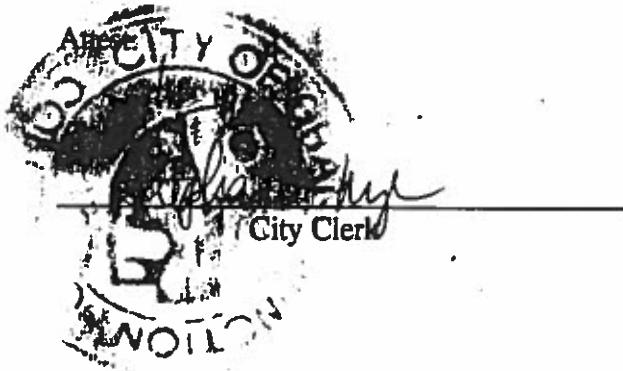
thence N 48°51'00" E a distance of 44.56 feet to the Point of Beginning.

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 Depot Preservation & Restoration Company, a Colorado limited liability company, for the purposes aforescribed and within the public rights-of-way aforescribed, subject to each and every term and condition contained in the attached Revocable Permit.

PASSED and ADOPTED this 20th day of August, 1997.



*Gant & Viny*  
\_\_\_\_\_  
President of the City Council

## REVOCABLE PERMIT

Recitals

1. Depot Preservation & Restoration Company, a Colorado limited liability company, hereinafter referred to as "the Petitioner", represents that it is the owner of the following described real property, to wit:

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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, 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 limits of the public rights-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 or any portion of the aforescribed public rights-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 existing and future utilities, including the right of ingress and egress on, along, over, under, through and across said public rights-of-way.

2. The Petitioner, for itself and for its successors and assigns, agrees that it 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 rights-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 rights-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 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 rights-of-way and, at its own expense, remove any encroachment so as to make the public rights-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 itself and for its successors and assigns, agrees that it 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 25<sup>th</sup> day of August, 1997.

Attest:



The City of Grand Junction, a  
Colorado home rule municipality

Stephanie Nye  
City Clerk

Charles K. Cohen  
City Manager

Acceptance:

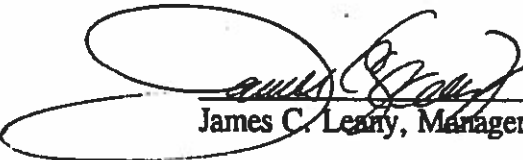
James C. Leary  
James C. Leary, Manager

AGREEMENT

Depot Preservation & Restoration Company, for itself and for its successors and assigns, does 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 rights-of-way to the City of Grand Junction and, at its own expense, remove any encroachment so as to make the public rights-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 29th day of August, 1997.

Depot Preservation & Restoration Company,  
a Colorado limited liability company

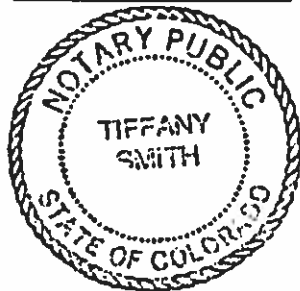
  
James C. Leany, Manager

State of Colorado     )  
                                  )ss.  
County of Mesa        )

The foregoing Agreement was acknowledged before me this 29th day of August, 1997, by James C. Leany, Manager of Depot Preservation & Restoration Company, a Colorado limited liability company.

Witness my hand and official seal.

My commission expires: My Commission expires 8-5-98



  
Notary Public