

RESOLUTION NO. 68-97
CONCERNING THE ISSUANCE OF A REVOCABLE PERMIT TO
ST. MARY'S HOSPITAL

Recitals

1. St. Mary's Hospital, hereinafter referred to as "the Petitioners", represent that they are the owners of that certain real property located at the NW corner of 12th Street and Patterson Road in the City of Grand Junction, County of Mesa, State of Colorado, described as follows:

Beginning at the Southeast Coner of Section 2, Township 1 South, Range 1 West of the Ute Meridian; thence West along the South line of said Section 2, a distance of 324.67 feet to the East boundary line of the tract of ground deeded to Patterson Gardens, Incorporated, a Colorado Corporation in Deed recorded in Book 901 at Page 830, Mesa County Records; thence N00°01'00''E 330.56 feet along the East boundary of said tract recorded in Book 901 at Page 830; thence East along the South boundary line of Patterson Gardens Subdivision as recorded in Plat Book 11 at Page 24 of Mesa County Records to the East boundary of said Section 2; thence South along said East boundary of said Section 2 to the POINT OF BEGINNING; EXCEPT the East 50 feet and South 50 feet thereof for roads.

and have requested that the City Council of the City of Grand Junction issue a Revocable Permit to allow the Petitioners to install and maintain a business identificaton sign within the following described right of way owned by the City as depicted on the attached Exhibit "A" and as described as follows, to wit:

A parcel of land situate in the Southeast 1/4 of Section 2, Township 1 South, Range 1 West of the Ute Meridian, Mesa County, Colorado, said parcel being more particularly described as: Commencing at the Sotheast Corner of said Section 2 from whence the Southwest Corner of the Southeast 1/4 of said Section 2 bears S90°00'00''W, thence S90°00'00''W along the south line of said Section 2 a distance of 268.15 feet; thence N00°00'00''E 41.00 feet to the point of beginning; thence the following courses:

1. N00°00'00''E a distance of 9.00 feet
 2. thence N90°00'00''E a distance of 45.47 feet;
 3. thence S70°00'00''E a distance of 26.31 feet;
 4. thence S90°00'00''W a distance of 70.20 feet back 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 the above-named Petitioners for the purposes aforescribed and within the 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 November, 1997

Attest:

/s/ Stephanie Nye
City Clerk

/s/ Janet Terry
President of City Council

REVOCABLE PERMIT

Recitals

1. St. Mary's Hospital, hereinafter referred to as "the Petitioners", represent that they are the owners of that certain real property located at the NW corner of 12th Street and Patterson Road in the City of Grand Junction, County of Mesa, State of Colorado, described as follows:

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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 Petitioners a Revocable Permit for the purposes aforescribed and within the 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 aforementioned 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 utilities, including the right of ingress and egress on, along, over, under, through and across said right of way.

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 right of way (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 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 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 right of way and, at their 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 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:

St. Mary's Hospital

AGREEMENT

, 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 right of way to the City of Grand Junction and, at their 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.

St. Mary's Hospital

State of Colorado)
)ss.
County of Mesa)

The foregoing Agreement was acknowledged before me this _____ day of _____, 1997 by _____.

Witness my hand and official seal.

My Commission expires: _____

Notary Public

EXHIBIT "A"

PATTERSON GARDENS SUBDIVISION

LOWELL STREET

LOT 5 LOT 4 LOT 3 LOT 2 LOT 1

N90°00'00"E
274.67'

2945-024-00-971
SISTERS OF CHARITY OF LEAVENWORTH
HEALTH SERVICES CORPORATION
1160 PATTERSON ROAD

N00°01'00"E
280.56'

S00°01'00"W
280.56'

50'

N00°01'00"E
EAST LINE OF SECTION 2

12TH STREET
(27 ROAD)

AREA FOR SIGN PLACEMENT

56.51'

45.47'

S70°00'00"E
26.31'

172.69'

NORTH R.O.W. LINE PATTERSON RD.

50'

9.00'

N90°00'00"W

41.00'

N00°00'00"W

41.00'

N90°00'00"W

268.15'

50'

SOUTH LINE OF SECTION 2

N90°00'00"W
268.15'

SOUTHEAST CORNER
SECTION 2, T15, R1W, U.M.

PATTERSON ROAD (F ROAD)

DRAWN BY: SRP
DATE: 11-03-97
SCALE: 1" = 60'
APPR. BY: IW
FILE NO: STMARYS.DWG

REVOCABLE PERMIT DESCRIPTION MAP

ST. MARY'S HOSPITAL

DEPARTMENT OF PUBLIC WORKS
ENGINEERING DIVISION
CITY OF GRAND JUNCTION