

RESOLUTION NO. 25-98

CONCERNING THE ISSUANCE OF A REVOCABLE PERMIT TO
VALLEY MEADOWS EAST SUBDIVISION HOME OWNERS ASSOCIATION

Recitals

1. Valley Meadows East Subdivision, situate in the Southwest 1/4 of the Northeast 1/4 of Section 3, Township 1 South, Range 1 West of the Ute Meridian, City of Grand Junction, County of Mesa, State of Colorado, receives irrigation water from the Grand Valley Irrigation Canal Company via an irrigation lateral known as Lateral 55.

2. Valley Meadows East Home Owners Association (“Petitioner”) desires to pipe a portion of Lateral 55 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 an underground irrigation pipeline within the following described public right-of-way dedicated with the platting of Valley Meadows East Subdivision, to wit:

Commencing at the Northwest corner of the Southwest 1/4 of the Northeast 1/4 (SW1/4 NE1/4) of Section 3, Township 1 South, Range 1 West of the Ute Meridian, City of Grand Junction, County of Mesa, State of Colorado, and considering the west line of said SW1/4 NE1/4 to bear N 00°00’00” E with all bearings contained herein being relative thereto; thence N 89°59’22” E along the north line of said SW1/4 NE1/4 a distance of 791.31 feet to the Point of Beginning; thence N 89°59’22” E along the north line of said SW1/4 NE1/4 a distance of 5.00 feet to the northeast corner of Valley Meadows East Subdivision; thence along the easterly boundary line of Valley Meadows East Subdivision the following three (3) courses and distances:

1. S 00°00’28” W a distance of 399.30 feet;
 2. S 29°59’00” E a distance of 195.69 feet;
 3. S 00°29’38” E a distance of 293.08 feet;
- thence leaving said east boundary line, N 77°37’00” W a distance of 5.13 feet; thence N 00°29’38” W a distance of 290.62 feet; thence N 29°59’00” W a distance of 195.72 feet; thence N 00°00’28” E a distance of 400.64 feet to the Point of Beginning.

3. 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 Valley Meadows East Subdivision Home Owners

Association, 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 18th day of March, 1998.

Attest:

/s/ Stephanie Nye
City Clerk

/s/ Janet L. Terry
President of the City Council

REVOCABLE PERMIT

Recitals

1. Valley Meadows East Subdivision, situate in the Southwest 1/4 of the Northeast 1/4 of Section 3, Township 1 South, Range 1 West of the Ute Meridian, City of Grand Junction, County of Mesa, State of Colorado, receives irrigation water from the Grand Valley Irrigation Canal Company via an irrigation lateral known as Lateral 55.

2. Valley Meadows East Home Owners Association (“Petitioner”) desires to pipe a portion of Lateral 55 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 an underground irrigation pipeline within the following described public right-of-way dedicated with the platting of Valley Meadows East Subdivision, to wit:

Commencing at the Northwest corner of the Southwest 1/4 of the Northeast 1/4 (SW1/4 NE1/4) of Section 3, Township 1 South, Range 1 West of the Ute Meridian, City of Grand Junction, County of Mesa, State of Colorado, and considering the west line of said SW1/4 NE1/4 to bear N 00°00’00” E with all bearings contained herein being relative thereto; thence N 89°59’22” E along the north line of said SW1/4 NE1/4 a distance of 791.31 feet to the Point of Beginning; thence N 89°59’22” E along the north line of said SW1/4 NE1/4 a distance of 5.00 feet to the northeast corner of Valley Meadows East Subdivision; thence along the easterly boundary line of Valley Meadows East Subdivision the following three (3) courses and distances:

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3. 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 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 or any portion 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 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 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 respective 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 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 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 _____ day of _____, 1998.

Attest:

The City of Grand Junction, a
Colorado home rule municipality

City Clerk

City Manager

Acceptance:

Attest:

Valley Meadows East Subdivision Home
Owners Association

Ernest K. Wollen, Secretary

Barbara A. Forrest, President

AGREEMENT

Valley Meadows East Subdivision Home Owners Association, 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 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 _____, 1998.

Attest:

Valley Meadows East Subdivision Home Owners Association

Ernest K. Wollen, Secretary

Barbara A. Forrest, President

State of Colorado)
)ss.
County of Mesa)

The foregoing Agreement was acknowledged before me this _____ day of _____, 1998, by Barbara A. Forrest as President and attested to by Ernest K. Wollen as Secretary of Valley Meadows East Subdivision Home Owners Association.

My commission expires: _____

Witness my hand and official seal.

Notary Public