

**RESOLUTION NO. 44-98**

**CONCERNING THE ISSUANCE OF A REVOCABLE PERMIT TO  
WESTERN COLORADO PEDIATRICS**

Recitals

1. William Findlay, representing Western Colorado Pediatric Associates, hereinafter referred to as the Petitioner, represent that they are the owners of certain real property described in BOOK 2038 at Page 835, described as follows:

Beginning at a point which is 1188.40 feet East and 145 feet North from the Southwest Corner of the S 1/2 NE 1/4 NW 1/4 of Section 11, Township 1 South, Range 1 West of the Ute Meridian, thence East 245 feet, thence South 59 feet, thence West 245 feet, thence North 59 feet to the Point of Beginning, EXCEPT Book 960 at Page 519, Beginning at a point which is East 1213.4 feet and 20.0 feet North from the Southwest Corner of the S 1/2 NE 1/4 NW 1/4 of said Section 11, Township 1 South, Range 1 West, Ute Meridian, said point being on the North right-of-way of Bookcliff Avenue, thence North 106.0 feet, thence East 74.43 feet, thence South 106.0 feet, thence West 74.43 feet to the Point of Beginning, AND Beginning at a point 1433.40 feet East and 145 feet North of the Southwest Corner of the S 1/2 NE 1/4 NW 1/4 of Section 11, Township 1 South, Range 1 West of the Ute Meridian, thence West 245 feet, thence North 110 feet, thence East 245 feet, thence South 110 feet to the Point of Beginning, Mesa County, Colorado. The physical address for which is 2323 N. 7th Street, in the City of Grand Junction.

The Petitioners 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 sign, landscaping and asphalt within the described public right-of-way for N. 7th Street, to wit:

**DESCRIPTION OF AREA SUBJECT TO REVOCABLE PERMIT FOR PARKING**

A parcel of land situated in the NW1/4 NE1/4 of Section 11, Township 1 South, Range 1 West of the Ute Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

Beginning at a point which is 1433.40 feet East and 145 feet North of the Southwest corner of the S1/2 NE1/4 NW1/4 (NW1/16 Corner) of said Section 11, said point being the Southeast corner of that parcel of land described in an instrument recorded in Book 1781 at Page 501 of the Mesa County Clerk and Recorder's office;  
Thence along the East line of that parcel described in said Book 1781 at Page 501, North 00°00'00" East, a distance of 169.00 feet to the Northeast corner of said parcel;  
Thence South 90°00'00" East, a distance of 23.84 feet;  
Thence South 00°04'01" East, a distance of 20.30 feet;

Thence North 89°55'59" East, a distance of 6.11 feet to the back line of the westerly sidewalk as constructed along North Seventh Street;  
Thence along the back line of said sidewalk, South 00°03'50" East, a distance of 22.29 feet;  
Thence South 89°55'47" West, a distance of 21.57 feet;  
Thence South 00°04'01" East, a distance of 9.64 feet;  
Thence South 30°04'01" East, a distance of 2.00 feet;  
Thence North 89°55'59" East, a distance of 2.00 feet;  
Thence North 59°55'59" East, a distance of 12.94 feet;  
Thence South 00°04'01" East, a distance of 4.53 feet;  
Thence South 29°50'51" East, a distance of 4.51 feet;  
Thence South 00°04'01" East, a distance of 57.81 feet;  
Thence South 59°55'59" West, a distance of 16.82 feet;  
Thence South 15°04'01" East, a distance of 2.86 feet;  
Thence North 89°55'59" East, a distance of 18.95 feet to the back line of the westerly sidewalk as constructed along North Seventh Street;  
Thence along the back line of said sidewalk, South 00°03'50" East, a distance of 23.00 feet;  
Thence South 89°55'59" West, a distance of 6.10 feet;  
Thence South 00°04'01" East, a distance of 21.07 feet;  
Thence North 90°00'00" West, a distance of 24.04 feet to the Point of Beginning.

Containing 0.095 Acres, more or less.

#### DESCRIPTION OF AREA SUBJECT TO REVOCABLE PERMIT FOR SIGN

A parcel of land situated in the NW 1/4 NE 1/4 of Section 11, Township 1 South, Range 1 West of the Ute Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

Commencing at a point which is 1433.40 feet East and 86.00 feet North of the Southwest corner of the S 1/2 NE 1/4 (NW1/16 Corner) of said Section 11, said point of being the Southeast corner of that parcel of land described in an instrument recorded in Book 1781 at Page 501 of the Mesa County Clerk and Recorder's office;  
Thence along the East line of said parcel of land, North 00°00'00" East, a distance of 126.38 feet,  
Thence North 90°00'00" East, a distance of 8.43 feet to the Point of Beginning,  
Thence North 89°55'47" East, a distance of 14.21 feet;  
Thence South 00°04'01" East a distance of 4.90 feet;  
Thence South 59°55'59" West, a distance of 12.94 feet;  
Thence South 89°55'59" West, a distance of 2.00 feet;  
Thence North 30°04'01" West, a distance of 2.00 feet;  
Thence North 00°04'01" West, a distance of 9.64 feet; to the Point of Beginning.

Containing 0.003 Acres, more or less.

DESCRIPTION OF AREA SUBJECT TO REVOCABLE PERMIT FOR  
LANDSCAPING

Three parcels of land situated in the SW 1/4 of Section 11, Township 1 South, Range 1 West of the Ute Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

Parcel 1

Commencing at a point which is 1433.40 feet East and 86.00 feet North of the Southwest corner of the S 1/2 NE 1/4 NW 1/4 (NW1/16 Corner) of said Section 11, said point being the Southeast corner of that parcel of land described in an instrument recorded in Book 1781 at Page 501 of the Mesa County Clerk and Recorder's office;

Thence North 90°00'00" East, a distance of 24.04 feet to the Point of Beginning;

Thence North 00°04'01" West, a distance of 21.07 feet;

Thence North 89°55'59" East, a distance of 6.10 feet to the back line of the westerly sidewalk as constructed along North Seventh Street; Thence along the back line of said sidewalk, South 00°03'50" East, a distance of 21.07 feet;

Thence North 90°00'00" West, a distance of 6.10 feet to the Point of Beginning.

Containing 0.003 Acres, more or less.

Parcel 2

Commencing at a point which is 1433.40 feet East and 86.00 feet North of the Southwest corner of the S 1/2 NE 1/4 NW 1/4 (NW 1/16 Corner) of said Section 11, said point being the Southeast corner of that parcel of land described in an instrument recorded in Book 1781 at Page 501 of the Mesa County Clerk and Recorder's office;

Thence along the East line of said parcel of land, North 00°00'00" East, a distance of 44.05 feet,

Thence North 90° East, a distance of 11.15 feet to the Point of Beginning;

Thence North 15°04'01" West, a distance of 2.86 feet;

Thence North 59°55'59" East, a distance of 16.82 feet;

Thence North 00°04'01" West, a distance of 57.81 feet;

Thence North 29°50'51" West, a distance of 4.51 feet;

Thence North 00°04'01" West, a distance of 4.53 feet;

Thence South 59°55'59" West, a distance of 12.94 feet;

Thence South 89°55'59" West, a distance of 2.00 feet;

Thence North 30°04'01" West, a distance of 2.00 feet;

Thence North 00°04'01" West, a distance of 9.64 feet;

Thence North 89°55'47" East, a distance of 21.57 feet to the back line of the westerly sidewalk as constructed along North Seventh Street;

Thence along the back line of said sidewalk, South 00°03'50" East, a distance of 82.34 feet;

Thence South 89°55'59" West, a distance of 18.95 feet; to the Point of Beginning.

Containing 0.015 Acres, more or less.

Parcel 3

Commencing at a point which is 1433.40 feet East and 86.00 feet North of the Southwest corner of the S1/2 ne1/4 NW1/4 (NW 1/16 Corner) of said Section 11, said point of being the Southeast corner of that parcel of land described in an instrument recorded in Book 1781 at Page 501 of the Mesa County Clerk and Recorder's office;

Thence along the East line of said parcel of land, North 00°00'00" East, a distance of 148.70 feet.

Thence North 90°00'00" East, a distance of 23.87 feet to the Point of Beginning;

Thence North 00°04'01" West, a distance of 20.30 feet;

Thence South 90°00'00" East, a distance of 6.11 feet to the back line of the westerly sidewalk as constructed along North Seventh Street; South along the back line of said sidewalk, South 00°03'50" East, a distance of 20.30 feet;

Thence South 89°55'59" West, a distance of 6.11 feet to the Point of Beginning.

Containing 0.003 Acres, more or less.

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 in Exhibit A, subject to each and every term and condition contained in the attached Revocable Permit.

PASSED and ADOPTED the 5th day of August, 1998

Attest:

/s/ Janet L. Terry  
President of City Council

/s/ Stephanie Nye  
City Clerk

## REVOCABLE PERMIT

### Recitals

1. William Findlay, representing Western Colorado Pediatric Associates, hereinafter referred to as the Petitioner, represent that they are the owners of certain real property described in BOOK 2038 at Page 835 as follows:

Beginning at a point which is 1188.40 feet East and 145 feet North from the Southwest Corner of the S 1/2 NE 1/4 NW 1/4 of Section 11, Township 1 South, Range 1 West of the Ute Meridian, thence East 245 feet, thence South 59 feet, thence West 245 feet, thence North 59 feet to the Point of Beginning, EXCEPT Book 960 at Page 519, Beginning at a point which is East 1213.4 feet and 20.0 feet North from the Southwest Corner of the S 1/2 NE 1/4 NW 1/4 of said Section 11, Township 1 South, Range 1 West, Ute Meridian, said point being on the North right-of-way of Bookcliff Avenue, thence North 106.0 feet, thence East 74.43 feet, thence South 106.0 feet, thence West 74.43 feet to the Point of Beginning, AND Beginning at a point 1433.40 feet East and 145 feet North of the Southwest Corner of the S 1/2 NE 1/4 NW 1/4 of Section 11, Township 1 South, Range 1 West of the Ute Meridian, thence West 245 feet, thence North 110 feet, thence East 245 feet, thence South 110 feet to the Point of Beginning, Mesa County, Colorado.

The physical address for which is 2323 N. 7th Street, 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 Petitioners to install and maintain a sign, landscaping and asphalt within the described public right-of-way for N.7th Street, as provided as follows:

### DESCRIPTION OF AREA SUBJECT TO REVOCABLE PERMIT FOR PARKING

A parcel of land situated in the NW1/4 NE1/4 of Section 11, Township 1 South, Range 1 West of the Ute Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

Beginning at a point which is 1433.40 feet East and 145 feet North of the Southwest corner of the S1/2 NE1/4 NW1/4 (NW1/16 Corner) of said Section 11, said point being the Southeast corner of that parcel of land described in an instrument recorded in Book 1781 at Page 501 of the Mesa County Clerk and Recorder's office;  
Thence along the East line of that parcel described in said Book 1781 at Page 501, North 00°00'00" East, a distance of 169.00 feet to the Northeast corner of said parcel;  
Thence South 90°00'00" East, a distance of 23.84 feet;  
Thence South 00°04'01" East, a distance of 20.30 feet;  
Thence North 89°55'59" East, a distance of 6.11 feet to the back line of the westerly sidewalk as constructed along North Seventh Street;  
Thence along the back line of said sidewalk, South 00°03'50" East, a distance of 22.29 feet;

Thence along the back line of said sidewalk, South 00°03'50" East, a distance of 23.00 feet;

Thence South 89°55'59" West, a distance of 6.10 feet;

Thence South 00°04'01" East, a distance of 21.07 feet;

Thence North 90°00'00" West, a distance of 24.04 feet to the Point of Beginning.

Containing 0.095 Acres, more or less.

#### DESCRIPTION OF AREA SUBJECT TO REVOCABLE PERMIT FOR SIGN

A parcel of land situated in the NW 1/4 NE 1/4 of Section 11, Township 1 South, Range 1 West of the Ute Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

Commencing at a point which is 1433.40 feet East and 86.00 feet North of the Southwest corner of the S 1/2 NE 1/4 (NW1/16 Corner) of said Section 11, said point of being the Southeast corner of that parcel of land described in an instrument recorded in Book 1781 at Page 501 of the Mesa County Clerk and Recorder's office;

Thence along the East line of said parcel of land, North 00°00'00" East, a distance of 126.38 feet,

Thence North 90°00'00" East, a distance of 8.43 feet to the Point of Beginning,

Thence North 89°55'47" East, a distance of 14.21 feet;

Thence South 00°04'01" East a distance of 4.90 feet;

Thence South 59°55'59" West, a distance of 12.94 feet;

Thence South 89°55'59" West, a distance of 2.00 feet;

Thence North 30°04'01" West, a distance of 2.00 feet;

Thence North 00°04'01" West, a distance of 9.64 feet; to the Point of Beginning.

Containing 0.003 Acres, more or less.

#### DESCRIPTION OF AREA SUBJECT TO REVOCABLE PERMIT FOR LANDSCAPING

Three parcels of land situated in the SW 1/4 of Section 11, Township 1 South, Range 1 West of the Ute Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

##### Parcel 1

Commencing at a point which is 1433.40 feet East and 86.00 feet North of the Southwest corner of the S 1/2 NE 1/4 NW 1/4 (NW1/16 Corner) of said Section 11, said point being the Southeast corner of that parcel of land described in an instrument recorded in Book 1781 at Page 501 of the Mesa County Clerk and Recorder's office;

Thence North 90°00'00" East, a distance of 24.04 feet to the Point of Beginning;

Thence North 00°04'01" West, a distance of 21.07 feet;

Thence North 89°55'59" East, a distance of 6.10 feet to the back line of the westerly sidewalk as constructed along North Seventh Street; Thence along the back line of said sidewalk, South 00°03'50" East, a distance of 21.07 feet;  
Thence North 90°00'00" West, a distance of 6.10 feet to the Point of Beginning.

Containing 0.003 Acres, more or less.

#### Parcel 2

Commencing at a point which is 1433.40 feet East and 86.00 feet North of the Southwest corner of the S 1/2 NE 1/4 NW 1/4 (NW 1/16 Corner) of said Section 11, said point being the Southeast corner of that parcel of land described in an instrument recorded in Book 1781 at Page 501 of the Mesa County Clerk and Recorder's office;

Thence along the East line of said parcel of land, North 00°00'00" East, a distance of 44.05 feet,

Thence North 90° East, a distance of 11.15 feet to the Point of Beginning;

Thence North 15°04'01" West, a distance of 2.86 feet;

Thence North 59°55'59" East, a distance of 16.82 feet;

Thence North 00°04'01" West, a distance of 57.81 feet;

Thence North 29°50'51" West, a distance of 4.51 feet;

Thence North 00°04'01" West, a distance of 4.53 feet;

Thence South 59°55'59" West, a distance of 12.94 feet;

Thence South 89°55'59" West, a distance of 2.00 feet;

Thence North 30°04'01" West, a distance of 2.00 feet;

Thence North 00°04'01" West, a distance of 9.64 feet;

Thence North 89°55'47" East, a distance of 21.57 feet to the back line of the westerly sidewalk as constructed along North Seventh Street;

Thence along the back line of said sidewalk, South 00°03'50" East, a distance of 82.34 feet;

Thence South 89°55'59" West, a distance of 18.95 feet; to the Point of Beginning.

Containing 0.015 Acres, more or less.

#### Parcel 3

Commencing at a point which is 1433.40 feet East and 86.00 feet North of the Southwest corner of the S1/2 ne1/4 NW1/4 (NW 1/16 Corner) of said Section 11, said point of being the Southeast corner of that parcel of land described in an instrument recorded in Book 1781 at Page 501 of the Mesa County Clerk and Recorder's office;

Thence along the East line of said parcel of land, North 00°00'00" East, a distance of 148.70 feet.

Thence North 90°00'00" East, a distance of 23.87 feet to the Point of Beginning;

Thence North 00°04'01" West, a distance of 20.30 feet;

Thence South 90°00'00" East, a distance of 6.11 feet to the back line of the westerly sidewalk as constructed along North Seventh Street; South along the back line of said sidewalk, South 00°03'50" East, a distance of 20.30 feet;

Thence South 89°55'59" West, a distance of 6.11 feet to the Point of Beginning.

Containing 0.003 Acres, more or less.

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:

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. The Petitioners shall, prior to installing the sign, apply for a sign permit from the City in accordance with the Zoning & Development Code of the City.
4. 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 public utility. The provisions concerning holding harmless and indemnity shall survive the expiration, termination or other ending of this Permit.

5. 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.

6. 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 \_\_\_\_\_, 1998.

Attest:

The City of Grand Junction, a Colorado  
home rule municipality

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

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

Acceptance:

Acceptance:

\_\_\_\_\_  
Dr. William Findlay for Western Colorado Pediatrics and Associates

### **AGREEMENT**

Dr. William Findlay, for Western Colorado Pediatrics and Associates, and 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 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 \_\_\_\_\_, 1998.

\_\_\_\_\_  
Dr. William Findlay, for Western Colorado Pediatrics & Associates

State of Colorado     )  
  )ss.  
County of Mesa         )

The foregoing Agreement was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 1998 by Dr. William Findlay, for Western Colorado Pediatrics & Associates.

Witness my hand and official seal.

My Commission expires: \_\_\_\_\_

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