

RESOLUTION NO. 72-99
CONCERNING THE ISSUANCE OF A REVOCABLE PERMIT TO
JAMES E. JONELY AND ARLETTE JONELY

Recitals

1. James E. Jonely and Arlette Jonely, hereinafter referred to as the Petitioners, represent that they are the owners of that certain real property described as Lot 9 in Block 2 of The Knolls Subdivision, Filing 1, situate in the Southwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 1, Township 1 South, Range 1 West of the Ute Meridian, City of Grand Junction, County of Mesa, State of Colorado, as recorded in Plat Book 15 at Pages 243 and 244 in the office of the Mesa County Clerk and Recorder, also known as 3658 Ridge Drive, 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, repair and replace a foundation drain outfall pipeline to connect with the storm sewer system within the limits of the following described public right-of-way for Ridge Drive, to wit:

Commencing at the Southernmost Corner of Lot 9 in Block 2 of The Knolls Subdivision, Filing 1; thence along the Westerly boundary line of said Lot 9, 3.00 feet along the arc of a curve concave to the Southwest, having a radius of 430.00 feet, a central angle of $00^{\circ}23'59''$, and a long chord bearing N $43^{\circ}50'10''$ W a distance of 3.00 feet to the True Point of Beginning; thence along the center line of said foundation drain outfall pipeline the following three (3) courses and distances: 1) S $68^{\circ}17'12''$ W a distance of 7.00 feet; 2) 50.03 feet along the arc of a curve concave to the Southwest, having a radius of 423.00 feet, a central angle of $06^{\circ}46'35''$, and a long chord bearing N $47^{\circ}01'27''$ W a distance of 50.00 feet; 3) S $42^{\circ}58'33''$ W a distance of 6.00 feet to an existing storm sewer inlet box and the Point of Terminus.

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 purpose aforescribed and within the limits of the public right-of-way aforescribed, subject to each and every term and condition contained in the attached Revocable Permit.

PASSED and ADOPTED this 2nd day of June, 1999.

Attest:

/s/ Christine English
Acting City Clerk

/s/ Gene Kinsey
President of the Council

REVOCABLE PERMIT

Recitals

1. James E. Jonely and Arlette Jonely, hereinafter referred to as the Petitioners, represent that they are the owners of that certain real property described as Lot 9 in Block 2 of The Knolls Subdivision, Filing 1, situate in the Southwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 1, Township 1 South, Range 1 West of the Ute Meridian, City of Grand Junction, County of Mesa, State of Colorado, as recorded in Plat Book 15 at Pages 243 and 244 in the office of the Mesa County Clerk and Recorder, also known as 3658 Ridge Drive, 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, repair and replace a foundation drain outfall pipeline to connect with the storm sewer system within the limits of the following described public right-of-way for Ridge Drive, to wit:

Commencing at the Southernmost Corner of Lot 9 in Block 2 of The Knolls Subdivision, Filing 1; thence along the Westerly boundary line of said Lot 9, 3.00 feet along the arc of a curve concave to the Southwest, having a radius of 430.00 feet, a central angle of $00^{\circ}23'59''$, and a long chord bearing N $43^{\circ}50'10''$ W a distance of 3.00 feet to the True Point of Beginning; thence along the center line of said foundation drain outfall pipeline the following three (3) courses and distances: 1) S $68^{\circ}17'12''$ W a distance of 7.00 feet; 2) 50.03 feet along the arc of a curve concave to the Southwest, having a radius of 423.00 feet, a central angle of $06^{\circ}46'35''$, and a long chord bearing N $47^{\circ}01'27''$ W a distance of 50.00 feet; 3) S $42^{\circ}58'33''$ W a distance of 6.00 feet to an existing storm sewer inlet box and the Point of Terminus.

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 purpose 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 hereby reserves and retains a perpetual right to utilize all or any portion of the aforescribed public right-of-way for any purpose, including, but not limited to, the installation, operation, maintenance, repair and replacement of existing and future public improvements and utilities, including the right of ingress and egress for workers and equipment on, along, over, under, through and across said public 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, liable for damages caused to the foundation drain outfall pipeline to be installed by the Petitioners within the limits of 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 public right-of-way or as a result of any City activity or use thereof or as a result of the installation, operation, maintenance, repair and replacement of public improvements, including, but not limited to, street improvements and public utilities.

3. The Petitioners agree that they shall, upon the completion of the installation, repair or replacement of said foundation drain outfall pipeline, replace and repair, in as good as or better condition and in the exact location as they existed prior to such work, any improvements located on, along, over, under, through and across the aforescribed public right-of-way, including, but not limited to, asphalt paving, curbing, gutter, sidewalk, and public utilities. The Petitioners agree that all repairs and restorations shall be diligently pursued within a reasonable time following substantial completion of the installation, repair or replacement of said foundation drain outfall pipeline.

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 aforescribed 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, revocation, 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 said foundation drain outfall pipeline to be installed by the Petitioners.

6. This Revocable Permit, the foregoing 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 _____, 1999.

Attest:

The City of Grand Junction,
a Colorado home rule municipality

City Clerk

City Manager

Acceptance:

Acceptance:

James E. Jonely

Arlette Jonely

AGREEMENT

James E. Jonely and Arlette Jonely, 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 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 _____, 1999.

James E. Jonely

Arlette Jonely

State of Colorado)
)ss.
County of Mesa)

The foregoing Agreement was acknowledged before me this _____ day of _____, 1999 by James E. Jonely and Arlette Jonely.

My Commission expires: _____

Witness my hand and official seal.

Notary Public