

RESOLUTION NO. 62-00

**CONCERNING THE ISSUANCE OF A REVOCABLE PERMIT TO
WESTWOOD RANCH HOMEOWNER'S ASSOCIATION**

Recitals

1. Westwood Ranch Homeowner's Association, for and on behalf of itself and the owners of the certain property in the Westwood Ranch Subdivision hereinafter referred to as the Petitioners, represent that it and the owners of certain real property described as Lot 10, Block 1, & Lots 3, 6, 7, 9A, 10A, 10B, 11A, 11B, 12A, 12B, Block 4, & Tract B, FILING 1; and Lots 1A, 1B, Block 4 & Lots 1A, 1B, 2A, 2B, 3A, 3B, 4A, 4B, Block 5, FILING 2, situate in the SE ¼ NW ¼ of Section 3, Township 1 South, Range 1 West of the Ute Meridian, City of Grand Junction, County of Mesa, State of Colorado, hereinafter referred to as the "Property" have requested that the City Council of the City of Grand Junction issue a Revocable Permit to allow the installation, maintenance, repair and replacement of a 6' privacy fence within the limits of the following described real property owned by the City, to wit:

PARCEL ONE

A parcel of land situate in the SE 1/4 NW 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, being more particularly described as follows:

Beginning at a point on the west right of way line for 25 1/2 Road which is identical with the northeast corner of Tract D of Westwood Ranch Subdivision, Filing No. One as recorded in Plat Book 16 at Page 294-295 in the office of the Mesa County Clerk and Recorder, with all bearings contained herein being relative to the recorded plat of said Westwood Ranch Subdivision, Filing No. One;

Thence S 77°38'30" E a distance of 1.02 feet to a point;

Thence S 00°00'00" W along a line 1.00 feet east of and parallel with the west right of way line for said 25 1/2 Road a distance of 68.71 feet to a point;

Thence N 90°00'00" W a distance of 1.00 feet to a point on the west right of way line for said 25 1/2 Road which is identical with the angle point on the east boundary line of Lot 10, Block 1 of said Westwood Ranch Subdivision, Filing No. One;

Thence N 00°00'00" E along the west right of way line for said 25 1/2 Road a distance of 68.93 feet to the point of beginning, containing 68.82 square feet more or less.

PARCEL TWO

A parcel of land situate in the SE 1/4 NW 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, being more particularly described as follows:

Beginning at a point on the west right of way line for 25 1/2 Road which is identical with the southeast corner of Lot 7, Block 4 of Westwood Ranch Subdivision, Filing No. One as recorded in Plat Book 16 at Page 294-295 in the office of the Mesa County Clerk and Recorder, with all bearings contained herein being relative to the recorded plat of said Westwood Ranch Subdivision, Filing No. One;

Thence N 00°00'00" E along the west right of way line for said 25 1/2 Road a distance of 275.97 feet to the angle point on the east boundary line of Lot 3, Block 4 of Westwood Ranch Subdivision, Filing No. One A as recorded in Plat Book 17 at Page 47 in the office of said Mesa County Clerk and Recorder;

Thence N 90°00'00" E a distance of 1.00 feet to a point;

Thence S 00°00'00" W along a line 1.00 feet east of and parallel with the west right of way line for said 25 1/2 Road a distance of 275.97 feet to a point;

Thence N 90°00'00" W a distance of 1.00 feet to the point of beginning, containing 275.97 square feet more or less.

PARCEL THREE

A parcel of land situate in the SE 1/4 NW 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, being more particularly described as follows:

Beginning at a point on the north right of way line for F 1/2 Road which is identical with the southeast corner of Lot 9A, Block 4 of Westwood Ranch Subdivision, Filing No. One as recorded in Plat Book 16, Page 294-295 in the office of the Mesa County Clerk and Recorder, with all bearings contained herein being relative with the recorded Plat of said Westwood Ranch Subdivision, Filing No. One;

Thence N 90°00'00" W along the north right of way line for said F 1/2 Road a distance of 418.21 feet to a point on the south boundary line for Lot 1A, Block 4 of Westwood Ranch Subdivision, Filing No. Two as recorded in Plat Book 17 at Page 154-155 in the office of said Mesa County Clerk and Recorder;

Thence S 00°00'00" W a distance of 1.00 feet to a point;

Thence S 90°00'00" E along a line 1.00 feet south of and parallel with the north right of way line for said F 1/2 Road a distance of 418.21 feet to a point;

Thence N 00°00'00" E a distance of 1.00 feet to the point of beginning, containing 418.21 square feet more or less.

PARCEL FOUR

A parcel of land situate in the SE 1/4 NW 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, being more particularly described as follows:

Beginning at a point on the north right of way line for F 1/2 Road which is identical with southwest corner of Tract B of Westwood Ranch Subdivision, Filing No. One A as recorded in Plat Book 17, Page 47 in the office of the Mesa County Clerk and Recorder,

with all bearings contained herein being relative with the recorded Plat of Westwood Ranch Subdivision, Filing No. One;
Thence S 90°00'00" E along the north right of way line for said F 1/2 Road a distance of 491.87 feet to a point on the south boundary line of Lot 4B, Block 5 of Westwood Ranch Subdivision, Filing No. Two as recorded in Plat Book 17 at Page 154-155 in the office of said Mesa County Clerk and Recorder;
Thence S 00°00'00" W a distance of 1.00 feet to a point;
Thence N 90°00'00" W along a line 1.00 feet south of and parallel with the north right of way line for said F 1/2 Road a distance of 491.87 feet to a point;
Thence N 00°02'24" E a distance of 1.00 feet to the point of beginning, containing 491.87 square feet 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 limits of the City owned property aforescribed, subject to each and every term and condition contained in the attached Revocable Permit.

PASSED and ADOPTED this 21st day of June 2000.

Attest:

/s/ Gene Kinsey
President of the Council

/s/ Stephanie Nye
City Clerk

REVOCABLE PERMIT

1. Westwood Ranch Homeowner's Association, for and on behalf of itself and the owners of the certain property in the Westwood Ranch Subdivision hereinafter referred to as the Petitioners, represent that it and the owners of certain real property described Lot 10, Block 1, & Lots 3, 6, 7, 9A, 10A, 10B, 11A, 11B, 12A, 12B, Block 4, & Tract B, FILING 1; and Lots 1A, 1B, Block 4 & Lots 1A, 1B, 2A, 2B, 3A, 3B, 4A, 4B, Block 5, FILING 2, situate in the SE ¼ NW ¼ of Section 3, Township 1 South, Range 1 West of the Ute Meridian, City of Grand Junction, County of Mesa, State of Colorado, also known as * , hereinafter referred to as the "Property" have requested that the City Council of the City of Grand Junction issue a Revocable Permit to allow the installation, maintenance, repair and replacement of a 6' privacy fence within the limits of real property owned by the City, to wit:

PARCEL ONE

A parcel of land situate in the SE 1/4 NW 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, being more particularly described as follows:

Beginning at a point on the west right of way line for 25 1/2 Road which is identical with the northeast corner of Tract D of Westwood Ranch Subdivision, Filing No. One as recorded in Plat Book 16 at Page 294-295 in the office of the Mesa County Clerk and Recorder, with all bearings contained herein being relative to the recorded plat of said Westwood Ranch Subdivision, Filing No. One;

Thence S 77°38'30" E a distance of 1.02 feet to a point;

Thence S 00°00'00" W along a line 1.00 feet east of and parallel with the west right of way line for said 25 1/2 Road a distance of 68.71 feet to a point;

Thence N 90°00'00" W a distance of 1.00 feet to a point on the west right of way line for said 25 1/2 Road which is identical with the angle point on the east boundary line of Lot 10, Block 1 of said Westwood Ranch Subdivision, Filing No. One;

Thence N 00°00'00" E along the west right of way line for said 25 1/2 Road a distance of 68.93 feet to the point of beginning, containing 68.82 square feet more or less.

PARCEL TWO

A parcel of land situate in the SE 1/4 NW 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, being more particularly described as follows:

Beginning at a point on the west right of way line for 25 1/2 Road which is identical with the southeast corner of Lot 7, Block 4 of Westwood Ranch Subdivision, Filing No. One as recorded in Plat Book 16 at Page 294-295 in the office of the Mesa County Clerk

and Recorder, with all bearings contained herein being relative to the recorded plat of said Westwood Ranch Subdivision, Filing No. One;
Thence N 00°00'00" E along the west right of way line for said 25 1/2 Road a distance of 275.97 feet to the angle point on the east boundary line of Lot 3, Block 4 of Westwood Ranch Subdivision, Filing No. One A as recorded in Plat Book 17 at Page 47 in the office of said Mesa County Clerk and Recorder;
Thence N 90°00'00" E a distance of 1.00 feet to a point;
Thence S 00°00'00" W along a line 1.00 feet east of and parallel with the west right of way line for said 25 1/2 Road a distance of 275.97 feet to a point;
Thence N 90°00'00" W a distance of 1.00 feet to the point of beginning, containing 275.97 square feet more or less.

PARCEL THREE

A parcel of land situate in the SE 1/4 NW 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, being more particularly described as follows:

Beginning at a point on the north right of way line for F 1/2 Road which is identical with the southeast corner of Lot 9A, Block 4 of Westwood Ranch Subdivision, Filing No. One as recorded in Plat Book 16, Page 294-295 in the office of the Mesa County Clerk and Recorder, with all bearings contained herein being relative with the recorded Plat of said Westwood Ranch Subdivision, Filing No. One;
Thence N 90°00'00" W along the north right of way line for said F 1/2 Road a distance of 418.21 feet to a point on the south boundary line for Lot 1A, Block 4 of Westwood Ranch Subdivision, Filing No. Two as recorded in Plat Book 17 at Page 154-155 in the office of said Mesa County Clerk and Recorder;
Thence S 00°00'00" W a distance of 1.00 feet to a point;
Thence S 90°00'00" E along a line 1.00 feet south of and parallel with the north right of way line for said F 1/2 Road a distance of 418.21 feet to a point;
Thence N 00°00'00" E a distance of 1.00 feet to the point of beginning, containing 418.21 square feet more or less.

PARCEL FOUR

A parcel of land situate in the SE 1/4 NW 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, being more particularly described as follows:

Beginning at a point on the north right of way line for F 1/2 Road which is identical with southwest corner of Tract B of Westwood Ranch Subdivision, Filing No. One A as recorded in Plat Book 17, Page 47 in the office of the Mesa County Clerk and Recorder, with all bearings contained herein being relative with the recorded Plat of Westwood Ranch Subdivision, Filing No. One;

Thence S 90°00'00" E along the north right of way line for said F 1/2 Road a distance of 491.87 feet to a point on the south boundary line of Lot 4B, Block 5 of Westwood Ranch Subdivision, Filing No. Two as recorded in Plat Book 17 at Page 154-155 in the office of said Mesa County Clerk and Recorder;

Thence S 00°00'00" W a distance of 1.00 feet to a point;

Thence N 90°00'00" W along a line 1.00 feet south of and parallel with the north right of way line for said F 1/2 Road a distance of 491.87 feet to a point;

Thence N 00°02'24" E a distance of 1.00 feet to the point of beginning, containing 491.87 square feet 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, 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 limits of the City owned property 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 real property for any purpose whatsoever. The City further reserves and retains the right to revoke this Permit at any time and for any reason.
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 facilities to be installed by the Petitioners within the limits of said City property (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 City Property 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.
3. The Petitioners agrees that they shall at all times keep the above described City property and the facilities authorized pursuant to this Permit in good condition and repair.
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 City property and, at their own expense, remove any encroachment so as to make the aforescribed City property available for use by the City or the general public. The provisions concerning holding harmless and indemnity shall survive the expiration, revocation, termination or other ending of this Permit.

5. Any agreement and/or action taken by the Homeowners Association for or on its own behalf or on the purported behalf of individual owners shall be presumed by the City to be done with the full and complete authority. The Homeowners Association shall affirm in writing that it has/had sufficient authority. Any claim that it did not have authority, following affirmation in writing that it did have authority, shall not render this agreement or the revocable permit void or voidable against the City.
6. 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 facilities authorized pursuant to this Permit.
7. 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 _____, 2000.

Attest:

The City of Grand Junction,
a Colorado home rule municipality

City Clerk

City Manager

Acceptance:

Westwood Ranch Homeowners Association

