

**RESOLUTION NO. 106-01**

**CONCERNING THE ISSUANCE OF A REVOCABLE PERMIT TO  
ROBERT H. STREIT and REBECCA RUDY WINCHESTER**

Recitals.

1. Robert H. Streit and Rebecca Rudy Winchester, hereinafter referred to as the Petitioners, represent that they are the owners of that certain real property described as Lot 10, Block 1 of Willowbrook Subdivision Replat, situate in the Southwest  $\frac{1}{4}$  of Section 2, Township 1 South, Range 1 West of the Ute Meridian as recorded in Plat Book 10 at Page 38 in the office of the Mesa County Clerk and Recorder, also known as 308 Willowbrook Road, and have requested that the City Council of the City of Grand Junction issue a Revocable Permit to allow the Petitioners to maintain existing landscape improvements and existing fencing within the limits of the following described public right-of-way Willowbrook Road, to wit:

Beginning at the Northwest Corner of Lot 10, Block 1 of Willowbrook Subdivision Replat;  
thence South along the west boundary line of said Lot 10 a distance of 12.93 feet to a point on the easterly right-of-way line of the Willowbrook Road cul-de-sac;  
thence along said right-of-way line, 104.62 feet along the arc of a curve concave to the West, having a radius of 50.0 feet, a central angle of  $119^{\circ}52'47''$ , and a long chord bearing South a distance of 86.55 feet;  
thence leaving said right-of-way line, West a distance of 3.0 feet;  
thence North a distance of 88.15 feet to a point on the northerly right-of-way line of the Willowbrook Road cul-de-sac;  
thence along said right-of-way line, 22.77 feet along the arc of a curve concave to the South, having a radius of 50.0 feet, a central angle of  $26^{\circ}05'48''$ , and a long chord bearing  $N 76^{\circ}57'23'' W$  a distance of 22.58 feet;  
thence leaving said right-of-way line,  $N 76^{\circ}00'00'' E$  a distance of 25.76 feet 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 and would be consistent with the Growth Plan, the Major Street Plan and Section 2.17 of the Zoning and Development Code.

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

PASSED and ADOPTED this 17 day of October, 2001.

Attest:

---

President of the City Council

---

City Clerk

## REVOCABLE PERMIT

### Recitals

1. Robert H. Streit and Rebecca Rudy Winchester, hereinafter referred to as the Petitioners, represent that they are the owners of that certain real property described as Lot 10, Block 1 of Willowbrook Subdivision Replat, situate in the Southwest  $\frac{1}{4}$  of Section 2, Township 1 South, Range 1 West of the Ute Meridian as recorded in Plat Book 10 at Page 38 in the office of the Mesa County Clerk and Recorder, also known as 308 Willowbrook Road, and have requested that the City Council of the City of Grand Junction issue a Revocable Permit to allow the Petitioners to maintain existing landscape improvements and existing fencing within the limits of the following described public right-of-way Willowbrook Road, to wit:

Beginning at the Northwest Corner of Lot 10, Block 1 of Willowbrook Subdivision Replat;  
thence South along the west boundary line of said Lot 10 a distance of 12.93 feet to a point on the easterly right-of-way line of the Willowbrook Road cul-de-sac;  
thence along said right-of-way line, 104.62 feet along the arc of a curve concave to the West, having a radius of 50.0 feet, a central angle of  $119^{\circ}52'47''$ , and a long chord bearing South a distance of 86.55 feet;  
thence leaving said right-of-way line, West a distance of 3.0 feet;  
thence North a distance of 88.15 feet to a point on the northerly right-of-way line of the Willowbrook Road cul-de-sac;  
thence along said right-of-way line, 22.77 feet along the arc of a curve concave to the South, having a radius of 50.0 feet, a central angle of  $26^{\circ}05'48''$ , and a long chord bearing  $N 76^{\circ}57'23'' W$  a distance of 22.58 feet;  
thence leaving said right-of-way line,  $N 76^{\circ}00'00'' E$  a distance of 25.76 feet 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, 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 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 Petitioner's use and occupancy of the public right-of-way as authorized pursuant to this Permit shall be performed with due care or any other higher standard of care as may be required to avoid creating hazardous or dangerous situations and to avoid damaging public roadways, sidewalks, utilities, or any other facilities presently existing or which may in the future exist in said right-of-way.

2. 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 whatsoever. The City further reserves and retains the right to revoke this Permit at any time and for any reason.

3. 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 any 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.

4. The Petitioners agree that they shall at all times keep the above described public right-of-way in good condition and repair.

5. This Revocable Permit shall be issued only upon concurrent execution by the Petitioners of an agreement that the Petitioner's 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 or the general public. The provisions concerning holding harmless and indemnity shall survive the expiration, revocation, termination or other ending of this Permit .

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 17th day of October, 2001.

The City of Grand Junction, a Colorado Home Rule Municipality

---

City Manager

/s/ Stephanie Tuin

Acceptance by the Petitioners:

---

---

Robert H. Streit

---

Rebecca Rudy Winchester

**AGREEMENT**

Robert H. Streit and Rebecca Rudy Winchester, 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 sole cost and expense, remove any encroachment so as to make said public right-of-way fully available for use by the City of Grand Junction or the general public.

Dated this 17<sup>th</sup> day of October, 2001.

\_\_\_\_\_  
Robert H. Streit

\_\_\_\_\_  
Rebecca Rudy Winchester

State of Colorado    )  
                                  )ss.  
County of Mesa        )

The foregoing Agreement was acknowledged before me this 17th day of October, 2001, by Robert H. Streit and Rebecca Rudy Winchester.

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

Witness my hand and official seal.

\_\_\_\_\_

Notary Public