

RESOLUTION NO. 41-01

**CONCERNING THE ISSUANCE OF A REVOCABLE PERMIT TO
FUOCO INVESTMENTS, LLC**

Recitals.

1. Fuoco Investments, LLC, a Colorado limited liability company, hereinafter referred to as the Petitioner, represents that it is the owner of that certain real property located at 748 North First Street in the City of Grand Junction, County of Mesa, State of Colorado, as identified by Mesa County Tax Schedule Number 2945-142-24-012, and has requested that the City Council of the City of Grand Junction issue a Revocable Permit to allow the Petitioner to use and occupy the following described public right-of-way Hill Avenue for vehicular parking purposes, to include automobile sales display and customer parking, to wit:

Commencing at the Northwest Corner of Lot 1, Block 34 of the Original Plat of the City of Grand Junction, County of Mesa, State of Colorado; thence North a distance of 5.00 feet to the True Point of Beginning; thence North a distance of 16.00 feet; thence East a distance of 138.00 feet; thence South a distance of 16.00 feet; thence West a distance of 138.00 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, 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 Petitioner 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 18th day of April, 2001.

Attest:

/s/ Gene Kinsey
President of the City Council

/s/ Stephanie Nye
City Clerk

REVOCABLE PERMIT

Recitals

1. Fuoco Investments, LLC, a Colorado limited liability company, hereinafter referred to as the Petitioner, represents that it is the owner of that certain real property located at 748 North First Street in the City of Grand Junction, County of Mesa, State of Colorado, as identified by Mesa County Tax Schedule Number 2945-142-24-012, and has requested that the City Council of the City of Grand Junction issue a Revocable Permit to allow the Petitioner to use and occupy the following described public right-of-way Hill Avenue for vehicular parking purposes, to include automobile sales display and customer parking, to wit:

Commencing at the Northwest Corner of Lot 1, Block 34 of the Original Plat of the City of Grand Junction, County of Mesa, State of Colorado; thence North a distance of 5.00 feet to the True Point of Beginning; thence North a distance of 16.00 feet; thence East a distance of 138.00 feet; thence South a distance of 16.00 feet; thence West a distance of 138.00 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 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. 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 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, liable for damages caused to any 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, repair and replacement of public improvements.

4. The Petitioner agrees that it 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 Petitioner of an agreement that the Petitioner and the Petitioner's 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 right-of-way and, at its 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 Petitioner, at the Petitioner's expense, in the office of the Mesa County Clerk and Recorder.

Dated this _____ day of _____, 2001.

Attest:

The City of Grand Junction,
a Colorado home rule municipality

City Clerk

City Manager

Acceptance by the Petitioner

Earl J. Fuoco, Manager and Member

Roberta J. Fuoco, Manager and Member

