

RESOLUTION NO. 64-01

CONCERNING THE ISSUANCE OF A REVOCABLE PERMIT TO REDLANDS MESA MASTER ASSOCIATION

Recitals.

1. Redlands Mesa Master Association, a Colorado nonprofit corporation, has requested that the City Council of the City of Grand Junction issue a Revocable Permit to allow the Petitioner to install, operate, maintain, repair and replace an entry sign and landscape improvements within the limits of each of the following described areas of public right-of-way, to wit:

Area No. 1: Commencing at a 36-inch aluminum pipe with a 3 ½-inch aluminum cap marked "PLS 18480" for the East ¼ Corner of Section 20, Township 1 South, Range 1 West of the Ute Meridian, City of Grand Junction, County of Mesa, State of Colorado, from whence a Mesa County Survey Marker brass cap for the South 1/16th corner on the east line of said Section 20 bears

S 01°14'38" W with all bearings contained hereby being relative thereto; thence N 81°37'00" W a distance of 3,444.31 feet to the True Point of Beginning;

thence 131.68 feet along the arc of a curve concave to the Southwest, having a radius of 195.00 feet, a central angle of 38°41'25", and a long chord bearing

N 74°12'14" W a distance of 129.19 feet; thence S 86°27'04" W a distance of 56.50 feet; thence 24.58 feet along the arc of a curve concave to the South, having a radius of 227.0 feet, a central angle of 06°12'15", and a long chord bearing S 83°20'56" W a distance of 24.57 feet; thence N 09°45'11" W a distance of 8.0 feet; thence 55.70 feet along the arc of a curve concave to the Northwest, having a radius of 232.0 feet, a central angle of 13°45'19", and a long chord bearing N 73°22'10" E a distance of 55.56 feet; thence N 66°29'30" E a distance of 46.01 feet; thence 72.36 feet along the arc of a curve concave to the South, having a radius of 60.0 feet, a central angle of 69°06'07", and a long chord bearing S 78°57'26" E a distance of 68.06 feet to a point of compound curvature; thence 19.59 feet along the arc of a curve concave to the Southwest, having a radius of 60.0 feet, a central angle of 18°42'24", and a long chord bearing S 35°03'10" E a distance of 19.50 feet to a point of reverse curvature; thence 53.44 feet along the arc of a curve concave to the Northeast, having a radius of 105.00 feet, a central angle of 29°09'34", and a long chord bearing

S 40°16'45" E a distance of 52.86 feet; thence S 35°08'29" W a distance of 2.0 feet to the Point of Beginning.

Area No. 2: Commencing at a 36-inch aluminum pipe with a 3 ½-inch aluminum cap marked "PLS 18480" for the East ¼ Corner of Section 20, Township 1 South, Range 1 West of the Ute Meridian, City of Grand Junction, County of Mesa, State of Colorado, from whence a Mesa County Survey Marker brass cap for the South 1/16th corner on the east line of said Section 20 bears

S 01°14'38" W with all bearings contained hereby being relative thereto; thence N 82°27'56" W a distance of 3,517.63 feet to the True Point of Beginning;

thence 55.28 feet along the arc of a curve concave to the Southwest, having a radius of 330.0 feet, a central angle of 09°35'50", and a long chord bearing

N 78°05'03" W a distance of 55.21 feet; thence N 07°07'03" E a distance of 6.0 feet; thence 56.28 feet along the arc of a curve concave to the Southwest, having a radius of 336.0 feet, a central angle of 09°35'50", and a long chord bearing S 78°05'03" E a distance of 56.21 feet; thence S 16°42'52" W a distance of 6.0 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 20th day of June, 2001.

Attest:

/s/ Cindy Enos-Martinez
President of the Council

/s/ Theresa F. Martinez
Deputy City Clerk

REVOCABLE PERMIT

Recitals

1. Redlands Mesa Master Association, a Colorado nonprofit corporation, hereinafter referred to as “the Petitioner”, has requested that the City Council of the City of Grand Junction issue a Revocable Permit to allow the Petitioner to install, operate, maintain, repair and replace an entry sign and landscape improvements within the limits of each of the following described areas of public right-of-way, to wit:

Area No. 1: Commencing at a 36-inch aluminum pipe with a 3 ½-inch aluminum cap marked “PLS 18480” for the East ¼ Corner of Section 20, Township 1 South, Range 1 West of the Ute Meridian, City of Grand Junction, County of Mesa, State of Colorado, from whence a Mesa County Survey Marker brass cap for the South 1/16th corner on the east line of said Section 20 bears

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N 74°12’14” W a distance of 129.19 feet; thence S 86°27’04” W a distance of 56.50 feet; thence 24.58 feet along the arc of a curve concave to the South, having a radius of 227.0 feet, a central angle of 06°12’15”, and a long chord bearing S 83°20’56” W a distance of 24.57 feet; thence N 09°45’11” W a distance of 8.0 feet; thence 55.70 feet along the arc of a curve concave to the Northwest, having a radius of 232.0 feet, a central angle of 13°45’19”, and a long chord bearing N 73°22’10” E a distance of 55.56 feet; thence N 66°29’30” E a distance of 46.01 feet; thence 72.36 feet along the arc of a curve concave to the South, having a radius of 60.0 feet, a central angle of 69°06’07”, and a long chord bearing S 78°57’26” E a distance of 68.06 feet to a point of compound curvature; thence 19.59 feet along the arc of a curve concave to the Southwest, having a radius of 60.0 feet, a central angle of 18°42’24”, and a long chord bearing S 35°03’10” E a distance of 19.50 feet to a point of reverse curvature; thence 53.44 feet along the arc of a curve concave to the Northeast, having a radius of 105.00 feet, a central angle of 29°09’34”, and a long chord bearing S 40°16’45” E a distance of 52.86 feet; thence S 35°08’29” W a distance of 2.0 feet to the Point of Beginning.

Area No. 2: Commencing at a 36-inch aluminum pipe with a 3 ½-inch aluminum cap marked “PLS 18480” for the East ¼ Corner of Section 20, Township 1 South, Range 1 West of the Ute Meridian, City of Grand

Junction, County of Mesa, State of Colorado, from whence a Mesa County Survey Marker brass cap for the South 1/16th corner on the east line of said Section 20 bears

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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. The installation, operation, maintenance, repair and replacement of improvements by the Petitioner within 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 the facilities to be installed by the Petitioner within the limits of said public right-of-way (including the removal thereof), or any other 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 and the facilities authorized pursuant to this Permit 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. The Petitioner, for itself and for its successors and assigns, agrees that it 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 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:

Executive Board Member of
Redlands Mesa Master Association

AGREEMENT

Redlands Mesa Master Association, for itself and for its successors and assigns, does 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 rights-of-way to the City of Grand Junction and, at its 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 _____ day of _____, 2001.

Redlands Mesa Master Association,
a Colorado nonprofit corporation

By: _____
Executive Board Member

State of Colorado)
)ss.
County of Mesa)

The foregoing Agreement was acknowledged before me this _____ day
of _____, 2001, by _____
_____ as Executive Board Member of
Redlands Master Association, a Colorado nonprofit corporation.

My Commission expires: _____

Witness my hand and official seal.

Notary Public