

**RESOLUTION NO. 57-02  
CONCERNING THE ISSUANCE OF A REVOCABLE PERMIT TO  
JANET GARDNER AND CHESTER L. ALLEN  
DBA BOOMER'S LOCATED AT 436 MAIN STREET**

**Recitals.**

1. Janet Gardner and Chester L. Allen, hereinafter referred to as the Petitioners, represent that they are the owners, as joint tenants, of the following described real property in the City of Grand Junction, County of Mesa, State of Colorado, to wit:

Lots 24 and 25 in Block 103 of the City of Grand Junction, also known as 436 Main Street and identified by Mesa County Tax Schedule Number 2945-143-16-017,

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 and repair an underground grease interceptor within the limits of the following described public alley right-of-way, to wit:

Commencing at the Northeast Corner of Lot 24, Block 103 of the City of Grand Junction; thence WEST along the North boundary line of said Lot 24 a distance of 9.0 feet to the True Point of Beginning; thence WEST along the North boundary line of said Lot 24 a distance of 16.0 feet to the Northwest Corner of said Lot 24; thence leaving the North boundary line of said Lot 24, NORTH a distance of 8.0 feet; thence EAST a distance of 16.0 feet; thence SOUTH a distance of 8.0 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 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 7<sup>th</sup> day of August, 2002.

Attest:

/s/ Cindy Enos-Martinez  
President of the City Council

/s/ Stephanie Tuin  
City Clerk

## REVOCABLE PERMIT

### Recitals

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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 and repair an underground grease interceptor within the limits of the following described public alley right-of-way, to wit:

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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 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 alleys, 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 rights-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 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 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 7<sup>th</sup> day of August, 2002.

The City of Grand Junction,  
a Colorado home rule municipality

/s/ Kelly A. Arnold

City Manager

ATTEST:

/s/ Stephanie Tuin

City Clerk

Acceptance by the Petitioners:

Janet Gardner

Chester L. Allen

