

**RESOLUTION NO. 113-06**

**A RESOLUTION CONCERNING THE ISSUANCE OF A REVOCABLE PERMIT TO  
ST. MARY'S HOSPITAL LOCATED AT 710 WELLINGTON AVENUE**

**Recitals.**

A. St. Mary's Hospital, hereinafter referred to as the Petitioner, represent it is the owner of the following described real property in the City of Grand Junction, County of Mesa, State of Colorado, to wit:

Unplatted parcel of land located at 710 Wellington Avenue and identified by Mesa County Tax Schedule Number 2945-111-32-971.

B. The Petitioner has requested that the City Council of the City of Grand Junction issue a Revocable Permit to allow the Petitioner to install, maintain and repair a free-standing sign, landscaping wall and landscaping within the following described public right-of-way:

A portion of the apparent right-of-way of Seventh Street in the NW  $\frac{1}{4}$  NE  $\frac{1}{4}$  of Section 11, Township One South, Range One West of the Ute Meridian, in the City of Grand Junction, Mesa County, Colorado, being more particularly described as follows:

Commencing at a Mesa County Survey Marker for the N1/4 Corner of said Section 11, whence a Mesa County Survey Marker for the E 1/16 Corner on the northerly line of said Section 11 bears S89°53'32"E for a distance of 1313.95 feet; thence S10°04'46"E for a distance of 435.33 feet to a point on the easterly right-of-way line of Seventh Street and the Point of Beginning; thence the following nine courses and distances:

1. S16°13'24"E for a distance of 214.53 feet;
2. S56°00'27"E for a distance of 27.72 feet;
3. N72°32'56"E for a distance of 33.63 feet;
4. S89°22'32"E for a distance of 17.12 feet to a point of curvature;
5. 11.13 feet on the arc of a 25.00-foot, non-tangent curve to the right, the central angle of which is 25°30'53" and the chord of which bears N29°49'03"W a distance of 11.04 feet;
6. N17°03'32"W for a distance of 15.49 feet;
7. N89°53'32"W for a distance of 16.27 feet to a point of curvature;
8. 67.17 feet on the arc of a 384.33-foot, non-tangent curve to the left, the central angle of which is 10°00'47" and the chord of which bears N27°03'08"W a distance of 67.08 feet;
9. N32°03'31"W for distance of 92.14 feet to a point of curvature; thence, returning to the Point of Beginning, 56.01 feet on the arc of a 380.28-foot radius curve to the right, the central angle of which is 08°26'22" and the chord of which bears N28°09'12"W a distance of 55.96 feet.

containing 6835 square feet, more or less as described. See attached Exhibit A.

C. Relying on the information supplied by the Petitioner and contained in File No. VE-2006-082 in the office of the City's Community Development Department, 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:

1. That the City Manager is hereby authorized and directed to issue the attached Revocable Permit to the above-named Petitioner for the purpose 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 20<sup>th</sup> day of September, 2006.

Attest:

/s/: James J. Doody  
President of the City Council

/s/: Stephanie Tuin  
City Clerk

## REVOCABLE PERMIT

### Recitals.

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Commencing at a Mesa County Survey Marker for the N1/4 Corner of said Section 11, whence a Mesa County Survey Marker for the E 1/16 Corner on the northerly line of said Section 11 bears S89°53'32"E for a distance of 1313.95 feet; thence S10°04'46"E for a distance of 435.33 feet to a point on the easterly right-of-way line of Seventh Street and the Point of Beginning; thence the following nine courses and distances:

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C. Relying on the information supplied by the Petitioner and contained in File No. VE-2006-082 in the office of the City's Community Development Department, 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 purpose 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 improvements and public 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, assigns and for all persons claiming through the Petitioner, agrees that it shall defend all efforts and claims to hold, or 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 the 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 cost and expense 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 \_\_\_\_\_, 2006.

Attest:

The City of Grand Junction,  
a Colorado home rule municipality

\_\_\_\_\_  
City Clerk

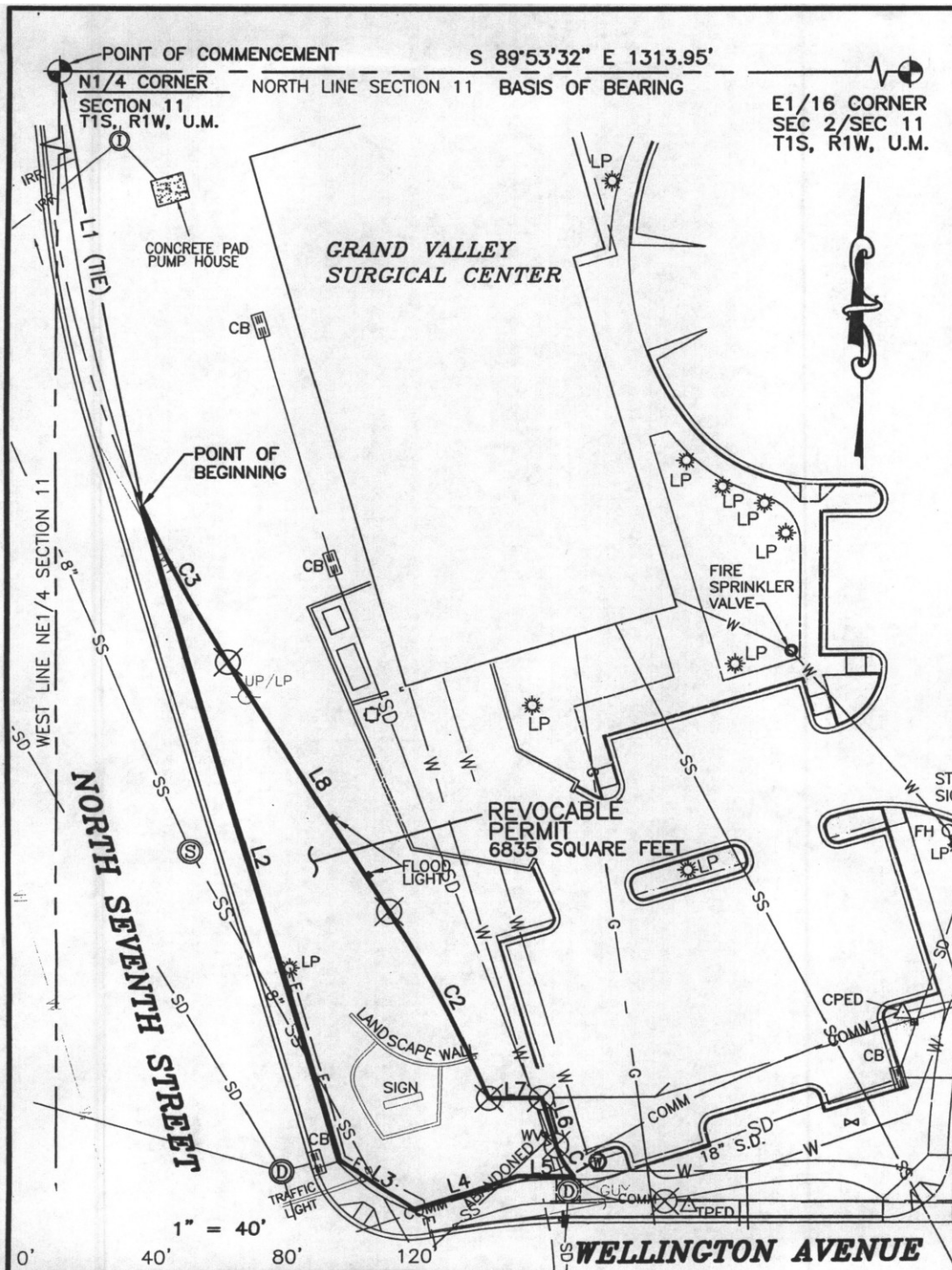
\_\_\_\_\_  
City Manager

Acceptance by the Petitioner:

\_\_\_\_\_  
Robert W. Ladenburger, attorney-in-fact  
for Sisters of Charity of Leavenworth  
Health System Inc., a Kansas nonprofit  
corporation



Exhibit A

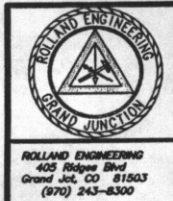


**CURVE TABLE**

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	25.00'	11.13'	11.04'	N 29°49'03" W	25°30'53"
C2	384.33'	67.17'	67.08'	N 27°03'08" W	10°00'47"
C3	380.28'	56.01'	55.96'	N 28°09'12" W	08°26'22"

**LINE TABLE**

LINE	BEARING	DISTANCE
L1	S 10°52'46" E	435.33'
L2	S 16°13'24" E	214.53'
L3	S 56°00'27" E	27.72'
L4	N 72°32'56" E	33.63'
L5	S 89°22'32" E	17.12'
L6	N 17°03'32" W	15.49'
L7	N 89°53'32" W	16.27'
L8	N 32°03'31" W	92.14'



File Name: C:\PROJECTS\2087\2087revocLEGAL.DWG

**EXHIBIT REVOCABLE PERMIT**  
IN THE NE1/4 OF SECTION 11  
T1S, R1W OF THE UTE MERIDIAN  
CITY OF GRAND JUNCTION,  
MESA COUNTY, COLORADO

Designed	Checked	Drawn	Plot
LC	RAM	2087	1
Date	Scale	Sheet	
8/22/06		1	