

**RESOLUTION NO. 164-06**

**A RESOLUTION CONCERNING THE ISSUANCE OF A REVOCABLE PERMIT  
TO  
CANYON VIEW CAR WASH LLC LOCATED AT 2258 BROADWAY**

**Recitals.**

A. Canyon View Car Wash LLC, 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:

Lot 1, Katelyn's Simple Subdivision located at 2258 Broadway and identified by Mesa County Tax Schedule Number 2945-074-26-001.

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 retaining wall used for a drive-way entrance and landscaping within the following described public right-of-way:

A tract of land situated in the southeast  $\frac{1}{4}$  of Section 7, Township 1 South, Range 1 West of the Ute Meridian, City of Grand Junction, Mesa County, Colorado being more particularly described as follows:

Beginning at the most northerly corner between Lots 1 and 2 of Katelyn's Simple Subdivision as recorded in Plat Book 19 at Page 148 of the Mesa County records; thence along the northwesterly line of said Lot 1 the following 3 courses:

- 1.) S45°08'50"W a distance of 64.51 feet
- 2.) S40°26'59"W a distance of 121.91 feet
- 3.) S02°50'30"E a distance of 44.32 feet

thence along the southwesterly line of said Lot 1, 177.60 feet along the arc of a non-tangent curve to the left having a radius of 1,387.53 feet and a central angle of 07°20'01" the chord of which bears S53°03'26"E a distance of 177.48 feet to the westerly right-of-way of Kansas Avenue; thence along said westerly right-of-way the following 2 courses:

- 1.) N33°34'27"E a distance of 175.47 feet
- 2.) N04°20'16"E a distance of 21.36 feet

thence 24.89 feet along the arc of a non-tangent curve to the right having a radius of 90.00 feet and a central angle of 15°50'39" the chord of which bears N89°17'33"E a distance of 24.81 feet; thence 19.00 feet along the arc of a non-tangent curve to the left having a radius of 18.96 feet and a central angle of 57°24'49" the chord of which bears N68°35'39"E a distance of 18.20 feet; thence N37°12'25"E a distance of 17.25 feet; thence S06°25'16"W a distance of 45.49 feet; thence S19°06'46"W a distance of 30.26 feet; thence S33°32'37"W a distance of 176.60 feet;

thence 17.11 feet along the arc of a non-tangent curve to the right having a radius of 20.09 feet and a central angle of 48°48'36" the chord of which bears S87°24'11"W a distance of 16.60 feet;  
thence N58°13'09"W a distance of 47.79 feet;  
thence N54°26'38"W a distance of 71.13 feet;  
thence N48°35'04"W a distance of 62.66 feet;  
thence N44°05'55"W a distance of 53.99 feet;  
thence 96.73 feet along the arc of a non-tangent curve to the right having a radius of 70.00 feet and a central angle of 79°10'15" the chord of which bears N06°08'42"W a distance of 89.12 feet;  
thence N37°31'47"E a distance of 28.12 feet;  
thence N43°21'03"E a distance of 118.43 feet;  
thence N41°32'46"E a distance of 19.78 feet;  
thence S48°27'14"E a distance of 53.76 feet to the Point of Beginning.  
Said tract of land contains 0.60 acres more or less.

This description was prepared by Steven L. Hagedorn, Colorado P.L.S.  
24306

C. Relying on the information supplied by the Petitioner and contained in File No. CUP-2003-024 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 December, 2006.

Attest:

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

/s/ Stephanie Tuin  
City Clerk

## REVOCABLE PERMIT

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C. Relying on the information supplied by the Petitioner and contained in File No. CUP-2003-024 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:  
Canyon View Car Wash LLC

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Mikel Lewis

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Roxanne Lewis

**AGREEMENT**

Canyon View Car Wash LLC, for itself and for its successors and assigns, does hereby agree to:

(a) Abide by each and every term and condition contained in the foregoing Revocable Permit;

(b) Indemnify and hold harmless the City of Grand Junction, its officers, employees and agents with respect to all claims and causes of action, as provided for in the approving Resolution and Revocable Permit;

(c) Within thirty (30) days of revocation of said Permit by the City Council, peaceably surrender said public right-of-way to the City of Grand Junction;

(d) At the sole cost and expense of the Petitioner, 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 \_\_\_\_\_, 2006.

Canyon View Car Wash LLC:

\_\_\_\_\_  
Mikel Lewis

\_\_\_\_\_  
Roxanne Lewis

State of Colorado )  
  ) ss.  
County of Mesa     )

The foregoing Agreement was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2006, by Mikel Lewis and Roxanne Lewis, Canyon View Car Wash LLC.

My Commission expires: \_\_\_\_\_  
Witness my hand and official seal.

\_\_\_\_\_  
Notary Public

EXHIBIT A

