

**CITY OF GRAND JUNCTION, COLORADO**

**RESOLUTION NO. 138-07**

**A RESOLUTION CONCERNING THE ISSUANCE OF A REVOCABLE PERMIT TO  
BOYD HOLDINGS, INC.**

**RECITALS**

A. Boyd Holdings, Inc, - Louis H. Boyd, Jr. 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, Darwin Subdivision and identified by Mesa County Tax Schedule Number 2943182-09-001.

B. The Petitioner has requested that the City Council of the City of Grand Junction issue a Revocable Permit to allow the Petitioner to maintain and repair 10 parking spaces and a freestanding sign within the following described public right-of-way:

See attached Exhibits A and B

C. Relying on the information supplied by the Petitioner and contained in File No. CUP-2007-197 in the office of the City's Public Works & Planning 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 1<sup>st</sup> day of October, 2007.

Attest:

/s/ Stephanie Tuin  
City Clerk

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

## REVOCABLE PERMIT

### Recitals

A. Boyd Holdings, Inc, - Louis H. Boyd, Jr. 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, Darwin Subdivision and identified by Mesa County Tax Schedule Number 2943182-09-001.

B. The Petitioner has requested that the City Council of the City of Grand Junction issue a Revocable Permit to allow the Petitioner to maintain and repair 10 parking spaces and a freestanding sign within the following described public right-of-way:

See attached Exhibits A and B

C. Relying on the information supplied by the Petitioner and contained in File No. CUP-2007-197 in the office of the City's Public Works & Planning 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 \_\_\_\_\_, 2007.

Attest:

The City of Grand Junction,  
a Colorado home rule municipality

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

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

Acceptance by the Petitioner:

\_\_\_\_\_  
Boyd Holdings, Inc. – Louis H. Boyd, Jr.

**AGREEMENT**

Boyd Holdings, Inc. – Louis H. Boyd, Jr., 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 \_\_\_\_\_, 2007.

Boyd Holdings, Inc.

By: \_\_\_\_\_  
Louis H. Boyd, Jr., President

State of Colorado    )  
  )ss.  
County of Mesa        )

The foregoing Agreement was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2007, by Louis H. Boyd, Jr., Managing Member of Boyd Holdings, Inc..

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

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

**Exhibit A**  
**Description**

A Parcel of land situate in the Northeast 1/4 Northwest 1/4 Section 18, Township 1 South, Range 1 East of the Ute Meridian, being more particularly described as follows:

The East 10 feet of the Right of Way for 28 1/4 Road abutting Lot 1 of Darwin Subdivision, with a Reception Number of 1235159 at the Mesa County Clerk and Records Office, All in the City of Grand Junction, Mesa County, Colorado.

Description authored by,  
Vincent A. Popish  
Independent Survey, Inc.  
133 N 8<sup>th</sup> St.  
Grand Junction, Co 81501

HINGE NAIL  
W1/16 NORTH LINE SEC 18  
T1S, R1E, UTE MERIDIAN

**Exhibit B**

NO. 5 REBAR  
5' WITNESS CORNER

15' UTILITY & IRRIGATION EASEMENT  
DEDICATED ON DARWIN SUBDIVISION  
RECEPTION NO. 1235159

10.0' WIDE STRIP FOR PARKING  
AREA - REVOCABLE PERMIT.

LOT 1  
DARWIN SUBDIVISION  
WHISKY RIVER BAR  
490 28 1/4 ROAD  
BOYD HOLDINGS, INC.  
BOOK 2686 PAGE 965

**LEGEND:**

- FOUND SURVEY MARKER
- ▢ GRATE
- ▣ CONCRETE
- ⊗ EXISTING LIGHT POLE
- ⊕ SEWER MANHOLE
- ⊙ WATER METER
- ☁ EXISTING TREE
- x - 6' TALL WOOD FENCE

EDGE OF ASPHALT

EDGE OF ASPHALT

DRIVEWAY

5' WIDE SIDEWALK

14' MULTIPURPOSE EASEMENT

15' UTILITY & IRRIGATION EASEMENT  
DEDICATED ON DARWIN SUBDIVISION  
RECEPTION NO. 1235159

**28 1/4 ROAD**

(MEASURED) 856.94' (RECORD) 856.47'  
N00°05'05"W 1318.52' (RECORD)

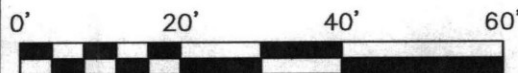
2 1/2" ALUMINUM CAP ON NO. 6 REBAR  
STAMPED: "JOHNSON NW1/16 SEC 18  
1995 16835"

12' TALL CONCRETE WALL

LOT 2  
DARWIN SUBDIVISION

**BASIS OF BEARINGS:**

Bearings are based on the West line of NE 1/4 NW 1/4 Section 18, T1S, R1E of the Ute Meridian, as depicted on the Darwin Subdivision, Reception No. 1235159, value given is N00°05'05"W.



**SKETCH FOR REVOCABLE PARKING PERMIT**

**INDEPENDENT SURVEY, Inc.**

VINCENT A. POPISH, PLS  
133 N 8th Street Phone (970)257-7552  
Grand Junction, Colorado 81501 Cell (970)986-9035

Client: RTL  
Date: 9/06/2007  
Scale: 1"=20'  
Drawn by: vap  
File No.: 207052  
File Name: sketches

ABBREVIATIONS USED:  
P.O.B.=POINT OF BEGINNING  
N=NORTH  
S=SOUTH  
SQ. FT.=SQUARE FEET  
W=WEST  
E=EAST  
NW=NORTHWEST  
NE=NORTHEAST



Vincent A. Popish  
LS No. 33650