

RESOLUTION NO. 24-07

**A RESOLUTION CONCERNING THE ISSUANCE OF A REVOCABLE PERMIT TO
TWO RIVERS CONDO LLC**

Recitals.

A. Two Rivers Condo 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:

Lots 1 & 2, Block 123, City of Grand Junction, Section 14, T1S, R1W and identified by Mesa County Tax Schedule Number 2945-143-26-015.

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 2nd story balconies within the following described public right-of-way:

Three separate descriptions for a revocable permit situate in the SW 1/4 of Section 14, Township 1 South, Range 1 West of the Ute Meridian, City of Grand Junction, Mesa County, Colorado, being described as follows:

Commencing at the found city monument located at in the intersection of 2ND Street and Colorado Avenue;

thence S17°58'04"E (being the basis of bearing) a distance of 194.52 feet to the southwest exterior corner of the existing building;

thence N00°00'37"W a distance of 16.10 feet along the west face of said building to the point of beginning of overhang #1;

thence S89°59'23"W a distance of 4.25 feet;

thence N00°00'37"W a distance of 16.00 feet;

thence N89°59'23"E a distance of 4.25 feet;

thence S00°00'37"E a distance of 16.00 feet to the point of beginning.

Said overhang contains 68 square feet more or less.

AND

Commencing at the found city monument located at in the intersection of 2ND Street and Colorado Avenue;

thence S17°58'04"E (being the basis of bearing) a distance of 194.52 feet to the southwest exterior corner of the existing building;

thence N00°00'37"W a distance of 53.80 feet along the west face of said building to the point of beginning of overhang #2;

thence S89°59'23"W a distance of 4.25 feet;

thence N00°00'37"W a distance of 18.00 feet;

thence N89°59'23"E a distance of 4.25 feet;

thence S00°00'37"E a distance of 18.00 feet to the point of beginning.

Said overhang contains 76.5 square feet more or less.

AND

Commencing at the found city monument located at in the intersection of 2ND Street and Colorado Avenue;
thence S17°58'04"E (being the basis of bearing) a distance of 194.52 feet to the southwest exterior corner of the existing building;
thence N00°00'37"W a distance of 89.75 feet along the west face of said building to the point of beginning of overhang #3;
thence S89°59'23"W a distance of 4.25 feet;
thence N00°00'37"W a distance of 18.00 feet;
thence N89°59'23"E a distance of 4.25 feet;
thence S00°00'37"E a distance of 18.00 feet to the point of beginning.
Said overhang contains 76.5 square feet more or less.

containing 221 square feet as described.

C. Relying on the information supplied by the Petitioner and contained in File No. RVP-2006-349 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 7th day of February, 2007.

Attest:

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

/s/ Stephanie Tuin
City Clerk

REVOCABLE PERMIT

Recitals.

A. Two Rivers Condos 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:

Lots 1 & 2, Block 123, City of Grand Junction, Section 14, T1S, R1W and identified by Mesa County Tax Schedule Number 2945-143-26-015.

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 2nd story balconies within the following described public right-of-way:

Three separate descriptions for a revocable permit situate in the SW 1/4 of Section 14, Township 1 South, Range 1 West of the Ute Meridian, City of Grand Junction, Mesa County, Colorado, being described as follows:

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thence S17°58'04"E (being the basis of bearing) a distance of 194.52 feet to the southwest exterior corner of the existing building;

thence N00°00'37"W a distance of 16.10 feet along the west face of said building to the point of beginning of overhang #1;

thence S89°59'23"W a distance of 4.25 feet;

thence N00°00'37"W a distance of 16.00 feet;

thence N89°59'23"E a distance of 4.25 feet;

thence S00°00'37"E a distance of 16.00 feet to the point of beginning.

Said overhang contains 68 square feet more or less.

AND

Commencing at the found city monument located at in the intersection of 2ND Street and Colorado Avenue;

thence S17°58'04"E (being the basis of bearing) a distance of 194.52 feet to the southwest exterior corner of the existing building;

thence N00°00'37"W a distance of 53.80 feet along the west face of said building to the point of beginning of overhang #2;

thence S89°59'23"W a distance of 4.25 feet;

thence N00°00'37"W a distance of 18.00 feet;

thence N89°59'23"E a distance of 4.25 feet;

thence S00°00'37"E a distance of 18.00 feet to the point of beginning.

Said overhang contains 76.5 square feet more or less.

AND

Commencing at the found city monument located at in the intersection of 2ND Street and Colorado Avenue;

thence S17°58'04"E (being the basis of bearing) a distance of 194.52 feet to the southwest exterior corner of the existing building;

thence N00°00'37"W a distance of 89.75 feet along the west face of said building to the point of beginning of overhang #3;
thence S89°59'23"W a distance of 4.25 feet;
thence N00°00'37"W a distance of 18.00 feet;
thence N89°59'23"E a distance of 4.25 feet;
thence S00°00'37"E a distance of 18.00 feet to the point of beginning.
Said overhang contains 76.5 square feet more or less.

containing 221 square feet as described.

C. Relying on the information supplied by the Petitioner and contained in File No. RVP-2006-349 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 _____, 2007.

Attest:

The City of Grand Junction,
a Colorado home rule municipality

City Clerk

City Manager

Acceptance by the Petitioner:

Two Rivers Condos LLC – Shane Burton

AGREEMENT

Two Rivers Condos 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 _____, 2007.

Two Rivers Condos LLC

By: _____
Shane Burton, Managing Member

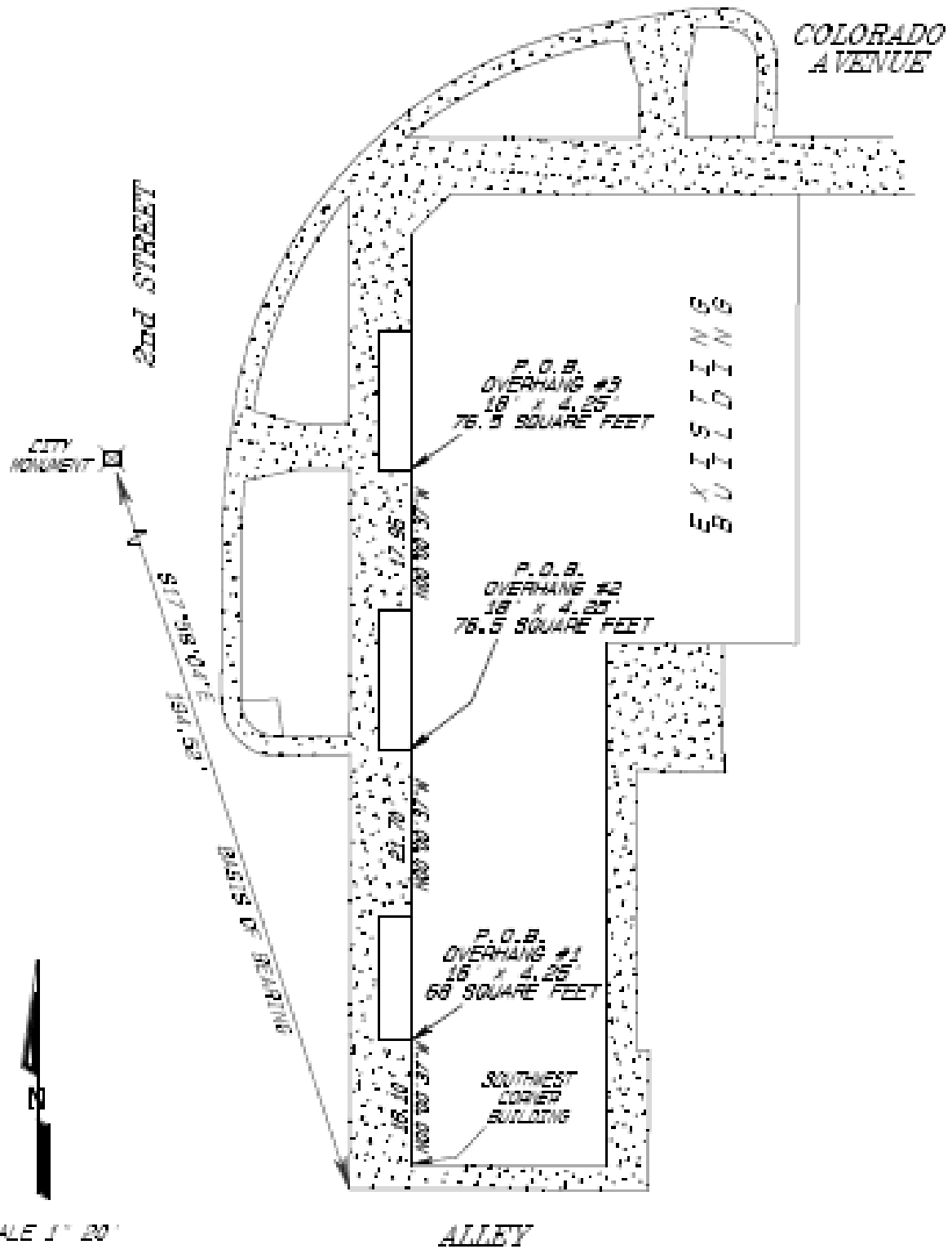
State of Colorado)
)ss.
County of Mesa)

The foregoing Agreement was acknowledged before me this ___ day of _____, 2007, by Shane Burton, Managing Member of Two Rivers Condos LLC.

My Commission expires: _____
Witness my hand and official seal.

Notary Public

EXHIBIT A



SCALE 1" = 20'

D H SURVEYS, INC.
970-245-8749
JOB #802-05-02