

CITY OF GRAND JUNCTION, COLORADO

RESOLUTION NO. 37-09

**A RESOLUTION CONCERNING THE ISSUANCE OF A REVOCABLE PERMIT TO
WYNSHP ENTERPRISES LLC**

Recitals.

A. Wynshp Enterprises, 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 & 27 & 28 Blk 2 Benton Canon 1st Sub Sec 23 1S 1W and identified by Mesa County Tax Schedule Number 2945-231-14-011.

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 southern portion of the existing building within the following described public right-of-way:

A certain parcel of land situated adjacent to Lot 1 Block 2, Benton Canon's First Subdivision Amended to Grand Junction as recorded at Reception #117077 in Section 23, Township 1 South, Range 1 West, Ute Meridian, Mesa County, Colorado, more particularly described as follows:

Commencing at the SW Comer of Lot 1, Block 2, Benton Canon's First Subdivision Amended to Grand Junction, and considering the line between the Grand Junction City Monuments at the corner of the 4th Avenue and South 7th Street and 4th Avenue and South 8th Street to bear N89°56'15"E 456.53 feet and all bearings contained herein to be relative thereto; thence along the North right-of-way line for Winters Avenue, S89°58'10"E 20.22 feet to the point of beginning,

thence continuing along the North right-of-way line for Winters Avenue, S89°58'10"E 104.26 feet;

thence S00°15'28"E 1.39 feet to the SE corner of an existing building;

thence along said building, S89°44'32"W 104.26 feet;

thence N00°15'32"W 1.92 feet to the point of beginning.

See attached "Exhibit A"

C. Relying on the information supplied by the Petitioner and contained in File No. VR-2008-089 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 1st day of April, 2009.

Attest:

/s/: Gregg Palmer
President of the City Council

/s/: Stephanie Tuin
City Clerk

REVOCABLE PERMIT

Recitals.

A. Wynshp Enterprises, 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:

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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 southern portion of the existing building within the following described public right-of-way:

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thence along said building, S89°44'32"W 104.26 feet;

thence N00°15'32"W 1.92 feet to the point of beginning.

See attached "Exhibit A"

C. Relying on the information supplied by the Petitioner and contained in File No. VR-2008-089 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 _____, 2009.

Attest:

The City of Grand Junction,
a Colorado home rule municipality

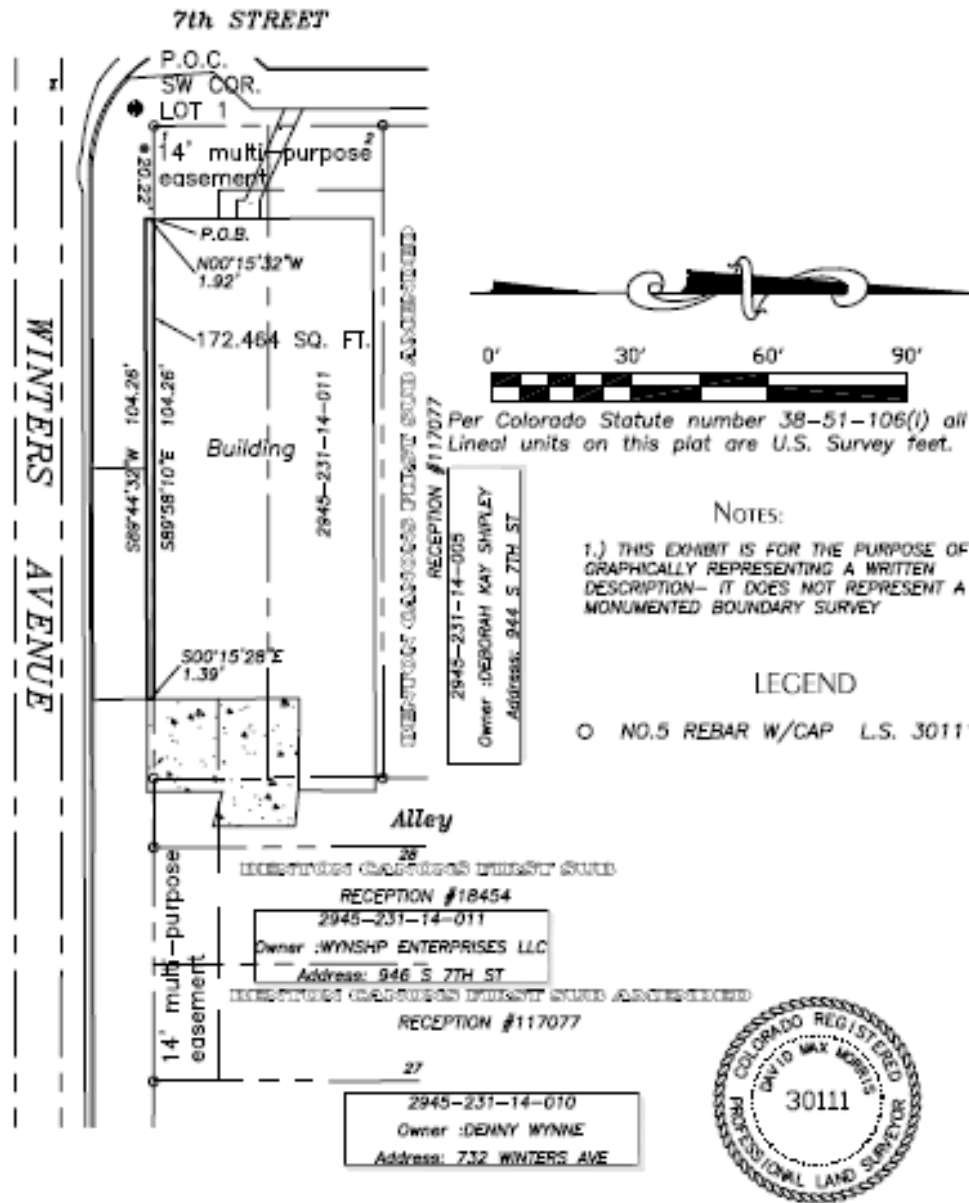
City Clerk

City Manager

Acceptance by the Petitioner:

Wynshp Enterprises LLC

Exhibit "A"



Building EASEMENT

SITUATED IN THE SW1/4 NE1/4 SECTION 23, T1S, R1W OF THE UTE MERIDIAN

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|---------------------|---|--------------------|
| FOR: LEE WYNNE |  <p>Surveying Western Colorado Since 1979 Q.E.D. SURVEYING SYSTEMS, Inc. 1018 Colorado Ave Grand Junction, CO 81501-3521 (970) 241-2370 Fax: 241-7025</p> | SURVEYED BY: SB GP |
| ACAD ID: WYNSHP VAC | | DRAWN BY: RM |
| SCALE: 1" = 30' | | CHECKED BY: MEM |
| DATE: 1/20/09 | | SHEET NO. |
| | | FILE: 2007-306.03 |