

CITY OF GRAND JUNCTION, CO

RESOLUTION NO. 55-09

**A RESOLUTION CONCERNING THE ISSUANCE OF A REVOCABLE PERMIT TO
TWENTY FOUR FIFTY TWO, LLC LOCATED AT 2452 F ROAD**

RECITALS:

A. Twenty Four Fifty Two, LLC, hereinafter referred to as the Petitioners, represent it is the owners of the following described real property in the City of Grand Junction, County of Mesa, State of Colorado, to wit:

Lot 1a Twenty Four Fifty-Two LLC Subdivision Sec 4 1s 1w - 0.80ac as recorded in the Mesa County Clerk & Records Office at Book18, Page 348 located in the City of Grand Junction, Mesa County, Colorado.

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 an existing sign within the following described public right-of-way as shown in Exhibit A:

A tract of land in the Southwest Quarter of Southeast Quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$) of section 4, Township 1 South, Range 1 West of the Ute Meridian, in the City of Grand Junction, Mesa County, State of Colorado and being more particularly described as follows:

Commencing at the Southwest corner of said SW $\frac{1}{4}$ SE $\frac{1}{4}$ (S $\frac{1}{4}$) Section 4, whence the South Center (SC) 1/16th corner bears north 00 degrees 00 minutes 32 seconds West, a distance of 1317.23 feet for a basis of bearings, with all bearings contained herein relative thereto; thence North 89 degrees 49 minutes 26 seconds East, a distance of 93.10 feet, along the South line of said SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 4; thence North 00 degrees 10 minutes 34 seconds West, a distance of 22.26 feet to the POINT OF BEGINNING; thence North 00 degrees 10 minutes 34 seconds West a distance of 15.00 feet; thence South 89 degrees 49 minutes 26 seconds West, a distance of 6.00 feet; thence South 00 degrees 10 minutes 34 seconds East, a distance of 15 feet; thence North 89 degrees 49 minutes 26 seconds East, a distance of 6.00 feet to the POINT OF BEGINNING.

Said Parcel having an area of 0.002 Acres, as described.

C. Relying on the information supplied by the Petitioner and contained in File No. RVP-2009-108 in the office of the City's Public Works and Planning Department, Planning Division, 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 15th day of June, 2009.

Attest:

/s/ Bruce Hill
President of the City Council

/s/ Stephanie Tuin
City Clerk

REVOCABLE PERMIT

Recitals.

1. Twenty Four Fifty Two, LLC, hereinafter referred to as the Petitioners, have requested that the City of Grand Junction issue a Revocable Permit to allow the Petitioners to maintain a sign, as approved by the City, within the limits of the following described public right-of-way for Amber Way , to wit:

Permit Area as shown in Exhibit A:

A tract of land in the Southwest Quarter of Southeast Quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$) of section 4, Township 1 South, Range 1 West of the Ute Meridian, in the City of Grand Junction, Mesa County, State of Colorado and being more particularly described as follows:

Commencing at the Southwest corner of said SW $\frac{1}{4}$ SE $\frac{1}{4}$ (S $\frac{1}{4}$) Section 4, whence the South Center (SC) 1/16th corner bears north 00 degrees 00 minutes 32 seconds West, a distance of 1317.23 feet for a basis of bearings, with all bearings contained herein relative thereto; thence North 89 degrees 49 minutes 26 seconds East, a distance of 93.10 feet, along the South line of said SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 4; thence North 00 degrees 10 minutes 34 seconds West, a distance of 22.26 feet to the POINT OF BEGINNING; thence North 00 degrees 10 minutes 34 seconds West a distance of 15.00 feet; thence South 89 degrees 49 minutes 26 seconds West, a distance of 6.00 feet; thence South 00 degrees 10 minutes 34 seconds East, a distance of 15 feet; thence North 89 degrees 49 minutes 26 seconds East, a distance of 6.00 feet to the POINT OF BEGINNING.

Said Parcel having an area of 0.002 Acres, as described.

2. Based on the authority of the Charter and § 2.17B of the Grand Junction Zoning and Development Code applying the same, the City, by and through the Public Works and Planning Director, has determined that such action would not at this time be detrimental to the inhabitants of the City.

NOW, THEREFORE, IN ACCORDANCE WITH HIS LAWFUL AUTHORITY, THE PUBLIC WORKS AND PLANNING DIRECTOR, DOES HEREBY ISSUE:

To the above-named Petitioners a Revocable Permit for the purposes of maintaining a residential driveway within the limits of the public right-of-way described; provided, however, that this Permit is conditioned upon the following:

1. The maintenance of the sign by the Petitioners within 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 by the City to avoid creating hazardous or

dangerous situations and to avoid damaging public roadways, sidewalks, utilities, or any other facilities presently existing or which may in the future exist in said right-of-way.

2. The City, on its behalf and on behalf of the County of Mesa, the State of Colorado and the Public Utilities, hereby reserves and retains a perpetual right to utilize all or any portion of the 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 or no reason.

3. The Petitioners, for themselves and for their successors and assigns, agree that they shall not hold, nor attempt to hold, the City of Grand Junction, its officers, employees and agents, liable for damages caused by maintaining the driveway by the Petitioners within the limits of the public right-of-way (including the removal thereof), or any other property of the Petitioners or any other party, as a result of the Petitioners' occupancy, possession or use of said public right-of-way or as a result of any City, County, State or Public Utility activity or use thereof or as a result of the installation, operation, maintenance, repair and replacement of public improvements.

4. The Petitioners agree that they shall at all times keep the above described public right-of-way and the facilities authorized pursuant to this Permit in good condition and repair.

5. This Revocable Permit for maintaining the sign shall be issued only upon concurrent execution by the Petitioners of an agreement that the Petitioners and the Petitioners' 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 Petitioners shall, at the sole expense and cost of the Petitioners, within thirty (30) days of notice of revocation (which may occur by mailing a first class letter to Petitioners' last known address), peaceably surrender said public right-of-way and, at their own expense, remove any encroachment so as to make the described public right-of-way available for use by the City, the County of Mesa, the State of Colorado, the Public Utilities or the general public. The provisions concerning holding harmless and indemnity shall survive the expiration, revocation, termination or other ending of this Permit.

6. The Petitioners, for themselves and for their successors and assigns, agree that they shall be solely responsible for maintaining and repairing the condition of any and all plantings, improvements and/or facilities authorized pursuant to this Permit. The Petitioners shall not install any trees, vegetation or other improvements that create sight distance problems.

7. This Revocable Permit and the following Agreement shall be recorded by the Petitioners, at the Petitioner's expense, in the office of the Mesa County Clerk and Recorder.

Dated this _____ day of _____, 2009.

Written and recommended by:

The City of Grand Junction,
a Colorado home rule municipality

City Clerk

City Manager

Acceptance by the Petitioners:

Property Owner

Property Owner

