

CITY OF GRAND JUNCTION, CO

RESOLUTION NO. 56-09

**A RESOLUTION CONCERNING THE ISSUANCE OF A REVOCABLE PERMIT TO
WILLIAM R. JARVIS, DBA HALE AVENUE, LLC,
LOCATED AT 211 HALE AVENUE**

Recitals.

A. William R. Jarvis, DBA Hale Avenue, LLC, hereinafter referred to as the Petitioner, represents 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 3 and 4 of Block One of O'Boyle Subdivision, 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 retain existing improvements and structure within the following described public right-of-way:

A tract of land, being a part of Hale Avenue, situate in the Northeast Quarter of Section 22, T1S, R1W, of the Ute Meridian, City of Grand Junction, Mesa County, Colorado and being more particularly described as follows:

Commencing at the Northeast corner of Section 22, T1S, R1W, of the Ute Meridian, whence the Northwest corner of NE 1/4 NE 1/4 of said Section 22 bears N89°56'54"W a distance of 1313.26 feet, for a basis of bearings with all bearings being relative thereto; thence N89°56'54"W along part of the centerline of Hale Avenue a distance of 645.00 feet; thence S00°11'14"W a distance of 30.00 feet to the Northwest corner of Block 1, O'Boyles Subdivision, as recorded in Plat Book 2, at Page 43, Mesa County Records; thence S89°56'54"E along the right-of-way line of Hale Avenue a distance of 48.61 feet to the POB; thence N00°03'06"E a distance of 15.45 feet; thence S89°56'54"E a distance of 53.85 feet; thence S00°03'06"W a distance of 15.45 feet, to a point on the south right-of-way line of Hale Avenue; thence N89°56'54"W along said south right-of-way line a distance of 53.85 feet to the POB. The described tract contains 832 square feet.

C. Relying on the information supplied by the Petitioner and contained in File No. MSP-2009-114 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. William R. Jarvis, DBA Hale Avenue, LLC, hereinafter referred to as the Petitioner, has requested that the City of Grand Junction issue a Revocable Permit to allow the Petitioner to retain existing improvements, as approved by the City, within the limits of the following described public right-of-way for Hale Avenue , to wit:

Permit Area:

A tract of land, being a part of Hale Avenue, situate in the Northeast Quarter of Section 22, T1S, R1W, of the Ute Meridian, City of Grand Junction, Mesa County, Colorado and being more particularly described as follows:

Commencing at the Northeast corner of Section 22, T1S, R1W, of the Ute Meridian, whence the Northwest corner of NE 1/4 NE 1/4 of said Section 22 bears N89°56'54"W a distance of 1313.26 feet, for a basis of bearings with all bearings being relative thereto; thence N89°56'54"W along part of the centerline of Hale Avenue a distance of 645.00 feet; thence S00°11'14"W a distance of 30.00 feet to the Northwest corner of Block 1, O'Boyles Subdivision, as recorded in Plat Book 2, at Page 43, Mesa County Records; thence S89°56'54"E along the right-of-way line of Hale Avenue a distance of 48.61 feet to the POB; thence N00°03'06"E a distance of 15.45 feet; thence S89°56'54"E a distance of 53.85 feet; thence S00°03'06"W a distance of 15.45 feet, to a point on the south right-of-way line of Hale Avenue; thence N89°56'54"W along said south right-of-way line a distance of 53.85 feet to the POB. The described tract contains 832 square feet.

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 Department 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 DEPARTMENT DIRECTOR, DOES HEREBY ISSUE:

to the above-named Petitioner a Revocable Permit for the purposes of retaining improvements and existing structure within the limits of the public right-of-way described; provided, however, that this Permit is conditioned upon the following:

1. The retaining of the existing improvements and structure by the Petitioner 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 Petitioner, for himself and for his successors and assigns, agree that he shall not hold, nor attempt to hold, the City of Grand Junction, its officers, employees and agents, liable for damages caused to any improvements and/or facilities to be installed by the Petitioner within the limits of the public right-of-way (including the removal thereof), or any other 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, 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 Petitioner agrees that he 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 retaining of the existing improvements and structure shall be issued only upon 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 expense and cost of the Petitioner, within thirty (30) days of notice of revocation (which may occur by mailing a first class letter to Petitioner's last known address), peaceably surrender said public right-of-way and, at his 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 Petitioner, for himself and for his successors and assigns, agree that he 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 Petitioner 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 Petitioner, 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:

William R. Jarvis, DBA Hale Avenue, LLC

AGREEMENT

William R. Jarvis, DBA Hale Avenue, LLC, for himself and for his successors and assigns, do hereby agree to abide by each and every term and condition contained in the foregoing Revocable Permit for retaining existing improvements and structure. Furthermore, he shall indemnify the City of Grand Junction, its officers, employees and agents and hold the City of Grand Junction, its officers, employees and agents harmless from all claims and causes of action as recited in said Permit.

Within thirty (30) days of revocation of said Permit, peaceably surrender said public right-of-way to the City of Grand Junction and, at his sole cost and expense, remove any encroachment so as to make said public right-of-way fully available for use by the City of Grand Junction, the County of Mesa, the State of Colorado, the Public Utilities or the general public.

The Permittee acknowledges the existence of good and sufficient consideration for this Agreement.

Dated this _____ day of _____, 2009.

By signing, the Signatory represents that he has full authority to bind the Permittee to each and every term and condition hereof and/or in the Permit.

William R. Jarvis, DBA Hale Avenue, LLC

State of Colorado)
)ss.
County of Mesa)

The foregoing Agreement was acknowledged before me this _____ day of _____, 2009, by William R. Jarvis, DBA Hale Avenue, LLC.

My Commission expires: _____

Witness my hand and official seal.

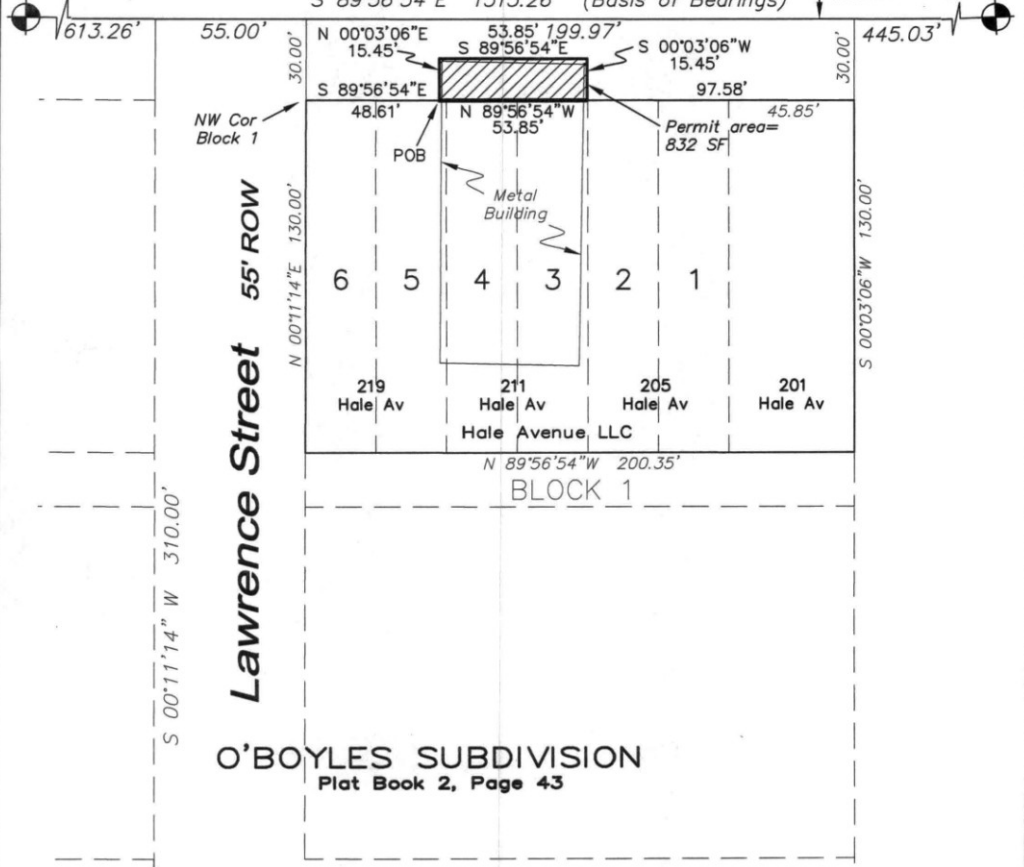
Notary Public

NW COR NE1/4 NE1/4
SECTION 22 T1S, R1W, UM
3 1/4" BRASS CAP
LS4307

Hale Avenue 60' ROW

S 89°56'54"E 1313.26' (Basis of Bearings)

NE COR NE1/4
SECTION 22
T1S, R1W, UM
Found MCBC #828-1



Lawrence Street 55' ROW

O'BOYLES SUBDIVISION
Plat Book 2, Page 43

Lila Avenue 60' ROW



This Permit is for the north part
of the existing metal building
protruding into Hale Avenue.

This document does not constitute a survey.

SCALE: 1"=50 US SURVEY FEET
25 0 25 50

REVOCABLE PERMIT
O'BOYLES SUBDIVISION
GRAND JUNCTION
MESA COUNTY, COLORADO

LANDesign
ENGINEERS • SURVEYORS • PLANNERS
328 Main Street, Suite 100
GRAND JUNCTION, COLORADO 81501 (970) 245-4099

PROJ. NO. 209007	SURVEYED	DRAWN	CHECKED	SHEET	OF
DATE: March, 2009	LED/AT	SLB	PRG	1	1