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PAGE DOCUMENT

CITY OF GRAND JUNCTION, COLORADO

RESOLUTION NO. 26-10

**A RESOLUTION APPROVING REVOCABLE PERMITS TO
GRAND JUNCTION, COLORADO, DOWNTOWN DEVELOPMENT
AUTHORITY**

Recitals.

A. The GRAND JUNCTION, COLORADO, DOWNTOWN DEVELOPMENT AUTHORITY, hereinafter referred to as the Petitioner, represents that 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 17 through 21, Block 117 Grand Junction as recorded in Book 2865 Page 414 – 417, in Section 14, T1S, R1W, Ute Meridian.

B. The Petitioner has requested that the City Council of the City of Grand Junction issue Revocable Permits to allow the Petitioner to install, maintain and repair architectural features, including awnings and decorations on the façade of its existing building within the City's right-of-way:

Revocable Permit A:

A revocable permit located in Block 117, City of Grand Junction, Mesa County, Colorado and being more particularly described as follows:

Commencing at the City Block Monument at the intersection of Colorado Avenue and 6th Street whence the City Block Monument at the intersection of Colorado Avenue and 5th Street bears North 89 degrees 53 minutes 59 seconds West, a distance of 481.75 feet for a basis of bearings, with all bearings contained herein relative thereto; thence North 00 degrees 02 minutes 22 seconds East, a distance of 145.28 feet; thence North 89 degrees 54 minutes 15 seconds West, a distance of 18.00 feet, along the South line of the 20.00 foot wide alley right-of-way for Block 117, to the POINT OF BEGINNING; thence South 00 degrees 02 minutes 22 seconds West, a distance of 58.48 feet; thence North 89 degrees 57 minutes 38 seconds West, a distance of 2.00 feet; thence North 00 degrees 02 minutes 22 seconds East, a distance of 58.48 feet; thence North 89 degrees 54 minutes 15 seconds West, a distance of 11.84 feet; thence North 00 degrees 02 minutes 22 seconds East, a distance of 2.00 feet; thence South 89 degrees 54 minutes 15 seconds East, a distance of 13.84 feet; thence South 00 degrees 02 minutes 22 seconds West, a distance of 2.00 feet to the POINT OF BEGINNING.

Said parcel having an area of 144.63 square feet, as described.

See the attached Exhibit A to the Revocable Permit A.

And

Revocable Permit B:

A revocable permit located in Block 117, City of Grand Junction, Mesa County, Colorado and being more particularly described as follows:

Commencing at the City Block Monument at the intersection of Colorado Avenue and 6th Street whence the City Block Monument at the intersection of Colorado Avenue and 5th Street bears North 89 degrees 53 minutes 59 seconds West, a distance of 481.75 feet for a basis of bearings, with all bearings contained herein relative thereto; thence North 00 degrees 02 minutes 22 seconds East, a distance of 86.83 feet; thence North 89 degrees 54 minutes 15 seconds West, a distance of 17.00 feet to the POINT OF BEGINNING; thence South 00 degrees 02 minutes 22 seconds West, a distance of 9.43 feet; thence South 44 degrees 27 minutes 17 seconds West, a distance of 4.29 feet; thence North 00 degrees 02 minutes 22 seconds East, a distance of 12.49 feet; thence South 89 degrees 57 minutes 38 seconds East, a distance of 3.00 feet; to the POINT OF BEGINNING.

Said parcel having an area of 32.89 square feet, as described.

See the attached Exhibit B to the Revocable Permit B.

C. After consideration of Petitioner's request in accordance with the City's Charter and Ordinances, 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:

That the City Manager is hereby authorized and directed to issue the attached Revocable Permits to the above-named Petitioner for the purposes aforementioned and within the limits of the public right-of-way aforementioned, subject to each and every term and condition contained in the attached Revocable Permits.

PASSED and ADOPTED this 5th day of May, 2010.

Attest:

Stephanie Juur
City Clerk

Tereah Coons
President of the City Council

REVOCABLE PERMIT A

Recitals.

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Said parcel having an area of 144.63 square feet, as described.

See the attached Exhibit A.

C. After consideration of Petitioner's request in accordance with the City's Charter and Ordinances, 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 referred to as Revocable Permit A for the purposes and within the limits of the public right-of-way described in the above recitals; provided, however, that the issuance of this Revocable Permit A 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 A 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 A, 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 18th day of May, 2010.

Attest:

Stephanie Tuin
City Clerk

The City of Grand Junction,
a Colorado home rule municipality

Greg Kadziel
City Manager

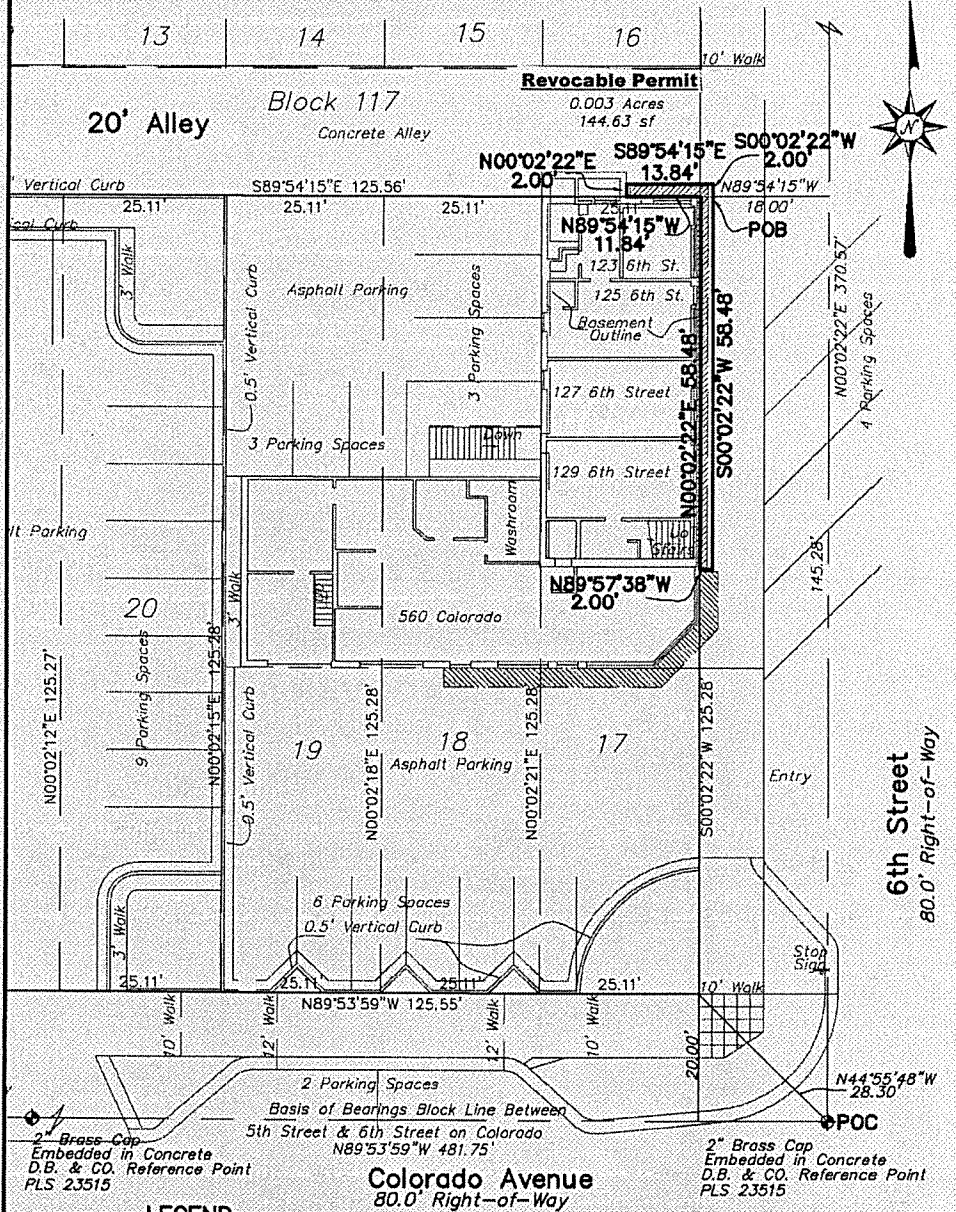


Acceptance by the Petitioner:

HHam
Grand Junction, Colorado,
Downtown Development Authority

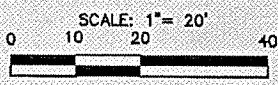
EXHIBIT A

REVOCABLE PERMIT



- LEGEND**
- ◆ CITY SURVEY MARKER, AS NOTED
 - PLS PROFESSIONAL LAND SURVEYOR
 - ° DEGREES (ANGULAR)
 - ' MINUTES (ANGULAR) OR FEET (LINEAR)
 - \" SECONDS (ANGULAR) OR INCHES (LINEAR)
 - POB POINT OF BEGINNING
 - POC POINT OF COMMENCING

High Desert Surveying, LLC
 1673 Highway 50 Unit C
 Grand Junction, Colorado 81503
 Tele: 970-254-8649 Fax: 970-241-0451



PROJ. NO. 09-77	Surveyed	Drawn	APP'D	SHEET	OF
DATE: August, 2009	rsk/amg	rsk	skw	1	1

REVOCABLE PERMIT B

Recitals.

A. The GRAND JUNCTION, COLORADO, DOWNTOWN DEVELOPMENT AUTHORITY, hereinafter referred to as the Petitioner, represent that 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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Said parcel having an area of 32.89 square feet, as described.

See the attached Exhibit B.

C. After consideration of Petitioner's request in accordance with the City's Charter and Ordinances, 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 referred to as Revocable Permit B for the purposes and within the limits of the public right-of-way described in the above recitals; provided, however, that the

issuance of this Revocable Permit B 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 B 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 B, the foregoing Resolution and the following Agreement to the Revocable Permit B shall be recorded by the Petitioner, at the Petitioner's expense, in the office of the Mesa County Clerk and Recorder.

Dated this 18th day of May, 2010.

Attest:

Stephanie Turner
City Clerk

The City of Grand Junction,
a Colorado home rule municipality

Greg Winkler
City Manager

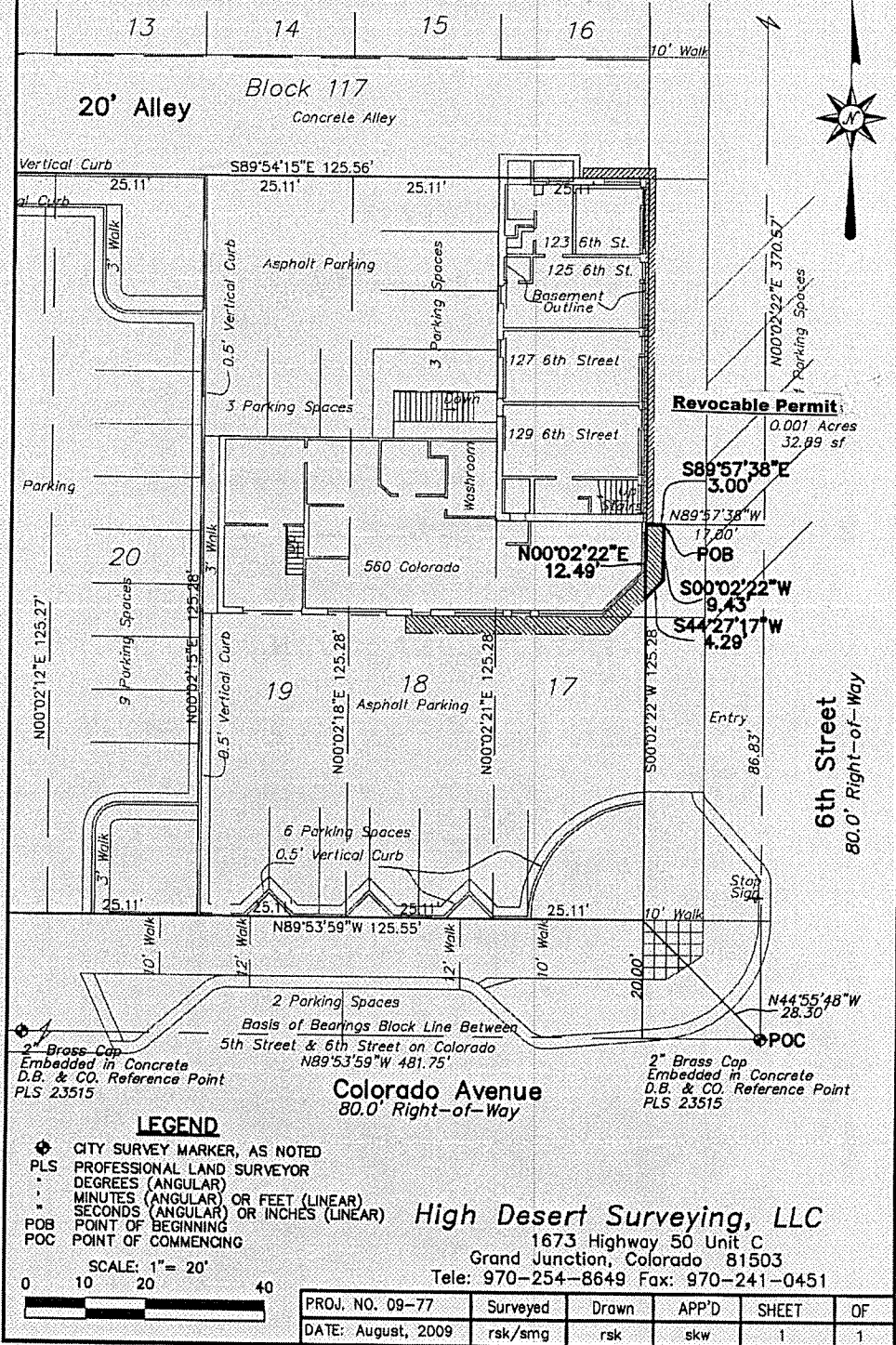


Acceptance by the Petitioner:

H. Ham
Grand Junction, Colorado,
Downtown Development Authority

EXHIBIT B

REVOCABLE PERMIT



AGREEMENT TO REVOCABLE PERMIT B

The Grand Junction, Colorado, Downtown Development Authority, 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;
- (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 B;
- (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 18th day of May, 2010.

Grand Junction, Colorado,
Downtown Development Authority

By: [Signature]

State of Colorado)
County of Mesa))ss.

The foregoing Agreement was acknowledged before me this 18th day of May, 2010, by [Signature].

My Commission expires: 10-10-2013
Witness my hand and official seal.



[Signature]
Notary Public