

RESOLUTION NO. 47-10

**A RESOLUTION CONCERNING
THE ISSUANCE OF A REVOCABLE PERMIT TO
SAMUEL AND AUDREY MARSO**

Recitals.

A. Samuel A. and Audrey S. Marso, 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:

LOT 1 FIRST ADD TO NORTHERN HILLS SUB SEC 2 1S 1W and identified by Mesa County Tax Schedule Number 2945-024-01-001.

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 and repair a storage shed, irrigation pump and landscaping within the following described public right-of-way:

Two certain parcels of land lying in the South half of the Southeast Quarter (S 1/2 SE 1/4) of Section 2, Township 1 South, Range 1 West of the Ute Principal Meridian, County of Mesa, State of Colorado, each lying entirely within the right of way for 26-3/4 Road and being more particularly described as follows:

COMMENCING at the Northwest corner of the Southeast Quarter of the Southeast Quarter (SE 1/4 SE 1/4) of said Section 2 and assuming the West line of the SE 1/4 SE 1/4 of said Section 2 bears S 00°02'36" W with all other bearings noted herein being relative thereto; thence S 00°02'36" W along the West line of the SE 1/4 SE 1/4 of said Section 2, a distance of 32.90 feet to the POINT OF BEGINNING; thence from said Point of Beginning, S 87°42'28" E a distance of 1.54 feet; thence S 02°17'32" W a distance of 7.00 feet; thence N 87°42'28" W a distance of 7.00 feet; thence N 02°17'32" E a distance of 7.00 feet; thence S 87°42'28" E a distance of 5.46 feet to the Point of Beginning.

CONTAINING 49.0 Square Feet, more or less, as described.

TOGETHER WITH:

COMMENCING at the Northwest corner of the Southeast Quarter of the Southeast Quarter (SE 1/4 SE 1/4) of said Section 2 and assuming the West line of the SE 1/4 SE 1/4 of said Section 2 bears S 00°02'36" W with all other bearings noted herein being relative thereto; thence N 89°55'12" E along the North line of the SE 1/4 SE 1/4 of said Section 2, a distance of 16.57 feet, more or less, to a point being the Northerly prolongation of the East side of an existing wood fence and the POINT OF BEGINNING; thence from said Point of Beginning, continue N 89°55'12" E along the North line of the SE 1/4 SE 1/4 of said Section 2, a distance of 8.43 feet to a point being the Northwest corner of Lot 1, First Addition Northern Hills Subdivision, as same is recorded in Plat Book 9, Page 198, Public Records of Mesa County, Colorado; thence S 00°04'48" E along the West line of said Lot 1, a distance of 183.52 feet to a point being the beginning of a 25.00 foot radius curve, concave Northeast, whose long chord

bears S 45°04'48"E with a long chord length of 35.36 feet; thence Southeasterly along the arc of said curve a distance of 39.27 feet to a Point of Cusp; thence S 89°55'12" W along the Westerly prolongation of the South line of said Lot 1, a distance of 25.97 feet, more or less, to a point on the East side of an existing wood fence; thence N 00°00'24" W along the East side of said wood fence, a distance of 148.17 feet; thence N 87°48'40" W along the North side of an existing wood fence, a distance of 9.42 feet to a point on the East side of an existing wood fence; thence N 01°36'56" E along the East side of said wood fence and its Northerly prolongation, a distance of 60.01 feet, more or less, to the Point of Beginning.

CONTAINING 825.0 Square Feet, more less, as described.

See also attached Exhibit "A"

C. Relying on the information supplied by the Petitioner and contained in File No. RVP-2010-193 in the office of the City's Public Works and Planning 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 29th day of November, 2010.

Attest:



City Clerk



President of the City Council

REVOCABLE PERMIT

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more or less, to a point on the East side of an existing wood fence; thence N 00°00'24" W along the East side of said wood fence, a distance of 148.17 feet; thence N 87°48'40" W along the North side of an existing wood fence, a distance of 9.42 feet to a point on the East side of an existing wood fence; thence N 01°36'56" E along the East side of said wood fence and its Northerly prolongation, a distance of 60.01 feet, more or less, to the Point of Beginning.

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C. Relying on the information supplied by the Petitioner and contained in File No. RVP-2010-193 in the office of the City's Public Works and Planning 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 21st day of June, ^{2016ST}~~2010~~.

The City of Grand Junction,
a Colorado home rule municipality

Attest:

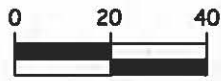
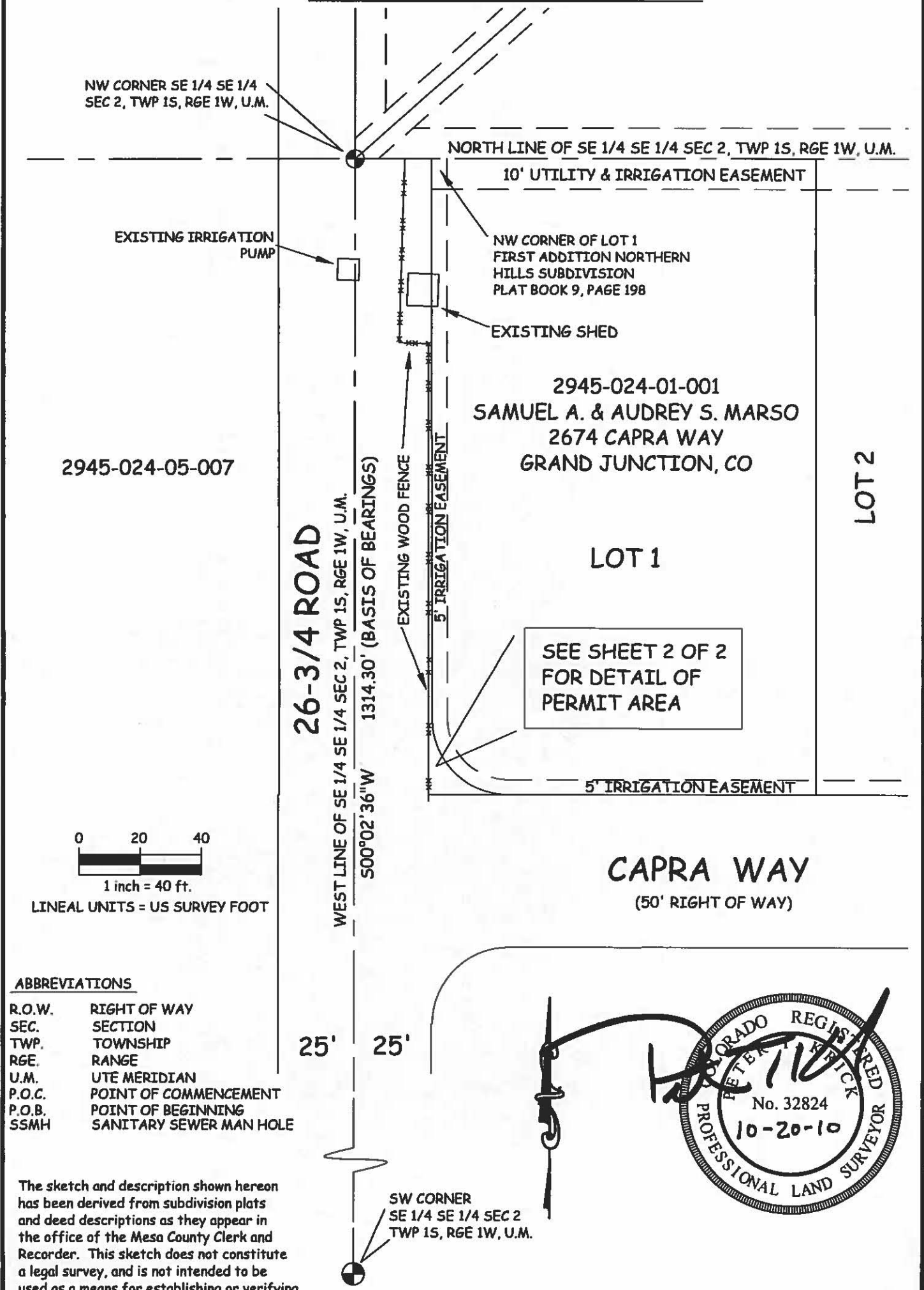
Stephanie Tuin
City Clerk

[Signature]
City Manager

Acceptance by the Petitioner:

[Signature]
Samuel A Marso
[Signature]
Audrey S Marso

EXHIBIT "A"



LINEAL UNITS = US SURVEY FOOT

ABBREVIATIONS

R.O.W.	RIGHT OF WAY
SEC.	SECTION
TWP.	TOWNSHIP
RGE.	RANGE
U.M.	UTE MERIDIAN
P.O.C.	POINT OF COMMENCEMENT
P.O.B.	POINT OF BEGINNING
SSMH	SANITARY SEWER MAN HOLE

The sketch and description shown hereon has been derived from subdivision plats and deed descriptions as they appear in the office of the Mesa County Clerk and Recorder. This sketch does not constitute a legal survey, and is not intended to be used as a means for establishing or verifying property boundary lines.



SHEET 1 OF 2

DRAWN BY: PTK
DATE: 10-19-10
SCALE: 1" = 40'
APPR. BY: PTK

REVOCABLE PERMIT
26-3/4 ROAD
FOR THE BENEFIT OF
2945-024-01-001



EXHIBIT "A"

NW CORNER OF LOT 1
FIRST ADDITION NORTHERN
HILLS SUBDIVISION
PLAT BOOK 9, PAGE 198

	BEARING	DISTANCE
①	S87°42'28"E	1.54'
②	S02°17'32"W	7.00'
③	N87°42'28"W	7.00'
④	N02°17'32"E	7.00'
⑤	S87°42'28"E	5.46'

2945-024-01-001
SAMUEL A. & AUDREY S. MARSO
2674 CAPRA WAY
GRAND JUNCTION, CO

LOT 1



LINEAL UNITS = US SURVEY FOOT



RAD=25.00'
Δ=90°00'00"
AL=39.27'
CHB=S45°04'48"E
CHL=35.36'

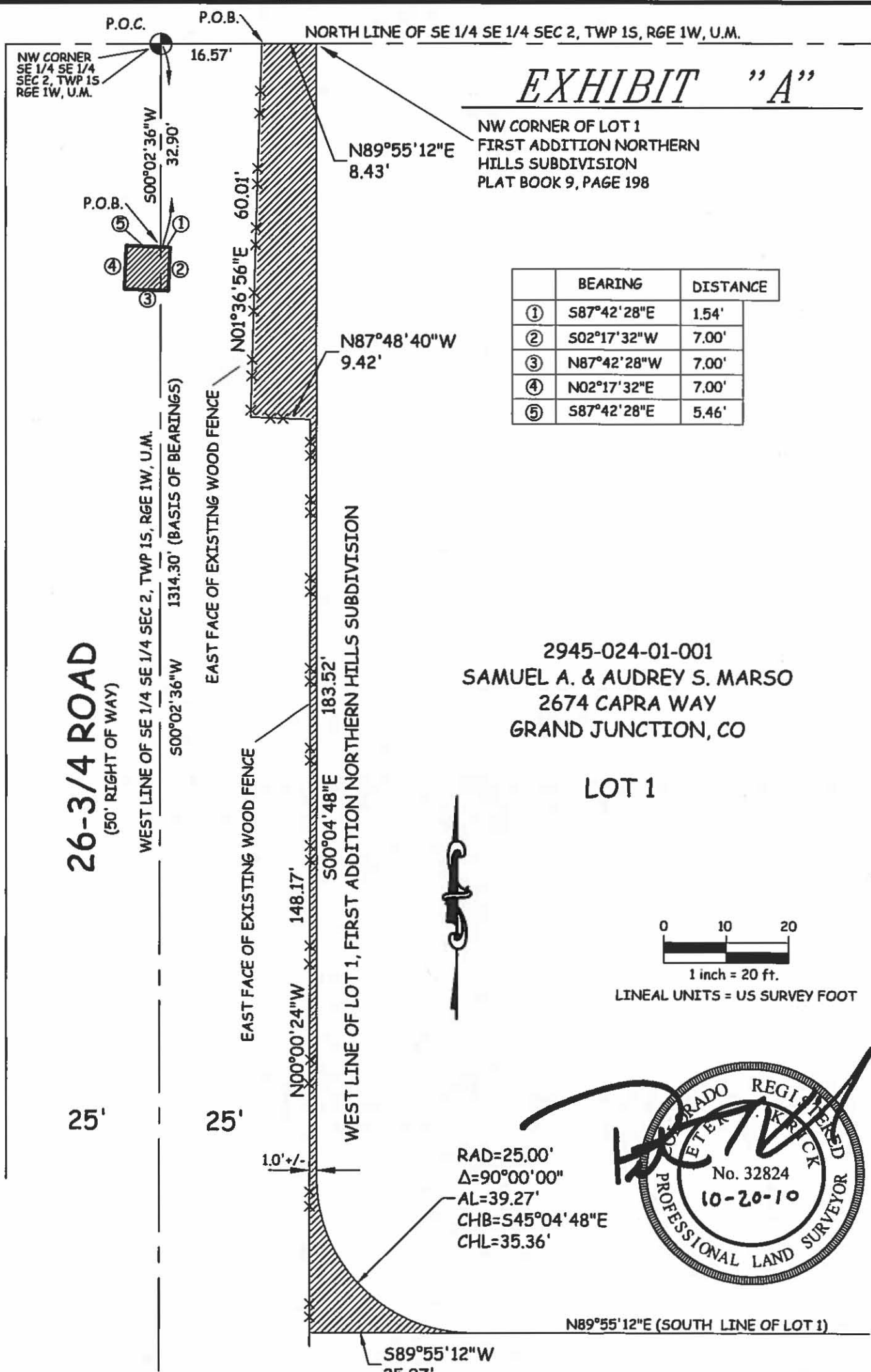
N89°55'12"E (SOUTH LINE OF LOT 1)

S89°55'12"W
25.97'

SHEET 2 OF 2

DRAWN BY: PTK
DATE: 10-19-10
SCALE: 1" = 20'
APPR. BY: PTK

REVOCABLE PERMIT
26-3/4 ROAD
FOR THE BENEFIT OF
2945-024-01-001



AGREEMENT

Samuel A. and Audrey S. Marso, for themselves and for their successors and assigns, do 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 21st day of June, 2010^{16ms}.

By: [Signature]
Samuel A. Marso
[Signature]
Audrey S. Marso

State of Colorado)
)ss.
County of Mesa)

The foregoing Agreement was acknowledged before me this 21st day of June, 2010^{16ms}, by Samuel A. and Audrey S. Marso.

My Commission expires: 04/07/2018
Witness my hand and official seal.

[Signature]
Notary Public

