

RESOLUTION NO. 14-11

**A RESOLUTION CONCERNING
THE ISSUANCE OF A REVOCABLE PERMIT TO
JOHN O. SPENDRUP LLC**

Recitals.

A. John O Spendrup 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:

BEG N4 COR SEC 23 1S 1W S ALG W LI OF NE4 53.3FT E 132FT N 53.3FT W 132FT TO BEG

Identified by Mesa County Tax Schedule Number 2945-231-00-001

B. The Petitioner has requested that the City Council of the City of Grand Junction issue a Revocable Permit for an existing structure, originally designed for lumber storage, within the following described portion of public right-of-way:

A portion of 7th Street situate in the NE1/4 of Section 23, Township One South, Range one West of the Ute Meridian in the City of Grand Junction, Mesa County, Colorado, more particularly described as follows:

Commencing at a two-inch pipe monument for the S1/4 Corner of said Section 14, whence an alloy cap for the N1/16 Corner of Section 23, Township One South, Range One West of the Ute Meridian bears S00811'26"W a distance of 1315.10 feet, more or less, thence S89850'40"E for a distance of 128.97 feet to the west line of said 7th Street and the Point of Beginning; thence the following four courses and distances:

1. S89850'40"E for a distance of 2.50 feet;
2. S00828'16"E, parallel with the west line of said 7th Street, for a distance of 53.30 feet;
3. N89850'40"W for a distance of 2.50 feet;
4. N00828'16"W, on the west line of said 7th Street, for a distance of 53.30 feet to the beginning.

Containing approximately 133 square feet.

See also attached Exhibit A

C. Relying on the information supplied by the Petitioner and contained in File No. RVP-2011-536 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.

D. The Petitioner is successor in interest to the following described real property in the City of Grand Junction, County of Mesa, State of Colorado, to wit:

LOTS 1 TO 15 INC BLK 160 GRAND JUNCTION

Identified by Mesa County Tax Schedule Number 2945-143-42-001

E. The Petitioner has demonstrated that revocable permit issued for structures on the above described property have been demolished and that said revocable permit, recorded February 4, 1965 in Book 879, Pages 128-129 of the records of the Mesa County Clerk and Recorder and attached herein as Exhibit B, is no longer necessary and request that it be revoked.

F. Relying on the information supplied by the Petitioner and contained in File No. RVP-2011-536 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.

2. That the Revocable Permit recorded February 4, 1965 in Book 879, Pages 128-129 of the records of the Mesa County Clerk and Recorder and attached herein as Exhibit B, is no longer necessary and is hereby revoked.

PASSED and ADOPTED this 28th day of February, 2011.

Attest:


Stephanie Yum
City Clerk



President of the City Council

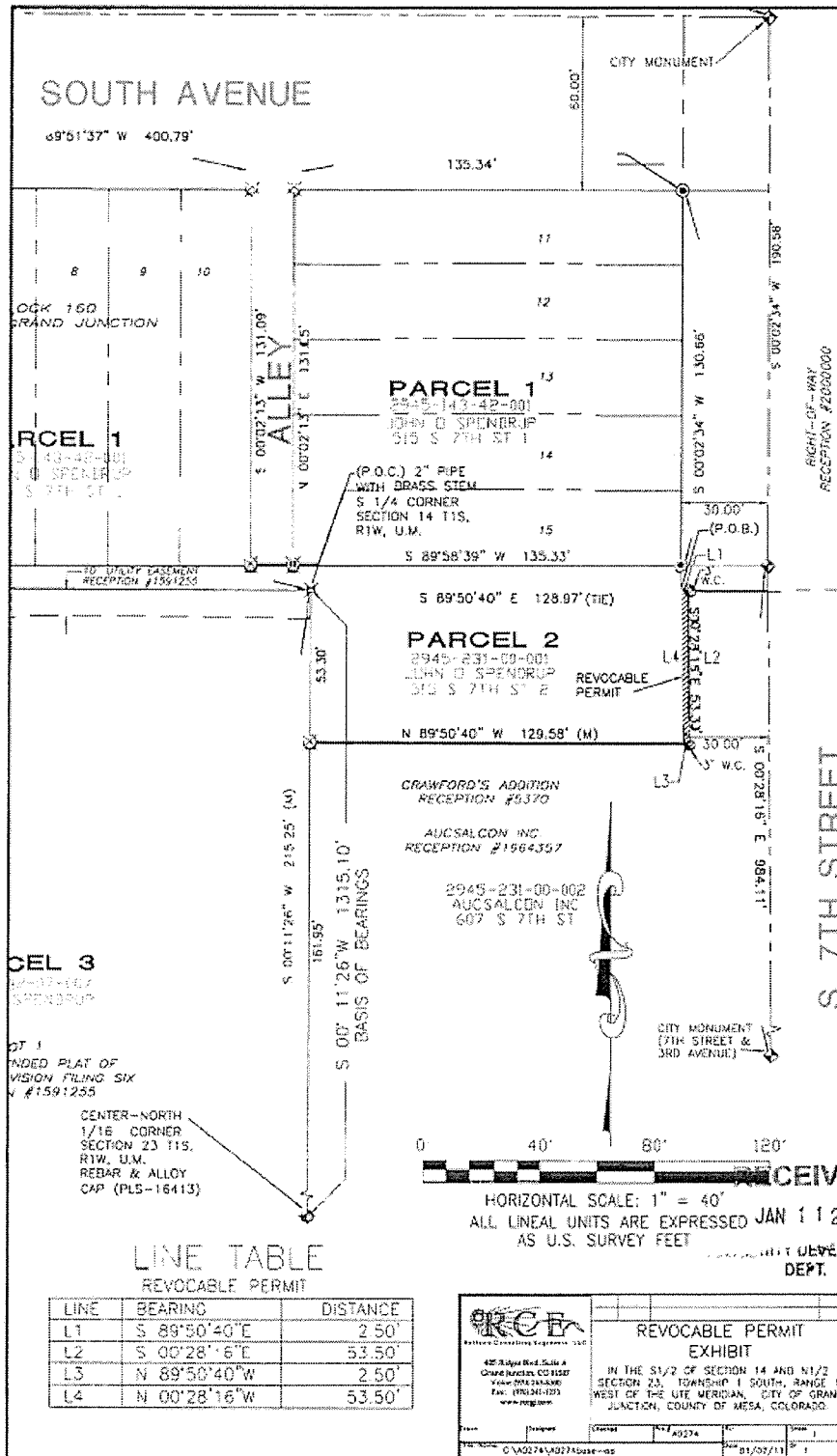


Exhibit A

State of Colorado) Recorded at ^{2:00} o'clock P.M. FEB. 4, 1965
County of Mesa) ss. Reception No. 884537 *Amie M. Lewis* Recorder

REVOCABLE PERMIT

WHEREAS, Burkey Lumber Company has petitioned the City of Grand Junction for a revocable permit to encroach a distance of 1.8 feet onto the 7th Street right-of-way in the City to provide facing on the building the east side of which extends from the Northeast corner of Lot 11, Block 160, City of Grand Junction to 14 feet south of the Southeast corner of Lot 15 in said Block, and

WHEREAS, the City Planning Commission and City Engineer have approved such action, and the City Council is of the opinion that such would not be detrimental to the City or to any of the inhabitants thereof at this time and has directed the City Manager to issue a permit for such use.

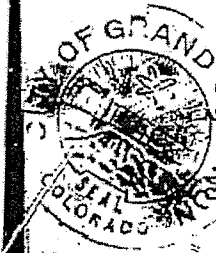
NOW, THEREFORE, IN ACCORDANCE WITH THE ACTION OF THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO:

There is hereby granted to the Burkey Lumber Company of Grand Junction a revocable permit to encroach upon the City right-of-way for the purpose above stated; provided, however, that said permit may be revoked by the City Council at its pleasure at any time; provided further that the above-named company shall agree to indemnify the City and hold it harmless from any and all claims, damages, actions, costs and expenses of every kind in any manner arising out of, or resulting from, the permitted use; and provided further that said company shall agree that upon the revocation of such permit it will, at its own expense remove said facing and restore the right-of-way to its original condition.

Dated this 21st day of January, 1965.

W. H. Long
City Manager

John C. Johnson
City Clerk



The undersigned, for itself, its successors and assigns, hereby agrees that it will abide by the conditions contained in the foregoing permit and that it will indemnify the City of Grand Junction and hold it harmless from all claims as recited in said permit, and further, on revocation of the permit it agrees to remove said facing and restore the right-of-way to its original condition, all at its own expense.

Dated at Grand Junction, Colorado, this 29 day of January, 1965.

Burkey Lumber Company
John W. Burkey
President

ATTEST:

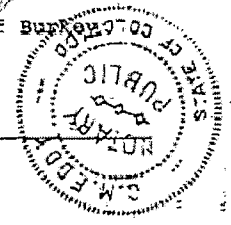
Secretary

STATE OF COLORADO)
) ss.
County of Mesa)

The foregoing instrument was acknowledged before me this 29 day of January, 1965, by *John W. Burkey* as President and _____ as Secretary of Burkey Lumber Company, a corporation.

Witness my hand and seal.

[Signature]
Notary Public



My commission expires:
My Commission Expires November 2, 1968

REVOCABLE PERMIT

Recitals.

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BEG N4 COR SEC 23 1S 1W S ALG W LI OF NE4 53.3FT E 132FT N 53.3FT W
132FT TO BEG

Identified by Mesa County Tax Schedule Number 2945-231-00-001

B. The Petitioner has requested that the City Council of the City of Grand Junction issue a Revocable Permit for an existing structure, originally designed for lumber storage, within the following described portion of public right-of-way:

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Containing approximately 133 square feet.

See also attached Exhibit

C. Relying on the information supplied by the Petitioner and contained in File No. RVP-2011-536 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 31st day of March, ~~2010~~ 2011.

The City of Grand Junction,
a Colorado home rule municipality

Attest:

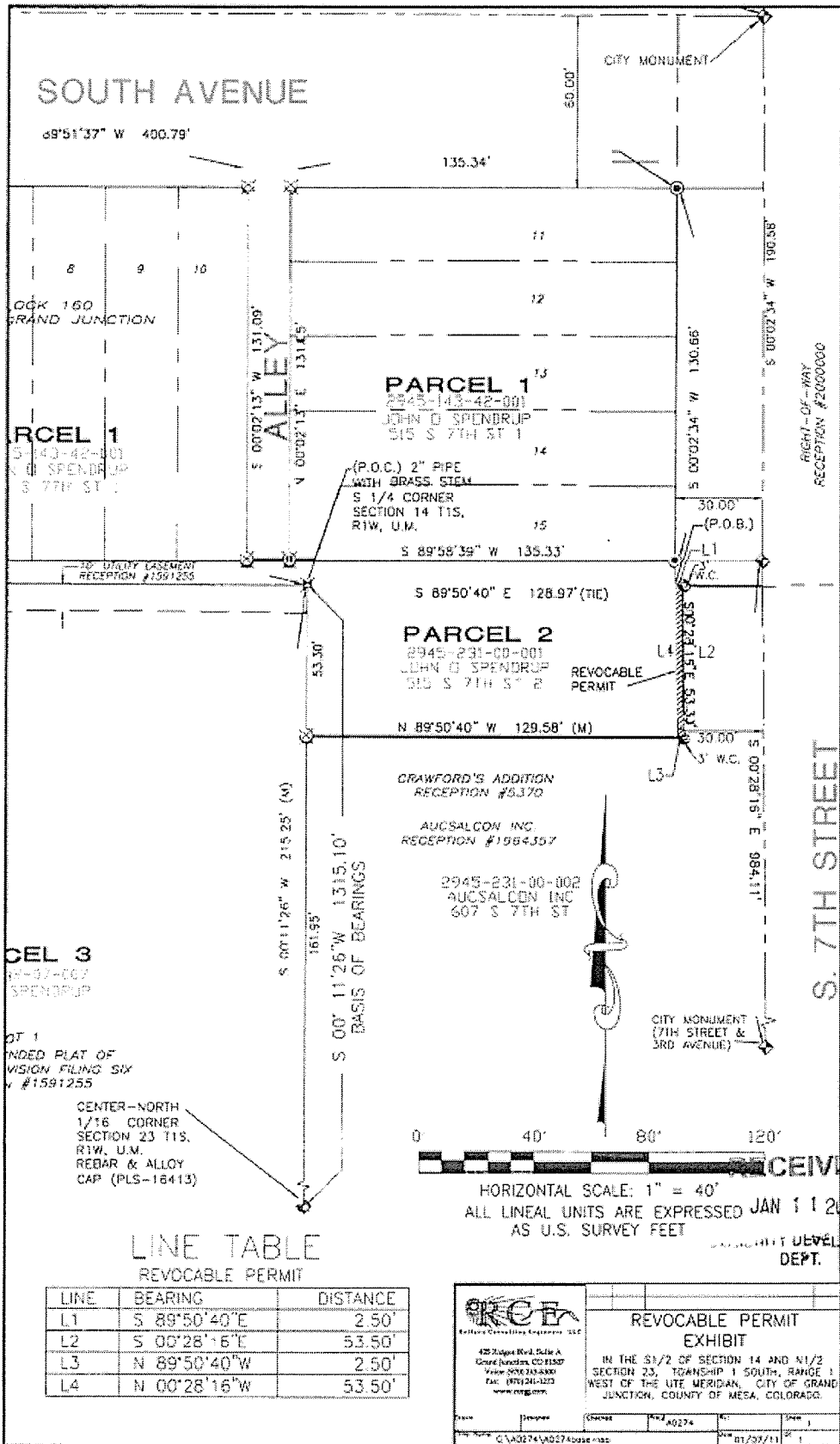
Stephanie Yunn
City Clerk

Strom Kadish
City Manager



Acceptance by the Petitioner:

John O Sprendrup
John O Sprendrup LLC



LINE TABLE
REVOCALLABLE PERMIT

LINE	BEARING	DISTANCE
L1	S 89°50'40"E	2.50'
L2	S 00°28'16"E	53.50'
L3	N 89°50'40"W	2.50'
L4	N 00°28'16"W	53.50'

REVOCALLABLE PERMIT EXHIBIT

IN THE S1/2 OF SECTION 14 AND N1/2 SECTION 23, TOWNSHIP 1 SOUTH, RANGE 1 WEST OF THE UTE MERIDIAN, CITY OF GRAND JUNCTION, COUNTY OF MESA, COLORADO.

RECEIVED
DEVELOPMENT DEPT.

AGREEMENT

John O Spendrup LLC, 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.

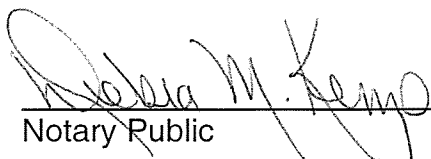
Dated this 31st day of March, 2011.

By: 
John O Spendrup LLC

State of Colorado)
)ss.
County of Mesa)

The foregoing Agreement was acknowledged before me this 31st day of March, 2011, by John O Spendrup for John O Spendrup LLC

My Commission expires: 3/13/2013
Witness my hand and official seal.


Notary Public

