

RESOLUTION NO. 27-11

**A RESOLUTION CONCERNING
THE ISSUANCE OF A REVOCABLE PERMIT TO
THE UNITED STATES OF AMERICA, ACTING BY AND THROUGH THE
AUTHORITY OF THE ADMINISTRATOR OF GENERAL SERVICES, FOR THE
WAYNE N ASPINALL FEDERAL COURTHOUSE AT 400 ROOD AVENUE**

Recitals.

A. The United States of America acting by and through the Administrator of General Services, 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:

LOTS 26-32 BLOCK 96 GRAND JUNCTION and identified by Mesa County Tax Schedule Number 2945-143-09-918 (Address: 400 Rood Avenue).

B. The Petitioner has requested that the City Council of the City of Grand Junction issue a Revocable Permit to allow the Petitioner to install, maintain and repair 12 geothermal wells within the following described public right-of-way:

A certain parcel of land lying in the Southwest Quarter (SW 1/4) of Section 14, Township 1 South, Range 1 West of the Ute Principal Meridian, being more particularly described as follows:

ALL of that certain East-West 20.0 foot wide platted alley lying within Block 96, First Division Resurvey, Town of Grand Junction, as same is recorded in Plat Book 1, Page 9, Public Records of Mesa County, Colorado, lying North of Lots 25 through 32 of said Block 96, TOGETHER WITH, all of Lot 25 within said Block 96.

CONTAINS 7,150 Square Feet or 0.164 Acres, more or less, as described.

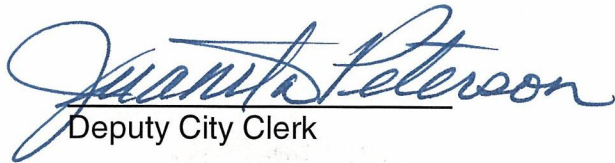
C. Relying on the information supplied by the Petitioner and contained in File No. RVP-2011-744 in the office of the City's Public Works and Planning Department, the City Council has determined that such action would not at this time be detrimental to the inhabitants of the City of Grand Junction.

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.

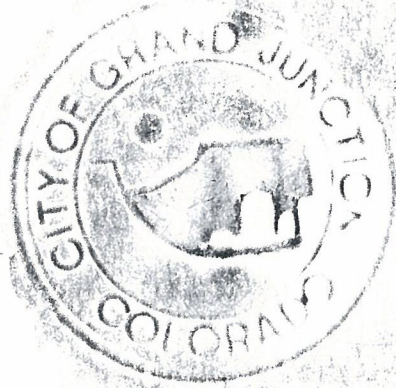
PASSED and ADOPTED this 1st day of June, 2011.

Attest:


Deputy City Clerk



President of the City Council



REVOCABLE PERMIT

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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, as long as that purpose does not impede Petitioner's use. The City further reserves and retains the right to revoke this Permit, but only after consultation with the Petitioner.

3. To the extent that the appropriated funds are available, the Petitioner's liability under the Revocable Permit shall be governed by the Federal Tort Claims Act, as amended.

4. The Petitioner is not responsible for the maintenance of the right-of-way. However, Petitioner agrees to maintain, routinely inspect, and repair, as necessitated by Petitioner's approved use, the permit area.

5. To the extent that appropriated funds are available, the Petitioner's liability under this Revocable Permit shall be government by the Federal Tort Claims Act, as amended. In the event that the City exercises its right to revoke under paragraph 2 of this Revocable Permit, Petitioner shall have the right to either remove or abandon in place the material in the permit area.

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 8th day of June, 2011.

The City of Grand Junction,
a Colorado home rule municipality

Attest:

Jessanta Peterson *Jim Madril*
Deputy City Clerk City Manager



Acceptance by the Petitioner:

Shawn Conger
US General Services Administration

