

RESOLUTION NO. 44-14

**A RESOLUTION CONCERNING
THE ISSUANCE OF A REVOCABLE PERMIT TO
RRB HOLDINGS, INC.
ADJACENT TO PROPERTY LOCATED AT 651 MARKET STREET**

Recitals.

A. Ron Bubar, on behalf of RRB Holdings, Inc., hereinafter referred to as the Petitioner, represents that he intends to purchase or otherwise acquire the following described real property in the City of Grand Junction, County of Mesa, State of Colorado, to wit:

Lot 2 of Value Place Subdivision, as recorded in Book 5565, Page 53 of Mesa County Records.

Referred to herein as the Adjacent Property.

B. The Petitioner has requested that the City Council of the City of Grand Junction issue a Revocable Permit to allow the Petitioner to, in connection with its proposed use of the Adjacent Property as a car dealership, display vehicles within the following described part of the public right-of-way:

A revocable license to use the following described portion of real property located in the West Half of the Northwest Quarter (W½ NW¼), Section 4, Township 1 South, Range 1 West, Ute Meridian, City of Grand Junction, Mesa County, Colorado:

COMMENCING at the West Quarter corner (W1/4 corner) of Section 4, Township 1 South, Range 1 West of the Ute Meridian, in the City of Grand Junction, Mesa County, Colorado whence the North sixteenth (N1/16th) corner on the West line of said Section 4 bears North 00°03'16" West, a distance of 1320.35 feet, for a basis of bearings with all bearings contained herein relative thereto; thence North 00°03'16" West, a distance of 123.91 feet, along the West line of said Section 4 to the North right-of-way line of F1/2 Road, as described in Book 4330, Page 133, Mesa County records; thence along said North right-of-way line North 89°54'55" East, a distance of 90.03 feet to the POINT OF BEGINNING; thence North 89°54'55" East, a distance of 612.29 feet, continuing along the North line of said right-of-way; thence South 00°07'29" East, a distance of 71.92 feet; thence South 89°54'59" West, a distance of 612.29 feet; thence North 00°07'29" West, a distance of 71.91 feet to the POINT OF BEGINNING.

Said area having 1.011 Acres.

C. Relying on the information supplied by the Petitioner and contained in File No. RVP-2014-378 in the office of the City's Community Development 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 3rd day of December, 2014.

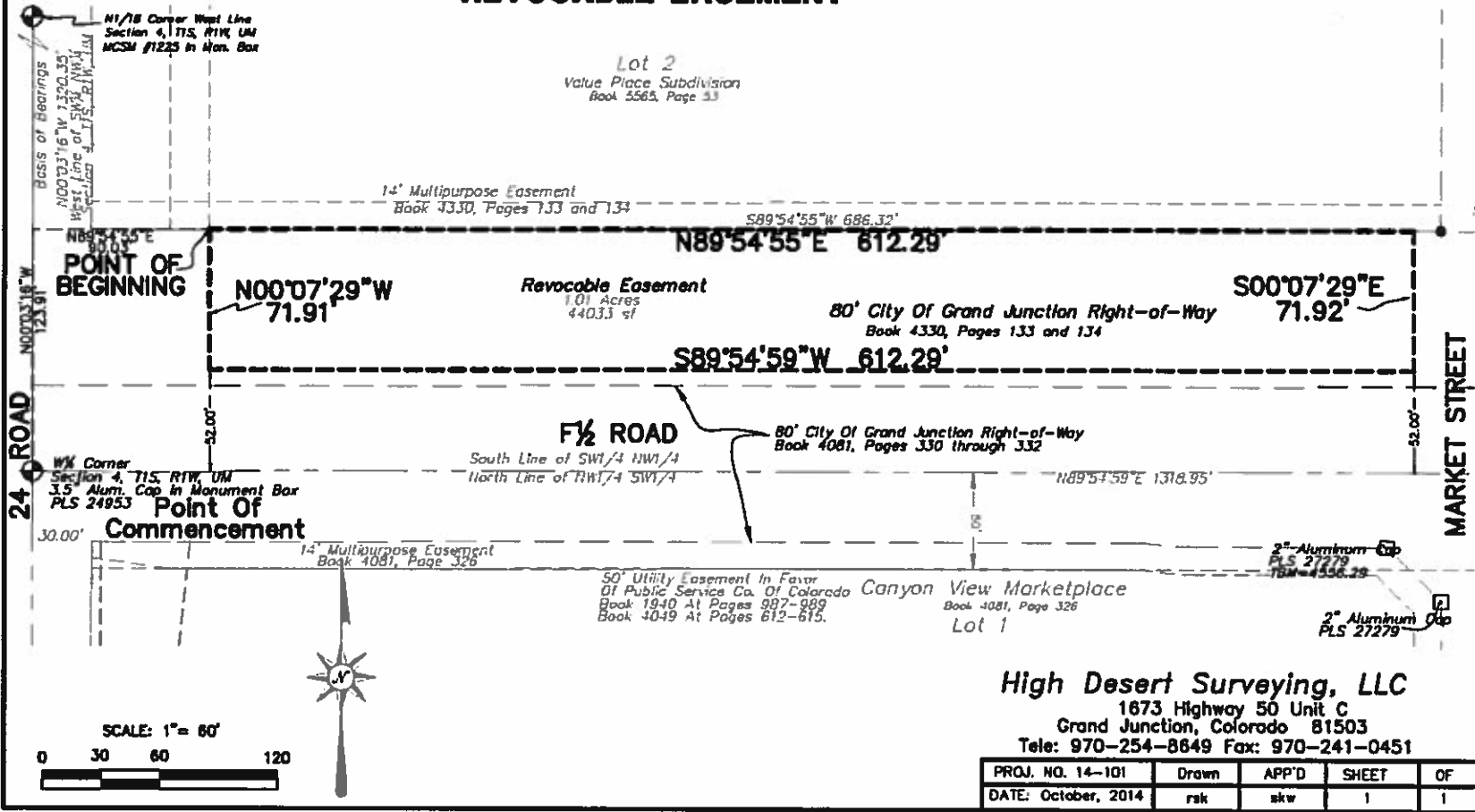
Attest:

Stephanie Yun
City Clerk

Samuel Forrie
President of the City Council



EXHIBIT B REVOCABLE EASEMENT



REVOCABLE PERMIT

Recitals.

A. Ron Bubar, on behalf of RRB Holdings, Inc., hereinafter referred to as the Petitioner, represents that he intends to purchase or otherwise acquire the following described real property in the City of Grand Junction, County of Mesa, State of Colorado, to wit:

Lot 2 of Value Place Subdivision, as recorded in Book 5565, Page 53 of Mesa County Records.

Referred to herein as the Adjacent Property.

B. The Petitioner has requested that the City Council of the City of Grand Junction issue a Revocable Permit to allow the Petitioner to, in connection with its proposed use of the Adjacent Property as a car dealership, display vehicles within the following described part of the public right-of-way:

A revocable license to use the following described portion of real property located in the West Half of the Northwest Quarter ($W\frac{1}{2}$ NW $\frac{1}{4}$), Section 4, Township 1 South, Range 1 West, Ute Meridian, City of Grand Junction, Mesa County, Colorado:

COMMENCING at the West Quarter corner ($W\frac{1}{4}$ corner) of Section 4, Township 1 South, Range 1 West of the Ute Meridian, in the City of Grand Junction, Mesa County, Colorado whence the North sixteenth ($N\frac{1}{16}^{\text{th}}$) corner on the West line of said Section 4 bears North $00^{\circ}03'16''$ West, a distance of 1320.35 feet, for a basis of bearings with all bearings contained herein relative thereto; thence North $00^{\circ}03'16''$ West, a distance of 123.91 feet, along the West line of said Section 4 to the North right-of-way line of F1/2 Road, as described in Book 4330, Page 133, Mesa County records; thence along said North right-of-way line North $89^{\circ}54'55''$ East, a distance of 90.03 feet to the POINT OF BEGINNING; thence North $89^{\circ}54'55''$ East, a distance of 612.29 feet, continuing along the North line of said right-of-way; thence South $00^{\circ}07'29''$ East, a distance of 71.92 feet; thence South $89^{\circ}54'59''$ West, a distance of 612.29 feet; thence North $00^{\circ}07'29''$ West, a distance of 71.91 feet to the POINT OF BEGINNING.

Said area having 1.011 Acres.

C. Relying on the information supplied by the Petitioner and contained in File No. RVP-2014-378 in the office of the City's Community Development 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, 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. This Petitioner shall acquire the Adjacent Property and establish thereon the car dealership described in and approved under File No. SPN-2014-377 and shall improve and maintain the Adjacent Property and the area subject to this Permit in accordance with the plans reviewed and approved by the Community Development Division under File No. SPN-2014-377.

2. 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.

3. 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 in its sole discretion.

4. 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.

5. The Petitioner agrees that it shall at all times keep the above described public right-of-way in good condition and repair.

6. 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.

7. 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.

8. Permittee shall obtain all applicable Planning Clearances from the City Community Development Division and any other clearances or permits, including a Work in the Right-of-Way permit, prior to construction of improvements within the ROW.

Dated this 12th day of December, 2014.

The City of Grand Junction,
a Colorado home rule municipality

Attest:

Stephanie Yun
City Clerk

[Signature]
City Manager



Acceptance by the Petitioner:

[Signature]

Ron Bubar for RRB Holdings, Inc.

EXHIBIT B REVOCABLE EASEMENT

