

RESOLUTION NO. 39-14

**A RESOLUTION CONCERNING
THE ISSUANCE OF A REVOCABLE PERMIT TO
MESA FEED MART LOCATED AT 520 S. 9TH STREET**

Recitals.

A. Mesa Feed Mart, 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:

All of Block 3 of Milldale Subdivision; Together with the North-South alley between Lots 1 through 7 and Lot 8 as vacated by instrument recorded November 20, 1972 at Reception No. 1035768 in Book 986 at Page 209; Except the East 334 feet of said Lot 8 more particularly described as commencing at the Northeast corner of Lot 8, Block 8, Milldale Subdivision; thence South 73 degrees 36' 54" West 348.15 feet; thence North 98.13 feet; thence East 334 feet to the Point of Beginning and identified by Mesa County Tax Schedule Number 2945-231-01-009.

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 a weight scale within the following described public right-of-way:

A Parcel of Land being part of Lot 8, Block 3 of the Milldale Subdivision, City of Grand Junction, County of Mesa, State of Colorado, and being more specifically described as follows:

Commencing at the northwest corner of Lot 8, Block 3 of the Milldale Subdivision, City of Grand Junction, County of Mesa, State of Colorado, said point being on the east right-of-way line of South 9th Street, and considering a line between City Block Monuments located at the intersection of South 9th Street and 4th Avenue, and South 9th Street and Winters Avenue to bear S00 Degrees 03'43"E with all other bearings contained relative thereto;
thence S 00Degrees 19'15"E 100.77 feet along said east right-of-way line of South 9th Street to the point of beginning;
thence continuing along said right-of-way line S00 Degrees 19'15"E 34.00 feet to a point;
thence leaving said right-of-way line S89 Degrees 40'45"W 12.35 feet to a point;
thence N00 Degrees 19'15"W 34.00 feet to a point;
thence N89 Degrees 40' 45"E 12.35 feet to the point of beginning (See Exhibit A).

containing 4199 square feet as described.

C. Relying on the information supplied by the Petitioner and contained in File No. RVP-2014-100 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 19th day of November, 2014.

Attest:

Stephanie Yun
City Clerk

Angela Forrie
President of the City Council



EXHIBIT A



SCALE: 1" = 10'



LEGEND

- RIGHT-OF-WAY
- PK NAIL WITH WASHER MARKED 14113

NOTE:
 ADDITIONAL AREA REQUIRED IN ORDER TO MATCH EXISTING PAVEMENT AS SCALE IS LOCATED ON A SLOPE AND RETAINING WALLS ARE REQUIRED IN ORDER TO SET THE SCALE ON A HORIZONTAL PLANE.

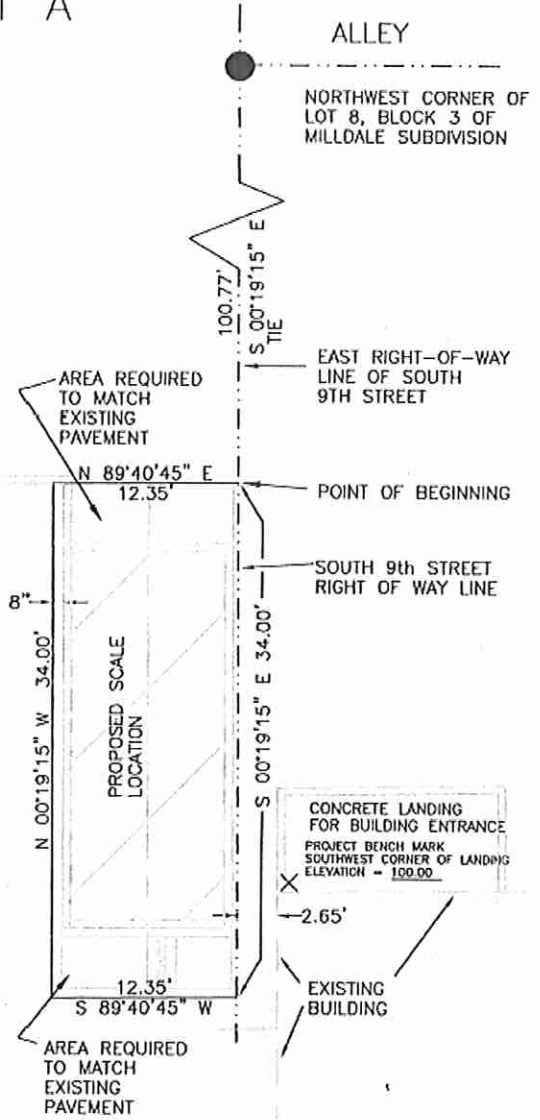
LINEAR MEASUREMENTS ARE U.S. FOOT
 THE BASIS OF BEARINGS IS FROM FOUND CITY BLOCK MONUMENTS AT THE INTERSECTION OF SOUTH 9TH STREET AND 4TH AVENUE AND SOUTH 9TH STREET AND WINTERS AVENUE OF WHICH BEARING WAS S00°03'43"E FROM A PLAT OF SURVEY BY THE CITY OF GRAND JUNCTION TITLED CONTROL SURVEY AND CERTIFIED BY PETER T. KRICK ON 7/22/08.

SOUTH 9TH STREET

PROPOSED EXTENSION OF CURB AND GUTTER

EXISTING 4' WIDE V-PAN

TRANSITION BACK TO EXISTING V-PAN



**WEIGHT SCALE LOCATION SURVEY FOR MESA FEED MART
 FOR 520 S 9TH STREET
 GRAND JUNCTION, COLORADO**

W.H. LIZER AND ASSOCIATES
 ENGINEERING CONSULTING AND LAND SURVEYING
 576 25 ROAD-UNIT B
 GRAND JUNCTION, COLORADO

DATE: 5/23/14	PROJ. NO. 144457-2	SCALE: 1" = 10'	FILE NAME: MESA-EXH	DRAWN BY: WHL	CHECKED BY: W.H.L.
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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.

7. Presently the right-of-way of S. 9th Street contains a 12" and 8" water line, 15" storm sewer, a 10" sanitary sewer line, natural gas line and an overhead power line. If the City or other utility companies need to repair any of their infrastructure, the applicant will be responsible for replacing and repairing the damaged weight scale if applicable, and for all costs associated therewith, not the City.

8. The permittee has been notified that City street maintenance along S. 9th Street may impact the applicant's weight scale. The City is not and shall not be responsible for such impacts or any costs incurred thereby or associated therewith, including but not limited to any actual or consequential damages. With no sidewalk in place on the east side of S. 9th Street, activities such as distribution of magnesium chloride, salt/sanding and snow removal may splash onto the proposed weight scale and be deposited into the area that is subject to this revocable permit. The permittee will hold the City harmless from any claims arising from any property damaged by any street maintenance activities, whether such activities are routine or exceptional.

9. Permittee shall obtain all applicable Planning Clearance's from City Planning and Mesa County Building Department.

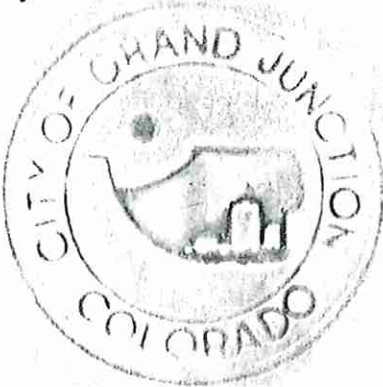
Dated this 19th day of Nov., 2014.

The City of Grand Junction,
a Colorado home rule municipality

Attest:

Stephanie Yun
City Clerk

[Signature]
City Manager



Acceptance by the Petitioner:

[Signature]
Mesa-Feed Mart

EXHIBIT A



SCALE: 1" = 10'



LEGEND

- ACTUAL WEIGHT SCALE LOCATION
- RIGHT-OF-WAY
- PK NAIL WITH WASHER MARKED 14113

NOTE:
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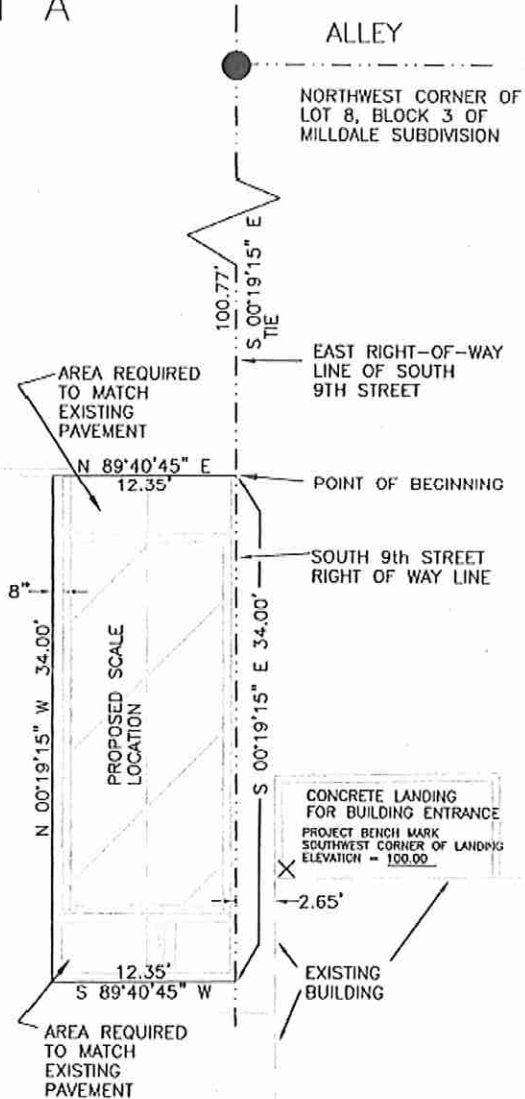
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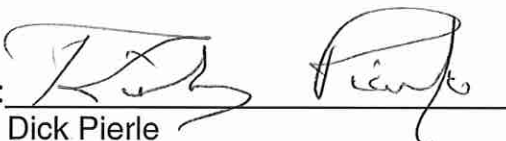
AGREEMENT

Mesa Feed Mart, 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) 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 6th day of Jan., 2014. 15

Mesa Feed Mart

By: 
Dick Pierle

State of Colorado)
)ss.
County of Mesa)

The foregoing Agreement was acknowledged before me this 6th day of January, 2014. 15 by Dick Pierle, of Mesa Feed Mart.

My Commission expires: 10-10-2017
Witness my hand and official seal.


Notary Public

