

RESOLUTION NO. 03-16

RECEPTION# 2757391
4/19/2016 10:55:10 AM, 1 of 8
Recording: \$46.00
Sheila Reiner, Mesa County, CO
CLERK AND RECORDER

**A RESOLUTION CONCERNING
THE ISSUANCE OF A REVOCABLE PERMIT TO
LOJO PARTNERSHIP, LLP LOCATED AT 630 S. 7TH STREET**

Recitals.

A. LOJO Partnership LLP, hereinafter referred to as the Petitioner, represents 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, Seventh and South Ave Subdivision

B. The Petitioner has requested that the City Council of the City of Grand Junction issue a Revocable Permit to allow the Petitioner and the City to officially document an existing building encroachment of one foot within the following described public right-of-way:

A certain parcel of land lying in the North-half (N 1/2) of Section 23, Township 1 South, Range 1 West of the Ute Principal Meridian and being more particularly described as follows:

BEGINNING at the intersection of the North right of way for the Denver & Rio Grande Western Railroad and the Easterly right of way for South Seventh Street, being the Southwest corner of Block 5, Milldale Subdivision, as same is recorded in Plat Book 3, Page 21, Public Records of Mesa County, Colorado and assuming said East right of way for South Seventh Street bears N 00°28'08" W with all other bearings contained herein being relative thereto; thence from said Point of Beginning, S 73°01'14" W, along the Northerly right of way for the Denver & Rio Grande Western Railroad, a distance of 1.04 feet; thence N 00°28'08" W along a line 1.00 foot West of and parallel with said Easterly right of way for South Seventh Street, a distance of 160.00 feet; thence N 89°31'52" E, a distance of 1.00 feet; thence S 00°28'08" E, along said Easterly right of way for South Seventh Street, a distance of 159.70 feet, more or less, to the Point of Beginning (See Exhibit A).

CONTAINING 160 Square Feet, more or less, as described.

C. Relying on the information supplied by the Petitioner and contained in File No. RVP-2015-559 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

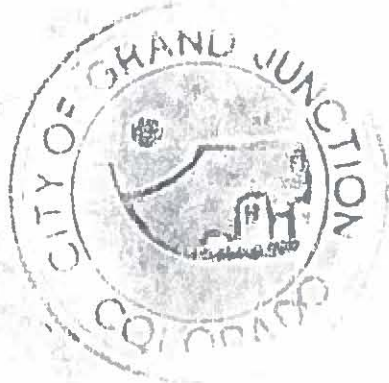
within the limits of the public right-of-way aforescribed, subject to each and every term and condition contained in the attached Revocable Permit.

PASSED and ADOPTED this 20th day of January, 2016.

Attest:

Stephanie Yum
City Clerk

Samuel Forrie
President of the City Council



REVOCABLE PERMIT

Recitals.

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C. Relying on the information supplied by the Petitioner and contained in File No. RVP-2015-559 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. 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. Permittee shall obtain all applicable Planning Clearance's from City Planning and Mesa County Building Department.

8. This Revocable Permit only applies to the existing building. If in the future, the existing building would be demolished, the proposed new building would be required to meet all applicable building setbacks and zoning codes.

Dated this 20th day of January, 2016.

The City of Grand Junction,
a Colorado home rule municipality

Attest:




City Clerk



City Manager

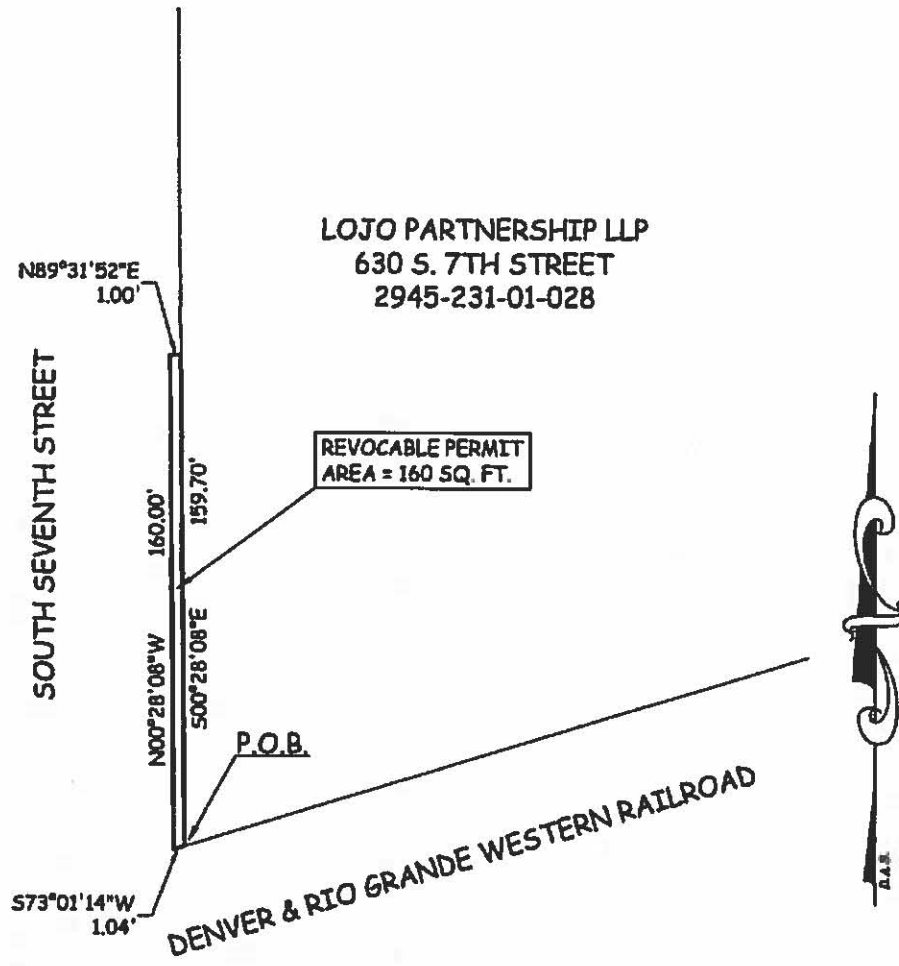


Acceptance by the Petitioner:



LOJO Partnership, LLP
Doug Simons, General Partner

EXHIBIT "A"



LOJO PARTNERSHIP LLP
630 S. 7TH STREET
2945-231-01-028

REVOCABLE PERMIT
AREA = 160 SQ. FT.

P.O.B.

DENVER & RIO GRANDE WESTERN RAILROAD

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

NOT-TO-SCALE
LINEAL UNITS = US SURVEY FOOT



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.

DRAWN BY: PTK
DATE: 09-11-2015
SCALE: N/A
APPR. BY: S.D.

REVOCABLE PERMIT
LOJO PARTNERSHIP LLP
630 S. 7TH STREET
2945-231-01-028



