

RESOLUTION NO. 36-16

**A RESOLUTION CONCERNING
THE ISSUANCE OF A REVOCABLE PERMIT TO
THE MOBERLY FAMILY, LOCATED AT 376 BONNY LANE**

Recitals.

A. Myrna A. Moberly, 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 10, Block 1, Amelang 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 gazebo and concrete patio area within the following described public right-of-way:

A strip of land, situate in the NE 1/4 NW 1/4 of Section 24, Township 1 South, Range 1 West of the Ute Meridian and lying within the right-of-way of Bonny Lane as dedicated on the Amelang Subdivision under Reception No. 835144, City of Grand Junction, Mesa County, Colorado, being described as follows:

Commencing at the C-N 1/16 corner of said Section 24;
thence N70°08'03"W, being the basis of bearing, a distance of 357.65 feet to the west right-of-way line of said Bonny Lane;
thence S25°50'40"W a distance of 21.84 feet to the point of beginning;
thence S64°09'20"E a distance of 50.00 feet;
thence S25°50'40"W a distance of 25.81 feet;
thence N64°09'20"W a distance of 50.00 feet;
thence N25°50'40"E a distance of 25.81 feet to the point of beginning.

Said strip contains 1290 square feet, more or less.

C. Relying on the information supplied by the Petitioner and contained in File No. RVP-2016-289 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 August, 2016.

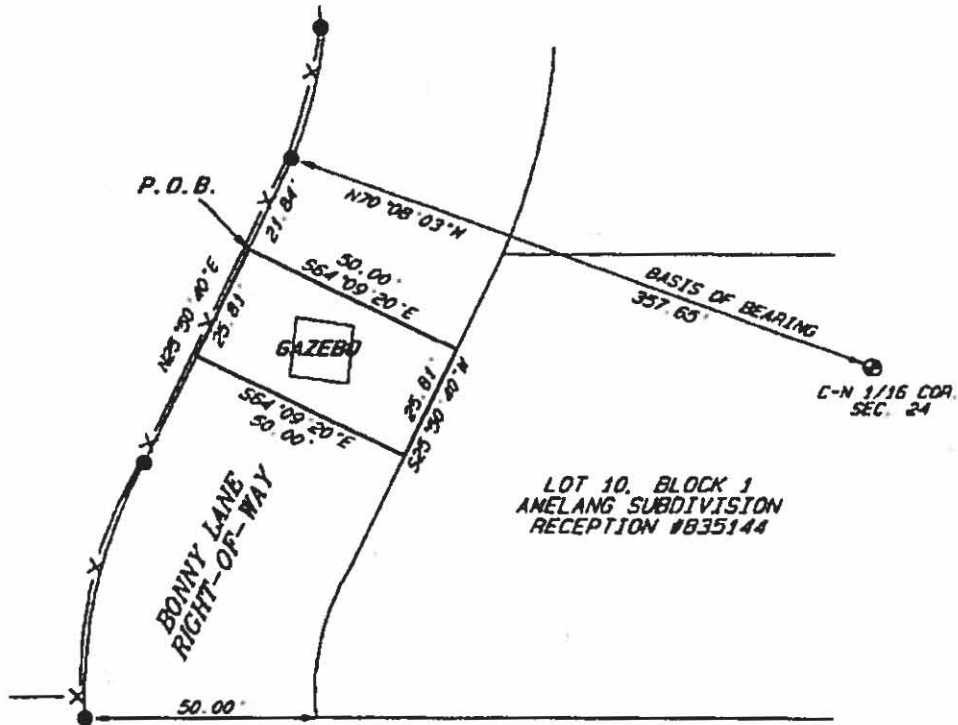


Stephanie Sun
City Clerk

Stephanie Sun
President of the City Council

EXHIBIT A

REVOCABLE PERMIT



LOT 10, BLOCK 1
AMELANG SUBDIVISION
RECEPTION #835144



Michael W. Daniel


NOT TO SCALE
 ● FD. MESA CO. SURVEY MARKER
 ● FD. #5 REBAR N/ALUM. CAP LS20677
 ● P.O.B. - POINT OF BEGINNING

D H SURVEYS, INC.
 970-245-8749
 JOB #1492-16-01

REVOCABLE PERMIT

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Said strip contains 1290 square feet, more or less.

C. Relying on the information supplied by the Petitioner and contained in File No. RVP-2016-289 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 gazebo and concrete patio area. No new additional buildings or encroachments may be placed within the Bonny Lane right-of-way. Any new accessory buildings would be required to meet all applicable building setbacks and zoning codes.

Dated this 3rd day of August, 2016.

The City of Grand Junction,
a Colorado home rule municipality

Attest:

Stephanie Yu
City Clerk

[Signature]
City Manager

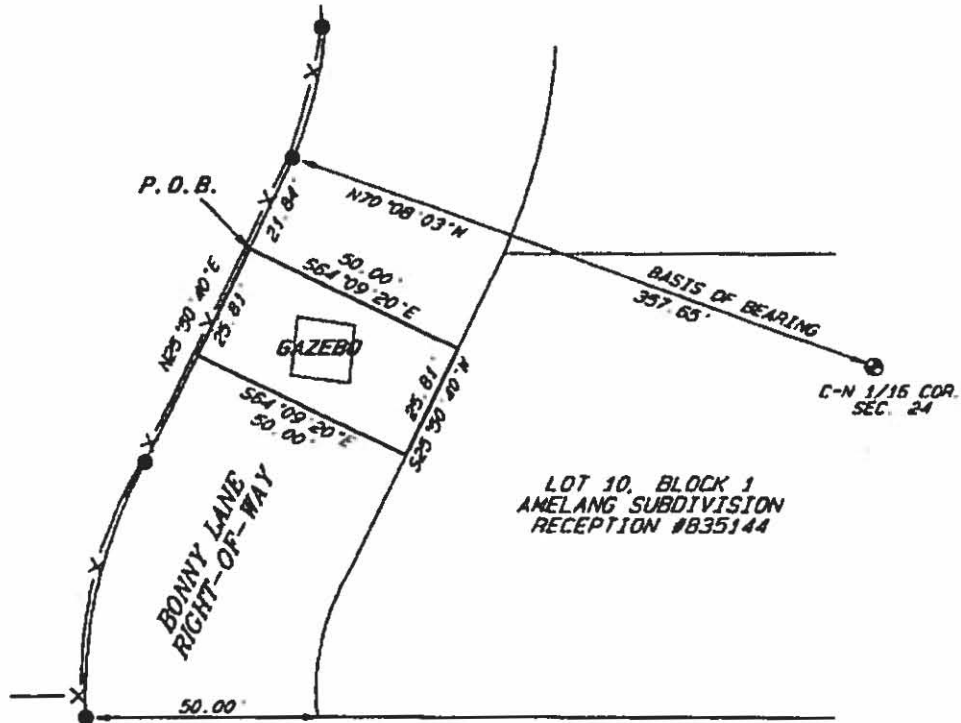


Acceptance by the Petitioner:

Myrna Moberly
Myrna A. Moberly

EXHIBIT A

REVOCABLE PERMIT



Whe



NOT TO SCALE
 ● FD. MESA CO. SURVEY MARKER
 ● FD. #5 REBAR W/ALUM. CAP L520677
 P.O.B. - POINT OF BEGINNING

D H SURVEYS, INC.
 970-245-8749
 JOB #1492-16-01

AGREEMENT

Myrna A. Moberly, 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.

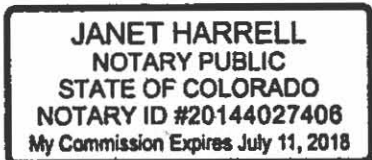
Dated this 8th day of August, 2016.

Myrna A. Moberly
Myrna A. Moberly

State of Colorado)
County of Mesa) ss.

The foregoing Agreement was acknowledged before me this 8th day of August, 2016, by Myrna A. Moberly.

My Commission expires: 7-11-2018
Witness my hand and official seal.



Janet Harrell
Notary Public