

RESOLUTION NO. 37-16

**A RESOLUTION CONCERNING
THE ISSUANCE OF A REVOCABLE PERMIT TO
MESA COUNTY VALLEY SCHOOL DISTRICT NO. 51
TO ALLOW CONSTRUCTION OF A 6' METAL FENCE
IN AN UNIMPROVED ALLEY RIGHT-OF-WAY,
LOCATED AT 2150 GRAND AVENUE**

Recitals.

A. Mesa County Valley School District No. 51, 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:

See attached Legal Description as identified on Appendix A

B. The Petitioner has requested that the City Council of the City of Grand Junction issue a Revocable Permit to allow the Petitioner to construct a 6' tall metal fence within the following described public right-of-way as identified on Exhibit B:

A Portion of Block A, Mesa Gardens Subdivision (Reception Number 640413) of the Mesa County Real Property Records, in the SW1/4 NE1/4 Section 13, Township 1 South, Range 1 East of the Ute meridian, City of Grand Junction, Mesa County, Colorado. Being more particularly described as;

The westerly 4.00' of Block A, Mesa Gardens Subdivision (Reception Number 640413) of the Mesa County Real Property Records, City of Grand Junction, Mesa County, Colorado

Containing approximately 1070 square feet.

C. Relying on the information supplied by the Petitioner and contained in File No. RVP-2016-350 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 17th day of August, 2016.

Quyllis Forrie

President of the City Council

Attest:

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Stephanie Yun

City Clerk



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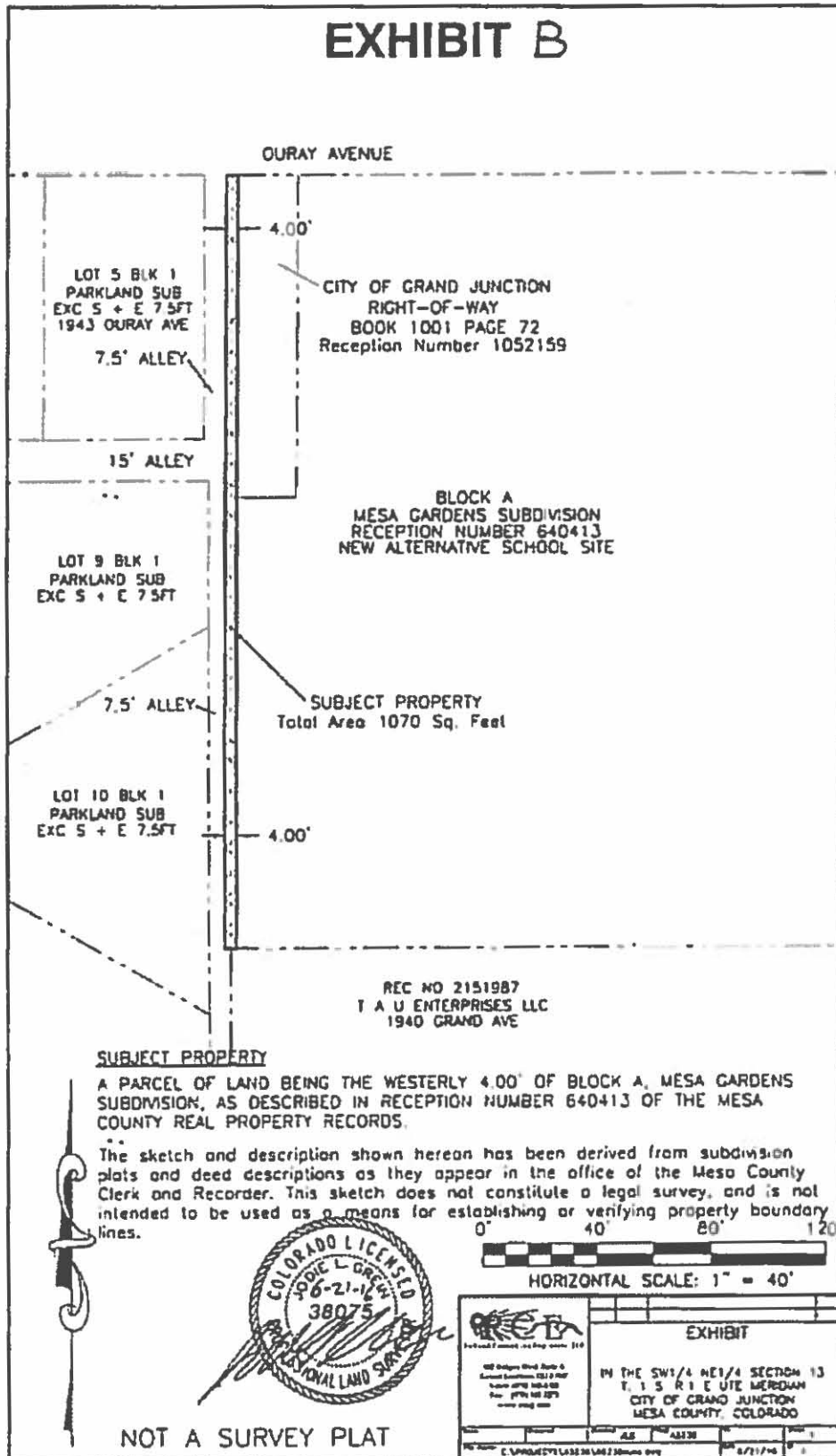
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Appendix A

LEGAL DESCRIPTION

All of Block A and F in MESA GARDENS SUBDIVISION; EXCEPT Beginning at the Southwest corner of said Block A, thence North 212 feet, thence East 250 feet, thence South 92 feet, thence East 80 feet, thence South 120 feet to the Southeast corner of said Block A, thence West 330 feet to the point of beginning; AND EXCEPT Beginning at the Northwest corner of Block A of MESA GARDENS SUBDIVISION, thence Easterly along the South right of way of Oursy Avenue 25 feet, thence Southerly 112.5 feet parallel to the West property line of said Block A, thence Westerly 25 feet to said West property line parallel to the South right of way of Oursy Avenue, thence Northerly 112.5 feet, more or less, along the West property line of said Block A to point of beginning; ALSO EXCEPTING THEREFROM that portion thereof conveyed to City of Grand Junction for alley and utility right of way by instrument recorded June 13, 1974 in Book 1018 at Page 480, described as follows: Beginning at the NE corner of Lot 5 in Block 1, Parkland Subdivision, thence South to the South line of the East-West alley lying South of said Lot 5, thence East 25 feet, thence left along the arc of a curve, the chord of which bears North 50 feet with a radius of 25 feet, thence North to the South right-of-way line of Oursy Avenue, thence 25 feet West to the point of beginning, in the County of Mesa, State of Colorado.

EXHIBIT B



REVOCABLE PERMIT

Recitals.

A. Mesa County Valley School District No. 51, 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:

See attached Legal Description as identified on Appendix A

B. The Petitioner has requested that the City Council of the City of Grand Junction issue a Revocable Permit to allow the Petitioner to construct a 6' tall metal fence within the following described public right-of-way as identified on Exhibit B:

A Portion of Block A, Mesa Gardens Subdivision (Reception Number 640413) of the Mesa County Real Property Records, in the SW1/4 NE1/4 Section 13, Township 1 South, Range 1 East of the Ute meridian, City of Grand Junction, Mesa County, Colorado. Being more particularly described as;

The westerly 4.00' of Block A, Mesa Gardens Subdivision (Reception Number 640413) of the Mesa County Real Property Records, City of Grand Junction, Mesa County, Colorado

Containing approximately 1070 square feet

C. Relying on the information supplied by the Petitioner and contained in File No. RVP-2016-350 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.


Dated this 17th day of August, 2016.

The City of Grand Junction,
a Colorado home rule municipality

Attest:

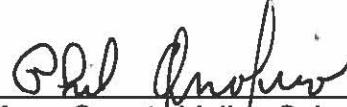

City Clerk





City Manager

Acceptance by the Petitioner:

A handwritten signature in cursive script, appearing to read "Phil Onofrio".

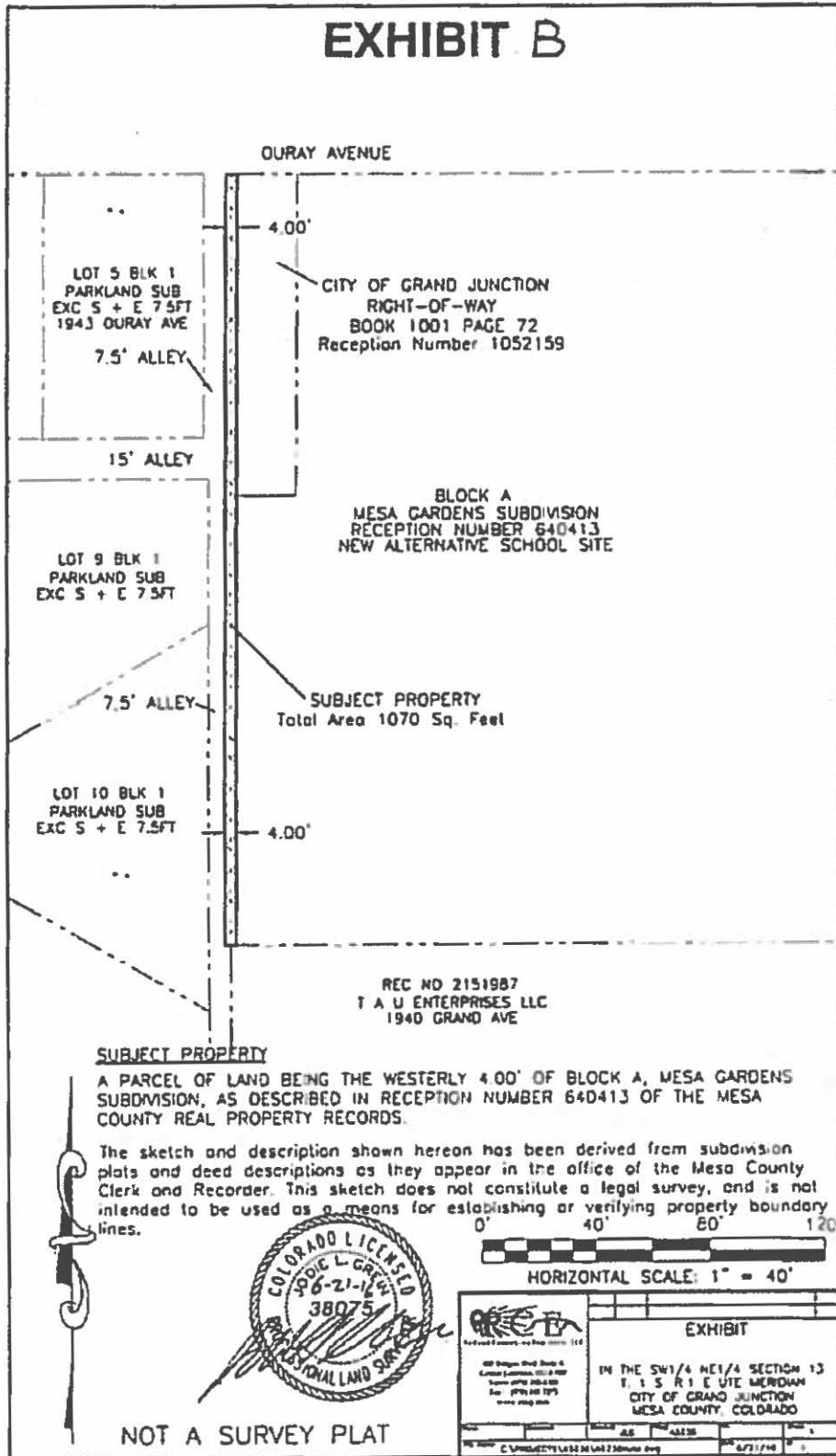
Mesa County Valley School District No. 51
Phil Onofrio, Chief Operations Officer

Appendix A

LEGAL DESCRIPTION

All of Block A and F in MESA GARDENS SUBDIVISION; EXCEPT Beginning at the Southwest corner of said Block A, thence North 212 feet, thence East 250 feet, thence South 92 feet, thence East 80 feet, thence South 120 feet to the Southeast corner of said Block A, thence West 330 feet to the point of beginning; AND EXCEPT Beginning at the Northwest corner of Block A of MESA GARDENS SUBDIVISION, thence Easterly along the South right of way of Ouray Avenue 25 feet, thence Southerly 112.5 feet parallel to the West property line of said Block A, thence Westerly 25 feet to said West property line parallel to the South right of way of Ouray Avenue, thence Northerly 112.5 feet, more or less, along the West property line of said Block A to point of beginning; ALSO EXCEPTING THEREFROM that portion thereof conveyed to City of Grand Junction for alley and utility right of way by instrument recorded June 13, 1974 in Book 1018 at Page 480, described as follows: Beginning at the NE corner of Lot 5 in Block 1, Parkland Subdivision, thence South to the South line of the East-West alley lying South of said Lot 5, thence East 25 feet, thence left along the arc of a curve, the chord of which bears North 50 feet with a radius of 25 feet, thence North to the South right-of-way line of Ouray Avenue, thence 25 feet West to the point of beginning, in the County of Mesa, State of Colorado.

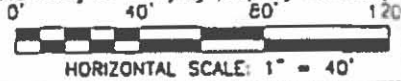
EXHIBIT B



SUBJECT PROPERTY

A PARCEL OF LAND BEING THE WESTERLY 4.00' OF BLOCK A, MESA GARDENS SUBDIVISION, AS DESCRIBED IN RECEPTION NUMBER 640413 OF THE MESA COUNTY REAL PROPERTY RECORDS.

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.



NOT A SURVEY PLAT

EXHIBIT	
IN THE SW1/4 NE1/4 SECTION 13 T. 1 S. R. 1 E. 10E MERIDIAN CITY OF GRAND JUNCTION MESA COUNTY, COLORADO	
AS	ADDN
FILE NO.	6/21/10

AGREEMENT

Mesa County Valley School District No. 51, 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 23 day of August, 2016.

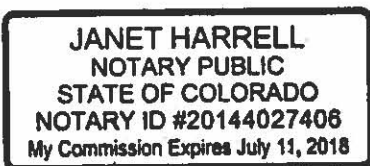
Phil Onofrio

Mesa County Valley School District No. 51
Phil Onofrio, Chief Operations Officer

State of Colorado)
) ss.
County of Mesa)

The foregoing Agreement was acknowledged before me this 23rd day of August, 2016, by Phil Onofrio, Chief Operations Officer, Mesa County Valley School District No. 51.

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



Janet Harrell
Notary Public