

RESOLUTION NO. 28-17

**A RESOLUTION CONCERNING
THE ISSUANCE OF A REVOCABLE PERMIT TO
GRAND JUNCTION DOWNTOWN DEVELOPMENT AUTHORITY**

Recitals.

A. The Grand Junction Downtown Development Authority (DDA), hereinafter referred to as the Petitioner, represents that it is an authority established by the City of Grand Junction City Council pursuant to the provisions of part 8 of Article 25 of Title 31 of the Colorado Revised Statutes to promote the public health, safety, prosperity, security and welfare, whose district (the area in which the DDA exercises its powers) is shown in the attached Exhibit 1.

B. The Petitioner requests that the City Council of the City of Grand Junction issue a Revocable Permit to allow the Petitioner to install, maintain and repair a "parklet" consisting of single benches, planter boxes, perforated metal panels, bench-steps, deck, and tables and chairs, substantially as shown in the attached Exhibit 2 (consisting of 4 pages) ("the Parklet"), within that certain part of the 5th Street public right-of-way shown in Exhibit 3.

C. Relying on the information supplied by the Petitioner and contained in File No. RVP-2017-213 in the office of the City's Community Development Department, the City Council has determined that such action would not be detrimental to the inhabitants of the City of Grand Junction at this time.

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

PASSED and ADOPTED this 17th day of May, 2017.

Attest:



City Clerk



President of the City Council



REVOCABLE PERMIT

Recitals.

A. The Grand Junction Downtown Development Authority (DDA), hereinafter referred to as the Petitioner, represents that it is an authority established by the City of Grand Junction City Council pursuant to the provisions of part 8 of Article 25 of Title 31 of the Colorado Revised Statutes to promote the public health, safety, prosperity, security and welfare, whose district (the area in which the DDA exercises its powers) is shown in the attached Exhibit 1.

B. The Petitioner requests that the City Council of the City of Grand Junction issue a Revocable Permit to allow the Petitioner to install, maintain and repair a "parklet" consisting of single benches, planter boxes, perforated metal panels, bench-steps, deck, and tables and chairs, substantially as shown in the attached Exhibit 2 (consisting of 4 pages) (the "Parklet"), within that certain part of the 5th Street public right-of-way shown in the attached Exhibit 3.

C. Relying on the information supplied by the Petitioner and contained in File No. RVP-2017-213 in the office of the City's Community Development Department, the City Council has determined that such action would not be detrimental to the inhabitants of the City of Grand Junction at this time.

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 Parklet within the limits of the public right-of-way shown on the attached Exhibit 3, subject to the following conditions:

1. The Petitioner's use and occupancy of the public right-of-way and installation of features described above 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 City hereby reserves and retains the right to charge, after one year from the date of issuance of this Permit, a fee in lieu of the revenue that the City may have received if the public right-of-way had been available for public parking. The Petitioner and the City agree that the City may impose a fee, in its sole discretion, not to exceed \$2300.00 per year ("Fee".) If the Fee is imposed the City shall notify the Petitioner in writing no less than 30 days in advance of the Fee first becoming due. The Fee may be prorated and paid monthly or in a lump sum. Nonpayment of the Fee, when imposed, shall be cause for revocation of this Permit.

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 aforementioned 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.

Dated this 2 day of June, 2017.


The City of Grand Junction, a Colorado home rule municipality

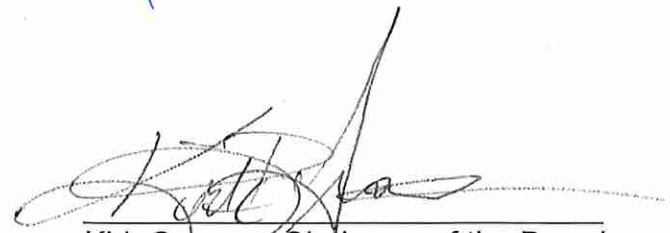
Attest:


City Clerk


City Manager

Acceptance by the Petitioner:


Brandon Stam, Executive Director
Grand Junction Downtown Development
Authority


Kirk Granum, Chairman of the Board
Grand Junction Downtown Development
Authority

AGREEMENT

Grand Junction Downtown Development Authority, 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(s) so as to make said public right-of-way fully available for use by the City of Grand Junction or the general public.

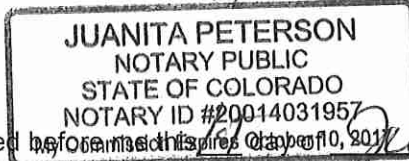
Dated this 1 day of June, 2017.

Grand Junction Downtown Development Authority

Brandon Stam
By: Brandon Stam, Executive Director

Kirk Granum
By: Kirk Granum, Chairman of the Board

State of Colorado)
County of Mesa) ss.

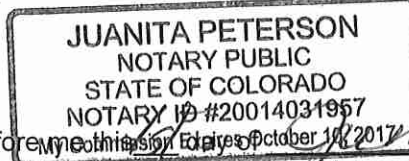


The foregoing Agreement was acknowledged before me this 10th day of June, 2017, by Brandon Stam, Executive Director of the Grand Junction Downtown Development Authority.

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

Juanita Peterson
Notary Public

State of Colorado)
County of Mesa) ss.

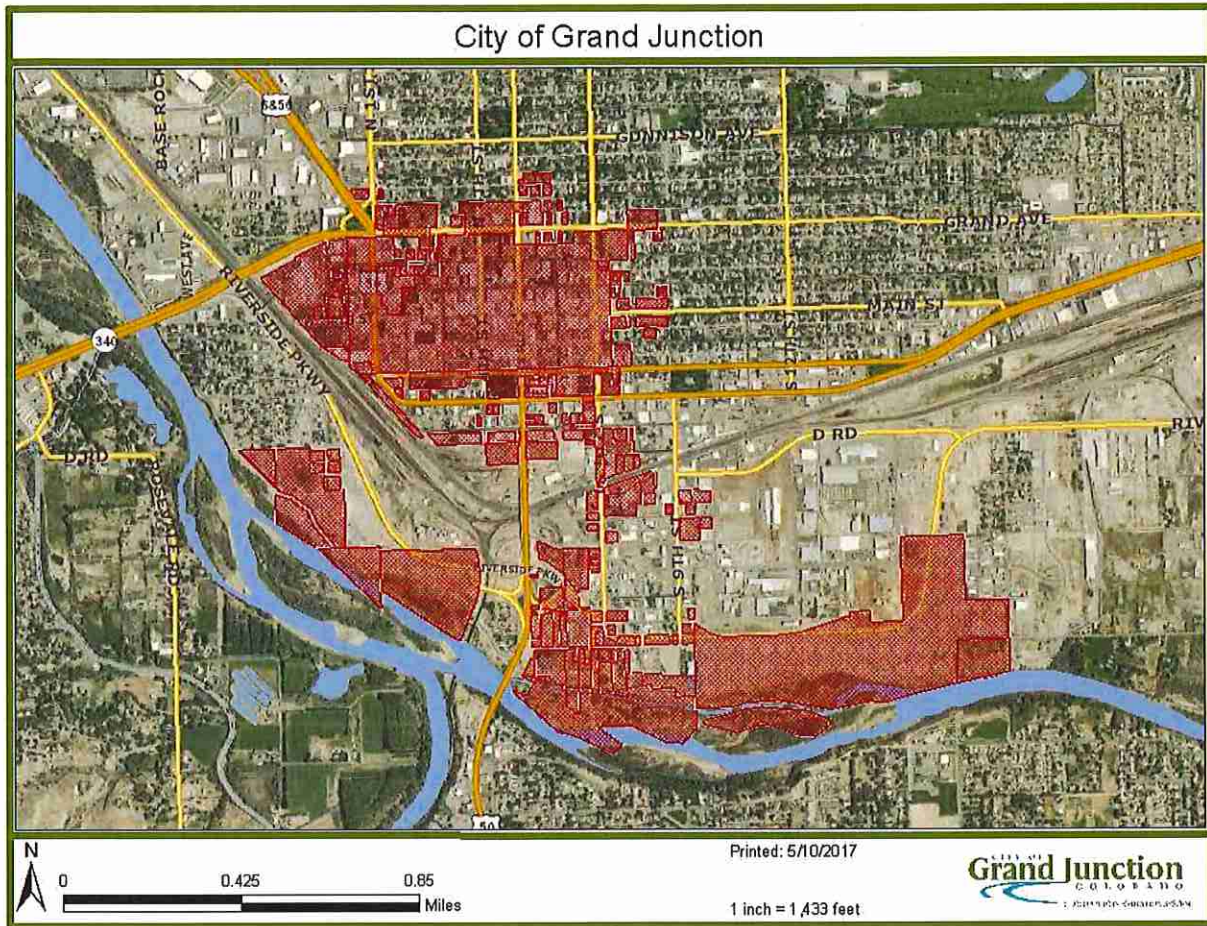


The foregoing Agreement was acknowledged before me this 10th day of June, 2017, by Kirk Granum, Chairman of the Board of the Grand Junction Downtown Development Authority Board of Directors.

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

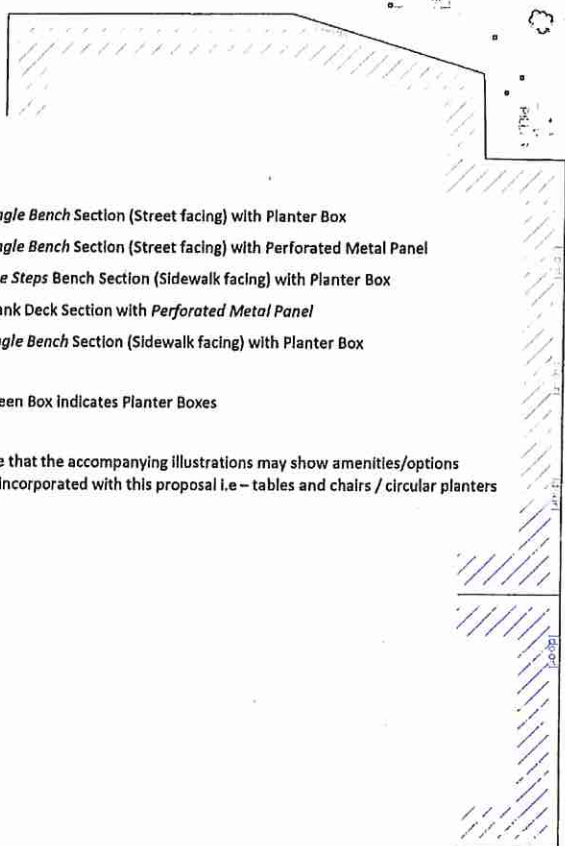
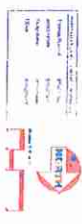
Juanita Peterson
Notary Public

Exhibit 1—Grand Junction Downtown Development Authority District Boundaries



RECORDER NOTE: POOR QUALITY DOCUMENT
PROVIDED FOR REPRODUCTION

Exhibit 2

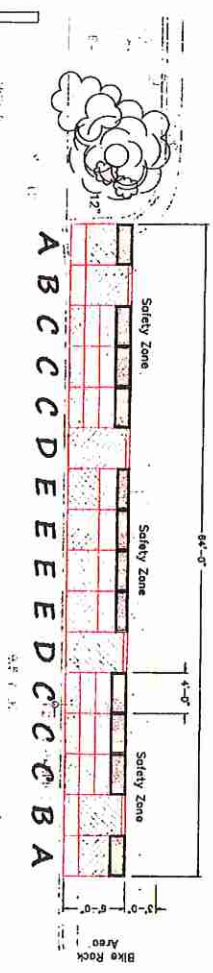


Legend

- A. Single Bench Section (Street facing) with Planter Box
- B. Single Bench Section (Street facing) with Perforated Metal Panel
- C. The Steps Bench Section (Sidewalk facing) with Planter Box
- D. Blank Deck Section with Perforated Metal Panel
- E. Single Bench Section (Sidewalk facing) with Planter Box

Green Box Indicates Planter Boxes

* Please note that the accompanying illustrations may show amenities/options that are not incorporated with this proposal i.e – tables and chairs / circular planters



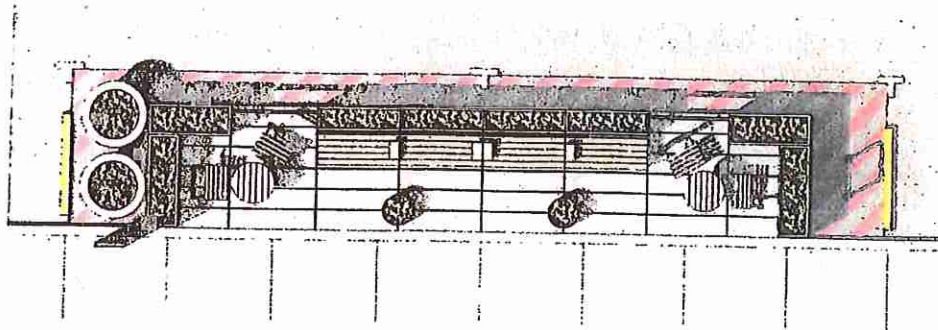
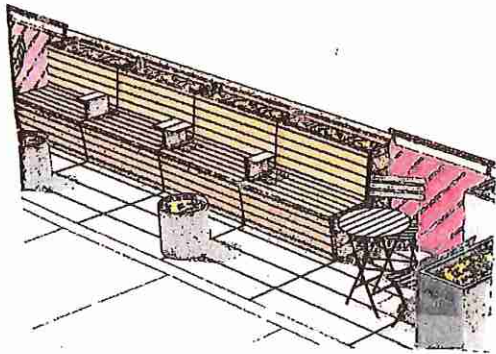
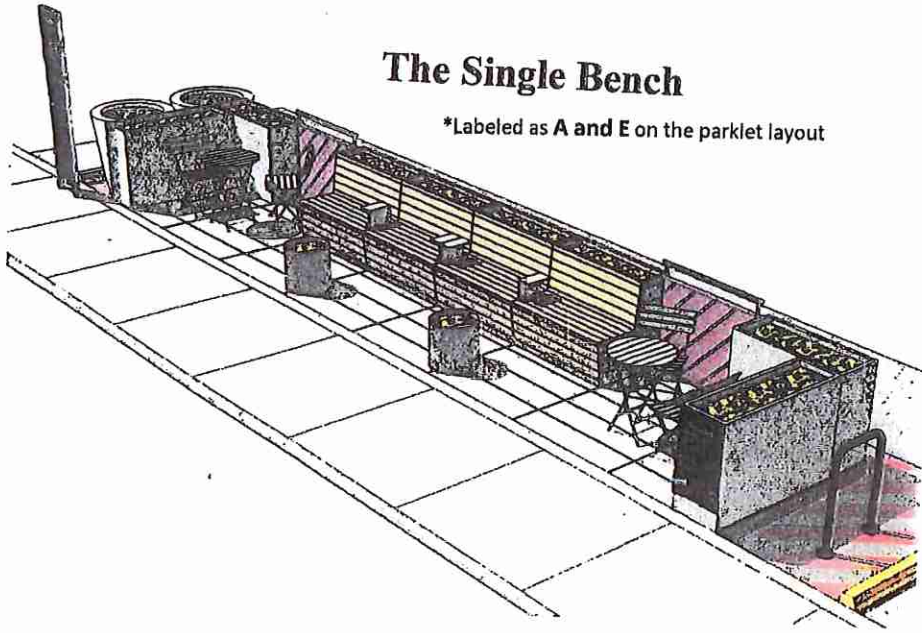
Painted Desert Landscaping, llc.
 2162 Village View Court
 Grand Junction, CO 81507

5th Street Parklet
 126 S. 5th Street
 Grand Junction, Colorado

Drawn By:	Thomas Russell
Scale:	1/4"=1'
Date:	4/12/17
Contact:	Thomas Russell
Sheets:	1 of 1
Revisions:	

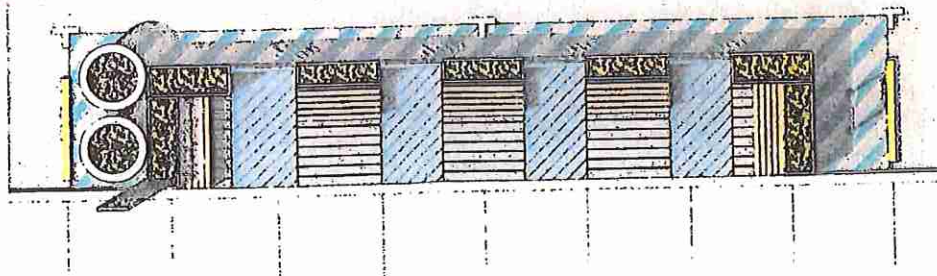
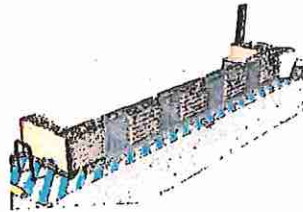
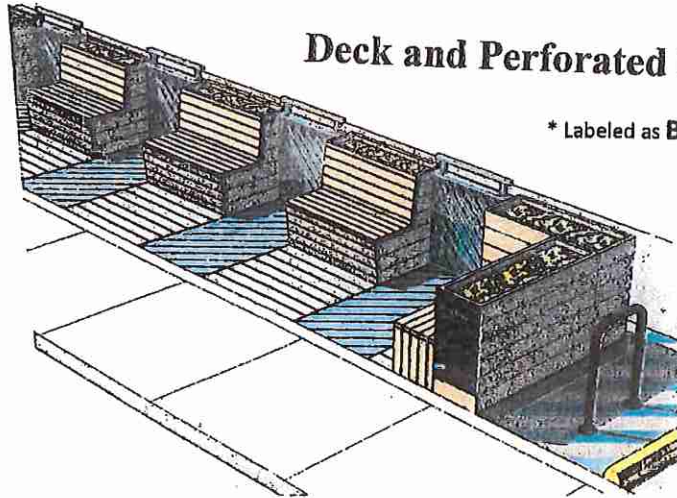
The Single Bench

*Labeled as A and E on the parklet layout



Deck and Perforated Metal Panel

* Labeled as **B** on the parklet layout



The Steps

* Labeled as **C** on the parklet layout

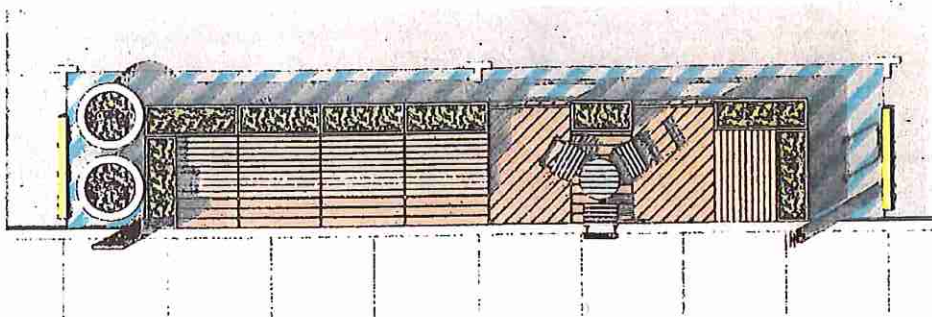
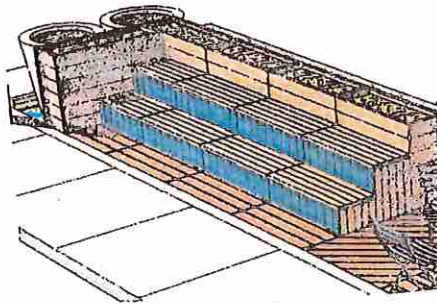
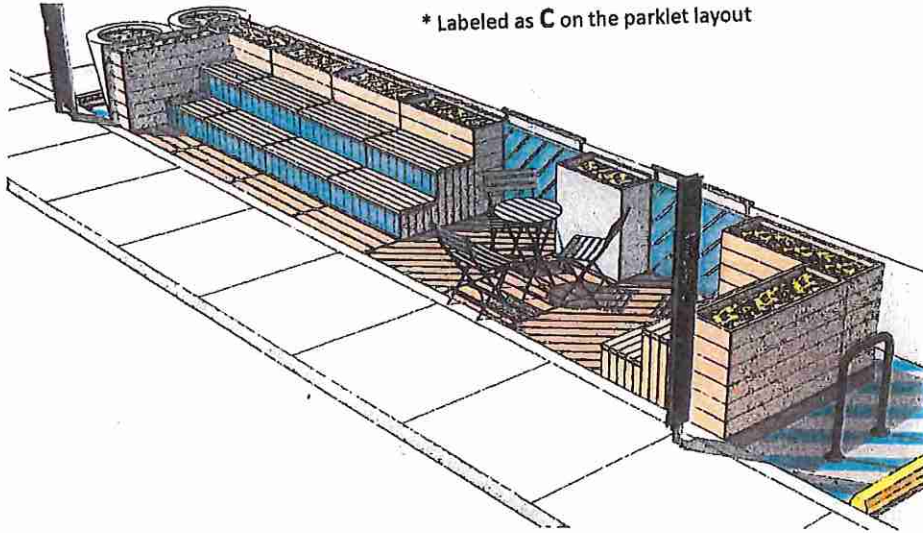


Exhibit 3

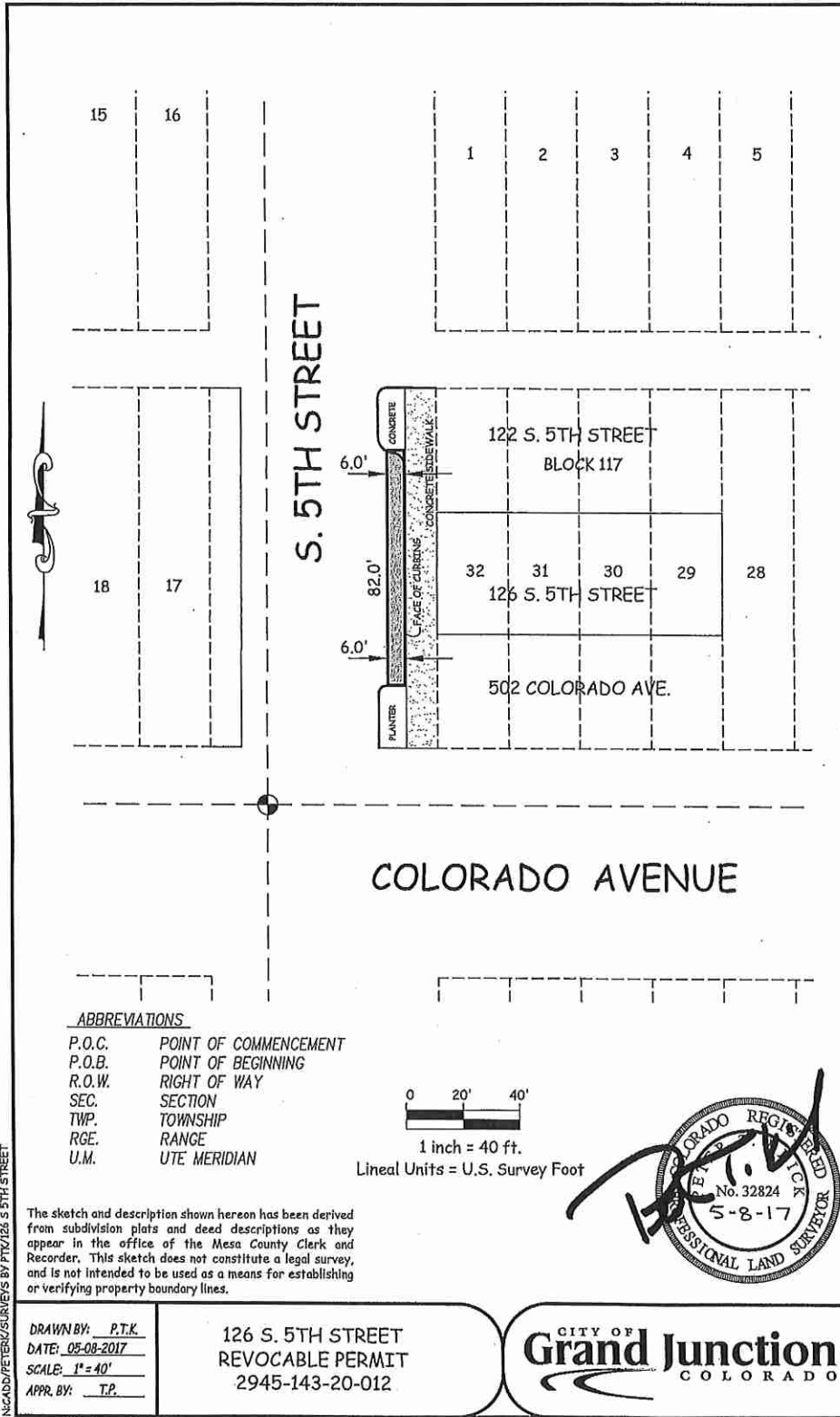
REVOCABLE DESCRIPTION

A certain parcel of land lying in the Southwest Quarter (SW 1/4) of Section 14, Township 1 South, Range 1 West of the Ute Principal Meridian, County of Mesa, State of Colorado, lying entirely within the right of way for South 5th Street, as same is depicted and recorded by the Plat of First Division Resurvey, Town of Grand Grand Junction, as same is recorded in Plat Book 1, Page 9, Public Records of Mesa County, Colorado and being more particularly described as follows:

A 6.0 foot wide East-West by 82.0 foot North-South parcel lying entirely within the paving of South 5th Street and bounded on the East by the West face of a concrete curb and bounded on the South by the Northerly edge of an existing concrete planter directly opposite 502 Colorado Avenue.

CONTAINING 492 Square Feet, more or less, as described.

EXHIBIT 3



ABBREVIATIONS

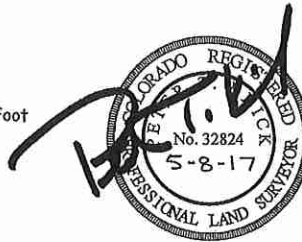
- P.O.C. POINT OF COMMENCEMENT
- P.O.B. POINT OF BEGINNING
- R.O.W. RIGHT OF WAY
- SEC. SECTION
- TWP. TOWNSHIP
- RGE. RANGE
- U.M. UTE MERIDIAN



1 inch = 40 ft.

Lineal Units = U.S. 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: P.T.K.
 DATE: 05-08-2017
 SCALE: 1" = 40'
 APPR. BY: T.P.

126 S. 5TH STREET
 REVOCABLE PERMIT
 2945-143-20-012



NECADD/PETER/SURVEYS BY PT/K/126 S 5TH STREET