

**CITY OF GRAND JUNCTION, COLORADO**

**RESOLUTION NO. 60-18**

**A RESOLUTION CONCERNING  
THE ISSUANCE OF A REVOCABLE PERMIT TO WILLIAM D. WAGNER  
TO ALLOW FOR THE ENCROACHMENT OF AN EXISTING GARAGE IN  
THE BOOKCLIFF AVENUE RIGHT-OF-WAY ALONG THE EAST SIDE OF THE  
PROPERTY LOCATED AT 300 CEDAR COURT**

**Recitals.**

A. William D. Wagner, hereinafter referred to as the Petitioner, represents he 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 BOOKCLIFF HEIGHTS + THAT PT OF LOT 2 BOOKCLIFF HEIGHTS S + W OF FOLL LI  
BEG 52FT S OF NW COR LOT 2 SELY TO C OF CUL-D-SAC END OF CEDAR COURT

B. The Petitioner has requested that the City of Grand Junction issue a Revocable Permit to allow the existing garage on the Petitioner's adjacent property to remain, subject to the terms of the permit, within the limits of the following described public right-of-way for Cedar Court Street, to wit (refer to Exhibit A for graphical representation):

Beginning at the most southerly corner, on the right-of-way of Cedar Court, for Lot 1, Billywags Subdivision;

thence along the arc of a non-tangent curve to the right 9.40 feet, having a central angle of 15°23'02" and a radius of 35.00 feet, the chord of which bears N30°43'09"W a distance of 9.37 feet along said right-of-way;  
thence S59°16'12"E a distance of 11.17 feet;  
thence S30°43'48"W a distance of 4.74 feet to the northeasterly line of said Lot 1;  
thence N54°10'29"W a distance of 2.95 feet to the point of beginning.  
Containing 34 square feet more or less.

C. Relying on the information supplied by the Petitioner and contained in File No. RVP-2018-482 in the office of the City's Community Development Department, 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 19<sup>th</sup> day of September, 2018.

Attest:

*W Winkelmann*

City Clerk

*Paul Taylor Smith*

President of the City Council



## REVOCABLE PERMIT

### Recitals.

A. William D. Wagner, hereinafter referred to as the Petitioner, represents he 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 BOOKCLIFF HEIGHTS + THAT PT OF LOT 2 BOOKCLIFF HEIGHTS S + W OF FOLL LI  
BEG 52FT S OF NW COR LOT 2 SELY TO C OF CUL-D-SAC END OF CEDAR COURT

B. The Petitioner has requested that the City of Grand Junction issue a Revocable Permit to allow the existing garage on the Petitioner's adjacent property to remain, subject to the terms of the permit, within the limits of the following described public right-of-way for Cedar Court Street, to wit (refer to Exhibit A for graphical representation):

Beginning at the most southerly corner, on the right-of-way of Cedar Court, for Lot 1, Billywags Subdivision;

thence along the arc of a non-tangent curve to the right 9.40 feet, having a central angle of  $15^{\circ}23'02''$  and a radius of 35.00 feet, the chord of which bears  $N30^{\circ}43'09''W$  a distance of 9.37 feet along said right-of-way;

thence  $S59^{\circ}16'12''E$  a distance of 11.17 feet;

thence  $S30^{\circ}43'48''W$  a distance of 4.74 feet to the northeasterly line of said Lot 1;

thence  $N54^{\circ}10'29''W$  a distance of 2.95 feet to the point of beginning.

Containing 34 square feet more or less.

C. Relying on the information supplied by the Petitioner and contained in File No. RVP-2018-482 in the office of the City's Community Development Department, 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:

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 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 or no reason.

3. The Petitioner, for himself and for his successors and assigns, agree that they shall not hold, nor attempt to hold, the City of Grand Junction, its officers, employees and

agents, liable for damages caused to any improvements and/or facilities to be installed by the Petitioners within the limits of the public right-of-way (including the removal thereof), or any other property of the Petitioners or any other party, as a result of the Petitioners' occupancy, possession or use of said public right-of-way or as a result of any City, County, State or Public Utility activity or use thereof or as a result of the installation, operation, maintenance, repair and replacement of public improvements.

4. The Petitioner agrees that he shall at all times keep the above described public right-of-way and the facilities authorized pursuant to this Permit in good condition and repair.

5. This Revocable Permit for an existing garage that encroaches in the right-of-way shall be issued only upon 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 expense and cost of the Petitioner, within thirty (30) days of notice of revocation (which may occur by mailing a first class letter to Petitioner's last known address), peaceably surrender said public right-of-way and, at their own expense, remove any encroachment so as to make the described public right-of-way available for use by the City, the County of Mesa, the State of Colorado, the Public Utilities 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 off of the Mesa County Clerk and Recorder.

Dated this 26 day of September, 2018.

Written and Recommended by:

W. W. Winkelmom

City Clerk



The City of Grand Junction,  
a Colorado home rule municipality

[Signature]  
City Manager

Acceptance by the Petitioner:

[Signature]

William D. Wagner

**AGREEMENT**

William D. Wagner, for himself and his 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 approved 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 fully available for use by the City of Grand Junction or the general public; and
- (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 17 day of Oct, 2018.

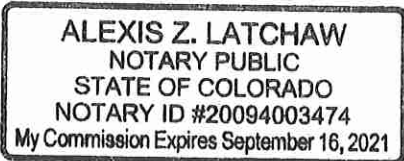
William D. Wagner

William D. Wagner

State of Colorado )  
  )ss.  
County of Mesa     )

The foregoing Agreement was acknowledged before me this 17<sup>th</sup> day of October, 2018, by William D. Wagner.

My Commission expires: 9/16/21  
Witness my hand and official seal.



Alexis Z. Latchaw  
Notary Public

# EXHIBIT A

## REVOCABLE PERMIT

6' STORM SEWER EASEMENT  
RECEPTION NO. 2480618

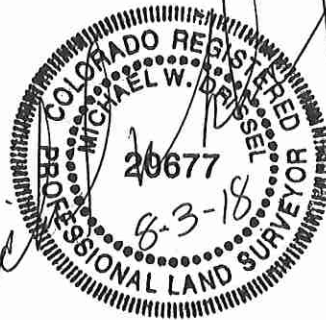
34 SQ. FT.

CEDAR  
COURT

P.O.B.

GARAGE

1-STORY  
WOOD FRAME AND BRICK  
HOUSE



L/C	DELTA	ARC/TANG	RADIUS	CHORD	CHORD BEARING
C1	15°23'02"	9.40'	35.00'	9.37'	N30°43'09"W
L1		11.17'			S59°16'12"E
L2		4.74'			S30°43'48"W
L3		2.95'			N54°10'29"W



GRAPHIC SCALE 1"=10'  
LINEAR UNITS = U.S. SURVEY FEET  
P.O.B. = POINT OF BEGINNING

D H SURVEYS, INC.  
970-245-8749  
JOB #607-01-01