

RESOLUTION NO. 16-90

AUTHORIZING THE ISSUANCE OF A LICENSE
FOR INGRESS AND EGRESS PURPOSES ACROSS CITY OWNED PROPERTY
TO DONALD DALE SMITH AND SALLY MARIE SMITH

WHEREAS, the City of Grand Junction is owner of that certain real property described as the Southeast Quarter (SE1/4) of the Northeast Quarter (NE1/4) of Section 23, Township 2 South, Range 1 East of the Ute Meridian, Mesa County, Colorado, and also that certain real property described as beginning at a point 90.0 feet South of the Northwest corner of the NE1/4 SE1/4 of said Section 23, thence North to the Northwest corner of said NE1/4 SE1/4, thence East 1320.0 feet to the Northeast corner of said NE1/4 SE1/4, thence South 630 feet, thence Northwesterly to the point of beginning; and

WHEREAS, Donald Dale Smith and Sally Marie Smith (the "Smiths") are desirous of securing from the City a license to utilize for ingress and egress purposes a 12 foot wide strip of land across portions of the above described City property to provide access from that certain platted County road known as Desert Road to their property, which is described as the Southwest Quarter (SW1/4) of the Northwest Quarter (NW1/4) of Section 24, Township 2 South, Range 1 East of the Ute Meridian, Mesa County, Colorado; the centerline of said 12 foot wide strip is more particularly described as follows, to wit:

Beginning at a point on the East line of the SE1/4 NE1/4 of Section 23, Township 2 South, Range 1 East of the Ute Meridian, Mesa County, Colorado, from whence the E1/4 corner of said Section 23 bears S 00°03'55" E a distance of 27.53 feet; thence S 60°22'31" W a distance of 42.19 feet; thence S 79°44'46" W a distance of 420.01 feet; thence N 87°39'26" W a distance of 77.16 feet; thence N 67°22'18" W a distance of 250.88 feet; thence N 61°48'50" W a distance of 196.83 feet; thence N 54°55'20" W a distance of 113.39 feet to a point of terminus, said point intersecting with the centerline of Desert Road.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO:

That the City Manager, on behalf of the City and as the act of the City, is hereby authorized and directed to issue the attached nonexclusive License to Donald Dale Smith and Sally Marie Smith for the purposes aforescribed. Provided, however, that said License shall inure only so long as the Smiths continue to own their aforescribed property, and that upon the transfer of any interest, equitable or legal, joint or several, of all or any portion of their above described property, or upon the death of both Donald Dale Smith and Sally Marie Smith, whichever event occurs first, said License, and the rights and benefits pursuant thereto, shall terminate; provided, further, that said License shall be issued only upon the concurrent execution by the Smiths of an agreement that they will save and hold the City, its officers, employees and agents harmless from, and indemnify the City, its officers, employees and agents with respect to any claims or causes of action however stated arising out of the use granted.

PASSED and ADOPTED this 7th day of February, 1990.

Attest:

Neva B. Lockhart, CMC
City Clerk

RT Mantlo
President of the Council

STATE OF COLORADO)
)
COUNTY OF MESA)
)
CITY OF GRAND JUNCTION)

C E R T I F I C A T I O N

I, Neva B. Lockhart, City Clerk of the City of Grand Junction, County of Mesa, Colorado, do hereby certify that the foregoing Resolution No. 16-90 is a true and correct copy of the Resolution introduced and read at the legally convened City Council meeting February 7, 1990.

I do further state that upon motion to pass and adopt the Resolution as read, roll was called upon the motion with the following result:

Council Members voting AYE:
BENNETT, MANTLO, MC CURRY, NELSON,
RAGSDALE, SHEPHERD

Council Members voting NO: NONE

Council Members ABSENT: REFORD THEOBOLD.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City of Grand Junction this 12th day of February, 1990.

Neva B. Lockhart
Neva B. Lockhart, CMC
City Clerk

LICENSE

WHEREAS, Donald Dale Smith and Sally Marie Smith have petitioned the City Council of the City of Grand Junction, Colorado, for a nonexclusive License to allow them to utilize for ingress and egress purposes a 12 foot wide strip of City property to provide access from that certain patted County road, known as Desert Road, to their property which is described as the SW1/4 of the NW1/4 of Section 24, Township 2 South, Range 1 East of the Ute Meridian, Mesa County, Colorado; the centerline of said 12 foot wide strip is more particularly described as follows, to wit:

Beginning at a point on the East line of the SE1/4 NE1/4 of Section 23, Township 2 South, Range 1 East of the Ute Meridian, Mesa County, Colorado, from whence the E1/4 corner of said Section 23 bears S 00°03'55" E a distance of 27.53 feet; thence S 60°22'31" W a distance of 42.19 feet; thence S 79°44'46" W a distance of 420.01 feet; thence N 87°39'26" W a distance of 77.16 feet; thence N 67°22'18" W a distance of 250.88 feet; thence N 61°48'50" W a distance of 196.83 feet; thence N 54°55'20" W a distance of 113.39 feet to a point of terminus, said point intersecting with the centerline of Desert Road; and

WHEREAS, the City Council of the City of Grand Junction has determined that the issuance of said License would not at this time be detrimental to the inhabitants of the City;

NOW, THEREFORE, IN ACCORDANCE WITH THE ACTION OF THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO:

There is hereby issued to Donald Dale Smith and Sally Marie Smith a nonexclusive License to allow the use of the City property aforescribed for the purposes aforescribed; Provided, however, that said License shall inure only so long as the Smiths continue to own their aforescribed property, and that upon the transfer of any interest, equitable or legal, joint or several, voluntary or involuntary, of all or any portion of their above described property, or upon the death of both Donald Dale Smith and Sally Marie Smith, whichever event occurs first, said License, and the rights and benefits pursuant thereto shall terminate; provided, further, that said License shall be issued only upon the concurrent execution by the Smiths of an agreement that they will save and hold the City, its officers, employees and agents harmless from, and indemnify the City, its officers, employees and agents with respect to any claims or causes of action however stated arising out of the use granted.

DATED this 7th day of February, 1990.

Attest:

Neva B. Lockhart, CMC
City Clerk

Mark K. Achen
Mark K. Achen, City Manager

Acceptance:



Donald Dale Smith



Sally Marie Smith

AGREEMENT

Donald Dale Smith and Sally Marie Smith, for themselves, their heirs, successors and assigns, do hereby agree that they, and each of them, will abide by each and every condition contained in the foregoing License; and that they, and each of them, shall indemnify the City of Grand Junction, its officers, employees and agents and hold it, its officers, employees and agents harmless from all claims and causes of action as recited in said License.

DATED at Grand Junction, Colorado, this 15th day of February, 1990.

Donald Dale Smith
Donald Dale Smith

Sally Marie Smith
Sally Marie Smith

STATE OF COLORADO)
)ss:
COUNTY OF MESA)

The foregoing Agreement was acknowledged before me this 15th day of February, 1990, by Donald Dale Smith and Sally Marie Smith.

Witness my hand and official seal.
My Commission expires:

February 28, 1990
Tim Woodmanson
Notary Public

