

ORDINANCE 2006-09

**AN ORDINANCE OF THE CITY OF FRUITA, COLORADO,
VACATING CERTAIN STREET AND ALLEY RIGHTS-OF-WAY
LOCATED WITHIN THE CITY OF FRUITA.**

WHEREAS, the City Council of the City of Fruita has received a request from Mesa County School District 51 to vacate certain street and alley rights-of-way not used or developed by the City as public streets or alleys, as further described in Exhibit A, attached hereto and incorporated herein by this reference; and

WHEREAS, Section 31-15-702 (1)(a)(I), C.R.S., and Section 43-303 (1)(a), C.R.S., permit the City of Fruita to vacate any platted or dedicated public street, road or other public way, whether or not it has been used as such, following certain findings of facts; and

WHEREAS, Mesa County School District 51 is the owner of record of all of the property adjacent to the portion of the roadways or alleyways proposed to be vacated; and

WHEREAS, Section 43-2-303, C.R.S., requires that public roadways and other public ways must be vacated by ordinance.

NOW, THEREFORE, THE CITY OF FRUITA HEREBY ORDAINS:

Section 1. That the real property described in Exhibit A, which constitutes a portion of a public road or alley rights-of-way dedicated to the City of Fruita, situate in the County of Mesa, State of Colorado, be, and the same hereby is, vacated as public road or alley rights-of-way.

Section 2. Pursuant to Section 43-2-303(3), C.R.S., the City Council of the City of Fruita finds and determines that the above-described road or alley rights-of-way need not be reserved for continued use by any existing wastewater pipeline, water lines, as well as electric, natural gas and telecommunication lines and appurtenances. Therefore, no easement or right-of-way in the real property described above is reserved.

Section 3. The City Council of the City of Fruita hereby finds that the action of vacating

the portion of the street and alley rights-of-way, described in Exhibit A shall not leave any land adjoining said property without an established road connecting said land with another established public road.

Section 4. Upon adoption of this Ordinance, the City Clerk shall, within thirty (30) days, file for record in the Office of the Mesa County Clerk and Recorder a certified copy of the within Ordinance.

**PASSED AND ADOPTED BY THE FRUITA CITY COUNCIL
THIS 21st DAY OF MARCH, 2006**

CITY OF FRUITA, COLORADO

E. James Adams, Mayor

ATTEST:

Margaret Steelman, City Clerk

EXHIBIT A

ROAD VACATION DESCRIPTION

Roads and Alleys situated in the NE1/4 NW1/4 of Section 17, Township 1 North, Range 2 West of the Ute Meridian, Mesa County being described as follows:

All the streets and alleys lying within Blocks 1,2,4 of Merriell Park Place and being described as follows:

Commencing at the Fruita City monument being at the intersection of Columbine Avenue and Elm Street and considering the City Monument line along Elm Street to bear $S00^{\circ} 06'39''W$ with all other bearing contained herein to be relative thereto; thence $N00^{\circ} 06'39''E$ 30.00 to the North right-of-way line for Columbine Avenue; thence along said North right-of-way line $S89^{\circ} 53'21''E$ 30.00' to the POINT OF BEGINNING; thence continuing along said North right-of-way line, $S89^{\circ} 53'21''E$ 138.00 feet to the West line for an existing Alley Way; thence along said West line, $N00^{\circ} 06'39''E$ 595.00 feet to the South right-of-way line for Ottley Avenue; thence along said South right-of-way line, $S89^{\circ} 53'21''E$ 14.00 feet to the East line of an existing right-of-way line; thence along said East line $S00^{\circ} 06'39''W$ 595.00 feet to the North right-of-way line for Columbine Avenue; thence along said North right-of-way, $S89^{\circ} 53'21''E$ 138.00 feet to the West right-of-way line for Maple Street; thence along said West right-of-way line, $S00^{\circ} 06'39''W$ 60.00 feet to the South right-of-way line for Columbine Avenue; thence along said South right-of-way line, $N89^{\circ} 53'21''W$ 138.00 feet to the East line of an existing Alley Way; thence along said East line, $S00^{\circ} 06'39''W$ 594.92 feet to the North right-of-way line for Pabor Avenue; thence along said North right-of-way line, $N89^{\circ} 53'21''W$ 14.00 feet to the West line of an existing Alley Way; thence along said West line, $N00^{\circ} 06'39''E$ 594.92 feet to the South right-of-way line for Columbine Avenue; thence along said South right-of-way line, $N89^{\circ} 53'21''W$ 138.00 feet to the East right-of-way line for Elm Street; thence along said right-of-way line, $N00^{\circ} 06'39''E$ 60.00 feet to the Point of Beginning.

TOGETHER WITH a parcel of ground being described as follows:

Commencing at a Fruita City monument being at the intersection of Columbine Avenue and Elm Street and considering the City Monument line along Elm Street to bear $S00^{\circ} 06'39''W$ with all other bearings contained herein to be relative thereto; thence $N00^{\circ} 06'39''E$ 30.00 to the North right-of-way line for Columbine Avenue; thence along said North right-of-way line $S89^{\circ} 53'21''E$ 30.00' to the POINT OF BEGINNING; thence along said North right-of-way line, $N89^{\circ} 53'21''W$ 60.00 feet to the West right-of-way line for Elm Street; thence along said West right-of-way line, $N00^{\circ} 06'39''E$ 595.00 feet to the South right-of-way line for Ottley Avenue; thence along said South right-of-way line, $S89^{\circ} 53'21''E$ 60.00 feet to the East right-of-way line for Elm Street; thence along said East right-of-way line, $S00^{\circ} 06'39''W$ 595.00 feet to the Point of Beginning.

AND TOGETHER WITH a parcel of ground being described as follows:

Commencing at a Fruita City monument being at the intersection of Columbine Avenue and Elm

Street and considering the City Monument line along Elm Street to bear $S00^{\circ} 06'39''W$ with all other bearings contained herein to be relative thereto; thence $N00^{\circ} 06'39''E$ 30.00 to the North right-of-way line for Columbine Avenue; thence along said North right-of-way line $N89^{\circ} 53'21''W$ 153.00' to the POINT OF BEGINNING;

thence along said North right-of-way line, $N89^{\circ} 53'21''W$ 14.00 feet to the West line for an existing alley way; thence along said west line $N00^{\circ} 06'39''E$ 595.00 feet to the South right-of-way line for Ottley Avenue; thence along said South right-of-way line, $S89^{\circ} 53'21''E$ 14.00 feet to the East line for an existing Alley Way; thence along said East line, $S00^{\circ} 06'39''W$ 595.00 feet to the Point of Beginning.

Said description contains a total of 1.79 acres as described.

In Mesa County, Colorado

Authored by:
David M. Morris PLS #30111
Q.E.D. Surveying Systems Inc.
1018 Colorado Ave.
Grand Junction, Colorado 81501
(970) 241-2370
4/21/2005