

ORDINANCE 2011-06

**AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF FRUITA
BY ZONING NEWLY ANNEXED PROPERTY CONSISTING OF APPROXIMATELY 130
ACRES OF LAND LOCATED ON BOTH SIDES OF 16 ROAD SOUTH OF HIGHWAY 6 &
50 TO LIMITED INDUSTRIAL AND RESEARCH AND DEVELOPMENT
(Project # 2008-39, IIG and Mesa Grand Annexation)**

WHEREAS, the subject property described on Exhibit A and shown on Exhibit B was recently annexed to the City of Fruita by Ordinance 2011-05, and

WHEREAS, newly annexed property must be zoned in accordance with applicable law, and

WHEREAS, the city received an application by Mesa Grand LLC and Industrial Insulation Group LLC, the owners of the subject properties, for a Limited Industrial and Research and Development (LIRD) zone in conjunction with the annexation of the subject property, and

WHEREAS, at their August 10, 2010, public hearing, the Fruita Planning Commission recommended approval of the requested LIRD zone to the Fruita City Council, and

WHEREAS, a public hearing was held by the City Council on April 19, 2011, for the annexation and this zoning request, and

WHEREAS, the requested zone is consistent with the city's goals and policies including the city's Master Plan.

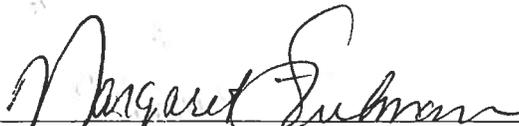
NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FRUITA, COLORADO:

THAT the Official Zoning Map adopted pursuant to Section 17.07.020 of the Fruita Land Use Code (2009, as amended) is hereby amended and that the subject property described on Exhibit A and shown on Exhibit B, containing approximately 130 acres, is hereby rezoned to LIRD.

**PASSED AND ADOPTED BY THE FRUITA CITY COUNCIL, THIS
19th DAY OF APRIL, 2011.**

ATTEST:

City of Fruita


Margaret Steelman, City Clerk

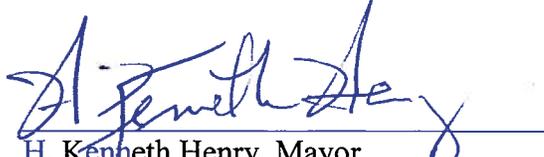

H. Kenneth Henry, Mayor

EXHIBIT A

Ordinance 2011-06

LEGAL DESCRIPTION

A tract of land situated in the Northeast Quarter of Section 13, and the Southeast Quarter of Section 12, Township 1 North, Range 3 West, and the Southwest Quarter of Section 7 and the Northwest Quarter of Section, Township 1 North Range 3 West all of the Ute Meridian, Mesa County, Colorado and being more particularly described as follows:

Commencing at the Southwest corner (MCSM No. 1277) of said Section 7 from whence the West one-quarter corner (MCSM No. 419-1) bears North $00^{\circ}04'43''$ East, 2645.30 feet with all bearings herein being referenced thereto. thence $S56^{\circ}49'20''$ W, a distance of 35.88 feet to the West right of way for 16 Road and the South right of way for Cipolla Road to the start of a curve to the left; thence 55.59 feet along said curve to the left with a radius of 35.50 feet whose chord bears $N44^{\circ}46'42''$ W a distance of 50.08 feet; thence $N89^{\circ}38'07''$ W along the South right of way of Cipolla Road, a distance of 364.00 feet to the Northwest corner of Lot 15 Pabco Industrial Park Filing No. 2; thence $S0^{\circ}04'43''$ W, a distance of 706.98 feet to the Southwest corner of Lot 21 Pabco Industrial Park Filing No. 2; thence $S61^{\circ}44'17''$ E, a distance of 41.36 feet; thence $S53^{\circ}09'17''$ E, a distance of 260.00 feet; thence $S45^{\circ}05'17''$ E, a distance of 155.00 feet; thence $S84^{\circ}28'17''$ E a distance of 44.86 feet to a point on the West right of way line for 16 Road; thence $S0^{\circ}04'43''$ W along said right of way a distance of 408.60 feet to a point on the Northerly right of way for Interstate 70; thence the following 4 courses along said right of way; $N73^{\circ}16'11''$ W, a distance of 61.42 feet; thence $N76^{\circ}01'12''$ W, a distance of 411.0 feet; thence 1134.86 feet along a non-tangent curve to the left with a radius of 11459.20 feet whose chord bears $N76^{\circ}19'02''$ W a distance of 1134.40 feet; $N79^{\circ}03'10''$ W, a distance of 1085.31 feet; thence leaving said right of way $N00^{\circ}01'44''$ E, a distance of 812.64 feet; thence $N00^{\circ}02'25''$ E, a distance of 631.04 feet to the South right of way for River Road; thence 157.08 feet along a non-tangent curve to the left with a radius of 50.00 feet whose chord bears $S89^{\circ}38'07''$ E a distance of 100.00 feet; thence $S89^{\circ}38'07''$ E along the South right of way of River Road, a distance of 1230.20 feet; thence $S89^{\circ}37'17''$ E along said right of way, a distance of 978.04 feet to the Northwest corner of Lot 1 Pabco Industrial Park Filing No. 2; thence $S0^{\circ}04'43''$ W, a distance of 277.80 feet to the Southwest corner of said Lot 1; thence $S89^{\circ}38'08''$ E, a distance of 319.14 feet to the Southeast corner of said Lot 1 and the West right of way for 16 Road; thence $S0^{\circ}04'43''$ W, a distance of 373.36 feet to the POINT OF BEGINNING.

EXCEPT: Commencing at the Southwest corner of said Section 7; thence $S83^{\circ}10'55''$ W a distance of 1976.21 feet to the POINT OF BEGINNING; thence $S0^{\circ}04'43''$ W a distance of 172.04; thence $S58^{\circ}38'43''$ W a distance of 117.20 feet; thence $N0^{\circ}04'43''$ E a distance of 233.16 feet; thence $S89^{\circ}55'17''$ E a distance of 100.00 to the POINT OF BEGINNING.

Said tract of land contains 92.9 acres as described.

**EXHIBIT A
(continued)
Ordinance 2011-06**

LEGAL DESCRIPTION

A parcel of land being part of the SW¼ of Section 7 and the NW¼ of Section 18, both in Township 1 North, Range 2 West, of the Ute Meridian, Mesa County, Colorado. Said parcel being more particularly described as follows:

Commencing at the Southwest corner (MCSM No. 1277) of said Section 7 from whence the West one-quarter corner (MCSM No. 419-1) bears North 00°04'43" East, 2645.30 feet with all bearings herein being referenced thereto.
Thence North 89°31' East, 30.00 feet to 16 Road easterly right-of-way line.
Thence following said easterly right-of-way line South 00°04'43" West, 1403.57 feet to a point of intersection with I-70 Northerly right-of-way line.
Thence along said right of way South 73°27'17" East, 797.37 feet;
Thence North 00°04'43" East, 1636.04 feet to the South line of said Section 7 from whence the said Southwest corner thereof bears South 89°37'15" West, 794.69 feet;
Thence North 00°04'43" East, 346.46 feet to the Southerly right-of-way line as described in Book 2038 at Page 897 of the Mesa County Clerk and recorder's Office;
Thence following said Southerly right-of-way line North 56°32'17" West, 312.01 feet;
Thence 369.54 feet along a 640 foot radius curve to the left with a central angle of 33°05'00", the chord of which bears North 73°04'47" West 364.43 feet;
Thence North 89°37'20" West, 155.34 feet to the easterly right-of-way line for 16 Road;
Thence South 00°04'43" West, 630.98 feet along said easterly right-of-way line to the POINT OF BEGINNING.

The above parcel, as described, contains 36.3 acres, more or less.

EXHIBIT B
Ordinance 2011-06

