

AN ORDINANCE VACATING A PORTION OF WALLACE STREET AND RUBY LEE DRIVE LOCATED IN DOWNER SUBDIVISION IN THE CITY OF FRUITA

BE IT ORDAINED BY THE FRUITA CITY COUNCIL AS FOLLOWS:

WHEREAS, the City of Fruita has recently annexed the Downer Subdivision into the city limits of Fruita, and

WHEREAS, the residents of Downer Subdivision have requested that the undeveloped portions of Wallace Street and Ruby Lee Drive be vacated to prevent through traffic coming through the subdivision, and

WHEREAS, the Fruita City Council finds that the vacation of the undeveloped portions of Wallace Street and Ruby Lee Drive would not deprive anyone of access to any property and would not be detrimental to the inhabitants of Fruita, subject to the retention of an easement for utilities and pedestrian traffic, and

WHEREAS, it is the intent of this Ordinance to vacate the undeveloped portion of Ruby Lee Drive and Wallace Street road right of way.


Section 1: Pursuant to Section 43-2-303, C.R.S., the City of Fruita hereby vacates the unimproved portion of Ruby Lee Drive more particularly described and shown on the attached Exhibit "A" subject to the retention of utility and pedestrian easements.

Section 2: Pursuant to Section 43-2-303, C.R.S., the City of Fruita hereby vacates the unimproved portion of Wallace Street more particularly described and shown on the attached Exhibit "A" subject to the retention of utility easements on both right of ways and a pedestrian access easement on Ruby Lee Drive right of way.

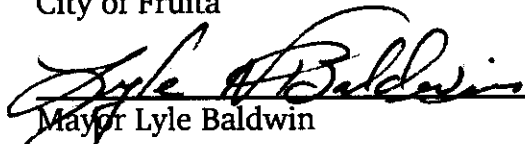
PASSED AND ADOPTED BY THE FRUITA CITY COUNCIL THIS

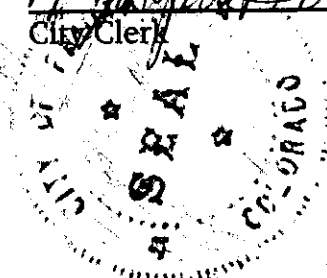
14th DAY OF July, 1998.

ATTEST:


City Clerk

City of Fruita


Mayor Lyle Baldwin



1856231 07/22/98 1006AM
MONIKA TOOD CLK&REC MESA COUNTY CO
REG FEE \$15.00 SURCHG \$1.00

RUBY LEE DRIVE RIGHT OF WAY VACATION (PARTIAL)

A parcel of land situate in Downer Subdivision, Filing Number 3, located in the NE 1/4 of Section 18, T1N, R2W, of the Ute Meridian, City of Fruita, Mesa County, Colorado, and being more specifically described as follows:

Beginning at the SE corner of Lot 11, Block 1, of Downer Sub., Filing #3 as recorded in Plat Book 11, Page 357 of the Mesa County Clerk and Recorder's Office, thence N89°59'00"E 26.70 feet along the south line of Lot 10, Block 1 of said Downer Sub., Filing #3; thence leaving said line along the arc of a curve to the left having a radius of 50.00', through a central angle of 60°01'18", whose chord bears S00°01'46"E 50.00 feet, 52.38 feet along the arc of said curve to a point of intersection with a straight line; thence S89°59'00"W 26.72 feet along the north line of Lot 8, Block 2 of said Downer Subdivision, Filing #3; thence S89°59'00"W 163.45 feet along the north line of Lot 9, Block 2 of said Downer Subdivision, Filing #3 to a point of curvature; thence along the arc of a curve to the left having a radius of 25', through a central angle of 89°59'00" whose chord bears S44°59'30"W 35.35 feet, 39.26 feet along the arc of said curve to a point of intersection with a straight line; thence N00°00'00"E 100.00 feet to a point of intersection with a curve; thence along the arc of a curve to the left having a radius of 25 feet through a central angle of 90°01'00", whose chord bears S45°00'30"E 35.38 feet; 39.26 feet along the arc of said curve to a point of tangency; thence N89°59'00"E 163.43 feet along the south line of Lot 11, Block 1, to the Point of Beginning, containing 0.253 acres, more or less, said parcel to remain as a utility, irrigation, drainage and pedestrian access easement.

WALLACE STREET RIGHT OF WAY VACATION (PARTIAL)

A parcel of land situate in Downer Subdivision, Filing #3, located in the NE 1/4 of Sec 18, T1N, R2W, of the Ute Meridian, City of Fruita, Mesa County, Colorado, and being more specifically described as follows:

Beginning at the SE Corner of Lot 11, Block 2, of Downer Subdivision, Filing #3 as recorded in Plat Book 11, Page 357 of the Mesa County Clerk and Recorder's Office, thence N00°00'00"E 104.50 feet along the east line of said Lot 11 to a point of intersection with a curve; thence along the arc of a curve to the left having a radius of 50.00 feet through a central angle of 60°00'00", whose chord bears N89°59'00"E 50.00 feet, 52.36 feet along the arc of said curve to a point of intersection with a straight line; thence S00°00'00"W 104.49 feet along the west line of Lot 10, Block 2 of said Downer Subdivision, Filing #3; thence S89°59'00"W 50.00 feet to the point of beginning containing 0.115 acres, more or less, said parcel to remain as a utility, irrigation and drainage easement.

