

# KINGS VIEW FLOODPLAIN SUBDIVISION

EAST HALF OF SEC. 19, T. 1 N., R. 2 W., UTE MERIDIAN

MESA COUNTY, COLORADO

## DEDICATION

We, Mesa County Land Co. and MESACO Properties, Inc., Colorado corporations, the owners in fee simple of that real property described in Book 1997 at Pages 78 & 79 of the records of the Mesa County Clerk and Recorder, situated in the southeast quarter of Section 19, Township 1 North, Range 2 West of the Ute Meridian, City of Fruita, County of Mesa, State of Colorado, being more particularly described as follows:

A parcel of land situated in the east half of Section 19, Township 1 North, Range 2 West of the Ute Meridian, County of Mesa, State of Colorado, shown on this plat as PARCEL A, being more particularly described as follows:

Beginning at the Center-East 1/16th corner of said Section 19;  
 Thence South 89°53'48" West along the centerline of the section, a distance of 100.00 feet;  
 Thence South 31°26'28" East, a distance of 871.63 feet;  
 Thence South 06°54'52" East, a distance of 120.74 feet;  
 Thence South 58°32'43" East, a distance of 100.51 feet to a point on the north line of Kings View Estates subdivision, Filing No. 1;  
 Thence along the north and east boundary of said subdivision the following six courses:  
 1. North 66°12'22" East, a distance of 48.23 feet;  
 2. South 29°10'56" East, a distance of 284.40 feet;  
 3. South 08°55'41" East, a distance of 163.95 feet;  
 4. North 76°14'17" East, a distance of 142.54 feet;  
 5. South 44°59'50" East, a distance of 314.51 feet;  
 6. South 89°07'29" East, a distance of 90.21 feet to a point on the west right-of-way line of State Highway 340 as cited in CDOT deed recorded at Book 949, Page 588 of the Mesa County Records;  
 Thence along said right-of-way deed line North 00°31'13" East, a distance of 98.12 feet;  
 Thence North 17°13'13" East, a distance of 208.80 feet;  
 Thence North 00°29'49" East, a distance of 780.21 feet;  
 Thence continuing along the right-of-way deed line, now following the approximate south bank of the Colorado River, South 44°38'47" East, a distance of 167.80 feet;  
 Thence South 42°08'47" East, a distance of 16.20 feet;  
 Thence South 42°10'24" East, a distance of 250.70 feet;  
 Thence along the east right-of-way line of said CDOT deed South 00°31'13" West, a distance of 390.49 feet to a point on the accretion partition line extending from the Meander Corner on the left bank of the river on the line between sections 19 and 20;  
 Thence along said accretion partition line North 33°18'44" East, a distance of 281.48 feet to a Special Meander Corner (SMC);  
 Thence along a line normal to the median line of the Colorado River North 40°32'36" East, a distance of 249.64 feet to the median line as determined on 1/6/99;  
 Thence along said median line North 49°27'24" West, a distance of 1340.28 feet;  
 Thence North 47°51'44" West, a distance of 404.27 feet;  
 Thence North 65°34'17" West, a distance of 227.71 feet;  
 Thence leaving said median line, and running along a normal to said median line South 24°25'43" West, a distance of 561.00 feet to a Special Meander Corner on an accretion partition line;  
 Thence along said accretion partition line South 56°38'00" West, a distance of 43.69 feet to the Point of Beginning.

Containing 37.13 acres, more or less.

have by these presents laid out, platted and subdivided the same into KINGS VIEW FLOODPLAIN SUBDIVISION and designate the same as a subdivision of a part of the City of Fruita, County of Mesa, State of Colorado and hereby dedicate PARCEL A as permanent public open space to the City of Fruita;

EXECUTED this 11 day of NOV, 2000.

Werner Kaplan, President  
 Werner Kaplan, President  
 Mesaco Properties, Inc.  
 a Colorado Corporation

Werner Kaplan, President  
 Werner Kaplan, President  
 Mesa County Land Company,  
 a Colorado Corporation

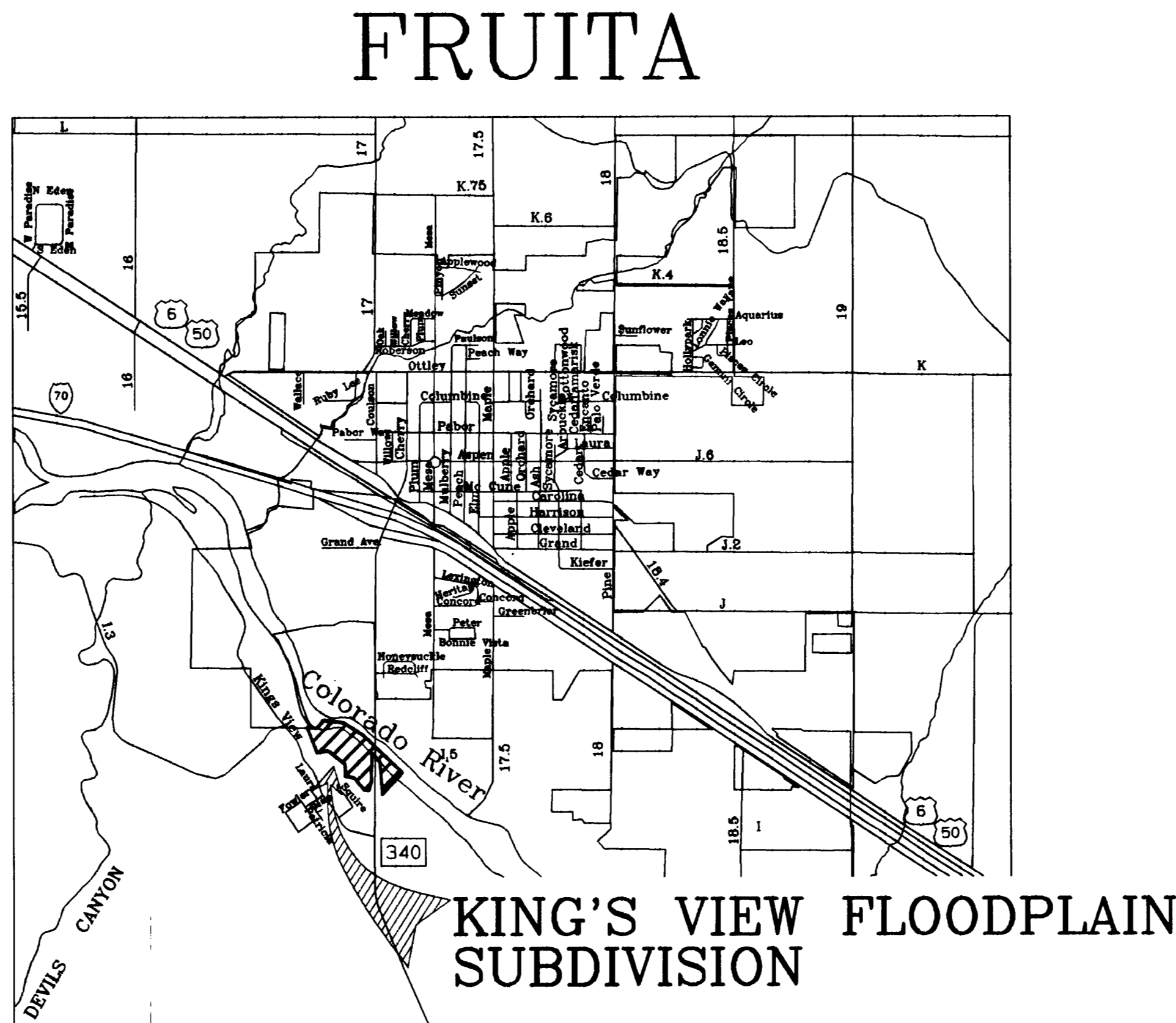
State of Colorado )  
 Eagle ) ss  
 County of Mesa )

The foregoing Certificate of Dedication and Ownership was acknowledged before me this 1st day of November, 2000, by Werner Kaplan

Witness my hand and official seal.

My Commission expires: 3/14/2004

Jawn A. Mathema  
 Notary Public  
 600 W. Lionshead Pl.  
 Vail, CO 81657



## LAND USE TABLE

CITY OF FRUITA  
 OPEN SPACE 37.13 ACRES

TOTAL 37.13 ACRES 100 %

## SURVEYOR'S STATEMENT

I, Kenneth Scott Thompson, do hereby certify that I am a registered land surveyor licensed under the laws of the State of Colorado, that this plat is a true, correct, and complete plat of the King's View Estates Filing No. Three, Amended, as laid out, platted, dedicated and shown hereon, that such plat was made from an accurate survey of said property by me and under my supervision and correctly shows the location and dimensions of the lots.

EXECUTED this 7th day of April, 2000.

Kenneth Scott Thompson  
 Kenneth Scott Thompson, F.L.S. 18480

## CITY OF FRUITA PLANNING COMMISSION

This plat approved by the City of Fruita Planning Commission the 13th day of July, 2000.

David Grayson  
 Chairman

## FRUITA CITY COUNCIL CERTIFICATE

This plat approved by the Fruita City Council, Colorado, this 14 day of July, 2000, for filing with the Clerk and Recorder of Mesa County, Colorado, and for conveyance or dedication to the City of Fruita for maintenance of public improvements until construction of said improvements has been completed in accordance with the City of Fruita's specifications and the City of Fruita has agreed to accept said improvements. This approval does not guarantee that the size, soil conditions, sub-surface geology, ground water conditions, or flooding conditions of any lot shown hereon are such that a building permit, development permit, or any other required permit will be issued. This approval is with the understanding that all expenses involving required improvements for all utility services, paving, grading, landscaping, curbs, gutters, sidewalks, road lighting, road signs, flood protection devices, drainage structures, and all other improvements that may be required shall be the responsibility of the owners designated hereon and not the City of Fruita, unless otherwise specifically agreed to in writing by the Fruita City Council. The City of Fruita has no opinion in regards to any conflicting boundary shown on this plat.

CITY OF FRUITA, COLORADO

By: Don Hall  
 Mayor

Witness my hand and seal of the City of Fruita, Colorado.

ATTEST:

Margaret Subman  
 City Clerk

## CLERK AND RECORDER'S CERTIFICATE

This plat was filed for record in the office of the Mesa County Clerk and Recorder at 12:48 o'clock at 13 M. on the 13th day of November, 2000, and is duly recorded in Book 78 at Page 49, 50, 51 as Document No. 1972393. Drawer W-32. Fees 30.00

Monika Tard  
 MESA COUNTY CLERK & RECORDER

By: Lucina McElroy  
 Deputy

## Kings View Floodplain

Subdivision Plat

SECTION: 1/2 S.19 T1N R2W MERIDIAN: Ute

**THOMPSON-LANGFORD CORPORATION**

529 25 1/2 ROAD - # B-210

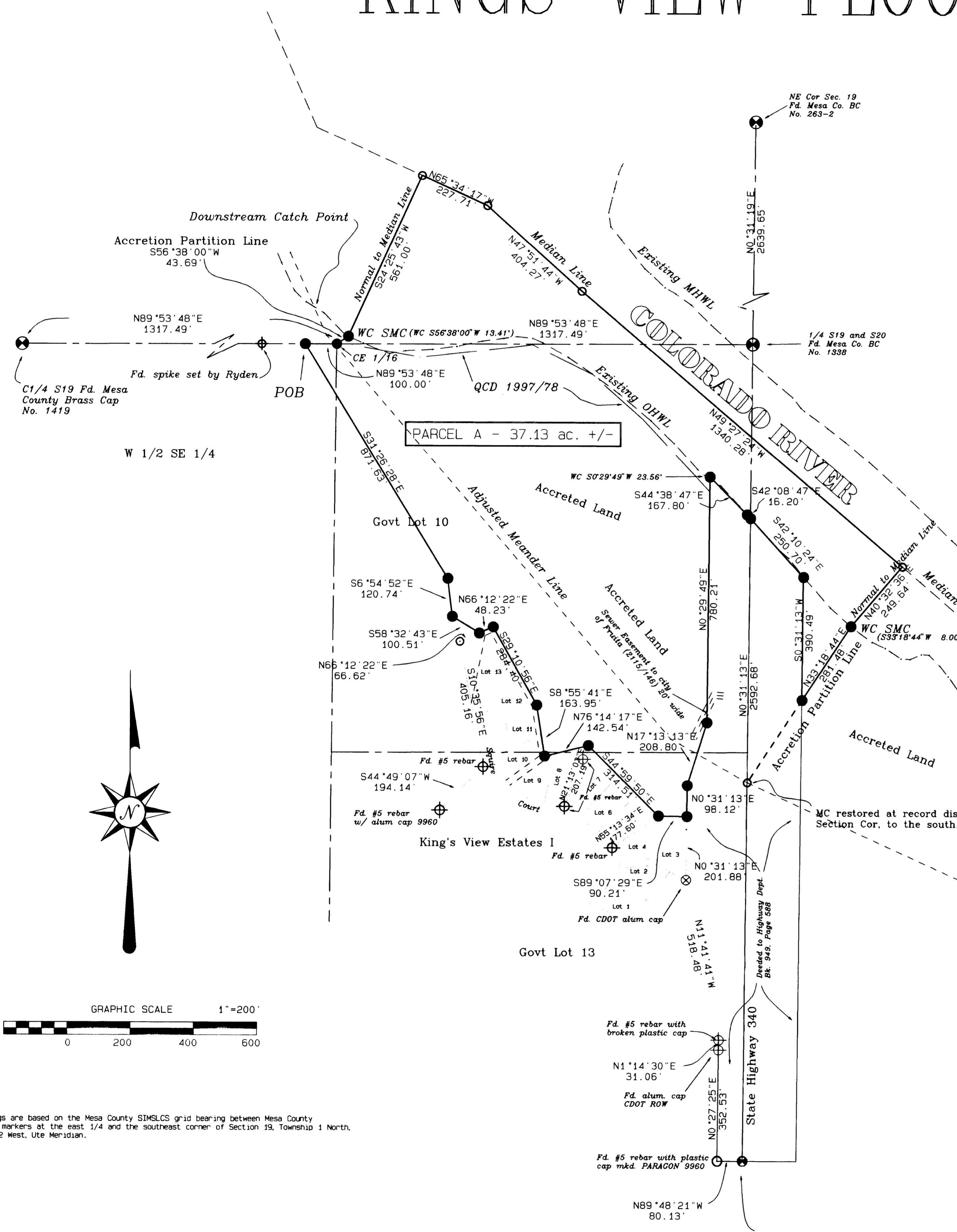
Grand Junction CO 81505 (970) 243-6067

Designed by: DJM Checked by: KST Job No. 0400-001

Date: Apr 7, 2000 Sheet 1 of 3

NOTICE: According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon.

# KINGS VIEW FLOODPLAIN SUBDIVISION



## HISTORY OF SURVEYS

Township 1 North, Range 2 West, Ute Meridian, was partially subdivided by GLO Deputy Surveyor D. G. Major in 1880. This survey included the subdivisional lines north of the Grand (Colorado) River, and the meanders of the right bank of the river. This survey also subdivided the sections using the Three Mile Method. The balance of the township was subdivided in 1897 by Deputy Surveyor A. McCune, including the meanders of the left bank. The north line of Section 19 was retraced as part of a survey by BLM in 1988 by Dean E. Wiese, which also established partitions of accreted lands in Section 18 using a shoreline proportionate measure method. Section 19 was partially subdivided by BLM in 1998. The latter survey did not address riparian issues in Section 19.

Records research at Mesa County revealed the County Surveyor had some dealings with the retracement and remonumentation of some of the controlling corners. Numerous notes, corner records, and memos indicate a consistent set of errors and problems in Section 19, some of which were addressed by the County. William G. Ryden, LS 8331, surveyed and subdivided Section 19 in 1977, with a corrected plat thereof filed in 1980. Kings View Estates, Filing No. 1 was surveyed by James T. Patty, LS 9960 in 1978. Patty also performed a boundary survey in the area as evidenced by a plat dated 6/30/82.

Analysis of the title records in the area, including the County Assessor's maps, indicates the significant accretions created on the left bank of the Colorado River have never been properly addressed in deeds or surveys. CDOT right-of-way acquisitions in 1969 for State Highway 340 indicate land was acquired without regard to the riparian rights held by the landowners in the area.

## ANALYSIS OF BOUNDARY ISSUES

- Section 19 is laden with errors and mis-applications of survey procedures. This survey has attempted to leave all controlling corners in the area undisturbed in spite of the erroneous methods used to re-establish them. This includes the following issues:
- No corners on the east line of the section are directly tied to any original evidence.
- The northeast corner of Section 19 was set by the County Surveyor at record distance from the 1/4 to the north.
- The east 1/4 corner of Section 19 was set in three different positions, the last of which was remonumented by Mesa County. This corner was set without regard to proper proportioning or alignment of the GLO record. BLM blindly accepted this position in the 1998 survey without validating the east line of the section.
- The north 1/4 corner of Section 19 was not monumented by GLO, as it fell in the river. GLO set a Meander Corner west of the 1/4 corner position, and then connected to the previous survey to the east. The corner was "proportioned" in by Ryden without regard to the record dimensions or alignment of the section line. This position for the 1/4 corner was later remonumented by Mesa County but stamped as being the 1/4 and the Meander Corner. BLM acknowledged in the 1988 survey that the Mesa County brass cap was to be used as the Meander Corner, but not as the 1/4 corner.
- The erroneous north and east 1/4 corners were used by Ryden, Patty, and Mesa County to establish the subdivisional corners of Section 19. BLM accepted all of the subdivisional corners in their 1998 survey.

In light of the series of errors listed above, and in an attempt to reconcile these with the bona fide rights of the landowners in the area, this survey has chosen to accept the controlling and subdivisional corners as they now stand. The following is an explanation of the procedures used to complete the survey of this land and the partitioning of the accreted lands.

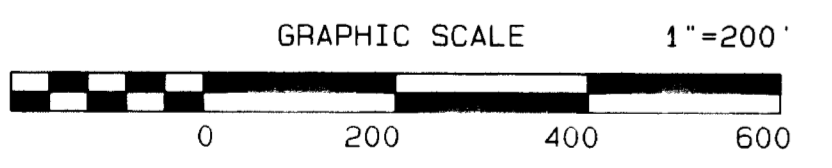
- The Meander Corner (MC) on the left bank of the river on the line between Sections 19 and 20 has been re-established at record distance. More than 2 chains of error exists in the east line of the section (as compared to the GLO record), and with the east 1/4 corner being established improperly, it seemed improper to perform a single proportion to re-set this MC.
- The plat of the 1897 GLO survey indicates the west half of the SE 1/4 was not considered riparian. While the record meanders actually cross the longitudinal centerline of the SE 1/4 by about 6 feet, GLO chose to not lot the 80 acres. It is my opinion that this parcel does not have riparian rights, and such rights are limited to the owners of Government Lots 9, 10, and 13. For this reason, the riparian rights of Lot 10 have been partitioned from the CE 1/16th corner itself.
- The Colorado River has moved to the northeast over time and now has developed accretions of up to 600 feet in width. The accreted lands have been partitioned using the same method utilized by BLM in the 1988 survey of Section 18. This involved the retracement and adjustment of the record meander line on the left bank, the traverse of the existing ordinary high water line (OHWL) from the point where it crosses the adjusted record meanders. These "catch points" exist on the downstream end of the proportion at a point about 140 feet northwest of the CE 1/16th, and on the upstream end of the proportion at a point about 100 feet northwest of the old highway bridge in the SE 1/4 of the SW 1/4 of Section 20.
- The lands accreted to Lot 13 of Section 19 cross east of the east line of the section. The CDOT right-of-way (deed 946/588-590) acquired the portion of these lands lying east of the section line from a different owner than this survey would indicate to be appropriate.

## ADDITIONAL NOTES

1. After diligent search, no exterior monuments on the east and north sides of Kings View Estates, Filing No. 1 were found in this survey. These positions were re-established by various proportioning methods by using exterior points on the west side of the subdivision, interior lot corners, and CDOT ROW monuments on the west line of State Highway 340.
2. The bearing and distance information provided hereon for lines within the Colorado River are for information and closure only. Ownership of the bed of the river is in the "upland owners", as the Colorado River is regarded as non-navigable. Therefore, the data is subject to change.
3. OHWL data used in this survey is based on retracement data collected on January 6, 1999.

## LEGEND

- MESA COUNTY SURVEY MARKER
- ⊕ FOUND MONUMENT AS NOTED
- ⊙ SET PIN & CAP PLS 18480 IN CONCRETE
- POINT NOT SET



Bearings are based on the Mesa County SIMSLCS grid bearing between Mesa County survey markers at the east 1/4 and the southeast corner of Section 19, Township 1 North, Range 2 West, Ute Meridian.

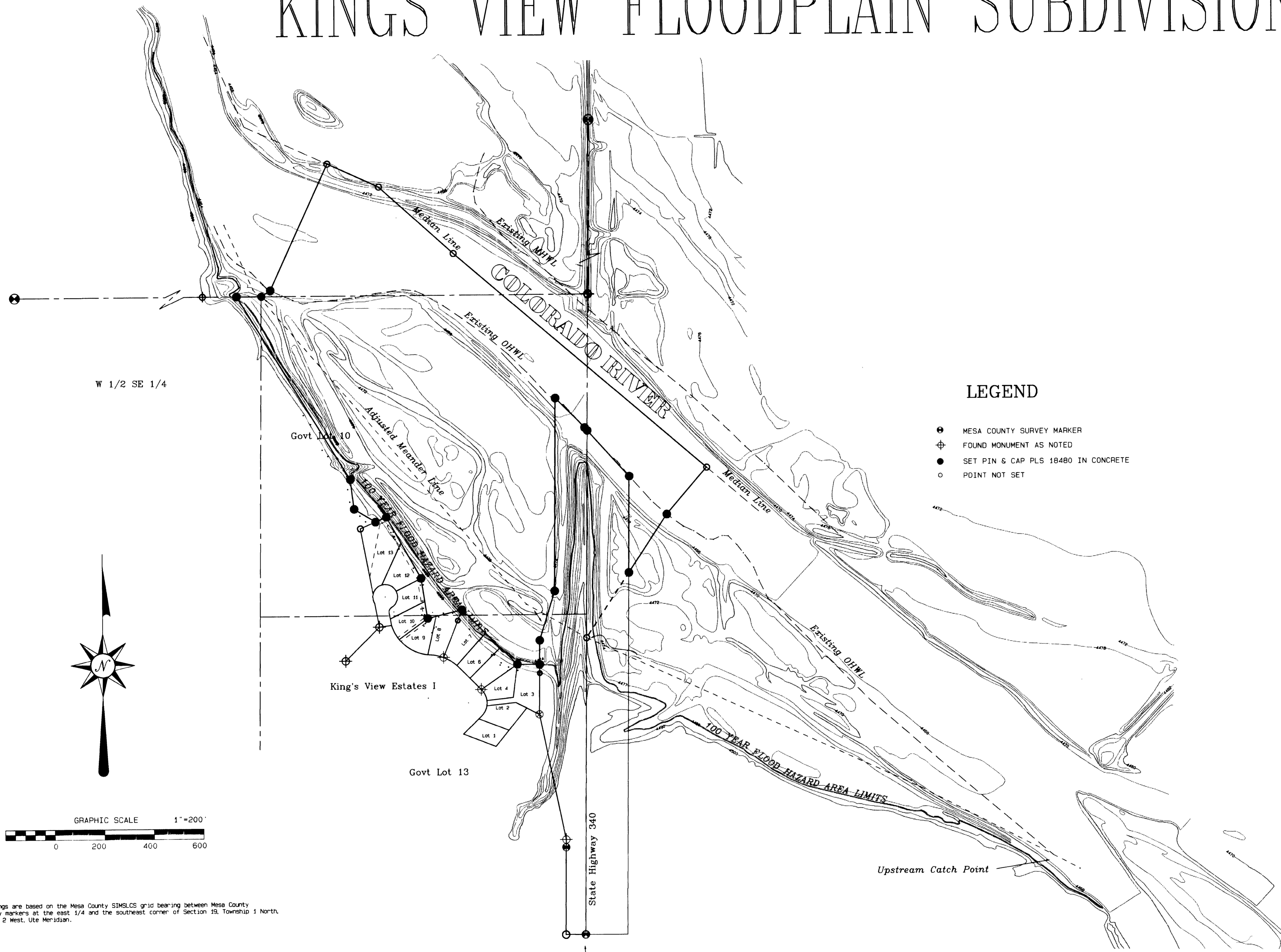
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Cor. of Secs. 19, 20, 29, and 30  
Fd. Mesa Co. BC No. 490-1

## Kings View Floodplain Subdivision Plat

SECTION: 1/2	S.19	TWN: 1 North	RNG: 2 West	MERIDIAN: Ute
<b>THOMPSON-LANGFORD CORPORATION</b>				
529 25 1/2 ROAD - # B-210				
Grand Junction CO 81505 (970) 243-6067				
Designed by: DJM	Checked by: KST	Job No. 0400-001		
Date: Jun 15, 1999		Sheet 2 of 3		

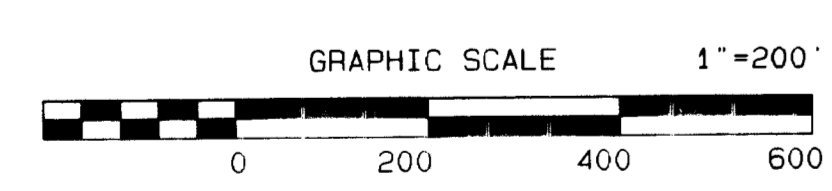
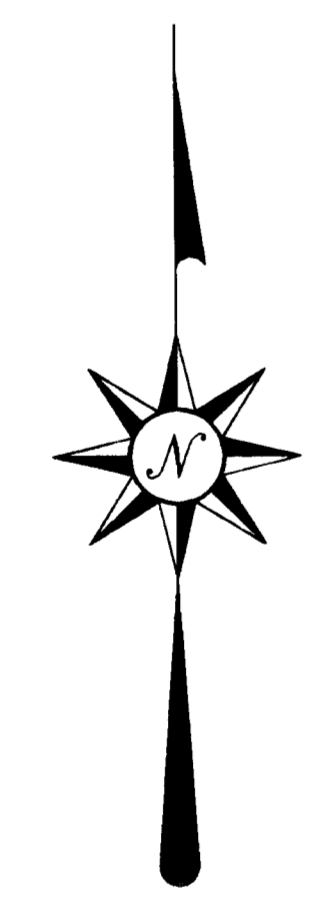
# KINGS VIEW FLOODPLAIN SUBDIVISION



## LEGEND

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- POINT NOT SET

W 1/2 SE 1/4



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Cor. of Secs 19, 20, 29, and 30  
Pd. Mesa Co. BC No. 480-1

NOTE: The contour lines shown hereon were obtained digitally from Mesa County and are based upon 1974 mapping.

The flood plan information was taken from FEMA Flood Insurance Rate Map 080115 0265 B, dated July 15, 1992.

<b>Kings View Floodplain</b>			
Subdivision Plat			
SECTION: 1/2	S.19	TWNSHIP: 1 North	RANGE: 2 West MERIDIAN: Ute
<b>THOMPSON-LANGFORD CORPORATION</b>			
529 25 1/2 ROAD - # B-210			
Grand Junction CO 81505 (970) 243-6067			
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