

**Ordinance 2009-04**

**AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF FRUITA TO REZONE THE LOWER VALLEY FIRE PROTECTION DISTRICT PROPERTY LOCATED BETWEEN MESA AND MULBERRY STREETS SOUTH OF PABOR AVENUE FROM A DOWNTOWN COMMERCIAL RESIDENTIAL DESIGN (DCRD) ZONE TO COMMUNITY SERVICES RECREATIONAL (CSR) ZONE (Project #2009-05)**

**WHEREAS**, the subject property is shown and described in attached Exhibit A, incorporated herein by this reference, and

**WHEREAS**, the Fruita Community Plan supports a institutional and civic uses in the downtown area in which the subject property is located, and

**WHEREAS**, the City Council received an application from the property owners, Lower Valley Fire Protection District, to rezone the subject property from DCRD to CSR, and

**WHEREAS**, at their February 10, 2009, public hearing, the Fruita Planning Commission recommended approval of the application to zone the subject property CSR to the Fruita City Council, and

**WHEREAS**, a public hearing was held by the City Council on March 3, 2009, and

**WHEREAS**, based on the evidence, testimony, exhibits, study of the City's Master Plan, staff reports including review comments, Planning Commission public hearing minutes, and comments from all interested parties, the City Council finds as follows:

- A. Proper publication and other public notices were provided as required by law for the hearings before the Planning Commission and City Council.
- B. Pursuant to Section 17.13.060 of the Fruita Land Use Code (2004, as amended) the City Council finds that the proposed CSR zone is supported by the city's Master Plan and meets approval criteria that must be considered for rezoning.

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

**THAT** the Official Zoning Map adopted pursuant to Section 17.13.060 of the Fruita Land Use Code (2004, as amended) is hereby amended and that the subject property shown and described on the attached Exhibit A, containing approximately 0.64 acre, is hereby rezoned from DCRD to CSR.

PASSED AND ADOPTED BY THE FRUITA CITY COUNCIL, THIS  
\_\_\_\_\_ DAY OF MARCH, 2009.

City of Fruita

ATTEST: \_\_\_\_\_

\_\_\_\_\_  
H. Kenneth Henry, Mayor

\_\_\_\_\_  
City Clerk

**EXHIBIT A  
LOWER VALLEY FIRE PROTECTION DISTRICT  
LEGAL DESCRIPTION**

Parcel 1:

Lots 1, 2, 24, 25 and 26,

Block 4,

Town of Fruita as shown by the plat of the original townsite thereof, together with all improvements, buildings and structures located thereon or a part thereof,

EXCEPT that part of Lot 26, more particularly described as;

Beginning at a point on the North line of said Lot 26 which is East 70.6 feet from the Northwest Corner of said Lot 26;

thence East 20 feet;

thence South 24 feet;

thence West 20 feet;

thence North 24 feet to the Point of Beginning,

TOGETHER with that portion vacated in Ordinance 1998-11 recorded August 17, 1998 at Reception No. 1860173

Parcel 2:

Beginning at a point on the North line of said Lot 26 in the Town of Fruita which is East 70.6 feet from the Northwest Corner of said Lot 26;

thence East 20 feet;

thence South 24 feet;

thence West 20 feet;

thence North 24 feet to the Point of Beginning,

COUNTY OF MESA  
STATE OF COLORADO



**LOCATION AND ZONING MAP**