

**Ordinance 2010-04**

**AN ORDINANCE VACATING RIGHT-OF-WAY FOR AN ALLEY LOCATED  
BETWEEN MESA AND MULBERRY STREETS SOUTH OF PABOR AVENUE  
(Project #2009-27)**

**WHEREAS**, the City of Fruita has received a request to vacate the north 50 feet of a 12-foot wide alley located between Mesa and Mulberry Streets south of Pabor Avenue as shown and described on attached Exhibit A, and

**WHEREAS**, city staff has reviewed the requested vacation and finds that it can meet all approval criteria that must be considered, and

**WHEREAS**, the Planning Commission recommended approval of the right-of-way vacation request at their December 8, 2009, public hearing, and

**WHEREAS**, the Fruita City Council finds that vacation of these right-of-ways would not land-lock any individual properties, endanger any utility lines including water and sewer lines, would not undermine the city street circulation plan, and would not be detrimental to the inhabitants of Fruita if a utility easement is retained on the portion of right-of-way to be vacated.

**THE CITY OF FRUITA HEREBY ORDAINS:**

Pursuant to Section 43-2-303, C.R.S., the City of Fruita hereby vacates the right-of-way as described and shown on attached Exhibit A with the condition that a utility easement is retained on the vacated right-of-way.

**PASSED AND ADOPTED BY THE FRUITA CITY COUNCIL, THIS  
2<sup>nd</sup> DAY OF FEBRUARY 2010.**

City of Fruita

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

ATTEST:

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

Ordinance 2010-04  
Exhibit A  
Legal Description

A tract of land situated in the Southeast Quarter of the Northwest Quarter of Section 17, Township 1 North, Range 2 West, of the Ute Meridian, Mesa County, Colorado and being more particularly described as follows:

Commencing at the Northwest Sixteenth Corner of said Section 17 from whence the West Sixteenth Corner of said Section 17 bears  $S0^{\circ}06'46''W$  a distance of 1319.86 feet; thence  $S0^{\circ}06'46''W$  a distance of 39.99 feet; thence  $S89^{\circ}53'14''E$  a distance of 40.00 feet to the Northwest corner of that property as described in Book 1319 at Page 907 of the Mesa County Clerk and Recorder's Office; thence  $S0^{\circ}06'46''W$  along the West line of said property a distance of 139.98 feet; thence  $S89^{\circ}53'50''E$  along the South line of said property a distance of 123.99 feet to the POINT OF BEGINNING; thence  $S89^{\circ}53'41''E$  a distance of 12.00 feet; thence  $N0^{\circ}06'16''E$  a distance of 50.00 feet; thence  $N89^{\circ}54'04''W$  a distance of 12.00 feet; thence  $S0^{\circ}06'16''W$  a distance of 50.00 feet to the POINT OF BEGINNING.

Said tract of land contains 600 square feet as described.

