

Ordinance 2011-03

AN ORDINANCE VACATING PABOR AVENUE AND ASPEN AVENUE RIGHT-OF-WAYS LOCATED BETWEEN THE RAILROAD RIGHT-OF-WAY AND THE SOONER INDUSTRIAL PARK SUBDIVISION AS PART OF THE FRUITA INDUSTRIAL PARK SUBDIVISION (Project #2008-36)

WHEREAS, unused right-of-way for Pabor Avenue and Aspen Avenue exist between the railroad tracks right-of-way and the Sooner Park Industrial subdivision as shown and described on attached Exhibit A (Pabor Avenue) and Exhibit B (Aspen Avenue), and

WHEREAS, the adjacent property owners, Davjo National Development LLC, has requested vacation of these right-of-ways as part of a proposed subdivision in this area, and

WHEREAS, the proposed subdivision, the Fruita Industrial Park subdivision, will plat lots and right-of-ways that will make these portions of Pabor Avenue and Aspen Avenue unnecessary, 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 accompanied by the proposed Fruita Industrial Park subdivision plat.

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

THAT, pursuant to Section 43-2-303, C.R.S., the City of Fruita hereby vacates the right-of-ways as described and shown on attached Exhibit A and Exhibit B with the condition that the Fruita Industrial Park subdivision plat is recorded before the vacations become effective.

**PASSED AND ADOPTED BY THE FRUITA CITY COUNCIL, THIS
18TH DAY OF JANUARY 2011.**

City of Fruita

H. Kenneth Henry, Mayor

ATTEST:

City Clerk

EXHIBIT "A"
Ordinance #2011-03
Pabor Avenue Right-of-Way Vacation

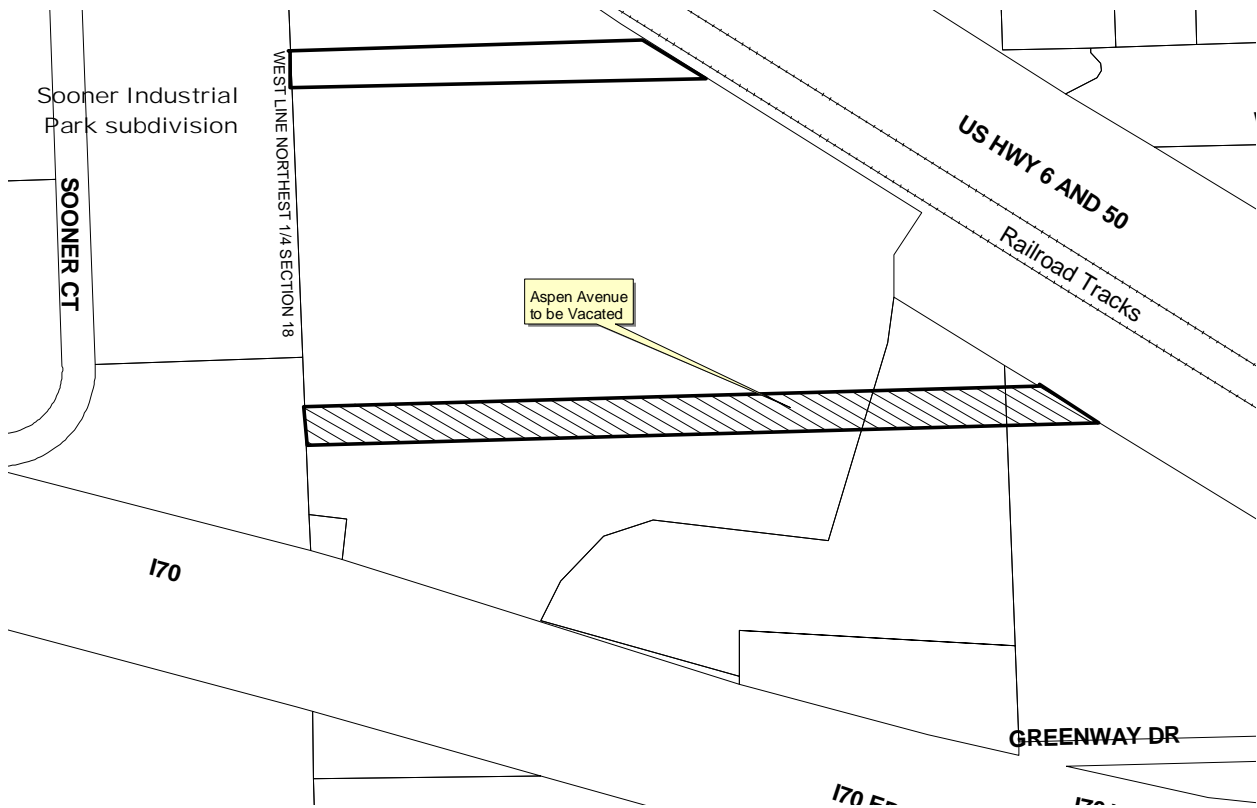


Legal Description:

A portion of Pabor Avenue right-of-way dedicated on the plat of Orchard Subdivision as recorded in Plat Book 1 at Page 7 of the Mesa County records, situate in the northeast 1/4 of Section 18, 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:

All of the Pabor Avenue right-of-way from the intersection of the right-of-way (R-O-W) of the D. & R.G.W. Railroad and the R-O-W of Pabor Avenue to the west line of said northeast 1/4 of Section 18.

EXHIBIT "B"
Ordinance #2011-03
Aspen Avenue Right-of-Way Vacation



Legal Description:

A portion of Aspen Avenue right-of-way dedicated on the plat of Orchard Subdivision as recorded in Plat Book 1 at Page 7 of the Mesa County records, situate in the northeast 1/4 of Section 18, 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:

Commencing at the east 1/4 corner of said Section 18, the basis of bearing being N00°11'21"W to the north 1/16th corner on the east line of said Section 18; thence N60°46'42"W a distance of 1267.49 feet to the intersection of the southerly right-of-way (R-O-W) of the D. & R.G.W. Railroad and the south R-O-W of Aspen Avenue and the Point of Beginning; thence S89°53'03"W along said south R-O-W of Aspen Avenue a distance of 1539.28 feet to the west line of said northeast 1/4 of Section 18; thence N00°11'06"W along said west line a distance of 80.00 feet to the north R-O-W of said Aspen Avenue; thence N89°53'03"E a distance of 1418.91 feet to the southerly R-O-W of D. & R.G.W. Railroad; thence S56°31'44"E along said railroad R-O-W a distance of 144.61 feet to the Point of Beginning.
Said street right-of-way to be vacated contains 2.72 acres more or less.