

ORDINANCE 2011-10

**AN ORDINANCE ACCEPTING RIGHT-OF-WAY FOR GREENWAY DRIVE
LOCATED EAST OF COULSON STREET AND SOUTH OF HIGHWAY 6 & 50
AND EXTENDING WEST OF THE LITTLE SALT WASH**

WHEREAS, right-of-way for Greenway Drive is necessary at this time to allow the City of Fruita to build a bridge over the Little Salt Wash, and

WHEREAS, right-of-way for Greenway Drive is necessary for a safe and efficient transportation system in this area as it continues to develop, and

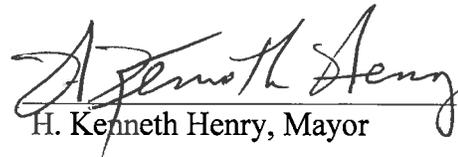
WHEREAS, the property owners have provided deeds to dedicate the required right-of-way to the City which are attached as Exhibits A and B.

NOW, THEREFORE, BE IT RESOLVED BY THE FRUITA CITY COUNCIL:

THAT the right-of-way for Greenway Drive, as described in Exhibits A and B, is accepted by the Fruita City Council.

**PASSED AND ADOPTED BY THE FRUITA CITY COUNCIL
THIS 17th DAY OF MAY 2011**

CITY OF FRUITA, COLORADO


H. Kenneth Henry, Mayor

ATTEST:


Margaret Steelman, City Clerk

EXHIBIT A

A parcel of land situate in the northeast 1/4 of Section 18, Township 1 North, Range 2 West of the Ute Meridian, Mesa County Colorado, being more particularly described as follows:

Commencing at the east 1/4 corner of said Section 18, being a found Mesa County Survey Marker, the basis of bearing being N00°11'21"W to the north 1/16th on the west line of Section 18, also being a found Mesa County Survey Marker;
thence S89°54'39"W along the south line of said northeast 1/4 a distance of 1249.99 feet;
thence N78°34'42"W a distance of 73.22 feet;
thence N00°08'56"W a distance of 193.22 feet;
thence N85°53'04"W a distance of 5.01 feet;
thence N00°08'56"W a distance of 427.65 feet;
thence a distance of 118.09 feet along the arc of a curve to the left having a radius of 120.00 feet and a central angle of 56°22'55", the chord of which bears N28°20'25"W a distance of 113.38 feet;
thence N56°31'51"W a distance of 202.33 feet to the centerline of Little Salt Wash and the Point of Beginning;
thence N56°31'51"W a distance of 481.24 feet;
thence a distance of 125.59 feet along the arc of a curve to the left having a radius of 215.00 feet and a central angle of 33°28'09", the chord of which bears N73°15'55"W a distance of 123.81 feet;
thence N90°00'00"W a distance of 576.17 feet to the west line of said northeast 1/4 of Section 18 and the east line of Sooner Industrial Park as recorded in Plat Book 12 at Page 206 of the Mesa County records;
thence N00°11'06"W along said west line a distance of 60.00 feet;
thence S90°00'00"E a distance of 576.37 feet;
thence a distance of 160.64 feet along the arc of a curve to the right having a radius of 275.00 feet and a central angle of 33°28'09", the chord of which bears S73°15'55"E a distance of 158.37 feet;
thence S56°31'51"E a distance of 464.08 feet to the D. & R.G.W. Railroad right-of-way as recorded in Book 917 at Pages 135 and 136, and Book 929 Page 859 of said Mesa County records, and to the centerline of Little Salt Wash;
thence S35°38'04"W along said right-of-way and centerline a distance of 3.53 feet;
thence S31°18'03"E along said centerline Little Salt Wash a distance of 36.81 feet;
thence S05°26'45"E along said centerline a distance of 25.30 feet to the Point of Beginning.
Said parcel contains 1.63 acres more or less.

This description was prepared by:
Steven L. Hagedorn
Colorado P.L.S. 24306
118 Ouray Ave.
Grand Junction, CO 81501

FIP, LLC

EXHIBIT B

ORDINANCE 2011-10

RIGHT-OF-WAY DEED

DavJo National Development, LLC, Grantor, owner in fee of the real property hereinafter described for good and valuable consideration, the receipt and sufficiency of which are hereby confessed and acknowledged, hereby grants and conveys to the City of Fruita, Colorado, a home rule municipal corporation, Grantee, without warranty of title, a public street right-of-way over and across that real property in the County of Mesa, State of Colorado, to wit:

See attached Exhibit A

and conveys the same for public right-of-way purposes, only. This deed is made under no threat of condemnation.

Subject to easements in place and in use and reserving any and all minerals and the right to use the subsurface thereof, provided such does not interfere with the use of the entire surface for public roadway purposes.

IN WITNESS WHEREOF, Grantor has executed this document the 26th day of April, 2011.

DavJo National Development, LLC

By: *D.M. Davidson*

Darren M. Davidson, Registered Agent

STATE OF COLORADO)

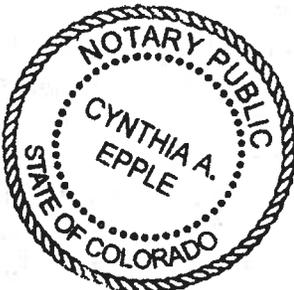
)ss.

COUNTY OF MESA)

The foregoing instrument was acknowledged before me this 26th day of April, 2011, by Darren M. Davidson, as Registered Agent, of DavJo National Development.

WITNESS MY HAND AND OFFICIAL SEAL.

My commission expires: 8-29-2014



Cynthia A. Epple
Notary Public

EXHIBIT B

A parcel of land situate in the northeast 1/4 of Section 18, Township 1 North, Range 2 West of the Ute Meridian, Mesa County Colorado, being more particularly described as follows:

Commencing at the east 1/4 corner of said Section 18, being a found Mesa County Survey Marker, the basis of bearing being N00°11'21"W to the north 1/16th on the west line of Section 18, also being a found Mesa County Survey Marker;
thence S89°54'39"W along the south line of said northeast 1/4 a distance of 169.89 feet to the Point of Beginning;
thence S89°54'39"W along said south line a distance of 1080.10 feet;
thence N78°34'42"W a distance of 73.22 feet;
thence N00°08'56"W a distance of 193.22 feet;
thence N85°53'04"W a distance of 5.01 feet;
thence N00°08'56"W a distance of 427.65 feet;
thence a distance of 118.09 feet along the arc of a curve to the left having a radius of 120.00 feet and a central angle of 56°22'55", the chord of which bears N28°20'25"W a distance of 113.38 feet;
thence N56°31'51"W a distance of 202.33 feet to the centerline of Little Salt Wash;
thence N05°26'45"W along said centerline a distance of 25.30 feet;
thence N31°18'03"E along said centerline a distance of 36.81 feet to the D.R. & G. Railroad right-of-way as recorded in Book 917, at Pages 135 & 136, and Book 929 at Page 859 of the Mesa County records;
thence S56°31'44"E along said right-of-way a distance of 255.11 feet;
thence a distance of 141.40 feet along the arc of a non-tangent curve to the right having a radius of 180.00 feet and a central angle of 45°00'37", the chord of which bears S22°39'15"E a distance of 137.80 feet;
thence S00°08'56"E a distance of 505.99 feet;
thence a distance of 109.88 feet along the arc of a curve to the left having a radius of 70.00 feet and a central angle of 89°56'25", the chord of which bears S45°07'09"E a distance of 98.94 feet;
thence N89°54'39"E a distance of 936.53 feet;
thence S56°31'44"E a distance of 108.54 feet to the Point of Beginning.
Said parcel contains 2.79 acres more or less.

This description was prepared by:
Steven L. Hagedorn
Colorado P.L.S. 24306
118 Ouray Ave.
Grand Junction, CO 81501

DasJo, LLC