

Ordinance 2012-10

**AN ORDINANCE ANNEXING TO THE CITY OF FRUITA APPROXIMATELY
5.59 ACRES OF PROPERTY LOCATED SOUTH OF FRONTAGE ROAD AND
EAST OF 18 ½ ROAD (Luster Annexation #2012-4)**

WHEREAS, the Fruita City Council finds that it is necessary to annex certain real property contiguous to the City of Fruita in order to:

1. Promote the public health, safety, and welfare of the community; and,
2. Insure efficient provision of municipal services and fair and equitable distribution of cost amongst those who use services provided by the community; and,
3. Provide for orderly growth of the community; and,

WHEREAS, the City Council adopted Resolution 2012-17 finding that the real property described and shown on Exhibit A is eligible for annexation pursuant to C.R.S. 31-12-104 and 105, stating their intent to annex same and initiating the annexation procedures.

THE CITY OF FRUITA HEREBY ORDAINS:

Section 1: The Fruita City Council, having reviewed a properly constituted petition of all the owners of real property in the area proposed for annexation, hereby annexes the property as described and shown in Exhibit A, and the Fruita City limits are hereby modified to reflect said annexation.

Section 2: Conditions of said annexation include:

1. Zoning of said property shall be established by future public hearing which will be held within ninety days (90) of the effective day of this ordinance.
2. The following are to be considered legal non-conforming lots, uses, structures and buildings (grandfathered) subject to the requirements of the Land Use Code regarding legal non-conforming land uses:
 - continuation of the agricultural land use of an irrigated/cultivated field
 - existing fences and accessory buildings located along Frontage Road
 - lot size less than three acres not served by a public sewer service (lot size approximately 1.62 acres)
3. Thirty feet of right-of-way for 18 ½ Road along the west line of the subject property must be dedicated to the City of Fruita.

**PASSED AND ADOPTED BY THE FRUITA CITY COUNCIL
THIS 2nd DAY OF JULY, 2012**

ATTEST:

City of Fruita

City Clerk

Lori Buck, Mayor

ORDINANCE 2012-10
EXHIBIT A
LEGAL DESCRIPTION
LUSTER

PARCEL 1:

BEGINNING AT THE SOUTHWEST CORNER OF THE NW¹/₄ SE¹/₄ OF SECTION 21,
TOWNSHIP 1 NORTH, RANGE 2 WEST OF THE UTE MERIDIAN;
THENCE NORTH 132 FEET;
THENCE EAST 330 FEET;
THENCE SOUTH 132 FEET;
THENCE WEST 330 FEET TO THE POINT OF BEGINNING,
COUNTY OF MESA, STATE OF COLORADO.

PARCEL 2:

A PARCEL OF LAND IN THE NW¹/₄ SE¹/₄ OF SECTION 21, TOWNSHIP 1 NORTH, RANGE 2
WEST OF THE UTE MERIDIAN, MORE COMPLETELY DESCRIBED AS FOLLOWS:
BEGINNING AT A POINT ON THE SOUTH LINE OF THE NW¹/₄ SE¹/₄ OF SAID SECTION 21,
WHICH BEARS EAST 330.00 FEET FROM THE SW CORNER OF THE NW¹/₄ SE¹/₄ OF SAID
SECTION 21;
THENCE NORTH 0°13'18" EAST 132.00 FEET;
THENCE EAST 623.00 FEET;
THENCE NORTH 60°00'00" EAST 177.00 FEET;
THENCE EAST 117.00 FEET;
THENCE NORTH 0°12'53" EAST 28.10 FEET TO THE SOUTHERLY BOUNDARY OF THE
INTERSTATE 70 RIGHT OF WAY;
THENCE ALONG SAID RIGHT OF WAY BOUNDARY SOUTH 56°57'08" EAST 116.81 FEET
TO THE EAST LINE OF THE NW¹/₄ SE¹/₄ OF SAID SECTION 21;
THENCE SOUTH 0°12'53" WEST 184.90 FEET TO THE SE CORNER OF THE NW¹/₄ SE¹/₄ OF
SAID SECTION 21;
THENCE ALONG THE SOUTH LINE OF THE NW¹/₄ SE¹/₄ OF SAID SECTION 21, WEST
991.12 FEET TO THE POINT OF BEGINNING;

TOGETHER WITH:

A TRACT OR PARCEL OF LAND IN THE NW¹/₄ SE ¹/₄ OF SAID SECTION 21, TOWNSHIP 1
NORTH, RANGE 2 WEST OF THE UTE MERIDIAN, BEING MORE PARTICULARLY
DESCRIBED AS FOLLOWS:
COMMENCING AT THE S¹/₄ CORNER OF SAID SECTION 21, AND CONSIDERING THE
SOUTH LINE OF THE SE¹/₄ OF SAID SECTION 21 TO BEAR SOUTH 89°45'10" EAST WITH
ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO;
THENCE NORTH 00°13'18" EAST 1319.15 FEET;
THENCE NORTH 90°00'00" EAST 330.00 FEET;
THENCE NORTH 00°13'18" EAST 132.00 FEET;
THENCE NORTH 90°00'00" EAST 623.00 FEET;
THENCE NORTH 60°00'00" EAST 50.89 FEET TO THE TRUE POINT OF BEGINNING;
THENCE NORTH 00°00'00" EAST 238.40 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE
OF INTERSTATE 70;

THENCE ALONG SAID RIGHT-OF-WAY LINE SOUTH 56°57'08" EAST 270.0 FEET;
THENCE SOUTH 00°12'53" WEST 28.10 FEET;
THENCE SOUTH 90°00'00" WEST 117.00 FEET;
THENCE SOUTH 60°00'00" WEST 126.11 FEET TO THE TRUE POINT OF BEGINNING;

ALSO TOGETHER WITH:

A TRACT OR PARCEL OF LAND IN THE NW¼ SE¼ OF SAID SECTION 21, TOWNSHIP 1 NORTH, RANGE 2 WEST OF THE UTE MERIDAN, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE S¼ CORNER OF SAID SECTION 21, AND CONSIDERING THE SOUTH LINE OF THE SE¼ OF SAID SECTION 21 TO BEAR SOUTH 89°29'13" EAST WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO;

THENCE NORTH 29°37'58" EAST 1988.48 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF INTERSTATE 70, AND THE TRUE POINT OF BEGINNING;

THENCE ALONG SAID RIGHT-OF-WAY LINE SOUTH 56°38'30" EAST 33.00 FEET;

THENCE SOUTH 00°17'36" WEST 238.34 FEET (PREVIOUSLY DESCRIBED NORTH 238.40 FEET);

THENCE SOUTH 60°15'57" WEST 50.89 FEET;

THENCE NORTH 89°44'03" WEST 55.62 FEET;

THENCE NORTH 14°37'45" EAST 290.90 FEET TO THE TRUE POINT OF BEGINNING;

ALL IN COUNTY OF MESA, STATE OF COLORADO.

