

**Ordinance 2012-11**

**AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF FRUITA BY ZONING NEWLY ANNEXED PROPERTY CONSISTING OF APPROXIMATELY 5.59 ACRES OF LAND LOCATED SOUTH OF FRONTAGE ROAD AND EAST OF 18 ½ ROAD TO SOUTH FRUITA RESIDENTIAL (Luster Annexation #2012-4)**

**WHEREAS**, the subject property is shown and described in attached Exhibit A and was recently annexed to the City of Fruita by Ordinance 2012-10, and

**WHEREAS**, newly annexed property must be zoned in accordance with applicable law, and

**WHEREAS**, the City received an application by Joyce Tallman, the owner of the subject property, for a South Fruita Residential zone in conjunction with the annexation of the subject property, and

**WHEREAS**, at their April 10, 2012, public hearing, the Fruita Planning Commission recommended approval of the requested South Fruita Residential zone to the Fruita City Council, and

**WHEREAS**, public hearings was held by the City Council on May 1, 2012, and June 5, 2012, for the annexation and this zoning request, and

**WHEREAS**, the requested zone is consistent with the City's goals and policies including the City's Master Plan.

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

**THAT** the Official Zoning Map adopted pursuant to Section 17.07.020 of the Fruita Land Use Code (2009, as amended) is hereby amended and that the subject property shown and described on the attached Exhibit A, containing approximately 5.59 acres, is hereby rezoned to South Fruita Residential.

**PASSED AND ADOPTED BY THE FRUITA CITY COUNCIL, THIS  
2<sup>nd</sup> DAY OF JULY, 2012.**

ATTEST:

City of Fruita

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City Clerk

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Lori Buck, Mayor

**ORDINANCE 2012-11**  
**EXHIBIT A**  
**LEGAL DESCRIPTION**  
**LUSTER**

**PARCEL 1:**

BEGINNING AT THE SOUTHWEST CORNER OF THE NW<sup>1</sup>/<sub>4</sub> SE<sup>1</sup>/<sub>4</sub> 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 NW<sup>1</sup>/<sub>4</sub> SE<sup>1</sup>/<sub>4</sub> 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 NW<sup>1</sup>/<sub>4</sub> SE<sup>1</sup>/<sub>4</sub> OF SAID SECTION 21,  
WHICH BEARS EAST 330.00 FEET FROM THE SW CORNER OF THE NW<sup>1</sup>/<sub>4</sub> SE<sup>1</sup>/<sub>4</sub> 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 NW<sup>1</sup>/<sub>4</sub> SE<sup>1</sup>/<sub>4</sub> OF SAID SECTION 21;  
THENCE SOUTH 0°12'53" WEST 184.90 FEET TO THE SE CORNER OF THE NW<sup>1</sup>/<sub>4</sub> SE<sup>1</sup>/<sub>4</sub> OF  
SAID SECTION 21;  
THENCE ALONG THE SOUTH LINE OF THE NW<sup>1</sup>/<sub>4</sub> SE<sup>1</sup>/<sub>4</sub> OF SAID SECTION 21, WEST  
991.12 FEET TO THE POINT OF BEGINNING;

**TOGETHER WITH:**

A TRACT OR PARCEL OF LAND IN THE NW<sup>1</sup>/<sub>4</sub> SE <sup>1</sup>/<sub>4</sub> OF SAID SECTION 21, TOWNSHIP 1  
NORTH, RANGE 2 WEST OF THE UTE MERIDIAN, BEING MORE PARTICULARLY  
DESCRIBED AS FOLLOWS:  
COMMENCING AT THE S<sup>1</sup>/<sub>4</sub> CORNER OF SAID SECTION 21, AND CONSIDERING THE  
SOUTH LINE OF THE SE<sup>1</sup>/<sub>4</sub> 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.

