

ORDINANCE 2013-02

AN ORDINANCE CORRECTING ORDINANCE # 2012-13, AN ORDINANCE ANNEXING TO THE CITY OF FRUITA APPROXIMATELY 215 ACRES OF LAND LOCATED SOUTH OF HIGHWAY 6 & 50 AND WEST OF 15 ROAD (Western Slope Industrial & Rail)

WHEREAS, an ordinance was adopted by the Fruita City Council on July 2, 2012, and recorded with the Mesa County Clerk and Recorder at Book 5331, Page 172, and

WHEREAS, the legal description of the subject property which was included as Exhibit "A" in Ordinance #2012-13 contained an error, and

WHEREAS, it is necessary to correct this error to clarify exactly what was annexed into the City of Fruita.

THE CITY OF FRUITA HEREBY ORDAINS:

That the legal description contained in Ordinance 2012-13 as Exhibit "A" is hereby amended as per the legal description attached to this Ordinance as Exhibit "A".

**PASSED AND ADOPTED BY THE FRUITA CITY COUNCIL
THIS 15th DAY OF JANUARY, 2013**

City of Fruita

ATTEST:

Lori Buck, Mayor

City Clerk

ORDINANCE 2013-2

Exhibit A, p 81

Legal Description

A tract of land located in Section 11, Township 1 North, Range 3 West of the Ute Meridian, more particularly described as follows:

Commencing at the Northeast corner of said Section 11, whence the E ¼ corner of said Section 11 bears South 00°01'59" West, a distance of 2629.08 feet, for a basis of bearings, with all bearing contained herein relative thereto;
thence South 78°49'40" West, a distance of 2772.37 feet;
thence South 30°07'25" West, a distance of 981.87 feet;
thence South 09°47'03" West, a distance of 551.22 feet to the true Point of Beginning;
thence South 00°43'35" West, a distance of 318.00 feet;
thence South 59°03'33" East, a distance of 125.97 feet;
thence South 39°05'00" East, a distance of 131.38 feet;
thence South 09°29'47" East, a distance of 249.49 feet;
thence North 89°25'24" West, a distance of 501.53 feet;
thence North 20°38'57" East, a distance of 775.57 feet; to the Point of Beginning,

INCLUDING:

A tract of land located in Section 11, Township 1 North, Range 3 West of the Ute Meridian, more particularly described as:

Commencing at the Northeast corner of said Section 11, whence the E ¼ corner of said Section 11 bears South 00°01'59" West, a distance of 2629.08 feet, for a basis of bearings, with all bearings contained herein relative thereto;
thence along the East line of said Section 11 South 00°01'59" West, a distance of 872.57 feet;
thence North 56°32'04" West, a distance of 1821.99 feet to the most Northerly corner of Parcel 2 of Tract A, Landmark Petroleum, Inc., shown on Boundary Line Adjustment deposited in Book 1, Page 36, Deposit Number 1296-96 of the Mesa County Surveyor's records, the Point of Beginning;
thence along the Northwesterly line of said Boundary Line Adjustment the following twenty-eight (28) courses:

- 1) South 32°43'41" West, a distance of 152.28 feet;
- 2) South 56°27'12" East, a distance of 88.73 feet;
- 3) South 33°27'46" West, a distance of 106.81 feet;
- 4) South 55°34'54" West, a distance of 33.39 feet;
- 5) South 43°19'31" West, a distance of 142.24 feet;
- 6) North 56°58'06" West, a distance of 76.98 feet;
- 7) South 32°31'41" West, a distance of 35.88 feet;
- 8) South 56°49'13" East, a distance of 89.51 feet;
- 9) South 32°40'58" West, a distance of 65.75 feet;

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- 10) South 56°49'07" East, a distance of 65.92 feet;
 - 11) South 33°31'45" West, a distance of 41.69 feet;
 - 12) North 56°20'11" West, a distance of 111.95 feet;
 - 13) North 33°06'47" East, a distance of 4.35 feet;
 - 14) North 56°53'13" West, a distance of 34.90 feet;
 - 15) North 33°09'56" East, a distance of 13.57 feet;
 - 16) North 56°17'03" West, a distance of 101.55 feet;
 - 17) South 33°52'02" West, a distance of 36.91 feet;
 - 18) South 56°46'32" East, a distance of 31.33 feet;
 - 19) South 33°13'28" West, a distance of 21.50 feet;
 - 20) North 56°26'27" West, a distance of 131.91 feet;
 - 21) South 33°38'41" West, a distance of 86.70 feet;
 - 22) North 60°35'36" West, a distance of 33.52 feet;
 - 23) South 33°42'48" West, a distance of 68.49 feet;
 - 24) South 56°53'46" East, a distance of 131.96 feet;
 - 25) South 33°42'37" West, a distance of 45.53 feet;
 - 26) North 44°22'06" West, a distance of 218.40 feet;
 - 27) South 32°15'48" West, a distance of 166.80 feet;
 - 28) North 58°56'44" West, a distance of 298.49 feet;
- thence North 33°27'56" East, a distance of 948.47 feet;
thence South 56°32'04" East, a distance of 626.05 feet to the Point of Beginning,

INCLUDING:

A tract of land located in Section 11, Township 1 North, Range 3 West of the Ute Meridian and being more particularly described as follows:

Commencing at the Northeast corner of said Section 11, whence the E ¼ corner of said Section 11 bears South 00°01'59" West, a distance of 2629.08 feet, for a basis of bearings, with all bearings contained herein relative thereto;
thence along the East line of said Section 11 South 00°01'59" West, a distance of 872.57 feet to a point on the South line of a 200 foot wide railroad right-of-way;
thence along said South line of said right-of-way North 56°32'04" West, a distance of 1473.79 feet to the Point of Beginning;
thence South 34°02'28" West, a distance of 384.57 feet;
thence South 56°25'06" East, a distance of 323.90 feet;
thence South 33°33'13" West, a distance of 473.02 feet;
thence South 56°26'46" East, a distance of 79.50 feet;
thence South 33°33'13" West, a distance of 115.46 feet;
thence South 57°31'52" East, a distance of 52.07 feet;
thence North 33°33'13" East, a distance of 90.58 feet;
thence South 56°08'14" East, a distance of 414.12 feet;
thence North 52°51'11" East, a distance of 81.06 feet;
thence South 57°55'14" East, a distance of 261.08;

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thence South 07°39'15" West, a distance of 94.49 feet;
thence South 56°08'14" East, a distance of 418.13 feet;
thence South 31°28'29" West, a distance of 240.00 feet;
thence South 58°41'15" East, a distance of 115.86 feet;
thence North 33°51'46" East, a distance of 234.64 feet;
thence South 56°08'14" East, a distance of 289.73 feet;
thence South 00°01'56" East, a distance of 842.93 feet;
thence South 71°08'19" West a distance of 383.97 feet;
thence South 00°01'58" West, a distance of 374.74 feet;
thence North 89°58'04" East, a distance of 363.28 feet;
thence South 16°55'29" West, a distance of 124.17 feet;
thence South 28°25'03" West, a distance of 115.12 feet;
thence South 46°21'41" West, a distance of 94.86 feet;
thence South 63°16'31" West, a distance of 80.27 feet;
thence North 79°24'54" West, a distance of 210.77 feet;
thence North 49°30'39" West, a distance of 269.34 feet;

thence North 26°47'56" East, a distance of 205.95 feet;
thence North 63°12'04" West, a distance of 409.62 feet;
thence South 27°45'47" West, a distance of 103.16 feet;
thence South 63°25'01" West, a distance of 1724.88 feet;
thence North 82°54'07" West, a distance of 368.94 feet;
thence North 62°56'25" West, a distance of 1481.39 feet;
thence North 57°38'44" West, a distance of 977.68 feet;
thence South 86°22'09" East, a distance of 158.38 feet;
thence North 41°52'24" East, a distance of 62.51 feet;
thence South 89°47'04" East, a distance of 767.57 feet;
thence South 01°04'35" East, a distance of 58.91 feet;
thence South 89°25'24" East, a distance of 1003.06 feet;
thence North 09°29'47" West, a distance of 249.49 feet;
thence North 39°05'00" West, a distance of 131.38 feet;
thence North 59°03'33" West, a distance of 125.97 feet;
thence North 00°43'35" East, a distance of 318.00 feet;
thence North 09°47'03" East, a distance of 551.22 feet;
thence North 30°07'25" East, a distance of 981.87 feet;
thence North 34°36'45" East, a distance of 271.33 feet;
thence South 58°56'44" East, a distance of 298.49 feet;
thence North 32°15'48" East, a distance of 166.80 feet;
thence South 44°22'06" East, a distance of 218.40 feet;
thence North 33°42'37" East, a distance of 45.53 feet;
thence North 56°53'46" West, a distance of 131.96 feet;
thence North 33°42'48" East, a distance of 68.49 feet;
thence South 60°35'36" East, a distance of 33.52 feet;
thence North 33°38'41" East, a distance of 86.70 feet;

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thence South 56°26'27" East, a distance of 131.91 feet;
thence North 33°13'28" East, a distance of 21.50 feet;
thence North 56°46'32" West, a distance of 31.33 feet;
thence North 33°52'02" East, a distance of 36.91 feet;
thence South 56°17'03" East, a distance of 101.55 feet;
thence South 33°09'56" West, a distance of 13.57 feet;
thence South 56°53'13" East, a distance of 34.90 feet;
thence South 33°06'47" West, a distance of 4.35 feet;
thence South 56°20'11" East, a distance of 111.95 feet;
thence North 33°31'45" East, a distance of 41.69 feet;
thence North 56°49'07" West, a distance of 65.92 feet;
thence North 32°40'58" East, a distance of 65.75 feet;
thence North 56°49'13" West, a distance of 89.51 feet;
thence North 32°31'41" East, a distance of 35.88 feet;
thence South 56°58'06" East, a distance of 76.98 feet;
thence North 43°19'31" East, a distance of 142.24 feet;
thence North 55°34'54" East, a distance of 33.39 feet;
thence North 33°27'46" East, a distance of 106.81 feet;
thence North 56°27'12" West, a distance of 88.73 feet;
thence North 32°43'41" East, a distance of 152.28 feet;
thence South 56°32'04" East, a distance of 348.20 feet to the Point of Beginning.

TOGETHER WITH Ingress and Egress Easement as evidenced in instrument recorded March 3, 1994 in Book 2052 at Page 589 as Reception No. 1673131.

AND TOGETHER WITH Ingress and Egress Easement as evidenced in instrument recorded April 30, 1996 in Book 2228 at Page 1 as Reception No. 1754925.

AND ALSO TOGETHER WITH an easement for rail car ingress and egress only upon Railroad Tracks #1, #2, #3, #4 and #6 as evidenced by instrument recorded April 30, 1994 in Book 2228 at Page 3 as Reception No. 1754926.

EXCEPT any portion of said rail car easement lying Westerly of the land described hereinabove.

AND ALSO TOGETHER WITH an Easement for Ingress and Egress as evidenced in instrument recorded April 3, 1996 in Book 2227 Page 998 as Reception No. 1754924 only to the extent where such easement affects Lot 2 of Wesfrac Subdivision as shown on the official plat thereof, recorded in the office of the Mesa County Clerk and Recorder at Plat Book 18, Page 192.

LESS AND EXCEPTING the following described parcel:

A parcel of land located in the E ½ of Section 11, Township 1 North, Range 3 West of the Ute Meridian, being more particularly described as follows:

Commencing at the E $\frac{1}{4}$ corner of Section 11, Township 1 North, Range 3 West, Ute Meridian, whence the Northeast corner of said Section 11 bears North 00°01'59" East, a distance of 2629.08 feet, with all bearings contained herein relative thereto;
Thence South 12°22'06" West, a distance of 140.21 feet to a point on the Westerly Line of Lot 1 Wesfrac Subdivision, Book 18, Page 192 and the Point of Beginning;
thence South 71°08'19" West, along the West property line of said Lot 1 a distance of 383.97 feet;
thence South 00°01'58" West, a distance of 393.65 feet, along the West property line of Lot 1, and its extension;;
thence North 63°12'04" West, a distance of 619.30 feet;
thence North 65°04'50" West, a distance of 1176.99 feet;
thence North 33°29'02" East, a distance of 545.29 feet;
thence South 79°57'22" East, a distance of 437.31 feet;
thence North 75°42'26" East, a distance of 583.37 feet;
thence North 33°33'27" East, a distance of 435.42 feet; to a point on line of Lot 1;
thence along lot line of said Lot 1 the following six (6) courses:
South 56°08'14" East, a distance of 122.59 feet;
South 31° 28'29" West, a distance of 240.00 feet;
South 58°41'15" East, a distance of 115.86 feet;
North 33°51'46" East, a distance of 234.64 feet;
South 56°08'14" East a distance of 289.73 feet;
South 00°01'56" West, a distance of 842.93 feet to the Point of Beginning.

AND INCLUDING:

All of Lot 1, Wesfrac Subdivision, as shown on the official plat thereof, recorded in the office of the Mesa County Clerk and Recorder at Plat Book 18, Page 192.

All in Mesa County Colorado