

ORDINANCE 2020-03

AN ORDINANCE OF THE CITY OF FRUITA, COLORADO, VACATING CERTAIN STREET RIGHT-OF-WAY ALONG NORTH SYCAMORE STREET LOCATED WITHIN THE CITY OF FRUITA.

WHEREAS, Pabor Serenity LLC (the “Owner”) is the owner of that certain property described as Lot 5 of the Ryan’s Minor Subdivision and recorded with the Mesa County Clerk and Recorder as Reception No. 1997615 located within the City (the “Property”).

WHEREAS, that certain public street, as further described in Exhibit A attached hereto (the “Right-of-Way”), adjacent to the Property was dedicated to the City; and

WHEREAS, Owner has requested the City vacate the Right-of-Way, which Right-of-Way is not used or developed by the City as a public street; and

WHEREAS, Section 31-15-702 (1) (a) (I), C.R.S, and Section 43-2-303(1)(a), C.R.S., permit the City of Fruita to vacate any platted or dedicated public street, road or other public way, whether or not it has been used as such, following certain findings of facts; and

WHEREAS, pursuant to Section 43-2-303(3), C.R.S., in the event of a vacation, the City may reserve a multi-purpose easement for the continued use of existing sewer, gas, water, or similar pipelines and appurtenances, for ditches or canals and appurtenances, and for electric, telephone, and similar lines and appurtenances.

WHEREAS, Section 43-2-303, C.R.S., requires that public roadways and other public ways must be vacated by ordinance; and

WHEREAS, the Fruita Planning Commission recommended approval of the right-of-way vacation at their May 12, 2020 public meeting.

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

Section 1. That the real property described in Exhibit A, which constitutes a portion of a public right-of-way dedication to the City of Fruita, situate in the County of Mesa, State of Colorado, be, and the same hereby is, vacated as public right-of-way and this vacated right-of-way shall merge with the adjacent property as provided by §42-3-302, C.R.S.; provided, however, there is hereby reserved by the City a non-exclusive easement in, over, under and across the real property vacated, including the perpetual right to enter upon said property at a time that it may see fit, and to construct City-owned infrastructure systems in, over, under and across the real property vacated and to repair, replace, relocate, inspect, operate, and maintain said systems (the “Reserved Utility Easement”). As such, no permanent structures shall be placed on the Reserved Utility Easement and Owner shall be required to remove any temporary structures or fencing in the event the City needs to enter upon and work in the Reserved Utility Easement.

Section 2. The right-of-way vacation provided for herein shall not become effective until this Ordinance is recorded with the Office of the Clerk and Recorder of Mesa County by the City.

Section 3. Upon adoption of this Ordinance, the City Clerk shall, within thirty (30) days, file for record in the Office of the Mesa County Clerk and Recorder a certified copy of the written Ordinance.

Section 4. In executing this document, Owner waives all objections it may have over the final disposition of the right-of-way vacation and its merger pursuant to state statute, defects, if any, in the form of this document, the formalities for execution, or over the procedure, substance, and form of the ordinances or resolutions adopting this document.

PASSED AND ADOPTED BY THE FRUITA CITY COUNCIL

THIS 2ND DAY OF JUNE, 2020

ATTEST:

CITY OF FRUITA

City Clerk

Joel Kincaid, Mayor

OWNER:

PABOR SERENITY LLC

By: _____

Name: _____

Its: _____

Exhibit A
Legal Description

A tract of land situated in the Northeast Quarter of the Northeast Quarter of Section 17, Township 1 North, Range 2 West of the Ute Meridian, Mesa County, Colorado and being more particularly described as follows:

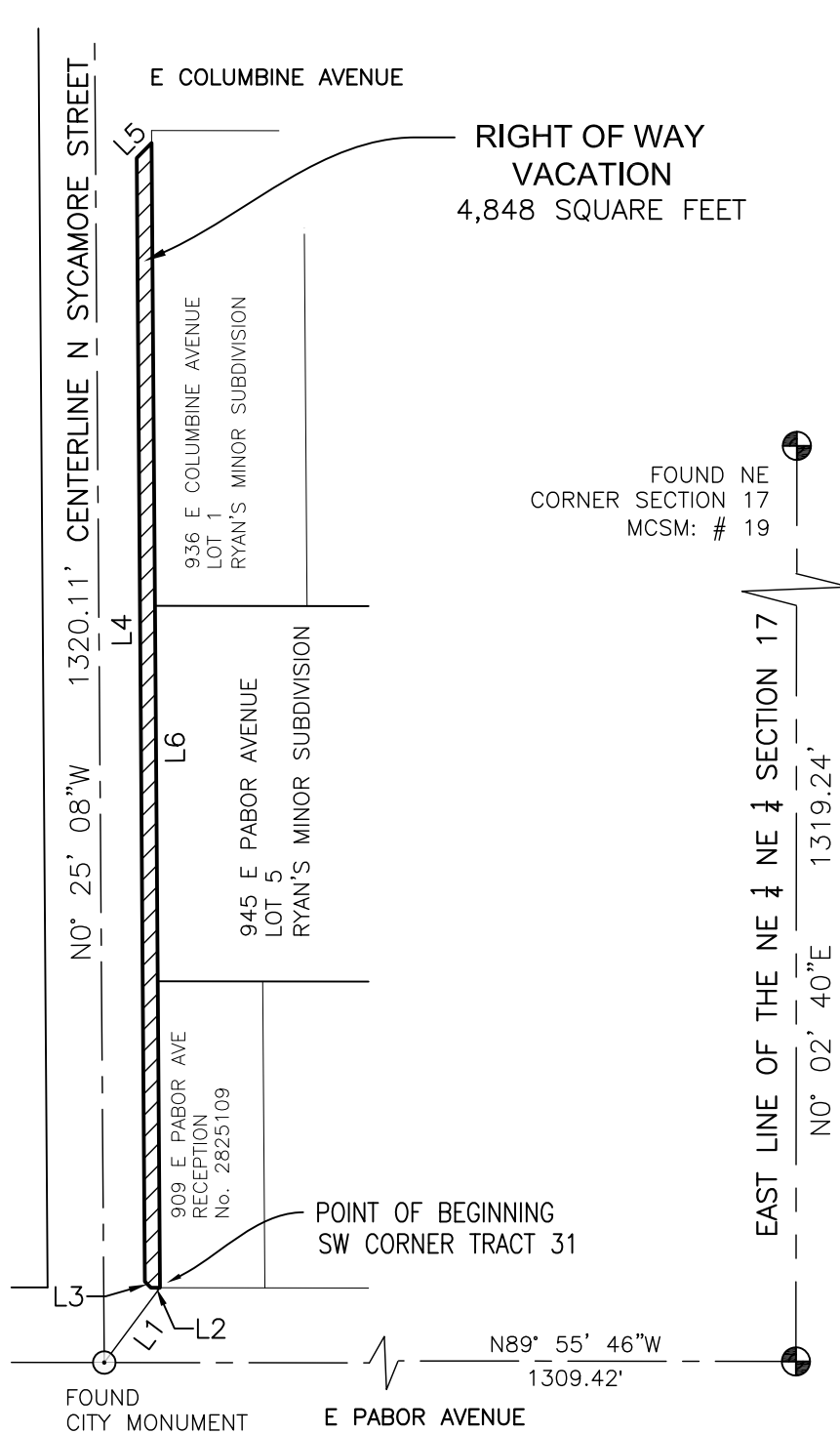
Commencing at the North 1/16 Corner on the East Line of said Section 17, from whence the Northeast Corner of said Section 17 bears N0°02'40"E a distance of 1319.24 feet for a Basis of Bearings, all bearings herein related thereto; thence N89°55'46"W a distance of 1309.42 feet to a City of Fruita Monument located at the intersection of East Pabor Avenue and North Sycamore Street; thence N36°38'30"E a distance of 49.78 feet to the North Right of Way for East Pabor Avenue and the East Right of Way for North Sycamore Street and the Point of Beginning:

thence N89°53'20"W a distance of 4.81 feet;
thence N45°09'43"W a distance of 4.53 feet;
thence N00°25'08"W a distance of 599.43 feet;
thence N44°43'20"E a distance of 11.29 feet to the East Right of Way for North Sycamore Street;
thence S00°25'08"E along said East Right of Way a distance of 610.65 feet to the Point of Beginning.

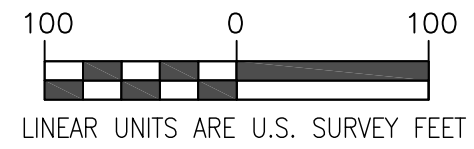
Said tract of land contains 4,848 square feet as described.

Legal description written by:
Patrick W. Click
Colorado licensed surveyor number 37904
3194 Mesa Ave #B
Grand Junction, CO 81504

EXHIBIT B



GRAPHIC SCALE:
1"=100'



Line Table		
Line #	Direction	Length
L1	N36° 38' 30"E	49.78
L2	N89° 53' 20"W	4.81
L3	N45° 09' 43"W	4.53
L4	N00° 25' 08"W	599.43
L5	N44° 43' 20"E	11.29
L6	S00° 25' 08"E	610.65

LEGAL DESCRIPTION SKETCH

RIGHT OF WAY VACATION

N. SYCAMORE STREET

E PABOR AVENUE - E COLUMBINE AVENUE

POLARIS SURVEYING

PATRICK W. CLICK P.L.S.

3194 MESA AVE

GRAND JUNCTION, CO 81504

PHONE (970)434-7038