

ORDINANCE 2023-04

**AN ORDINANCE ANNEXING APPROXIMATELY 6.6 ACRES OF PROPERTY LOCATED AT
1824 J 2/10 ROAD INTO THE CITY OF FRUITA**

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;
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 a Resolution 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.

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

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. Dedication of a 14-foot multipurpose easement adjacent to all the right of way adjoining the subject property.

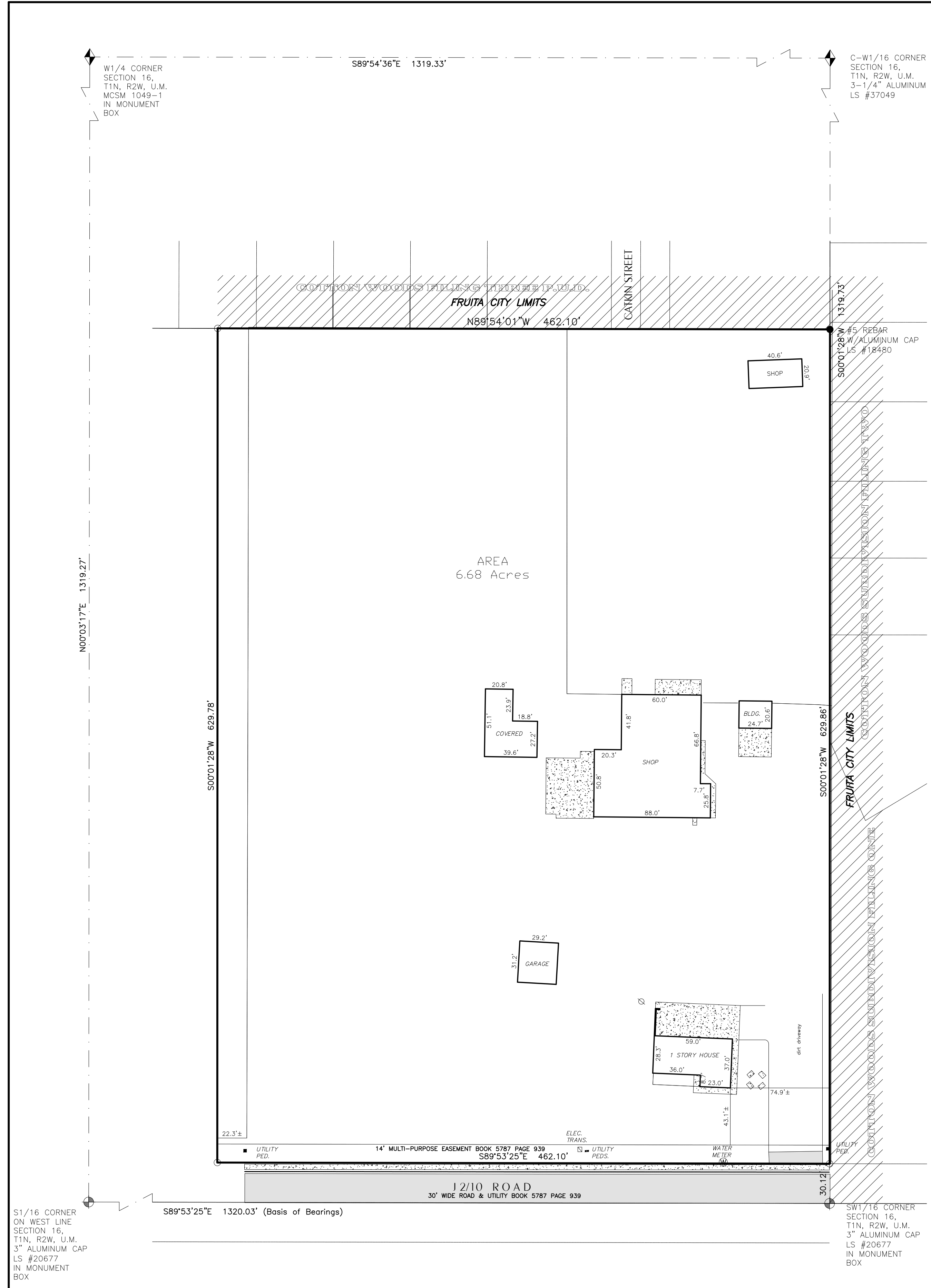
**PASSED AND ADOPTED BY THE FRUITA CITY COUNCIL, THIS
6th DAY OF JUNE 2023.**

ATTEST:

City of Fruita:

Margaret Sell, City Clerk

Joel Kincaid, Mayor



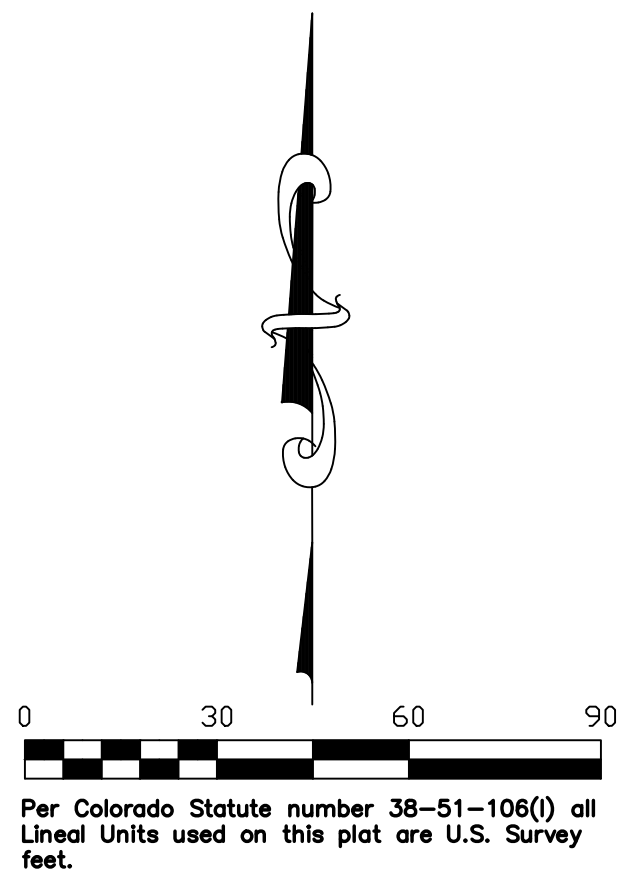
S1/16 CORNER ON WEST LINE SECTION 16, T1N, R2W, U.M. 3" ALUMINUM CAP LS #20677 IN MONUMENT BOX

S89°53'25"E 1320.03' (Basis of Bearings)

SW1/16 CORNER SECTION 16, T1N, R2W, U.M. 3" ALUMINUM CAP LS #20677 IN MONUMENT BOX

Basis of Bearings Statement:
 Bearings are based on the Mesa County Local Coordinate System, locally determined by GPS observations on the Mesa County Survey markers at the S1/16 corner ON West Line Section 16, T1N, R2W, Ute Meridian (a Mesa County Survey Marker found in place) and the SW1/4 Section 16, T1N, R2W, U.M. (3" aluminum cap LS #20677 in monument box).
 The measured bearing of this line is S89°53'25"E

NOTICE:
 ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.



- LEGEND**
- ◆ FOUND MESA COUNTY SURVEY MARKER (A 3" Alloy Cap set in Concrete)
 - FOUND SURVEY MONUMENT AS DESCRIBED
 - SET NO.5 REBAR W/CAP L.S. 30111
 - ◆ FOUND ALIQUOT CORNER AS DESCRIBED

Notes:

- Deeds were provided by client.
- A Title search was provided and relied upon. A Title Search was not performed by me.

LEGAL DESCRIPTION AND CERTIFICATION OF OWNERSHIP

I, Pete Hitchcock and Anthony Stolarczyk are the owners of hundred percent of the following described property, excluding any public streets and alleys, to wit:
 The East 7 acres of the South half of the Northwest quarter of the Southwest quarter of Section 16, Township 1 North, Range 2 West of the Ute Meridian, County of Mesa, State of Colorado. EXCEPT a strip of land 30 feet wide for roadway, utilities and all other public purposes the Southern line of which is the North line of the Southwest quarter of the Southwest quarter of Section 16, Township 1 North, Range 2 West of the Ute Meridian, being part of the land described in Book 3068 and at Page 658 in the office of the County clerk and recorder of the County of Mesa, State of Colorado.

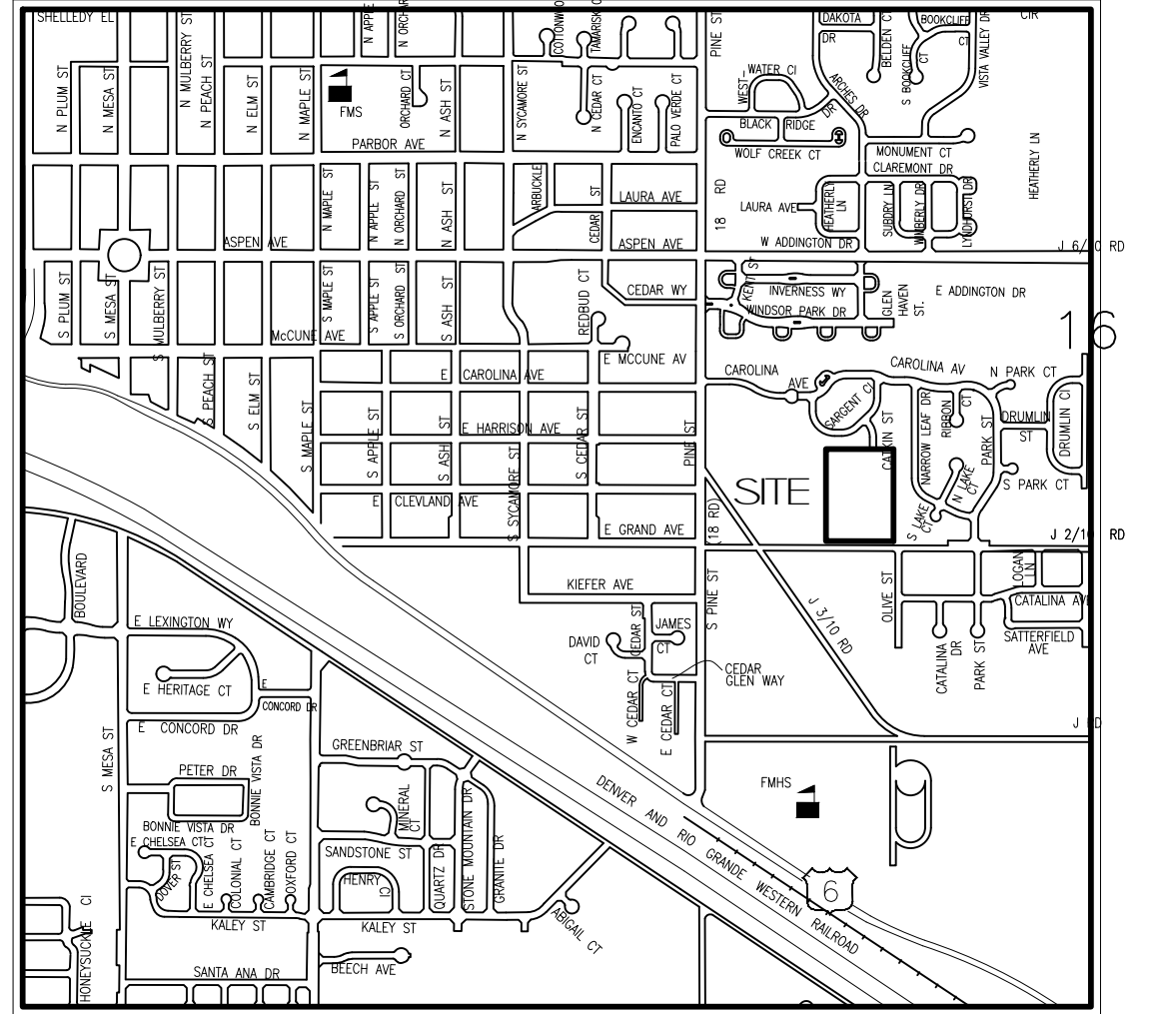
have by these presents laid out the same as shown hereon and designate the same as Hitchcock Annexation to the City of Fruita, County of Mesa, State of Colorado.

EXECUTED this _____ day of _____, 20_____.

Owner(s)
 STATE OF COLORADO)
) ss.
 COUNTY OF _____)

The foregoing certification was acknowledged before me this _____ day of _____, 20_____, by _____.

Witness my hand and official seal.
 My commission expires: _____
 Notary Public _____



Vicinity Map
(NOT TO SCALE)

TITLE CERTIFICATION

STATE OF COLORADO)
 COUNTY OF MESA) s.s.

_____, does hereby certify that it has examined the title to all lands shown on this Map and that title to such lands is vested in _____ free and clear of all liens, taxes, and encumbrances, except as follows:

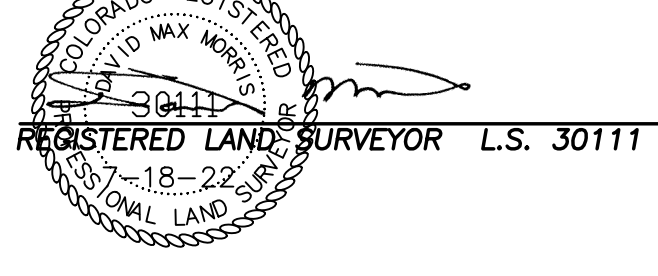
EXECUTED this _____ day of _____, 20_____.

 Title Examiner

CERTIFICATION

I, DAVID MAX MORRIS, a registered land surveyor licensed under the laws of the State of Colorado, do hereby certify that this survey was made under my direct supervision and that the information hereon is correct to the best of my knowledge and belief, and that no less than one-sixth (1/6) of the perimeter of the area as shown hereon is contiguous with the existing boundaries of the City of Fruita, Colorado. I further certify that the external boundaries of the property shown on this Map have been monumented on the ground.

EXECUTED this 18th day of July, 2022.



ANNEXATION PLAT		
SITUATED IN THE NW1/4 SW1/4 SECTION 16, T1N, R2W OF THE UTE MERIDIAN		
FOR: Hitchcock & Stolarczyk	SURVEYED BY: MSM	
ACAD ID: 1024 18	DRAWN BY: DMM	
SCALE: 1" = 50'	CHECKED BY: MEM	
DATE: 7/18/2022	SHEET NO.	
	FILE: 2022-171.2	