

ORDINANCE 2017- 01

AN ORDINANCE OF THE FRUITA CITY COUNCIL ACCEPTING RIGHT-OF-WAY FOR THE WEST SIDE OF 15 ROAD SOUTH OF THE RAILROAD TRACKS

WHEREAS, four feet of right-of-way for the west side of 15 Road south of the railroad tracks is necessary to provide adequate access to the properties along this road and to allow the construction of the Riverfront Trail along the river, and

WHEREAS, the property owners, Fruita Development LLC, has agreed to the deed the right-of-way to the City of Fruita, and

WHEREAS, the deed for the right-of-way is attached as Exhibit A.

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

THAT the right-of-way for 15 Road as described on attached Exhibit A is hereby accepted by the Fruita City Council.

**PASSED AND ADOPTED BY THE FRUITA CITY COUNCIL
THIS 7st DAY OF FEBRUARY, 2017.**

CITY OF FRUITA, COLORADO

ATTEST:

/s/ Lori Buck
Lori Buck, Mayor

/s/ Margaret Sell
Margaret Sell, City Clerk

EXHIBIT A
(Ordinance # 2017-01)

General Warranty Deed

FRUITA DEVELOPMENT, LLC, a Colorado limited liability company, ("Grantor"), whose street address is, 11990 San Vicente Blvd., Unit 200, Los Angeles, CA, for the consideration of the sum of Ten Dollars and no cents (\$10.00) and other good and valuable consideration in hand paid and acknowledged, hereby grants, sells and conveys to, THE CITY OF FRUITA, COLORADO, a home rule municipal corporation, ("Grantee"), whose street address is, 325 East Aspen, Fruita, Colorado 81521, the following described real Property in the County of Mesa, State of Colorado, more particularly described in Exhibit "A", attached hereto and incorporated herein by this reference ("Easement").

For public street right-of-way purposes and the location of public utilities only. The conveyance of the property described above is subject to an easement for an underground irrigation line in existence at the time of this conveyance for the use and benefit of Grantor. Provided, however, in the event the underground irrigation line needs substantial repairs or replacement in the future, Grantor and Grantee shall cooperate in relocating the underground irrigation line to a location mutually agreed upon by Grantor and Grantee.

Grantor and Grantee intend that the conveyance evidenced by this Deed be an absolute and irrevocable conveyance of title to the Property and that the conveyance was not and is not now intended as a mortgage, deed of trust, or security of any kind. By this Deed, Grantor conveys to Grantee all of Grantor's right of title and interest in the Property and simultaneously delivers possession of the Property to Grantee. Grantor does hereby covenant that it will WARRANT AND DEFEND all right, title and interest in and to the premises unto Grantee, its successors and assigns forever against all lawful claims whatsoever and warrants the title to the same, subject to property taxes for 2016 and subsequent years.

The preceding representations by Grantor are made for the benefit of Grantee and Grantee's successors and assigns with respect to the Property.

Signed this 6th day of June, 2016.

FRUITA DEVELOPMENT, LLC
a ~~Colorado~~ limited liability company
Wisconsin

By: 

STATE OF _____)

COUNTY OF _____)

ss.

The foregoing instrument was acknowledged before me this ____ day of _____, 2016 by _____, _____ for Fruita Development, LLC, Grantor.

Witness my hand and official seal

My commission expires: _____

[SEAL]

see attached

Notary Public

CITY OF FRUITA, a home rule municipal corporation

ATTEST:

By: _____
Michael Bennett, City Manager

By: *Margaret Sell*
Margaret Sell, Fruita City Clerk

STATE OF COLORADO)

COUNTY OF MESA)

ss.

The foregoing instrument was acknowledged before me this ____ day of _____, 2016 by Michael Bennett, City Manager and Margaret Sell, City Clerk of the City of Fruita, Colorado, Grantee.

Witness my hand and official seal.

My commission expires: _____

[SEAL]

Notary Public

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
County of Los Angeles)

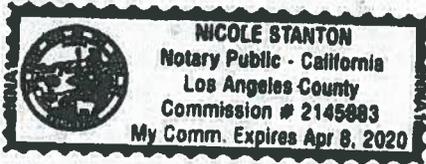
On August 23, 2016 before me, Nicole Stanton, Notary Public
Date Here Insert Name and Title of the Officer

personally appeared Douglas Brown
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(e) whose name(e) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(e), or the entity upon behalf of which the person(e) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature [Handwritten Signature]
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: General Warranty Deed Document Date: January 2017
Number of Pages: 4 Signer(s) Other Than Named Above: City of Fruits

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____
 Corporate Officer — Title(s): _____
 Partner — Limited General
 Individual Attorney in Fact
 Trustee Guardian or Conservator
 Other: _____
Signer Is Representing: _____

Signer's Name: _____
 Corporate Officer — Title(s): _____
 Partner — Limited General
 Individual Attorney in Fact
 Trustee Guardian or Conservator
 Other: _____
Signer Is Representing: _____

EXHIBIT A
General Warranty Deed
for Public Roadway and Utility Purposes

A strip of land for road right-of-way, 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 Section 11, Township 1 North, Range 3 West of the Ute Meridian, whence the East Quarter corner (E1/4) of said Section 11 bears South 00° 07' 00" East, a distance of 2629.24 feet, for a basis of bearings, with all bearings contained herein relative thereto;

thence, along the East line of the Northeast Quarter (NE1/4) of said Section 11, South 00° 07' 00" East, a distance of 992.26 feet,

thence North 56° 41' 00" West, a distance of 31.16 feet to the POINT OF BEGINNING,

thence South 00° 07' 00" East, a distance of 3,675.85 feet,

thence North 47° 12' 04" West, a distance of 5.46 feet,

thence North 00° 06' 47" West, a distance of 770.63 feet,

thence North 00° 07' 00" West, a distance of 611.56 feet,

thence North 00° 06' 58" West, a distance of 499.07 feet,

thence North 00° 07' 00" West, a distance of 842.93 feet,

thence North 00° 07' 12" West, a distance of 950.58 feet,

thence South 56° 41' 00" East, a distance of 4.79', to the POINT OF BEGINNING.

Description Area: 14552.05 SF (.334± AC)

Description Perimeter: 7360.86'