

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO. 4865

**AN ORDINANCE VACATING A PORTION OF THE WEST INDIAN CREEK DRIVE
RIGHT-OF-WAY AND A TEMPORARY TURNAROUND IDENTIFIED WITHIN THE
PEPPER TREE FILING NO. THREE SUBDIVISION PLAT**

LOCATED AT THE SOUTH END OF WEST INDIAN CREEK DRIVE

Recitals:

A vacation of a portion of right-of-way for W. Indian Creek Drive and a Temporary Turnaround has been requested by the developer, Ronald Vincent in anticipation of further subdividing and developing the abutting property to the south for future residential development for the proposed Pepper Ridge Subdivision. The applicant is proposing a slight re-alignment of the right-of-way from the current platted right-of-way for W. Indian Creek Drive in conjunction with the development of Pepper Ridge Subdivision. The re-alignment will create 1,938 sq. ft. (0.04 acres) of excess right-of-way that was platted as part of the Pepper Tree, Filing No. Three subdivision as recorded in Plat Book 13, Page 76. With the grant of new right-of-way as proposed, the Temporary Turnaround Easement on Lot 6 of Pepper Tree Filing No. 4 as recorded in the Mesa County Public records in Plat Book 17 at Page 120 will no longer be necessary. These areas of right-of-way contain no existing utility infrastructure.

After public notice and public hearing as required by the Grand Junction Zoning & Development Code, and upon recommendation of approval by the Planning Commission, the Grand Junction City Council finds that the request to vacate certain rights-of-way dedicated and/or appearing within the Pepper Tree Filing No. Three subdivision plat is consistent with the Comprehensive Plan, the Grand Valley Circulation Plan and Section 21.02.100 of the Grand Junction Municipal Code.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT THE FOLLOWING DESCRIBED DEDICATED RIGHT-OF-WAY IS HEREBY VACATED SUBJECT TO THE LISTED CONDITIONS:

1. Applicant shall pay all recording/documentary fees for the Vacation Ordinance, any right-of-way/easement documents and/or dedication documents.
2. Prior to recording of an ordinance vacating the portions of public rights-of-way located at the south end of W. Indian Creek Drive, new right-of-way shall be granted to the City that connects W. Indian Creek Drive to Presley Avenue either by separate instrument or on a subdivision plat.

A PORTION OF THE RIGHT-OF-WAY FOR WEST INDIAN CREEK DRIVE, DEDICATED ON THE FINAL PLAT OF PEPPER TREE FILING No. THREE, A SUBDIVISION RECORDED AT RECEPTION NUMBER 1332676 IN THE RECORDS OF THE OFFICE OF THE MESA COUNTY CLERK AND RECORDER, LOCATED IN THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 7, TOWNSHIP 1 SOUTH, RANGE 1 EAST OF THE UTE MERIDIAN, CITY OF GRAND JUNCTION, COUNTY OF MESA, STATE OF COLORADO, BEING DESCRIBED AS FOLLOWS:

"COMMENCING" AT THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 7 AND CONSIDERING THE WEST LINE OF SAID NORTHEAST QUARTER OF THE NORTHEAST QUARTER TO BEAR NORTH 00°01'11" WEST, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO; THENCE NORTH 00°01'11" WEST, ALONG SAID WEST LINE, A DISTANCE OF 392.99 FEET TO THE SOUTHWEST CORNER OF SAID PEPPER TREE FILING No. THREE;

THENCE SOUTH 89°59'09" EAST, ALONG THE SOUTHERLY LINE OF SAID PEPPER TREE FILING No. 3, A DISTANCE OF 50.04 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF SAID WEST INDIAN CREEK DRIVE AND THE **"POINT OF BEGINNING"**;

THENCE NORTH 44°58'46" EAST, ALONG SAID WESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 21.97 FEET TO A POINT OF CURVE;

THENCE CONTINUING ALONG SAID WESTERLY RIGHT-OF-WAY LINE, ALONG THE ARC OF A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 33°47'55", A RADIUS OF 128.00 FEET, AN ARC LENGTH OF 75.51 FEET AND A CHORD WHICH BEARS NORTH 28°04'48" EAST, A DISTANCE OF 74.42 FEET TO A NON-TANGENT POINT;

THENCE SOUTH 04°47'16" EAST, A DISTANCE OF 32.11 FEET TO A POINT OF CURVE;

THENCE ALONG THE ARC OF A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 16°54'11", A RADIUS OF 156.50 FEET, AN ARC LENGTH OF 46.17 FEET, AND A CHORD WHICH BEARS SOUTH 13°14'22" EAST, A DISTANCE OF 46.00 FEET TO A NON-TANGENT POINT OF CURVE ON THE SOUTHERLY LINE OF SAID PEPPER TREE FILING No. 3, WHENCE THE RADIUS POINT BEARS NORTH 53°47'59" WEST;

THENCE ALONG SAID SOUTHERLY LINE OF PEPPER TREE FILING NO. THREE THE FOLLOWING 3 (three) COURSES:

1) SOUTHWESTERLY ALONG THE ARC OF A NON-TANGENT CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 01°51'49", A RADIUS OF 172.00 FEET, AN

ARC LENGTH OF 5.59 FEET AND A CHORD WHICH BEARS S 37°07'55" WEST, A DISTANCE OF 5.59 FEET TO A NON-TANGENT POINT;

2) NORTH 48°36'43" WEST, A DISTANCE OF 0.04 FEET;

3) NORTH 89°59'09" WEST, A DISTANCE OF 60.37 FEET TO THE "POINT OF BEGINNING".

CONTAINING 0.044 ACRES OR 1938 SQUARE FEET, MORE OR LESS.

Along with the Temporary Turn Around Easement granted to the City of Grand Junction in the document recorded in the Mesa County Clerk and Recorder's records in Book 1389 at Page 83 and as last depicted on Pepper Tree Filing No. Four plat recorded in the Mesa County Clerk and Recorder's records in Plat Book No. 17 at Page 120.

See Exhibit A.

Introduced on first reading this 17th day of July, 2019 and ordered published in pamphlet form.

Adopted on second reading this 7th day of August, 2019 and ordered published in pamphlet form.

ATTEST:



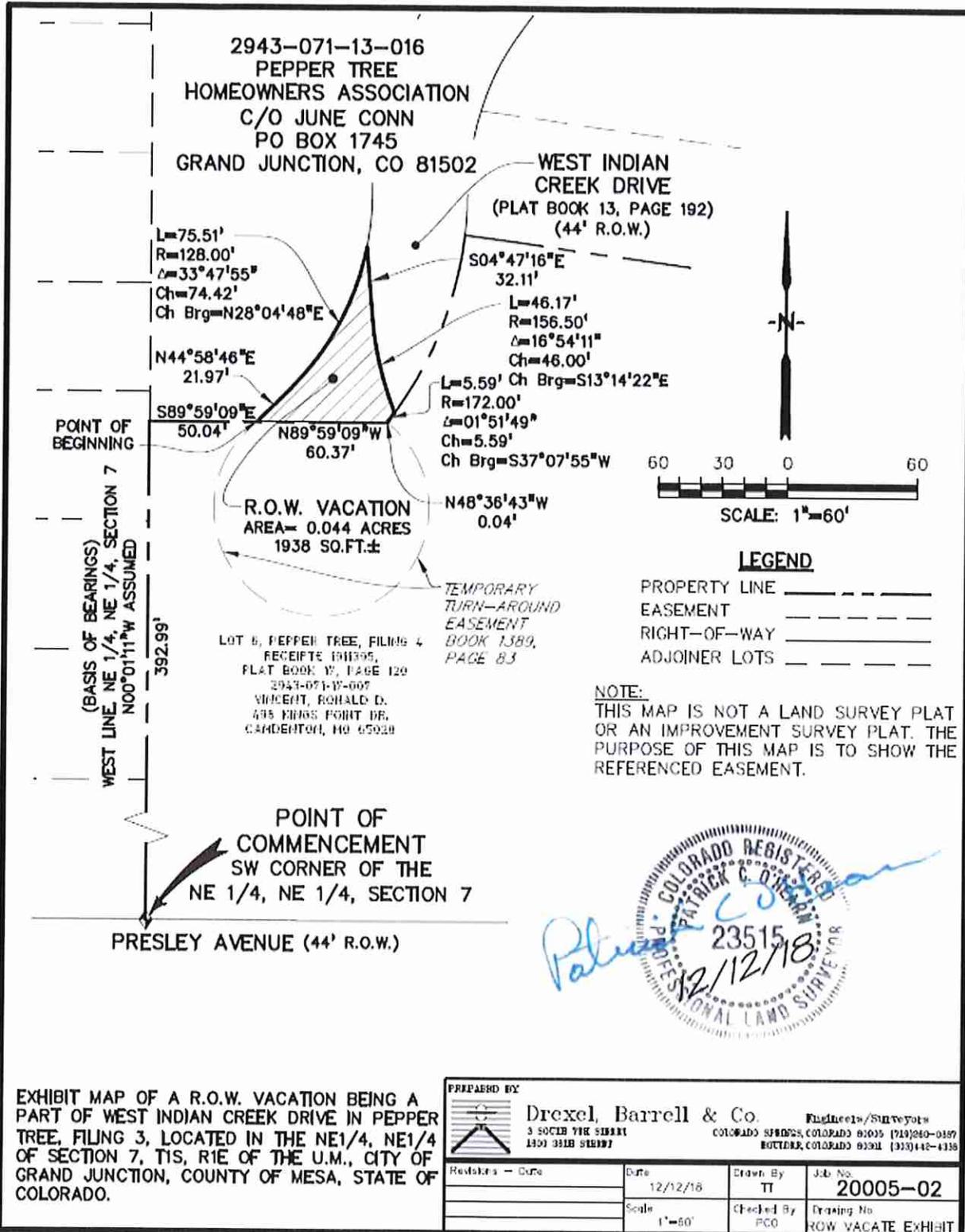
City Clerk



Council President Pro Tem



Exhibit A



I HEREBY CERTIFY THAT the foregoing Ordinance, being Ordinance No. 4865 was introduced by the City Council of the City of Grand Junction, Colorado at a regular meeting of said body held on the 17th day of July, 2019 and the same was published in The Daily Sentinel, a newspaper published and in general circulation in said City, in pamphlet form, at least ten days before its final passage.

I FURTHER CERTIFY THAT a Public Hearing was held on the 7th day of August, 2019, at which Ordinance No. 4865 was read, considered, adopted and ordered published in pamphlet form by the Grand Junction City Council.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said City this 9th day of August, 2019.



Deputy City Clerk

Published: July 19, 2019
Published: August 9, 2019
Effective: September 8, 2019