

**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO. 3616**

**An Ordinance Vacating two pieces of Right-of-Way  
Located adjacent to Kia Drive, Brookside Subdivision**

RECITALS:

A request to vacate two pieces of right-of-way adjacent to Kia Drive between Brookwood and Brookside Subdivisions has been submitted by the City of Grand Junction.

The two pieces of right-of-way were granted for the extension of Kia Drive. The portion granted was approximately 14 to 15 feet wider on each side than necessary for the public road right-of-way. The City is reserving this same area as a multi-purpose easement for utilities. In return for the City vacating this area as a right-of-way, Brookwood Southside Association, Inc. is dedicating a portion of 30 Road to the City as a right-of-way.

The City Council finds that the request to vacate the two pieces of right-of-way is consistent with the Growth Plan and Section 2.11 of the Zoning and Development Code.

The Planning Commission, having heard and considered the request, found the criteria of the Zoning Code to have been met, and recommends that the vacation be approved as requested subject to the condition that the required right-of-way dedication occur concurrently with the recordation of the vacation ordinance.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT:

The following described dedicated right-of-way is vacated upon Brookwood Southside Association, Inc.'s dedication of that portion of 30 Road owned by it:

The legal description of the parcels to be vacated with reservations for multi-purpose and drainage easements is attached as Exhibit A and incorporated herein.

Two (2) certain parcels of land lying in the Southeast Quarter of the Northeast Quarter (SE 1/4 NE 1/4) of Section 5, Township 1 South, Range 1 East of the Ute Principal Meridian, City of Grand Junction, County of Mesa, State of Colorado, said parcels lying South of Brookwood Subdivision, as same is recorded in Plat Book 13, Pages 65

and 66 and North of Brookside Subdivision Filing One, as same is recorded in Plat Book 18, Pages 2 through 4, inclusive, Public Records of Mesa County, Colorado, said parcels also being portions of that certain parcel of land for Public Roadway and Utilities Right of Way by Quit Claim Deed, as same is recorded in Book 2752, Pages 936 and 937, public Records of Mesa County, Colorado, being more particularly described as follows:

#### **DESCRIPTION #1**

BEGINNING at a point being the intersection of the South line of Lot 19, Block 6 with the Easterly right of way for Kia Drive, as same is shown on said Brookwood Subdivision, and assuming the South line of Kia Drive as shown on said Brookwood Subdivision bears S 45°32'26" E with all other bearings contained herein being relative thereto; thence from said Point of Beginning, S 45°32'26" E along said South line, a distance of 11.13 feet; thence S 35°12'58" W a distance of 22.08 feet to a point on the North line of said Brookside Subdivision Filing One; thence N 39°49'23" W along said North line, a distance of 14.42 feet to a point being the Northeast corner of Kia Drive, a 44.00 foot wide right of way as same is shown on said Brookside Subdivision Filing One; thence N 43°31'50" E a distance of 20.36 feet, more or less, to the Point of Beginning. CONTAINING 267 Square Feet, more or less, as described.

#### **DESCRIPTION #2**

BEGINNING at a point being the intersection of the South line of Lot 6, Block 5 with the Westerly right of way for Kia Drive, as same is shown on said Brookwood Subdivision, and assuming the South line of Kia Drive as shown on said Brookwood Subdivision bears S 45°32'26" E with all other bearings contained herein being relative thereto; thence from said Point of Beginning, S 25°06'03" W to a point on the North line of said Brookside Subdivision, being the Northwest corner of Kia Drive, a 44.00 foot wide right of way as same is shown on said Brookside Subdivision Filing One; thence N 39°49'23" W along said North line, a distance of 2.05 feet; thence continuing along said North line, N 55°40'23" W a distance of 11.94 feet; thence N 35°12'59" E a distance of 17.93 feet to a point on the South line of said Lot 6, Block 5; thence S 45°32'26" E along said South line, a distance of 11.13 feet, more or less, to the Point of

Beginning. CONTAINING 209 Square Feet, more or less, as described.

The legal description for the portion of 30 Road that is to be dedicated to the City is attached as Exhibit B and incorporated herein.

### **30 ROAD RIGHT OF WAY**

A certain parcel of land lying in the Southeast Quarter of the Northeast Quarter (SE 1/4 NE 1/4) of Section 5, Township 1 South, Range 1 East of the Ute Principal Meridian, City of Grand Junction, County of Mesa, State of Colorado, being more particularly described as follows:

BEGINNING at the Southeast corner of Brookwood Subdivision, as same is recorded in Plat Book 13, Pages 65 and 66, Public Records of Mesa County, Colorado and assuming the East line of the SE 1/4 NE 1/4 of said Section 5 bears N 00°00'03" E with all other bearings contained herein being relative thereto; thence from said Point of Beginning, S 84°32'56" E along the Easterly extension of the South line of said Brookwood Subdivision, a distance of 33.15 feet to a point on the East line of the SE 1/4 NE 1/4 of said Section 5; thence S 00°00'03" W along the East line of the SE 1/4 NE 1/4 of said Section 5, a distance of 9.59 feet to a point on the Easterly extension of the North line of Brookside Subdivision Filing One, as same is recorded in Plat Book 18, Pages 2 through 4, inclusive, Public Records of Mesa County, Colorado; thence N 85°48'23" W along said line a distance of 33.09 feet to a point being the Northeast corner of said Brookside Subdivision Filing One; thence N 00°00'03" E, along a line 33.00 feet West of and parallel to, the East line of the SE 1/4 NE 1/4 of said Section 5, a distance of 10.32 feet, more or less, to the Point of Beginning. CONTAINING 328.5 Square Feet, more or less, as described

Introduced for first reading on this 17th day of March, 2004.

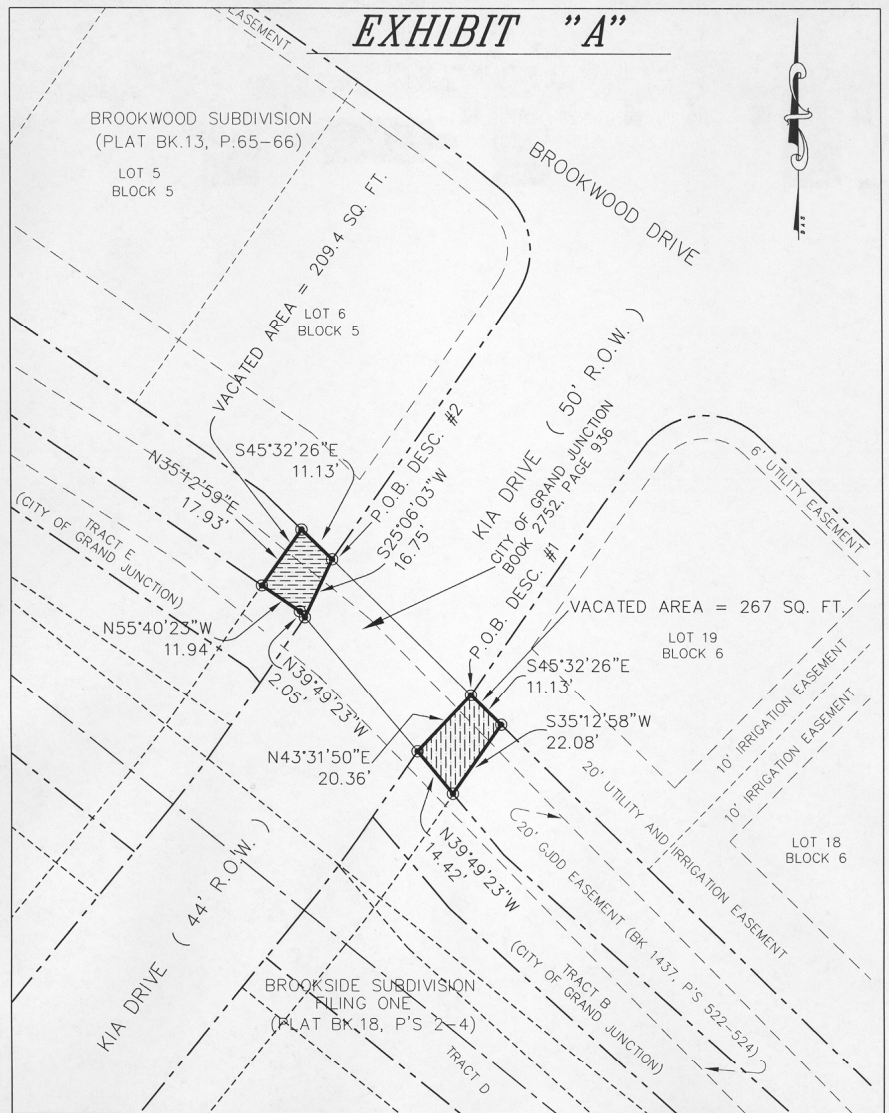
PASSED and ADOPTED this 7<sup>th</sup> day of April, 2004.

ATTEST:

/S/: Jim Spehar  
President of City Council

/s/: Stephanie Tuin  
City Clerk

# EXHIBIT "A"

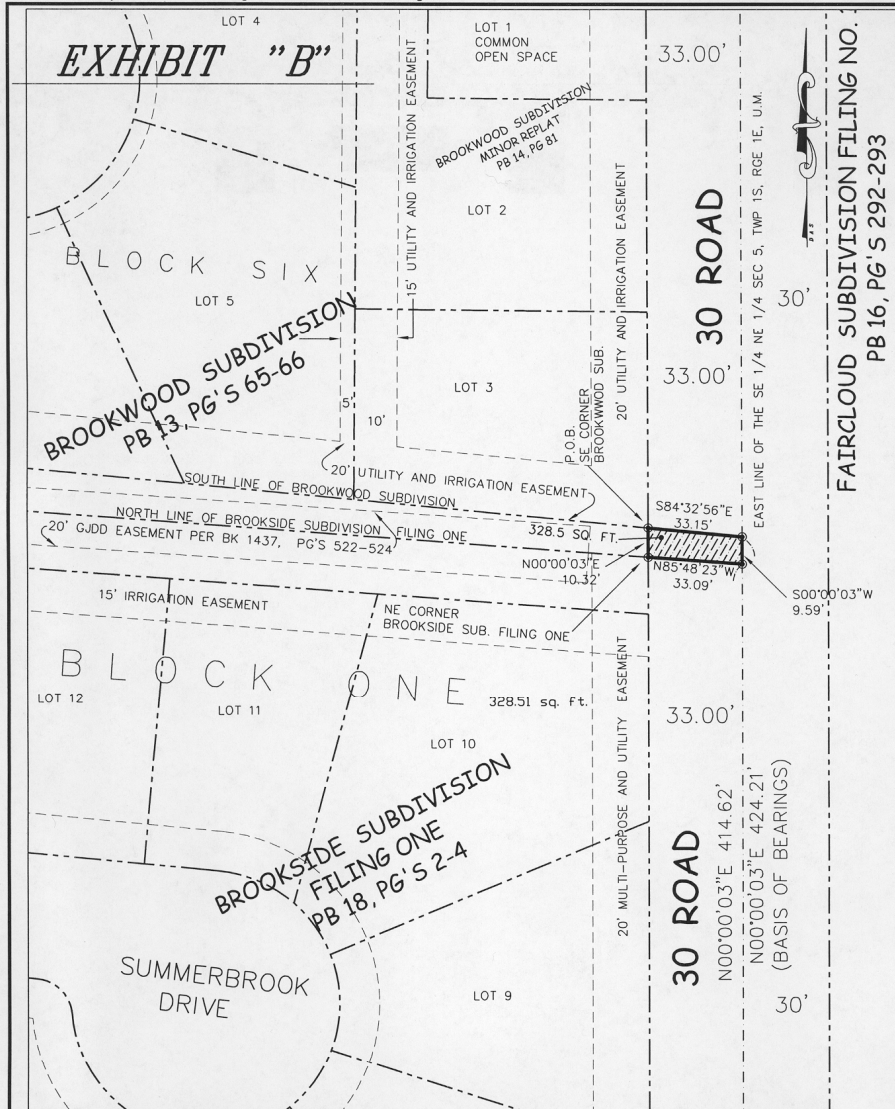


The sketch and description shown hereon has been derived from subdivision plats and deed descriptions as they appear in the office of the Mesa County Clerk and Recorder. This sketch does not constitute a legal survey, and is not intended to be used as a means for establishing or verifying property boundary lines.

DRAWN BY: P.T.K.  
 DATE: 09-12-2003  
 SCALE: 1" = 30'  
 APPR. BY: IW

BROOKWOOD/BROOKSIDE  
 VACATION DESCRIPTION MAP

**DEPARTMENT OF PUBLIC WORKS**  
 REAL ESTATE DIVISION  
**CITY OF GRAND JUNCTION**



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E 1/4 CORNER  
SECTION 5  
T.1 S., R.1 E., U.M.  
MCSM NO. 34-2

DRAWN BY: P.T.K.  
DATE: 09-12-2003  
SCALE: 1" = 30'  
APPR. BY: TW

BROOKWOOD/BROOKSIDE  
VACATION DESCRIPTION MAP

DEPARTMENT OF PUBLIC WORKS  
REAL ESTATE DIVISION  
CITY OF GRAND JUNCTION

FAIRCLOUD SUBDIVISION FILING NO. PB 16, PG'S 292-293