

CITY OF GRAND JUNCTION, COLORADO

RESOLUTION NO. 33-21

**A RESOLUTION VACATING A PUBLIC SEWER EASEMENT WITHIN THE R5
BLOCK SUBDIVISION AMENDED LOCATED ON THE SOUTHEAST CORNER OF
7TH STREET AND GRAND AVENUE**

Recitals:

Downtown Grand Junction Regeneration LLC, Peter Smith Jr, Robert Traw and Robert Breeden ("Applicants"), as the owners of the Lowell Village Townhomes project on the property also known as the R-5 High School block on the southeast corner of 7th Street and Grand Avenue (Lots 1-4 of the R5 Block Subdivision) ("Property" or "the Property") are in the process of developing residential units on the Property.

Currently, a public sewer line runs north-south through the Property just east of the R-5 school building. An easement for the sewer line was granted by the previous landowner, to the City for the benefit of the sanitary sewer system ("Existing Sewer.")¹

As part of the proposed development plan for Lowell Village, which was approved in November 2020, the Existing Sewer is to be abandoned and relocated ("New Sewer") so that the New Sewer will serve the proposed redevelopment of the Property. Replacement easement(s) for the New Sewer are to be dedicated to the Lowell Village Townhomes Metropolitan District with the Phase 2 subdivision plat for the project.

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, and upon recommendation of approval by the Planning Commission, the Grand Junction City Council finds that the request to vacate portions of a public utility easement, known and referred to herein generally as the Existing Sewer, is consistent with the Comprehensive Plan, and §21.02.100 of the Grand Junction Municipal Code ("GJMC.")

Staff has determined for protection of the interest of the City and the landowner(s) relying on the easement requested to be vacated one of two conditions must be met before vacating the easement. The condition options are as follows:

- (1) Complete legally sufficient sanitary sewer easement(s) as the same is determined in the sole and absolute discretion of the City, including but not limited to width and location, shall be provided to the owner(s) of Lot 5 for the benefit of Lot 5 with written approval of the easement(s) from the owner(s)

¹ Existing Sewer easement description:

All that certain 20' Sanitary Sewer Easement Recorded with Reception No.2784040 of the Mesa County Clerk and Recorder Records situated in the Southeast Quarter of Section 14, Township 1 South, Range 1 West of the Ute Meridian, City of Grand Junction, County of Mesa, State of Colorado. Containing an area of 5,907 Square Feet more or less, as described herein.

provided to City staff indicating acceptance of the easements as meeting the owner(s) needs. Continuous sanitary sewer service shall be maintained for Lot 5, except for a temporary duration as may be necessary to switchover from the City's public line to the Metro District's line which provides sewer to Lot 5. Transfer shall not occur until the Metro District's sewer line has been constructed and installed in the easement(s) areas in accordance with the project plans included in the City's files and the City's laws and regulations. Transfer requires the City's written approval in advance as the same is determined in the sole and absolute discretion of the City.

AND

Complete legally sufficient sanitary sewer easement(s) as the same is determined in the sole and absolute discretion of the City shall be provided to the owner(s) of Lots 1-4 of the R5 Block Subdivision Amended. The sanitary sewer easement(s), adequate in width and location as the same is determined in the sole and absolute discretion of the City, for sewer service to Lots 1-4 of the R5 Block Subdivision Amended, City of Grand Junction, Colorado.

OR

- (2) A City approved subdivision plat of the Property is recorded in the Mesa County land title records on or before June 30, 2021, which plat shall provide for the lawful and proper dedication of sanitary sewer easement(s), adequate in width and location as the same is determined in the sole and absolute discretion of the City, for sewer service to Lot 5 of the R5 Block Subdivision Amended, City of Grand Junction, Colorado.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION PURSUANT TO GJMC §21.02.100(d)2 THAT THE PUBLIC SEWER EASEMENT CONTAINING AN AREA OF 5,907 SQUARE FEET MORE OR LESS, DESCRIBED AS ALL THAT CERTAIN 20' SANITARY SEWER EASEMENT RECORDED WITH RECEPTION NO.2784040 OF THE MESA COUNTY CLERK AND RECORDER RECORDS SITUATED IN THE SOUTHEAST QUARTER OF SECTION 14, TOWNSHIP 1 SOUTH, RANGE 1 WEST OF THE UTE MERIDIAN, CITY OF GRAND JUNCTION, COUNTY OF MESA, STATE OF COLORADO, AS DEPICTED ON EXHIBIT A ATTACHED HERETO, IS VACATED SUBJECT TO AND CONTINGENT ON THE APPLICANTS OR ANY SUCCESSOR(S) OR ASSIGN(S) OF THE APPLICANTS FULLY AND COMPLETELY SATISFYING THE CONDITIONS STATED HEREIN.

Passed and adopted this 7th day of April 2021.

C.E. Duke Wortmann

C.E. "Duke" Wortmann
President of the City Council

ATTEST:

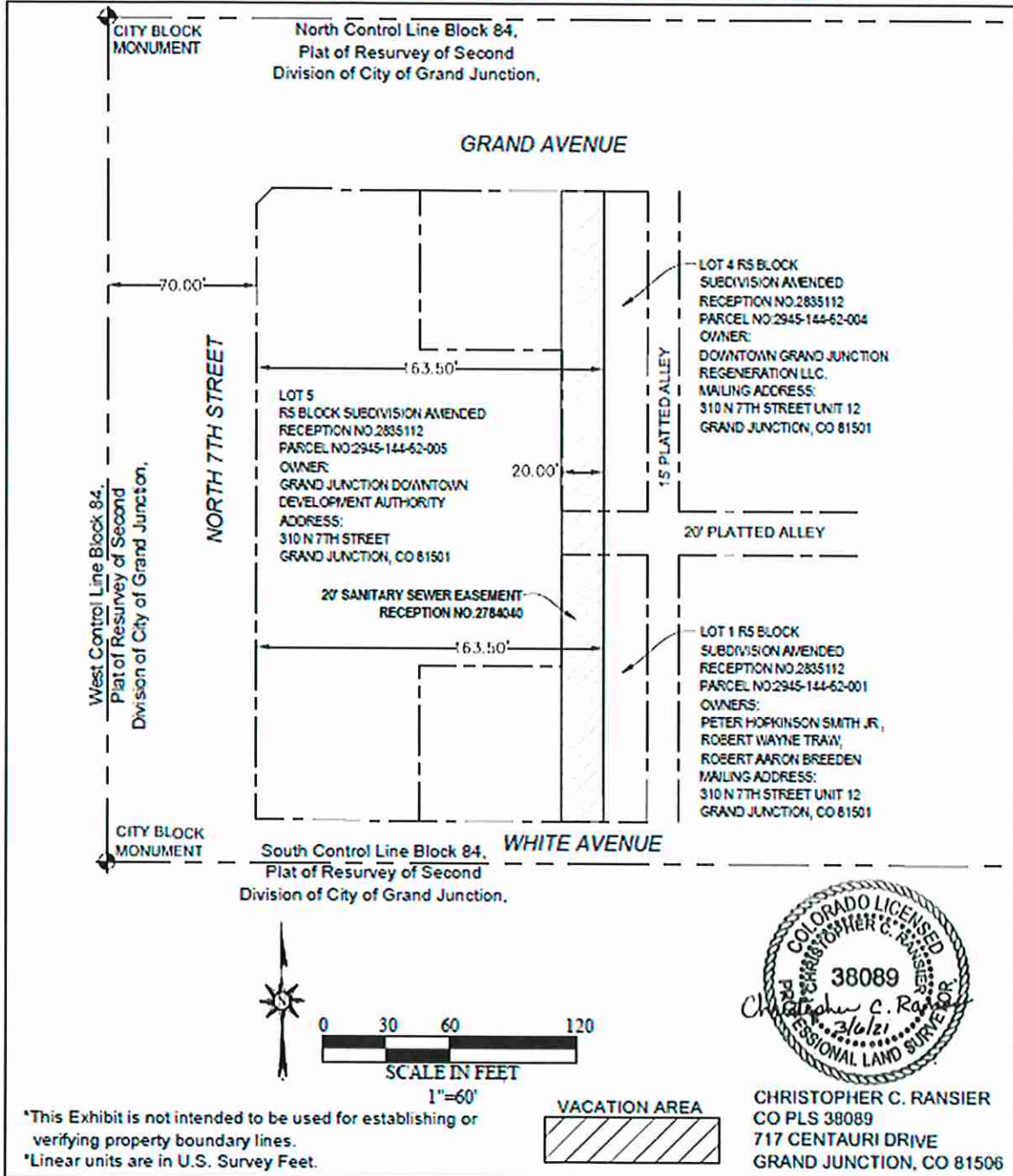
W Winkelmann

Wanda Winkelmann
City Clerk



EXHIBIT A

20' SANITARY SEWER EASEMENT VACATION
 SOUTHEAST 1/4 OF SECTION 14,
 TOWNSHIP 1 SOUTH, RANGE 1 WEST, UTE MERIDIAN,
 CITY OF GRAND JUNCTION, COUNTY OF MESA, STATE OF COLORADO



*This Exhibit is not intended to be used for establishing or verifying property boundary lines.
 *Linear units are in U.S. Survey Feet.