

**ORDINANCE NO. 3759**

**AN ORDINANCE VACATING COLLEGE PLACE, A PORTION OF MESA AVENUE, BUNTING AVENUE AND ELM AVENUE AND VARIOUS ALLEYS NEAR THE MESA STATE COLLEGE CAMPUS**

Recitals

Mesa State College has requested the vacation of several streets and alleys to allow expansion of the campus to the west, in accordance with the 1999 Facilities Master Plan. The interim plan for some of the right-of-way proposed to be vacated is to provide additional parking for the campus. In order to facilitate continued provision of utilities to the campus, all of the vacated right-of-way must be maintained as utility easements; provision of access easements to allow for adequate circulation and the continuation of the bicycle route on Elm Avenue is also required. According to City Code the vacated right-of-way must be consolidated with the adjacent lots through a replat of the property.

The City Council finds that the College's request is consistent with the Growth Plan goals and policies that encourage Mesa State College to remain at the existing location and expand to the west. The application also meets the criteria of section 2.11 of the Zoning and Development Code, with the conditions of approval, as stated below.

The Planning Commission, having heard and considered the request, found the criteria of the Code to have been met and conditionally recommended that the vacation be approved.

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

The following described dedicated public right-of-way is hereby vacated for the use and benefit, subject to the conditions stated herein, of Mesa State College:

That certain street and alley right-of way dedicated by the plat of McMullin & Gormley Subdivision of the W1/2SE1/4SE1/4 Section 11, T1S, R1W, Ute Meridian, in the City of Grand Junction, Colorado, as recorded by Reception Number 349926 in the Office of the Mesa County Clerk and Recorder, which right-of-way is more particularly described as follows:

1. All of College Place between the northerly right-of-way line of North Avenue, as extended East of the Southeast Corner Block 5 and extending northerly to the intersection with Elm Avenue, as shown on said plat.

2. All that part of Elm Avenue, as shown on said plat, lying east of the southward extension of the westerly line of Lot 32 in South Garfield Park, Reception Number 539508, and extending easterly to the easterly right-of-way line of College Place, as shown on said plat.
3. All that part of Bunting Street lying east of the easterly right-of-way line of Houston Avenue as extended South of the Southwest Corner of Block 1 and extending easterly to the easterly right-of-way line of College Place, as shown on said plat.
4. That entire north-south alley in Block 4, as shown on said plat.
5. That entire east-west alley lying between Block 4 and Block 5, as shown on said plat.
6. All that north-south alley lying in Block 1, as shown on said plat, not previously vacated by Ordinance Number 3356, as recorded in Book 3163 at 733 in the Office of the Mesa County Clerk and Recorder.

That certain street and alley right-of way dedicated by the plat of Mesa College Campus, in the E1/2SE1/4SE1/4 of Section 11, T1S, R1W, Ute Meridian, in the City of Grand Junction, Colorado, as recorded by Reception Number 459010 in the Office of the Mesa County Clerk and Recorder, which right-of-way is more particularly described as follows:

1. All of College Place between the northerly right-of-way line of North Avenue, as extended West and extending northerly to the intersection with Elm Avenue, as shown on said plat.
2. All of Elm Avenue lying west of the west right-of-way line of 12<sup>th</sup> Street as extended North and extending westerly to the intersection with College Place, as shown on said plat.

That certain street and alley right-of way dedicated by the plat of South Garfield Park, in the SE1/4 of Section 11, T1S, R1W, Ute Meridian, in the City of Grand Junction, Colorado, as recorded by Reception Number 539508 in the Office of the Mesa County Clerk and Recorder, which right-of-way is more particularly described as follows:

1. All that part of Elm Avenue lying east of the southward extension of the westerly line of Lot 32 of said subdivision, and extending easterly to the westerly right-of-way line of 12<sup>th</sup> Street, as shown on said plat.
2. All that part of the east-west alley lying East of the westerly line of Lot 11 of said subdivision extended South, and extending easterly to the westerly end of that certain alley vacated by Ordinance Number 2913, as recorded in Book 2232 at Page120 in the Office of the Mesa County Clerk and Recorder.
3. All that certain right-of-way granted by quit-claim deed in Book 973 at Page 255 in the Office of the Mesa County Clerk and Recorder, said right-of-way comprising all or parts of Lot 11, Lot 12, Lot 30 and Lot 31 in said South Garfield Park.

4. All that part of Texas Avenue lying east of the southward extension of the centerline of College Place as described in Garfield Park Subdivision, as recorded by reception #444756 in the Office of the Mesa County Clerk and Recorder and extending easterly to the easterly right-of-way line of College Place and to the westerly end of that part of Texas Avenue vacated by Ordinance Number 1299.

That certain street and alley right-of way dedicated by the plat of Garfield Park Subdivision, in the SE1/4 of Section 11, T1S, R1W, Ute Meridian, in the City of Grand Junction, Colorado, as recorded by Reception Number 444756 in the Office of the Mesa County Clerk and Recorder, which right-of-way is more particularly described as follows:

1. All that part of the east one-half of College Place lying north of the intersection with Texas Avenue, as shown on the plat, and extending northerly to the eastward extension of the northerly right-of-way line of the east-west alley in Block 6 of said Garfield Park Subdivision, as shown on said plat.
2. All of College Place lying north of the eastward extension of the northerly right-of-way line of the east-west alley in Block 6 of said Garfield Park Subdivision and extending northerly to the northerly right-of-way line of Mesa Avenue as extended east from the Southeast Corner Block 3 of said subdivision, as shown on said plat.
3. All of Mesa Avenue lying east of the easterly right-of-way line of Cannell Avenue, as shown on said plat, and extending easterly to the easterly right-of-way line of College Place and the westerly end of that part of Mesa Avenue vacated by ordinance Number 1299.

See Exhibit A attached hereto and incorporated by this reference as if fully set forth.

Provided, however, that the street and alley rights-of-way vacated hereby shall be subject to, and be considered as utility easements and within such utility easements only sod or asphalt surface treatment shall be allowed. Other surface treatment shall be subject to review and approval by the City of Grand Junction prior to installation.

Also provided that the section of College Place, between the southern boundary of Elm Avenue and the east-west alley north of Texas Avenue, and that portion of Elm Avenue, west of College Place, shall be subject to an access easement for general traffic circulation.

And, also provided that the section of Elm Avenue, east of the western boundary of College Place, shall be subject to an access easement for non-motorized vehicular access and consistent with the bicycle route along Elm Avenue.

Each and every vacation of right-of-way provided by this ordinance shall also be subject to and contingent upon dedication of right-of-way for and construction by Mesa State College of a right turn lane at the northeast corner of North Avenue and College Place, with the understanding that any right-of-way not needed for City purposes will revert to Mesa State College. In accordance with the existing process for creation of right-of way, the reversion shall be processed at such time that access to College Place from North Avenue is no longer needed as determined by and in the sole discretion of the City.

Each and every vacation of right-of-way provided by this ordinance should be subject to Mesa State College assuming any and all liability that may accrue to the City for compensating Outdoor Promotions and/or its successor Colorado West Outdoor Advertising for the value of the existing bus shelters within that section of the Elm Avenue right-of-way to be vacated.

This ordinance shall not be effective until a plat drawn to City standards is recorded for the adjoining properties consolidating lots and dedicating the required easements and additional right-of-way.

Introduced on first reading this 20<sup>th</sup> day of April, 2005 and ordered published.

Adopted on second reading this 4<sup>th</sup> day of May, 2005.

/s/: Bruce Hill  
Mayor

ATTEST:

/s/: Stephanie Tuin  
City Clerk

# Mesa State ROW Vacation

## Exhibit A

