


STATE OF COLORADO
COUNTY OF MESA

AFFIDAVIT OF SCRIVENER'S ERROR

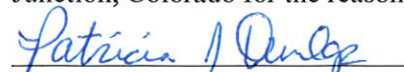
I, Senta Costello, Associate Planner for the City of Grand Junction, Colorado, ("Affiant") declares under penalty of perjury and pursuant to law (C.R.S. 38-35-109(5)(b)(IV)) as follows:

1. Resolution No. 85-21 ("Resolution") was passed and adopted by the City Council of the City of Grand Junction, Colorado on October 20, 2021. The Resolution concerns the vacation of a portion of an emergency vehicle and personnel ingress and easement ("Easement Vacation Area") originally recorded on the Sundance Village Subdivision plat (Reception No. 247553). The Resolution was for the benefit of the property and its owner, Copper Village Apartments LLC, ("Owner") and this Affidavit shall be indexed in the name of the Owner.
2. The Resolution contained the following scrivener's error (shown for purposes of this Affidavit in italic typeface):
"2. Recording of a City approved final plat for *Rimrock Landing Townhome Subdivision* concurrently with recording of this Resolution vacating the easement."
3. The Resolution should accurately read (shown for purposes of this Affidavit in italic typeface):
"2. Recording of a City approved final plat for *Rimrock Townhomes Filing 1* concurrently with recording of this Resolution vacating the easement."
4. The Affiant hereby corrects the scrivener's error made in the Resolution to reflect the true and correct name of the final plat, and affirms as her personal knowledge that the Owner made application for vacation of the Easement Vacation Area; that the Easement Vacation Area was to be vacated; and that with the exception of the scrivener's error, the Easement Vacation Area is the same as depicted in the Resolution, but not as it was described, was to be vacated.
5. The Affiant in the course of her duties became aware of the error and by signing this Affidavit is acting to correct the error and that her actions are with the knowledge and consent of the Director of Community Development of the City.

Further Affiant sayeth naught.

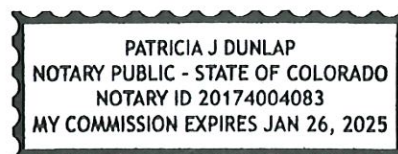

Senta Costello – Affiant
Associate Planner
City of Grand Junction

Subscribed and sworn before me this 28th day of December 2021 by Senta Costello for the City of Grand Junction, Colorado for the reasons and purposes stated.


Notary Public

Jan. 26, 2025
Commission Expiration Date

STATE OF COLORADO)
COUNTY OF MESA)



CITY OF GRAND JUNCTION, COLORADO

RESOLUTION NO. 06-22

**A RESOLUTION RATIFYING A CORRECTION TO RESOLUTION 85-21 VACATING
A PUBLIC EMERGENCY VEHICLE AND PERSONNEL INGRESS AND EGRESS
EASEMENT LOCATED WITHIN TRACT C OF SUNDANCE VILLAGE SUBDIVISION
AND AUTHORIZING ACTION IN ACCORDANCE THEREWITH**

RECITALS

The City Council reviewed and approved Resolution 85-21 ("85-21") after proper notice and a public hearing at its October 20, 2021 meeting. Resolution 85-21 vacated a portion of a public emergency vehicle and personnel ingress and egress easement as requested by the property owner, Copper Village Apartments LLC ("Owner"). The requested vacation action is in anticipation of the Owner subdividing and developing the property for future residential use. The vacated portion of the easement was originally recorded as a blanket easement designated Tract C on the Sundance Village Subdivision plat (Reception No. 2457553), however designation as emergency and personnel access was not warranted.

Resolution 85-21 reviewed and approved on October 20 contained a scrivener's error wherein the final accompanying plat was incorrectly named. In addition, 85-21 was erroneously recorded on November 19, 2021 (Reception No. 3008784) when by its terms it was to be recorded concurrently with the final plat.

Due to time being of the essence for the Owner, and the extant errors with 85-21, Ms. Costello executed the attached affidavit ("Affidavit") and the same was recorded.

With the adoption of this Resolution the City Council ratifies the actions heretofore taken and adopts the analysis and findings made by Ms. Costello all as reported to the City Council, under penalty of perjury in Affidavit, and the Staff Report filed in support of this Resolution, to wit that the easement and final plat as described in 85-21 are the same as described herein and on the final plat of Rimrock Townhomes Filing 1, that 85-21 contained an incorrect plat name and was prematurely recorded, that the owner Copper Village Apartments LLC requested the vacation as described in the Affidavit, and that the amendment of 85-21 is necessary and proper to affect the intended purposes thereof.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City Grand Junction that:

1. Resolution 85-21 attached hereto is the original version and the amended version, Resolution 06-22, are merged and corrected as provided herein.

2. This Resolution shall be in full force and effect upon its passage and approval and furthermore that as necessary or required it shall relate back to November 19, 2021 or such other date, so that the vacation of the following described public emergency ingress and egress easement is accomplished for final platting of Rimrock Townhomes Filing 1.

Public emergency ingress and egress easement to be vacated is shown on the attached Exhibit A. This exhibit is incorporated by this reference as if fully set forth.

3. That the actions described herein are ratified and confirmed.

4. The City Clerk shall cause this Resolution to be recorded in the official records of the City as Resolution 06-22 for and in accordance with the purposes stated herein.

PASSED, ADOPTED AND APPROVED this 5th day of January 2022.


C.B. McDaniel
President of the Council

ATTEST:


Wanda Winkelmann
City Clerk



Exhibit A
Resolution 85-21 with exhibit of easement and Affidavit.

RECEPTION#: 3008784
11/19/2021 2:47:24 PM, 1 of 4
Recording: \$28.00,
Tina Peters, Mesa County, CO.
CLERK AND RECORDER

CITY OF GRAND JUNCTION, COLORADO

RESOLUTION NO. 85-21

**A RESOLUTION VACATING A PUBLIC EMERGENCY VEHICLE AND PERSONNEL
INGRESS AND EGRESS EASEMENT
LOCATED WITHIN TRACT C OF SUNDANCE VILLAGE SUBDIVISION
GRAND JUNCTION, COLORADO**

RECITALS:

Vacation of a portion of a public emergency vehicle and personnel ingress and egress easement ("Easement") has been requested by the property owner, Copper Village Apartments LLC, in anticipation of subdividing and developing the property for future residential use as the proposed Rimrock Landing Townhome Subdivision.

With the prior recording of the Sundance Village Plat, Reception #2457553, blanket easements were conveyed for emergency access to various portions of the development, including Tract C. The proposed final plan for the Rimrock Landing Townhome project covers a portion of Tract C and includes townhome lots on a portion of the Easement making that portion of the Easement no longer necessary.

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 the Easement, with conditions, is consistent with the Comprehensive Plan, the Grand Valley Circulation Plan and Section 21.02.100 of the Grand Junction Zoning & Development Code.

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

The following described public dedicated public emergency ingress and egress easement is hereby vacated subject to:

1. Applicant paying all recording/documentary fees for the Vacation Resolution, any easement documents and/or dedication documents.
2. Recording of a City approved final plat for Rimrock Landing Townhome Subdivision concurrently with recording of this Resolution vacating the easement.

Public emergency ingress and egress easement to be vacated are shown on the attached Exhibits, with those Exhibits being incorporated by this references as if fully set forth.

PASSED and ADOPTED this 20th day of October 2021.

Exhibit A
Resolution 85-21 with exhibit of easement and Affidavit.

ATTEST:


Selestina Sandoval
Deputy City Clerk


C.B. McDaniel
President of City Council



Exhibit A
Resolution 85-21 with exhibit of easement and Affidavit.

EXHIBIT

Tract C, Emergency Easement Vacation Description

A portion of the publicly dedicated Blanket Emergency Easement located on Trace C, of Sundance Village Subdivision, Reception Number 2457553, in the SW1/4 SE1/4 of Section 4, Township 1 South, Range 1 West of the Ute Meridian, City of Grand Junction, Mesa County, Colorado, being more particularly described as follows:

Beginning at the northwest corner of Tract C of said subdivision, whence the westerly line of Tract C of said subdivision bears $S00^{\circ}09'35''E$, with all bearings being relative thereto, thence $S00^{\circ}09'35''E$ a distance of 2.22 feet, to the Point of Beginning; thence the following courses and distances;

1. $S89^{\circ}57'34''E$ for a distance of 6.19 feet;
2. $S57^{\circ}43'43''E$ for a distance of 6.00 feet;
3. $S89^{\circ}57'34''E$ for a distance of 116.00 feet;
4. $S00^{\circ}02'26''W$ for a distance of 73.10 feet;
5. $S48^{\circ}19'26''W$ for a distance of 24.10 feet;
6. $N90^{\circ}00'00''W$ for a distance of 108.95 feet;
7. $N00^{\circ}09'35''W$ for a distance of 92.41 feet, to the Point of Beginning.

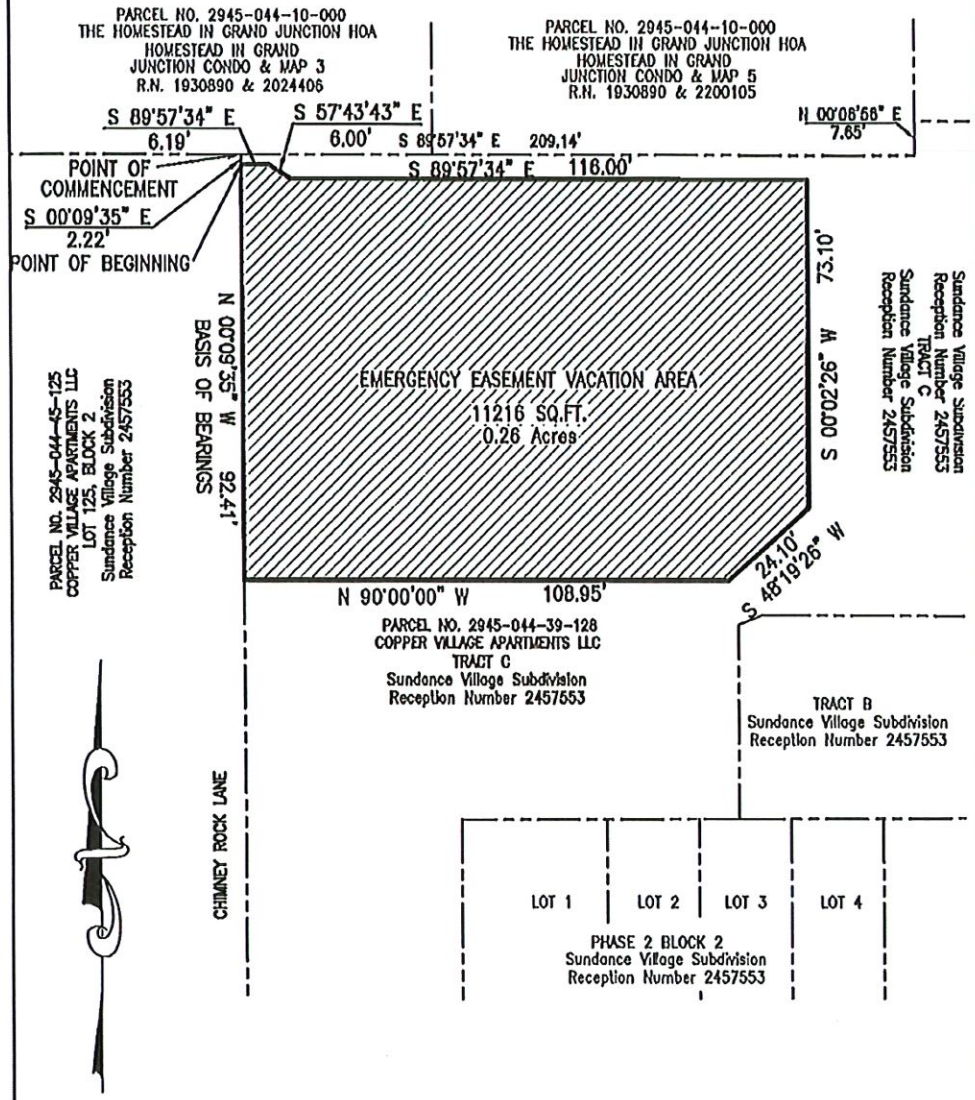
Containing approximately 11,216 square feet.

This description was prepared by Jodie Grein PLS-38075, for Rolland Consulting Engineers, 405 Ridges Blvd., Suite A Grand Junction, Colorado 81507 (970) 243-8300



EXHIBIT

A PORTION OF LOTS 13-17 OF RIMROCK TOWNHOMES FILING 1
IN THE SW1/4 SE1/4 OF SECTION 4, TOWNSHIP 1 SOUTH, RANGE 1 WEST,
UTE MERIDIAN, CITY OF GRAND JUNCTION, MESA COUNTY, COLORADO



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.



Jodie L. Grein
Registered Professional Land Surveyor
P.L.S. No. 38075



SCALE : 1"=30'
ALL LINEAL UNITS ARE
EXPRESSED IN U.S. SURVEY FEET

		EXHIBIT TRACT C EMERGENCY EASEMENT VACATION	
828 1/2 Ave 11 & 1/2 Ave A Grand Junction, CO 81507 Voice: (970) 243-8300 Fax: (970) 241-1172 www.rpl.com		IN THE SW1/4 SE1/4 OF SECTION 4 T1S, R1W, UTE MERIDIAN CITY OF GRAND JUNCTION, MESA COUNTY, COLORADO	
Project: JLO Original: JLO Date: 3/11/21	Drawn: JLM Title: CO447	Sheet: 1	Total: 1