

CITY OF GRAND JUNCTION, COLORADO

RESOLUTION NO. 33-22

**A RESOLUTION VACATING
A PORTION OF A 15 FT. GRANT OF RIGHT-OF-WAY EASEMENT
AS DEDICATED BY RECEPTION NUMBER 939901
LOCATED ON THE PROPERTY OF GRAND JUNCTION HIGH SCHOOL
AT 1400 N. FIFTH STREET**

RECITALS:

Mesa County Valley School District No. 51 ("School District") has requested vacation of a portion of a 15 ft. Grant of Right-of-Way ("Easement"). The Easement was conveyed to the City in 1967 by an instrument recorded at Reception Number 939901. The Easement runs East West and contains Elm Avenue storm sewer infrastructure.

The design for and construction of a new Grand Junction High School encroaches on a portion of the existing Elm Avenue storm sewer line. The School District will need to relocate a portion of the storm sewer line and dedicate a new 15 ft. wide easement to the City.

In addition to the dedication of a new easement and reconstruction of the Elm Avenue storm sewer the School District as a condition of the vacation the School District must release to the satisfaction of the City Attorney certain terms in the Easement conveyance regarding indemnification and construct/reconstruction of the storm sewer. Once accomplished the new easement will be consistent with terms of present, similar easements given to the City.

After public notice and public hearing as required by the Grand Junction Zoning & Development Code, and upon the Planning Commission's conditional recommendation of approval, the City Council finds that the request to vacate a portion of the Easement as recorded in Mesa County Records, Reception No. 939901 is consistent with the Comprehensive Plan, the Grand Valley Circulation Plan and Section 21.02.100 of the Grand Junction Zoning & Development Code with and on condition that the School District satisfies the Planning Commissions conditions as the same are adopted and include herein as conditions of the City Council.

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

The following described publicly dedicated Easement is hereby vacated upon the listed conditions being met:

- 1) Before construction, disconnection, and/or relocation of the existing storm sewer line, the School District shall provide a written release to the City, to the satisfaction of the City Attorney, of the terms numbered 2 and 3 in the original Grant of Right-of-Way; and,
- 2) Relocation of the public storm sewer line to a location as depicted in the attached Exhibit B with direction and final approval by City staff; and,
- 3) Applicant shall provide as-builts of the newly constructed line and in a form approved by City staff grant a new 15 ft. public storm sewer easement centered on the newly installed storm sewer or as otherwise approved by City staff.

A vacation of a portion of Elm Avenue Storm Sewer Right-of-Way, as recorded at Reception Number 939901, across a parcel of land known as Block 3 of the High School Addition plat, as recorded at Reception Number 450288, situated in the southwest quarter of Section 11, Township 1 South, Range 1 West of the Ute Meridian, City of Grand Junction, County of Mesa, State of Colorado, said portion begin more particularly described as follows:

Commencing at the northwest corner of said Block 3, as monumented by a 5/8" rebar, whence the northeast corner of said Block 3, as monumented by a 5/8" rebar, bears South 89°55'38" East, with all bearings herein relative thereto;

Thence South 24°40'13" East a distance of 926.30 feet to a point on the northerly line of said Right-of-Way and the Point of Beginning;

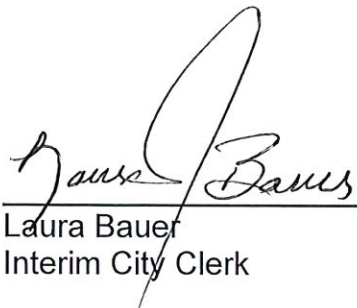
thence North 89°37'28" East along said northerly line a distance of 265.03 feet;
thence South 45°22'32" East along said northerly line a distance of 136.96 feet to a point on the easterly line of said Block 3;
thence South 00°09'19" East along said easterly line a distance of 3.05 feet;
thence South 89°53'38" West a distance 18.24 feet to a point on the southwesterly line of said Right-of-Way;
thence North 45°22'32" West along said southwesterly line a distance of 119.94 feet;
thence South 89°37'28" West along the southerly line of said Right-of-Way a distance of 235.54 feet;
thence North 57°34'24" West a distance of 13.84 feet to a point on the centerline of said Right-of-way, said point bearing North 89°37'28" East a distance of 397.72 feet from a point 172 feet south of the centerline of Sherwood Drive extended to the West line of said Block 3;
thence North 57°34'24" West a distance of 13.84 feet to the Point of Beginning.

Containing 5709 Sq. feet (0.131 acres), more or less.

Exhibits A and B as attached are incorporated by this reference as if fully set forth.

PASSED and ADOPTED this 20th day of April 2022.

ATTEST:



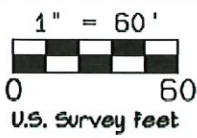
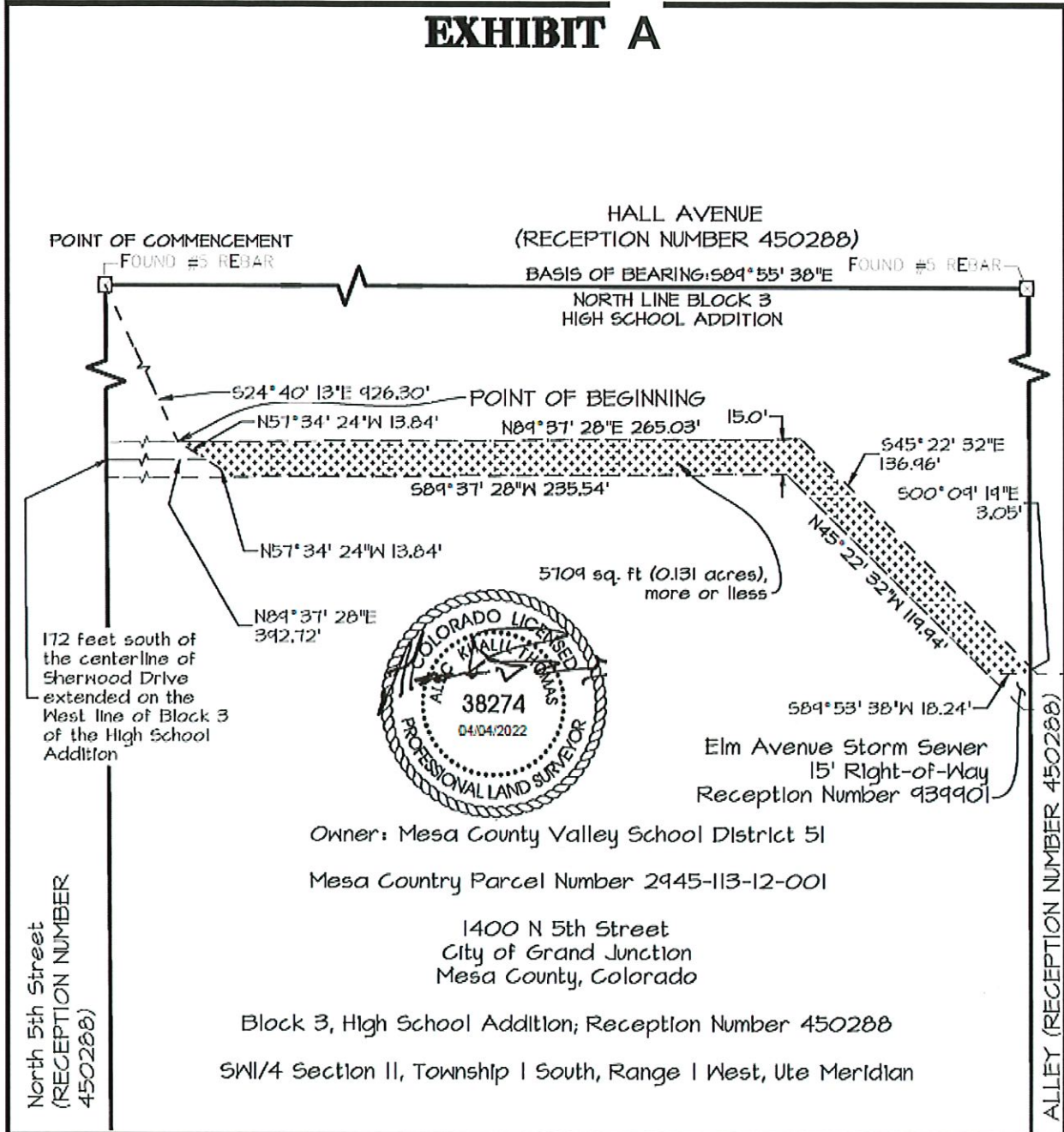
Laura Bauer
Interim City Clerk



C.B. McDaniel
President of City Council



EXHIBIT A

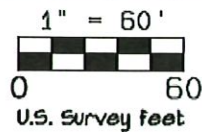
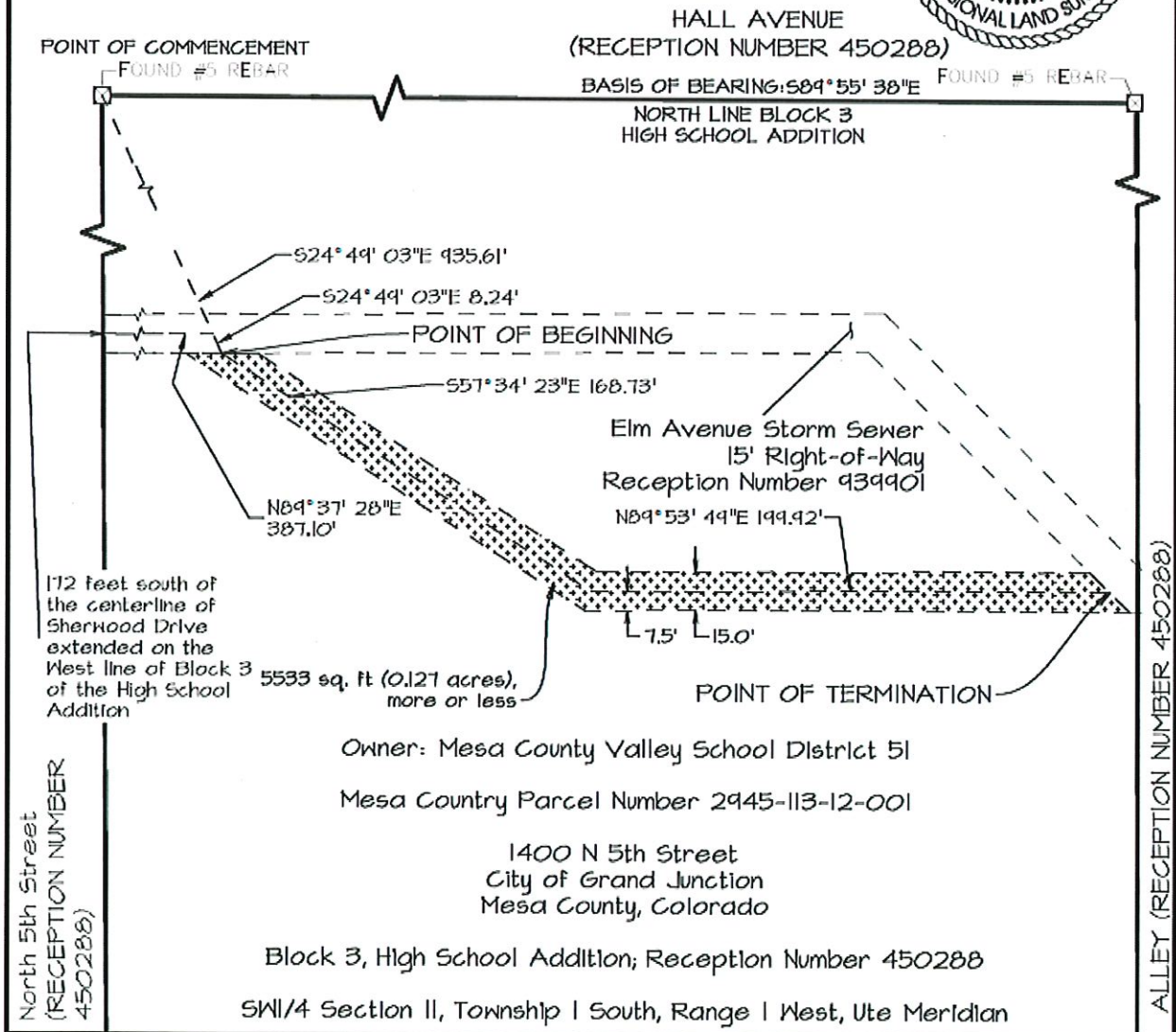


THIS EXHIBIT IS FOR THE PURPOSE OF GRAPHICALLY REPRESENTING A WRITTEN DESCRIPTION - IT DOES NOT REPRESENT A MONUMENTED BOUNDARY SURVEY

RIVER CITY CONSULTANTS
 215 Pkln Avenue, Unit 201
 Grand Junction, CO 81501
 Phone: 970.241.4722
 Fax: 970.241.8841
 www.rcwcc.com

Drawn: BDM Checked: AKT 4/4/22 Job No. 1443-036
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EXHIBIT B



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