

ORDINANCE NO. 3862

AN ORDINANCE VACATING THE RIGHT-OF-WAY DEDICATED ON THE MIDWEST COMMERCIAL SUBDIVISION PLAT FOR 22 ¾ ROAD WHILE RETAINING A 15' UTILITY EASEMENT ALONG THE SOUTH EDGE OF THE RIGHT-OF-WAY LINE FOR G ROAD, AND VACATING THE TEN FOOT (10') UTILITY EASEMENTS LYING ON EITHER SIDE OF THE 22 ¾ ROAD AS THE EASEMENTS WERE DEDICATED ON THE MIDWEST COMMERCIAL SUBDIVISION PLAT AS IT WAS RECORDED IN BOOK 13 AND PAGE 48 OF THE MESA COUNTY CLERK AND RECORDER'S RECORDS LOCATED AT THE SOUTHWEST CORNER OF G ROAD AND 23 ROAD

RECITALS:

A request to vacate the right-of-way dedicated on the Midwest Commercial Subdivision plat for 22 ¾ Road while retaining a 15' utility easement along the south edge of the right-of-way line for G Road and vacating the ten foot (10') utility easements lying on either side of the 22 ¾ Road as the easements were dedicated on the Midwest Commercial Subdivision plat as it was recorded in Book 13 and Page 48 of the Mesa County Clerk and Recorder's records, has been submitted by the following applicant: Prime Investments, Ltd., with Jack A. Terhar, Sr. as General Partner for Prime Investments, Ltd.

The City Council finds that the request to vacate the right-of-way dedicated on the Midwest Commercial Subdivision plat for 22 ¾ Road while retaining a 15' utility easement along the south edge of the right-of-way line for G Road and vacating the ten foot (10') utility easements lying on either side of the 22 ¾ Road as the easements were dedicated on the Midwest Commercial Subdivision plat as it was recorded in Book 13 and Page 48 of the Mesa County Clerk and Recorder's records, is consistent with the Growth Plan, the Grand Valley Circulation Plan and Section 2.11.C 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 recording of the final plat of the Taurus Subdivision.

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

The following described are hereby vacated subject to these listed conditions:

1. Applicants shall pay all recording/documentation fees for the Vacation Ordinance, and/or any other required easement or dedication documents.
2. The vacation ordinance shall be recorded and effective concurrent with the recordation of a subdivision plat approved by the City and meeting all legal

requirements that designates the two (2) areas as two (2) separate and distinct lots less any land dedicated to the City of Grand Junction for right-of-way purposes for the public.

Right-of-way and utility easements to be vacated:

The right-of-way and utility easements are shown on the attached "Road Vacation Exhibit" and are included as part of this vacation description and are described as followed:

That portion of 22 $\frac{3}{4}$ Road lying in the Northeast $\frac{1}{4}$ Northeast $\frac{1}{4}$ of Section 6, Township 1 South, Range 1 West, Ute Meridian, as shown on the Midwest Commercial Subdivision recorded May 12th, 1982 in Plat Book 13, Page 48 of the Public Records of Mesa County, Colorado and being more particularly described as follows:

All of that 60.00-foot wide platted right of way for 22 $\frac{3}{4}$ Road as depicted on said Midwest Commercial Subdivision, lying North of U.S. Highway 6&50 right of way and South right of way of G Road, along with the 10 foot Utility Easement on the East and West of said 22 $\frac{3}{4}$ Road.

Reserving and retaining that certain 15 foot Utility Easement lying adjacent to the North line of said plat of Midwest Commercial Subdivision over that portion of 22 $\frac{3}{4}$ Road being vacated hereon. Containing 78344.6 square feet or 1.80 acres as described.

Introduced for first reading on January 4, 2006.

PASSED and ADOPTED this 18th day of January, 2006.

ATTEST:

/s/: Bruce Hill
President of City Council

/s/: Stephanie Tuin
City Clerk

ROAD VACATION EXHIBIT

