

CITY OF GRAND JUNCTION, COLORADO

RESOLUTION NO. 104-23

**A RESOLUTION VACATING A PORTION OF A UTILITY EASEMENT THAT
COMPRISED OF 1,277 SQUARE FEET AS DEDICATED TO THE PUBLIC ON THE
SUNSET PARK SUBDIVISION PLAT BY RECEPTION NUMBER 762135**

**LOCATED SOUTH OF JON HALL ROAD ON ORCHARD VIEW WAY IN THE CITY
OF GRAND JUNCTION, COLORADO**

RECITALS:

The Applicant, Ruckman Holdings LLC, represented by Member Terry Ruckman has requested the vacation of a portion of a utility easement located within the recently platted Orchard View Way right-of-way. The subject portion of the utility easement crosses the right-of-way, as well as across two tracts (E and F) within the subdivision. The vacation area is comprised of approximately 1,277 square feet of land.

The easement is within the Orchard Estates Subdivision; the subdivision plat established the public rights-of-way within the development. One of the streets, Orchard View Way, was platted over an area that was formerly a lot (Lot 2) of the Sunset Park subdivision recorded in the Mesa County land title records at Reception #762135. The lots along the south side of Jon Hall Road from the Sunset Park subdivision, including the former Lot 2 of the subdivision, which is now a part of the Orchard Estates Subdivision, have a 20' utility easement along their southern boundary.

The portion of the utility easement to be vacated is within the roadway, in Tract E and Tract F of Orchard Estates subdivision. The area of the easement to be vacated is described as that area in Orchard View Way, Tract E and that portion of Tract F where there is a multipurpose easement on the southern boundary.

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, and upon recommendation of conditional approval by the Planning Commission, the Grand Junction City Council finds that the request to conditionally vacate a portion of a utility easement as recorded in Mesa County Records, Reception No. 762135 is consistent with the Comprehensive Plan, the Grand Valley Circulation Plan and Section 21.02.100 of the Grand Junction Zoning and Development Code. The express conditions of the vacation are stated herein.

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

The foregoing Recitals are substantive to the consideration and approval of this Resolution and therefore are incorporated by the City Council in making its

determination that the following described portion of a dedicated utility easement, depicted on Exhibit A which is incorporated herein, is hereby conditionally vacated:

A 20-foot-wide strip of land being a portion of the 20-foot-wide Utility Easement dedicated on Sunset Park same as recorded at Reception Number 762135, situate in the northeast 1/4 of the northwest 1/4 of Section 32, Township 1 South, Range 1 East of the Ute Meridian, City of Grand Junction, Mesa County, Colorado, being more particularly described as follows:

Beginning at the southeast corner of Lot 3 of Sunset Park subdivision as recorded at Reception No. 762135 of the Mesa County records, the basis of bearing being $N00^{\circ}10'45''W$ to the northeast corner of said Lot 3; thence $N00^{\circ}10'45''W$ a distance of 20.00 feet; thence $N89^{\circ}51'15''E$ a distance of 65.88 feet; thence 20.50 feet along the arc of a curve to the right with a central angle of $6^{\circ}18'57''$ and a radius of 186.00 feet, the chord of which bears $S12^{\circ}26'51''W$ a distance of 20.49 feet; thence $S89^{\circ}51'15''W$ a distance of 61.40 feet to the Point of Beginning. Said strip of land being comprised of 1,277 square feet more or less.


The utility easement shall be conditionally vacated on the City retaining all rights and interests it has in the multipurpose easements, dedicated, or otherwise conveyed to the City in the multipurpose easements on Tract E and Tract F on the Orchard Estates Subdivision plat recorded in the records of the Mesa County Clerk and Recorder at Reception #3073440.

PASSED and ADOPTED this 6th day of December, 2023.



Anna M. Stout
President of the City Council

ATTEST:

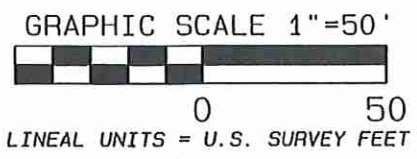
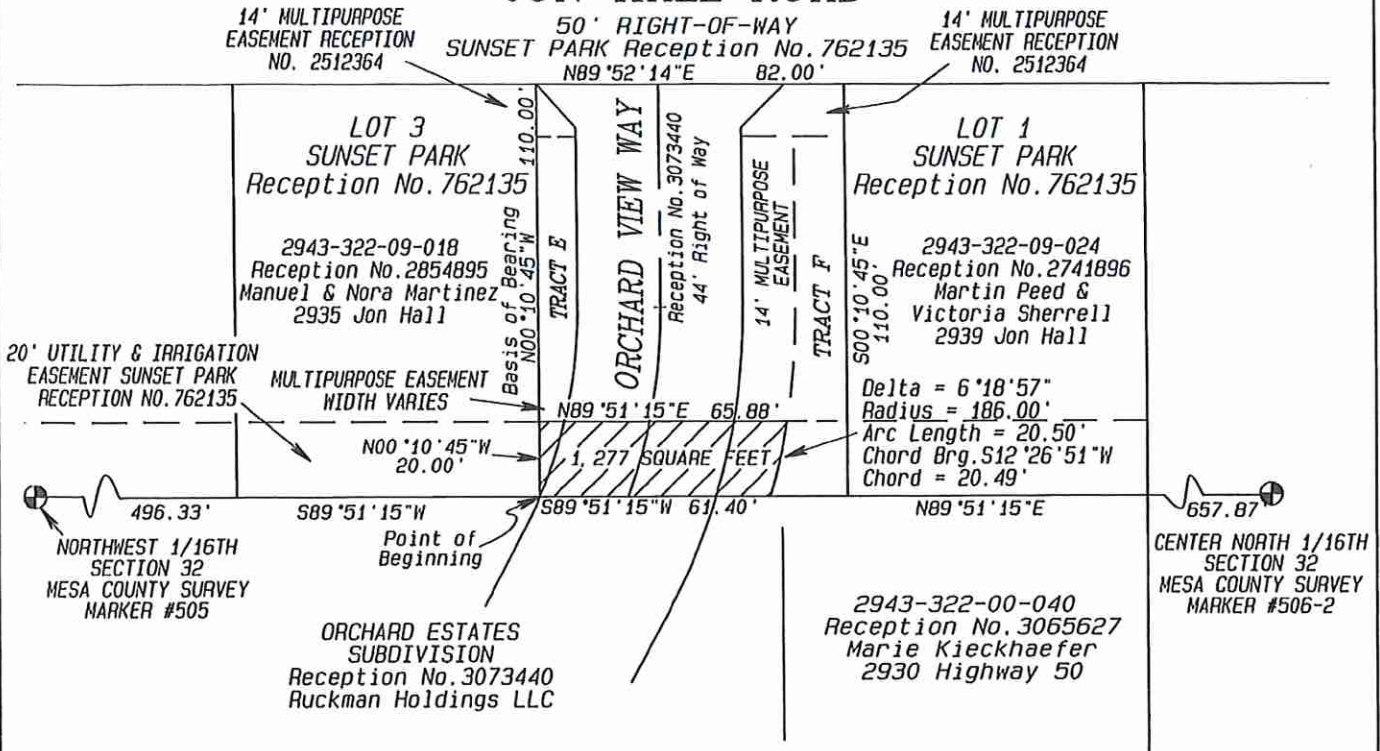


Amy Phillips
City Clerk



EXHIBIT A

JON HALL ROAD



BASIS OF BEARING BEING N00°10'45"W BETWEEN THE SOUTHEAST CORNER OF LOT 3 IN SUNSET PARK SUBDIVISION AND THE NORTHEAST CORNER OF SAID LOT 3 BASED ON THE GRAND VALLEY AREA LOCAL COORDINATE SYSTEM.



NE1/4 NW1/4 SECTION 32
TOWNSHIP 1 SOUTH, RANGE 1 EAST
UTE MERIDIAN
CITY OF GRAND JUNCTION
MESA COUNTY, COLORADO

STEVEN L. HAGEDORN
COLORADO PLS 24306
118 OURAY AVE
GRAND JUNCTION, CO 81501
(970) 433-1277