CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO. 4025

AN ORDINANCE VACATING RIGHT-OF-WAY LOCATED ADJACENT TO 2953 HIGHWAY 50 IN BUENA VISTA DRIVE

Recitals:

A request to vacate the bulb portion of an offset cul-de-sac adjacent to 2953 Highway 50 has been submitted to the City of Grand Junction. The City will reserve and retain the area by incorporating said area into a Multi-Purpose Easement on, along, over, under, through and across the entire area of the right-of-way to be vacated. The adjacent property owner will be required to dedicate a 10' multi-purpose easement adjacent to Buena Vista Drive from the subject area to Highway 50 to resolve a minor encroachment for the roadway prism slope.

The City Council finds that the request to vacate the herein described right-of-way is consistent with the Growth Plan and Section 2.11 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 condition that the City shall reserve and retain the area in a Multi-Purpose Easement, on, along, over, under, through and across the entire area of the hereinafter described right-of-way adjacent to 2953 Highway 50, as well as obtaining a 10' multi-purpose easement adjacent to Buena Vista Drive from the subject area to Highway 50.

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

1. The following described right-of-way is hereby vacated:

EXHIBIT A

A parcel of land situate within the Re-plat of Buena Vista Subdivision adjacent to Lot 3 as recorded in Plat Book 9 at Page 167 of the Mesa County records, being more particularly described as follows:

Commencing at the C-S 1/16 corner of Section 32, Township 1 South, Range 1 East of the Ute Meridian, the basis of bearing being N89°31'13"E to the SE 1/16 corner of said Section 32; thence N00°02'06"W a distance of 657.71 feet to the southwest corner of said Lot 3; thence N89°35'19"E a distance of 299.30 feet along the south line of said Lot 3 to the point of beginning, being the south corner of said Cul-de-sac

to be vacated; thence along the arc of a non-tangent curve to the right 157.08 feet, having a central angle of 114°35'30" and a radius of 50.00 feet, the chord of which bears N09°24'41"W a distance of 100.00 feet; thence S09°24'41"E a distance of 100.00 feet along said chord to the point of beginning. Said parcel contains 3927 square feet, more or less.

2. The City hereby reserves and retains the said area in a Multi-Purpose Easement on, long, over, under, through and across the entire area of the above described right-of-way, for the use and benefit of the City and for the use and benefit of the Public Utilities, as approved by the City, as a Multi-Purpose Easement for the installation, operation, maintenance, repair and replacement of existing and future utilities and appurtenances related thereto, as approved by the City, including, but not limited to, electric lines, cable television lines, natural gas pipelines, sanitary sewer lines, storm sewers and storm water drainage facilities, water lines, telephone lines, and also for the installation, operation, maintenance, repair and replacement of traffic control facilities. Street lighting, landscaping, trees and grade structures, as approved by the City, together with the right of ingress and egress for workers and equipment to survey, maintain, operate, repair, replace, control and use said Easement, and to remove objects interfering therewith, including the trimming of trees and bushes as may be required to permit the operation of standard utility construction and repair machinery.

Introduced for first reading on this 17th day of January, 2007

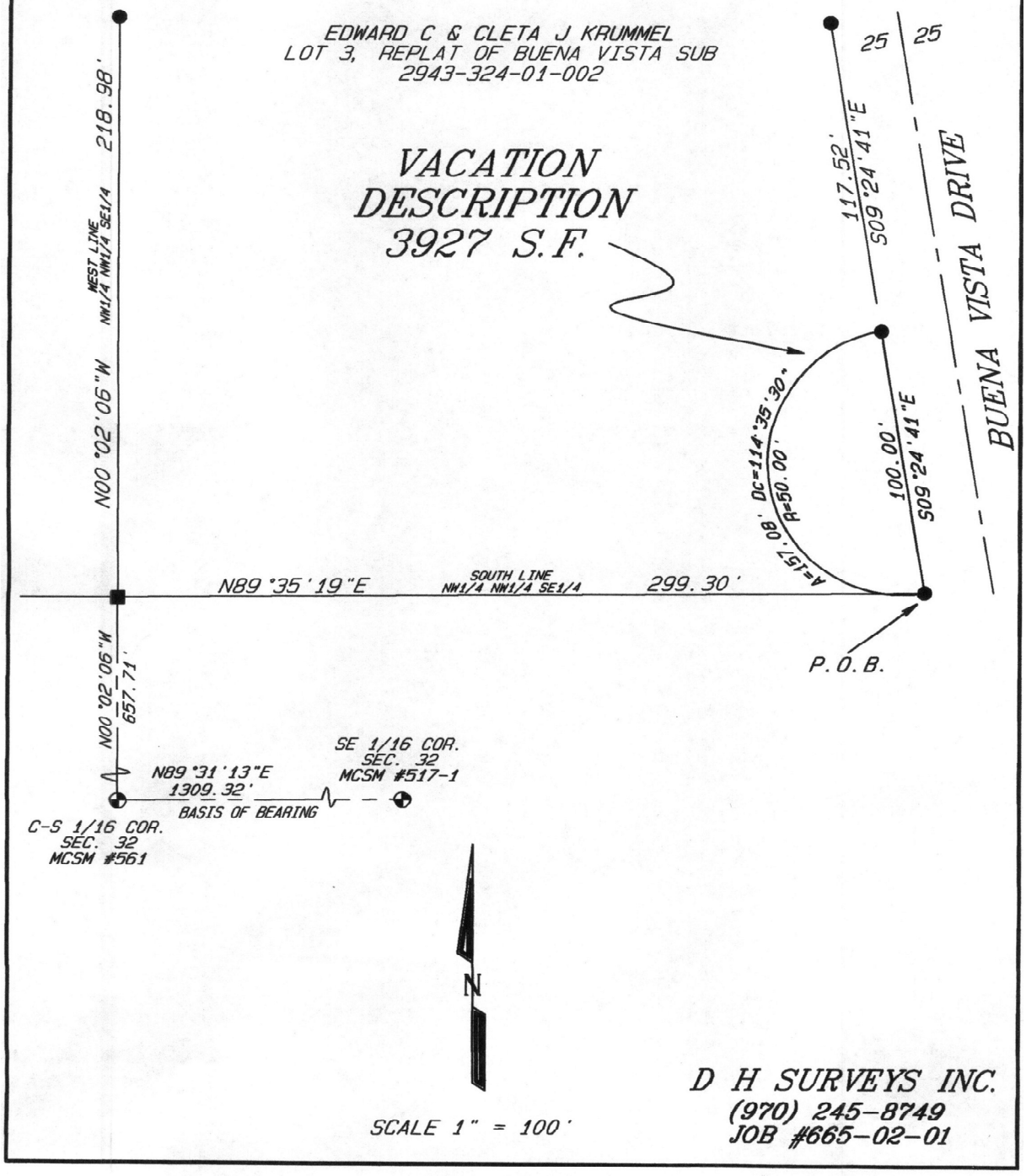
PASSED and ADOPTED this 21st day of February, 2007

ATTEST:

/s/: James J. Doody
President of City Council

/s/: Stephanie Tuin
City Clerk

EXHIBIT A


EDWARD C & CLETA J KRUMMEL
LOT 3, REPLAT OF BUENA VISTA SUB
2943-324-01-002
VACATION
DESCRIPTION
3927 S.F.
25
25
117.52'
S09°24'41"E
BUENA VISTA DRIVE
WEST LINE
NW1/4 NW1/4 SE1/4
218.98'
N00°02'06"W
A=157.08' DC=114°35'30"
R=50.00'
100.00'
S09°24'41"E
N89°35'19"E
SOUTH LINE
NW1/4 NW1/4 SE1/4
299.30'
P.O.B.
N00°02'06"W
657.71'
SE 1/16 COR.
SEC. 32
MCSM #517-1
N89°31'13"E
1309.32'
BASIS OF BEARING
C-S 1/16 COR.
SEC. 32
MCSM #561
N
SCALE 1" = 100'
D H SURVEYS INC.
(970) 245-8749
JOB #665-02-01

GRANT OF MULTI-PURPOSE EASEMENT

Edward C. Krummel and Cleta J. Krummel, Grantors, for and in consideration of the sum of Ten and 00/100 Dollars ($10.00), the receipt and sufficiency of which is hereby acknowledged, has granted and conveyed, and by these presents does hereby grant and convey to the **City of Grand Junction, a Colorado home rule municipality, Grantee,** whose address is 250 North 5th Street, Grand Junction, Colorado 81501, a Perpetual Multi-Purpose Easement for the use and benefit of Grantee and for the use and benefit of the Public Utilities, as approved by Grantee, as a perpetual easement for the installation, operation, maintenance, repair and replacement of utilities and appurtenances related thereto, as approved by Grantee, including, but not limited to, electric lines, cable television lines, natural gas pipelines, sanitary sewer lines, storm sewers and storm water drainage facilities, water lines, telephone lines, and also for the installation, operation maintenance, repair and replacement of traffic control facilities, street lighting, landscaping, trees and grade structures, as approved by Grantee, on, along, over, under, through and across the following described parcel of land, to wit:

A certain multi-purpose easement Located in the Northwest Quarter of the Southeast Quarter (NW¼ SE¼) of Section 32, Township 1 South, Range 1 East, Ute Principal Meridian, County of Mesa, State of Colorado being more particularly described as follows:

The East 10.00 feet of a portion of Lot 3, Replat of Buena Vista Subdivision Except Lots 1 & 2 recorded in Plat Book 9, Page 167 of the Mesa County, Colorado public records.

Lying north of the right-of-way of the 50.00 foot cul-de-sac of Buena Vista Drive.

Said easement containing 2,536 square feet more or less as described herein and depicted on **"Exhibit A"** attached hereto and incorporated herein by reference.

TO HAVE AND TO HOLD unto the said Grantee, its successors and assigns forever, together with the right of ingress and egress for workers and equipment to survey, maintain, operate, repair, replace, control and use said Easement, and to remove objects interfering therewith, including the trimming of trees and bushes as may be required to permit the operation of standard utility construction and repair machinery, the said Grantors hereby covenanting with Grantee that the Easement area shall not be burdened or overburdened by the installation, construction or placement of any structures or any other item or fixture which might be detrimental to the facilities of Grantee and/or the Public Utilities or which might act to prevent reasonable ingress and egress for workers and equipment on, along, over, under, through and across the Easement area, the said Grantors hereby further covenanting with Grantee that Grantors have good title to the aforedescribed premises; they have good and lawful right to grant this Easement; that they will warrant and forever defend the title and quiet possession thereof against the lawful claims and demands of all persons whomsoever.

Executed and delivered this _____ day of _____, 2007.

_____
Edward C. Krummel

_____
Cleta J. Krummel

State of Colorado)
)ss.
County of Mesa)

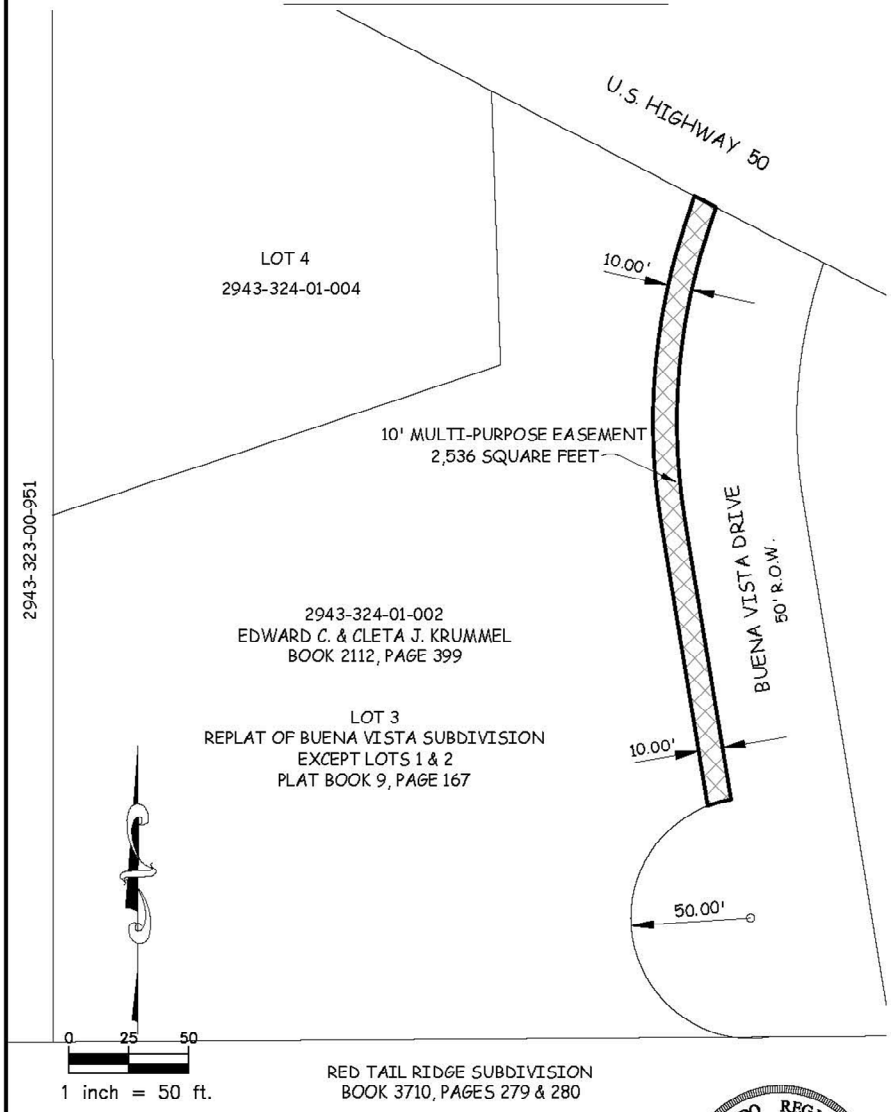
The foregoing instrument was acknowledged before me this _____ day of _____, 2007, by Edward C. Krummel and Cleta J. Krummel.

My commission expires _____.

Witness my hand and official seal.

_____
Notary Public

EXHIBIT "A"



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.

COLORADO REGISTERED PROFESSIONAL LAND SURVEYOR
PETER T. KRICK
No. 32824

DRAWN BY: T.L.P.
DATE: 9-16-2006
SCALE: 1" = 50'
APPR. BY: PTK

2943-324-01-002

10' MULTI-PURPOSE EASEMENT TO THE CITY OF GRAND JUNCTION

CITY OF Grand Junction COLORADO

N:\Codd\REAL ESTATE\LOT 3 BUENA VISTA 10FT EASMT\dwg\LOT 3 BUENA VISTA 10FT EASMT.dwg 12/27/2006 3:26:12 PM MST