

**CITY OF GRAND JUNCTION**

**ORDINANCE NO.4040**

**AN ORDINANCE VACATING RIGHTS-OF-WAY WITHIN THE EL POSO  
NEIGHBORHOOD INCLUDING PORTIONS OF PEACH STREET, WEST OURAY  
AVENUE, WEST GRAND AVENUE, AND VARIOUS ALLEYS**

RECITALS:

A vacation of dedicated rights-of-way has been requested by the City of Grand Junction.

The City Council finds that the request is consistent with the Growth Plan, the Grand Valley Circulation 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 Code to have been met, and recommends that the vacation be approved.

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

The following described dedicated rights-of-way is hereby vacated subject to the listed conditions:

1. Applicants shall pay all recording/documentary fees for the Vacation Ordinance, any easement documents and dedication documents.
2. Portions of the vacated areas shall be retained as a multi-purpose easements and/or ingress/egress easements per the following legal.

The following rights-of-way are shown on "Exhibit A" as part of this vacation of description.

Dedicated rights-of-way to be vacated:

DESCRIPTION

Nine parcels of land located in the Southeast Quarter of the Northeast Quarter (SE1/4NE1/4) and the Northwest Quarter of the Southeast Quarter (NW1/4SE1/4) of Section 15, Township 1 South, Range 1 West of the Ute Meridian, City of Grand Junction, County of Mesa, State of Colorado, being more particularly described as follows:

Parcel No. 1

All that portion of Peach Street right of way lying between Block 2 and Block 3, Six and Fifty West Subdivision, as same is recorded in Plat Book 12, Page 54 in the office of the Mesa County Clerk and Recorder, which is south of the following described line: Beginning at the Northeast corner of Lot 1, said Block 2, and considering the North line of the NW1/4SE1/4 of said Section 15 to bear S89°43'12"W with all bearings herein being relative thereto; thence N89°52'50"E a distance of 41.23 feet; thence N48°43'19"E a distance of 24.91 feet, more or less, to the Northwest corner of Lot 1, said Block 3, and which is north of the South line of said Six and Fifty West Subdivision.

Containing 19,091.64 square feet, or 0.438 acres, more or less, as described.

Parcel No. 2

All that portion of Peach Street right of way lying between Block 1 and Block 2, Carpenter's Subdivision No. 2, as same is recorded in Plat Book 1, Page 14 in the office of the Mesa County Clerk and Recorder, north of the north right of way of West Ouray (formerly platted as Apple Street) extended between said Block 1 and Block 2 and south of the North line of said Carpenter's Subdivision No. 2.

Containing 14,511.25 square feet, or 0.333 acres, more or less, as described.

Parcel No. 3

All the alley right of way that lies within Block 1, Carpenter's Subdivision No. 2, as same is recorded in Plat Book 1, Page 14 in the office of the Mesa County Clerk and Recorder, terminating at the East line and West line of said Block 1, and also terminating at the North line of said Carpenter's Subdivision No. 2.

Containing 6,949.50 square feet, or 0.159 acres, more or less, as described.

Parcel No. 4

A portion of the right of way of West Ouray Avenue (platted as Apple Street) lying south of Block 1 and Block 2, Carpenter's Subdivision No. 2, as same is recorded in Plat Book 1, Page 14 in the office of the Mesa County Clerk and Recorder, more particularly described as follows: Beginning at the Southeast corner of Lot 22, Block 1, said Carpenter's Subdivision No. 2, and considering the North line of the NW1/4SE1/4 of said Section 15 to bear S89°43'12"W with all bearings herein being relative thereto; thence S45°00'00"W a distance of 22.77 feet; thence S89°42'52"W a distance of 259.40 feet; thence S87°36'40"W a distance of 328.23 feet; thence N46°17'12"W a distance of 8.97 feet; thence N00°11'05"W a distance of 21.83 feet to the Southwest corner of Lot 12, Block 2, said Carpenter's Subdivision No. 2; thence N89°42'52"E, along the North line of said West Ouray Avenue as extended between Block 2 and Block 1, said

Carpenter's Subdivision No. 2, a distance of 610.00 feet, more or less, to the point of beginning.

Containing 11,674.80 square feet, or 0.268 acres, more or less, as described.

Parcel No. 5

A portion of the right of way of West Ouray Avenue (platted as Apple Street) abutting Block 3 of Carpenter's Subdivision No. 2, as same is recorded in Plat Book 1, Page 14 in the office of the Mesa County Clerk and Recorder, and Trujillo Subdivision, as same is recorded in Plat Book 17, Page 26 in said office; more particularly described as follows: Beginning at the Northeast corner of Lot 1, said Trujillo Subdivision, and considering the North line of the NW1/4SE1/4 of said Section 15 to bear S89°43'12"W with all bearings herein being relative thereto; thence S89°42'52"W, along the South line of West Ouray Avenue, a distance of 275.00 feet to the Northwest corner of Lot 11, Block 3 of said Carpenter's Subdivision No. 2; thence N00°11'05"W a distance of 6.17 feet; thence N43°42'48"E a distance of 3.60 feet; thence N87°36'40"E a distance of 257.53 feet; thence S40°00'00"E a distance of 23.67 feet, more or less, to the point of beginning.

Containing 3,626.78 square feet, or 0.083 acres, more or less, as described.

Parcel No. 6

A portion of right of way for West Ouray Avenue (platted as Apple Street) and Peach Street abutting the North half of Block 4, Carpenter's Subdivision No. 2, as same is recorded in Plat Book 1, Page 14 in the office of the Mesa County Clerk and Recorder, more particularly described as follows: Beginning at the Northeast corner of Lot 1, Block 4 said Carpenter's Subdivision No. 2, and considering the North line of the NW1/4SE1/4 of said Section 15 to bear S89°43'12"W with all bearings herein being relative thereto; thence S89°42'52"W, along the South line of West Ouray Avenue, a distance of 275.00 feet to the Northwest corner of Lot 11, Block 4; thence S00°11'05"E, along the East line of Peach Street, a distance of 125.00 feet to the Southwest Corner of said Lot 11; thence S 89°48'55"W, along the Westerly extension of the South line of said Lot 11, a distance of 13.51 feet; thence N00°10'47"W a distance of 131.56 feet; thence N45°15'30"E a distance of 20.55 feet; thence N89°42'52"E a distance of 258.52 feet; thence S50°00'00"E a distance of 20.08 feet, more or less, to the point of beginning.

Containing 7,536.58 square feet, or 0.173 acres, more or less, as described.

Parcel No. 7

The East 7.0 feet of the right of way of Peach Street as it lies adjacent to and abutting Lot 12, Block 4 Carpenter's Subdivision No. 2, as same is recorded in Plat Book 1, Page 14 in the office of the Mesa County Clerk and Recorder, terminating at the Westerly extension of the North and South lines of said Lot 12.

Containing 875.00 square feet, more or less, as described.

Parcel No. 8

The East 125 feet of that alley right of way lying within Block 4, Carpenter's Subdivision No. 2, as same is recorded in Plat Book 1, Page 14 in the office of the Mesa County Clerk and Recorder and terminating at the Northerly extension of the West line of Lot 18 and at the East line of said Block 4.

Containing 2,500.00 square feet, or 0.057 acres, more or less, as described.

Parcel No. 9

A portion of the right of way of Grand Avenue abutting Coleman Subdivision, as recorded in Plat Book 16, Page 268 in the office of the Mesa County Clerk and Recorder, and the North half of Block 7, Carpenter's Subdivision No. 2 as recorded in Plat Book 1, Page 14 in said office, more particularly described as follows: Beginning at the Northeast corner of Lot 1, Block 7, said Carpenter's Subdivision No. 2, and considering the North line of the NW1/4SE1/4 of said Section 15 to bear S89°43'12"W with all bearings herein relative thereto; thence S89°43'12"W, along the South line of Grand Avenue, a distance of 417.78 feet, more or less, to a point on the West line of said Block 7; thence N40°48'56"W, along the Northwesterly extension of the West line of said Block 7, a distance of 39.47 feet the North line of the NW1/4SE1/4 of said Section 15; thence N89°43'12"E, along the North line of the NW1/4SE1/4 of said Section 15, a distance of 443.45 feet to a point on the Northerly extension of the East line of said Lot 1; thence S00°15'04"E, along said Northerly extension, a distance of 30.00 feet, more or less, to the point of beginning.

Containing 12,918.51 square feet, or 0.297 acres, more or less, as described.

See Exhibit "A" attached hereto and incorporated by this reference as if fully set forth.

Provided, however, that the Peach Street of way vacated hereby in said Parcel No.'s 1 and 2 is reserved as a multipurpose easement for the use of City approved public utilities as a perpetual easement for the installation, operation, maintenance and repair of utilities and appurtenances including, but not limited to, electric lines, cable TV lines, natural gas pipelines, sanitary sewer lines, storm sewers, water lines, telephone lines, equivalent other public utility providers and appurtenant facilities.

Also provided that all of said Parcel No. 1 and the north 117.00 feet of said Parcel No. 2 be reserved as an ingress/egress easement for the use of the public.

Also provided that said the East/West alley within said Parcel 3 herein vacated be reserved as a multipurpose easement for the use of City-approved utilities and public providers as a perpetual easement for the installation, operation, maintenance and repair of utilities and appurtenances including, but not limited to, electric lines, cable TV lines, natural gas pipelines, sanitary sewer lines, storm sewers, water lines, telephone lines, traffic control facilities, street lighting, landscaping, trees and grade structures.

Also provided that said Parcels 4 through 9 herein vacated be reserved as multipurpose easements for the use of City-approved utilities and public providers as perpetual easements for the installation, operation, maintenance and repair of utilities and appurtenances including, but not limited to, electric lines, cable TV lines, natural gas pipelines, sanitary sewer lines, storm sewers, water lines, telephone lines, traffic control facilities, street lighting, landscaping, trees and grade structures.

Introduced for first reading on this 21<sup>st</sup> day of February, 2007

PASSED and ADOPTED this 7<sup>th</sup> day of March, 2007.

ATTEST:

/s/ James J. Doody  
President of City Council

/s/ Stephanie Tuin  
City Clerk

# Exhibit A

## EL POSO ROW VACATION

