

CITY OF GRAND JUNCTION

ORDINANCE NO. 4150

**AN ORDINANCE VACATING RIGHT-OF-WAY FOR PEAR STREET
LOCATED NORTH OF NORTH AVE AND EAST OF 28 ¾ ROAD**

RECITALS:

A vacation of the dedicated right-of-way for has been requested by the adjoining property owners.

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, subject to recordation of a plat that provides access, easements and tracts as required by the Zoning and Development Code.

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

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

1. Recordation of a plat that provides access, easements and tracts as required by the Zoning and Development Code.
2. Applicants shall pay all recording/documentary fees for the Vacation Ordinance, any easement documents and dedication documents.

The following right-of-way is shown on "Exhibit A and B" as part of this vacation of description.

A parcel or tract of land situate in the SE1/4 SE1/4 Section 7, Township 1 South, Range 1 East of the Ute Meridian, City of Grand Junction, County of Mesa, State of Colorado, being the same parcel as the Pear Street right-of-way as conveyed to Mesa County, Colorado and/or the City of Grand Junction, Colorado as recorded in the following documents of the Mesa County, Colorado, Clerk & Recorder: Book 821, Page 305; Book 821, Page 427; Book 823, Page 90; Book 824, Page 41 and Book 2881, Page 509; and as may exist as an apparent easement as evidenced by Transnation Title Policy No. A52-0113971, ALTA Survey deposited with the Mesa County Surveyor as Deposit Numbers 3546-3548 of 2006 and by old assessor's plats for which no recording documents could be found; said parcel or tract being more particularly described as follows:

Commencing at the E 1/16 corner of the south line of Section 7, Township 1 South, Range 1 East of the Ute Meridian, monumented with MCSM No. 1218-1 in a monument box, whence the SE 1/16 corner of said Section 7, monumented with MCSM No. 640, bears N00°07'26"W, a distance of 1318.66 feet, with all other bearings contained herein being relative thereto; thence, S89°49'23"E along the south line of the SE1/4 SE1/4 of said Section 7, a distance of 329.29 feet to the SE corner of the W1/2 SW1/4 SE1/4 SE1/4 of said Section 7; thence, N00°06'35"W along the east line of said W1/2 SW1/4 SE1/4 SE1/4, a distance of 40.00 feet to the northerly right-of-way line of North Avenue; thence, N89°49'23"W along said northerly right-of-way line, a distance of 15.00 feet to the westerly right-of-way line of Pear Street and the POINT OF BEGINNING; thence, N00°06'35"W along the westerly right-of-way line of Pear Street being a line parallel with and 15.00 feet measured at right angles westerly of the east line of the W1/2 SW1/4 SE1/4 SE1/4 of said Section 7, a distance of 619.29 feet to the northerly line of the SW1/4 SE1/4 SE1/4 of said Section 7; thence, S89°48'56"E along the said northerly line a distance of 35.00 feet; thence, S00°06'35"E along the easterly right-of-way line of Pear Street being a line parallel with and 20.00 feet measured at right angles easterly of the west line of the E1/2 SW1/4 SE1/4 SE1/4 of said Section 7, a distance of 609.28 feet; thence, S44°57'59"E, a distance of 14.18 feet to the northerly right-of-way line of North Avenue; thence, N89°49'23"W along said northerly right-of-way line, a distance of 45.00 feet to the POINT OF BEGINNING; containing 0.50 acres by these measures.

Introduced for first reading on this 5th day of November, 2007

PASSED and ADOPTED this 19th day of November, 2007.

ATTEST:

/s/ James J. Doody
President of City Council

/s/ Stephanie Tuin
City Clerk

Exhibit A
Pear Street ROW Vacation
Legal Description

A parcel or tract of land situate in the SE1/4 SE1/4 Section 7, Township 1 South, Range 1 East of the Ute Meridian, City of Grand Junction, County of Mesa, State of Colorado, being the same parcel as the Pear Street right-of-way as conveyed to Mesa County, Colorado and/or the City of Grand Junction, Colorado as recorded in the following documents of the Mesa County, Colorado, Clerk & Recorder: Book 821, Page 305; Book 821, Page 427; Book 823, Page 90; Book 824, Page 41 and Book 2881, Page 509; and as may exist as an apparent easement as evidenced by Transnation Title Policy No. A52-0113971, ALTA Survey deposited with the Mesa County Surveyor as Deposit Numbers 3546-3548 of 2006 and by old assessor's plats for which no recording documents could be found; said parcel or tract being more particularly described as follows:

Commencing at the E 1/16 corner of the south line of Section 7, Township 1 South, Range 1 East of the Ute Meridian, monumented with MCSM No. 1218-1 in a monument box, whence the SE 1/16 corner of said Section 7, monumented with MCSM No. 640, bears N00°07'26"W, a distance of 1318.66 feet, with all other bearings contained herein being relative thereto;
thence, S89°49'23"E along the south line of the SE1/4 SE1/4 of said Section 7, a distance of 329.29 feet to the SE corner of the W1/2 SW1/4 SE1/4 SE1/4 of said Section 7;
thence, N00°06'35"W along the east line of said W1/2 SW1/4 SE1/4 SE1/4, a distance of 40.00 feet to the northerly right-of-way line of North Avenue;
thence, N89°49'23"W along said northerly right-of-way line, a distance of 15.00 feet to the westerly right-of-way line of Pear Street and the POINT OF BEGINNING;
thence, N00°06'35"W along the westerly right-of-way line of Pear Street being a line parallel with and 15.00 feet measured at right angles westerly of the east line of the W1/2 SW1/4 SE1/4 SE1/4 of said Section 7, a distance of 619.29 feet to the northerly line of the SW1/4 SE1/4 SE1/4 of said Section 7;
thence, S89°48'56"E along the said northerly line a distance of 35.00 feet;
thence, S00°06'35"E along the easterly right-of-way line of Pear Street being a line parallel with and 20.00 feet measured at right angles easterly of the west line of the E1/2 SW1/4 SE1/4 SE1/4 of said Section 7, a distance of 609.28 feet;
thence, S44°57'59"E, a distance of 14.18 feet to the northerly right-of-way line of North Avenue;
thence, N89°49'23"W along said northerly right-of-way line, a distance of 45.00 feet to the POINT OF BEGINNING;
containing 0.50 acres by these measures.

Legal description prepared by:

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Thomas W. Sylvester
P.E. 14249 &
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