

CITY OF GRAND JUNCTION

ORDINANCE NO. 4232

**AN ORDINANCE VACATING THE RIGHTS-OF-WAY FOR
SOUTH GRAND FALLS COURT AND A PORTION OF 28 ½ ROAD IN THE
PROPOSED ASHBURY HEIGHTS SUBDIVISION**

RECITALS:

A vacation of the dedicated rights-of-way for South Grand Falls Court and a portion of 28 ½ Road 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 requests, 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 for South Grand Falls Court and a portion of 28 ½ Road are 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. Approval and recording of the Final Plat for the Ashbury Heights Subdivision and the rededication of all appropriate new easements, where applicable.

The following rights-of-way are shown on "Exhibits A, B and C" as part of this vacation of description.

Dedicated rights-of-way to be vacated:

South Grand Falls Court Right-of-Way Vacation

A parcel of land being all the right of way for South Grand Falls Court, located in The Falls, Filing No. Two, as shown on plat recorded at Plat Book 12, Pages 370 through 371, of the Mesa County, Colorado public records.

Said parcel contains 0.645 acres more or less, as described.

A Portion of the 28½ Road Cul-De-Sac Right-of-Way Vacation

A parcel of land being a forty-eight and a half foot (48.50') radius right-of-way for a portion of the 28½ Road Cul-De-Sac, located in The Falls 2004, as shown on Plat recorded at Book 4100, Pages 120 through 124, Mesa County records and being more particularly described as follows:

Commencing at the Southeast corner of the Northeast Quarter of the Northwest Quarter (NE¼ NW¼) Section 7, Township 1 South, Range 1 East of the Ute Meridian, whence the North Quarter corner of said NE¼ NW¼ Section 7 bears North 00 degrees 10 degrees 02 seconds West, a distance of 1314.13 feet, for a basis of bearings with all bearings contained herein relative thereto; thence North 89 degrees 57 minutes 01 seconds West, a distance of 33.00 feet; thence North 00 degrees 10 degrees 02 seconds West, a distance of 76.00 feet to the POINT OF BEGINNING; thence North 45 degrees 05 minutes 50 seconds West, a distance of 28.29 feet; thence along a curve to the right, having a delta angle of 177 degrees 40 minutes 23 seconds, with a radius of 48.50 feet, an arc length of 150.40 feet, with a chord bearing of North 01 degrees 01 minutes 32 seconds East, with a chord length of 96.98 feet; thence North 89 degrees 51 minutes 10 seconds East, a distance of 17.96 feet; thence South 00 degrees 10 minutes 02 seconds East, a distance of 116.98 feet to the POINT OF BEGINNING.

Said Cul-De-Sac Right-of-Way containing 0.129 Acres of land, as described.

A Portion of the 28½ Road Cul-De-Sac Right-of-Way Vacation

A parcel of land being a eighteen foot (18.00') radius right-of-way for a portion of the 28½ Road Cul-De-Sac, located in The Falls 2004, as shown on Plat recorded at Book 4100, Pages 120 through 124, Mesa County records and being more particularly described as follows:

Commencing at the Southeast corner of the Northeast Quarter of the Northwest Quarter (NE¼ NW¼) Section 7, Township 1 South, Range 1 East of the Ute Meridian, whence the North Quarter corner of said NE¼ NW¼ Section 7 bears North 00 degrees 10 degrees 02 seconds West, a distance of 1314.13 feet, for a basis of bearings with all bearings contained herein relative thereto; thence North 89 degrees 57 minutes 01 seconds West, a distance of 33.00 feet; thence North 00 degrees 10 degrees 02 seconds West, a distance of 192.98 feet to the POINT OF BEGINNING; thence South 89 degrees 51 minutes 10 seconds West, a distance of 17.98 feet, to the Southeast corner of Lot 1, Block Five; thence along a non-tangent curve to the left, having a delta angle of 89 degrees 48 minutes 34 seconds, with a radius of 18.00 feet, an arc length of 28.21 feet, with a chord bearing of North 44 degrees 48 minutes 09 seconds East, with a chord length of 25.41 feet; thence South 00 degrees 10 minutes 02 seconds East, a distance of 17.99 feet to the POINT OF BEGINNING.

Said portion of Cul-De-Sac Right-of-Way containing 0.002 Acres of land, as described.

Introduced for first reading on this 16th day of April, 2008

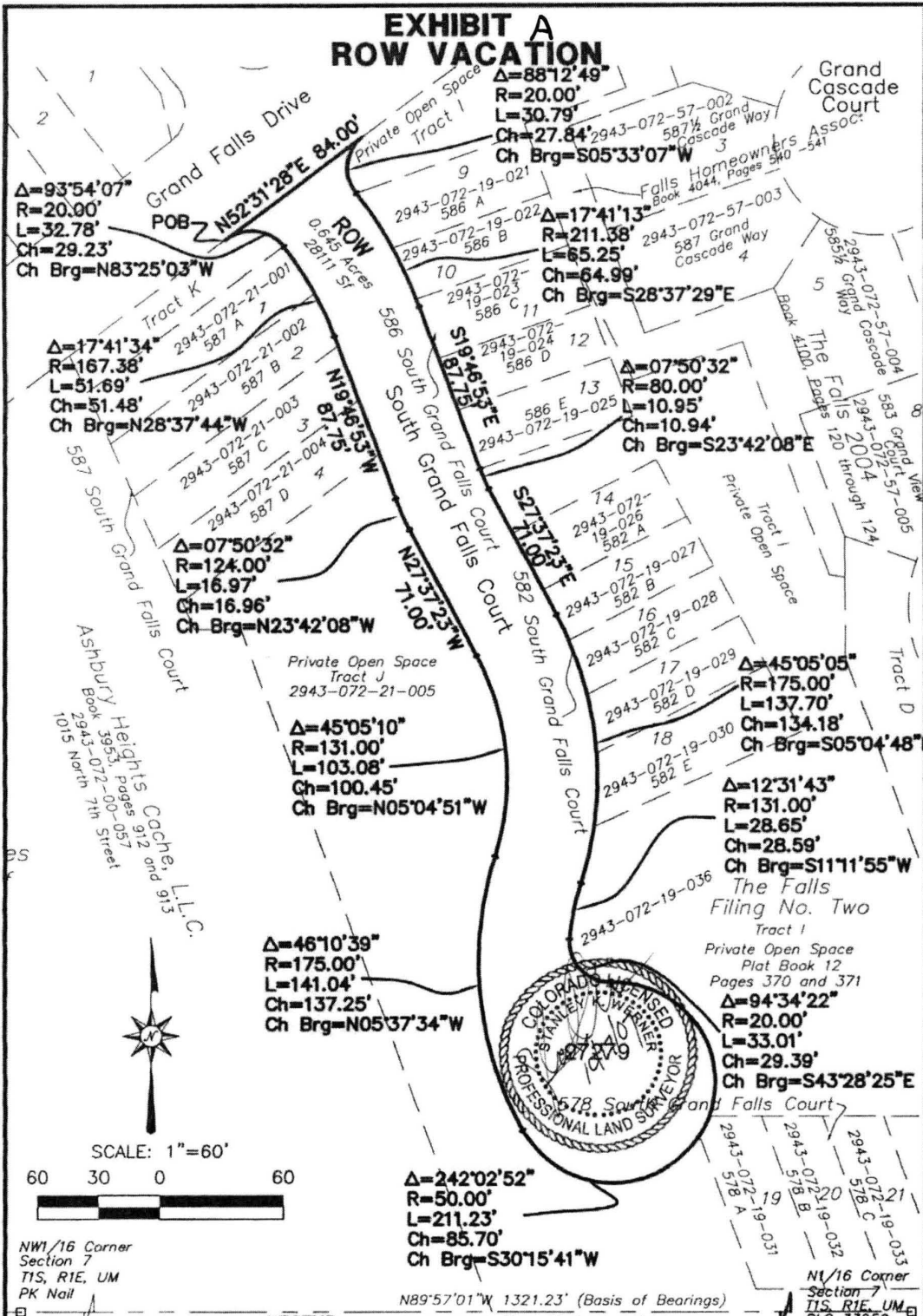
PASSED and ADOPTED this 7th day of May, 2008.

ATTEST:

/s/: Gregg Palmer
President of City Council

/s/: Stephanie Tuin
City Clerk

EXHIBIT A ROW VACATION



NW1/16 Corner
Section 7
T1S, R1E, UM
PK Nail

N89°57'01"W 1321.23' (Basis of Bearings)
South line NE¼ NW¼ Section 7

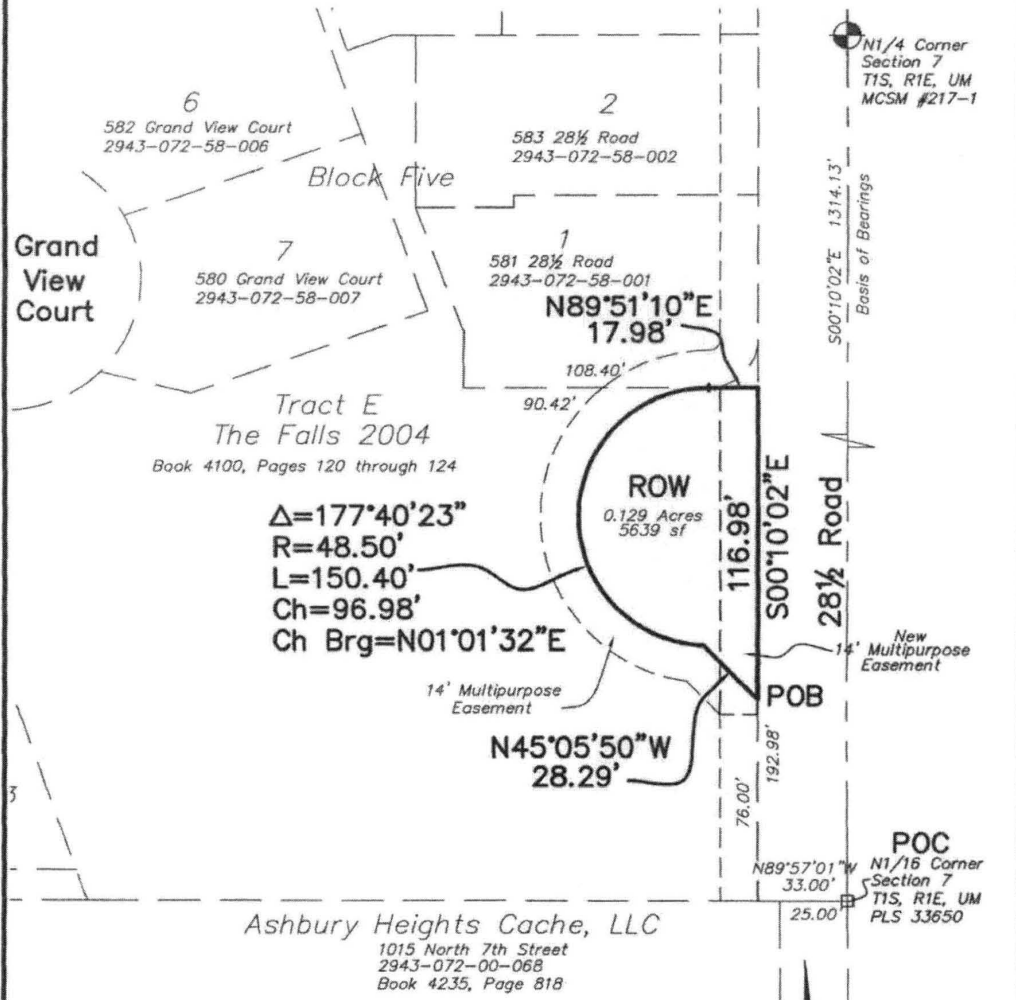
LEGEND

- ⊙ ALIQUOT SURVEY MARKER AS NOTED
- ⊠ FOUND REBAR, AS NOTED
- PLS PROFESSIONAL LAND SURVEYOR
- MCSM MESA COUNTY SURVEY MARKER
- A.D. ANNO DOMINI
- POB POINT OF BEGINNING
- POC POINT OF COMMENCING
- No. NUMBER
- ± MORE OR LESS
- DEGREES
- " MINUTES OR FEET
- " INCHES OR SECONDS
- Δ DELTA ANGLE OF ARC
- R RADIUS OF ARC
- L LENGTH OF ARC
- Ch CHORD DISTANCE OF ARC
- Brg CHORD BEARING OF ARC

Prepared By:
High Desert Surveying, LLC
1673 Highway 50 Unit C
Grand Junction, CO 81503
970-254-8649 Fax 970-241-0481

PROJ. NO.	SURVEYED	DRAWN	APP'D	SHEET	OF
06-118				1	1
DATE: Jan, 2007		rik	skw		

EXHIBIT B ROW VACATION



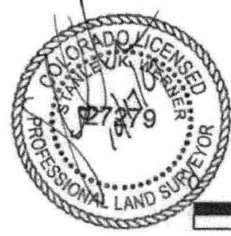
$\Delta=177^{\circ}40'23''$
 $R=48.50'$
 $L=150.40'$
 $Ch=96.98'$
 $Ch\ Brg=N01^{\circ}01'32''E$

$N45^{\circ}05'50''W$
 $28.29'$

POC
 $N89^{\circ}57'01''W$
 $33.00'$
 $25.00'$
 N1/16 Corner
 Section 7
 T1S, R1E, UM
 PLS 33650

Ashbury Heights Cache, LLC
 1015 North 7th Street
 2943-072-00-068
 Book 4235, Page 818

- LEGEND**
- ALIQUOT SURVEY MARKER, AS NOTED
 - FOUND REBAR, AS NOTED
 - Δ DELTA ANGLE OF ARC
 - R RADIUS OF ARC
 - L LENGTH OF ARC
 - Ch CHORD DISTANCE OF ARC
 - Brg CHORD BEARING OF ARC
 - PLS PROFESSIONAL LAND SURVEYOR
 - No. NUMBER
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 - \pm MORE OR LESS
 - ' DEGREES
 - " MINUTES OR FEET
 - " INCHES OR SECONDS
 - MCSM MESA COUNTY SURVEY MARKER
 - POB POINT OF BEGINNING
 - POC POINT OF COMMENCING

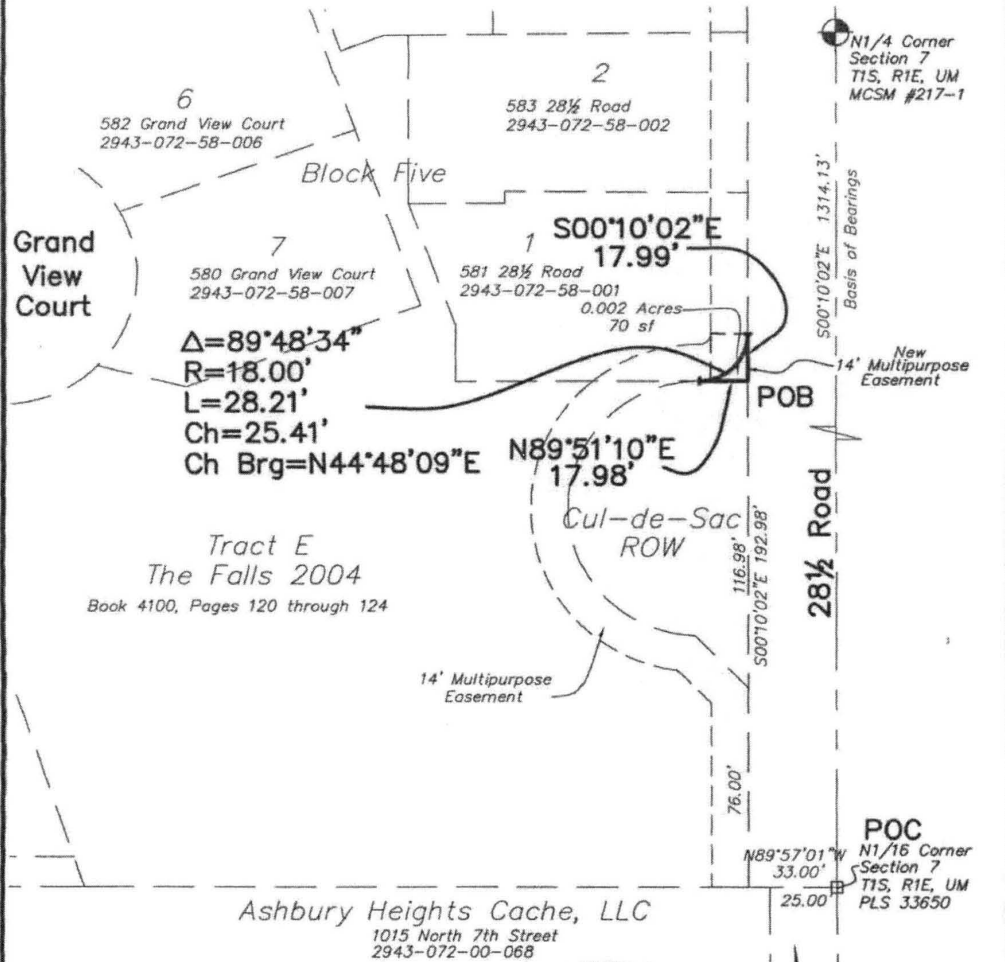


SCALE: 1"=50'
 25 50 100

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 Grand Junction, CO, 81503
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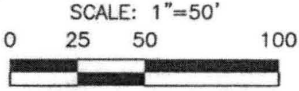
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06-118				1	1
DATE:	Jan, 2007				

EXHIBIT C ROW VACATION



LEGEND

- ALIQUOT SURVEY MARKER, AS NOTED
- FOUND REBAR, AS NOTED
- Δ DELTA ANGLE OF ARC
- R RADIUS OF ARC
- L LENGTH OF ARC
- Ch CHORD DISTANCE OF ARC
- Brg CHORD BEARING OF ARC
- PLS PROFESSIONAL LAND SURVEYOR
- No. NUMBER
- A.D. ANNO DOMINI
- \pm MORE OR LESS
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- MCSM MESA COUNTY SURVEY MARKER
- POB POINT OF BEGINNING
- POC POINT OF COMMENCING



Prepared By:
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PROJ. NO. 06-116	SURVEYED	DRAWN	APP'D	SHEET	OF
DATE: Jan, 2007				1	1

Stephanie Tuin - Re: Expired Subdivision Application for Ashbury Heights - Adopted Resolution and Ordinance

From: Shelly Dackonish
To: Scott Peterson; Stephanie Tuin
Date: 8/15/12 11:52 AM
Subject: Re: Expired Subdivision Application for Ashbury Heights - Adopted Resolution and Ordinance
CC: Brian Rusche; Debra Kemp; Juanita Peterson

Stephanie,

I would just add that not only have the conditions not been met, but they cannot be met, given that the subdivision approvals have expired. Therefore the rights of way are not vacated.

Shelly

>>> Scott Peterson 8/15/2012 11:24 AM >>>
Stephanie,

Resolution 64-08 and Ordinance 4232 regarding Ashbury Heights are no longer valid since the conditions of approval have not been met. In this case the subdivision plat and application for Ashbury Heights has not been approved nor recorded and has now expired. Therefore, this Resolution and Ordinance should not be recorded.

If you need more information from me, please feel free to contact me.

Thank you.

Scott Peterson
Senior Planner
City of Grand Junction