

CITY OF GRAND JUNCTION

ORDINANCE NO. 4422

**AN ORDINANCE VACATING EXCESS RIGHT-OF-WAY FOR WEST INDIAN CREEK
DRIVE LOCATED WITHIN PEPPER TREE FILING NO. 3
(PEPPER RIDGE SUBDIVISION)**

RECITALS:

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

The City Council finds that the request is consistent with the Comprehensive Plan, the Grand Valley Circulation Plan and Section 2.11 of the 2000 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 right-of-way for is hereby vacated subject to the listed conditions:

1. Applicant shall dedicate additional right-of-way for West Indian Creek Drive through Lot 6 of Pepper Tree Filing No. 4, either via plat or separate instrument, prior to the recording of this Ordinance.
2. The area described herein shall be retained as a temporary multi-purpose easement on, along, over, under, through and across the described area for City-approved utilities including the installation, operation, maintenance and repair of said utilities and appurtenances which may include but are not limited to electric lines, cable TV lines, natural gas pipelines, sanitary sewer lines, storm sewers, waterlines, telephone lines.
3. Said multi-purpose easement shall be extinguished upon relocation of utilities into new easements or right-of-way.
4. Applicants shall pay all recording/documentary fees for the Vacation Ordinance.

The following right-of-way is shown on the attached exhibit, made part of this vacation.

Dedicated right-of-way to be vacated:

A PORTION OF THE RIGHT-OF-WAY FOR WEST INDIAN CREEK DRIVE, DEDICATED ON THE FINAL PLAT OF PEPPER TREE FILING No. 3, A SUBDIVISION RECORDED AT RECEPTION NUMBER 1332676 IN THE RECORDS OF THE OFFICE OF THE MESA COUNTY CLERK AND RECORDER, LOCATED IN THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 7, TOWNSHIP 1 SOUTH, RANGE 1 EAST OF THE UTE MERIDIAN, CITY OF GRAND JUNCTION, COUNTY OF MESA, STATE OF COLORADO, BEING DESCRIBED AS FOLLOWS:

“COMMENCING” AT THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 7 AND CONSIDERING THE WEST LINE OF SAID NORTHEAST QUARTER OF THE NORTHEAST QUARTER TO BEAR NORTH 00°01'11" WEST, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO; THENCE NORTH 00°01'11" WEST, ALONG SAID WEST LINE, A DISTANCE OF 392.99 FEET TO THE SOUTHWEST CORNER OF SAID PEPPER TREE FILING No. 3;

THENCE SOUTH 89°59'09" EAST, ALONG THE SOUTHERLY LINE OF SAID PEPPER TREE FILING No. 3, A DISTANCE OF 50.04 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF SAID WEST INDIAN CREEK DRIVE AND THE **“POINT OF BEGINNING”**;

THENCE NORTH 44°58'46" EAST, ALONG SAID WESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 21.97 FEET TO A POINT OF CURVE;

THENCE CONTINUING ALONG SAID WESTERLY RIGHT-OF-WAY LINE, ALONG THE ARC OF A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 33°47'55", A RADIUS OF 128.00 FEET, AN ARC LENGTH OF 75.51 FEET AND A CHORD WHICH BEARS NORTH 28°04'48" EAST, A DISTANCE OF 74.42 FEET TO A NON-TANGENT POINT;

THENCE SOUTH 04°47'16" EAST, A DISTANCE OF 32.11 FEET TO A POINT OF CURVE;

THENCE ALONG THE ARC OF A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 16°54'11", A RADIUS OF 156.50 FEET, AN ARC LENGTH OF 46.17 FEET, AND A CHORD WHICH BEARS SOUTH 13°14'22" EAST, A DISTANCE OF 46.00 FEET TO A NON-TANGENT POINT OF CURVE ON THE SOUTHERLY LINE OF SAID PEPPER TREE FILING No. 3, WHENCE THE RADIUS POINT BEARS NORTH 53°47'59" WEST;

THENCE ALONG SAID SOUTHERLY LINE OF PEPPER TREE FILING No. 3 THE FOLLOWING 3 (three) COURSES:

1) SOUTHWESTERLY ALONG THE ARC OF A NON-TANGENT CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 01°51'49", A RADIUS OF 172.00 FEET, AN

ARC LENGTH OF 5.59 FEET AND A CHORD WHICH BEARS S 37°07'55" WEST, A DISTANCE OF 5.59 FEET TO A NON-TANGENT POINT;

2) NORTH 48°36'43" WEST, A DISTANCE OF 0.04 FEET;

3) NORTH 89°59'09" WEST, A DISTANCE OF 60.37 FEET TO THE "**POINT OF BEGINNING**".

CONTAINING 0.044 ACRES OR 1938 SQUARE FEET, MORE OR LESS.

INTRODUCED on first reading on the 5th day of April, 2010.

ADOPTED on second reading the 5th day of May, 2010.

ATTEST:

/s/ Teresa A. Coons
President of City Council

/s/ Stephanie Tuin
City Clerk

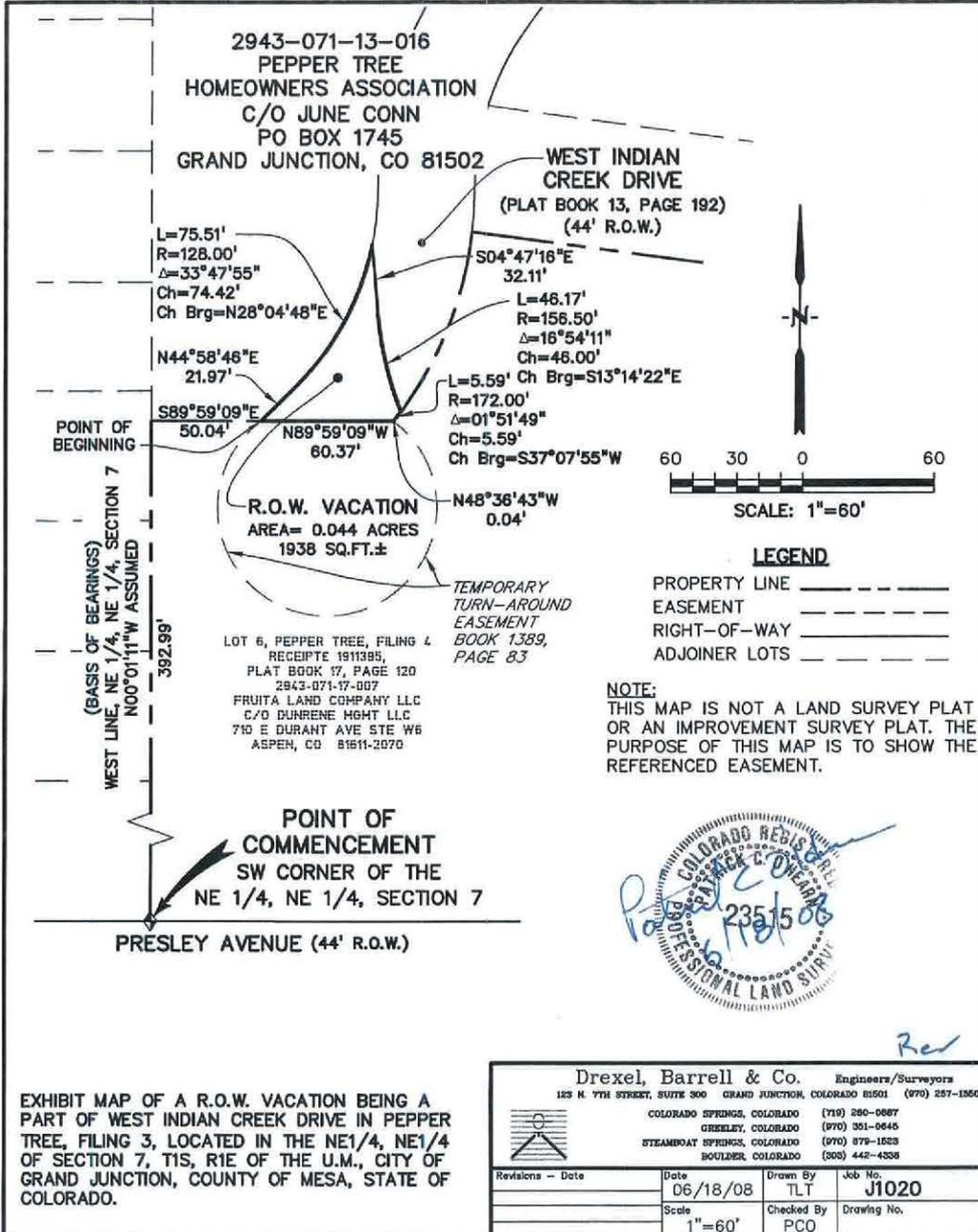


EXHIBIT MAP OF A R.O.W. VACATION BEING A PART OF WEST INDIAN CREEK DRIVE IN PEPPER TREE, FILING 3, LOCATED IN THE NE1/4, NE1/4 OF SECTION 7, T1S, R1E OF THE U.M., CITY OF GRAND JUNCTION, COUNTY OF MESA, STATE OF COLORADO.

Drexel, Barrell & Co. 125 N. 7TH STREET, SUITE 300 GRAND JUNCTION, COLORADO 81501 (970) 257-1950 ENGINEERS/SURVEYORS		COLORADO SPRINGS, COLORADO (719) 260-0887 GREELEY, COLORADO (970) 351-0646 STEAMBOAT SPRINGS, COLORADO (970) 878-1623 BOULDER, COLORADO (303) 442-4338	
Revisions - Date	Date	Drawn By	Job No.
	06/18/08	TLT	J1020
	Scale	Checked By	Drawing No.
	1"=60'	PCO	

Stephanie Tuin - Re: Unrecorded Vacations

From: Shelly Dackonish
To: Brian Rusche; Stephanie Tuin
Date: 8/15/12 11:51 AM
Subject: Re: Unrecorded Vacations
CC: Greg Moberg; Scott Peterson

Stephanie,

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

Shelly

OFFICE OF THE CITY ATTORNEY
Shelly S. Dackonish, Senior Staff Attorney

City of Grand Junction, Colorado
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This electronic mail transmission is from Shelly S. Dackonish, Senior Staff Attorney, City Attorney's Office for the City of Grand Junction, Colorado. The information contained in this message may be privileged and/or confidential and/or protected by the attorney-client privilege or the attorney work product doctrine. The privileges are not waived by virtue of this message being sent to you in error. If the person receiving this message or any other reader of the message is not the intended recipient, please note that disclosure, copying, distribution or any other use of this message or the information contained in this message is strictly prohibited. If you have received this message in error, please immediately return it via email and then delete the message immediately.

>>> Brian Rusche 8/15/2012 11:34 AM >>>
Stephanie,

Resolution 24-10 and Ordinance 4422 regarding Pepper Ridge are no longer valid since the conditions of approval have not been met. Specifically, the Conditioned Letter of Approval required that the plat be recorded by May 18, 2012. Since the plat was not recorded, it has now expired. Therefore, this Resolution and Ordinance should not be recorded.

If you have any questions, please contact me.

Brian Rusche
Senior Planner
City of Grand Junction
Public Works and Planning
(970) 256-4058

>>> Shelly Dackonish 8/14/2012 4:12 PM >>>

Stephanie,

These were conditional vacations where the conditions have not been met and, I believe, cannot be met because the preliminary plan approvals have expired. I will ask the planners to send a letter to you for each vacation stating that the conditions have not been and cannot be met. Then you can keep that letter together in your permanent files with the resolutions and ordinances. Nothing should be recorded in the land records.

By cc of this email to Scott Peterson and Brian Rusche, the planners on the respective projects, I am confirm the status of the projects and send you such a letter, and also keep a copy of the letter in the file, be that an EnerGov or physical file.

Shelly

OFFICE OF THE CITY ATTORNEY
Shelly S. Dackonish, Senior Staff Attorney

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(970) 244-1503

This electronic mail transmission is from Shelly S. Dackonish, Senior Staff Attorney, City Attorney's Office for the City of Grand Junction, Colorado. The information contained in this message may be privileged and/or confidential and/or protected by the attorney-client privilege or the attorney work product doctrine. The privileges are not waived by virtue of this message being sent to you in error. If the person receiving this message or any other reader of the message is not the intended recipient, please note that disclosure, copying, distribution or any other use of this message or the information contained in this message is strictly prohibited. If you have received this message in error, please immediately return it via email and then delete the message immediately.

>>> Stephanie Tuin 8/10/2012 5:06 PM >>>

Hi Shelly -

We have two resolutions and two ordinances that vacate easements and right-of-ways that have not been recorded because the subdivision has never gone forward. They are Res. 64-08 and Ord. 4232 relating to Ashbury Heights Subdivision and Res. 24-10 and Ord. 4422 relating to Pepper Ridge Subdivision. These were adopted by City Council but never recorded pending I suppose the filing of the final plat which didn't happen. Do we need to take additional action to rescind these vacations? If not do you have a suggestion on what type of electronic trail we need to have so that future development is not impeded by these actions.

Thank you for your assistance.

Stephanie Tuin, MMC
Grand Junction City Clerk
970-244-1511
stepht@ci.grandjct.co.us