

GJF257TH

TYPE OF RECORD: PERMANENT

CATEGORY OF RECORD: DEED

NAME OF AGENCY OR CONTRACTOR: THE GRAND JUNCTION FRUIT GROWERS ASSOCIATION

STREET ADDRESS/PARCEL NAME/SUBDIVISION/PROJECT: DEED RETURNING STREET
RIGHT-OF-WAY TO GRAND JUNCTION FRUIT GROWERS ASSOCIATION AND E. RIGA

CITY DEPARTMENT: PUBLIC WORKS

YEAR: 1925

EXPIRATION DATE: NONE

DESTRUCTION DATE: NONE

D E E D

THIS DEED, made this 14th day of December, A. D. 1935, by the City of Grand Junction, a municipal corporation of the County of Mesa and State of Colorado, of the first part and The Grand Junction Fruit Growers Association, a corporation, of the County of Mesa and State of Colorado, of the second part, WITNESSETH:

THAT WHEREAS, South Seventh Street in the said City, South of the right of way of the Denver & Rio Grande Western Railroad Company, south to Crawford Avenue is 100 feet in width, and

WHEREAS, The said street is wider than necessary for street purposes, a portion of said right of way being unused for street purposes, and

WHEREAS, Heretofore, the City Council of the said city submitted to the qualified electors of said city for their adoption or rejection at a special election, held August 18, 1935, an ordinance which ordinance is in words and figures as follows, to-wit:

PEOPLE'S ORDINANCE NO. 19.

AN ORDINANCE CONCERNING THE VACATING OF A PORTION OF SOUTH SEVENTH STREET, IN THE CITY OF GRAND JUNCTION, COLORADO, AND THE SELLING THEREOF TO THE ADJOINING PROPERTY OWNERS.

WHEREAS, South Seventh Street, in the City of Grand Junction, Colorado, south of the right of way of the Denver & Rio Grande Western Railroad Company to Crawford Avenue is 100 feet in width; and

WHEREAS, South Seventh Street south of Crawford Avenue to Winters Avenue is 80 feet in width; and

A tract beginning at the intersection of the east line of South Seventh street, in the City of Grand Junction, Colorado, with the South Right of way line of the Denver & Rio Grande, Western Railway Company; thence South 258.8 feet; thence west 15 feet; thence north 253.3 feet to said Right of way line; thence north 70° 31' East 15.9 feet along said Right of way to the place of beginning, being a strip of land 15 feet wide along the West side of the Grand Junction Fruit Growers Association tract.

Said Grantee to have and to hold the same together with all and singular the appurtenances and privileges thereto, belonging or in any wise appurtenant thereto, and all the estate, right, title, interest and claim whatsoever of the said party of the first part, either in law or equity, to the only proper use, benefit and behoof of the said party of the second part, its successors and assigns forever.

IN WITNESS WHEREOF, The said party of the first part has caused the corporate name to be hereunto subscribed by the President of the City Council, and its corporate seal to be affixed, attested by its clerk, the day and year first above written.

THE CITY OF GRAND JUNCTION

BY _____
President City Council

ATTEST:

City Clerk

STATE OF COLORADO)
) SS
COUNTY OF M E S A)

I, _____, a Notary Public
in and for said Mesa county in the State aforesaid, do hereby
certify that Dr. J. E. Bell and Fred Peck, who are personally

WHEREAS, South Seventh street between Crawford Avenue and the south side of said Railroad right of way is wider than necessary, a portion of said right of way being unused and unnecessary for street purposes; and

WHEREAS, A portion of said South Seventh Street on the west side thereof between the right of way of said Railroad and said Crawford Avenue is now and has been for a long time occupied by buildings and adjoining property owners to a width of eight feet;

WHEREAS, That portion of said street which is unnecessary for street purposes is very much needed by the adjoining property owners in their manufacturing and industrial business in order to permit of proper growth and expansion of the same;

THEREFORE, BE IT ORDAINED by the City Council of the City of Grand Junction, and be it ordained by the qualified electors of the said City of Grand Junction, Colorado, upon referendum by the City Council thereof:

Section 1. That South Seventh Street, in the City of Grand Junction, Colorado, from the south line of the right of way of the Denver & Rio Grande Western Railroad Company to the north line of Crawford Avenue, be and the same is hereby reduced in width from 100 feet to 77 feet.

Section 2. That said street from said Railroad right of way south to Crawford Avenue is hereby reduced in width by taking a fifteen foot strip from the east side and a strip eight feet wide from the west side of said street as heretofore existing. That the said two strips be and the same are hereby vacated for street purposes. That all the right, title and interest of the said City to the said vacated portions of said street shall be sold and conveyed to the adjoining property owners for the reasonable value thereof, the reasonable value to be fixed as in this ordinance designated. The respective owners of the real estate against which the said strips so vacated adjoin are hereby given the exclusive right and option to purchase the strip of land so vacated lying in front of and adjoining such property; it being the intent hereof that each owner of real estate in front of which a portion of such vacated strip is situated, shall have the exclusive right to purchase the strip so vacated, lying immediately in front of and adjoining such owner's real estate.

Section 3. That the price to be paid by such property owner shall be the fair and reasonable value of the strip to be purchased by such owner, and shall be determined by a Committee as follows: R. A. Ross, President of the Chamber of Commerce of said City; Wm. Weiser, President of the Grand Valley National Bank of said City; D. T. Stone, President of the United States Bank and Trust Company of said City; A. M. Schmidt, President of the Bank of Grand Junction, of said City; and T. E. Thompson, City Manager of said City. Should any one or more of said Committee refuse or be unable to act on a Committee, such vacancy in said committee shall be filled by the other members thereof; that if the said Committee is unable to agree on a fair and reasonable price, the amount

fixed by any three thereof shall be held to be the reasonable price; that upon the payment of such price so fixed by said Committee or any three members thereof, by any property owner entitled to purchase a portion of said strip, as herein provided, all the right, title and interest of said City therein shall be conveyed to said purchaser by proper deed of conveyance executed in behalf of said City by the President of the City Council, attested by the City Clerk under the seal of said City.

Section 4. Any portion of said strips so vacated shall at all times prior to the conveyance thereof, as herein provided, remain open to public use as a public street."

and,

WHEREAS, at said election a majority of the qualified electors of said city, voting on said question, cast their votes in favor of the adoption of said ordinance and said ordinance was thereby duly and legally adopted; and

WHEREAS The party of the second part is the owner of the real estate against which the strip or tract of land hereinafter described adjoins, and

WHEREAS, Subsequent to said election the said committee fixed the price to be paid by each property owner as required by said ordinance, the price so fixed to be paid for the hereinafter described strip of ground, being a portion of Seventh street and lying adjoining to and fronting on the said real estate, owned by the party of the second part, is in the sum of \$\$260.55;

NOW THEREFORE, In consideration of the premises, the City of Grand Junction does hereby release, remise, sell and quit claim unto the said party of the second part, its successors and assigns, all right, title, interest, claim and demand which the said party of the first part has in and to those said strips of land lying in front of and adjoining the said real estate of the party of the second part, the description of the property hereby conveyed being situated in the County of Mesa and State of Colorado, to-wit:

known to me to be the same persons whose names are subscribed to the foregoing deed as having executed the same, respectively as President of the City Council and City Clerk of the City of Grand Junction, a municipal corporation, and who are known to me to be such officers respectively, appeared before me this day in person and severally acknowledged that the seal affixed to the foregoing instrument is the corporate seal of said corporation, that the same was thereunto affixed by the authority of the resolution of the City Council of the City of Grand Junction in conformity with the provisions of People's Ordinance Number 19, that said instrument was by like authority subscribed with its corporate name; that the said Dr. J. E. Bell is the President of the City Council and the said Fred A. Peck is the City Clerk thereof; that by the said authority they respectively subscribed their names thereto as President of the City Council and City Clerk, and that they signed, sealed and delivered the said instrument of writing as their free and voluntary act and deed and as the free and voluntary act and deed of said corporation, for the uses and purposes therein set forth.

Given under my hand and seal this _____ day of December, A. D. 1935.

My commission expires _____.

Notary Public