

**RESOLUTION NO. 49-01**

**VACATING A NON-EXCLUSIVE EASEMENT FOR PRIVATE ROAD AND UTILITIES ACROSS KENWOOD GROVE CONDOMINIUM LOCATED AT 565 25 ROAD**

Recitals.

When the Kenwood Grove Condominium plat was recorded, a non-exclusive easement for a private road and utilities was dedicated over the condo common space to provide future access to the remainder of the lot to the west. With the development of the Grand Mesa Center alternate access is provided to the shopping center which negates the need for these private easements. Vacation of the private road and utility easement is necessary to remove this encumbrance from the condominiums common area.

Adoption of a resolution will vacate any interest the City may have in these easements. The parties that have interest in the easements will also vacate them by private means.

At its May 15, 2001 hearing the City Planning Commission found that the request to vacate the easements conforms to the review criteria set forth in Section 2.11C and recommended approval of the easement vacation with the condition that the vacation not become effective until the final plat for the Grand Mesa Center is recorded.

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

City Council finds that the vacation meets the criteria set forth in Section 2.11.C of the Grand Junction Zoning and Development Code and in accordance therewith the following described easements are hereby vacated. These vacations shall become effective upon the recording of the final plat for the Grand Mesa Center.

Parcel 1:

A non-exclusive easement for private road and utilities across the Kenwood Grove Condominium, according to the plat thereof on file with the Mesa County Clerk and Recorder at Reception No. 1878326, Mesa County Colorado; said easement being more particularly described as follows:

Beginning at the Southeast corner of said Condominium plat;  
Thence along the South line of said Condominium plat, South 89°58'37" West, a distance of 204.89 feet;

Thence along the extension of said South line, South 89°58'37" West, a distance of 165.11 feet to the West line of said Condominium plat;  
Thence along said West line, North 00°00'00" West, a distance of 24.80 feet;  
Thence North 89°58'37" East, a distance of 370.00 feet to the East line of said Condominium plat;  
Thence along said East line, South 00°00'00" West, a distance of 24.80 feet to the Point of Beginning.

Parcel 2:

A non-exclusive easement for private road and utilities across the North thirty-five feet of the Kenwood Grove Condominium, according to the plat thereof on file with the Mesa County Clerk and Recorder at Reception No. 1878326, Mesa County Colorado.

PASSED and ADOPTED this 16th day of May, 2001.

ATTEST:

/s/ Stephanie Nye  
City Clerk

/s/ Cindy Enos-Martinez  
President of City Council