

**RESOLUTION NO. 64-08**

**A RESOLUTION VACATING MISCELLANEOUS EASEMENTS IN CONJUNCTION  
WITH THE PROPOSED ASHBURY HEIGHTS SUBDIVISION**

**LOCATED AT THE SOUTHEAST CORNER OF 28 ¼ ROAD  
AND GRAND FALLS DRIVE**

**RECITALS:**

The applicants propose to vacate miscellaneous easements in conjunction with the development of the proposed Ashbury Heights Subdivision located at the southeast corner of 28 ¼ Road and Grand Falls Drive. All existing utility infrastructure will be relocated and new easements dedicated, where necessary, upon the approval and recording of the Final Plat for the Ashbury Heights subdivision.

The Planning Commission, having heard and considered the request, found the criteria of the Code to have been met, and recommends that the vacations be approved.

The City Council finds that the request is consistent with the Growth Plan and Section 2.11 of the Zoning and Development Code.

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

The following described easements are hereby vacated subject to the listed conditions:

Easement 5:

That 20 foot wide Permanent Drainage and Utility Easement, described in Book 1404, Page 501, located in the parcel described in Book 3953, Pages 912 and 913.

Easement 6:

That 10 foot Utility Easement across the front of Lots 1, 2, 3, and 4, Block Six, Falls, Filing No. Two, as recorded at Plat Book 12, Pages 370 and 371.

Easement 7:

That 10 foot Utility Easement across the front of Lots 11, 12, and 13, Block Four, Falls, Filing No. Two, as recorded at Plat Book 12, Pages 370 and 371.

Easement 8:

That 10 foot Utility Easement across the front of Lots 14, 15, 16, 17, and 18, Block Four, Falls, Filing No. Two, as recorded at Plat Book 12, Pages 370 and 371.

Easement 9:

That 10 foot Utility Easement across the front of Lots 19, 20, 21, 22, and 23, Block Four, Falls, Filing No. Two, as recorded at Plat Book 12, Pages 370 and 371.

Easement 10:

That 22 foot Ingress/Egress and Utility Easement across the front of Lots 19, 20, 21, 22, and 23, Block Four, Falls, Filing No. Two, as recorded at Plat Book 12, Pages 370 and 371.

Easement 11:

That 20 foot wide Ute Water Easement across Tract I, Block Four, Falls, Filing No. Two, as recorded at Plat Book 12, Pages 370 and 371.

Easement 12:

That 14 foot wide Multipurpose Easement across Tract E, Block Four, The Falls 2004, as recorded at Book 4100, Pages 120 through 124.

Blanket Utility Easements:

All blanket utility easements within Tract E, Block 5, Falls 2004 and those portions within Tract I, Block 4, and Tracts J and K, Block 6, The Falls, Filing No. 2 which were not incorporated into the Falls 2004.

1. Applicants shall pay all recording/documentary fees for the Vacation Resolution, 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.

All easements described above shall be replaced during the platting process to City Standard Specifications or specific Utility Company Specifications to cover all utilities and appurtenances, as realigned, relocated, or installed per City or Utility Company requirements.

See attached Exhibit A.

PASSED and ADOPTED this 7<sup>th</sup> day of May, 2008.

ATTEST:

/s/: Gregg Palmer  
President of City Council

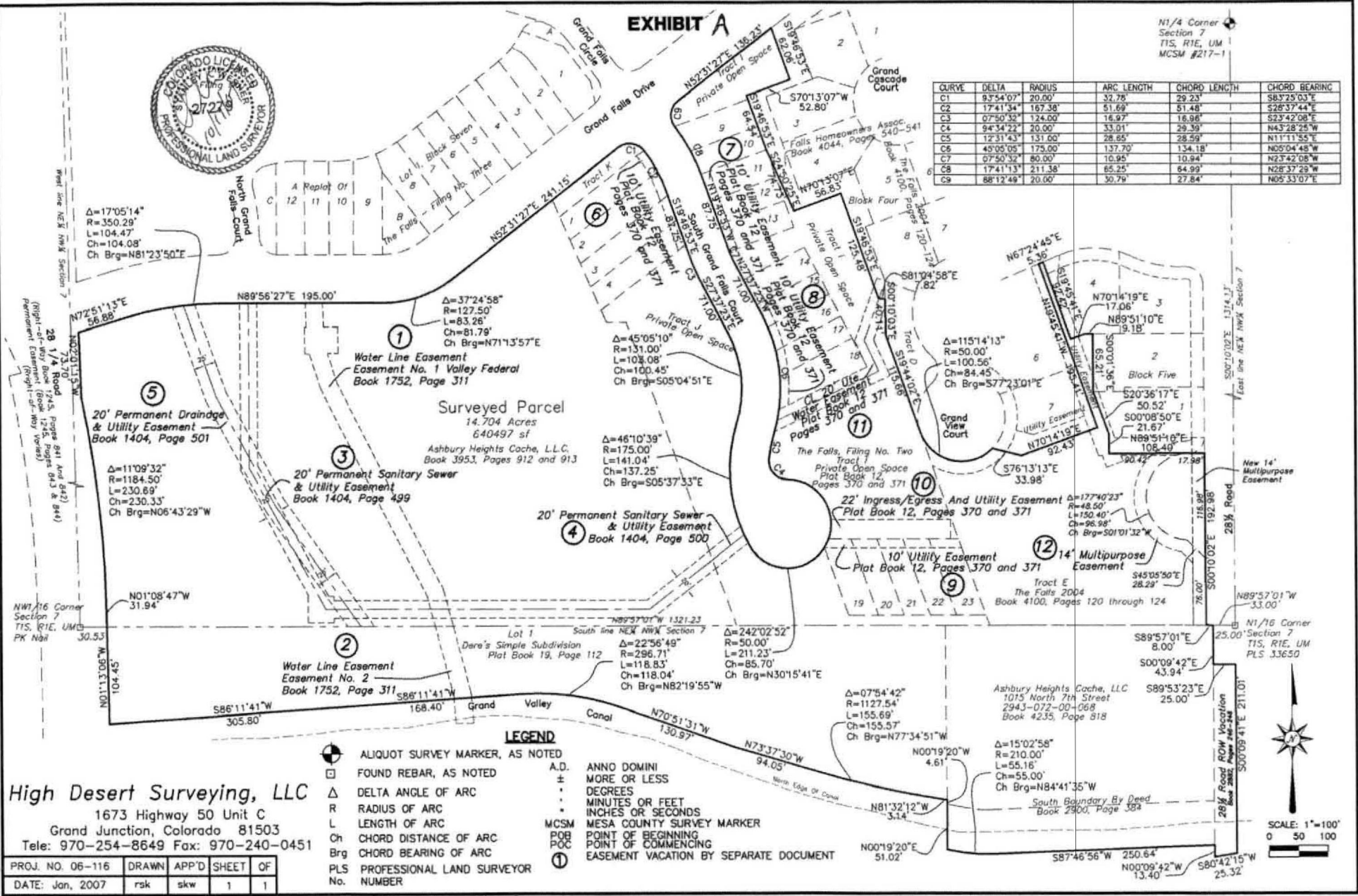
/s/: Stephanie Tuin  
City Clerk

**EXHIBIT A**

N1/4 Corner  
Section 7  
T1S, R1E, UM  
MCSM #217-1



CURVE	DELTA	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	93°54'07"	20.00'	32.78'	29.23'	S83°25'03"E
C2	174°1'34"	167.38'	51.69'	51.48'	S28°37'44"E
C3	07°50'32"	124.00'	16.97'	16.96'	S23°42'08"E
C4	94°34'22"	20.00'	33.01'	29.39'	N43°28'25"W
C5	12°31'43"	131.00'	28.85'	28.59'	N11°11'55"E
C6	45°05'05"	175.00'	137.70'	134.18'	N05°04'48"W
C7	07°50'32"	80.00'	10.95'	10.94'	N23°42'08"W
C8	174°1'33"	211.38'	65.25'	64.99'	N28°37'29"W
C9	88°12'49"	20.00'	30.79'	27.84'	N05°33'07"E



**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 NUMBER
- A.D. ANNO DOMINI MORE OR LESS
- ° DEGREES
- ' MINUTES OR FEET
- " INCHES OR SECONDS
- MCSM MESA COUNTY SURVEY MARKER
- POB POINT OF BEGINNING
- POC POINT OF COMMENCING
- Ⓢ EASEMENT VACATION BY SEPARATE DOCUMENT

**High Desert Surveying, LLC**  
 1673 Highway 50 Unit C  
 Grand Junction, Colorado 81503  
 Tele: 970-254-8649 Fax: 970-240-0451

PROJ. NO.	06-116	DRAWN	APP'D	SHEET	OF
DATE:	Jan, 2007	rsk	skw	1	1



SCALE: 1"=100'  
 0 50 100

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

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**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

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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