

CITY OF GRAND JUNCTION

RESOLUTION NO. 31-09

**A RESOLUTION VACATING AN INGRESS, EGRESS AND UTILITY EASEMENT
LOCATED 605 26 ½ ROAD
(ST. MARY'S ROSE HILL HOSPITALITY HOUSE)**

RECITALS:

The applicant proposes to vacate an Ingress, Egress and Utility Easement located at 605 26 ½ Road.

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 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 ingress, egress and utility easement is hereby vacated subject to the listed conditions:

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

The following easement vacation is shown on "Exhibit A" as part of this vacation of description.

An easement on over and across Lot One and Lot Two of P.D.C. Subdivision, Filing No. Two, according to the plat recorded on February 9, 1983, at Reception No. 1316021 in the Office of the Mesa County Clerk and Recorder, said subdivision being a part of the SW1/4 of Section 2 in Township One South, Range One West of the Ute Meridian in the City of Grand Junction, Mesa County, Colorado, said easement being more particularly described as follows:

Beginning at a point as shown on said plat which is on the southerly line of said Lot One, whence the S.E. Corner of said Lot One bears S49°57'59"E a distance of 40.89 feet; thence, according to said plat, the following courses and distances:

1. N49°57'59"W for a distance of 21.06 feet
2. N89°25'00"W for a distance of 187.80 feet
3. Northeasterly for a distance of 44.63 feet on the arc of a fifty-foot radius curve to the right, the central angle of which is 51°08'14" and the chord of which is N25°34'07"E for a distance of 43.16 feet
4. N00°00'00"E for a distance of 23.79 feet
5. S90°00'00"E for a distance of 27.00 feet;
6. N00°00'00"E for a distance of 36.00 feet;

7. S90°00'00"E for a distance of 19.00 feet
8. N00°00'00"E for a distance of 8.00 feet
9. S90°00'00"E for a distance of 7.50 feet
10. N00°00'00"E for a distance of 4.60 feet to the northerly line of said Lot Two
11. N66°31'31"E for a distance of 10.90 feet
12. Departing said line, S00°00'00"W for a distance of 8.96 feet
13. S90°00'00"E for a distance of 26.50 feet
14. S00°00'00"W for a distance of 63.00 feet
15. S90°00'00"E for a distance of 40.00 feet
16. N00°00'00"E for a distance of 19.00 feet
17. S90°00'00"E for a distance of 36.00 feet
18. S00°00'00"W for a distance of 20.37 feet
19. S18°27'14"E for a distance of 60.95 feet to the point of beginning.

This description was derived from the dimensions of said easement according to the record plat and was prepared by Richard Mason for Rolland Engineering, 405 Ridges Blvd., Grand Junction, CO.

PASSED and ADOPTED this 4th day of March, 2009.

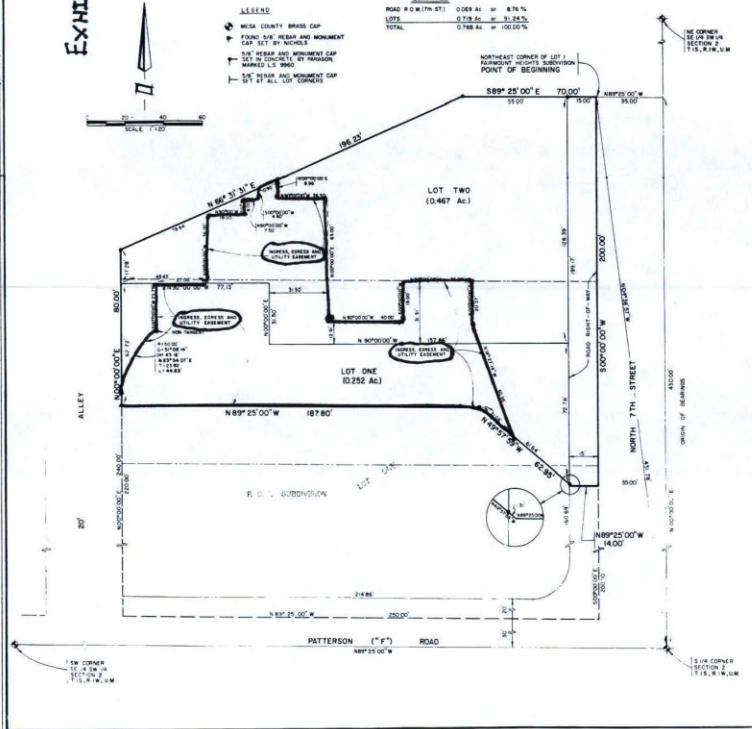
ATTEST:

/s/: Gregg Palmer
President of City Council

/s/: Stephanie Tuin
City Clerk

EXHIBIT A

P.D.C. SUBDIVISION FILING NO. TWO A REPLAT OF LOT 1 AND A PORTION OF LOTS 2 AND 3 FAIRMOUNT HEIGHTS SUBDIVISION



WARRANTY

That the undersigned the owners of that real property situated in the City of Grand Junction, State of Colorado, and being all of Lot 1 and part of Lots 2 and 3 of Fairmount Heights Subdivision, as recorded in the office of the Clerk and Recorder, Mesa County, Colorado, being more particularly described as follows:

beginning at the northeast corner of Lot 1 of Fairmount Heights Subdivision and going in the following order to wit:

1. S89°12'30"W 230.00 Feet
2. S89°12'30"W 16.00 Feet
3. S89°12'30"W 82.00 Feet
4. S89°12'30"W 187.00 Feet
5. S89°12'30"W 187.00 Feet
6. S89°12'30"W 187.00 Feet
7. S89°12'30"W 70.00 Feet to the beginning.

The area of the real property, as described, is 3.781 acres.

That said owners have caused the said real property to be laid out and divided in Public Subdivision Filing No. Two, a portion of Lot 1 and a portion of Lots 2 and 3 of Fairmount Heights Subdivision, a subdivision of a portion of the City of Grand Junction, County of Mesa and State of Colorado.

That said owners do hereby dedicate to the Public Utility Utility Trust, or any real property which are located on utility easements on the above-mentioned plat as perpetual easements for the installation and maintenance of electrical, irrigation, and drainage facilities, and for the use of electric lines, gas lines, telephone lines together with the right to install, maintain, repair and replace, and to perpetual right of access and egress to, underground lines and conduits, and to perpetual right of access and egress to, and to the installation, maintenance and repair of any lines, conduits and appurtenances appurtenant to a permissible use and purpose. The space shown as utility easements and utility easements are dedicated on the above-mentioned plat to perpetual easements and appurtenances for the use of the public utility, including electric service, water, gas, sewage and sewerage service.

That said owners do hereby dedicate and set apart all of the above-mentioned easements and appurtenances to the public utility, forever.

It is hereby certified that the above-mentioned plat was filed in the office of the Clerk and Recorder, Mesa County, Colorado, on this 20th day of December, 1985.

P.D.C. SUBDIVISION, A CORPORATION ORGANIZED UNDER THE LAWS OF THE STATE OF COLORADO

John A. Owen General Partner
Ray C. Gaudin General Partner
Paul P. Cappel General Partner

STATE OF COLORADO
COUNTY OF MESA
The foregoing instrument was acknowledged before me on this 20th day of December, 1985, by *John A. Owen, Ray C. Gaudin, Paul P. Cappel*, all of whom are known to me to be the persons whose names are subscribed to the foregoing instrument, and they acknowledged to me that they executed the same for the purposes and consideration therein expressed.

My commission expires: *9-18-85*
Witness my hand and official seal.
James T. Hart
Notary Public - Mesa County, Colorado

FILE APPROVAL

This plat, P.D.C. Subdivision Filing No. Two, a portion of Lot 1 and a portion of Lots 2 and 3 of Fairmount Heights Subdivision, a subdivision of the City of Grand Junction, County of Mesa and State of Colorado, was approved and accepted on this 20th day of December, 1985, by the following persons:

John A. Owen, Ray C. Gaudin, Paul P. Cappel
General Partners
Ray C. Gaudin, Paul P. Cappel
Plenary Commission

PLAT AND RECORDS CERTIFICATE

STATE OF COLORADO
COUNTY OF MESA
I hereby certify that this instrument was filed in my office on this 20th day of December, 1985, and that the same is a true and correct copy of the original as recorded in my office.

REFERENCE COMPASS

A true and correct copy of this instrument was filed in my office on this 20th day of December, 1985, and that the same is a true and correct copy of the original as recorded in my office.

James T. Hart
Notary Public

Sept 20, 1985

P.D.C. SUBDIVISION
FILING NO. TWO
BECK, SWINOM AND ASSOCIATES, INC.
250 NORTH HIGHLAND STREET, SUITE 200
GRAND JUNCTION, COLORADO 81505
PHONE: 245-1997

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