

**CITY OF GRAND JUNCTION**

**RESOLUTION NO. 24-10**

**A RESOLUTION VACATING A UTILITY AND DRAINAGE EASEMENT  
LOCATED WITHIN LOT 6 OF PEPPER TREE FILING NO. 4  
(PEPPER RIDGE SUBDIVISION)**

Recitals:

A request for the vacation of a public utility and drainage easement has been submitted in accordance with the 2000 Zoning and Development Code. The applicant, Abzack Investment Group, LLC, has requested that the easement, located within Lot 6 of Pepper Tree Filing No. 4, be vacated. There is no existing utility infrastructure located within this easement.

In a public hearing, the Planning Commission reviewed the request for the vacation and determined that it satisfied the criteria as set forth and established in Section 2.11.C of the 2000 Zoning and Development Code. The proposed vacation is also consistent with the purpose and intent of the Comprehensive Plan.

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

The following described dedicated Utility and Drainage Easement is hereby vacated subject to the following conditions:

1. Applicant shall pay all recording/documentary fees for the Vacation Resolution.
2. Applicant shall dedicate new easements, as necessary, with the replat of Lot 6 of Pepper Tree Filing No. 4.

Dedicated Easement to be vacated:

THAT PART OF A 15 FOOT WIDE UTILITY AND DRAINAGE EASEMENT DESCRIBED IN BOOK 1385 AT PAGE 731 IN THE RECORDS OF THE OFFICE OF THE MESA COUNTY CLERK AND RECORDER, BEING A PART OF LOT 6 OF PEPPER TREE FILING No. 4, A SUBDIVISION RECORDED AT RECEPTION NUMBER 1911395, SAID MESA COUNTY RECORDS, 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 SOUTH 89°58'28" EAST, ALONG THE SOUTH LINE OF SAID NORTHEAST QUARTER OF THE NORTHEAST QUARTER AND ALONG THE SOUTHERLY LINE OF SAID LOT 6, A DISTANCE OF 315.20 FEET TO THE "POINT OF BEGINNING";

THENCE NORTH 00°01'42" WEST, ALONG A LINE LYING 15.00 FEET WESTERLY OF AND PARALLEL WITH THE EASTERLY LINE OF SAID LOT 6, A DISTANCE OF 457.30 FEET TO THE NORTHERLY LINE OF SAID LOT 6;

THENCE SOUTH 82°20'12" EAST, ALONG THE NORTHERLY LINE OF SAID LOT 6, A DISTANCE OF 15.14 FEET TO THE NORTHEAST CORNER OF SAID LOT 6;

THENCE SOUTH 00°01'42" EAST, ALONG SAID EASTERLY LINE OF LOT 6, A DISTANCE OF 455.28 FEET TO THE SOUTHEAST CORNER OF SAID LOT 6;

THENCE NORTH 89°58'28" WEST, ALONG THE SOUTHERLY LINE OF SAID LOT 6 AND ALONG THE SOUTH LINE OF SAID NORTHEAST QUARTER OF THE NORTHEAST QUARTER, A DISTANCE OF 15.00 FEET TO THE "POINT OF BEGINNING".

CONTAINING 0.157 ACRES OR 6844 SQUARE FEET, MORE OR LESS.

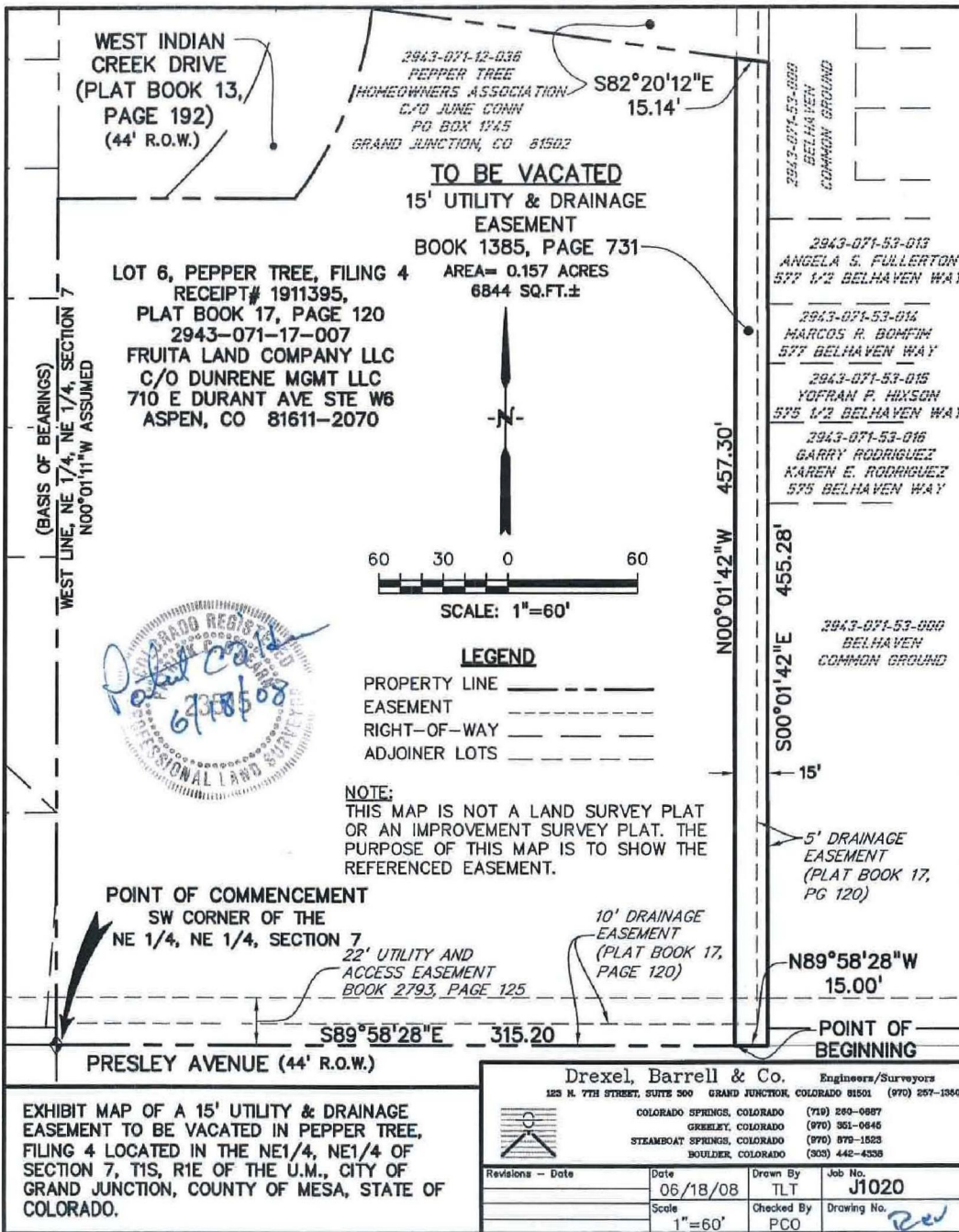
A drawing depicting the above is attached hereto.

**ADOPTED** the 5<sup>th</sup> day of May, 2010

ATTEST:

/s/ Teresa A. Coons  
President of City Council

/s/ Stephanie Tuin  
City Clerk



WEST INDIAN CREEK DRIVE  
(PLAT BOOK 13, PAGE 192)  
(44' R.O.W.)

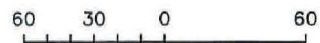
2943-071-12-036  
PEPPER TREE  
HOMEOWNERS ASSOCIATION  
C/O JUNE CONN  
PO BOX 1145  
GRAND JUNCTION, CO 81502

S82°20'12"E  
15.14'

**TO BE VACATED**  
15' UTILITY & DRAINAGE  
EASEMENT  
BOOK 1385, PAGE 731

LOT 6, PEPPER TREE, FILING 4  
RECEIPT# 1911395,  
PLAT BOOK 17, PAGE 120  
2943-071-17-007  
FRUITA LAND COMPANY LLC  
C/O DUNRENE MGMT LLC  
710 E DURANT AVE STE W6  
ASPEN, CO 81611-2070

AREA= 0.157 ACRES  
6844 SQ.FT.±



SCALE: 1"=60'

**LEGEND**

- PROPERTY LINE \_\_\_\_\_
- EASEMENT - - - - -
- RIGHT-OF-WAY \_\_\_\_\_
- ADJOINER LOTS - - - - -

**NOTE:**  
THIS MAP IS NOT A LAND SURVEY PLAT OR AN IMPROVEMENT SURVEY PLAT. THE PURPOSE OF THIS MAP IS TO SHOW THE REFERENCED EASEMENT.

**POINT OF COMMENCEMENT**  
SW CORNER OF THE  
NE 1/4, NE 1/4, SECTION 7

22' UTILITY AND  
ACCESS EASEMENT  
BOOK 2793, PAGE 125

10' DRAINAGE  
EASEMENT  
(PLAT BOOK 17,  
PAGE 120)

5' DRAINAGE  
EASEMENT  
(PLAT BOOK 17,  
PG 120)

N89°58'28"W  
15.00'

PRESLEY AVENUE (44' R.O.W.)

S89°58'28"E 315.20

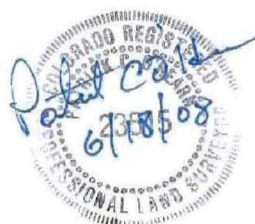
**POINT OF BEGINNING**

EXHIBIT MAP OF A 15' UTILITY & DRAINAGE EASEMENT TO BE VACATED IN PEPPER TREE, FILING 4 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.** Engineers/Surveyors  
125 N. 7TH STREET, SUITE 300 GRAND JUNCTION, COLORADO 81501 (970) 257-1300

COLORADO SPRINGS, COLORADO (719) 289-0987  
GREELEY, COLORADO (970) 351-0646  
STEAMBOAT SPRINGS, COLORADO (970) 870-1523  
BOULDER, COLORADO (303) 442-4326

Revisions - Date	Date	Drawn By	Job No.
	06/18/08	TLT	J1020
	Scale	Checked By	Drawing No.
	1"=60'	PCO	Rev



2943-071-53-000  
BELHAVEN  
COMMON GROUND

2943-071-53-013  
ANGELA S. FULLERTON  
577 1/2 BELHAVEN WAY

2943-071-53-014  
MARCOS R. BOMFIM  
577 BELHAVEN WAY

2943-071-53-015  
YOFRAN P. HIXSON  
575 1/2 BELHAVEN WAY

2943-071-53-016  
GARRY RODRIGUEZ  
KAREN E. RODRIGUEZ  
575 BELHAVEN WAY

2943-071-53-000  
BELHAVEN  
COMMON GROUND

N00°01'42"W 457.30'

S00°01'42"E 455.28'

15'

## Stephanie Tuin - Re: Unrecorded Vacations

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

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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  
250 N. 5th St.  
Grand Junction, CO 81501  
(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.

>>> 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,

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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

City of Grand Junction, Colorado  
250 N. 5th St.  
Grand Junction, CO 81501  
(970) 244-1503

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>>> 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