

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO. 4673

AN ORDINANCE VACATING PORTIONS OF THE CANNEL, BUNTING, KENNEDY, ELM, TEXAS, HALL AVENUES AND ASSOCIATED ALLEY RIGHTS-OF-WAY AND RETAINING A UTILITY EASEMENT LOCATED IN THE COLORADO MESA UNIVERSITY AREA

RECITALS:

Colorado Mesa University ("CMU" or "University" or "the University") has requested to vacate portions of Cannell, Bunting, Kennedy, Elm, Texas, Hall Avenue's and adjacent alley rights-of-way in order to enable the continued westward expansion efforts planned for the campus, specifically in the future to develop new residence halls, classroom buildings, parking lots and campus improvements.

The properties abutting the sections of right-of-way for which vacation is sought are owned by CMU. City staff does not expect that the proposed vacations would impede traffic, pedestrian movement or access to private property, however, driving lanes will be reduced. As a condition of approval, CMU will need to maintain a minimum 20' wide circulation drive (fire access lane) at the terminations of all vacated Avenue's (which the public could be able to utilize). CMU is not proposing to dedicate an Access Easement nor right-of-way or construct a sidewalk within the vacated areas, but the driving surface will be constructed/developed to meet City standards for fire access. The driving surface treatment proposed will be asphalt pavement or left in its current state; however, as proposed by CMU, it will be at CMU's discretion on when these north/south, east/west connections would be closed or modified in the future, provided that all new fire access lanes are provided and constructed. Access and maneuverability of fire and other emergency equipment will be accommodated utilizing the extensive network of emergency lanes currently existing on the main campus of CMU.

With the vacations, the City of Grand Junction ("City") will retain a utility easement for the existing electric, gas, water, sewer and storm drain lines that are located within the existing rights-of-way of Cannell, Bunting, Kennedy, Elm, Texas, Hall Avenue's and associated alleys

The City Council finds that the request is consistent with the Comprehensive Plan, the Grand Valley Circulation Plan and Section 21.02.100 of the Grand Junction Zoning and Development Code with the reservation of the utility easement as described within this ordinance and the construction of a new 20' wide north/south, east/west circulation drive with retention of a utility easement over all of the rights-of-way being vacated for the existing utilities. Applicant is also required to meet all Grand Junction Fire Department requirements as identified within the City Staff Report.

The Planning Commission, having heard and considered the request at two public hearings, found the criteria of the Code to have been met, and recommends that the vacations be approved with the retention of a utility easement over all of the rights-of-way being vacated for the existing utilities and the construction of a minimum of a 20' wide north/south east/west circulation drives, that CMU meet all Grand Junction Fire Department requirements as identified within the Staff Report.

RECORDER NOTE: POOR QUALITY DOCUMENT
PROVIDED FOR REPRODUCTION

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

The following described dedicated rights-of-way are hereby vacated subject to the following conditions:

1. Applicants shall pay all recording/documentary fees for the Vacation Ordinance, any easement documents and dedication documents.
2. The reservation of utility easements are granted as Temporary Utility Easements as it is understood that the easements are needed for the utilities presently in the rights-of-way. It is expected that some utilities will be relocated or removed with the changes and improvements being made to the Colorado Mesa University campus. Colorado Mesa University will work with the City and the appropriate public utility agencies to determine the final location of the utilities and the relocation of the utilities. Once the utilities have been relocated or it is determined that the utility infrastructure need not be moved to the satisfaction of the City Manager or the City Manager's designee, Colorado Mesa University shall grant new permanent utility easements for the new locations as required by the City Manager. Upon the City's acceptance of a utility easement, the City Manager shall release all interests in the Temporary Utility Easements pursuant to Section 21.02.100 (d) (3) of the Grand Junction Zoning and Development Code that is no longer needed due to the grant of the new permanent utility easement.
3. With the vacation specific to this application, CMU has agreed to construct minimum 20' wide asphalt paved circulation drives (fire access lane), with adequate turning radius and allow usage of the circulation drives by the public, trash collection trucks and fire/ambulance vehicles and meet all requirements associated with the review and finalization of all outstanding items associated with the Right-of-Way vacation as identified with City file number VAC-2015-182.
4. With the vacation, CMU has agreed to meet all Grand Junction Fire Department requirements including the following: a) all fire apparatus road(s) shall be constructed in accordance with the locally adopted 2012 International Fire Code and Appendices as well as any local City of Grand Junction ordinances (i.e. Ordinance No. 4500) that pertain specifically to the Fire Department and its operations; b) any deficiencies and/or violations noted during an inspection of such fire apparatus road(s) and/or water supply(ies) construction shall be promptly corrected by the University to the satisfaction of the Fire Department; c) the University shall coordinate with the Fire Department the planning of fire apparatus road(s) throughout the campus so as to diminish challenges resulting from the loss of the City street grid system. As vacated areas are developed and/or prior to any construction activities, including the demolition of existing street network(s), additional north/south and east/west primary fire lane corridors similar in appearance and functionality (i.e. minimum 20' width of concrete) to the existing fire lanes on campus will be required. All required fire apparatus roads, also known as fire lanes, are subject to review and acceptance by the Grand Junction Fire Department.
5. CMU has agreed to maintain the proposed parking lots to reduce dust. If constructed with anything other than asphalt paving, then magnesium chloride shall be applied as needed.

6. CMU has agreed that all entrance/exist ways of parking lots onto City right-of-way shall have a minimum 5' deep hard surface apron.

The following rights-of-way are shown on "Exhibits A, B, C, D and E" as part of this vacation description.

Dedicated rights-of-way to be vacated:

VACATION AREA 1

A Portion of Hall Avenue and Cannell Avenue Right-of-Way and associated Alleys as dedicated on the plat Mesa Subdivision as recorded at Reception Number 449854 of the Mesa County Records, situated in the Southeast Quarter of Section 11, Township 1 South, Range 1 West of the Ute Meridian, County of Mesa, State of Colorado; being more particularly described as follows: All of Cannell Avenue lying south of the north line of the south 91.00 feet of Lot 11, Block 2, Mesa Subdivision and north of the south line of the north 50.00 feet of Lot 13, Block 3, Mesa Subdivision. Also all of Hall Avenue lying east of the west line of the east 22.61 feet of Lot 14, Block 2, Mesa Subdivision and adjoining to the westerly Right-of-Way line of Cannell Avenue. Also all of an Alley Right-of-Way lying east of the west line of the south 91.00 feet of Lot 11, Block 2, Mesa Subdivision and adjoining to the westerly Right-of-Way line of Cannell Avenue. Also all of an Alley Right-of-Way lying east of the west line of Lot 10, Block 3, Mesa Subdivision and adjoining to the westerly Right-of-Way line of Cannell Avenue.

Containing an area of 45,192 square feet (1.037 acres) more or less, as described herein and depicted on "EXHIBIT A."

Said vacated Rights-of-Way to be retained as a Utility Easement.

VACATION AREA 2

A Portion of Cannell Avenue and Texas Avenue Road Right-of-Ways as dedicated on the plat Nelms Subdivision as recorded in Plat Book 6 Page 9 of the Mesa County Records, situated in the Southeast Quarter of Section 11, Township 1 South, Range 1 West of the Ute Meridian, County of Mesa, State of Colorado; being more particularly described as follows: All of Cannell Avenue lying north of previously vacated Right-of-Way recorded in the Mesa County records at Book 5596 Page 612 and south of the south Right-of-Way line of Mesa Avenue. Also all of Texas Avenue lying east of the west line of Lot 16 Nelms Subdivision and adjoining the west Right-of-Way line of Cannell Avenue.

Containing an area of 35,250 square feet (.809 acres) more or less, as described herein and depicted on "EXHIBIT B."

Said vacated Rights-of-Way to be retained as a Utility Easement.

VACATION AREA 3

A Portion of Alley Right-of-Way as dedicated on the plat Nelms Subdivision as recorded in Plat Book 6 Page 9 of the Mesa County Records, situated in the Southeast Quarter of section 11, Township 1 South, Range 1 West of the Ute Meridian, County of Mesa, State of Colorado; being more particularly described

as follows: All of an Alley lying east of the west line of the east 65.00 feet of Lot 12, Elm Avenue Subdivision as recorded in Plat Book 6 Page 1 of the Mesa County records and adjoining the west line of a previously vacated Right-of-Way recorded in the Mesa County records at Book 5596 Page 612.

Containing an area of 961 square feet (.022 acres) more or less, as described herein and depicted on "EXHIBIT C."

Said vacated Rights-of-Way to be retained as a Utility Easement.

VACATION AREA 4

A Portion of Elm Avenue Right-of-Way as dedicated on the plat Elm Avenue Subdivision as recorded in Plat Book 6 Page 1 of the Mesa County Records, situated in the Southeast Quarter of section 11, Township 1 South, Range 1 West of the Ute Meridian, County of Mesa, State of Colorado; being more particularly described as follows: All of Elm Avenue lying east of the west line of the east 65.00 feet of Lot 12, Elm Avenue Subdivision as recorded in Plat Book 6 Page 1 of the Mesa County records and adjoining the west line of a previously vacated Right-of-Way recorded in the Mesa County records at Book 5596 Page 612.

Containing an area of 2,306 square feet (.053 acres) more or less, as described herein and depicted on "EXHIBIT D."

Said vacated Rights-of-Way to be retained as a Utility Easement.

VACATION AREA 5

A Portion of Kennedy Avenue, Cannell Avenue, Bunting Avenue and Alley Right-of-Ways as dedicated on the plat Rose Park Subdivision as recorded in Plat Book 7 Page 23 of the Mesa County Records, situated in the Southeast Quarter of section 11, Township 1 South, Range 1 West of the Ute Meridian, County of Mesa, State of Colorado; being more particularly described as follows: All of Cannell Avenue lying south of previously vacated Right-of-Way recorded in the Mesa County records at Book 5596 Page 612 and north of the south line of Lot 9, Block 3, of the Rose Park Subdivision. Also all of Kennedy Avenue lying east of the west line of Lot 17, Block 2, of the Rose Park Subdivision and west of the west Right-of-Way line of Cannell Avenue.

Also all of an Alley lying east of the west line of Lot 17, Block 2, of the Rose Park Subdivision and west of the west Right-of-Way line of Cannell Avenue. Also all of Bunting Avenue lying east of the west line of the east 32.00 feet of Lot 8, Block 3, of the Rose Park Subdivision and west of the west Right-of-Way line of Cannell Avenue.

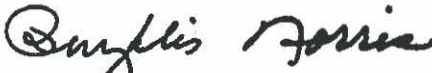
Containing an area of 42,778 square feet (.982 acres) more or less, as described herein and depicted on "EXHIBIT E."

Said vacated Rights-of-Way to be retained as a Utility Easement.

Introduced for first reading on this 15th day of July, 2015 and ordered published in pamphlet form.

PASSED and ADOPTED this 5th day of August, 2015 and ordered published in pamphlet form.

ATTEST:



Phyllis Morris
President of City Council



Stephanie Tuin
City Clerk



EXHIBIT "A"
 SOUTHEAST 1/4 OF SECTION 11,
 T1S, R1W, UTE MERIDIAN,
 IN THE CITY OF GRAND JUNCTION,
 COUNTY OF MESA, STATE OF COLORADO

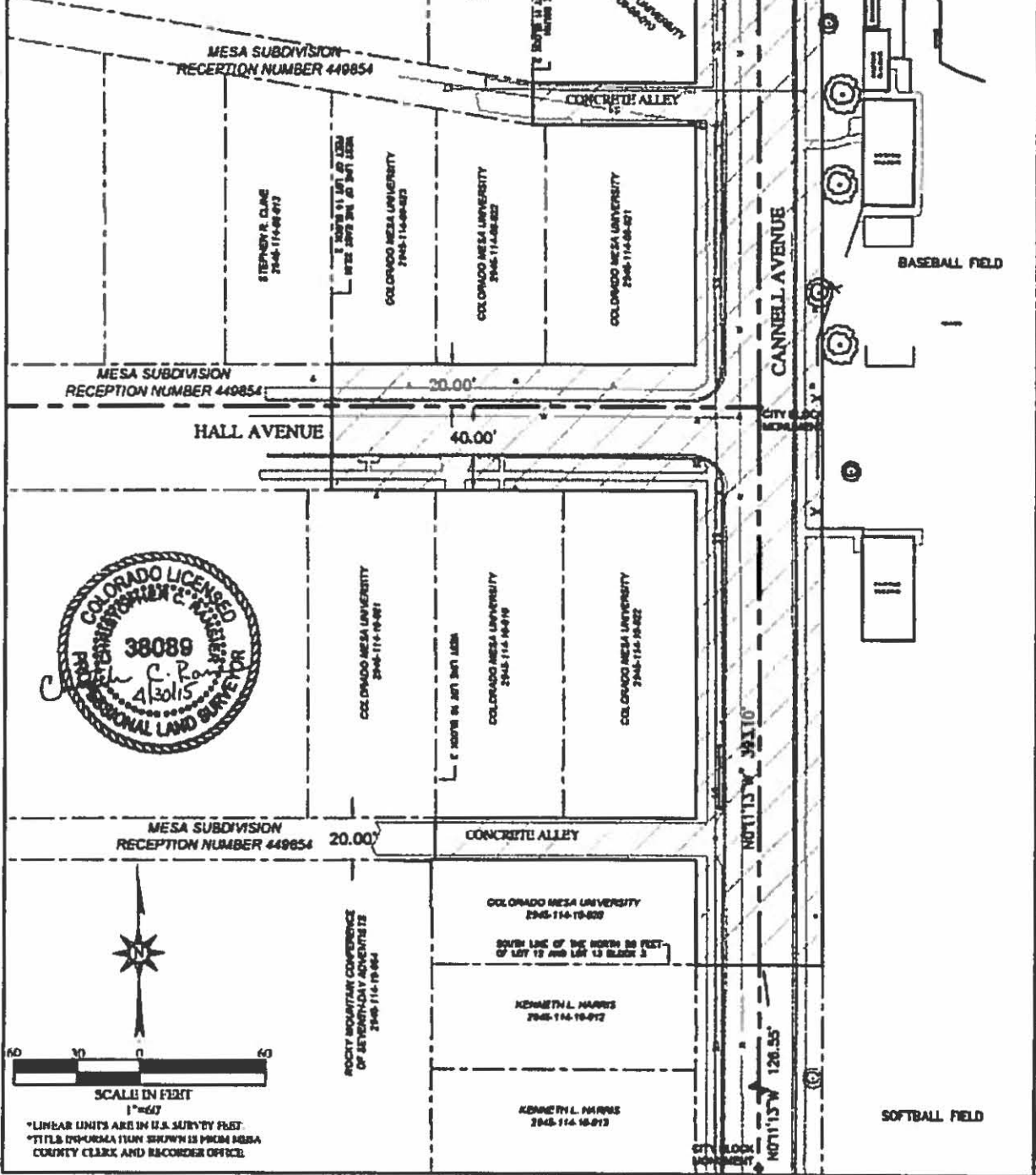


EXHIBIT "B"
TOWNSHIP 1 SOUTH, RANGE 1 WEST, UTE MERIDIAN,
IN THE CITY OF GRAND JUNCTION,
COUNTY OF MESA, STATE OF COLORADO

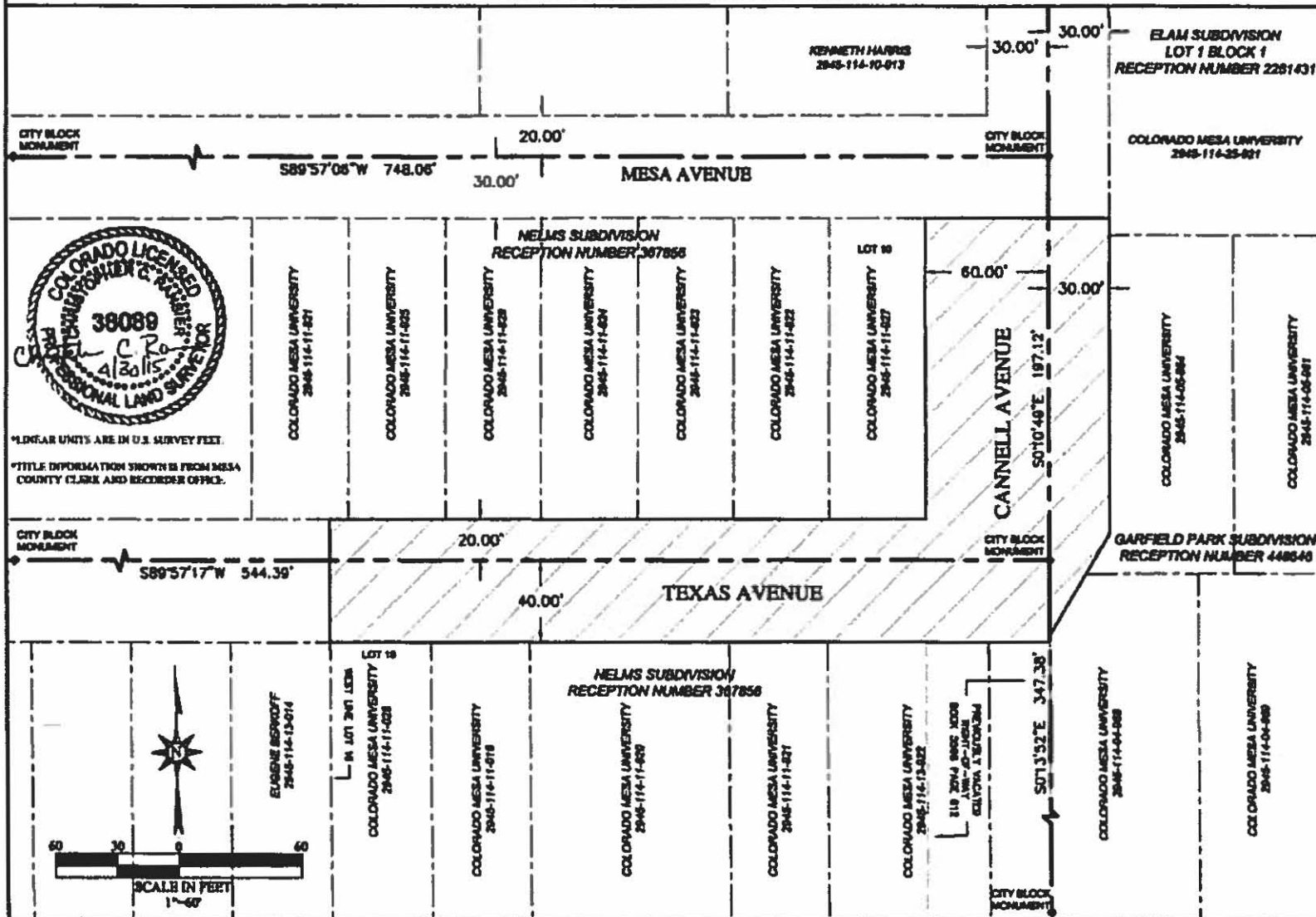


EXHIBIT "D"
TOWNSHIP 1 SOUTH, RANGE 1 WEST, UTE MERIDIAN,
IN THE CITY OF GRAND JUNCTION,
COUNTY OF MESA, STATE OF COLORADO

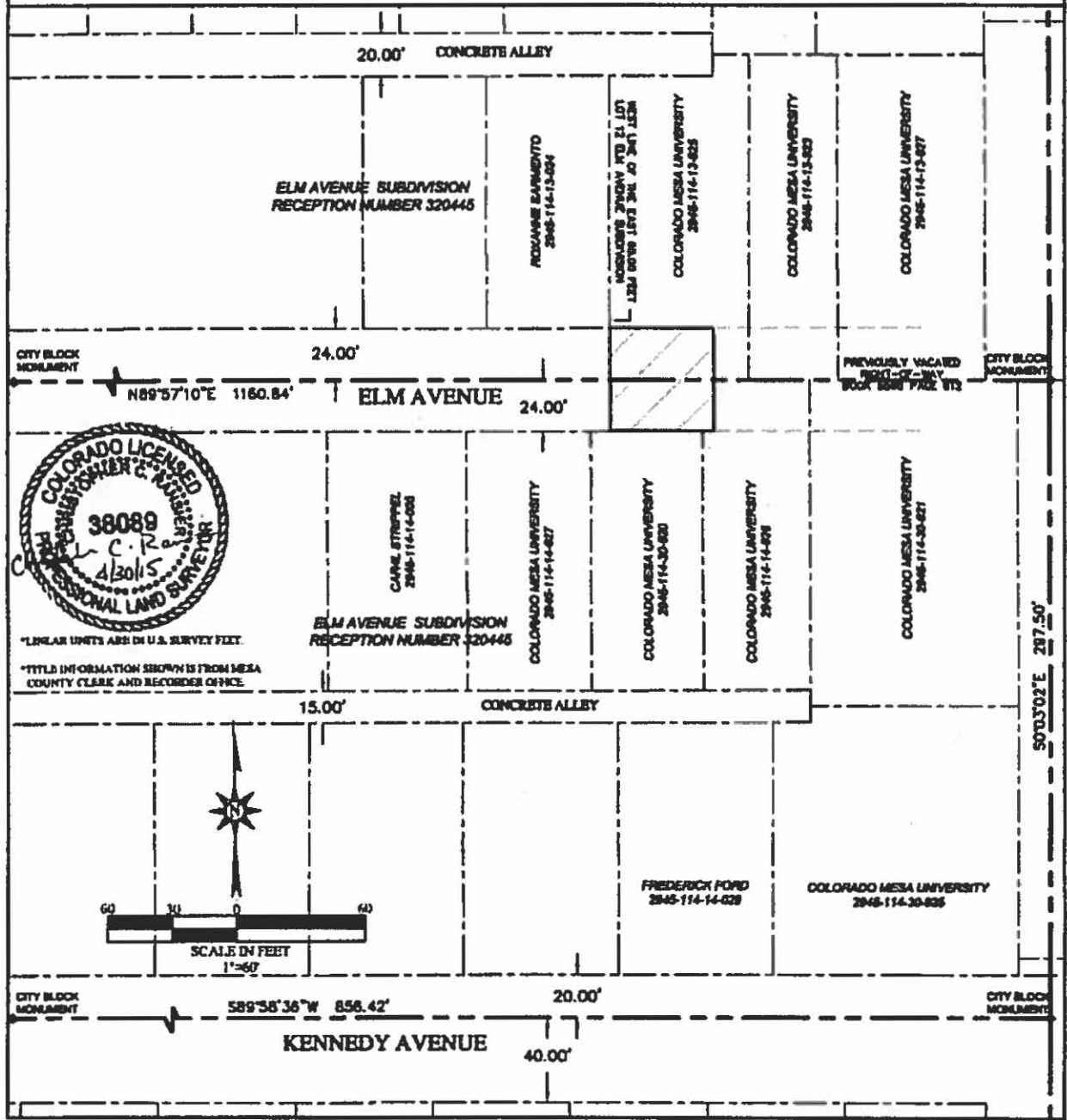


EXHIBIT "E"
TOWNSHIP 1 SOUTH, RANGE 1 WEST, UTE MERIDIAN,
IN THE CITY OF GRAND JUNCTION,
COUNTY OF MESA, STATE OF COLORADO

FREDERICK FORD
 2945-114-14-829

COLORADO MESA UNIVERSITY
 2945-114-30-825

COLORADO MESA UNIVERSITY
 2945-114-27-822

CITY BLOCK
 MONUMENT

20.00'

KENNEDY AVENUE

40.00'

N89°58'38"E 856.42'

PREVIOUSLY RECORDED
 FRONT LOT - 1/2
 BOOK 5887 PAGE 112

CITY BLOCK
 MONUMENT

COLORADO MESA UNIVERSITY
 2945-114-28-808

COLORADO MESA UNIVERSITY
 2945-114-27-821

ROSE PARK SUBDIVISION
 RECEPTION NUMBER 458038

MICHAEL DENMADY
 2945-114-16-017

ROSE PARK SUBDIVISION
 RECEPTION NUMBER 458038

COLORADO MESA UNIVERSITY
 2945-114-16-820

20.00' CONCRETE ALLEY

CANNELL AVENUE

S003°12'E 340.28'

COLORADO MESA UNIVERSITY
 2945-114-27-823

McMULLIN & GORMLEY SUBDIVISION
 RECEPTION NUMBER 340028



*LINEAR UNITS ARE IN U.S. SURVEY FEET
 *TITLE INFORMATION SHOWN IS FROM MESA
 COUNTY CLERK AND RECORDER OFFICE.

COLORADO MESA UNIVERSITY
 2945-114-16-823

COLORADO MESA UNIVERSITY
 2945-114-16-828

CITY BLOCK
 MONUMENT

20.00'

BUNTING AVENUE

40.00'

N89°52'55"W 1162.20'

CITY BLOCK
 MONUMENT

COLORADO MESA UNIVERSITY
 2945-114-27-827

ROSE PARK SUBDIVISION
 RECEPTION NUMBER 458038

ROSE PARK SUBDIVISION
 RECEPTION NUMBER 458038

COLORADO MESA UNIVERSITY
 2945-114-30-827

CARROLL SIMMONS
 2945-114-17-019

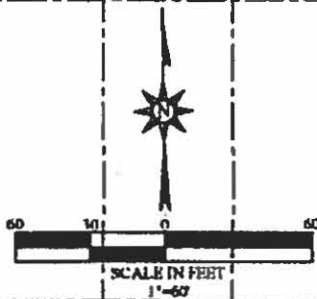
SOUTH LINE LOT 8 BLOCK 3
 ROSE PARK SUBDIVISION

S007°50'E 325.31'

30.00'

30.00'

COLORADO MESA UNIVERSITY
 2945-114-30-827




20.0' GRAVEL ALLEY

CITY BLOCK
 MONUMENT

I HEREBY CERTIFY THAT the foregoing Ordinance, being Ordinance No. 4673 was introduced by the City Council of the City of Grand Junction, Colorado at a regular meeting of said body held on the 15th day of July, 2015 and that the same was published in The Daily Sentinel, a newspaper published and in general circulation in said City, in pamphlet form, at least ten days before its final passage.

I FURTHER CERTIFY THAT a Public Hearing was held on the 5th day of August, 2015, at which Ordinance No. 4673 was read, considered, adopted and ordered published in pamphlet form by the Grand Junction City Council.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said City this 12th day of August, 2015.



Stephanie Tuin, MMC
City Clerk

Published: July 17, 2015
Published: August 7, 2015
Effective: September 6, 2015

