

**CITY OF GRAND JUNCTION**

**ORDINANCE NO. 4702**

**AN ORDINANCE VACATING RIGHT-OF-WAY FOR  
HOESCH STREET  
LOCATED WEST OF 723 W. WHITE AVENUE**

**RECITALS:**

A vacation of the dedicated right-of-way has been requested by the adjoining property owners.

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 Municipal 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 dedicated right-of-way for is hereby vacated subject to the listed conditions:

1. Applicants shall pay all recording/documentary fees for the Vacation Ordinance, any easement documents and dedication documents.

The following right-of-way is shown on "Exhibit A" as part of this vacation of description.

Dedicated right-of-way to be vacated:

A portion of the Hoesch Street Right-of-Way within the Northwest 1/4.; of the Southeast 1/4.; of Section 15, Township 1 South, Range 1 West, U.M., City of Grand Junction, Mesa County, State of Colorado;

COMMENCING at the Center 1/4.; Corner of Section 15, thence S 53°09'00" E a distance of 627.09 feet to the Northeast Corner of Lot I, Block 5 of The Grand River Subdivision, Deposit No. 2461-01, said point being the POINT OF BEGINNING;

THENCE S 89°48'18" E along a projection of the southerly Right-of-Way of West White Avenue, a distance of 17.93 feet;

THENCE N 00°08'58" E a distance of 2.06 feet;

THENCE N 89°36'35" E a distance of 11.20 feet to a point on the easterly Right-of-Way of Hoesch Street as dedicated in the WDD Subdivision, RN 2329913;

THENCE S 00°23'25" E along said Right-of-Way a distance of 32.89 feet;

THENCE N 89°57'36" W a distance of 29.51 feet to a point on the easterly line of the  
aforementioned Lot 1, Block 5 of The Grand River Subdivision;  
THENCE N 00°16'56" E, along said easterly line, a distance of 30.79 feet; to the  
POINT OF BEGINNING;

CONTAINING 926 square feet, more or less.

**BASIS OF BEARING:** The Basis of Bearing for this description is the quarter line  
between the center 1/4.; corner and the center east 1/16 corner of section 15, Township  
1 South, Range 1 West, U.M., having a bearing of N 89°39'16" E.

Per the attached agreement marked as Exhibit "B" and incorporated herein, all of the  
right-of-way vacated shall be treated as a part of Lot 2, Block 1 WDD Subdivision in the  
City of Grand Junction, County of Mesa, State of Colorado ("Lot 2"), and shall not be  
transferred separately from Lot 2 and shall be incorporated into the land area of Lot 2  
with any future subdivision of Lot 2.

Introduced for first reading on this 18<sup>th</sup> day of May, 2016 and ordered published in  
pamphlet form.

PASSED and ADOPTED this 1<sup>st</sup> day of June, 2016 and ordered published in pamphlet  
form.



City Clerk

*Quyllis Torres*  
\_\_\_\_\_  
President of City Council

# EXHIBIT A

THE GRAND RIVER SUBDIVISION  
BLOCK 6  
RN 18387

CENTER 1/4 CORNER,  
SECTION 15  
T. 1 S., R. 1 W., U.M.  
POINT OF COMMENCEMENT

HOESCH  
STREET

HDD SUBDIVISION  
LOT 1, BLOCK 1  
RN 2329913

CENTER EAST 1/16  
CORNER, SECTION 15  
T. 1 S., R. 1 W., U.M.

N 89°39'16" E  
1323.52'  
(BASIS OF BEARING)

1-1/2" PLASTIC CAP AT GROUND LEVEL

60' R.O.W.  
PLAT BOOK 1,  
PAGE 28

WEST WHITE  
AVENUE

S 53°09'00" E  
667.09'

HDD SUBDIVISION  
LOT 2, BLOCK 1  
RN 2329913  
21,063.9 Sq. Feet  
0.48 Acres

1-1/2" PLASTIC CAP  
AT GROUND LEVEL

LINE	BEARING	DISTANCE
L1	S 89°48'18" E	17.93'
L2	N 00°08'58" E	2.06'
L3	N 89°36'35" E	11.20'
L4	S 00°23'25" E	32.89'
L5	N 89°57'36" W	29.51'
L6	N 00°16'56" E	30.79'

1-1/2" ALUM.  
CAP AT  
GROUND LEVEL  
POINT OF BEGINNING

926 Sq. Ft.  
RIGHT-OF-WAY  
TO BE VACATED

DEDICATED  
RIGHT-OF-WAY  
PER RN 2329913

THE GRAND RIVER SUBDIVISION  
BLOCK 5  
LOTS 1, 3, 5  
BOOK 1, PAGE 75  
DEPOSIT NO. 2461-01

CHAINLINK  
FENCE

15' INGRESS  
EGRESS  
EASEMENT  
RN 2013432

1-1/2" PLASTIC  
CAP -0.5' BELOW  
GROUND

18' VACATED PUBLIC  
RIGHT-OF-WAY  
ORDINANCE NO. 3928

11.6' PROP. LINE TO FENCE

94.28'

14'  
MULTI-PURPOSE  
EASEMENT  
RN 2329913

HIGHWAY 340  
RIGHT-OF-WAY

1-1/2" ALUM.  
CAP -0.5'  
BELOW  
GROUND

N 00°16'56" E

21.60'  
1-1/2" PLASTIC CAP  
-0.2' BELOW  
GROUND

0' 20' 40' 60'



488 Adams St.-L. Suite A  
Grand Junction, CO 81507  
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Fax: (970) 541-1222  
www.cei.com

HOESCH RIGHT-OF-WAY  
VACATION  
NW 1/4, SE 1/4, SEC 15  
T. 1 SOUTH, R. 1 WEST  
OF THE UTE MERIDIAN,  
MESA COUNTY, COLORADO

DATE	PREPARED	CHECKED	DATE	SCALE	SHEET
JMM	JLD	AS294			1
FILE NUMBER			DATE		
C:\AR25\AS294-RIGHT-OF-WAY-VACATION.dwg			12/31/15		

THIS IS NOT A SURVEY PLAT.

EXHIBIT "B"

Sixbey Investments, LLC, a Colorado Limited Liability Company, ("Sixbey") is the owner of the property in the City of Grand Junction, County of Mesa, State of Colorado described as Lot 1 in Block 5 of Grand River Subdivision ("Lot 1").

Gearty Properties LLC, a Colorado Limited Liability Company, ("Gearty") is the owner of the property in the City of Grand Junction, County of Mesa, State of Colorado described as Lot 2, Block 1 WDD Subdivision ("Lot 2").

The Plat of Grand River Subdivision dedicated 18' of right-of-way for a street abutting the east side of Lot 1. A portion of that right-of-way was previously vacated with City of Grand Junction ("City") Ordinance No. 3928 recorded July 27, 2004 at Reception No. 2329914 in Book 4212 at Page 241 and corrected by an instrument recorded July 23, 2007 at Reception No. 2392262 in Book 4475 at Page 619. This vacated right-of-way was incorporated into Lot 2.

In Community Development File No. VAC-2016-68, Sixbey has requested that the City vacate the remainder of that right-of-way south of White Avenue abutting Lot 1 north of the previously vacated right-of-way described in the paragraph above along with all that right-of-way abutting the west side of Lot 2 dedicated on the WDD Subdivision plat.

Sixbey intends for all interest that it may have in the vacated right-of-way be granted to Gearty as part of Lot 2 and by signature below requests the City direct that all of the vacated right-of-way be transferred to and go with and be treated as a part of Lot 2.

Gearty understands and accepts all of the vacated right-of-way will belong to Gearty which shall run with and be treated as a part of Lot 2 and may not be transferred separately from Lot 2 and agrees that any subdivision completed in the future involving Lot 2 shall include all of the vacated right-of-way.

Sixbey hereby quitclaims any and all right, title and interest that Sixbey may have in any of the right-of-way referenced herein to Gearty Properties LLC.

Sixbey Investments, LLC

Gearty Properties LLC

By:   
Merritt L. Sixbey, Jr.  
Manager

By:   
John Ambrose Gearty,  
Member

State of Colorado     )  
                                      )ss.  
County of Mesa        )

The foregoing instrument was acknowledged before me this 19 day of May, 2016, by Merritt L. Sixbey, Jr., as Manager of Sixbey Investments, LLC.

My commission expires January 09, 2020.

Witness my hand and official seal.



CATHERINE RUYBAL  
Notary Public  
STATE OF COLORADO  
NOTARY ID # 20054014839  
My COMMISSION EXPIRES: JANUARY 09, 2020

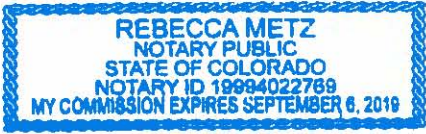
Notary Public

State of Colorado )  
                                  )ss.  
County of Mesa     )

The foregoing instrument was acknowledged before me this 27<sup>th</sup> day of May, 2016, by John Ambrose Gearty as Member of Gearty Properties LLC.

My commission expires 9-6-2019.

Witness my hand and official seal.




Rebecca Metz  
Notary Public

I HEREBY CERTIFY THAT the foregoing Ordinance, being Ordinance No. 4702 was introduced by the City Council of the City of Grand Junction, Colorado at a regular meeting of said body held on the 18<sup>th</sup> day of May, 2016 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 1<sup>st</sup> day of June, 2016, at which Ordinance No. 4702 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 6<sup>th</sup> day of June 2016.

  
\_\_\_\_\_  
Stephanie Tuin, MMC  
City Clerk

Published: May 20, 2016  
Published: June 3, 2016  
Effective: July 3, 2016

