

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO. 4720

AN ORDINANCE VACATING PORTIONS OF ALLEY RIGHTS-OF-WAY LOCATED BETWEEN ELM AND KENNEDY AND MESA AND TEXAS AVENUES AND A PORTION OF TEXAS AVENUE RIGHT-OF-WAY SUBJECT TO A UTILITY EASEMENT AND MAINTENANCE AGREEMENT

LOCATED IN THE COLORADO MESA UNIVERSITY AREA

RECITALS:

Colorado Mesa University has requested to vacate portions of alley rights-of-way located between Elm and Kennedy and Mesa and Texas Avenue's and a portion of Texas Avenue right-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 alley and street rights-of-way for which vacation are sought are either owned by Colorado Mesa University, with the exception of one property which CMU is in process of negotiations to purchase (701 Elm Avenue). City staff does not expect that the proposed right-of-way vacations would impede traffic, pedestrian movement or access to private property. As a condition of approval, CMU will need to meet all Grand Junction Fire Department requirements for construction of the engineering building and may be required to construct access around the site compliant with the 2012 International Fire Code. CMU will also be required to provide and record a private "Easement Agreement" across CMU property(s) for the benefit of the remaining property owners located at 701 Elm Avenue and 760 Kennedy Avenue. This condition is required as the remaining properties will have no "legal access" to the rear of their properties once the alleys are vacated.

Presently, the requested alley between Elm and Kennedy and Mesa and Texas Avenue's does not contain any City public utilities (water, sewer, storm sewer, etc.) therefore, there is no need to retain a Utility Easement as part of the vacation process. Any existing electric utilities located within the right-of-way will be moved and relocated by Xcel Energy as part of the construction of the new engineering building and parking lot areas and appropriate easements to Xcel Energy will be dedicated at that time, if necessary. Within the portion of Texas Avenue requested for vacation, the City presently has water and sanitary sewer mains. Therefore, those utilities shall be subject to the terms and conditions of the recently approved "Colorado Mesa University and City of Grand Junction Utility Easement and Maintenance Agreement-CMU Main Campus".

The City Council finds that the requests are consistent with the Comprehensive Plan, the Grand Valley Circulation Plan and Section 21.02.100 of the Grand Junction

Zoning and Development Code. Applicant is also required to meet all Grand Junction Fire Department requirements.

The Planning Commission, having heard and considered the requests, found the criteria of the Code to have been met, and recommends that portions of alley and street right-of-way vacations be approved and that the applicant meet all Grand Junction Fire Department requirements.

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 listed conditions:

1. Applicant shall pay all recording/documentary fees for the Vacation Ordinance, any easement documents and dedication documents.
2. Applicant shall dedicate and record a "Easement Agreement" across CMU property(s) for the benefit of the remaining property owners located at 701 Elm Avenue and 760 Kennedy Avenue.
3. Applicant shall coordinate relocation of utilities upon construction of the new engineering building and parking lot areas and dedicate applicable utility easements to Xcel Energy as necessary in order to continue to provide utility services to the current residential and CMU owned properties within these blocks.
4. Applicant will need to meet all Grand Junction Fire Department requirements for construction of the engineering building.
5. Within the portion of Texas Avenue requested for vacation, the City presently has water and sanitary sewer mains. Therefore, those utilities shall be subject to the terms and conditions of the recently approved "Colorado Mesa University and City of Grand Junction Utility Easement and Maintenance Agreement-CMU Main Campus".

The following rights-of-way are shown on Exhibits A and B as part of this vacation description.

Dedicated rights-of-way to be vacated:

VACATION AREA 1

A portion of the Alleys shown on the Plat of Amended Kennedy Subdivision at reception #670067 of the Mesa County Records situated in the SE1/4 of Section 11, Township 1 South, Range 1 West of the Ute Principal Meridian, in the City of Grand Junction, County of Mesa, State of Colorado; being more particularly described as follows:

All of an Alley of said Amended Kennedy Subdivision adjoining the South Right-of-Way line of Elm Avenue and continuing South and adjoining the North Right-of-Way line of Kennedy Avenue also a portion of an Alley of said Amended Kennedy Subdivision beginning at the Northeast corner of Lot 2 of said Amended Kennedy Subdivision and the Southeast corner of the South 121 feet of the North 125 feet of Lot 24 of Elm Avenue Subdivision reception #320445 then continuing West and adjoining the East Right-of-Way line of an Alley.

Said description contains an area of 0.123 acres more or less, as described herein and depicted on "EXHIBIT A" attached hereto.

VACATION AREA 2

A portion of Texas Avenue and Alley as shown on the Plat of Nelms Subdivision at reception #367856 of the Mesa County Records situated in the SE1/4 of Section 11, Township 1 South, Range 1 West of the Ute Principal Meridian, in the City of Grand Junction, County of Mesa, State of Colorado; being more particularly described as follows:

All of a 60.00 foot Right-Of-Way for Texas Avenue as shown on said Plat of Nelms Subdivision beginning at the West property line of Lot 16 of said Nelms Subdivision and adjoining the West Right-Of-Way line of previously vacated Texas Avenue Right-of-Way recorded at reception #2738781 and continuing West to the West property line of Lot 19 of said Nelms Subdivision and also all of a 15 foot Alley Right-Of-Way of said Nelms Subdivision beginning at the South Right-Of-Way line of Mesa Avenue and continuing South to the North Right-Of-Way of Texas Avenue and adjoining South Mesa Subdivision recorded reception #456018 on the West.

Said description contains an area of 0.25 acres more or less, as described herein and depicted on "EXHIBIT B" attached hereto.

Introduced for first reading on this 21st day of September, 2016 and ordered published in pamphlet form.

PASSED and ADOPTED this 5th day of October, 2016 and ordered published in pamphlet form.



President of City Council Pro Tem

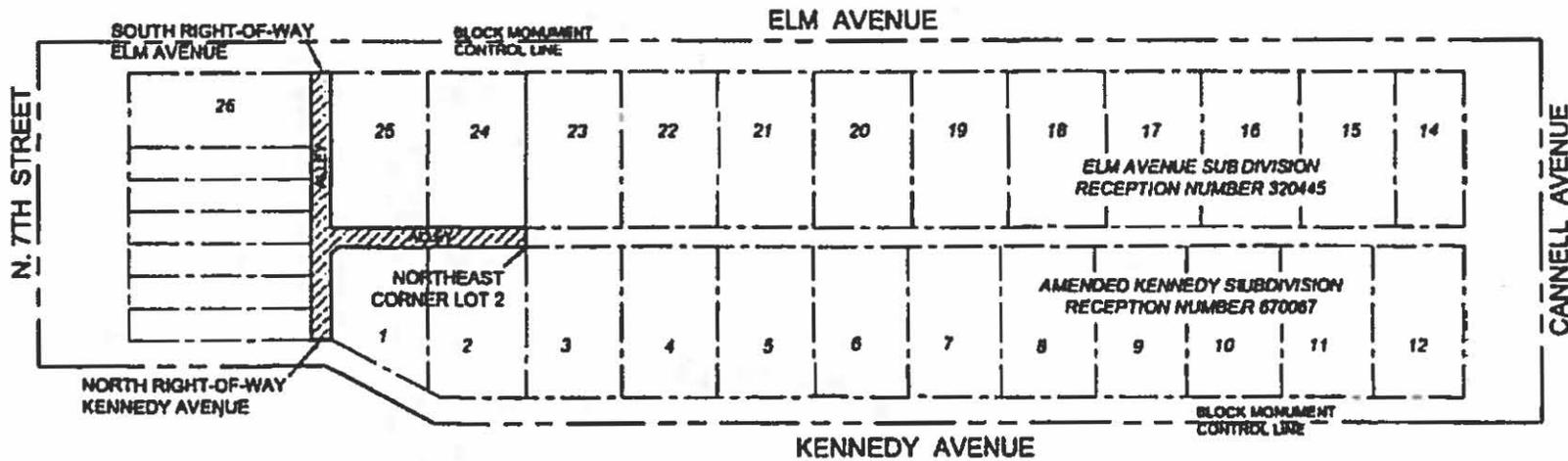
ATTEST:



City Clerk

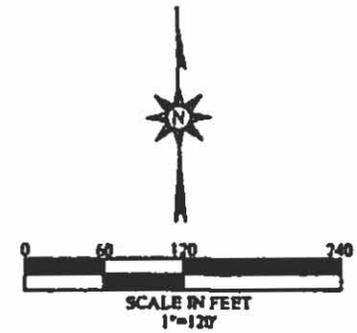


EXHIBIT "A"
SOUTHEAST 1/4 OF SECTION 11,
TOWNSHIP 1 SOUTH, RANGE 1 WEST, UTE MERIDIAN,,
IN THE CITY OF GRAND JUNCTION,
COUNTY OF MESA, STATE OF COLORADO



 Subject area.

- *This Exhibit is not intended to be used for establishing or verifying property boundary lines.
- *Title information shown is from Mesa County Clerk and Records Office.
- *Linear units are in U.S. Survey Feet.

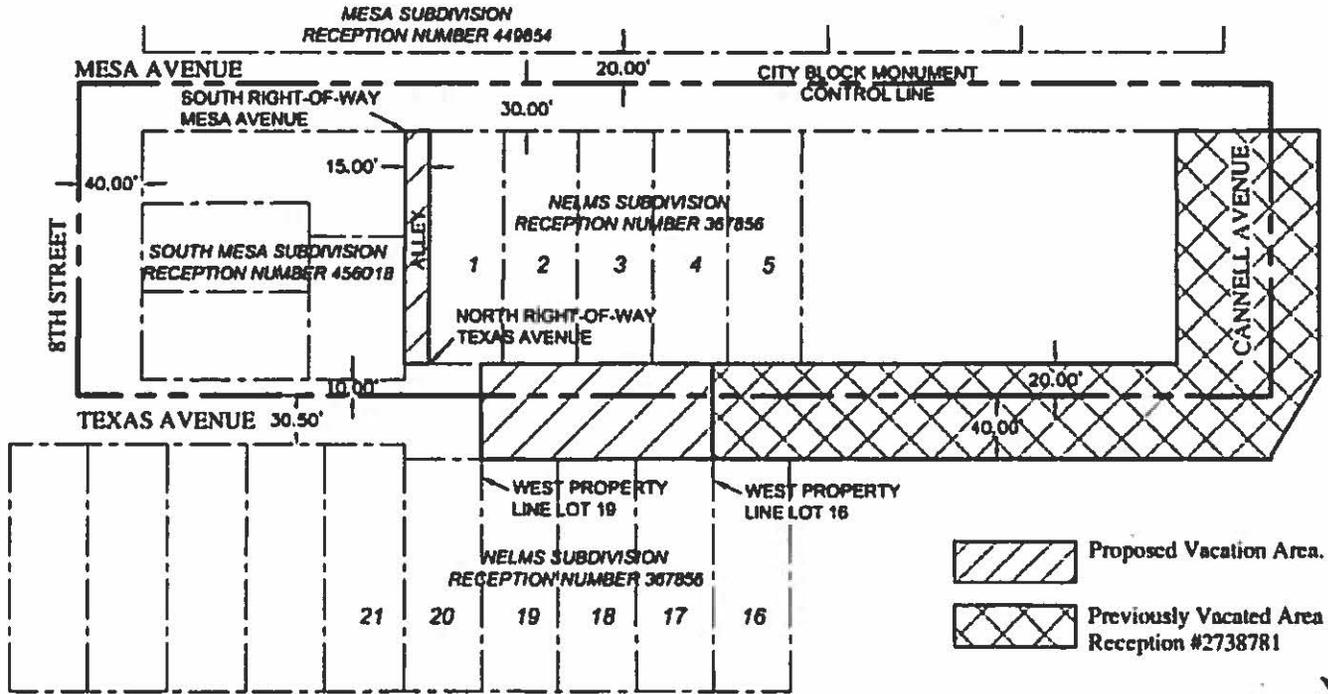


CHRISTOPHER C. RANSLER
 CO PLS 38089

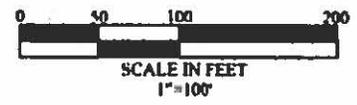


717 Centaur Drive • Grand Jct., CO 81506
 970.201.4081 • crsurveying@brusnan.net

EXHIBIT "B"
SOUTHEAST 1/4 OF SECTION 11,
TOWNSHIP 1 SOUTH, RANGE 1 WEST, UTE MERIDIAN,
IN THE CITY OF GRAND JUNCTION,
COUNTY OF MESA, STATE OF COLORADO



 Proposed Vacation Area.
 Previously Vacated Area
 Reception #2738781



CHRISTOPHER C. RANSTER
 CO PLS 38089

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I HEREBY CERTIFY THAT the foregoing Ordinance, being Ordinance No. 4720 was introduced by the City Council of the City of Grand Junction, Colorado at a regular meeting of said body held on the 21st day of September, 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 5th day of October, 2016, at which Ordinance No. 4720 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 13th day of October 2016.



Stephanie Tuin, MMC
City Clerk

Published: September 23, 2016
Published: October 7, 2016
Effective: November 6, 2016