

ORDINANCE NO. 886

AN ORDINANCE VACATING A PORTION OF AN EASEMENT FOR RIGHT OF WAY,
SITUATE IN EAST ELM AVENUE HEIGHTS.

WHEREAS, on the 7th day of February, 1948, the then owners of the SE1/4 NE1/4 SE1/4 of Section 12, Township 1 South, Range 1 West, Ute Meridian, did execute a right of way agreement, which right of way agreement was recorded on April 12, 1948, in Book 585, Page 175, of the Mesa County records, granting to the City of Grand Junction, the right to lay, maintain, operate, repair and remove sewer pipes, water lines, electric transmission lines, telephone lines and other public utility transmission facilities, through and over the following described land to-wit:

A 7.5 feet easement on each side of a center line described as follows: Beginning at a point 168.5 feet North of the center line of Elm Avenue on the W line of the SE1/4 NE1/4 SE1/4 of the hereinafter mentioned Township and Range; thence E on a line parallel to and N of the center line of said Elm Avenue to the E line of the SE1/4 NE1/4 SE1/4 Section 12, Township 1 South, Range 1 West, Ute Meridian. ALSO, a 7.5 feet easement on each side of a center line described as follows: Beginning at a point on the W line of the SE1/4 NE1/4 SE1/4 of Section 12, Township 1 South, Range 1 West, Ute Meridian, and 495.5 feet N of the center line of Elm Avenue in the City of Grand Junction, Colorado; thence in an Easterly direction on a line parallel to and N of said center line of Elm Avenue a distance of 445 feet. ALSO, a 7.5 feet easement on each side of a center line described as follows: Beginning on the N line of the SE1/4 NE1/4 SE1/4 Section 12, Township 1 South, Range 1 West, Ute Meridian, and 445 feet E of the NW corner of said SE1/4 NE1/4 SE1/4; thence S on a line parallel to the Ute Meridian line a distance of 277 feet;

AND WHEREAS, on the 4th day of April, 1950, the owners of the SE1/4 NE1/4 SE1/4 of said Section 12 did make a plat thereof, entitled East Elm Avenue Heights, which plat was recorded April 7, 1950, in Plat Book 7, Page 57, Mesa County records;

AND WHEREAS, the City Council hereby finds that the needs of the City and of the public for sewer pipes, water lines, electric transmission lines, telephone lines and other public utility transmission facilities may be adequately served within the alleys, rights of ways and easements as shown on said plat;

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

Section 1. That all that portion of the right of way granted pursuant to said right of way agreement dated February 7, 1948, which is not embraced within the alleys, rights of way and easements as shown on said plat of East Elm Avenue Heights is hereby vacated. Nothing in this Ordinance contained shall in any way operate as a vacation of any of the alleys, rights of way or easements as shown on said plat.

Passed and adopted this 6th day of January, 1954.

/s/ Harry O. Colescott
President of the City Council

ATTEST:

/s/ Helen C. Tomlinson
City Clerk

I HEREBY CERTIFY that the foregoing ordinance, being Ordinance No. 886 was introduced, read and ordered published by the City Council of the City of Grand Junction, Colorado, at a regular meeting of said body held on the 16th day of December, 1953, and that the same was published in The Daily Sentinel, a newspaper published and in general circulation in said city at least ten days before its final passage.

IN WITNESS WHEREOF I have hereunto set my hand and affixed the official seal of said City this 7th day of January, 1954.

/s/ Helen C. Tomlinson
City Clerk

First Pub Dec 18, 1953
Final Pub Jan 1, 1954