



MESA COUNTY VALLEY SCHOOL DISTRICT NUMBER 51  
DEPARTMENT OF BUSINESS SERVICES  
2115 GRAND AVENUE  
GRAND JUNCTION, COLORADO 81501

BIRNEY L. COX  
DIRECTOR OF BUSINESS SERVICES

January 30, 1976

Dr. K. L. Graves  
1060 Orchard Avenue  
Grand Junction, Colorado 81501

Dear Dr. Graves:

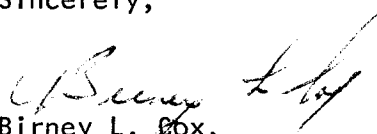
Your request for the opportunity to purchase District owned property located at 1449 North Seventh Street was reviewed by the Board at the regular meeting on January 27, 1976. I have enclosed a copy of the agenda item for your reference. The Board's official action was to deny the request. The Board did indicate that it would be willing to reconsider the request if some additional clarification and information were available. The items additional information was needed on were:

1. The attitude of the City toward the arrangement which has been proposed. This would probably have to pass before the City Council. The question the City would have to answer is - if the District would elect to accept the proposal, would the City then be willing to have that property used for other than its present designated purpose?
2. The walkway will have to be a minimum of ten feet wide.
3. The Board would like to view a schematic of the area which would include the location of the proposed walkway, your proposed new apartment building, and the location of the structures to the north of the proposed walkway. The schematic should indicate distances between all structures and the walkway.

If you elect to proceed with your request for the purchase of this property, it is requested that you supply to me copies of the correspondence that occurs with the City so that we may properly inform our Board when the item is placed on the agenda for reconsideration.

If there is any question concerning the action taken by the Board, please call me.

Sincerely,

  
Birney L. Cox,  
Director of Business Services

BLC:cc

Enclosure

REQUEST FOR SALE OF PROPERTY - SEVENTH AND GLENWOOD

In a letter dated January 11, 1976, Dr. Ken Graves requested that the Board consider disposing of a portion of the property located at 1449 North Seventh Street. This property is owned by the School District; and it serves as a student passageway between Seventh Street and Grand Junction High School.

Dr. Graves proposed that an appraised price be paid for the property, and a five-foot paved, fenced walkway be left for student passage - with the cost of the walkway being deducted from the appraised price of the lot. It is their intention to erect an apartment which will be similar to the four apartments now located at 1445 North Seventh Street.

The parcel of land in question was acquired by the School District from the City of Grand Junction. It is shown as an extension of Glenwood Avenue on the plat. The abstract indicates that in the conveyance it is "reserving to the public forever a right-of-way over and across all parts of said property for pedestrian travel. This conveyance is made upon the condition that no buildings or improvements are to be constructed upon the above property." It is further indicated that "if the property shall ever cease to be used by the second party for such public street and roadway purposes, then it, and in that case, shall revert back to the first party as if this conveyance had not been made."

It would appear that, if it is the desire of the Board to attempt to grant the request, an agreement would have to be reached with the City whereby the property would be transferred back to the City and then the City could complete the arrangements with the Individual. The terms of the transfer from the School District to the City and from the City to the individual would have to insure that the provisions for the walkway be maintained and the specifications for the development of that walkway would have to be stated.

The current fifty-foot easement is excessive for the District's needs in providing a walkway between Seventh Street and the Grand Junction High School property. This in no way speaks to any possible future needs the City might have for the extension of Glenwood Avenue. An alternative which might be investigated would be some form of long term lease which would permit Dr. Graves and Mr. Wilcox an opportunity to construct the proposed apartment house and recover their investment

therein, with a reverter clause which would insure that if the property ceased to be used for the purpose proposed it would immediately revert back to the original owners. A clause permitting them to remove any structures within a given period of time upon termination of such a lease would be required.

Dr. Graves letter is reproduced below:

DR. K. L. GRAVES  
OSTEOPATHIC PHYSICIAN AND SURGEON  
1060 ORCHARD AVE.  
GRAND JUNCTION, COLORADO  
81501

January 11, 1976

Dear Mr. Cox:

This letter is in regard to a parcel of land owned by District 51 located at 1449 North Seventh Street in Grand Junction, Colo.

Mr. Darwin Wilcox and I own the property adjacent to the above property.

We are aware the entire area is a maintenance problem and also an "eye sore" in its present state.

We propose to purchase the property at an appraised price, leaving sufficient footage on the north side for the city's easement for a student walkway from the high school to area east.

We would be willing to hard surface a five foot wide walkway fenced on each side with the cost of which would be deducted from the total price of the property.

Our intention, if we are successful in this proposal, is the erection of apartments, in architectural keeping with the four apartments we now own at 1445 North Seventh.

I would appreciate you presenting this proposal to the board and notifying me if such a course is at all possible.

I thank you for your kind consideration and cooperation in this matter.

Sincerely,

/s/ Dr. Ken Graves  
Dr. K. L. Graves

tmg/klg

ACTION OF THE BOARD: \_\_\_\_\_

\_\_\_\_\_  
(Date 1/27/76)

MAR 10 1976

## Reams & King

ATTORNEYS AT LAW

WARREN F. REAMS  
VINCENT W. KING

March 5, 1976

301 NORTH 7TH STREET - P. O. BOX 118  
GRAND JUNCTION, COLORADO 81501  
PHONE: 303 242-7847

Mr. Don Warner  
Senior Planner  
250 North 5th Street  
Grand Junction, Colorado 81501

Dear Mr. Warner:

Pursuant to our previous conversation I am providing you with the following material:

1. Copy of resume of School Board Meeting, including a copy of a letter from K. L. Graves, D. O., setting out the proposal to purchase certain property from the School District by Dr. Graves and Mr. Wilcox.
2. Copy of letter from Mr. Cox, Director of Business Services, School District 51, to Dr. Graves, dated January 30, 1976.
3. Abstracts of Instruments of Conveyance pertaining to the property in question.

As indicated by the letter from Dr. Graves to the School Board, he, together with Mr. Wilcox, would like to purchase the described property at a price to be determined by an impartial appraisal. The conveyance would be subject to the condition that a 10-foot wide walkway would be constructed and maintained upon a permanent easement across the property for pedestrian travel.

The City of Grand Junction becomes involved in this matter by virtue of the conveyance of March 5, 1955, from the City to the School District, whereby the City quit claimed the property to the School District with the reservation of a right-of-way for pedestrian travel over all parts of the property together with the condition that no improvements were to be constructed upon the property. The resume of the School Board Meeting indicates that there additionally exists a reverter provision to the City, if the property ever ceases to be used for such street and roadway purposes. The Instruments of Conveyance which we have examined do not contain such a reverter or right of re-entry clause, however, we have not completely reviewed the public records or an abstract, and such may well exist.

Our inquiry to you would be to determine if the City would be agreeable to the relinquishment of the right-of-way for pedestrian travel and restriction of construction of improvements upon the property.

*Denied apparently - Tax map shows School District still owns it.*

Page 2  
Mr. Don Warner  
March 5, 1976

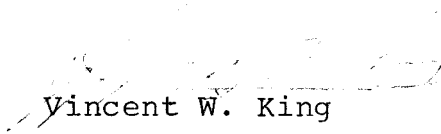
The School Board has indicated that the property is actually excessive for their needs and that a conveyance would be agreeable to them if the City is agreeable to removing the overall restrictive conditions with the understanding that any conveyance from the School District to third persons would contain a right-of-way or easement, ten feet in width, over and across a portion of the property.

You will note that the instruments which are included indicate the property to have first been conveyed by James Gormley to School District 51 in November of 1946. The School District subsequently quit claimed the property to the City by deed dated April 21, 1947. The City thereafter re-conveyed to the School District by quit claim deed, dated March 5, 1955, that deed being the instrument which contained the reservation and restriction above noted.

It would be appreciated if you would proceed to contact the appropriate members of the City staff with regard to the City releasing the restrictions with regard to maintenance of the right-of-way over the entire property together with the restriction against the construction of improvements. Upon a favorable determination, we would request that the matter then be placed before the City Council for a determination. Whether or not such release would take the form of an instrument to be recorded or a conveyance by the School District to the City for re-conveyance with modified restrictions would be deferred until such time as a determination is reached as to the City's position with regard to the present restrictions of use.

Dr. Graves advises that he will provide a plat of the property showing the proposed locations of both the walkway and the structure which would be placed on the property, if you desire.

Very truly yours,

  
Vincent W. King

VWK/ehp

CC: Dr. K. L. Graves  
1060 Orchard Ave.  
Grand Junction, CO 81501

Birney L. Cox, Director of Business Services  
Mesa Co. Valley School District No. 51  
2115 Grand Avenue  
Grand Junction, CO 81501