

PROJECT NARRATIVE

Mary Jenkins of 2806 UnawEEP Avenue approached the City wishing to petition for improvements to 28 Road north of UnawEEP. Her request was based on the premise that the portion of 28 Road next to her property was public right-of-way by County Commissioners Decree. Even though this right-of-way exists technically on paper, the City has never maintained nor made any efforts to improve this right-of-way for public use.

Due to the required scheduling of the improvement district procedure, the City would not be able to complete necessary irrigation work before water is released into the canal system. In order for Ms. Jenkins to have this work completed this year, she would have to initiate and contract for the work herself, which would require the vacation of the right-of-way. Since the City does not wish to be responsible for the future maintenance of improvements installed by Ms. Jenkins, it would be in our best interest if this right-of-way was vacated.

#17 87

Mary Jenkins
2806 UnawEEP Ave.
Grand Junction, CO 81503

~~American First Mortgage Company
310 Beardat Dr.
Salt Lake City, UT 84115~~

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310 Beardat Dr.
Salt Lake City, UT 84115

Sidney & H. Whetstone
325 W. Highland Dr.
Grand Junction, CO 81503

William D. & D.M. Gates
307 W. Highland Dr.
Grand Junction, CO 81503

Eldion W. Olive J. Reeves
P.O. Box 758
San Antonio, TX 78293

Dennis M. Crities
323 W. Highland Dr.
Grand Junction, CO 81503

Claude L. & Olive Mae Ficklin
305 Highland Dr.
Grand Junction, CO 81503

Max M. Barnstead
186 Reta Dr.
Grand Junction, CO 81503

Paul & Nina Arbogast
321 W. Highland Dr.
Grand Junction, CO 81503

Betty M. & Robert J. Pederson
328 Highland Dr.
Grand Junction, CO 81503

Kathi J. Arbogast
322 Hopi Dr.
Grand Junction, CO 81503

Raymond & D.V. Cosby
319 W. Highland Dr.
Grand Junction, CO 81503

Louis J. & Lily A. Veltrie
2798 UnawEEP Ave.
Grand Junction, CO 81503

John A. & Judy Ann Casper
2798 Cheyenne Dr.
Grand Junction, CO 81503

Terry D. Kellerby
317 W. Highland Dr.
Grand Junction, CO 81503

Robert W. & Tillie M. Sanchez
304 Hopi Dr.
Grand Junction, CO 81503

Carl R. & O.L. Wilson
315 W. Highland Dr.
Grand Junction, CO 81503

Virginia A. Isenhardt
308 Hopi Dr.
Grand Junction, CO 81503

Wayne R. & Susan L. Johnson
313 W. Highland Dr.
Grand Junction, CO 81503

John & Jane Sondregger
310 Hopi Dr.
Grand Junction, CO 81503

Ralph & D. Adair
311 W. Highland Dr.
Grand Junction, CO 81503

Charles K. & Linda J. Dyer
312 Hopi Dr.
Grand Junction, CO 81503

~~American First Mortgage Company
310 Beardat Dr.
Salt Lake City, UT 84115~~

Charles F. Boyle
316 Hopi Dr.
Grand Junction, CO 81503

#17 87

MEMORANDUM

DATE: FEBRUARY 18, 1987
TO: KARL METZNER -
FROM: JIM SHANKS *J*
SUBJ.: City-initiated right-of-way vacation

Mary Jenkins of 2806 Unawep Avenue approached the City wishing to petition for improvements to 28 Road north of Unawep. Her request was based on the premise that the portion of 28 Road next to her property was public right-of-way by County Commissioners Decree. Even though this right-of-way exists technically on paper, the City has never maintained nor made any efforts to improve this right-of-way for public use.

Due to the required scheduling of the improvement district procedure, the City would not be able to complete necessary irrigation work before water is released into the canal system. In order for Ms. Jenkins to have this work completed this year, she would have to initiate and contract for the work herself, which would require the vacation of the right-of-way. Since the City does not wish to be responsible for the future maintenance of improvements installed by Ms. Jenkins, it would be in our best interest if this right-of-way was vacated.

Tim Woodmansee will be providing you with the information you need to initiate this procedure. Please contact him if you have any questions.

xc: Tim Woodmansee

#17 87

MEMORANDUM

March 3, 1987

TO: Grand Junction Planning Commission

From: Tim Woodmansee *TW*
City Property Agent

Subj.: Right-of-Way vacation; 28 Road north of UnawEEP

In the conversations I have had with people involved with the proposed right-of-way vacation of 28 Road, it is evident that there are some areas of concern that need to be addressed prior to the hearing on this matter. With this memorandum, I will attempt to explain the course of events leading to this request, the effects such vacation will have on the surrounding property owners, and how the City of Grand Junction Public Works Department became the petitioner.

Almost one year ago, Mary Jenkins of 2806 UnawEEP Avenue approached the City Manager with problems arising from an irrigation lateral crossing her property. The problem was caused by an open concrete ditch running along the 28 Road right-of-way fronting her land that serves the properties in Oplinger Subdivision, which lies to the north and west of her property. Whenever the ditch needed to be cleaned, the residents of Oplinger Subdivision apparently deposited the extracted material on the ditch bank lying on the Jenkins property. This problem was compounded when Miss Jenkins constructed a new house, with the only existing source of access lying adjacent to said ditch bank.

The City Engineer, Don Newton, and myself met with Miss Jenkins in August of 1986 to physically inspect the situation and possibly offer her any ^{advice} or possible solutions. Prior to this meeting, I had conducted a title search of her property and concluded that there was an existing 60 feet of road right-of-way along the township line, constituting the 28 Road alignment, which had been declared by County Commissioners Decree. This right-of-way was vacated to the north of the Jenkins property and the Louis Veltrie property, which lies adjacent to the west of the Jenkins property, when the subdivisions to the north were developed. The plat for Oplinger Subdivision shows a 20 foot wide utility and irrigation easement in place of the 28 Road right-of-way, while the plat for Highland Acres subdivision shows a 10 foot wide utility easement in place of said right-of-way.

Based on the existence of the apparent road right-of-way, Miss Jenkins saw a possible solution to her access problem by petitioning the City for a local improvement district. Such improvements would include installing pipe in place of the open

ditch and a paved surface within the right-of-way. Although the Grand Junction City Council gave preliminary approval of this district, it was realized that due to the required scheduling of the improvement district procedure, the City would not be able to complete the necessary irrigation work before the release of water into the canal system. Miss Jenkins was then informed that the only possible way of performing the improvements this year would be for her to vacate the right-of-way and then act as her own contractor.

Since the City has never accepted responsibility for the 28 Road right-of-way and does not wish to be responsible for the future maintenance what would appear to be a dead-end private driveway, it was the opinion of various City staff and administration personnel that it would be in the best interest of the City if this right-of-way was vacated. Hence, the City became the petitioner.

Since the residents of Oplinger Subdivision own the ditch lateral and the easement in which it lies, they have total control over any modifications performed to the system. It is my understanding that they do not have any objections to piping the ditch, so long as the location of the ditch is not changed. Their other concern is whether or not they will be provided with access across the area in question once the right-of-way is vacated. This concern would be addressed by reserving a 20 foot wide utility and irrigation easement on the west side of the township line and a 15 foot wide utility and irrigation easement on the east.

I hope this information provides the Planning Commission with sufficient information for making a decision on this matter.

xc: Don Newton

REVIEW SHEET SUMMARY

FILE NO. #17-87 TITLE HEADING 28 Road ROW Vacation DUE DATE _____

ACTIVITY - PETITIONER - LOCATION - PHASE - ACRES 28 Road north of Unawep

PETITIONER ADDRESS _____

ENGINEER _____

<u>DATE REC.</u>	<u>AGENCY</u>	<u>COMMENTS</u>
2-23-87	Fire Dept.	Upon review of the above requested vacation. Access to the area can be made by our Department through the private road currently there. We agree to the vacation.
2-24-87	Police	No police problems.
3-02-87	Public Service	Gas: No objections. Electric: Have existing overhead power line in street right of way. This right of way must be retained as an utility easement.
2-26-87	Mt. Bell	No objections.

GRAND JUNCTION PLANNING COMMISSION HEARING MARCH 3, 1987

MOTION: (COMMISSIONER DUNIVENT) "MADAM CHAIRMAN, ON ITEM #17-87 ROAD RIGHT OF WAY VACATION, PETITIONER, THE CITY OF GRAND JUNCTION, I MOVE THAT WE RECOMMEND APPROVAL OF THE VACATION WHILE MAINTAINING THE EASEMENTS, 20 FEET ON THE WEST AND 15 FEET ON THE EAST."

Commissioner Halsey seconded, passed unanimously 6-0.

development summary



File # 17-87 Name 28 Road ROW Date 3/5/87

PROJECT LOCATION: North side of Unawep Ave. at 28 Road.

PROJECT DESCRIPTION: Proposal by City to vacate an unused portion of right of way 60 feet wide along the Township line.

REVIEW SUMMARY (Major Concerns)

POLICIES COMPLIANCE	YES		NO *		TECHNICAL REQUIREMENTS	SATISFIED		NOT SATISFIED *	
Complies with adopted policies	X				Streets/Rights Of Way	X			
Complies with adopted criteria	X				Water/Sewer	X			
Meets guidelines of Comprehensive Plan	X				Irrigation/Drainage	X			
					Landscaping/Screening	N/A			
					Other: _____				

* See explanation below

There were numerous concerns by nearby residents of the Oplinger Subdivision regarding the irrigation ditch that lies within the ROW. They are in support of the vacation as long as proper easements are retained for irrigation, access, and utilities.

STATUS & RECOMMENDATIONS:

It appears to be in the best interest of the City to vacate this right of way since it is unneeded and the right of way to the north was previously vacated.

Planning Commission Action

Recommendation of Approval providing an easement for utilities and drainage be maintained with 20 feet on the west side of the township line and 15 feet on the east side.