

Table of Contents

File 1990-0033

Name South Piazza - Easement Vacation - Schumann

	S c a n n e d	<p>A few items are denoted with an asterisk (*), which means they are to be scanned for permanent record on the in some instances, not all entries designated to be scanned by the department are present in the file. There are also documents specific to certain files, not found on the standard list. For this reason, a checklist has been provided.</p> <p>Remaining items, (not selected for scanning), will be marked present on the checklist. This index can serve as a quick guide for the contents of each file.</p> <p>Files denoted with (**) are to be located using the ISYS Query System. Planning Clearance will need to be typed in full, as well as other entries such as Ordinances, Resolutions, Board of Appeals, and etc.</p>			
X	X	Table of Contents			
		Review Sheet Summary			
		Application Form			
		Review Sheets			
X		Receipts for fees paid for anything			
		*Submittal checklist			
		*General project report			
		Reduced copy of final plans or drawings			
X	X	Reduction of assessor's map.			
		Evidence of title, deeds, easements			
X	X	*Mailing list to adjacent property owners			
		Public notice cards			
		Record of certified mail			
X		Legal description			
		Appraisal of raw land			
		Reduction of any maps – final copy			
		*Final reports for drainage and soils (geotechnical reports)			
		Other bound or non-bound reports			
		Traffic studies			
		*Petitioner's response to comments			
X	X	*Staff Reports			
		*Planning Commission staff report and exhibits			
		*City Council staff report and exhibits			
		*Summary sheet of final conditions			
		*Letters and correspondence dated after the date of final approval (pertaining to change in conditions or expiration date)			
<u>DOCUMENTS SPECIFIC TO THIS DEVELOPMENT FILE:</u>					
X	X	Action Sheet – approved 9/4/90	X	Legal Ad – 8/28/90	
X	X	Review Sheet Summary	X	X	Impact Statement
X		Review Sheets	X	X	Plat Map
X		Development Summary –	X		Review Sheet Summary
X		Development Application – 7/24/90	X		Warranty Deed – 4/13/89
X	X	Planning Commission Minutes - ** - 9/4/90, 9/14/90	X		Letter from Mike Richardson to Betty June Schumann re: Quit Claim Deed to be issued – 9/11/90
X	X	Planning Commission Agenda - ** - 9/4/90	X		Notice of Public Hearing – 9/4/90
X		Notice of Public Hearing – 9/4/90	X		Letter from Harvey Huffer, Crown Heights Board of Directors – re: receipt of letter – 9/1/90
X	X	Quit Claim Deeds – Book 1806 / Page 687- 690, Book 1810 / Page 812	X	X	Signed letter from Crown Heights Homeowners Association members Gordon Harshman, President, Chris Potter, Board of Directors, John Crawford, Board of Directors, William Trainor, Board of Directors and Harvey S. Huffer, Board of Directors re: association rights – 9/1/90
X	X	Final Plat – 7/14/80	X		Handwritten Notes – no date
X		Public Notice Posting – 9/5/90	X	X	Memo from City Attorney
X	X	Development Summary – 9/4/90			
X		Improvement Location Certificate – 8/1/90			

(B) Impact Statement

#33 90

This action is to bring into legal conformance our residence located at 3986 So. Piazza, Grand Junction, Co. Therefore we are requesting easement vacation of 2 feet on the south boundary of our property.

Less than 2 square feet of the corner of a storage area of the double garage is the intrusion in question.

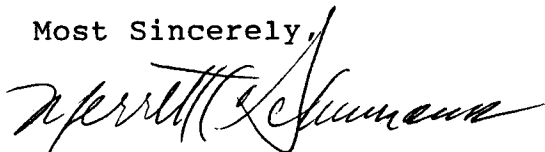
The impact of this request does indeed reduce the present 20 foot utility easement to 18 feet.

The easement provides electrical, telephone and cable TV, to immediate residents. Water and gas service are not placed in this easement.

It is appropriate to note that there are no set back encroachments.

Please accept our sincere apology for any inconvenience this action has caused.

Most Sincerely,



Merritt C. Schumann

Original
Do NOT Remove
From Office ✓

MEMO FROM CITY ATTORNEY

RE: *SCHAUMANN VACATION.*

#33-90

Cc: !johns

Content-Length: 1427

The Crown Heights plat, which defines the scope of the easement requested to be vacated, per the Planning Commission's agenda, reads: ".....and dedicate to the utilities those portions of real property which are labelled as utility easemnts...". It then goes on to specifically include electric gas and telephone.

This kind of language is the reason that Karl and I, last year or so, began requiring that the dedication be made to the City on behalf of the utilites so that the City could vacate. As it stands with the particular language on the plat, the city probably doesn't have the power to vacate something which was not dedicated to it.

However, to refuse to try to vacate this easement, which I presume all agencies and utilities do not need, practically would require the petitioner to file an action in the distric t court with attendant expense and time. For safety sake we should identify in the planning commission record that we are aware that we are really only agreeing to vacate whatever interest the City has and we do not presume to vacate on behalf of those utilites specifically mentioned. The petitioner should obtain the written consent of the vacation, perhaps by quit claim deed, from ma bell, public service and the cable company and any others who could claim that the easement runs in their favor. If I were the petitioner, I would then record the quit claims deeds to be safe.

#1 1->PREV 2->NEXT 3->PRINT 4->DEL 5->ANSW 6->FORW 7->MOVE 8->DONE

ATTMAIL.ASP Ü VT102 Ü FOX Ü 19200 071 Ü LOG CLOSED Ü PRINT OFF Ü ATT382-1

CROWN HEIGHTS HOMEOWNERS ASSOCIATION
Grand Junction, CO 81506
Sept. 1, 1990

To: Planning Commission, City of Grand Junction

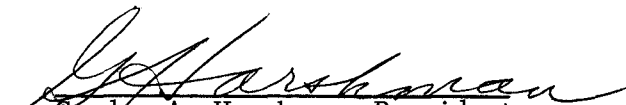
Re: Public Hearing Nr. 33-90 on Sep 4, 1990, with a request to vacate the north two feet of an easement along the south boundary of property at 3986 S. Piazza Lane, Lot 1, Block 18 of this subdivision. Petitioners are Merritt and Betty Schumann.

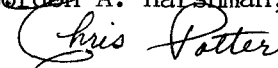
Crown Heights Homeowners Association interest in this matter relates to a closed and pressurized irrigation lateral service line extending east to west across fifteen properties at an estimated depth of 48 inches, and located somewhere within the north-south boundaries of an overall 20 foot utility and irrigation easement shown on final plot plan for this subdivision dated 7/14/80.


Without excavation, there is no positive identity of the physical position of this lateral line within the easement.

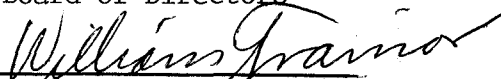
The current easement permits proper care and servicing of the lateral line within an overall residential property width of approximately 20 feet. The proposed abandonment reduces the overall width to 18 feet for a distance of 103.05 feet.


The association asks only for written assurance that all association rights applicable to a current 20 foot easement inclusive of this property; as provided in the final plot plan of July 14, 1980, will not be affected by the proposed change.


Gordon A. Harshman, President


Chris Potter, VP and Member
Board of Directors


John H. Crawford, Member
Board of Directors


William Trainor, Member
Board of Directors


Harvey S. Huffer, Member
Board of Directors

RECEIVED GRAND JUNCTION
PLANNING DEPARTMENT

SEP 04 1990

H
William & Judith Ihrig
2324 N. Seville Cr.
Grand Jct., Co. 81506

T.L. & S.K. Gazdak
2375 E. Piazza Pl.
Grand Jct., Co. 81506

Michael & Susan Gazdak
2312 N. Seville Cr.
Grand Jct. Co. 81506

First United Presbyterian
622 White Ave.
Grand Jct., CO. 81501

Thomas & Mary Foster
2298 N. Seville Cr.
Grand Jct., Co. 81506

Warren Bystedt
1020 Elm Ave.
Grand Jct. Co. 81501

~~T.L. Benson & S.K. Gazdak
2357 E. Piazza Pl.
Grand Jct., Co. 81506~~

Betty Schumann
2288 E. Piazza Pl
Grand Jct. Co. 81506

T.L. Benson & S.K. Gazdak
2357 E. Piazza Pl.
Grand Jct., Co. 81506

Kenneth & Jane Vaughn
2303 E. Piazza Pl.
Grand Jct., Co. 81506

Andrew & Pauline Wolfe
2325 E. Piazza Pl.
Grand Jct., Co. 81506

William & Chris Potter
2297 N. Seville Cr.
Grand Jct., Co. 81506

Jerry Elliot
998 24 Road
Grand Jct., Co. 81505

James & Dianna Pasqua
3969 S. Piazza
Grand Jct., Co. 81506

Do NOT Remove
From Office

#33 90

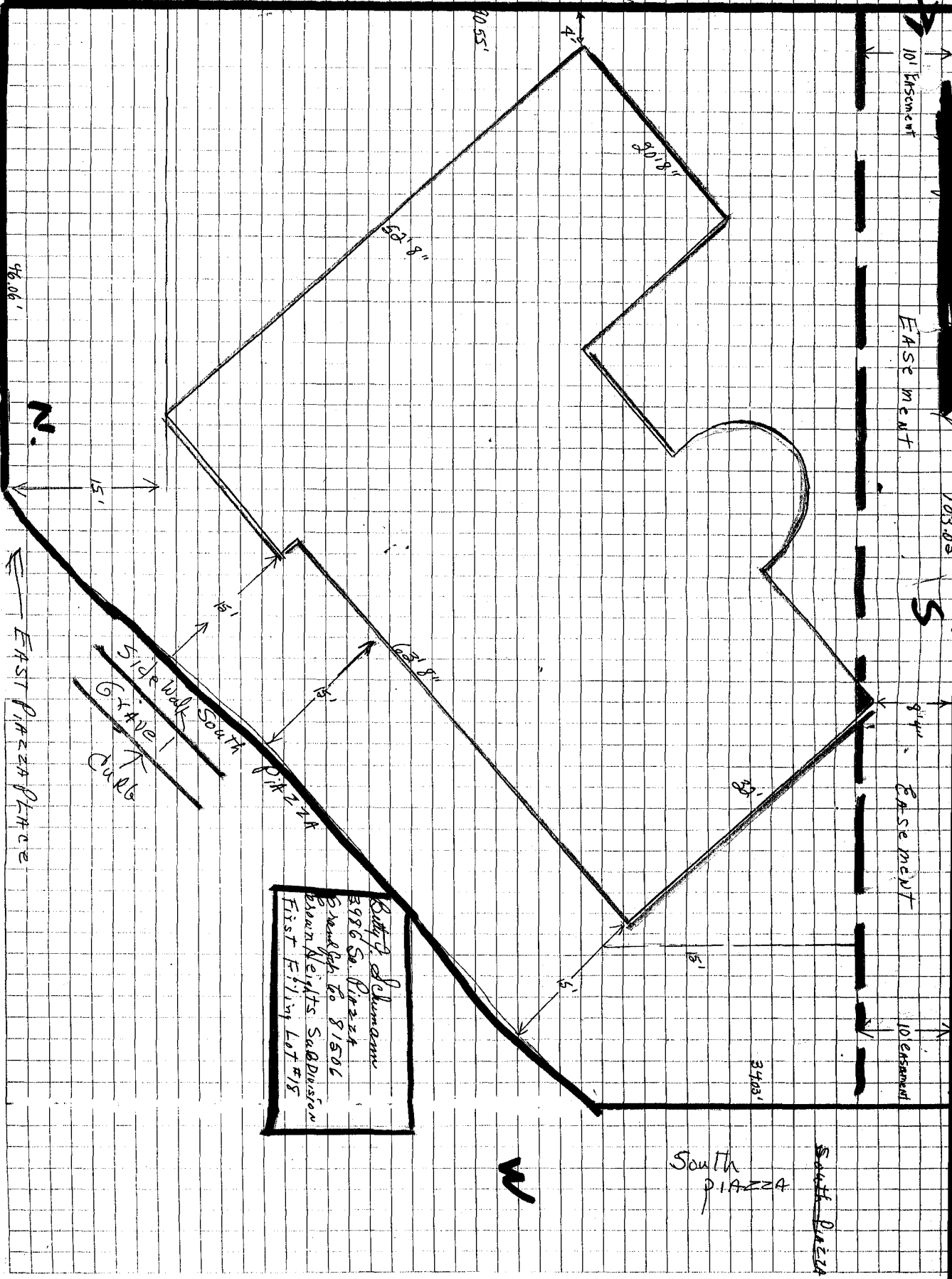
Sheet 1 of 2
The following
Map of

City of Remov
De
Front Office

33 90

W

Map 224 Plate

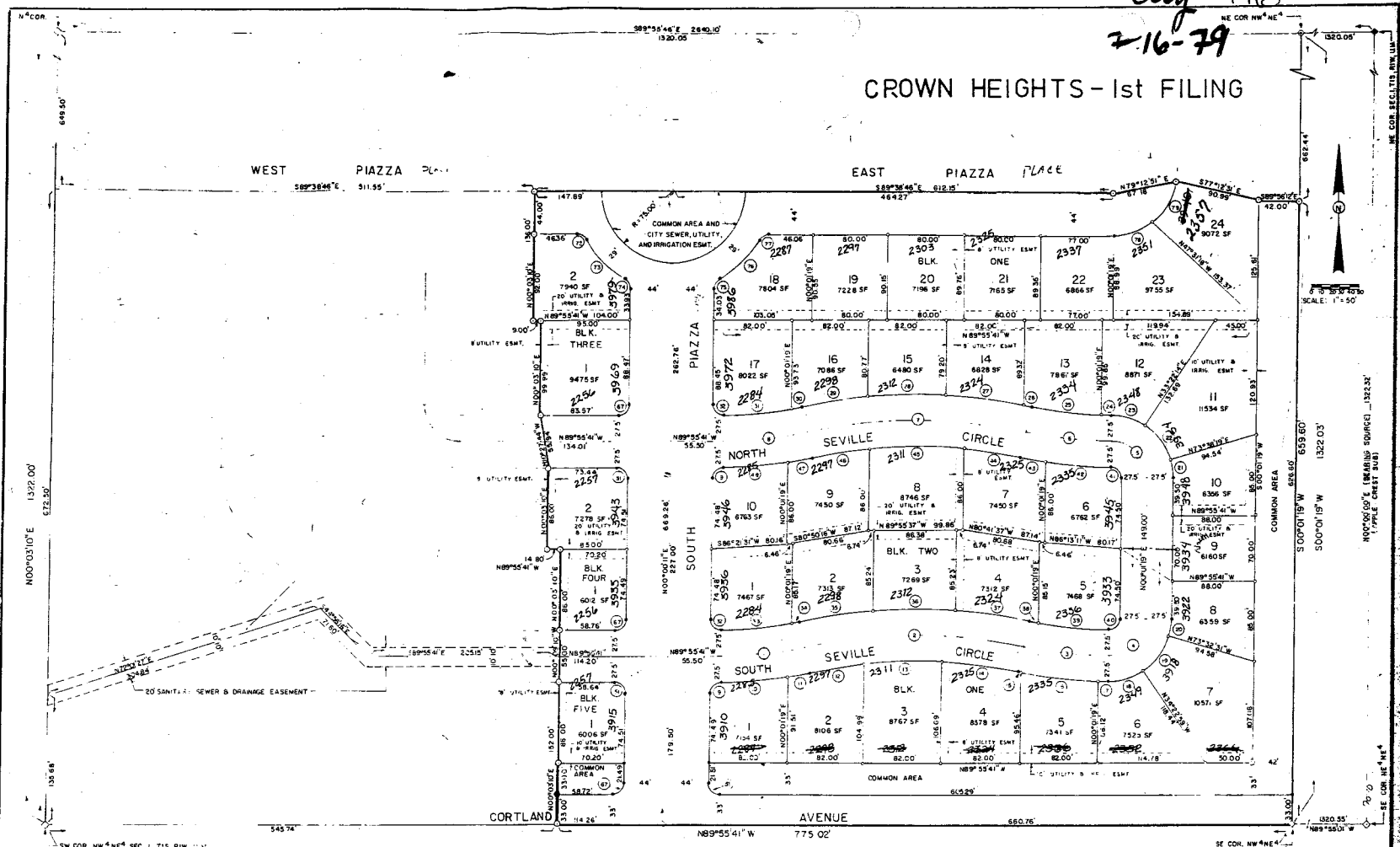


Butty & Blumann
 8986 So. Plaza
 Shed up to 81506
 Barn Heights Subdivision
 First Filing Lot #18

South
 PLAZA
 South PLAZA

2-16-79

CROWN HEIGHTS - 1st FILING



- LEGEND**
- PERIMETER MONUMENT NO. 5 REBAR 1/2" WALLORY CAP SET IN CONCRETE
 - LOT CORNER NO. 5 REBAR 1/2" PLASTIC CAP
 - ◆ BLOCK CORNER NO. 5 REBAR 1/2" WALLORY CAP
 - FOUND MESA COUNTY SURVEY MONUMENT
 - ◆ FOUND OLD BRASS CAP

AREA SUMMARY

AREA IN LOTS	39 LOTS	6.87 AC.
AREA IN STREETS	4.10 AC.	
AREA IN COMMON AREA	1.14 AC.	
TOTAL		12.11 ACRES

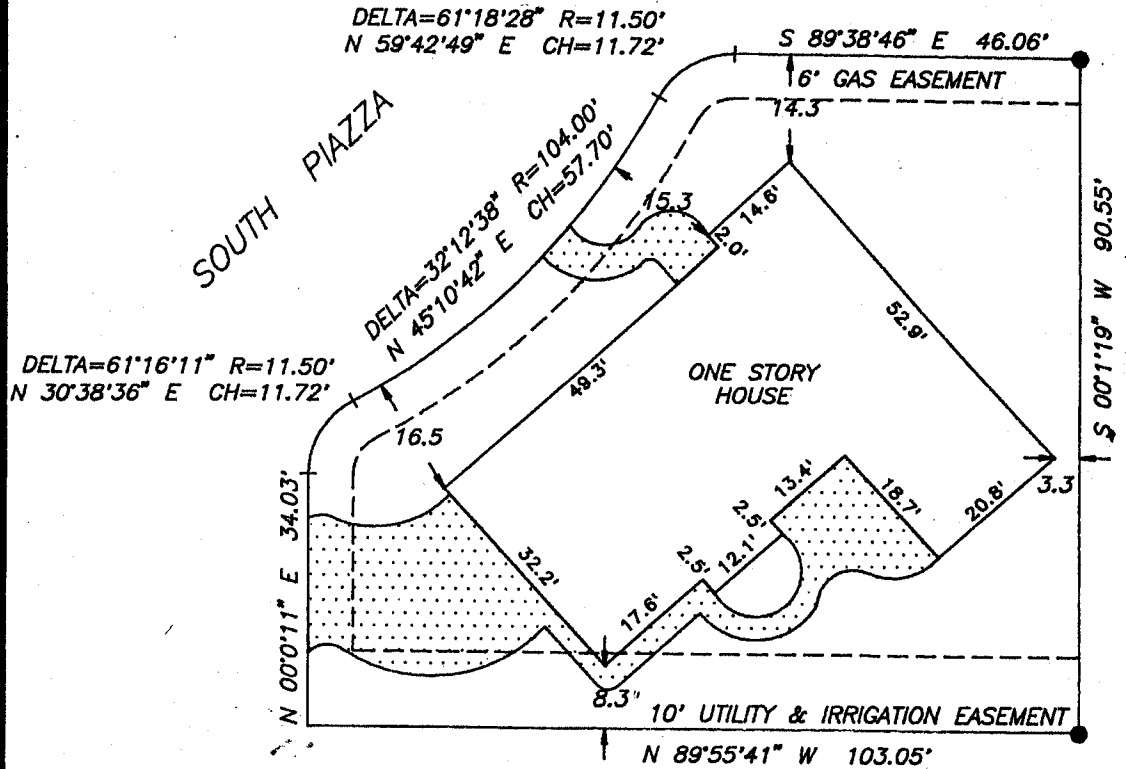
CROWN HEIGHTS 1ST - FILING			
FINAL PLAT		SURVEYED BY	
FOR CROWN HEIGHTS DEVELOPMENT	COBURN ENGINEERS	DATE	LTM
SCALE HORIZONTAL 1" = 50'	SURVEYORS LEWIS & CLARK	APPROVED BY	L.V.
VERTICAL		DATE NO.	RSC
DATE 7/14/81	CREAM HUNTING COLORADO	SHEET NO.	2 OF 2
		FILE NO.	78-12-05

IMPROVEMENT LOCATION CERTIFICATE

3986 SOUTH PIAZZA
GRAND JUNCTION, COLORADO

LOT 18, BLOCK 1, CROWN HEIGHTS - FIRST FILING
MESA COUNTY, COLORADO

EAST PIAZZA



ALL SETBACK AND SIDEYARD DISTANCES ARE PLUS OR MINUS ONE FOOT.

NOTE: LEGAL DESCRIPTION AND EASEMENT INFORMATION PROVIDED BY Recorded plat of Subdivision, COMMITMENT NUMBER _____.

I HEREBY CERTIFY THAT THIS IMPROVEMENT LOCATION CERTIFICATE WAS PREPARED FOR Mr. Schumann, THAT IT IS NOT A LAND SURVEY PLAT OR IMPROVEMENT SURVEY PLAT, AND THAT IT IS NOT TO BE RELIED UPON FOR THE ESTABLISHMENT OF FENCE, BUILDING, OR OTHER FUTURE IMPROVEMENT LINES. I FURTHER CERTIFY THAT THE IMPROVEMENTS ON THE ABOVE DESCRIBED PARCEL ON THIS DATE, 7-31-90 EXCEPT UTILITY CONNECTIONS, ARE ENTIRELY WITHIN THE BOUNDARIES OF THE PARCEL, EXCEPT AS SHOWN, THAT THERE ARE NO ENCROACHMENTS UPON THE DESCRIBED PREMISES BY IMPROVEMENTS ON ANY ADJOINING PREMISES, EXCEPT AS INDICATED, AND THAT THERE IS NO EVIDENCE OR SIGN OF ANY EASEMENT CROSSING OR BURDENING ANY PART OF SAID PARCEL, EXCEPT AS NOTED.

IT IS HEREBY CERTIFIED THAT THE ABOVE-DESCRIBED PROPERTY IS NOT LOCATED WITHIN A 100 YEAR FLOOD HAZARD BOUNDARY.

WILLIAM O. ROY P.L.S. 12901

6542	CENTURY SURVEYING P.O. BOX 356, GRAND JCT., COLORADO 81502 TELEPHONE 303-241-2667	
RECEIVED GRAND JUNCTION PLANNING DEPARTMENT SEP 04 1990 #33-90	SCALE: 1" = 20' ● - PINS FOUND ○ - PINS SET	FIELD WORK: E.M. DATE FIELD WORK: 7-31-90 DRAWN BY: Cj.V DATE DRAWN: 8-01-90

REVIEW SHEET SUMMARY

FILE NO. #33-90 TITLE HEADING: Vacation of Easement

ACTIVITY: 2 ft. vacation of easement at 3986 S. Piazza

PETITIONER: Betty J. & Merritt Schumann

REPRESENTATIVE: Self

LOCATION: 3986 S. Piazza

PHASE: ACRES:

PETITIONER'S ADDRESS: 3986 S. Piazza, Grand Junction, CO

ENGINEER:

STAFF REPRESENTATIVE: David Thornton

NOTE: WRITTEN RESPONSE BY THE PETITIONER TO THE REVIEW COMMENTS IS REQUIRED
A MINIMUM OF 48 HOURS PRIOR TO THE FIRST SCHEDULED PUBLIC HEARING.

CITY ENGINEER 08/14/90

No comment.

UTE WATER 08/03/90

No objections.

US WEST 08/09/90

No objection to easement vacation as described on accompanying sheets.

PUBLIC SERVICE 08/09/90

GAS & ELECTRIC: No objections.

CITY UTILITIES ENGINEER 08/03/90

City has no utilities located through the easement. We would recommend that the only portion vacated is that where the garage encroaches into the easement. The west of the easement should be left as platted.

CITY ATTORNEY 08/07/90

Easement vacation would be appropriate legal remedy. Inconsistency appears in the impact statement and sketch. Statement refers to 70' easement, sketch refers to 10'. Clarification needs to be made.

BUILDING DEPARTMENT 08/06/90

No objections or other comments.

RESPONSE NECESSARY
AUG 31 1990
by _____

PLANNING DEPARTMENT **08/20/90**

This easement is a total of 20 feet with 10 feet platted on each side of the common property lines.

The 2 foot easement should extend along the entire property line for purposes of describing the vacated portion of the easement and avoid future confusion. There will be 18 foot of utility easement between the two properties.

Staff recommends approval of the 2 foot easement vacation.

CROWN HEIGHTS

Easement Vacation for 3986 South Piazza Staff Report

Merritt & Betty Schumann of 3986 South Piazza are requesting to vacate the northernmost 2 feet of a 20 foot easement along the southern boundary of their property in Crown Heights Subdivision. Approximately 10 feet of the 20 foot easement is actually on their property, (lot 18).

The petitioner's desire is to bring the property into legal conformance

The Schumann's garage was built into the easement 20 inches. This occurred when the foundation was poured in the wrong place. There was enough distance on the property to legally build the home without encroaching into the easement.

The City has no utilities in this easement. The City's involvement in this particular easement vacation is the review process. Due to the dedicatory language on the plat for Crown Heights, 1st filing, the easement is dedicated to the Utilities, rather than to the City of Grand Junction for the benefit of utilities. Therefore the City can only vacate their interest in the easement. The City cannot vacate an easement that pertains to the Public Service Co., U S West, United Cable, or Ute Water or whomever may be utilizing that easement.

Quit Claim deeds have been or are being obtained from each Utility Company by the petitioner. These deeds will be recorded by the petitioner.

Planning Commission recommended approval 7-0 subject to the petitioner obtaining deeds that meet approval of the City Attorney's office, Planning Staff, and the Utility Coordination Committee (UCC) from any utilities deemed to provide service in that easement.

Misc. Info.

-- The County Recorder records Easement Vacations in 2 places:

- 1) Grantee Index
- 2) Subdivision Index

-- All Quit Claim deeds have been signed except Public Service of which they have signed a letter stating their approval of the vacation. It takes 14 days for them to have the deed signed by the Denver office.

-- Length of vacation is 103.05 feet.

(SCHUMANN.RPT)



ACRES _____

UNITS _____

DENSITY _____

ACTIVITY Easement Vacation

PHASE _____

COMMON LOCATION 3986 South Piazza

DATE SUBMITTED July 26, 1990

DATE MAILED OUT _____

DATE POSTED _____

DAY REVIEW PERIOD _____

RETURN BY _____

OPEN SPACE DEDICATION (acreage) _____

OPEN SPACE FEE REQUIRED \$ _____

PAID RECEIPT # _____

RECORDING FEE REQUIRED \$ _____

PAID (Date) _____

DATE RECORDED _____

FILE NUMBER # 33 90

ZONE PR-4

TAX SCHEDULE # 2945-011-36-018

VACATION

Do NOT Remove From Office

REVIEW AGENCIES

	A	B	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W	X	Y	Z	AA	BB	CC	DD	EE	FF	GG
<input checked="" type="checkbox"/> Planning Department	●	●		●			●									●										●	●	●	●	●		
<input checked="" type="checkbox"/> City Engineer	●	●															●											●	●			
<input type="checkbox"/> Transportation Engineer	●	●															●											●	●			
<input type="checkbox"/> City Parks/Recreation	●	●															●											●	●			
<input type="checkbox"/> City Fire Department	●	●															●											●	●			
<input type="checkbox"/> City Police Department	●	●															●											●	●			
<input type="checkbox"/> County Planning	●	●															●											●	●			
<input type="checkbox"/> County Engineer	●	●															●											●	●			
<input type="checkbox"/> County Health	●	●															●											●	●			
<input type="checkbox"/> Floodplain Administration	●	●															●											●	●			
<input type="checkbox"/> G.J. Dept. of Energy	●	●															●											●	●			
<input type="checkbox"/> Walker Field	●	●															●											●	●			
<input type="checkbox"/> School District	●	●															●											●	●			
<input type="checkbox"/> Irrigation	●	●															●											●	●			
<input type="checkbox"/> Drainage	●	●															●											●	●			
<input checked="" type="checkbox"/> Water (Ute, Clifton)	●	●															●											●	●			
<input type="checkbox"/> Sewer Dist. (FV, CGV, OM)	●	●															●											●	●			
<input checked="" type="checkbox"/> U.S. West	●	●															●											●	●			
<input checked="" type="checkbox"/> Public Service (2 sets)	●	●															●											●	●			
<input type="checkbox"/> State Highway Department	●	●															●											●	●			
<input type="checkbox"/> State Geological	●	●															●											●	●			
<input type="checkbox"/> State Health Department	●	●															●											●	●			
<input checked="" type="checkbox"/> City Property Agent	●	●															●											●	●			
<input checked="" type="checkbox"/> City Utilities Engineer	●	●															●											●	●			
<input checked="" type="checkbox"/> City Attorney	●	●															●											●	●			
<input checked="" type="checkbox"/> Building Department	●	●															●											●	●			
<input type="checkbox"/> DOA	●	●															●											●	●			
<input checked="" type="checkbox"/> GJPC (7 packets)	●	●															●											●	●			
<input checked="" type="checkbox"/> CIC (11 packets)	●	●															●											●	●			
<input checked="" type="checkbox"/> Other <u>UCC</u>	●	●															●											●	●			

TOTALS

BOARDS

DATE

P-C

9-4-90

Approval 7-0 with quit claim Deed required from each utility bet. them & property owner. Staff will review deeds prior to recording for approval. Staff includes Planning, City Attorney and UCC.

STAFF

APPLICATION FEE REQUIREMENTS

Easement Vacation \$ 200⁰⁰



Please Paperclip packets

development summary



File # 33-90 Name Easement Vacation Date Sept. 4, 1990

PROJECT LOCATION: 3986 South Plaza

PROJECT DESCRIPTION: A request to vacate the North 2 ft. of an easement along the south boundary of the property.

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			N/A		Irrigation/Drainage	X			
					Landscaping/Screening	X			
					Other: _____				

* See explanation below

The garage was constructed within the easement. A Planning Clearance was obtained but the foundation was poured in the wrong location. There would have been enough area on the lot for the structure without having it in the easement.

STATUS & RECOMMENDATIONS:

The petitioner is required to obtain Quit Claim Deeds from all utility companies in the easement including US West, United Cable, Public Service, and Crown Heights Homeowners Association, Inc. The City has no utilities in the easement. A full hearing should be conducted to determine if Quit Claim Deeds have been signed by all parties. The City can vacate their interest in the 2' easement and by requiring the Quit Claim Deeds, assure that the easements which have been recorded on the plat are vacated.

Planning Commission Action

Recommended approval subject to the petitioner obtaining deeds that meet approval of the City Attorney's Office, City Planning Staff and the Utilities Coordinating Committee (UCC), from any utilities deemed to provide service in that easement. Motion passed by a vote of 7-0.