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File 19910046

Name: Gunnison Avenue - Vacation of ROW- Harris Road to Melody Ln.

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X	X	Action Sheet - 8/6/91 - TABLED		
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X	X	Executive Summary - 12/16/92		
X	X	Correspondence		
X	X	City, Council Minutes - ** - 1/6/93		
X	X	Gunnison Avenue Vacation Map		
X		Notice of Public Hearing mail-outs - sent 7/24/91		

A



Receipt # _____
Date Rec. # 46 91
Received By _____

DEVELOPMENT APPLICATION

We, the undersigned, Being the owners of property situated in Mesa County, State of Colorado, as described on the attached legal description form do hereby petition this:

Original
To be removed
From Office

Type of Petition	Sq.Ft	Phase	Common Location	Zone	Type of Usage
<input type="radio"/> Subdivision Plat/Plan		<input type="radio"/> Minor <input type="radio"/> Major			
<input type="radio"/> Rezone				Frm \rightarrow To	
<input type="radio"/> Planned Development		<input type="radio"/> ODP <input type="radio"/> Prelim <input type="radio"/> Final			
<input type="radio"/> Conditional Use					
<input type="radio"/> Hwy-Oriented Development				H.O.	
<input type="radio"/> Text Amendment					
<input type="radio"/> Special Use					
<input checked="" type="radio"/> Vacation			GUNNISON Ave Between Harris Road & Melody Lane		<input checked="" type="radio"/> Right-of-way <input type="radio"/> Easement

PETITIONER PROPERTY OWNER DEVELOPER REPRESENTATIVE

Name: WAGNER EQUIPMENT Co. Attn. Floyd (Butch) Crane Name: Armstrong Consultants, Inc. Attn. Tom Logue
 Address: 2882 I-70 Business Loop Address: 537 Fruitwood Drive
2707 Highway 50 Address: 861 Road Ave.
 City/State: Grand Junction, CO. 81502 City/State: Grand Junction, CO. 81501
 Business Phone #: 242-2834 Business Phone #: 242-0101 Business Phone #: _____

Note: Legal property owner is owner of record on date of submittal.



WE HEREBY ACKNOWLEDGE THAT WE HAVE FAMILIARIZED OURSELVES WITH THE RULES AND REGULATIONS WITH RESPECT TO THE PREPARATION OF THIS SUBMITTAL, THAT THE FOREGOING INFORMATION IS TRUE & COMPLETE TO THE BEST OF OUR KNOWLEDGE, AND THAT WE ASSUME THE RESPONSIBILITY TO MONITOR THE STATUS OF THE APPLICATION AND THE REVIEW SHEET COMMENTS. WE RECOGNIZE THAT WE OURSELVES, OR OUR REPRESENTATIVE(S) MUST BE PRESENT AT ALL HEARINGS. IN THE EVENT THAT THE PETITIONER IS NOT REPRESENTED, THE ITEM WILL BE DROPPED FROM THE AGENDA, AND AN ADDITIONAL FEE CHARGED TO COVER RE-SCHEDULING EXPENSES BEFORE IT CAN AGAIN BE PLACED ON THE AGENDA



#46

Signature of person completing application: Thomas A. Logue Date: 6/25/91
 Signature of property owner(s): Wagner Equipment Co. Grand Junction Pipe & Supply Co.
Floyd Crane Tom Logue
W.A. Dineen

Donna S. Vessels
481 Harris Road
Grand Junction, CO 81501

Barbara Fowler
Yvonne Hocker
c/o Coloramo
910 Main Street
Grand Junction, CO 81501

Wendell L. Williams
475 Harris Road
Grand Junction, CO 81501

Clyde Gardner
467 Melody Lane
Grand Junction, CO 81501

Jack W. Blacksher
2960 D 1/2 Road
Grand Junction, CO 81504

Max R. Levenguard Estate
2160 Kennedy Avenue
Grand Junction, CO 81501

Ruth L. Raney
476 Melody Lane
Grand Junction, CO 81501

W.B. Swisher
1640 "O" Road
Loma, CO 81524

Boyde Phillips, Jr.
483 Sparn Avenue
Grand Junction, CO 81501

Grand Junction Pipe
2868 Hwy. 6 & 24
Grand Junction, CO 81501

46 91

Original
NOT REMOVE
10/10/91

46 91

46 91

**PROJECT NARRATIVE
FOR
GUNNISON AVENUE VACATION**

General The accompanying road vacation request is sponsored by Wagner Equipment Co., an adjoining land owner. Two other land owners, Grand Junction Pipe and A-1 Towing are also supporting this request.

Location The requested road vacation is for a portion of Gunnison Avenue lying between Harris Road and Melody Lane in the City of Grand Junction. The subject vacation is located in a part of the NE 1/4 of Section 18, Township One South, Range One East, of the Ute Meridian.

Surrounding Land Use The predominate land use in the vicinity of the request is commercial and industrial. This generally consists of material storage, heavy equipment sales and service, and manufacturing. Other uses include retail activities such as Wal-Mart located along North Avenue, north of the subject request. Residential uses in the area are limited, and located west of Harris Road and east of Melody Lane.

Existing Gunnison Avenue Conditions The Gunnison Avenue right-of-way for the requested area is not improved at this time. Additionally, existing Gunnison Avenue on either side of the requested vacation is not improved to any road standard. Public access to Gunnison Avenue is non-existent due to numerous fences and storage activities which exist within the right-of-way. The only use occurring within Gunnison Avenue is a utility corridor. Sewer, water irrigation, electric, natural gas and communication lines can be found within the right-of-way.

Purpose of Vacation The subject Gunnison Avenue right-of-way bisects several parcels which are currently under one ownership and use. Vacation of the right-of-way will allow Wagner Equipment and Grand Junction Pipe and Supply unrestricted access between land they currently own and operate as a single use. Since both operations are dependent upon large heavy equipment movements between their various parcels of land, future conflicts between the heavy equipment and the general public would be eliminated.

Justification of Request

1. Grand Junction Pipe and Supply Co. has indicated that they would be willing to combine two of their parcels of land (tax numbers 080 and 087) with tax parcel 089. This would eliminate landlocking any tract. Combining these parcels will not occur if this request is unsuccessful. A letter to this effect has been transmitted to the Grand Junction Community Development Department under separate cover.
2. Since there are numerous existing utilities within the subject right-of-way, new utility and irrigation easements will be deeded upon vacation of the subject right-of-way. Access to these utilities for maintenance will remain as it currently exists.

3. The vacation of the subject right-of-way will not devalue any of the affected land.
4. Since Gunnison Avenue is not currently an open public street, access to the properties by police and emergency vehicles will not be reduced in any manner.
5. Gunnison Avenue is not identified for construction in any adopted long or short term public capital improvement plan.
6. I-70B and North Avenue currently serve as major east-west arterials in the neighborhood. Both are in close proximity of the requested road vacation. Therefore, an additional east-west collector is not required.
7. Vacation of Gunnison Avenue will eliminate any future conflicts between the general public and the heavy commercial uses which exist on either side of the requested vacation.
8. The proposed vacation does not reduce future right-of-way requirements for Harris Road and Melody Lane.

[Faint, illegible text]

Publish One Time: December 9, 1992
Proof of Publication: Grand Junction City Clerk
250 North 5th Street
Grand Junction, CO 81501

PUBLIC HEARING

The Grand Junction City Council will be holding a public hearing at 7:30 pm on December 16, 1992 in the City Auditorium, 520 Rood Avenue to consider the following items:

#46-91 R.O.W. VACATION - GUNNISON AVENUE

A request to vacate the portion of Gunnison Avenue lying between Harris Road and Melody Lane in the City of Grand Junction. This petition was tabled at the Planning Commission Hearing of August 6, 1991. Denied at Planning Commission Hearing of December 1, 1992. This is an appeal of the Planning Commission denial.

PETITIONER: Wagner Equipment
REPRESENTATIVE: Thomas Logue
LOCATION: Gunnison Avenue between Harris Road
and Melody Lane

LEGAL DESCRIPTION:

That portion of Gunnison Avenue right-of-way as described in Book 1050 page 307 and 308 and in Book 1059 page 684 and the final plat for Gunnison Avenue South in the records of the Mesa County Clerk and Recorder lying 30 feet east of the west line W1/2 E1/4 NW1/4 NE1/4 of Section 18, Township One South, Range 1 East of the Ute Meridian and 30 feet west of the east line W1/2 NE1/4 NE1/4, of Section 18 Township One South, Range 1 East of the Ute Meridian.

#69-92 REZONE FROM C-2 TO B-1 ZONE - COLORADO AVENUE

A request to rezone the south side of the 1300 block of Colorado Avenue from a Commercial (C-1) Zone to a Business (B-1) Zone to better conform to existing uses. Approved at 12/1/92 Planning Commission Hearing.

LEGAL DESCRIPTION
GUNNISON AVENUE RIGHT-OF-WAY VACATION
(Revised 2/10/94)

Commencing at the Southeast Corner of the $W\frac{1}{2}$ $NE\frac{1}{4}$ $NE\frac{1}{4}$ of Section 18, Township 1 South, Range 1 East of the Ute Meridian in the City of Grand Junction, County of Mesa, State of Colorado; thence $N 89^{\circ}36'23''$ W along the South Line of said $W\frac{1}{2}$ $NE\frac{1}{4}$ $NE\frac{1}{4}$ a distance of 30.00 feet to the West Right-of-Way for Melody Lane and the TRUE POINT OF BEGINNING; thence $N 00^{\circ}23'37''$ E a distance of 30.00 feet; thence $N 89^{\circ}36'23''$ W a distance of 631.15 feet, more or less, to a point on the West Line of the $NE\frac{1}{4}$ $NE\frac{1}{4}$ of said Section 18; thence $N 89^{\circ}36'23''$ W a distance of 300.57 feet, more or less, to a point from whence the West Line of the $W\frac{1}{2}$ $E\frac{1}{4}$ $NW\frac{1}{4}$ $NE\frac{1}{4}$ of said Section 18 bears $N 89^{\circ}36'23''$ W a distance of 30.00 feet; thence $S 00^{\circ}23'37''$ W a distance of 60.0 feet; thence $S 89^{\circ}36'23''$ E a distance of 300.57 feet, more or less, to a point on the West Line of the $SE\frac{1}{4}$ $NE\frac{1}{4}$ of said Section 18; thence $S 89^{\circ}36'23''$ E a distance of 236.13 feet; thence $S 00^{\circ}23'37''$ W a distance of 3.0 feet to the Northwest Corner of Lot 1 of Gunnison Avenue South Subdivision as recorded in Plat Book 12 at Page 304 in the office of the Mesa County Clerk and Recorder; thence $S 89^{\circ}36'23''$ E a distance of 250.02 feet to the Northeast Corner of Lot 1 of Gunnison Avenue South Subdivision; thence $N 00^{\circ}23'37''$ E a distance of 3.0 feet; thence $S 89^{\circ}36'23''$ E a distance of 145.00 feet to the West Right-of-Way for Melody Lane; thence $N 00^{\circ}23'37''$ E a distance of 30.00 feet to the TRUE POINT OF BEGINNING,

Reserving unto the City, for its use and benefit and for the use and benefit of public utilities which are presently located within such vacated right-of-way, a perpetual easement for the installation, operation, maintenance and repair of existing utilities, together with the right of ingress and egress for workers and equipment, on, along, over, under, through and across said perpetual easement, being more particularly described as follows:

Commencing at the Southeast Corner of the $W\frac{1}{2}$ $NE\frac{1}{4}$ $NE\frac{1}{4}$ of said Section 18; thence $N 89^{\circ}36'23''$ W along the South Line of said $W\frac{1}{2}$ $NE\frac{1}{4}$ $NE\frac{1}{4}$ a distance of 30.00 feet to the West Right-of-Way for Melody Lane and the TRUE POINT OF BEGINNING; thence $N 00^{\circ}23'37''$ E a distance of 30.00 feet; thence $N 89^{\circ}36'23''$ W a distance of 631.15 feet, more or less, to a point on the West Line of the $NE\frac{1}{4}$ $NE\frac{1}{4}$ of said Section 18; thence $N 89^{\circ}36'23''$ W a distance of 300.57 feet, more or less, to a point from whence the West Line of the $W\frac{1}{2}$ $E\frac{1}{4}$ $NW\frac{1}{4}$ $NE\frac{1}{4}$ of said Section 18 bears $N 89^{\circ}36'23''$ W a distance of 30.00 feet; thence $S 00^{\circ}23'37''$ W a distance of 55.00 feet; thence $S 89^{\circ}36'23''$ E a distance of 350.0 feet; thence $N 60^{\circ}23'37''$ E a distance of 50.00 feet to a point on the South Line of the $W\frac{1}{2}$ $NE\frac{1}{4}$ $NE\frac{1}{4}$ of said Section 18; thence $S 89^{\circ}36'23''$ E along the South Line of said $W\frac{1}{2}$ $NE\frac{1}{4}$ $NE\frac{1}{4}$ a distance of 538.42 feet to the West Right-of-Way for Melody Lane and the TRUE POINT OF BEGINNING.

REVIEW SHEET SUMMARY

(Page 1 of 2)

FILE NO. 46-91

TITLE HEADING: VACATION

ACTIVITY: Request for a Vacation of Gunnison Ave between Harris Rd & Melody Lane

PETITIONER: Wagner Equipment Company/Butch Crane

LOCATION: Gunnison Avenue Between Harris Road and Melody Lane

ENGINEER: Armstrong Consultants, Inc.

STAFF REPRESENTATIVE: Karl Metzner 303-244-1439

NOTE: WRITTEN RESPONSE BY THE PETITIONER TO THE REVIEW COMMENTS IS REQUIRED.

Community Development 7/24/91
Karl Metzner 244-1439

Gunnison Avenue is classified as a collector street in the adopted MPO Functional Road Classification System. This road should be declassified prior to vacation. The MPO has contracted with CRSS consultants for an arterial/collector road study to be completed in September 1992. Part of this study will consist of accommodations for changes to the functional classification designations. Recommend that this request be tabled pending the results and recommendations of that study. A Revocable Permit could allow use of the right-of-way pending reconsideration of the vacation request.

Public Service 7/10/91
Carl Barnkow

Gas: PSCo has existing gas line in Gunnison Ave. from Harris Rd. east for approx. 400'. Need to retain as easement.

Electric: PSCo has existing electric facilities in this R.O.W.. Electric needs to maintain represent R.O.W. for utility easement.

City Utility Engineer 7/8/91
Bill Cheney

The city maintains both water and sewer lines that run east and west through the right-of-way. Access to those lines is required for the repair and replacement of the city utilities. Approval for this request would be with the following stipulations.

1. 60' in width be maintained for "Utility and Irrigation Easement."
2. Permanent access provided through the entire length of the proposed vacation for repair and maintenance.

There may be electrical conduit or a gas line located south of the fence on Lot 1 that is not shown.

Fire Department 7/10/91
Mike Gaydal 244-1400

The Fire Department's concern is that access for emergency vehicles be maintained.

Police Department 7/9/91
Capt. H.L. Gorby

The Grand Junction Police Department has no objection to vacation of Gunnison Avenue between Harris Road and Melody Lane.

Grand Junction Drainage District 7/10/91
John R. Ballagh

1. There are no existing or planned open or tiled drains under the maintenance responsibility of the Grand Junction Drainage District either through or adjacent to the requested Gunnison Avenue vacation.

U.S. West 7/15/91
Leon Peach

Needs to be retained at least as utility easement because U.S. West has buried distribution working through there now.

City Engineer 7/17/91
J. Don Newton

This section of Gunnison Avenue is currently shown on the Grand Junction Urbanized Area Functional Street Classification map as a "collector" street. The street should be declassified through the Metropolitan Planning Organization (MPO) before the right-of-way is vacated. A revocable permit could be issued to allow use of the right-of-way until it is determined if the right-of-way should be declassified and/or vacated.

Fruitvale Lateral & Waste Ditch Co. 7/7/91
Gerald L. Hill

The Fruitvale Lateral and Ditch Company has reviewed the proposed vacation of Gunnison Avenue and has inspected the site. We require a fifteen foot right-of-way along the entire length of our irrigation water pipe within the proposed site. This right-of-way will be used for maintenance, improvements, and inspection of the irrigation water pipe. In addition, a

letter of Guaranteed access to the right-of-way must be signed and submitted to the Association by the petitioners. Until such letter of guarantee is submitted to the Association, we reserve the right to object to this petition.

No comments received from the following review agencies:

Transportation Engineer
Grand Valley Irrigation
Sewer District
City Property Agent
City Attorney

GRAND JUNCTION CITY COUNCIL

DATE: DEC. 16, 1992

AGENDA ITEM SUMMARY

STAFF:KARL METZNER

ACTION REQUESTED:

Vacate Gunnision Ave. Right-of-Way from Harris Road to Melody Lane.

EXECUTIVE SUMMARY:

The petitioners, Wagner Equipment Co. requested the vacation of Gunnision Ave Right-of-Way in order to eliminate the possibility of this road being constructed. There are currently no improvements to Gunnision Ave east of 28 1/2 road. Wagner Equipment and other property owners own property on both the north and south sides of the right-of-way. Many years ago revokable permits were issued to fence both ends of the right of way. Since that time the owners have been using the right-of-way to store and transport materials. The owners feel that development of the road would jeopardize their business operations. The Planning Commission first heard this request in August of 1991. Since the Major Road Needs Study was about to get underway the Commission tabled this item pending the recommendations of the study. The completed and adopted study recommends that Gunnision Ave right-of-way be retained for possible use as an interneighborhood collector.

FISCAL IMPACT:

If the Gunnision Ave right-of-way is vacated and a roadway in this area is needed in the future City funds could be required to purchase a new right-of-way.

BACKGROUND/ISSUES/OPTIONS:

The Road Needs Study identifies this portion of Gunnision Ave. as possibly being needed for future traffic circulation. When and if this occurs depends on future development on the area east of 28 road. It is probable that the City will never improve Gunnision unless there is an overriding public need for such improvements. If there is such a need in the future the right-of-way should be retained. If there is never a public need for Gunnision, the property owners can continue to use the right-of-way as they have in the past. Engineering and Planning staff have a difference of opinion regarding this proposal. Engineering feels that the right-of-way will never be needed, or if it is right-of-way could be required through the development process at no charge to the City. Planning contends that while the right-of-way may or may not be needed in the future the City should retain the long term flexibility gained by having the right-of-way currently dedicated. While current property owners have



Grand Junction Community Development Department
Planning • Zoning • Code Enforcement
250 North Fifth Street
Grand Junction, Colorado 81501-2668
(303) 244-1430 FAX (303) 244-1599

April 16, 1993

Wagner Equipment Co.
2882 I-70 Business Loop
Grand Junction, CO 81501

ATTN: Mr. Floyd Crane

Dear Mr. Crane:

As you may recall, the City Council approval of your request to vacate the Gunnison Ave. right of way was subject to two conditions:

- 1) Dedication of 30 feet of right of way for Melody Lane; and
- 2) Processing an adjustment of property lines to eliminate land locked parcels created by the vacation.

As of this date these conditions have not been met. We would like to resolve this matter as soon as possible. I would appreciate your contacting me within the next two weeks to discuss completing the conditions of vacation.

Thank you for your cooperation.

Sincerely

A handwritten signature in cursive script, appearing to read "Karl G. Metzner".

Karl G. Metzner
Senior Planner

FAXED: 602/491-258



Grand Junction Community Development Department
Planning • Zoning • Code Enforcement
250 North Fifth Street
Grand Junction, Colorado 81501-2668
(303) 244-1430 FAX (303) 244-1599

March 7, 1994

Scott Moore
Dunaway and Associates

RE: WalMart Expansion and platting

Dear Mr. Moore:

We are in receipt of the review packets for the proposed replat of lot 1, WalMart Minor Subdivision. As was discussed with the surveyor, Dan Brown, at the time of the pre-application meeting, the replat must be of all properties involved. Therefore, the three parcels to the south of the existing WalMart must be included, in their entirety, on the plat.

I did research development file #46-91 in our office on the conditions of approval of the vacation of Gunnison Avenue as it relates to those three properties to the south of WalMart. The approval of the vacation was subject to a 60 foot wide easement for utilities centered on the vacated ROW, the dedication of 30 ft. of ROW for Melody Lane and an adjustment of property lines so that all parcels have frontage on a dedicated ROW. All of those requirements could be met through the replatting of the parcels.

The City's policy for replats is that where lot lines are being adjusted between platted lots or between a platted lot and a metes and bounds described lot, a plat of all properties, in their entirety, must be recorded. The proposal to include only those portions of the properties to the south to be conveyed to WalMart on the plat is not acceptable and not consistent with City policy. However, because there is no proposed increase in the total number of lots or parcels existing, the review of the replat can be done administratively rather than through a hearing process. I am therefore rejecting the submittal made by Dan Brown for the WalMart replat and returning all packets to him. The separately submitted review of the site plan for WalMart is in process and will continue; however, a Planning Clearance for Building Permit will not be issued until the approved plat is recorded.

If you have questions you can call me at 244-1446.

Sincerely,

A handwritten signature in cursive script that reads "Katherine M. Portner".

Katherine M. Portner
Planning Supervisor

Grand Junction Pipe & Supply Company

2868 Freeway East • P.O. Box 1849 • Grand Junction, Colorado 81502 • 303/243-4604 • FAX 303/241-6622

May 21, 1991

City of Grand Junction
250 N. 5th St.
Grand Junction, CO 81501

RE: Vacation - Gunnison Avenue

Wagner Equipment Company is requesting the vacation of Gunnison Avenue from east of Melody Lane to the west of parcels 087 and 089 which are owned by Grand Junction Concrete Pipe Co.

We understand this will eliminate all access to parcels 080 and 087. We would be willing to include parcels 080 and 087 with parcel 089 in order to facilitate this vacation.

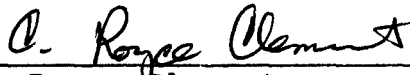
The full parcel number of our properties affected are:

2943-181-06-087
2943-181-00-080
2943-181-00-089

An area map is attached for your convenience.

Thank you,

GRAND JUNCTION PIPE & SUPPLY CO.



C. Royce Clement
Vice President - Finance & Accounting

CRC/kk
Enc.
File GJ

SEARCHED
SERIALIZED
INDEXED
FILED

MAY 21 1991

Grand Junction Pipe & Supply Company

2868 Freeway East • P.O. Box 1849 • Grand Junction, Colorado 81502 • 303/243-4604 • FAX 303/241-6622

December 18, 1992

Mr. Carl Metzner
Community Development Department
City of Grand Junction
250 North 5th
Grand Junction, CO 81501

RE: RESOLUTION OF LANDLOCKED PARCELS BY VACATION OF GUNNISON AVENUE

Dear Mr. Metzner:

The vacation of Gunnison Avenue has landlocked two parcels of property. These two parcels are identified by the County Assessor's office as numbers 2943-181-00-087 and 2943-181-00-080. These parcels are owned by Grand Junction Concrete Pipe Company.

To alleviate landlocking the two parcels, we agree to include the properties into parcel 2943-181-00-089 which is also owned by Grand Junction Concrete Pipe Company.

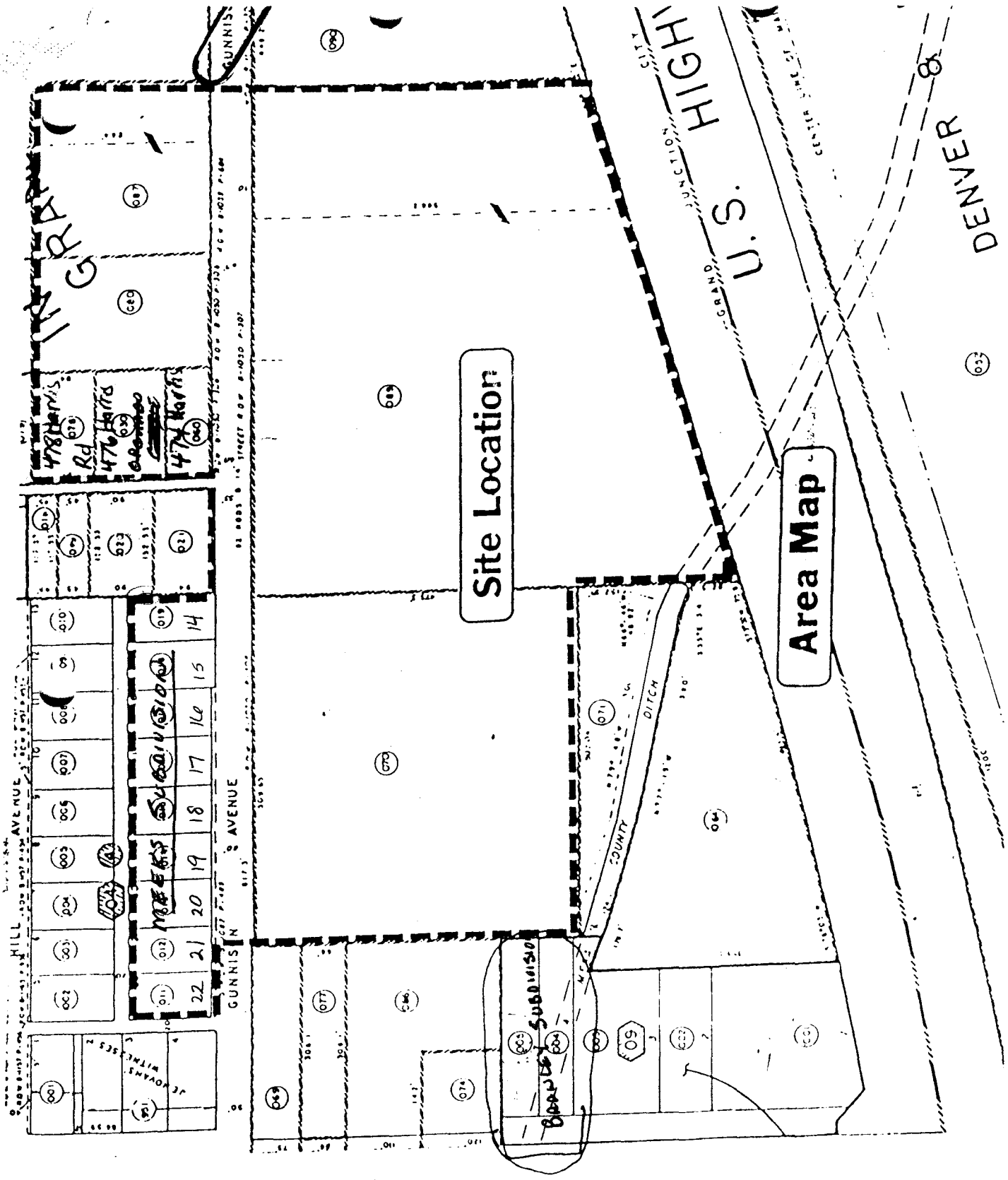
Parcels 087 and 080 would then have access to the I-70 Business Loop.

Please contact Royce Clement if additional information is needed.

GRAND JUNCTION CONCRETE PIPE COMPANY


Marie Tipping
President

MT/crc
enc



Site Location

Area Map

SUBDIVISION

IN GRAY

478 Harris Rd
476 Harris
474 Harris

HILL AVE

JEOPARDIZES

MAY BE

001 002 003 004 005 006 007 008 009 010 011 012 013 014 015 016 017 018 019 020 021 022

GUNNIS AVENUE

U.S. HIGHWAY 50

DENVER

DITCH

COUNTY

U.S. JUNCTION

Area Map

SUBDIVISION

JEOPARDIZES

MAY BE

001 002 003 004 005 006 007 008 009 010 011 012 013 014 015 016 017 018 019 020 021 022

GUNNIS AVENUE

U.S. HIGHWAY 50

DENVER

DITCH

COUNTY

U.S. JUNCTION

Area Map

SUBDIVISION

G

TYPE LEGAL DESCRIPTION) BELOW, USING ADDITIONAL SHEET AS NECESSARY. USE SINGLE SPACING WITH A ONE INCH MARGIN ON EACH SIDE.

That portion of Gunnison Avenue right-of-way as described in Book 1050, page 307 and 308 and in Book 1059 page 684 and the final plat for Gunnison Avenue South in the records of the Mesa County Clerk and Recorder lying 30 feet east of the west line $W\frac{1}{2}$ $E\frac{1}{4}$ $NW\frac{1}{4}$ $NE\frac{1}{4}$ of Section 18, Township One South, Range 1 East of the Ute Meridian and 30 feet west of the east line $W\frac{1}{2}$ $NE\frac{1}{4}$ $NE\frac{1}{4}$, of Section 18 Township One South, Range 1 East of the Ute Meridian.

Original
Do Not Remove
From Case

46 91

46

STAFF REVIEW

FILE # 46-91

DATE: December 1, 1992

REQUEST: Vacation of a portion of Gunnison Ave.

LOCATION: from Harris Road to Melody Lane

APPLICANT: Wagner Equipment Co.

EXISTING LAND USE: Industrial

PROPOSED LAND USE: N/A

SURROUNDING LAND USE: Industrial

EXISTING ZONING: I-1

PROPOSED ZONING: N/A

SURROUNDING ZONING: I-1

RELATIONSHIP TO COMPREHENSIVE PLAN/POLICIES/GUIDELINES: N/A

STAFF ANALYSIS: This R.O.W is dedicated but undeveloped. Revokable permits have been issued in the past to fence off both ends of the R.O.W. so that property owners could conduct business operations across the R.O.W. as if it were private property. The request was tabled by the Planning Commission on August 6, 1991 pending completion of the major road needs study. There are currently no plans for improvements to this portion of Gunnison Ave.

STAFF RECOMMENDATIONS: The Roads Needs Study identifies this portion of Gunnison Ave. as possibly being needed for future traffic circulation. When and if this will occur depends on future development trends in the area east of 28 road. Recommend the application for vacation be denied to maintain the public R.O.W. for future needs and to avoid the possibility of having to purchase more R.O.W. at some time in the future. Property owners can continue to use the R.O.W. as in the past until such time as the road is constructed.

P.C. 12/1/92 denied (2-2 tie)
ci@ 12/16/92 vacation approved on 1st reading

ITEM: 46-91

PETITIONER: Wagner Equipment Co.

PROPOSAL: Vacation of Gunnison Ave. from Harris Rd. to Melody Ln.

PRESENTED BY: Karl Metzner

COMMENTS: See Review Agency Summary Sheet Comments

- **APPROVAL:** Mr. Chairman, on item 46-91, a request to vacate Gunnison Ave. right of way, I move that we forward this on to City Council with the recommendation of approval subject to the review agency summary sheet comments except that the vacation does not need to wait on the completion of the MPO arterial and collector road study.
- **DENIAL:** Mr. Chairman, on item 46-91, a request to vacate Gunnison Ave. right of way, I move that we recommend denial for the following reasons: **(STATE REASONS)**
- ✓ **TABLE:** Mr. Chairman, on item 46-91, a request to vacate Gunnison Ave. right of way, I move that we table this item until completion of the MPO arterial and collector road study and that staff reactivate this request at no cost to the petitioner following completion of the study.

+ rev. permit
+ r.o.w. for Melody Ln. & Harris Rd

N 1/4 COR.
SECTION 18
T1S, R1E, U1M

WAL-MART TWO SUBDIVISION

DEDICATION

KNOW ALL MEN BY THESE PRESENTS:

That the undersigned, Wal-Mart Stores Inc., Merle Tipping, Grand Junction Concrete Pipe Co. and Wagner Equipment Co., a Colorado Corporation are the owners of that real property situated in the City of Grand Junction, County of Mesa, State of Colorado, and is described in Book 1836 of Page 437 and 438, Book 1630 of Page 689 and 670, Book 1443 of Page 638 and 640, and Book 1621 of Page 503 of the Mesa County Clerk and Recorder's Office, and being situated in the NE 1/4 Section 18, Township 1 South, Range 1 East of the Ute Meridian, Mesa County, Colorado as shown on the accompanying plat, sold property being described as follows:
Lot 1 of the Wal-Mart Minor Subdivision and adjoining parcels of land situated in the NE 1/4 Section 18, Township 1 South, Range 1 East of the Ute Meridian, Grand Junction, Colorado being described as follows:
Considering the North line of the NE 1/4 NE 1/4 Section 18, T1S, R1E, U1M, to bear S90°00'00"W and all bearings contained herein to be relative thereto, Commencing at the NW corner NE 1/4 NE 1/4 Section 18, Township 1 South, Range 1 East, U.M., thence S00°09'25"E 50.00 feet along the West line of the W 1/2 NE 1/4 NE 1/4 Section 18, T1S, R1E, U.M. to the NW corner of Lot 1 Wal-Mart Minor Sub. being the POINT OF BEGINNING, thence N90°00'00"E 356.39 feet to the NW corner of Lot 2 Wal-Mart Minor Sub.; thence S00°16'12"W 187.00 feet; thence S44°31'34"E 33.27 feet; thence N90°00'00"E 183.50 feet; thence N00°16'12"W 47.00 feet to the SW corner of that parcel of land described in Book 937 Page 318; thence N00°00'00"E 64.00 feet to the NE corner of Lot 1 Wal-Mart Minor Sub.; thence S00°16'12"E 810.36 feet along the East line of Lot 1 Wal-Mart Minor Sub. to the SE corner of Lot 1 Wal-Mart Minor Sub.; thence S89°59'52"E 30.00 feet to the East line of the W 1/2 NE 1/4 NE 1/4 Sec. 18; thence S00°16'12"E 294.00 feet along the East line of the W 1/2 NE 1/4 NE 1/4 Section 18 to the SE corner of the W 1/2 NE 1/4 NE 1/4 Section 18; thence N89°59'52"E 411.50 feet; thence S00°00'00"W 515.47 feet to the SW corner of Lot 1 Gunnison Avenue South Subdivision, also being the North right-of-way line for I-70 Business Loop; thence S73°29'52"W 784.78 feet; thence N00°09'51"W 708.43 feet to the South right-of-way for Gunnison Avenue; thence S89°59'52"E 203.87 feet; thence N00°09'25"W 30.00 feet; thence S89°59'52"E 135.29 feet; thence N00°09'25"W 1278.28 feet to the South right-of-way line for North Avenue; thence N89°59'22"E 185.28 feet; thence S00°09'25"E 10.00 feet to the point of beginning, containing 32.87 Acres as described.
That said owners have caused the said real property to be laid out and surveyed as WAL-MART TWO SUBDIVISION, a subdivision of a part of City of Grand Junction, County of Mesa, State of Colorado.

That said owners do hereby dedicate and set apart real property as shown and labeled on the accompanying plat as follows: All Streets and Rights-of-Way to the City of Grand Junction, for the use of the public forever; All Utility Easements to the City of Grand Junction for the use of public utilities as perpetual easements for the installation, operation, maintenance and repair of utilities and appurtenances thereto including, but not limited to electric lines, cable TV lines, natural gas pipelines, sanitary sewer lines, water lines and telephone lines; All irrigation easements to the owners of the lots and tracts hereby platted, and those other property owners who have traditionally used such irrigation as perpetual easements for the installation, operation, maintenance and repair of private irrigation systems; All Drainage Easements to the owners of lots and tracts hereby platted as perpetual easements for the conveyance of runoff water which originates within the area hereby platted or from upstream areas, through natural or man-made facilities above or below ground; All Ingress/Egress Easements to the owners of lots or tracts specifically identified on the plat as perpetual easements for ingress and egress purposes for the use by said lot or tract owners, their guests, and invitees, and also for use by public services, including but not limited to, postal service, trash collection, fire, police, emergency vehicles, and the City of Grand Junction. All easements include the right of ingress and egress on, along, over, under and through and across by the beneficiaries, their successors, or assigns, together with the right to trim or remove interfering trees and brush, and in Drainage and Detention/Retention easements, the right to dredge; provided, however, that the beneficiaries of said easements shall utilize the same in a reasonable and prudent manner. Furthermore, the owners of lots or tracts hereby platted shall not burden nor overburden said easements by erecting or placing any improvements thereon which may prevent reasonable ingress and egress to and from the easement.

That all expenses for street paving or improvements shall be furnished by the seller or purchaser, not the City of Grand Junction, Colorado.

IN WITNESS WHEREOF said owners have caused their names to be hereunto subscribed this 5th day of June, A.D., 1999.
ARKANSAS
STATE OF ARKANSAS
COUNTY OF ARKANSAS
WAL-MART STORES, INC. *Robert J. Pineda*
By *Robert J. Pineda*
Its *Asst. Vice President*
The foregoing instrument was acknowledged before me this 5th day of June, A.D., 1999 by WAL-MART STORES, INC., by *Robert J. Pineda* Its *Asst. Vice President*.

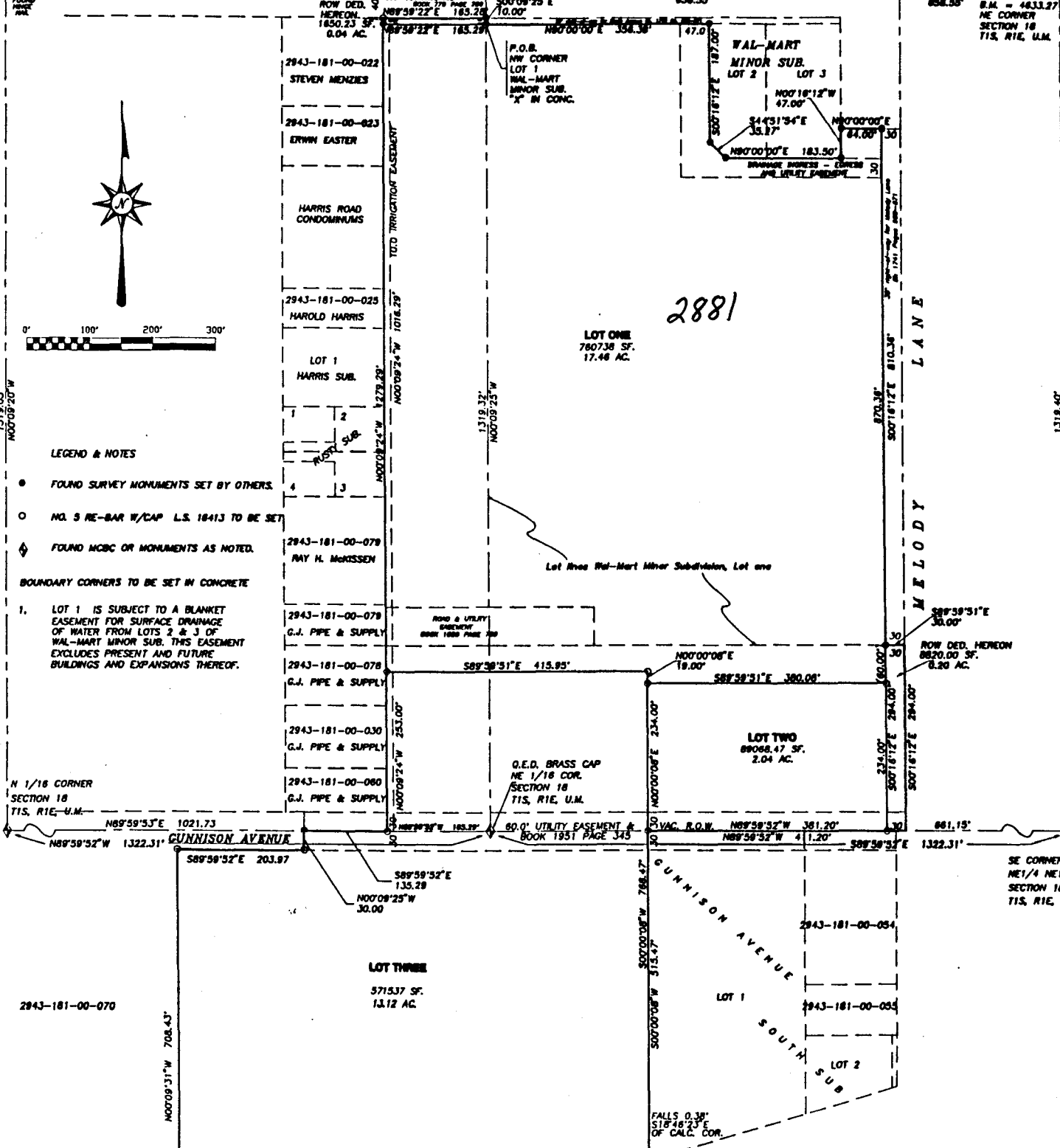
My commission expires: Sept. 28, 1999
Notary Public
Address: Grand Junction, CO
GRAND JUNCTION CONCRETE PIPE CO.
By *John S. Cannon*
Its *President*
STATE OF COLORADO } S.S.
COUNTY OF MESA }
The foregoing instrument was acknowledged before me this 5th day of June, A.D., 1999 by Grand Junction Pipe Co., by *John S. Cannon* Its *President*.

My commission expires: Dec 31, 1999
Notary Public
Address: 212 W. Main St., Grand Jct., CO 81501
STATE OF COLORADO } S.S.
COUNTY OF MESA }
The foregoing instrument was acknowledged before me this 5th day of June, A.D., 1999 by Merle Tipping.
December 31, 1994
My commission expires:
Notary Public
Address: 1121 W. Main St., Grand Jct., CO 81501

STATE OF COLORADO } S.S.
COUNTY OF MESA }
The foregoing instrument was acknowledged before me this 2nd day of June, A.D., 1999 by Wagner Equipment Co., a Colorado Corporation, by *Robert H. Cassano* Its *Vice President*.
2-17-95
My commission expires:
Notary Public
Address: 1800 South Rd., Huneez, Co 80011

CLERK AND RECORDERS CERTIFICATE
STATE OF COLORADO } S.S.
COUNTY OF MESA }
I hereby certify that this instrument was filed in my office at 10:30 o'clock A.M. this 10th day of JUNE, A.D., 1999 and is duly recorded in Plat Book No. 14, Page 235.

WAL-MART TWO SUBDIVISION - FINAL PLAT
SITUATED IN THE NE 1/4 SECTION 18, TOWNSHIP 1 SOUTH, RANGE 1 EAST, UTE MERIDIAN
FOR: WAL-MART PROPERTIES
SCALE: 1" = 100 FT
DATE: 5/27/94
SURVEYED BY: DMW MF
DRAWN BY: MEM WAP
ACAD ID: WALRPLT
SHEET NO.
FILE: 83289



LEGEND & NOTES
• FOUND SURVEY MONUMENTS SET BY OTHERS.
○ NO. 5 RE-BAR W/CAP L.S. 18413 TO BE SET
◆ FOUND MCBC OR MONUMENTS AS NOTED.
BOUNDARY CORNERS TO BE SET IN CONCRETE
1. LOT 1 IS SUBJECT TO A BLANKET EASEMENT FOR SURFACE DRAINAGE OF WATER FROM LOTS 2 & 3 OF WAL-MART MINOR SUB. THIS EASEMENT EXCLUDES PRESENT AND FUTURE BUILDINGS AND EXPANSIONS THEREOF.

AREA SUMMARY
LOTS = 32.82 ACRES = 99%
ROAD = 00.24 ACRES = 01%
TOTAL = 32.87 ACRES = 100%

CITY APPROVAL
This plat of WAL-MART TWO SUBDIVISION, a subdivision of the City of Grand Junction, County of Mesa, and State of Colorado was approved and accepted this 10th day of June, A.D. 1999.
Mark Cohen City Manager
RT Mantle President of Council
SURVEYOR'S CERTIFICATE
I, Max E. Morris, certify that the accompanying plat of WAL-MART TWO SUBDIVISION, a subdivision of a part of the City of Grand Junction, County of Mesa, State of Colorado has been prepared under my direct supervision and accurately represents a field survey of same. I further certify that this plat conforms to all applicable requirements of the Zoning and Development Code of the City of Grand Junction and all applicable state laws and regulations.
Max E. Morris
Max E. Morris, Q.E.D. Surveying Systems Inc.
Colorado Registered Professional Land Surveyor L.S. 18413
5/21/94 Date

File #43-94

DRAWER AA98

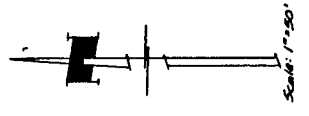
16 9

Original
City of Naimish
Plan 0016

OWNER: Single Family
Zone: R-1-B

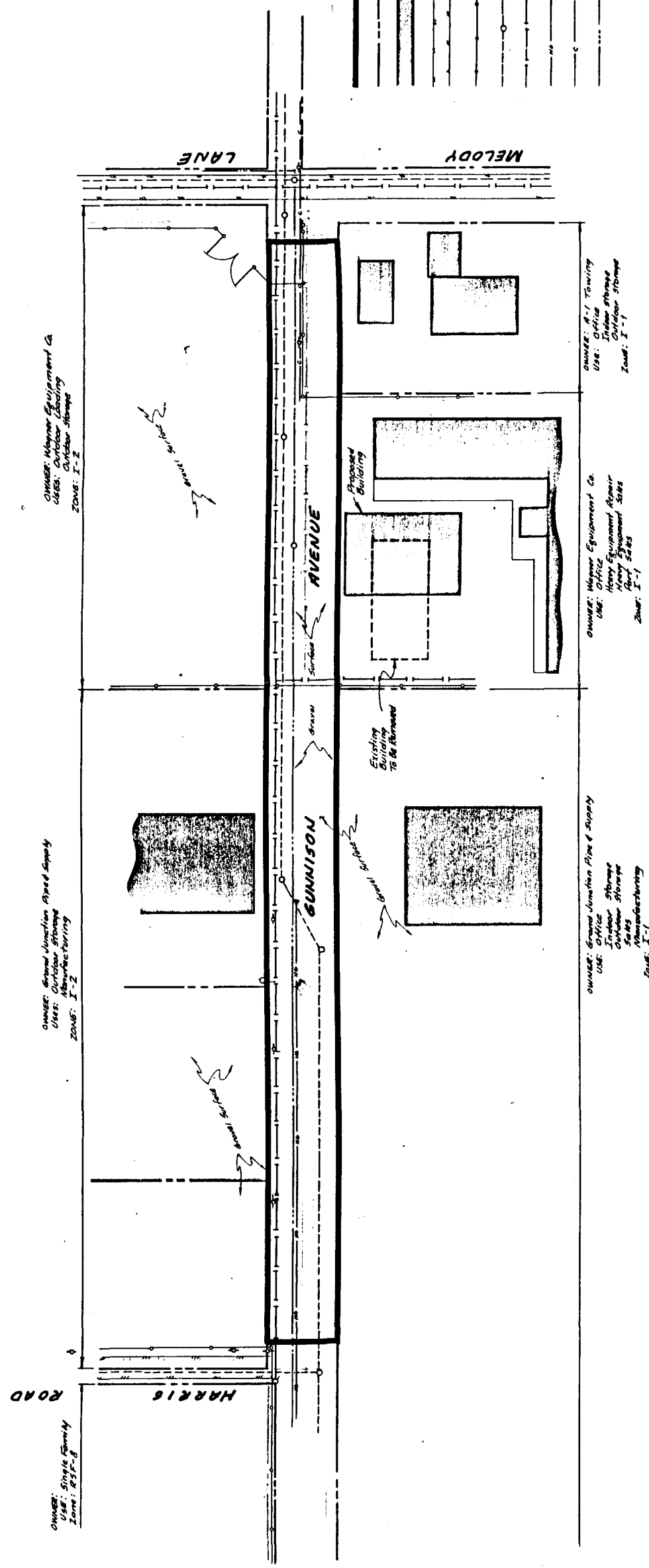
OWNER: Grand Junction Paper Supply
Uses: Outdoor Storage
Zone: I-2

OWNER: Major Equipment Co.
Uses: Outdoor Loading
Zone: I-2



LEGEND

- Limits of Proposed Road Vacation
- Property Line
- Existing Structure
- Asphalt Surface
- Existing 6 ft. Chain Link Fence
- Existing Sewer & Manhole
- Existing Water Main
- Existing Natural Gas Main
- Existing Underground Phone Line
- Existing Underground Irrigation Pipe
- Existing Utility Pole

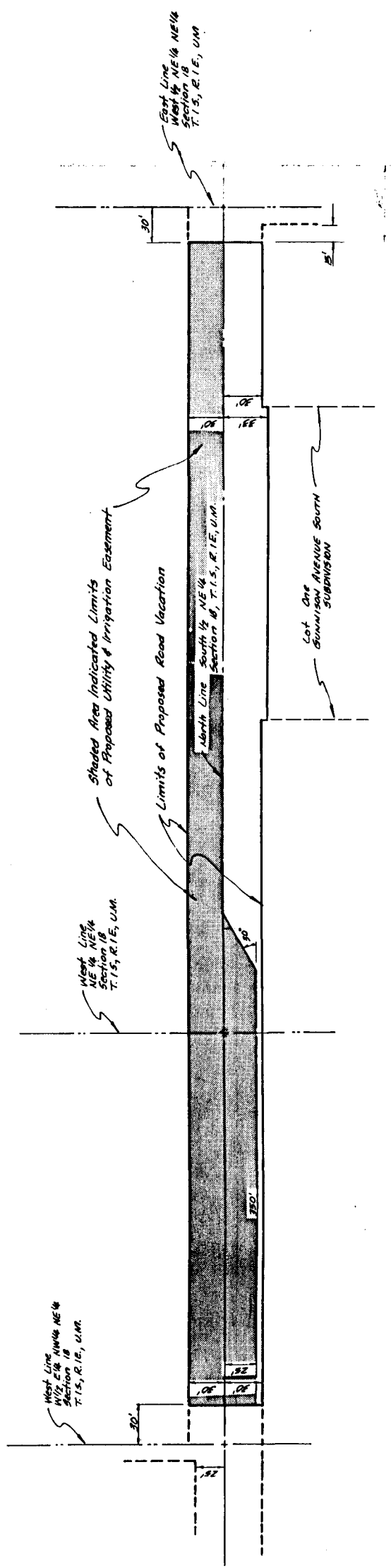


OWNER: Grand Junction Paper Supply
Uses: Outdoor Storage
Zone: I-2

OWNER: Major Equipment Co.
Uses: Major Equipment
Zone: I-1

OWNER: A-1 Towing
Uses: Office
Zone: I-1

EXISTING LAND USE MAP



OWNERSHIP MAP