

Table of Contents

File VE-1996-089

Name: Easement Vacation and Relocation James Park – NE Corner of 28 1/3 /Gunnison Ave.

P **S** A few items are denoted with an asterisk (*), which means they are to be scanned for permanent record on the ISYS
r **e** retrieval system. In some instances, items are found on the list but are not present in the scanned electronic development
e **s** file because they are already scanned elsewhere on the system. These scanned documents are denoted with (**) and will
n **e** be found on the ISYS query system in their designated categories.
n **e** Documents specific to certain files, not found in the standard checklist materials, are listed at the bottom of the page.
d **e** Remaining items, (not selected for scanning), will be listed and marked present. This index can serve as a quick guide for
t **d** the contents of each file.

X	X	Table of Contents
		*Review Sheet Summary
X	X	*Application form
X		Review Sheets
		Receipts for fees paid for anything
X	X	*Submittal checklist
X	X	*General project report
		Reduced copy of final plans or drawings
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
		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
X	X	*Review Comments
		*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

DOCUMENT DESCRIPTION:

X	X	Correspondence	X	X	File Close-out Summary by Bill Nebeker
X	X	Planning Commission Minutes – 5/7/96 - **	X		Planning Commission Notice of Public Hearing mail-out - mailed 4/26/96
X		E-mails	X	X	Utility Easement Exhibit
X	X	City Council Minutes – 7/17/96, 8/7/96 - **	X	X	Plat Detail
X		Lease Agreement – draft – not signed	X	X	James Park Drainage Improvements
X		Warranty Deed – not recorded	X	X	Grading and Drainage Plan
X	X	Grant of Easement –Utilities – Bk 2276 / Pg 75 - ** -see on ISYS	X	X	Ordinance No. 2940 - **
X	X	Grant of Easement – Ingress/Egress – Bk 2276 / Pg 72 - ** -see on ISYS			
X	X	Grant of Easement – Irrigation – Bk 2276 / Pg 69 - ** - see on ISYS			
X	X	James Park Subdivision Plat – GIS Historical Maps - **			



DEVELOPMENT APPLICATION

Community Development Department
 250 North 5th Street, Grand Junction, CO 81501
 (303) 244-1430

Receipt _____

Date _____

Rec'd By _____

File No. _____

We, the undersigned, being the owners of property situated in Mesa County, State of Colorado, as described herein do hereby petition this:

PETITION	PHASE	SIZE	LOCATION	ZONE	LAND USE
<input type="checkbox"/> Subdivision Plat/Plan	<input type="checkbox"/> Minor <input type="checkbox"/> Major <input type="checkbox"/> Resub				
<input type="checkbox"/> Rezone				From: To:	
<input type="checkbox"/> Planned Development	<input type="checkbox"/> ODP <input type="checkbox"/> Prelim <input type="checkbox"/> Final				
<input type="checkbox"/> Conditional Use					
<input type="checkbox"/> Zone of Annex					
<input type="checkbox"/> Variance					
<input type="checkbox"/> Special Use					
<input checked="" type="checkbox"/> Vacation			LOT 2, DARWIN SUB.	NA	<input type="checkbox"/> Right-of Way <input checked="" type="checkbox"/> Easement
<input type="checkbox"/> Revocable Permit					

PROPERTY OWNER

DEVELOPER

REPRESENTATIVE

John Davis

Name

Name

Name

Address

Address

Address

City/State/Zip

City/State/Zip

City/State/Zip

Business Phone No.

Business Phone No.

Business Phone No.

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 and complete to the best of our knowledge, and that we assume the responsibility to monitor the status of the application and the review comments. We recognize that we or our representative(s) must be present at all required 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 rescheduling expenses before it can again be placed on the agenda.

Signature of Person Completing Application

Date

4/11/96

Signature of Property Owner(s) - attach additional sheets if necessary

Date

James Park
RZP-95-199
use for VE-96-89

2943-182-09-001
CAHOOTS PARTNERSHIP
490 28 1/4 RD
GRAND JUNCTION, CO. 81501-5182

2943-182-08-005
KATHY'S KAR WASH
2823 NORTH AVE
GRAND JUNCTION, CO. 81501-5105

2943-182-00-951
WORLD HARVEST CHURCH
2825 NORTH AVENUE
GRAND JUNCTION, CO. 81501-5105

2943-182-00-080
MESA STEAKS INC
2839 NORTH AVE
GRAND JUNCTION, CO 81501-4918

2943-182-00-074
KATHY'S KAR WASH INC.
2823 NORTH AVENUE
GRAND JUNCTION, CO. 81501-5105

2943-182-00-010
JAMES A HUDSON
SUZANNE I
493 28 1/4 RD
GRAND JUNCTION, CO. 81501-5164

2943-182-00-046
MESA DEVELOPMENT COMPANY
C/O CHANDLER + ASSO INC.
475 17th ST.
DENVER, CO. 80202-4011

2943-182-00-070
MESA STEAKS INC
2839 NORTH AVE
GRAND JUNCTION, CO 81501-4918

2943-182-00-049
JAMES F SQUIRRELL
67595 HIGHWAY 50
MONTROSE, CO 81401-9708

2943-182-00-009
H.J. KENDRICK
J.D. KENDRICK
1705 CRESTVIEW DR
GRAND JUNCTION, CO 81506

2943-182-00-081
DEBRA J DAVIS
1023 24 RD
GRAND JUNCTION, CO. 81505-9637

2943-182-00-007
CENTENNIAL SAVINGS BANK
PO BOX 1590
DURANGO, CO 81302-1590

2943-182-00-053
2186501 MANITOBA LTD
C/O EARL I ESSERS
175 CARLETON ST-RLTON ST
WINNIPEG R3C-3H9 CAN, FC 00062

Mrs. Florence Wilcox
2700 G Road
Grand Junction, CO 81506

2943-182-00-063
STUART K SIDNEY
MILLIE E
PO BOX 1568
VICTORVILLE, CA 92393-1568

John Davis
1023 24 Road
Grand Junction, CO 81505

2943-182-00-975
GOODWILL INDUSTRIES
475 28 1/2 RD
GRAND JUNCTION, CO 81501-5162

Cronk Construction
1129 24 Road
Grand Junction, CO 81505

2943-182-08-006
HILLTOP FOUNDATION INC.
1100 PATTERSON RD.
GRAND JUNCTION, CO 81506-8219

City of Grand Junction
Community Development Dept.
250 N 5th Street
Grand Junction, CO 81501

April 11, 1996

GENERAL PROJECT REPORT

Vacation and relocation of easements in Lot 2, Darwin Subdivision

- A. The purpose of the project is vacate a drainage easement and part of a utility and irrigation easement in the subject lot and relocated them to tother areas within the same lot. The attached "PLAT DETAIL" and "Lot 2 DARWIN SUBDIVISION" plats show how the vacation and relocation will be provided. The new easement will be dedicated by deed from the owner. The existing drain ditch now located in the existing easement will be relocated within the 15 ft. easement now existing or that will be created by this petition along the west and south sides of Lot 2. The new drain will tiled and fbackfilled.
- B. The benefit of this project is that the current easements will be relocated to give more usable space for development of the lot for useful purposes.
- C. The only known utilities now existing in the easements to be vacated is the above described drain ditch.

REVIEW COMMENTS

Page 1 of 2

FILE # VE-96-89 TITLE HEADING: Vacation and Relocation of Easement

LOCATION: NE corner 28 1/4 Road and Gunnison Avenue

PETITIONER: John Davis

PETITIONER'S ADDRESS/TELEPHONE: 1023 24 Road
Grand Junction, CO 81505
250-0720

PETITIONER'S REPRESENTATIVE: John Davis

STAFF REPRESENTATIVE: Bill Nebeker

NOTE: THE PETITIONER IS REQUIRED TO SUBMIT FOUR (4) COPIES OF WRITTEN RESPONSE AND REVISED DRAWINGS ADDRESSING ALL REVIEW COMMENTS.

CITY UTILITY ENGINEER 4/16/96
Trent Prall 244-1590

No Comment.

PUBLIC SERVICE COMPANY 4/18/96
John Salazar 244-2781

Gas & Electric: No objections. Still require additional 10 foot wide utility easement as originally requested on last review sheet (FP-96-55 dated 3-7-96). Another copy of the site plan showing the easement is attached. The easement will facilitate providing gas and electric service to the units in the middle of Lot 2.

GRAND JUNCTION DRAINAGE DISTRICT 4/23/96
John Ballagh 242-4343

The site is within the Drainage District. A portion of the existing open drain known as the Goodwill Drain is located within the easement which is being considered for vacation. The developer is aware that the drain will have to be relocated in order to vacate the easement. The District policy is that cost of such relocation is 100% the responsibility of the developer (the one desiring the relocation). If the developer wishes to pay the District to relocate the open drain, the project will not be scheduled prior to November 1996. Should the developer wish to have a private contractor relocate the drain, that activity can be done subject to District acceptance of plans and specs and inspection.

COMMUNITY DEVELOPMENT DEPARTMENT 4/22/96
Bill Nebeker 244-1447

1. Developer shall submit a legal description for dedication of the new easements.

CITY DEVELOPMENT ENGINEER

4/26/96

Jody Kliska

244-1591

Tiling of the new drain must be in accordance with Grand Junction Drainage District requirements. Plans will be required for the construction.

STAFF REVIEW - PLANNING COMMISSION

FILE: VE-96-89
DATE: May 7, 1996
STAFF: Bill Nebeker
REQUEST: To vacate and relocate 15 foot utility and irrigation easement and 50 foot Grand Junction Drainage Ditch right-of-way (Goodwill Drain)
LOCATION: Northeast Corner 28 ¼ Road & Gunnison Avenue
APPLICANT: John Davis

EXECUTIVE SUMMARY: The applicant requests to vacate two easements to accommodate the proposed James Park Mobile Home Park. The easements will be rerecorded in an alternate location and drainage facilities relocated at the applicant's expense. Final plans for the relocation of the drain are subject to approval of the Grand Junction Drainage District.

EXISTING LAND USE: Vacant

PROPOSED LAND USE: 55 space mobile home park

SURROUNDING LAND USE: North: Commercial
East: Mobile Home Park
South: vacant
West: Manufactured Home Subdivision

EXISTING ZONING: PMH (Planned Mobile Homes)

SURROUNDING ZONING: North: C-1 & C-2
East: C-2
South: I-1
West: PR 5.8

RELATIONSHIP TO COMPREHENSIVE PLAN: The preferred alternative for the Growth Plan (Concentrated Urban Growth) shows Residential Medium-High (8-11.9 dwellings per acre) for this site. 6.7 units per acre are proposed for this site.

STAFF ANALYSIS: As a part of the request for final plan approval for James Park - Mobile Home Park, the applicant requests to vacate a 15 foot wide utility and irrigation easement that cuts through the corner of the site. There were no utilities found in the utility easement.

However Public Service Company requests that an easement be provided to service homes located in the interior of the park. This easement is a condition of approval for the final plan.

The ditch located in the drainage and ditch easement is being relocated around the southwest corner of the site. Grand Junction Drainage District requires that the ditch be relocated wholly at the expense of the developer. The developer may pay the District to relocate the drain or have it done by private contractor, subject to District acceptance of plans and specifications and inspections. All plans and specifications must be approved before the easement is vacated. A development improvements agreement will be required to guarantee the relocation of the drain

STAFF RECOMMENDATION: Staff recommends approval of the vacation of these easement with the following conditions.

1. The applicant shall submit plans for the relocation of the Goodwill Drain to the City and Grand Junction Drainage District for review and approval prior to vacation of the easement. A development improvements agreement shall be filed, guaranteeing the relocation of the ditch prior to vacation.
2. The applicant shall submit deeds of conveyance for the relocation of the easements.

RECOMMENDED PLANNING COMMISSION MOTION:

Mr. Chairman, on item 96-89, I move that we approve the vacation of the 15 foot utility and irrigation easement and 50 foot drainage easement for James Park within lot 2, Darwin Subdivision, with the conditions in the staff recommendation.

STAFF REVIEW - CITY COUNCIL REPORT - JULY 17, 1996 HEARING

FILE: VE-96-89
DATE: July 10, 1996
STAFF: Bill Nebeker
REQUEST: To vacate and relocate a 15 foot utility and irrigation easement and 50 foot Grand Junction Drainage Ditch right-of-way (Goodwill Drain)
LOCATION: Northeast Corner 28 1/4 Road & Gunnison Avenue
APPLICANT: John Davis

EXECUTIVE SUMMARY: The applicant requests to vacate two easements to accommodate the proposed James Park Mobile Home Park. The easements will be rededicated, as necessary, in an alternate location and drainage facilities relocated at the applicant's expense. Final plans for the relocation of the drain are subject to approval of the Grand Junction Drainage District.

EXISTING LAND USE: Vacant

PROPOSED LAND USE: 55 space mobile home park

SURROUNDING LAND USE: North: Commercial
East: Mobile Home Park
South: vacant
West: Manufactured Home Subdivision

EXISTING ZONING: PMH (Planned Mobile Homes)

SURROUNDING ZONING: North: C-1 & C-2
East: C-2
South: I-1
West: PR 5.8

RELATIONSHIP TO COMPREHENSIVE PLAN: The preferred alternative for the Growth Plan (Concentrated Urban Growth) shows Residential Medium-High (8-11.9 dwellings per acre) for this site. 6.7 units per acre are proposed for this site.

STAFF ANALYSIS: The applicant requests to vacate a 15 foot wide utility and irrigation easement that cuts through the southwest corner of the approved James Park - Mobile Home Park, located at the northeast corner of Gunnison Avenue and 28 1/4 Road. There were no utilities found in the utility easement. Public Service Company has requested that a utility

easement be provided in an alternate location to service homes located in the interior of the park. Vacation of these easements are contingent upon rededication of new easements.

A 50 foot wide ditch containing the Goodwill Drain is also requested to be vacated. Originally it was proposed to relocate this ditch along the south side of the property, in the Gunnison Avenue right-of-way. Currently Grand Junction Drainage District and the applicant have agreed to work together on a plan to divert the ditch to continue south along 1/4 Road. The ditch would also be placed underground. A new easement may be necessary along a portion of the west property line. Grand Junction Drainage District requires that the ditch be relocated wholly at the expense of the developer. The developer may pay the District to relocate the drain or have it done by private contractor, subject to District acceptance of plans and specifications and inspections. All plans and specifications will be approved before second reading of the ordinance to vacate the easement. A revised ordinance will also be submitted showing Grand Junction Drainage District's concurrence with the vacation of their easement.

The proposed vacations are in compliance with the established vacation criteria as specified in Section 8-3 of the Zoning and Development Code, including the following:

8-3-1 LANDLOCKING - The proposal does not land lock any parcel of land.

8-3-2 RESTRICTIVE ACCESS - The proposal does not restrict access to any parcel of land.

8-3-3 QUALITY OF SERVICES - The proposal has no adverse impacts on the health, safety, and/or welfare of the general community. It does not reduce the quality of utility services because easements will be rededicated in alternate locations to accommodate needed utilities to serve adjacent properties.

8-3-4 ADOPTED PLANS & POLICIES - The proposal does not conflict with adopted plans and policies.

8-3-5 BENEFITS TO CITY OR COUNTY - The proposal benefits the City indirectly by allowing for better efficiency of land area within the mobile home park. At least four additional spaces are gained with the relocation of the easements. Mobile homes parks provide affordable housing alternatives in Grand Junction.

At their May 7, 1996 hearing, the Planning Commission recommended approval of this easement vacation with the following conditions:

1. The applicant shall submit plans for the relocation of the Goodwill Drain to the City and Grand Junction Drainage District for review and approval prior to vacation of the easement. A development improvements agreement shall be filed, guaranteeing the relocation of the ditch prior to vacation.

2. The applicant shall submit deeds of conveyance for the relocation of the easements.

RECOMMENDATION:

Staff recommends that the Planning Commission's decision be upheld and the attached ordinance be adopted vacating these easements.

CAHOOTS
NIGHTCLUB



2943-182-00-010

2943-182-08-006

2943-182-09-001

PROJECT
AREA

2943-182-09-002

GUNNISON AVENUE

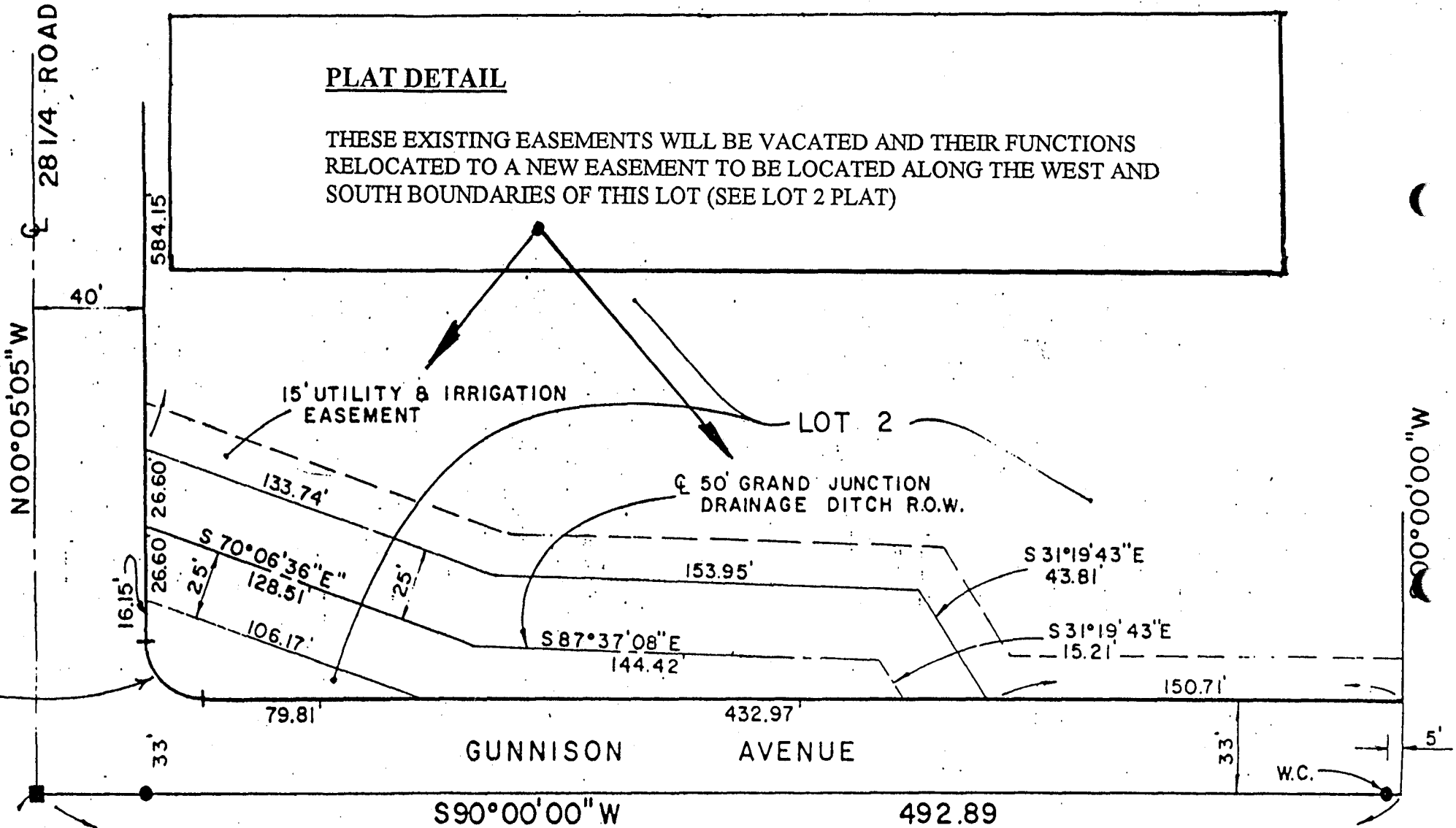
28 1/4 ROAD

2943-182-00-087

2943-182-00-088

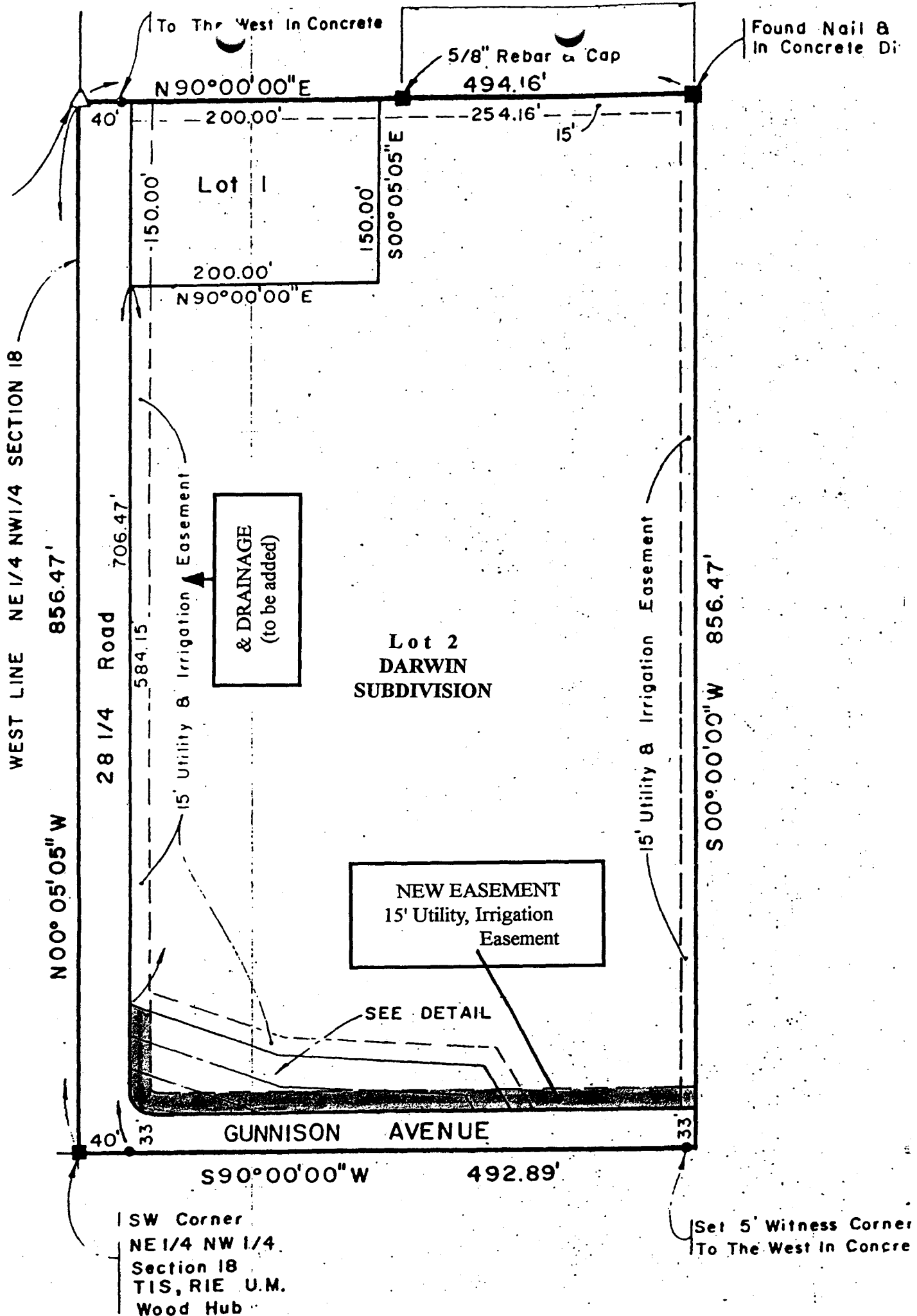
PLAT DETAIL

THESE EXISTING EASEMENTS WILL BE VACATED AND THEIR FUNCTIONS RELOCATED TO A NEW EASEMENT TO BE LOCATED ALONG THE WEST AND SOUTH BOUNDARIES OF THIS LOT (SEE LOT 2 PLAT)



SW CORNER
NE 1/4 NW 1/4
SECTION 18

SCALE: 1" = 50'



SW Corner
 NE 1/4 NW 1/4
 Section 18
 T1S, R1E U.M.
 Wood Hub

Set 5' Witness Corner
 To The West In Concre

CITY OF GRAND JUNCTION

Ordinance No. _____

VACATING A 15 FOOT UTILITY AND IRRIGATION EASEMENT AND A
50 FOOT DRAINAGE DITCH RIGHT-OF-WAY TO ACCOMMODATE
CONSTRUCTION OF A MOBILE HOME PARK LOCATED ON LOT 2
DARWIN SUBDIVISION AT THE NORTHEAST CORNER
OF 28 1/4 ROAD AND GUNNISON AVENUE

Recitals.

To accommodate the construction of the James Park Mobile Home Park located at the northeast corner of 281/4 Road and Gunnison Avenue, certain easements are being vacated and relocated through the development process. There are no utilities identified in the utility easement to be vacated. A utility easement will be dedicated in an alternate location to serve this development. The Goodwill Drain is being relocated to the exterior of the site.

At its May 7, 1996 hearing, the Grand Junction Planning Commission recommended approval of vacation of the following described easements.

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

City Council finds that the vacation meets the criteria set forth in Section 8-3 of the Zoning and Development Code and in accordance therewith the following described 15 foot utility and irrigation easement located in Lot 2, Darwin Subdivision as recorded in Plat Book 12 at Page 303 in the office of the Mesa County Clerk and Recorder, the south line of which is described as follows:

Commencing at the northwest corner of said Lot 2; thence S00°05'05"E a distance of 584.15 feet along the west line of said Lot 2, to the point of beginning;
thence S70°06'36"E a distance of 133.74 feet;
thence S87°37'08"E a distance of 153.95 feet;
thence S31°19'43"E a distance of 43.81 feet;
thence S90°00'00"E a distance of 150.71 feet to the point of terminus, being the southeast corner of said Lot 2.

and the 50 foot Grand Junction drainage ditch right-of-way located in Lot 2, Darwin Subdivision as recorded in Plat Book 12 at Page 303 in the office of the Mesa County Clerk, being 25 feet on each side of the following described center line:

Commencing at the northwest corner of said Lot 2; thence S00°05'05"E a distance of 610.75 feet along the west line of said Lot 2, to the point of beginning;
thence S70°06'36"E a distance of 128.51 feet;
thence S87°37'08"E a distance of 144.42 feet;
thence S31°19'43"E a distance of 15.21 feet to the point of terminus.

are hereby vacated. The vacation of each and/or both of the preceding easement and right-of-way is expressly contingent upon recordation of an instrument depicting and describing a 15 foot wide utility, irrigation and drainage easement along the south and portion of the west boundary of Lot 2, Darwin Subdivision as required by the City.

INTRODUCED for FIRST READING and PUBLICATION this day of 1996

PASSED on SECOND READING this day of , 1996.

ATTEST:

City Clerk

President of City Council

July 11, 1996

Ward Scott
REMAX 4000, Inc.
1401 N. 1st Street
Grand Junction, CO 81501

RE: James Park Easements Vacation

Dear Ward:

The ordinance for these vacations has been scheduled for City Council's first reading on July 17, 1996. Prior to being scheduled for second reading the following must be completed:

1. I need a letter from John Ballagh of the Grand Junction Drainage District stating that the district agrees to the vacation of that portion of the Goodwill Drain easement that is being vacated. This letter will be attached to the ordinance.
2. The Utility Coordinating Council (UCC) must approve of the vacation of the easements. To do so, Public Service Company has requested either a blanket easement for their facilities over the entire lot, or an easement as shown on the plat map in your possession. I will need a copy of a signed Warranty Deed, ready for recording for this new easement. (NOTE: How will the other easements, i.e. easements for public ingress & egress, postal service, trash collection, fire, police, emergency vehicles and City of Grand Junction over the proposed road, be dedicated?)
3. I will need a warranty deed for the rededication of the utility and irrigation easements along the west and south boundary of lot 2. This deed should be signed and ready for recordation.
4. I must have approved plans for the relocation of the Goodwill Drain. Plans must be approved by the drainage district and Jody Kliska. Some form of guarantee for the relocation of the ditch must be made. This may be accommodated by rewording the ordinance to state that the vacation is expressly contingent upon relocation of the ditch into the new easement.

These items must be submitted by Tuesday July 16, 1996 at 5:00 p.m. If they are not, the vacation will be pulled from the City Council hearing on July 17th and rescheduled for a later hearing.

If you have any questions please call me at 244-1447.

Sincerely,

Bill Nebeker
Senior Planner

MEMO

TO: Ward Scott
FROM: Bill Nebeker *BN*
SUBJECT: Items for James Park Easement Vacations
DATE: July 24, 1996

Items needed for James Park Easement Vacation:

- ✓ 1. A letter from John Ballagh of the Grand Junction Drainage District stating that the district agrees to the vacation of that portion of the Goodwill Drain easement that is being vacated. This letter must be attached to the ordinance that is due to the City Clerk on Thursday 8-1-96.
2. After John Shaver and Tim Woodmansee approve of the language in the deeds for the new easements, the deed for the utility easement and the attachment must be reviewed and approved by Public Service Co. This has to occur before the CC hearing.
3. The attachments, particularly the one for the ingress/egress easements must be reviewed and approved by John Shaver and Tim Woodmansee and attached to the warranty deeds, signed and ready for recordation. This has to occur before the CC hearing.
4. If irrigation easement is not to be rededicated, I need letters from Fruitvale Lateral & Waste Ditch Company and Grand Valley Irrigation Co. agreeing to this. Neither agency responded to the original easement vacation.
5. If drainage easements in an alternate location are not to be rededicated, I need a letter from Grand Junction Drainage District agreeing to this.
6. I must have approved plans for the relocation of the Goodwill Drain prior to the hearing. Plans must be approved by the drainage district and Jody Kliska. Some form of guarantee for the relocation of the ditch must be made. This may be accommodated by rewording the ordinance to state that the vacation is expressly contingent upon relocation of the ditch into the new easement.

Items for Final Plan Approval:

1. Need a revised final site plan, wall plan, landscape plan, grading & drainage plan and any other required plans.
2. Dave Anderson to review language in lease agreements, after John Shaver has made corrections.
3. Approved improvement plans for street & any utilities.
4. Development improvements agreement.
5. ~~Approved improvement plans for street & any utilities.~~
6. ~~Development improvements agreement.~~
7. Fees - \$12,375 Open Space fee and TCP.

Things to do for James Park - before final approval:

1. Submit revised plans responding to conditions in final decision and comments from Jody Kliska in letter to Ward Scott dated 5-3-96.
2. Submit revised Development Improvements Agreement if necessary to respond to comments noted above. Submit original copy of Development Improvements Agreement, Disbursement Agreement and Memorandum of Improvements Agreement & Guarantee. Signatures must be obtained from bank on Disbursement Agreement.
3. Complete requirements for easements vacation.
4. How will other required easements be dedicated?

STAFF REVIEW - CITY COUNCIL REPORT - AUGUST 7, 1996 HEARING

FILE: VE-96-89
DATE: August 1, 1996
STAFF: Bill Nebeker
REQUEST: To vacate and relocate a 15 foot utility and irrigation easement and 50 foot Grand Junction Drainage Ditch right-of-way (Goodwill Drain)
LOCATION: Northeast Corner 28 1/4 Road & Gunnison Avenue
APPLICANT: John Davis

EXECUTIVE SUMMARY: The applicant requests to vacate three easements to accommodate the proposed James Park Mobile Home Park. The easements will be rededicated, as necessary, in alternate locations and drainage facilities relocated at the applicant's expense. Final plans for the relocation of the drain have been approved by the Grand Junction Drainage District.

EXISTING LAND USE: Vacant

PROPOSED LAND USE: 55 space mobile home park

SURROUNDING LAND USE: North: Commercial
East: Mobile Home Park
South: vacant
West: Manufactured Home Subdivision

EXISTING ZONING: PMH (Planned Mobile Homes)

SURROUNDING ZONING: North: C-1 & C-2
East: C-2
South: I-1
West: PR 5.8

RELATIONSHIP TO COMPREHENSIVE PLAN: The preferred alternative for the Growth Plan (Concentrated Urban Growth) shows Residential Medium-High (8-11.9 dwellings per acre) for this site. 6.7 units per acre are proposed for this site.

STAFF ANALYSIS: The applicant requests to vacate a 15 foot wide utility and irrigation easement that cuts through the southwest corner of the approved James Park - Mobile Home Park, located at the northeast corner of Gunnison Avenue and 28 1/4 Road. There were no utilities found in the utility easement. Public Service Company has requested that a utility

easement be provided in an alternate location to service homes located in the interior of the park. Vacation of these easements are contingent upon rededication of new easements which are proposed through Warranty Deeds.

A 50 foot wide ditch containing the Goodwill Drain is also requested to be vacated. Originally it was proposed to relocate this ditch along the south side of the property, in the Gunnison Avenue right-of-way. Currently Grand Junction Drainage District and the applicant have agreed to work together on a plan to divert the ditch to continue south along 28 1/4 Road. The ditch is being moved to the 28 1/4 Road right-of-way and will be underground. Currently the ditch is open. Grand Junction Drainage District requires that the ditch be relocated wholly at the expense of the developer. The developer may pay the District to relocate the drain or have it done by private contractor, subject to District acceptance of plans and specifications and inspections. All plans and specifications will be approved before second reading of the ordinance to vacate the easement. The attached ordinance shows Grand Junction Drainage District's concurrence with the vacation of their easement.

The proposed vacations are in compliance with the established vacation criteria as specified in Section 8-3 of the Zoning and Development Code, including the following:

8-3-1 LANDLOCKING - The proposal does not land lock any parcel of land.

8-3-2 RESTRICTIVE ACCESS - The proposal does not restrict access to any parcel of land.

8-3-3 QUALITY OF SERVICES - The proposal has no adverse impacts on the health, safety, and/or welfare of the general community. It does not reduce the quality of utility services because easements will be rededicated in alternate locations to accommodate needed utilities to serve adjacent properties.

8-3-4 ADOPTED PLANS & POLICIES - The proposal does not conflict with adopted plans and policies.

8-3-5 BENEFITS TO CITY OR COUNTY - The proposal benefits the City indirectly by allowing for better efficiency of land area within the mobile home park. At least four additional spaces are gained with the relocation of the easements. Mobile homes parks provide affordable housing alternatives in Grand Junction.

At their May 7, 1996 hearing, the Planning Commission recommended approval of this easement vacation with the following conditions:

1. The applicant shall submit plans for the relocation of the Goodwill Drain to the City and Grand Junction Drainage District for review and approval prior to vacation of the easement. A development improvements agreement shall be filed, guaranteeing the relocation of the ditch prior to vacation.

2 The applicant shall submit deeds of conveyance for the relocation of the easements.

RECOMMENDATION:

Staff recommends that the Planning Commission's decision be upheld and the attached ordinance be adopted vacating these easements.

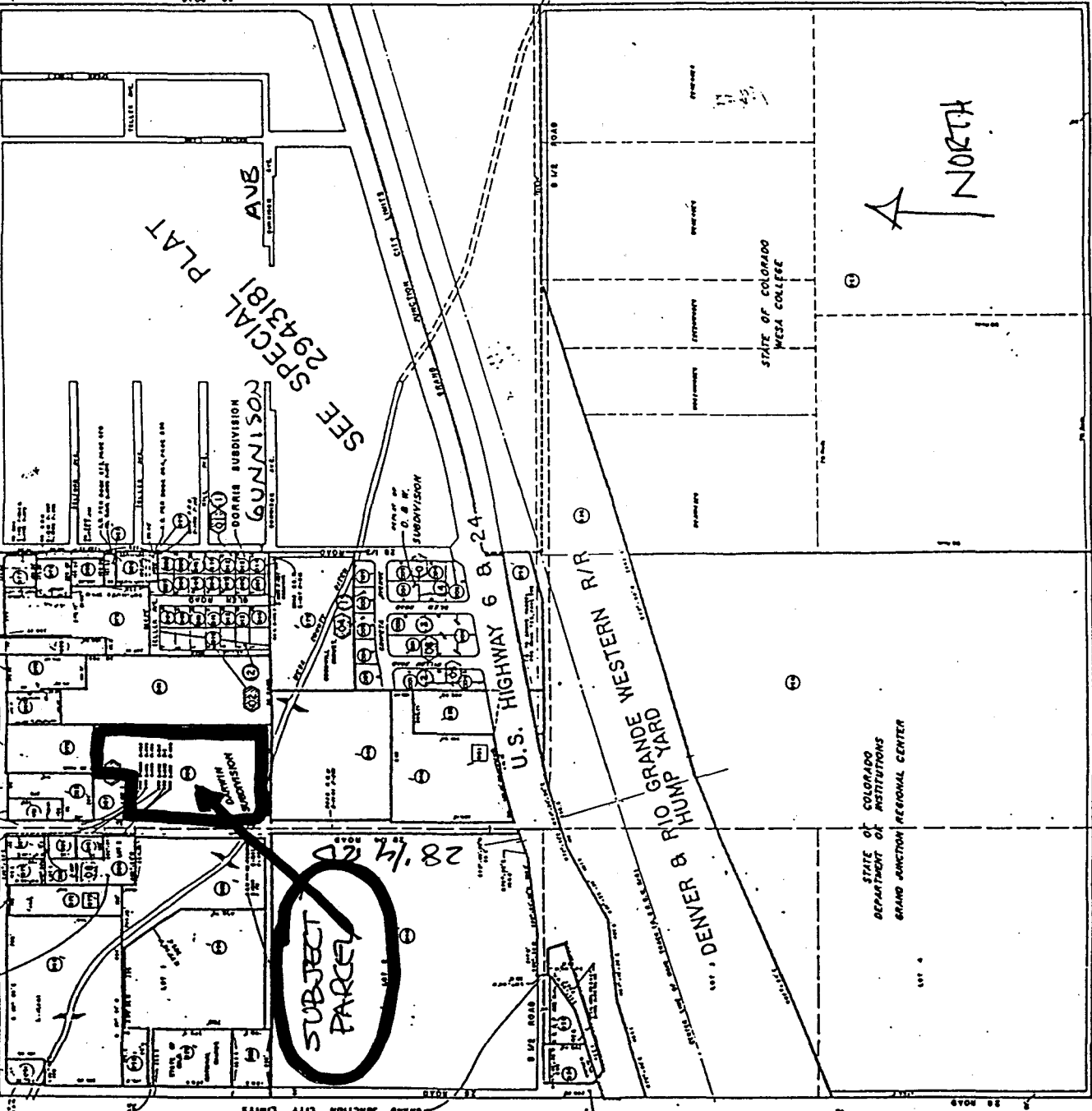
Address
T18, R1E,
2943074

NORTH AVE

Address
T18, R1E,
2943074

Address
T18, R1E,
2943073

WOODLAND SUB.



SUBJECT PARCEL

28 1/4

SEE SPECIAL PLAT
2943181

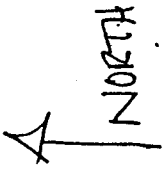
GUNNISON
SUBDIVISION

U.S. HIGHWAY 6 & 24

DENVER & RIO GRANDE
WESTERN R/R

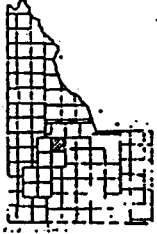
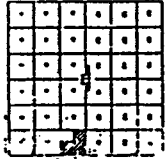
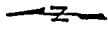
STATE OF COLORADO
DEPARTMENT OF INSTITUTIONS
GRAND JUNCTION REGIONAL CENTER

STATE OF COLORADO
MESA COLLEGE



PROPERTY RECORDS

PLAT	DATE	RECORD	REMARKS
2943181	11/14/28
...



Address
T18, R1E,
2943074

Address
T18, R1E,
294318

T18, R1E,
294318

CAHOOTS
NIGHTCLUB



2943-182-00-006

2943-182-00-001

PROJECT
AREA

2943-182-00-002

GUNNISON AVENUE

28 1/4 ROAD

2943-182-00-001

2943-182-00-002

2943-182-00-003

2943-182-00-004

2943-182-00-005

2943-182-00-006

2943-182-00-007

2943-182-00-008

2943-182-00-009

2943-182-00-010

2943-182-00-011

2943-182-00-012

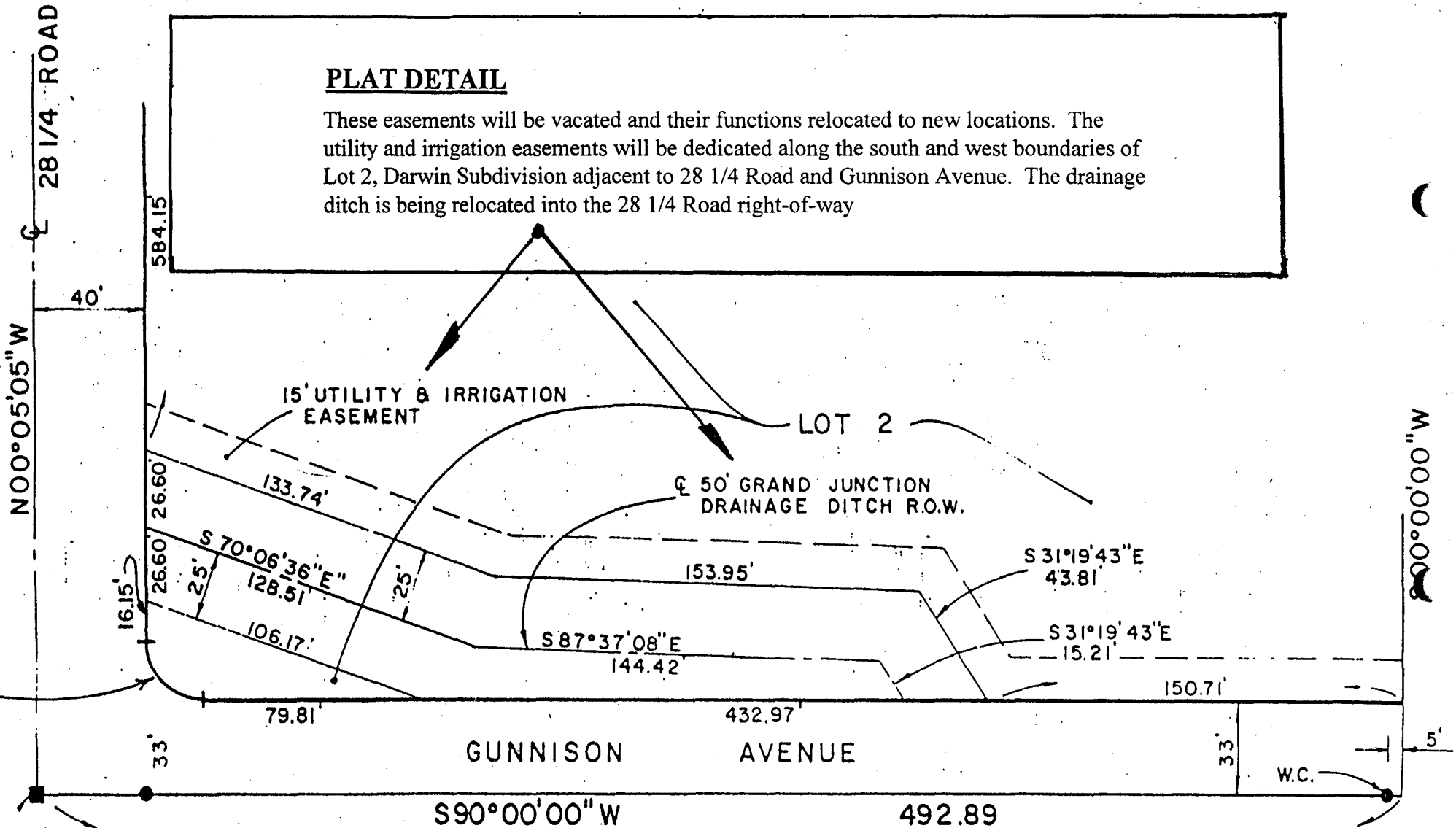
2943-182-00-013

2943-182-00-014

2943-182-00-015

PLAT DETAIL

These easements will be vacated and their functions relocated to new locations. The utility and irrigation easements will be dedicated along the south and west boundaries of Lot 2, Darwin Subdivision adjacent to 28 1/4 Road and Gunnison Avenue. The drainage ditch is being relocated into the 28 1/4 Road right-of-way



SW CORNER
NE 1/4 NW 1/4
SECTION 18

SCALE: 1" = 50'

WEST LINE NE 1/4 NW 1/4 SECTION 18

N00°05'05" W

856.47'

28 1/4 Road

706.47'

584.15'

15' Utility & Irrigation Easement

Lot 2
DARWIN
SUBDIVISION

NEW EASEMENT
15' Utility, Irrigation
Easement

SEE DETAIL

GUNNISON AVENUE

S90°00'00" W

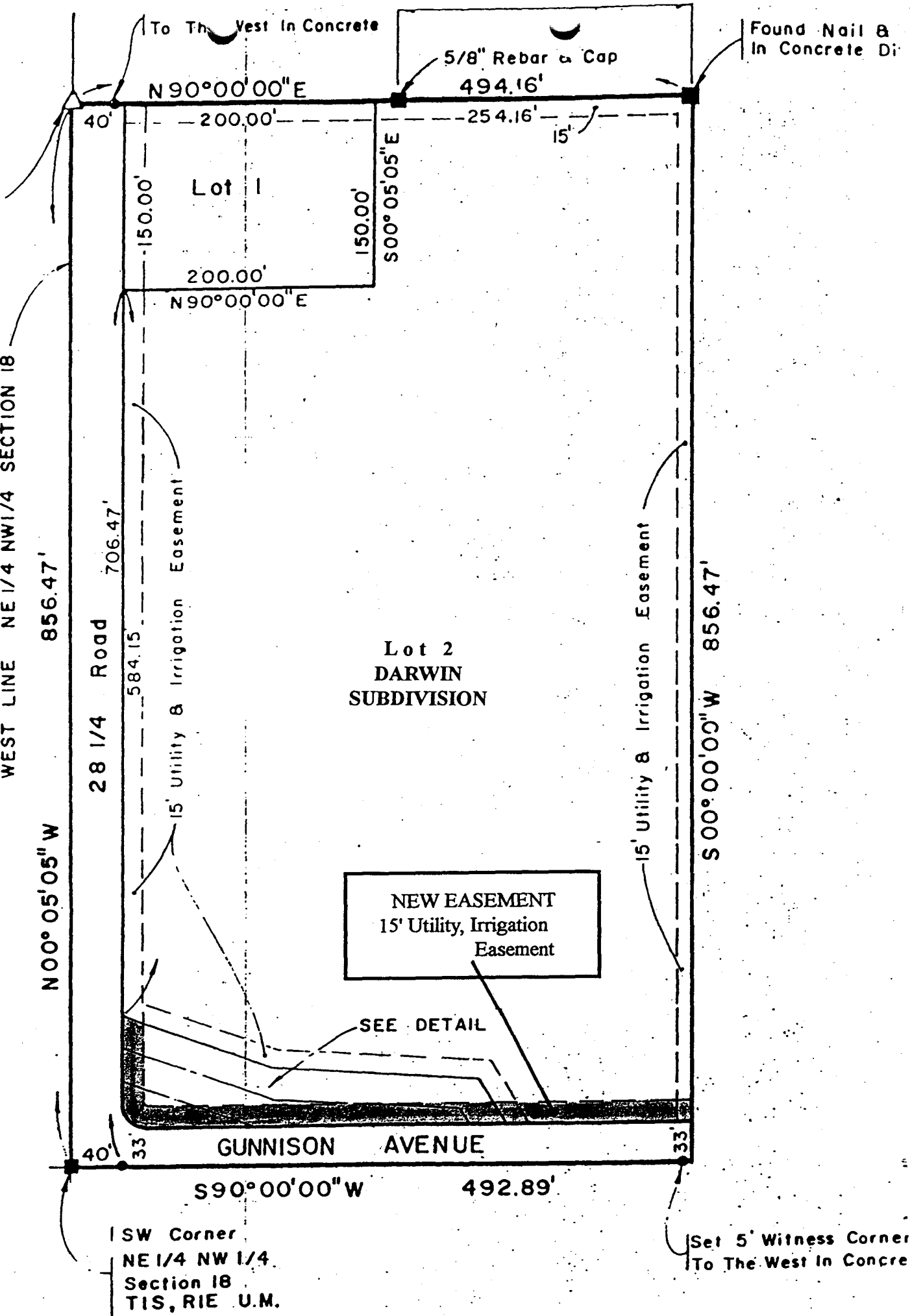
492.89'

S00°00'00" W

856.47'

SW Corner
NE 1/4 NW 1/4
Section 18
T1S, R1E U.M.

Set 5' Witness Corner
To The West In Concre



CITY OF GRAND JUNCTION

Ordinance No. _____

VACATING A 15 FOOT UTILITY AND IRRIGATION EASEMENT AND A
50 FOOT DRAINAGE DITCH RIGHT-OF-WAY TO ACCOMMODATE
CONSTRUCTION OF A MOBILE HOME PARK LOCATED ON LOT 2
DARWIN SUBDIVISION AT THE NORTHEAST CORNER
OF 28 1/4 ROAD AND GUNNISON AVENUE

Recitals.

To accommodate the construction of the James Park Mobile Home Park located at the northeast corner of 28 1/4 Road and Gunnison Avenue, certain easements are being vacated and relocated through the development process. There are no utilities identified in the utility easement to be vacated. A utility easement will be dedicated in an alternate location to serve this development. The Goodwill Drain is being relocated into the 28 1/4 Road right-of-way.

At its May 7, 1996 hearing, the Grand Junction Planning Commission recommended approval of vacation of the following described easements.

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

City Council finds that the vacation meets the criteria set forth in Section 8-3 of the Zoning and Development Code, including the following:

8-3-1 The proposal does not land lock any parcel of land;

8-3-2 The proposal does not restrict access to any parcel of land;

8-3-3 The proposal has no adverse impacts on the health, safety, and/or welfare of the general community. It does not reduce the quality of utility services because easements will be rededicated in alternate locations to accommodate needed utilities to serve adjacent properties;

8-3-4 The proposal does not conflict with adopted plans and policies;

8-3-5 The proposal benefits the City indirectly by allowing for better efficiency of land area within the mobile home park. At least four additional spaces are gained with the relocation of the easements. Mobile homes parks provide affordable housing alternatives in Grand Junction. The Goodwill Drain is to be undergrounded, relieving maintenance requirements for the drainage district;

Grand Junction Drainage District has agreed to the vacation and relocation of the Goodwill Drain as evidenced by the attached letter from John Ballagh dated July 30, 1996;

in accordance therewith the following described 15 foot utility and irrigation easement located in Lot 2, Darwin Subdivision as recorded in Plat Book 12 at Page 303 in the office of the Mesa County Clerk and Recorder, the south line of which is described as follows:

Commencing at the northwest corner of said Lot 2; thence S00°05'05"E a distance of 584.15 feet along the west line of said Lot 2, to the point of beginning;
thence S70°06'36"E a distance of 133.74 feet;
thence S87°37'08"E a distance of 153.95 feet;
thence S31°19'43"E a distance of 43.81 feet;
thence S90°00'00"E a distance of 150.71 feet to the point of terminus, being the southeast corner of said Lot 2.

and the 50 foot Grand Junction drainage ditch right-of-way located in Lot 2, Darwin Subdivision as recorded in Plat Book 12 at Page 303 in the office of the Mesa County Clerk, being 25 feet on each side of the following described center line:

Commencing at the northwest corner of said Lot 2; thence S00°05'05"E a distance of 610.75 feet along the west line of said Lot 2, to the point of beginning;
thence S70°06'36"E a distance of 128.51 feet;
thence S87°37'08"E a distance of 144.42 feet;
thence S31°19'43"E a distance of 15.21 feet to the point of terminus.

are hereby vacated. The vacation of each and/or both of the preceding easement and right-of-way is expressly contingent upon recordation of an instrument depicting and describing a 15 foot wide utility and irrigation easement along the west boundary of Lot 2, Darwin Subdivision adjacent to 28 1/4 Road as required by the City. The vacation of the drainage ditch right-of-way is expressly contingent upon the relocation of the drain into the City right-of-way.

INTRODUCED for FIRST READING and PUBLICATION this day of 1996

PASSED on SECOND READING this day of , 1996.

ATTEST:

City Clerk

President of City Council

GRAND JUNCTION DRAINAGE DIST.

722 23 ROAD P.O. BOX 55246 GRAND JUNCTION, CO 81505
(303) 242-4343

July 30, 1996

Mr. Bill Nebeker
City Development Department
City of Grand Junction
250 North 5th Street
Grand Junction, CO 81501

Re: DARWIN SUBDIVISION, LOT 2

Dear Bill,

The Grand Junction Drainage District is willing to let the developer of the proposed JAMES PARK, a development on Lot 2 DARWIN SUBDIVISION, relocate the GOODWILL DRAIN. The plans for relocation show that the drain will be in road right-of-way of 28 1/4 Road and Gunnison Avenue. Accepting the relocation will negate the District's need for the easement granted on the plat of DARWIN SUBDIVISION.

Sincerely,
Grand Junction Drainage District

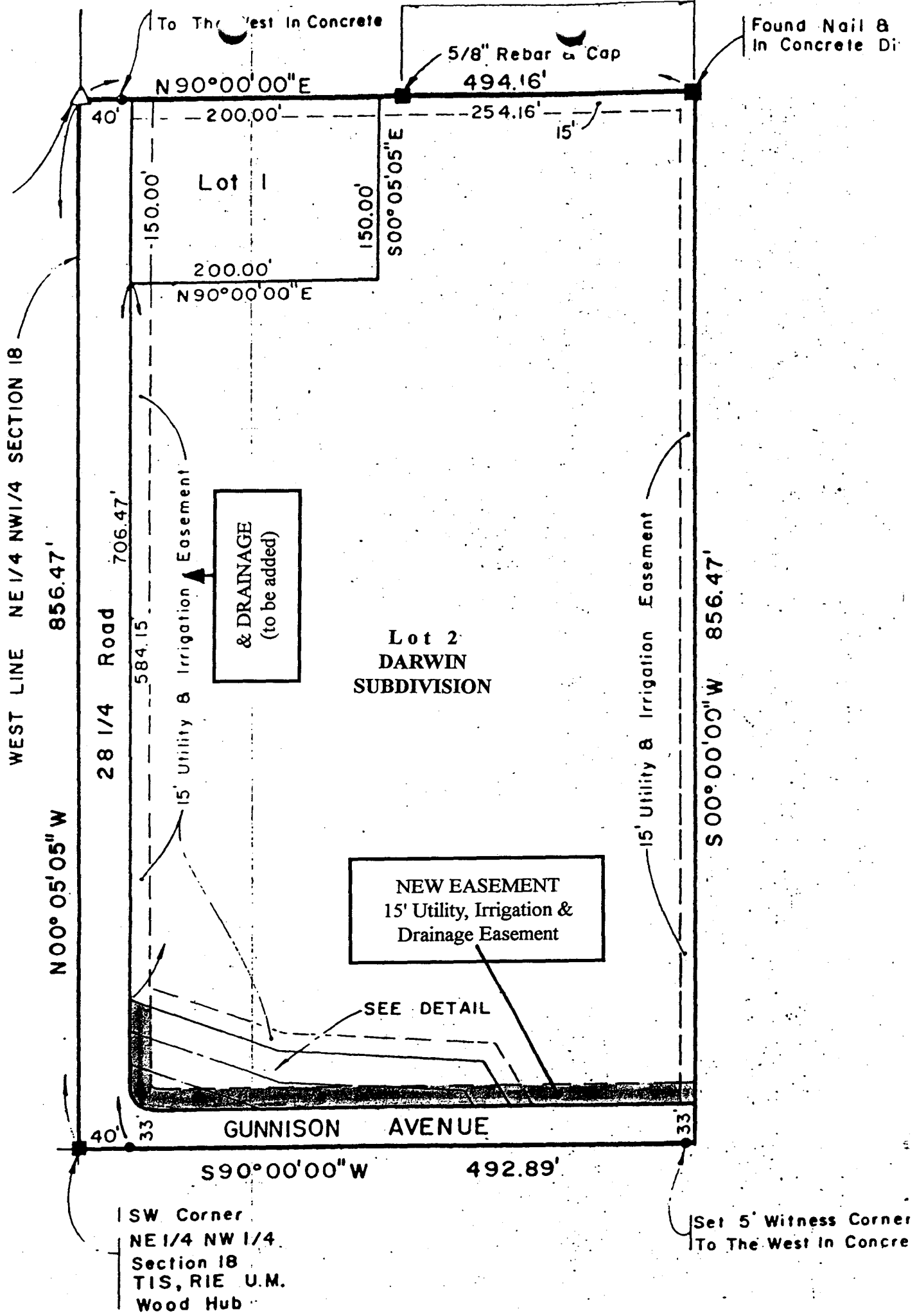


John L. Ballagh,
Manager

cc: John Davis
Ward Scott

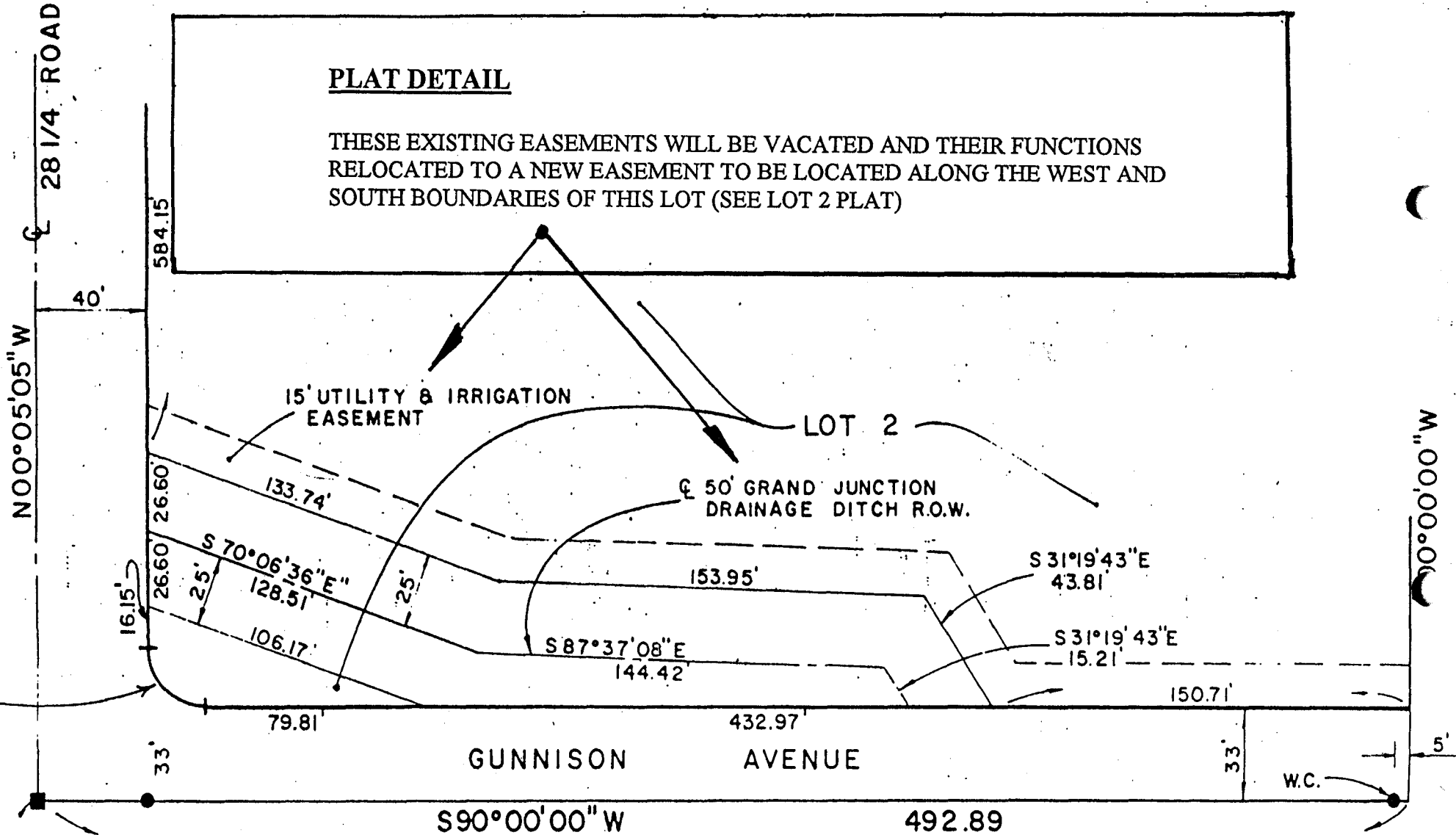
RECEIVED GRAND JUNCTION
PLANNING DEPARTMENT

JUL 31 1996



PLAT DETAIL

THESE EXISTING EASEMENTS WILL BE VACATED AND THEIR FUNCTIONS RELOCATED TO A NEW EASEMENT TO BE LOCATED ALONG THE WEST AND SOUTH BOUNDARIES OF THIS LOT (SEE LOT 2 PLAT)



SW CORNER
NE 1/4 NW 1/4
SECTION 18

SCALE: 1" = 50'

File Close-out Summary

File #: VE-96-89

Name: James Park easement vacations

Staff: Bill Nebeker

Action: Approved; Gunnison Ave not vacated

Comments:

File Turned In: 02-28-97

