



DEVELOPMENT APPLICATION

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

Receipt _____

Date 4-1-96

Rec'd By _____

File No. UR-96-73

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			29 Road & Bunting		<input checked="" type="checkbox"/> Right-of Way <input type="checkbox"/> Easement
<input type="checkbox"/> Revocable Permit					

PROPERTY OWNER

DEVELOPER

REPRESENTATIVE

George W. & J. W. Fults
Name

Name

Larry Beckner
Name

511 29 Road
Address

Address

P.O. Box 220
Address

Grand Jct. Colo 81501
City/State/Zip

City/State/Zip

Grand Jct. Co 81502
City/State/Zip

Business Phone No.

Business Phone No.

970-245-4300
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.

Larry Beckner
Signature of Person Completing Application

2/7/96
Date

George W. Fults

2-24-96

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

2-24-96
Date

VR-96-73

PRE-APPLICATION CONFERENCE

Date: Sept 6, 1995
Conference Attendance: L. Beckner, M. Drollinger
Proposal: ROW Vacation
Location: 29 Rd N of North Ave

Tax Parcel Number: 2943-074-15-001
Review Fee: \$ 425

(Fee is due at the time of submittal. Make check payable to the City of Grand Junction.)

Additional ROW required? -
Adjacent road improvements required? -
Area identified as a need in the Master Plan of Parks and Recreation? -
Parks and Open Space fees required? - Estimated Amount: _____
Recording fees required? YES Estimated Amount: _____
Half street improvement fees/TCP required? - Estimated Amount: _____
Revocable Permit required? -
State Highway Access Permit required? -
On-site detention/retention or Drainage fee required? -
Applicable Plans, Policies and Guidelines Dev. Code
Located in identified floodplain? FIRM panel # -
Located in other geohazard area? -
Located in established Airport Zone? Clear Zone, Critical Zone, Area of Influence? -
Avigation Easement required? -

CK #1476 for
84250

While all factors in a development proposal require careful thought, preparation and design, the following "checked" items are brought to the petitioner's attention as needing special attention or consideration. Other items of special concern may be identified during the review process.

- Access/Parking
- Drainage
- Floodplain/Wetlands Mitigation
- Other _____
- Screening/Buffering
- Landscaping
- Availability of Utilities
- Land Use Compatibility
- Traffic Generation
- Geologic Hazards/Soils

Related Files: _____

It is recommended that the applicant inform the neighboring property owners and tenants of the proposal prior to the public hearing and preferably prior to submittal to the City.

PRE-APPLICATION CONFERENCE

WE RECOGNIZE that we, ourselves, or our representative(s) must be present at all hearings relative to this proposal and it is our responsibility to know when and where those hearings are.

In the event that the petitioner is not represented, the proposed item will be dropped from the agenda, and an additional fee shall be charged to cover rescheduling expenses. Such fee must be paid before the proposed item can again be placed on the agenda. Any changes to the approved plan will require a re-review and approval by the Community Development Department prior to those changes being accepted.

WE UNDERSTAND that incomplete submittals will not be accepted and submittals with insufficient information, identified in the review process, which has not been addressed by the applicant, may be withdrawn from the agenda.

WE FURTHER UNDERSTAND that failure to meet any deadlines as identified by the Community Development Department for the review process may result in the project not being scheduled for hearing or being pulled from the agenda.

x George W. Fulda
Signature(s) of Petitioner(s)
Jessie W. Fulda

x Larry Beckner
Signature(s) of Representative(s)

GENERAL PROJECT REPORT

VACATION OF ROAD WAY AND ALLEY

TO: CITY OF GRAND JUNCTION

FROM: LARRY BECKNER, Representative of George and Jesse Fults,
owners.

Attached to this General Project Report is a map of the property to be vacated with the vacated portion highlighted in Yellow.

The portion to the North of Lot 12 apparently was originally designated as an extension of Bunting Avenue. However, the property has never been developed as a road and the road if developed would serve no properties except for parcel 2943-074-00-042, which property is also owned by the Petitioners. This parcel to be vacated has not been maintained over the years and constitutes a continual eyesore. There is no access to 29 road because of an irrigation ditch and additional access directly onto 29 road is not advisable. The only property to be affected is the property owned by the Petitioners.

The second vacation is of the ten foot alley directly behind the Petitioners' property. This alley leads nowhere and has never been used by any party, including utility companies. No harm or adverse impact will accrue to any other property owner.

It is requested that the alley and the 30 road way be vacated and that the property be deeded to the Petitioners.

AMENDED GENERAL PROJECT REPORT

REPLAT OF PARCEL 2943-074-00-042 & 2943-074-15-001

TO: CITY OF GRAND JUNCTION

FROM: LARRY B. BECKNER, Representative of George W. Fults and
Jessie W. Fults, Owners.

PROPERTY DESCRIPTION: The Fults presently own the above two adjacent parcels. The parcels are described as:

1) 2943-074-00-042 Lots 11 & 12, Roscoe R. Giffin Subdivision according to the plat thereof recorded in Plat Book 7 at Page 7. This property is the location of the Fults residence. The parcel fronts on 29 Road and lies just to the south of Bunting.

2) 2943-074-15-001 The North 130 feet of the West 150 feet of the E $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 7, Township 1 South, Range 1 East of the Ute Meridian. This parcel lies immediately adjacent and to the West of parcel #1 and has been owned by the Fults since 1951. This parcel is vacant except for one small storage building owned and used by the Fults.

LIENS ON THE PROPERTY: There are no liens on either parcel. Title to each parcel is held exclusively by George W. Fults and Jessie W. Fults.

PROPOSAL: The two parcels shall be combined into one tax parcel and shall be referred to as the FULTS MINOR SUBDIVISION, a subdivision of the City of Grand Junction, Mesa County, Colorado.

ACCESS: The single remaining parcel shall have access directly onto 29 road by way of the existing driveway. This access is reasonable, does not reduce the value of the existing property and does not devalue any surrounding property.

QUALITY OF SERVICES: The proposal has no adverse impacts on the health, safety, and/or welfare of the general community and does not reduce the quality of public services provided to any parcel of land. The 30' strip of land along the North side of Lot 12 was originally designed as an extension of Bunting Avenue. However, the road has never been constructed and if developed would serve no properties.

Currently between the two parcels is the end of a 10' wide alley. This alley deadends at the North side of the two parcels and does not service any other properties. There are several utilities that run generally between the

existing parcels. The vacation of the existing 10' alley will be replaced with a general utility easement, as shown on the new Plat.

An irrigation pipeline services the Patton property to the West and South of the subject property. An easement for the maintenance of that pipeline is included in the Plat.

ADOPTED PLANS & POLICIES The proposal does not conflict with adopted plans and policies. By combining the two parcels, it deletes one potential additional entry onto 29 Road.

AFFECT ON ADJOINING PROPERTIES. The only property potentially affected by the proposal is the property to the North of the parcels owned by David and Deborah Elliott. Attached to this narrative is a consent to the vacation of Bunting Avenue and a release of any claim to the vacated portion of Bunting Avenue. The proposed Plat locates the entire portion of the vacated Bunting Avenue as a part of the Fults Subdivision.

PUBLIC SERVICE. Public Service Company objected to the original submittal since it did away with the alley and the ability of Public Service to maintain its existing power line. The new Plat grants a general utility easement and this easement has been approved by John Salazar with Public Service.

FRUITVALE LATERAL & WASTE DITCH CO. The proposal does not affect the Fruitvale Lateral ditch that runs along the front of parcel 001 and parallel to 29 Road. The ditch is not modified or affected in any way.

Larry Beckman

**CONSENT TO VACATION OF BUNTING AVENUE
AND RELEASE OF ANY CLAIM TO THE VACATED PORTION**

The undersigned, David and Deborah Elliott, are the owner of the property at 515 29 Road. This is the property directly north of the portion of Bunting Avenue that our neighbors, George and Jesse Fults, are seeking to vacate.

We understand that in a normal vacation that one half of the vacated property would belong to the Fults and one half would belong to us. However, the property to be vacated should all go to the Fults since it would square up the lots. The roadway was originally carved out of the Fults property and it should go back to that property.

We hereby consent to the vacated portion of Bunting Avenue to go to the Fults property.

Dated this 30 day of April, 1996.



David Elliott



Deborah Elliott

George W. Fults 511 29 Road Grand Junction, Colorado 81501	Paul G. Parker 509 29 Road Grand Junction, Colorado 81501	G.J. Units, LLC 3032 I-70 Business Loop Grand Junction, Colorado 81504
Joe & Mary Salazar 556 Ashley Lane Grand Junction, Colorado 81501	Veda J. Mingus 610 Rushmore Drive Grand Junction, Colorado 81503	Barry & N.J. Patten 505 1/2 29 Road Grand Junction, Colorado 81501
Emory Cantrell P. O. Box 1292 Dalton, GA 30722-1292	Todd & Pameyn Miracle 116 Epps Drive Grand Junction, Colorado 81501	Viola O'Grady 112 Epps Drive Grand Junction, Colorado 81501
David McMechen & Marilyn Hogue 517 - 29 Road Grand Junction, Colorado 81501	Clarence & Gladys Graves 110 Epps Drive Grand Junction, Colorado 81501	David & Deborah Elliott 515 - 29 Road Grand Junction, Colorado 81501
Gregory Cole 115 Epps Drive Grand Junction, Colorado 81501	Charles Williams 133 Epps Drive Grand Junction, Colorado 81501	Matthew & Laurie Boelke 516 - 29 Road Grand Junction, Colorado 81501
Homer & Alwilda Corey 2904 Bunting Avenue Grand Junction, Colorado 81504	Michelle Potter 606 W. Indian Creek Drive Grand Junction, Colorado 81506	George Tucker 2106 Graham Avenue Redondo Beach, CA 90278-2028
Travis Bunkelman, Toby White & Larry Bunkelman 108 - 29 Road Grand Junction, Colorado 81501	Doris McGill 130 Canary Lane Grand Junction, Colorado 81503	Melvin & Sharon Reed 514 - 29 Road Grand Junction, Colorado 81501

George W. Fults 511 29 Road Grand Junction, Colorado 81501	Paul G. Parker 509 29 Road Grand Junction, Colorado 81501	G.J. Units, LLC 3032 I-70 Business Loop Grand Junction, Colorado 81504
Joe & Mary Salazar 556 Ashley Lane Grand Junction, Colorado 81501	Veda J. Mingus 610 Rushmore Drive Grand Junction, Colorado 81503	Barry & N.J. Patten 505 ½ 29 Road Grand Junction, Colorado 81501
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Gregory Cole 115 Epps Drive Grand Junction, Colorado 81501	Charles Williams 133 Epps Drive Grand Junction, Colorado 81501	Matthew & Laurie Boelke 516 - 29 Road Grand Junction, Colorado 81501
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REVIEW COMMENTS

Page 1 of 2

FILE #VR-96-73

TITLE HEADING: Vacation of Right-of-Way

LOCATION: Bunting Avenue west of 29 Road

PETITIONER: George Fults

PETITIONER'S ADDRESS/TELEPHONE: P.O. Box 220
Grand Junction, CO 81502
245-4300

PETITIONER'S REPRESENTATIVE: Larry Beckner

STAFF REPRESENTATIVE: Kristen Ashbeck

NOTE: THE PETITIONER IS REQUIRED TO SUBMIT FOUR (4) COPIES OF WRITTEN RESPONSE AND REVISED DRAWINGS ADDRESSING ALL REVIEW COMMENTS ON OR BEFORE 5:00 P.M., April 25, 1996.

CITY ATTORNEY 4/5/96
John Shaver 244-1501

Petitioner's general project report requests that the property proposed to be vacated be deeded to the petitioners if the vacation is favorably considered. By operation of law the property, if the vacation occurs, reverts to adjoining owners. A deed will not be issued.

UTE WATER 4/9/96
Gary R. Mathews 242-7491

No objections to the vacation.

CITY COMMUNITY DEVELOPMENT 4/11/96
Kristen Ashbeck 244-1437

1. Revise narrative to address criteria of section 8-3 (see attached) of the zoning and Development Code, specifically 8-3-1 and 8-3-2.
2. A Site Plan was not included with the submittal. Provide a site plan, drawn to scale that shows the rights-of-way to be vacated and any structures, fencing, utility lines (above and below ground) and other improvements in the rights-of-way and on the parcels on either side of the rights-of-way.
3. If vacated, the right-of-way will not be "deeded" to the property owner. By ordinance, it will be split in the middle and attached to the properties on both sides of the right-of-way.
4. Staff will not support this vacation due to landlocking the parcel behind the one that fronts 29 Road. While this property may be currently owned by the petitioner, single ownership can only be guaranteed if the property is platted into a single parcel or platted into two parcels, with each parcel having a minimum street frontage of 15 feet.

U.S. WEST 4/11/96
Max Ward 244-4721

Okay.

PUBLIC SERVICE COMPANY

4/11/96

John Salazar

244-2781

1. GAS & ELECTRIC: No objections to vacating a "portion" of 30' road (portion along north side of lot 12 only).
2. CANNOT AGREE to vacating any portion of alley along entire east property line of parcel 42 (2943-074-00-042) owned by petitioner. The overhead electric loop serving 511 29 Road crosses the alley from the west to the east. This crossing takes place toward the north end of the alley. Therefore, the entire alley right-of-way must be maintained.

CITY POLICE DEPARTMENT

4/16/96

Dave Stassen

244-3587

No comments.

CITY UTILITY ENGINEER

4/16/96

Trent Prall

244-1590

Water: City

Sewer: Fruitvale Sanitation District. Please contact FSD at 243-1494 for details regarding this proposal.

As lot 042 would be land locked if this vacation were approved, the City Utilities Division requests that this vacation be denied unless both parcels are replatted as one or access to 042 is maintained.

CITY DEVELOPMENT ENGINEER

4/16/96

Jody Kliska

244-1591

No comment.

TO DATE, COMMENTS NOT RECEIVED FROM:

City Property Agent

Fruitvale Sanitation

Grand Junction Drainage District

Grand Valley Irrigation

ROBB, BECKNER, ACHZIGER,
McINNIS & PALO, LLC
Attorneys at Law

James M. Robb
Larry B. Beckner
John A. Achziger
Care' McInnis Raam
Bryce Palo

Suite 850, Alpine Bank Building
225 North Fifth Street
P.O. Box 220
Grand Junction, Colorado 81502
Telephone (970) 245-4300
Telefax (970) 243-4358

David B. Palo
(special counsel)
Miles Kara
(special counsel)

April 25, 1996

City Planning Department
Attention Kristen Ashbeck
250 North 5th Street
Grand Junction, Colorado

RE: Vacation of Right-of-Way
Bunting Ave. & 29 Road
George Fults

Dear Kristen:

We have read the review agency comments and two themes are apparent. First, there is no objection to the vacation of Bunting except that it will land lock the back parcel. The solution is to combine the back parcel with the two parcels facing 29 Road. Since all three are owned by George and Jesse Fults, we will proceed to file a petition to combine those into one lot. As I noted during our conversation, the neighbor to the North does not want any part of the vacated portion of Bunting Avenue and so all of it will go to the Fults. I will get you a document from the neighbor.

Second, the utility companies object to the vacation of the existing ten foot alley because it prohibits access to their utilities. We propose to vacate the alley and grant to the utility companies a 10 foot easement in the same location as the existing alley. This would be reflected on the replat of the three parcels.

At this time, we request that this application for vacation be tabled for a period of ninety days to allow us time to obtain a new plat of the property to combine the parcels. We will submit a request for the replat and will then hear all matters at the same time.

If you require anything further, let me know.

Sincerely,


Larry B. Beckner

RECEIVED GRAND JUNCTION
PLANNING DEPARTMENT

APR 26 1996



May 8, 1996

Grand Junction Community Development Department
Planning • Zoning • Code Enforcement
250 North Fifth Street
Grand Junction, Colorado 81501-2668
(970) 244-1430 FAX (970) 244-1599

Mr. Larry Beckner
PO Box 220
Grand Junction, Colorado 81502

RE: VR 96-73
Right-of-way Vacation / 29 Road & Bunting Avenue

Dear Mr. Beckner,

Enclosed please find a letter I received from a concerned neighboring property owner regarding the project referenced above. It appears that an easement for their irrigation line may need to be dedicated on the plat that is being created for the Fults' properties. I would recommend that you and/or your surveyor contact Mr. and Mrs. Patten and the Fruitvale Lateral and Waste Ditch Company to resolve the matter as you proceed with drawing the plat.

Please do not hesitate to contact me if you have questions regarding this information.

Sincerely,

A handwritten signature in cursive script that reads "Kristen".

Kristen Ashbeck
Planner

encl

c: Barry and Nila Patten

5/8/96
Attn: Community Development Dept.
Staff Planner - Kristin Ashbeck.

We are property owners adjacent to Walter and Jesse Fulte Property, our irrigation ditch, which is underground goes the full length of the 30ft easement they wish to vacate.

We feel we would lose our passage to irrigation water which has been established for at least forty-five years that we know of, so it has been there a long time, this is our only source for irrigation water that runs along 39th, we would lose the right to maintain our ditch, we would no longer be able to go on the property.

We strongly object to their petition.

Thank you.

Barry J. Patten
Nile D. Patten

BECKNER, ACHZIGER, McINNIS,
PALO & JUNGE, LLC
Attorneys at Law

Larry B. Beckner
John A. Achziger
Care' McInnis Raaum
Bryce Palo
Brad H. Junge

Suite 850, Alpine Bank Building
225 North Fifth Street
P.O. Box 220
Grand Junction, Colorado 81502
Telephone (970) 245-4300
Telefax (970) 243-4358

July 2, 1996

David B. Palo
(special counsel)
Miles Kara
(special counsel)

City Planning Department
250 North 5th Street
Grand Junction, Colorado 81501

Attn: Kristen Ashbeck

RE: Vacation of Right-of-Way
Bunting Avenue & 29 Road
George Fults

Dear Kristen:

On April 25, 1996, I wrote to you asking for an extension of ninety days to allow time to obtain a new plat of the Fults property to combine the two parcels. I am working with LanDesign, Inc. and have now been advised that they expect to have the platting completed by the end of July and in time for submission to the City by August 1. This may require an extension of our ninety days by another five or six days, but hopefully this will not affect the tabling of our earlier request for vacation.

If there are additional delays from the surveyors, I will advise you in advance.

Sincerely,


Larry B. Beckner

LBB:ms

RECEIVED GRAND JUNCTION
PLANNING DEPARTMENT

JUL 03 1996

need 30-60 day extension



July 12, 1996

Grand Junction Community Development Department
Planning • Zoning • Code Enforcement
250 North Fifth Street
Grand Junction, Colorado 81501-2668
(970) 244-1430 FAX (970) 244-1599

Mr. Larry Beckner
PO Box 220
Grand Junction, Colorado 81502

RE: VR 96-73
Right-of-way Vacation / 29 Road & Bunting Avenue

Dear Mr. Beckner,

This letter is to acknowledge receipt of your correspondence dated July, 2 1996 and a telephone conversation I had with Marilyn from your office on July 12, 1996 regarding submittal of a plat for the Fults' properties involved with the project referenced above. Marilyn explained to me the difficulties you have had with retaining a consultant to complete the work for you. Thus, the Community Development Department will allow you an extension of 60 days beyond the August 1, 1996 date to submit the plat (no later than October 1, 1996).

Please do not hesitate to contact me if you have further questions regarding this project.

Sincerely,

Kristen Ashbeck
Planner

Planning
Commission
11/5/96 6-0
Approved

STAFF REPORT

FILE: VR-96-73
DATE: October 30, 1996
STAFF: Kristen Ashbeck
REQUEST: Right-of-Way Vacation and Final Plat
LOCATION: Bunting Avenue West of 29 Road
APPLICANT: George & Jessie Fults

EXECUTIVE SUMMARY:

A request to vacate: 1) the 30-foot right-of-way that was originally designated as an extension of Bunting Avenue; and 2) a 10-foot north-south alley right-of-way in the same vicinity in order to replat two existing parcels into a single lot.

EXISTING LAND USE: 1 Single Family Residential Lot and 1 Vacant Lot

PROPOSED LAND USE: 1 Larger Single Family Residential Lot

SURROUNDING LAND USE:

- NORTH: Single Family Residential
- SOUTH: Single Family Residential
- EAST: Single Family Residential
- WEST: Vacant Commercial

EXISTING ZONING: Residential Single Family 8 Units Per Acre (RSF-8)

SURROUNDING ZONING:

- NORTH: RSF-8
- SOUTH: RSF-8
- EAST: R4 (Mesa County)
- WEST: Planned Commercial (PC) - Proposed Parking Lot for Bingo Hall

RELATIONSHIP TO COMPREHENSIVE PLAN:

The *Growth Plan* indicates this area as Residential Medium density (4 - 7.9 units per acre). This proposal does not propose to change the existing land use which is consistent with the plan.

STAFF ANALYSIS:

The petitioners currently own two separate parcels of land, one behind the other, on the west side of 29 Road at what would be the extension of Bunting Avenue. The easterly parcel fronts on 29 Road and is a platted lot within the Roscoe R. Giffin Subdivision. When this subdivision was platted in 1946, a 30-foot half-street right-of-way was dedicated for the potential extension of Bunting Avenue west of 29 Road and a 10-foot half alleyway was also dedicated to run north-south behind the lots. The westerly parcel is currently a vacant metes and bounds parcel.

The petitioner desires to vacate the 30-foot Bunting Avenue right-of-way and a 10-foot alley between the two parcels. However, this would result in the westerly parcel being landlocked. Therefore, concurrent with this vacation request, the petitioner is proposing to plat the two parcels into a single lot. Since there is a reduction in the number of lots (2 to 1), the Final Plat for the subdivision is under administrative review.

The rights-of-way proposed to be vacated are not of standard width, do not extend north or west beyond the limits of these properties, and are not likely to ever be needed (north or west) for development of a street or an alley. When the Epps Subdivision was platted to the north of this property (also in 1946) the north 30-foot of right-of-way was not dedicated. Also, the western 10 feet of the alley has never been dedicated for its entire length south to North Avenue.

The petitioner has satisfied review comments of the affected utilities and the concerns of an adjacent property owner needing easement for an irrigation line. Currently, there are overhead utility lines that are not within the alley right-of-way nor are they within an easement. The plat will dedicate the necessary easement requested by Public Service. Generally, the proposed vacations and the concurrent platting will "clean up" the property boundaries in this area.

Findings of Review: Section 8-3 of the *Zoning and Development Code* lists the criteria by which vacation requests are reviewed. Following is a discussion of the criteria relevant to these proposals.

- **LANDLOCKING** - Neither of the right-of-way vacation requests will landlock any parcel provided the vacation ordinances are not effective until the plat is recorded.
- **RESTRICTIVE ACCESS** - Neither of the right-of-way vacation requests will restrict access to any parcel.
- **QUALITY OF SERVICES** - Neither of the right-of-way vacation requests will have adverse impacts on the health, safety, and/or welfare of the general community and will not reduce the quality of public services to any parcel of land.
- **ADOPTED PLANS AND POLICIES** - Neither of the right-of-way vacation requests will conflict with adopted plans and policies. The rights-of-way are not proposed to be developed or used as such.
- **BENEFITS TO CITY** - The benefits to the City are that the areas to be vacated will be removed from the public maintenance and liability responsibility and be added to a private parcel subject to property taxes.

STAFF RECOMMENDATION: Approval of the vacation requests.

SUGGESTED PLANNING COMMISSION MOTIONS:

Mr. Chairman, on item VR-96-73, a request to vacate a 30-foot right-of-way and a 10-foot north-south alley right-of-way in the vicinity of the extension of Bunting Avenue west of 29 Road, I move that we forward the request to City Council with the recommendation of approval.

Council 7-0
subject to
Revised ordinance

CITY OF GRAND JUNCTION - CITY COUNCIL

FILE: VR-96-73

DATE: November 14, 1996

STAFF: Kristen Ashbeck

AGENDA TOPIC: Vacation of right-of-way

SUMMARY: A request to vacate: 1) the 30-foot right-of-way that was originally designated as an extension of Bunting Avenue; and 2) a 10-foot north-south alley right-of-way in the same vicinity in order to replat two existing parcels into a single lot.

ACTION REQUESTED: Approval of vacation ordinance

BACKGROUND INFORMATION:

LOCATION: Bunting West of 29 Road

APPLICANT: George & Jessie Fults

EXISTING LAND USE: 1 Single Family Residential Lot and 1 Vacant Lot

PROPOSED LAND USE: 1 Larger Single Family Residential Lot

SURROUNDING LAND USE:

NORTH: Single Family Residential

SOUTH: Single Family Residential

EAST: Single Family Residential

WEST: Vacant Commercial

EXISTING ZONING: Residential Single Family 8 Units Per Acre (RSF-8)

SURROUNDING ZONING:

NORTH: RSF-8

SOUTH: RSF-8

EAST: R4 (Mesa County)

WEST: Planned Commercial (PC) - Proposed Parking Lot for Bingo Hall

RELATIONSHIP TO COMPREHENSIVE PLAN:

The *Growth Plan* indicates this area as Residential Medium density (4 - 7.9 units per acre). This proposal does not propose to change the existing land use which is consistent with the plan.

STAFF ANALYSIS:

The petitioners currently own two separate parcels of land, one behind the other, on the west side of 29 Road at what would be the extension of Bunting Avenue. The easterly parcel fronts on 29 Road and is a platted lot within the Roscoe R. Giffin Subdivision. When this subdivision was platted in 1946, a 30-foot half-street right-of-way was dedicated for the potential extension of Bunting Avenue west of 29 Road and a 10-foot half alleyway was also dedicated to run north-south behind the lots. The westerly parcel is currently a vacant metes and bounds parcel.

The petitioner desires to vacate the 30-foot Bunting Avenue right-of-way and a 10-foot alley between the two parcels. However, this would result in the westerly parcel being landlocked. Therefore, concurrent with this vacation request, the petitioner is proposing to plat the two parcels into a single lot. Since there is a reduction in the number of lots (2 to 1), the Final Plat for the subdivision is under administrative review.

The rights-of-way proposed to be vacated are not of standard width, do not extend north or west beyond the limits of these properties, and are not likely to ever be needed (north or west) for development of a street or an alley. When the Epps Subdivision was platted to the north of this property (also in 1946) the north 30-foot of right-of-way was not dedicated. Also, the western 10 feet of the alley has never been dedicated for its entire length south to North Avenue.

Through the subdivision plat the petitioner has satisfied review comments of the affected utilities and the concerns of an adjacent property owner needing easement for an irrigation line. Currently, there are overhead utility lines that are not within the alley right-of-way nor are they within an easement. The plat will dedicate the necessary easement requested by Public Service. Generally, the proposed vacations and the concurrent platting will "clean up" the property boundaries in this area.

Findings of Review: Section 8-3 of the *Zoning and Development Code* lists the criteria by which vacation requests are reviewed. Following is a discussion of the criteria relevant to these proposals.

- LANDLOCKING - Neither of the right-of-way vacation requests will landlock any parcel provided the vacation ordinances are not effective until the plat is recorded.
- RESTRICTIVE ACCESS - Neither of the right-of-way vacation requests will restrict access to any parcel.
- QUALITY OF SERVICES - Neither of the right-of-way vacation requests will have adverse impacts on the health, safety, and/or welfare of the general community and will not reduce the quality of public services to any parcel of land.
- ADOPTED PLANS AND POLICIES - Neither of the right-of-way vacation requests will conflict with adopted plans and policies. The rights-of-way are not proposed to be developed or used as such.
- BENEFITS TO CITY - The benefits to the City are that the areas to be vacated will be removed from the public maintenance and liability responsibility and be added to a private parcel subject to property taxes.

RECOMMENDATION: Planning Commission recommended approval of the vacation requests (11/5/96 - 6-0).

CITY OF GRAND JUNCTION, COLORADO

Ordinance No. _____

VACATING AN EAST-WEST STREET RIGHT-OF-WAY AND A PORTION OF
A NORTH-SOUTH ALLEY RIGHT-OF-WAY IN THE VICINITY OF
29 ROAD AND BUNTING AVENUE

Recitals.

The petitioners currently own two separate parcels of land, one behind the other, on the west side of 29 Road at what would be the extension of Bunting Avenue. The easterly parcel fronts on 29 Road and is a platted lot within the Roscoe R. Giffin Subdivision. When this subdivision was platted, a 30-foot half-street right of way was dedicated for the potential extension of Bunting Avenue and a 10-foot half alleyway was also dedicated to run north-south behind the lots. The petitioner desires to vacate the rights-of-way and incorporate the area and the two lots into a combined single parcel.

The rights-of-way proposed to be vacated are not of standard width, do not extend north or west beyond the limits of these properties, and are not likely to ever be needed for development of a street or alley.

The Grand Junction Planning Commission, at its November 5, 1996 hearing, recommended approval of the vacation of the rights-of-way.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF
GRAND JUNCTION THAT THE RIGHT-OF-WAY DESCRIBED BELOW IS ~~HEREBY VACATED~~:

EFFECTIVE 11/20/96

Beginning at the NE corner of Lot 12, Roscoe R. Giffin Subdivision, Mesa County, Colorado, thence West 149.91 feet; thence North 30 feet; thence East 149.91 feet; thence South to the point of beginning; and Beginning at the NW corner of said Lot 12, Roscoe R. Giffin Subdivision, Mesa County, Colorado, thence South 100 feet to the SE corner of Lot 11, Roscoe R. Giffin Subdivision, thence East 10 feet, thence North 100 feet thence West to the point of beginning.

PLAT
RECORDED

INTRODUCED for FIRST READING and PUBLICATION this 20th day of November, 1996.

PASSED on SECOND READING this 4th day of December, 1996.

ATTEST:

City Clerk

President of Council



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			29 Road & Bunting		<input checked="" type="checkbox"/> Right-of Way <input type="checkbox"/> Easement
<input type="checkbox"/> Revocable Permit					

PROPERTY OWNER

DEVELOPER

REPRESENTATIVE

George W. & J. W. Fults

Name

Name

Larry Beckner

Name

511 29 Road

Address

Address

P.O. Box 220

Address

Grand Jct. Colo 81501

City/State/Zip

City/State/Zip

Grand Jct. Co 81502

City/State/Zip

Business Phone No.

Business Phone No.

970-245-4300

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.

Larry Beckner

Signature of Person Completing Application

2/7/96

Date

George W. Fults

2-24-96

J. W. Fults

2-24-96

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

Date



VR-96-73 VACATION OF RIGHTS-OF-WAY

WEST OF 29 ROAD AT BUNTING AVENUE

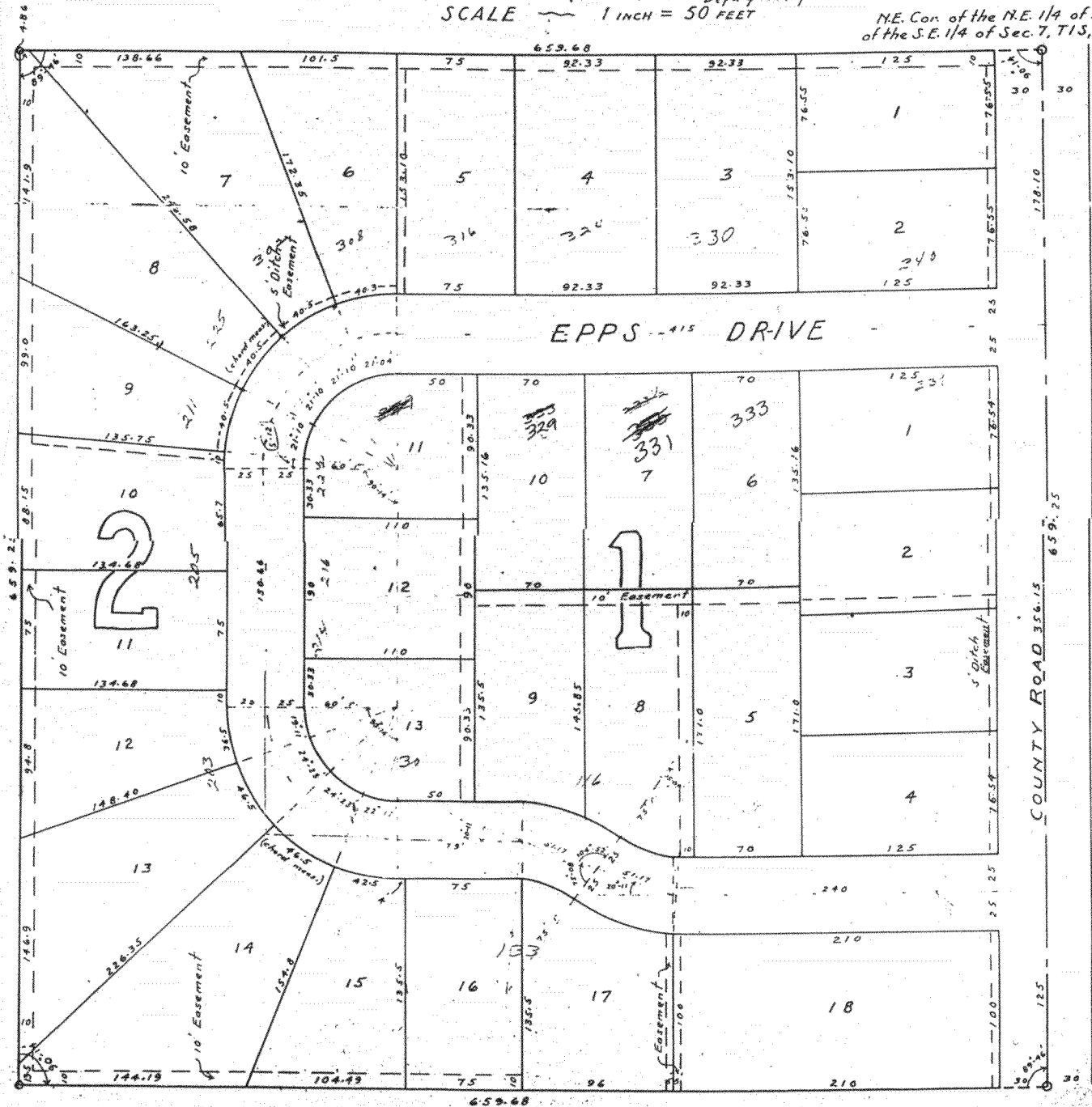
PETITIONER: GEORGE & JESSIE FULTS

11/11/15, as shown on plan.

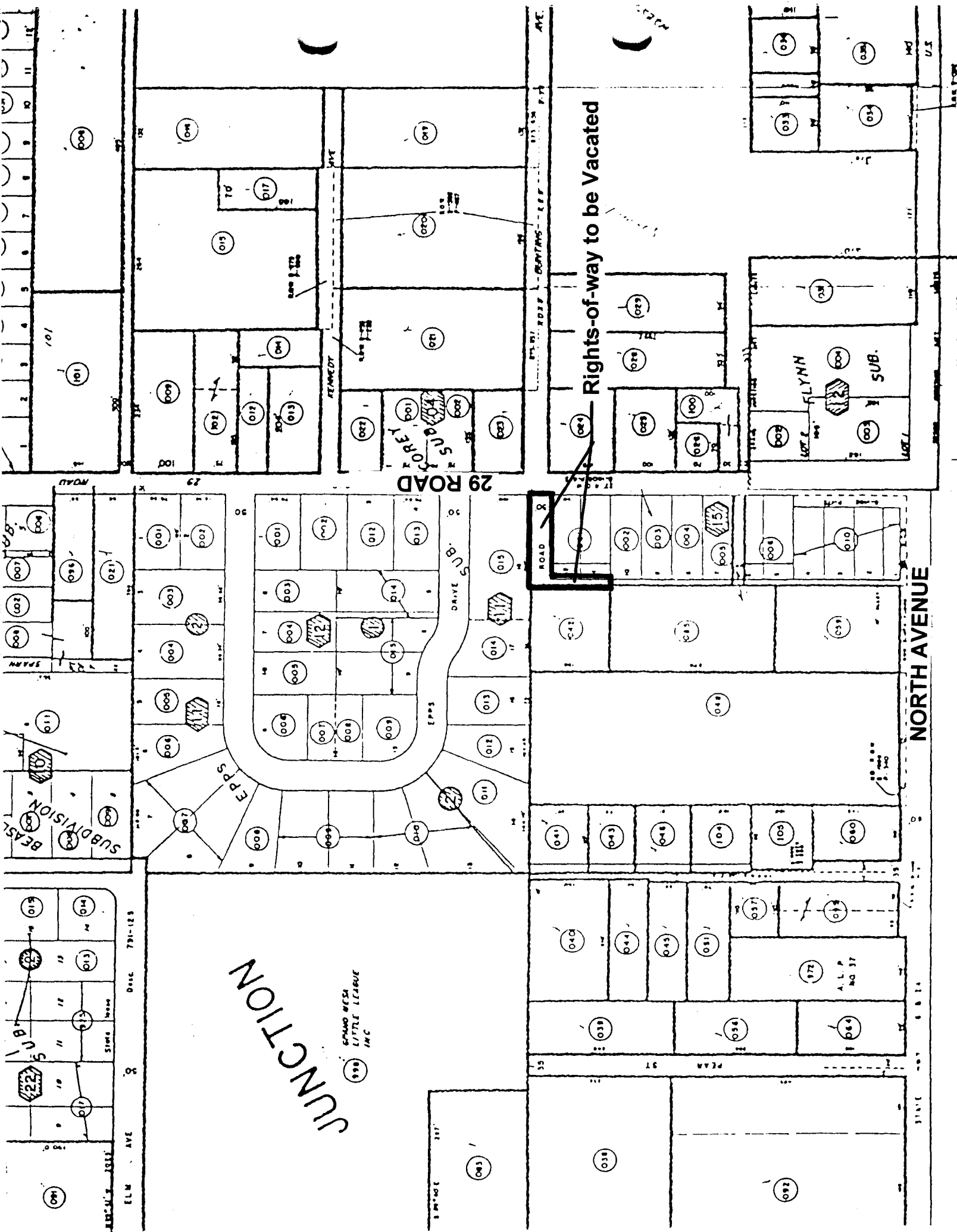
Attest
A. P. Morse
Deputy County Clerk

SCALE 1 INCH = 50 FEET

N.E. Cor. of the N.E. 1/4 of the S
of the S.E. 1/4 of Sec. 7, T1S, R1E,



ORIGINAL EPPS SUBDIVISION PLAT



Rights-of-way to be Vacated

29 ROAD

NORTH AVENUE

JUNCTION

SPANO WEA
LITTLE LEAGUE
INC

COREY
SUB

FLYNN
SUB

BEAST
SUB

EP S
DRIVE
SUB

ELM AVE

791-123

791-123

S. CITY LIMITS

W. CITY LIMITS

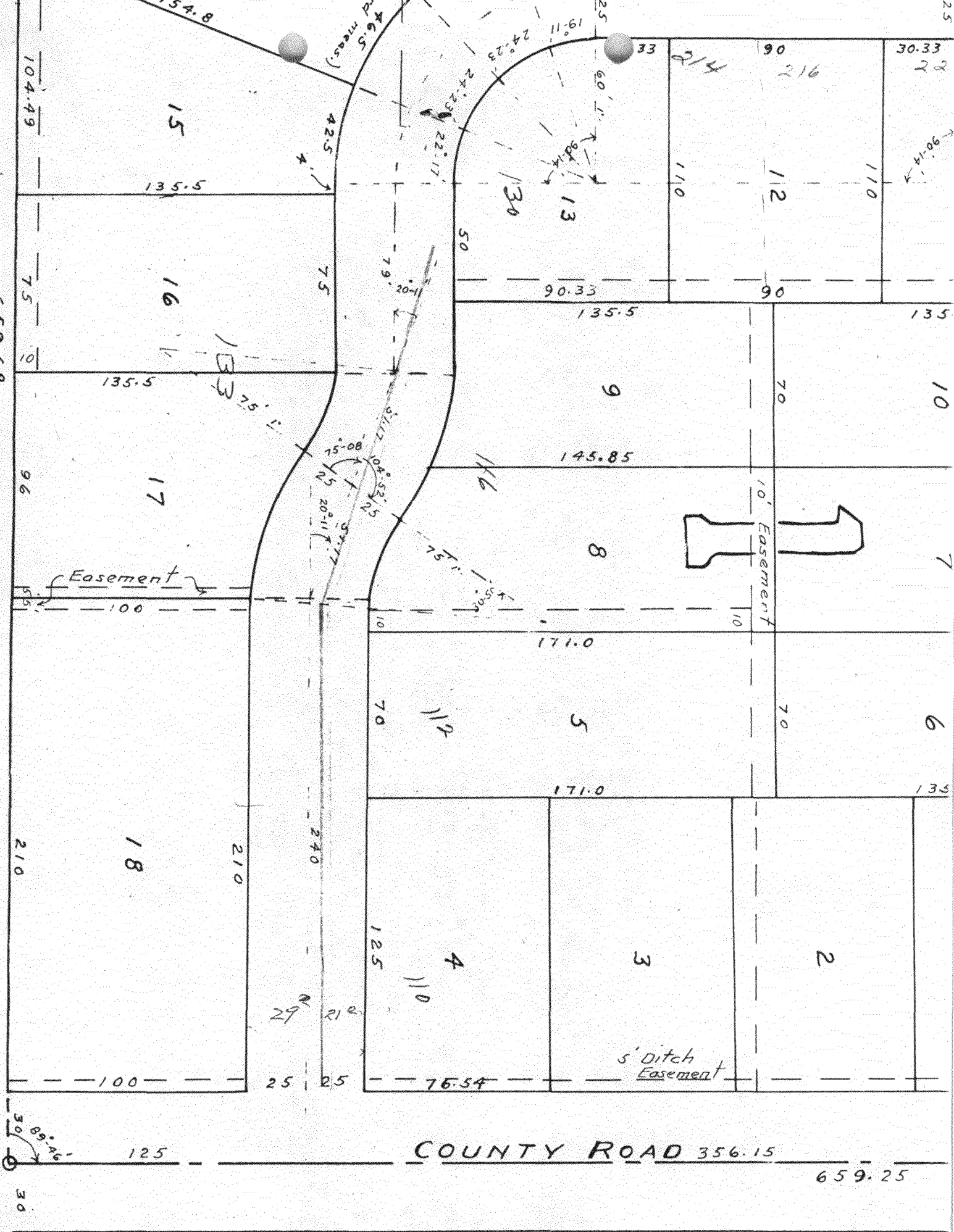
TYPE LEGAL DESCRIPTION(S) BELOW, USING ADDITIONAL SHEETS AS NECESSARY. USE SINGLE SPACING WITH A ONE INCH MARGIN ON EACH SIDE.

Vacation of the following property:

Beginning at the NE corner of Lot 12, Roscoe R. Giffin Subdivision, Mesa County, Colorado, thence West 149.91 feet; thence North 30 feet; thence East 149.91 feet; thence South to the point of beginning; and Beginning at the NW corner of said Lot 12, Roscoe R. Giffin Subdivision, Mesa County, Colorado, thence South 100 feet to the SE corner of Lot 11, Roscoe R. Giffin Subdivision, thence East 10 feet, thence North 100 feet, thence West to the point of beginning.

Designed by J.R. Epperson and H.D. Clark

659.68



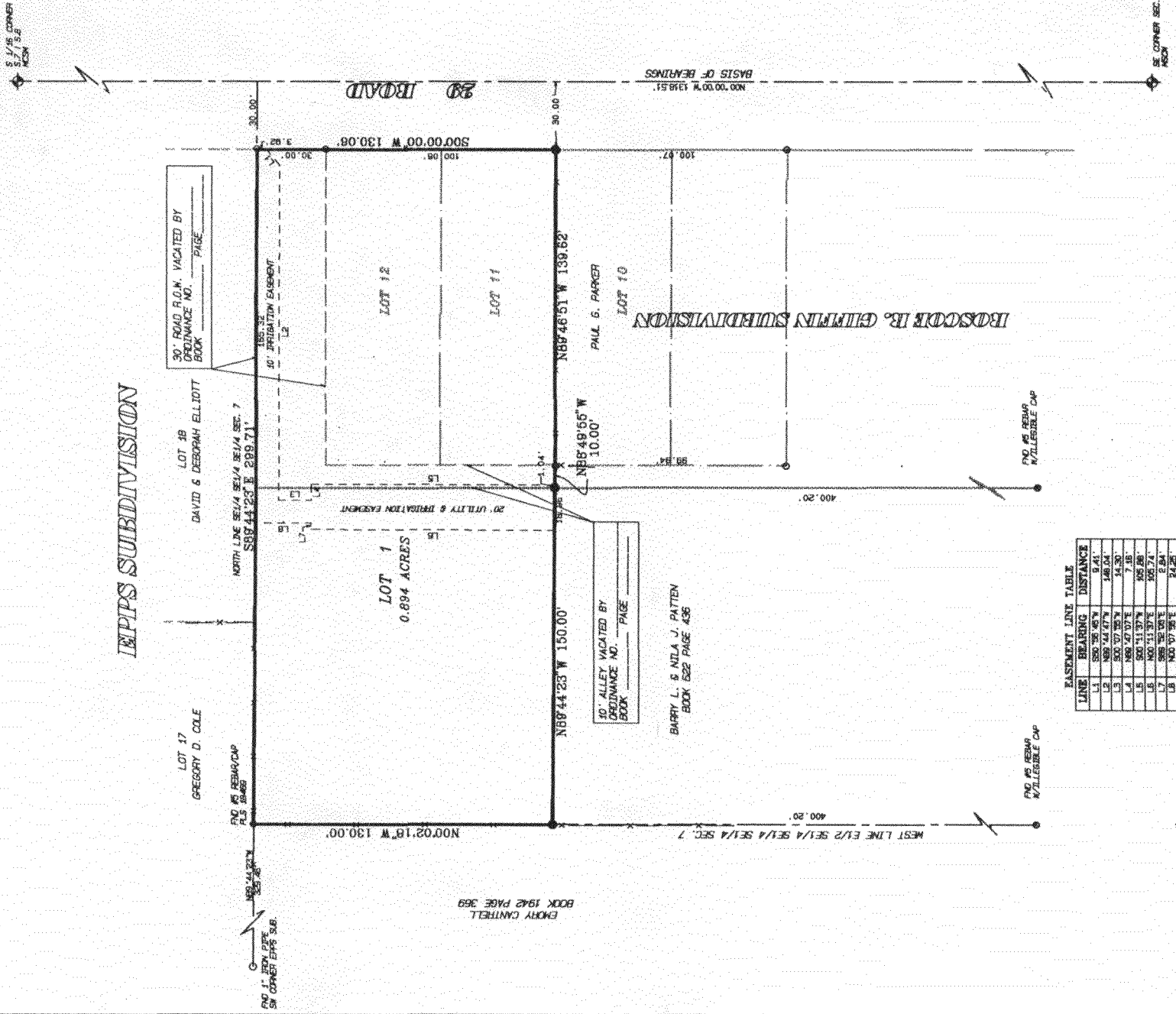
COUNTY ROAD 356.15

659.25

30
89.46
30

FULTS MINOR SUBDIVISION

CONSISTING OF A REPLAT OF LOTS 11 AND 12, ROSCOE R. GIFFIN SUBDIVISION AND A PORTION OF THE E1/2 SE1/4 SE1/4 SECTION 7, T.1 S., R.1 E., UTE MERIDIAN CITY OF GRAND JUNCTION, MESA COUNTY, COLORADO



KNOW ALL MEN BY THESE PRESENTS:

That the undersigned, George W. Fults and Jessie W. Fults, are the owners of that real property in the County of Mesa, State of Colorado, being the southeast one-quarter of the Southeast one-quarter of Section 7, Township 1 South, Range 1 East of the Ute Meridian, described in Book 515 at Page 395 and in Book 457 at Page 295 of the records of the Mesa County Clerk and Recorder, and as shown on the accompanying plat, said property being more particularly described as follows:

Lots 11 and 12, Roscoe R. Giffin Subdivision according to the plat thereof recorded in Plat Book 7 at Page 7, and this North 130 feet of the West 150 feet of the East one-half of the Southeast one-quarter of the Southeast one-quarter of the Southeast one-quarter of Section 7, Township 1 South, Range 1 East of the Ute Meridian.

That said owners have caused the said real property to be laid out and labeled on the accompanying plat as follows:

All Utility Easements to the City of Grand Junction for the use of public utilities as perpetual easements for the installation, maintenance and repair of utility and appurtenances thereto including, but not limited to, electric lines, cable TV lines, natural gas pipelines, sanitary sewer lines, water lines and telephone lines.

Irrigation Easement to the owners of that property described in Book 622 at Page 436, their heirs, successors, and assigns as a perpetual easement for the installation, operation, maintenance and repair of private irrigation systems.

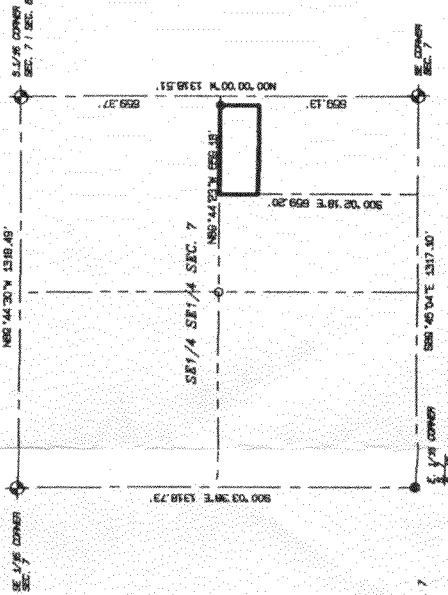
All easements include the right of ingress and egress on, along, over, under, and through the property described herein for the purpose of installing, together with the right to trim or remove interfering trees and brush, same in a reasonable and prudent manner. Furthermore, the owners of lots or tracts hereby partitioned shall not burden nor encumber said easements by any other easements or interests that may be created or claimed to prevent reasonable ingress and egress to and from the easement.

IN WITNESS WHEREOF said owners have caused their names to be hereunto subscribed this _____ day of _____, 1998

George W. Fults

Jessie W. Fults

CONTROL DIAGRAM



LINE	BEARING	DISTANCE
L-1	S80°26'05" W	9.41'
L-2	S80°27'00" W	14.50'
L-3	S80°27'00" W	7.00'
L-4	N80°11'37" W	105.88'
L-5	N80°11'37" W	105.74'
L-6	S80°26'05" W	9.41'
L-7	S80°27'00" W	14.50'
L-8	N80°11'37" W	105.88'

NOTICE: According to Colorado law you must commence any legal action based upon this survey within three years after the date the subdivision is recorded in the public records. This notice is given to you for your information and is not intended to constitute an offer of insurance or any other financial product. Please contact your insurance agent for more information.

State of Colorado }
County of Mesa }

This plat was acknowledged before me by _____ on this _____ day of _____, A.D. 1998, for the aforementioned purposes.

My Commission expires: _____
Notary Public _____
My address is: _____

CITY APPROVAL

This plat of FULTS MINOR SUBDIVISION, a subdivision of the City of Grand Junction, County of Mesa, State of Colorado, was approved this _____ day of _____, 1998.

COUNTY CLERK AND RECORDER'S CERTIFICATE

I hereby certify that this instrument was filed in the office of the Clerk and Recorder of Mesa County, Colorado, at _____ o'clock _____ M., this _____ day of _____, 1998, and is duly recorded in Plat Book No. _____, Page _____ as Reception No. _____ Drawer No. _____

Clerk and Recorder of Mesa County

SURVEYOR'S STATEMENT:

I, Dennis R. Shelburn, being a registered Professional Land Surveyor in the State of Colorado, do hereby state that this subdivision plat and survey of FULTS MINOR SUBDIVISION were made by me and/or under my direct supervision and that to the best of my knowledge, belief, and information both accurate and conform to all applicable laws and regulations of the State of Colorado and all instruments of law relating to the subdivision and development code of the City of Grand Junction.

Dennis R. Shelburn P.L.S. 18478

Date



- GRAPHIC SCALE
1 INCH = 30 FEET
- FOUND MESA COUNTY SURVEY MARKER
- FOUND IRON PIPE
- FOUND #5 REBAR/CAP AS NOTED
- FOUND IRON PIN
- SET #5 REBAR W/ALUMINUM CAP IN CONCRETE

BUILDING SETBACKS: 75' FROM CENTERLINE R.O.M. (FRONT)
50' FROM PROPOSED LINE (SIDE)
25' FROM PROPOSED LINE (REAR)

NOTE: SETBACK REQUIREMENTS ARE BASED ON THE ZONING CLASSIFICATION AT THE TIME OF THIS SURVEY. SETBACKS MAY BE SUBJECT TO CHANGE.

FULTS MINOR SUBDIVISION

SECTION SE 1/4 SE 1/4 7 T1N15P1E1 S4th R1E1E1 UTE MERIDIAN LITE
THOMPSON-LANGFORD CORPORATION
529 25 1/2 ROAD - # B-210
Grand Junction CO 81505 (303) 243-6067
Checked by: DRS Job No. 0297-001
D:\0297\0297-001.PRD Thu Oct 24 07:55:08 1998 Sheet 1 of 1

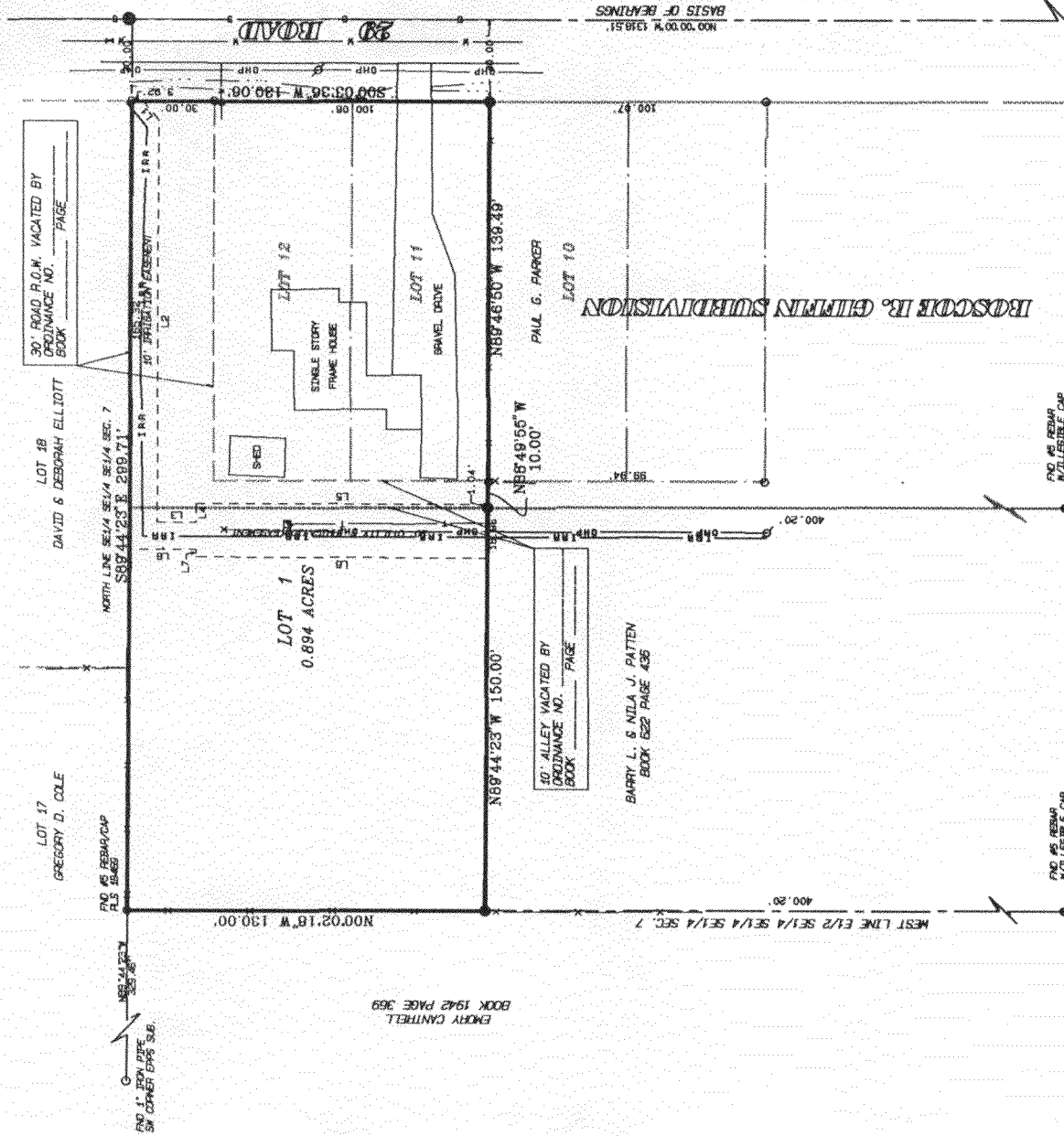
FULTS MINOR SUBDIVISION

CONSISTING OF A REPLAT OF LOTS 11 AND 12, ROSCOE R. GIFFIN SUBDIVISION
AND A PORTION OF THE E1/2 SE1/4 SE1/4 SECTION 7, T.1 S., R.1 E., UTE MERIDIAN
CITY OF GRAND JUNCTION, MESA COUNTY, COLORADO

SITE PLAN

S. 7/8 CORNER
ACR

LEPPS SUBDIVISION



EASEMENT LINE TABLE

LINE	BRANDING	DISTANCE
L1	S89°44'23" E	148.04'
L2	N89°44'23" W	148.04'
L3	S89°44'23" E	148.04'
L4	N89°44'23" W	148.04'
L5	S89°44'23" E	148.04'
L6	N89°44'23" W	148.04'
L7	S89°44'23" E	148.04'
L8	N89°44'23" W	148.04'

- SANITARY SEWER MANHOLE
- WATER VALVE
- WATER METER
- POWER POLE
- TELEPHONE PEDESTAL
- UNDERGROUND IRRIGATION LINE
- UNDERGROUND TELEPHONE LINE

NOTE: UNDERGROUND UTILITIES SHOWN AS EVIDENCED BY SURFACE STRUCTURES AND APPURTENANCES, AND TESTIMONY BY LAND-OWNER. NO VERIFICATION WAS MADE BY LOCATOR SERVICE.

DEDICATION

KNOW ALL MEN BY THESE PRESENTS: That the undersigned, George W. Fults and Jennie W. Fults, are the owners of that real property in the County of Mesa, State of Colorado, being situated in the East one-half of the Southeast one-quarter of the Southeast one-quarter of the Southeast one-quarter of Section 7, Township 1 South, Range 1 East of the Ute Meridian, described in Book 622 of the County Clerk and Recorder's Office, Mesa County, Colorado, and the accompanying plat; said property being more particularly described as follows:

Lots 11 and 12, Roscoe R. Giffin Subdivision according to the plat thereof recorded in Plat Book 7, at Page 7, and the North one-quarter of the Southeast one-quarter of the Southeast one-quarter of Section 7, Township 1 South, Range 1 East of the Ute Meridian.

That said owners have caused the said real property to be laid out and surveyed as FULTS MINOR SUBDIVISION, a subdivision of the City of Grand Junction, Mesa County, Colorado.

That said owner does hereby dedicate and set apart real property as shown and labeled on the accompanying plat as follows:

- All Utility Easements to the City of Grand Junction for the use of public utilities for perpetual easements for the installation, operation, maintenance and repair of utilities and appurtenances thereto including, but not limited to, water lines, sewer lines, natural gas pipelines, sanitary sewer lines, water lines and telephone lines.
- Irrigation Easement to the owners of that property described in Book 622 at Page 438, their heirs, successors, and assigns as a perpetual easement for the installation, operation, maintenance and repair of private irrigation systems.

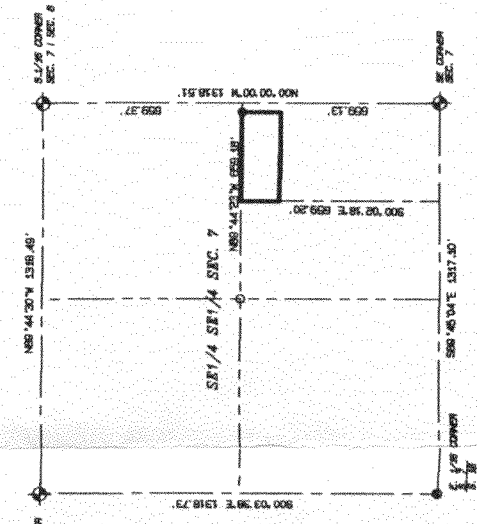
All easements include the right of ingress and egress on, along, over, under, and through and across by the beneficiaries, their successors, or assigns, together with the right to trim or remove interfering trees and brush, the right to install, maintain, and repair the installations of said easements and utilities, and the right to install, maintain, and repair any other structures, poles or tracks hereby placed 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.

IN WITNESS WHEREOF said owners have caused their names to be hereunto subscribed this _____ day of _____, 1998

George W. Fults

Jennie W. Fults

CONTROL DIAGRAM



- FOUND MESA COUNTY SURVEY MARKER
 - FOUND IRON PIPE
 - FOUND REBAR/CAP AS NOTED
 - FOUND IRON PIN
 - SET REBAR W/ALUMINUM CAP IN CONCRETE
- BUILDING SETBACKS: 75' FROM CENTERLINE R.O.M. (FRONT)
5' FROM PROP. LINE (REAR)
5' FROM PROP. LINE (SIDE)

NOTE: SETBACKS REQUIREMENTS ARE BASED ON THE CITY OF GRAND JUNCTION, COLORADO. THESE REQUIREMENTS MAY BE SUBJECT TO CHANGE.

State of Colorado }
County of Mesa }
This plat was acknowledged before me by _____ on this _____ day of _____, A.D., 1998, for the aforementioned purposes.

My Commission expires: _____
Notary Public _____
My address is: _____

CITY APPROVAL

This plat of FULTS MINOR SUBDIVISION, a subdivision of the City of Grand Junction, County of Mesa, State of Colorado, was approved this _____ day of _____, 1998.

COUNTY CLERK AND RECORDER'S CERTIFICATE

I hereby certify that this instrument was filed in the office of the Clerk and Recorder of Mesa County, Colorado, at _____ o'clock _____ M., this _____ day of _____, 1998, and is duly recorded in Plat Book No. _____ Page _____ as Reception No. _____ Drawer No. _____

Clerk and Recorder of Mesa County

SURVEYOR'S STATEMENT

I, Dennis R. Shellhorn, being a registered Professional Land Surveyor in the State of Colorado, do hereby state that this subdivision plat and survey of FULTS MINOR SUBDIVISION were prepared by me and/or under my direct supervision and that the measurements and calculations thereon are true and correct and conform to all applicable laws and regulations of the State of Colorado and to all applicable requirements of the zoning and development code of the City of Grand Junction.

Dennis R. Shellhorn P.L.S. 18478 _____ Date _____

FULTS MINOR SUBDIVISION
SITE PLAN

SECTION SE1/4 SE1/4 T1N15P1 S04R1P1E1 East MERIDIAN UTE
THOMPSON-LANGFORD CORPORATION
529 25 1/2 ROAD - # B-210
Grand Junction CO 81505 (303) 243-6067
Designed By: DRS Checked By: DST
D:\0297\0297-001.PLD Thu Oct 24 07:43:15 1998 Sheet 1 of 1