

CITY OF GRAND JUNCTION, COLORADO

Ordinance No. 3018
VACATING ABANDONED EASEMENTS ON THE PROPERTY
LOCATED AT 2455 HIGHWAY 6 & 50

Recitals.

The property located at 2455 Highway 6 & 50 is in the process of being sold. In order to do so and to clear the property title, the property owner is requesting that several abandoned easements be vacated. The easements to be vacated were granted in 1909 from the property owner at the time to the Grand Junction Fruitgrowers Association. The easements were not specifically described but were intended to provide 1) for the easement and right-of-way to load all products on the railroad switch to be constructed and privilege to extend said switch and right-of-way for moving cars; and 2) for right-of-way for a ditch. Neither easement has been used for nearly 20 years. Since the owners of the easements are not known, the City's vacation process which includes public notice and hearing shall serve as the method of formally abandoning these easements.

The Grand Junction Planning Commission, at its July 1, 1997 meeting recommended approval of the vacation of the easements.

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

The easements described below which encumber a parcel of land located in the north one-half of Section 9, Township 1 South, Range 1 West, Ute Principal Meridian, County of Mesa, State of Colorado are hereby vacated. The parcel being more particularly described as follows:

Beginning at the center one-quarter corner of said Section 9; thence N 02°16'09" W, a distance of 630.80 feet to a point; said point being on the east line of the Riverside Subdivision as recorded in the Clerk & Recorder Office of Mesa County in Book 1, Page 23, and on the north right-of-way line of the Denver and Rio Grande Western Railroad and also being the True Point of beginning; thence N 00°00'06" E along the east line of said Riverside Subdivision a distance of 284.29 feet to a point; said point being on the south right-of-way line of U.S. Highway 6 & 50 and also being on a non-tangent curve to the left having a radius of 5630.00 feet; thence 329.51 feet along said curve and the south right-of-way line of U.S. Highway 6 & 50 through a central angle of 3°21'12", having a chord bearing and distance of S56°16'24" E, 329.46 feet to a point of tangency; thence S54°35'48" E, continuing along the South right-of-way line of U.S. Highway 6 & 50 a distance of 131.77 feet to a point; said point being the northwest corner of the Arrow Square Industrial Subdivision as recorded in the Clerk & Records Office of Mesa County in Book 11, Page 346; thence S33°02'16" W, along the west line of said Arrow Square Industrial Subdivision a distance of 231.11 feet to a point; said point being the southwest corner of said Arrow Square Industrial Subdivision and on the north right-of-way line of the Denver and Rio Grande Western railroad; thence N 56°33'16" W, along the north right-of-way line of the Denver and Rio Grande Western Railroad a distance of 306.12 feet to the True Point of Beginning. The above described parcel contains 2.083 acres.

And which easements (which encumber the entire property) are more particularly described as follows:

- 1) Easement and right-of-way for right to load all products on the switch to be constructed and privilege to extend said switch and right-of-way for moving cars as reserved by Arthur H. Stokes in Deed to Grand Junction Fruit Growers, recorded December 18, 1909, in Book 148 at Page 579, in which the specific location of the easement and right-of-way is not defined; and
- 2) Easement and right-of-way for right-of-way for ditch maintained by Arthur H. Stokes in Deed to Grand Junction Fruit Growers, recorded December 18, 1909, in Book 148 at page 579, in which the specific location of the easement and right-of-way is not defined.

INTRODUCED for FIRST READING and PUBLICATION this 16th day of July 1997.

PASSED on SECOND READING this 6th day of August, 1997.

ATTEST:

/s/ Stephanie Nye
City Clerk

/s/ Janet Terry
President of Council