

CITY OF GRAND JUNCTION, COLORADO

Ordinance No. 3028

VACATING RIGHT-OF-WAY AND
A PORTION OF A UTILITY EASEMENT ON
RIDGEWOOD LANE EAST OF ELLA COURT

Recitals:

This vacation includes the northern 10' of Ridgewood Lane east of Ella Court (directly south of lots 1, 2, and 3 First Fruitridge Sub. 1st Addition). The remaining right-of-way is 20' wide, which is sufficient to provide access to the residence at 230 Ridgewood Lane. Also, the remaining right-of-way meets the Fire Department's maximum allowable distance from Ella Court to the residence at 230 Ridgewood Lane. A utility easement must be retained over the entire vacated right-of-way due to the current location of utilities.

This ordinance also vacates the northernmost 5' of a utility easement. This easement is located on the southern edge of lots 1, 2, and 3 of First Fruitridge Sub. 1st Addition directly north of the herein vacated right-of-way. It has been determined that this area of the utility easement is not needed because a large utility easement exists on the southern side of the existing sewer line.

The Planning Commission, having heard and considered the request and found the criteria of the Code to have been met, recommends that the vacation be approved.

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

1. The following described right-of-way areas "Tract A, B, and C" are hereby vacated:

TRACT A:

Commencing at a 5/8-inch rebar (LS 2729) for the N.W. Corner of Lot One, First Fruitridge Subdivision, First Addition, as recorded in Plat Book 11 at Page 133 of the Mesa County real property records, from whence a 5/8-inch rebar for the N.E. Corner of Lot Three of said Subdivision bears N90°00'00"E 264.50 feet; thence S00°38'00"W 112.25 feet to the S.W. Corner of said Lot One and the point of beginning; thence S00°38'00"W 10.00 feet; thence N90°00'00"E 88.30 feet; thence N00°38'00"E 10.00 feet to the S.E. Corner of said Lot One; thence S90°00'00"W 88.30 feet to the beginning.

TRACT B:

Commencing at a 5/8-inch rebar (LS 2729) for the N.W. Corner of Lot One, First Fruitridge Subdivision, First Addition, as recorded in Plat Book 11 at Page 133 of the Mesa County real property records, from whence a 5/8-inch rebar for the N.E. Corner of

Lot Three of said Subdivision bears N90°00'00"E 264.50 feet; thence S00°38'00"W 112.25 feet to the S.W. Corner of said Lot One ; thence N90°00'00"E 88.30 feet to the S.W. Corner of Lot Two of said Subdivision and the point of beginning; thence N90°00'00"E 88.10 feet to the S.E. Corner of said Lot Two; thence S00°38'00"W 10.00 feet; thence S90°00'00"W 88.10 feet; thence N00°38'00"E 10.00 feet to the beginning.

TRACT C:

Commencing at a 5/8-inch rebar (LS 2729) for the N.W. Corner of Lot One, First Fruitridge Subdivision, First Addition, as recorded in Plat Book 11 at Page 133 of the Mesa County real property records, from whence a 5/8-inch rebar for the N.E. Corner of Lot Three of said Subdivision bears N90°00'00"E 264.50 feet; thence S00°38'00"W 112.25 feet to the S.W. Corner of said Lot One ; thence N90°00'00"E 176.40 feet to the S.W. Corner of Lot Three of said Subdivision and the point of beginning; thence N90°00'00"E 88.10 feet to the S.E. Corner of said Lot Three; thence S00°38'00"W 10.00 feet; thence S90°00'00"W 88.10 feet; thence N00°38'00"E 10.00 feet to the beginning.

2. The above vacated right-of-way provided for in this Ordinance is subject to the reservation and retention by the City of a public utilities easement, for use by the City or any other public utility, for the installation, operation, maintenance, relocation and repair of existing and/or future utilities, together with the right of ingress and egress for workers and equipment, on, along, over, under, through and across the entire area of the hereinabove vacated right-of-way.

3. The present and future owners of the real property to which the hereinabove vacated right-of-way shall revert and become attached to shall not burden or overburden the reserved and retained public utilities easement by erecting or placing any improvements or structures thereon which might act to damage the functional use and/or integrity of existing and/or future utilities situated therein or which might act to prevent reasonable ingress and egress for workers and equipment on, along, over, under through and across said reserved and retained public utilities easement.

4. The following described utility easement areas "Parcels 1, 2 and 3 are hereby vacated:

PARCEL 1:

Commencing at a 5/8-inch rebar (LS 2729) for the N.W. Corner of Lot One, First Fruitridge Subdivision, First Addition, as recorded in Plat Book 11 at Page 133 of the Mesa County real property records, from whence a 5/8-inch rebar for the N.E. Corner of Lot Three of said Subdivision bears N90°00'00"E 264.50 feet; thence S00°38'00"W along the West boundary line of Lot One, First Fruitridge Subdivision, First Addition, a distance of 102.25 feet to the point of beginning; thence N 90°00'00" E along the North boundary line of an existing utility easement a distance of 88.30 feet to a point on the East boundary line of said Lot One; thence S 00°38'00" W along the East boundary line of said Lot One a distance of 5.00 feet; thence S 90°00'00" W a distance of 88.30 feet to

a point on the West boundary line of said Lot One; thence N 00°38'00" E along the West boundary line of said Lot One a distance of 5.00 feet to the point of beginning.

PARCEL 2:

Commencing at a 5/8-inch rebar (LS 2729) for the N.W. Corner of Lot One, First Fruitridge Subdivision, First Addition, as recorded in Plat Book 11 at Page 133 of the Mesa County real property records, from whence a 5/8-inch rebar for the N.E. Corner of Lot Three of said Subdivision bears N90°00'00"E 264.50 feet; thence S00°38'00"W 112.25 feet to the S.W. Corner of said Lot One ; thence N90°00'00"E 88.30 feet to the S.W. Corner of Lot Two of said Subdivision; thence N 00°38'00" E along the West boundary line of said Lot Two a distance of 5.00 feet to the point of beginning; thence N 00°38'00" E along the West boundary line of said Lot Two a distance of 5.00 feet; thence N 90°00'00" E along the North boundary line of an existing utility easement a distance of 88.10 feet to a point on the East boundary line of said Lot Two; thence S 00°38'00" W along the East boundary line of Lot Two a distance of 5.00 feet; thence S 90°00'00" W a distance of 88.10 feet to the point of beginning.

PARCEL 3:

Commencing at a 5/8-inch rebar (LS 2729) for the N.W. Corner of Lot One, First Fruitridge Subdivision, First Addition, as recorded in Plat Book 11 at Page 133 of the Mesa County real property records, from whence a 5/8-inch rebar for the N.E. Corner of Lot Three of said Subdivision bears N90°00'00"E 264.50 feet; thence S00°38'00"W 112.25 feet to the S.W. Corner of said Lot One ; thence N90°00'00"E 176.40 feet to the S.W. Corner of Lot Three of said Subdivision; thence N 00°38'00" E along the West boundary line of said Lot Three a distance of 5.00 feet to the point of beginning; thence N 00°38'00" E along the West boundary line of said Lot Three a distance of 5.00 feet; thence N 90°00'00" E a distance of 88.10 feet to a point on the East boundary line of said Lot Three; thence S 00°38'00" W along the East boundary line of said Lot Three a distance of 5.00 feet; thence S 90°00'00" W a distance of 88.10 feet to the point of beginning.

INTRODUCED for FIRST READING and PUBLICATION this 17th day of September, 1997.

PASSED on SECOND READING this 1st day of October, 1997.

ATTEST:

/s/ Stephanie Nye
City Clerk

/s/ Janet L. Terry
President of City Council