

CITY OF GRAND JUNCTION, COLORADO

Ordinance No. 3082

VACATING THE EAST/WEST ALLEY  
BETWEEN 4<sup>TH</sup> AND 5<sup>TH</sup> STREETS AND  
BETWEEN GRAND AND OURAY AVENUES

Recitals:

This ordinance vacates the east/west alley between 4<sup>th</sup> and 5<sup>th</sup> Streets and between Grand and Ouray Avenues. The petitioner owns all the property on the block and desires the vacation in order to allow future construction at the site. The entire alley will be retained as a utility easement to allow for maintenance of existing utility lines.

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 is hereby vacated:

An alley located in Block 74, City of Grand Junction, Mesa County, Colorado as recorded in Plat Book 4, Page 17 of the Mesa County Clerk and Records Office, more particularly described as follows:

Beginning at a point on the westerly right-of-way of Fifth Street, which is identical with the southeasterly corner of the alley in Block 74 as recorded in Plat Book 4 at Page 17 of the records of the Mesa County Clerk and Records Office, which bears N 00°01'06" W, 170.41 feet and N 89°59'55" W, 20.00 feet from the City of Grand Junction Control Monument located at Grand Avenue and Fifth Street and considering the line from the City of Grand Junction Control Monument located at Grand Avenue and Fourth to bear N 90°00'00" W, with all other bearings contained herein relative thereto;

1. Thence N 89°59'55" W, 401.29 feet to the easterly right-of-way line of Fourth Street.
2. Thence N 00°04'08" W, 20.00 feet along said right-of-way line;
3. Thence S 89°59'55" E, 401.31 feet to the westerly right-of-way line of Fifth Street.
4. Thence S 00°01'06" E, 20.00 feet along said right-of-way line to the Point of Beginning.

The alley as described above contains 0.184 acres more or less.

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.

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.

INTRODUCED for FIRST READING and PUBLICATION this 2nd day of December, 1998.

PASSED on SECOND READING this 16th day of December, 1998.

ATTEST:

/s/ Stephanie Nye  
City Clerk

/s/ Janet L. Terry  
President of City Council