

CITY OF GRAND JUNCTION, COLORADO

Ordinance No. 3151

VACATING THE EAST - WEST ALLEY
AND THE NORTH – SOUTH ALLEY IN THE BLOCK
LOCATED BETWEEN 7TH AND 8TH STREETS AND
BETWEEN COLORADO AND UTE AVENUES

Recitals:

This ordinance vacates both the east-west alley located between 7th and 8th Streets and the north-south alley located between Colorado and Ute Avenues. The petitioner owns all but two properties on the block and desires the vacation in order to allow anticipated construction at the site to proceed as expeditiously as possible. The east-west alley contains several utilities that must be removed prior to this vacation becoming effective. The petitioner and city staff has agreed that the vacation ordinance is and shall be contingent on the relocation of the utilities. Therefore, if within one year from the passage of this ordinance (the Effective Date) the utilities are not suitably relocated from the alley and the city engineer has confirmed the same in writing, this ordinance shall not be effective.

The petitioner has represented that he intends on purchasing the remaining two properties on the block commonly known as 755 Colorado Avenue and 219 South 8th Street. If this does not occur on or before the Effective Date, that portion of the east-west alley required for access and utility service shall be vacated but the title which vests upon the vacation shall be burdened by two reciprocal cross access easements: (1) allowing for vehicular ingress and egress from the petitioner's property and the owners of the property at 219 South 8th Street, and (2) utility easement in favor of the public for purposes of maintaining utilities and providing services.

The access and utility easements shall be no less than seventy (70) feet long measured from the flowline of 8th Street and 20 feet wide. Both the petitioner and the current owner of 219 South 8th Street desire access to their properties via the to be vacated alley. Access will be accomplished, if the properties are not acquired by the petitioner, by a reciprocal cross access easement in the easternmost 70 (seventy) feet of the east–west alley described above. Utility access will be accomplished by a grant of easement to the City for the public. The easement form has been reviewed by city staff and is deemed legally sufficient.

The petitioner has indicated that the property owners have agreed to sign a reciprocal cross access easement agreement if the petitioner does not acquire the property at 219 South 8th Street prior to the Effective Date. City staff has not reviewed the form of this easement.

If the petitioner obtains ownership of the properties located at 755 Colorado Avenue and 219 South 8th Street before the Effective Date of this ordinance, then the ordinance shall serve to vacate the entire length of each of the alleys without burden of the aforescribed easements.

The Planning Commission has heard and considered the request and found that the criteria of the Code to have been met. The Planning Commission 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:

Beginning at the SE corner of Lot 19 in Block 128 of the City of Grand Junction, and with the bearing between the City Monuments at 8th Street and Colorado Avenue and 8th Street and Ute Avenue being assumed to bear S00°00'00"E and all bearings contained herein to be relative thereto; thence S89°58'24"W 225.79 feet to the SW corner of Lot 11 in said Block 128; thence N00°01'46"W 125.41 feet to the NW corner of said lot 11; thence S89°57'35"W 15.00 feet to the NE corner of lot 10 in said Block 128; thence S00°01'46"E 125.41 feet to the SE corner of lot 6 in said Block 128; thence S00°01'46"E 20 feet to the NE corner of said lot 5 in said Block 128; thence S00°01'46"E 125.41 feet to the SE corner of Lot 1 in said Block 128; thence N89°59'14"E 15.00 feet to the SW corner of Lot 28 in said Block 128; thence N00°01'46"W 125.41 feet to the NW corner of said Lot 28; thence N89°58'24"E 225.78 feet to the NE corner of Lot 20 in said Block 128; thence N00°00'00"E 20.00 feet to the point of beginning, Mesa County, Colorado.

2. The Recitals stated above are incorporated herein as if fully set forth.

3. If the easternmost seventy (70) feet of the east-west alley as described is burdened by and subject to the reservation of a public utilities easement in favor of the City on behalf of the public, the form of the easement shall provide 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 vacated east-west alley right-of-way.

4. The present and future owners of the real property to which the hereinabove vacated right-of-way shall revert and become attached shall not burden or overburden the granted, 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.

5. This ordinance shall become effective, if at all, not more than one year from the date of passage, by an affirmative vote of a majority of the City Council considering the ordinance. A protest against the ordinance, if any shall occur, shall be filed within 30 days of the date of passage of the ordinance by the Council as provided in City Charter Article XVI, Paragraph 136.

INTRODUCED for FIRST READING and PUBLICATION this 19th day of May 1999.

PASSED on SECOND READING this 2nd day of June, 1999.

ATTEST:

/s/ Christine English
Acting City Clerk

/s/ Gene Kinsey
President of City Council