

CITY OF GRAND JUNCTION

ORDINANCE NO. 3350

**VACATING A RIGHT-OF-WAY
LOCATED AT 859 STRUTHERS AVENUE**

Recitals:

A. Pursuant to that certain Agreement (“Agreement”) between Albert Cavanah and the City of Grand Junction, dated the 11th day of February, 1946, as recorded in Book 481 at Page 568 in the office of the Mesa County Clerk and Recorder, the City obtained a right-of-way to use an access road across the property known as 859 Struthers Avenue for the purposes of hauling gravel from a City gravel pit. The Agreement did not specify the location or width of the right-of-way.

B. Section 4 of the Agreement provide that the Agreement may be terminated by the City at any time the City decides to abandon its gravel pit.

C. The City has not owned nor operated a gravel pit in the vicinity of 859 Struthers Avenue for several years. By this ordinance, the City is officially stating that it has abandoned its gravel pit.

D. This ordinance vacates the right-of-way through the property at 859 Struthers Avenue as created by the recorded Agreement. All relevant utility companies have agreed to the vacation and the Staff recommends approval.

E. The Planning Commission has heard and considered the request and found that the criteria of the Code 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;

1. That the right-of-way created by that certain Agreement between Albert Cavanah and the City of Grand Junction, dated the 11th day of February, 1946, as recorded in Book 481 at Page 568 in the office of the Mesa County Clerk and Recorder, is hereby vacated.

INTRODUCED ON FIRST READING this 16th day of May, 2001.

PASSED and ADOPTED this 6th day of June, 2001.

ATTEST:

/s/ Stephanie Nye
City Clerk

/s/ Cindy Enos-Martinez
President of City Council