

CITY OF GRAND JUNCTION

ORDINANCE NO. 3354

**VACATING THE PORTIONS OF 28½ ROAD
LOCATED BETWEEN PATTERSON ROAD AND
THE GRAND VALLEY CANAL**

RECITALS:

A vacation of a portions of the dedicated improved right-of-way for 28½ Road located at the intersection of Patterson Road and the portion of unimproved right-of-way located north of the Grand Valley Canal has been requested by the adjoining property owners.

The City Council finds that the request is consistent with the Growth Plan, the adopted Major Street Plan and Section 2.11 of the Zoning and Development Code.

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

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

The following described dedicated right-of-way is hereby vacated subject to the following conditions:

1. Applicants shall pay all recording/documentary fees for the vacation.
2. Utility easements, acceptable to City utility engineering, for existing water and sewer facilities shall be created in the vacated right-of-ways at the time of before the recording of the vacation ordinance.
3. An easement agreement establishing and providing for maintenance and irrigation of landscape improvements shall be recorded concurrently with the vacation ordinance. The easement agreement shall minimally provide that the obligation to maintain the improvements is perpetual; that assessments, if any, shall be mutually determined and established in writing and that petitioner and the Falls Subdivision have determined and agreed on the nature and extent of the maintenance obligation with the same being confirmed in writing by the respective presidents of the associations.

The following right-of-way is shown on "Exhibit A" as part of this vacation of right-of-way description.

Dedicated right-of-way to be vacated:

- 1) A parcel of land situated in the NW ¼ of Section 7, Township 1 South, Range 1 East of the Ute Meridian being described as follows:

Beginning at a point on the west line of the NW ¼ NE ¼ of said Section 7, from whence the N ¼ corner bears N00°17'43"W 50.00 feet and considering the North line of the NE ¼ NW ¼ to bear S89°50'00"W with all bearings contained herein to the relative thereto; thence N89°48'34"E 25.00 feet; thence S00°17'43"E 49.04 feet; thence S89°42'17"W 1.5 feet; thence 84.57 feet along the arc of a curve to the left, having a radius of 26.95 feet, and a chord which bears S89°48'27"W 53.90 feet; thence S89°42'17"W 2.60 feet; thence N00°17'43"W 29.11 feet; thence 31.37 feet along the arc of a curve to the left, having a radius of 20.00 feet, and a chord which bears N45°13'52"W 28.25 feet; thence N89°50'00"E 52.96 feet to the POINT of BEGINNING, containing 0.04 acres as described. All being within the City of Grand Junction, Mesa County, Colorado.

- 2) A parcel of land situated in the NW ¼ of Section 7, Township 1 South, Range 1 East of the Ute Meridian being described as follows:

Beginning at a point on the West line of the NW ¼ NE ¼ of said Section 7, from whence the N 1/16 corner bears N00°17'22"W 43.96 feet and considering the North line of the NE ¼ NW ¼ to bear S89°50'00"W with all bearings contained herein to be relative thereto; thence N89°58'57"E 25.00 feet; thence S00°17'22"E 206.94 feet to the centerline of the Grand Valley Canal; thence along the centerline of said canal, S80°34'35"W 50.64 feet; thence leaving said canal, N00°17'22"W 215.21 feet; thence N89°58'57"E 25.00 feet to the POINT of BEGINNING, containing 0.24 acres as described. All being within the City of Grand Junction, County of Mesa, Colorado.

Introduced for First Reading on June 6, 2001.

PASSED and ADOPTED this 20th day of June, 2001.

ATTEST:

/s/ Theresa F. Martinez
Deputy City Clerk

/s/ Cindy Enos-Martinez
President of City Council