

Ordinance No. 3383

VACATING PORTIONS OF 28 ¼ ROAD RIGHT-OF-WAY NORTH OF F ROAD TO
ALLOW MAINTENANCE OF THE VACATED AREA BY THE VILLAGE PARK
HOME/PROPERTY OWNER'S ASSOCIATION

Recitals.

The applicant has proposed to vacate portions of 28 ¼ Road North of F Road. The vacated area will as the adjacent property develops be landscaped medians in the street. The vacation transfers ownership and consequently maintenance responsibility for the landscaping to be installed in the medians to the Village Park Homeowner's/Property Owner's Association. The applicant and the City have agreed as part of the development review and approval process that the applicant will install and maintain the landscaping in the medians in exchange for the City landscaping and maintaining the detention facility for Village Park, which is connected to part of the regional detention facility to the West of the Village Park development. A public ingress-egress easement and multi-purpose easement for future utilities and traffic control devices, if needed, will be retained in the medians. The existence of those easements will serve to protect the future public interest.

Upon vacation, the vacated area will be deeded to the Village Park Homeowner's/Property Owner's Association by separate conveyance. The separate conveyance is necessitated because the vacated area is surrounded by public right-of-way and will not revert to adjacent property owners from which the right-of-way was dedicated, as it customary for typical vacations. That agreement will further provide that if the property owners association and the City agree in writing that the association be relieved from the maintenance obligations that the vacated area be re-conveyed to the City at no cost.

At its September 11, 2001 hearing the Grand Junction Planning Commission found that the request to vacate the right-of-way conforms to the review criteria set forth in Section 2.11C of the Zoning and Development Code and recommended approval of the vacation.

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

City Council finds that the vacation meets the criteria set forth in Section 2.11C of the Grand Junction Zoning and Development Code and in accordance therewith the following described right-of-way is hereby vacated, subject to the use and conveyance agreement with terms as described herein and subject to reservation unto the City of Perpetual Public Ingress/Egress Easements and Multi-Purpose Easements for the use and benefit of the City and for the use and benefit of the Public Utilities, as approved by City, as perpetual easements for the installation, operation, maintenance, repair and

replacement of utilities and appurtenances related thereto, as approved by the City, including, but not limited to, electric lines, cable television lines, natural gas pipelines, sanitary sewer lines, storm sewers and storm water drainage facilities, water lines, telephone lines, and also for the installation, operation maintenance, repair and replacement of traffic control facilities, street lighting, landscaping, trees and grade structures, as approved by the City, on, along, over, under, through and across said vacated rights-of-way, together with the right of ingress and egress for workers and equipment to survey, maintain, operate, repair, replace, control and use said easements, and to remove objects interfering therewith, including the trimming of trees and bushes as may be required to permit the operation of standard utility construction and repair machinery. The Petitioner shall not burden or overburden said easements by the installation, construction or placement of any structures or any other item or fixture which might be detrimental to the facilities of the City and/or the Public Utilities or which might act to prevent reasonable ingress and egress for workers and equipment on, along, over, under, through and across the easement areas:

Being three tracts for medians in the Right-of-Way for 28 $\frac{1}{4}$ Road as dedicated on the plat of Patterson Road Minor Subdivision, as recorded in Plat Book 15, Page 188, of Mesa County Records, located in the Southwest Quarter of Section 6, Township 1 South, Range 1 East of the Ute Meridian, and more particularly described as follows:

Median A

Commencing at the Southwest corner of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 6, whence the South Quarter corner of said Section 6 bears South 89 degrees 59 minutes 34 seconds East, a distance of 1351.45 feet for a basis of bearings, with all bearings contained herein relative thereto; thence South 89 degrees 59 minutes 34 seconds East, a distance of 81.90 feet; thence, along the centerline of said 28 $\frac{1}{4}$ Road right-of-way the following three (3) courses: (1) North 00 degrees 00 minutes 30 seconds East, a distance of 136.37 feet to the point of beginning of the arc of a curve to the left (2) having a delta angle of 14 degrees 21 minutes 56 seconds, a radius of 670.00 feet, an arc length of 167.99 feet, and a chord that bears North 07 degrees 10 minutes 28 seconds West, a distance of 167.55 to the point of beginning of the arc of a curve to the right (3) having a delta angle of 02 degrees 05 minutes 06 seconds, a radius of 670.00 feet, an arc length of 24.38 feet, and a chord that bears North 13 degrees 18 minutes 53 seconds West, a distance of 24.38 feet to the beginning of the arc of a curve to the right, having a delta angle of 90 degrees, a radius of 6.00 feet, an arc length of 9.45 feet, and a chord that bears North 56 degrees 53 minutes 15 seconds West, a distance of 8.50 feet to the POINT OF BEGINNING; thence along the arc of a curve to the right, having a delta angle of 11 degrees 46 minutes 05 seconds, with a radius of 676.00 feet, an arc length of 138.84 feet, a chord bearing of North 05 degrees 52 minutes 31 seconds West, and a chord length of 138.60 feet; thence North 00 degrees 00 minutes 32 seconds East, a distance of 150.65 feet; thence South 89 degrees 59 minutes 31 seconds East, a distance of 2.48 feet; thence along the arc of a curve to the left, having a delta angle of 09 degrees 47 minutes 50 seconds, with a radius of 91.11 feet, an arc

length of 15.58 feet, a chord bearing of South 15 degrees 12 minutes 51 seconds East, and a chord length of 15.56 feet; thence along the arc of a curve to the right, having a delta angle of 20 degrees 07 minutes 18 seconds, with a radius of 89.11 feet, an arc length of 31.29 feet, a chord bearing of South 10 degrees 03 minutes 07 seconds East, and a chord length of 31.13 feet; thence South 00 degrees 00 minutes 32 seconds West, a distance of 104.98 feet; thence along the arc of a curve to the left, having a delta angle of 11 degrees 46 minutes 05 seconds, with a radius of 664.00 feet, an arc length of 136.38 feet, a chord bearing of South 05 degrees 52 minutes 31 seconds East, and a chord length of 136.14 feet; thence along the arc of a curve to the right, having a delta angle of 180 degrees 00 minutes 00 seconds, with a radius of 6.00 feet, an arc length of 18.85 feet, a chord bearing of South 78 degrees 14 minutes 27 seconds West, and a chord length of 12.00 feet to the POINT OF BEGINNING.

Median B

Commencing at the Southwest corner of the SE1/4 SW1/4 of Section 6, whence the South Quarter corner of said Section 6 bears South 89 degrees 59 minutes 34 seconds East, a distance of 1351.45 feet for a basis of bearings, with all bearings contained herein relative thereto; thence South 89 degrees 59 minutes 34 seconds East, a distance of 81.90 feet; thence, along the centerline of said 28 $\frac{1}{4}$ Road right-of-way the following four (4) courses: (1) North 00 degrees 00 minutes 30 seconds East, a distance of 136.37 feet to the point of beginning of the arc of a curve to the left (2) having a delta angle of 14 degrees 21 minutes 56 seconds, a radius of 670.00 feet, an arc length of 167.99 feet, and a chord that bears North 07 degrees 10 minutes 28 seconds West, a distance of 167.55 to the point of beginning of a curve to the right (3) having a delta angle of 14 degrees 21 minutes 58 seconds, a radius of 670.00 feet, an arc length of 167.99 feet, and a chord that bears North 07 degrees 10 minutes 27 seconds West, a distance of 167.55 feet; (4) North 00 degrees 00 minutes 32 seconds West, a distance of 347.69 feet; thence along the arc of a curve to the right, having a delta angle of 90 degrees 00 minutes 00 seconds, having a radius of 6.00 feet, an arc length of 9.42 feet, and a chord that bears North 44 degrees 59 minutes 28 seconds West, a distance of 8.49 feet to the POINT OF BEGINNING; thence North 00 degrees 00 minutes 32 seconds East, a distance of 283.29 feet; thence South 89 degrees 59 minutes 28 seconds East, a distance of 2.48 feet; thence along the arc of a curve to the left, having a delta angle of 09 degrees 47 minutes 50 seconds, with a radius of 91.11 feet, an arc length of 15.58 feet, a chord bearing of South 15 degrees 12 minutes 51 seconds East, and a chord length of 15.56 feet; thence along the arc of a curve to the right, having a delta angle of 20 degrees 07 minutes 18 seconds, with a radius of 89.11 feet, an arc length of 31.29 feet, a chord bearing of South 10 degrees 03 minutes 07 seconds East, and a chord length of 31.13 feet; thence South 00 degrees 00 minutes 32 seconds West, a distance of 237.62 feet; thence along the arc of a curve to the right, having a delta angle of 180 degrees 00 minutes 00 seconds, with a radius of 6.00 feet, an arc length of 18.85 feet, a chord bearing of North 89 degrees 59 minutes 28 seconds West, and a chord length of 12.00 feet to the POINT OF BEGINNING.

Median C

Commencing at the Southwest corner of the SE1/4 SW1/4 of Section 6, whence the South Quarter corner of said Section 6 bears South 89 degrees 59 minutes 34 seconds East, a distance of 1351.45 feet for a basis of bearings, with all bearings contained herein relative thereto; thence South 89 degrees 59 minutes 34 seconds East, a distance of 81.90 feet; thence, along the centerline of said 28¼ Road right-of-way the following four (4) courses: (1) North 00 degrees 00 minutes 30 seconds East, a distance of 136.37 feet to the beginning of a curve to the left (2) having a delta angle of 14 degrees 21 minutes 56 seconds, a radius of 670.00 feet, an arc length of 167.99 feet, and a chord that bears North 07 degrees 10 minutes 28 seconds West, a distance of 167.55 to the point of beginning of a curve to the right (3) having a delta angle of 14 degrees 21 minutes 58 seconds, a radius of 670.00 feet, an arc length of 167.99 feet, and a chord that bears North 07 degrees 10 minutes 27 seconds West, a distance of 167.55 feet; (4) North 00 degrees 00 minutes 32 seconds West, a distance of 749.02 feet; thence along the arc of a curve to the right, having a delta angle of 90 degrees 00 minutes 00 seconds, having a radius of 6.00 feet, an arc length of 9.42 feet, and a chord that bears North 44 degrees 59 minutes 28 seconds West, a distance of 8.49 feet to the POINT OF BEGINNING; thence North 00 degrees 00 minutes 32 seconds East, a distance of 97.87 feet; thence South 89 degrees 58 minutes 30 seconds East, a distance of 12.00 feet; thence South 00 degrees 00 minutes 32 seconds West, a distance of 97.87 feet; thence along the arc of a curve to the right, having a delta angle of 180 degrees 00 minutes 00 seconds, with a radius of 6.00 feet, an arc length of 18.85 feet, a chord bearing of North 89 degrees 59 minutes 28 seconds West, and a chord length of 12.00 feet to the POINT OF BEGINNING.

As shown on attached exhibit B and C.

Introduced on 1st reading this 3rd day of October, 2001.

PASSED and ADOPTED this 17th day of October, 2001.

ATTEST:

/s/ Stephanie Tuin
City Clerk

/s/ Cindy Enos-Martinez
President of City Council