

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO. _____

**AN ORDINANCE VACATING A PORTION OF ORCHARD AVENUE RIGHT-OF-WAY
LOCATED NEAR NORTH 10th STREET**

Recitals:

Colorado Mesa University (CMU) has requested vacation of a portion of public right-of-way of Orchard Avenue. CMU, as the adjacent property owner proposes to construct improvements to adjacent athletic facilities and pedestrian amenities. The existing right-of-way for Orchard Avenue City was dedicated to the City by subdivision plats in the 1940s. The proposed right-of-way vacation will have no impact on public facilities or services provided to the public because they will continue to exist within the remaining right-of-way or within an easement retained on the eastern end of the right-of-way. The proposed project will improve and update the alignment and function of the street.

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, and upon recommendation of approval by the Planning Commission, the Grand Junction City Council finds that the request to vacate a portion of public right-of-way for Orchard Avenue, is consistent with the Comprehensive Plan, the Grand Valley Circulation Plan and Section 21.02.100 of the Grand Junction Municipal Code.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT THE FOLLOWING RIGHT-OF-WAY DESCRIBED BELOW AND ON EXHIBIT A IS HEREBY VACATED SUBJECT TO:

A utilities easement shall be retained for the use and benefit of the City on the eastern end of the vacated right-of-way as shown on Exhibit B; and,

The Applicant shall pay all recording/documentary fees for the Vacation Ordinance, any right-of-way/easement documents and/or dedication documents.

A portion of Orchard Avenue Right-of-Way as dedicated on the plat of Garfield Park Subdivision Reception Number 444756 of the Mesa County Records, situated in the Northeast Quarter of the Southeast Quarter of Section 11, Township 1 South, Range 1 West of the Ute Meridian, County of Mesa, State of Colorado; being more particularly described as follows:

Commencing at the Center East 1/16 corner of Section 11, Township 1 South, Range 1 West of the Ute Meridian whence the East 1/4 corner of said Section 11 bears S89°58'20"E with all bearings contained herein being relative thereto;

Thence S00°12'15"E a distance of 23.50 feet to the Point of Beginning;
Thence S89°58'20"E, a distance of 497.95 feet;
Thence S00°12'15"E, a distance of 6.50 feet to a point on the South Right of Way line of Orchard Avenue as described at Reception No.444756;
Thence N89°58'20"W along said Right of Way line, a distance of 497.95 feet;
Thence N00°12'15"W, a distance of 6.50 feet to the Point of Beginning.

Containing an area of 3,237 square feet more or less, as described herein and depicted on EXHIBIT A.

AND retaining a utilities easement being more particularly described below:

An easement located within a portion of Orchard Avenue Right-of-Way as dedicated on the plat of Garfield Park Subdivision Reception Number 444756 of the Mesa County Records, situated in the Northeast Quarter of the Southeast Quarter of Section 11, Township 1 South, Range 1 West of the Ute Meridian, County of Mesa, State of Colorado; being more particularly described as follows:

Commencing at the Center East 1/16 corner of Section 11, Township 1 South, Range 1 West of the Ute Meridian whence the East 1/4 corner of said Section 11 bears S89°58'20"E with all bearings contained herein being relative thereto;
Thence S00°12'15"E a distance of 23.50 feet;
Thence S89°58'20"E, a distance of 312.36 feet to the Point of Beginning;
Thence S89°58'20"E, a distance of 185.59 feet;
Thence S00°12'15"E, a distance of 6.50 feet to a point on the South Right of Way line of Orchard Avenue as described at Reception No.444756;
Thence N89°58'20"W along said Right of Way line, a distance of 185.59 feet;
Thence N00°12'15"W, a distance of 6.50 feet to the Point of Beginning.

Containing an area of 1,206 square feet more or less, as described herein and depicted on EXHIBIT B.

Introduced on first reading this 6th day of October 2021 and ordered published in pamphlet form.

Adopted on second reading this _____ day of _____, 2021 and ordered published in pamphlet form.

ATTEST:

Wanda Winkelmann
City Clerk

C.B. McDaniel
City Council President

EXHIBIT A



