



TO: Fruita City Council and Mayor

FROM: Kimberly Bullen, Public Works Director
Mary Elizabeth Geiger, City Attorney

DATE: August 29, 2023

AGENDA TEXT: CONTINUANCE OF ORDINANCE 2023-08, SECOND READING, An Ordinance authorizing the conveyance of real property of the City referred to as 2-Acre Parcel located on Pinon Mesa – *Public Works Director Kimberly Bullen and City Attorney Mary Eilzabeth Geiger (continued from the July 18, 2023 Regular City Council meeting)*

BACKGROUND

This matter is the continued Public Hearing from July 18, 2023, on Ordinance 2023-08, Second Reading. In continuing the hearing, the City Council requested additional information as it relates to the County Road that is adjacent to the 2-acre parcel and accesses Enoch's Lake and trails near the area, what entity governs those, and can they be closed to the public.

City staff reached out to Mesa County regarding Eighteen Mile Road which is the road to and beyond Enoch's Lake and received information from the County Public Works Director and County Surveyor. Mesa County commented that the road in question is a public road and has been maintained by the County for many years, with inspection reports dating back to 1977. The County will continue to maintain the road as it is even if the sale of Enoch's Lake goes through as that is not a basis for stopping maintenance and as other private parcels and federal lands are accessed by this road after it passes Enoch's Lake. According to the County, since the road has been in existence for so long and continued to be in use without protest, it would take all property owners accessing from the road to petition for the County to consider vacating it, including the consent of the U.S. Forest Service ("USFS"). The County Surveyor confirmed that S 18 Road is shown on the Mesa County GIS as a valid petitioned right of way.

Road Book & Page: Road Book 2 Page 98

Commissioners Recording: Commissioners Book 3 Page 453

Road Viewer Report 1: 270

Road Plat 1: B2P12

City Staff also contacted the Bureau of Land Management (BLM) and received an email from BLM's Realty Specialist stating there are not any BLM trails in the area of Enoch's Lake and the closest route

on BLM managed land is 2.5 miles away. In a follow up email, BLM clarified that they don't manage any trails in this area because it is private land.

City staff also contacted the USFS and received an email from the Acting District Ranger stating there are a total of six trails on the Forest accessed by Eighteen Mile Road. Ridge ATV Trail #646 and Black Pine Trail #647 are both accessed from the road. The trailhead for #646 is located on private land adjacent to Eighteen Mile Road, but the Forest Service received an easement from the landowner. These trails may also be accessed from the west side of the Forest, but if the county road were ever closed, the loss of access from the east would be an impact to the public and a decreased opportunity for a "loop experience". Therefore, it is likely that the USFS would not acquiesce to any requests to close Eighteen Mile Road. The other four trails in the area are non-motorized trails with probably the highest use by mountain bikes. The USFS also has "adopt-a-trail" agreements with COPMOBA and Backcountry Horsemen for the non-motorized trails. See attached map showing Eighteen Mile Road and the trails.

Background of City of Fruita 2-Acre Parcel

In December of 1956 Irving C. Beard and Dorothy R. Beard of the County of Mesa, and State of Colorado sold and conveyed to the Town of Fruita, a Municipal Corporation, of the County of Mesa, and State of Colorado real property for the consideration of one dollar and other valuable consideration. As listed on the Warranty Deed, Tract 3 is described as the following:

Beginning at a point whence the Northwest Corner of Section 5, Township 14 South, Range 101 West, 6th P.M. bears North 15 degrees 45 minutes West 3070.7 feet; Thence North 435.6 feet; thence West 200.0 feet; thence South 435.6 feet; Thence East 200.0 feet to point of beginning, containing approximately 2.0 acres.

This real property is listed as parcel number: 3223-053-00-002 with the Mesa County Assessor with the same legal description as above.

This parcel is adjacent to property owned by the Power Family Pinon Mesa, LLLP who has made an offer to purchase the two-acre parcel from the City of Fruita. The property is vacant, and the City does not use it for any purpose. It is burdened by an easement for a waterline from Enochs Lake as described in the 1956 deed set forth above.

FISCAL IMPACT

The conveyance of real property will result in a cash payment of \$16,000 to the City of Fruita.

APPLICABILITY TO CITY GOALS AND OBJECTIVE

The City of Fruita's number one goal is to provide necessary core services to residents and businesses in the community. As an organization, the city is focused on aligning resources, time, and talent to provide high-quality services while impacting and increasing the quality of place, economic health, and lifestyle of the Fruita community.

OPTIONS AVAILABLE TO THE COUNCIL

1. Adopt Ordinance 2023-08, SECOND READING, An Ordinance authorizing the conveyance of real property of the City referred to as 2-Acre Parcel located on Pinon Mesa

2. Decide not to adopt Ordinance 2023-08.

RECOMMENDATION

It is the recommendation of Staff that the Council by motion:

**ADOPT ORDINANCE 2023-07, SECOND READING, AN ORDINANCE AUTHORIZING
THE CONVEYANCE OF REAL PROPERTY OF THE CITY REFERRED TO AS 2-ACRE
PARCEL LOCATED ON PINON MESA**