



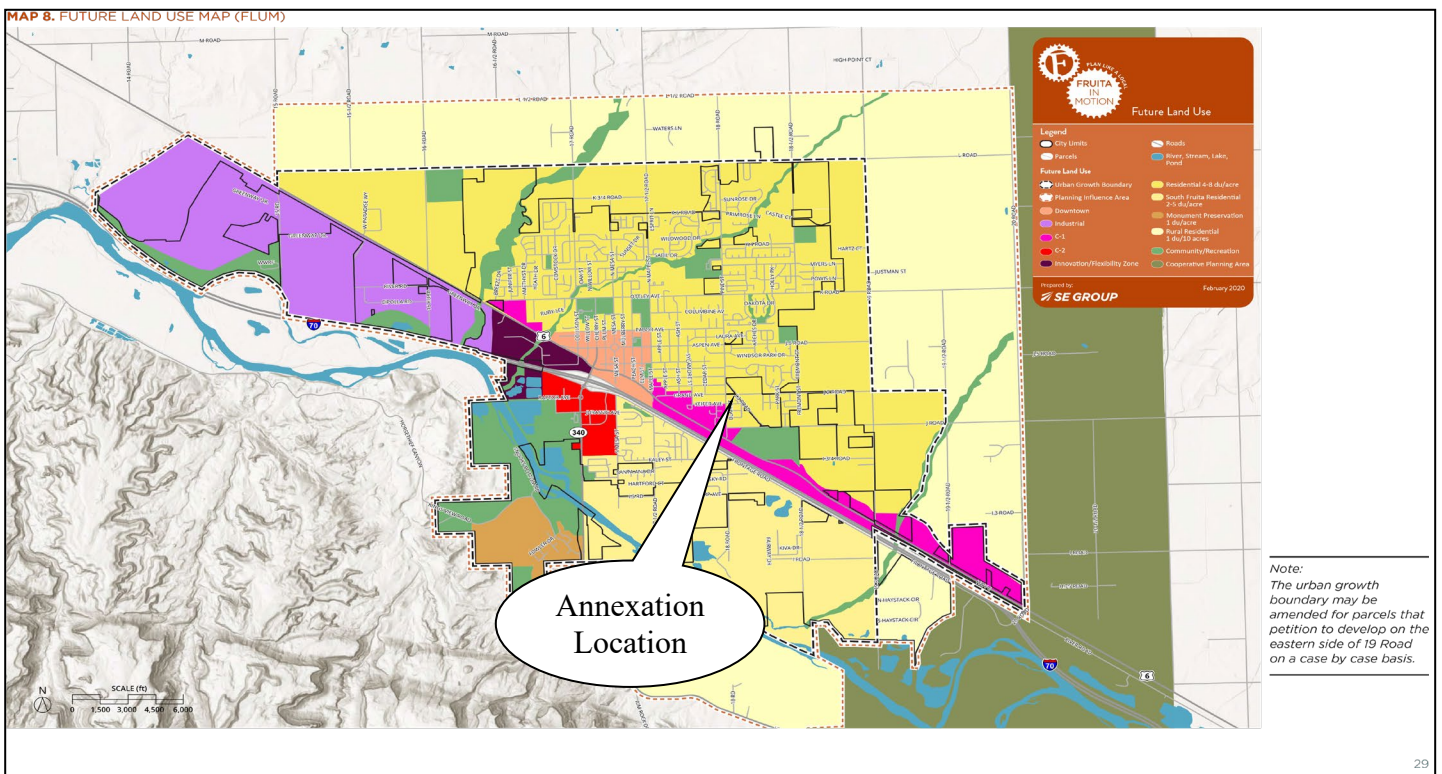
**PLANNING & DEVELOPMENT DEPARTMENT  
STAFF REPORT  
MARCH 14, 2023**

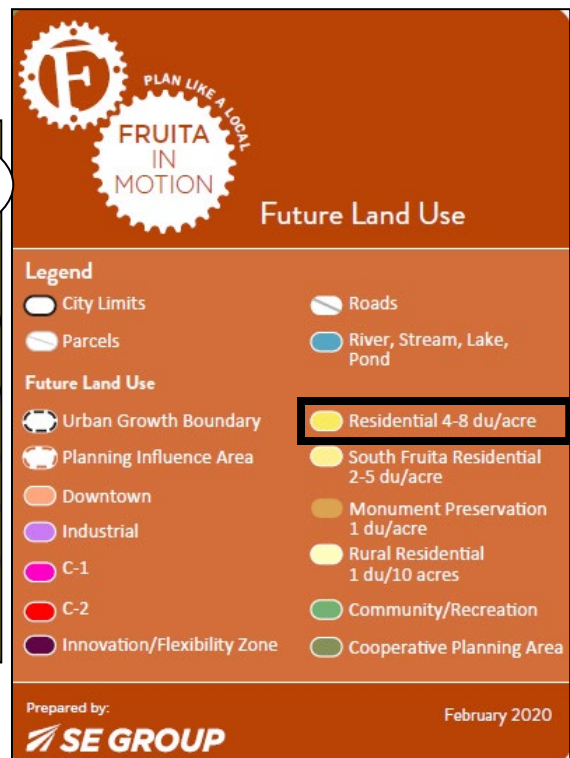
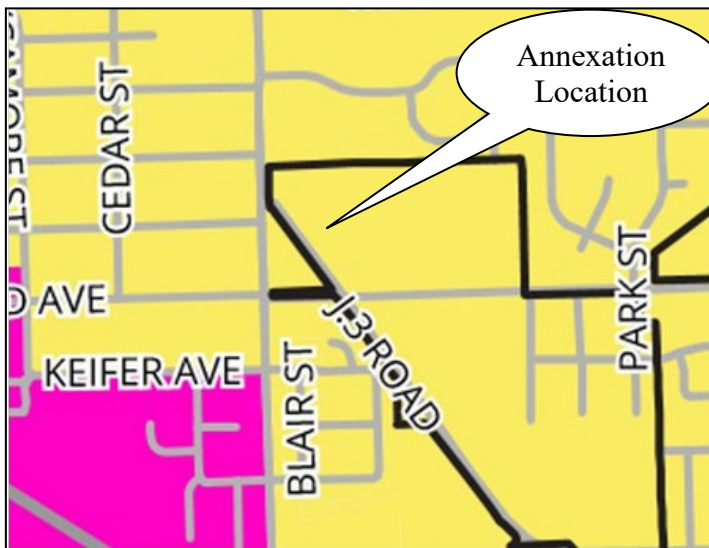
**Application #:** 2023-03  
**Project Name:** Berg  
**Application:** Annexation  
**Property Owner:** Willie and Neomi Berg  
**Representative:** Kim Kerk Land Consulting & Development  
**Location:** 1806 J 3/10 Road  
**Zone:** Currently zoned Agricultural, Forestry and Transitional (AFT-County zoning)  
**Request:** This is a request for approval of the annexation of approximately 3.4 acres into the Fruita City Limits.

**PROJECT DESCRIPTION:**

The property owners of 1806 J 3/10 Road have applied to annex the property. The subject property is approximately 3.4 acres and is located north of the intersection of J 3/10 Road and J 2/10 Road. The property currently contains a single-family dwelling unit on the southwest corner.

**FUTURE LAND USE MAP (FLUM)**

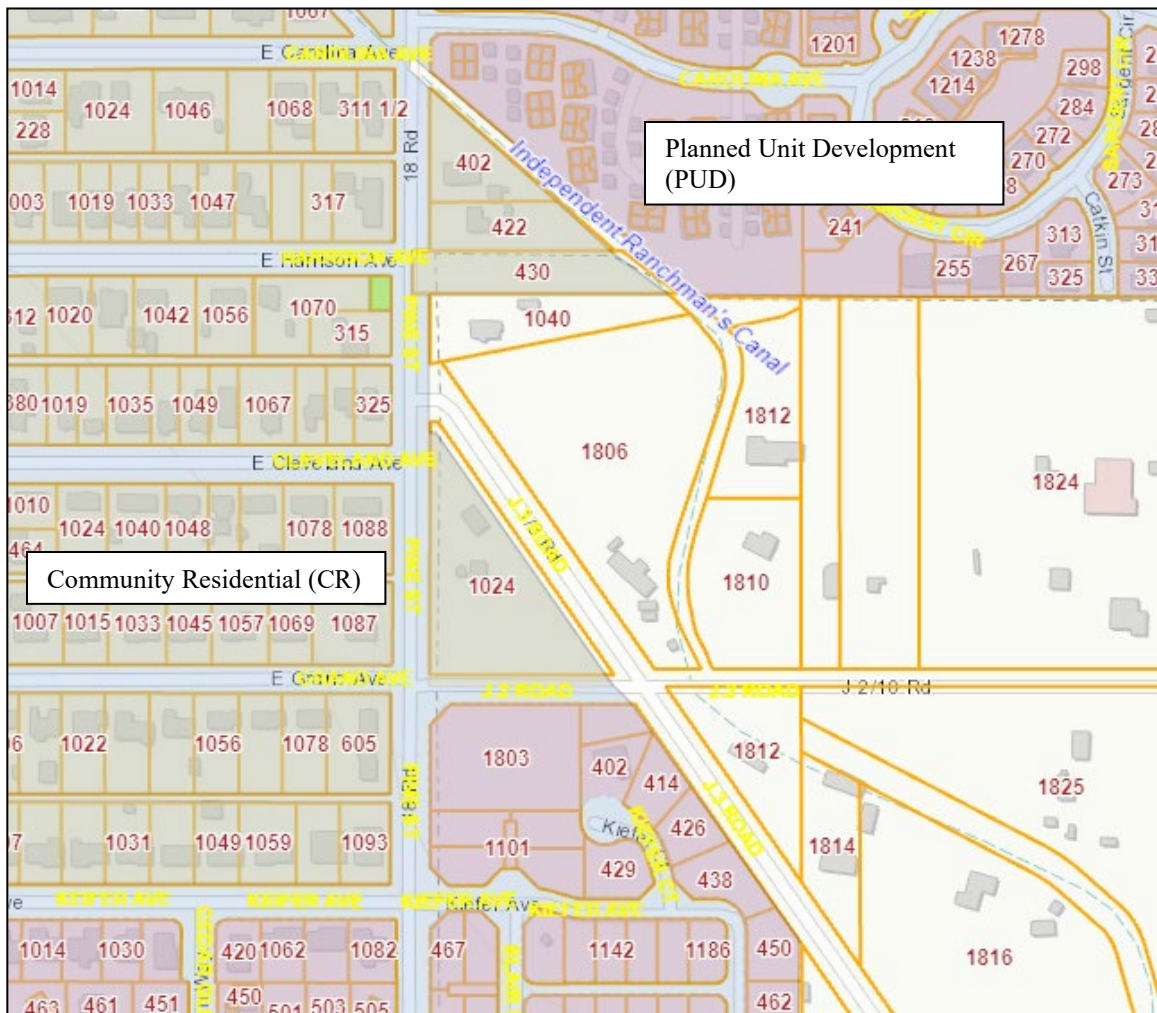




## SURROUNDING LAND USES AND ZONING:

Surrounding land uses are primarily single family detached residential. The majority of the surrounding properties are within the city limits. There are a few properties to the east that are still in Unincorporated Mesa County. The map below identifies the various zones in this area.

### LOCATION AND ZONING MAP





## 2022 AERIAL PHOTOGRAPH



### **REVIEW OF APPLICABLE LAND USE CODE REQUIREMENTS:**

#### **ANNEXATION**

**Section 17.17.050 (A) - If the subject property is located within the city's Urban Growth Boundary (UGB) as defined by the Fruita Community Plan, annexation may be approved only after considering the following criteria:**

- 1. The annexation meets the requirements of the applicable State Statutes;**

This annexation request meets the requirements of state laws. The property has the required 1/6<sup>th</sup> contiguity with existing city limits which is required per Section 31-12-104 of the Colorado Revised Statutes (CRS).

In accordance with CRS 31-12-104 (1)(a), the subject property has achieved the required 1/6 contiguity with the existing city limits. This section states that *“Contiguity shall not be affected by the existence of a platted street or alley, a public or private right-of-way, a public or private transportation right-of-way or area, public lands, whether owned by the state, the United States, or an agency thereof, except county-owned open space, or a lake, reservoir, stream, or other natural or artificial waterway between the annexing municipality and the land proposed to be annexed.”* The city limits border this property on the west side by approximately 515 feet according to the annexation map submitted with the application. The property to the west was annexed in 2017 (Ordinance 2017-03).

Additionally, the Fruita Comprehensive Plan supports this area to be incorporated within the city limits as referenced in the above map. This criterion has been met.

**2. The area is or can be efficiently served by city utilities and capital investments, including water, sewer, parks, drainage systems and streets;**

Annexation of the subject property will not trigger an extension of city utility services. The subject property is currently being served with sanitary sewer and Ute Water. If the subject property were to develop, there would be adequate review of additional utilities and infrastructure associated with residential development.

In addition to this annexation, the city will be annexing adjacent rights-of-ways (J 3/10 Road and J 2/10 Road).

This criterion can be met as the city has planned for the subject property to be incorporated into the city limits within the Comprehensive Plan.

**3. The area is contiguous with existing urban development;**

The subject property is somewhat contiguous with existing urban development, with the Legacy PUD Subdivision to the south and the Grace Park residential subdivision to the north. The remaining properties nearby that are undeveloped and/or remain in Unincorporated Mesa County are supported for residential development within the City of Fruita.

This criterion has been met.

**4. The area is or can be efficiently served by police and other municipal services;**

The subject property is within the service area for the Fruita Police Department, the Lower Valley Fire District. Since the subject property is already being served by these services, this criterion has been met.

**5. The development is consistent with community goals, principles, and policies as expressed in the Fruita Comprehensive Plan;**

Annexation within the Comprehensive Plan states that the city should, “Approve annexation of parcels within the UGB (Urban Growth Boundary) at the desired densities as described in the FLUM (Future Land Use Map). Annexation should help ensure that new development at the edge of the city is consistent with the goals and policies of this plan.”

Additionally, the city should “Ensure that new development pays its own way and does not burden the existing community with additional capital or operating costs. Ensure that new annexations at the city’s edge share appropriately in the costs of connecting all utility, park, drainage, pedestrian, and road systems.”

Furthermore, the city should “Avoid ‘leapfrog’ developments that leave discontinuous street and utility systems. Consider annexation proposals on the basis of the logical and cost-effective extension of utilities, pedestrian connections, parks, drainage, and road systems. Also consider the fiscal burden of the annexation in terms of major capital investments that would be needed by the City (wastewater, roads).”

Annexation of the subject property has been considered as meeting the intents and purposes of the basis of logical and cost-effective extensions of utilities and road systems.

Annexation of the property is consistent with the Fruita Comprehensive Plan. These approval criteria are intended to implement the goals and policies of the Fruita Comprehensive Plan regarding annexations. It appears that the approval criteria either have been met or can be met, therefore, this annexation is consistent with the Fruita Comprehensive Plan.

**6. The annexation is supported by local residents and landowners;**

The Fruita Comprehensive Plan (Fruita In Motion: Plan Like A Local) was adopted by the Fruita City Council on February 4, 2020 (Resolution 2020-09). Fruita in Motion: Plan like a Local speaks to the community’s significant role in the planning process. Residents helped shape every element of the plan, from

sharing what they valued about Fruita and identifying issues for the plan to address, to reviewing drafts, and providing feedback on goals and policies. The process reached a large swath of the community, through traditional outreach (open houses, an advisory committee) and meeting people where they are, with booths at farmers markets, the art stroll, and other city events and the draft plan tour, where City staff met with HOAs and other local groups to share the plan and hear input from the community.

With regards to the subject property, 79 landowners were noticed of this annexation application. The number of property owners noticed of this application is set forth with the legal notice requirements contained in the Land Use Code. Staff has not received written public comments regarding this application.

The annexation is supported by the landowner and the landowner has signed the annexation petition. This is in accordance with C.R.S 31-12-107.

This criterion has been met.

**7. Water and ditch rights can be provided, as applicable, in accordance with city policies;**

The city standard is 1 – 1.5 irrigation shares per irrigated acre.

This application was sent to Grand Valley Irrigation Company (GVIC) for review and no review comments have been received at this time.

Additionally, this application was sent to Ute Water and review comments indicate no objections.

This criterion can be met.

**8. The area will have a logical social and economic association with the city, and;**

Annexation of the subject property will not provide much with respect to an economic association with the city at this time. Once the subject property is developed, the additional dwelling units should provide for a logical social impact to the city. This criterion can be met.

**9. The area meets or can meet the existing infrastructure standards set forth by the city.**

Staff recommends approval of the annexation petition with the condition that there will be dedication of additional multi-purpose easements as follows:

1. Dedication of a 14-foot multipurpose easement adjacent to all the right of way adjoining the subject property.

This criterion can be met.

Based on this information, the annexation of the subject property meets or can meet the approval criteria that must be considered for annexations.

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### **REVIEW COMMENTS:**

No reviewer expressed any issues with the proposed annexation.

### **PUBLIC COMMENTS:**

No written public comments have been received by Staff at this time.

### **LEGAL NOTICE**

Legal Notice (minimum of 15 days prior to Planning Commission)	
February 22, 2023	Post Cards
February 22, 2023	Sign Posting
February 22, 2023	Legal Ad





**STAFF RECOMMENDATION:**

Staff recommends **approval** of the annexation petition with the condition that there will be dedication of a 14-ft multipurpose easement adjacent to the right of way.

**SUGGESTED PLANNING COMMISSION MOTION:**

Mr. Chair, I move that we recommend **approval** to City Council, of application #2023-03, the Berg Annexation with the condition that all review comments and issues identified in the Staff Report be adequately addressed or included with the Annexation Ordinance.

**ANNEXATION SCHEDULE:**

<i><b>Berg Annexation Schedule</b></i>	
<b>Date</b>	<b>Action</b>
February 7, 2023	<ul style="list-style-type: none"><li>• Resolution to set a hearing date to determine eligibility.</li></ul>
	Published in Daily Sentinel (Once a week for 4 consecutive weeks) <ul style="list-style-type: none"><li>• February 22, 2023</li><li>• March 1, 2023</li><li>• March 8, 2023</li><li>• March 15, 2023</li></ul>
March 14, 2023	Planning Commission considers Annexation & Zone
March 21, 2023	<ul style="list-style-type: none"><li>• 1st Reading of an Ordinance to Zone</li><li>• Resolution to find the property eligible for Annexation</li></ul>
April 18, 2023	2nd Reading of an Ordinance to Annex 2nd Reading of an Ordinance to Zone
Legal Notice (minimum of 15 days prior to Planning Commission)	
February 22, 2023	Post Cards
February 22, 2023	Sign Posting
February 22, 2023	Legal Ad

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## **2023-03 Berg Annexation Consolidated Review Comments**

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### **GVDD**

GVDD has no comment or objection to the Annexation or rezone.

### **GVP**

GVP Comments

1. The project is in the Grand Valley Power (GVP) service area.
2. Underground single-phase power is available for this project, on-site along J 3/10 Road.
3. Service to 1024 18 Road is underground crossing J 3/10 Road. Service to 1806 J3/10 Is underground from the street to a pole north of the house. Then it is overhead from that pole to the house.
4. For new projects, some electrical equipment (transformers, metering, etc.) may have an ordering lead time exceeding twelve months. Please plan accordingly.

### **LVFD**

The Lower Valley Fire Dist. Has no issues with the Annexation of the Berg property. With future growth and possible development of this site, fire flow will be required that meets IFC 2018 specifications with either hydrants or residential sprinkler systems that meet NFPA 13D.

### **MC Planning**

I see that the parcel is in an enclave already. Just wondering why the City does not annex the whole enclave. The annexation boundary appears to bisect the parcel annexing in only the vacant portion of the parcel and not the residence. This will create a host of problems for the City and the owner when subdivision of the annexed portion is attempted. Mesa County recommends the entire parcel and the adjoining roadway be annexed as one action to avoid future confusion in road maintenance, zoning and subdivision of the parcel.

### **MC Transportation**

The legal description noted on the Berg Annexation Survey does not appear to match the annexation area shown. The short portion of J 2/10 Road shown on the survey is mislabeled as J 3/10 Road. Mesa County encourages annexation of J 3/10 Road (as well as other roadways enclaved entirely within the limits of the City of Fruita that have not yet been annexed).

Thanks!

Daniel Larkin, P.E.

Transportation Engineer

Mesa County Engineering

(970) 254-4151

**RTPO**

See RTPO comments below.

*RTPO has no concerns. The site is near GVT Route 8, which runs along Pine St.*

**Ute Water**

- No objection.
- ALL FEES AND POLICIES IN EFFECT AT TIME OF APPLICATION WILL APPLY.
- If you have any questions concerning any of this, please feel free to contact Ute Water.

**MC Engineering**

Please see comments below for Mesa County Development Engineering. Aside from comments from other County Departments Mesa County Development Engineering has no additional comments to add on this annexation.

Thank you,

**Teddy Martinez**

Mesa County Department of Public Works

Development Engineer

970.255.5035

**GVIC**

We know the Berg property well along our Independent Ranchman Canal.

Looking at the Berg's deed description it calls "along the Lateral No.Three" . Don't see this often however it is the Independent Ranchman's Canal (IRC)

The Black property adjoining to the North also uses "along the #3 Canal" (AKA Independent Ranchman's Canal). The term "along" presumably is the center of the canal in both Berg and Black deeds and as shown in a Boundary Survey Bart Black, Land Survey Deposit Book 1 page168 #5674-18

Properties on the east of side of the IRC call to the "Easterly fence and R.O.W. Grand Valley Irrigation Canal". We see a mix match of deeds along our 200 miles of canal ROW's.

I will reach out to Willie Berg soon. Thank You

Respectfully,

Charles D. Guenther

Assistant Superintendent  
Grand Valley Irrigation Co.  
688 26 Road  
Grand Junction, CO 81506

Office 970-242-2762  
Fax 970-242-2770  
Cell 970-260-1928



# **ANNEXATION IMPACT REPORT**

## **CITY OF FRUITA**

### **FEBRUARY 7, 2023**

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**Application #:** 2023-03  
**Project Name:** Berg Annexation  
**Application:** Annexation  
**Property Owner:** Willie and Neomi Berg  
**Representative:** Kim Kerk Land Consulting & Development  
**Location:** 1806 J 3/10 Road  
**Zone:** Currently zoned Agricultural, Forestry and Transitional (AFT-County zoning)  
**Request:** This is a request for approval of the annexation of approximately 3.4 acres into the Fruita City Limits.

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Section 17.17.040 of the Fruita Land Use Code states that any annexation not requiring an election shall be accompanied by an annexation impact report which contains the following elements.

**A. Plans of the municipality for extending to or otherwise providing for municipal services;**

The Future Land Use Map (FLUM) within The Fruita In Motion: Plan Like A Local Comprehensive Plan shows the subject property within the City's Urban Growth Boundary. The Urban Growth Boundary was developed with the anticipation of providing the necessary municipal services. With that said, the city does have plans to provide municipal services to this area.

Historically, the City of Fruita has not forced the extension of municipal services. The city has been proactive in planning for future extensions of the city limits with regards to providing municipal services to the areas designated in the Urban Growth Boundary. This includes the municipal services provided by the City of Fruita (sanitary sewer and police).

Between 2018 to 2020 the City of Fruita completed the Highway 6 Sewer Interceptor Project which extended city sewer services to support development elements within the 2008 and 2020 Comprehensive Plans. This extension was then extended to 19 Road with the Iron Wheel Subdivision.

**B. The City of Fruita's anticipated financing of the extension of services;**

The City of Fruita will not be financing the extension of services (water, sewer, gas, etc.) to the subject property at this time. However, there is a sewer recapture fee for the subject property when it develops. (required to be paid to the city in accordance with the Recapture Agreement adopted by Resolution #2019-44)

**C. The special districts included in the territory to be annexed;**

No special districts are included within the territory to be annexed. Below are the agencies or entities that have taxing authority over the territory to be annexed. These agencies will be notified of the annexation application.

1. Lower Valley Fire Protection District.
2. Mesa County School District 51.
3. Grand Valley Irrigation Company.
4. Grand Valley Mosquito Control District.
5. Mesa County Public Library District.
6. Grand Valley Drainage District.
7. Colorado River Water District.
8. Library District.
9. Mesa County Social Services.

**D. The effect of annexation on the public school district system including the estimated number of students generated and capital construction required to educate each student;**

The school district boundaries for the recently constructed Monument Ridge Elementary School, Fruita Middle School, Fruita 8/9, and Fruita Monument High School already include the subject property. This implies that no new impacts on the school system would be generated from this annexation application. The impacts to the school district system will be evaluated by the Mesa County Valley School District when this property develops. The School District has been made aware of this annexation.

**E. Traffic/pedestrian/bicycle impacts;**

Traffic, pedestrian and bicycle impacts should not change with the annexation of the subject property. Traffic, pedestrian and bicycle impacts will remain the same.

**F. Wastewater, water, drainage, and irrigation impacts, and;**

Impacts on these facilities shouldn't change with the annexation itself. When the property develops, necessary regulations from review agencies will be reviewed with a land development application.

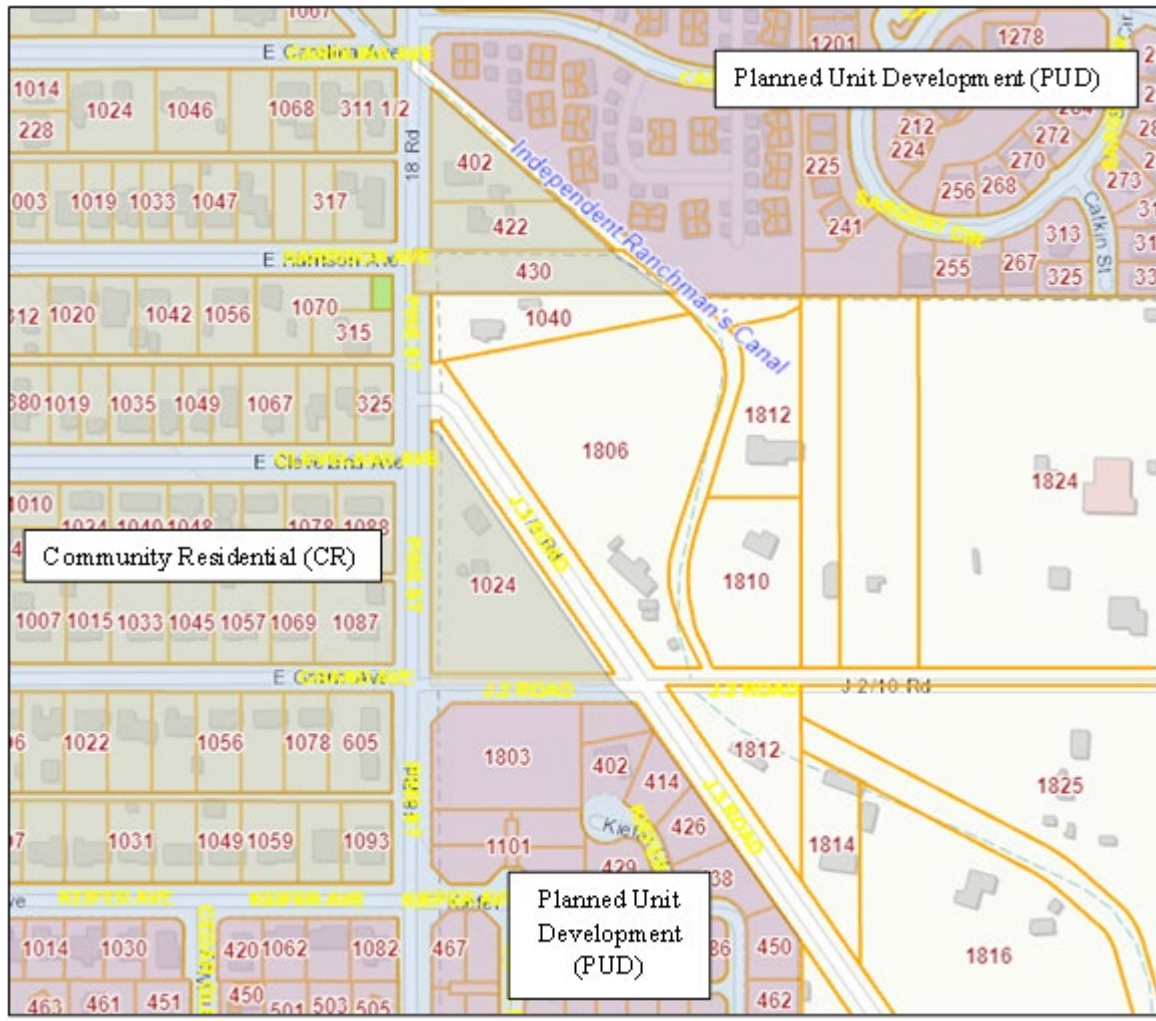
**G. Other relevant information as required by the Community Development Department.**

**Review Agencies:**

1. Xcel Energy
2. Grand Valley Power Company
3. Charter Communications
4. Century Link
5. Ute Water
6. Grand Valley Drainage District
7. Grand Valley Irrigation Company
8. Mesa County Community Development Department
9. Mesa County Building Department
10. Mesa County Surveyor
11. Mesa County Valley School District (School District 51)
12. 5-2-1 Drainage Authority
13. Lower Valley Fire Protection District
14. Grand River Mosquito District

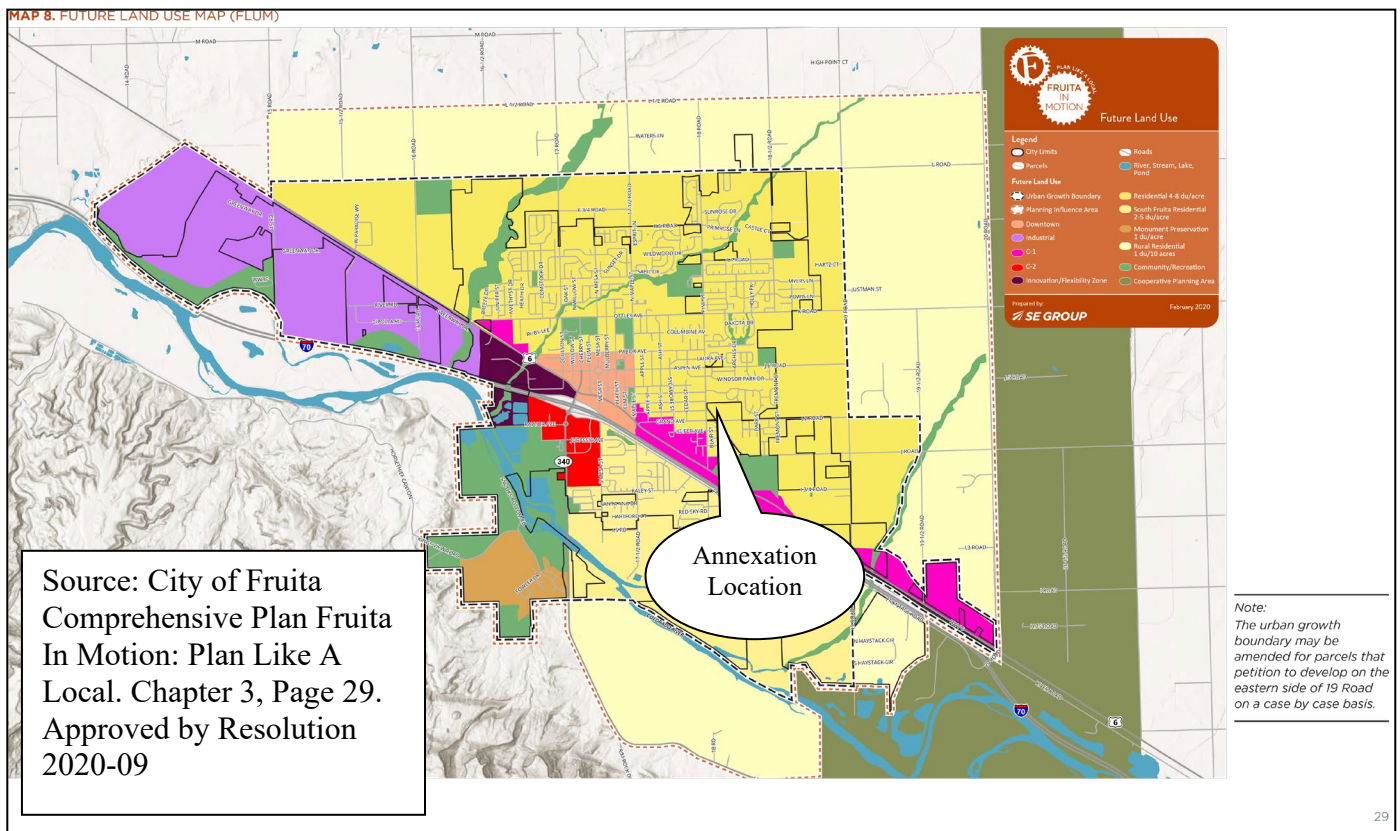
**Map Exhibits:**

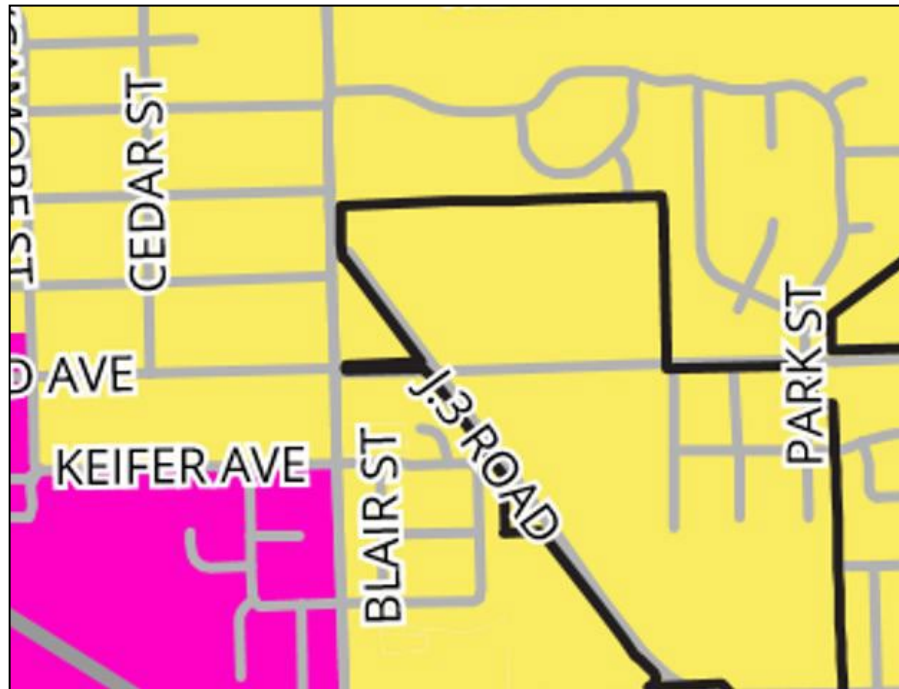
**Present City boundary**





## Proposed City Boundary set forth in the Future Land Use Map (FLUM)







**FRUITA**  
COLORADO

## LAND DEVELOPMENT APPLICATION

Project Name: Annexation of 1806 J-3/10 Road  
 Project Location: 1806 J 3/10 Road Fruita Co 81521  
 Current Zoning District: AFT Requested Zone: R-4  
 Tax Parcel Number(s): 2697-163-00-039 Number of Acres: 3.4  
 Project Type: Minor Subdivision

Property Owner: Willie Berg & Neomi M Berg Developer: \_\_\_\_\_  
 Property Owner: Willie Berg & Neomi M Berg Contact: \_\_\_\_\_  
 Address: 1806 J 3/10 Road Address: \_\_\_\_\_  
 City/State/Zip: Fruita, Co 81521 City/State/Zip: \_\_\_\_\_  
 Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ Phone: \_\_\_\_\_ Fax: \_\_\_\_\_  
 E-mail: \_\_\_\_\_ E-mail: \_\_\_\_\_

**Please designate a representative as the coordinator for this application. The representative should attend all conferences/hearings, will receive all correspondence, and communicate all information to the property owners.**

Owner Rep: Kim Kerk Land Consulting & Development Engineer: \_\_\_\_\_  
 Contact: Kim Kerk Contact: \_\_\_\_\_  
 Address: 2829 North Ave #105 Address: \_\_\_\_\_  
 City/State/Zip: Grand Junction, Co 81501 City/State/Zip: \_\_\_\_\_  
 Phone: 970-640-6913 Fax: \_\_\_\_\_ Phone: \_\_\_\_\_ Fax: \_\_\_\_\_  
 E-mail: kimk355@outlook.com E-mail: \_\_\_\_\_

**This Notarized application authorizes the owner's representative, if designated, to act on behalf of the property owners regarding this application.**

**The above information is correct and accurate to the best of my knowledge.**

Willie Berg Willie Berg 9-8-22  
 Name of Legal Owner Signature Date  
Neomi M. Berg Neomi M. Berg 9-8-22  
 Name of Legal Owner Signature Date  
 \_\_\_\_\_  
 Name of Legal Owner Signature Date

STATE OF COLORADO)  
 ) ss.  
 COUNTY OF MESA )

The foregoing instrument was acknowledged before me this 8 day of September, 2022

My Commission expires: 2/12/2024

Isabel G. Fladeland  
 Notary Public

ISABEL G. FLADELAND  
 Notary Public  
 State of Colorado  
 Notary ID # 20024033905  
 My Commission Expires 02-12-2024

## PETITION FOR ANNEXATION

**WE, THE UNDERSIGNED**, in accordance with the Municipal Annexation Act of 1965, Part 1, Article 12, Title 31, Colorado Revised Statutes, as amended, hereby petition the City Council of the City of Fruita, Colorado, for the annexation of the unincorporated area located in the County of Mesa, State of Colorado, as described on attached Exhibit A.

In support of this Petition, the Petitioners state:

1. It is desirable and necessary that the above-described area be annexed to the City of Fruita, Colorado.
2. The requirements of Section 31-12-104, C.R.S., as amended, exist or have been met, to wit:
  - a. Not less than one-sixth of the perimeter of the area proposed to be annexed is contiguous with the City of Fruita;
  - b. A community interest exists between the area proposed to be annexed and the City of Fruita;
  - c. The area proposed to be annexed is urban or will be urbanized in the near future; and
  - d. The area proposed to be annexed is integrated with or is capable of being integrated with the City of Fruita.
3. The requirements of Section 31-12-105 C.R.S., as amended, exist or have been met, to wit:
  - a. In establishing the boundaries of the territory to be annexed, no land held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate, has been divided into separate parts or parcels without the written consent of the landowners thereof unless such tracts or parcels are separated by a dedicated street, road, or other public way;
  - b. In establishing the boundaries of the area proposed to be annexed, no land held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate, comprising twenty acres or more (which, together, with the buildings and improvements situated thereon) has a valuation for assessment in excess of two hundred thousand dollars for ad valorem tax purposes for the year



next preceding the annexation is included within the area proposed to be annexed without the written consent of the landowner or landowners;

- c. No annexation proceedings have been commenced for the annexation of part or all of the subject property to another municipality;
  - d. The annexation of the area proposed to be annexed will not result in the detachment of the area from any school district and the attachment of same to another school district;
  - e. The annexation of the area proposed to be annexed will not have the effect of extending the boundary of the City of Fruita more than three miles in any direction from any point of the City's boundary in any one year;
  - f. If any portion of the platted street or alley is to be annexed, the entire width of said street or alley is included within the area to be annexed; and
  - g. Reasonable access shall not be denied to landowners, owners of easements, or the owners of franchises, adjoining any platted street or alley to be annexed that will not be bordered on both sides by the City of Fruita.
4. The Petitioners are the landowners of more than fifty percent (50%) of the area sought to be annexed, exclusive of streets and alleys.
5. This Petition for Annexation satisfies the requirements of Article II, Section 30, of the Colorado Constitution in that it is signed by persons comprising more than fifty percent (50%) of the landowners in the area proposed to be annexed who own more than fifty percent (50%) of said area, excluding public streets and alleys and any land owned by the City of Fruita.
6. Attached hereto and incorporated by reference is an Annexation Map showing:
- a. The boundary of the area proposed to be annexed including a legal description of the area to be annexed:
  - b. The location of each ownership tract in unplatted land and the boundaries and the plat numbers of plots or of lots and blocks; and
  - c. The contiguous boundary of the City of Fruita abutting the area proposed to be annexed.

7. All of the petitioners signed this Petition for Annexation no more than 180 days prior to the date of the filing of this Petition for Annexation.

**WHEREFORE**, the Petitioners request that the Fruita City Council approve the annexation of the area proposed to be annexed.

Dated this 30<sup>TH</sup> day of November, 2022

Willie Berg  
Property Owner

Neomi M. Berg  
Property Owner

County of Mesa     )  
                                  ) ss.  
State of Colorado    )

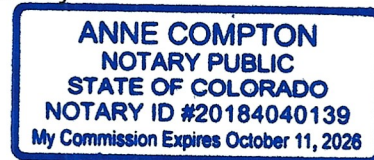
Subscribed and sworn to before me this 30<sup>TH</sup> day of November, 2022 by  
Willie Berg + Neomi M. Berg

Witness my hand and official seal.

Anne Compton  
Notary Public

My commission expires:  
OCT. 11, 2026

Mailing address of each property owner:



## AFFIDAVIT OF CIRCULATOR

The undersigned, being of lawful age, being first duly sworn upon oath, deposes and says:

That he/she was the circulator of the foregoing Petition for Annexation consisting of \_\_\_\_\_ pages, including this page and that each signature thereon was witnessed by your affidavit and is the true signature of the person whose name it purports to be.

Harold Kenneth Henry  
Circulator

State of Colorado    )  
                                  ) ss.  
County of Mesa        )

The foregoing Affidavit of Circulator was subscribed and sworn to before me this 30<sup>th</sup> day of November, 2022, by Harold Kenneth Henry.

Witness my hand and official seal.



Anne Compton  
Notary Public

My commission expires: OCT. 11, 2026

General Project Report- Annexation & Rezone

Berg Estate

1806 J 3/10 Road

Fruita, Co 81521

Date: January 05,2023

Prepared by: Kim Kerk, Project Manager

Submitted to: City of Fruita-City Planning and Development

325 E Aspen Ave

Fruita, Co 81521

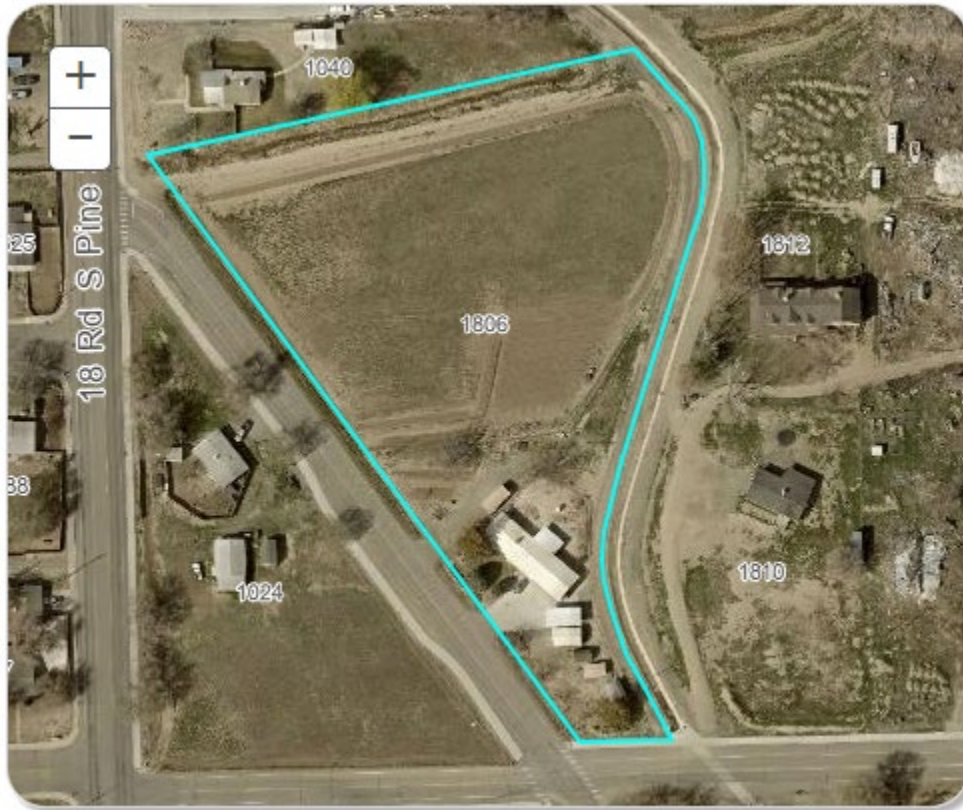
Attn: Kelli McLean and Henry Hemphill

Project: Annexation & Rezone

Property Address: 1806 J 3/10 Road

Tax Schedule No.: 2697-163-00-039





Date of Aerial Photo: 2019 & 2022

Project Applicant: Kim Kerk Land Consulting & Development

Property Owner: Willie Berg & Naomi Berg

**Project Narrative for Rezone and Annexation**  
**Berg's**  
**1806 j 3/10 Road**  
**Fruita, Co 81521**

Berg Project Overview:

Kim Kerk Land Consulting & Development is the representative for the property owners, Willie and Naomi Berg. This annexation and rezone request is submitted on behalf of the Berg's. The subject property containing 3.4 acres +/- and is located on J 3/10 Road Fruita, CO 81521. The address is 1806 J 3/10 Road, the parcel number is 2697-163-00-039 and the zoning is AFT.

Petitioner's Intent:

The Petitioner's Intent is to Rezone and Annex the property into the city limits of Fruita.

Current Land Use:

4.1.2 | AFT Agricultural, Forestry, Transitional District

The AFT, Agricultural, Forestry, Transitional District is primarily intended to accommodate agricultural operations and very low-density single-family residential development within the Rural Planning Area.

Future Land Use:

Community Residential (CR). The purpose of the CR zone is to allow for moderate density detached single-family residential neighborhoods with the inclusion of other housing types such as attached dwelling units (e.g. apartments and townhouses). Innovative neighborhood design is encouraged in this zone district to provide opportunities for housing diversity. This area is served by public utility infrastructure and is appropriate for density of 4-8 du per acre.

### **Project Narrative: Annexation**

This property is within the City's Urban Growth Area and the annexation meets the requirements of State law (Title 31, Article 12). The area to be annexed can be efficiently served by urban services and facilities including police and fire protection, sanitary sewer service, potable water, irrigation water, drainage structures, streets and trails, etc..

New impacts to urban services and facilities will not be created as the existing lot has all services in place.

-The area to be annexed is contiguous with existing urban development boundary and is consistent with the City's Master Plan.

The annexation is supported by local residents and landowners. After 84 invitations mailed to the neighbors, a neighborhood meeting was conducted on 9-22-2022 and no residents attended. The annexation will have a logical social and economic association with the City of Fruita.

BERG ANNEXATION SURVEY  
OF PARCEL NO. 2697-163-00-139  
LOCATED IN THE NW<sup>1</sup>/<sub>4</sub> SW<sup>1</sup>/<sub>4</sub>, SECTION 16, T1N, R2W, UTE MERIDIAN  
MESA COUNTY, COLORADO

LEGAL DESCRIPTION AND CERTIFICATION OF OWNERSHIP

We, Willie Berg and Neomi Berg, the owners of 100 percent of the following described property, excluding any public streets and alleys, to wit:

A parcel of land situated in the Northwest Quarter of the Southwest Quarter (NW<sup>1</sup>/<sub>4</sub> SW<sup>1</sup>/<sub>4</sub>) of Section 16, Township 1 North, Range 2 West of the Ute Meridian and being more particularly described as follows:

Commencing at the intersection of the drainage ditch and Lateral No. Three in the South Half of the Northwest Quarter of the Southwest Quarter of Section 16, Township 1 North, Range 2 West of the Ute Meridian, thence in a Southwesterly direction along the Lateral No. Three to the intersection of the Highway, thence in a Northwesterly direction along Highway 660 to the intersection of the Highway and drainage ditch, thence in an Easterly direction 400 feet to the place of beginning, EXCEPT that strip of land conveyed to the County of Mesa, a Political Subdivision of the State of Colorado as set forth by instrument recorded December 8, 2015 at Reception No. 2745377. Mesa County, State of Colorado.

Said parcel contains an area of 3.46 Acres more or less as herein described.

have by these presents laid out the same as shown hereon and designate the same as BERG Annexation to the City of Fruita, County of Mesa, State of Colorado.

EXECUTED this \_\_\_\_ day of \_\_\_\_\_, 20\_\_

Willie Berg  
Neomi Berg

STATE OF COLORADO } ss  
COUNTY OF MESA

The foregoing certification was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, by \_\_\_\_\_

Witness my hand and official seal.

My commission expires: \_\_\_\_\_

Notary Public

TITLE CERTIFICATE

\_\_\_\_\_, does hereby certify that it has examined the title to all lands shown on this Map and that \_\_\_\_\_ title to such lands is vested in \_\_\_\_\_ free and clear of all liens, taxes, and encumbrances, except as follows:

(EXCEPTIONS HERE)

EXECUTED this \_\_\_\_ day of \_\_\_\_\_, 20\_\_

Title Examiner

CITY COUNCIL CERTIFICATE

The City Council of the City of Fruita, Colorado, by Resolution Number \_\_\_\_\_ duly adopted on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_, found and determined that annexation of the property designated herein complies with the requirements contained in Article 12, Title 31, C.R.S., as amended, and that said property is eligible for annexation to the City of Fruita. The City Council of the City of Fruita, Colorado, by Ordinance Number \_\_\_\_\_ duly adopted on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_, did annex the property herein described to the City of Fruita, Colorado. ATTEST,

Mayor  
City Clerk

PLANNING COMMISSION CERTIFICATION

This plat approved by the City of Fruita Planning Commission the \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Chairman

LAND SURVEY DEPOSITS

MESA COUNTY SURVEYOR'S OFFICE

DATE \_\_\_\_\_

DEPOSIT NO. \_\_\_\_\_

SURVEYOR'S CERTIFICATION

I J. Ben Elliott, a registered land surveyor licensed under the laws of the State of Colorado, do hereby certify that this survey was made under my direct supervision and that the information hereon is correct to the best of my knowledge and belief, and that no less than one-sixth (1/6) of the perimeter of the area as shown hereon is contiguous with the existing boundaries of the City of Fruita, Colorado. I further certify that the external boundaries of the property shown on this Map have been monumented on the ground.

EXECUTED this \_\_\_\_ day of \_\_\_\_\_, 20\_\_

Registered Land Surveyor

J. Ben Elliott  
COLORADO PROFESSIONAL LAND SURVEYOR  
P.L.S. NO. 38146

Prepared for: Willie & Neomi Berg

**BERG ANNEXATION SURVEY**  
LOCATED IN THE  
NW<sup>1</sup>/<sub>4</sub> SW<sup>1</sup>/<sub>4</sub>, SECTION 16  
T1N, R2W, UTE MERIDIAN  
MESA COUNTY, COLORADO

**High Desert Surveying, Inc.**  
591 25 Road, Suite B1  
Grand Junction, Colorado 81505  
Telephone: 970.254.8649 Fax 970.241.0451

PROJ. NO. 22-108  
DATE: JANUARY, 2023

SURVEYED  
BO/SG

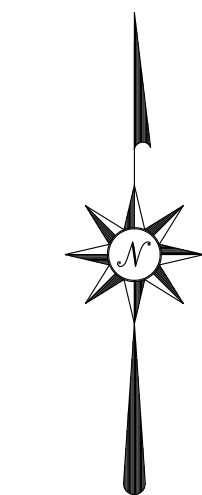
DRAWN  
BE

CHK'D  
1

SHEET  
OF  
1

LEGEND

- ALIQUOT SURVEY MARKER, AS NOTED  
FOUND EVIDENCE, AS NOTED  
SET 2" ALUMINUM CAP ON 24" No. 5 REBAR, PLS 38146  
FLUSH WITH SURFACE UNLESS OTHERWISE NOTED  
CALCULATED POSITION AT CENTERLINE OF DITCH  
1.0' WC - SE 1.0' = Distance WC = Witness Corner - SE = Direction  
Rec. No. RECEPTION NUMBER  
Esmt. EASEMENT  
A.S. ABOVE SURFACE  
B.S. BELOW SURFACE  
MCSM MESA COUNTY SURVEY MARKER  
Alum. ALUMINUM  
OHE OVERHEAD ELECTRIC LINE  
↓ GUY WIRE(S)  
-X- FENCE  
● POWER POLE  
☼ LIGHT POLE  
-ST- DRAINAGE PIPE  
□ ELECTRIC PEDESTAL OR TRANSFORMER  
△ TELEPHONE OR TELEVISION PEDESTAL  
⊗ TREE 24" DIAMETER  
✉ MAILBOX  
⊕ GAS METER  
CONCRETE



SCALE: 1"=50'



GENERAL NOTES

Easement and Title Information provided by Stewart Title Guaranty Company, Commitment No. ATC-22-10427, dated October 5, 2022.

Basis of bearings is the South line of the NW<sup>1</sup>/<sub>4</sub> SW<sup>1</sup>/<sub>4</sub> of Section 16 which bears S89°53'36"E, a distance of 1319.90 feet, established by GPS observation referencing the Mesa County Local Coordinate System (MCLCS) zone Grand Valley Area (GVA) which is based on the NAD 83 horizontal datum and NAVD 88 Vertical datum. Both monuments on this line are Aliquot Survey markers, as described on the face of this plat.

All lineal units shown hereon in U.S. Survey feet.

NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT, MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF CERTIFICATION SHOWN HEREON.

LINE TABLE

LINE	BEARING	DISTANCE
L1	N34°52'00"W	43.38'
L2	S40°48'46"E	36.70'