



**FRUITA**  
COLORADO

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## **AGENDA ITEM COVER SHEET**

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**TO: FRUITA CITY COUNCIL AND MAYOR**

**FROM: PLANNING & DEVELOPMENT DEPARTMENT**

**DATE: AUGUST 17, 2021**

**RE: RESOLUTION 2021-19 - A RESOLUTION OF THE FRUITA CITY COUNCIL FINDING APPROXIMATELY 16.21 ACRES OF PROPERTY LOCATED AT 1930 HIGHWAY 6 & 50 ELIGIBLE TO BE ANNEXED INTO THE CITY OF FRUITA.**

### **BACKGROUND**

The property owners of 1930 Highway 6 & 50 have submitted an annexation application to the City of Fruita. Staff has reviewed this annexation request and finds that the property meets the city and state laws that must be met to find a property eligible for annexation.

Staff has reviewed this annexation request and finds that the property meets current State Statutes for annexation including the required 1/6<sup>th</sup> contiguity with existing City limits and it is within the City's Urban Growth Boundary. The City Council approved Resolution 2021-16 on July 6, 2021 which set the hearing date to determine the eligibility for this application. This Resolution is required by section 31-12-107 of the Colorado Revised Statutes. All required legal notice has been accomplished in accordance with State Statute.

At their July 13, 2021 public meeting, the Planning Commission recommended approval of the annexation petition by a vote of 5-0 to the Fruita City Council.

### **FISCAL IMPACT**

Annexation of property requires that the city provide it with city services (such as police protection and sewer service). The cost of providing services varies with each annexation.

There will be services extended with this annexation. Conditions of approval are explained in the Staff Report.

### **APPLICABILITY TO CITY GOALS AND OBJECTIVES**

The city's primary goal is to protect the health, safety and welfare of the city's residents. Annexation ensures that the city has some control over development which might otherwise occur

outside the city limits and drain city resources and infrastructure. Additionally, the Comprehensive Plan and supports annexation of property within the Urban Growth Boundary (UGB) in which this property is located.

**OPTIONS AVAILABLE TO COUNCIL**

1. Approve Resolution 2021-19
2. Deny Resolution 2021-19

**RECOMMENDATION**

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

**ADOPT RESOLUTION 2021-19 - A RESOLUTION OF THE FRUITA CITY COUNCIL FINDING APPROXIMATELY 16.21 ACRES OF PROPERTY LOCATED AT 1930 HIGHWAY 6 & 50 ELIGIBLE TO BE ANNEXED INTO THE CITY OF FRUITA.**

**RESOLUTION 2021-19**

**A RESOLUTION OF THE FRUITA CITY COUNCIL FINDING APPROXIMATELY 16.21 ACRES OF PROPERTY LOCATED AT 1930 HIGHWAY 6 & 50 ELIGIBLE TO BE ANNEXED INTO THE CITY OF FRUITA.**

**WHEREAS**, the City of Fruita has received a petition to annex property which is described and shown on the attached Exhibit A, and

**WHEREAS**, the Planning Commission recommended approval of the annexation petition at their July 13, 2021 public meeting.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FRUITA, COLORADO, THAT THE CITY COUNCIL FINDS AND DETERMINES:**

**THAT** a properly constituted petition signed by 100% of the owners of the real property described and shown on Exhibit A has been submitted to the City of Fruita and an election is not required under C.R.S. 31-12-107, and

**THAT** the real property described on Exhibit A has at least 1/6 of its perimeter contiguous to existing city limits of the City of Fruita, and

**THAT** annexation of the property complies with all pertinent requirements of C.R.S. 31-12-104, 105 & 106 to be eligible for annexation, and

**THAT** all special districts encompassing the subject property were noticed as required under C.R.S. 31-12-108, and

**THAT** a notice of the public hearing was properly advertised having appeared once per week for four consecutive weeks in a local publication, and

**THAT** the property shown and described on Exhibit A is eligible for annexation into the City of Fruita.

**BE IT FURTHER RESOLVED BY THE FRUITA CITY COUNCIL**, that based on the above findings, it is the intent of the City of Fruita to annex the real property described and shown in Exhibit A.

**PASSED AND ADOPTED BY THE FRUITA CITY COUNCIL  
THIS 17<sup>TH</sup> DAY OF AUGUST 2021.**

ATTEST:

City of Fruita

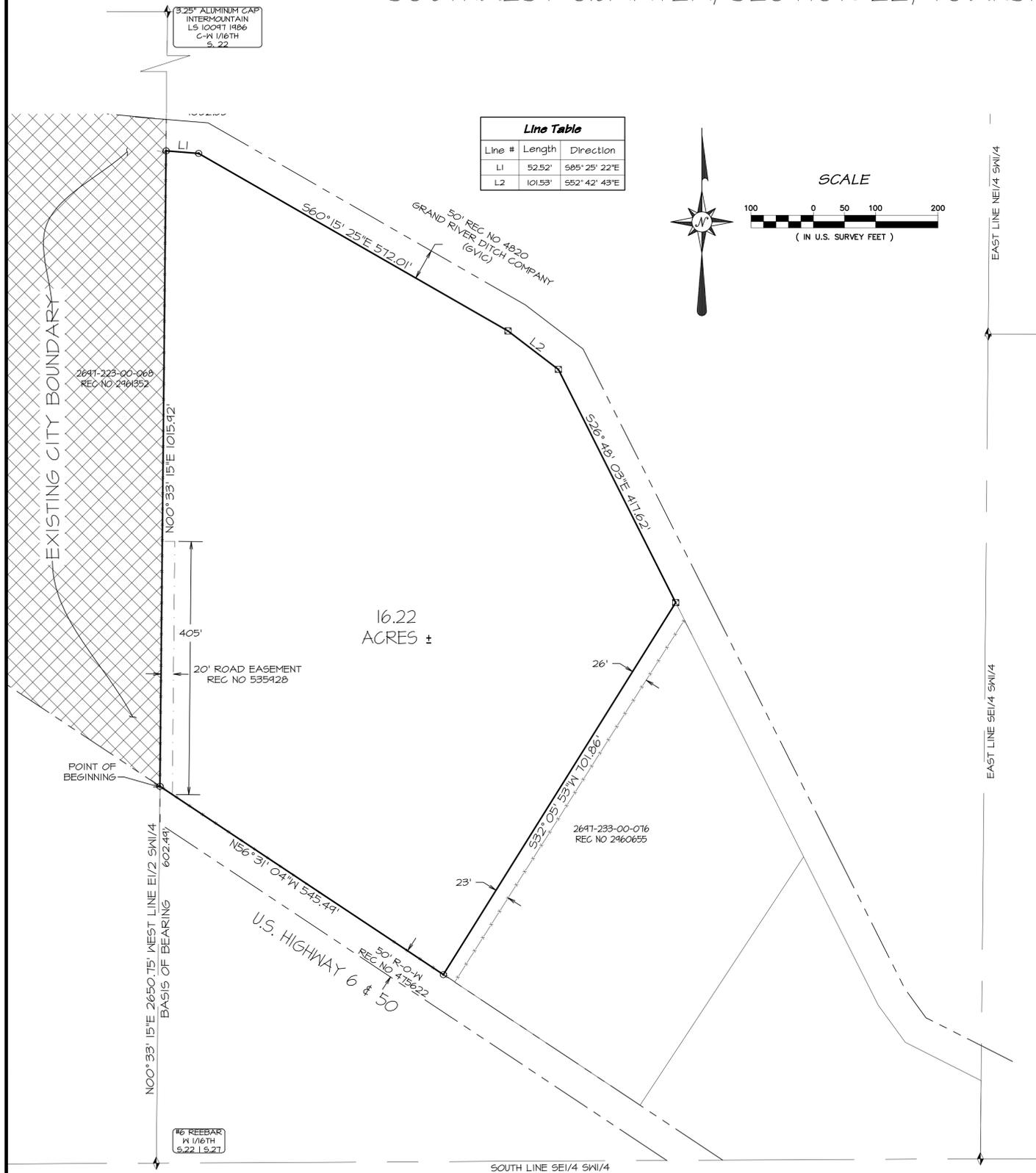
\_\_\_\_\_  
Margaret Sell, City Clerk

\_\_\_\_\_  
Joel Kincaid, Mayor

# EXHIBIT A

## 1930 Highway 6 & 50 ANNEXATION

SOUTHWEST QUARTER, SECTION 22, TOWNSHIP 1 NORTH, RANGE 2 WEST, UTE MERIDIAN



16.22  
ACRES ±

### TITLE CERTIFICATE

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

NA

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

\_\_\_\_\_  
Title Examiner

### LEGAL DESCRIPTION AND CERTIFICATION OF OWNERSHIP

We, DONNA JEAN MEEK and GARY DALE CASTOR, the owners of 100 percent of the following described property, excluding any public streets and alleys, to wit:

#### PROPERTY DESCRIPTION:

A parcel of land situated within the East one-half of the Southwest Quarter of Section 22, Township 1 North, Range 2 West of the Ute Meridian being more particularly described as follows: Commencing at the west one-sixteenth of said Section 22 and Section 27, whence the center-west sixteenth of said Section 22 bears North 00°33'15" East with all bearing herein relative thereto; thence North 00°33'15" East, a distance of 602.49 feet to a 1.25" plastic cap marked PLS 12291 and the Point of Beginning; thence North 00°33'15" East, a distance of 1015.92 feet to a 1.25" plastic cap marked PLS 12291; thence South 85°25'22" East, a distance of 52.52 feet to a 1.25" plastic cap marked PLS 12291; thence South 60°15'25" East, a distance of 572.01 feet to a number 5 rebar; thence South 52°42'43" East, a distance of 101.53 feet to a number 5 rebar; thence South 26°48'03" East, a distance of 417.62 feet to a number 5 rebar; thence South 32°05'53" West, a distance of 701.86 feet to a 1.25" plastic cap marked PLS 12291; thence North 56°31'04" West along the northeasterly right-of-way line as recorded at Reception Number 475622, a distance of 545.44 feet to the Point of Beginning.

said parcel containing 16.22 acres more or less.

have by these presents laid out and platted the same as shown hereon and designate the same as 1930 HIGHWAY 6 & 50 ANNEXATION to the City of Fruita, County of Mesa, State of Colorado.

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

\_\_\_\_\_  
DONNA JEAN MEEK

\_\_\_\_\_  
GARY DALE CASTOR

STATE OF COLORADO )  
                                  ) ss  
COUNTY OF MESA    )

This plat was acknowledged before me by \_\_\_\_\_

on this \_\_\_\_\_ day of \_\_\_\_\_

Witness my hand and seal \_\_\_\_\_

My commission expires \_\_\_\_\_ Notary Public

### SURVEYOR'S CERTIFICATE

I, \_\_\_\_\_, 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 herein 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 Plat have been monumented from the ground.

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

PLANNING COMMISSION CERTIFICATION  
I, \_\_\_\_\_, a registered Professional Land Surveyor PLS 38274

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

\_\_\_\_\_  
Chairman

CITY COUNCIL CERTIFICATE  
The City Council of the City of Fruita, Colorado, by Resolution Number \_\_\_\_\_, duly adopted on the \_\_\_ day of \_\_\_\_\_

2020, 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 \_\_\_\_\_, 2020, did annex the property herein described to the City of Fruita, Colorado. ATTEST:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

### LEGEND

- ⊙ FOUND 1.25" PLASTIC CAP PLS 12291
- ⚡ ALIQUOT POSITION AS NOTED, OBTAINED FROM MESA COUNTY PUBLISHED DATA
- ⊠ FOUND REBAR
- - - - - EASEMENT LINE
- \_\_\_\_\_ PARCEL LINE
- \_\_\_\_\_ ROW LINE
- \_\_\_\_\_ ALIQUOT LINE

**RIVER CITY CONSULTANTS**  
215 Pitkin Avenue, Unit 201  
Grand Junction, CO 81501  
Phone: 970.241.4722  
www.rccwest.com Fax: 970.241.8841



VICINITY MAP 1:1500

CLERK AND RECORDER'S CERTIFICATE  
This plat was accepted for filing in the office of the Clerk and Recorder of Mesa County, Colorado, at \_\_\_ o'clock \_\_\_ M., on this \_\_\_\_\_ day of \_\_\_\_\_

and was recorded at Reception No. \_\_\_\_\_, Fees \_\_\_\_\_

By: \_\_\_\_\_  
Clerk and Recorder Deputy

1930 Highway 6 & 50  
ANNEXATION  
SOUTHWEST QUARTER, SECTION 22, TOWNSHIP 1 NORTH,  
RANGE 2 WEST, UTE MERIDIAN  
CITY OF FRUITA, COUNTY OF MESA, STATE OF  
COLORADO

Sheet 1 of 1	Date: 4/24/21	Job No. 2003-001
Surveyed: CVW	Drawn: AKT	Checked: TPJ
Drawing name: S:\PROJECTS\2003\Draw\1930 Hwy 6 & 50\Survey\2003-001 ANNEX.dwg		

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 the certification shown hereon.