



FRUITA

COLORADO

AGENDA ITEM COVER SHEET

TO: FRUITA CITY COUNCIL AND MAYOR

FROM: PLANNING & DEVELOPMENT DEPARTMENT

DATE: AUGUST 17, 2021

RE: ORDINANCE 2021-17, FIRST READING – AN INTRODUCTION OF AN ORDINANCE ANNEXING APPROXIMATELY 16.21 ACRES OF PROPERTY LOCATED AT 1930 HIGHWAY 6 & 50 INTO THE CITY OF FRUITA FOR PUBLIC HEARING ON SEPTEMBER 21, 2021 SUBJECT TO APPROVAL OF RESOLUTION 2021-19 – FINDING PROPERTY ELIGIBLE FOR ANNEXATION 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 1/6th 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 and the Land Use Code.

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 sanitary sewer service). The cost of providing services varies with each annexation.

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.

It appears that this annexation meets both state requirements and local requirements as identified in the Land Use Code. The Land Use Code (along with other regulatory documents) implement the City's goals and policies as outlined in the city's Master Plan including the Fruita Community Plan.

OPTIONS AVAILABLE TO COUNCIL

1. Publish a synopsis of Ordinance 2021-17, An introduction of an Ordinance annexing approximately 16.21 acres of property located at 1930 Highway 6 & 50 into the City of Fruita for publication of public hearing on September 21, 2021.
2. Deny Ordinance 2021-17.

RECOMMENDATION

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

**PUBLISH A SYNOPSIS OF ORDINANCE 2021-17 ANNEXING
APPROXIMATELY 16.21 ACRES OF PROPERTY LOCATED AT 1930
HIGHWAY 6 & 50 INTO THE CITY OF FRUITA FOR PUBLIC
HEARING ON SEPTEMBER 21, 2021 SUBJECT TO APPROVAL OF
RESOLUTION 2021-19 – FINDING PROPERTY ELIGIBLE FOR
ANNEXATION INTO THE CITY OF FRUITA**

ORDINANCE 2021-17

**AN ORDINANCE ANNEXING APPROXIMATELY 16.21 ACRES OF PROPERTY LOCATED
AT 1930 HIGHWAY 6 & 50 INTO THE CITY OF FRUITA**

WHEREAS, the Fruita City Council finds that it is necessary to annex certain real property contiguous to the City of Fruita in order to:

1. Promote the public health, safety, and welfare of the community;
2. Insure efficient provision of municipal services and fair and equitable distribution of cost amongst those who use services provided by the community; and,
3. Provide for orderly growth of the community; and,

WHEREAS, the City Council adopted a Resolution finding that the real property described and shown on Exhibit A is eligible for annexation pursuant to C.R.S. 31-12-104 and 105, stating their intent to annex same and initiating the annexation procedures.

NOW THEREFORE, BE IT HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF FRUITA COLORADO AS FOLLOWS:

Section 1: The Fruita City Council, having reviewed a properly constituted petition of all the owners of real property in the area proposed for annexation, hereby annexes the property as described and shown in Exhibit A, and the Fruita City limits are hereby modified to reflect said annexation.

**PASSED AND ADOPTED BY THE FRUITA CITY COUNCIL, THIS
21ST DAY OF SEPTEMBER 2021.**

ATTEST:

City of Fruita:

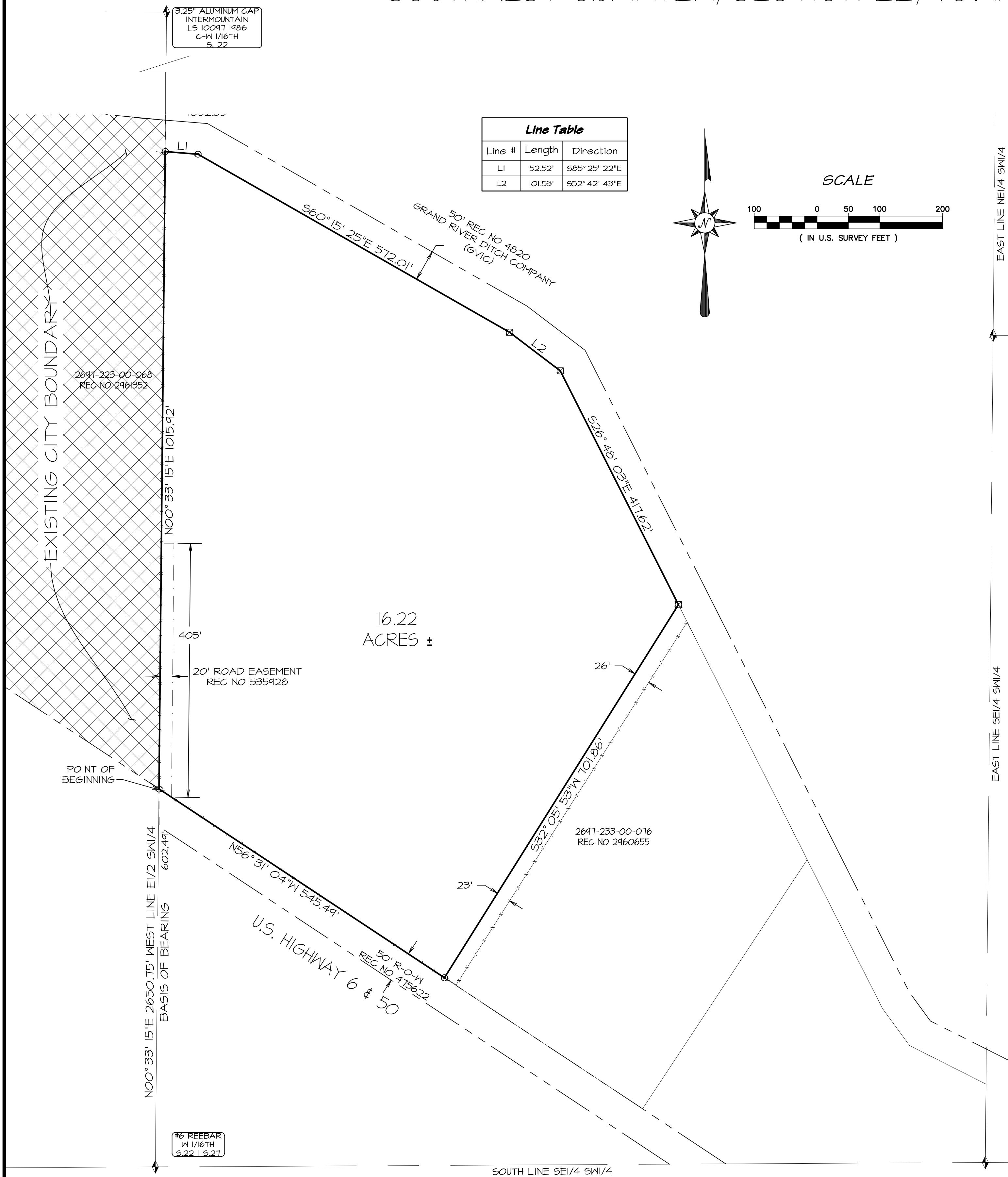
Margaret Sell, City Clerk

Joel Kincaid, Mayor

EXHIBIT A

1930 Highway 6 & 50 ANNEXATION

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



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 101.86 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 545.49 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 _____, _____
Notary Public

My commission expires _____

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 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 Plat have been monumented from the ground.

EXECUTED this _____ day of _____, 20_____.

PLANNING COMMISSION CERTIFICATION

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

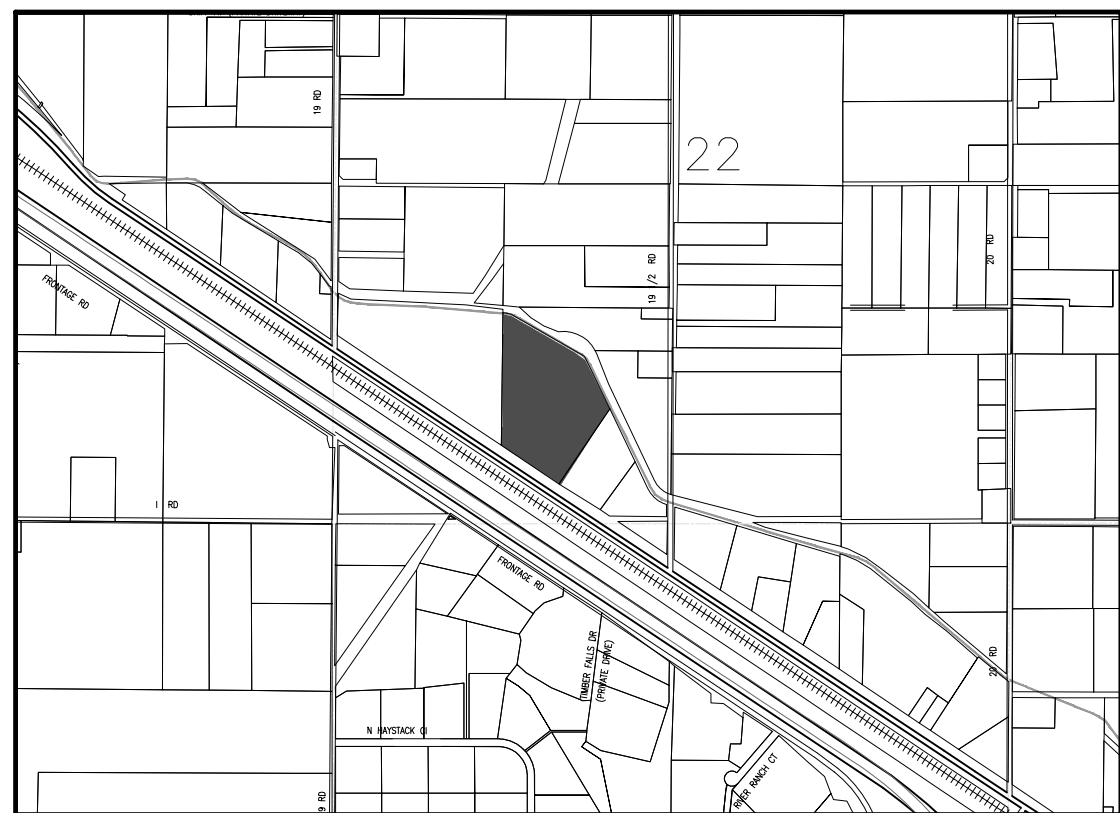
----- PARCEL LINE

----- ROW LINE

----- ALIQUOT LINE



215 Pitkin Avenue, Unit 101
Grand Junction, CO 81501
Phone: 970.241.4722
Fax: 970.241.8841
www.rcwest.com



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: 4/29/21 Job No. 2003-001

Surveyed: CVW Drawn: AKT Checked: TPJ

Drawing name: S:\PROJECTS\2003 Dave Kiehn\001 1930 Hwy 6 & 50\Survey\DWG\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.