



# 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 2021-20 - A RESOLUTION OF THE FRUITA CITY COUNCIL FINDING APPROXIMATELY 25.96 ACRES OF PROPERTY LOCATED AT 954 19 ROAD ELIGIBLE TO BE ANNEXED INTO THE CITY OF FRUITA.

### **BACKGROUND**

The property owner of 954 19 Road has submitted an application to annex and zone the property. 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 2021-17 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.

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 after receiving public input. There were concerns from adjacent property owners about the potential development impact that could occur in the future.

### **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.

### **OPTIONS AVAILABLE TO COUNCIL**

1. Approve Resolution 2021-20
2. Deny Resolution 2021-20

### **RECOMMENDATION**

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

**ADOPT RESOLUTION 2021-20 - A RESOLUTION OF THE FRUITA CITY COUNCIL FINDING APPROXIMATELY 25.96 ACRES OF PROPERTY LOCATED AT 954 19 ROAD ELIGIBLE TO BE ANNEXED INTO THE CITY OF FRUITA.**

**RESOLUTION 2021-20**

**A RESOLUTION OF THE FRUITA CITY COUNCIL FINDING APPROXIMATELY  
25.96 ACRES OF PROPERTY LOCATED AT 954 19 ROAD 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

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Margaret Sell, City Clerk

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Joel Kincaid, Mayor



EXHIBIT A

LEGEND AND ABBREVIATIONS

- MESA COUNTY SURVEY MARKER  
FOUND 3 1/4" ALLOY CAP LS-10097  
FOUND NO. 5 REBAR & CAP LS-36561  
FOUND NO. 5 REBAR & CAP LS-18478  
FOUND NO. 5 REBAR, & CAP LS-31160  
SET 5/8" REBAR & 2" ALLOY CAP MARKED LS-38075 0.2' ABOVE GROUND  
REC. NO. RECEPTION NUMBER  
R RANGE  
R.O.W. RIGHT-OF-WAY  
RN RECEPTION NUMBER  
T TOWNSHIP  
U.M. UTE MERIDIAN

LEGAL DESCRIPTION AND CERTIFICATION OF OWNERSHIP

We, North 25, LLC, the owners of 100% percent of the following described property, excluding any public streets and alleys, to wit:

S1/2 SW1/4 NW1/4 and all that part of the S1/2 SE1/4 NW1/4 lying West of a parcel described in Book 229 at Page 16, Reception No. 147850 of the Mesa County Records and

Beginning at the C-W 1/16 Corner of said Section 22, the Basis of Bearing being S89°51'51"E a distance of 1322.08 feet, along the North Line of the NE1/4 SE1/4 to the C 1/4 Corner of said Section 22;  
thence S89°51'51"E distance of 305.13 feet;  
thence S32°34'33"W a distance of 575.41 feet to the West line of said NE1/4 SE1/4

thence N00°33'05"E a distance of 485.63 feet to the Point of beginning;  
Except 19 Road and I 1/2 Road right of way, recorded at Reception No. 2364298, AND EXCEPT the South 190.01 feet of the West 320.01 feet of the S1/2 SW1/4 NW1/4, all in Section 22, Township 1 North, Range 2 West of the Ute Meridian, County of Mesa, State of Colorado.

have by these presents laid out the same as shown hereon and designate the same as North 25 Annexation to the City of Fruita, County of Mesa, State of Colorado.

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

STATE OF COLORADO )  
COUNTY OF \_\_\_\_\_ ) ss.  
The foregoing certification was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by Silvano Coleman as Manager North 25, LLC.

Witness my hand and official seal.  
My commission expires: \_\_\_\_\_

Notary Public

LIENHOLDERS RATIFICATION OF PLAT

The undersigned, hereby certifies that it is a holder of a security interest upon the property hereon described and does hereby join in and consent to the dedication of the land described in said dedication by the owners thereof and agrees that its security interest which is recorded in Reception Number 2839664 of the public records of Mesa County, Colorado shall be subordinated to the dedications shown hereon.

In witness whereof, the said corporation has caused these presents to be signed this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_

By: Riara Geer Title  
Timberline Bank

STATE OF COLORADO )  
COUNTY OF MESA ) ss.  
The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_ A.D., 20\_\_\_\_.

By: Riara Geer Title  
Timberline Bank

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

WITNESS MY HAND AND OFFICIAL SEAL.

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 North 25, LLC free and clear of all liens, taxes, and encumbrances, except as follows.

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

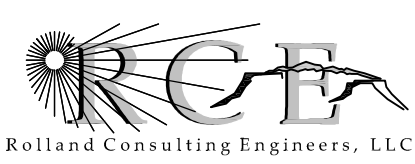
CITY COUNCIL CERTIFICATE

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



405 Ridges Blvd, Suite A  
Grand Junction, CO 81507  
Voice: (970) 243-8300  
Fax: (970) 241-1273  
www.rcegi.com

NORTH 25 ROAD  
ANNEXATION

IN THE W 1/2 OF SECTION 22  
TOWNSHIP 1 NORTH RANGE 2 WEST OF THE  
UTE MERIDIAN, MESA COUNTY, COLORADO

Drawn JLG	Designed JLG	Checked JAM	Proj# B8423	Rv:	Sheet 1
File Name: C:\PROJECTS\B8423\B8423 Annexation.DWG				Date 6/10/21	Of 1

CITY OF FRUITA

MESA COUNTY

MESA COUNTY

MESA COUNTY

MESA COUNTY

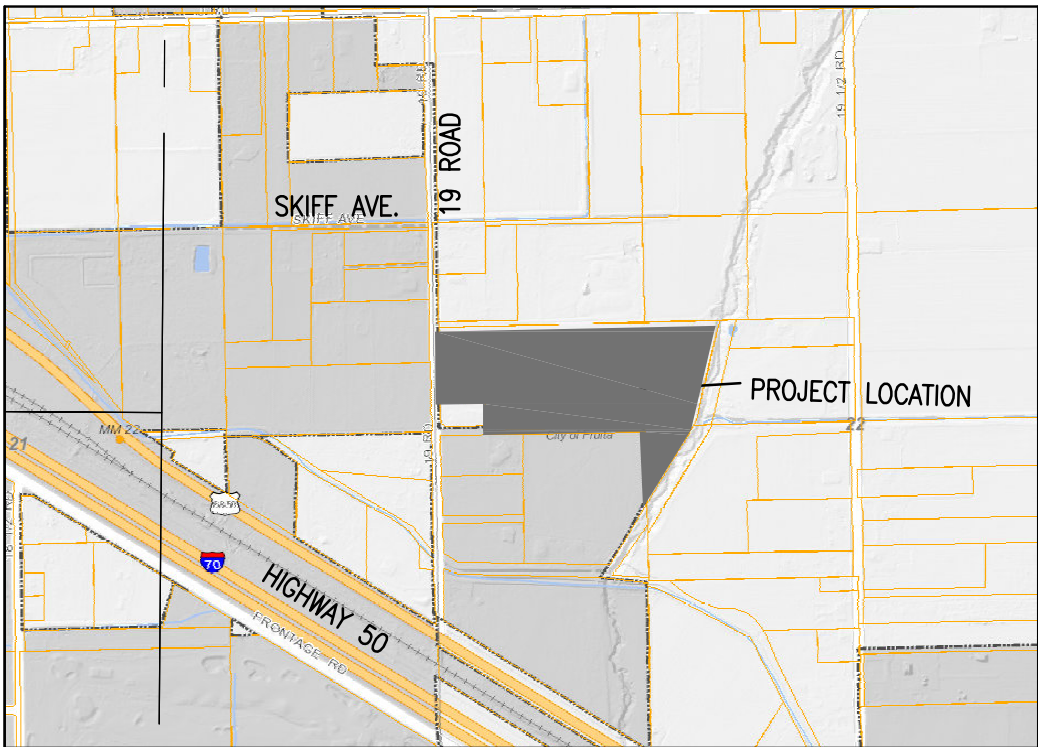
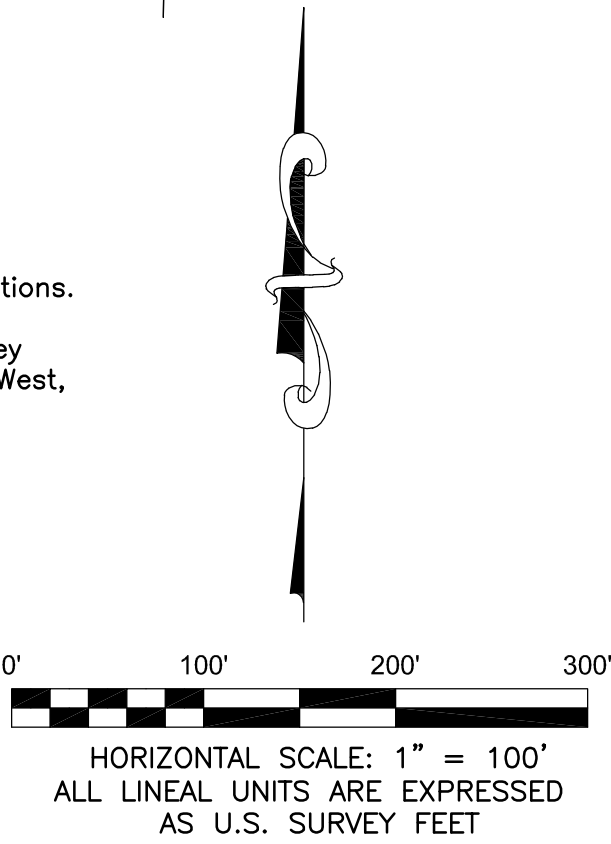
MESA COUNTY

CITY OF FRUITA

GENERAL NOTES

1. Basis of bearings derived from Mesa County Local Coordinate System and GPS observations. The bearing is N00°34'09"E for a distance of 1319.99 feet, located between a 3 1/4" Mesa County Survey Marker for the West 1/4 Corner and a 3 1/4" Mesa County Survey Marker for the North 1/16 Corner of Section 22, Township 1 North, Range 2 West, of the Ute Meridian.

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.



VICINITY MAP

SURVEYOR'S CERTIFICATE

I, Jodie L. Grein, 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 11TH day of JUNE, 2021.



Registered Land Surveyor