



FRUITA

COLORADO

AGENDA ITEM COVER SHEET

TO: FRUITA CITY COUNCIL AND MAYOR

FROM: PLANNING & DEVELOPMENT DEPARTMENT

DATE: AUGUST 17, 2021

RE: ORDINANCE 2021-19, FIRST READING – AN INTRODUCTION OF AN ORDINANCE ANNEXING APPROXIMATELY 25.96 ACRES OF PROPERTY LOCATED AT 954 19 ROAD INTO THE CITY OF FRUITA FOR PUBLIC HEARING ON SEPTEMBER 21, 2021 SUBJECT TO APPROVAL OF RESOLUTION 2021-20 – FINDING PROPERTY 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 1/6th 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 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 2021-19, An introduction of an Ordinance annexing approximately 25.96 acres of property located at 954 19 Road into the City of Fruita for publication of public hearing on September 21, 2021.
2. Deny Ordinance 2021-19.

RECOMMENDATION

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

**PUBLISH A SYNOPSIS OF ORDINANCE 2021-19 ANNEXING
APPROXIMATELY 25.96 ACRES OF PROPERTY LOCATED AT 954 19
ROAD INTO THE CITY OF FRUITA FOR PUBLIC HEARING ON
SEPTEMBER 21, 2021 SUBJECT TO APPROVAL OF RESOLUTION
2021-20 – FINDING PROPERTY ELIGIBLE TO BE ANNEXED INTO
THE CITY OF FRUITA**

ORDINANCE 2021-19

**AN ORDINANCE ANNEXING APPROXIMATELY 25.96 ACRES OF PROPERTY LOCATED
AT 954 19 ROAD 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

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_____.

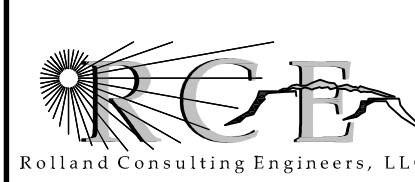
CITY COUNCIL CERTIFICATE

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

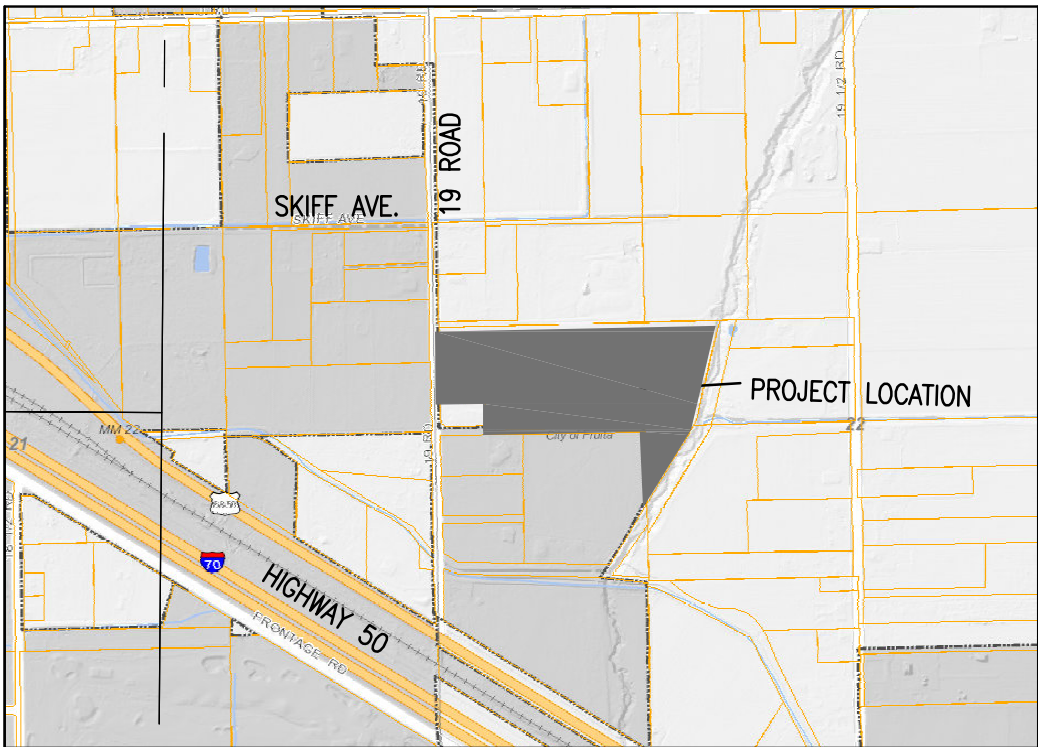
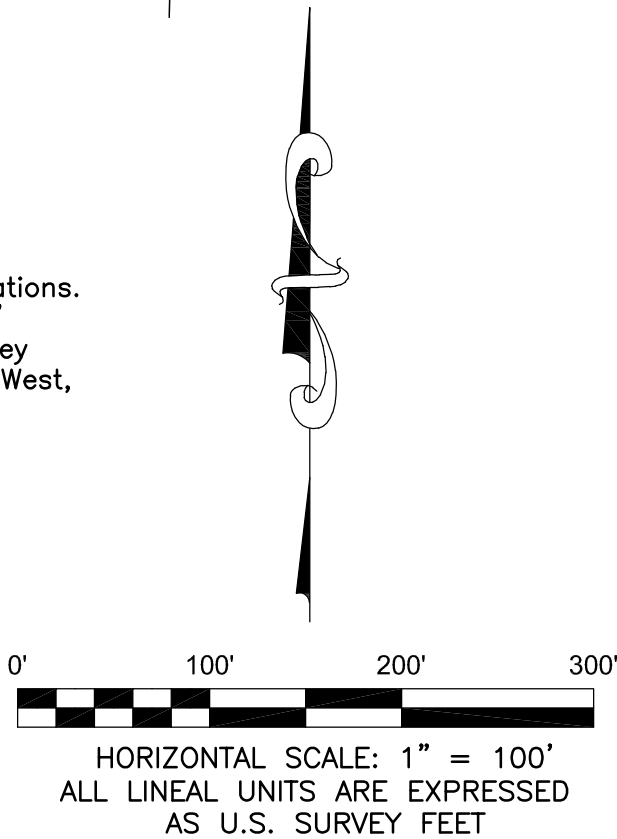
MESA COUNTY

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