



**PLANNING & DEVELOPMENT DEPARTMENT  
STAFF REPORT  
NOVEMBER 12, 2024**

**Application #:** 2024-02  
**Project Name:** Lake Weedunno Right of Way Vacation  
**Application Type:** Vacation of Right-of-Way  
**Representative:** Rolland Consulting Engineers  
**Location:** 916 18 Road. (18 Road, South of I Road)  
**Request:** This is a request for a vacation of right of way for portions on 18 Road south of I Road.

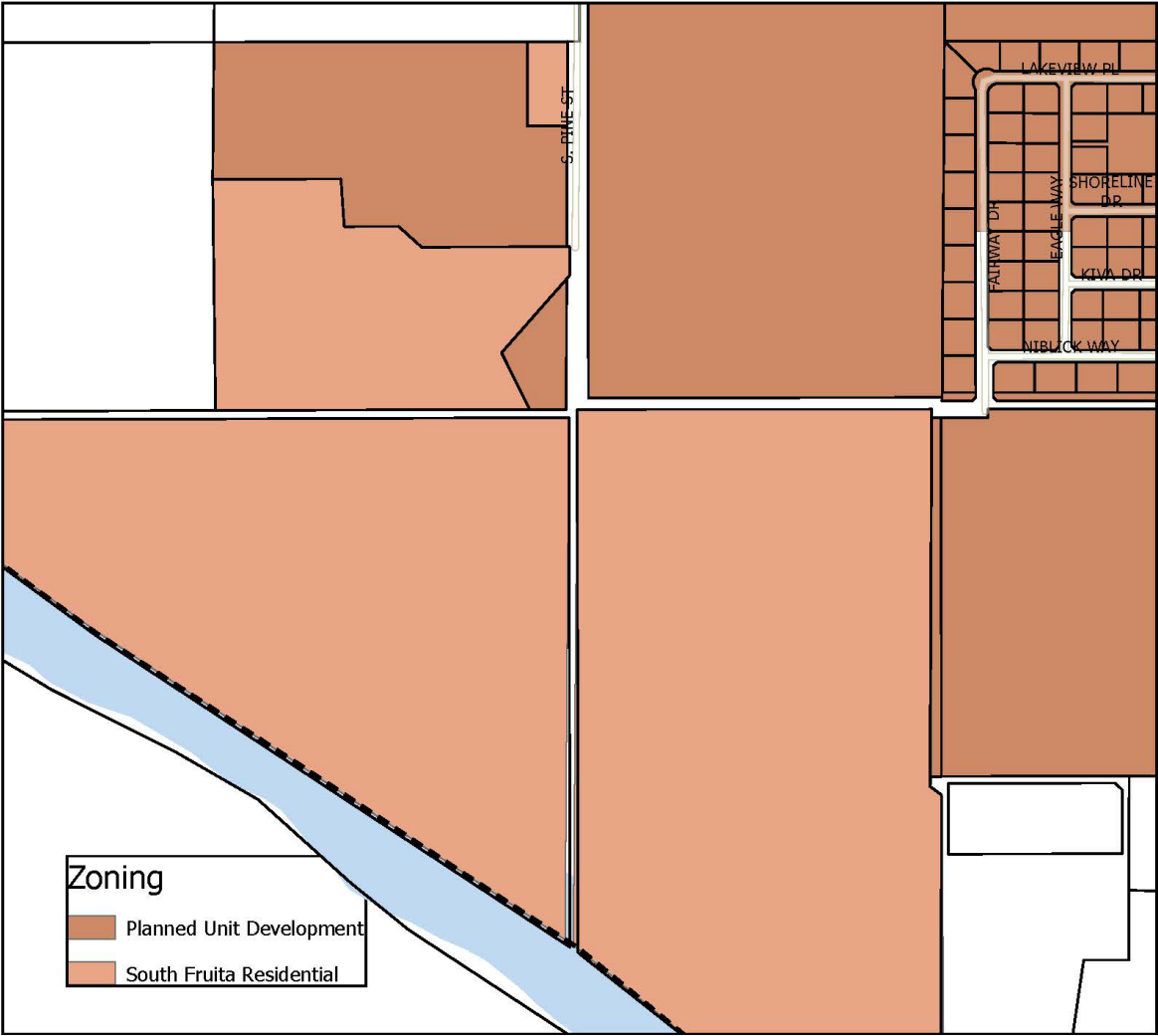
**DESCRIPTION:**

This is a request for a full vacation of 18 Road south of I Road. This portion of 18 Road is unimproved and is shown as right-of-way from 1890 and recorded August 7, 1957 (reception #700396, book 714, page 521). Based on aerial photos and records the right-of-way has never appeared to have been improved for public transportation purposes. The property owner, Lake Weedunno LLC, owns the parcel to the east and the west of the portion of 18 Road being proposed to be vacated. From about the 1980's to the early 2000's, the property was used as a gravel pit. In 2008 the property was annexed into the City and in about 2012, a single-family dwelling unit was constructed.

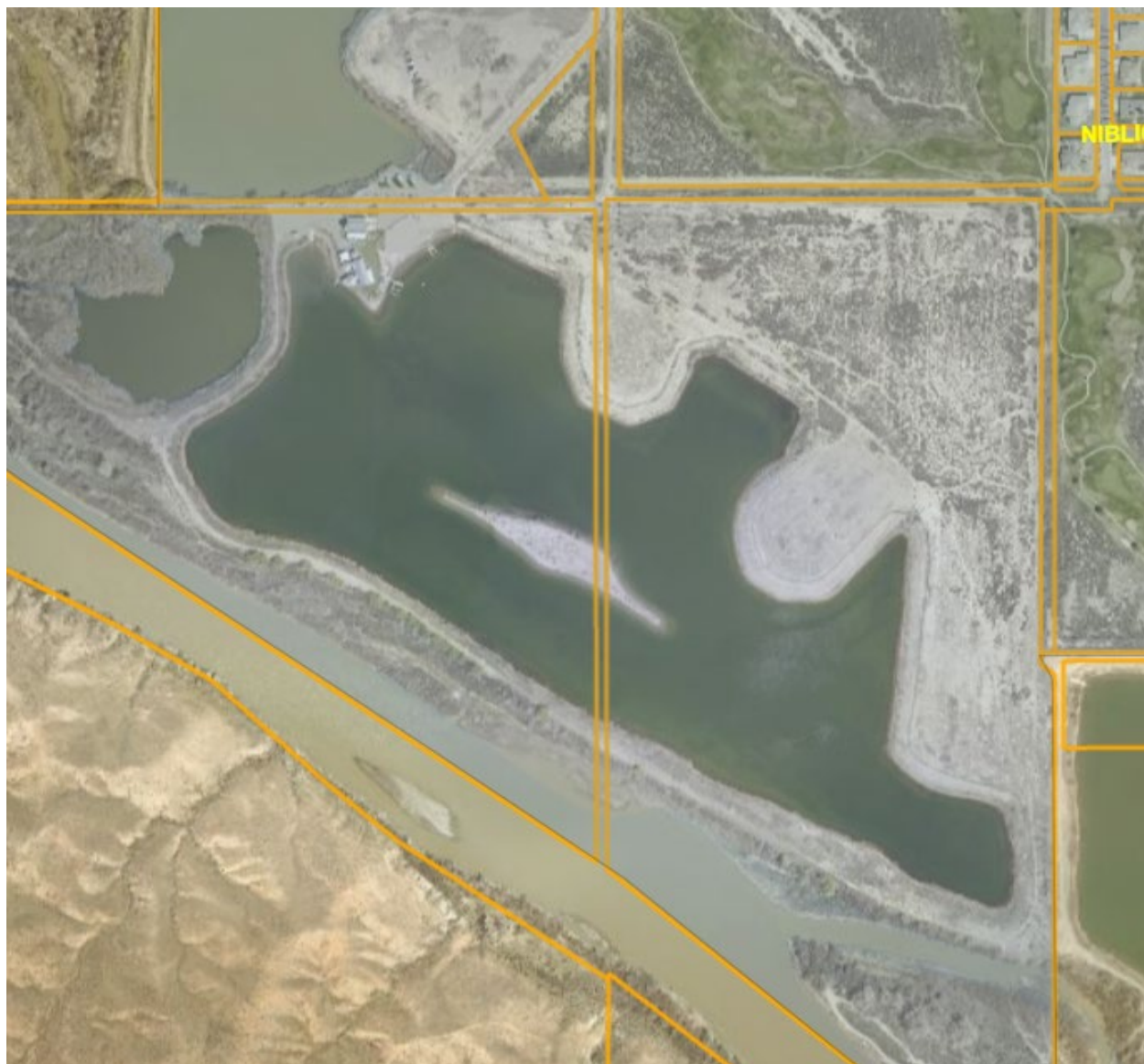
**SURROUNDING LAND USES/ZONING AND CITY UTILITIES:**

Surrounding land uses consist of single family residential and/or large vacant parcels. The Adobe Creek Gold Course is located to the east and northeast of the subject property. The Adobe Falls PUD Subdivision is also located nearby to the northeast.

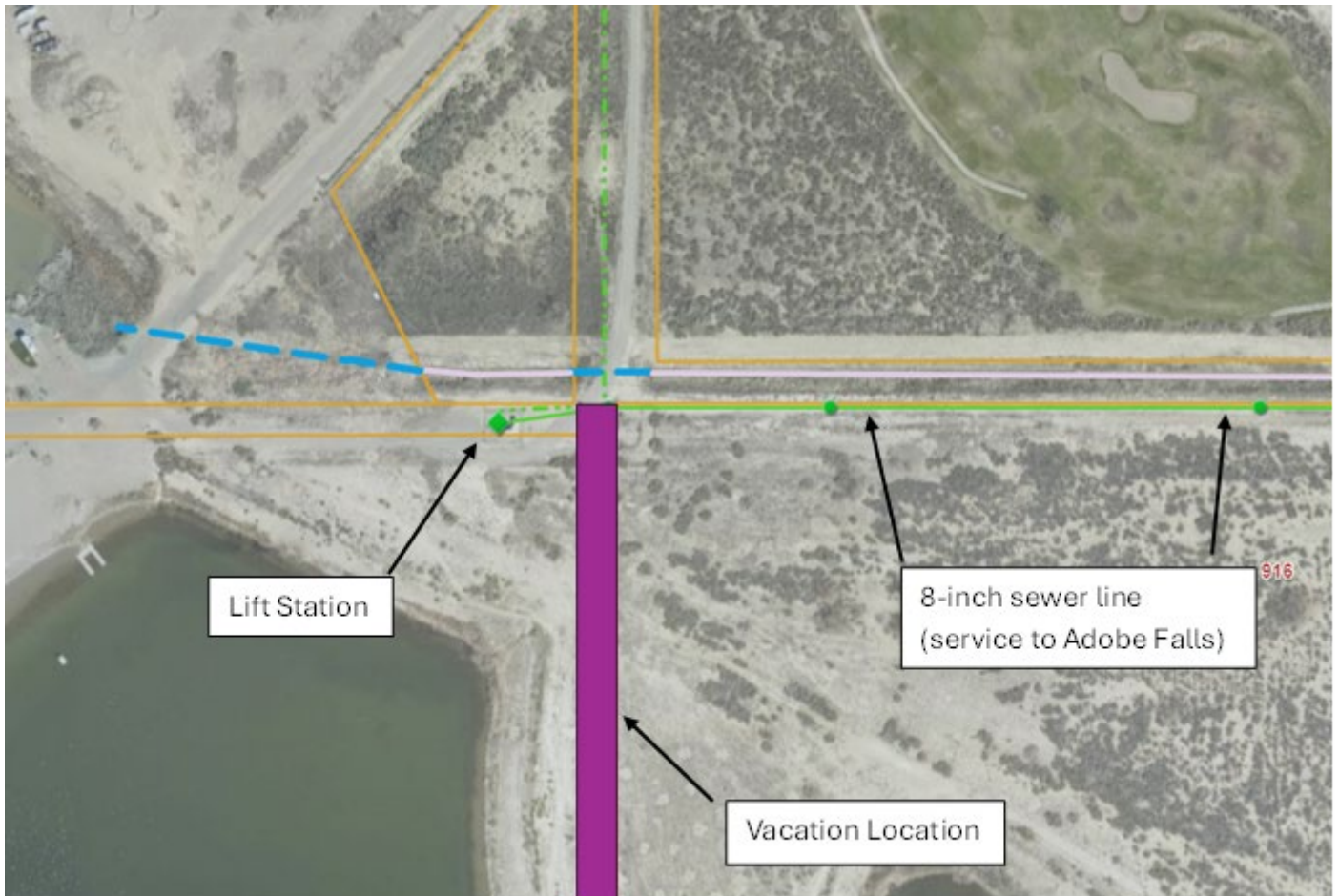
**ZONING MAP**



**AERIAL PHOTO**



## CITY UTILITY MAP



### REVIEW OF APPLICABLE LAND USE CODE REQUIREMENTS:

Section 17.09.090, Vacation of Public Right-of-Way, states that the City may approve a vacation of right-of-way upon finding that the vacation will not:

1. Create any landlocked parcels;

The vacation of this entire portion of 18 Road, south of I Road, will not create any

landlocked parcels. This criterion has been met.

**2. Negatively impact adjacent properties;**

The two parcels adjacent to the 18 Road vacation area are owned by Lake Weedunno, LLC. The vacation of the right-of-way should not negatively impact adjacent properties. This criterion has been met.

**3. Reduce the quality of public services to any parcel of land; and**

There doesn't appear to be any public utilities placed within the proposed right-of-way vacation area that aren't covered by existing easements. The City has a sewer lift station located to the northwest of the proposed vacation area and an 8-inch sewer line in I Road with multiple manholes, all of which should not be effected by this vacation. With that said, the vacation should not result in a reduction of the quality of public services to the adjoining parcels.

If it is determined that there are any public utilities in this area, easements will be required. However, based on the submittal and the City's records, there doesn't appear to be any public utilities located in this area.

This criterion has been met.

**4. Be inconsistent with any transportation plan adopted by the city.**

The right-of-way vacation will not result in inconsistencies with the city's adopted Circulation Plan. The current alignment of this portion of 18 Road directly leads to a lake and the Colorado River. The City has no plans for the extension of 18 Road in this location. This criterion has been met.

Vacation of this right-of-way will not be in violation of any local or state law because it does not create any landlocked parcels, does not negatively affect adjacent properties, does not reduce quality of public services and does not violate the city's master plan.

**LEGAL NOTICE:**

LEGAL NOTICE	
Postcards	October 16, 2024
Newspaper	October 19, 2024
Site Postings	October 22, 2024
City Hall	October 22, 2024



### NOTICE OF PUBLIC HEARING

The Fruita Planning Commission will hold a public hearing **Tuesday, November 12, 2024 at 6:00 p.m.** at the Fruita Civic Center, 2nd Floor Council Chambers, 325 E. Aspen Avenue. The following item will be presented at the public hearings. The Planning Commission will formulate a recommendation, which will be forwarded to the Fruita City Council. If the item listed below is acted on by the Planning Commission, the Fruita City Council will hold a public hearing on this same item on **Tuesday, January 7, 2025** at 7:00 p.m. at the Fruita Civic Center, 2nd Floor Council Chambers. If you have an interest in an item on the agenda, please call 858-0786 or come to the Planning & Development Department office located at 325 E. Aspen Avenue to review the information in the file. Your appearance at both hearings is encouraged to ensure your concerns are accurately represented or you can write a letter outlining your concerns and submit it to the Planning & Development Department.

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Representative: Rolland Consulting Engineers  
Location: 916 18 Road  
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Physically disadvantaged persons who wish to obtain may call (970) 858-0786, the hearing impaired may call Relay Colorado at 1-800-659-2656, or visit our website: [www.fruita.org](http://www.fruita.org)



### REVIEW COMMENTS:

No reviewer expressed any concerns regarding the proposed right-of-way vacation.

**PUBLIC COMMENTS:**

No written public comments have been received by Staff prior to this Staff Report being published.

**STAFF RECOMMENDATION:**

Because the application meets Section 17.09.090 of the Fruita Land Use Code regarding Vacation of Public Right of Way, Staff recommends approval to vacate the portion of 18 Road right-of-way with no conditions.

**SUGGESTED MOTION:**

Mr. Chair, because application 2024-02 meets Section 17.09.090 of the Fruita Land Use Code, I recommend **approval** to the City Council of the vacation of the 18 Road right-of-way as proposed with no conditions.

**PUBLIC HEARING SCHEDULE:**

**FRUITA PLANNING COMMISSION:**

November 12, 2024

**FRUITA CITY COUNCIL:**

January 7, 2025

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## 2024-02 Lake Weedunno Vacation of Right of Way Consolidated Review Comments

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### **Lower Valley Fire District**

Lower Valley Fire District has no issues with proposed vacate right-of-way for 18 Road south of I Road and for I Road west of 18 Road. Lower Valley would like to make the recommendation of an electronic gate at entrance to property that has a Knox key box if possible. LVFD would like to inform property owners that if emergent situation arises locks and gates will be cut at owners' cost.

### **Ute Water**

The District does not have any infrastructure in rights-of-way being requested to vacate.

### **Xcel Energy**

No comments received.

### **Grand Valley Power**

No comments received.



# Project Narrative

**Project Name: Lake Weedunno Right-of-way Vacation**

**City of Fruita Development Application: Right-of-way Vacation**

## **General Location and Description**

The subject parcel has an area of 136.73 acres (including some portions of 18 Road and I Road Right-of-way). The property is located at 916 18 Road and is owned by Lake Weedunno, LLC. The Mesa County Tax Parcel Number is 2697-291-00-816. The current access is through an adjacent parcel to the north, also owned by Lake Weedunno, LLC. Public access on 18 Road ends at the gate to the property. The parcel is bounded by I Road Right-of Way and Adobe Creek Golf Corse to the north, Adobe Creek Golf Corse and rural residential to the east and the Colorado River to the south and west. The northeast corner of the site coincides with the southwest corner of Adobe Falls subdivision. The property consists of two lakes from previous gravel extraction and a residential structure with accessory buildings. The property is Zoned South Fruita Residential (SFR). The property was purchased by Lake Weedunno LLC in 2012. A residence and detached garage were constructed between 2012 and 2016.



Site Location

## **Proposal**

This proposal requests to vacate right-of-way for 18 Road south of I Road

## **Access Notes/Roadway Network**

The 18 Road Right-of-way, south of I Road, does not provide any necessary access to adjacent parcels.

## **Utilities**

All Utilities contained within the requested Right-of-way vacation either have recorded easements or are service lines to the existing residence.

# RIGHT-OF-WAY VACATION

## 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
WM	WATER METER
FH	FIRE HYDRANT
WV	WATER VALVE
	SIGN (TYPE AS NOTED)
	BURIED WATER LINE
	BURIED ELECTRIC LINE
	BURIED GAS LINE
	FENCE LINE
	BURIED SANITARY SEWER LINE
	EXISTING EDGE OF ASPHALT PAVEMENT
	OVERHEAD POWER
	POWER POLE
	SANITARY SEWER MANHOLE

## SUBJECT PROPERTY

Description by Survey:

A parcel of land situate in the in the NE1/4 of Section 29 & the NW1/4 of Section 28, Township 1 North, Range 2 West., of the Ute Meridian, City of Fruita, Mesa County Colorado, being more particularly described as follows;

Beginning at the Northeast Corner of said Section 29, whence the West 1/16 Corner of said Section 29 bears N89°29'43"W distance of 3949.48 feet, with all bearings being relative thereto, thence the following courses and distances;

1. Along the northerly line of NW1/4 NW1/4 of Section 28, S89°52'49"E distance of 1275.56 feet;
2. S00°21'39"W a distance of 1316.28 feet;
3. S00°33'20"W distance of 35.55 feet;
4. S54°08'56"E distance of 50.75 feet;
5. S00°11'06"W distance of 1240.77 feet, to the southeast corner of the SW1/4 NW1/4 of said Section 28;
6. Along the southerly line of said SW1/4 NW1/4, S89°47'11"W distance of 435.95 feet, to a point in the center of the Colorado River;
7. Thence along the center line of the Colorado River, N51°27'12"W distance of 1110.21 feet;
8. Continuing along said center line, N56°32'49"W distance of 3557.17 feet, to a point on the northerly line of Section 29;
9. Along the Northerly line of said Section 29, S89°29'43"E distance of 2968.19 feet, to the Point of Beginning.

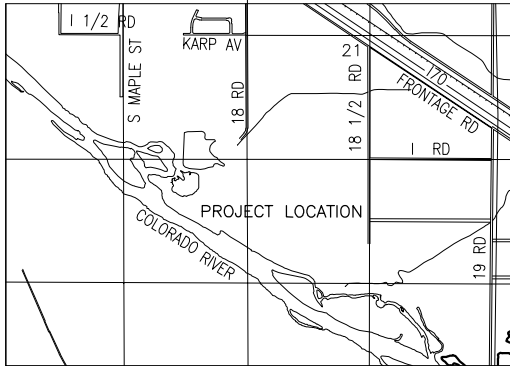
Containing approximately 136.64 Acres.

## GENERAL NOTES

1. Basis of bearings derived from Mesa County Local Coordinate System and GPS observations. The bearing is S89°29'43"E for a distance of 3949.48 feet, located between a 3 1/4" BLM Survey Marker for the West 1/16 Corner and a 3 1/4" alloy cap marked LS-20677 for the for the Northeast Corner of Section 29, Township 1 North, Range 2 West, of the Ute Meridian.
2. Title information is from Mesa County Real Property Records, and the title policy by Heritage Title Company, Policy No. H03287430TP, Effective Date June 17, 2006.

NOTE: All utility locations shown hereon are approximate only. You must call Utility Notification Center of Colorado for utility location prior to any excavation.

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

## LEGAL DESCRIPTIONS

### RIGHT-OF-WAY VACATION

All that portion of the 60.00 foot proclamation right-of-way described at Reception Number 700396 in the Northeast One Quarter of Section 28 and Northwest One Quarter of Section 29, Township 1 North Range 2 West, Ute Meridian, City of Fruita, Mesa County Colorado more particularly described as follows;

The proclamation right-of-way in said quarter sections lying south of the southerly line of the 30.00 of petitioned right-of-way, as described in Road Book 1 at Page 15 of the Mesa County Records, running along the north line of said quarter sections and also lying north of the centerline of the Colorado River.

Said Parcel of land containing approximately 2.62 Acres.

This description was prepared by Jodie Grein PLS-38075, for Rolland Consulting Engineers, 405 Ridges Blvd., Suite A Grand Junction, Colorado 81507 (970) 243-8300.