

## **ORDINANCE 2025-01**

### **AN ORDINANCE OF THE CITY OF FRUITA, COLORADO, VACATING CERTAIN STREET RIGHT-OF-WAY ALONG 18 ROAD SOUTH OF I ROAD LOCATED WITHIN THE CITY OF FRUITA.**

**WHEREAS**, Lake Weedunno LLC (the “Owner”) is the owner of that certain property described in the Special Warranty Deed and recorded with the Mesa County Clerk and Recorder as Reception No. 2603235 located within the City (the “Property”).

**WHEREAS**, that certain public street, as further described in Exhibit A attached hereto (the “Right-of-Way”), adjacent to the Property was dedicated to the City; and

**WHEREAS**, Owner has requested the City vacate the Right-of-Way, which Right-of-Way is not used or developed by the City as a public street; and

**WHEREAS**, Section 31-15-702 (1) (a) (I), C.R.S., and Section 43-2-303(1)(a), C.R.S., permit the City of Fruita to vacate any platted or dedicated public street, road or other public way, whether or not it has been used as such, following certain findings of facts; and

**WHEREAS**, pursuant to Section 43-2-303(3), C.R.S., in the event of a vacation, the City may reserve a multi-purpose easement for the continued use of existing sewer, gas, water, or similar pipelines and appurtenances, for ditches or canals and appurtenances, and for electric, telephone, and similar lines and appurtenances.

**WHEREAS**, Section 43-2-303, C.R.S., requires that public roadways and other public ways must be vacated by ordinance; and

**WHEREAS**, the Fruita Planning Commission recommended approval of the right-of-way vacation at their November 12, 2024, public meeting.

### **NOW, THEREFORE, IT IS ORDAINED BY THE CITY COUNCIL OF THE CITY OF FRUITA, COLORADO, THAT:**

**Section 1.** That the real property described in Exhibit A, which constitutes a portion of a public right-of-way dedication to the City of Fruita, situate in the County of Mesa, State of Colorado, be, and the same hereby is, vacated as public right-of-way and this vacated right-of-way shall merge with the adjacent property as provided by §42-3-302, C.R.S.

**Section 2.** The right-of-way vacation provided for herein shall not become effective until this Ordinance is recorded with the Office of the Clerk and Recorder of Mesa County by the City.

**Section 3.** Upon adoption of this Ordinance, the City Clerk shall, within thirty (30) days, file for record in the Office of the Mesa County Clerk and Recorder a certified copy of the written Ordinance.

**Section 4.** In executing this document, Owner waives all objections it may have over the final disposition of the right-of-way vacation and its merger pursuant to state statute, defects, if any, in

the form of this document, the formalities for execution, or over the procedure, substance, and form of the ordinances or resolutions adopting this document.

**PASSED AND ADOPTED BY THE FRUITA CITY COUNCIL**

**THIS 7<sup>TH</sup> DAY OF JANUARY 2025**

ATTEST:

CITY OF FRUITA

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City Clerk

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Matthew Breman, Mayor