



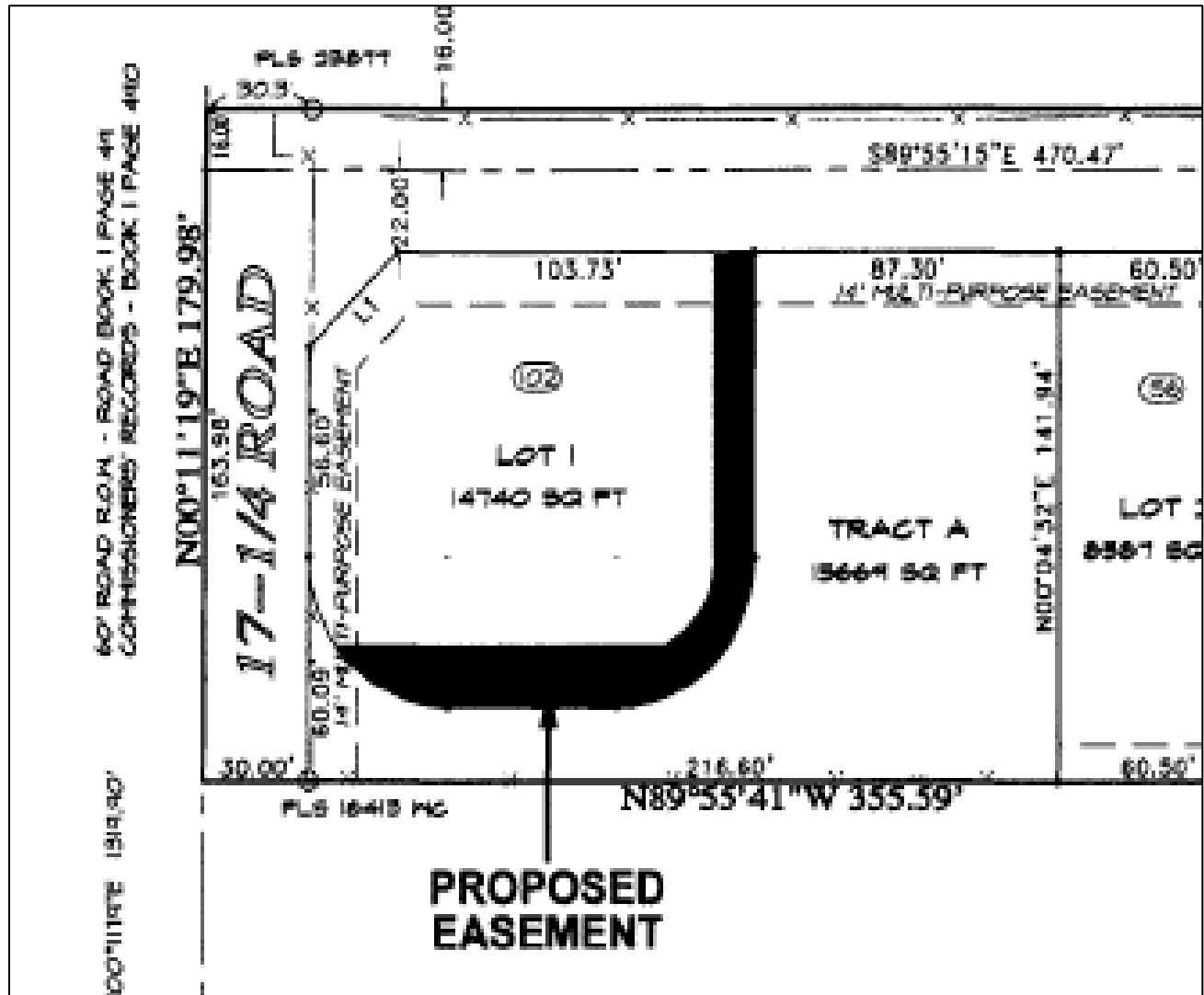
**PLANNING & DEVELOPMENT DEPARTMENT
STAFF REPORT
MARCH 11, 2025**

Application #: 2025-05
Application Name: Santa Ana Temporary Easement Vacation
Application Type: Easement Vacation
Applicant: Glen Howell
Location: 102 Santa Ana Drive (Lot 1 of the Santa Ana Subdivision)
Description: This is a request to vacate the entire portion of a Temporary Easement granted to the City of Fruita located on Lot 1 of the Santa Ana Subdivision.

Project Description:

This is an application for approval to vacate the entire temporary easement which was granted to the City of Fruita in 2008, via separate easement deed recorded at Reception No. 2455785, during the construction of the Santa Ana Subdivision. The easement encumbers the east twelve (12) feet and the south fifteen (15) feet of Lot 1 of the Santa Ana Subdivision (Plat reception #2389417). The easement deed states that the purpose of the easement is to provide a Stormwater Detention easement as a temporary easement for the operation, maintenance and repair of stormwater detention facilities, and a temporary non-exclusive blanket easement for the use by the general public for park and recreation purposes. The easement deed specifically states that “Upon permanent abandonment of the easement, all right, privilege, and interest granted shall terminate.” The City has never actually utilized the temporary easement area. Per the subdivision plat, Tract A, immediately adjacent to Lot 1 on both its east and south sides, was to be conveyed to the Santa Ana Homeowners’ Association (“HOA”) as a “common open space tract to the Declaration of Covenants, Conditions and Restrictions for Santa Ana Subdivision.”

EASEMENT LOCATION MAP



2024 AERIAL PHOTOGRAPH



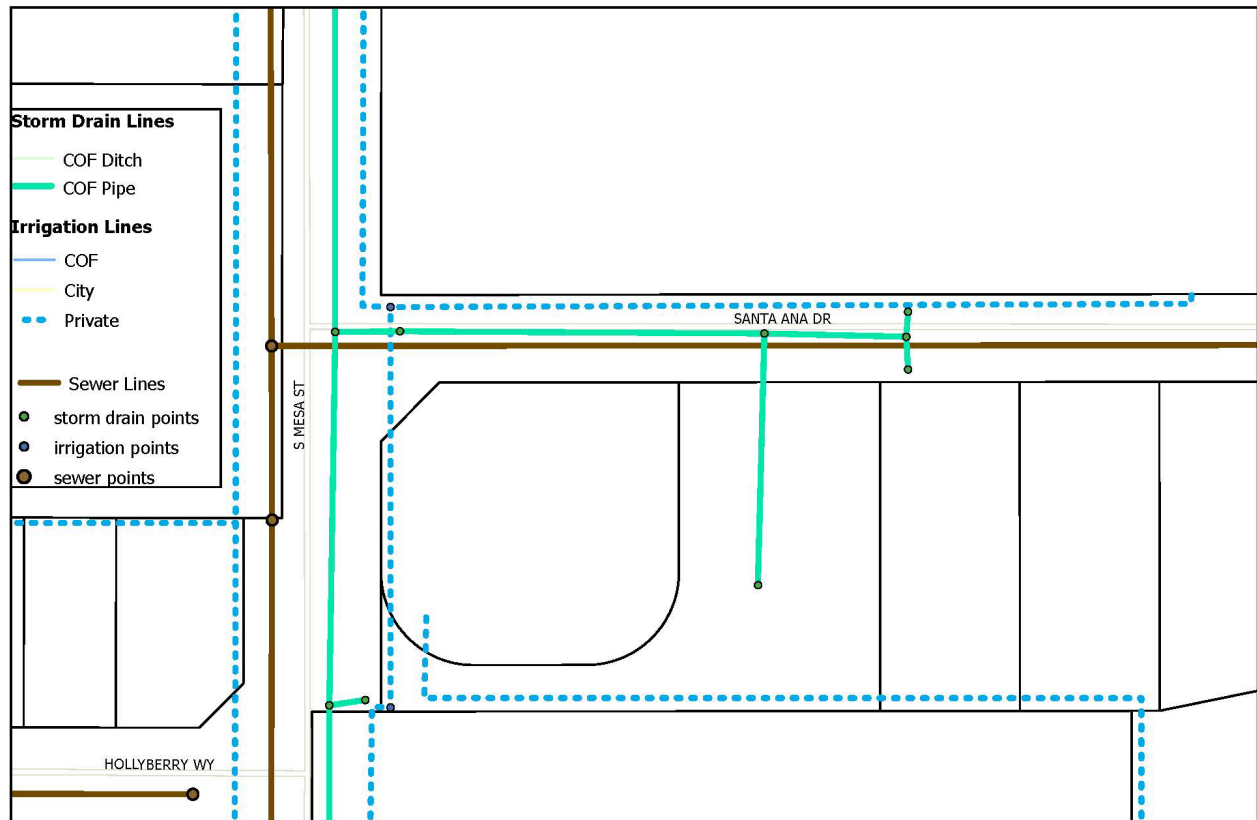
Review of Applicable Land Use Code Requirements:

For a Vacation of a Public Easement, Section 17.09.100 states, “*The City Council may approve the vacation of a public easement, after recommendation from the Planning Commission, upon finding that there is no longer a public interest in retaining said easement and no utility provider objects to the easement vacation.*”

Staff has sent the application to all relevant utility providers who may have an interest in the easement, and there appears to be no objections to vacating this Temporary City of Fruita Easement. Additionally, since the easement was dedicated to the City of Fruita, neither the Public Works Department nor the Parks and Recreation Department has raised any objections. Upon reviewing the subdivision file, it is unclear why the easement was granted to the City of Fruita after the subdivision plat was recorded. However, given the temporary nature of the easement and the absence of any objections to its vacation, it seems there is no longer a need for it. Therefore, Staff supports vacating this Temporary City of Fruita Easement.

There is concern from the Santa Ana HOA regarding the vacation of this Temporary City of Fruita Easement due to maintenance and access for maintenance to the Tract A open space. The concerns from the HOA are provided as an attachment with this Staff Report. The HOA will still have access to Tract A as represented on the Plat.

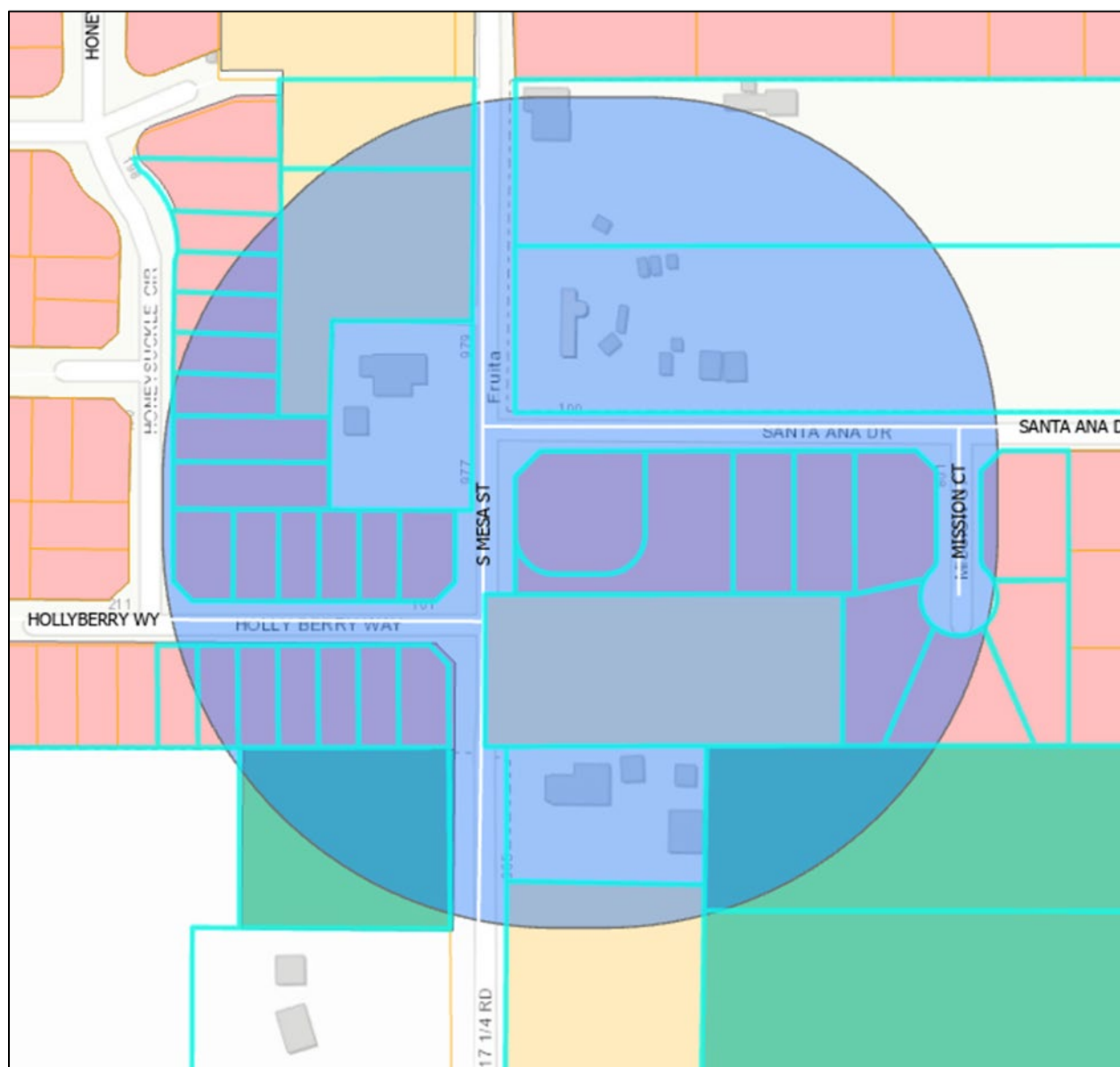
UTILITY MAP



Legal Notice:

Postcards – Feb 6, 2025
Site Posting – Feb 7, 2025
Newspaper – Feb 12, 2025
City Hall – Feb 7, 2025

All legal notice accomplished in accordance with Section 17.07.040 (E).



NOTICE OF PUBLIC HEARING

The Fruita Planning Commission will hold a public hearing **Tuesday, March 11, 2025 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, April 15, 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.

Application #	2025-05
Application Name	Santa Ana Temporary Easement Vacation
Application Type	Easement Vacation
Applicant	Glen Howell
Location	102 Santa Ana Drive
Zone	Planned Unit Development (PUD)

Description	This is a request to vacate a temporary easement on the east twelve (12) feet and south fifteen (15) feet of lot 1 of the Santa Ana Subdivision.
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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



Review Comments:

Comments were received, however, there were no objections to the vacation of this temporary City of Fruita easement.

Public Comments:

Written public comments have been received by Staff and they are included with this Staff Report. It appears that there are some concerns from the Santa Ana HOA regarding this application.

Staff Recommendation:

Because the application meets Section 17.09.100 of the Fruita Land Use Code for the pertaining to the vacation of a public easement, Staff recommends that the temporary City of Fruita easement located on Lot 1 of the Santa Ana Subdivision be vacated.

Suggested Motion:

Mr. Chair, because the application meets Section 17.09.100 of the Fruita Land Use Code pertaining to the vacation of a public easement, I recommend approval of vacating the temporary City of Fruita easement located on Lot 1 of the Santa Ana Subdivision to the Fruita City Council.

Fruita Planning Commission: March 11, 2025

City Council: April 15, 2025