



FRUITA
COLORADO

AGENDA ITEM COVER SHEET

TO: Fruita City Council and Mayor

FROM: Planning & Development Department

DATE: May 6, 2025

AGENDA TEXT: QUASI-JUDICIAL PUBLIC HEARING - ORDINANCE 2025-08, Second Reading, An Ordinance vacating a temporary City of Fruita easement located on portions of lot 1 of Santa Ana Subdivision – *City Planner Henry Hemphill*

BACKGROUND

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.”

The Fruita Planning Commission heard this application at their March 11, 2025, public hearing and recommended approval to the Fruita City Council by a vote of 6-0. There were public comments received from the Santa Ana HOA regarding concerns of access and maintenance of their HOA tract.

FISCAL IMPACT

There are no fiscal impacts to the City of Fruita related to this easement vacation.

APPLICABILITY TO CITY GOALS AND OBJECTIVES

Terminating and relinquishing unused easements cleans up title for owners and creates efficiency for City Staff.

OPTIONS AVAILABLE TO THE COUNCIL

1. Adopt Ordinance 2025-08, an Ordinance vacating a temporary City of Fruita easement located on portions of Lot 1 of the Santa Ana Subdivision.
2. Deny Ordinance 2025-08.

RECOMMENDATION

Staff recommends that the Council move to:

ADOPT ORDINANCE 2025-08, AN ORDINANCE VACATING A TEMPORARY CITY OF FRUITA EASEMENT LOCATED ON PORTIONS OF LOT 1 OF THE SANTA ANA SUBDIVISION.