

ORDINANCE 2002-17

2077021 09/19/02 0944AM
MONIKA TODD CLK&REC MESA COUNTY CO
REG FEE \$35.00

AN ORDINANCE OF THE CITY OF FRUITA, COLORADO, AMENDING THE ZONE DISTRICT MAP OF THE CITY OF FRUITA BY ZONING NEWLY ANNEXED PROPERTY KNOWN AS THE BURENHEIDE ESTATES PLANNED UNIT DEVELOPMENT TO A RURAL RESIDENTIAL PLANNED UNIT DEVELOPMENT ZONE

WHEREAS, by Title 17 of the Fruita Municipal Code, the City of Fruita has enacted a comprehensive zoning and subdivision ordinance for the City; and

WHEREAS, the Fruita City Council received an application from Omer and Phyllis Burenheide ("Applicant"), to zone the newly annexed property to a Rural Residential Planned Unit Development; and

WHEREAS, a public hearing on said application was held as required by Section 17.50.020 of the Fruita Municipal Code; and

WHEREAS, the Fruita City Council finds and determines that the Applicant has provided sufficient evidence that the proposed planned unit development is in conformity with the Community Plan and meets the criteria set forth in Section 17.35.030 of the Fruita Municipal Code and the applicant has met his burden of providing evidence that the area in question meets the standards set forth in Section 17.35.030 D of the Fruita Municipal Code.

THE CITY OF FRUITA HEREBY ORDAINS:

Section 1. That the Official Zoning Map of the City of Fruita adopted pursuant to Section 17.50.015 be and the same hereby is, amended so as to provide that the property situate in the City of Fruita, County of Mesa, and State of Colorado, as more particularly described and shown on the attached Exhibit A, be, and the same hereby is, zoned Rural Residential Planned Unit Development (P.U.D.). The zoning densities, uses, lot sizes and their general locations shall be as indicated in the Planned Unit Development Guide which is hereby incorporated as Exhibit B. All requirements established in Title 17 of the Fruita Municipal Code for residential uses shall be applicable, except as modified by the Planned Unit Development Guide for Burenheide Estates. The zoning designation herein approved is specifically conditioned upon the Applicant's full compliance with said Planned Unit Development Guide and with the conditions of approval of the final plan for Burenheide Estates P.U.D.

Section 2. Upon adoption of this Ordinance, the zoning amendment herein contained, shall be promptly entered on the appropriate page of the official zone district map, showing general location, effective date, and nature of the change.

Section 3. The City Clerk, upon approval of the final plan and plat for Burenheide Estates Planned Unit Development, is directed to:

Ordinance 2002-17

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Burenheide Estates Zoning

(A) File the original of this Ordinance and attached exhibits in the office of the City Clerk of Fruita, Colorado;

(B) File one copy of this Ordinance and attached exhibit in the office of the Mesa County, Colorado, Assessor; and

(C) File for record one certified copy of this ordinance and attached exhibits with the Clerk and Recorder of Mesa County, Colorado.

PASSED AND ADOPTED BY THE FRUITA CITY COUNCIL

THIS 6th DAY OF August, 2002

CITY OF FRUITA, COLORADO,

By:

E. James Adams
Mayor E. James Adams

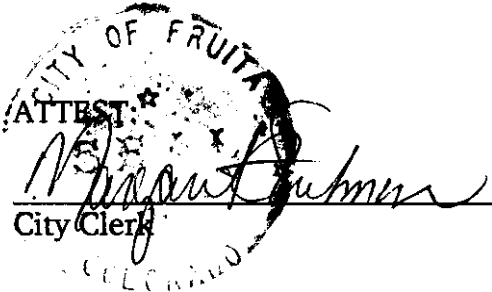


EXHIBIT A
BURENHEIDE ESTATES - RURAL RESIDENTIAL PUD ZONING
LEGAL DESCRIPTION AND MAP

The North West 1/4 of the South East 1/4 of Section 9, Township 1 North, Range 2 West of the Ute Meridian, as recorded 1/24/1992 at Book 1876 page 275 Mesa County, Colorado, containing 39.77 acres, more or less.

Tax Parcel: 2697-094-00-104
 Address: 1130 18 1/2 Road

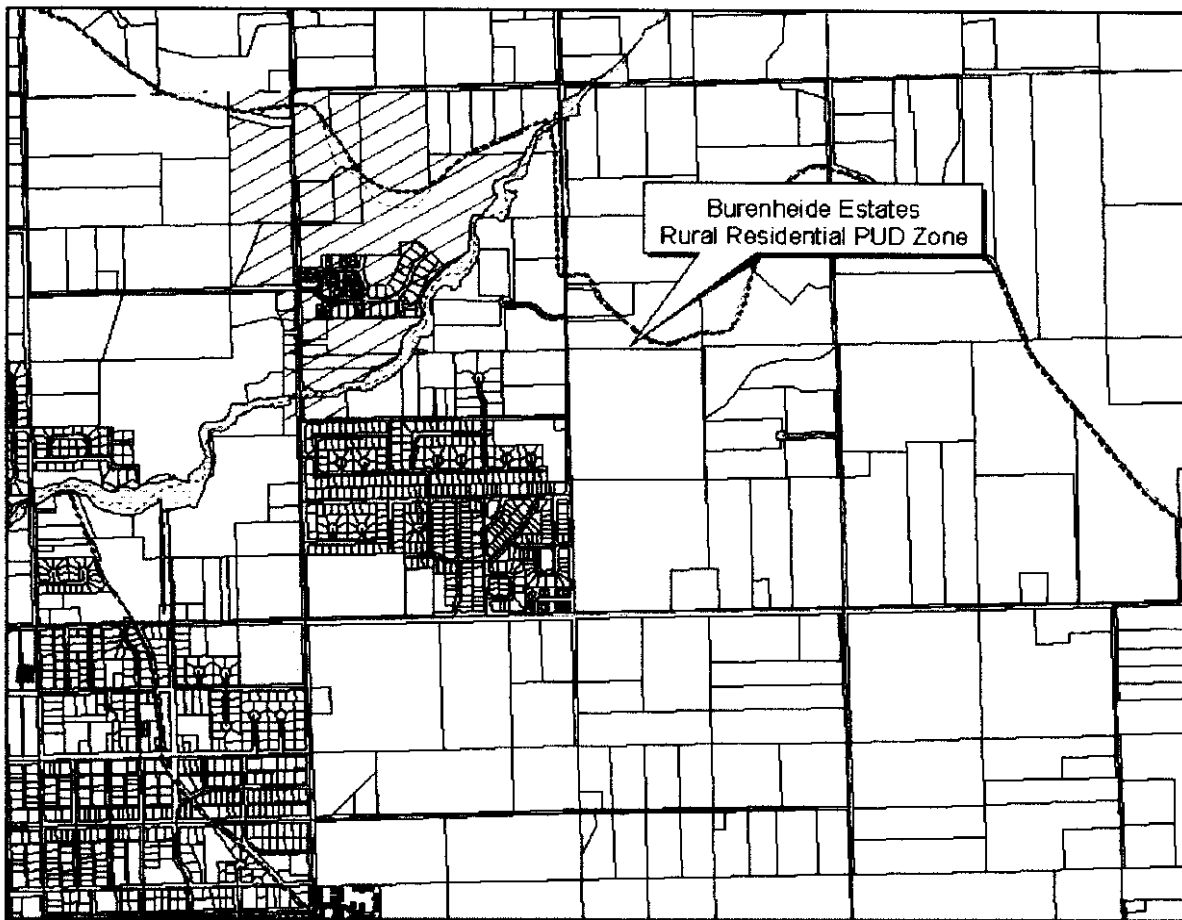


EXHIBIT B BURENHEIDE ESTATES PLANNED UNIT DEVELOPMENT GUIDE

Purpose

293-2.36
The purpose of the Burenheide Estates PUD Guide is to serve as the governing regulations to control the development of the Burenheide Estates PUD for the first filing as well as subsequent filings. The first filing contains Lot 1 and 2 - 1 acre each, Lot 3 - large lot containing 29.50 acres, Lot 4 - the existing residence, out buildings and corrals, approximately 4 acres and outlying lot A one-half (1/2) acre. The second filing contains five lots along 18 1/2 Road that are approximately one-half (1/2) acre each. The third filing proposes to create 11 lots on a cul de sac along the north property line. These lots will be contain approximately one-half (1/2) acre each. This PUD Guide will serve as the "Zone District Regulations" for the PUD and is in conformance with the City of Fruita Land Use regulations.

The Burenheide Estates PUD authorizes a total of twenty (20) dwelling units on 39.77 acres of land within the City of Fruita, Mesa County, Colorado. Development within the PUD is administered by the City of Fruita through the provisions of this PUD Guide. Building construction within the PUD is governed by the applicable City of Fruita ordinances, rules, regulations and codes. Approval of the plan constitutes a vested property right pursuant to C. R. S. Section 24-68-103, as amended.

The zoning densities, uses and their general location are depicted on the approved Sketch Plan for the Burenheide Estates. The Sketch Plan depicted the three proposed filings, and outlying lot for a regional detention/retention basin and a large lot area that will be used as part of the current ranching operation. All requirements established in Title 17 of the Fruita Municipal Code for residential uses shall be applicable, except as modified by the PUD Guide for Burenheide Estates Planned Unit Development, and approved by the City of Fruita. Any violation of any provision contained within this Guide shall constitute a Class A municipal offense punishable as set forth in the Fruita Municipal Code. The zoning designation herein approved is specifically conditioned upon the owner's and applicant's full compliance with this Guide, the PUD Sketch Plan and any applicable subdivision improvements agreements, Declaration of Covenants, Conditions and Restrictions and homeowner's association agreements.

PUD District

A. Intent

To provide clustered sites for single family attached or single family detached on a variety of lot sizes, generally one (1) or one-half (0.50) acre lots that will maintain and reinforce the existing and historic small town development pattern, character and architectural heritage of the downtown area of the City of Fruita, provide a transition

from high density urban subdivision to the rural development in the Mesa County AFT zone, and to serve the needs of the residents of Fruita. The uses by right in these parcels are intended to allow for flexibility, innovation and site sensitive planning that is responsive to both the design character and the functional character of the community as well as the development of a portion or all of the large lot for the ranching operation shown in the Sketch Plan.

B. Uses by Right

1. Residential single family detached dwellings
2. Residential single family attached dwellings
3. Live/work home occupation units which combine residential and commercial uses in a single building.
4. Regional detention/retention pond on outlying lot.
5. ~~Open~~ space that may be used as part of the current ranching operation.
6. Model Homes
7. Vehicular private driveways
8. Private access lanes
9. Temporary construction staging sites
10. Public roads and utilities including cul de sacs, utility improvements, lines and mains, facilities, services and buildings.
11. Additional uses determined to be similar to uses by rights listed above, in the Declaration of Covenants, Conditions and Restrictions and Homeowner's Association agreements.

2 undeveloped
A/B
P/B

C. Minimum Building Setback Requirements

The minimum building setbacks shall be:

- Front Yard - 25 feet
- Garage Front Yard - 25 feet
- Side - 10 feet
- Rear - 20 feet

D. Landscaping

Landscaping shall be the responsibility of each individual homeowner and shall be consistent with the City of Fruita ordinances, rules, regulations and codes, Declaration of Covenants, Conditions and Restrictions and Homeowner's Association agreements. The remaining large lot after each filing shall be maintained by the ranching operation or its heirs and assigns.

E. Regional Detention/Retention Pond

The regional detention/retention pond in the outlying lot shall be the responsibility of the Grand Junction Drainage District. All rights for access including utilities shall be in accordance with the agreements between the Grand Junction Drainage District and the landowner.

F. Easements

Lots 1, 2, 3 and 4 and the outlying lot A of Filing No. 1 are subject to the terms and conditions of the agreement between Omer and Phyllis Burenheide and the Grand Junction Drainage District for the regional detention/retention pond, the private lane, sewer and water service and other easements shown on the plat for Filing No. 1. Lots in Filing Nos. 2 & 3 will be subject to easements and rights of way dedications as shown on each respective plat. All easements will be recorded as needed with the Book and Page Number of each recorded easement being added as an attachment to this PUD Guide at the time of recording.

G. Enforcement

This PUD Development Guide is enforceable under the authority and powers of the Burenheide Estates Home Owner's Association, Inc. and the City of Fruita, State of Colorado. All provisions of this Development Guide shall run in favor of the residents, occupants, tenants, and owners of Burenheide Estates Subdivision to the extent provided by law, and this Development Guide,

Executed this 1st day of August, 2002.

Omer J. Burenheide
Omer J. Burenheide, an individual

Phyllis E. Burenheide
Phyllis E. Burenheide, an individual

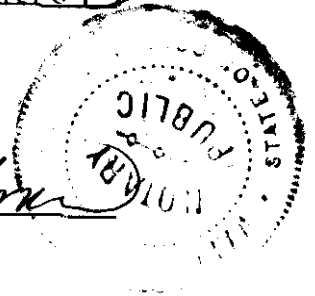
STATE OF COLORADO)
) ss.
COUNTY OF MESA)

BOOK 3157 PAGE 254

The foregoing instrument was acknowledged before me this 3d day of September, 2002, by Omer J & Phyllis E. Burenheide owners of Burenheide Estates.

WITNESS my hand and official seal.
My commission expires: 3-29-03

Margaret A. Burenheide
Notary Public



PROJECT WILL USE FILINGS, PHASE BOUNDARY FOR
FILING NO. 1 SAME AS PROPERTY BOUNDARY.
FILING NO. 1 CONTAINS 39.77 ACRES SUBDIVIDED
INTO 4 RESIDENTIAL LOTS AND ONE OUTLYING LOT.

FILING NO. 2 SUBDIVIDES THE LARGE LOT 3 FROM
FILING NO. 1 INTO FIVE APPROXIMATE 0.5 ACRE LOTS
ALONG 18 1/2 ROAD AND ONE LARGE LOT.

FILING NO. 3 SUBDIVIDES LARGE LOT FROM FILING NO. 2 INTO 11 - 0.5 ACRE LOTS ALONG A CUL DE SAC ON THE NORTH END OF THE PROPERTY.

5a - Fulvate Clay loam - very deep well drained soils. Surface layer typically light brownish gray loam about 4 inches thick. The subsoil is very pale brown and pink clay loam and silty clay loam about 6 inches thick. Subsoil is light yellowish brown and light gray silty clay loam to 60 inches thick. Hydrologic Group C. Frost Action: Low. Corrosivity to Concrete: High. Corrosivity to Steel: High. Prime Farmland If irrigated.

HJ - Killspack Silty Clay Loam - moderately deep, well drained soils. The surface layer is typically silty clay loam 12 inches thick. The underlying material is silty clay loam to silty clay. Weathered shale is at 26 inches. Hydrologic Group C. Frost Action: Low. Corrosivity to Concrete: High. Corrosivity to Steel: High. Not Prime Farmland.

IC - Silt loam - very deep, well drained soils. The surface is loam about 13 inches thick. The underlying material to a depth below 60 inches is silt loam. Hydrologic Group B. Frost Action: Low. Corrosivity to Concrete: Low. Corrosivity to Steel: High. Prime Farmland If irrigated.

JD - Silty Clay loam - silty clay loam 10 inches thick then 10" fine sandy loam, the upper part of the underlying material is clay loam 10" thick and the lower part to a depth below 60" is a broadly stratified sandy clay loam. Hydrologic Group B. Frost Action: Low. Corrosivity to Concrete: Moderate. Corrosivity to Steel: High. Prime Farmland If irrigated.

KE - Striped Silty Clay Loam - very deep, well drained soils. Surface layer typically silty clay loam 12 inches thick. The upper part of the underlying material is a silty clay loam about 13 inches thick, and the lower part of the underlying material to a depth below 60 inches is silty clay loam. Hydrologic Group B. Frost Action: Low. Corrosivity to Concrete: High. Corrosivity to Steel: High. Not Prime Farmland.

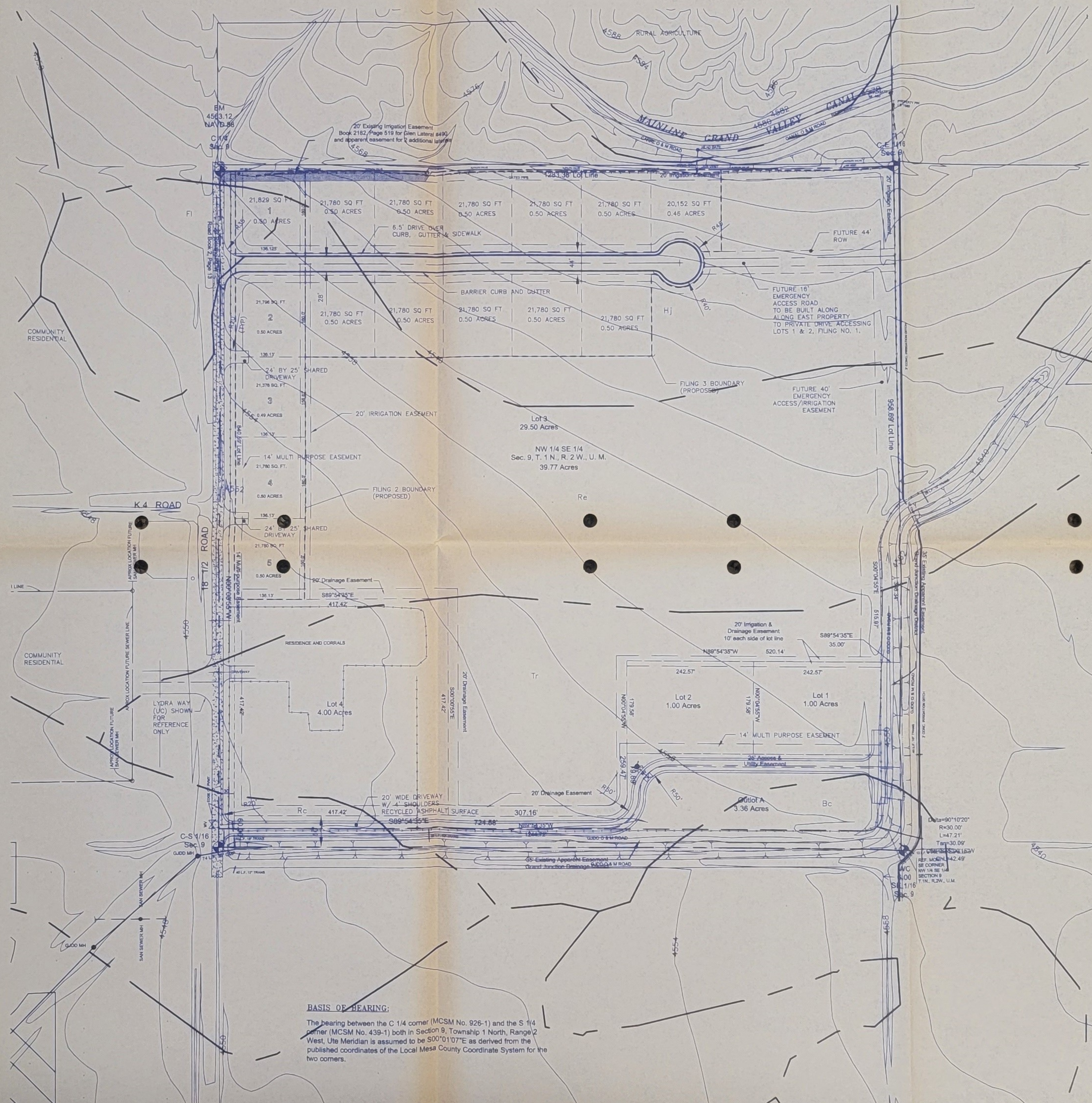
RC - Fruitland Sandy Clay loam - very deep, well drained soils. The surface is a silty sandy clay loam about 8 inches thick. The next layer is stratified gravelly sandy loam and fine sandy loam 22 inches thick. The underlying material to a depth of 60 inches or more is stratified sandy loam and fine sandy loam. Hydrologic Group B. Frost Action: Low. Corrosivity to Concrete: Low. Corrosivity to Steel: Moderate. Prime Farmland If irrigated.

FRONT - 25
SIDE - 10'
REAR - 20'

	ACRES	PERCENT
ROADS—CUL DE SAC	1.01	3
ROADS—PRIVATE LANE	0.95	2
RESIDENTIAL LOTS	33.54	84
RIGHTS OF WAY	0.91	2
OUTLOTS	3.36	9
TOTAL	39.77	100

(IN FEET)

The bearing between the C 1/4 corner (MCSM No. 926-1) and the S 1/4 corner (MCSM No. 439-1) both in Section 9, Township 1 North, Range 2 West, Ute Meridian is assumed to be S00°01'07"E as derived from the published coordinates of the Local Mesa County Coordinate System for the two corners.



IMPROVEMENT PLAN

BURENHEIDE ESTATES

SKETCH PLAN

CITY OF FRUITA

Balaz & Associates, Inc.
1005 N. 12th St., #211
Grand Junction, Colorado 81501
Tel.: (970) 263-9726

SHEET NO.

JOB No. QJDD-08

SCALE: 1" = 100'					
CHECKED BY: WFB	5				
DATE: 02/11/02	4				
DRAWN BY: WFB	3				
ENGINEER: WFB	2				
CHECKED BY: WFB	1				
PREPARED UNDER THE SUPERVISORY JURISDICTION OF PE# 161230					
					REVISION BLOCK

Final Plat Burenheide Estates Filing No. 1

The NW 1/4 SE 1/4 Section 9,
Township 1 North, Range 2 West of the Ute Meridian, Mesa County, Colorado

CERTIFICATE OF DEDICATION AND OWNERSHIP:

KNOW ALL MEN BY THESE PRESENTS: That the undersigned, Omer J. Burenheide and Phyllis E. Burenheide, are the owners of that real property in the SE 1/4 Section 9, Township 1 North, Range 2 West of the Ute Meridian, Mesa County, Colorado, as evidenced by deed recorded in Mesa County Clerk and Recorder's records in Book 890, Page 708, Described as follows:

The NW 1/4 SE 1/4 Section 9, Township 1 North, Range 2 West of the Ute Meridian, Mesa County, Colorado, more particularly described by metes and bounds as follows:

BEGINNING at the C 1/4 corner of said Section 9 whence the C-S 1/16 corner of said Section 9 bears S00°00'55"E, 1318.01 feet with all other bearings contained herein being relative thereto;
thence, S89°55'17"E along the north line of said NW 1/4 SE 1/4, 1313.38 feet to the C-E 1/16 corner of said Section 9;
thence, S00°04'55"E along the east line of said NW 1/4 SE 1/4, 1318.28 feet to the SE 1/16 corner of said Section 9;
thence, N89°54'35"W along the south line of said NW 1/4 SE 1/4, 1314.92 feet to the C-S 1/16 corner of said Section 9;
thence, N00°00'55"W along the west line of said NW 1/4 SE 1/4, 1318.01 feet to the POINT OF BEGINNING;
containing 39.77 acres.

That said owners have caused the said property to be laid out and platted as BURENHEIDE ESTATES FILING NO. 1.

That said owners do hereby dedicate and set apart all of the streets and roads as shown on the accompanying plat to City of Fruita for the use of the public forever;

That said owners do hereby dedicate those portions of said real property which are labeled as multi-purpose easements and utility easements on the accompanying plat to the City of Fruita as perpetual non-exclusive easements for the installation, operation, maintenance and repair of approved utilities and appurtenances including, but not limited to, electric lines, cable TV lines, natural gas pipelines, waste water lines, sanitary sewer lines, water lines, and telephone lines.

That said owners do hereby dedicate those portions of said real property which are labeled as access easements on the accompanying plat to the City of Fruita as perpetual non-exclusive emergency services access easements for approved emergency services providers;

That said owners do hereby reserve that area designated as a 20' Existing Irrigation Easement Book 2182, Page 519 for Glen Lateral #490 and apparent easement for 2 additional laterals on the accompanying plat for the benefit of the users of said laterals as non-exclusive irrigation easements.

That said owners do hereby grant those areas designated as non specified irrigation and/or drainage easements on the accompanying plat to the Home Owners Association as non-exclusive easements for the installation and maintenance of irrigation and drainage facilities, said grant to be made by separate instrument;

That said owners do hereby reserve those areas designated as access easements on the accompanying plat to be granted to the owners of the lots so served as non-exclusive access easements, said grants to be made by separate instruments at the time ownership of said lots are transferred.

That said owners do hereby grant that area designated as an access easement within Outlot A on the accompanying plat to Grand Junction Drainage District as a non-exclusive access and maintenance easement for their drainage facilities now located or planned therein, said grant to be made by separate instrument;

That said owners do hereby grant that area designated as a 35' Existing Apparent Easement, Grand Junction Drainage District on the accompanying plat to the Grand Junction Drainage District as a non-exclusive easement for drainage purposes and for the access and maintenance thereof, said grant to be made by separate instrument.

That said owners do hereby grant that area labeled as Outlot A on the accompanying plat to the Grand Junction Drainage District to construct, operate and maintain drainage retention and detention facilities; said grant to be made by separate instrument.

All easements include the right of ingress and egress on, along, over, under, through and across by the beneficiaries, their successors, or assigns, together with the right to trim or remove interfering trees and brush, provided however, that the beneficiaries/owners shall utilize the same in a reasonable and prudent manner. Furthermore, the owners of said parcels hereby platted shall not burden or overburden said easements by erecting or placing any improvements thereon which may prevent reasonable ingress and egress to and from the easements.

The covenants are recorded in Book 3369, Pages 330.

There are no lien holders for the described property.

In witness whereof said owners have caused their names to be hereunto subscribed.

Omer J. Burenheide
Phyllis E. Burenheide

STATE OF COLORADO } SS
COUNTY OF MESA }

The foregoing Certificate of Dedication and Ownership was acknowledged before me by Omer J. Burenheide and Phyllis E. Burenheide this 6th day of May A.D. 2023.

Witness my hand and official seal
Notary Public
My commission expires 7/3/24

*Designates a document to be recorded at the time the plat is recorded. As such book and page recording information was not available at time of certification.

TITLE COMPANY'S CERTIFICATE:

Abstract and Title Company of Mesa County, Inc. ("Company") has examined the title to lands included within the boundary of this plat of the Burenheide Estates Filing No. 1 and certifies that the title to such land is vested in Omer J. Burenheide and Phyllis E. Burenheide, as Joint Tenants, as shown hereon. The property is free and clear of all liens and taxes as evidenced by title commitment No. 0907201 C and C2 issued by the Company.

Scott Williams, President
Abstract and Title Company of Mesa County, Inc.

PLANNING COMMISSION'S CERTIFICATE:

This Plat is approved by the City of Fruita, Colorado, Planning Commission on this 1st day of May A. D. 2023.

Chairman, Planning Commission

CITY COUNCIL CERTIFICATE:

This Plat approved by the City Council of the City of Fruita, Colorado on this 1st day of May A. D. 2023, for filing with the Clerk and Recorder of Mesa County, Colorado, and for conveyance or dedication to the City of public dedications shown hereon; subject to the provision that approval in no way obligates the City of Fruita for financing or construction of improvements on said lands, streets or easements dedicated to the public except as specifically agreed to by the City Council of the City of Fruita. Further, said approval in no way obligates the City of Fruita for maintenance of public improvements until construction of said improvements has been completed in accordance with the City of Fruita's specifications and the City of Fruita has agreed to accept said improvements. This approval does not guarantee that the size, soil conditions, sub-surface geology, ground water conditions, or flooding conditions of any lot shown hereon are such that a building permit, development permit, or any other required permit will be issued. This approval is with the understanding that all expenses involving required improvements for all utility services, paving, grading, landscaping, curbs, gutters, sidewalks, road lighting, road signs, flood protection devices, drainage structures, and other improvements that may be required shall be the responsibility of the owners designated hereon and not the City of Fruita, unless otherwise specifically agreed to in writing by the Fruita City Council.

City of Fruita, Colorado

Witness my hand and seal of the City of Fruita, Colorado
ATTEST:

Mayor

City Clerk

CLERK AND RECORDER'S CERTIFICATE

STATE OF COLORADO } SS
COUNTY OF MESA }

I hereby certify that this instrument was filed in my office at 11:04 o'clock A.M. this 28th day of May A.D., 2023, and is duly recorded in Plat Book No. 19, Page 329.
Reception No. 2123990, Drawer No. NN-109
Clerk and Recorder Deputy Fees

SURVEYOR'S CERTIFICATE:

I, Robert A. Larson, do hereby certify that I am a registered land surveyor licensed under the laws of the State of Colorado, that this plat is a true, correct and complete plat of the Burenheide Estates Filing No. 1, as laid out, platted, dedicated and shown hereon, that such plat was made from an accurate survey of said property by me or under my direct supervision and the ground in compliance with Title 38, Article 51, C. R. S., as amended, and all other regulations governing the subdivision of land. I further certify that this plat contains all of the information required by Section 38-33.3-209, C. R. S., contained within the Colorado Common Interest Ownership Act.

31160
Robert A. Larson
Professional Land Surveyor

Merritt IS, L.L.C. 2004 N. 12th St., #4, Grand Junction, CO. 81501 PHONE (970) 255-7386 FAX (970) 243-8515	
Burenheide Estates Filing No. 1 The NW1/4 SE 1/4 Section 9 Township 1 North, Range 2 West Ute Meridian, Mesa County, Colorado	
DATE: May 3, 2003	SCALE: 1" = 100'
DRAWN: TWS	CHK: RAL
PROJECT NO. 0204	SHEET 1 OF 1

