

RESOLUTION 2019-46

A RESOLUTION OF THE FRUITA CITY COUNCIL ACCEPTING RIGHT-OF-WAY IN THE ALLEY SOUTH OF EAST MCCUNE AVENUE AND NORTH OF HIGHWAY 6 & 50 BETWEEN SOUTH MESA STREET AND SOUTH MULBERRY STREET.

WHEREAS, North 25 LLC (“North 25”) is the owner of that certain property located at south of east McCune Avenue and north of Highway 6 & 50; and

WHEREAS, North 25 has constructed five (5) dwelling units (the “Project”) pursuant to that certain Development Improvements Agreement dated April 16, 2019 (the “DIA”); and

WHEREAS, there currently exists no adequate method to ingress or egress to the Project; and

WHEREAS, pursuant to that certain Special Warranty Deed attached hereto as Exhibit A (the “Deed”), North 25 has granted to the City 12 feet of Right-of-Way for public use in perpetuity.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FRUITA, COLORADO, THAT THE CITY COUNCIL FINDS AND DETERMINES AS FOLLOWS:

The City Council approves accepting of the 12 foot Right-of-Way and hereby accepts the Deed.

**PASSED AND ADOPTED BY THE FRUITA CITY COUNCIL
THIS 17th DAY OF SEPTEMBER, 2019.**

ATTEST:

City of Fruita

Margaret Sell, City Clerk

Joel Kincaid, Mayor

When Recorded, Please Return To:
City of Fruita
325 E. Aspen Ave.,
Fruita, Colorado 81521
Attn: Henry Hemphill

Exhibit A to Resolution 2019-46

**SPECIAL WARRANTY DEED
OF DEDICATION FOR RIGHT-OF-WAY**

KNOW ALL MEN BY THESE PRESENTS: That the undersigned, 25 NORTH LLC a Colorado limited liability company, for valuable consideration, the receipt and sufficiency of which are acknowledged, does hereby dedicate, grant, transfer, and convey to the CITY OF FRUITA, COLORADO, a home rule municipal corporation (the "City"), having an address of 325 E. Aspen Ave., Fruita, Colorado 81521, for public use as a perpetual 12' foot right-of-way for street and road purposes on, over, across, under, along, and within the real property in Mesa County, Colorado as described on the legal description attached hereto as Exhibit A-1, incorporated herein by this reference, with all appurtenances (the "Property"), and warrants title to the same against all and every person or persons claiming the whole or any part thereof by, through or under Grantor, free and clear of all liens and encumbrances, but subject to all reservations and exceptions of record.


Acceptance of this conveyance by the City shall not impose upon the City any obligation or the opening, widening, installation, improvement or maintenance of the Property.

The Grantor shall and will WARRANT AND FOREVER DEFEND the above bargained premises in the quiet and peaceable possession of the Grantee, its heirs and assigns, against all and every person or persons lawfully claiming the whole or any part thereof.

As used herein, the singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

IN WITNESS WHEREOF, the Grantor has executed this deed on the date set forth above.


25 NORTH LLC
a Colorado limited liability company

By: 
Silvano Colman, Manager

STATE OF COLORADO)
)ss
COUNTY OF MESA)

The foregoing instrument was acknowledged before me this 13th day of September, 2019 by Silvano Colman, as Manager of 25 North LLC.

Witness my hand and official seal.
My commission expires 01-12-2023.



SUNNI B GAGLER
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 19884030898
MY COMMISSION EXPIRES JANUARY 12, 2023

EXHIBIT A-1

A parcel of land for road and utility right-of-way in Lots 1 through Lot 5 Block 1 Inclusive, Beards Subdivision of Fruita Colorado (reception number 90257), in the SW1/4 of Section 17, Township 1 North, Range 2 West of the Ute Meridian, City of Fruita, Mesa County, Colorado, being more particularly described as follows:

The west 12.00' of Lots 1 through Lot 5 Block 1 Inclusive, Beards Subdivision of Fruita Colorado (reception number 90257), City of Fruita, Mesa County, Colorado,

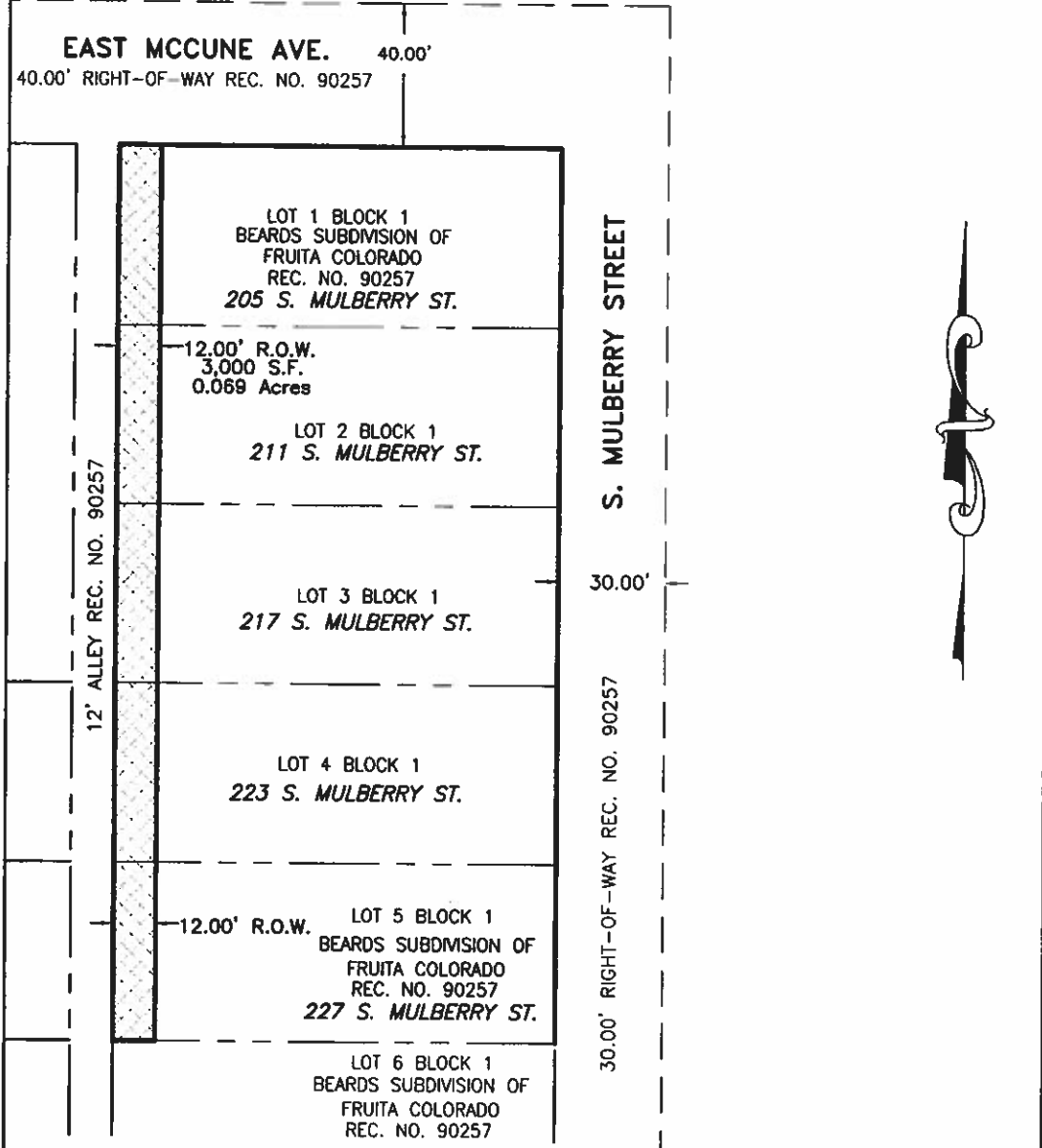
Containing approximately 3,000 Square Feet or 0.069 Acres.

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

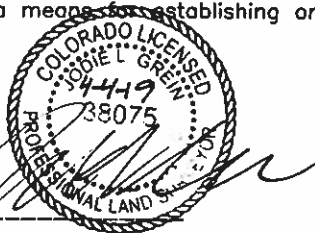


EXHIBIT

IN THE SW1/4 OF SECTION 17, TOWNSHIP 1 NORTH, RANGE 2 WEST,
OF THE UTE MERIDIAN, IN THE CITY OF FRUITA, MESA COUNTY, COLORADO




The sketch and description shown hereon has been derived from subdivision plats and deed descriptions as they appear in the office of the Mesa County Clerk and Recorder. This sketch does not constitute a legal survey, and is not intended to be used as a means for establishing or verifying property boundary lines.



Jodie L. Grein
Registered Professional Land Surveyor
P.L.S. No. 38075



SCALE : 1"=40'
ALL LINEAL UNITS ARE
EXPRESSED IN U.S. SURVEY FEET

 ESHA Engineering & Surveying, LLC 405 Ridge Blvd Suite A Grand Junction, CO 81507 Phone: (970) 243-4300 Fax: (970) 241-1273 www.esha.com		EXHIBIT	
		RIGHT-OF-WAY	
IN THE SW1/4 OF SECTION 17, TOWNSHIP 1 NORTH RANGE 2 WEST, U.M. CITY OF FRUITA, MESA COUNTY, COLORADO			
JLG	ESS	JLG	BB428
File Name	C:\BB428\BB428 Exhibit\NOW_DWG	Date	4/03/2019