

**RESOLUTION 2019-47**

**A RESOLUTION OF THE FRUITA CITY COUNCIL ACCEPTING MULTI-PURPOSE EASEMENTS ALONG THE WEST SIDE OF SOUTH MULBERRY STREET BETWEEN HIGHWAY 6 & 50 AND EAST MCCUNE AVENUE AND ALONG THE EAST SIDE OF THE ALLEY ADJACENT TO 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 for the provision public utilities 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 a 14 foot multi-purpose easement and a 10 foot multi-purpose easement as attached hereto and incorporated herein as Exhibit A-1, and

**WHEREAS**, multi-purpose easements are used for City approved utilities and public service providers for the installation, operation, maintenance and repair of utilities and appurtenances.

**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 a 14 foot multi-purpose easement and a 10 foot multi-purpose easement and hereby accepts the Deed.**

**PASSED AND ADOPTED BY THE FRUITA CITY COUNCIL  
THIS 17<sup>th</sup> 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 2019-47*

**SPECIAL WARRANTY DEED  
OF DEDICATION OF EASEMENTS**

**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 easement for the installation, operation, maintenance and repair of utilities and appurtenances 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.

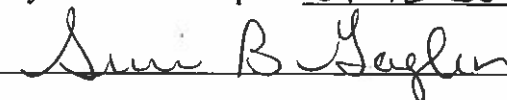
25 NORTH LLC  
a Colorado limited liability company

By:   
Silvano Colman, Manager

STATE OF COLORADO    )  
                                  )ss  
COUNTY OF MESA        )

The foregoing instrument was acknowledged before me this 13<sup>th</sup> 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 19984030898  
MY COMMISSION EXPIRES JANUARY 12, 2023

## EXHIBIT A-1

Two parcels of land for Multi-Purpose Easements 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 easterly 14.00 feet of Lots 1 through Lot 5 Block 1 Inclusive, Beards Subdivision of Fruita Colorado as shown on the plat recorded at Reception Number 90257.

Containing approximately 3,500 S.F.

Together with

The easterly 10.00 feet of the westerly 22.00 feet of Lots 1 through Lot 5 Block 1 Inclusive, Beards Subdivision of Fruita Colorado as shown on the plat recorded at Reception Number 90257.

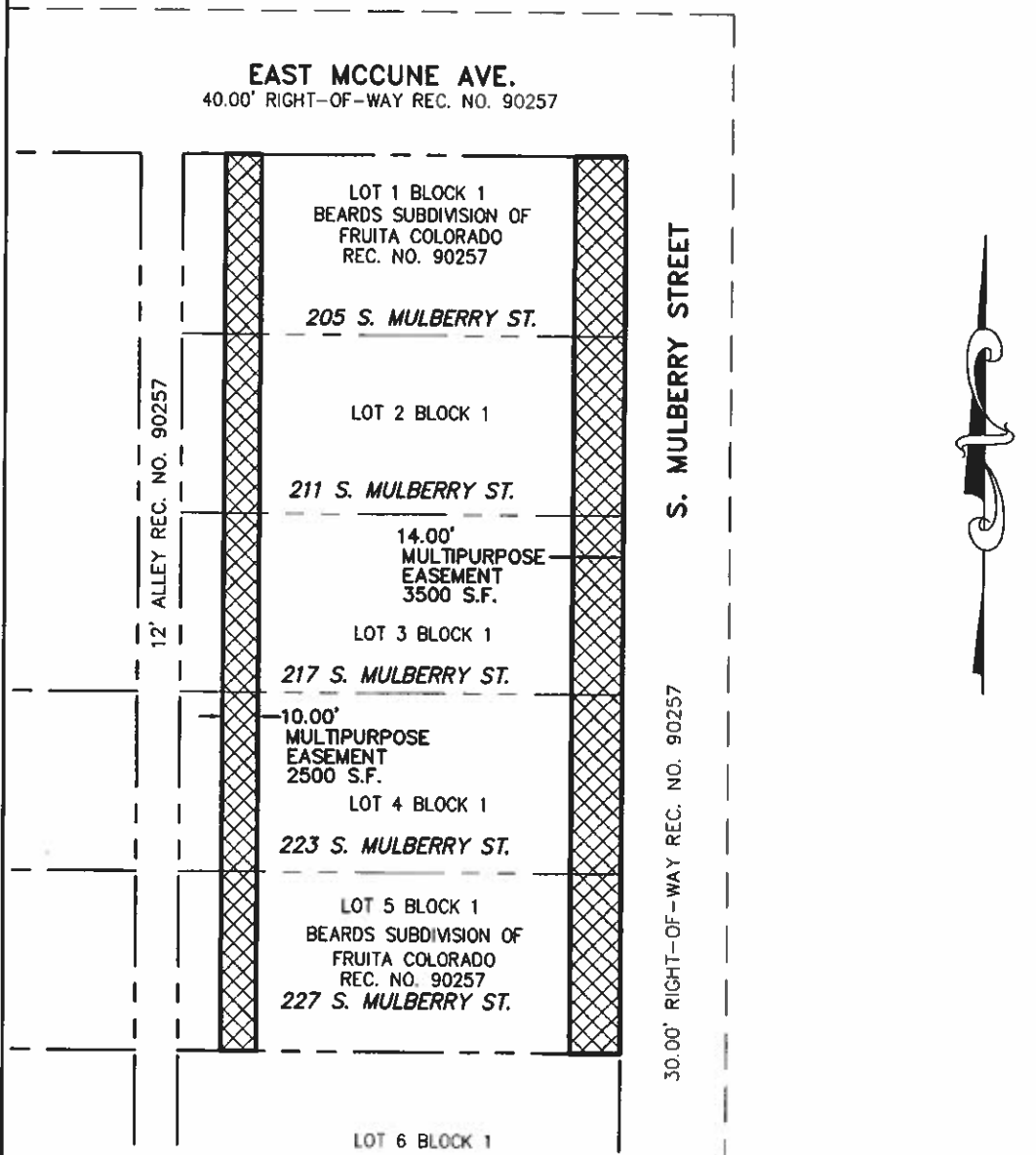
Containing approximately 2,500 S.F.

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

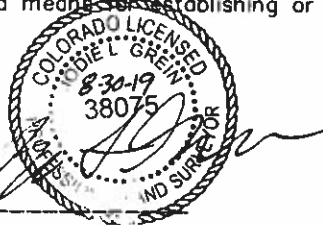


# EXHIBIT

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

		<b>EXHIBIT MULTIPURPOSE EASEMENT</b>	
605 Rodgers Blvd. Suite A Grand Junction, CO 81507 Voice: (970) 244-6500 Fax: (970) 241-1273 www.rdgj.com		IN THE SW1/4 OF SECTION 17 TOWNSHIP 1 NORTH RANGE 2 WEST, U.M. CITY OF FRUITA, MESA COUNTY, COLORADO	
Date: J.L.G.	Drawn: E.S.S.	Date: J.L.G.	Sheet: B9428 of 1
File Name: C:\B9428\B9428 Exhibit ROW.DWG			Date: 8/30/2019 of 1