



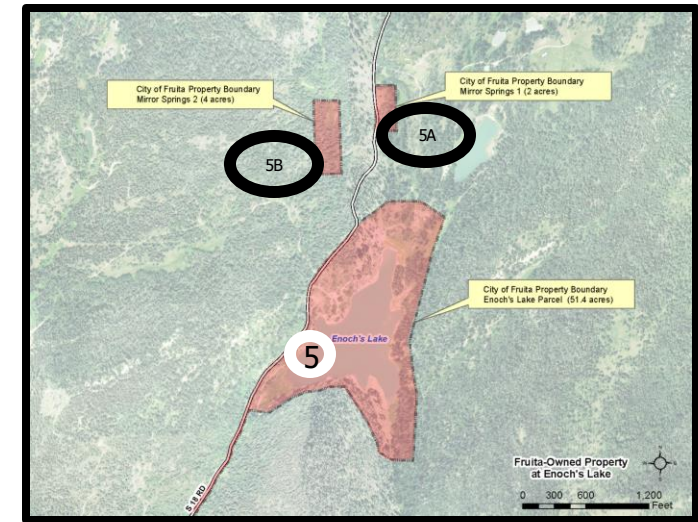
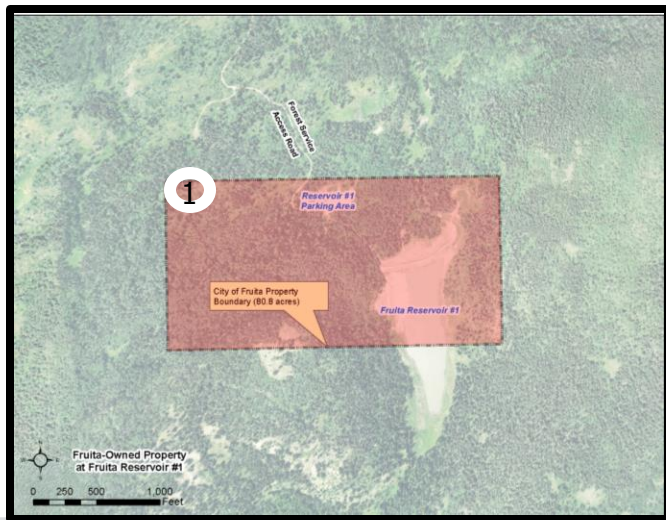
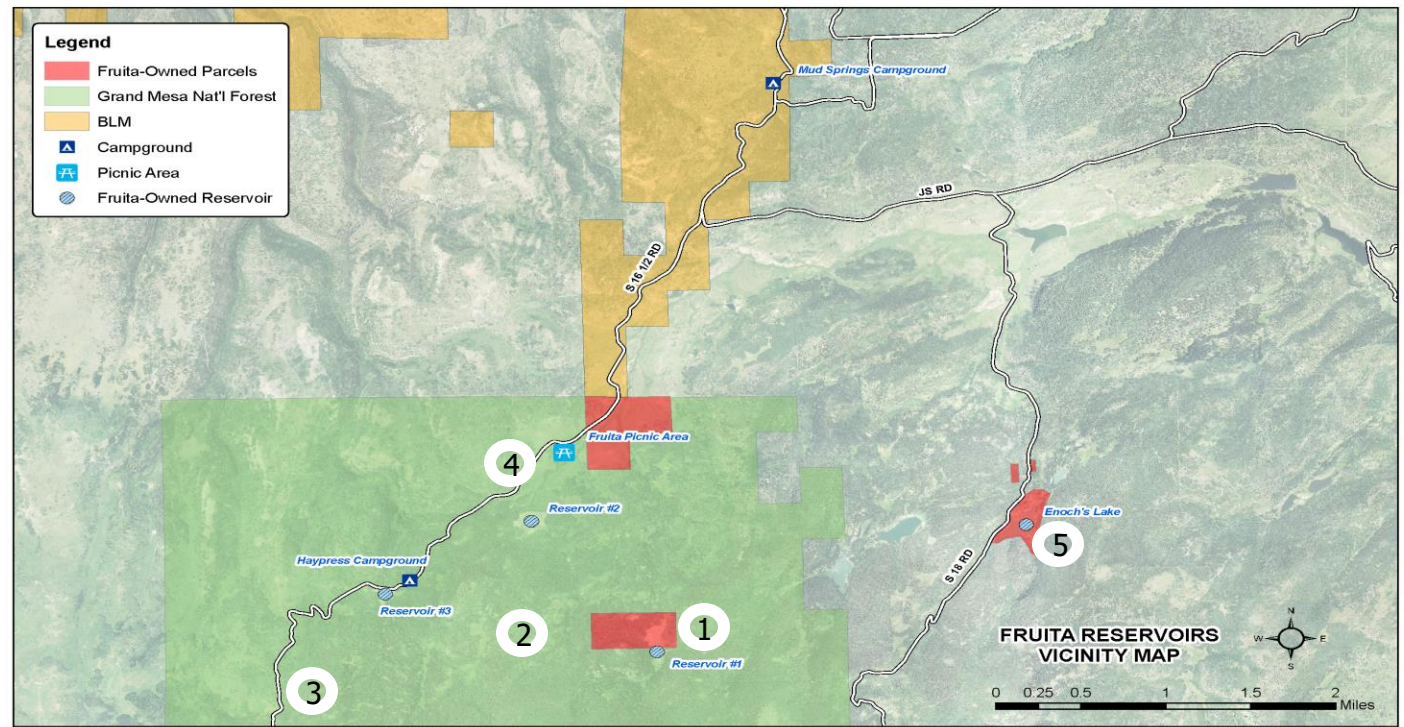
Mountain Water Properties – Enoch's Lake



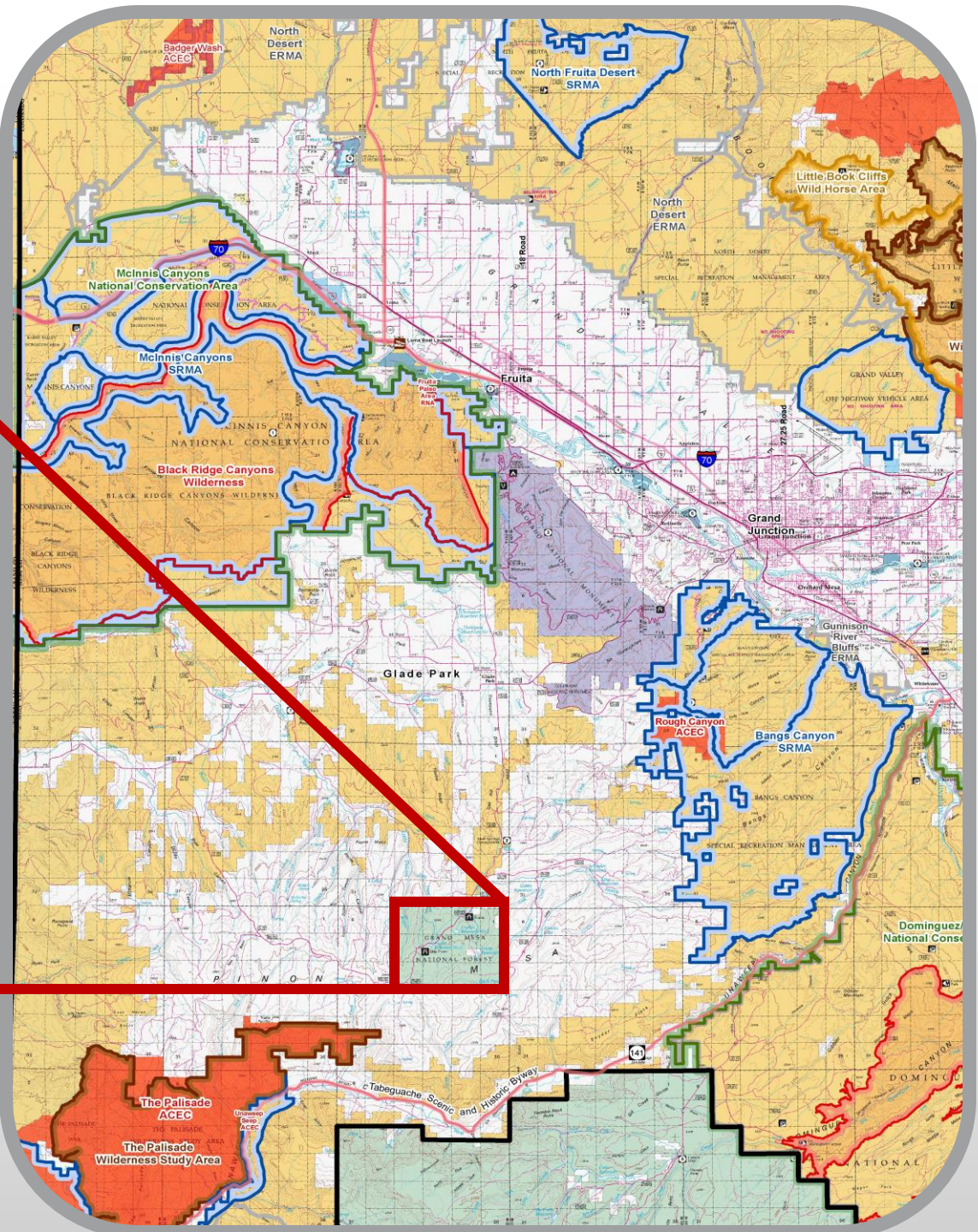
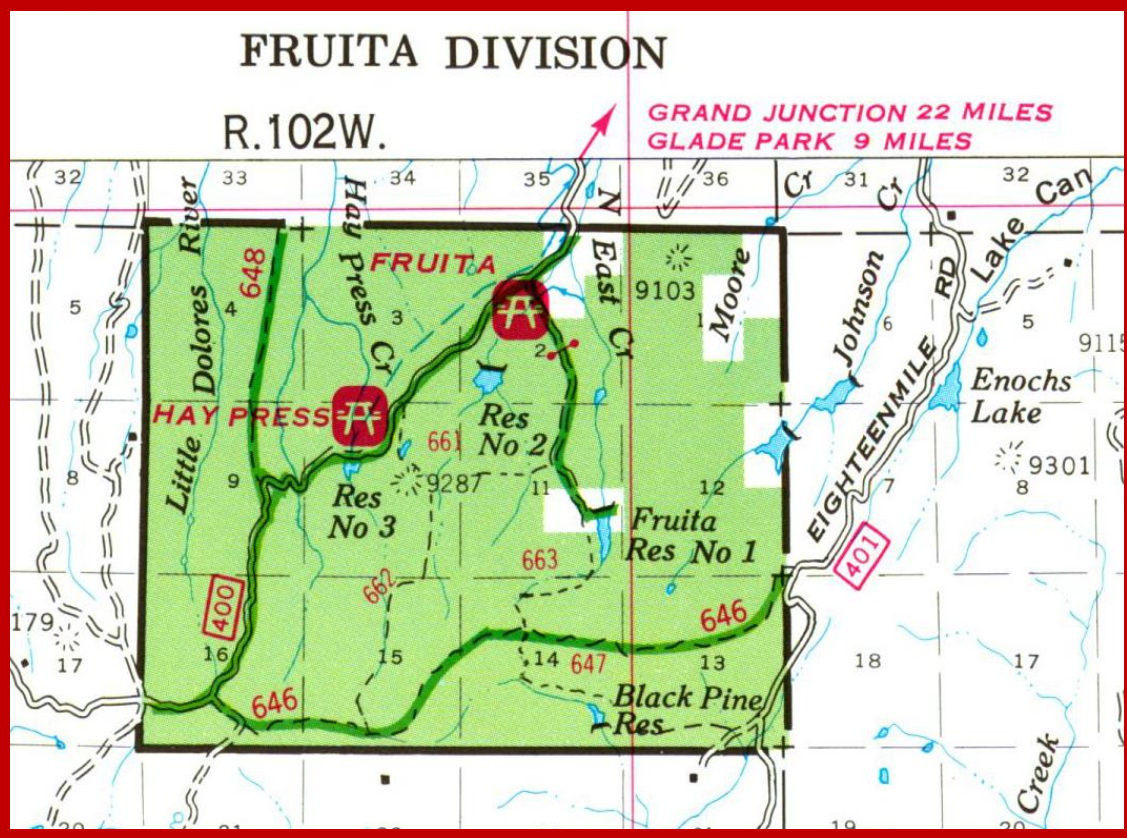
City of Fruita Mountain Properties

The areas shown in the following table list the properties on Pinon Mesa that the City of Fruita has real interest in. This table does not include easements for pipeline or maintenance access.

Map No.	Location	Acres	Description
1	Fruita Reservoir #1	80.8	North half of reservoir
2	Fruita Reservoir #2	0.0	Grand Mesa National Forest
3	Fruita Reservoir #3	0.0	Grand Mesa National Forest
4	Fruita Reservoir #4	125.5	Reservoir never constructed
5	Enoch's Lake	51.4	Lake (surrounded by private properties)
5A	Mirror Springs 1	2.0	Springs north of Enoch
5B	Mirror Springs 2	4.0	Springs north of Enoch
Total		263.7	acres owned by the City of Fruita



Mountain Water



History of Mountain Water Properties

1884 – Town of Fruita Established

1906-1909 – Construction of wooden pipeline to deliver water from springs on Pinon Mesa to the city.

1930's – 1950's – Fruita Reservoirs #1, #2, #3 constructed on USFS property to provide water to the pipeline for the city.

1956 – Enoch's lake water and property conveyed by private party to the city.



1983 - Fruita contracts with Ute Water Conservancy District for domestic water. (Mtn. Water insufficient).

1990 – Fruita Reservoirs opened to public recreation.

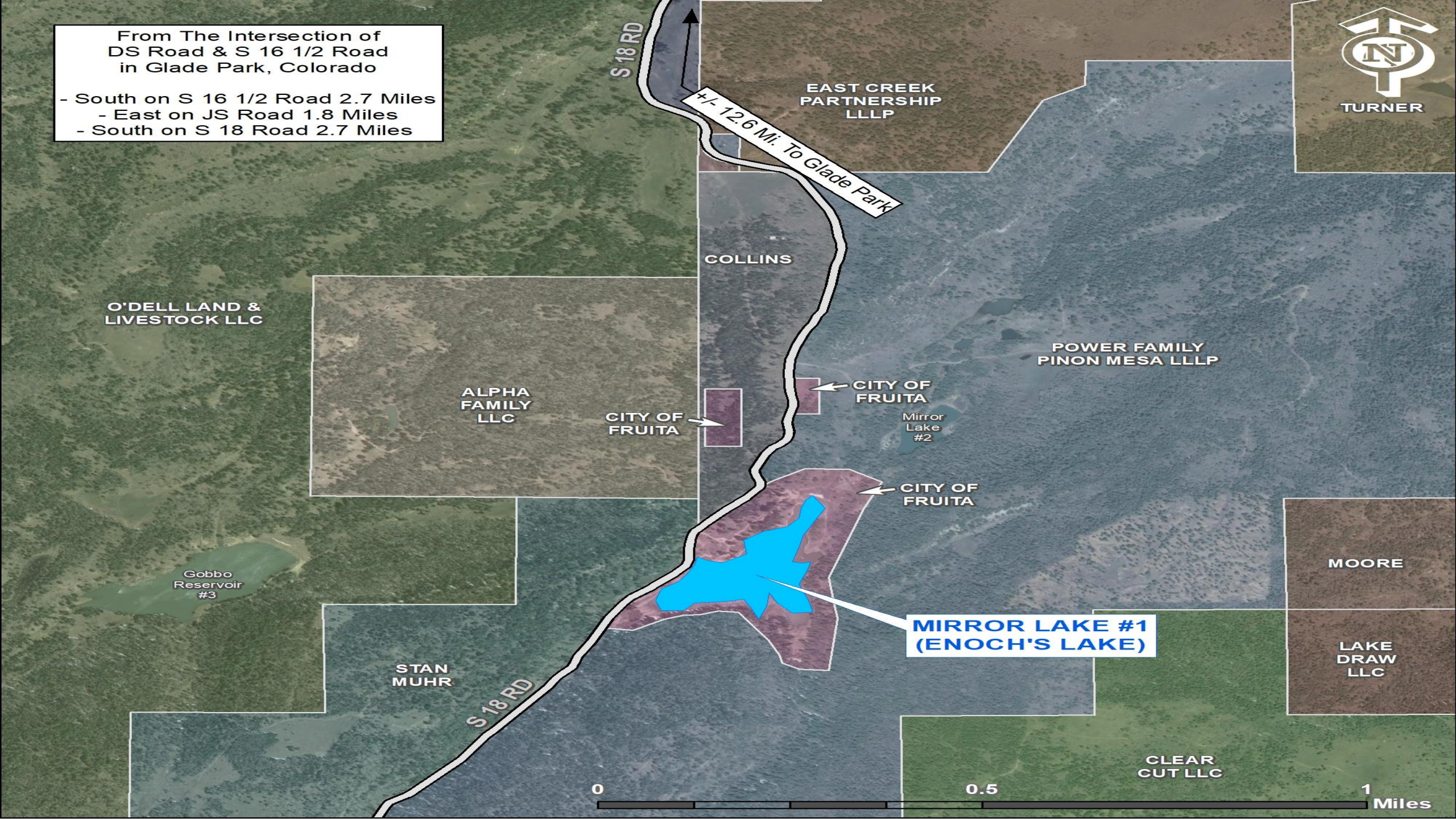
2016 - Resolution 2016-29 Temporary regulations restricting (banning) overnight camping at Enoch's Lake through Dec. 31, 2016.

2017 - Resolution 2016-47 Extended the temporary restrictions through December 31, 2017.

2018 - Resolution 2018-07 Council directed city staff to establish regulations for the Enoch's Lake Property that would include continuance of restricting overnight camping until further notice or action is taken by Council.

From The Intersection of
DS Road & S 16 1/2 Road
in Glade Park, Colorado

- South on S 16 1/2 Road 2.7 Miles
- East on JS Road 1.8 Miles
- South on S 18 Road 2.7 Miles



S 18 RD

EAST CREEK
PARTNERSHIP
LLLP

+/- 12.6 Mi. To Glade Park

COLLINS

POWER FAMILY
PINON MESA LLLP

O'DELL LAND &
LIVESTOCK LLC

ALPHA
FAMILY
LLC

CITY OF
FRUITA

CITY OF
FRUITA

Mirror
Lake
#2

CITY OF
FRUITA

Gobbo
Reservoir
#3

MOORE

STAN
MUHR

S 18 RD

MIRROR LAKE #1
(ENOCH'S LAKE)

LAKE
DRAW
LLC

CLEAR
CUT LLC

0

0.5

1

Miles

Enoch's Lake

- 1956 – Warranty Deed executed from Irving and Dorothy Beard to the Town of Fruita for the consideration of \$1.00 conveyance of real property and all water rights, Tract 1 – land, Mirror Lake #1 (Enoch's Lake), and Mirror Lake #2; Tract 2 (4-acre parcel), and Tract 3 (2-acre parcel).
- No Deed Restrictions



- 2007 – City of Fruita entered into an agreement with Mr. Tipping to make improvements to the city owned Enoch's Reservoir (\$360,000) and Mr. Tipping also contributed \$124,233 worth of materials for Reservoir #1 repairs. This was a non-monetary obligation for the City which provided water for Mr. Tipping's use as "payment."

City Process for Sale of Property

- The City of Fruita is a home rule municipality meaning that its process for the sale or conveyance of real property owned by the City is governed by the City Charter.
- The City Charter requires that the Council adopt an ordinance to authorize the sale or conveyance of real property. This is a legislative act and is published as a public process resulting in two hearings before City Council (Article 2.11.D).

- Ordinance 2013 – 16 Authorizing the City Manager to finalize and execute the Agreement between the City of Fruita and Ronald Tipping, Rodney Power and William Patterson for the lease of water and conveyance of water rights in Mirror Ditch No. 1 and Mirror Lake No. 2 and Vacant Land located on Pinon Mesa (surrounding No. 2) to fulfill the non-monetary performance obligation arising out of the dam repairs.
- This followed Article 2.11D of the Fruita City Charter for the sale and conveyance of real property.

2014 Warranty Deed

For consideration of the sum of \$25,000 and other good and valuable consideration, in hand, hereby sells and conveys to Ronald Tipping the water right adjudicated to Mirror Lake Reservoir No. 2 in the amount of 8.34 acre feet of water.

RECEPTION #: 2689600, BK 5599 PG 114 05/13/2014 at 11:24:12 AM, 1 OF 1, R \$10.00 S \$1.00 D \$0.00 EXEMPT Sheila Reiner, Mesa County, CO CLERK AND RECORDER

SPECIAL WARRANTY DEED

The CITY OF FRUITA, COLORADO, Grantor, whose address is 325 East Aspen, FrUITA, Colorado 81521, for the consideration of the sum of Twenty-Five Thousand Dollars (\$25,000.00) and other good and valuable consideration, in hand paid, hereby sells and conveys to RONALD E. TIPPING, whose address is 1967 Broadway, Grand Junction, CO 81507, Grantee, the following described water right (the "Water Right") in the County of Mesa and State of Colorado, to wit:


The water right adjudicated to Mirror Lake Reservoir No. 2 by decree entered on July 25, 1941, in C.A. 5812, Mesa County District Court, in the amount of 8.34 acre feet of water for irrigation and domestic purposes, with Reservoir Priority No. 1070.

This deed shall be construed to be a Special Warranty Deed with respect to the conveyance of the Water Right, and Grantor hereby warrants the title to the Water Right against all persons claiming under it.

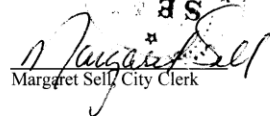
Signed this 8th day of May, 2014.

GRANTOR:

CITY OF FRUITA, COLORADO

By: 
Clinton M. Kinney, City Manager

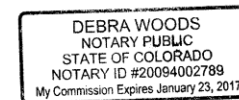
ATTEST:

By: 
Margaret Sell, City Clerk

STATE OF COLORADO)
COUNTY OF MESA)

The foregoing Special Warranty Deed was acknowledged before me this 8th day of May, 2014, by Clinton M. Kinney as City Manager and Margaret Sell as City Clerk of the City of FrUITA, Colorado, Grantor.

My commission expires:
Witness my hand and official seal.




Notary Public

Recorder's Note. No Real Property Transfer Document Received By Recorder.

2014 Special Warranty Deed

- In consideration of the sum of \$50,000 and other good and valuable consideration, in hand paid, hereby sells and conveys to Ronald Tipping water rights and appurtenant property interests.
- 1.5 CFS of water from the water right adjudicated to Mirror Ditch No. 1
- An easement on and across real property owned by Grantor in the vicinity of Springs R and N.

SPECIAL WARRANTY DEED

The CITY OF FRUITA, COLORADO, Grantor, whose address is 325 East Aspen, Fruita, Colorado 81521, for the consideration of the sum of Fifty Thousand Dollars (\$50,000.00) and other good and valuable consideration, in hand paid, hereby sells and conveys to RONALD E. TIPPING, whose address is 1967 Broadway, Grand Junction, CO 81507, Grantee, the following described water right and appurtenant property interests (the "Water Right") in the County of Mesa and State of Colorado, to wit:

- A. One and one-half (1.5) c.f.s. of water from the water right adjudicated to Mirror Ditch No. 1 by decree entered on July 25, 1941, in C.A. 5812, Mesa County District Court, in the total amount of 11.0 c.f.s. of water for irrigation and domestic purposes, with Ditch Priority No. 596C. This water right was included on the 2010 Abandonment List that was prepared pursuant to C.R.S. 37-92-401 et seq., and as a result of that abandonment list proceeding, 8.0 c.f.s. of the water right was determined to be abandoned, leaving a remaining amount of 3.0 c.f.s. that has not been determined to be abandoned. The 1.5 c.f.s. conveyed by this Deed to Grantee shall be the first 1.5 c.f.s. available to be diverted in priority by the Mirror Ditch No. 1 water right described above, shall be a portion of the 3.0 c.f.s. that was not abandoned as part of the 2010 Abandonment List proceeding, and shall principally be the water flowing from springs referred to in the Grantor's records as Springs R and N (referred to in this Deed as "Springs R and N") and does not include overflows or releases from Mirror Lake Reservoir No. 1 (aka, Enoch's Reservoir). Springs R and N are located approximately at the location of Headgate No. 1 of Mirror Ditch No. 1, as depicted on the Map of the Mirror Lake Reservoirs 1 & 2, Mirror Ditches 1 & 2, and Mirror Spring, filed with the office of the Colorado State Engineer at Filing No. 16218 and recorded in the records of Mesa County, Colorado at Reception No. 320071; and
- B. An easement on and across real property owned by Grantor in the vicinity of Springs R and N for the construction, reconstruction, operation, maintenance and repair of the facilities necessary for Grantee to divert, divide and transport the water from the 1.5 c.f.s. of water from the Mirror No. 1 Ditch conveyed to Grantee by this deed. Grantee shall consult with Grantor before constructing any new facilities within this easement and provide plans for the facilities for Grantor's review and approval, which approval shall not be unreasonably withheld.

This deed shall be construed to be a Special Warranty Deed with respect to the conveyance of the Water Right, and Grantor hereby warrants the title to the Water Right against all persons claiming under it.

[Signatures on following page]

Recorder's Note. No Real Property Transfer Document Received By Recorder?

2014 General Warranty Deed

- For the consideration of the sum of \$10.00 and other good and valuable consideration in hand, sells and conveys to Ronald Tipping a parcel of land located in portions of Section 5, 6, 7, and 8, Township 14 South, Range 101 West of the 6th Principal Meridian, Mesa County, CO. An area of 38.48 acres.
- Real property was conveyed in exchange for a credit in the amount of \$153,920 against repair work.

General Warranty Deed

THE CITY OF FRUITA, COLORADO, a home rule municipal corporation ("Grantor"), whose street address is, 325 East Aspen, Fruita, Colorado 81521, for the consideration of the sum of Ten Dollars and no cents (\$10.00) and other good and valuable consideration in hand paid and acknowledged, hereby sells and conveys to RONALD E. TIPPING, ("Grantee"), whose street address is, 1967 Broadway, Grand Junction, Colorado 81507, the following described real Property in the County of Mesa, State of Colorado, to wit:

A parcel of land located in portions of Sections 5, 6, 7, and 8, Township 14 South, Range 101 West of the 6th Principal Meridian, Mesa County, Colorado, as further described in Exhibit A, attached hereto and incorporated herein by this reference (the "Property").

Grantor and Grantee intend that the conveyance evidenced by this Deed be an absolute and irrevocable conveyance of title to the Property and that the conveyance was not and is not now intended as a mortgage, deed of trust, or security of any kind. By this Deed, Grantor conveys to Grantee all of Grantor's right of title and interest in the Property and simultaneously delivers possession of the Property to Grantee. Grantor does hereby covenant that it will WARRANT AND DEFEND all right, title and interest in and to the premises unto Grantee, its successors and assigns forever against all lawful claims whatsoever and warrants the title to the same, subject to property taxes for 2014 and subsequent years.

The preceding representations by Grantor are made for the benefit of Grantee and Grantee's successors and assigns with respect to the Property.

Signed this 18th day of August, 2014.

CITY OF FRUITA, a home rule municipal corporation

ATTEST:

By: Clinton M. Kinney
Clinton M. Kinney, Fruita City Manager

By: Margaret Sell
Margaret Sell, Fruita City Clerk



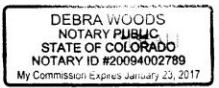
STATE OF COLORADO)
) ss.
COUNTY OF MESA)

The foregoing instrument was acknowledged before me this 18th day of August, 2014 by Clinton M. Kinney, City Manager and Margaret Sell, City Clerk of the City of Fruita, Colorado, Grantor.

Witness my hand and official seal.

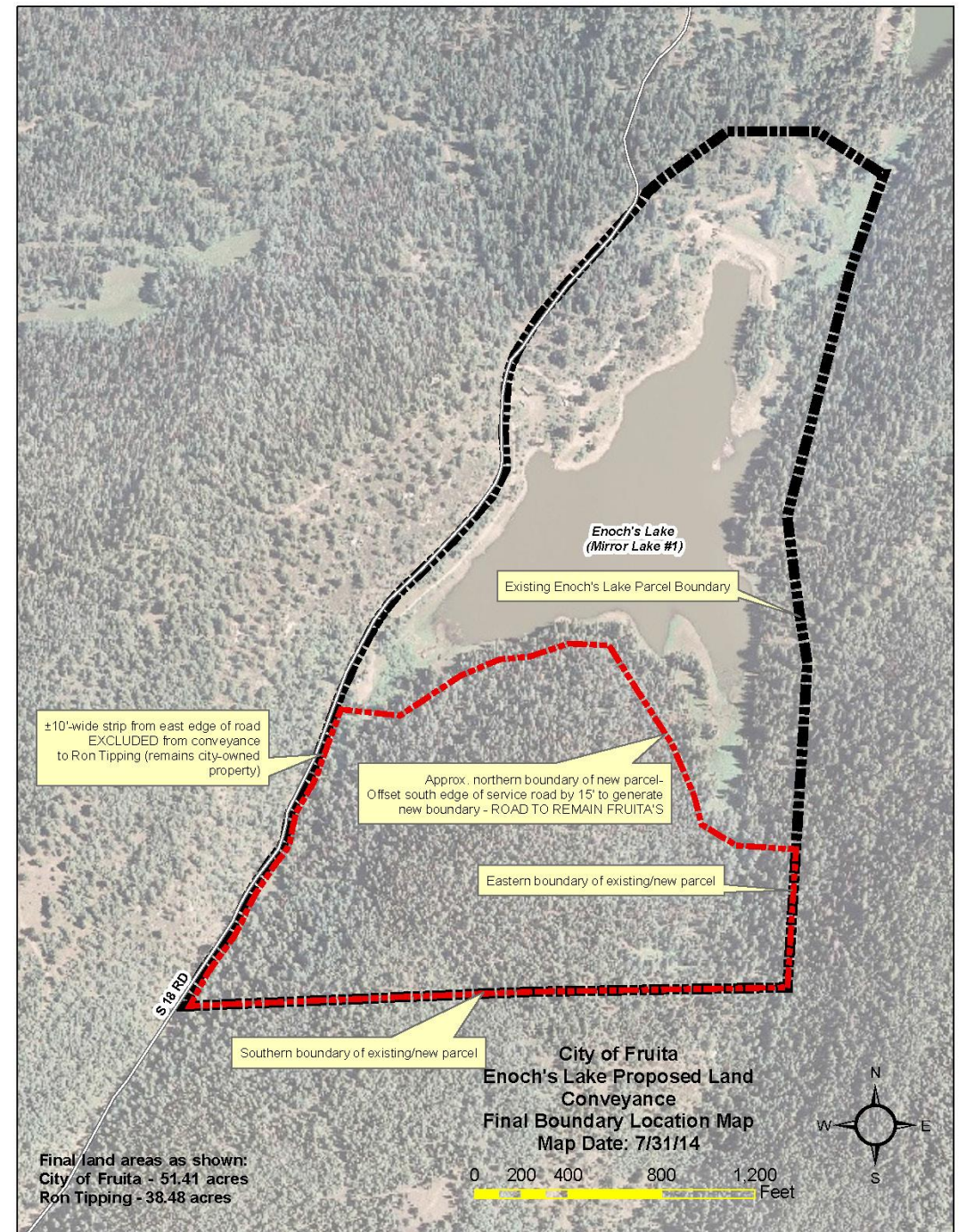
My commission expires: 1/23/2017

Debra Woods
Notary Public



2014 General Warranty Deed

- 38.48 acres conveyed

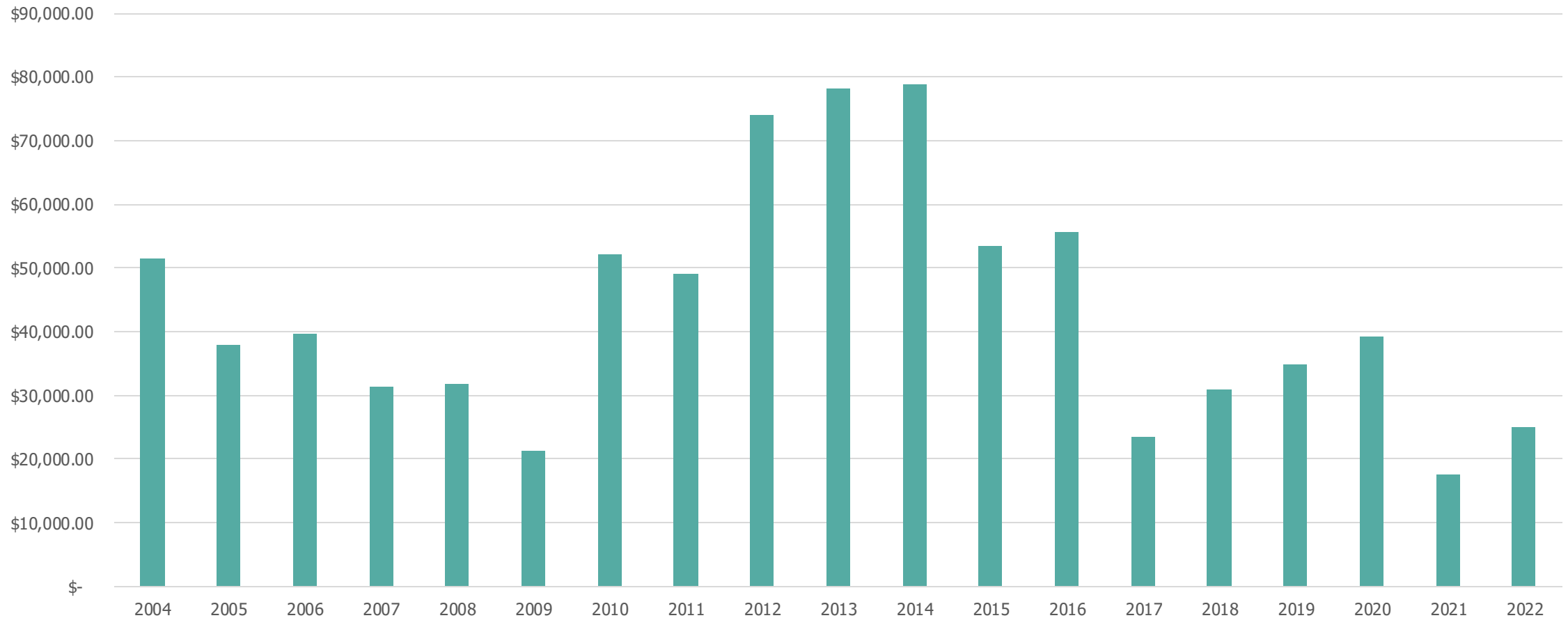


Mountain Water Capital Projects

Year	Project	Project Costs	
2004	Pipeline Measurement Improvements	\$	26,869
2005	Enochs Dam Repair	\$	387,407
2006	Reservoir #2 Repairs	\$	10,000
2008	Reservoir #1 Design & Permitting	\$	115,818
2009	Reservoir #1 Dam Reconstruction	\$	637,051
2012	Reservoir #3 Spillway Design	\$	46,723
2013	Reservoir #3 Spillway Construction	\$	96,881
2016	Reservoir #2 Safety Evaluation	\$	45,300
TOTAL		\$	1,339,181

* The total project expenses reflected in this table do not include expenses related to salaries of City Staff for project management, nor do they include expenses incurred by the Army National Guard on Reservoir #1.

Historical Expenses – Staffing & Maintenance (2004 – 2022)



Challenges at Enoch's Lake

Resolution 2018-07 – Resolution establishing regulations for day use of Enoch's Lake Property to address challenges

- Illegal Camping
- Damage to private property
- Safety - Lack of cell service to call 9-1-1
- Fires outside of fire pits
- Discharging firearms

Public Lands Nearby

- Dispersed camping is allowed in Fruita Division of Grand Mesa National Forest, which includes Haypress Campground.
- Mud Springs Campground is a fee campground operated by the BLM.
- There are no public lands at or surrounding Enoch's Lake



Community Outreach

- June 7, 2017, Open House hosted to educate the public about Mountain Water rights and properties and gather input from Fruita residents on these assets owned by the City.
- May 5, 2020 - Presentation to City Council
- Dec. 2022 - Winter City Link containing Mountain Water information was mailed to residents.

Community Outreach cont.

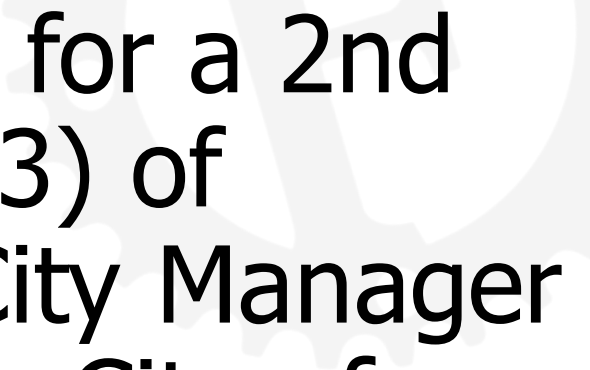
- Jan. 2023 – Mountain Water information posted to social media
- Jan. 2023 – City Link information regarding Mountain Water added to Website
- Feb. 2023 – City Link information regarding Mountain Water added to social media
- March 2023 – City website updated with Mountain Water information

Enoch's Lake

- Jan. 2023 – City engages Arnie Butler & Associates to appraise 51.41 acres and water rights for Enoch's Lake
- March 12, 2023 - Appraisal of 51.41 acre parcel and water rights completed, Appraised value of \$425,000
- April 24, 2023 – City received a \$500,000 cash offer to buy 51.41 acre parcel & water rights plus satisfaction of \$140,000 non-monetary performance obligation remaining under the 2013 Agreement.

- May 6, 2023 – Grand Junction Daily Sentinel Article
- May 31, 2023 – City received \$16,000 cash offer for 2-acre parcel from Power Family Pinon Mesa LLLP.
- June 1, 2023 – City received \$32,400 cash offer for 4.05-acre parcel from Jeffrey and Angela Collins.
- June 14, 2023 – Ute Water Conservancy District Board decided not to exercise its Right of First Refusal for the sale of Enoch's Lake water right and for the Mirror Ditch No. 1 water right allowing Fruita to proceed with the sale of the water rights.

- June 20, 2023 – First Reading (calling for a 2nd reading & public hearing July 18, 2023) of Ordinance 2023-07 authorizing the City Manager to execute an agreement between the City of Fruita and Ronald Tipping, Rodney Power and Stan Muhr for their purchase of 51.41 acres known as Enoch Lake and the water rights known as Mirror Ditch No. 1, Mirror Lake Reservoir No. 1 and Springs R and N and authorizing the conveyance thereof.

- 
- June 20, 2023 – First reading (calling for a 2nd reading & public hearing July 18, 2023) of Ordinance 2023 -08 authorizing the City Manager to execute an agreement between the City of Fruita and the Power Family Pinon Mesa LLP for the LLP to purchase 2.0 acres owned by the City of Fruita and authorizing the conveyance thereof.

- June 20, 2023 – First reading of Ordinance 2023-09 (calling for a 2nd reading & public hearing July 18, 2023) authorizing the City Manager to execute an agreement between the City of Fruita and Jeffrey S. Collins and Angela I. Collins for them to purchase 4.05 acres owned by the City of Fruita and authorizing the conveyance thereof.



- No public comments were made at the First Reading of the following ordinances:

- Ordinance 2023-07

- Ordinance 2023-08

- Ordinance 2023-09

- One written comment has been received on these same ordinances.

Staff Recommendation

- Adopt Ordinance 2023-07, authorizing the City Manager to execute an agreement between the City of Fruita and Ronald Tipping, Rodney Power, and Stan Muhr for their purchase of 51.41 acres known as Enoch Lake and the water rights known as Mirror Ditch No. 1, Mirror Lake Reservoir No. 1 (aka Enoch's Lake) and Springs R and N authorizing the conveyance thereof.

Staff Recommendation

- Adopt Ordinance 2023-08 authorizing the conveyance of real property of the City referred to as 2-acre parcel located on Pinon Mesa.
- Adopt Ordinance 2023-09 authorizing the conveyance of real property of the City referred to as 4.05 acre parcel located on Pinon Mesa.

Thank You

