CITY COUNCIL WORK SESSION

Monday, April 1, 2024 - 10:00 AM

City Council Chambers, Elks Civic Building - 107 S. Cascade Ave.

Public participation for this meeting will be in person in the City Council Chambers. The meeting can be viewed online via livestream and video recordings of the meetings can be viewed on our YouTube page.

Hearing assistance devices are available for public use. Please let us know if you need accommodation. The City also offers interpretation for Spanish speakers. Schedule time to book this resource, by emailing the City at least 3 days before the meeting.

1) DISCUSSION ITEMS

A) Montrose Recycling Advisory Committee Update (15 minutes)
Staff: Public Works Director Jim Scheid

B) West South First Street Right of Way Vacation (15 minutes)
Staff: City Attorney Chris Dowsey

2) GENERAL CITY COUNCIL DISCUSSION

3) STAFF COMMENTS

**Please note that the times listed are estimates only. Actual times may vary depending upon discussion and public comment received.*

Montrose Recycles Advisory Committee

MONTROSE RECYCLES

Mission

To **encourage recycling and educate the public** on practices to create a clean, sustainable community and environment through rethinking how we use our limited resources responsibly by

Refusing, Reducing, Reusing, and Recycling

2023 Accomplishments

Residential Recycle Audits

- Audits of three neighborhoods
- Audit of Police Department and City Offices
- Reviewed and improved educational aspects of audits
  - Requested electronic sign to announce dates of audits
  - Drafted a new informational flyer to attach to bins

Rotary Park Events - Educate and Promote Clean Recycling

- Summer Music Series
- 4th of July Celebration
- October Fest

Presentations

- 3rd Grade Recycle Program and Truck Demonstration
- Senior Center "Make Montrose Better"
- City Council Interactive Session

March 26, 2024

Reached Out to HOAs to share Recycle Updates and got NO responses

Activities

4TH Grade Recycle Relays –Natural Resource Festival Field Day

Earth Day Rally - Main & Townsend with MHS Environmental and LULAC clubs.

Displays

Montrose Regional Library Display Case for Earth Month

Created new recycling signs for events

Senior Center "Recycle Right" display

Educating our Recycle Committee

Chair toured the Denver WM Materials Recovery Facility (MRF)

Committee attended the MELA "You Are Recycling Wrong" Workshop

CITY OF MONTROSE
City Attorney's Office

MEMO

DATE: April 1, 2024
TO: Honorable Mayor and City Council
FROM: Chris Dowsey, City Attorney
RE: Proposed vacation of a portion of right-of-way on West South 1st Street

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Background:

During the sale of this property, it was found that a building on the property is encroaching into the City's right-of-way. The subject property is located at West South 1st Street, between South Water Avenue and South Grand Avenue. Part of the existing north building on the parcel at 123 S. Water Avenue encroaches into the West South 1st Street right-of-way. City staff is proposing vacating 460.90 square feet of the City's right-of-way to remedy this problem. This is to clear a title issue. The earliest photo of the building is from the 1960's, showing that it was built prior to modern surveying equipment. The current owner does have an encroachment permit to allow for the encroachment into the City's right-of-way.

City staff has determined that the right-of-way is not needed for public access or utility purposes.

City staff is recommending that the right-of-way strip be vacated at no cost to the adjacent owner, as an incentive to create a commercial business on the property.

Proposed Action:

City staff recommends that Council approve the accompanying Ordinance, which would authorize conveyance of a portion of West South 1st Street right-of-way to the adjacent owner.

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF MONTROSE, COLORADO, GRANTING AND AUTHORIZING THE CONVEYANCE OF AN INTEREST IN CITY-OWNED REAL ESTATE PURSUANT TO § 1-9-2 OF THE OFFICIAL CODE OF THE CITY OF MONTROSE

WHEREAS, the City of Montrose owns property along the southern side of West South 1st Street, between South Water Avenue and South Grand Avenue; and

WHEREAS, a portion of this property is obsolete and does not serve a public need or benefit to the City of Montrose; and

WHEREAS, the City wishes to dispose of this obsolete portion of property described in **Exhibit A** hereto and convey to the adjacent property owner, VNR Holdings, LLC .

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MONTROSE, COLORADO, as follows:

SECTION 1: **Disposal of Property**

The portion of property particularly described on **Exhibit A**, attached hereto and incorporated herein, is hereby disposed of by the City of Montrose and shall be conveyed to the adjacent property owner, VNR Holdings, LLC.

SECTION 2: **City Council Findings**

The City Council hereby finds, determines, and declares that this Ordinance is necessary and proper to serve the best interest of the citizens of Montrose.

SECTION 3: **Power to Adopt**

The City Council hereby finds, determines, and declares that it has the power to adopt this Ordinance pursuant to the authority granted to home rule municipalities by Article XX of the Colorado Constitution and the powers contained in the City of Montrose Charter, and pursuant to Section 1-9-2 of the Official Municipal Code of the City of Montrose.

SECTION 4: **Effective as Provided by City of Montrose Charter**

The Ordinance shall be published and shall become effective as provided by the City Charter of the City of Montrose.

The City Council hereby authorizes the Mayor and City Staff to execute all documents required to consummate said conveyance to the adjacent property owner, VNR Holdings, LLC.

You will please take notice that the Montrose City Council will hold a hearing upon the above Ordinance and its passage on first reading on Tuesday, the __ day of _____, 2024, at the hour of 6:00 p.m. at the Elks' Civic Building in Montrose, Colorado.

INTRODUCED, READ, and PASSED on first reading this __ day of _____, 2024.

_____
Barbara Bynum, Mayor

ATTEST:

_____
Lisa DelPiccolo, City Clerk

INTRODUCED, READ, and ADOPTED on second reading this __ day of _____, 2024.

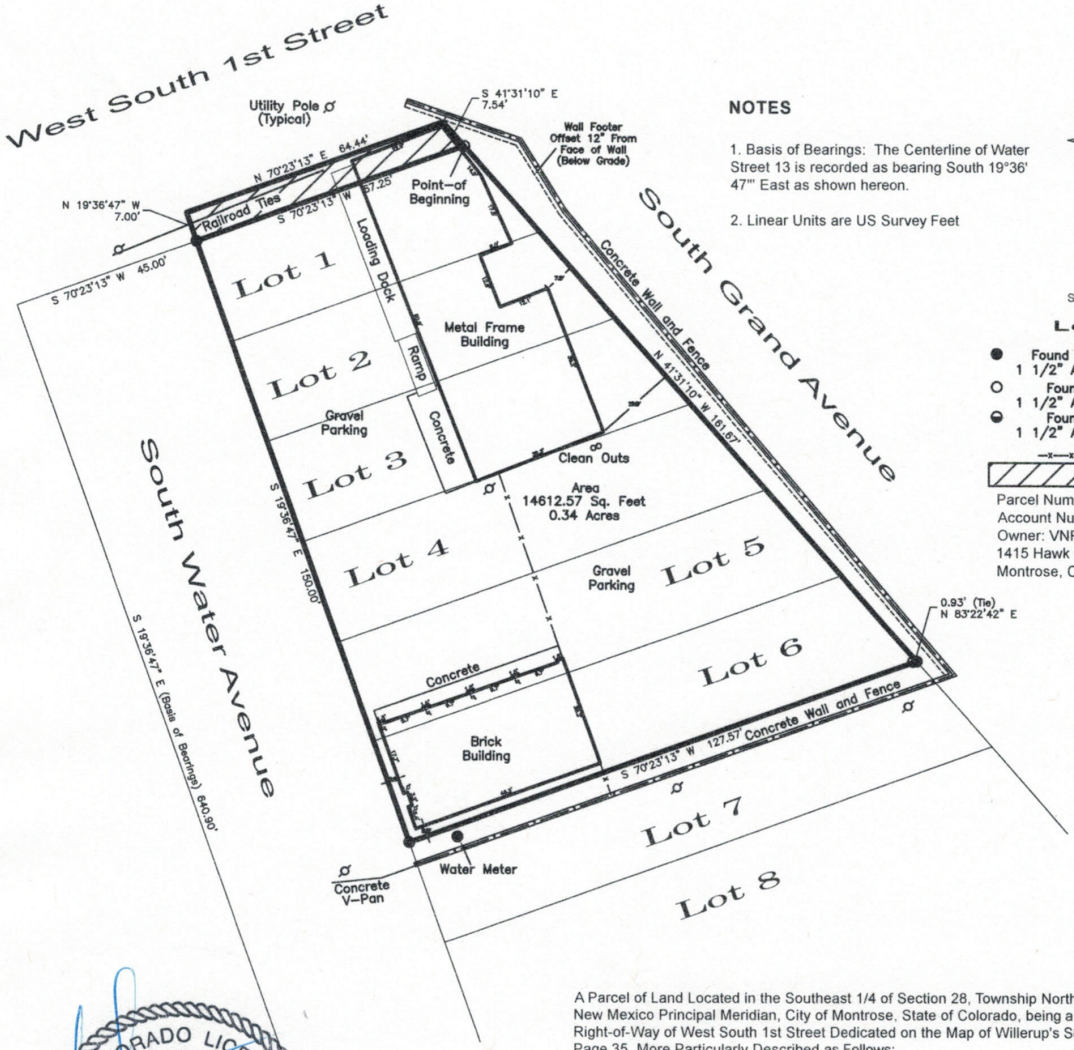
_____
Barbara Bynum, Mayor

ATTEST:

_____
Lisa DelPiccolo, City Clerk

EXHIBIT A

City of Montrose
Vacated Right-of-Way Description



NOTES

1. Basis of Bearings: The Centerline of Water Street 13 is recorded as bearing South 19°36' 47"' East as shown hereon.

2. Linear Units are US Survey Feet

Scale 1" = 40'

Legend

- Found 18" No. 5 Rebar and 1 1/2" Aluminum Cap LS 38135
- Found No. 5 Rebar and 1 1/2" Aluminum Cap LS 12180
- Found No. 5 Rebar and 1 1/2" Aluminum Cap LS 33645
- Fence
- Right-of-Way Vacation

Parcel Number: 3767-284-34-001
Account Number: R0650859
Owner: VNR Holdings LLC
1415 Hawk Parkway
Montrose, CO 81401-6440

COLORADO LICENSED
PETER C. SAUER
38135
PROFESSIONAL LAND SURVEYOR

Orion Surveying

DATED: 2-22-24

BY: _____
Peter C. Sauer, PLS, #38135

A Parcel of Land Located in the Southeast 1/4 of Section 28, Township North, Range 9 West, New Mexico Principal Meridian, City of Montrose, State of Colorado, being a Portion of the Right-of-Way of West South 1st Street Dedicated on the Map of Willerup's Subdivision, Book 0 Page 35, More Particularly Described as Follows:

Beginning at the Northeast Corner of Lot 1, Block 13, Willerup's Subdivision, Found a No. 5 Rebar and 1 1/2" Aluminum Cap LS 12180, Thence along the Northern most line of said Lot 1, Block 13, Willerup's Subdivision S 70°23'13" W, 67.25 feet to the Northwest Corner of Said Lot 1, Block 13, Willerup's Subdivision, Found a 18" No. 5 Rebar and 1 1/2" Aluminum Cap LS 38135; Thence the following three (3) courses within the said Right-of-Way of West South 1st Street:

1) N 19°38'47" W, 7.00 feet;
2) Thence N 70°23'13" E, 64.44 feet;
3) Thence S 41°31'10" East, 7.54 feet to the POINT OF BEGINNING.

Containing 460.90 Square Feet as Described.

City of Montrose, County of Montrose, State of Colorado.

Found PK Nail
At Intersection
of Water Street
and West
South 3rd Street

NOTICE

According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon.

PROJECT MANAGER: PETER SAUER CADD TECH: PETER SAUER CHECKED BY: PETER SAUER START DATE: 2/27/24	REVISIONS	DATE	DESCRIPTION	BY
	1			
	2			
	3			
	4			
	5			

orion SURVEYING
OFFICE (970) 249-5349
CELL (970) 729-1289
23414 UNCOMPAHGRE ROAD
MONTROSE, CO 81403
WWW.ORIONSURVEYING.COM

DRAWING PATH : Jobs 2023\23140\Vacated 2-24.dwg | SHEET No. 1 OF 1 | PROJECT: 23140

_____
Recording Information

QUIT CLAIM DEED

THIS DEED is dated _____, and is made between the City of Montrose, a Colorado home rule municipal corporation, the "Grantor", whose address is 400 East Main Street, P.O. Box 790, Montrose, Colorado 81402, and VNR Holdings, LLC, the "Grantee", whose principal address is 1415 Hawk Pkwy, Montrose, Colorado 81401.

WITNESS, that the Grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS ($10.00), the receipt and sufficiency of which is hereby acknowledged, does hereby remise, release, sell and QUITCLAIM unto the Grantee, its successors and assigns, forever, all the right, title, interest, claim and demand which the Grantor has in and to the real property, located in County of Montrose, State of Colorado, described as follows and shown in **Exhibit A** attached hereto and made a part hereof:

A Parcel of Land Located in the Southeast 1/4 of Section 28, Township North, Range 9 West, New Mexico Principal Meridian, City of Montrose, State of Colorado, being a Portion of the Right-of-Way of West South 1st Street Dedicated on the Map of Willerup's Subdivision, Book 0 Page 35, More Particularly Described as Follows:

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TO HAVE AND TO HOLD the same, together with all and singular the appurtenances and privileges thereunto belonging, or in anywise thereunto appertaining, and all the estate, right, title, interest and claim whatsoever of the Grantor, either in law or equity, to the only proper use, benefit and behoof of the Grantee, and its successors and assigns, forever.

IN WITNESS WHEREOF, the Grantor has caused its corporate name to be hereunto subscribed by its Mayor, and its corporate seal to be affixed, attested by its City Clerk, on the date set forth above.

ATTEST:

By: _____
Lisa DelPiccolo, City Clerk

GRANTOR:

By: _____
Barbara Bynum, Mayor

STATE OF COLORADO) ss.

COUNTY OF MONTROSE)

The foregoing instrument was acknowledged before me this _____ day of _____, 2024 at Montrose, Colorado by Barbara Bynum, Mayor of the City of Montrose.

Witness my hand and official seal.
My commission expires: _____

_____
Notary Public

(SEAL)

Orion Surveying., 23414 Uncompahgre Road., Montrose, Colorado 81403_____
Name and Address of Person Creating Newly Created Legal Description (§ 38-35-106.5, C.R.S.)

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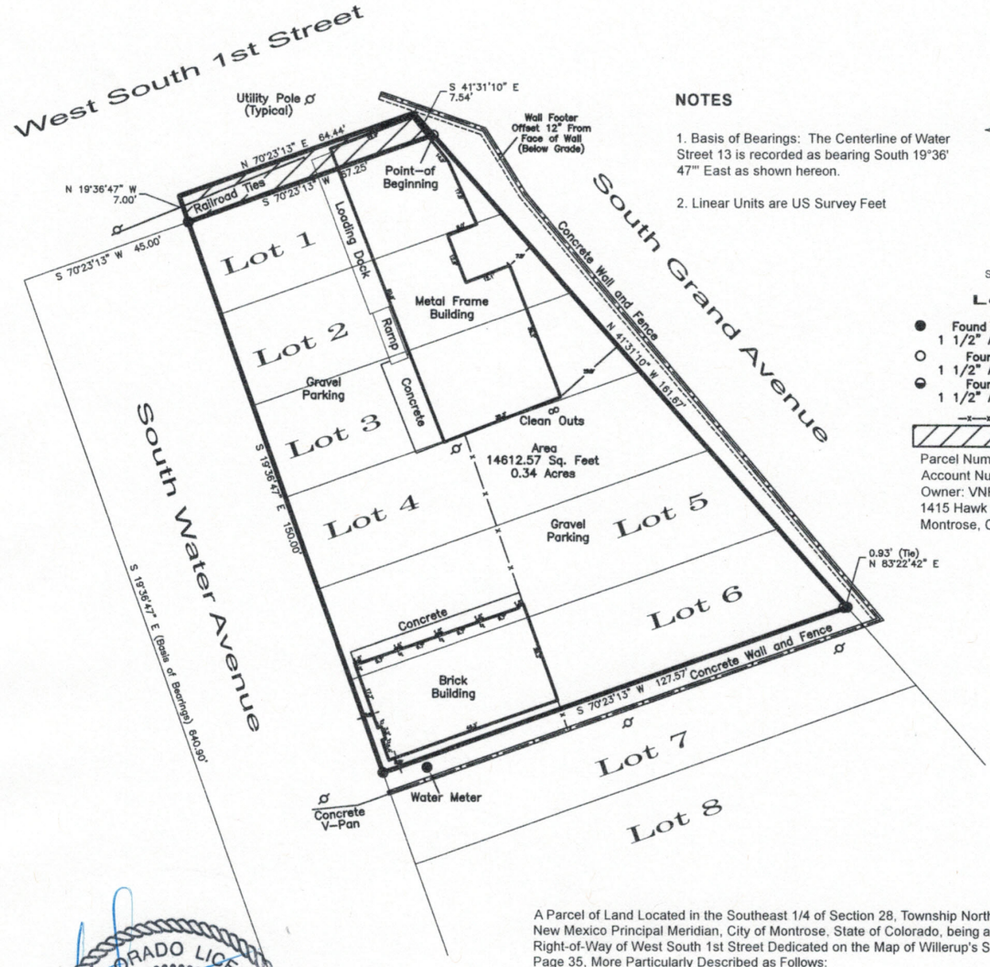

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