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**CITY COUNCIL AGENDA  
WEDNESDAY, JANUARY 15, 2020  
250 NORTH 5<sup>TH</sup> STREET  
5:15 PM – PRE-MEETING – ADMINISTRATION CONFERENCE ROOM  
6:00 PM – REGULAR MEETING – CITY HALL AUDITORIUM**

To become the most livable community west of the Rockies by 2025

**Call to Order. Pledge of Allegiance. Invocation**

Rev. Eric Turner, Liberty Baptist Church

*The invocation is offered for the use and benefit of the City Council. The invocation is intended to solemnize the occasion of the meeting, express confidence in the future, and encourage recognition of what is worthy of appreciation in our society. During the invocation you may choose to sit, stand, or leave the room.*

**Presentations**

2019 Champion of the Arts Award

**Proclamations**

Proclaiming January 20, 2020 as Martin Luther King, Jr. Day in the City of Grand Junction

Proclaiming the City of Grand Junction as an Inclusive City

Proclaiming the Month of January as National Crime Stoppers Month in the City of Grand Junction

**Certificates of Appointment**

To the Forestry Board

To the Visit Grand Junction Board

**REVISED**

**Citizen Comments**

*Individuals may comment regarding items scheduled on the Consent Agenda and items not specifically scheduled on the agenda. This time may be used to address City Council about items that were discussed at a previous City Council Workshop.*

**City Manager Report****Council Reports****CONSENT AGENDA**

*The Consent Agenda includes items that are considered routine and will be approved by a single motion. Items on the Consent Agenda will not be discussed by City Council, unless an item is removed for individual consideration.*

**1. Approval of Minutes**

- a. Minutes of the December 18, 2019 Regular Meeting
- b. Minutes of the January 6, 2020 Executive Session

**2. Set Public Hearings**

*All ordinances require two readings. The first reading is the introduction of an ordinance and generally not discussed by City Council. Those are listed in Section 2 of the agenda. The second reading of the ordinance is a Public Hearing where public comment is taken. Those are listed below.*

- a. Legislative
  - i. Introduction of an Ordinance in Regards to the Issuance of \$50,000,000 in General Fund Revenue Bonds and the Refinancing of \$13,980,000, Series 2012 General Fund Revenue Bonds, and Set a Public Hearing for February 5, 2020
  - ii. Introduction of an Ordinance Concerning Section 3.12.020 of Chapter 3 of the Grand Junction Municipal Code Concerning the Taxability of Food Products Sold from Money Operated Machines and Set a Public Hearing for February 5, 2020



**3. Contracts**

- a. 2019 Community Development Block Grant Subrecipient Agreements between Karis, Inc., Housing Resources of Western Colorado and the City of Grand Junction
- b. Construction Contract for the 23 Road Sewer Trunk Line Extension Project

**4. Resolutions**

- a. A Resolution Designating the Location for the Posting of the Notice of Meetings, Establishing the 2020 City Council Meeting Schedule, and Establishing the Procedure for Calling of Special Meetings for the City Council
- b. A Resolution Vacating Public Easements Within Property Located at 588 North Grand Falls Court
- c. A Resolution Amending the 2020 Redevelopment Policy and Redevelopment Boundary Map
- d. Resolution Authorizing the City Manager to Submit a Grant Application for CDOT's Highway Safety Improvement Program for the Horizon Drive at G Road and 27 ½ Road Intersection Improvement Project
- e. Resolution Adopting the City of Grand Junction 2020 Legislative Agenda

**5. Other Action Items**

- a. Review and Approval of Amendments to the City of Grand Junction - Las Colonias Development Corporation (LCDC) Master Lease

**REGULAR AGENDA**

*If any item is removed from the Consent Agenda by City Council, it will be considered here.*

**6. Public Hearings**

- a. Legislative

- i. Ordinances Expanding the Boundaries for the Downtown Grand Junction Business Improvement District to Include Properties Known as 701 Main Street, 805 Struthers Avenue and 330 South 2nd Street into the Boundaries of the Business Improvement District and an Ordinance Expanding the Boundaries for the Grand Junction, Colorado Downtown Development Authority to Include Properties Known as 805 Struthers and 330 South 2nd Street into the Boundaries of the Downtown Development Authority
- b. Quasi-judicial
  - i. An Ordinance Rezoning to R-8 (Residential 8 Units per Acre) a 1.26-Acre Property Located at 588 North Grand Falls Court
  - ii. An Ordinance Rezoning to B-1 (Neighborhood Business) a 1.81-Acre Property Located at 1221 Wellington Avenue

**7. Non-Scheduled Citizens & Visitors**

*This is the opportunity for individuals to speak to City Council about items on tonight's agenda and time may be used to address City Council about items that were discussed at a previous City Council Workshop.*

**8. Other Business**

**9. Adjournment**



## Grand Junction City Council

### Regular Session

Item #

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**Meeting Date:** January 15, 2020

**Presented By:** Ken Sherbenou, Parks and Recreation Director

**Department:** Parks and Recreation

**Submitted By:** Lorie Gregor, Recreation Coordinator

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### **Information**

#### **SUBJECT:**

2019 Champion of the Arts Award

#### **RECOMMENDATION:**

The Arts and Culture Commission has chosen Troy Reynolds and FCI Constructors as the Champion of the Arts recipients for 2019 for their consistent support of arts and culture in our community.

#### **EXECUTIVE SUMMARY:**

The Grand Junction Commission on Arts and Culture is recognizing the annual winner of the Champion of the Arts Award. As part of the award, the Commission purchases a piece of local artwork to be presented. Accepting the award on behalf of Mr. Reynolds and FCI Constructors, are Brad Keller, Vice President and Shane Haas, Vice President.

#### **BACKGROUND OR DETAILED INFORMATION:**

Since 1991, the Grand Junction Commission on Arts and Culture annually invites the community to nominate local businesses, organizations, and individuals for the Champion of the Arts Award. These awards are given each year to honor businesses, organizations, and individuals which exemplify outstanding support for the arts, assistance to local art and cultural organizations, commitment to our cultural community, and/or promotion of area artists. Original artwork from premier local artists purchased by the Commission and presented as the award.

#### **FISCAL IMPACT:**

One piece of artwork was purchased utilizing \$850 of budgeted funds.

**SUGGESTED MOTION:**

N/A

**Attachments**

None



*City of Grand Junction, State of Colorado*

# Proclamation

**Whereas,** that all people, regardless of the color of their skin, the persuasion of their theology, or the level of their intelligence, were built by one Creator with one blood, designed and fashioned to live on one earth with one another; and

**Whereas,** Martin Luther King, Jr. was a minister who dedicated his life for this purpose so we may, as Americans, truly live out the Declaration of Independence as we hold these truths to be self-evident, that all people are created equal, that they are endowed by their creator with certain inalienable rights, that among these are life, liberty, and the pursuit of happiness; and

**Whereas,** the third Monday of each January is acknowledged as Martin Luther King, Jr. Day in Grand Junction to honor a great American who awakened a nation's conscience to not judge a person by the color of their skin but by the content of their character; and

**Whereas,** in cooperation with the City of Grand Junction, the Avalon Theatre will commemorate Martin Luther King, Jr. Day by showing the movies *Spiderman - Spider Verse* and *Harriet* on January 18<sup>th</sup>.

**NOW, THEREFORE,** I, J. Merrick Taggart, by the power vested in me as Mayor of the City of Grand Junction, do hereby proclaim January 20, 2020 as

## ***"Martin Luther King, Jr. Day"***

in the City of Grand Junction and encourage all citizens of Grand Junction to observe this day with appropriate activities and programs that honor the memory and legacy of Dr. King.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the official Seal of the City of Grand Junction this 15<sup>th</sup> day of January, 2020.



Mayor





*City of Grand Junction, State of Colorado*

# Proclamation

**Whereas,** Grand Junction, CO is a city that welcomes and celebrates people of all races, ethnicities, religions, sexual orientations, genders, economic status and physical and mental circumstances. The City of Grand Junction cherishes our diversity and believes it enhances the quality of life in our community; and

**Whereas,** Grand Junction respects diversity and desires to ensure that the human rights of all citizens are protected and to that end the City implores all citizens to make known that we do not tolerate discrimination in any form and recognize that marginalized individuals experience increased instances of bias, hate speech, bigotry and violence through no fault of their own; and

**Whereas,** the residents of Grand Junction are urged to work together to engage in dialogue and move forward to ensure all Grand Junction residents feel their voices are heard, and to ensure that our community will foster equality, social justice and freedom from fear of persecution based on race, religious belief, country of origin, sexual orientation, gender, income, disability, age or family status; and

**Whereas,** the residents of Grand Junction are urged to expand community outreach, engagement and authentic collaboration that will empower each Grand Junction resident with the ability and desire to help create a society that condemns racism, misogyny, intolerance, discrimination or oppression toward any person.

**NOW, THEREFORE,** the Grand Junction City Council commits to support, participate in and help expand inclusivity conversations in support of a community that is free of oppression, persecution and hate. **FURTHERMORE,** the City of Grand Junction hereby intends to annually recognize the importance of inclusion of all residents of all beliefs and to consider, respect and value the uniqueness and importance of diversity in our community.

***"The City of Grand Junction an Inclusive City"***



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the official Seal of the City of Grand Junction this 15<sup>th</sup> day of January, 2020.

Mayor





*City of Grand Junction, State of Colorado*

# Proclamation

- Whereas,** crime is a menace to our society. It tears apart lives and causes feelings of fear, anger and helplessness. As caring citizens, we are obligated to do everything in our power to ensure that our communities are not victimized by criminals; and
- Whereas,** the Crime Stoppers of Mesa County program has empowered the citizens of Mesa County to take a stand against crime. This program brings together citizens, law enforcement, the media, businesses, and educational institutions to combat crime and make our communities safer; and
- Whereas,** combining media awareness, cash rewards, and an anonymous tipline for citizens to contact, Crime Stoppers of Mesa County has created an effective method for solving crimes and helping citizens take back control over their neighborhoods; and
- Whereas,** the award-winning, nationally recognized Crime Stoppers of Mesa County has been particularly effective and since 1983 has received 20,300 tips, which have led to 1,795 arrests and the recovery of over 9 million dollars in drugs and property. Anonymous Crime Stopper callers have been rewarded over \$307,000 for their valuable information; and
- Whereas,** Crime Stoppers of Mesa County has forged strong working relationships with all area law enforcement agencies, including: Colorado State Patrol, Fruita Police Department, Grand Junction Police Department, Mesa County Sheriff's Office, Mesa County District Attorney's Office, and the Palisade Police Department; and
- Whereas,** Crime Stoppers of Mesa County is working to increase awareness of community safety issues and crime prevention efforts, while also giving back to our community by offering grants to various organizations, partnership with Colorado Mesa University and scholarships to Law Enforcement graduates.

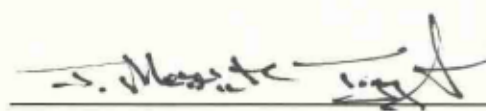
**NOW, THEREFORE,** I, J. Merrick Taggart, by the power vested in me as Mayor of the City of Grand Junction, do hereby proclaim the month of January, 2020 as

## *"National Crime Stoppers Month"*

in the City of Grand Junction and call all citizens of Grand Junction to increase their participation in Crime Stoppers of Mesa County in the effort to prevent crime, thereby strengthening the communities in which they live.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the official Seal of the City of Grand Junction this 15<sup>th</sup> day of January, 2020.

  
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Mayor



## Grand Junction City Council

### Regular Session

Item #

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**Meeting Date:** January 15, 2020

**Presented By:** Wanda Winkelmann, City Clerk

**Department:** City Clerk

**Submitted By:** Wanda Winkelmann

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### **Information**

#### **SUBJECT:**

To the Forestry Board

#### **RECOMMENDATION:**

Present the reappointed and new volunteers with their Certificates of Appointment.

#### **EXECUTIVE SUMMARY:**

There is one reappointed member and one new member to the Forestry Board.

#### **BACKGROUND OR DETAILED INFORMATION:**

Kamie Long was reappointed and Bennett Boeschenstein was appointed by City Council at their December 18, 2019 Regular Meeting. Bennett Boeschenstein will be present to receive his Certificate of Appointment and Kamie will attend the February 5th Council meeting.

#### **FISCAL IMPACT:**

n/a

#### **SUGGESTED MOTION:**

n/a

### **Attachments**

None



## Grand Junction City Council

### Regular Session

Item #

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**Meeting Date:** January 15, 2020

**Presented By:** Wanda Winkelmann, City Clerk

**Department:** City Clerk

**Submitted By:** Wanda Winkelmann

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### **Information**

#### **SUBJECT:**

To the Visit Grand Junction Board

#### **RECOMMENDATION:**

Present the reappointed and new volunteers with their Certificates of Appointment.

#### **EXECUTIVE SUMMARY:**

There is one reappointed and one new member to the Visit Grand Junction Board.

#### **BACKGROUND OR DETAILED INFORMATION:**

Tammy Anderson was reappointed and Joseph Burtard was appointed by City Council at their December 18, 2019 Regular Meeting.

#### **FISCAL IMPACT:**

n/a

#### **SUGGESTED MOTION:**

n/a

### **Attachments**

None



**GRAND JUNCTION CITY COUNCIL  
MINUTES OF THE REGULAR MEETING**

**December 18, 2019**

**Call to Order, Pledge of Allegiance, Invocation**

The City Council of the City of Grand Junction convened into regular session on the 18<sup>th</sup> day of December, 2019 at 6:00 p.m. Those present were Councilmembers Kraig Andrews, Chuck McDaniel, Phyllis Norris, Phillip Pe'a, Anna Stout, and Council President Pro Tem Duke Wortmann. Council President Rick Taggart was absent.

Also present were City Manager Greg Caton, City Attorney John Shaver, Records Manager Debbie Kemp and Deputy City Clerk Selestina Sandoval.

Council President Pro Tem Wortmann called the meeting to order. Student Diana Hanson led the Pledge of Allegiance. Monument View Bible Church Pastor Sam Cathey provided the invocation.

**Appointments**

**To the Forestry Board**

Councilmember Andrews moved to reappoint Kamie Long and to appoint Bennett Boeschenstein to the Forestry Board for three year terms ending in June 2022. Councilmember Stout seconded the motion. Motion passed by unanimous voice vote.

**To the Visit Grand Junction Board**

Councilmember Pe'a moved to reappoint Tammy Anderson and to appoint Joseph Burtard and Kelsey Coleman to the Visit Grand Junction Board for three year terms ending November 2022. Councilmember Norris seconded the motion. Motion passed by unanimous voice vote.

**Citizen Comments**

Bruce Lohmiller spoke on the 988 national intervention line, sex education classes, and camping rules.

Ed Kowalski thanked City Council and staff and wished them a Merry Christmas.

Richard Swingle spoke on strategic vs. operational budgeting.

Dennis Simpson spoke on his concerns with the budget process.



**City Manager Report**

City Manager Greg Caton spoke of the Chamber of Commerce quarterly meeting and how the presenter, Dr. Richard Wobbekind, head of the Business Research Division in the Leeds School of Business at Colorado University, stated that Grand Junction is making significant strides diversifying the economy. The City was also recognized during that meeting for their investment in Two Rivers Convention Center.

**Council Reports**

Councilmember Andrews attended the Colorado Mesa University (CMU) graduation and gave the graduates and university accolades.

Councilmember Norris attended the Chamber of Commerce quarterly meeting, Grand Junction Fire Academy graduation, and she spoke of CMU's report of the economy.

Councilmember Stout reported achievements of Sister City of El Espino, attended the Downtown Holiday Celebration, and said the Arts Center received a Stand for the Arts award.

Council President Pro Tem Wortmann attended the Grand Junction Economic Partnership Holiday Celebration and spoke of his gratitude for the good things happening in Grand Junction, the Grand Junction Fire Academy Graduation, and he also attended the CMU graduation.

**CONSENT AGENDA**

Councilmember Andrews moved to adopt Consent Agenda items #1 - #4. Councilmember Norris seconded the motion. Motion carried by unanimous voice vote.

**1. Approval of Minutes**

- a. Summary of the December 2, 2019 Workshop
- b. Minutes of the December 4, 2019 Regular Meeting

**2. Set Public Hearings**

- a. Legislative
  - i. Introduce Ordinances Expanding the Boundaries for the Downtown Grand Junction Business Improvement District to Include Properties Known as 701 Main Street, 805 Struthers Avenue and 330 South 2<sup>nd</sup> Street into the

Boundaries of the Business Improvement District and Introduce an Ordinance Expanding the Boundaries for the Grand Junction, Colorado Downtown Development Authority to Include Properties Known as 805 Struthers and 330 South 2<sup>nd</sup> Street into the Boundaries of the Downtown Development Authority and Setting a Hearing for January 15, 2020

b. Quasi-judicial

- i. Introduce an Ordinance Rezoning to R-8 (Residential 8 Units per Acre) a 1.26-Acre Property Located at 588 North Grand Falls Court and Setting a Public Hearing for January 15, 2020
- ii. Introduce an Ordinance Rezoning to B-1 (Neighborhood Business) a 1.81-Acre Property Located at 1221 Wellington Avenue and Setting a Public Hearing for January 15, 2020
- iii. A Resolution Referring a Petition to the City Council for the Annexation of Lands to the City of Grand Junction, Colorado, Setting a Hearing on Such Annexation, Exercising Land Use Control, and Introducing a Proposed Annexation Ordinance for the Barnes Electric Annexation of 0.521-Acres Located at 2806 ½ Perry Drive

**3. Resolutions**

- a. A Resolution Approving the Termination of the Intergovernmental Agreement for the Creation of the 5-2-1 Drainage Authority
- b. A Resolution Authorizing the Lease of Sidewalk Right-of-Way to P & J Entertainment, LLC dba Ciara's Cafe and Cantina, Located at 701 Main Street
- c. A Resolution to Vacate Two Ten-Foot Public Utility Easements Located at 2711 G Road
- d. A Resolution to Vacate a Portion of a 14-foot Wide Multi-Purpose Easement Located Within Lot 1, Patterson Place Subdivision Located at 2566 Patterson Road
- e. A Resolution to Vacate a Public Utility Easement Located on Parcel 2943-212-06-100 and Hoffman Subdivision Filing II
- f. A Resolution Authorizing Membership into the Colorado Firefighter Heart and

## Circulatory Benefits Trust

- g. A Resolution to Release Improvement District ST-82 Phase C for the Etter-Epstein Property
- h. A Resolution Authorizing Membership into the Colorado Firefighter Cancer Benefits Trust

**4. Other Action Items**

- a. Downtown Grand Junction Business Improvement District's 2019 Annual Report and 2020 Operating Plan and Budget
- b. Horizon Drive Association Business Improvement District's 2019 Annual Report and 2020 Operating Plan and Budget

**REGULAR AGENDA****An Ordinance to Vacate Undeveloped Westcliff Drive Public Right-of-Way (0.18 ac) as Part of the Proposed Court in G Subdivision**

The Applicant, Anatum LLC, is requesting the vacation of Westcliff Drive, an undeveloped public right-of-way located south of G Road, just east of 27 Road.

The Applicant is currently in the process of a Preliminary/Final Subdivision Plan Review to develop a residential subdivision that is proposing to create 17 single-family attached dwelling units and lots on a total of 3.02 acres in an existing R-5 (Residential – 5 du/ac) zone district. As part of the subdivision process, new rights-of-way will be granted to the City to accommodate the location of the necessary infrastructure.

Associate Planner Senta Costello presented this item.

The public hearing was opened at 6:29 p.m.

There were no public comments.

The public hearing was closed at 6:29 p.m.

Councilmember Stout moved to adopt Ordinance 4894, an ordinance to vacate the Westcliff Drive Right-of-Way located at 2711 G Road on final passage and ordered final publication in pamphlet form with the condition as listed in the staff report. Councilmember Andrews seconded the motion. Motion carried by unanimous roll call vote.



**An Ordinance to Amend the Phasing Schedule of the Previously Approved Planned Development to Allow 20 Residential Lots and Condominium Units on 1.88-Acres for the Casas de Luz Planned Development Located at West Ridges Boulevard and School Ridge Road**

The Applicant, Dynamic Investments Inc., requests an extension to the phasing schedule for the Casas de Luz Outline Development Plan (ODP). The Applicant received City Council approval for the Planned Development and associated ODP residential subdivision on September 21, 2011. A revised phasing schedule was approved in 2015 that extended the deadline for the first phase to December 31, 2017. The Applicant met the phasing schedule set for the first phase by filing a subdivision plat in 2017, however the Applicant is now unable to meet the deadlines set by the approved phasing schedule for Phase 1 (construction) of the planned development and associated project. The Applicant is therefore requesting a revised phasing schedule for the PD and ODP that would provide for completion of the remaining phases of development within 10-years from the previous Phase 1 deadline of December 31, 2017.

Senior Planner Scott Peterson presented this item.

Conversation ensued clarifying deadlines, the process for renewing versus refiling and what would happen if Council didn't approve the request.

The public hearing was opened at 6:40 p.m.

There were no public comments.

The public hearing was closed at 6:40 p.m.

Councilmember McDaniel noted for the record that Council President Taggart recused himself from voting on this agenda item on first reading (December 4, 2019 City Council Meeting) due to the close proximity of this development to Council President Taggart's residence.

Councilmember Pe'a moved to adopt Ordinance No. 4895, an ordinance amending Ordinance No.'s 4482 and 4654 for the Casas de Luz Planned Development residential subdivision revising the proposed phasing schedule, located adjacent to West Ridges Boulevard and west of School Ridge Road on final passage and ordered final publication in pamphlet form. Councilmember Norris seconded the motion. Motion carried by unanimous roll call vote.

**A Resolution Adopting the 2020 Redevelopment Boundary Map and Formula for Calculating the Transportation Impact Fee Payments Required within the Redevelopment Boundary**

As part of the recent decision on transportation impact fees, Council requested review of the Redevelopment Area that currently provides for a significant reduction of transportation impact fees within the core area of the City. The redevelopment area was last adopted by Resolution No. 15-13 in 2013. The City Council met at two recent workshops on November 18<sup>th</sup> and

December 2<sup>nd</sup> and provided guidance to staff for specific revisions to the Redevelopment Boundary and the reduced Transportation Capacity Payment fee calculation.

Community Development Director Tamra Allen presented this item.

Conversation ensued about types of developments that would qualify for the reduction, CMU development and their exemption of TCP fees, the additional reduction per story (height) in specified areas, the sunset provision of the ordinance, and the process to expand the reduction zone in Orchard Mesa up to 28 Road.

The floor was opened for citizen comments.

There were none.

Councilmember Andrews moved to adopt Resolution No. 93-19, a resolution adopting the 2020 Redevelopment Boundary Map and formula for calculating the Transportation Impact Fee Payments required within the Redevelopment Boundary. Councilmember Pe'a seconded the motion. Motion carried by roll call vote with Councilmember Stout voting no.

#### **Non-Scheduled Citizens & Visitors**

There were none.

#### **Other Business**

Council President Pro Tem Wortmann mentioned the anniversary of his mother Carol Bukley Wortmann's passing 45 years prior and that he was celebrating six years in his home. He spoke on the presentation of the Migrant Services Proclamation at Central High School and the appreciation they expressed for the support they felt.

Several Councilmembers wished everyone happy holidays.

Councilmember Stout thanked the City Manager and staff for their work including the Spanish speaking community in City matters.

#### **Adjournment**

The meeting was adjourned at 7:02 p.m.

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Selestina Sandoval  
Deputy City Clerk



## **GRAND JUNCTION CITY COUNCIL**

### **SPECIAL SESSION MINUTES**

**January 6, 2020**

The City Council of the City of Grand Junction, Colorado met in Special Session on Monday, January 6, 2020 at 5:00 p.m. in the Administration Conference Room, 2<sup>nd</sup> Floor, City Hall, 250 North 5<sup>th</sup> Street. Those present were Councilmembers Kraig Andrews, Chuck McDaniel, Phyllis Norris, Phillip Pe'a, Anna Stout, Duke Wortmann, and Mayor Rick Taggart.

Staff present for the Executive Session were City Manager Greg Caton, City Attorney John Shaver, Community Development Director Tamra Allen, Public Works Director Trent Prall, Parks and Recreation Director Ken Sherbenou, Finance Director Jodi Romero, General Services Director Jay Valentine, Sr. Assistant to the City Manager Greg LeBlanc.

#### **Executive Session #1**

Councilmember Norris moved to go into Executive Session:

TO DISCUSS MATTERS THAT MAY BE SUBJECT TO NEGOTIATIONS, DEVELOPING STRATEGY FOR NEGOTIATIONS, AND/OR INSTRUCTING NEGOTIATORS PURSUANT TO SECTIONS 24-6-402(4)(e) AND/OR 24-6-402(4)(a) OF COLORADO'S OPEN MEETINGS LAW RELATIVE TO A POSSIBLE LEASE OR PURCHASE OF PROPERTY LOCATED AT 2515 RIVERSIDE PARKWAY

Councilmember Pe'a seconded the motion. Motion carried unanimously.

The City Council convened into Executive Session at 5:02 p.m.

Councilmember Wortmann moved to adjourn. Councilmember Norris seconded. Motion carried unanimously.

A brief recess was called at 6:02 p.m. The session resumed at 6:10 p.m.

#### **Executive Session #2**

Councilmember Norris moved to go into Executive Session:

TO DISCUSS MATTERS THAT MAY BE SUBJECT TO NEGOTIATIONS, DEVELOPING STRATEGY FOR NEGOTIATIONS, AND/OR INSTRUCTING NEGOTIATORS PURSUANT TO SECTIONS 24-6-402(4)(e) AND/OR 24-6-402(4)(a) OF COLORADO'S OPEN MEETINGS LAW RELATIVE TO A POSSIBLE SALE(S) OF REAL PROPERTY(IES) LOCATED ON AN UNADDRESSED PARCEL(S) ON HALE AVENUE

Councilmember Wortmann seconded the motion. Motion carried unanimously.

The City Council convened into Executive Session at 6:10 p.m.

Councilmember Andrews moved to adjourn. Councilmember Norris seconded. Motion carried unanimously.

**Executive Session #3**

Councilmember Norris moved to go into Executive Session:

TO DISCUSS MATTERS THAT MAY BE SUBJECT TO NEGOTIATIONS, DEVELOPING STRATEGY FOR NEGOTIATIONS, AND/OR INSTRUCTING NEGOTIATORS PURSUANT TO SECTIONS 24-6-402(4)(e) AND/OR 24-6-402(4)(a) OF COLORADO'S OPEN MEETINGS LAW RELATIVE TO A POSSIBLE PURCHASE(S) OF REAL PROPERTY(IES), THE LOCATION OF WHICH WILL REMAIN CONFIDENTIAL AS DISCLOSURE WOULD COMPROMISE THE PURPOSE FOR WHICH THE EXECUTIVE SESSION IS AUTHORIZED AS ALLOWED BY AND PURSUANT TO SECTION 24-6-402(4) OF COLORADO'S OPEN MEETINGS LAW

Councilmember Wortmann seconded the motion. Motion carried unanimously.

The City Council convened into Executive Session at 6:20 p.m.

Councilmember Wortmann moved to adjourn. Councilmember Norris seconded. Motion carried unanimously.

**Executive Session #4**

Councilmember Norris moved to go into Executive Session:

TO DISCUSS MATTERS THAT MAY BE SUBJECT TO NEGOTIATIONS, DEVELOPING STRATEGY FOR NEGOTIATIONS, AND/OR INSTRUCTING NEGOTIATORS PURSUANT TO SECTIONS 24-6-402(4)(e) AND/OR 24-6-402(4)(a) OF COLORADO'S OPEN MEETINGS LAW RELATIVE TO POSSIBLE AMENDMENT(S) OF AN ECONOMIC DEVELOPMENT INCENTIVE AGREEMENT FOR BONSAI DESIGN/ITS PROJECT AT AN UNADDRESSED PARCEL NEAR 1850 LAS COLONIAS DRIVE

Councilmember Wortmann seconded the motion. Motion carried unanimously.

The City Council convened into Executive Session at 7:04 p.m.

Councilmember Stout moved to adjourn. Councilmember Wortmann seconded. Motion carried unanimously.

The meeting adjourned at 7:46 p.m.

Wanda Winkelmann  
City Clerk



## Grand Junction City Council

### Regular Session

Item #2.a.i.

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**Meeting Date:** January 15, 2020

**Presented By:** Greg Caton, City Manager, Jodi Romero, Finance Director, Jay Valentine, General Services Director

**Department:** General Services

**Submitted By:** Jodi Romero, Finance Director  
Jay Valentine, General Services Director

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### **Information**

#### **SUBJECT:**

Introduction of an Ordinance in Regards to the Issuance of \$50,000,000 in General Fund Revenue Bonds and the Refinancing of \$13,980,000, Series 2012 General Fund Revenue Bonds, and Set a Public Hearing for February 5, 2020

#### **RECOMMENDATION:**

Introduce a proposed ordinance for the issuance of \$50,000,000 in General Fund Revenue Bonds and the refinancing of \$13,980,000, Series 2012 General Fund Revenue Bonds, and set a public hearing for February 5, 2020.

#### **EXECUTIVE SUMMARY:**

On November 5, 2019, City voters authorized the City to issue debt for transportation expansion projects. D.A. Davidson is the City's underwriter and in coordination with staff has developed a financing and debt issuance plan.

The financing and debt issuance plan takes advantage of historically low interest rates by refinancing the City's current Riverside Parkway 2012 Bonds and issuing new debt for the first phase of \$50 million (of a total \$70 million) in expansion projects.

#### **BACKGROUND OR DETAILED INFORMATION:**

As Council is aware, there is an existing debt obligation from the financing of the Riverside Parkway. That debt is scheduled to be paid off in March 2024 and utilizes existing resources to make the semiannual payments. It is proposed however, that the



current debt be refinanced at a lower interest rate and, in turn, free up debt capacity that will go toward funding the first \$50 million of voter authorized expansion projects. It is then anticipated the additional \$20 million will be issued in 2023 to complete the total of \$70 million in projects.

In 2012, the City refunded its 2004 General Fund Revenue Bonds which provided the original financing for Riverside Parkway. This refunding was completed at a significantly lower interest rate saving \$8 million in debt service costs. As of March 2, 2020, the remaining principal balance on the 2012 Parkway refunding debt will be \$14.98 million. The annual debt service is currently \$3.85 million per year until 2024.

This proposed refinancing of the Series 2012 bonds will obtain a lower interest rate, provide overall net present value savings, extend the final maturity to 2028, and lower the annual payment being made by the City for these bonds. These payments will be reduced from \$3.85 million to \$3.0 million through 2022 at which time the annual payments will be further reduced in years 2023 through 2028 to accommodate the final \$20 million in debt anticipated to be issued in 2023.

As mentioned above, the restructuring of the Series 2012 bonds will add additional debt service capacity for the issuance of the new debt for the first group of expansion projects. The new \$50 million debt issuance is projected for a term of 29 years at a rate of 2.5%. This is estimated to result in annual payments of \$1.8 million per year until the Parkway debt is paid off at which point it increases to \$3.1 million per year.

It is further anticipated that the second and final debt issuance for the remaining transportation projects will be in 2023 for \$20 million par for a period of 27 years at 3.75% interest (the interest rate is higher to allow for potential increases in future interest rates). The total combined debt service is anticipated to be \$4.8 million per year from 2023 through 2024, and \$4.3 million per year from 2025 through 2049.

The existing resources available include: 0.75% sales tax revenue, impact fees, and after 2022, the TABOR excess as authorized by the voters. Currently \$4.8 million is budgeted of those resources in the 2020 Adopted Budget for debt service.

City staff recently completed a rating call with S&P Global in anticipation of restructuring the Parkway debt and issuing new transportation debt. The updated rating is expected to be confirmed by mid-January. If directed and authorized by City Council, D.A. Davidson would expect to sell the 2020 bonds in mid-February.

This item is scheduled to be discussed at the January 13, 2020 City Council Workshop and this information is provided in advance of that meeting.

**FISCAL IMPACT:**

The new debt issuance for \$50 million is projected for a term of 29 years, at an interest rate of 2.50%. Combined with the refinancing of the Series 2012 bonds, the annual debt service payments in years 2020 through 2022 will be approximately \$4.8 million. In 2023 the Series 2012 bond payments will be further reduced to accommodate the final \$20 million in debt anticipated to be issued in 2023.

**SUGGESTED MOTION:**

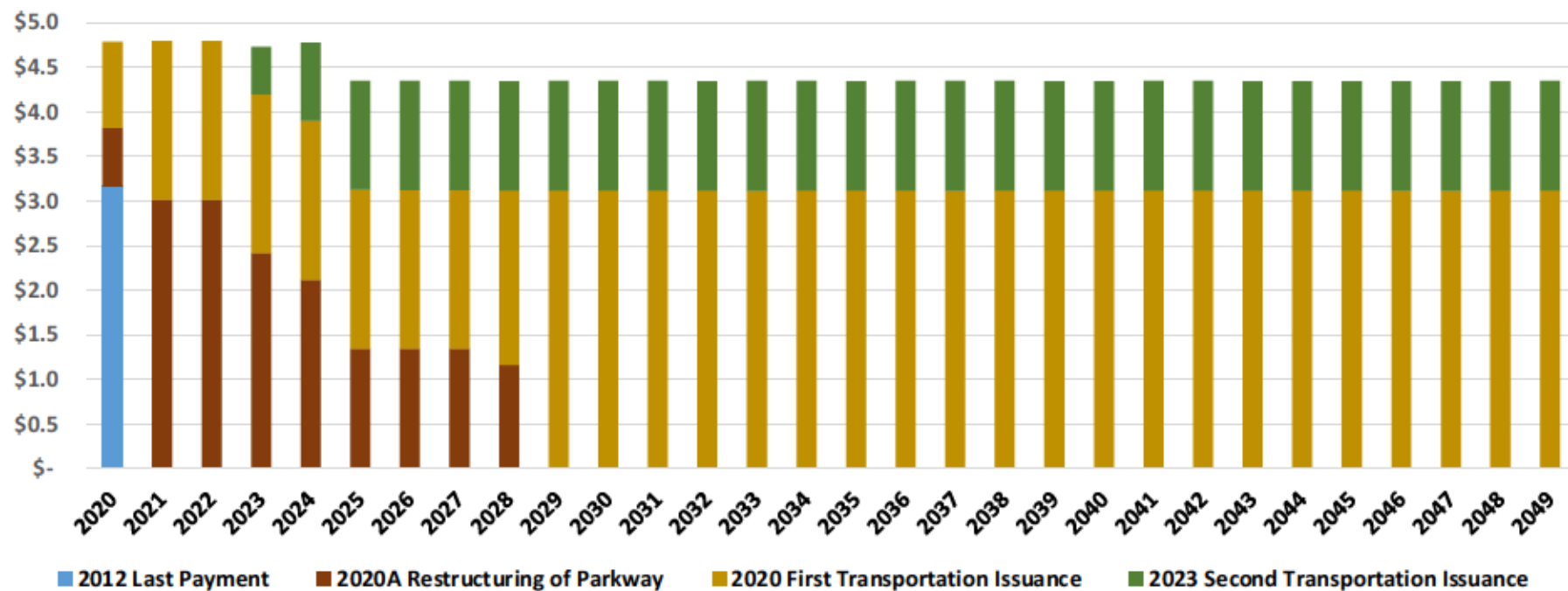
I move to introduce a proposed ordinance approving the issuance of \$50,000,000 in General Fund Revenue Bonds and the refinancing of \$13,980,000, Series 2012 General Fund Revenue Bonds, and set a public hearing for February 5, 2020.

**Attachments**

1. Proposed Total Transportation Debt
2. Ordinance Transportation Debt



Proposed Total Transportation Debt Issuance



ORDINANCE NO. \_\_\_\_

AN ORDINANCE AUTHORIZING THE ISSUANCE OF ONE OR MORE SERIES OF TAXABLE OR TAX-EXEMPT GENERAL FUND REVENUE BONDS OR GENERAL FUND REVENUE REFUNDING BONDS, PLEDGING CERTAIN REVENUES OF THE CITY FOR THE PAYMENT OF THE BONDS, AND MAKING OTHER PROVISIONS RELATING THERETO.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO:

Section 1. Definitions. Terms used in this Ordinance shall have the meanings specified in this section for all purposes of this Ordinance and of any ordinance amendatory hereof, supplemental hereto or relating hereto, and of any instrument or document appertaining hereto, except where the context by clear implication otherwise requires. All definitions include the singular and plural and include all genders. Certain terms are parenthetically defined elsewhere herein.

Additional Bonds means the one or more series of bonds or other securities or obligations authorized to be issued by the City pursuant to Section 21 or 22 hereof and having a lien on the Pledged Sales and Use Tax Revenues on a parity with the lien thereon of the Bonds.

Additional Pledged Revenues has the meaning set forth in Section 21.A hereof.

Bond Account means the account by that name created in Section 18.A hereof.

Bond Purchase Agreement means the Bond Purchase Agreement between the City and the Underwriter of any Series of Bonds sold to the public, if required.

Bonds means one or more Series of general fund revenue bonds, general fund revenue refunding bonds, taxable or tax-exempt, or any combination thereof, as so named and with such detail as set forth in a Sale Certificate approved by the City Manager or the Finance Director and issued pursuant to this Ordinance.

Business Day means a day on which banks located in the City and in the cities in which the principal offices of each of the Paying Agent and the Registrar are not required or authorized to be closed and on which the New York Stock Exchange is not closed.

Charter means the home rule Charter of the City, including all amendments thereto prior to the date hereof, adopted pursuant to Article XX of the Constitution of the State.

City means the City of Grand Junction, Colorado.

City Council means the City Council of the City or any successor in functions thereto.

Closing Date means the date of delivery of and payment for the Bonds.

Commercial Bank means any depository for public funds permitted by the laws of the State for political subdivisions of the State which is in good standing and has a capital and surplus of \$10,000,000 or more, and which is located within the United States.

Continuing Disclosure Certificate means the undertaking executed by officers of the City simultaneously with the delivery of the Bonds which enables the Underwriter to comply with Rule 15c2-12 promulgated by the Securities and Exchange Commission.

C.R.S. means the Colorado Revised Statutes, as amended.

Election means the City's election held on November 5, 2019.

Escrow Account means any separate account created and maintained under an Escrow Agreement for payment of the Refunded Bond Requirements on any Series of Refunding Bonds.

Escrow Agreement means any Escrow Agreement between the City and the Escrow Bank concerning any Series of Refunding Bonds.

Escrow Bank means Zions Bancorporation, National Association, Denver, Colorado, acting as escrow agent pursuant to any Escrow Agreement, or any successor.

Federal Securities: only non-callable direct obligations of the United States of America and securities fully and unconditionally guaranteed as to the timely payment of principal and interest by the United States of America, to which direct obligation or guarantee the full faith and credit of the United States of America has been pledged.

Finance Director: the Finance Director of the City.

Fiscal Year means the twelve months commencing on the first day of January of any calendar year and ending on the thirty-first day of December of such calendar year or such other twelve month period as may from time to time be designated by the City Council as the Fiscal Year of the City.

General Fund means the General Fund of the City.

Improvement Project means the construction of the projects and improvements as authorized by the voters of the City at the Election.

Maximum Annual Debt Service Requirement means the maximum amount of all required payments of principal of and interest the Bonds, any Outstanding 2012 Bonds, and any proposed Additional Bonds which will become due in any Fiscal Year.

Official Statement: the Official Statement delivered in connection with the original issuance and sale of the Bonds in substantially the form of the Preliminary Official Statement.

Ordinance means this Ordinance of the City, which provides for the issuance and delivery of the Bonds.

Outstanding means, as of any date of calculation, all Bonds theretofore executed, issued and delivered by the City except:

- (i) Bonds theretofore cancelled by the City, Registrar or Paying Agent, or surrendered to the City, Registrar or Paying Agent for cancellation;
- (ii) Bonds in lieu of or in substitution for which other Bonds shall have been executed, issued and delivered by the City and authenticated by the Registrar unless proof satisfactory to the Registrar is presented that any such Bonds are duly held by the lawful Registered Owners thereof; or
- (iii) Bonds deemed to have been paid as provided in Section 24 hereof or any similar provision of an ordinance authorizing the issuance of Additional Bonds.

For purposes of this definition, the terms Registrar and Paying Agent shall include a registrar or paying agent for any Additional Bonds.

Owner or Registered Owner means the Registered Owner of any Bond as shown on the registration books kept by the Registrar, and, where the context so requires, the Registered Owner of any Additional Bond as shown on the registration books kept by the registrar for such bonds.

Paying Agent means Zions Bancorporation, National Association, being the agent for the City for the payment of the Bonds and interest thereon, or its successors and assigns.

Permitted Investment means any investment or deposit permitted by the Charter and ordinances of the City.



Person means any individual, firm, partnership, corporation, company, association, joint-stock association or body politic; and the term includes any trustee, receiver, assignee or other similar representative thereof.

Pledged Revenues means:

- (i) the revenues derived from the Pledged Sales and Use Tax;
- (ii) all other additional monies deposited into the City's General Fund which are not by law, by contract, or otherwise restricted or required to be used for another purpose and are legally available for payment of the principal of and interest on the Bonds, provided however, that the Pledged Revenues shall not include monies deposited to the General Fund which are the proceeds of any increase in any existing tax and/or any new tax, unless such pledge is expressly authorized by the City's electors at an election called for such purpose;
- (iii) any additional funds or revenues which the City hereafter pledges to the payment of the Bonds;
- (iv) proceeds of the Bonds or other legally available moneys deposited into and held in the Bond Account; and
- (v) interest or investment income on the Bond Account;

all to the extent that such moneys are at any time required by Section 18 hereof to be deposited into and held in the Bond Account.

Pledged Sales and Use Tax means the proceeds of the Sales and Use Tax.

"Pledged Sales and Use Tax" does not include:

- (i) amounts withheld by retailers and vendors to cover their expenses in collecting and remitting the Pledged Sales and Use Tax
- (ii) amounts collected by the City and subsequently determined, pursuant to the applicable Sales and Use Tax Ordinances, to be subject to valid claims for refunds;
- (iii) the proceeds of any increase in the Sales and Use Tax which may be approved in the future, unless such increase is expressly pledged by the City;
- (iv) the proceeds derived by the City from any legally available tax or taxes or fees (other than a general ad valorem tax) which replace or supersede the

Pledged Sales and Use Tax, regardless of whether such tax or taxes or fees are imposed by the City or the State or other political subdivision thereof;

(v) incremental sales taxes which are pledged to the payment of obligations issued pursuant to an urban renewal plan as defined in Section 31-25-103(9), C.R.S., a plan of development as defined in Section 31-25-802(6.4), C.R.S., or a value capture plan as defined in Section 43-4-508, C.R.S.; and

(vi) any amounts payable by the City under any sales tax sharing agreements made in connection with the imposition of public improvement fees.

Pledged Sales and Use Tax Revenues means revenues derived from the Pledged Sales and Use Tax.

Preliminary Official Statement means the Preliminary Official Statement with respect to any Series of Bonds issued pursuant to this Ordinance, with such revisions as are hereafter approved by the City Manager or the Finance Director.

Principal Office means the principal office of the Registrar or Paying Agent, as the case may be, as designated in writing by the City.

Project means the Improvement Project, the Refunding Project, or either, or both as appropriate, and the payment of the costs of issuing any Series of Bonds.

Rebate Account means the account by that name created in Section 18.C hereof.

Redemption Date means the first date or dates on which any Refunded Bonds may be called for redemption as specified in a Sale Certificate.

Refunded Bond Requirements means the payment of (i) the interest due on the Refunded Bonds, both accrued and not accrued, as the same become due on and after the date of delivery of the specific Series of Bonds issued for refunding purposes and on and before maturity or prior redemption on the Redemption Date; and (ii) the principal of the Refunded Bonds upon maturity or prior redemption on the Redemption Date, (iii) any prior redemption premium as specified in a Sale Certificate.

Refunded Bonds means any of the 2012 Bonds which the City has determined to refund with the proceeds of a Series of Bonds as designated in a Sale Certificate.

Refunding Bonds means any Series of general fund revenue refunding bonds, taxable or tax-exempt, issued for the purpose of paying the Refunded Bond Requirements.

Refunding Project means (a) the payment of the Refunded Bond Requirements and (ii) the payment of the costs of issuing the Refunding Bonds.

Registrar means Zions Bancorporation, National Association, Denver, Colorado, being the agent for the City for the registration, transfer and exchange of the Bonds, or its successors.

Registrar Agreement means the Registrar Agreement between the City and the Registrar, dated the Closing Date.

Regular Record Date means the fifteenth day of the calendar month next preceding each interest payment date for the Bonds (other than a special interest payment date hereafter fixed for the payment of defaulted interest).

Sale Certificate means the sale certificate of the City relating to the Bonds issued pursuant to the Supplemental Public Securities Act and described in Section 5 hereto.

Sales and Use Tax means the 2.75% tax upon the sale and use of goods and services which is being levied by the City pursuant to the Sales and Use Tax Ordinances and any future or amended tax levied by the City as a sales and use tax and pledged by the City Council to the payment of the Bonds and for purposes hereof does not include the .50% Sales and Use Tax imposed for public safety purposes effective 1/1/2020.

Sales and Use Tax Ordinances means the ordinances adopted by the City Council of the City for the purpose of adopting and enforcing the Sales and Use Tax and which are in effect on the date of this Ordinance and as amended by this Ordinance or as later amended or supplemented.

Series means each series of Bonds authorized to be issued pursuant to this Ordinance and designated as such in a Sale Certificate.

Special Record Date means a special date fixed to determine the names and addresses of Registered Owners for purposes of paying interest on a special interest payment date for the payment of defaulted interest, all as further provided in Section 6 hereof.

State means the State of Colorado.

Supplemental Public Securities Act means Title 11, Article 57, Part 2, of the C.R.S.

Tax Code means the Internal Revenue Code of 1986, as amended to the date of delivery of the Bonds, and the regulations promulgated thereunder.



Term Bonds means Bonds that are payable on or before their specified maturity dates from sinking fund payments established for that purpose and calculated to retire such Bonds on or before their specified maturity dates.

Trust Bank means a Commercial Bank which is authorized to exercise and is exercising trust powers.

Underwriter means D.A. Davidson & Co.

2012 Ordinance means Ordinance No. 4490 adopted by the City Council on December 7, 2011.

2012 Bonds means the City's General Fund Revenue Refunding Bonds, Series 2012.

Section 2. Recitals.

A. The City is a municipal corporation duly organized and existing under the Charter.

B. Section 85 of the Charter provides that indebtedness of the City shall be incurred and limited as provided in Article XI of the Colorado Constitution.

C. Article XI, Section 6 of the Colorado Constitution provides that no political subdivision of the state shall contract any general obligation debt by loan in any form, whether individually or by contract pursuant to Article XIV, Section 18(2)(a) of the Colorado Constitution except by adoption of a legislative measure which shall be irrevocable until the indebtedness therein provided for shall have been fully paid or discharged, specifying the purposes to which the funds to be raised shall be applied and providing for the levy of a tax which together with such other revenue, assets, or funds as may be pledged shall be sufficient to pay the interest and principal of such debt. Except as may be otherwise provided by the charter of a home rule city and county, city, or town for debt incurred by such city and county, city, or town, no such debt shall be created unless the question of incurring the same be submitted to and approved by a majority of the qualified taxpaying electors voting thereon, as the term "qualified taxpaying elector" shall be defined by statute.

D. Article X, Section 20 of the Colorado Constitution ("TABOR") requires voter approval in advance for the creation of any multiple fiscal year direct or indirect debt or other financial obligation.



E. At the Election, the City's electors approved the following question:

WITHOUT ANY INCREASE OF ANY EXISTING TAX RATE AND WITHOUT IMPOSING ANY NEW TAXES SHALL CITY OF GRAND JUNCTION, COLORADO (CITY) DEBT BE INCREASED UP TO \$70,000,000.00 WITH A REPAYMENT COST OF UP TO \$114,000,000.00 TO PROVIDE FINANCING FOR THE PURPOSE OF PAYING FOR ALL OR ANY PORTION OF THE COSTS OF THE DESIGN, CONSTRUCTION AND MAINTENANCE OF TRANSPORTATION IMPROVEMENTS WHICH INCLUDE SIDEWALK, ROAD, PEDESTRIAN AND BIKE ROUTE IMPROVEMENTS

- TO B 1/2 ROAD FROM 29 TO 29 3/4 ROADS,
- D 1/2 ROAD FROM 29 TO 30 ROAD,
- F 1/2 ROAD PARKWAY FROM 24 ROAD TO PATTERSON ROAD,
- F 1/2 ROAD FROM 30 TO 30 3/4 ROAD,
- G ROAD FROM 23 1/2 TO 24 1/2 ROAD,
- 24 ROAD FROM PATTERSON ROAD TO I-70,
- 24 1/2 ROAD FROM PATTERSON ROAD TO G 1/4 ROAD,
- 26 1/2 ROAD FROM HORIZON DRIVE TO SUMMERHILL WAY AND INCLUDING A BIKE AND PEDESTRIAN BRIDGE AT I-70,
- A ROUNDABOUT AT HORIZON DRIVE, G ROAD AND 27 1/2 ROAD INTERSECTION,
- AND INTERSECTION AND TURN LANE IMPROVEMENTS AT FIVE LOCATIONS ON PATTERSON ROAD, AND
- IMPROVEMENTS TO RIVER ROAD AND THE REDLANDS PARKWAY NEAR THE JUNIOR SERVICE LEAGUE PARK, INCLUDING A BIKE AND PEDESTRIAN PATH TO CONNECT TO CANYON VIEW PARK;

SHALL SUCH DEBT BE PAYABLE FROM SUCH CITY REVENUES AS THE CITY COUNCIL MAY DETERMINE AND BE ISSUED WITH SUCH TERMS AS THE CITY COUNCIL DETERMINES TO BE NECESSARY AND IN THE BEST INTERESTS OF THE CITY; AND WITHOUT ANY INCREASE OF ANY EXISTING TAX RATE AND WITHOUT IMPOSING ANY NEW TAXES, SHALL THE CITY BE AUTHORIZED BEGINNING IN 2023, TO CONTINUE TO COLLECT, RETAIN AND SPEND, UNTIL NO LATER THAN 2037, ALL REVENUES IN EXCESS OF AMOUNTS WHICH THE CITY IS PERMITTED TO COLLECT, RETAIN, AND SPEND UNDER ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION (TABOR) FOR THE PURPOSE OF PAYING CITY DEBT ISSUED FOR STREET IMPROVEMENT PROJECTS AND TO MAINTAIN NEW AND EXISTING TRANSPORTATION INFRASTRUCTURE?

F. Pursuant paragraph (4) of TABOR, bonds may not be sold on terms which exceed their share of the maximum repayment costs described in the ballot question or in the notice sent to voters.

G. The notice delivered to voters at the Election (the "Election Notice") as required by TABOR limits the issuance of bonds authorized at the Election as follows:

Principal Amount of Proposed Bonds:	Not to exceed \$70,000,000
Maximum Annual City Repayment Cost	Not to exceed \$4,798,150
Total City Repayment Cost:	Not to exceed \$114,000,000

H. The City has not previously issued any debt pursuant to the Election authorization.

I. The City Council hereby determines that the City should issue not more than \$48,200,000 of the authorization for the Improvement Project as authorized by the voters of the City at the Election.

J. The City has heretofore issued the 2012 Bonds.

K. The City desires to delegate to the City Manager or the Finance Director the independent ability to authorize the issuance of one or more Series of Bonds of the City for the purpose of effecting the Improvement Project and the Refunding Project, all subject to the parameters set forth in this Ordinance.

L. The City desires to refund, pay, and discharge the maturities and amounts of the 2012 Bonds as may be designated in a Sale Certificate, as may be advantageous to the City subject to the parameter set forth in Section 5 below.

M. The City is not delinquent in the payment of any of the principal of or interest on the 2012 Bonds.

N. Pursuant to TABOR, the Refunding Bonds may be issued without an election if they are issued at a lower interest rate than the Refunded Bonds.

O. The City Council hereby determines that the interest of the City and the public interest and necessity require the refunding, paying and discharging of the Refunded Bonds and the issuance of the Refunding Bonds.

P. The City Council hereby finds and determines that, provided the Refunding Bonds are sold within the parameters and restrictions contained in Section 5 of this Ordinance, the Refunding Bonds will be issued at a lower interest rate than the Refunded Bonds.

Q. The Refunded Bonds will be called for redemption prior to maturity on the Redemption Date at a price equal to the principal amount so redeemed plus accrued interest to the Redemption Date.

R. The City imposes a Sales and Use Tax pursuant to the Charter and the Sales and Use Tax Ordinances.

S. Except for the 2012 Bonds, the City has not pledged the Sales and Use Tax to the payment of any bonds or for any purpose.

T. The City Council has determined, and does hereby determine, that it is necessary and for the best interest of the City that each Series of the Bonds now be authorized to be issued and delivered, and the City Council hereby determines to use the proceeds of any Series of Bonds authorized by this Ordinance to effect the Improvement Project and the Refunding Project.

U. The City Council desires to cause the Bonds to be issued pursuant to its powers as a home rule City under the Charter, to authorize and direct the application of the proceeds thereof as set forth herein, and to provide security for the payment thereof, all in the manner hereinafter set forth.

V. There have been filed with the City Clerk the proposed forms of the following documents, with such changes as hereinafter approved by the City Manager or the Finance Director: the Bond Purchase Agreement, the Continuing Disclosure Certificate, the Escrow Agreement, the Registrar Agreement, and the Preliminary Official Statement.

Section 3. Ratification. All actions heretofore taken (not inconsistent with the provisions of this Ordinance) by the City Council and the other officers of the City directed toward (i) the imposition and collection of the Sales and Use Tax, (ii) the effecting of the Improvement Project, the Refunding Project, or either or both, and (iii) the selling and issuing of one or more Series of Bonds for such purposes be, and the same is hereby ratified, approved and confirmed.

Section 4. Authority for Ordinance; Authorization of the Bonds.

A. This Ordinance is adopted by virtue of the City's powers as a home rule city reorganized and operating pursuant to Article XX of the Colorado Constitution and the Charter thereunder and pursuant to their provisions. Pursuant to Article XX of the Colorado Constitution



and the Charter, all statutes of the State which might otherwise apply in connection with the Project or the Bonds are hereby superseded, other than the Supplemental Public Securities Act.

B. In accordance with the Constitution and laws of the State and the provisions of this Ordinance, and for the purpose of defraying the cost of the Improvement Project, the Refunding Project, either or both, the City hereby authorizes to be issued any Series of general fund revenue bonds, general fund refunding bonds, taxable or tax-exempt, as set forth in a Sale Certificate, in the aggregate principal amount provided in such Sale Certificate, subject to the parameters and restrictions contained in this Ordinance.

Section 5. Election to Apply Supplemental Public Securities Act to the Bonds. Pursuant to Section 11-57-204 of the Supplemental Public Securities Act, the City Council hereby elects to apply the Supplemental Public Securities Act in its entirety to any Series of Bonds. Pursuant to such election and Section 11-57-205 of the Supplemental Public Securities Act, the City Council hereby delegates to the City Manager or the Finance Director the power to make the following determinations with respect to the Bonds and the Project, without any requirement that the City Council approve such determinations, subject to the parameters and restrictions contained in this Ordinance:

A. Refunded Bonds. The 2012 Bonds to be refunded, if any (i.e., the Refunded Bonds).

B. Principal Amount. The aggregate principal amount of each Series of Bonds, provided that:

(i) the principal amount of the Bonds for the Improvement Project shall not exceed \$48,200,000, and

(ii) the principal amount of the Bonds for the Refunding Project shall not exceed \$14,800,000.

C. Interest Rate. The rates of interest to be borne by each Series of Bonds, provided that:

(i) the net effective interest rate on the Bonds for the Improvement Project shall not exceed 4.00%, and

(ii) the net effective interest rate on the Bonds for the Refunding Project does not exceed the net effective interest rate of the Refunded Bonds



D. First Interest Payment Date. The first interest payment date for each Series of Bonds.

E. Maturity Schedule. The amount of principal of each Series of Bonds maturing on March 1 of any particular year (including any principal maturing on Term Bonds as a consequence of any mandatory sinking fund redemption); provided that:

(i) the final maturity of the Bonds for the Improvement Project shall not be later than March 1, 2049, and

(ii) the final maturity of the Bonds for the Refunding Project shall not be later than March 1, 2028;

F. Optional Redemption Provisions. The dates and conditions upon which the Bonds may be called for optional redemption, if at all, subject to the following:

(i) Bonds issued for the Refunding Project shall (a) not be subject to redemption prior to maturity at the option of the City or (b) be subject to optional redemption at such time or times as permitted by State law and as set forth in the Sale Certificate, at a redemption price not to exceed 100%, and

(ii) Bonds issued for the Improvement Project shall be subject to redemption prior to maturity at the option of the City at such time or times as permitted by State law and as set forth in the Sale Certificate, at a redemption price not to exceed 100%

G. Purchase Price. The price at which each Series of Bonds will be sold to the Underwriter, provided that the price shall not be less than 95%.

Such determinations shall be evidenced by the Sale Certificate signed by the City Manager or the Finance Director and dated and delivered as of the Closing Date, which shall not be more than one year from the date of adoption of this Ordinance.

Either of the City Manager or the Finance Director is hereby authorized to determine if obtaining municipal bond insurance with respect to the Bonds is in the best interests of the City, and if so, to select a bond insurer to issue a municipal bond insurance policy, execute a commitment relating to the same and execute any related documents or agreements required by such commitment.

Approval of this Ordinance grants continuing authority to the City Manager or the Finance Director to approve the issuance of one or more Series of Bonds of the City for one year from the date hereof without further action by the Council subject to the parameters set forth herein; the issuance of one Series of Bonds pursuant to this Ordinance does not foreclose the issuance of subsequent Series of Bonds so long as each Series of Bonds issued pursuant to this Ordinance complies with the parameters and restrictions set forth in this Section 5.

Section 6. Bond Details. The Bonds of a Series shall be numbered consecutively as determined by the Registrar. Each Series of Bonds shall be designated as "City of Grand Junction, Colorado, General Fund Revenue Refunding Bonds, General Fund Improvement Bonds, or General Fund Refunding and Improvement Bonds," either taxable or tax-exempt, followed by the year of issue and a letter beginning with "A" for the first issue and continuing thereafter.

The Bonds shall be issued in fully registered form (i.e., registered as to both principal and interest) initially registered in the name of Cede & Co. as nominee for The Depository Trust Company, and shall be issued in the denomination of \$5,000 or any integral multiple thereof (provided that no Bond may be in a denomination which exceeds the principal coming due on any maturity date, and no individual Bond will be issued for more than one maturity). The Bonds shall be numbered in such manner as the Registrar may determine. The Bonds shall be dated as of the date the Bonds are delivered to the Underwriter for value, and shall bear interest from their dated date until maturity at the rates per annum set forth in the Sale Certificate, payable semiannually on March 1 and September 1 in each year, commencing on the date set forth in the Sale Certificate, except that any Bond which is reissued upon transfer, exchange or other replacement shall bear interest from the most recent interest payment date to which interest has been paid or duly provided for, or if no interest has been paid, from the date of the Bonds. The Bonds shall mature on the dates and in the amounts set forth in the Sale Certificate.

The principal of any Bond shall be payable to the Registered Owner thereof as shown on the registration records kept by the Registrar, upon maturity thereof and upon presentation and surrender at the Paying Agent. If any Bond shall not be paid upon such presentation and surrender at or after maturity, it shall continue to draw interest at the same interest rate borne by said Bond until the principal thereof is paid in full. Payment of interest on any Bond

shall be made by check or draft mailed by the Paying Agent, on or before each interest payment date (or, if such interest payment date is not a business day, on or before the next succeeding business day), to the Registered Owner thereof at the address shown on the registration records kept by the Registrar at the close of business on the Regular Record Date for such interest payment date; but any such interest not so timely paid or duly provided for shall cease to be payable to the Person who is the Registered Owner thereof at the close of business on the Regular Record Date and shall be payable to the Person who is the Registered Owner of the applicable Bond at the close of business on a Special Record Date for the payment of any such defaulted interest. Such Special Record Date and the date fixed for payment of the defaulted interest shall be fixed by the Registrar whenever moneys become available for payment of the defaulted interest. Notice of the Special Record Date and the date fixed for payment of the defaulted interest shall be given to the Registered Owners of the Bonds not less than ten days prior to the Special Record Date by first-class mail to each such Registered Owner as shown on the Registrar's registration records on a date selected by the Registrar, stating the date of the Special Record Date and the date fixed for the payment of such defaulted interest. The Paying Agent may make payments of interest on any Bond by such alternative means as may be mutually agreed to between the Owner of such Bond and the Paying Agent (provided, however, that the City shall not be required to make funds available to the Paying Agent prior to the interest payment dates stated in this Section). All such payments shall be made in lawful money of the United States of America without deduction for the services of the Paying Agent or Registrar.

Pursuant to Section 11-57-210 of the Supplemental Public Securities Act, the Bonds shall contain a recital that they are issued pursuant to certain provisions of the Supplemental Public Securities Act. Such recital shall be conclusive evidence of the validity and the regularity of the issuance of the Bonds after their delivery for value.

Section 7. Prior Redemption.

A. Each Series of Bonds may be subject to redemption prior to maturity at the option of the City as provided in a Sale Certificate.

B. The Term Bonds, if any, shall be subject to mandatory sinking fund redemption at the times, in the amounts and at the prices provided in the Sale Certificate.



On or before the thirtieth day prior to each such sinking fund payment date, the Registrar shall proceed to call the Term Bonds (or any Term Bond or Term Bonds issued to replace such Term Bonds) for redemption from the sinking fund on the next March 1, and give notice of such call without other instruction or notice from the City.

At its option, to be exercised on or before the sixtieth day next preceding each such sinking fund redemption date, the City may (a) deliver to the Registrar for cancellation Term Bonds subject to mandatory sinking fund redemption on such date in an aggregate principal amount desired or (b) receive a credit in respect of its sinking fund redemption obligation for any Term Bonds of the maturity subject to mandatory sinking fund redemption on such date, which prior to said date have been redeemed (otherwise than through the operation of the sinking fund) and canceled by the Registrar and not theretofore applied as a credit against any sinking fund redemption obligation. Each Term Bond so delivered or previously redeemed will be credited by the Registrar at the principal amount thereof on the obligation of the City on such sinking fund redemption date and the principal amount of Term Bonds to be redeemed by operation of such sinking fund on such date will be accordingly reduced. The City will on or before the sixtieth day next preceding each sinking fund redemption date furnish the Registrar with its certificate indicating whether or not and to what extent the provisions of (a) and (b) of the preceding sentence are to be availed with respect to such sinking fund payment. Failure of the City to deliver such certificate shall not affect the Registrar's duty to give notice of sinking fund redemption as provided in this paragraph B.

C. In the case of Bonds of a denomination larger than \$5,000, a portion of such Bond (\$5,000 or any integral multiple thereof) may be redeemed, in which case the Registrar shall, without charge to the Owner of such Bond, authenticate and issue a replacement Bond or Bonds for the unredeemed portion thereof.

D. Notice of optional or mandatory sinking fund redemption by the City shall be given by the Paying Agent in the name of the City by sending a copy of such notice by first-class, postage prepaid mail, not more than 60 days and not less than 30 days prior to the redemption date to the Underwriter and to each Registered Owner of any Bond all or a portion of which is called for redemption at his address as it last appears on the registration books kept by the Registrar. Failure to give such notice by mailing to the Registered Owner of any Bond or to the



Underwriter, or any defect therein, shall not affect the validity of the proceedings for the redemption of any Bonds.

All official notices of redemption shall be dated and shall state:

- (i) CUSIP numbers of Bonds to be redeemed;
- (ii) the redemption date;
- (iii) the redemption price;
- (iv) if less than all Outstanding Bonds are to be redeemed, the identification of the Bonds (and, in the case of partial redemption, the respective principal amounts and interest rate) to be redeemed;
- (v) that on the redemption date the redemption price will become due and payable upon each such Bond or portion thereof called for redemption, and that interest thereon shall cease to accrue from and after said date; and
- (vi) the place where such Bonds are to be surrendered for payment of the redemption price, which place of payment shall be the Principal Office or such other office as shall be designated by the Paying Agent.

Prior to any redemption date, the City shall deposit with the Paying Agent an amount of money sufficient to pay the redemption price of all the Bonds or portions of Bonds which are to be redeemed on that date.

Official notice of redemption having been given as aforesaid, the Bonds or portions of Bonds so to be redeemed shall, on the redemption date, become due and payable at the redemption price therein specified, and from and after such date (unless the City shall default in the payment of the redemption price) such Bonds or portions of Bonds shall cease to bear interest. Upon surrender of such Bonds for redemption in accordance with said notice, such Bonds shall be paid by the Paying Agent at the redemption price. Installments of interest due on or prior to the redemption date shall be payable as herein provided for payment of interest. Upon surrender for partial redemption of any Bond, there shall be prepared for the Registered Owner a new Bond or Bonds of the same maturity and interest rate in the amount of the unpaid principal. All Bonds which have been redeemed shall be canceled and destroyed by the Registrar and shall not be reissued.

In addition to the foregoing notice, further notice may be given by the Paying Agent in order to comply with the requirements of any registered securities depository holding the Bonds, but no defect in said further notice nor any failure to give all or any portion of such further notice shall in any manner defeat the effectiveness of a call for redemption if notice thereof is given as above prescribed.

Notwithstanding the provisions of this section, any notice of redemption may contain a statement that the redemption is conditioned upon the receipt by the Paying Agent of funds on or before the date fixed for redemption sufficient to pay the redemption price of the Bonds so called for redemption, and that if such funds are not available, such redemption shall be canceled by written notice to the owners of the Bonds called for redemption in the same manner as the original redemption notice was mailed.

Section 8. Bonds Equally Secured. The covenants and agreements herein set forth to be performed on behalf of the City shall be for the equal benefit, protection and security of the Owners of any and all of the Outstanding Bonds, all of which, regardless of the time or times of their maturity, shall be of equal rank without preference, priority or distinction of any of such securities over any other thereof, except as otherwise expressly provided in or pursuant to this Ordinance.

Section 9. Special Obligations. All of the Bonds, together with the interest accruing thereon, shall be payable and collectible solely out of the Pledged Revenues, which Pledged Revenues are hereby so pledged; the Owner or Owners of the Bonds may look only to the designated special accounts herein pledged for the payment of the principal of and interest on the Bonds. The full faith and credit of the City is not pledged to the payment of the Bonds; they shall constitute special, limited obligations of the City. The City has no obligation to increase any City taxes for the purpose of paying the principal of and interest on the Bonds.

Section 10. No Pledge of Property. The payment of the Bonds is not secured by an encumbrance, mortgage or other pledge of property of the City, except for the Pledged Revenues and other funds and accounts pledged for the payment of the Bonds. No property of the City, subject to such exception, shall be liable to be forfeited or taken in payment of the Bonds.

Section 11. No Recourse Against Officers and Agents. No civil recourse shall be available for the payment of the principal of and interest on the Bonds or for any claim based

thereon or otherwise upon this Ordinance or any other ordinance pertaining hereto, against any individual member of the City Council or any officer or agent of the City who acts in good faith, either directly or indirectly through the City Council, or the City, or otherwise, whether by virtue of any constitution, statute, rule of law, enforcement of penalty or otherwise. By the acceptance of the Bonds and as a part of the consideration of their sale or purchase, any Person purchasing or selling such Bonds specifically waives any such recourse.

Section 12. Form of Bonds and Registration Panel. The Bonds and the registration panel shall be substantially as follows (provided that any portion of the Bond text may, with appropriate references, be printed on the back of the Bonds), with such omissions, insertions, endorsements, and variations as to any recitals of fact or other provisions as may be required by the circumstances, be required or permitted by this Ordinance, or be consistent with this Ordinance and necessary or appropriate to conform to the rules and requirements of any governmental authority or any usage or requirement of law with respect thereto:

(Form of Bond)

Unless this certificate is presented by an authorized representative of The Depository Trust Company, a New York corporation ("DTC"), to the City or its agent for registration of transfer, exchange, or payment, and any certificate issued is registered in the name of Cede & Co. or in such other name as is requested by an authorized representative of DTC (and any payment is made to Cede & Co. or to such other entity as is requested by an authorized representative of DTC), ANY TRANSFER, PLEDGE, OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL inasmuch as the Registered Owner hereof, Cede & Co., has an interest herein.

## UNITED STATES OF AMERICA

STATE OF COLORADO

COUNTY OF MESA

CITY OF GRAND JUNCTION, COLORADO  
[TAX-EXEMPT GENERAL FUND REVENUE BOND/  
TAXABLE GENERAL FUND REVENUE REFUNDING BOND]  
SERIES 2020[A/B]

R-_____			\$_____
<u>INTEREST RATE</u>	<u>MATURITY DATE</u>	<u>DATED DATE</u>	<u>CUSIP</u>
_____%		_____, 2020	

**REGISTERED OWNER:**

PRINCIPAL AMOUNT: DOLLARS

The City of Grand Junction, in the County of Mesa and State of Colorado (the "City"), for value received, promises to pay to the Registered Owner specified above, or registered assigns, solely from the special funds and accounts provided therefor, the principal amount specified above, on the maturity date specified above, and to pay from said sources interest thereon on March 1 and September 1 of each year, commencing on \_\_\_\_\_, at the interest rate per annum specified above, until the principal sum is paid or payment has been provided therefor. This bond will bear interest from the most recent interest payment date to which interest has been paid or provided for, or, if no interest has been paid, from the date of this bond. This bond is one of an authorized series of bonds (the "Bonds") issued pursuant to an ordinance of the City Council adopted on February 5, 2020 (the "Bond Ordinance"). The Bonds are all issued under and equally and ratably secured by and entitled to the security of the Bond Ordinance. To the extent not defined



herein, terms used in this bond shall have the same meanings as set forth in the Bond Ordinance. This bond bears interest, matures, is payable, and is transferable as provided in the Bond Ordinance.

[INSERT REDEMPTION PROVISIONS].

The principal of this bond is payable upon presentation and surrender hereof at the Principal Office. Interest on this bond will be paid on or before each interest payment date (or, if such interest payment date is not a business day, on or before the next succeeding business day), by check or draft mailed to the person in whose name this bond is registered in the registration records of the City maintained by the Registrar at its Principal Office and at the address appearing thereon at the close of business on the Record Date.

Reference is made to the Bond Ordinance for the provisions, among others, with respect to the custody and application of the proceeds of the Bonds, the receipt and disposition of the Pledged Revenues, the nature and extent of the security for the Bonds, the accounts, funds or revenues pledged to the Bonds, the terms and conditions under which additional obligations payable from the Pledged Revenues or Additional Bonds payable from the Pledged Sales and Use Tax Revenues may be issued, the rights, duties and obligations of the City and the Registrar and Paying Agent, the rights of the Owners of the Bonds, the events of default and remedies, the circumstances under which any Bond is no longer Outstanding, the ability to amend the Bond Ordinance; and by the acceptance of this bond the Owner hereof assents to all provisions of the Bond Ordinance. The principal of and the interest on this bond shall be paid, and this bond is transferable, free from and without regard to any equities between the City and the original or any intermediate Owner hereof or any setoffs or cross-claims.

THE BONDS ARE ISSUED PURSUANT TO AND IN FULL COMPLIANCE WITH THE CONSTITUTION AND LAWS OF THE STATE OF COLORADO, THE CHARTER OF THE CITY, AND PURSUANT TO THE BOND ORDINANCE. THE FULL FAITH AND CREDIT OF THE CITY IS NOT PLEDGED TO THE PAYMENT OF THE BONDS, AND THEY CONSTITUTE SPECIAL, LIMITED OBLIGATIONS OF THE CITY, SECURED ONLY BY THE PLEDGED REVENUES. THE CITY HAS NO OBLIGATION TO INCREASE ANY CITY TAXES FOR THE PURPOSE OF PAYING THE PRINCIPAL OF AND INTEREST ON

THE BONDS. NEITHER THE MEMBERS OF THE CITY NOR ANY PERSONS EXECUTING THIS BOND SHALL BE PERSONALLY LIABLE FOR THIS BOND.

It is certified, recited and warranted that all the requirements of law have been fully complied with by the proper officers of the City in the issuance of this bond; that it is issued pursuant to and in strict conformity with the Constitution and laws of the State, with the Charter of the City, and with the Bond Ordinance; and that this bond does not contravene any Constitutional, statutory or Charter limitation.

It is also certified, recited, and warranted that the Bonds are issued under the authority of the Bond Ordinance and the Supplemental Public Securities Act. It is the intention of the City, as expressed in the Bond Ordinance, that this recital shall conclusively impart full compliance with all of the provisions of the Bond Ordinance and shall be conclusive evidence of the validity and the regularity of the issuance of the Bonds after their delivery for value and that all of the Bonds issued are incontestable for any cause whatsoever after their delivery for value.

This bond shall not be valid or become obligatory for any purpose or be entitled to any security or benefit under the Bond Ordinance until the Registrar shall have duly executed the certificate of authentication hereon.

IN WITNESS WHEREOF, the City Council of the City of Grand Junction has caused this bond to be signed and executed in its name and upon its behalf with a manual or facsimile signature of the President of the City Council, and to be signed, executed and attested with a manual or facsimile signature of the City Clerk, and has caused a manual or facsimile impression of the seal of the City affixed hereon, all as of the date specified above.

( Manual or Facsimile Signature )  
President of the City Council

(MANUAL OR FACSIMILE SEAL)

Attest:

( Manual or Facsimile Signature )  
City Clerk

(Form of Registrar's Certificate of Authentication)

This is one of the Bonds described in the within-mentioned Bond Ordinance, and this bond has been duly registered on the registration records kept by the undersigned as Registrar for such Bonds.

ZIONS BANCORPORATION, NATIONAL  
ASSOCIATION  
as Registrar

Date of Authentication  
and Registration:

By: \_\_\_\_\_  
Authorized Officer or Employee

\_\_\_\_\_

(End of Form of Registrar's Certificate of Authentication)

(Form of Prepayment Panel)

The following installments of principal (or portion thereof) of this bond have been prepaid in accordance with the terms of the Bond Ordinance authorizing the issuance of this bond.

---

<u>Date of</u> <u>Prepayment</u>	<u>Principal</u> <u>Prepaid</u>	<u>Signature of</u> <u>Authorized</u> <u>Representative of the Depository</u>

---

(End of Form of Prepayment Panel)



(Form of Assignment)

For value received, the undersigned hereby sells, assigns and transfers unto \_\_\_\_\_ the within bond and hereby irrevocably constitutes and appoints \_\_\_\_\_ attorney, to transfer the same on the records of the Registrar, with full power of substitution in the premises.

\_\_\_\_\_  
Dated: \_\_\_\_\_

Signature Guaranteed:

\_\_\_\_\_  
Address of transferee:

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Social Security or other tax  
identification number of transferee:

\_\_\_\_\_

NOTE: The signature to this Assignment must correspond with the name as written on the face of the within bond in every particular, without alteration or enlargement or any change whatsoever.

EXCHANGE OR TRANSFER FEES MAY BE CHARGED

(End of Form of Assignment)

(End of Form of Bond)

Section 13. Negotiability. The Owner or Owners of the Bonds shall possess all rights enjoyed by the holders of investment securities under the provisions of the Uniform Commercial Code-Investment Securities. The principal of and interest on the Bonds shall be paid, and the Bonds shall be transferable, free from and without regard to any equities between the City and the original or any intermediate Owner of any Bonds or any setoffs or cross-claims.

Section 14. Execution and Authentication of the Bonds. The Bonds shall be executed in the name and on behalf of the City by the manual or facsimile signature of the President of the City Council, shall be sealed with the corporate seal of the City or a facsimile thereof thereunto affixed, imprinted, engraved or otherwise reproduced, and shall be attested by the manual or facsimile signature of the City Clerk. Any Bond may be signed (manually or by facsimile), sealed or attested on behalf of the City by any person who, at the date of such act, shall hold the proper office, notwithstanding that at the date of authentication, issuance or delivery, such person may have ceased to hold such office. The President of the City Council and the Clerk may adopt as and for his or her own facsimile signature the facsimile signature of his or her predecessor in office in the event that such facsimile signature appears on any of the Bonds. Before the execution of any Bond, the President of the City Council and the Clerk shall each file with the Secretary of State of the State his or her manual signature certified by him or her under oath.

The authentication certificate upon the Bonds shall be substantially in the form and tenor provided in the form of the Bonds hereinbefore provided. No Bond shall be secured hereby or entitled to the benefit hereof, nor shall any Bond be valid or obligatory for any purpose, unless the certificate of authentication, substantially in such form, has been duly executed by the Registrar and such certificate of the Registrar upon any Bond shall be conclusive evidence that such Bond has been authenticated and delivered hereunder. The certificate of authentication shall be deemed to have been duly executed by the Registrar if manually signed by an authorized officer or employee of the Registrar, but it shall not be necessary that the same officer or employee sign the certificate of authentication on all of the Bonds. By authenticating any of the Bonds initially delivered pursuant to this Ordinance, the Registrar shall be deemed to have assented to the provisions of this Ordinance.

Section 15. Registration, Transfer and Exchange.

A. Any Series of Bonds shall be registered in the name of "Cede & Co." as nominee for DTC. Subject to the provisions hereof, books for the registration and transfer of any Series of Bonds shall be kept by the Registrar. Upon the surrender for transfer of any Bond at the Registrar, duly endorsed for transfer or accompanied by an assignment duly executed by the Registered Owner or his attorney duly authorized in writing, the Registrar shall authenticate and deliver in the name of the transferee or transferees a new Bond or Bonds of the same Series and of a like aggregate principal amount and of the same maturity and interest rate, bearing a number or numbers not previously assigned. Bonds of the same Series may be exchanged at the Principal Office for an equal aggregate principal amount of Bonds of the same Series, maturity and interest rate of other authorized denominations. The Registrar shall authenticate and deliver a Bond or Bonds which the Registered Owner making the exchange is entitled to receive, bearing a number or numbers not previously assigned. The Registrar may impose reasonable charges in connection with such exchanges and transfers of Bonds, which charges (as well as any tax or other governmental charge required to be paid with respect to such exchange or transfer) shall be paid by the Registered Owner requesting such exchange or transfer.

B. The Person in whose name any Bond shall be registered on the registration records kept by the Registrar shall be deemed and regarded as the absolute Owner thereof for the purpose of making payment thereof and for all other purposes; except as may be otherwise provided in Section 6 hereof with respect to payment of interest; and, subject to such exception, payment of or on account of either principal or interest on any Bond shall be made only to or upon the written order of the Registered Owner thereof or his legal representative, but such registration may be changed upon transfer of such Bond in the manner and subject to the conditions and limitations provided herein. All such payments shall be valid and effectual to discharge the liability upon such Bond to the extent of the sum or sums so paid.

C. If any Bond shall be lost, stolen, destroyed or mutilated, the Registrar shall, upon receipt of such evidence, information or indemnity relating thereto as it and the City may reasonably require, authenticate and deliver a replacement Bond or Bonds of a like aggregate principal amount and of the same maturity and interest rate, bearing a number or numbers not previously assigned. If such lost, stolen, destroyed, or mutilated Bond shall have matured or is

about to become due and payable, the Registrar may direct the Paying Agent to pay such Bond in lieu of replacement.

D. The officers of the City are authorized to deliver to the Registrar fully executed but unauthenticated Bonds in such quantities as may be convenient to be held in custody by the Registrar pending use as herein provided.

E. Whenever any Bond shall be surrendered to the Paying Agent upon payment thereof, or to the Registrar for transfer, exchange or replacement as provided herein, such Bond shall be promptly cancelled by the Paying Agent or Registrar, and counterparts of a certificate of such cancellation shall be furnished by the Paying Agent or Registrar to the City.

Section 16. Book Entry.

A. Notwithstanding any contrary provision of this Ordinance, the Bonds of a specific Series sold to the public initially shall be evidenced by one Bond for each maturity and interest rate in denominations equal to the aggregate principal amount of the Bonds of such Series and of such maturity and interest rate. Any Series of Bonds sold to the public may not thereafter be transferred or exchanged except:

(1) to any successor of The Depository Trust Company or its nominee, which successor must be both a "clearing corporation" as defined in Section 4-8-102(a)(5), C.R.S., and a qualified and registered "clearing agency" under Section 17A of the Securities Exchange Act of 1934, as amended; or

(2) upon the resignation of The Depository Trust Company or a successor or new depository under clause (1) or this clause (2) of this paragraph A, or a determination by the City Council that The Depository Trust Company or such successor or new depository is no longer able to carry out its functions, and the designation by the City Council of another depository institution acceptable to the City Council and to the depository then holding the Bonds, which new depository institution must be both a "clearing corporation" as defined in Section 4-8-102(a)(5), C.R.S., and a qualified and registered "clearing agency" under Section 17A of the Securities Exchange Act of 1934, as amended, to carry out the functions of The Depository Trust Company or such successor new depository; or



(3) upon the resignation of The Depository Trust Company or a successor or new depository under clause (1) or clause (2) of this paragraph A, or a determination of the City Council that The Depository Trust Company or such successor or new depository is no longer able to carry out its functions, and the failure by the City Council, after reasonable investigation, to locate another qualified depository institution under clause (2) to carry out such depository functions.

B. With respect to any Series of Bond sold to the public, in the case of a transfer to a successor of The Depository Trust Company or its nominee as referred to in clause (1) of paragraph A hereof or designation of a new depository pursuant to clause (2) of paragraph A hereof, upon receipt of the Outstanding Bonds by the Registrar, together with written instructions for transfer satisfactory to the Registrar, a new Bond for each maturity and bearing the same rate of interest of the Bonds then Outstanding shall be issued to such successor or new depository, as the case may be, or its nominee, as is specified in such written transfer instructions. In the case of a resignation or determination under clause (3) of paragraph A hereof and the failure after reasonable investigation to locate another qualified depository institution for the Bonds as provided in clause (3) of paragraph A hereof, and upon receipt of the Outstanding Bonds by the Registrar, together with written instructions for transfer satisfactory to the Registrar, new Bonds shall be issued in the denominations of \$5,000 or any integral multiple thereof, as provided in and subject to the limitations of Section 15 hereof, registered in the names of such Persons, and in such authorized denominations as are requested in such written transfer instructions; however, the Bond Registrar shall not be required to deliver such new Bonds within a period of less than 60 days from the date of receipt of such written transfer instructions.

C. The City Council, the Registrar and the Paying Agent shall be entitled to treat the Registered Owner of any Bond as the absolute Owner thereof for all purposes hereof and any applicable laws, notwithstanding any notice to the contrary received by any or all of them and the City Council, the Registrar and the Paying Agent shall have no responsibility for transmitting payments to the beneficial owners of the Bonds held by The Depository Trust Company or any successor or new depository named pursuant to paragraph A hereof.

D. The City Council, the Registrar and the Paying Agent shall endeavor to cooperate with The Depository Trust Company or any successor or new depository named pursuant to clause (1) or (2) of paragraph (A) hereof in effectuating payment of the principal amount of the Bonds upon maturity by arranging for payment in such a manner that funds representing such payments are available to the depository on the date they are due.

Section 17. Delivery of Bonds and Disposition of Proceeds. When the Bonds have been duly executed by appropriate City officers and authenticated by the Registrar, the City shall cause the Bonds to be delivered to the Underwriter on receipt of the agreed purchase price. The Bonds shall be delivered in such denominations as the Underwriter shall direct (but subject to the provisions of Sections 15 and 16 hereof); and the Registrar shall initially register the Bonds in such name or names as the Underwriter shall direct.

The proceeds of the Bonds, including the accrued interest thereon, if any, shall be deposited promptly by the City and shall be accounted for in the following manner and are hereby pledged therefor, but the Underwriter of the Bonds or any subsequent Owner in no manner shall be responsible for the application or disposal by the City or any of its officers of any of the funds derived from the sale:

A. A portion of the proceeds of any Series of Bonds allocable to the Refunding Project shall be credited to the Escrow Account which amount, together with the other City funds contributed for such purpose pursuant to the authority granted by Section 25 hereof, will be sufficient to establish any initial cash balance remaining uninvested and to buy Federal Securities to effect the Refunding Project.

B. A portion of the proceeds of any Series of Bonds allocable to the Improvement Project shall be applied by the City to effect the Improvement Project.

C. The balance of the proceeds shall be applied by the City solely for the payment of all issuance expenses or, after adequate provision therefor is made, any unexpended proceeds shall be deposited into the Bond Account.

Section 18. Use of Pledged Revenues. So long as any Bonds shall be Outstanding, either as to principal or interest, the Pledged Revenues shall, upon receipt by the City, be applied as follows:

A. Bond Account. First, there shall be credited from the Pledged Revenues to a special account of the City previously created and continued herein known as the "City of Grand Junction Revenue Bond, Bond Account" the following amounts, provided however, that upon the issuance of Additional Bonds, the Pledged Sales and Use Tax Revenues pledged to the payment of each respective series of Bonds and any Outstanding 2012 Bonds shall be credited concurrently:

(1) Interest Payments. Monthly, commencing on the first day of the first month following the date of delivery of any of the Bonds, or commencing on the first day of the month six months next prior to the first interest payment date of any of the Bonds, whichever commencement date is later, an amount in equal monthly installments necessary, together with any other moneys from time to time available therefor and on deposit therein from whatever source, to pay the next maturing installment of interest on the Bonds then Outstanding.

(2) Principal Payments. Monthly, commencing on the first day of the first month following the date of delivery of any of the Bonds, or commencing on the first day of the month one year next prior to the first principal payment date of any of the Bonds, whichever commencement date is later, an amount in equal monthly installments necessary, together with any other moneys from time to time available therefor and on deposit therein from whatever source, to pay the next installment of principal of the Bonds coming due at maturity.

If prior to any interest payment date or principal payment date there has been accumulated in the Bond Account the entire amount necessary to pay the next maturing installment of interest or principal, or both, the payment required in subparagraph (1) or (2) (whichever is applicable) of this paragraph, may be appropriately reduced; but the required monthly amounts again shall be so credited to such account commencing on such interest payment date or principal payment date. The moneys in the Bond Account shall be used only to pay the principal of and interest on the Bonds, any Outstanding 2012 Bonds, and any Additional Bonds as the same become due.

B. Termination of Deposits upon Maturity. No payment need be made into the Bond Account if the amount therein totals a sum at least equal to the entire amount of the Outstanding Bonds, both as to principal and interest to their respective maturities, and both accrued



and unaccrued requirements, in which case moneys in the Bond Account in an amount at least equal to such principal and interest requirements shall be used solely to pay such as the same accrue, and any moneys in excess thereof in the Bond Account may be used as provided in Paragraphs D and E of this Section.

C. Rebate Account. Third, there shall be deposited in an account of the “City of Grand Junction General Fund Revenue Bonds, Rebate Account”, which account is hereby created, amounts required by Section 148(f) of the Tax Code to be held until such time as any required rebate payment is made. Amounts in the Rebate Account shall be used for the purpose of making the payments to the United States required by Section 148(f) of the Tax Code. Any amounts in excess of those required to be on deposit therein by Section 148(f) of the Tax Code shall be withdrawn therefrom and deposited into the Bond Account. Funds in the Rebate Account shall not be subject to the lien created by this Ordinance to the extent such amounts are required to be paid to the United States Treasury.

D. Payment for Subordinate Obligations. After the payments required by Paragraphs A and C of this Section, the Pledged Revenues may be used by the City for the payment of interest on and principal of any obligations secured by Pledged Revenues subordinate to the lien of the Bonds hereafter authorized to be issued, including reasonable reserves therefor.

E. Use of Remaining Revenues. After making the payments required to be made by this Section, any remaining Pledged Revenues may be used for any lawful purpose.

Nothing in this Ordinance shall prevent the City from making refunds of amounts collected by the City and subsequently determined, pursuant to the applicable Sales and Use Tax Ordinances, to be subject to valid claims for refunds.

Section 19. General Administration of Accounts. The accounts designated in Section 18 hereof shall be administered as follows, subject to the limitations stated in Section 23.J. hereof:

A. Budget and Appropriation of Accounts. The sums provided to make the payments specified in Section 18 hereof are hereby appropriated for said purposes, and said amounts for each year shall be included in the annual budget and the appropriation ordinance or measures to be adopted or passed by the City Council in each year respectively while any of the Bonds, either as to principal or interest, are Outstanding and unpaid. No provision of any



constitution, statute, charter, ordinance, resolution, or other order or measure enacted after the issuance of the Bonds shall in any manner be construed as limiting or impairing the obligation of the City to keep and perform the covenants contained in this Ordinance so long as any of the Bonds remain Outstanding and unpaid. Nothing herein shall prohibit the City Council, at its sole option, from appropriating and applying other funds of the City legally available for such purpose to the Bond Account for the purpose of providing for the payment of the principal of and interest on the Bonds.

B. Places and Times of Deposits. Each of the special accounts created in Section 18 hereof shall be maintained as a book account kept separate and apart from all other accounts or funds of the City as trust accounts solely for the purposes herein designated therefor. For purposes of investment of moneys, nothing herein prevents the commingling of moneys accounted for in any two or more such book accounts pertaining to the Pledged Revenues or to such accounts and any other funds of the City to be established under this Ordinance. Moneys in any such book account shall be continuously secured to the fullest extent required by the laws of the State for the securing of public accounts. Each periodic payment shall be credited to the proper book account not later than the date therefor herein designated, except that when any such date shall be a Saturday, a Sunday or a legal holiday, then such payment shall be made on or before the next preceding business day.

C. Investment of Accounts. Any moneys in any account established by Section 18 of this Ordinance may be invested or reinvested in any Permitted Investment. Securities or obligations purchased as such an investment shall either be subject to redemption at any time at face value by the holder thereof at the option of such holder, or shall mature at such time or times as shall most nearly coincide with the expected need for moneys from the account in question. Securities or obligations so purchased as an investment of moneys in any such account shall be deemed at all times to be a part of the applicable account. The City shall present for redemption or sale on the prevailing market any securities or obligations so purchased as an investment of moneys in a given account whenever it shall be necessary to do so in order to provide moneys to meet any required payment or transfer from such account. The City shall have no obligation to make any investment or reinvestment hereunder, unless any moneys on hand and accounted for in any one account exceed \$5,000 and at least \$5,000 therein will not be needed for

a period of not less than 60 days. In such event the City shall invest or reinvest not less than substantially all of the amount which will not be needed during such 60 day period, except for any moneys on deposit in an interest bearing account in a Commercial Bank, without regard to whether such moneys are evidenced by a certificate of deposit or otherwise, pursuant to this Section 19.C. and Section 19.E. hereof, but the City is not required to invest, or so to invest in such a manner, any moneys accounted for hereunder if any such investment would contravene the covenant concerning arbitrage in Section 23.J. hereof.

D. No Liability for Losses Incurred in Performing Terms of Ordinance.

Neither the City nor any officer of the City shall be liable or responsible for any loss resulting from any investment or reinvestment made in accordance with this Ordinance.

E. Character of Funds. The moneys in any fund or account herein authorized shall consist of lawful money of the United States or investments permitted by Section 20.C. hereof or both such money and such investments. Moneys deposited in a demand or time deposit account in or evidenced by a certificate of deposit of a Commercial Bank pursuant to Section 19.C. hereof, appropriately secured according to the laws of the State, shall be deemed lawful money of the United States.

Section 20. Pledge Securing the Bonds. The Pledged Revenues and any moneys and securities paid or to be paid to or held or to be held in the Bond Account designated in Section 18 hereof are hereby pledged to secure the payment of the principal of and interest on the Bonds, subject only to moneys and securities held in the Rebate Account, to the extent such amounts are required to be paid to the United States. The pledge of the Pledged Sales and Use Tax Revenues (as part of the Pledged Revenues) to secure the payment of the principal of and interest on the Bonds is on a parity with the pledge of the Pledged Sales and Use Tax Revenues for and lien thereon of the Outstanding 2012 Bonds, if any, and any Additional Bonds hereafter issued, as provided herein. This pledge of the Pledged Revenues shall be valid and binding from and after the date of the delivery of the Bonds, and the Pledged Revenues received by the City and hereby pledged shall immediately be subject to the lien of this pledge without any physical delivery thereof, any filing, or further act. The lien of this pledge of the Pledged Revenues shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the City irrespective of whether such parties have notice thereof. The lien of this pledge on the

Pledged Revenues and the obligation to perform the contractual provisions made herein shall have priority over any or all other obligations and liabilities of the City, except with respect to any parity lien on the Pledged Sales and Use Tax Revenues which may be pledged to the Outstanding 2012 Bonds, if any, and any Additional Bonds hereafter authorized, as provided herein.

Section 21. Additional Bonds.

A. Limitations Upon Issuance of Additional Bonds. Nothing in this Ordinance shall prevent the issuance by the City of additional bonds or other obligations payable from and constituting a lien upon the Pledged Sales and Use Tax Revenues on a parity with the lien thereon of the Bonds (the "Additional Bonds"). Such Additional Bonds may be payable solely from Pledged Sales and Use Tax Revenues or they may be payable from Pledged Sales and Use Tax Revenues and another revenue or fund of the City ("Additional Pledged Revenues"). Regardless of whether payable solely from Pledged Sales and Use Tax Revenues or from Pledged Sales and Use Tax Revenues and Additional Pledged Revenues, such bonds or other obligations may be issued only if for the Fiscal Year immediately preceding the issuance of any Additional Bonds, the amount of Pledged Sales and Use Tax Revenues in such Fiscal Year equaled or exceeded 175% of the Maximum Annual Debt Service Requirement on the Outstanding Bonds and the Additional Bonds proposed to be issued. For the purpose of satisfying the aforementioned 175% test, any sales and use tax, now existing or hereafter imposed, which legally becomes a part of the Pledged Sales and Use Tax Revenues during the Fiscal Year preceding the issuance of Additional Bonds, or any tax which is to legally become a part of the Pledged Sales and Use Tax Revenues immediately prior to the issuance of Additional Bonds, or any increase in the rate of any tax which is a part of the Pledged Sales and Use Tax Revenues which increase is imposed during the Fiscal Year preceding the issuance of Additional Bonds or any such increase which is to be imposed immediately prior to the issuance of Additional Bonds can be considered for its estimated effect on the amount of the Pledged Sales and Use Tax Revenues as if such tax or increase had been in effect for the Fiscal Year immediately preceding the issuance of such Additional Bonds. Any tax which is no longer in effect at the time of issuance of the Additional Bonds shall not be considered for purposes of satisfying such tests.

B. Certificate of Revenues. A written certification by an officer or employee of the City that the requirements of Paragraph A of this section have been met shall be conclusively



presumed to be accurate in determining the right of the City to authorize, issue, sell and deliver said Additional Bonds with a pledge of the Pledged Sales and Use Tax Revenues on a parity with the pledge thereof to the Bonds herein authorized.

C. Superior Pledged Sales and Use Tax Revenue Obligations Prohibited.

Nothing in this Ordinance shall be construed so as to permit the City to hereafter issue obligations payable from the Pledged Sales and Use Tax Revenues having a lien thereon prior or superior to the Bonds.

D. Subordinate Pledged Sales and Use Tax Revenue Obligations Permitted.

Nothing in this Ordinance shall be construed in such a manner as to prevent the issuance by the City of additional obligations payable from and constituting a lien upon the Pledged Sales and Use Tax Revenues subordinate or junior to the lien of the Bonds.

E. Superior, Parity, and Subordinate Revenue Obligations Permitted. Nothing in this Ordinance shall be construed in such a manner as to prevent the issuance by the City of additional obligations payable from and constituting a lien upon any of the Pledged Revenues specifically excluding therefrom the Pledged Sales and Use Tax Revenues, superior to, on a parity with, or subordinate or junior to the lien thereon of the Bonds.

Section 22. Refunding Obligations.

A. Generally. If at any time after the Bonds, or any part thereof, shall have been issued and remain Outstanding, the City shall find it desirable to refund any Outstanding Bonds, or any part thereof, such Bonds, or any part thereof, may be refunded, subject to the provisions of Paragraph B of this Section, if (1) the Bonds to be refunded, at the time of their required surrender for payment, shall then mature, or (2) the Owners of the Bonds to be refunded consent to such surrender and payment.

B. Protection of Obligations Not Refunded. Any refunding obligations payable from the Pledged Revenues or from the Pledged Sales and Use Tax Revenues and any Additional Pledged Revenues shall be issued with such details as the City Council may provide, so long as there is no impairment of any contractual obligation imposed upon the City by any proceedings authorizing the issuance of any unrefunded portion of Bonds payable from the Pledged Revenues or the Pledged Sales and Use Tax Revenues and any Additional Pledged Revenues; but so long as any Bonds are Outstanding, refunding obligations payable from the



Pledged Sales and Use Tax Revenues may be issued on a parity with the unrefunded Bonds only if:

(1) Prior Consent. The City first receives the consent of the Owner or Owners of the unrefunded Bonds; or

(2) Requirements Not Increased. The refunding obligations do not increase by more than \$25,000, for any Fiscal Year prior to and including the last maturity date of any unrefunded Bonds, the aggregate principal and interest requirements evidenced by such refunding obligations and by any Outstanding Bonds not refunded, and the lien of any refunding parity obligations on the Pledged Sales and Use Tax Revenues is not raised to a higher priority than the lien thereon of any Bonds thereby refunded; or

(3) Earnings Test. The refunding obligations are issued in compliance with Paragraphs A and B of Section 21 hereof.

Section 23. Protective Covenants. The City hereby additionally represents, covenants, and agrees with each and every Owner of the Bonds that:

A. Payment of Bonds. The City will promptly pay the principal of and interest on every Bond issued hereunder and secured hereby on the dates and in the manner specified herein and in said Bonds according to the true intent and meaning hereof. Such principal of and interest on the Bonds is payable solely from the Pledged Revenues.

B. Amendment of Certain Ordinances; Duty to Impose Sales and Use Tax; Impairment of Contract. The Sales and Use Tax Ordinances are in full force and effect and have not been repealed or amended. The City will not repeal or amend said Sales and Use Tax Ordinances in any manner which would diminish the proceeds of the Pledged Sales and Use Tax by an amount which would materially adversely affect the rights of the Owners of the Bonds.

Notwithstanding any other provision of this Section or this Ordinance, the City shall retain the right to make changes, without any consent of Bond Owners, in the Sales and Use Tax Ordinances, or any ordinance supplemental thereto or in substitution therefor, concerning the use of proceeds of the Pledged Sales and Use Tax remaining after the current requirements of all ordinances authorizing bonds or other securities payable from the Pledged Sales and Use Tax, or any portion thereof, have been met; or concerning changes in applicability, exemptions,

administration, collection, or enforcement of the Sales and Use Tax, if such changes do not materially adversely affect the security for the Bonds.

The foregoing covenants are subject to compliance by the City with orders of courts of competent jurisdiction concerning the validity, constitutionality or collection of such tax revenues, any legislation of the United States or the State or any regulation or other action taken by the federal government, any State agency or any political subdivision of the State pursuant to such legislation, in the exercise of the police power thereof for the public welfare, which legislation, regulation or action applies to the City as a Colorado home rule city and limits or otherwise inhibits the amount of such tax revenues due to the City. All of the Pledged Sales and Use Tax Revenues shall be subject to the payment of the principal of and interest on all Bonds payable from the Pledged Sales and Use Tax Revenues, including reserves therefor, as provided herein or in any instrument supplemental or amendatory hereof.

C. Defense of Legality of Pledged Revenues. There is not pending or threatened any suit, action or proceeding against or affecting the City before or by any court, arbitrator, administrative agency or other governmental authority which affects the validity or legality of this Ordinance, or the Sales and Use Tax Ordinances or the imposition and collection of the Sales and Use Tax, any of the City's obligations under this Ordinance or any of the transactions contemplated by this Ordinance or the Sales and Use Tax Ordinances.

The City shall, to the extent permitted by law, defend the validity and legality of this Ordinance, the Sales and Use Tax and the Sales and Use Tax Ordinances against all claims, suits and proceedings which would diminish or impair the Pledged Revenues. Furthermore, the City shall amend from time to time the provisions of any ordinance or resolution of the City, as necessary to prevent impairment of the Pledged Revenues as required to meet the principal of and interest on the Bonds when due.

D. Further Assurances. At any and all times the City shall, so far as it may be authorized by law, pass, make, do, execute, acknowledge, deliver and file or record all and every such further instruments, acts, deeds, conveyances, assignments, transfers, other documents and assurances as may be necessary or desirable for the better assuring, conveying, granting, assigning and confirming all and singular the rights, the Pledged Revenues and other funds and accounts hereby pledged or assigned, or intended so to be, or which the City may hereafter become bound

to pledge or to assign, or as may be reasonable and required to carry out the purposes of this Ordinance and to comply with any instrument of the City amendatory thereof, or supplemental thereto and the Charter. The City, acting by and through the City Council, or otherwise, shall at all times, to the extent permitted by law, defend, preserve and protect the pledge of the Pledged Revenues and other funds and accounts pledged hereunder and all the rights of every Owner of any of the Bonds against all claims and demands of all Persons whomsoever.

E. Conditions Precedent. Upon the issuance of any of the Bonds, all conditions, acts and things required by the Constitution or laws of the United States, the Constitution or laws of the State, the Charter or this Ordinance, to exist, to have happened, and to have been performed precedent to or in the issuance of the Bonds shall exist, have happened and have been performed, and the Bonds, together with all other obligations of the City, shall not contravene any debt or other limitation prescribed by the Constitution or laws of the United States, the Constitution or laws of the State, or the Charter of the City.

F. Maintenance of Records. So long as any of the Bonds remain Outstanding, proper books of record and account will be kept by the City, separate and apart from all other records and accounts, showing complete and correct entries of all transactions relating to the Pledged Revenues and the accounts created by this Ordinance. Upon the issuance of any series of Additional Bonds, the City shall keep proper books of record and account showing complete and correct entries of all transactions relating to the Pledged Sales and Use Tax Revenues and accounts created or continued pursuant to the ordinance authorizing the issuance of such series of Additional Bonds.

G. Audits Required. The City further agrees that it will, within 210 days following the close of each Fiscal Year, cause an audit of such books and accounts to be made by a certified public accountant, who is not an employee of the City, showing the Pledged Revenues. The City agrees to allow the Owner of any of the Bonds to review and copy such audits and reports, at the City's offices, at his request. Copies of such audits and reports will be furnished to the Underwriter.

H. Performing Duties. The City will faithfully and punctually perform all duties with respect to the Pledged Revenues required by the Charter and the Constitution and laws of the State and the ordinances and resolutions of the City, including but not limited to the proper



collection and enforcement of the Sales and Use Taxes and the segregation of the Pledged Revenues and their application to the respective accounts herein designated.

I. Other Liens. As of the date of issuance of the Bonds, there are no liens or encumbrances of any nature whatsoever on or against any of the Pledged Revenues on a parity with or superior to the lien thereon of the Bonds, except for the lien on the Pledged Revenues of the Outstanding 2012 Bonds, if any, and the Bonds.

J. Tax Covenant. With respect to any Series of tax-exempt bonds, the City covenants for the benefit of the Registered Owners that it will not take any action or omit to take any action with respect to the Bonds of such Series, the proceeds thereof, any other funds of the City or any facilities refinanced with the proceeds of the Bonds of such Series if such action or omission (i) would cause the interest on the Bonds of such Series to lose its exclusion from gross income for federal income tax purposes under Section 103 of the Tax Code, (ii) would cause interest on the Bonds of such Series to lose its exclusion from alternative minimum taxable income as defined in Section 55(b)(2) of the Tax Code, or (iii) would cause interest on the 2012 Bonds to lose its exclusion from Colorado taxable income or Colorado alternative minimum taxable income under present Colorado law. The foregoing covenant shall remain in full force and effect notwithstanding the payment in full or defeasance of the Bonds of such Series until the date on which all obligations of the City in fulfilling the above covenant under the Tax Code and Colorado law have been met.

K. Corporate Existence. The City will maintain its corporate identity and existence so long as any of the Bonds remain Outstanding, unless another political subdivision by operation of law succeeds to the duties, privileges, powers, liabilities, disabilities, immunities and rights of the City and is obligated by law to receive and distribute the Pledged Revenues in place of the City, without materially adversely affecting the privileges and rights of any Owner of any Outstanding Bonds.

L. Performance of Duties. The City will faithfully and punctually perform or cause to be performed all duties with respect to the Pledged Revenues required by the laws of the State and the resolutions of the City, including without limitation the proper segregation of the Pledged Revenues as set forth in Section 18 hereof and their application to the respective accounts as herein provided.



M. Prompt Collections. The City will cause the Pledged Revenues to be collected promptly and accounted for in the accounts as herein provided.

N. Prejudicial Contracts and Action Prohibited. No contract will be entered into, nor will any action be taken, by the City by which the rights and privileges of any Owner are impaired or diminished.

O. Continuing Disclosure. The City further covenants for the benefit of the Owners of the Bonds to comply with the Continuing Disclosure Certificate.

Section 24. Defeasance. If, when any Series of Bonds shall be paid in accordance with their terms (or payment of any such Bonds has been provided for in the manner set forth in the following paragraph), then this Ordinance and all rights granted hereunder shall thereupon cease, terminate and become void and be discharged and satisfied.

Payment of any Outstanding Bond shall prior to the maturity, payment date, or redemption date thereof, as applicable, be deemed to have been provided for within the meaning and with the effect expressed in this section if (a) in case said Bond is to be redeemed on any date prior to its maturity or payment date, as applicable, the City shall have given to the Paying Agent in form satisfactory to it irrevocable instructions to give on a date in accordance with the provisions of Section 7 hereof notice of redemption of such Bond on said redemption date, such notice to be given in accordance with the provisions of Section 7 hereof, (b) there shall have been deposited with the Paying Agent or a commercial bank exercising trust powers either moneys in an amount which shall be sufficient, or Federal Securities which shall not contain provisions permitting the redemption thereof at the option of the issuer, the principal of and the interest on which when due, and without any reinvestment thereof, will provide moneys which, together with the moneys, if any, deposited with or held by the Paying Agent or other commercial bank exercising trust powers at the same time, shall be sufficient to pay when due the principal of or payment amount, as applicable, premium if any, and interest due and to become due on said Bond on and prior to the maturity date, payment date, or redemption date thereof, as applicable, and (c) in the event said Bond is not by its terms subject to redemption within the next sixty days, the City shall have given the Paying Agent in form satisfactory to it irrevocable instructions to give, as soon as practicable in the same manner as the notice of redemption is given pursuant to Section 7 hereof, a notice to the Owner of such Bond that the deposit required by (b) above has been made with the Paying

Agent or other commercial bank exercising trust powers and that payment of said Bond has been provided for in accordance with this section and stating such maturity, payment date, or redemption date, as applicable, upon which moneys are to be available for the payment of the principal of or payment amount, as applicable, premium if any, and interest of said Bond. Neither such securities nor moneys deposited with the Paying Agent or other commercial bank exercising trust powers pursuant to this section or principal or interest payments on any such Federal Securities shall be withdrawn or used for any purpose other than, and shall be held in trust for, the payment of the principal of or payment amount, as applicable, premium if any, and interest of said Bond; provided any cash received from such principal or interest payments on such Federal Securities deposited with the Paying Agent or other commercial bank exercising trust powers, if not then needed for such purpose, shall, to the extent practicable, be reinvested in securities of the type described in (b) of this paragraph maturing at times and in amounts sufficient to pay when due the principal of or payment amount, as applicable, premium if any, and interest to become due on said Bond on or prior to such maturity date, payment date, or redemption date thereof, as applicable. At such time as payment of a Bond has been provided for as aforesaid, such Bond shall no longer be secured by or entitled to the benefits of this Ordinance, except for the purpose of any payment from such moneys or securities deposited with the Paying Agent or other commercial bank exercising trust powers.

The release of the obligations of the City under this Section shall be without prejudice to the right of the Paying Agent to be paid reasonable compensation for all services rendered by it hereunder and all its reasonable expenses, charges and other disbursements incurred on or about the administration of and performance of its powers and duties hereunder.

Upon compliance with the foregoing provisions of this Section with respect to all Bonds Outstanding, this Ordinance may be discharged in accordance with the provisions of this section but the liability of the City in respect of the Bonds shall continue; provided that the Owners thereof shall thereafter be entitled to payment only out of the moneys or Federal Securities deposited with the Paying Agent or other commercial bank exercising trust powers as provided in this Section.

Section 25. Escrow Account; Use of Proceeds. A portion of the proceeds of the Bonds issued for the Refunding Project and other available City moneys shall be deposited by the

City in the Escrow Account. The Escrow Bank is hereby authorized and directed to use moneys credited to the Escrow Account to provide for the payment of the acquired obligations to be held in the Escrow Account and to fund the Escrow Account with the necessary beginning cash, if any, as required in accordance with the escrow sufficiency computations verified by a certified public accountant.

Section 26. Maintenance of Escrow Account. The Escrow Account shall be maintained in an amount, at the time of those initial deposits therein and at all times subsequent at least sufficient, together with the known minimum yield to be derived from the initial investment and any temporary reinvestment of the deposits therein or any part thereof in Federal Securities to pay the Refunded Bond Requirements.

Section 27. Use of Escrow Account. Moneys shall be withdrawn by the Escrow Bank from the Escrow Account in sufficient amounts and at such times to permit the payment without default of the Refunded Bond Requirements. Any moneys remaining in the Escrow Account after provision shall have been made for the payment or redemption in full of the Refunded Bonds shall be applied to any lawful purpose of the City as the City Council may hereafter determine.

Section 28. Exercise of Option. The City Council has elected and does hereby declare its intent to exercise on the behalf and in the name of the City its option to redeem the Refunded Bonds on the Redemption Date. The City hereby authorizes and directs the registrar of the Refunded Bonds to give notice of partial refunding, defeasance and redemption of the Refunded Bonds to the registered owners of the Refunded Bonds as soon as practicable after delivery of the Bonds issued for the Refunding Project and again not more than 60 days nor less than 30 days prior to the Redemption Date, in accordance with the applicable provisions of the 2012 Ordinance.

Section 29. Delegated Powers. The officers of the City shall be, and they hereby are, authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Ordinance. The form, terms and provisions of the Bond Purchase Agreement, the Continuing Disclosure Certificate, the Escrow Agreement, and the Registrar Agreement hereby are approved, and the City shall enter into and perform its obligations under the Bond Purchase Agreement, the Continuing Disclosure Certificate, the Escrow Agreement, and the Registrar



Agreement, in the forms of each of such documents previously filed, with only such changes therein as are not inconsistent herewith; and the President of the City Council is hereby authorized and directed to execute the Continuing Disclosure Certificate, the Escrow Agreement and the Registrar Agreement. The President of the City Council, the City Manager or the Finance Director is hereby authorized and directed to execute and deliver the Sale Certificate and the Bond Purchase Agreement and to determine and approve the final determinations contained therein for the Bonds. The City Clerk is hereby authorized to execute and to affix the seal of the City to the Continuing Disclosure Certificate, the Escrow Agreement, and the Registrar Agreement, and the President of the City Council, the City Manager, the Finance Director and the City Clerk are further authorized to execute and authenticate such other documents, instruments or certificates as are deemed necessary or desirable by bond counsel in order to issue and secure the Bonds. Such documents are to be executed in substantially the forms hereinabove approved, provided that such documents may be completed, corrected or revised as deemed necessary by the parties thereto in order to carry out the purposes of this Ordinance. Copies of all of the documents shall be delivered, filed and recorded as provided therein.

The approval hereby given to the various documents referred to above includes an approval of such additional details therein as may be necessary and appropriate for their completion, deletions therefrom and additions thereto as may be approved by bond counsel prior to the execution of the documents. The execution of any instrument by the appropriate officers of the City herein authorized shall be conclusive evidence of the approval by the City of such instrument in accordance with the terms hereof.

The proper officers of the City are hereby authorized and directed to prepare and furnish to bond counsel certified copies of all proceedings and records of the City relating to the Bonds and such other affidavits and certificates as may be required to show the facts relating to the authorization and issuance thereof as such facts appear from the books and records in such officers' custody and control or as otherwise known to them.

Section 30. Events of Default. Each of the following events is hereby declared an "event of default."



A. Nonpayment of Principal. If payment of the principal of any of the Bonds in connection therewith, shall not be made when the same shall become due and payable at maturity; or

B. Nonpayment of Interest. If payment of any installment of interest on the Bonds shall not be made when the same becomes due and payable; or

C. Incapable to Perform. If the City shall for any reason be rendered incapable of fulfilling its obligations hereunder; or

D. Default of any Provision. If the City shall default in the due and punctual performance of its covenants or conditions, agreements and provisions contained in the Bonds or in this Ordinance on its part to be performed, other than those delineated in Paragraphs A and B of this Section and Section 23.O. hereof, and if such default shall continue for 60 days after written notice specifying such default and requiring the same to be remedied shall have been given to the City by the Owners of not less than 25% in aggregate principal amount of any Series of Bonds then Outstanding.

Section 31. Remedies. Upon the happening and continuance of any event of default as provided in Section 30 hereof, the Owner or Owners of not less than 25% in aggregate principal amount any Series of Outstanding Bonds, or a trustee therefor, may protect and enforce their rights hereunder by proper legal or equitable remedy deemed most effectual including mandamus, specific performance of any covenants, the appointment of a receiver (the consent of such appointment being hereby granted), injunctive relief, or requiring the City Council to act as if it were the trustee of an express trust, or any combination of such remedies. All proceedings shall be maintained for the equal benefit of all Owners. The failure of any Owner to proceed does not relieve the City or any Person of any liability for failure to perform any duty hereunder. The foregoing rights are in addition to any other right available to the Owners of Bonds and the exercise of any right by any Owner shall not be deemed a waiver of any other right.

Section 32. Duties Upon Default. Upon the happening of any of the events of default as provided in Section 30 of this Ordinance, the City, in addition, will do and perform all proper acts on behalf of and for the Owners of the Bonds to protect and preserve the security created for the payment of the Bonds and to insure the payment of the principal of and interest on said Bonds promptly as the same become due. Proceeds derived from the Pledged Revenues, so

long as any of the Bonds herein authorized, either as to principal or interest, are Outstanding and unpaid, shall be paid into the Bond Account pursuant to the terms hereof and to the extent provided herein, and used for the purposes herein provided. In the event the City fails or refuses to proceed as in this section provided, the Owner or Owners of not less than 25% in aggregate principal amount of any Series of Bonds then Outstanding, after demand in writing, may proceed to protect and enforce the rights of such Owners as hereinabove provided.

Section 33. Replacement of Registrar or Paying Agent. If the Registrar or Paying Agent initially appointed hereunder shall resign, or if the City shall reasonably determine that said Registrar or Paying Agent has become incapable of performing its duties hereunder, the City may, upon notice mailed to each Owner of any Bond at his address last shown on the registration records, appoint a successor Registrar or Paying Agent, or both. No resignation or removal of the Registrar or Paying Agent may take effect until a successor is appointed. Every such successor Registrar or Paying Agent shall be the City or a Commercial Bank or Trust Bank. It shall not be required that the same institution serve as both Registrar and Paying Agent hereunder, but the City shall have the right to have the same institution serve as both Registrar and Paying Agent hereunder.

Section 34. Severability. If any one or more sections, sentences, clauses or parts of this Ordinance shall for any reason be held invalid, such judgment shall not affect, impair, or invalidate the remaining provisions of this Ordinance, but shall be confined in its operation to the specific sections, sentences, clauses or parts of this Ordinance so held unconstitutional or invalid, and the inapplicability and invalidity of any section, sentence, clause or part of this Ordinance in any one or more instances shall not affect or prejudice in any way the applicability and validity of this Ordinance in any other instances.

Section 35. Repealer. All bylaws, orders, resolutions and ordinances, or parts thereof, inconsistent herewith are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any bylaw, order, resolution or ordinance, or part thereof, heretofore repealed.

Section 36. Amendment. After any of the Bonds have been issued, this Ordinance shall constitute a contract between the City and the holders of the Bonds and shall be

and remain irrevocable until the Bonds and the interest thereon have been fully paid, satisfied and discharged except as otherwise provided in this Section.

A. The City may, without the consent of, or notice to the Owners of the Bonds, adopt such ordinances supplemental hereto (which supplemental amendments shall thereafter form a part hereof) for any one or more or all of the following purposes:

(1) to cure any ambiguity, or to cure, correct or supplement any defect or omission or inconsistent provision contained in this Ordinance, or to make any provisions with respect to matters arising under this Ordinance or for any other purpose if such provisions are necessary or desirable and do not adversely affect the interests of the Owners of the Bonds;

(2) to subject to the lien of this Ordinance additional revenues, properties or collateral;

(3) to grant or confer upon the Registrar for the benefit of the Registered Owners of the Bonds any additional rights, remedies, powers, or authority that may lawfully be granted to or conferred upon the Registered Owners of the Bonds; or

(4) to qualify this Ordinance under the Trust Indenture Act of 1939.

B. Exclusive of the amendatory ordinances permitted by Paragraph A of this Section, this Ordinance may be amended or supplemented by ordinance adopted by the City Council in accordance with the law, without receipt by the City of any additional consideration but with the written consent of the Owners of 66% in aggregate principal amount of any Series of Bonds Outstanding at the time of the adoption of such amendatory or supplemental ordinance; provided, however, that, without the written consent of the Owners of all of the Bonds adversely affected thereby, no such Ordinance shall have the effect of permitting:

(1) An extension of the maturity of any Bond authorized by this Ordinance; or

(2) A reduction in the principal amount of any Bond or the rate of interest thereon; or

(3) The creation of a lien upon or pledge of Pledged Revenues ranking prior to the lien or pledge created by this Ordinance; or



(4) A reduction of the principal amount of Bonds required for consent to such amendatory or supplemental ordinance; or

(5) The establishment of priorities as between Bonds issued and Outstanding under the provisions of this Ordinance; or

(6) The modification of or otherwise affecting the rights of the Owners of less than all of the Bonds then Outstanding.

Section 37. Approval of Official Statement. The preparation, distribution and use of Preliminary Official Statement relating to the Bonds is hereby authorized. The President of the City Council or the Finance Director is authorized and directed to approve, on behalf of the City, a final Official Statement for use in connection with the offering and sale of the Bonds. The execution of a final Official Statement by the President of the City Council or the Finance Director shall be conclusively deemed to evidence the approval of the form and contents thereof by the City.

Section 38. Disposition of Ordinance. This Ordinance, as adopted by the City Council, shall be numbered and recorded by the City Clerk in the official records of the City. The adoption and publication shall be authenticated by the signatures of the President of the City Council and City Clerk, and by the certificate of publication.

Section 39. Effective Date. This Ordinance shall be in full force and effect 30 days after publication following final passage.

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INTRODUCED, PASSED ON FIRST READING, APPROVED AND ORDERED  
PUBLISHED IN PAMPHLET FORM THIS 15<sup>th</sup> OF JANUARY, 2020.

CITY OF GRAND JUNCTION, COLORADO

---

President of the City Council

Attest:

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City Clerk

INTRODUCED, PASSED ON SECOND READING, APPROVED AND  
ORDERED PUBLISHED IN PAMPHLET FORM THIS 5<sup>th</sup> OF FEBRUARY, 2020.

CITY OF GRAND JUNCTION, COLORADO

---

President of the City Council

Attest:

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City Clerk



STATE OF COLORADO           )  
  )  
COUNTY OF MESA            ) SS.  
  )  
CITY OF GRAND JUNCTION    )

I, Wanda Winkelmann, the City Clerk of the City of Grand Junction, Colorado (the “City”) and Clerk to the City Council of the City (the “City Council”), do hereby certify that:

1. The foregoing pages are a true, correct and complete copy of an ordinance (the “Ordinance”) which was introduced, passed on first reading and ordered published in pamphlet form by the City Council at a regular meeting thereof held on February 15, 2020 and was duly adopted and ordered published in pamphlet form by the City Council at a regular meeting thereof held on February 5, 2020, which Ordinance has not been revoked, rescinded or repealed and is in full force and effect on the date hereof.

2. The Ordinance was duly moved and seconded and the Ordinance was passed on first reading at the meeting of February 15, 2020, an affirmative vote of a majority of the members of the City Council as follows:

<u>City Councilmember</u>	<u>Voting “Aye”</u>	<u>Voting “Nay”</u>	<u>Absent</u>	<u>Abstaining</u>
Rick Taggart, Mayor				
Duke Wortmann, Mayor Pro Tem				
Phillip Pe’a, District B				
Anna Stout, District C				
Phyllis Norris, District A				
Kraig Andrews, District E				
Chuck McDaniel, District at Large				

3. The Ordinance was duly moved and seconded and the Ordinance was finally passed on second reading at the meeting of February 5, 2020, by an affirmative vote of a majority of the members of the City Council as follows:

<u>City Councilmember</u>	<u>Voting "Aye"</u>	<u>Voting "Nay"</u>	<u>Absent</u>	<u>Abstaining</u>
Rick Taggart, Mayor				
Duke Wortmann, Mayor Pro Tem				
Phillip Pe'a, District B				
Anna Stout, District C				
Phyllis Norris, District A				
Kraig Andrews, District E				
Chuck McDaniel, District at Large				

4. The members of the City Council were present at such meetings and voted on the passage of such Ordinance as set forth above.

5. The Ordinance was approved and authenticated by the signature of the President of the City Council, sealed with the City seal, attested by the City Clerk and recorded in the minutes of the City Council.

6. There are no bylaws, rules or regulations of the City Council which might prohibit the adoption of said Ordinance.

7. Notices of the meetings of January 15, 2020 and February 5, 2020 in the forms attached hereto as Exhibit A were posted at City Hall in accordance with law.

8. The Ordinance was published in pamphlet form in The Daily Sentinel, a daily newspaper of general circulation in the City, on January \_\_, 2020 and February \_\_, 2020, as required by the City Charter. Notice of the hearing on the Ordinance was published on January \_\_, 2020. True and correct copies of the affidavits of publication are attached hereto as Exhibit B.

WITNESS my hand and the seal of the City affixed this \_\_\_\_ day of  
February \_\_, 2020.

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City Clerk and Clerk to the City Council

(SEAL)

**EXHIBIT A**

**(Attach Notices of Meetings of February 15, 2020 and February 5, 2020)**



**EXHIBIT B**

**(Attach Affidavits of Publication)**



## Grand Junction City Council

### Regular Session

Item #2.a.ii.

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**Meeting Date:** January 15, 2020

**Presented By:** Jodi Romero, Finance Director

**Department:** Finance

**Submitted By:** Jodi Romero, Finance Director

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### **Information**

#### **SUBJECT:**

Introduction of an Ordinance Concerning Section 3.12.020 of Chapter 3 of the Grand Junction Municipal Code Concerning the Taxability of Food Products Sold from Money Operated Machines and Set a Public Hearing for February 5, 2020

#### **RECOMMENDATION:**

Introduce a proposed ordinance regarding the Taxability of Food Products Sold from Money Operated Machines and set a public hearing for February 5, 2020.

#### **EXECUTIVE SUMMARY:**

On November 29, 2019, the City received a request to reinstate an ordinance exempting from City sales tax certain foods sold from coin operated machines also referred to as vending machines. Approval of the ordinance would align the City's tax rules for sales through vending machines with the State of Colorado and Mesa County.

On January 13, 2020 City Council discussed this item and directed staff to place the ordinance on the agenda for first reading January 15, 2020.

#### **BACKGROUND OR DETAILED INFORMATION:**

In February 2014, City Council adopted Ordinance 4621 which temporarily amended the City's Sales and Use Tax Ordinance to exempt from City sales tax certain food products sold through "money operated machines", also known as vending machines.

The ordinance included a sunset of three years to allow City Council the option of making it permanent or taking no action which resulted in the expiration of the exemption.

Currently the City requires City sales tax to be charged on all sales (greater than 15 cents) through coin operated machines.

The State and County exempt food sold through coin operated machines. The State and County do not consider the following items food, and therefore are subject to State and County tax when sold through vending machines:

- Carbonated Water
- Soft Drinks
- Chewing Gum
- Candy
- Prepared Salads
- Packaged and Unpackaged Cold Sandwiches
- Hot or Cold Beverages Served in Unsealed Containers or Cups

Recently the City Council adopted standardized definitions that are consistent with the State's definition of food and non-food items such as candy and soft drinks which will be helpful should the Council choose to reinstate the exemption. Reinstatement would exempt from City sales tax certain foods sold through coin operated machines, however, the above items, which are commonly sold in that manner, would still be subject to City sales tax. Because the type of items sold from vending machines are not differentiated on sales tax returns, it is difficult to estimate lost revenue from reinstating this exemption. Total sales tax revenue from the Vending Industry is estimated at approximately \$9,000 per year.

As a home rule municipality, there are times when it is important for the local economy and provision of municipal services to have a different tax policy than the State, however, in this situation staff would recommend aligning City tax policy with that of the State and Mesa County.

**FISCAL IMPACT:**

Because the type of items sold from vending machines are not differentiated on sales tax returns, it is difficult to estimate lost revenue from reinstating this exemption. Total sales tax revenue from the Vending Industry is estimated at approximately \$9,000 per year.

**SUGGESTED MOTION:**

I move to introduce an ordinance concerning Section 3.12.020 of Chapter 3 of the Grand Junction Municipal Code concerning the taxability of food products sold from

money operated machines.

### **Attachments**

1. Ordinance



**ORDINANCE NO. \_\_\_\_**

**AN ORDINANCE CONCERNING SECTION 3.12.020 OF CHAPTER 3 OF THE  
GRAND JUNCTION MUNICIPAL CODE CONCERNING THE TAXABILITY OF FOOD  
PRODUCTS SOLD FROM MONEY OPERATED MACHINES**

**RECITALS:**

On January 13, 2020 the City Council discussed in a work session a written request from and on behalf of the vending machine association to reinstate Ordinance 4621, an ordinance that eliminated the taxation of food, candy and soft drinks sold through vending machines in the City.

While State law provides that carbonated water, soft drinks, chewing gum, candy, prepared salads, packaged and unpackaged cold sandwiches and beverages vended from machines in unsealed containers or cups are not "food" and accordingly are taxed by the State but other food is tax exempt, the City Council discussed whether to align the City tax code with that of the State and has determined to do so.

The City Council having duly considered this ordinance does find and determine that it is protective of the City's health and general welfare by establishing rules concerning the taxability of food, candy and soft drinks sold from vending machines.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF  
GRAND JUNCTION:**

That Section 3.12.020 of the Grand Junction Municipal Code provides certain definitions of terms used in the City's Sales and Use Tax Code. For ease of reference and in context of this ordinance, certain of those definitions are restated here:

Candy means a preparation of sugar, honey, or other natural or artificial sweeteners, in combination with chocolate, fruit, nuts, or other ingredients or flavorings in the form of bars, drops, or pieces. Candy does not include any preparation containing flour, products that require refrigeration or marijuana infused products.

Food for home consumption means food for domestic home consumption as defined in 7 U.S.C. Section 2012(g), (k) (2014), as amended, for purposes of the supplemental nutrition assistance program, or any successor program, as defined as 7 U.S.C. sec. 2012 (t), as amended; except that "food" does not include carbonated water marketed in containers; chewing gum; seeds and plants to grow food; prepared salads and salad bars; packaged and unpackaged cold sandwiches; delicatessen trays; and hot or cold beverages served in unsealed containers or cups vended by or through machines or non-coin-operated coin-collecting food and snack devices on behalf of a vendor.

Soft drink means a nonalcoholic beverage that contains natural or artificial sweeteners. Soft drink does not include beverages that contain milk or milk products, soy, rice, or similar milk substitutes, or greater than fifty percent of vegetable or fruit juice by volume.

That Section 3.12.070(k) be added to the Grand Junction Municipal Code as follows: (AMENDMENTS ARE SHOWN IN ALL CAPS, ~~deletions are shown in strikethrough~~)

The tax levied by GJMC 3.12.030(a) shall apply to the following:

(k) ALL SALES AND PURCHASES OF CANDY AND SOFT DRINKS AS DEFINED IN 3.12.020 BY AND THROUGH COIN OR OTHER MONEY (BILLS OR CARDS) OPERATED MACHINES

That Section 3.12.070(rr) be added to the Grand Junction Municipal Code as follows: (AMENDMENTS ARE SHOWN IN ALL CAPS, deletions are shown in strikethrough)

The tax levied by GJMC 3.12.030(a) shall not apply to the following:

(rr) ALL SALES AND PURCHASES OF FOOD AS DEFINED IN 3.12.020 BY AND THROUGH COIN OR OTHER MONEY (BILLS OR CARDS) OPERATED MACHINES.

Introduced on first reading this 15th day of January 2020.

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J. Merrick Taggart  
President of the City Council

ATTEST:

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Wanda Winkelmann  
City Clerk



## Grand Junction City Council

### Regular Session

Item #3.a.

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**Meeting Date:** January 15, 2020

**Presented By:** Kristen Ashbeck, Principal Planner/CDBG Admin

**Department:** Community Development

**Submitted By:** Kristen Ashbeck, Principal Planner/CDBG Admin

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### **Information**

#### **SUBJECT:**

2019 Community Development Block Grant Subrecipient Agreements between Karis, Inc., Housing Resources of Western Colorado and the City of Grand Junction

#### **RECOMMENDATION:**

Staff recommends approval.

#### **EXECUTIVE SUMMARY:**

The Subrecipient Contract formalizes the City's award of CDBG funds to various agencies allocated from the City's 2019 CDBG Program Year as approved by City Council at its June 5, 2019 meeting. The allocation includes the following grants: 1) \$22,100 to Karis, Inc. for the purchase of major appliances for Permanent Supportive Housing; and 2) \$97,274 to Housing Resources of Western Colorado to replace windows in the Garden Village Apartments. The contracts outline the duties and responsibilities of the agencies and ensures that the subrecipients comply with all Federal rules and regulations governing use of the funds.

#### **BACKGROUND OR DETAILED INFORMATION:**

CDBG funds are a Department of Housing and Urban Development (HUD) entitlement grant to the City of Grand Junction which became eligible for the funding in 1996. The City received \$461,255 for the 2019 Program Year and Council approved an amendment to 2018 Action Plan to utilize \$100,000 remaining funds to be allocated with the 2019 funds for a total allocation of \$561,255. The final funding decision of 17 projects was made by the City Council at its hearing on June 5, 2019. The City's 2019 Program Year began on September 1, 2019 therefore, contracts between the City and

the agencies may now be executed.

#### Karis, Inc. Purchase Appliances for Permanent Supportive Housing

Karis, Inc. recently started construction of a 34-unit apartment building to provide transitional housing for young adults. Two full time case managers, one full time therapist, a building manager and a program coordinator will office out of the building for a guaranteed 20 years. CDBG funds will be used towards the purchase of major appliances for the apartments.

#### Housing Resources of Western Colorado (HRWC) Garden Village Apartments Window Replacement

HRWC owns and operates the 91-unit low and moderate income Garden Village Apartments complex. The complex was constructed in 1971 and is in need of many upgrades. HRWC recently started a \$125,000 upgrade to the parking and walkways on the property so is continuing to address capital needs as funding becomes available. The windows in the buildings are failing and allowing moisture and cold air to enter units. CDBG funds would be used towards the replacement of windows with new, more energy-efficient windows throughout.

The agencies listed above are considered "subrecipients" to the City. The City will "pass through" a portion of its 2019 Program Year CDBG funds to the agencies but the City remains responsible for the use of these funds. The contracts outline the duties and responsibilities of the agencies and ensures that the subrecipients comply with all Federal rules and regulations governing the use of the funds. The contracts must be approved before the subrecipients may obligate or spend any of the Federal funds. The Subrecipient Agreement with each agency contains the specifics of the projects and how the money will be used by the subrecipients.

#### **FISCAL IMPACT:**

Previously approved 2019 CDBG Program Year Budget:

2019 CDBG Allocation: \$461,255  
Remainder Previous Years: \$100,000  
Total Funding Allocated: \$561,255

Total allocation includes \$25,000 for program administrative costs.

The City will "pass through" a total of \$119,374 of its 2019 Program Year CDBG funds to the agencies listed above.



**SUGGESTED MOTION:**

I move to (authorize/not authorize) the City Manager to sign the Subrecipient Contracts between the City of Grand Junction and Karis, Inc. and Housing Resources of Western Colorado for funding through the City's 2019 Community Development Block Grant Program Year.

**Attachments**

1. 2019 CDBG Subrecipient Contracts

**2019 SUBRECIPIENT CONTRACT FOR  
CITY OF GRAND JUNCTION  
COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS  
EXHIBIT A  
SCOPE OF SERVICES**

**Date Approved:** \_\_\_\_\_

**Amount of Grant:** \$22,100

**Subrecipient:** Karis, Inc.

**Completion Date:** December 31, 2020

1. The City agrees to pay the Subrecipient, subject to the subrecipient agreement, this Exhibit and attachment to it, \$22,100 from its 2019 Program Year CDBG Entitlement Funds to purchase major appliances for 34 new apartment units to be known as The Home located at 3197 North 12<sup>th</sup> Street, Grand Junction, Colorado ("Property"). Subrecipient provides housing and services for at-risk youth and young adults.
2. The Subrecipient certifies that it will meet the CDBG National Objective of low/moderate income benefit (570.201(m)). It shall meet this objective by completing the above-referenced housing for at-risk youth and young adults in Grand Junction, Colorado.
3. The project consists of the purchase of major appliances for 34 new multifamily units located at 3197 North 12<sup>th</sup> Street. CDBG funds will be used towards the purchase. The Property is currently owned and operated by Subrecipient which will continue to operate the housing units. It is understood that the Amount of the Grant of City CDBG funds shall be used only for the improvements described in this agreement. Costs associated with any other elements of the project shall be paid for by other funding sources obtained by the Subrecipient.
4. This project shall commence upon the full and proper execution of the 2019 Subrecipient Agreement and the completion of all necessary and appropriate state and local licensing, environmental permit review, approval and compliance. The project shall be completed on or before the Completion Date.
5. The total budget for the project is estimated to be \$9.4 million, of which \$22,100 will be expended on the major appliances.
6. This project will provide decent, affordable housing for Subrecipient's clients that will reside in the units.
7. The City shall monitor and evaluate the progress and performance of the Subrecipient to assure that the terms of this agreement are met in accordance with City and other applicable monitoring and evaluating criteria and standards. The Subrecipient shall cooperate with the City relating to monitoring, evaluation and inspection and compliance.

\_\_\_\_ Subrecipient

\_\_\_\_ City of Grand Junction

8. The Subrecipient shall provide quarterly financial and performance reports to the City. Reports shall describe the progress of the project, what activities have occurred, what activities are still planned, financial status, compliance with National Objectives and other information as may be required by the City. A final report shall also be submitted when the project is completed.
9. During a period of five (5) years following the Completion Date the use of the Properties improved may not change unless: A) the City determines the new use meets one of the National Objectives of the CDBG Program, and B) the Subrecipient provides affected citizens with reasonable notice and an opportunity to comment on any proposed changes. If the Subrecipient decides, after consultation with affected citizens that it is appropriate to change the use of the Properties to a use which the City determines does not qualify in meeting a CDBG National Objective, the Subrecipient must reimburse the City a prorated share of the Amount of the Grant the City makes to the project. At the end of the five-year period following the project closeout date and thereafter, no City restrictions under this agreement on use of the Properties shall be in effect.
10. The Subrecipient understands that the funds described in the Agreement are received by the City from the U.S. Department of Housing and Urban Development under the Community Development Block Grant Program. The Subrecipient shall meet all City and federal requirements for receiving Community Development Block Grant funds, whether or not such requirements are specifically listed in this Agreement. The Subrecipient shall provide the City with documentation establishing that all local and federal CDBG requirements have been met.
11. A blanket fidelity bond equal to cash advances as referenced in Paragraph V. (E) will not be required as long as no cash advances are made and payment is on a reimbursement basis.
12. A formal project notice will be sent to the Subrecipient once all funds are expended and a final report is received.

\_\_\_\_\_ Subrecipient  
\_\_\_\_\_ City of Grand Junction

## Attachment 1 – Performance Measures

### 1. Output Measures

A. Total Number of unduplicated clients anticipated to be served by the project during the 12 month FY contract: 265

B. Number of unduplicated LMI City residents to be served with grant funds during the 12 month. FY contract: 265

C. Of the City residents to be served: i) how many will have new or continued access to the service/benefit: 265; ii) how many will have improved access to the service or benefit \_\_\_\_? And iii) how many will receive the service or benefit that is improved/no longer substandard \_\_\_\_?

### 2.) Schedule of Performance

Estimate the number of unduplicated City resident to be served per calendar quarter of the 12 mo. FY contract Q1: 66 Q2: 66 Q3: 67 Q4: 66

### 3) Payment Schedule

During the 12 month FY contract funds will be drawn Q1 \_\_\_\_ Q2 \_\_\_\_ Q3: \_\_\_\_ Q4: 100%

### 4) Outcome Measures

Activity (select one) \_\_\_\_ Senior Service \_\_\_\_ Youth Service X Homeless Service  
\_\_\_\_ Disabled Service \_\_\_\_ LMI Service \_\_\_\_ Fair Housing Service

Primary Objective (select one): Create a suitable living environment \_\_\_\_ Provide decent, affordable housing X Create economic opportunity (ies)

Primary Outcome Measurement (select one) \_\_\_\_ Availability/Accessibility X Affordability  
\_\_\_\_ Sustainability

*Summarize the means by which outcomes will be tracked, measured and reported:*

Outcomes will be tracked by the number of persons served, utilizing an intake form and placement procedures.

\_\_\_\_ Subrecipient

\_\_\_\_ City of Grand Junction



**2019 SUBRECIPIENT CONTRACT FOR  
CITY OF GRAND JUNCTION  
COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS  
EXHIBIT A SCOPE OF SERVICES**

**Date Approved:** \_\_\_\_\_

**Amount of Grant:** \$97,274

**Subrecipient:** Housing Resources of Western Colorado

**Completion Date:** August 31, 2020

1. The City agrees to pay the Subrecipient, subject to the subrecipient agreement, this Exhibit and attachment to it, \$97,274 from its 2019 Program Year CDBG Entitlement Funds to replace the windows of all units in the Garden Village Apartments complex located at 2601 Belford Avenue, Grand Junction, Colorado ("Property"). Subrecipient provides housing and rehabilitation services for low- and moderate-income households.
2. The Subrecipient certifies that it will meet the CDBG National Objective of low/moderate income benefit (570.202(a)). It shall meet this objective by completing the above-referenced housing rehabilitation for low- and moderate-income households in Grand Junction, Colorado.
3. The project consists of replacement of windows in all multifamily units in the Garden Village Apartments complex located at 2601 Belford Avenue. CDBG funds will be used towards the purchase and installation of new windows. The Property is currently owned and operated by Subrecipient which will continue to operate the facility. It is understood that the Amount of the Grant of City CDBG funds shall be used only for the improvements described in this agreement. Costs associated with any other elements of the project shall be paid for by other funding sources obtained by the Subrecipient.
4. This project shall commence upon the full and proper execution of the 2019 Subrecipient Agreement and the completion of all necessary and appropriate state and local licensing, environmental permit review, approval and compliance. The project shall be completed on or before the Completion Date.
5. The total budget for the project is estimated to be \$117,274, of which \$97,274 will be used from 2019 CDBG funds.
6. This project will improve the energy efficiency and extend the useful life of the buildings for the safety and extend the useful life of this housing for the 237 persons that reside in the apartments.
7. The City shall monitor and evaluate the progress and performance of the Subrecipient to assure that the terms of this agreement are met in accordance with City and other applicable monitoring and evaluating criteria and standards. The Subrecipient shall cooperate with the City relating to monitoring, evaluation and inspection and compliance.

\_\_\_\_ Subrecipient

\_\_\_\_ City of Grand Junction

8. The Subrecipient shall provide quarterly financial and performance reports to the City. Reports shall describe the progress of the project, what activities have occurred, what activities are still planned, financial status, compliance with National Objectives and other information as may be required by the City. A final report shall also be submitted when the project is completed.
9. During a period of five (5) years following the Completion Date the use of the Properties improved may not change unless: A) the City determines the new use meets one of the National Objectives of the CDBG Program, and B) the Subrecipient provides affected citizens with reasonable notice and an opportunity to comment on any proposed changes. If the Subrecipient decides, after consultation with affected citizens that it is appropriate to change the use of the Properties to a use which the City determines does not qualify in meeting a CDBG National Objective, the Subrecipient must reimburse the City a prorated share of the Amount of the Grant the City makes to the project. At the end of the five-year period following the project closeout date and thereafter, no City restrictions under this agreement on use of the Properties shall be in effect.
10. The Subrecipient understands that the funds described in the Agreement are received by the City from the U.S. Department of Housing and Urban Development under the Community Development Block Grant Program. The Subrecipient shall meet all City and federal requirements for receiving Community Development Block Grant funds, whether or not such requirements are specifically listed in this Agreement. The Subrecipient shall provide the City with documentation establishing that all local and federal CDBG requirements have been met.
11. A blanket fidelity bond equal to cash advances as referenced in Paragraph V. (E) will not be required as long as no cash advances are made and payment is on a reimbursement basis.
12. A formal project notice will be sent to the Subrecipient once all funds are expended and a final report is received.

\_\_\_\_\_ Subrecipient

\_\_\_\_\_ City of Grand Junction

## Attachment 1 – Performance Measures

### 1. Output Measures

A. Total Number of unduplicated clients anticipated to be served by the project during the 12 month FY contract: 237

B. Number of unduplicated LMI City residents to be served with grant funds during the 12 month FY contract: 237

C. Of the City residents to be served: i) how many will have new or continued access to the service/benefit\_\_\_\_; ii) how many will have improved access to the service or benefit\_\_\_\_? And iii) how many will receive the service or benefit that is improved/no longer substandard: 237

### 2.) Schedule of Performance

Estimate the number of unduplicated City resident to be served per calendar quarter of the 12 month FY contract Q1:59 Q2: 59 Q3: 60: Q4: 59

### 3) Payment Schedule

During the 12 month FY contract funds will be drawn Q1\_\_\_\_ Q2: \_\_\_\_ Q3: 50% Q4: 50%

### 4) Outcome Measures

Activity (select one) \_\_ Senior Service \_\_ Youth Service \_\_ Homeless Service  
\_\_ Disabled Service X LMI Service \_\_ Fair Housing Service

Primary Objective (select one) \_\_ Create a suitable living environment \_\_ Provide decent, affordable housing X Create economic opportunity (ies)

Primary Outcome Measurement (select one) \_\_ Availability/Accessibility X Affordability  
\_\_ Sustainability

*Summarize the means by which outcomes will be tracked, measured and reported*

Garden Village is a Section 8 property. Income is verified by a 3<sup>rd</sup> party at initial move-in and annually thereafter as required by HUD.

\_\_\_\_ Subrecipient

\_\_\_\_ City of Grand Junction



## Grand Junction City Council

### Regular Session

Item #3.b.

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**Meeting Date:** January 15, 2020

**Presented By:** Randi Kim, Utilities Director

**Department:** Utilities

**Submitted By:** Lee Cooper, Project Engineer

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### **Information**

#### **SUBJECT:**

Construction Contract for the 23 Road Sewer Trunk Line Extension Project

#### **RECOMMENDATION:**

Authorize the City Purchasing Division to Enter into a Construction Contract with M.A. Concrete Construction, Inc. for the Construction of the 23 Road Sewer Trunk Line Extension Project in the Amount of \$460,323.00.

#### **EXECUTIVE SUMMARY:**

This request is to award a Construction Contract for the 23 Road Sewer Trunk Line Extension Project. This project will install approximately 4,400 lineal feet of new 12-inch PVC sewer line to serve the proposed new Mosaic Subdivision housing development located at 789 23 Road, as well as, provide future sewer service to existing and proposed developments within this sewer service basin. This new sewer line will connect into an existing sewer manhole near the Love's Truck Stop located at 748 22 Road and the new sewer trunk line will traverse east along the north side of Interstate 70 then through the Bookcliff Ranches Subdivision to the proposed Mosaic Subdivision property. Exhibit 1 shows the alignment of the new 12-inch sewer line extension.

#### **BACKGROUND OR DETAILED INFORMATION:**

The primary impetus for the new 23 Road Trunk Line Extension Project is the proposed Mosaic Subdivision located at 789 23 Road. The Developer's plan includes 630 residential units and 30 commercial units at a density greater than 3 units/acre. The development is located within the Persigo 201 Sewer Service Area and is required



to dispose of its sewage waste through the sewer system. This sewer trunk line extension project will terminate at the Mosaic property. However, the plan for this sewer trunk line is to extend further to the north with the potential to serve about 0.93 square miles of land to the north of Interstate 70. Exhibit 2 highlights the approximate area this sewer trunk line has the capacity to serve.

This project is scheduled to start construction on or near February 3, 2020 with an expected completion date of May 1, 2020. Construction will take place during the weekdays only. Current residents within the Bookcliff Ranches Subdivision, which are currently on septic systems, have been notified about this sewer project. Once constructed, resident's along Goldenrod Court within Bookcliff Ranches will also be able to connect to the sewer collection system.

A formal Invitation for Bids was issued via BidNet (an online site for government agencies to post solicitations), posted on the City's Purchasing website, sent to the Grand Junction Chamber of Commerce and the Western Colorado Contractor's Association, and advertised in The Daily Sentinel. Seven (7) companies submitted formal bids, of which, six (6) bids were found to be responsive and responsible as follows:

<b><u>Contractor</u></b>	<b><u>Location</u></b>	<b><u>Amount</u></b>
M.A. Concrete Construction, Inc.	Grand Jct., CO	\$460,323.00
Sorter Construction, Inc.	Grand Jct., CO	\$517,323.00
Mountain Valley Contracting	Grand Jct., CO	\$518,616.70
Dirtworks Construction (Not Responsive. <u>(Used incorrect Bid Schedule)</u> )	Grand Jct., CO	\$570,518.35
United Companies	Grand Jct., CO	\$614,644.00
Scott Contracting, Inc.	Centennial, CO	\$802,743.90
Gould Construction, Inc.	Glenwood Springs, CO	\$835,695.00

**FISCAL IMPACT:**

<b><u>Budget:</u></b>	
<b>2020 Sewer Trunk Line Extension</b>	
• 23 Road Sewer Trunk Line Extension Project	\$1,200,000
<i>Total Available Budget -</i>	<i>\$1,200,000</i>
<b><u>Project Costs:</u></b>	
• Construction Contract – M.A. Concrete Construction, Inc.	\$460,323
• City Const. Inspection & Contract Admin. (Estimate)	\$32,000
• Quality Assurance Testing (Estimate)	<u>\$5,000</u>
<b>Total Project Costs -</b>	<b>\$497,323</b>

**SUGGESTED MOTION:**

I move to (authorize/not authorize) the City Purchasing Division to enter into a Contract with M.A. Concrete Construction, Inc. for the 23 Road Sewer Trunk Line Extension Project in the amount of \$460,323.00.

**Attachments**

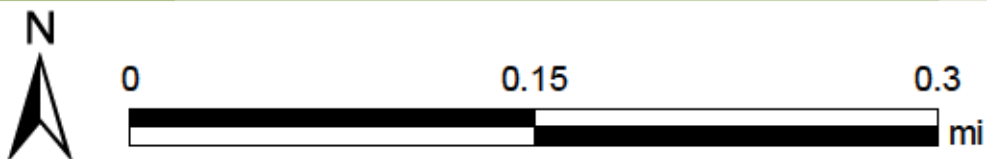
1. Map 23 Road Sewer Trunk Line Extension
2. Map Potential Sewer Service Basin



# 23 Rd. Sewer Trunk Line Extension Project (Bold Green Line)



4,422.7 Feet

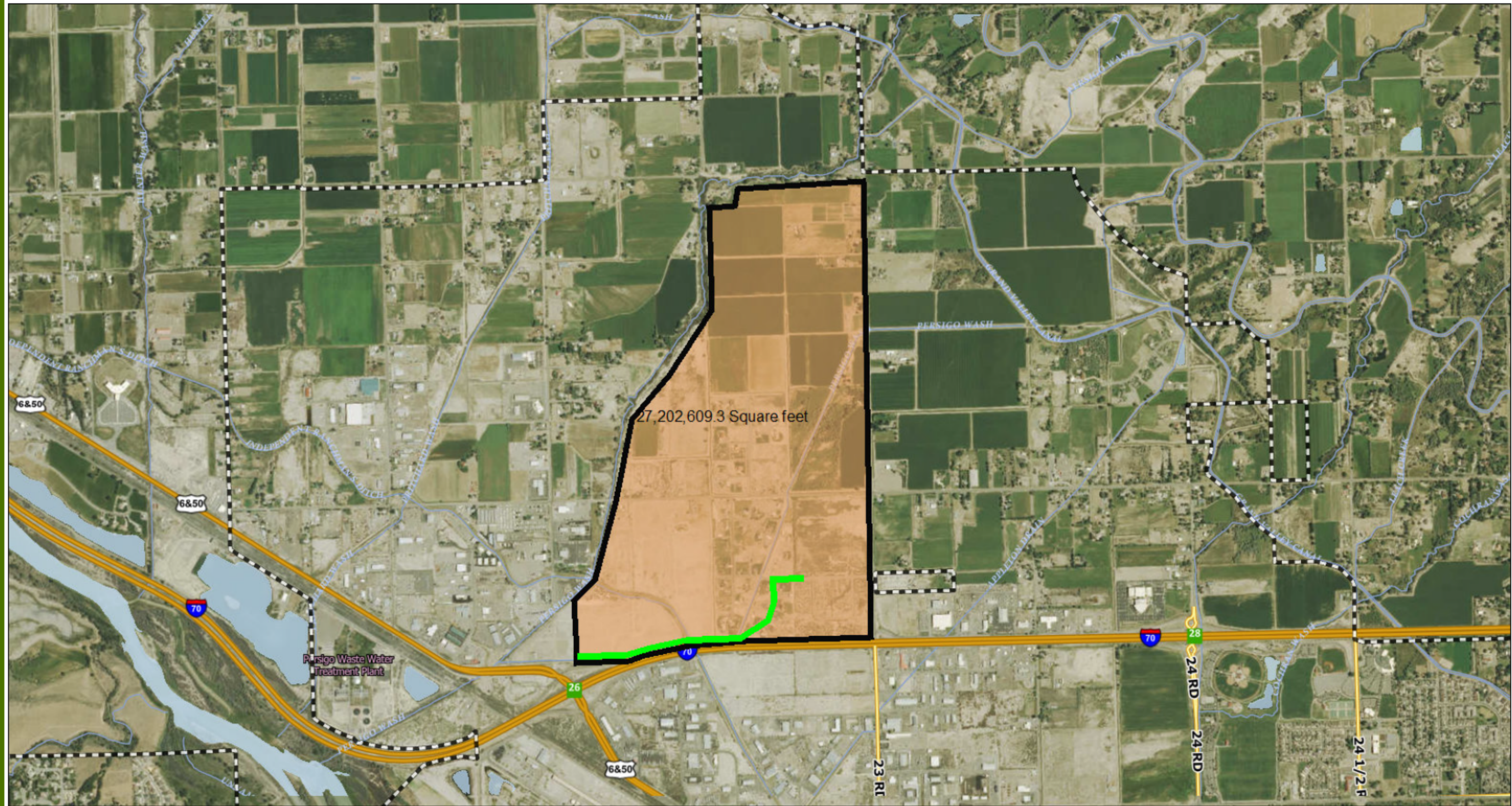


Date: 12/31/2019

1 inch = 376 feet



# 23 Road Sewer Trunk Line Extension Project - Potential Sewer Service Basin



0 0.5 1 mi

Date: 1/3/2020

1 inch = 1,505 feet





## Grand Junction City Council

### Regular Session

Item #4.a.

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**Meeting Date:** January 15, 2020

**Presented By:** Wanda Winkelmann, City Clerk

**Department:** City Clerk

**Submitted By:** Wanda Winkelmann

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### **Information**

#### **SUBJECT:**

A Resolution Designating the Location for the Posting of the Notice of Meetings, Establishing the 2020 City Council Meeting Schedule, and Establishing the Procedure for Calling of Special Meetings for the City Council

#### **RECOMMENDATION:**

Staff recommends adoption of the Resolution.

#### **EXECUTIVE SUMMARY:**

The purpose of this item is to designate the website as the City's official posting location for agendas and to set City Council's 2020 meeting schedule.

#### **BACKGROUND OR DETAILED INFORMATION:**

The City's Municipal Code, Sec. 2.04.010, requires the meeting schedule and the procedure for calling special meetings be determined annually by resolution.

In 1991, the Open Meetings Law was amended to include a provision that requires that a "local public body" annually designate the location of the public place for posting notice of meetings and such designation shall occur at the first regular meeting of each calendar year (§24-6-402(2)(c) C.R.S.). This summer, by way of House Bill 19-1087 (Attachment 2), local public bodies can transition from physical notices of public meetings in physical locations to posting notices on a website. The local public body shall be deemed to have given full and timely notice of a public meeting if it posts the notice (with specific agenda information) no less than twenty-four hours prior to holding the meeting on a public website. Therefore, the attached resolution indicates that the

City of Grand Junction's "Notice of Meetings" shall be considered the website, [www.gjcity.org](http://www.gjcity.org). HB 19-1087 also requires the designation of physical posting location in the event of a power outage, disruption in internet service, etc. that prevents the public from accessing the notice online.

This resolution will determine the dates of the regular City Council meetings for 2020. Additional meetings may be scheduled from time to time and adequate notice will be posted online prior to the holding of any additional regular meetings. The City Council also has the authority to change, reschedule, or cancel any of the listed regular meetings with proper notice.

**FISCAL IMPACT:**

N/A

**SUGGESTED MOTION:**

I move to (adopt/deny) Resolution No. 01-20, a resolution designating the location for the posting of the notice of meetings, establishing the 2020 City Council meeting schedule, and establishing the procedure for calling of special meetings for the City Council.

**Attachments**

1. Resolution 2020 Designating Posting Locations
2. HB 1087 Posting Notices on Website

**CITY OF GRAND JUNCTION**

**RESOLUTION NO. xx-20**

**A RESOLUTION DESIGNATING THE LOCATION FOR THE POSTING  
OF THE NOTICE OF MEETINGS, ESTABLISHING THE 2020 CITY COUNCIL  
MEETING SCHEDULE, AND ESTABLISHING THE PROCEDURE FOR  
CALLING OF SPECIAL MEETINGS FOR THE CITY COUNCIL**

**Recitals.**

The City Council of the City of Grand Junction is a "local public body" as defined in C.R.S. §24-6-402 (1)(a).

The City Council holds meetings to discuss public business.

The C.R.S. §24-6-402 (2)(c) provides that "Any meetings at which the adoption of any proposed policy, position, resolution, rule, regulation, or formal action occurs or at which a majority or quorum of the body is in attendance, or is expected to be in attendance, shall be held only after full and timely notice to the public. In addition to any other means of full and timely notice, a local public body shall be deemed to have given full and timely notice if the notice of the meeting is posted in a designated public place within the boundaries of the local public body no less than 24 hours prior to the holding of the meeting. The public place or places for posting of such notice shall be designated annually at the local public body's first regular meeting of each calendar year."

Signed on April 25, 2019, House Bill 19-1087 permits local public bodies to transition from posting physical notices in physical locations to posting notices online. The local public body shall be deemed to have given full and timely notice of a public meeting if it posts the notice (with specific agenda information) no less than twenty-four hours prior to holding the meeting on a public website.

The Grand Junction Municipal Code, Section 2.04.010, provides that the meeting schedule and the procedure for calling of special meetings of the City Council shall be established by resolution annually.

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION,  
COLORADO THAT:**

1. The **Notice of Meetings** for the local public body shall be posted on the City of Grand Junction's website [www.gjcity.org](http://www.gjcity.org). If an event (such as a power outage or disruption in internet service) occurs that prevents the public from accessing the **Notice** online, the glassed-in exterior notice board at 250 North 5<sup>th</sup> Street, City Hall is designated as the official posting location for the duration of that event.



2. The meeting schedule for the regular meetings of the City Council in 2020 is:

Month	Dates
January	(01 is canceled), 15
February	05, 19
March	04, 18
April	01, 15
May	06, 20
June	03, 17
July	01, 15
August	05, 19
September	02, 16
October	07, 21
November	04, 18
December	02, 16

3. Additional meetings may be scheduled or cancelled dependent on the number of items coming before the City Council. The City Council will determine that on a case by case basis. Proper notification for any change in the meeting schedule will be provided.

4. Additional special meetings may be called by the President of the City Council for any purpose and notification of such meeting shall be posted twenty-four hours prior to the meeting. Each and every member of City Council shall be notified of any special meeting at least twenty-four hours in advance.

5. The City's boards, commissions, committees, groups and similar entities shall be deemed to have given full and timely notice of a public meeting if it posts online public meeting notice no less than twenty-four hours to holding the meeting.

Read and approved this 15<sup>th</sup> day of January, 2020.

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President of the Council

ATTEST:

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City Clerk

# An Act

HOUSE BILL 19-1087

BY REPRESENTATIVE(S) Soper and Hansen, Coleman, McKean, Snyder, Williams D., Bockenfeld, Gray, Jaquez Lewis, Kipp, Rich, Tipper, Titone, Weissman;  
also SENATOR(S) Woodward and Bridges, Gonzales, Hisey, Moreno, Todd.

CONCERNING ONLINE NOTICE OF PUBLIC MEETINGS OF A LOCAL GOVERNMENTAL ENTITY.

*Be it enacted by the General Assembly of the State of Colorado:*

**SECTION 1.** In Colorado Revised Statutes, 24-6-402, **amend** (2)(c) as follows:

**24-6-402. Meetings - open to public - legislative declaration - definitions.** (2) (c) (I) Any meetings at which the adoption of any proposed policy, position, resolution, rule, regulation, or formal action occurs or at which a majority or quorum of the body is in attendance, or is expected to be in attendance, shall be held only after full and timely notice to the public. In addition to any other means of full and timely notice, a local public body shall be deemed to have given full and timely notice if the notice of the meeting is posted in a designated public place within the boundaries of the

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*Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.*

local public body no less than twenty-four hours prior to the holding of the meeting. The public place or places for posting such notice shall be designated annually at the local public body's first regular meeting of each calendar year. The posting shall include specific agenda information where possible.

(II) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT:

(A) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT LOCAL GOVERNMENTS TRANSITION FROM POSTING PHYSICAL NOTICES OF PUBLIC MEETINGS IN PHYSICAL LOCATIONS TO POSTING NOTICES ON A WEBSITE, SOCIAL MEDIA ACCOUNT, OR OTHER OFFICIAL ONLINE PRESENCE OF THE LOCAL GOVERNMENT TO THE GREATEST EXTENT PRACTICABLE;

(B) IT IS THE INTENT OF THE GENERAL ASSEMBLY TO RELIEVE A LOCAL GOVERNMENT OF THE REQUIREMENT TO PHYSICALLY POST MEETING NOTICES, WITH CERTAIN EXCEPTIONS, IF THE LOCAL GOVERNMENT COMPLIES WITH THE REQUIREMENTS OF ONLINE POSTED NOTICES OF MEETINGS;

(C) A NUMBER OF FACTORS MAY AFFECT THE ABILITY OF SOME LOCAL GOVERNMENTS TO EASILY ESTABLISH A WEBSITE, POST MEETING NOTICES ONLINE, AND OTHERWISE BENEFIT FROM HAVING AN ONLINE PRESENCE, INCLUDING THE AVAILABILITY OF BROADBAND OR RELIABLE BROADBAND, THE LACK OF CELLULAR TELEPHONE AND DATA SERVICES, AND FISCAL OR STAFFING CONSTRAINTS OF THE LOCAL GOVERNMENT;

(D) LOCAL GOVERNMENTS ARE ENCOURAGED TO AVAIL THEMSELVES OF EXISTING FREE RESOURCES FOR CREATING A WEBSITE AND RECEIVING CONTENT MANAGEMENT ASSISTANCE FROM THE COLORADO STATEWIDE INTERNET PORTAL AUTHORITY AND STATEWIDE ASSOCIATIONS REPRESENTING LOCAL GOVERNMENTAL ENTITIES; AND

(E) IT IS THE INTENT OF THE GENERAL ASSEMBLY TO CLOSELY MONITOR THE TRANSITION TO PROVIDING NOTICES OF PUBLIC MEETINGS ONLINE OVER THE NEXT TWO YEARS AND, IF SIGNIFICANT PROGRESS IS NOT MADE, TO BRING LEGISLATION MANDATING IN STATUTE THAT ALL NOTICES BE POSTED ONLINE EXCEPT IN VERY NARROW CIRCUMSTANCES THAT ARE BEYOND THE CONTROL OF A LOCAL GOVERNMENT.

(III) ON AND AFTER JULY 1, 2019, A LOCAL PUBLIC BODY SHALL BE



DEEMED TO HAVE GIVEN FULL AND TIMELY NOTICE OF A PUBLIC MEETING IF THE LOCAL PUBLIC BODY POSTS THE NOTICE, WITH SPECIFIC AGENDA INFORMATION IF AVAILABLE, NO LESS THAN TWENTY-FOUR HOURS PRIOR TO THE HOLDING OF THE MEETING ON A PUBLIC WEBSITE OF THE LOCAL PUBLIC BODY. THE NOTICE MUST BE ACCESSIBLE AT NO CHARGE TO THE PUBLIC. THE LOCAL PUBLIC BODY SHALL, TO THE EXTENT FEASIBLE, MAKE THE NOTICES SEARCHABLE BY TYPE OF MEETING, DATE OF MEETING, TIME OF MEETING, AGENDA CONTENTS, AND ANY OTHER CATEGORY DEEMED APPROPRIATE BY THE LOCAL PUBLIC BODY AND SHALL CONSIDER LINKING THE NOTICES TO ANY APPROPRIATE SOCIAL MEDIA ACCOUNTS OF THE LOCAL PUBLIC BODY. A LOCAL PUBLIC BODY THAT PROVIDES NOTICE ON A WEBSITE PURSUANT TO THIS SUBSECTION (2)(c)(III) SHALL PROVIDE THE ADDRESS OF THE WEBSITE TO THE DEPARTMENT OF LOCAL AFFAIRS FOR INCLUSION IN THE INVENTORY MAINTAINED PURSUANT TO SECTION 24-32-116. A LOCAL PUBLIC BODY THAT POSTS A NOTICE OF A PUBLIC MEETING ON A PUBLIC WEBSITE PURSUANT TO THIS SUBSECTION (2)(c)(III) MAY IN ITS DISCRETION ALSO POST A NOTICE BY ANY OTHER MEANS INCLUDING IN A DESIGNATED PUBLIC PLACE PURSUANT TO SUBSECTION (2)(c)(I) OF THIS SECTION; EXCEPT THAT NOTHING IN THIS SECTION SHALL BE CONSTRUED TO REQUIRE SUCH OTHER POSTING. A LOCAL PUBLIC BODY THAT POSTS NOTICES OF PUBLIC MEETINGS ON A PUBLIC WEBSITE PURSUANT TO THIS SUBSECTION (2)(c)(III) SHALL DESIGNATE A PUBLIC PLACE WITHIN THE BOUNDARIES OF THE LOCAL PUBLIC BODY AT WHICH IT MAY POST A NOTICE NO LESS THAN TWENTY-FOUR HOURS PRIOR TO A MEETING IF IT IS UNABLE TO POST A NOTICE ONLINE IN EXIGENT OR EMERGENCY CIRCUMSTANCES SUCH AS A POWER OUTAGE OR AN INTERRUPTION IN INTERNET SERVICE THAT PREVENTS THE PUBLIC FROM ACCESSING THE NOTICE ONLINE.

(IV) FOR PURPOSES OF THIS SECTION, "LOCAL PUBLIC BODY" INCLUDES MUNICIPALITIES, COUNTIES, SCHOOL BOARDS, AND SPECIAL DISTRICTS.


**SECTION 2.** In Colorado Revised Statutes, 32-1-903, **amend** (2) as follows:


**32-1-903. Meetings.** (2) Notice of time and place designated for all regular AND SPECIAL meetings shall be ~~posted in at least three public places within the limits of the special district, and, in addition, one such notice shall be posted in the office of the county clerk and recorder in the county or counties in which the special district is located.~~ Such notices shall remain

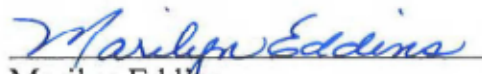
~~posted and shall be changed in the event that the time or place of such regular meetings is changed~~ PROVIDED IN ACCORDANCE WITH SECTION 24-6-402. Special meetings may be called by any director by informing the other directors of the date, time, and place of such special meeting, and the purpose for which it is called, and by ~~posting~~ PROVIDING notice ~~as provided in this section at least seventy-two hours prior to said meeting~~ IN ACCORDANCE WITH SECTION 24-6-402. All official business of the board shall be conducted only during said regular or special meetings at which a quorum is present, and all said meetings shall be open to the public.

**SECTION 3. Act subject to petition - effective date.** This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 2, 2019, if adjournment sine die is on May 3, 2019); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless

approved by the people at the general election to be held in November 2020 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

  
\_\_\_\_\_  
KC Becker  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES

  
\_\_\_\_\_  
Leroy M. Garcia  
PRESIDENT OF  
THE SENATE

  
\_\_\_\_\_  
Marilyn Eddins  
CHIEF CLERK OF THE HOUSE  
OF REPRESENTATIVES

  
\_\_\_\_\_  
Cindi L. Markwell  
SECRETARY OF  
THE SENATE

APPROVED April 25, 2019 at 1:45 p.m.  
(Date and Time)

  
\_\_\_\_\_  
Jared S. Polis  
GOVERNOR OF THE STATE OF COLORADO





## Grand Junction City Council

### Regular Session

Item #4.b.

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**Meeting Date:** January 15, 2020

**Presented By:** Kristen Ashbeck, Principal Planner/CDBG Admin

**Department:** Community Development

**Submitted By:** Kristen Ashbeck

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### **Information**

#### **SUBJECT:**

A Resolution Vacating Public Easements Within Property Located at 588 North Grand Falls Court

#### **RECOMMENDATION:**

Planning Commission heard this item at its December 10, 2019 meeting and recommended approval of the vacation requests.

#### **EXECUTIVE SUMMARY:**

The Applicant, Corey Bendetti, is requesting vacation of previously-platted public easements. The Applicant is concurrently proposing to develop the property for 10 attached townhomes (2 buildings, 5 units each). The previously-platted public easements were for utilities associated with a cul-de-sac right-of-way that was vacated by Ordinance No 2568 in 1992. At the time the right-of-way was vacated, the utility easements around it were not vacated. In addition, a wide drainage, pedestrian, sidewalk and utility easement was previously platted and encumbers a large portion of the western side of the property. There are no utilities within these easements requested to be vacated.

#### **BACKGROUND OR DETAILED INFORMATION:**

##### **BACKGROUND**

The Grand Falls Townhomes property is a vacant parcel within the overall Planned Development for the Falls, construction of which began in the early 1980s. There are several remaining parcels such as the subject property that were platted for future development but that have not been developed.

The previously-platted easements were intended to provide for utilities associated with the previous design of a subdivision and the associated cul-de-sac right-of-way. That cul-de-sac right-of-way was vacated by Ordinance No. 2568 in 1992. At the time the right-of-way was vacated, the utility easements around it were not vacated. With the proposed new subdivision Grand Falls Townhomes, the street right-of-way will be realigned and new, multipurpose easements dedicated with the new subdivision plat that will serve all anticipated utility easement needs.

There is also a very wide sidewalk, pedestrian, drainage and utility easement that encumbers much of the western side of the property. Its purpose was primarily to convey stormwater runoff along the western side of the properties in the vicinity. This easement is requested to be vacated and a new drainage, utility and slope maintenance easement will be established with the new plat to continue to convey storm water runoff from this property and those to the north through the property to a new detention facility in the southwest corner of this site, without encumbering the building sites. Since the sidewalk now exists along 28-1/4 Road within the public right-of-way, there is no need for any new easement dedicated for sidewalk/pedestrian use on this parcel.

Concurrent with the vacation request, the Applicant is also requesting a rezone of the property from Planned Development (PD) to Residential – 8 dwelling units per acre (R-8) as well as a Site Plan review and Major Subdivision of the parcel into 10 townhome units with common elements.

### **NOTIFICATION REQUIREMENTS**

A Neighborhood Meeting was held on April 30, 2019 at 5:30 pm at Bookcliff Middle School, located at 540 29-1/4 Road in Grand Junction. The Applicant provided an overview of the proposed development for the property. There were ten citizens in attendance, the Owner/Applicant, two representatives and City planning staff. Attendees had initial questions about location of the project and access to it. Other concerns included topography, drainage and the architecture of the proposed structures. Following more detailed explanation of the project, there were no additional issues expressed.

Public notice for this application was provided in accordance with Sec. 21.02.080(g) of the Code, including posting notification signs on the subject property on adjacent public rights-of-way.

### **ANALYSIS**

Pursuant to Section 21.02.100 of the Zoning and Development Code, the vacation of easements shall conform to the following:

a. The Comprehensive Plan, Grand Valley Circulation Plan, and other adopted plans and policies of the City.

The proposed vacations of public easements are addressed by the following Goal of the Comprehensive Plan.

Goal 11: Public facilities and services for our citizens will be a priority in planning for growth.

Vacation of these easements will have no impact on public facilities or services provided to the general public. Staff therefore finds this request conforms with this criterion.

b. No parcel shall be landlocked as a result of the vacation.

The vacation of these easements will not render any parcel landlocked. Therefore, staff finds the vacation request meets with this criterion.

c. Access to any parcel shall not be restricted to the point where access is unreasonable, economically prohibitive or reduces or devalues any property affected by the proposed vacation.

No access to any parcel will be restricted by the vacations of these public easements. Staff finds this criterion has been met.

d. There shall be no adverse impacts on the health, safety, and/or welfare of the general community and the quality of public facilities and services provided to any parcel of land shall not be reduced (e.g. police/fire protection and utility services).

Since the subject property is undeveloped, there are currently no equipment or utility lines within the easements that are requested to be vacated. The application was reviewed by all potentially-affected utilities and the City Public Works Department and there were no concerns raised with the vacation requests provided the easements are replaced with appropriate multipurpose, drainage and slope easements with the subsequent subdivision plat. As such, staff has found there will be no adverse impacts to the community and no impacts on the public facilities and services that serve this or any adjacent parcel of land and therefore has found this request conforms with this criterion.

e. The provision of adequate public facilities and services shall not be inhibited to any property as required in Chapter 21.06 of the Grand Junction Municipal Code.

Adequate public facilities and services exist or can be extended to this property. The



easements in their current configuration unnecessarily encumber the property and can be replaced with new easements that will continue to provide for the public facilities and services on the property and to surrounding properties. In addition, no existing facilities and services will be impacted or inhibited by this request. Staff has therefore found this request to conform with this criterion.

f. The proposal shall provide benefits to the City such as reduced maintenance requirements, improved traffic circulation, etc.

Vacation of these easements will provide benefit to the City by removing an unnecessary encumbrance on the property and allow the area to be used for development of the new use on the property (residential development). Staff finds this request conforms with this criterion.

### **PLANNING COMMISSION RECOMMENDATION AND FINDINGS OF FACT**

After reviewing VAC-2019-652, a request to vacate previously platted public easements for the purposes of utilities, drainage, pedestrian and sidewalk located at 588 North Grand Falls Court, the following findings of fact have been made with the recommended condition of approval:

The request conforms with Section 21.02.100 of the Grand Junction Zoning and Development Code.

Condition: The easements described herein shall be vacated when any and all public utilities within the easements to be vacated have been relocated in a manner and to a location acceptable to the City Manager or the City Manager's designee and the City has been granted easement(s) and/or right(s)-of-way, as determined by the City Manager and/or City Manager's designee in a form specified and found acceptable by the City. If there are no public utilities in the easement(s) at the time of the request but easement(s) is/are needed for public utilities, the easement(s) shall be vacated when the City has been granted easement(s) and/or rights-of-way, as determined by the City Manager and/or City Manager's designee in a form specified and found acceptable by the City for public utilities.

Therefore, Planning Commission recommends conditional approval of the requested vacation.

### **FISCAL IMPACT:**

This land use decision does not have fiscal impact to the City.

### **SUGGESTED MOTION:**



I move to (adopt/deny) Resolution No. 02-20, a resolution vacating public pedestrian, sidewalk, drainage and utility easements on the property located at 588 North Grand Falls Court.

**Attachments**

1. Overall Site Location Maps and Photos
2. Neighborhood Meeting Information and Development Application
3. Proposed Site Plan
4. Proposed Subdivision Plat
5. Planning Commission Minutes - 2019 - December 10 - Draft
6. RES-Grand Falls Townhomes Vacations

# VICINITY MAP



0 0.05 0.1  
mi

Printed: 11/27/2019

1 inch = 188 feet

**CITY OF**  
**Grand Junction**  
COLORADO  
GEOGRAPHIC INFORMATION SYSTEMS



# LOCATION MAP



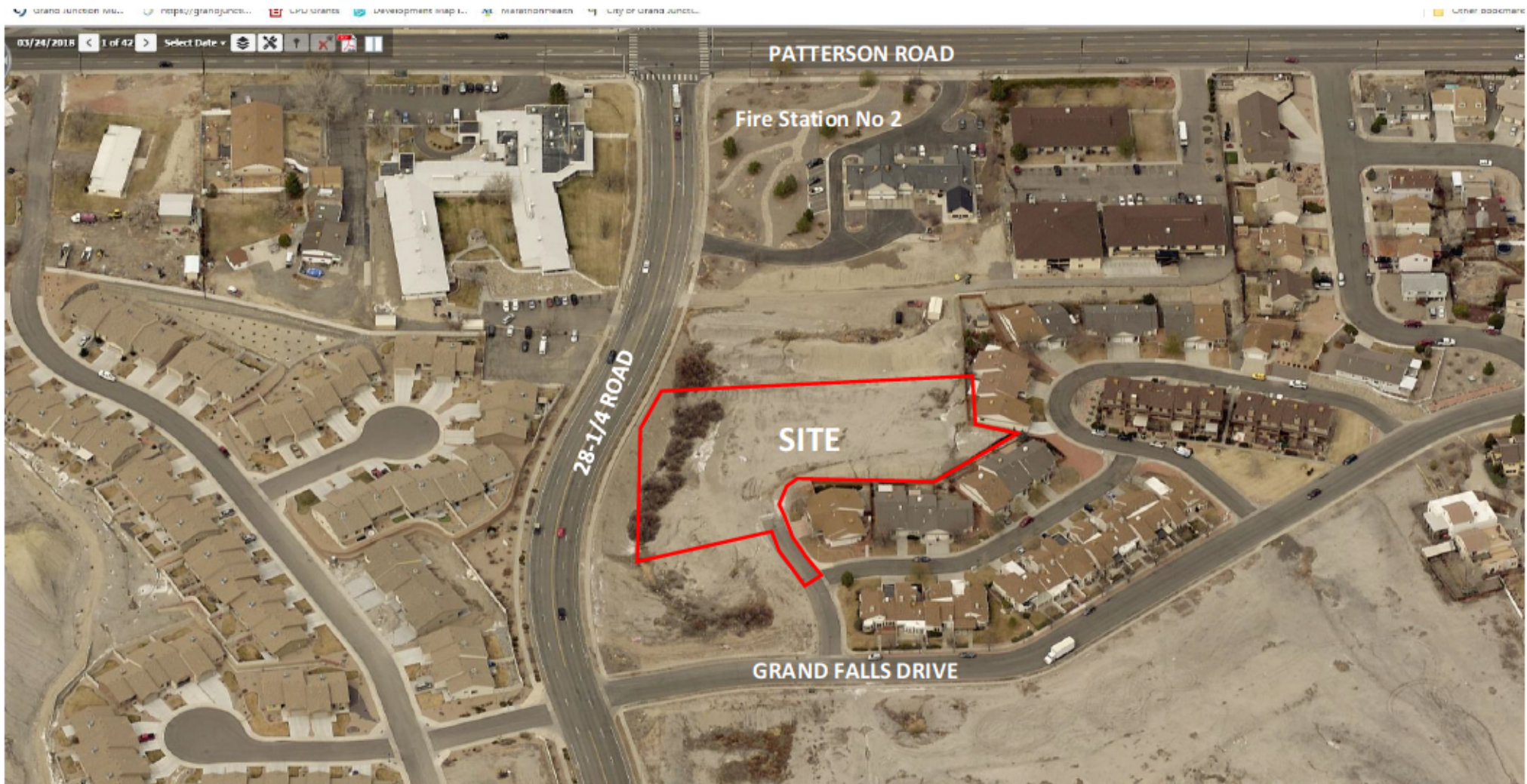
0 0.0275 0.055  
mi

Printed: 11/27/2019

1 inch = 94 feet

**CITY OF**  
**Grand Junction**  
COLORADO  
GIS/GRAPHIC TECHNOLOGY SERVICES





AERIAL VIEW ACROSS SITE FROM SOUTH – PATTERSON ROAD TO THE NORTH





**VIEW OF SITE FROM SOUTHWEST**

## Neighborhood Meeting Sign In

[illegible]



## **N Grand Falls Neighborhood Meeting 4.30.2019:**

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### Attendees:

Kim Kerk – Kim Kerk Land Consulting & Development

Corey Bendetti – Owner/Developer of GNF project

Kristen Ashbeck – Principal Planner, City of Grand Junction

Dajana Swanson – Kim Kerk Land Consulting & Development

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At 5:35 Kim Kerk (KK) started the meeting with intro – KKLCD, City planner, Owner and the role of each in the project. Explained meeting purpose to discuss the concept plan for NGF townhome community. Asking for comments during discussion portion of meeting. Minutes to go to the City of Grand Junction Planning for review on comments provided at meeting as recorded. Neighbors all began asking questions in rapid succession about location of the project to existing roadways adjacent to same.

Neighbor (N) #1: What is happening with the large 'hole' on the east side of the project?

KA: It is located behind the proposed structures of the project.

N #2: The existing HOA will not be a part of this?

CB: Correct. Townhomes will have their own new and independent HOA.

N #3: Will they be single story?

CB: No. Two stories over a garage level per the current design plans.

N #4: Will this be next to the fire station?

CB: Not directly next to it; there is another lot between the project and the fire station.

N #5: The adjacent properties all have tough terrain; will that all get leveled?

CB: Not sure how that would work without a single buyer with a large project going in to do that kind of earthwork; for this project, currently there is a hole on the NE side where buildings will go in, but that will all be filled in with shrubbery after construction.

N #6: My property is adjacent on the southwestern side of project, will you build a retaining wall, because I have no drainage issues now, but my property sits lower?

CB: We will probably build a retaining wall of some form along that side.

KK: Neighboring HOA Board Members attending the meeting privately discussed with KK that they had concerns about the way the property will affect their neighborhood HOA on the south side of project; mentioned they have gates, so KK to review and visit site to see what is happening with the existing fencing and access gates they discussed during the meeting. John Stead, President of the neighboring HOA (east of project) provided KK with his business card and a promise to stay in touch with KK in order



to ensure that all communication between the new HOA and existing HOA/Board(s) would be fluid and transparent.

KK: Invited all attendees to make sure to take a business card, and that everyone was welcome to reach out with any additional questions they might have about the project and the progress of same, in the coming days.

Meeting adjourned at 6:05 pm.

## Development Application

We, the undersigned, being the owner's of the property adjacent to or situated in the City of Grand Junction, Mesa County, State of Colorado, as described herein do petition this:

Petition For:

Please fill in blanks below **only** for Zone of Annexation, Rezones, and Comprehensive Plan Amendments:

Existing Land Use Designation

Existing Zoning

Proposed Land Use Designation

Proposed Zoning

### Property Information

Site Location:

Site Acreage:

Site Tax No(s):

Site Zoning:

Project Description:

### Property Owner Information

Name:

Street Address:

City/State/Zip:

Business Phone #:

E-Mail:

Fax #:

Contact Person:

Contact Phone #:

### Applicant Information

Name:

Street Address:

City/State/Zip:

Business Phone #:

E-Mail:

Fax #:

Contact Person:

Contact Phone #:

### Representative Information

Name:

Street Address:

City/State/Zip:

Business Phone #:

E-Mail:

Fax #:

Contact Person:

Contact Phone #:

**NOTE: Legal property owner is owner of record on date of submittal.**

We hereby acknowledge that we have familiarized ourselves with the rules and regulations with respect to the preparation of this submittal, that the foregoing information is true and complete to the best of our knowledge, and that we assume the responsibility to monitor the status of the application and the review comments. We recognize that we or our representative(s) must be present at all required hearings. In the event that the petitioner is not represented, the item may be dropped from the agenda and an additional fee may be charged to cover rescheduling expenses before it can again be placed on the agenda.

Signature of Person Completing the Application

Digitally signed by Kim Kerk  
Date: 2018.06.20 15:36:30 -06'00'

Date

Signature of Legal Property Owner

Digitally signed by Corey Bendetti  
Date: 2019.05.07 11:30:51 -06'00'

Date



**ODP and Final Plan/Plat**

**588 North Grand Falls Ct.**

**Grand Junction, Colorado**

Date: May 21, 2019

Prepared by: Kim Kerk, PM

Submitted to: City of Grand Junction

250 N. 5<sup>th</sup> Street

Grand Junction, CO 81501

Project: Rezone from PD (Planned Development with R-8 default) to PD (Planned Development with R-8 default) based on ODP and Final Plan/Plat

Property Address: 588 North Falls Ct., Grand Junction, CO

Tax Schedule No.: 2943-072-17-051

**529 25 ½ Rd, Ste B-108, Grand Junction, CO 81505**

**Ph: (970) 628-4711**





### **Introduction**

Grand Falls Townhomes subdivision contains approximately 1.26 +/- acres requested to be rezoned from PD (Planned Development with R-8 default) to a new PD (Planned Development with R-8 default) as proposed in the Outline Development Plan (ODP) for Grand Falls Townhomes. Development of the site shall consist of one phase containing a total of 10 single-family attached dwelling units/lots for a finished density of 5.6 dwelling units to the acre, which supports the Comprehensive Plan for infill development.

### **Project Background and Description**

The Grand Falls Townhomes development is an infill project consisting of Lots 12 and 14 of the Falls, Filing 3, which is proposing a 10 lot, residential community providing affordably priced townhomes. The neighborhoods to the East, South and West are generally built out with residential townhomes of the Falls Filing 3 Development. To the North is a commercial lot with one small building on it. The site is in close proximity to schools, shopping, recreation, parks and medical facilities.

The site is in the east Grand Junction area and is located south of Patterson Road and east of 28 ¼ Road. The land use classification is Residential Multi-family and the current zoning is Planned Development with R-8 default zone.

The project is comprised of one parcel (2943-072-17-051) of approximately 1.26 acres. The topography is generally flat in the north and east with steep downward slopes to the south and west. The property drains to the southwest with stormwater being captured, detained and released into an existing storm system located east of 28 ¼ Road.

### **Property Location/Legal**

The property is located on 588 North Grand Falls Ct., Grand Junction, CO. Parcel # is 2943-072-17-051.

The legal description of this site is as follows:

LOT 1 REPLAT LOTS 12 & 14 BLK TWO THE FALLS - FIL NO THREE SEC 7 1S 1E U M & ALSO INCLUDING THAT PTN OF VAC R.O.W. AS DESC IN B-2882 P-246/248 MESA CO RECDS - 1.26AC/54886 SQ FT



### **Rezone Request to Planned Development**

The current PD zone with a default zoning district of R-8 has a minimum residential density of 5.5 dwelling units to the acre per a previously approved plan that lapsed. Therefore, the minimum residential density that would have to be developed on this property would be 7 dwelling units (7 units / 1.25 acres = 5.6 dwelling units/acre). The maximum number of dwelling units on the property would be 10 as part of the ODP process (10 units / 1.25 acres = 8 dwelling units/acre). The applicant does not wish to increase the number of dwelling units/acres from the maximum allowed based on the default R-8 zoning of the previously approved PD zoning.

The proposed rezone will utilize the bulk standards for the R-8 default zone district; therefore, no deviations from bulk standards or design standards of the underlying zone district of R-8 are being requested. Allowed uses will be the same as those permitted in R-8 zoning.

### **Petitioners Intent:**

The developer proposes 10 single-family attached dwelling units which would be built as 2 buildings of 5 units each. This project would align with the Comprehensive Plan for infill development by adding residential development to the area that is focused on smaller, single-family homes.

### **R-8 Bulk Standards**

The proposed rezone will use the bulk standards from the R-8 default zoning. Allowed uses will be those permitted in an R-8 zone. The applicant is not requesting any deviations to the default R-8 zone.

### **Community Benefit**

The Grand Junction Comprehensive Plan establishes "Six Guiding Principles" that will shape the growth of the Grand Junction region.

The development proposed by the applicant specifically applies to the following Principles of the Comprehensive Plan:

2. **Sustainable Growth Patterns** – Fiscal sustainability where we grow efficiently and cost-effectively. Encourage infill and redevelopment and discourage growth patterns that cause disproportionate increases in cost of services.



3. **Housing Variety**—allow/encourage more variety in housing types (besides just large lot single family homes) that will better meet the needs of our diverse population—singles, couples, families, those just starting out, children who have left home, retirees, etc.

Grand Falls Townhomes is being proposed as an infill development of a property that has limited street frontage due to the topography of the location. This property is generally flat in the north and east with steep downward slopes to the south and west along 28 ¼ Rd. The development's access point will be from the South from the existing Grand Falls Court and is a low volume local street connecting to Grand Falls Road, which is a higher-order street.

The proposed density of 5.5 dwelling units per acre is consistent with the Residential Medium-High classification, as identified in the Future Land Use Map of the Comprehensive Plan for this site.

The proposed density will also allow the applicant to construct new homes without excessive construction of new streets, water and sewer lines, again: aligning with Guiding Principle 2 of the Comprehensive Plan.

Additionally, it would offer new housing options in an established residential area that would appeal to single family home buyers of all ages, who have no time, desire or inclination to maintain a large yard; complimenting the intent of Guiding Principle 3 of the Comprehensive Plan.

The surrounding community would benefit from an infill development of this property that currently sits vacant and is somewhat challenging to develop due to the topography of the site. The proposed density aligns with neighboring communities and is within the default R-8 zoning of the land. The development would require minimal construction of new streets, sewer and water lines that the public would be required to maintain after development. The proposed size and type of housing would also add to the variety of housing available in this area of the Grand Valley, adding long-term value, per the vision of the Guiding Principles of the Comprehensive Plan.

### **Signage**

Signage for the development is TBD.

The petitioner acknowledges that any signage proposed would have to comply with what is permitted by Sec. 21.06.070(7), Signs, Planned Development, which states:

(ii) One permanent monument sign up to 32 square feet in area is allowed at a multifamily apartment/condominium building/complex and on each common area parcel that abuts a public right-of-way; for purposes of this subsection, "common area parcel" means a parcel that is owned by a homeowners' association for the benefit of all lot owners in a planned community, common interest community or condominium.

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Any proposed signage would be located at the entrance to the subdivision in a tract owned by the Homeowners Association (HOA) and would be owned and maintained by the HOA.

#### **Fencing and Right-of-Way Landscaping**

6' privacy fencing will be installed by the developer at the top of the existing steep slope along 28 ¼ Road on the west side of the development. Washed landscape river rock over landscape fabric will be placed on the steep slope west of the proposed privacy fence. The only area that needs a retaining wall is the south side of the turn-around drive and will be installed by the developer. A dumpster enclosure is also part of the site plan just NE of Tract C. All fencing shall meet the requirements of Section 21.06.040(g), Residential Perimeter Subdivision Enclosure, of the Zoning and Development Code.

Additionally, there will be a final landscaping design with trees, shrubs and ground cover which shall be included with final plat and plans submitted for approval, and the approved landscaping for the development shall be maintained by the HOA.

#### **Neighborhood Meeting**

A neighborhood meeting was held in accordance with Sec. 21.02.080(e) of the Grand Junction Municipal Code, on April 30, 2019 at Bookcliff Middle School, 540 29 1/4 Rd, Grand Junction, CO 81504. The purpose of the meeting was to discuss the proposed development and provide detailed information about the ODP. The applicant and his representative reviewed the ODP and provided detailed information about where the home sites would be built, how the development would be built with the challenging topography of the land, and to address any additional concerns of the attendees. Kristen Ashbeck, Principal Planner with the City of Grand Junction also attended the meeting to answer questions about the rezone and subdivision review and approval process.

The meeting was attended by approximately 10 citizens. Comments from citizens included questions about the housing type and height, total number of homes, HOA, privacy, and site grading due to the existing topography of the parcel.

#### **Comprehensive Plan**

The Comprehensive Plan identifies the subject property as Residential Medium High (RMH) (8 -16 DU/Acre). The proposed density is lower than the anticipated density for this area of the community. As a vacant parcel, the property is identified by the

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Comprehensive Plan as an “area subject to change” which anticipates new growth and development for vacant properties located within the Urban Growth Boundary.

The proposed development is an exemplary infill development because it is surrounded on three sides by existing subdivisions and is located in an urbanized area of the City where existing sewer, water and other urban services are available. Future residential development of the subject property will provide needed housing for buyers interested in a smaller home with minimal upkeep required for a yard space.

The property is located within the 201 Sewer Service Boundary and the Urban Development Boundary. Vacant properties like this are expected to grow and develop in a manner like what is proposed in this application.

The applicant is requesting a rezone from the current zoning of PD (Planned Development with R-8 default zoning) to PD (Planned Development with R-8 default zoning) based on the ODP for Grand Falls Townhomes. The current zoning and the requested zoning are consistent with, and support, the Comprehensive Plan for the location of the subject property.

The proposed development meets the following Goals and Policies of the Comprehensive Plan:

**Goal 1, Policy D:** For development that requires municipal services, those services shall be provided by a municipality or district capable of providing municipal services.

**Goal 3:** The Comprehensive Plan will create ordered and balanced growth and spread future growth throughout the community.

Additionally, the proposed development also meets the following Guiding Principles of the Comprehensive Plan:

**2. Sustainable Growth Patterns** – Fiscal sustainability where we grow efficiently and cost-effectively. Encourage infill and redevelopment and discourage growth patterns that cause disproportionate increases in cost of services.

**3. Housing Variety**—allow/encourage more variety in housing types (besides just large lot single family homes) that will better meet the needs of our diverse population—singles, couples, families, those just starting out, children who have left home, retirees, etc.



### **Zoning and Surrounding Areas**

The applicant is requesting a rezone from the current PD (Planned Development with default R-8 zoning) to a PD (Planned Development with default R-8 zoning) based on the ODP. The request supports the Comprehensive Plan.

The surrounding area of the project is zoned PD (Planned Development) with single family residential land uses on the north, east and south, as well as R-5 with single family residential land use to the west.

Grand Falls Townhomes will provide housing that is between the existing subdivisions with 5.5 du/ac as allowed by the requested R-8 zoning. The proposed ODP has been designed to comply with the provisions of Sec. 21.03, Zoning Districts; Sec. 21.04, Uses and Sec. 21.06 Development Standards of the Zoning and Development Code.

### **Utility Providers**

All required and necessary utilities shall be provided concurrent with development of the subject property. Utility providers for Grand Falls Townhomes subdivision have the capacity and willingness to serve the development. Public facilities such as medical, schools, parks and public safety are available to serve development on the subject site.

Utility providers for the site are as follows:

Sewer: City of Grand Junction/Persigo Wastewater Treatment Plant  
Water: Ute Water Conservation District  
Gas/Electric: Xcel Energy  
Cable: Spectrum  
Irrigation: Grand Valley Irrigation Company

### **Drainage**

The topography is generally flat in the north and east with steep downward slopes to the south and west. The property drains to the southwest with stormwater being captured, detained and released into an existing storm system located east of 28 ¼ Road.

The developer will work directly with the Grand Valley Drainage District and the City of GJ to provide for on-site runoff collection and conveyance in accordance with the Stormwater Management Manual (SWMM) and applicable state and federal laws.



**Alternative Street Design and TEDS Exceptions**

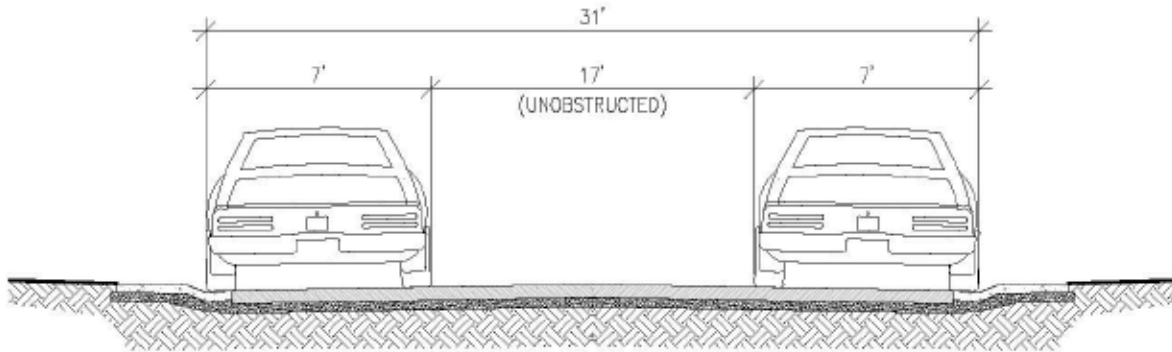
A request has been made for Alternate Residential Street Standards, per Chapter 29.68 of the TEDS manual. The request is made due to the unusual physical constraints of the site which only allows access from the South. Grand Falls Court was extended into the site when The Falls, Filing 3, was developed. This portion of Grand Falls Court has a 27-foot right-of-way with an eight-foot sidewalk easement on the East side of the road, making development of this property a challenge. It is not feasible to widen the road after this pinch point for the remaining 350 feet, more or less, through the project.

The request is to construct an urban residential street with 22' of pavement, measured from edge of pavement to edge of pavement. A rollover residential curb and gutter with an integral 5' sidewalk on the east side, and 6" vertical curb and gutter along the west side is proposed. The proposed right-of-way section is 32' feet wide. See attachment "B". Refer to TEDS 29.20.040(b).

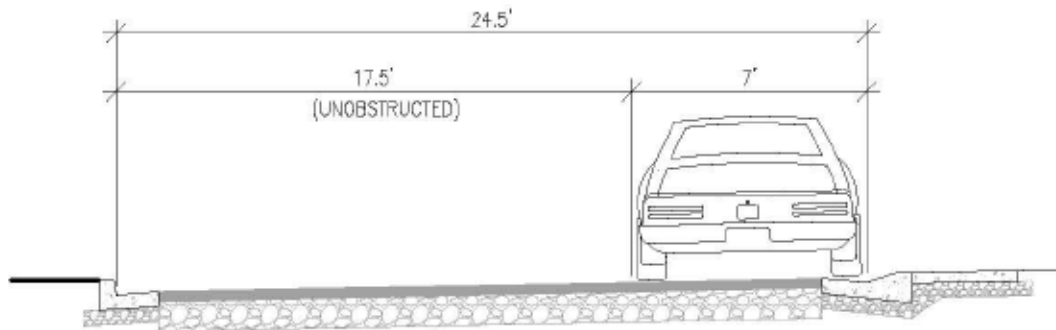
The paved surface of the street slope will be 2% across the road with storm water running to the curb along the west side into an inlet which will eliminate the need for a street crown. The traffic volume will not be detrimental to safety on the public street and will be limited since this is a "dead end" with no through street traffic flow. The 2% continuous slope is needed due to the severe topography of the site.



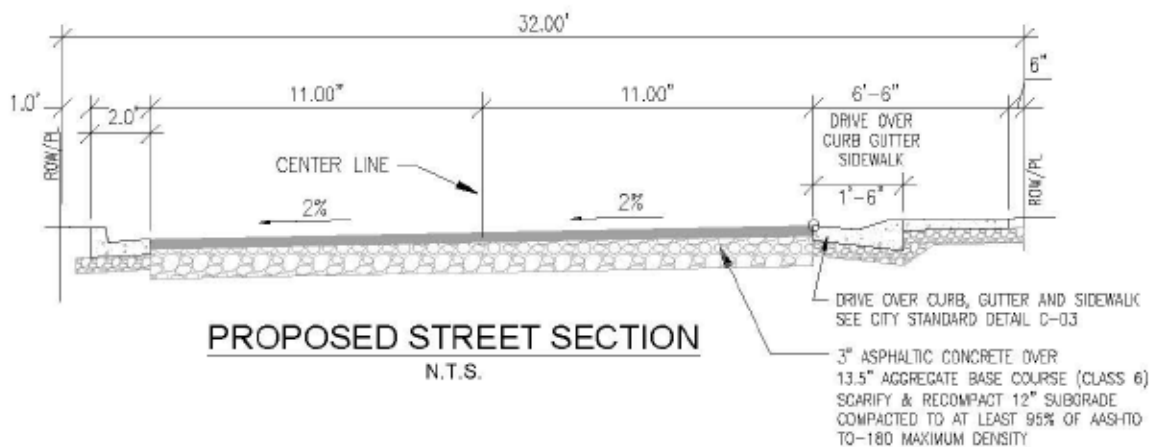
**Kim Kerk**  
**LAND**  
**CONSULTING**  
**DEVELOPMENT**



**URBAN RESIDENTIAL SECTION**  
N.T.S.



**PROPOSED STREET SECTION**  
N.T.S.



**PROPOSED STREET SECTION**  
N.T.S.

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### **Approval Criteria**

#### **Section 21.02.150(b), Outline Development Plan (ODP).**

(1) **Applicability.** An outline development plan is required. The purpose of an ODP is to demonstrate conformance with the Comprehensive Plan, and coordination of improvements within and among individually platted parcels, sections or phases of a development prior to the approval of a final plat. At ODP, zoning for the entire property or for each "pod" designated for development on the plan is established. This step is recommended for larger, more diverse projects that are expected to be developed over a long period of time. Through this process, the general pattern of development is established with a range of densities assigned to individual "pods" that will be the subject of future, more detailed planning.

(2) **Approval Criteria.** An ODP application shall demonstrate conformance with all of the following:

- (i) The Comprehensive Plan, Grand Valley Circulation Plan and other adopted plans and policies;

**Response:** The current zoning of the property of PD (with R-8 default zone) and the requested rezone to PD (with R-8 default zone) conforms with the Comprehensive Plan. The property is identified by the Comprehensive Plan as an "area subject to change" which anticipates new growth and development for vacant properties located within the Urban Growth Boundary. Residential development of this property will provide needed housing. In addition, the proposed development supports several of the goals, policies and Guiding Principles of the Comprehensive Plan as noted earlier in this report.

The proposed development is designed to be compliant with the Grand Valley Circulation Plan. Specifically, the development meets Sec. 31.08.020(d) which states: "Subdivisions and other development shall be designed to continue or create an integrated system of streets and trails that provide for efficient movement of pedestrians, bicycles, and automobiles to and from adjacent development." Sidewalk and a trail along the canal have been included in the design to meet the needs of an integrated system of streets and trails.





**This criterion has been MET.**

(ii) The rezoning criteria provided in GJMC [21.02.140](#):

Section 21.02.140(a), **Code amendment and rezoning, Approval Criteria.** In order to maintain internal consistency between this code and the zoning maps, map amendments must only occur if:

(1) Subsequent events have invalidated the original premises and findings; and/or

**Response:** There have not been subsequent events that have invalidated the original premises and findings regarding the subject property. The PD (Planned Development with default R-8 zoning) would remain the same as originally intended and continues to anticipate medium-high level density for future growth and development. The surrounding properties have been developed and no new development has occurred in the general vicinity of the subject property. The City goals and policies for future growth and development in the general area of the subject property have not changed since adoption of the Comprehensive Plan in 2010.

**This criterion is not applicable.**

(2) The character and/or condition of the area has changed such that the amendment is consistent with the Plan; and/or

**Response:** The character of the area has not changed significantly in recent years because the larger parcels located to the north, east and west of the subject property have already been developed. The subject property has been underutilized in terms of the residential development potential anticipated by the Comprehensive Plan for quite some time. The requested ODP and rezone to PD (with R-8 default zone) furthers the goals and policies, in addition to the Guiding Principles, of the Comprehensive Plan. Development of the property will complement the existing residential development and be consistent with the residential nature of the neighborhood.

**This criterion has been MET.**



(3) Public and community facilities are adequate to serve the type and scope of land use proposed; and/or

**Response:** All required and necessary utilities shall be constructed concurrent with development of the subject property. Utility providers for the subject property have the capacity and willingness to serve future development. Public facilities such as medical facilities, schools, library and parks are adequate to serve the scope of anticipated residential development and are currently available within 2.5 miles of the subject property.

**This criterion has been MET.**

(4) An inadequate supply of suitably designated land is available in the community, as defined by the presiding body, to accommodate the proposed land use; and/or

**Response:** There are few available vacant parcels of land within a half mile of the subject property. Most vacant parcels to the east have been designated for significantly lower density or have already been developed. There are a few vacant parcels located to the west of the subject property; however, many of them are currently under review for development applications or not available for sale.

The subject property is an isolated parcel that is underutilized and does not meet its development potential as anticipated by the Comprehensive Plan. Very few other parcels exist in the nearby area that could accommodate the proposed land use which constitutes an inadequate supply of suitably designated land.

**This criterion has been MET.**

(5) The community or area, as defined by the presiding body, will derive benefits from the proposed amendment.

**Response:** The Grand Falls Townhomes project is an infill development of a substantially constrained property which has a challenging topography. The proposed density of 5.5 dwelling units per acre is the same as the previous PD (Planned Development with default R-8 zoning). The proposed density is an efficient, cost-effective manner of constructing new homes without excessive streets, water and sewer lines which will be less expensive for the community to maintain.

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The townhome design is smaller, allowing the developer to provide more efficient homes that would appeal to first time buyers and older individuals who may be retired, or who no longer desire to maintain a large yard space. The community will also benefit from the provision of smaller homes than what are generally constructed in the Grand Valley that will provide variety to the diverse population in our community.

**This criterion has been MET.**

(iii) The planned development requirements of Chapter 21.05 GJMC;

**Response:** The proposed Grand Falls Townhomes development meets the following requirements for Planned Developments:

Sec. 21.05.010, Purpose: Planned development zoning should be used when long-term community benefits will be derived and the vision, goals and policies of the Comprehensive Plan can be achieved. The Grand Falls Townhomes development will provide a smaller housing type than what is generally constructed in the Grand Valley. The amount of open space provided exceeds the minimum open space requirement of the Zoning and Development Code. The proposed development meets several of the goals and policies, as well as Guiding Principles, of the Comprehensive Plan as noted earlier in this report.

Sec. 21.05.020, Default Standards: No variations to bulk standards have been requested.

Sec. 21.05.030, Establishment of Uses: Allowed uses will be the same as those permitted in the R-8 zone district including accessory uses.

Sec. 21.05.040, Development Standards: The development standards, such as those regarding fencing and accessory uses, shall be the same as those permitted by the R-8 zone district.

Sec. 21.05.050, Planned Development Phases and Signage: The proposed development will be constructed in one phase. Information regarding signage has been included with this report.





**This criterion has been MET.**

(iv) The applicable corridor guidelines and other overlay districts in GJMC Titles 23, 24 and 25;

**Response:** There are no corridor guidelines that are applicable to the Grand Falls Townhomes development. Title 23, North Avenue Overlay Zone; Title 24, Greater Downtown Overlay Zone; and Title 25, the 24 Road Corridor Design Standards do not apply to the proposed development.

**This criterion is not applicable.**

(v) Adequate public services and facilities shall be provided concurrent with the projected impacts of the development;

**Response:** The subject property is located within the 201 Sewer Service Boundary and the Urban Development Boundary. These areas are expected to grow and development with urban densities and services. All necessary and required utilities shall be provided concurrent with construction of the Grand Falls Townhomes development. Utilities shall be installed to current City standards and specifications. Public facilities such as medical facilities, schools, library and parks are adequate to serve the scope of anticipated residential development and are currently available within 2.5 miles of the subject property.

**This criterion has been MET.**

(vi) Adequate circulation and access shall be provided to serve all development pods/areas to be developed;

**Response:** Due to the location and topography of the subject property, the site may only be served by a dead-end street. All necessary design standards have been incorporated into the Alternative Street which was approved through the City's TEDS review process.

Connectivity is provided to the adjacent parcel to the north, should it ever be developed. The pedestrian facilities requirements will be met by providing a continuous sidewalk parallel to the public street on the east side, with connecting ADA access and walk to the west side.



The requested alternate residential street is not unique or unusual and has been used in other areas in the City of Grand Junction, specifically the existing roadways within the Grand Falls previous development.

**This criterion has been MET.**

(vii) Appropriate screening and buffering of adjacent property and uses shall be provided;

**Response:** 6' privacy fencing will be installed by the developer at the top of the existing steep slope along 28 ¼ Road on the west side of the development. Washed landscape river rock over landscape fabric will be placed on the steep slope west of the proposed privacy fence. The only area that needs a retaining wall is the south side of the turn-around drive and will be installed by the developer. A dumpster enclosure is also part of the site plan just NE of Tract C. All fencing shall meet the requirements of Section 21.06.040(g), Residential Perimeter Subdivision Enclosure, of the Zoning and Development Code.

Additionally, there will be a final landscaping design with trees, shrubs and ground cover which shall be included with final plat and plans submitted for approval, and the approved landscaping for the development shall be maintained by the HOA.

**This criterion has been MET.**

(viii) An appropriate range of density for the entire property or for each development pod/area to be developed;

**Response:** The proposed density of 5.5 dwelling units per acre is the same as the expired PD (Planned Development with default R-8 zoning). The proposed density is an efficient, cost-effective manner of constructing new homes without excessive streets, water and sewer lines which will be less expensive for the community to maintain.

The proposed density is consistent with the anticipated future growth and development of the Comprehensive Plan and supports Guiding Principles number 2 and 3.

**This criterion has been MET.**



(ix) An appropriate set of "default" or minimum standards for the entire property or for each development pod/area to be developed;

**Response:** No variations to bulk standard for R-8 zoning has been requested for this development. Allowed uses will be the same as those permitted in the R-8 zone district including accessory uses. Other development standards, such as those regarding fencing, shall be the same as those permitted by the R-8 zone district.

**This criterion has been MET.**

(x) An appropriate phasing or development schedule for the entire property or for each development pod/area to be developed; and

**Response:** Development of the subject property will be completed in a single filing as noted in this report.

**This criterion has been MET.**

#### **Development Schedule and Phasing:**

As the site is currently vacant and not occupied or used for any residential purposes, initial construction of infrastructure is anticipated to begin immediately following final approval of the project, to be completed in one filing.

#### **Conclusion**

The request to rezone from the current PD (Planned Development with default R-8 zoning) to PD (Planned Development with default R-8 zoning) based on the ODP supports the Comprehensive Plan.

Additionally, we have investigated and can report the following impacts expected during the development of Grand Falls Townhomes:

#### **➤ Neighborhood Impact:**

We will ensure that the existing services to adjacent properties continue and are not disturbed or negatively impacted. All contractors will be instructed to follow Best Management Practices during all phases of construction.





➤ **Fire Protection Impact:**

The service provider for fire protection in this area is the Grand Junction Fire Department. Fire hydrants shall be placed and have fire flow capabilities in accordance with the City's ordinances.

➤ **Flood Hazard Impact**

There are no mapped FEMA flood hazards in or near the proposed project area. In addition, based on requirements from the City of Grand Junction the peak 100-year discharge from developed conditions will be less than the historic conditions. Therefore, this subdivision will not create a flood hazard.

➤ **Historic Preservation Impact:**

No structures requiring preservation in accordance with City Standards exist on the site.

➤ **Irrigation Impact:**

Upon further design of the proposed subdivision the irrigation system and its maintenance shall be an integral part of the project. We will ensure that the existing irrigation service to adjacent properties continue and are not disturbed or negatively impacted.

➤ **Natural Features and Environmental Protection Impacts:**

The site does not contain natural features or environmental resources.

➤ **Noise, Dust & Odor Impacts:**

It is the intent of the developer/builder to limit the amount of unnecessary work which would pose a threat or be offensive to occupants of adjacent properties by reason of emission of noise, vibration, dust, smoke, odor or particulate matter, toxic or noxious materials.

➤ **Public Facilities Impacts:**

The impact on public facilities (i.e. schools, fire, police, roads, parks, etc...) will be minimal given the size of this development and considering that the project is proposed to develop within the density allowed by existing zoning and the recommendations of the Growth Plan.

➤ **Soils Impacts:**

The Natural Resources Conservation Service identifies 2 types of soils which are identified in the Drainage Report and are all typical of the vicinity.

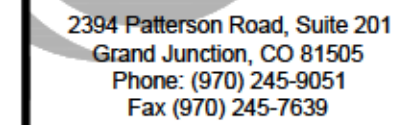


➤ **Transportation and Traffic:**

All streets will be constructed in conformance with current City of Grand Junction standards and specifications.

In summary, we have demonstrated how the proposed Grand Falls Townhomes development meets the design and development standards of the Zoning and Development Code, and other development regulations and standards, and we respectfully request approval of the request to rezone to Planned Development (PD with default R-8 zoning) and the Outline Development Plan.





**James C.  
Atkinson**  
PROFESSIONAL ENGINEER  
COLORADO LICENSE No. 18828

### GENERAL NOTES

1. ALL CONSTRUCTION TO CONFORM TO THE CURRENT CITY OF GRAND JUNCTION DEPARTMENT OF PUBLIC WORKS AND PLANNING STANDARDS AND SPECIFICATIONS.
2. CONTRACTOR MUST CONTACT CITY OF GRAND JUNCTION TRAFFIC OPERATIONS SUPERVISOR PRIOR TO CONSTRUCTION OR PLACEMENT OF TRAFFIC CONTROL DEVICES/FEATURES (STRIPING, SIGNALS, MEDIANS, ETC) FOR CONSTRUCTION IN THE RIGHT-OF-WAY ONLY.
3. REFER TO THE GEOTECHNICAL INVESTIGATION BY HUDDLESTON-BERRY, REPORT DATED 10/13/03 AND LETTER DATED 01/24/19 FOR RECOMMENDATIONS REGARDING PAVEMENT, SLABS, FOUNDATIONS AND GROUNDWATER MITIGATION REQUIREMENTS.
4. LIGHTING TO BE DESIGNED BY UTILITY PROVIDER. (XCEL ENERGY)

CONSTRUCTION NOTES:

- 1) PROPOSED 3' V-PAN  
RE: DETAIL THIS SHEET
- 2) PROPOSED 5' SIDEWALK, 4" THICK CONCRETE
- 3) PROPOSED DRIVE-OVER CURB, GUTTER, AND SIDEWALK  
RE: GRAND JUNCTION DETAIL C-03
- 4) PROPOSED STANDARD VERTICAL CURB & GUTTER  
RE: GRAND JUNCTION DETAIL C-05
- 5) PROPOSED 6" VERTICAL CURB
- 6) PROPOSED STREET LIGHT
- 7) PROPOSED TRASH ENCLOSURE - W/CONCRETE PAD  
RE: SHEET C.2.1
- 8) PROPOSED MAILBOX PAD
- 9) PROPOSED 4" WHITE PARKING STRIPES
- 10) PROPOSED 6' PRIVACY FENCE  
RE: DETAIL THIS SHEET
- 11) PROPOSED FIRE TURNAROUND EASEMENT (HATCH AREA)  
RE: GRAND FALLS TOWNHOMES PLAT
- 12) PROPOSED 5' WIDE LANDSCAPING AREA
- 13) PROPOSED END OF ROADWAY SIGN  
RE: MUTCD 0M4-1
- 14) PROPOSED ALTERNATE DRIVEWAY FOR VERTICAL CURB,  
GUTTER, WITHOUT SIDEWALK  
RE: GRAND JUNCTION DETAIL C-09
- 15) PROPOSED SPILL VERTICAL CURB & GUTTER  
RE: GRAND JUNCTION DETAIL C-05
- 16) PROPOSED PERPENDICULAR CURB RAMP  
RE: GRAND JUNCTION DETAIL C-13
- 17) PROPOSED ALTERNATE RAMP WITHOUT LANDING  
RE: GRAND JUNCTION DETAIL C-21
- 18) PROPOSED CROSSWALK
- 19) PROPOSED ACCESS EASEMENT (HATCH AREA)  
RE: GRAND FALLS TOWNHOMES PLAT
- 20) CONSTRUCT MSE BLOCK WALL  
RE: C2.0 FOR VERTICAL GEOMETRY
- 21) CONSTRUCT RIPRAP AT SHOWN DIMENSIONS  
OVER GEO FABRIC, D50-6", DEPTH=12"  
RE: C2.0 FOR VERTICAL GEOMETRY, C2.1 FOR DETAIL 5

ACCEPTANCE BLOCK

THE CITY OF GRAND JUNCTION REVIEW CONSTITUTES GENERAL COMPLIANCE WITH THE CITY'S DEVELOPMENT STANDARDS, SUBJECT TO THESE PLANS BEING SEALED, SIGNED, AND DATED BY THE PROFESSIONAL OF RECORD. REVIEW BY THE CITY DOES NOT CONSTITUTE APPROVAL OF THE PLAN DESIGN. THE CITY NEITHER ACCEPTS NOR ASSUMES ANY LIABILITY FOR ERRORS OR OMISSIONS. ERRORS IN THE DESIGN OR CALCULATIONS REMAIN THE RESPONSIBILITY OF THE PROFESSIONAL OF RECORD.

CONSTRUCTION MUST COMMENCE WITHIN ONE YEAR FROM THE DATE OF PLAN SIGNATURE.

CITY DEVELOPMENT ENGINEER

DATE \_\_\_\_\_

CITY PLANNER

DATE \_\_\_\_\_

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## Site Plan

***Grand Falls Townhomes  
Overall Development Plan***  
588 North Grand Falls Court  
Grand Junction, CO 81501

PROJECT NO: F18-088

DATE: 2/26/19

SCALE: SEE PLAN

f18-088 site.doc

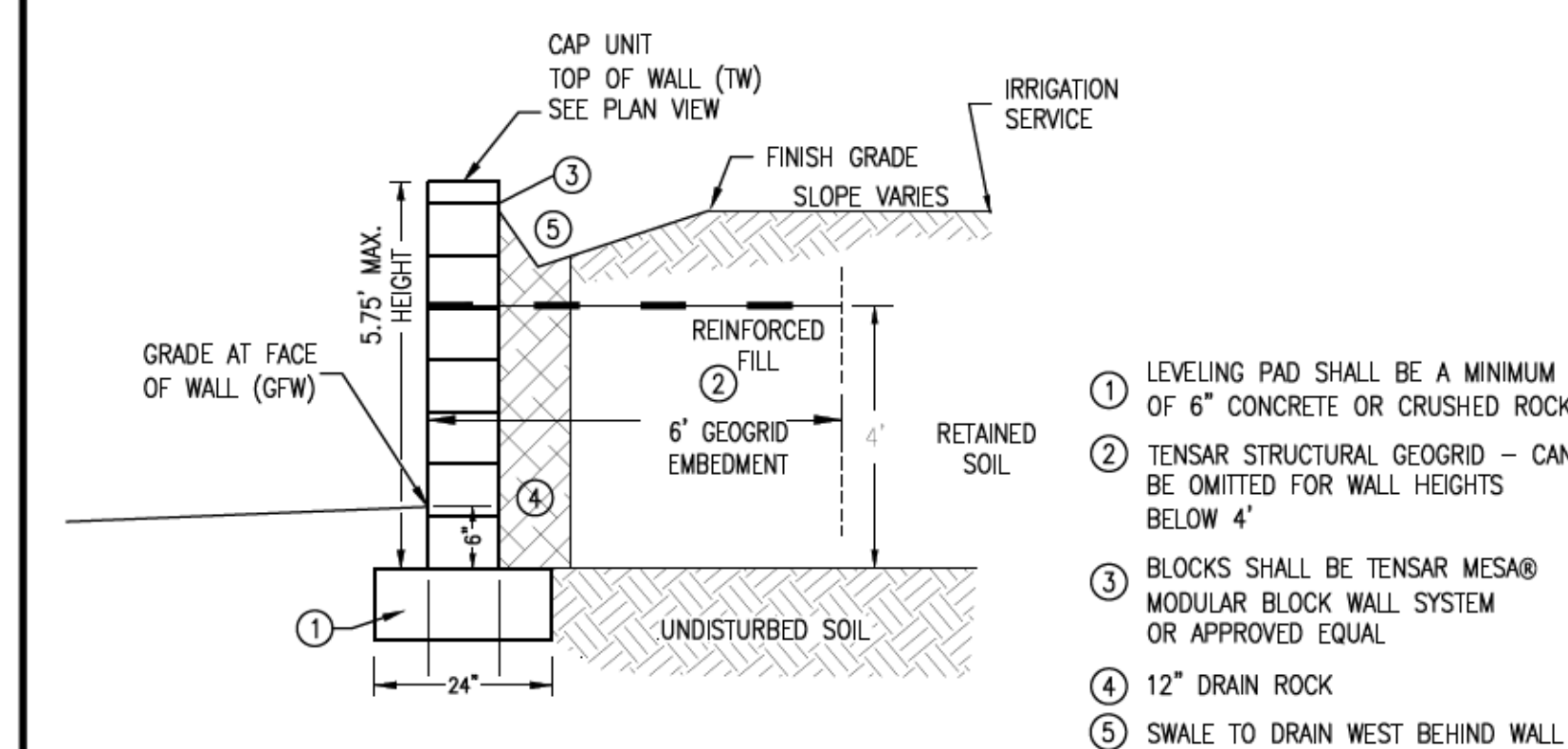
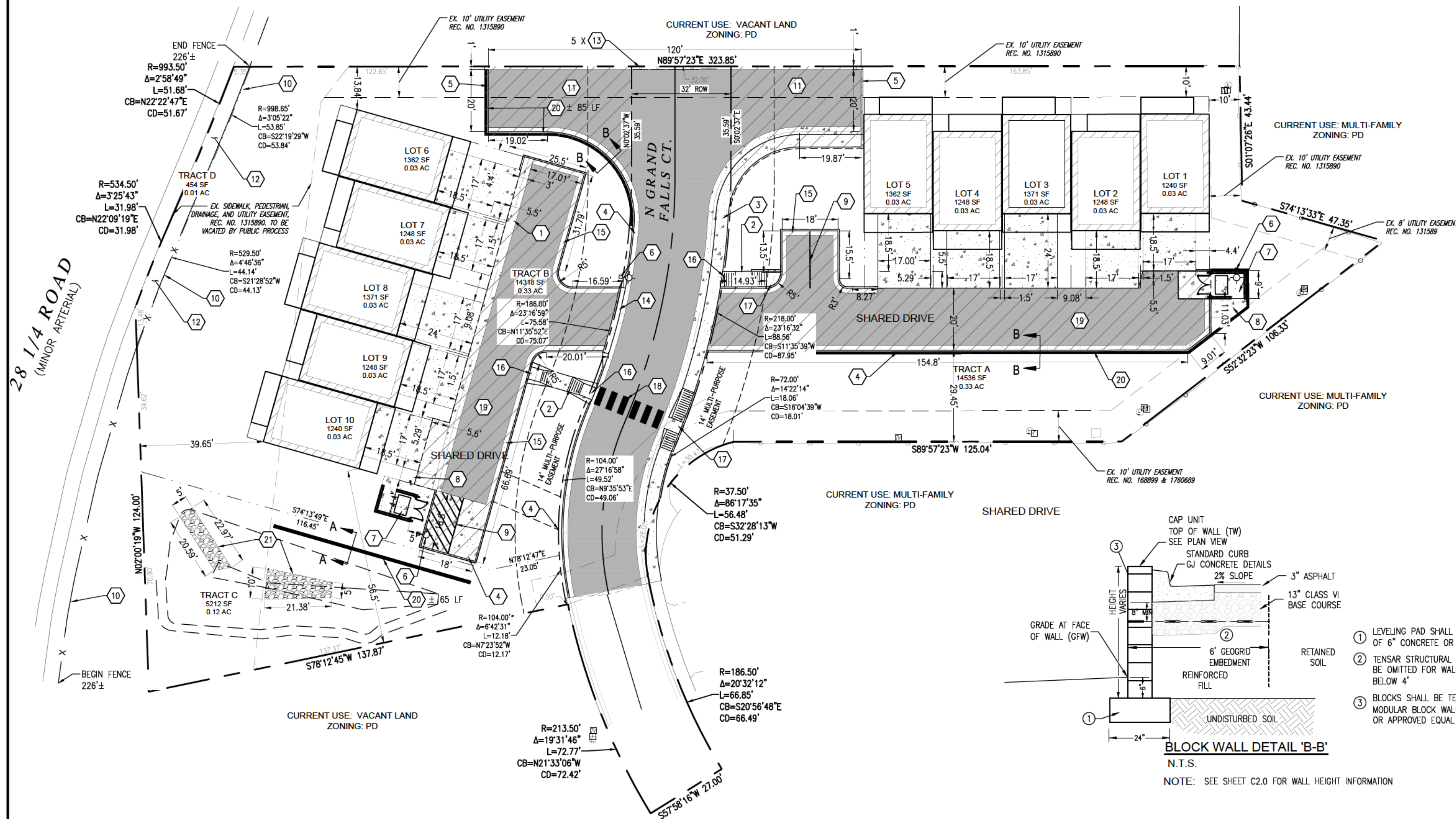
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C10

11 C.F.R.

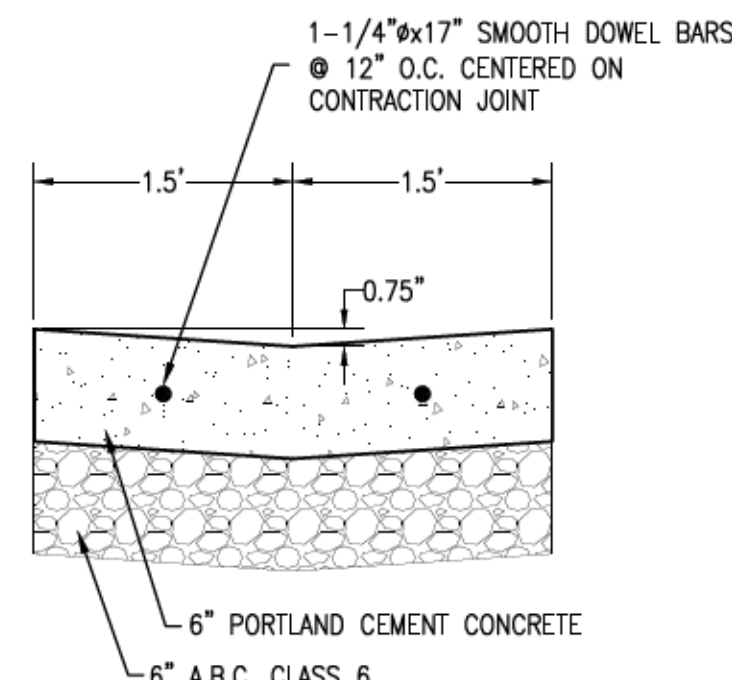
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## BLOCK WALL DETAIL 'A-A'

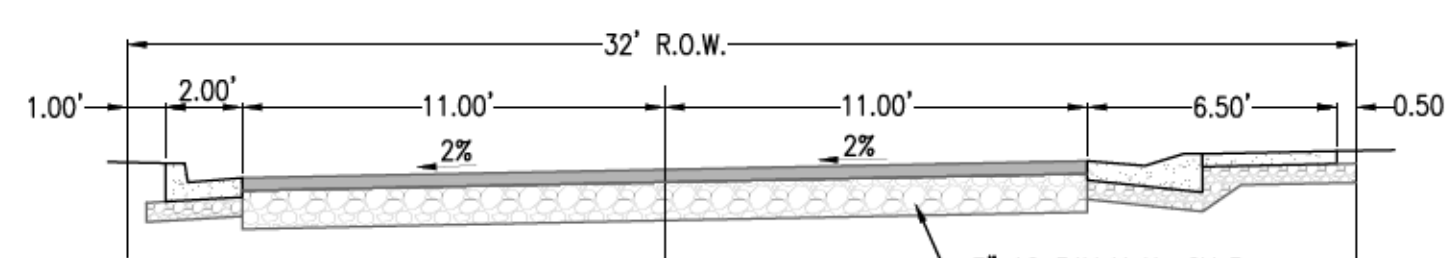
NTS

NOTE: SEE SHEET C2.0 FOR WALL HEIGHT INFORMATION



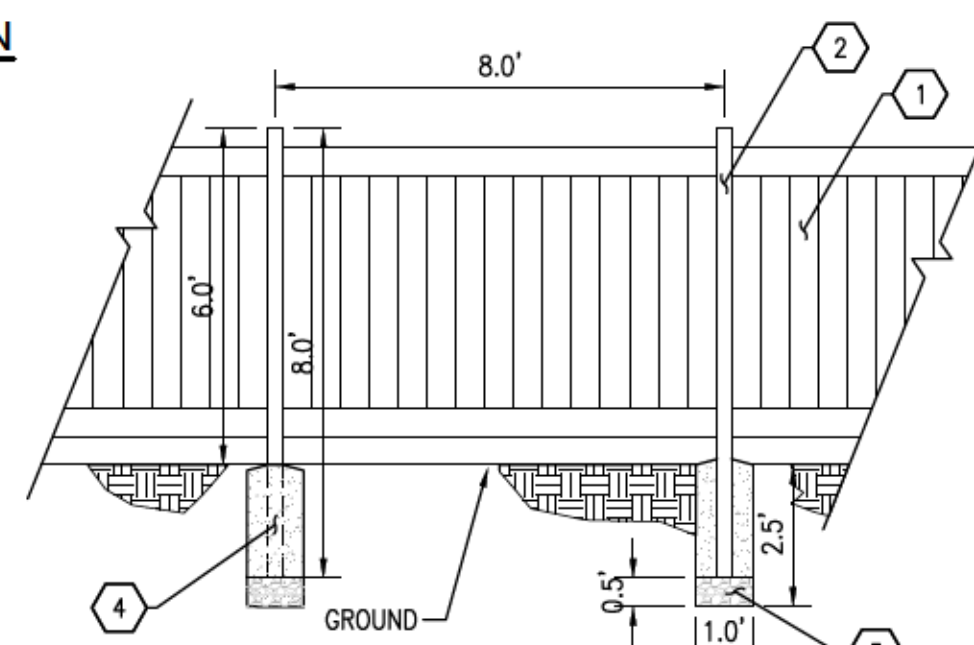
V-PAN DETAIL AND JOINT  
REINFORCEMENT SECTION

N.T.S.



TYPICAL ROAD SECTION  
(NORTH GRAND FALLS COURT

SCALE: 1"=5'



6' VINYL PANEL FENCE

(SHOWN FROM BACK SIDE)  
N.T.S.

1000



Know what's below.  
Call before you dig

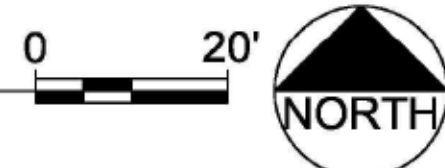
Colorado 811  
1-800-922-1987  
co811.org

FOR REVIEW - NOT FOR CONSTRUCTION



[illegible]

TREES PROVIDED = 20  
FIVE GALLON SHRUBS PROVIDED = 141  
ONE GALLON PERENNIALS = 39  
SQ. FT. OF TURF PROVIDED = 13,510 SQ. FT.



**ACCEPTANCE BLOCK:**  
THE CITY OF GRAND JUNCTION REVIEW CONSTITUTES GENERAL COMPLIANCE WITH THE CITY DEVELOPMENT STANDARDS, SUBJECT TO THESE PLANS BEING SEALED, SIGNED, AND DATED BY THE PROFESSIONAL OF RECORD. REVIEW BY THE CITY DOES NOT CONSTITUTE APPROVAL OF THE PLAN DESIGN. THE CITY NEITHER ACCEPTS NOR ASSUMES ANY LIABILITY FOR ERRORS OR OMISSIONS. ERRORS IN THE DESIGN OR CALCULATIONS REMAIN THE RESPONSIBILITY OF THE PROFESSIONAL OF RECORD.  
CONSTRUCTION MUST COMMENCE WITHIN ONE YEAR FROM THE DATE OF PLAN SIGNATURE.

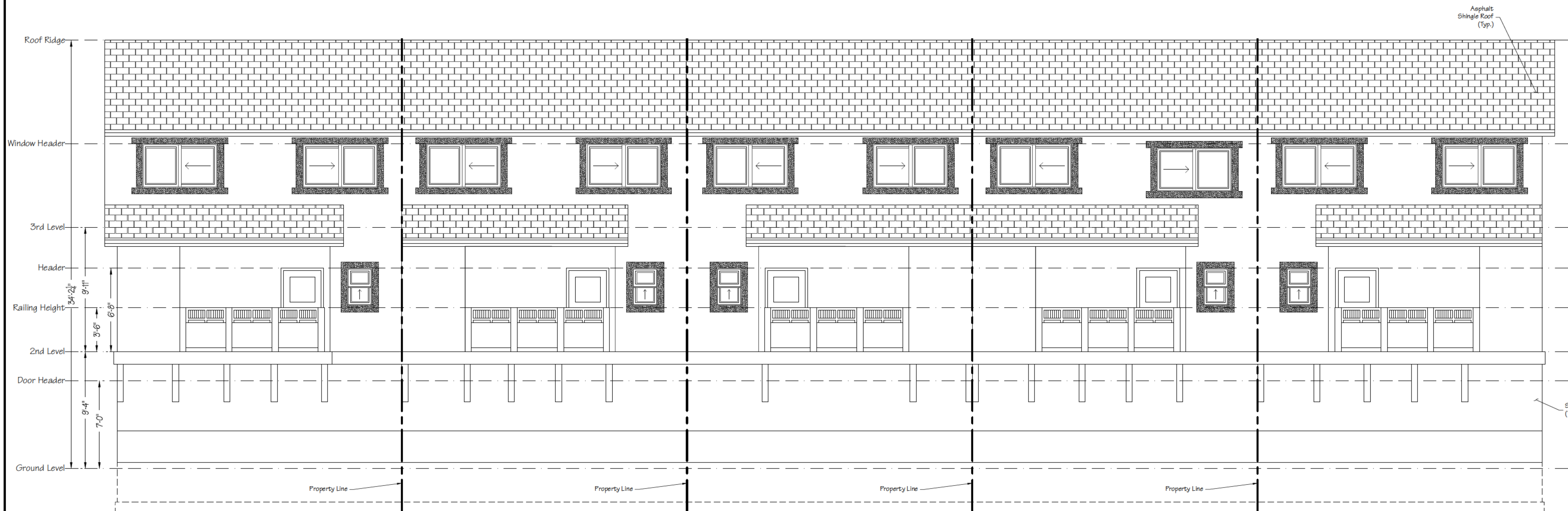
CITY PLANNER

DATE \_\_\_\_\_





1 FRONT ELEVATION  
SCALE: 1/4" = 1'-0"



2 BACK ELEVATION  
SCALE: 1/4" = 1'-0"

REV.	DATE	COMMENT	BY

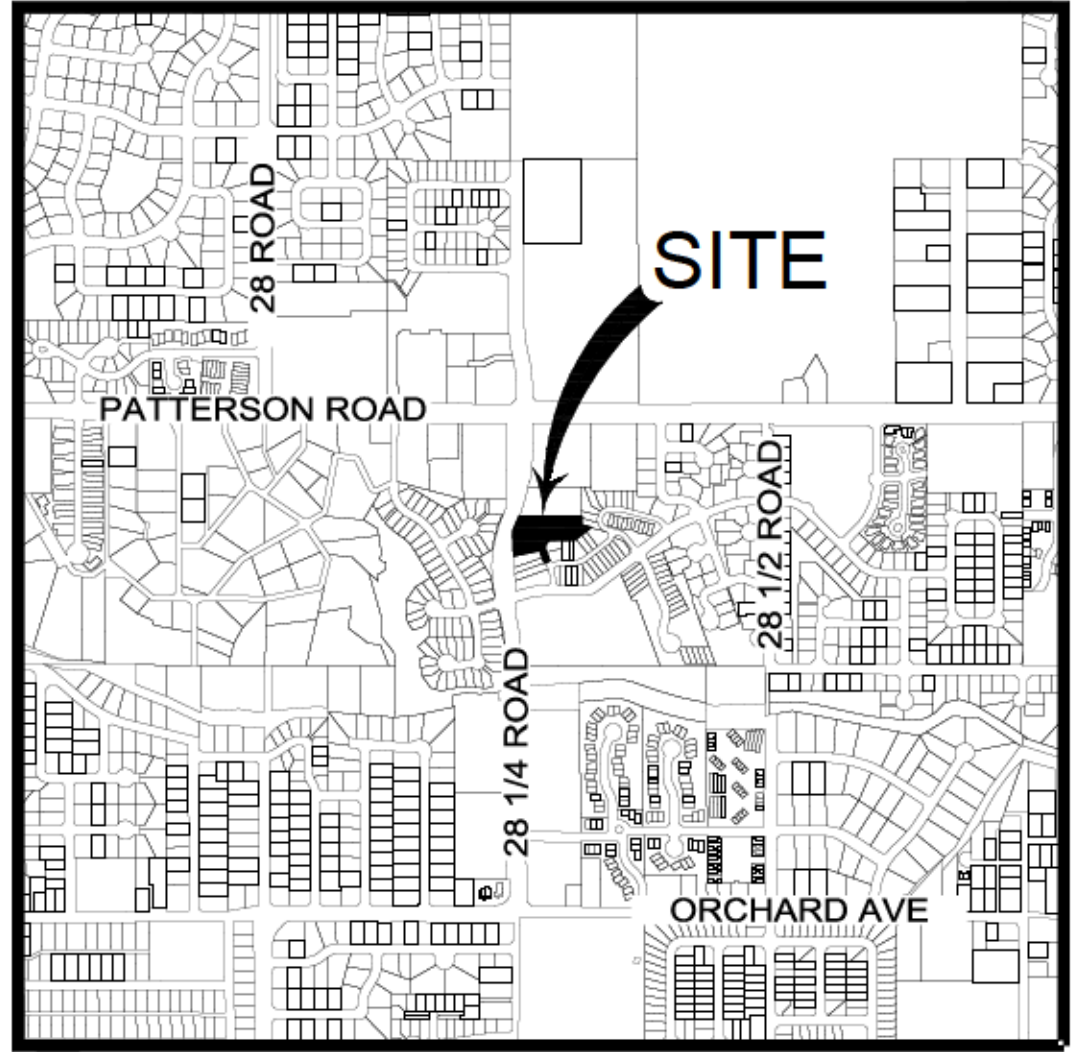






# GRAND FALLS TOWNHOMES

LOT 1 OF REPLAT LOTS 12 & 14 BLOCK TWO, THE FALLS - FILING NO. THREE  
RECEPTION NO. 1653349  
SITUATED IN THE NW1/4 OF SECTION 7  
TOWNSHIP 1 SOUTH, RANGE 1E, UTE MERIDIAN,  
CITY OF GRAND JUNCTION, MESA COUNTY, COLORADO



VICINITY MAP  
N.T.S.

## DEDICATION STATEMENT

KNOW ALL PERSONS BY THESE PRESENTS:

THAT THE UNDERSIGNED, COREY BENDETTI, IS THE OWNER OF RECORD OF THAT REAL PROPERTY SITUATED IN THE NW1/4 OF SECTION 7, T1S, R1E, UTE MERIDIAN, COUNTY OF MESA, STATE OF COLORADO, THE OWNERSHIP OF WHICH IS DEMONSTRATED AT RECEPTION NO. 2863815 OF THE RECORDS IN THE OFFICE OF THE MESA COUNTY CLERK AND RECORDER. SAID PROPERTY BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

LOT 1, REPLAT OF LOTS 12 & 14, BLOCK TWO, THE FALLS - FILING NO. THREE (REC. NO. 1653349)

CONTAIN APPROXIMATELY 1.26 ACRES.

SAID OWNER HAS CAUSED THE DESCRIBED REAL PROPERTY TO BE SURVEYED, LAID OUT, AND TO BE PUBLICLY KNOWN AS "GRAND FALLS TOWNHOMES."

ALL STREETS, ROADS, AND RIGHTS-OF-WAY ARE DEDICATED TO THE CITY OF GRAND JUNCTION FOR THE USE OF THE PUBLIC FOREVER.

ALL MULTI-PURPOSE EASEMENTS ARE DEDICATED TO THE CITY OF GRAND JUNCTION AS PERPETUAL EASEMENTS FOR CITY APPROVED UTILITIES INCLUDING THE INSTALLATION, OPERATION, MAINTENANCE, AND REPAIR OF SAID UTILITIES AND APPURTENANCES WHICH MAY INCLUDE BUT ARE NOT LIMITED TO ELECTRIC LINES, CABLE TV LINES, NATURAL GAS PIPELINES, SANITARY SEWER LINES, STORM SEWERS, WATER LINES, TELEPHONE LINES, TRAFFIC CONTROL FACILITIES, STREET LIGHTING, LANDSCAPING, TREES AND GRADE STRUCTURES.

ALL UTILITY EASEMENTS ARE DEDICATED TO THE CITY OF GRAND JUNCTION AS PERPETUAL EASEMENTS FOR CITY APPROVED UTILITIES INCLUDING THE INSTALLATION, OPERATION, MAINTENANCE, AND REPAIR OF SAID UTILITIES AND APPURTENANCES WHICH MAY INCLUDE BUT ARE NOT LIMITED TO ELECTRIC LINES, CABLE TV LINES, NATURAL GAS PIPELINES, SANITARY SEWER LINES, STORM SEWERS, WATER LINES, TELEPHONE LINES, EQUIVALENT OTHER PUBLIC UTILITY PROVIDERS AND APPURTENANT FACILITIES.

TRACTS A, B, C, AND D ARE GRANTED TO THE HOMEOWNERS ASSOCIATION BY SEPARATE INSTRUMENT. REFER TO THE COVENANTS OF GRAND FALLS TOWNHOMES FOR LIMITED COMMON ELEMENTS DETAILS.

TEMPORARY TURNAROUND EASEMENT GRANTED TO THE CITY OF GRAND JUNCTION BY SEPARATE INSTRUMENT.

SAID OWNER HEREBY ACKNOWLEDGES THAT THERE ARE NO LIENHOLDERS OF RECORD ASSOCIATED WITH THE INTERESTS OF THIS PLAT.

COREY BENDETTI \_\_\_\_\_ DATE \_\_\_\_\_

## NOTARY PUBLIC CERTIFICATION

STATE OF COLORADO )

COUNTY OF MESA )

THIS PLAT WAS ACKNOWLEDGED BEFORE ME BY COREY BENDETTI, ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D. 20\_\_\_\_.

MY COMMISSION EXPIRES \_\_\_\_\_

WITNESS MY HAND AND OFFICIAL SEAL.

## CLERK AND RECORDER'S CERTIFICATE

STATE OF COLORADO )

COUNTY OF MESA )

I CERTIFY THAT THIS INSTRUMENT WAS FILED IN MY OFFICE AT \_\_\_\_\_ O'CLOCK \_\_\_\_M., ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_ A.D. AND WAS RECORDED AT RECEPTION NO. \_\_\_\_\_  
DRAWER NO. \_\_\_\_\_, FEES \_\_\_\_\_

BY: \_\_\_\_\_ CLERK AND RECORDER DEPUTY

## LEGEND

PROPERTY BOUNDARY  
LOT LINE  
RIGHT-OF-WAY  
ADJOINING PROPERTY LINE  
EXISTING EASEMENT

## FOR CITY USE ONLY:

ASSOCIATED RECORDED DOCUMENTS  
RECEPTION NO. \_\_\_\_\_ DOCUMENT TYPE \_\_\_\_\_  
COVENANTS, CONDITIONS, & RESTRICTIONS  
TEMPORARY TURNAROUND EASEMENT  
TRACTS A, B, C, & D

- FOUND MESA COUNTY SURVEY MONUMENT (MCSM)
- FOUND #5 BAR WITH PLASTIC CAP MARKED "LS16413" OR AS NOTED
- FOUND #5 BAR WITH NO CAP. SET 2" ALUMINUM CAP MARKED "VORTEX ENGINEERING PLS 38464"
- SET #5 BAR WITH 2" ALUMINUM CAP MARKED "VORTEX ENGINEERING PLS 38464" IN CONCRETE
- SET PK NAIL AND 1.5" WASHER MARKED "VORTEX ENGINEERING PLS 38464" IN CONCRETE

MCSM  
PLS  
REC. NO.  
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MESA COUNTY SURVEY MONUMENT  
PROFESSIONAL LAND SURVEYOR  
RECEPTION NUMBER  
NORTH  
SOUTH  
EAST  
WEST  
RADIUS  
DELTA  
LENGTH  
CHORD BEARING  
CHORD DISTANCE  
WITNESS CORNER  
FEET  
SQUARE FEET  
ACRES

REVISION 2: 11/11/19  
REVISION 1: 9/27/19

## GRAND FALLS TOWNHOMES

LOCATED IN THE  
NW1/4, Section 7, Township 1S,  
Range 1E, Ute Meridian  
City of Grand Junction, Mesa County, CO

**VORTEX**  
ENGINEERING, INC.

2394 Patterson Road, Suite 201  
Grand Junction, CO 81505  
Phone: (970) 245-9051  
Fax: (970) 245-7639

FIELDWORK: ABL  
DRAWING: GRAND FALLS SUBDIV PLAT.DWG  
DATE: 8/14/19  
DRAWN BY: ABL  
JOB NUMBER: F18-088  
SHEET 1 OF 1

## AREA SUMMARY:

LOTS:	0.30 AC	23.6%
TRACTS:	0.79 AC	63.1%
RIGHT-OF-WAY:	0.17 AC	13.3%
TOTAL	1.26 AC	100%

## NOTES:

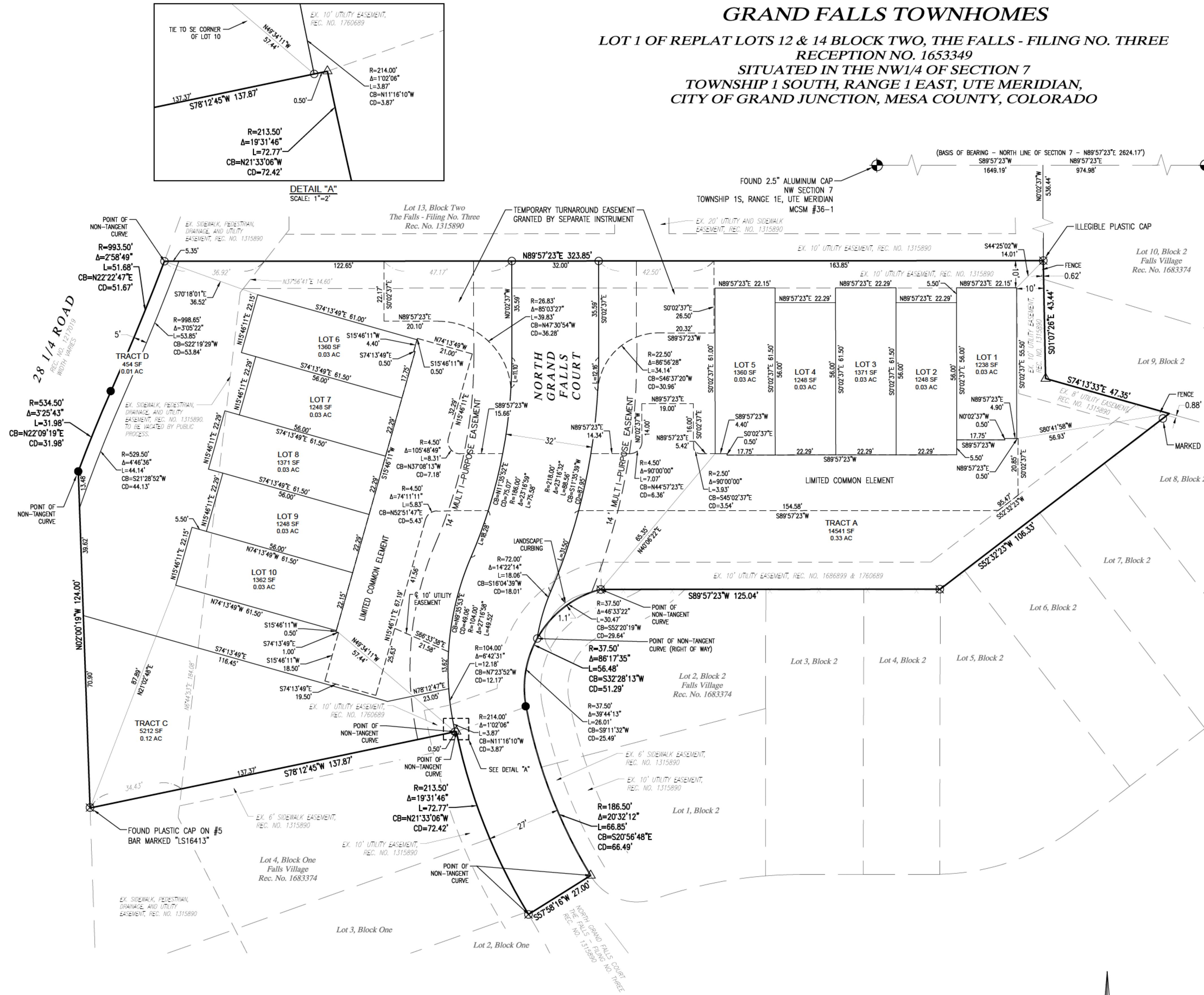
- BASIS OF BEARING: USING THE MESA COUNTY REAL TIME VIRTUAL REFERENCE NETWORK, A BEARING AND DISTANCE OF N89°57'23"E AND 2624.17 FEET BETWEEN A FOUND 2.5" ALUMINUM CAP MARKING THE NW CORNER OF SECTION 7 (MCSM #36-1) AND A FOUND 2.5" ALUMINUM CAP MARKING THE N1/4 CORNER OF SECTION 7 (MCSM #1217).
- ACCORDING TO COLORADO LAW, YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVERED 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.
- TITLE COMMITMENT INFORMATION PROVIDED BY ABSTRACT TITLE COMPANY, FILE NO. 53396SK, DATED DECEMBER 10, 2018.

## SURVEYOR'S CERTIFICATE

I, ALEXANDRE B. LHERTIER, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THIS PLAT OF GRAND FALLS TOWNHOMES WAS SURVEYED BY ME. IT IS BASED UPON MY PROFESSIONAL KNOWLEDGE, INFORMATION, AND BELIEF ACCORDING TO APPLICABLE STANDARDS OF PRACTICE. THIS IS NOT A GUARANTEE OR WARRANTY, EITHER EXPRESSED OR IMPLIED.

EXECUTED THE \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D. 20\_\_\_\_.

FOR REVIEW



## TITLE CERTIFICATION

ADVANCED TITLE COMPANY, A TITLE INSURANCE COMPANY, AS DULY LICENSED IN THE STATE OF COLORADO, HEREBY CERTIFIES THAT WE HAVE EXAMINED TITLE TO THE PERSON DESCRIBED PROPERTY, THAT WE FIND THE TITLE TO THE PROPERTY IS VESTED TO COREY BENDETTI; THAT THE CURRENT TAXES HAVE BEEN PAID; THAT ALL MORTGAGES NOT SATISFIED OR RELEASED OF RECORD NOR OTHERWISE TERMINATED BY LAW ARE SHOWN HEREON AND THAT THERE ARE NO OTHER ENCUMBRANCES OF RECORD; THAT ALL EASEMENTS, RESERVATIONS, AND RIGHTS-OF-WAY OF RECORD ARE SHOWN HEREON.

NAME AND TITLE \_\_\_\_\_ DATE \_\_\_\_\_  
ADVANCED TITLE COMPANY

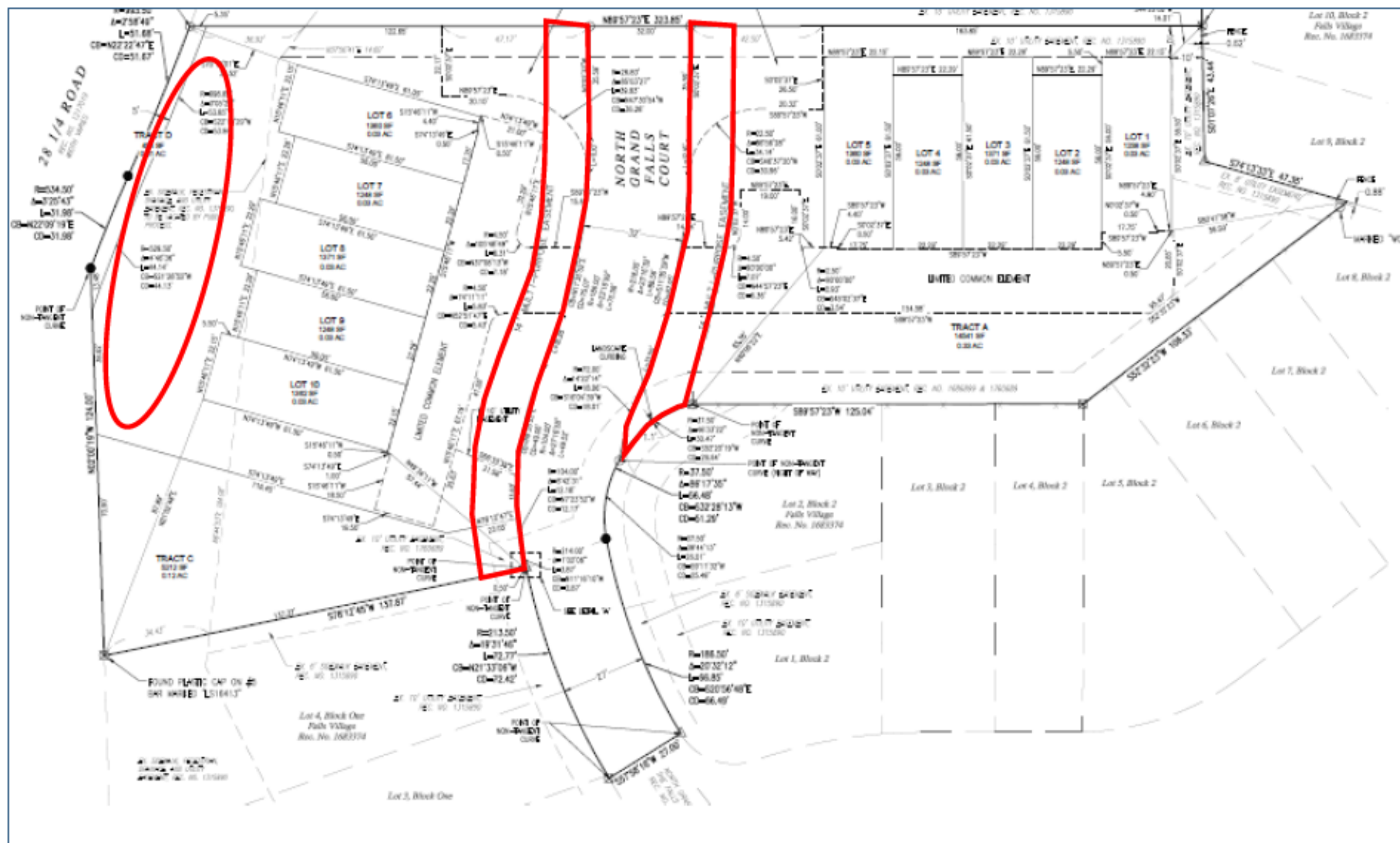
## CITY OF GRAND JUNCTION APPROVAL

GRAND FALLS TOWNHOMES, A SUBDIVISION OF THE CITY OF GRAND JUNCTION, MESA COUNTY, COLORADO, IS HEREBY APPROVED AND DEDICATIONS ACCEPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_ A.D.

CITY MANAGER \_\_\_\_\_ MAYOR \_\_\_\_\_







**PROPOSED GRAND FALLS TOWNHOMES SUBDIVISION PLAT**  
**Showing Areas of New Easements**



**GRAND JUNCTION PLANNING COMMISSION**  
**December 10, 2019 MINUTES**  
**6:00 p.m.**

The meeting of the Planning Commission was called to order at 6:00pm by Vice Chair Bill Wade.

Those present were Planning Commissioners; Vice Chair Bill Wade, George Gatseos, Kathy Deppe, Keith Ehlers, Sam Susuras and Ken Scissors.

Also present were Jamie Beard (Assistant City Attorney), Tamra Allen (Community Development Director), Kristen Ashbeck (Principal Planner), Scott Peterson (Senior Planner), Landon Hawes (Senior Planner), Senta Costello (Associate Planner), and Jace Hochwalt (Associate Planner).

There were approximately 11 citizens in the audience.

**CONSENT AGENDA**

Commissioner Susuras moved to adopt Consent Agenda items #1-6. Commissioner Gatseos seconded the motion. Motion carried unanimously 6-0.

1. **Approval of Minutes**
  - a. Minutes of the November 12, 2019 Regular Meeting.
2. **Rivertown Center – Vacation of Utility Easement** **File # VAC-2019-562**

Consider a request by DRK Associates to vacate the south 4 feet of the 14-foot Multi-Purpose Easement along Dewey Place located on a property at 2566 Patterson Road.
3. **Court on G Road Subdivision – Vacation of Public Right-of-Way** **File #VAC-2019-646**

Consider a request by Anatum, LLC to vacate the undeveloped Westcliff Drive Public Right-of-Way of 322.19 lineal feet as part of the development of the proposed Court on G Subdivision located south of G Road and east of 27 Road.
4. **Court on G Road Subdivision – Vacation of Utility Easement** **File # VAC-2019-647**

Consider a request by Anatum, LLC, to vacate two 10-foot public utility easements located at 2711 G Road.
5. **Hoffman III Subdivision – Vacation of Utility Easement** **File # VAC-2019-589**

Consider a request by Habitat for Humanity to vacate a public utility easement located on parcel 2943-212-06-100 and Hoffman Subdivision Filing II.

**6. Grand Falls Townhomes – Vacation of Public Easements File # VAC-2019-652**

Consider a request by Corey Bendetti to vacate public easements on a 1.26-acre parcel located at 588 North Grand Falls Court.

**REGULAR AGENDA**

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**1. Grand Falls Townhomes – Rezone File # RZN-2019-649**

Consider a request by Corey Bendetti to rezone 1.26-acres from PD (Planned Development) to R-8 (Residential 8 units per acre).

**Staff Presentation**

Kristen Ashbeck, Principal Planner, introduced exhibits into the record and provided a presentation regarding the request.

**Questions for Staff**

None.

**Applicant's Presentation**

Jim Atkinson, Vortex Engineering, spoke on behalf of the Applicant regarding the request.

**Public Comment**

The public hearing was opened at 6:13pm.

None.

The public hearing was closed at 6:14pm.

**Motion and Vote**

Commissioner Susuras made the following motion, "Mister Chairman, on the Rezone request RZN-2019-649 I move that the Planning Commission forward a recommendation of approval with the findings of fact listed in the staff report."

Commissioner Gatseos seconded the motion. The motion carried 6-0.

**2. Casas de Luz – Planned Development Amendment File # PLD-2010-259**

Consider a request by Dynamic Investments Inc., to amend the phasing schedule for the Casas de Luz Planned Development and associated Outline Development Plan.

**Staff Presentation**

Scott Peterson, Senior Planner, introduced exhibits into the record and provided a presentation regarding the request.

### **Questions for Staff**

Commissioner Ehlers asked Staff for clarification regarding the request and a versus editing the original approved plan.

Commissioner Wade asked Staff for clarification regarding PD extensions.

### **Applicant's Presentation**

The Applicant, Robert Stubbs, Dynamic Investments, Inc., was present and did not make a comment.

### **Public Comment**

The public hearing was opened at 6:26pm.

Russ Carson and Patricia McVane made comments in opposition of the request.

The Applicant, Robert Stubbs, Dynamic Investments, Inc., responded to public comment.

Commissioner Deppe asked a question regarding the Planned Development.

The public hearing was closed at 6:38pm.

### **Discussion**

Commissioner Gatseos, Ehlers, and Wade made comments in support of the request.

### **Motion and Vote**

Commissioner Gatseos made the following motion, "Mister Chair, on the Casas de Luz request to amend the phasing schedule of the previously approved Planned Development, located at West Ridges Boulevard and School Ridge Road, City file number PLD-2010-259, I move that the Planning Commission forward a recommendation of approval to City Council with the findings of fact as provided within the staff report."

Commissioner Susuras seconded the motion. The motion carried 6-0.

### **3. 1221 Wellington Avenue – Rezone File # RZN-2019-598**

Consider a request by John Poorey, Baseline Capital Investments, LLP, to rezone 1.81-acres from R-24 (Residential 24 units per acre) to B-1 (Neighborhood Business).

### **Staff Presentation**

Landon Hawes, Senior Planner, introduced exhibits into the record and provided a presentation regarding the request.



**Questions for Staff**

None.

**Applicant's Presentation**

Bill Plock, Baseline Capital Investments, LLP, owner, was present and did not make a comment.

**Public Comment**

The public hearing was opened at 6:52pm.

None.

The public hearing was closed at 6:52pm.

**Questions for Staff**

None.

**Discussion**

None.

**Motion and Vote**

Commissioner Gatseos made the following motion, "Mister Chair, on the Rezone request to B-1 for the property located at 1221 Wellington Avenue, City file number RZN-2019-598, I move that the Planning Commission forward a recommendation of approval to City Council with the findings of fact listed in the staff report."

Commissioner Susuras seconded the motion. The motion carried 6-0.

**4. Drinking Establishment/Brewery – Zoning Code Amendment File # ZCA-2019-644**

Consider a request by the City of Grand Junction to amend various sections of the Zoning and Development Code (Title 21) related to drinking establishments.

**Staff Presentation**

Jace Hochwalt, Associate Planner, introduced exhibits into the record and provided a presentation regarding the request.

**Questions for Staff**

Commissioner Ehlers asked a question regarding the absence of a "winery, tasting room" component in the proposed definition.

Tamra Allen, Community Development Director, explained the use of “winery” being consistent with an agricultural use, and tasting room could be categorized with “drinking establishment.”

Commissioner Scissors asked a question regarding the necessity of the CUP process being required in the I-O, I-1 and I-2 zone districts.

Mr. Hochwalt and Ms. Allen responded to Commissioner Scissors.

#### **Public Comment**

The public hearing was opened at 7:19pm.

None.

The public hearing was closed at 7:20pm.

#### **Discussion**

Commissioner Gatseos made a comment in support of this request.

#### **Motion and Vote**

Commissioner Ehlers made the following motion, “Mister Chairman, on the Zoning and Development Code Amendments, ZCA-2019-644, I move that the Planning Commission forward a recommendation of approval with the findings of fact as listed in the staff report.”

Commissioner Scissors seconded the motion. The motion carried 6-0.

#### **5. Other Business**

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None.

#### **6. Adjournment**

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The meeting was adjourned at 7:22pm.

**CITY OF GRAND JUNCTION, COLORADO**

**RESOLUTION NO.**

**A RESOLUTION VACATING PUBLIC EASEMENTS WITHIN  
PROPERTY LOCATED AT 588 NORTH GRAND FALLS COURT**

**RECITALS:**

A vacation of previously-platted, publicly dedicated Utility, Pedestrian, Sidewalk and Drainage Easements has been requested by the property owner, Corey Bendetti, in anticipation of future residential development of the property located at 588 Grand Falls Court, Grand Junction, Colorado.

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, and upon recommendation of approval by the Planning Commission, the Grand Junction City Council finds that the vacation of previously-platted public Utility, Pedestrian, Sidewalk and Drainage Easements all as more particularly described herein, is consistent with the Comprehensive Plan, the Grand Valley Circulation Plan and Section 21.02.100 of the Grand Junction Zoning and Development Code.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT:

The following described previously-platted public Easements are hereby vacated subject to the relocation of any and all public utilities within the easements in a manner and to a location acceptable to the City Manager or the City Manager's designee and the City has been granted easement(s) and/or right(s)-of-way, as determined by the City Manager and/or City Manager's designee in a form specified and found acceptable by the City. If there are no public utilities in the easement(s) at the time of the request but easement(s) is/are needed for public utilities, the easement(s) shall be vacated when the City has been granted easement(s) and/or rights-of-way, as determined by the City Manager and/or City Manager's designee in a form specified and found acceptable by the City for public utilities.

Utility Easements to be Vacated are depicted on Exhibit A, which is attached and incorporated by this reference as if fully set forth:

A parcel of land located in Lots 12 & 14, The Falls – Filing No. Three, located in the NE1/4NW1/4 of Section 7, Township 1 South, Range 1 East, Ute Meridian, City of Grand Junction, Mesa County, Colorado, more particularly:



All the 10' utility easements and 6' sidewalk easements adjacent to the vacated North Grand Falls Court; and the 20' utility easement and 20' utility and sidewalk easement from North Grand Falls Court to the south side of the 10' utility easement running along north line of said Lots 12 & 14.

Parcel contains 4,625 square feet, more or less.

And also

Sidewalk, Pedestrian, Drainage and Utility Easement to be Vacated as depicted on Exhibit B:

An existing Sidewalk, Pedestrian, Drainage and Utility Easement across Lot 1, Replat Lots 12 & 14 Block Two, The Falls – Filing No. Three, located in the NW1/4 of Section 7, Township 1 South, Range 1 East, Ute Meridian, City of Grand Junction, Mesa County, Colorado, described as:

Beginning at the northwest corner of Lot 1, Replat Lots 12 & 14 Block Two, The Falls – Filing No. Three, from which the northeast corner of said Lot 1 bears N89°57'23"E 323.85 feet; running thence N89°57'23"E 36.92' feet along the north line of said Lot 1; thence S37°56'41"W 14.60 feet; thence S06°44'53"W 184.08 feet to the south line of said Lot 1; thence along said south line of Lot 1 S78°12'45"W 34.43 feet; thence N02°00'19"W 124.00 feet to the easterly right-of-way of 28 ¼ Road; thence along said right-of-way the following two (2) courses: (1) along a non-tangent curve to the right a distance of 31.98 feet (Radius = 534.50 feet, Delta = 3°25'43", Chord Bears N22°09'19"E 31.98 feet); thence along a curve to the left 51.68 feet (Radius = 993.50 feet, Delta = 2°58'49", Chord Bears N22°22'47"E 51.67 feet) to the northwest corner of said Lot 1 and the Point of Beginning.

Easement contains 8,318 Sq. Ft.

PASSED and ADOPTED this 15<sup>th</sup> day of January 2020

ATTEST:

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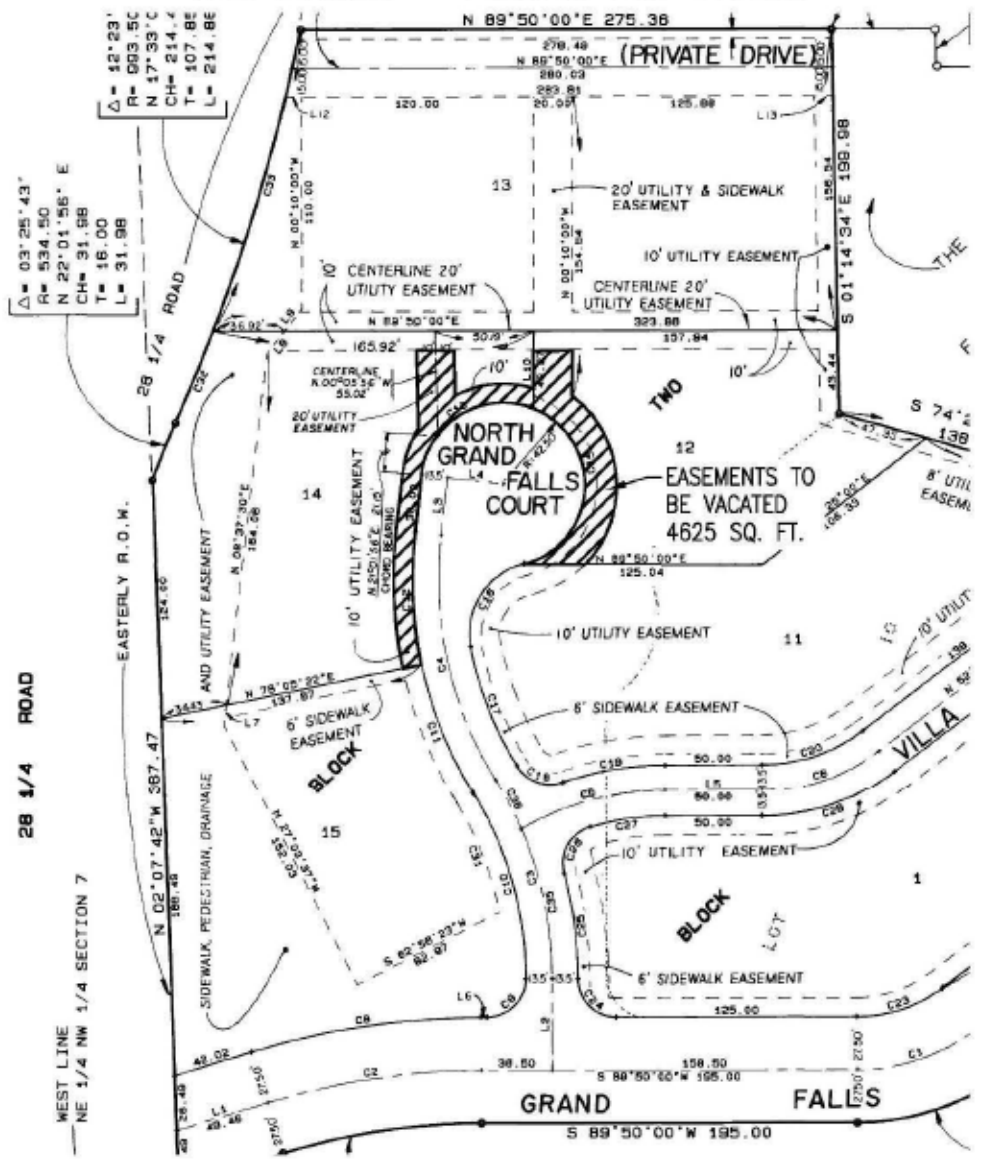
J. Merrick Taggart  
President of City Council

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Wanda Winkelmann  
City Clerk

EXHIBIT A

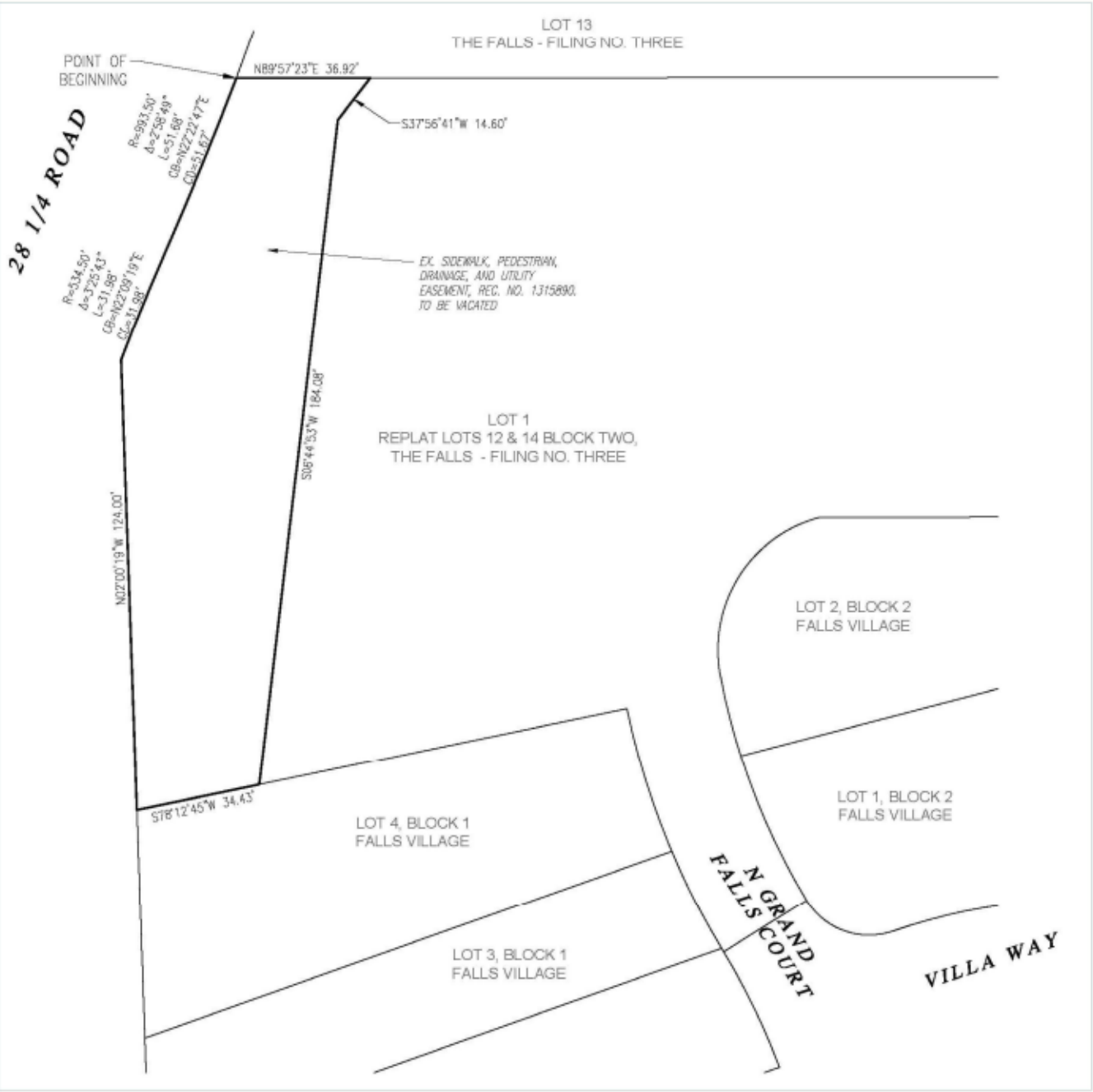
THE FALLS - FILING NO. THREE



THIS EXHIBIT IS FOR THE PURPOSE OF GRAPHICALLY REPRESENTING A WRITTEN DESCRIPTION - IT DOES NOT REPRESENT A MONUMENTED BOUNDARY SURVEY

NOT TO SCALE

EXHIBIT B







## Grand Junction City Council

### Regular Session

Item #4.c.

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**Meeting Date:** January 15, 2020

**Presented By:** Tamra Allen, Community Development Director

**Department:** Community Development

**Submitted By:** Tamra Allen, Community Development Director

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### **Information**

#### **SUBJECT:**

A Resolution Amending the 2020 Redevelopment Policy and Redevelopment Boundary Map

#### **RECOMMENDATION:**

Staff recommends approval of this resolution.

#### **EXECUTIVE SUMMARY:**

The City Council at their December 18, 2019 meeting adopted by Resolution 93-19, a revised Redevelopment Area Boundary Map and revised calculation for reduction to the Transportation Capacity Payments required. The Council desired to amend the Redevelopment Area Boundary map to include additional areas along the State Highway 50 corridor in Orchard Mesa.

#### **BACKGROUND OR DETAILED INFORMATION:**

City Council adopted Resolution 93-19 on December 18, 2019 revising the Redevelopment Boundary Area Map as well as the calculation for a reduced Transportation Capacity Payment within the redevelopment boundary. At that time, the City Council expressed the desire to further expand the redevelopment area in the Orchard Mesa area along the State Highway 50 corridor. A revised Redevelopment Boundary Area Map has been prepared and a resolution amending the previously revised 2020 boundary has been drafted for council consideration.

Resolution 87-04 outlined areas and potential forms of City involvement in providing incentives for infill and redevelopment. In 2013, the City adopted Resolution 15-13 that

amended the redevelopment boundary map and created a formula for reducing the required transportation impact fees within the area. The purpose was to encourage infill development as well as redevelopment of underutilized parcels within the designated boundaries as development in this met the following purpose(s):

- Make more efficient use of existing infrastructure including streets, water and sewer lines and other public facilities and services;
- Provide opportunities to reduce commuting distance and automobile dependency;
- May help to provide affordable housing within the City; and
- Reduces the demand for and impact from "end of the road" suburban sprawl.

For projects within the Redevelopment Boundary, the fee is calculated based on the following formula and is variable depending on the number of building floors (except for single-family units).

$$rTCP = (tTCP/n) \times .5$$

Whereby: rTCP = Reduced Transportation Capacity Payment

tTCP = Total Transportation Capacity Payment

n = number of floors

From input received at both the November 18th and the December 2nd workshops, staff has prepared a resolution amending the Redevelopment Area Boundary as well as amending the formula for the calculation of a reduced transportation capacity payment with the proposed amendments as follows:

### **Redevelopment Area Boundary Modifications**

- 1) Expand the redevelopment area to include a portion of SH 50 corridor in Orchard Mesa extending south to the north boundary of City Market area at B ½ Road.
- 2) Expand the redevelopment area to include the area around Colorado Mesa University including both sides of North 7th Street between North and Orchard and from 12th Street to 15th Street between North Avenue and Orchard Avenue.
- 3) Expand the redevelopment area to include the areas east of 12th street, south of North Avenue and North of I-70 Business Loop extending to and across 29 Road.

### **Reduced TCP Calculations**

1) For all areas within the redevelopment area, apply the formula  $rTCP = tTCP \cdot .5$  (or 50% of adopted TCP)

2) For areas within the redevelopment area and within the listed area below, apply the formula  $rTCP = tTCP/n \cdot 5$  that provides additional reduction for additional floors/building stories:

- § Any property within the North Avenue Overlay
- § Any property within the Downtown District
- § Any property within the River District
- § Any property within the Rail District.

The areas for which redevelopment and infill incentives are proposed are consistent with existing policies and plans adopted by the City including the Comprehensive Plan, Greater Downtown Plan, Orchard Mesa Neighborhood Plan, and the North Avenue Corridor Plan.

#### **FISCAL IMPACT:**

There will be continued impact to the Transportation Impact Fee fund (also known as TCP fund) for the implementation of the Redevelopment Area Boundary and associated reduction in the collected TCP fees. Expanding the areas for which the reduced fees for TCP are collected, will reduce the amount of TCP collected.

Since adoption in 2013, the City has provided approximately \$953,000 in incentives (reduced Transportation Capacity Payment fees) for projects within the Redevelopment Area. The total TCP fees paid within the redevelopment area for projects has been approximately \$435,500. These fees have been collected over approximately 39 commercial projects, 4 small multi-family projects, 9 single-family homes and 22 accessory dwelling units (ADUs).

Several examples of the fiscal impact on a project specific basis of recent Redevelopment Boundary Area are below.

A one story auto parts retailer of 7,225 square feet located outside of the Redevelopment Boundary would pay \$30,265 at today's fee rate. If the project is located within the Redevelopment Boundary, it would pay \$15,133.

A four story, 96 room hotel located outside of the Redevelopment Area at today's fee rate would be \$231,072. If the project is located within the Redevelopment Area, the TCP would be \$28,884.

For a three story multi-family apartment project of 48 units located outside of the



Redevelopment Area at today's TCP fee would be \$84,912. If the project is located within the Redevelopment Area, the TCP would be \$14,152.

For a 35,000 square foot, four story office building located outside the Redevelopment Area, today's fee would be \$109,935. If the building is located within the Redevelopment Area, the TCP would be \$13,741.

**SUGGESTED MOTION:**

I move to (adopt/deny) Resolution No. 03-20, a resolution amending the 2020 Redevelopment Policy and Redevelopment Boundary Map.

**Attachments**

1. RESDOC 4927 Resolution No. 15-13 - 2013 Redevelopment Area
2. RESDOC 2893 Resolution No. 87-04 - 2004 (Modified by Resolution No. 15-13)
3. Resolution 93-19
4. Proposed Expanded Orchard Mesa Area
5. Res-20-XX Amended Redevelopment Boundary

**CITY OF GRAND JUNCTION, COLORADO  
RESOLUTION NO. 15-13**

**A RESOLUTION ADOPTING AN AMENDED REDEVELOPMENT BOUNDARY MAP  
AND CREATING A FORMULA REDUCING THE TCP REQUIREMENTS WITHIN THE  
REDEVELOPMENT AREA**

**RECITALS:**

In September, 2004 the City Council reviewed and approved the Infill and Redevelopment Implementation Program by adopting policies outlined in Resolution No. 87-04. The Resolution described the framework of the infill and redevelopment program, defined terms and established infill and redevelopment areas.

The implementation of the program was adopted to encourage development of infill parcels and redevelopment of underutilized land within certain areas of the City of Grand Junction for several beneficial reasons. Such development:

- Makes more efficient use of existing infrastructure including streets, water and sewer lines and other public facilities and services;
- Provides opportunities to reduce commuting distance/automobile dependency;
- May help to provide affordable housing within the City; and
- Reduces the demand for and impact from “end of the road” suburban sprawl.

By adopting this resolution, the City Council reaffirms the original policies and guidelines set forth in the Infill and Redevelopment Implementation Program. However, City Council finds that there is a need to amend the Redevelopment Area and add additional clarification that would reduce the Transportation Capacity Payment for new development within the Redevelopment Area.

For the reasons stated in the foregoing recitals, the City Council of the City of Grand Junction does hereby amend the Infill and Redevelopment Implementation Program by the attached Redevelopment Area Map and Transportation Capacity Payment calculation for new development within in the Redevelopment Area.

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION,  
COLORADO:**

The Infill and Redevelopment Implementation Program is hereby amended as follows:


1. The attached Exhibit A is adopted as the new Redevelopment Area Map.
2. The attached Exhibit B is adopted as the calculation to reduce Transportation Capacity Payments for new development within the Redevelopment Area.

**ADOPTED AND APPROVED THIS 6<sup>th</sup> day of March, 2013.**



\_\_\_\_\_  
President of the Council

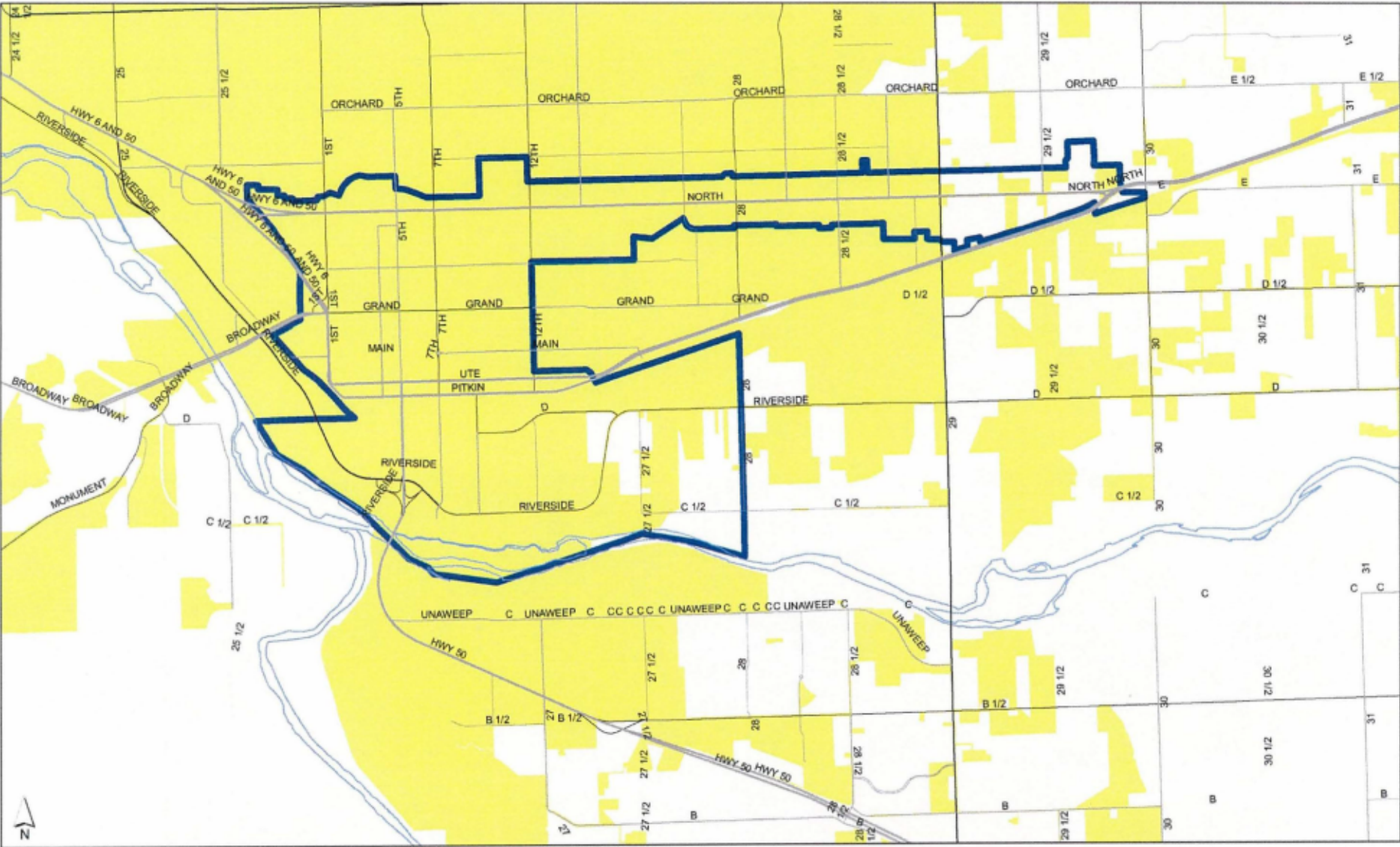
ATTEST:

  
\_\_\_\_\_  
City Clerk



## Exhibit A

# Redevelopment Boundary Map



Redevelopment Boundary  
City Limits

## **Exhibit B**

Within the Redevelopment Area any new development would be assessed a TCP using the following calculation:

$$rTCP = (tTCP/n) \cdot .5$$

rTCP – Reduced Transportation Capacity Payment

tTCP – Total Transportation Capacity Payment calculated for all uses within the building

n – The number of floors

**CITY COUNCIL, CITY OF GRAND JUNCTION  
RESOLUTION NO. 87-04**

**A RESOLUTION ADOPTING AN INFILL/REDEVELOPMENT  
IMPLEMENTATION PROGRAM**

**Recitals:**

In September, 2002 the City Council reviewed and approved the framework of an infill and redevelopment program. At that time the Council considered definitions of the terms infill and redevelopment. This Resolution furthers that work by and through the adoption of an incentive program that will foster Infill and redevelopment projects as defined by the Council.

In accordance with the adopted definitions, "Infill" relates to vacant parcels partially encircled by development. "Redevelopment" or a "Redevelopment Area" is defined as land/land uses that are in transition and comprise at least two acres containing or consisting of improvements that do not meet current socioeconomic potential.

Implementation of a program to encourage development of Infill parcels and redevelopment of underutilized land within certain areas of the City of Grand Junction is beneficial for several reasons. Such development:

- Makes more efficient use of existing infrastructure including streets, water and sewer lines and other public facilities and services;
- Provides opportunities to reduce commuting distance/automobile dependency;
- May help to provide affordable housing within the City; and
- Reduces the demand for and impact from "end of the road" suburban sprawl.

Additionally, there are other plans and policies of the City that support and encourage the development of an Infill and Redevelopment strategy. Those include:

- The City Council's Strategic Plan 2002 -2012, Shelter and Housing Solution, which encourages affordable housing through infill and redevelopment policies. The objective of this goal was to create infill and redevelopment policies which were accomplished with the adoption of the Growth Plan update (Objective 32). This implementation program furthers the Strategic Plan Objective by



providing several incentives that will encourage the development of affordable housing by possible financial and processing assistance.

- Adoption of an Infill and Redevelopment Policy as part of the City of Grand Junction Growth Plan as amended in May, 2003. The Growth Plan element includes definitions, framework policies and supporting guidelines.

In furtherance of those goals both the City Council and the Planning Commission have:

- Developed a map outlining the boundaries of "Infill areas" within the City;
- Developed a map outlining the boundaries of "Redevelopment areas" within the City;
- Considered a list of criteria for evaluating potential City involvement in Infill and Redevelopment Projects; and
- Considered a list of potential forms of City involvement including possible incentives for private applicants in infill and redevelopment projects.

The City Council has concluded its review and has given direction to the Staff to implement a program so that there may be some flexibility when approached by a project, some opportunity for exploration of incentives and establishment of criteria for City involvement and/or participation on a case by case basis.

By adopting this resolution the Council adopts the attached policies and guidelines and affirms its direction that the Staff follow through with implementation.

Furthermore, the Council instructs the Staff to develop an application process for potential applicants in order that an applicant knows that the City has a plan in place for identifying areas for Infill and Redevelopment ,so that those owners know what is planned or possible and such that consistency and flexibility will be maintained in the policy.

For the reasons stated in the foregoing recitals, the City Council of the City of Grand Junction does hereby adopt the program to implement the infill and redevelopment portion of the Growth Plan including the attached Infill Area Map, Redevelopment Area Map, list of potential forms of City involvement (incentives) and list of criteria for evaluating potential City involvement in infill and redevelopment projects (review criteria).

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT:

The program for implementing the infill and redevelopment policies as outlined in the recitals and guidelines of the City of Grand Junction Growth Plan are hereby adopted.

PASSED AND ADOPTED this 15<sup>th</sup> day of September 2004 by the City Council of the City of Grand Junction.

ATTEST:

/s/ Bruce Hill

Bruce Hill

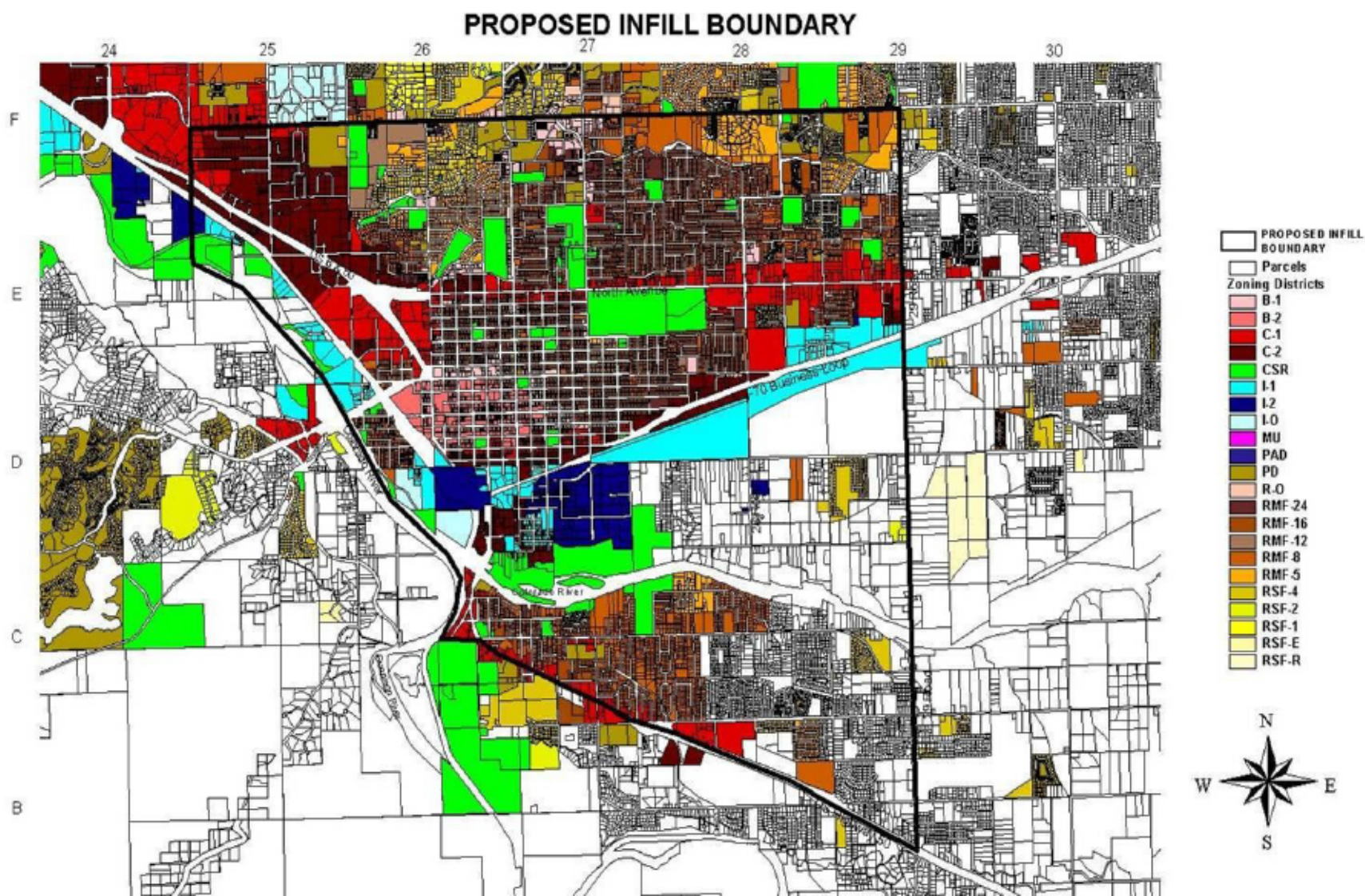
Mayor

/s/ Stephanie Tuin

Stephanie Tuin

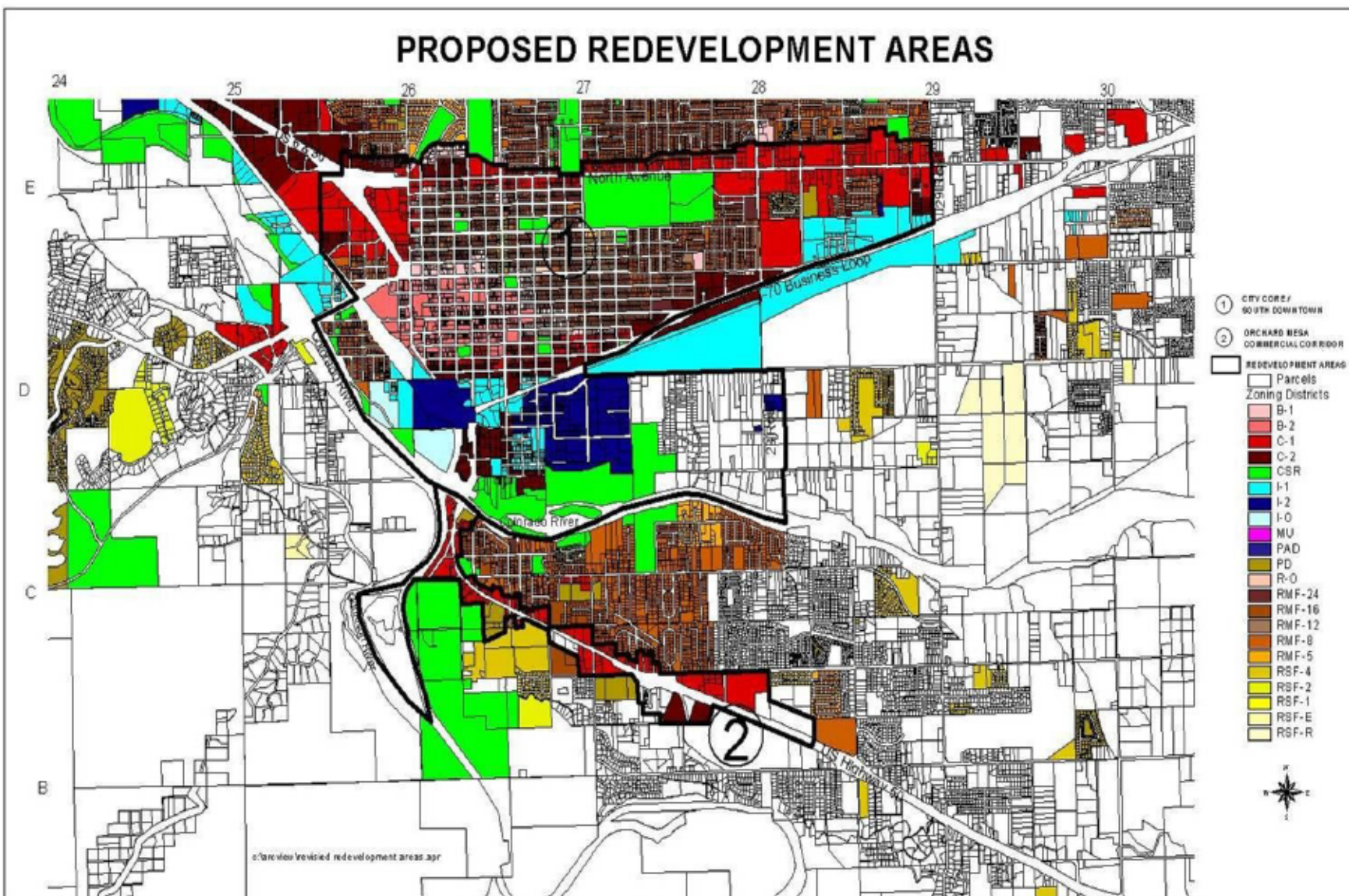
City Clerk

## Attachment 2





# PROPOSED REDEVELOPMENT AREAS



## **Potential Forms of City Involvement**

1. Expedited development review process
2. Assistance with city agency review
3. Deferral of fees (examples may include permitting fees, tap fees and impact fees)
4. Density bonuses for residential projects
5. Proactive city improvements – i.e. “prime the pump” by investing in various city improvements prior to any private development commitment
  - a. Targeting the use of the Transportation Capacity Payment (TCP) funds
  - b. City initiated Limited Improvement District (LID), Business Improvement District (BID), General Improvement District (GID)
  - c. Reimbursement agreements either with the developer or the City (based on incremental development)
  - d. Shuffling priorities within the CIP (within a 3 year bracket, example: storm drainage improvements)
6. Financial participation - because many desired projects are not viable without city participation and/or to reduce the relative land cost for redevelopment versus vacant property
7. Contribution to enhancements / upgrades versus typical standards (for instance upgrading a split face block building treatment to a stone building treatment.)
8. Off-site city improvements required by Code – access, under grounding of utilities, streetscape, etc.
9. City assemblage of development parcels for redevelopment bids

## **Criteria for Evaluating Potential City Involvement in Infill and Redevelopment Projects**

- 1) Is the site within City's geographically mapped area?**
- 2) Does the site meet the definition of "Infill" or "Redevelopment?"**
- 3) Describe how the site is compatible with the surrounding area and meets community values including compatibility with surrounding quality of design and site planning.**
- 4) Describe the project's feasibility. This should include the developer's resume of experience, whether project financing is in place and, for non-residential projects, what tenant commitments are in place.**
- 5) Within a distance of 1,000 feet, list any specific infrastructure projects planned and/or funded) by the City or any proposed off-site contributions anticipated by the proposed project that address existing deficiencies as defined by the City.**
- 6) What is the level of sharing of City vs. private participation for specific enhancement request or code requirements?**
- 7) Does the proposed project include a mixture of uses? If so, describe the types and percentage.**
- 8) Is the proposed project part of an economic development recruitment.**
- 9) Will the proposed project preserve or enhance any historic structure or site? Has the structure / site been inventoried by the City?**
- 10) Does the proposed project include an affordable housing element? If so, provide details including how the project meets different HUD definitions for affordable housing.**
- 11) Does the proposed project go beyond current Code requirements and provide enhanced architectural and design elements?**



**CITY OF GRAND JUNCTION, COLORADO  
RESOLUTION NO. 93-19**

**A RESOLUTION ADOPTING THE 2020 REDEVELOPMENT BOUNDARY MAP AND  
FORMULA FOR CALCULATING THE TRANSPORTATION IMPACT FEE PAYMENTS  
REQUIRED WITHIN THE REDEVELOPMENT BOUNDARY**

**RECITALS:**

In 2004 the City Council reviewed and approved an *Infill and Redevelopment Implementation Program* by adopting policies set forth in Resolution 87-04. That Resolution established the infill and redevelopment program, defined terms and established infill and redevelopment areas ("the Program" or "Program.")

In 2013 the City Council amended the Program by approving Resolution 13-15 which amended the Redevelopment Boundary Map and created a formula for reducing the Transportation Capacity Payments ("TCP") required to be paid for development project occurring within the Program's Redevelopment Boundary area.

The Program and the Redevelopment Boundary together with the reduced TCP were adopted to encourage development of infill parcels and redevelopment of underutilized land within certain areas of the City for several beneficial reasons. Those reasons include that such development:

- Makes more efficient use of existing infrastructure including streets, water and sewer lines and other public facilities and services; and,
- Provides opportunities to reduce commuting distance/automobile dependency; and,
- May help to provide affordable housing within the City; and
- Reduces the demand for and impact from "end of the road" suburban sprawl.

By adopting this resolution, the City Council affirms City policy to provide incentives for infill and redevelopment within the areas designated as the Redevelopment Boundary while utilizing a formula that promotes investment in the City's central areas and important corridors while further providing additional incentives for vertical construction within other specific areas of City.

The areas for which redevelopment and infill incentives are proposed are consistent with existing policies and plans adopted by the City including the Comprehensive Plan, Greater Downtown Plan, Orchard Mesa Neighborhood Plan, and the North Avenue Corridor Plan.

For the reasons stated in the Recitals, the City Council of the City of Grand Junction does hereby amend the Infill and Redevelopment Program and Boundary by adoption of the attached Redevelopment Area Map, Exhibit A and adoption of the Transportation Capacity Payment calculation for new development within the Redevelopment Area, Exhibit B.

The Boundary and Transportation Capacity Payment calculation will become effective January 1, 2020 and, remain in effect unless and until otherwise amended by adoption of a subsequent resolution or ordinance.

Within sixty days of the third anniversary of the adoption of this resolution the City Council shall consider the effectiveness of the resolution at achieving its stated purposes. Without further action by the City Council, the terms and provisions of this resolution shall expire on the third anniversary of the adoption date hereof.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION,  
COLORADO:

That the Infill and Redevelopment Implementation Program is hereby amended as follows:

1. The attached Exhibit A is adopted as the new Redevelopment Area Map; and,
2. The attached Exhibit B is adopted as the calculation to reduce Transportation Capacity Payments for new development within the Redevelopment Area.

ADOPTED AND APPROVED THIS 18<sup>th</sup> day of December, 2019.

*C. E. Steve W. Zuma*

Mayor Pro Tem

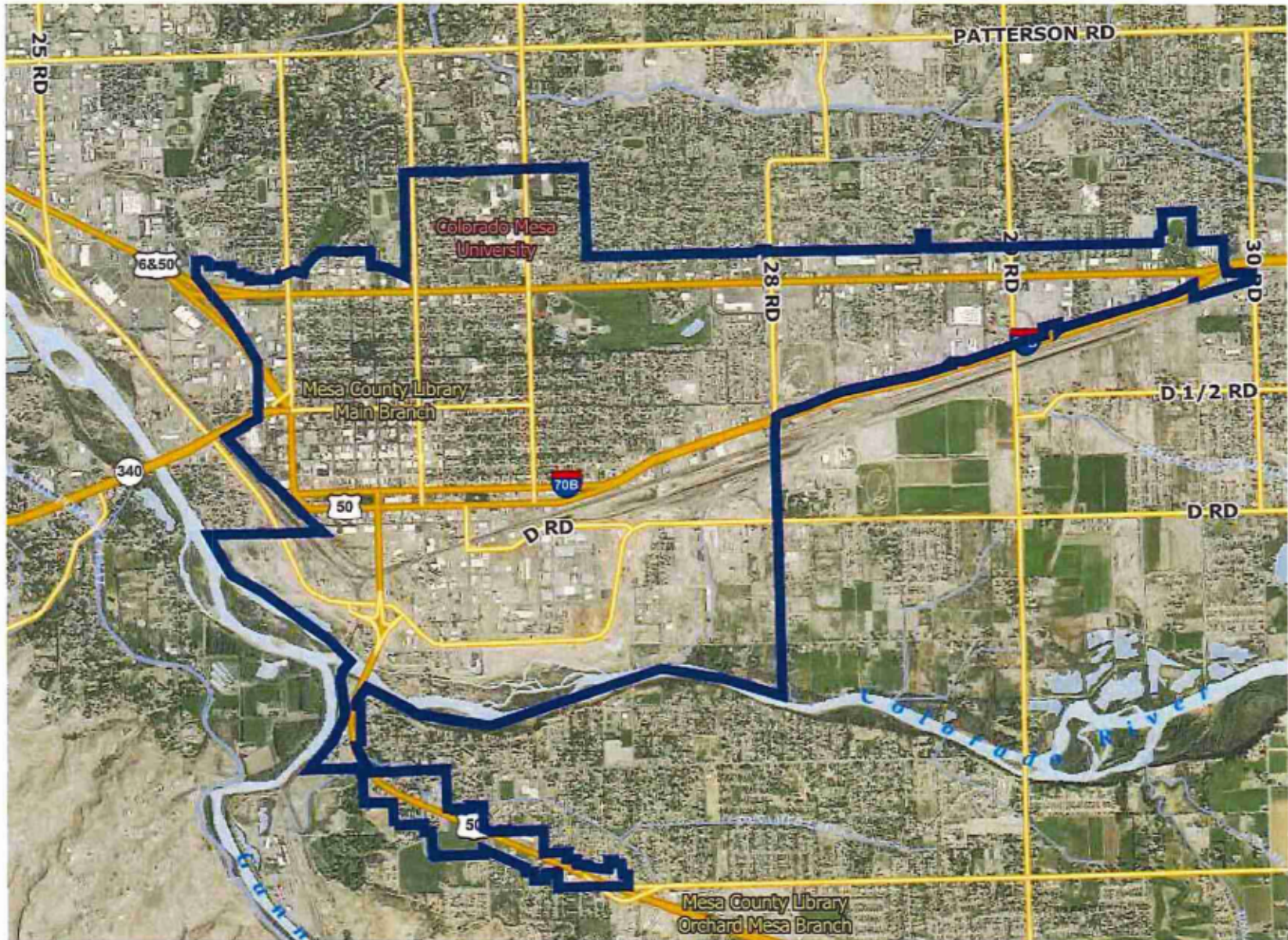
ATTEST:

*W. Winkelmann*  
City Clerk





**EXHIBIT A  
REDEVELOPMENT BOUNDARY MAP**





**EXHIBIT B**  
**REDUCED TRANSPORTATION CAPACITY PAYMENT CALCULATION**

Within the Redevelopment Area any new development would be assessed a TCP using the following calculation:

$$rTCP = (TCP \cdot .5)$$

rTCP – Reduced Transportation Capacity Payment

tTCP- Total Transportation Capacity Payment calculated for all uses within the building

Within the Redevelopment Area and within the following areas, the required TCP will be assessed using the following calculation:

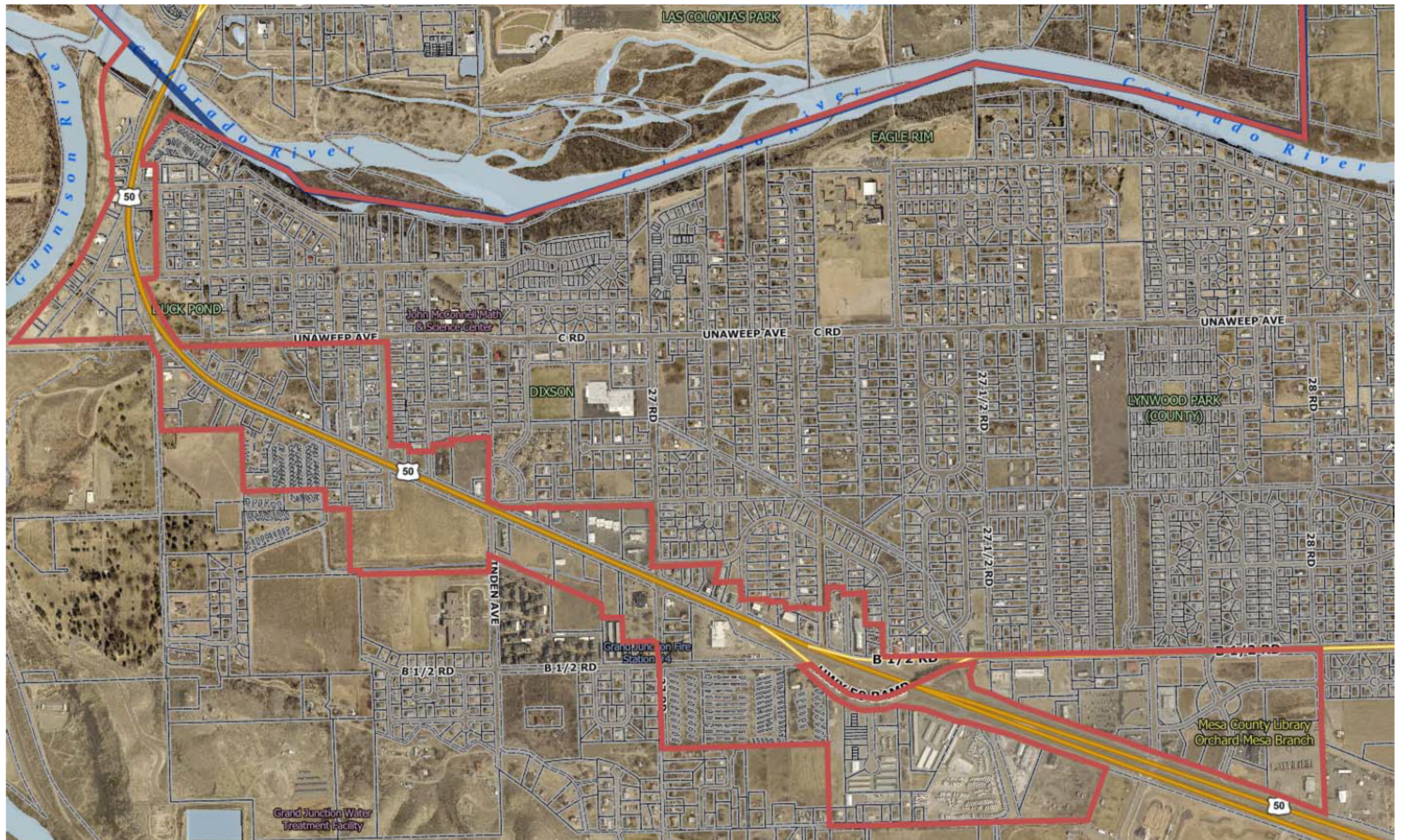
- Properties within the North Avenue Zoning Overlay
- Properties within the Downtown District (Greater Downtown Overlay)
- Properties within the River District (Greater Downtown Overlay)
- Properties within the Rail District (Greater Downtown Overlay)

$$rTCP = (tTCP/n) \cdot .5$$

rTCP – Reduced Transportation Capacity Payment

tTCP- Total Transportation Capacity Payment calculated for all uses within the building  
n – The number of floors







CITY OF GRAND JUNCTION, COLORADO  
RESOLUTION N O. \_\_-20

**A RESOLUTION AMENDING THE 2020 REDEVELOPMENT POLICY AND REDEVELOPMENT  
BOUNDARY MAP**

**RECITALS:**

On December 18, 2019, the City Council adopted Resolution 93-19. That Resolution establishes the City's incentive policy ("Policy") for infill and redevelopment within the areas designated by the City Council as the *Redevelopment Boundary*. The Policy(ies) utilize a formula that promotes investment in the City's center and important corridors, while offering additional incentives for vertical construction within other specified areas of City.

The City Council hereby amends the Policy and *Redevelopment Boundary* by adoption of the attached *Redevelopment Area Map*, which is and shall be Exhibit A to the Policy.

As provided in Resolution 93-19, within sixty days of the third anniversary of the adoption of Resolution 93-19, the City Council shall consider the effectiveness of the resolution at achieving its stated purposes. Without further action by the City Council, the terms and provisions of Resolution 93-19 and this resolution shall expire on December 18, 2022.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION,  
COLORADO:

That the Policy is hereby amended to include the attached Exhibit A, the *Redevelopment Boundary Map* and that the adoption of Exhibit A shall supersede and replace the Exhibit attached to Resolution 93-19.

This Resolution and the amendment made hereby shall relate to and be given full authority and effect as if adopted December 18, 2019.

ADOPTED AND APPROVED THIS \_\_\_\_ day of January, 2020.

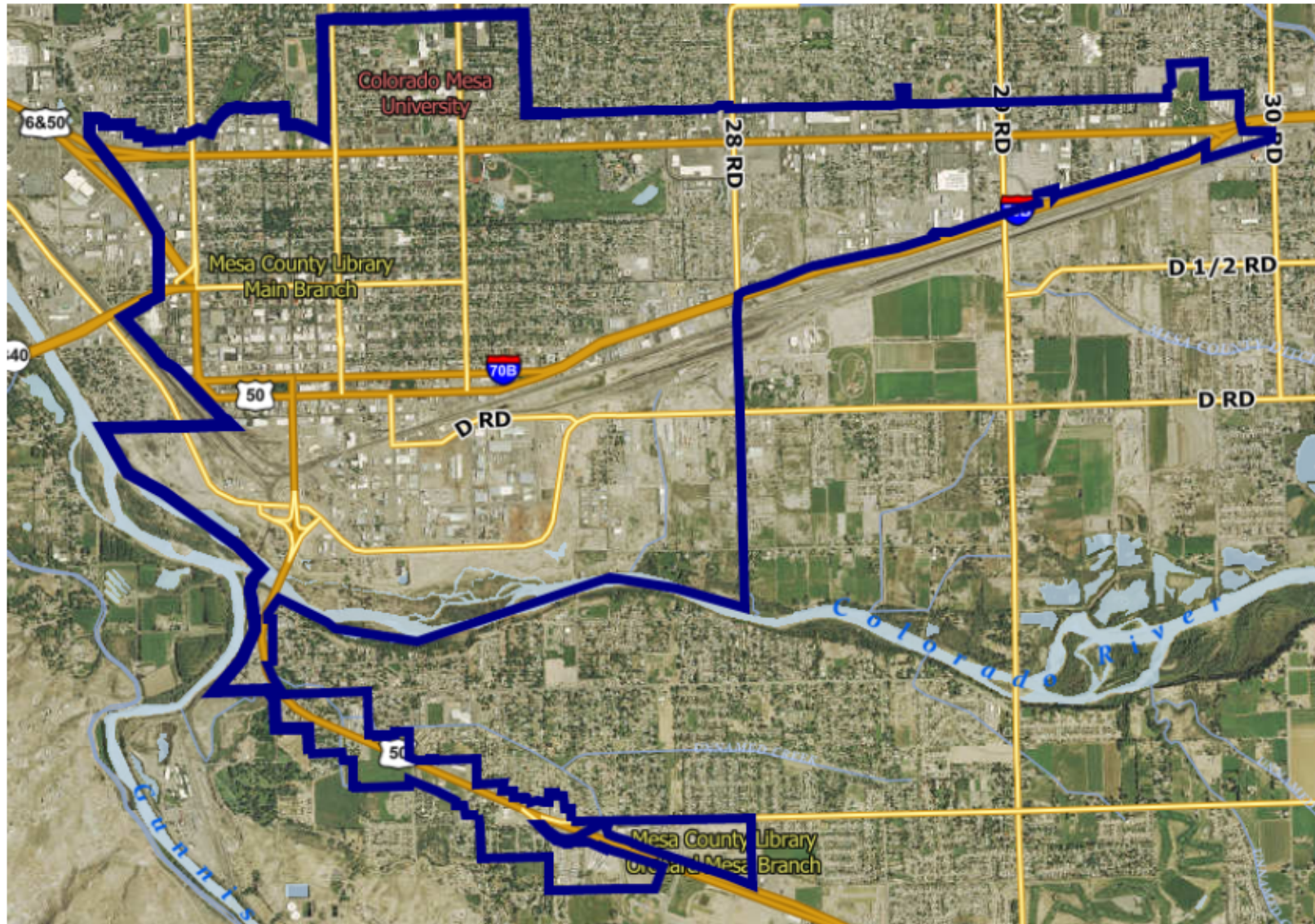
\_\_\_\_\_  
Mayor and President of the City Council

ATTEST:

\_\_\_\_\_  
City Clerk



**EXHIBIT A  
REDEVELOPMENT BOUNDARY MAP**





## Grand Junction City Council

### Regular Session

Item #4.d.

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**Meeting Date:** January 15, 2020

**Presented By:** Tamra Allen, Community Development Director

**Department:** Public Works - Engineering

**Submitted By:** Trent Prall, Public Works Director

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### **Information**

#### **SUBJECT:**

Resolution Authorizing the City Manager to Submit a Grant Application for CDOT's Highway Safety Improvement Program for the Horizon Drive at G Road and 27 ½ Road Intersection Improvement Project

#### **RECOMMENDATION:**

Authorize the City Manager to submit an application for the Horizon Drive at G Road and 27 1/2 Road Intersection Improvement Project in response to the Colorado Department of Transportation's (CDOT) call for projects for the Highway Safety Improvement Program (HSIP).

#### **EXECUTIVE SUMMARY:**

The Highway Safety Improvement Program is a federal funding program administered by the Colorado Department of Transportation. Applications for funding are due January 31, 2020.

City staff recommends the \$4.0 million Horizon Drive at G Road and 27 1/2 Road Intersection Improvement Project as the selected project. The proposed roundabout will improve safety at the intersection while also adding capacity.

#### **BACKGROUND OR DETAILED INFORMATION:**

##### **Grant background:**

The Highway Safety Improvement Program (HSIP) is a core federal-aid program to States for the purpose of achieving a significant reduction in fatalities and serious



injuries on all public roads. The program provides federal funds (90% federal, 10% state/local) for projects that improve highway safety at locations where there is potential for crash reduction. The criteria in evaluating applications is the crash history and the cost of the entire project. Safety improvements along all public roadways, including non-State owned roads within a local community are eligible for HSIP funding.

Only candidate projects that have a potential for crash reduction will be considered for funding prioritization. Projects are evaluated based on modeling of past safety performance and crash patterns that would be corrected with a particular improvement.

**Selected project:**

Preliminary evaluations of accident history and modeling of the proposed safety improvements of the proposed roundabout at Horizon at G Road and 27 1/2 Road intersection identify this improvement as a strong project meeting the grant's goals.

The project will compete statewide for a share of at least \$15 million. CDOT requires that all work be advertised for bids by June of 2023 which coincides with the Ballot Initiative 2A's schedule for this project.

Project sponsors must commit to a 10% match.

The project was identified in the corridor planning efforts completed in 2012 and is included in the Horizon Drive Business Improvement District's Horizon Drive Corridor Plan.

The project is proposed for design and securing right-of-way in 2021 with construction in 2022.

**FISCAL IMPACT:**

The Highway Safety Improvement Program (HSIP) requires a 10% match.

The project is estimated at \$4.0 million which includes \$500,000 for design and right-of-way acquisition which will be separated from the total grant request. The request will be for construction only to simplify contract administration with CDOT. Removing the design and right-of-way acquisition the project scoped for this grant application is \$3.5 million. Requested funding is for \$3.15 million. This represents a 10% match.

The project is included in the City's proposed 2022 Capital Improvement Program.

Awards are anticipated by Summer 2020.



**SUGGESTED MOTION:**

I move to (adopt/deny) Resolution No. 04-20, a resolution supporting the grant application for Highway Safety Improvement Program (HSIP) funds for the Horizon Drive at G Road and 27 1/2 Road Intersection Improvement Project.

**Attachments**

1. Horizon Dr HSIP Exhibits
2. RES- Horizon Dr at G Rd HSIP Resolution 20200115 js



**HORIZON DRIVE**  
**District**  
*Gateway to Grand Junction®*

**Horizon Drive Business Improvement District  
Corridor Plan G Road to I-70**



G Road

Country Club

DoubleTree

Aztec

Enzo's

Alpine Bank

Applebees

Rodeway Inn

Shell

Quality Inn

Enzo's

Vacant

Vacant

Mesa Inn

Days Inn

Days Inn

Travelodge

Loco

Super 8

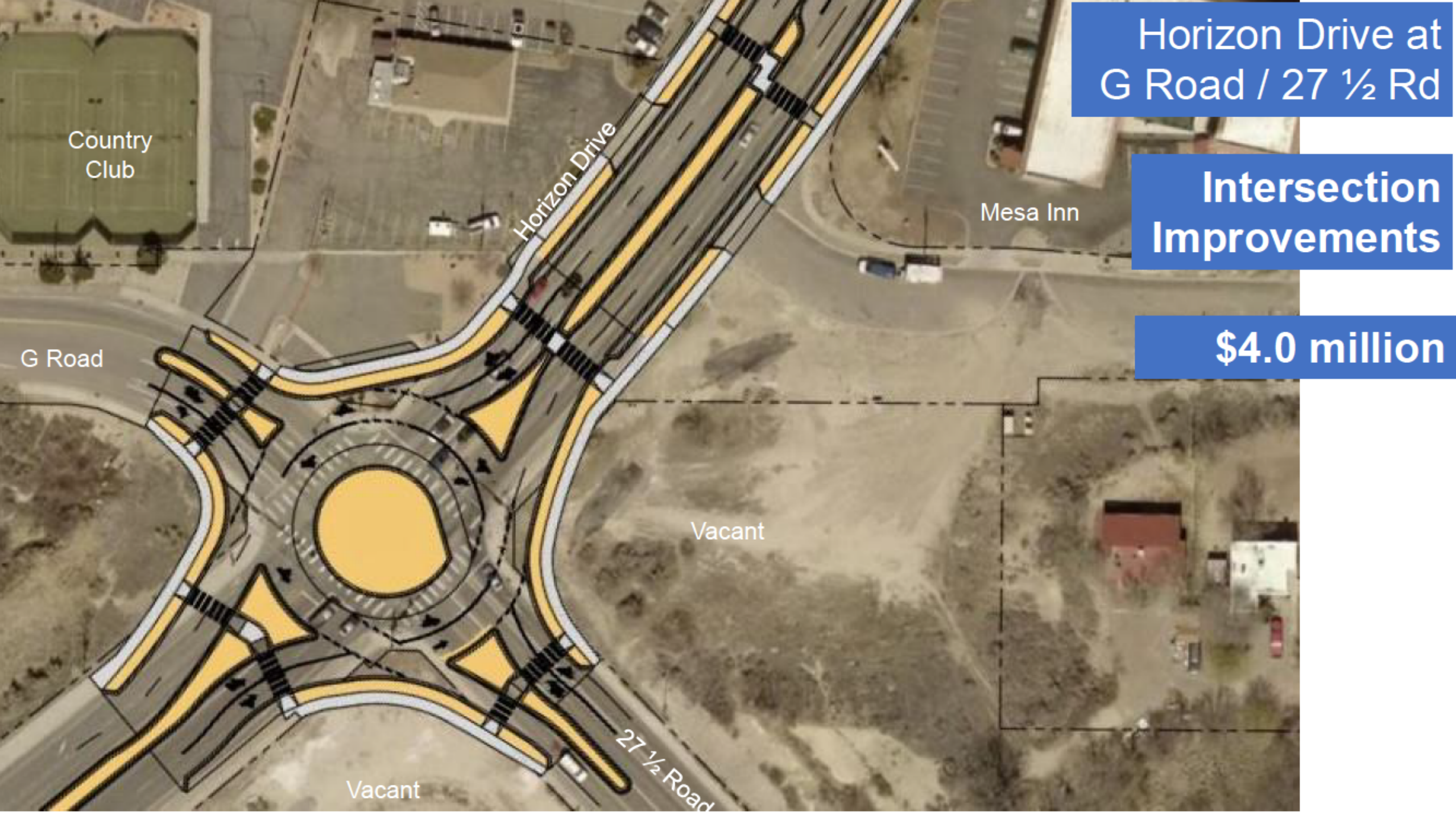
Taco Bell

27 1/2 Road

Horizon Drive at  
G Road / 27 1/2 Rd

I-70





Horizon Drive at  
G Road / 27 ½ Rd

**Intersection  
Improvements**

**\$4.0 million**

Country  
Club

Horizon Drive

Mesa Inn

G Road

Vacant

Vacant

27 ½ Road



**CITY OF GRAND JUNCTION, COLORADO**

**Resolution No. \_\_-20**

**A RESOLUTION AUTHORIZING AND SUPPORTING THE GRANT APPLICATION FOR  
HIGHWAY SAFETY IMPROVEMENT PROGRAM (HSIP) FUNDS FOR THE  
HORIZON DRIVE, G ROAD AND 27½ ROAD INTERSECTION IMPROVEMENT PROJECT**

The City Council of the City of Grand Junction, Colorado resolves that:

The City, by, with and through this Resolution supports and authorizes application to the Colorado Department of Transportation's (CDOT) Highway Safety Improvement Program (HSIP) Fund for the Horizon Drive, G Road and 27½ Road Intersection Improvement Project ("Project.") The intersection has an accident history that would be significantly reduced with funding and construction of the Project.

The HSIP is a core federal-aid program to States for the purpose of achieving a significant reduction in fatalities and serious injuries on all public roads. The HSIP provides federal funds (90% federal, 10% state/local) for projects that improve highway safety at locations where there is potential for crash reduction. The criteria in evaluating HSIP applications is the crash history including rates, types of crashes, and severity; reduction in crash rates and severity if the project was constructed, and the cost of the entire project. Safety improvements along all public roadways, including non-State owned roads within a local community are eligible for HSIP funding.

CDOT's statewide allocation for state fiscal year (FY) 2023 (July 2022 to June 2023) is \$15.0 million. A call for projects has been issued.

In accordance with the grant purposes, the City Public Works Department proposes to construct a two lane roundabout at the intersection of Horizon Drive, G Road and 27½ Road together with bike/pedestrian facilities and street lighting improvements.

The Project is anticipated to start construction in 2022 with completion in 2023.

The construction cost estimate is \$3.5 million. City staff is seeking HSIP funding in the amount of \$3.15 million. The City will match \$350 thousand or 10% of the construction portion of the Project.

The Grand Junction City Council supports and authorizes the expenditure of funds necessary to meet the terms and obligations, including established deadlines, of any HSIP grant(s) awarded for the Project. If a grant is awarded, the City Council hereby authorizes the City Manager to sign the CDOT/HSIP grant agreement for the Project. The City staff recommends that the City Council support the grant application and if awarded that the grant be utilized for the Project.

PASSED and ADOPTED this 15th day of January 2020.

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Rick Taggart  
President of the Council

ATTEST:

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Wanda Winkelmann  
City Clerk



## Grand Junction City Council

### Regular Session

Item #4.e.

---

**Meeting Date:** January 15, 2020

**Presented By:** Greg Caton, City Manager

**Department:** City Manager's Office

**Submitted By:** Greg LeBlanc

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### **Information**

#### **SUBJECT:**

Resolution Adopting the City of Grand Junction 2020 Legislative Agenda

#### **RECOMMENDATION:**

Staff recommends adoption of the resolution.

#### **EXECUTIVE SUMMARY:**

The purpose of this item is for City Council to consider the 2020 Legislative Agenda.

#### **BACKGROUND OR DETAILED INFORMATION:**

The City of Grand Junction plays an active role in monitoring legislation that has an impact on the local level. As is standard, the City develops a Legislative Agenda prior to the start of the State legislative session. The 2020 Legislative Agenda identifies recommended legislative priorities of the City in the upcoming state legislative session and aids in guiding the City's lobbying activities. The Legislative Agenda is developed in advance of the start of the session in order to respond quickly to legislation that may move quickly. It also aids the City while working with the Colorado Municipal League (CML) and other policy advocates.

Due to the unknown nature of bills introduced in the State Legislature, it is important that the Legislative Agenda remain flexible. General concepts and direction are provided for discussion and more specific information can be provided after bills are officially introduced. The issues discussed in this agenda are based on the needs of the City and anticipated legislation for 2020.

Information and updates on tracked legislation is reported regularly throughout the session. Although the City focuses on local issues and generally not at the national level, some national topics do occasionally require the City's attention. As such, these kinds of topics and controversial topics are brought to City Council for discussion. The 2020 Legislative Agenda is attached.

**Council Policy and Legislative Monitoring** – It is recommended that City Council adopt a resolution to establish protocols for its legislative priorities. For state legislative efforts, the Council currently uses staff and designates a Councilmember as Council Liaison to legislative and policy groups. These guidelines serve as a policy direction for those representing the City.

The City Council legislative liaison will work closely with Sr. Assistant to the City Manager Greg LeBlanc throughout the legislative session to address the variety of issues and bills that will arise. The legislative efforts of the Council Liaison or City staff will be coordinated with the Colorado Municipal League and legislative calendar.

**Colorado Municipal League** – Council's intergovernmental liaison will work closely with the Colorado Municipal League regarding state legislative issues for a stronger Colorado. CML produces a policy statement for each legislative session which directs the CML Executive Board, committees, and advocacy teams during the legislative session, and will guide the League in its lobbying efforts on behalf of all cities and towns in the state. The City enjoys a positive working relationship with CML, an organization that frequently looks to Grand Junction for its leadership role as the largest city on the Western Slope.

**The 72nd General Assembly Calendar & Process** – Regular sessions of the Legislature begin no later than the second Wednesday in January and last no more than 120 days. Special sessions may be called at any time by the Governor or upon written request of two-thirds of the members of each house. Several committees, including some ongoing, statutory year-round committees, meet during the interim months of May through December. The Second Regular Session of the 72nd General Assembly will convene on Wednesday, January 8, 2020. The legislative schedule and updates on legislative activity will be provided periodically throughout the session.

In order to meet strict deadlines, joint procedural rules of the two chambers require most legislation to be introduced early in the legislative session. These same rules also limit each legislator to introducing five bills per year and limit the ability of members to introduce new bills at constituent request once the legislative session has begun. Unless stated otherwise, bills adopted by the General Assembly take effect on July 1 following the legislative session. Bills without this "safety clause" are subject to referendum prior to taking effect.



**FISCAL IMPACT:**

N/A

**SUGGESTED MOTION:**

I move to adopt Resolution No. 06-20, a resolution concerning the 2020 Colorado General Assembly and the Legislative Policy Agenda of the City Council.

**Attachments**

1. 2020 Legislative Agenda
2. Resolution XX-20 - Legislative Policy

## 2020 Legislative Agenda

The following paragraphs provide the key elements of the 2020 Legislative Agenda. Although the legislative agenda should remain flexible due to the unknown nature of bills introduced in the State Legislature, the general concepts and direction are provided here. The City of Grand Junction will address Federal legislation on a case-by-case basis with priority given to items that directly affect City services not otherwise addressed by the State.

**Partnerships & Intergovernmental Relationships** – The City views partnership in its broadest sense and not only through the lens of delivering municipal services. Therefore, the City will focus on these areas:

Local Control – In order to consider local conditions and address local desires, community issues and needs should be addressed locally. State government interference can undermine home rule and local control. It is in the City's best interest to preserve its own local control on issues that affect its citizens and therefore, the City will endorse legislation that supports and sustains this principle and oppose legislation that conflicts with the autonomy of cities and towns.

Intergovernmental Cooperation – Citizens are best served when officials of all levels of government respect the roles of each entity and work toward common solutions. The City will support increased dialogue and cooperation among federal, state and local officials (including other municipalities, counties, special districts and school districts) and the development of cooperative intergovernmental solutions to common problems.

**Fiscal Responsibility** – Fiscal responsibility is paramount to City operations and the City must be as effective in identifying sources of revenues as it is in prioritizing spending.

Sales & Use Tax – The primary revenue sources for municipalities are local sales and use taxes. Sales and use taxes have enabled municipalities to fund public services and improvements and keep municipal property taxes relatively low. Appropriate actions at federal, state and local levels should preserve or enhance these local revenues. The City will support the retention of authority for all municipalities to set local tax rates and for home rule municipalities to collect their own taxes and determine their own tax base.

Property Tax & the Gallagher Amendment – Recent forecasts by legislative economists expect the residential assessment rate to fall again. In Western Colorado, where home values are growing more slowly than the along Front Range, homeowners will see the tax rate lower without a commensurate increase in property value. This will strain the budgets of local governments and special districts that rely on property taxes to provide public services. The City will support measures that help to bridge the property tax divide between the Front Range and the Western Slope.

**Public Safety** – Grand Junction is a stand-alone regional hub with urban challenges not common in other communities on the Western Slope of Colorado. Establishing public safety programs to meet current and anticipate future needs will require the City to partner with other agencies, analyze best practices, and evaluate current workloads. The City will support local control of local emergency services and involvement of the state as a resources to local governments in the areas of information, coordination, funding, and training. The City will also encourage measures that promote assistance programs that address the needs and contributing factors of homelessness.

**Fire and Police Pension Association (FPPA)** – The Fire and Police Pension Association of Colorado was established January 1, 1980 and administers a statewide multiple employer public employee retirement system providing defined benefit plan, money purchase plan, hybrid plan and death and disability coverage for Police Officers and Firefighters throughout the State of Colorado. On October 21, 2019, the Pension Review Commission met to consider draft legislation requested by a majority of the FPPA Board. After discussion of issues raised by the Colorado Municipal League (CML), as well as additional witness testimony, the committee voted 6-4 to pass the bill to the Legislative Council Committee, which is the next step toward introduction in the 2020 legislative session. It was clear from the committee discussion that there is bipartisan interest and some concern over the fiscal impacts of the employer contribution increases. The City will oppose any legislation mandating employer increase in contribution rate for FPPA.

**Planning & Infrastructure** – To ensure infrastructure is appropriately planned for and areas of new or expanded infrastructure is congruent with the areas that are planned for growth, city plans must be relevant and reflective of the community's vision and needs. The City will systematically utilize its fiscal resources to ensure existing infrastructure is adequately maintained and that planned revenues align with the maintenance and construction of existing and future infrastructure. Given the potential for significant growth in the community, the City will focus on planning for future infrastructure needs that can support quality of life, economic growth, and core municipal service delivery. The City will support measures that help to build and maintaining infrastructure which is key to both attracting businesses as well as attracting and retaining workforce talent.

**Transportation** – The ability to move around the community with relative ease is important to maintaining the overall quality of life of Grand Junction residents. The City will continue to support legislation that works towards solutions for improving the condition and capacity of our existing roadway network, which includes solutions for roadway expansion. Legislation that supports projects that expand the transportation system based on traffic models that project population growth, travel routes, and future impacts to the transportation network will be preferred.

**Economic Development** – The City will take proactive steps to help mitigate the effects of peaks and valleys in economic activity and will continue to outsource economic development activities through support of its economic development partners. The City will support efforts that promote economic development and any comprehensive efforts among state and local governments and the private sector for economic development.

**Fostering a Healthy Business Environment** – The City of Grand Junction is a founding member of the Colorado Smart Cities Alliance which represents a network of the public, private, and academic leaders driving smart cities' progress. The Alliance is responsible for partnership solutions and innovations from within Colorado's leading municipalities and drives Colorado's premier technology and research companies to focus on solving the smart city issues. The City will work with the Alliance to support legislation that furthers the development of new technologies that aid in business development, including access to broadband.



Resolution No. \_\_\_\_\_

A RESOLUTION CONCERNING THE 2020 COLORADO GENERAL ASSEMBLY AND THE  
LEGISLATIVE POLICY AGENDA OF THE CITY COUNCIL.

RECITALS:

The 2020 session of the Colorado General Assembly, convened on January 8th; the General Assembly considers and acts on a wide array of issues, many of which have or may have a direct and indirect effect on the City, its operations and the services delivered to the citizens.

With this Resolution the City Council sets, adopts and determines its priorities regarding anticipated State legislative matters and outlines which issues the City has an interest in involving itself. Furthermore, the City Council establishes a procedure for participation in those matters; participation which may include, but not be limited to writing letters, making calls, testifying or otherwise appropriately expressing the City's position relative to any hearing, bill or other matter before the General Assembly.

The City has a long and strong relationship with the Colorado Municipal League (CML) and 2020 is expected to be no different. The 2019-2020 CML Policy Statement is attached and incorporated by this reference as if fully set forth. While CML has an excellent perspective on what is important to municipalities, it represents 269 municipalities, many of which are on the Front Range and may have a different perspective on legislative/policy needs than others.

While the instances over many years have been few that CML's position is divergent from Grand Junction's, the City Council continues to rely on staff and a member of Council to monitor legislative and policy action during the General Assembly sessions. The 2020 session is no exception.

City Councilmember Anna Stout, who presently serves on the CML Policy Committee, shall be the designated Council Liaison and Assistant to the City Manager Greg LeBlanc is the designated staff member for the 2020 session. In addition to Mr. LeBlanc, the other professional City staff will be providing their expertise to evaluate actions proposed by, coming to or pending before the General Assembly in 2020.

NOW, THEREFORE, BE IT RESOLVED BY THE GRAND JUNCTION CITY COUNCIL THAT the City does hereby express its support for the CML 2019-2020 Policy Statement as guidance for the 2020 legislative policy of the Grand Junction City Council; and,

FURTHERMORE, be it resolved that the City Council does authorize and direct Councilmember Stout, with the assistance of City staff to work with CML in support of the policy agenda as the same is reflected in bills, resolutions and measures before the Colorado General Assembly during its 2020 session(s).

GRAND JUNCTION CITY COUNCIL

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Rick Taggart  
Mayor and President of the City Council

ATTEST:

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Wanda Winkelmann  
City Clerk



## Grand Junction City Council

### Regular Session

Item #5.a.

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**Meeting Date:** January 15, 2020

**Presented By:** John Shaver, City Attorney

**Department:** City Attorney

**Submitted By:** John Shaver

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### **Information**

#### **SUBJECT:**

Review and Approval of Amendments to the City of Grand Junction - Las Colonias Development Corporation (LCDC) Master Lease

#### **RECOMMENDATION:**

Staff recommends approval of the Master Lease amendments.

#### **EXECUTIVE SUMMARY:**

The City and the Las Colonias Development Corporation (LCDC) entered into a Master Lease and Development Agreement (Lease) for Las Colonias Business and Recreation Park in March of 2018. This action is a proposal and recommendation to amend the Lease.

#### **BACKGROUND OR DETAILED INFORMATION:**

The City and the Las Colonias Development Corporation (LCDC) entered into a Master Lease and Development Agreement for Las Colonias Business and Recreation Park in March of 2018. With that agreement the City leased property in the Las Colonias Park for a term of 25 years to the LCDC for the purpose of developing a recreation and business park on the terms and conditions in the lease. On November 5, 2019, City voters authorized the City to lease some City properties, including in Las Colonias Park, for a term of up to 99 years.

Approval of this resolution amends the term of the lease from the City to LCDC to 99 years.



Additional amendments to the lease are proposed to address some site plan review and application questions that have arisen regarding development of individual pad sites by Subtenants. Those amendments clarify some of the provisions governing land use approval and other interactions between and/or among the LCDC, the City, and Subtenant(s).

If approved, the amendments to the Master Lease will:

- a. increase the term of the Master Lease from 25 to 99 years;
- b. clarify the process for the LCDC to review, approve and recommend development plans;
- c. clarify that in the event of conflicts between any covenants, conditions and restrictions running with the land and the City's zoning and development requirements, regulations, and/or restrictions, the greater restriction shall control;
- d. clarify the process for certification of compliance for subleases;
- e. clarify the "campus" nature of the Business and Recreation Park and the application of zoning and development requirements to site plans for individual pad sites;
- f. and, clarify the right of the LCDC to amend covenants, conditions and restrictions running with the land.

**FISCAL IMPACT:**

There is no direct fiscal impact from approval of the recommended amendments.

**SUGGESTED MOTION:**

I move to adopt Resolution 05-20 amending the Master Lease by and between the City of Grand Junction and the Las Colonias Development Corporation.

**Attachments**

- 1. RES-FirstMasterLeaseAmend
- 2. Master Lease Amendment DRAFTjps

RESOLUTION No. \_\_-20

A RESOLUTION AMENDING THE CITY - LAS COLONIAS DEVELOPMENT  
CORPORATION MASTER LEASE FOR CERTAIN PROPERTY AT LAS COLONIAS  
PARK FOR THE PURPOSE OF FACILITATING THE DEVELOPMENT OF THE  
LAS COLONIAS BUSINESS PARK IN THE CITY OF GRAND JUNCTION,  
COLORADO.

RECITALS:

In November 2017 with adoption of Resolution 69-17 the City Council authorized and approved actions furthering the development of 15 acres of the Las Colonias property known as the Las Colonias Business Park. The redevelopment was anticipated to occur pursuant to a 25-year Master Lease from the City to the Las Colonias Development Corporation (LCDC).

In November 2019 City voters approved an amendment to the City Charter which allowed the City to lease certain property, including the Las Colonias Business Park, for a term of up to 99 years.

The LCDC has subleased two of the developable sites and otherwise assisted in the management and development of the project. Through that effort certain sections of the Master Lease have been identified for amendment. With the proposed amendments the Master Lease and its relationship with the development projects will be enhanced, all as more particularly described in the First Amendment to the Master Lease.

The City Council, by and with an action of its members, and the signature of its President, does with this Resolution authorize, adopt and direct the *First Amendment to Master Lease and Development Agreement for Las Colonias Business and Recreation Park* in the form attached to this Resolution.

DATED this 15<sup>th</sup> day of January 2020.

---

J. Merrick Taggart  
Mayor and President of the City Council  
City of Grand Junction, Colorado

Attest:

---

Wanda Winkelmann  
City Clerk

**FIRST AMENDMENT TO MASTER LEASE AND DEVELOPMENT AGREEMENT  
FOR LAS COLONIAS BUSINESS AND RECREATION PARK**

THIS FIRST AMENDMENT TO MASTER LEASE AND DEVELOPMENT AGREEMENT FOR LAS COLONIAS BUSINESS AND RECREATION PARK ("Lease Amendment") is made and entered into this \_\_\_\_ day January 2020 by and between the City of Grand Junction, a Colorado home rule municipal corporation ("the City"), and the Las Colonias Development Corporation, a Colorado nonprofit corporation ("LCDC") collectively "Parties."

**RECITALS**

- A. The City and the LCDC entered into that certain Master Lease and Development Agreement for Las Colonias Business and Recreation Park ("Master Lease") on or about March 22, 2018 in which the City leased certain premises described therein (the Premises) for a term of 25 years to the LCDC for the purpose of developing a recreation and business park on such premises upon the terms and conditions described therein.
- B. On November 5, 2019, the voters of the City of Grand Junction authorized the City to lease Las Colonias properties, including the Premises, for a term of up to 99 years.
- C. After some experience with site plan review and application of the various standards for development of individual pad sites by Subtenants, the Parties desire to clarify some of the provisions governing land use approval and other interactions between and/or among the LCDC, the City, and Subtenant(s).
- D. The Parties choose to amend the Master Lease for the following purposes:
  - a. to increase the term of the Master Lease from 25 to 99 years;
  - b. to clarify the process for the LCDC to review, approve and recommend development plans;
  - c. to clarify that in the event of conflicts between any covenants, conditions and restrictions running with the land and the City's zoning and development requirements, regulations, and/or restrictions, the greater restriction shall control;
  - d. to clarify the process for certification of compliance for subleases;
  - e. to clarify the "campus" nature of the Business and Recreation Park and the application of zoning and development requirements to site plans for individual pad sites; and,
  - f. to clarify the right of the LCDC to amend covenants, conditions and restrictions running with the land.



WHEREFORE, the Parties amend the Master Lease to replace certain terms thereof as follows. Terms of the Master Lease not expressly included below shall remain in full force and effect and unmodified hereby.

### 1.03 TRANSFER OF DECLARANT RIGHTS

The City's grant and transfer to the LCDC of its rights to establish protective covenants that run with the land for the Term of the Master Lease shall include the right to amend such covenants subject to acknowledgement in writing by the City.

### 3.05 LCDC AND CITY REVIEW OF SITE PLANS

Subtenants of the LCDC shall submit site plans ("Application" or "Applications") directly to the City's Community Development Department ("City Planning"). The LCDC's certification to the City pursuant to Section 10.03 herein shall constitute sufficient verification that a Subtenant has authority to submit an Application for development of a given pad site to the City's Community Development Department. No other action shall be required of the LCDC with respect to site plan review; however, the LCDC shall be considered an "outside review agency" for purposes of the City's site plan review process, and the City planner shall provide application materials and comments to the LCDC and receive comments on the Application(s) from the LCDC. The LCDC may, but shall not be obligated to, provide comments on an Application(s).

It shall be the responsibility of the City, and not the LCDC, to interpret and apply all City planning, zoning and building requirements, regulations and restrictions ("City Code") to an Application(s) and to determine whether there are any conflicts between City Code and any covenants, conditions and restrictions running with the land and how, if at all, such conflicts will be resolved.

In reviewing an Application(s), City Planning shall consider the landscaping, parking, access, and other amenities in the Business and Recreation Park as a whole, and in relation to a pad site Application(s). The purpose of the Business and Recreation Park, and the campus nature thereof, is to provide features throughout the Park that can be used by and for the benefit of all the pad sites, and accordingly each pad site Application(s) does not need to meet all the City's zoning and development requirements as a stand-alone site. The determination of the sufficiency of an Application(s) shall be made by the City in its sole discretion.

### 4.01 TERM

The Term of the Master Lease shall be 99 years commencing March 22, 2018, ("Commencement Date") and expiring at noon on the date which is 99 years thereafter ("Expiration Date.")

6.09 RESTRICTIONS ON ALTERATION AND REUSE

D. DELETED. (This subsection now governed by Section 3.05).

10.03 CERTIFICATION OF COMPLIANCE

Promptly upon entering into a Sublease with a Subtenant, the LCDC shall certify in writing to the City that all of the conditions of 10.02 have been met, and the City shall promptly, in writing, acknowledge the certification to the LCDC.

ALL OTHER provisions of the Master Lease not included and modified above shall remain in full force and effect.

ENTERED INTO effective the day and year first set forth above.

LAS COLONIAS DEVELOPMENT CORPORATION

By: \_\_\_\_\_

Robin Brown  
President of the LCDC Board of Directors

CITY OF GRAND JUNCTION

APPROVED AS TO FORM:

By: \_\_\_\_\_

J. Merrick Taggart  
President of the City Council

John Shaver  
City Attorney

ATTEST:

\_\_\_\_\_

Wanda Winkelmann  
City Clerk



## Grand Junction City Council

### Regular Session

Item #6.a.i.

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**Meeting Date:** January 15, 2020

**Presented By:** Brandon Stam, DDA Executive Director

**Department:** Downtown Development Authority

**Submitted By:** Brandon Stam

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### **Information**

#### **SUBJECT:**

Ordinances Expanding the Boundaries for the Downtown Grand Junction Business Improvement District to Include Properties Known as 701 Main Street, 805 Struthers Avenue and 330 South 2nd Street into the Boundaries of the Business Improvement District and an Ordinance Expanding the Boundaries for the Grand Junction, Colorado Downtown Development Authority to Include Properties Known as 805 Struthers and 330 South 2nd Street into the Boundaries of the Downtown Development Authority

#### **RECOMMENDATION:**

Staff recommends adoption of the ordinances.

#### **EXECUTIVE SUMMARY:**

The purpose of this item is to expand the boundaries of the Downtown Grand Junction Business Improvement District (BID) and the Downtown Development Authority (DDA).

#### **BACKGROUND OR DETAILED INFORMATION:**

In order to receive the benefits of the DDA and BID, a property must be part of both special districts. Property owners pay a mill levy (5 mills) to the DDA and a special assessment for the BID. It is a function of the DDA and BID Board of Directors to approve requests for inclusion along with the City Council.

Petitions have been submitted requesting inclusion into the BID for properties located at 701 Main Street, 805 Struthers, and 330 South 2nd Street. Additionally, the property owners of 805 Struthers and 330 South 2nd Street are requesting inclusion into the boundaries of the DDA.



The DDA and BID Board of Directors have approved these requests.

**FISCAL IMPACT:**

When properties are included in the Downtown Development Authority, they are also included in a Tax Increment Financing (TIF) District. Property tax and sales tax above the base (existing taxes when included) are considered the increment and are diverted from the City as revenue to the Downtown Development Authority.

At this time it would be difficult to project amount of increment taxes that would be diverted, because it will be dependent on increases in property values and/or sales tax for the properties above.

**SUGGESTED MOTION:**

I move (adopt/deny) Ordinance No. 4896, an ordinance expanding the boundaries for the Downtown Grand Junction Business Improvement District to include properties known as 701 Main Street,

I move to (adopt/deny) Ordinance No. 4897, an ordinance expanding the boundaries for the Downtown Grand Junction Business Improvement District to include properties known as 805 Struthers,

I move (adopt/deny) Ordinance No. 4898, an ordinance expanding the boundaries for the Downtown Grand Junction Business Improvement District to include properties known as 330 South 2nd Street

I move to (adopt/deny) Ordinance No. 4899, an ordinance expanding the boundaries for the Grand Junction, Colorado Downtown Development Authority to include properties known as 805 Struthers Avenue and 330 South 2nd Street on final passage and order final publication in pamphlet form.

**Attachments**

1. BID Inclusion Packet for City Council - Petition 701 Main Street
2. BID Inclusion Packet for City Council - Map 701 Main Street
3. BID Inclusion Packet for City Council - Ordinance 701 Main Street
4. BID Inclusion Packet for City Council - Petition 330 South 2nd Street
5. BID Inclusion Packet for City Council - Map 330 South 2nd Street
6. BID Inclusion Packet for City Council - Ordinance 330 South 2nd Street
7. BID Inclusion Packet for City Council - Petition 805 Struthers
8. BID Inclusion Packet for City Council - Ordinance 805 Struthers
9. BID Inclusion Packet for City Council - Map 805 Struthers
10. DDA Inclusion Packet for City Council - Ordinance

## 11. DDA Inclusion Packet for City Council - Supporting Documents

**VERIFIED PETITION FOR INCLUSION OF PROPERTY  
INTO THE  
DOWNTOWN GRAND JUNCTION BUSINESS IMPROVEMENT DISTRICT**

TO: City Council, City of Grand Junction, Colorado

The undersigned Petitioner, Cabaret LLC c/o Robert Hanson, own, as tenants in common, the following described property located within the boundaries of the City of Grand Junction, in the County of Mesa, Colorado:

**LOTS 9 & 10 BLK 115 CITY OF GRAND JUNCTION SEC 14 1S 1W**

(the "Property"). The address of the Property is **701 Main Street**.

The Petitioners hereby respectfully petition the City Council of the City of Grand Junction, Colorado pursuant to Section 31-25-1220, C.R.S. for the inclusion of the Property into the Downtown Grand Junction Business Improvement District ("the District").

The Petitioners hereby request that the Property be included in the District and that an Ordinance be adopted by the City Council including the Property into the District, and that a certified copy of said Ordinance be recorded with the Mesa County Clerk and Recorder on or about the effective date of said Ordinance, and that from and after the recording of the certified copy of the Ordinance, the Property shall be subject to the levy of taxes for payment of its proportionate share of any indebtedness of the District outstanding at the time of inclusion and liable for assessments for any obligations of the District.

The Petitioners hereby represent to the City Council and verify that they are the owners of the Property described above and that no other persons, entity or entities own an interest therein except as holders of encumbrances.

Acceptance of this Petition shall be deemed to have occurred at the time when the City Council sets the date (by publication of notice thereof) for the public hearing for consideration of the Petition.

In accordance with Section 31-25-1220(1), C.R.S., this Petition is accompanied by a deposit of monies sufficient to pay all costs of the inclusion proceedings.



**PETITIONERS:**

**CABARET LLC c/o ROBERT HANSON**

*Robert Hanson*  
Address: 2072 Stagecoach CT, GRAND JUNCTION, CO 81507

STATE OF COLORADO)

) ss.

COUNTY OF MESA)

The foregoing instrument was acknowledged and sworn to before me this 24<sup>th</sup> day of

September, 2019 by Cabaret LLC c/o Robert Hanson.

Witness my hand and official seal.

My commission expires: April 14, 2020

*Richard Medina*

Notary Public

RICHARD MEDINA  
NOTARY PUBLIC  
STATE OF COLORADO  
NOTARY ID 20164014580  
MY COMMISSION EXPIRES APRIL 14, 2020

Cabarat LLC, c/o Robert Hansen

*Robert Hansen*  
Address: 2072 Stagecoach CT, GRAND JUNCTION, CO 81507

STATE OF COLORADO)

) ss.

COUNTY OF MESA)

The foregoing instrument was acknowledged and sworn to before me this 24<sup>th</sup> day of

September, 2019, by Cabaret LLC, c/o Robert Hanson

Witness my hand and official seal.

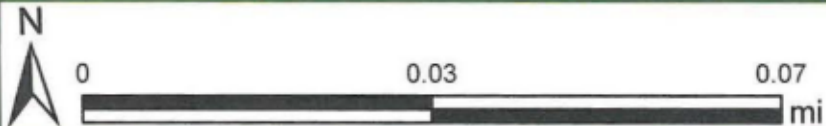
My commission expires: April 14, 2020

*Richard Medina*

Notary Public

RICHARD MEDINA  
NOTARY PUBLIC  
STATE OF COLORADO  
NOTARY ID 20164014580  
MY COMMISSION EXPIRES APRIL 14, 2020

# 701 Main-BID Inclusion



Printed: 9/19/2019  
1 inch equals 94 feet  
Scale: 1:1,128



## **ORDINANCE NO.**

### **AN ORDINANCE EXPANDING THE BOUNDARIES OF AND INCLUDING PROPERTY LOCATED AT 701 MAIN STREET INTO THE DOWNTOWN GRAND JUNCTION BUSINESS IMPROVEMENT DISTRICT**

#### **Recitals:**

The Downtown Grand Junction Business Improvement District (District) was formed by the Grand Junction City Council by Ordinance No. 3815 on August 17, 2005 in accordance with the Business Improvement District Act, Part 12 of Article 25 of Title 31 of the Colorado Revised Statutes (the Act). The District's term was extended from ten to twenty years by Ordinance No. 4651 on December 17, 2014.

The District consists of taxable real property that is not classified for property tax purposes as either residential or agricultural (together with the improvements thereon). It was formed to provide resources to promote business activity and improve the economic vitality and overall commercial appeal of the Downtown area. Since its inception the District has operated in compliance with the Act.

Cabaret LLC c/o Rob Hanson own real property in the Downtown area located at 701 Main Street which they seek to have included into the boundaries of the District. Cabaret LLC c/o Rob Hanson have submitted a Verified Petition for Inclusion of Property into the Downtown Grand Junction Business Improvement District (Petition).

The District's Board of Directors supports inclusion of the Property and finds that the rights, contracts, obligations, liens and charges of the District will not be impaired by the expansion of its boundaries to include the Property, and believes that the District will benefit from the inclusion.

Notice was posted in accordance with C.R.S. §31-25-1220 informing all persons having objection to appear at the time and place stated in the notice and show cause why the petition should not be granted.

#### **The City Council finds that:**

- The Petitioner owns the Property requested to be included;
- The Petition is sufficient;
- The Property is not classified for property tax purposes as either agricultural or residential;
- The District will not be adversely affected by the inclusion of the Property;
- The failure of persons to appear and show cause against inclusion of the Property into the boundaries of the District is deemed to be assent on their part to the inclusion;
- No cause has been shown that the Property should not be included;



- Expansion of the boundaries of the District to include the Property furthers the goals and policies of the Comprehensive Plan and the Economic Development Plan and serves the interests of the District and the community.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO:**

The following real property together with improvements thereon shall be included in the Downtown Grand Junction Business Improvement District:

**LOTS 9 & 10 BLK 115 CITY OF GRAND JUNCTION SEC 14 1S 1W**

**Address: 701 Main Street, Grand Junction, Colorado 81501**

**Parcel Number: 2945-144-20-014**

The City Clerk is directed to file a certified copy of this Ordinance with the Mesa County Clerk and Recorder.

Said property shall thereafter be subject to the levy of taxes for the payment of its proportionate share of any indebtedness of the district outstanding at the time of inclusion.

Introduced on first reading this \_\_\_\_ day of \_\_\_\_, 2019 and ordered published in pamphlet form.

Adopted on second reading this \_\_\_\_ day of \_\_\_\_, 2019 and ordered published in pamphlet form.

\_\_\_\_\_  
President of the City Council

ATTEST:

\_\_\_\_\_  
City Clerk

**VERIFIED PETITION FOR INCLUSION OF PROPERTY  
INTO THE  
DOWNTOWN GRAND JUNCTION BUSINESS IMPROVEMENT DISTRICT**

TO: City Council, City of Grand Junction, Colorado

The undersigned Petitioner, M&R Holdings LLC, own, as tenants in common, the following described property located within the boundaries of the City of Grand Junction, in the County of Mesa, Colorado:

**N 41FT8IN OF S 62.5FT OF LOTS 28 THRU 32 INCL BLK 142 CITY OF GRAND JUNCTION PART OF SECOND DIVISION RESURVEY AS AMENDED SEC 14 1S 1W UM RECD 1/22/1909 RECPT NO 80773 MESA CO RECDS**

(the "Property"). The address of the Property is 330 S 2<sup>nd</sup> Street.

The Petitioners hereby respectfully petition the City Council of the City of Grand Junction, Colorado pursuant to Section 31-25-1220, C.R.S. for the inclusion of the Property into the Downtown Grand Junction Business Improvement District ("the District").

The Petitioners hereby request that the Property be included in the District and that an Ordinance be adopted by the City Council including the Property into the District, and that a certified copy of said Ordinance be recorded with the Mesa County Clerk and Recorder on or about the effective date of said Ordinance, and that from and after the recording of the certified copy of the Ordinance, the Property shall be subject to the levy of taxes for payment of its proportionate share of any indebtedness of the District outstanding at the time of inclusion and liable for assessments for any obligations of the District.

The Petitioners hereby represent to the City Council and verify that they are the owners of the Property described above and that no other persons, entity or entities own an interest therein except as holders of encumbrances.

Acceptance of this Petition shall be deemed to have occurred at the time when the City Council sets the date (by publication of notice thereof) for the public hearing for consideration of the Petition.

In accordance with Section 31-25-1220(1), C.R.S., this Petition is accompanied by a deposit of monies sufficient to pay all costs of the inclusion proceedings.

**PETITIONERS:**

**M&R HOLDINGS LLC**

*Jeff T. Reid*  
Address: 2658 Dahila CT, GRAND JUNCTION, CO 81506

STATE OF COLORADO)

) ss.

COUNTY OF MESA)

The foregoing instrument was acknowledged and sworn to before me this 2<sup>nd</sup> day of

October, 2019 by M&R Holdings LLC.

Witness my hand and official seal.

My commission expires: April 14, 2020

*Rich.*  
Notary Public

**RICHARD MEDINA**  
**NOTARY PUBLIC**  
**STATE OF COLORADO**  
**NOTARY ID 20164014560**  
**MY COMMISSION EXPIRES APRIL 14, 2020**

**M&R Holdings LLC**

*Jay E. McIntosh*  
Address: 2658 Dahila CT, GRAND JUNCTION, CO 81506

STATE OF COLORADO)

) ss.

COUNTY OF MESA)

The foregoing instrument was acknowledged and sworn to before me this 2<sup>nd</sup> day of

October, 2019, by M&R Holdings LLC

Witness my hand and official seal.

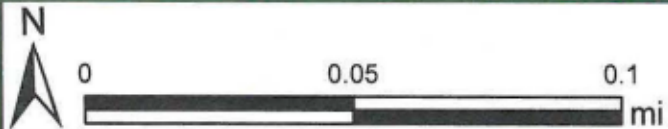
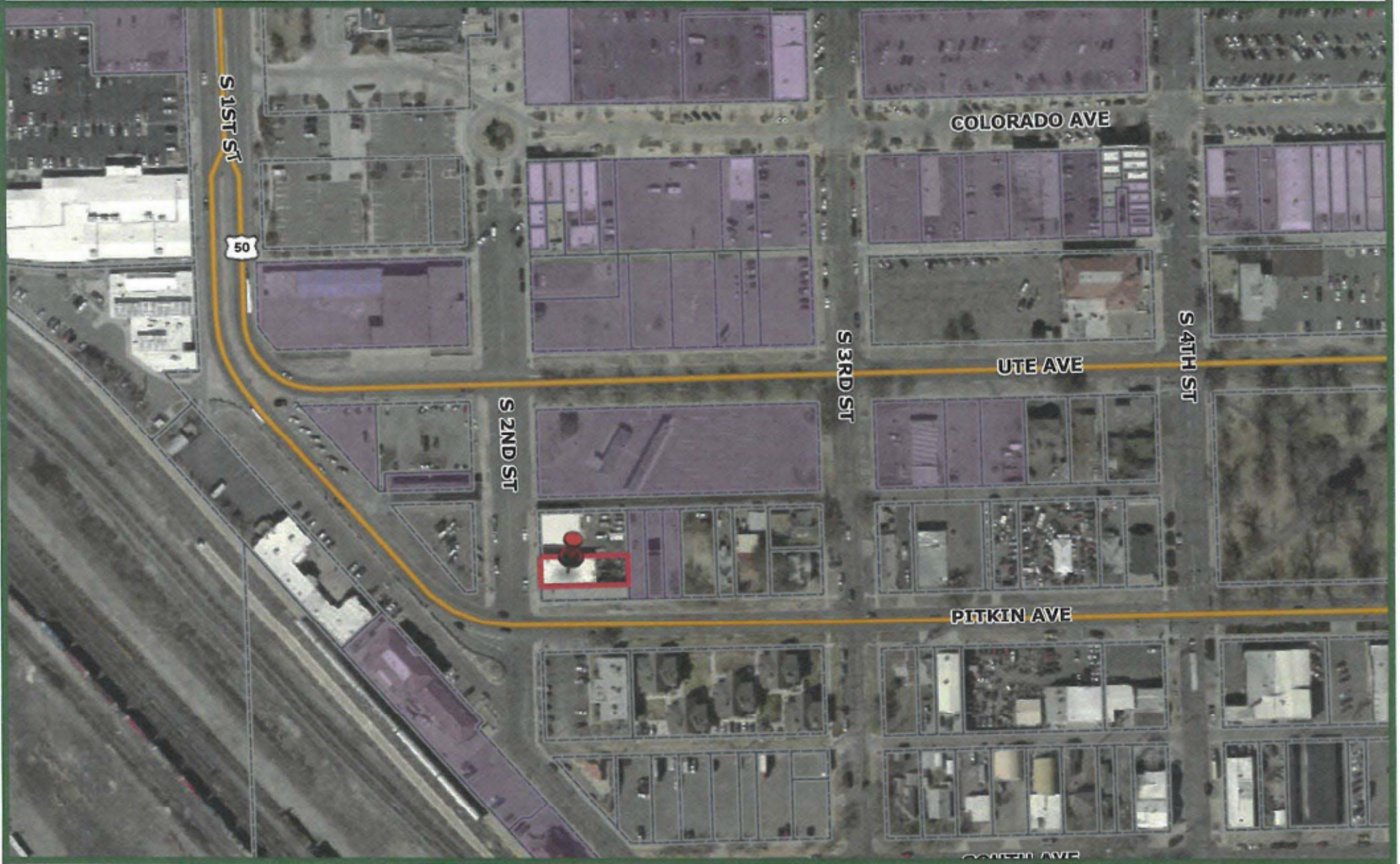
My commission expires: April 14, 2020

*Rich.*  
Notary Public

**RICHARD MEDINA**  
**NOTARY PUBLIC**  
**STATE OF COLORADO**  
**NOTARY ID 20164014560**  
**MY COMMISSION EXPIRES APRIL 14, 2020**



# 330 S. 2nd Street-BID Inclusion



Printed: 9/19/2019  
1 inch equals 188 feet  
Scale: 1:2,257



## **ORDINANCE NO.**

### **AN ORDINANCE EXPANDING THE BOUNDARIES OF AND INCLUDING PROPERTY LOCATED AT 330 SOUTH 2ND STREET INTO THE DOWNTOWN GRAND JUNCTION BUSINESS IMPROVEMENT DISTRICT**

#### **Recitals:**

The Downtown Grand Junction Business Improvement District (District) was formed by the Grand Junction City Council by Ordinance No. 3815 on August 17, 2005 in accordance with the Business Improvement District Act, Part 12 of Article 25 of Title 31 of the Colorado Revised Statutes (the Act). The District's term was extended from ten to twenty years by Ordinance No. 4651 on December 17, 2014.

The District consists of taxable real property that is not classified for property tax purposes as either residential or agricultural (together with the improvements thereon). It was formed to provide resources to promote business activity and improve the economic vitality and overall commercial appeal of the Downtown area. Since its inception the District has operated in compliance with the Act.

M&R Holdings LLC own real property in the Downtown area located at 701 Main Street which they seek to have included into the boundaries of the District. M&R Holdings LLC have submitted a Verified Petition for Inclusion of Property into the Downtown Grand Junction Business Improvement District (Petition).

The District's Board of Directors supports inclusion of the Property and finds that the rights, contracts, obligations, liens and charges of the District will not be impaired by the expansion of its boundaries to include the Property, and believes that the District will benefit from the inclusion.

Notice was posted in accordance with C.R.S. §31-25-1220 informing all persons having objection to appear at the time and place stated in the notice and show cause why the petition should not be granted.

#### **The City Council finds that:**

- The Petitioner owns the Property requested to be included;
- The Petition is sufficient;
- The Property is not classified for property tax purposes as either agricultural or residential;
- The District will not be adversely affected by the inclusion of the Property;
- The failure of persons to appear and show cause against inclusion of the Property into the boundaries of the District is deemed to be assent on their part to the inclusion;
- No cause has been shown that the Property should not be included;

- Expansion of the boundaries of the District to include the Property furthers the goals and policies of the Comprehensive Plan and the Economic Development Plan and serves the interests of the District and the community.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO:**

The following real property together with improvements thereon shall be included in the Downtown Grand Junction Business Improvement District:

**N 41FT8IN OF S 62.5FT OF LOTS 28 THRU 32 INCL BLK 142 CITY OF GRAND JUNCTION  
PART OF SECOND DIVISION RESURVEY AS AMENDED SEC 14 1S 1W UM RECD  
1/22/1909 RECPT NO 80773 MESA CO RECDS**

**Address: 330 S. 2<sup>nd</sup> Street, Grand Junction, Colorado 81501**

**Parcel Number: 2945-143-35-010**

The City Clerk is directed to file a certified copy of this Ordinance with the Mesa County Clerk and Recorder.

Said property shall thereafter be subject to the levy of taxes for the payment of its proportionate share of any indebtedness of the district outstanding at the time of inclusion.

Introduced on first reading this \_\_\_\_ day of \_\_\_\_, 2019 and ordered published in pamphlet form.

Adopted on second reading this \_\_\_\_ day of \_\_\_\_, 2019 and ordered published in pamphlet form.

\_\_\_\_\_  
President of the City Council

ATTEST:

\_\_\_\_\_  
City Clerk



**VERIFIED PETITION FOR INCLUSION OF PROPERTY  
INTO THE  
DOWNTOWN GRAND JUNCTION BUSINESS IMPROVEMENT DISTRICT**

TO: City Council, City of Grand Junction, Colorado

The undersigned Petitioner, Cabaret LLC c/o Robert Hanson, own, as tenants in common, the following described property located within the boundaries of the City of Grand Junction, in the County of Mesa, Colorado:

**LOTS 9 & 10 BLK 115 CITY OF GRAND JUNCTION SEC 14 1S 1W**

(the "Property"). The address of the Property is **701 Main Street**.

The Petitioners hereby respectfully petition the City Council of the City of Grand Junction, Colorado pursuant to Section 31-25-1220, C.R.S. for the inclusion of the Property into the Downtown Grand Junction Business Improvement District ("the District").

The Petitioners hereby request that the Property be included in the District and that an Ordinance be adopted by the City Council including the Property into the District, and that a certified copy of said Ordinance be recorded with the Mesa County Clerk and Recorder on or about the effective date of said Ordinance, and that from and after the recording of the certified copy of the Ordinance, the Property shall be subject to the levy of taxes for payment of its proportionate share of any indebtedness of the District outstanding at the time of inclusion and liable for assessments for any obligations of the District.

The Petitioners hereby represent to the City Council and verify that they are the owners of the Property described above and that no other persons, entity or entities own an interest therein except as holders of encumbrances.

Acceptance of this Petition shall be deemed to have occurred at the time when the City Council sets the date (by publication of notice thereof) for the public hearing for consideration of the Petition.

In accordance with Section 31-25-1220(1), C.R.S., this Petition is accompanied by a deposit of monies sufficient to pay all costs of the inclusion proceedings.

**PETITIONERS:**

**CABARET LLC c/o ROBERT HANSON**

*Robert Hanson*  
Address: 2072 Stagecoach CT, GRAND JUNCTION, CO 81507

STATE OF COLORADO)

) ss.

COUNTY OF MESA)

The foregoing instrument was acknowledged and sworn to before me this 24<sup>th</sup> day of

September, 2019 by Cabaret LLC c/o Robert Hanson.

Witness my hand and official seal.

My commission expires: April 14, 2020

*Richard Medina*

Notary Public

RICHARD MEDINA  
NOTARY PUBLIC  
STATE OF COLORADO  
NOTARY ID 20164014580  
MY COMMISSION EXPIRES APRIL 14, 2020

Cabarat LLC, c/o Robert Hansen

*Robert Hanson*  
Address: 2072 Stagecoach CT, GRAND JUNCTION, CO 81507

STATE OF COLORADO)

) ss.

COUNTY OF MESA)

The foregoing instrument was acknowledged and sworn to before me this 24<sup>th</sup> day of

September, 2019, by Cabaret LLC, c/o Robert Hanson

Witness my hand and official seal.

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RICHARD MEDINA  
NOTARY PUBLIC  
STATE OF COLORADO  
NOTARY ID 20164014580  
MY COMMISSION EXPIRES APRIL 14, 2020

## **ORDINANCE NO.**

### **AN ORDINANCE EXPANDING THE BOUNDARIES OF AND INCLUDING PROPERTY LOCATED AT 805 STRUTHERS INTO THE DOWNTOWN GRAND JUNCTION BUSINESS IMPROVEMENT DISTRICT**

#### **Recitals:**

The Downtown Grand Junction Business Improvement District (District) was formed by the Grand Junction City Council by Ordinance No. 3815 on August 17, 2005 in accordance with the Business Improvement District Act, Part 12 of Article 25 of Title 31 of the Colorado Revised Statutes (the Act). The District's term was extended from ten to twenty years by Ordinance No. 4651 on December 17, 2014.

The District consists of taxable real property that is not classified for property tax purposes as either residential or agricultural (together with the improvements thereon). It was formed to provide resources to promote business activity and improve the economic vitality and overall commercial appeal of the Downtown area. Since its inception the District has operated in compliance with the Act.

Anatum LLC own real property in the Downtown area located at 805 Struthers which they seek to have included into the boundaries of the District. Anatum LLC have submitted a Verified Petition for Inclusion of Property into the Downtown Grand Junction Business Improvement District (Petition).

The District's Board of Directors supports inclusion of the Property and finds that the rights, contracts, obligations, liens and charges of the District will not be impaired by the expansion of its boundaries to include the Property, and believes that the District will benefit from the inclusion.

Notice was posted in accordance with C.R.S. §31-25-1220 informing all persons having objection to appear at the time and place stated in the notice and show cause why the petition should not be granted.

The City Council finds that:

- The Petitioner owns the Property requested to be included;
- The Petition is sufficient;
- The Property is not classified for property tax purposes as either agricultural or residential;
- The District will not be adversely affected by the inclusion of the Property;
- The failure of persons to appear and show cause against inclusion of the Property into the boundaries of the District is deemed to be assent on their part to the inclusion;
- No cause has been shown that the Property should not be included;



- Expansion of the boundaries of the District to include the Property furthers the goals and policies of the Comprehensive Plan and the Economic Development Plan and serves the interests of the District and the community.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO:**

The following real property together with improvements thereon shall be included in the Downtown Grand Junction Business Improvement District:

**BEG 443FT W OF NE COR NW4SE4 SEC 23 1S 1W W 242.7FT S 04DEG E 323FT E  
242.7FT N 04DEG W TO BEG**

**Address: 805 Struthers, Grand Junction, Colorado 81501**

**Parcel Number: 2945-234-00-029**

The City Clerk is directed to file a certified copy of this Ordinance with the Mesa County Clerk and Recorder.

Said property shall thereafter be subject to the levy of taxes for the payment of its proportionate share of any indebtedness of the district outstanding at the time of inclusion.

Introduced on first reading this \_\_\_\_ day of \_\_\_\_, 2019 and ordered published in pamphlet form.

Adopted on second reading this \_\_\_\_ day of \_\_\_\_, 2019 and ordered published in pamphlet form.

\_\_\_\_\_  
President of the City Council

ATTEST:

\_\_\_\_\_  
City Clerk

# 805 Struthers-BID Inclusion



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0.13

0.25

mi

Printed: 9/19/2019  
1 inch equals 376 feet  
Scale: 1:4,514

CITY OF  
**Grand Junction**  
COLORADO  
GEOGRAPHIC INFORMATION SYSTEM



**ORDINANCE NO.**

**AN ORDINANCE EXPANDING THE BOUNDARIES OF THE GRAND JUNCTION,  
COLORADO DOWNTOWN DEVELOPMENT AUTHORITY**

**RECITALS:**

The Grand Junction, Colorado, Downtown Development Authority ("Authority" or "DDA") adopted a Plan of Development ("Plan") establishing the boundaries of the Authority. The Plan and the boundaries of the DDA were initially approved by the Grand Junction City Council on December 16, 1981.

Since that time individual property and business owners, pursuant to §31-25-822, 12A C.R.S. and Article X of the Authority's Plan of Development, have petitioned for inclusion within the boundaries of the Authority.

The DDA Board requests Council's approval to expand the Authority's boundary to include the properties listed below within the Plan's area in accordance with state law, the Plan of Development and other applicable law, rules or regulations.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF  
GRAND JUNCTION THAT:**

The following properties to be included within the DDA boundaries:

330 South 2nd Street – Parcel #2945-143-35-010  
805 Struthers – Parcel #2945-234-00-029

PASSED for first reading and ordered published by the City Council of the City of Grand Junction, Colorado this 4<sup>th</sup> day of December, 2019.

PASSED AND ADOPTED on second reading by the City Council of the City of Grand Junction, Colorado this 18<sup>th</sup> day of December, 2019.

---

Rick Taggart  
President of the Council

Attest:

---

Wanda Winkelmann  
City Clerk



Anatum, LLC

Ray Rickard / president

October 4, 2019

Brandon Stam

Downtown Development Authority

437 Colorado Avenue

Grand Junction, Colorado 81501

RE: Request for Entry into DDA

Dear Stam ,

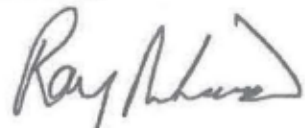
Anatum, LLC requests entry of our property into the Grand Junction Downtown Authority (DDA) . We recently acquired this parcel for development and are excited to be part of the Downtown Development Authority District. We feel confident that this venture will benefit both the DDA and our development plans in the Los Colonias Park.

We feel very strong that working together to connect Downtown to Los Colonias Park is a concept worth pursuing. We were instrumental in the design and building of the Trail Edge Townhomes and placing entitlements for the commercial venture located at 879 Struthers , which should be breaking ground later this month.

Our current plans included a remodel of the existing structure for a new office retail space for an exciting new Interior Decorator. The remaining ground is in design for a combination of new retail /office space boarding the Parkway and a new residential units bordering the River Park.

If you have any questions or concerns, please reach out to me

Sincerely,

A handwritten signature in black ink, appearing to read "Ray Rickard", with a stylized flourish at the end.

Ray Rickard

Anatum, LLC

970-250-1128 / ray@gjproperties.com



## Mesa County Treasurer Tax Receipt

Account	Parcel Number	Receipt Date	Receipt Number
R069349	294523400029	May 20, 2019	2019-05-20-SRR-14356

STRUTHERS HOLDINGS LLC  
PO BOX 2422  
GRAND JUNCTION, CO 81502

Situs Address	Payor
805 STRUTHERS AVE	Margaret Ann Cox PO BOX 2422 GRAND JUNCTION, CO 81502

Legal Description					
BEG 443FT W OF NE COR NW4SE4 SEC 23 1S 1W W 242.7FT S 04DEG E 323FT E 242.7FT N 04DEG W TO BEG					
Property Code	Actual	Assessed	Year	Area	Mill Levy
CONTRACTING/SERVICE - IND - 3112	165,670	48,040	2018	10301	71.252
CONTRACTING/SERVICE - IND - 3212	51,280	14,870	2018	10301	71.252

Payments Received	
Check	\$2,241.24
Check # 8057	

Payments Applied				
Year	Charges	Billed	Prior Payments	Balance
2018	Tax	\$4,482.48	\$2,241.24	\$0.00
			\$2,241.24	\$0.00
		Balance Due as of May 20, 2019		\$0.00

Thank you for your payment.



# Mesa County Treasurer Tax Receipt

Account	Parcel Number	Receipt Date	Receipt Number
R082399	294523438001	Feb 5, 2019	2019-02-05-lockbox-1669

ANATUM LLC  
2415 RED RANCH DR  
GRAND JUNCTION, CO 81506

Situs Address		Payor				
		ANATUM LLC				
Legal Description						
LOT 1 EDGEWATER SUBDIVISION SEC 23 1S 1W UM & AN UNDIV INT IN TRACT A EDGEWATER NO 2 SUBDIVISION FKA AS TRACT A EDGEWATER SUBDIVISION - 0.60AC						
Property Code		Actual	Assessed	Year	Area	Mill Levy
COMMERCIAL VACANT LOTS - 0200		95,110	27,580	2018	10101	70.752
Payments Received						
Bank Lockbox		Multi-Account Payment				
Check Number Lockbox						
Payments Applied						
Year	Charges	Billed	Prior Payments	New Payments	Balance	
2018	Tax	\$1,951.36	\$0.00	\$1,951.36	\$0.00	
				\$1,951.36	\$0.00	
		Balance Due as of Feb 5, 2019				\$0.00

Thank you for your payment.



# 805 Struthers-DDA Inclusion



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mi

Printed: 9/19/2019  
1 inch equals 376 feet  
Scale: 1:4,514

CITY OF  
**Grand Junction**  
COLORADO  
GEOGRAPHIC INFORMATION SYSTEM

October 2, 2019

Brandon Stam  
Downtown Development Authority  
248 South 4<sup>th</sup> Street  
Grand Junction, CO. 81501

Re: Request for Entry into DDA

Dear Mr. Stam,

M & R Holdings, LLC would like to request inclusion of our property into the Grand Junction Downtown Development Authority (DDA). We have seen a significant positive impact on the downtown area as a result of DDA initiatives over the past few years. We fully support the goals and objectives of the Authority to enrich Main Street - and extend urban revitalization efforts to adjacent blocks within this area.

Our property is currently being repurposed into a new Microbrewery and Taproom; we are also adding a residence on top. The property is:

330 S. 2<sup>nd</sup> Street, Parcel # 294514335010

Please enroll the Parcel into the DDA so we can help achieve the vision of the DDA.

Thank you for your consideration and please feel free to contact me if you have any questions. I look forward to hearing from you soon.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jeff Reid".

Jeff Reid

Owner, Foam & Folly Brewing, LLC - Tenant  
and Member, M & R Holdings, LLC - Property Owner



SHEILA REINER  
MESA COUNTY TREASURER  
**TAX NOTICE**

For change of address complete back of form.



DO NOT PAY THIS BILL IF YOUR  
MORTGAGE COMPANY WILL MAKE PAYMENT

TAX YEAR

2018

Contact Treasurer's Office immediately if "Delinquent" appears above

RETURN THIS COUPON FOR FIRST HALF OR FULL PAYMENT

# Full Payment or 1st Half Coupon

ACCOUNT NUMBER

R064214

LOCATION: 330 S 2ND ST  
IS YOUR ADDRESS CORRECT?

Check this box for change of address and complete back form. ☐

Return this coupon with payment to:

MESA COUNTY TREASURER  
PO BOX 1009  
GRAND JUNCTION, CO 81502-1909

970-244-1524

FIRST HALF PAYMENT AMOUNT  
DUE BY FEBRUARY 28, 2019

\$1246.3

FULL PAYMENT AMOUNT  
DUE BY APRIL 30, 2019

\$2492.6

R064214  
M & R HOLDINGS LLC  
2658 DAHLIA CT  
GRAND JUNCTION, CO 81506

12018R064214000024926000001246:

M and R Holdings, LLC  
2658 Dahlia Ct.  
Grand Junction CO 81506

23-7/1020 1039

1043

Date 2/12/19

PAY to the  
order of

Mesa County Treasurer

\$2492.60

Twenty-four hundred ninety-two + 60/100

Dollars



Security  
Features  
Details on  
Back



Wells Fargo Bank, N.A.  
Colorado  
wellsfargo.com

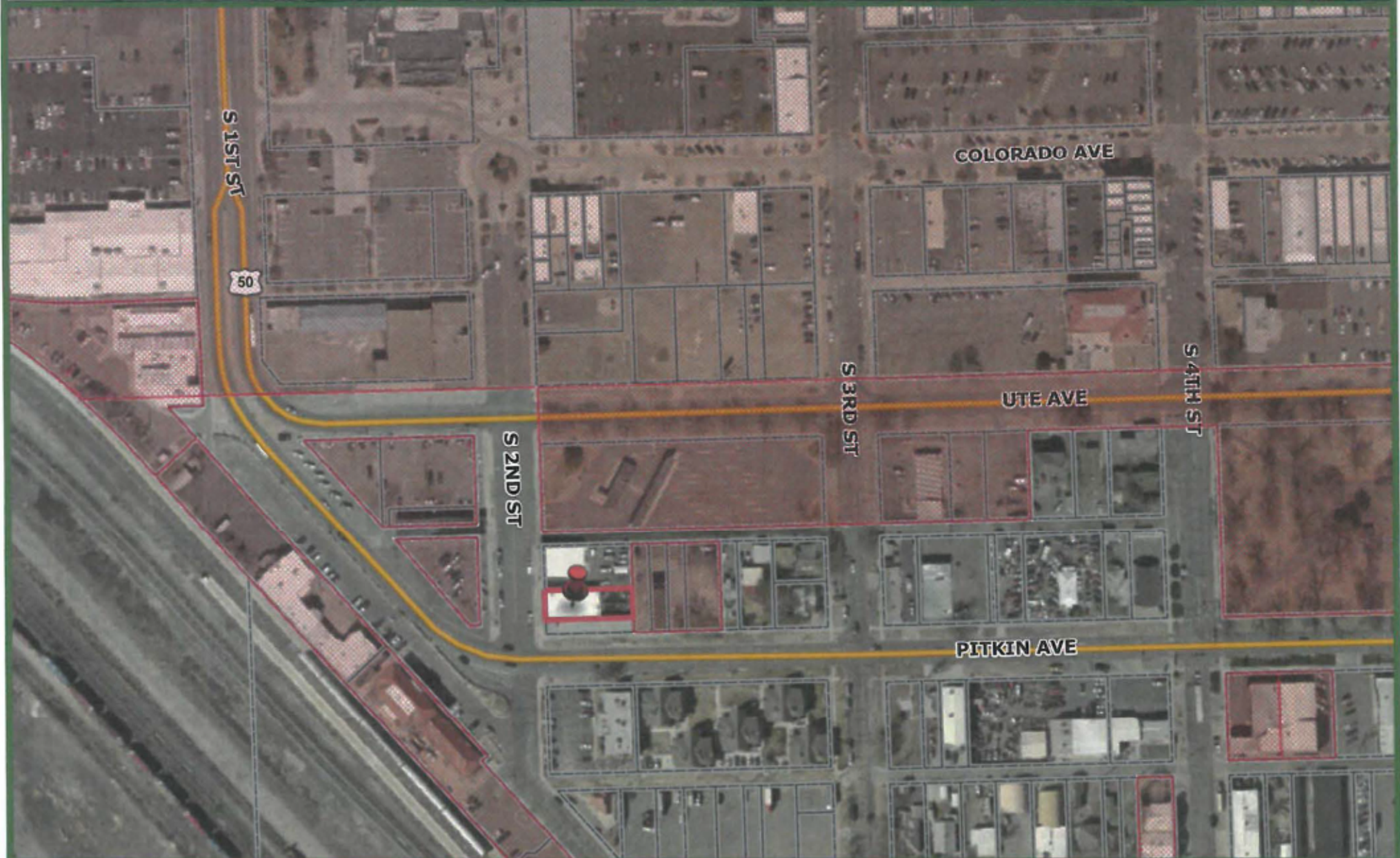
For R064214 330 S. 2nd St. - GJ

Jay M. McIntosh

MP

⑆102000076⑆ 5995893129⑈

# 330 S. 2nd Street-DDA Inclusion



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Printed: 9/19/2019  
1 inch equals 188 feet  
Scale: 1:2,257

CITY OF  
**Grand Junction**  
COLORADO  
GEOGRAPHIC INFORMATION SYSTEM





## Grand Junction City Council

### Regular Session

Item #6.b.i.

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**Meeting Date:** January 15, 2020

**Presented By:** Kristen Ashbeck, Principal Planner/CDBG Admin

**Department:** Community Development

**Submitted By:** Kristen Ashbeck

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### **Information**

#### **SUBJECT:**

An Ordinance Rezoning to R-8 (Residential 8 Units per Acre) a 1.26-Acre Property Located at 588 North Grand Falls Court

#### **RECOMMENDATION:**

Planning Commission heard this item at its December 10, 2019 meeting and recommended approval of the request.

#### **EXECUTIVE SUMMARY:**

The Applicant, Corey Bendetti, is requesting a rezone of the 1.26-acre parcel located at 588 North Grand Falls Court from PD (Planned Development with an expired plan) to R-8 (Residential 8 units per acre). The Applicant proposes to develop the property for 10 attached townhomes (2 buildings, 5 units each), resulting in a density of 8 units per acre which is consistent with the Future Land Use Map designation of Residential Medium High 8 to 16 units per acre. Since there were no deviations requested to establish a Final Plan for the existing PD (Planned Development) zoning with an underlying district of R-8, there is no need to apply a Planned Development zoning to this property. Instead, the applicant is requesting a standard zoning district of R-8 (Residential 8 units per acre zoning) for the property.

#### **BACKGROUND OR DETAILED INFORMATION:**

The Grand Falls Townhomes property is a vacant parcel within the overall Planned Development for The Falls, construction of which began in the early 1980s. Since that time, the overall Plan for The Falls has lapsed so remaining undeveloped parcels have been assigned a PD (Planned Development) zone with an underlying zoning of R-8



(Residential 8 units per acre). Some previously vacant parcels within The Falls have been developed with separate Overall Development Plans (ODPs) to establish a new plan for each portion of The Falls.

Per section 21.05.010 of the Zoning and Development Code, the Planned Development (PD) zone district is to apply to mixed use or unique single-use projects where design flexibility is desired and is not available through application of the standards established in the Code and when long-term community benefits will be derived and the vision, goals and policies of the Comprehensive Plan can be achieved. Such benefits include more effective infrastructure, a greater quality and quantity of public and/or open space, other recreational amenities or innovative designs. In Staff's analysis, there are no elements of this small project that would warrant application of PD zone to this parcel. In addition, the Applicant is not requesting any deviations to R-8 zone district for design flexibility. Thus, Staff recommended and the applicant is simply requesting an R-8 zoning rather than an ODP/PD zoning.

Concurrent with the rezone request, the applicant is requesting administrative review and approval of a Site Plan as well as a Major Subdivision of the parcel into 10 townhome units with common elements.

#### **NOTIFICATION REQUIREMENTS**

A Neighborhood Meeting was held on April 30, 2019 at 5:30 pm at Bookcliff Middle School, located at 540 29-1/4 Road in Grand Junction. The Applicant provided an overview of the proposed development for the property. There were ten citizens in attendance, the Owner/Applicant, two representatives and City planning staff. Attendees had initial questions about location of the project and access to it. Other concerns included topography, drainage and the architecture of the proposed structures. Following more detailed explanation of the project, there were no additional issues expressed.

Public notice for this application was provided in accordance with Sec. 21.02.080(g) of the Code, including posting notification signs on the subject property on adjacent public rights-of-way.

#### **ANALYSIS**

Pursuant to Section 21.02.140 of the Grand Junction Zoning and Development Code, the City may Rezone property if the proposed changes are consistent with the vision, goals and policies of the Comprehensive Plan and must meet one or more of the following criteria:

(1) Subsequent events have invalidated the original premise and findings; and/or

The existing zoning for this property is PD (Planned Development without an approved plan) with an underlying zoning of R-8 (Residential 8 units per acre). An overall plan for The Falls has lapsed since its initial phases that occurred in the early 1980s. Thus, the subsequent event that invalidates the current PD zoning is this current request to develop the property for a specific use, site plan and plat. As previously discussed, the purpose of the Planned Development (PD) zone district is to apply to mixed use or unique single-use projects where design flexibility is desired when long-term community benefits will be derived such as more effective infrastructure, a greater quality and quantity of public and/or open space, other recreational amenities or innovative designs. In Staff's analysis, there are no unique elements of this small project that would warrant application of PD zone to this parcel. In addition, the Applicant is not requesting any deviations to R-8 zone district for design flexibility. Therefore, the underlying zone of R-8 as requested is sufficient to meet the Future Land Use Map category of Residential Medium High 8 to 16 units per acre. Therefore, staff finds this criterion has been met.

(2) The character and/or condition of the area has changed such that the amendment is consistent with the Plan; and/or

The character and/or condition of the immediate area of The Falls development have not changed. The Falls continues to exist as a Planned Development without a current plan with many yet-undeveloped parcels such as this site. However, in the vicinity, there continues to be residential growth to the east and west of the site, making development of this infill site more appropriate now than in the past few decades. The rezone to R-8 is consistent with the Plan and the existing surrounding types of land use. As such, staff finds that the character and the condition of the area has/is changing and has found this criterion to have been met.

(3) Public and community facilities are adequate to serve the type and scope of land use proposed; and/or

This is an infill development site for which adequate public and community facilities and services are available or can be extended to the property and are sufficient to serve the proposed residential use. Ute Water and City sanitary sewer are presently located within the Grand Falls Court right-of-way and developed street that stubs to this site. The property can also be served by Xcel Energy for electric and natural gas services. Access to commercial facilities, retail, offices and restaurants can be accessed near the intersection of 29 and Patterson Roads as well as scattered sites along the Patterson Road corridor. Grand Junction Fire Station #2 is just north of the subject site on the southeast corner of Patterson and 28-1/4 Roads. Staff has found there to be adequate public and community facilities available to serve the proposed R-8 zone district and the proposed residential use. Therefore, Staff finds this criterion has been met.

(4) An inadequate supply of suitably designated land is available in the community, as defined by the presiding body, to accommodate the proposed land use; and/or

The R-8 (Residential 8 units per acre) zone district comprises about 9% of the total acreage zoned within the City. This site is already zoned for this density under the PD (Planned Development with underlying zoning of R-8) district so is likely already included in the percentage reported above. Consequently, this criterion has not been met.

(5) The community or area, as defined by the presiding body, will derive benefits from the proposed amendment.

Rezone of this parcel will eliminate the PD zoning without a plan and zone the property with a standard R-8 zone district with predictable development standards that are consistent with adjacent land use in The Falls development. In addition, the rezone will allow for the development of an infill site that is consistent with Policies and Goals of the Comprehensive Plan as discussed below. Therefore, staff finds that this criterion has been met.

### **Consistency with Comprehensive Plan**

This Rezone request is consistent with the Future Land Use Map designation of Residential Medium High which is intended to develop with densities between 8 and 16 units per acre. The rezone request to R-8 will allow the property to be developed consistent with this land use. The request is also consistent with the following principals, goals and/or policies of the Comprehensive Plan:

Guiding Principle 2 – Sustainable Growth Patterns. Achieve fiscal sustainability where we grow efficiently and cost-effectively and encourage infill development and redevelopment.

Guiding Principle 3 and Goal 5 – Housing Variety. Allow/encourage a broader mix of housing types to meet needs of a diverse population.

Goal 1 – Policy A: City and County land use decisions will be consistent with the Future Land Use Map.

This proposed rezone will allow for the development of this infill site with townhome development at a density that is consistent with the Future Land Use Map.

### **PLANNING COMMISSION RECOMMENDATION AND FINDINGS OF FACT**

After reviewing RZN-2019-649, a request to Rezone 1.26 acres to R-8 (Residential 8 units per acre), the following findings of fact have been made:



1. The requested zone is consistent with the goals and policies of the Comprehensive Plan;
2. In accordance with Section 21.02.140 of the Grand Junction Zoning and Development Code, one or more of the rezone criteria have been met.

Therefore, Planning Commission recommends approval of the request to rezone the property referred to in file number RZN-2019-649 to an R-8 (Residential 8 units per acre) zone district.

**FISCAL IMPACT:**

This land use application does not have a fiscal impact to the City of Grand Junction.

**SUGGESTED MOTION:**

I move to (adopt/deny) Ordinance No. 4900, an ordinance rezoning to R-8 (Residential 8 units per acre) a 1.26-acre parcel located at 588 North Grand Falls Court.

**Attachments**

1. Overall Site Location Maps and Photos
2. Neighborhood Meeting Information and Development Application
3. Proposed Site Plan and Subdivision Plat
4. Planning Commission Minutes - 2019 - December 10 - Draft
5. Grand Falls Townhomes Zoning Ordinance



# VICINITY MAP



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mi

Printed: 11/27/2019

1 inch = 188 feet

**CITY OF**  
**Grand Junction**  
COLORADO  
GEOGRAPHIC INFORMATION SYSTEMS



# LOCATION MAP



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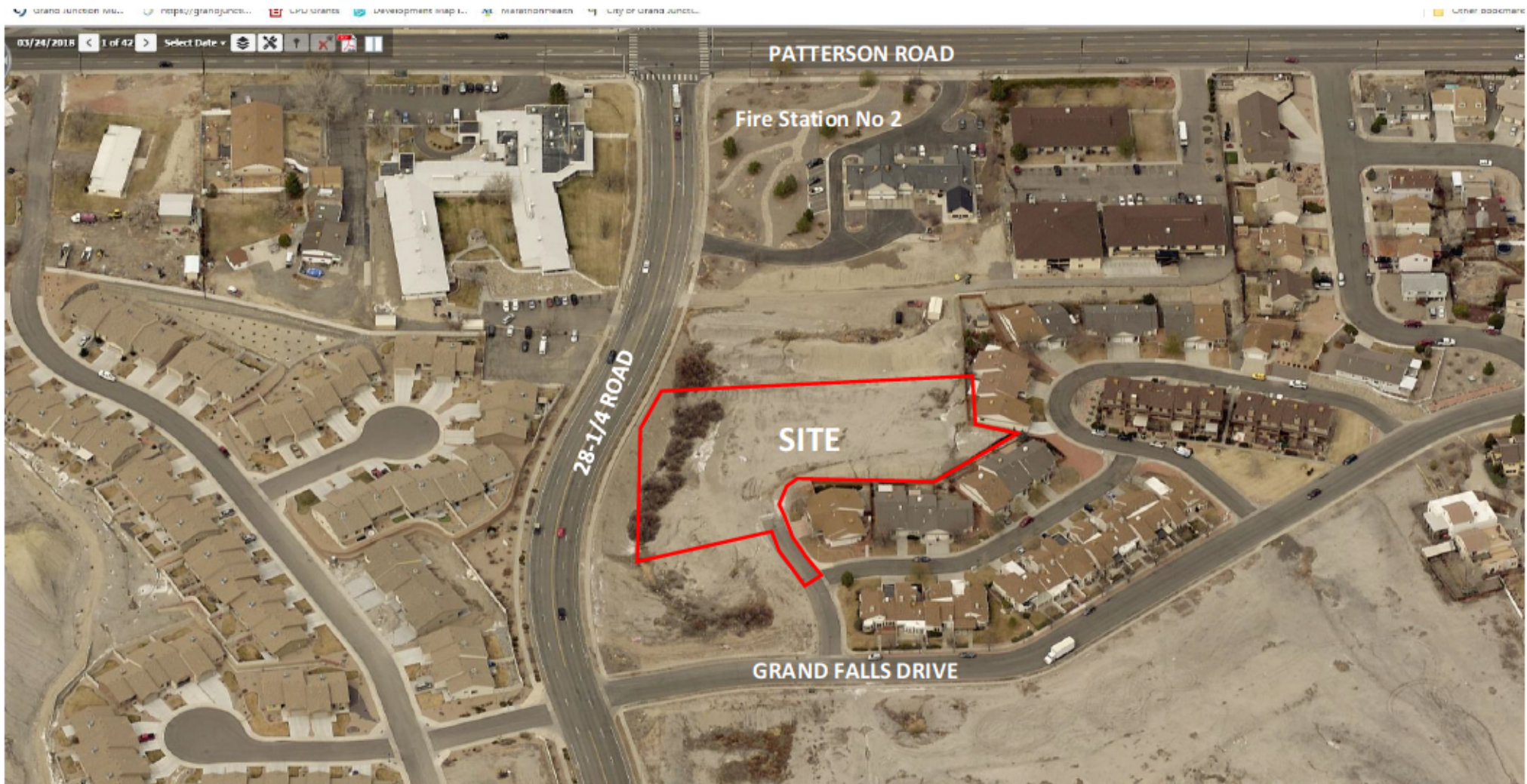
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mi

Printed: 11/27/2019

1 inch = 94 feet





AERIAL VIEW ACROSS SITE FROM SOUTH – PATTERSON ROAD TO THE NORTH



**VIEW OF SITE FROM SOUTHWEST**



## Neighborhood Meeting Sign In

[illegible]



## **N Grand Falls Neighborhood Meeting 4.30.2019:**

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### Attendees:

Kim Kerk – Kim Kerk Land Consulting & Development

Corey Bendetti – Owner/Developer of GNF project

Kristen Ashbeck – Principal Planner, City of Grand Junction

Dajana Swanson – Kim Kerk Land Consulting & Development

---

At 5:35 Kim Kerk (KK) started the meeting with intro – KKLCD, City planner, Owner and the role of each in the project. Explained meeting purpose to discuss the concept plan for NGF townhome community. Asking for comments during discussion portion of meeting. Minutes to go to the City of Grand Junction Planning for review on comments provided at meeting as recorded. Neighbors all began asking questions in rapid succession about location of the project to existing roadways adjacent to same.

Neighbor (N) #1: What is happening with the large 'hole' on the east side of the project?

KA: It is located behind the proposed structures of the project.

N #2: The existing HOA will not be a part of this?

CB: Correct. Townhomes will have their own new and independent HOA.

N #3: Will they be single story?

CB: No. Two stories over a garage level per the current design plans.

N #4: Will this be next to the fire station?

CB: Not directly next to it; there is another lot between the project and the fire station.

N #5: The adjacent properties all have tough terrain; will that all get leveled?

CB: Not sure how that would work without a single buyer with a large project going in to do that kind of earthwork; for this project, currently there is a hole on the NE side where buildings will go in, but that will all be filled in with shrubbery after construction.

N #6: My property is adjacent on the southwestern side of project, will you build a retaining wall, because I have no drainage issues now, but my property sits lower?

CB: We will probably build a retaining wall of some form along that side.

KK: Neighboring HOA Board Members attending the meeting privately discussed with KK that they had concerns about the way the property will affect their neighborhood HOA on the south side of project; mentioned they have gates, so KK to review and visit site to see what is happening with the existing fencing and access gates they discussed during the meeting. John Stead, President of the neighboring HOA (east of project) provided KK with his business card and a promise to stay in touch with KK in order

to ensure that all communication between the new HOA and existing HOA/Board(s) would be fluid and transparent.

KK: Invited all attendees to make sure to take a business card, and that everyone was welcome to reach out with any additional questions they might have about the project and the progress of same, in the coming days.

Meeting adjourned at 6:05 pm.

## Development Application

We, the undersigned, being the owner's of the property adjacent to or situated in the City of Grand Junction, Mesa County, State of Colorado, as described herein do petition this:

Petition For:

Please fill in blanks below **only** for Zone of Annexation, Rezones, and Comprehensive Plan Amendments:

Existing Land Use Designation

Existing Zoning

Proposed Land Use Designation

Proposed Zoning

### Property Information

Site Location:

Site Acreage:

Site Tax No(s):

Site Zoning:

Project Description:

### Property Owner Information

Name:

Street Address:

City/State/Zip:

Business Phone #:

E-Mail:

Fax #:

Contact Person:

Contact Phone #:

### Applicant Information

Name:

Street Address:

City/State/Zip:

Business Phone #:

E-Mail:

Fax #:

Contact Person:

Contact Phone #:

### Representative Information

Name:

Street Address:

City/State/Zip:

Business Phone #:

E-Mail:

Fax #:

Contact Person:

Contact Phone #:

**NOTE: Legal property owner is owner of record on date of submittal.**

We hereby acknowledge that we have familiarized ourselves with the rules and regulations with respect to the preparation of this submittal, that the foregoing information is true and complete to the best of our knowledge, and that we assume the responsibility to monitor the status of the application and the review comments. We recognize that we or our representative(s) must be present at all required hearings. In the event that the petitioner is not represented, the item may be dropped from the agenda and an additional fee may be charged to cover rescheduling expenses before it can again be placed on the agenda.

Signature of Person Completing the Application

Digitally signed by Kim Kerk  
Date: 2018.06.20 15:36:30 -06'00'

Date

Signature of Legal Property Owner

Digitally signed by Corey Bendetti  
Date: 2019.05.07 11:30:51 -06'00'

Date





**ODP and Final Plan/Plat**

**588 North Grand Falls Ct.**

**Grand Junction, Colorado**

Date: May 21, 2019

Prepared by: Kim Kerk, PM

Submitted to: City of Grand Junction

250 N. 5<sup>th</sup> Street

Grand Junction, CO 81501

Project: Rezone from PD (Planned Development with R-8 default) to PD (Planned Development with R-8 default) based on ODP and Final Plan/Plat

Property Address: 588 North Falls Ct., Grand Junction, CO

Tax Schedule No.: 2943-072-17-051



### **Introduction**

Grand Falls Townhomes subdivision contains approximately 1.26 +/- acres requested to be rezoned from PD (Planned Development with R-8 default) to a new PD (Planned Development with R-8 default) as proposed in the Outline Development Plan (ODP) for Grand Falls Townhomes. Development of the site shall consist of one phase containing a total of 10 single-family attached dwelling units/lots for a finished density of 5.6 dwelling units to the acre, which supports the Comprehensive Plan for infill development.

### **Project Background and Description**

The Grand Falls Townhomes development is an infill project consisting of Lots 12 and 14 of the Falls, Filing 3, which is proposing a 10 lot, residential community providing affordably priced townhomes. The neighborhoods to the East, South and West are generally built out with residential townhomes of the Falls Filing 3 Development. To the North is a commercial lot with one small building on it. The site is in close proximity to schools, shopping, recreation, parks and medical facilities.

The site is in the east Grand Junction area and is located south of Patterson Road and east of 28 ¼ Road. The land use classification is Residential Multi-family and the current zoning is Planned Development with R-8 default zone.

The project is comprised of one parcel (2943-072-17-051) of approximately 1.26 acres. The topography is generally flat in the north and east with steep downward slopes to the south and west. The property drains to the southwest with stormwater being captured, detained and released into an existing storm system located east of 28 ¼ Road.

### **Property Location/Legal**

The property is located on 588 North Grand Falls Ct., Grand Junction, CO. Parcel # is 2943-072-17-051.

The legal description of this site is as follows:

LOT 1 REPLAT LOTS 12 & 14 BLK TWO THE FALLS - FIL NO THREE SEC 7 1S 1E U M & ALSO INCLUDING THAT PTN OF VAC R.O.W. AS DESC IN B-2882 P-246/248 MESA CO RECDS - 1.26AC/54886 SQ FT



### **Rezone Request to Planned Development**

The current PD zone with a default zoning district of R-8 has a minimum residential density of 5.5 dwelling units to the acre per a previously approved plan that lapsed. Therefore, the minimum residential density that would have to be developed on this property would be 7 dwelling units (7 units / 1.25 acres = 5.6 dwelling units/acre). The maximum number of dwelling units on the property would be 10 as part of the ODP process (10 units / 1.25 acres = 8 dwelling units/acre). The applicant does not wish to increase the number of dwelling units/acres from the maximum allowed based on the default R-8 zoning of the previously approved PD zoning.

The proposed rezone will utilize the bulk standards for the R-8 default zone district; therefore, no deviations from bulk standards or design standards of the underlying zone district of R-8 are being requested. Allowed uses will be the same as those permitted in R-8 zoning.

### **Petitioners Intent:**

The developer proposes 10 single-family attached dwelling units which would be built as 2 buildings of 5 units each. This project would align with the Comprehensive Plan for infill development by adding residential development to the area that is focused on smaller, single-family homes.

### **R-8 Bulk Standards**

The proposed rezone will use the bulk standards from the R-8 default zoning. Allowed uses will be those permitted in an R-8 zone. The applicant is not requesting any deviations to the default R-8 zone.

### **Community Benefit**

The Grand Junction Comprehensive Plan establishes "Six Guiding Principles" that will shape the growth of the Grand Junction region.

The development proposed by the applicant specifically applies to the following Principles of the Comprehensive Plan:

2. **Sustainable Growth Patterns** – Fiscal sustainability where we grow efficiently and cost-effectively. Encourage infill and redevelopment and discourage growth patterns that cause disproportionate increases in cost of services.





3. **Housing Variety**—allow/encourage more variety in housing types (besides just large lot single family homes) that will better meet the needs of our diverse population—singles, couples, families, those just starting out, children who have left home, retirees, etc.

Grand Falls Townhomes is being proposed as an infill development of a property that has limited street frontage due to the topography of the location. This property is generally flat in the north and east with steep downward slopes to the south and west along 28 ¼ Rd. The development's access point will be from the South from the existing Grand Falls Court and is a low volume local street connecting to Grand Falls Road, which is a higher-order street.

The proposed density of 5.5 dwelling units per acre is consistent with the Residential Medium-High classification, as identified in the Future Land Use Map of the Comprehensive Plan for this site.

The proposed density will also allow the applicant to construct new homes without excessive construction of new streets, water and sewer lines, again: aligning with Guiding Principle 2 of the Comprehensive Plan.

Additionally, it would offer new housing options in an established residential area that would appeal to single family home buyers of all ages, who have no time, desire or inclination to maintain a large yard; complimenting the intent of Guiding Principle 3 of the Comprehensive Plan.

The surrounding community would benefit from an infill development of this property that currently sits vacant and is somewhat challenging to develop due to the topography of the site. The proposed density aligns with neighboring communities and is within the default R-8 zoning of the land. The development would require minimal construction of new streets, sewer and water lines that the public would be required to maintain after development. The proposed size and type of housing would also add to the variety of housing available in this area of the Grand Valley, adding long-term value, per the vision of the Guiding Principles of the Comprehensive Plan.

### **Signage**

Signage for the development is TBD.

The petitioner acknowledges that any signage proposed would have to comply with what is permitted by Sec. 21.06.070(7), Signs, Planned Development, which states:

(ii) One permanent monument sign up to 32 square feet in area is allowed at a multifamily apartment/condominium building/complex and on each common area parcel that abuts a public right-of-way; for purposes of this subsection, "common area parcel" means a parcel that is owned by a homeowners' association for the benefit of all lot owners in a planned community, common interest community or condominium.

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Any proposed signage would be located at the entrance to the subdivision in a tract owned by the Homeowners Association (HOA) and would be owned and maintained by the HOA.

#### **Fencing and Right-of-Way Landscaping**

6' privacy fencing will be installed by the developer at the top of the existing steep slope along 28 ¼ Road on the west side of the development. Washed landscape river rock over landscape fabric will be placed on the steep slope west of the proposed privacy fence. The only area that needs a retaining wall is the south side of the turn-around drive and will be installed by the developer. A dumpster enclosure is also part of the site plan just NE of Tract C. All fencing shall meet the requirements of Section 21.06.040(g), Residential Perimeter Subdivision Enclosure, of the Zoning and Development Code.

Additionally, there will be a final landscaping design with trees, shrubs and ground cover which shall be included with final plat and plans submitted for approval, and the approved landscaping for the development shall be maintained by the HOA.

#### **Neighborhood Meeting**

A neighborhood meeting was held in accordance with Sec. 21.02.080(e) of the Grand Junction Municipal Code, on April 30, 2019 at Bookcliff Middle School, 540 29 1/4 Rd, Grand Junction, CO 81504. The purpose of the meeting was to discuss the proposed development and provide detailed information about the ODP. The applicant and his representative reviewed the ODP and provided detailed information about where the home sites would be built, how the development would be built with the challenging topography of the land, and to address any additional concerns of the attendees. Kristen Ashbeck, Principal Planner with the City of Grand Junction also attended the meeting to answer questions about the rezone and subdivision review and approval process.

The meeting was attended by approximately 10 citizens. Comments from citizens included questions about the housing type and height, total number of homes, HOA, privacy, and site grading due to the existing topography of the parcel.

#### **Comprehensive Plan**

The Comprehensive Plan identifies the subject property as Residential Medium High (RMH) (8 -16 DU/Acre). The proposed density is lower than the anticipated density for this area of the community. As a vacant parcel, the property is identified by the

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Comprehensive Plan as an “area subject to change” which anticipates new growth and development for vacant properties located within the Urban Growth Boundary.

The proposed development is an exemplary infill development because it is surrounded on three sides by existing subdivisions and is located in an urbanized area of the City where existing sewer, water and other urban services are available. Future residential development of the subject property will provide needed housing for buyers interested in a smaller home with minimal upkeep required for a yard space.

The property is located within the 201 Sewer Service Boundary and the Urban Development Boundary. Vacant properties like this are expected to grow and develop in a manner like what is proposed in this application.

The applicant is requesting a rezone from the current zoning of PD (Planned Development with R-8 default zoning) to PD (Planned Development with R-8 default zoning) based on the ODP for Grand Falls Townhomes. The current zoning and the requested zoning are consistent with, and support, the Comprehensive Plan for the location of the subject property.

The proposed development meets the following Goals and Policies of the Comprehensive Plan:

**Goal 1, Policy D:** For development that requires municipal services, those services shall be provided by a municipality or district capable of providing municipal services.

**Goal 3:** The Comprehensive Plan will create ordered and balanced growth and spread future growth throughout the community.

Additionally, the proposed development also meets the following Guiding Principles of the Comprehensive Plan:

**2. Sustainable Growth Patterns** – Fiscal sustainability where we grow efficiently and cost-effectively. Encourage infill and redevelopment and discourage growth patterns that cause disproportionate increases in cost of services.

**3. Housing Variety**—allow/encourage more variety in housing types (besides just large lot single family homes) that will better meet the needs of our diverse population—singles, couples, families, those just starting out, children who have left home, retirees, etc.





### **Zoning and Surrounding Areas**

The applicant is requesting a rezone from the current PD (Planned Development with default R-8 zoning) to a PD (Planned Development with default R-8 zoning) based on the ODP. The request supports the Comprehensive Plan.

The surrounding area of the project is zoned PD (Planned Development) with single family residential land uses on the north, east and south, as well as R-5 with single family residential land use to the west.

Grand Falls Townhomes will provide housing that is between the existing subdivisions with 5.5 du/ac as allowed by the requested R-8 zoning. The proposed ODP has been designed to comply with the provisions of Sec. 21.03, Zoning Districts; Sec. 21.04, Uses and Sec. 21.06 Development Standards of the Zoning and Development Code.

### **Utility Providers**

All required and necessary utilities shall be provided concurrent with development of the subject property. Utility providers for Grand Falls Townhomes subdivision have the capacity and willingness to serve the development. Public facilities such as medical, schools, parks and public safety are available to serve development on the subject site.

Utility providers for the site are as follows:

Sewer: City of Grand Junction/Persigo Wastewater Treatment Plant  
Water: Ute Water Conservation District  
Gas/Electric: Xcel Energy  
Cable: Spectrum  
Irrigation: Grand Valley Irrigation Company

### **Drainage**

The topography is generally flat in the north and east with steep downward slopes to the south and west. The property drains to the southwest with stormwater being captured, detained and released into an existing storm system located east of 28 ¼ Road.

The developer will work directly with the Grand Valley Drainage District and the City of GJ to provide for on-site runoff collection and conveyance in accordance with the Stormwater Management Manual (SWMM) and applicable state and federal laws.

**Alternative Street Design and TEDS Exceptions**

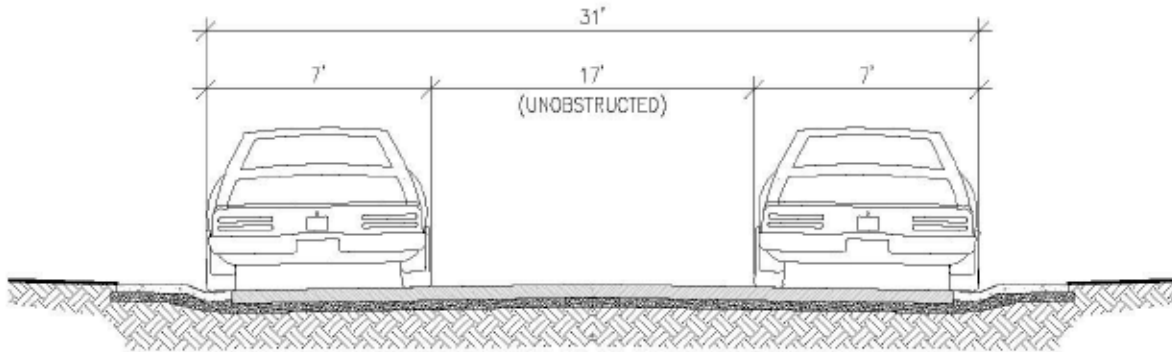
A request has been made for Alternate Residential Street Standards, per Chapter 29.68 of the TEDS manual. The request is made due to the unusual physical constraints of the site which only allows access from the South. Grand Falls Court was extended into the site when The Falls, Filing 3, was developed. This portion of Grand Falls Court has a 27-foot right-of-way with an eight-foot sidewalk easement on the East side of the road, making development of this property a challenge. It is not feasible to widen the road after this pinch point for the remaining 350 feet, more or less, through the project.

The request is to construct an urban residential street with 22' of pavement, measured from edge of pavement to edge of pavement. A rollover residential curb and gutter with an integral 5' sidewalk on the east side, and 6" vertical curb and gutter along the west side is proposed. The proposed right-of-way section is 32' feet wide. See attachment "B". Refer to TEDS 29.20.040(b).

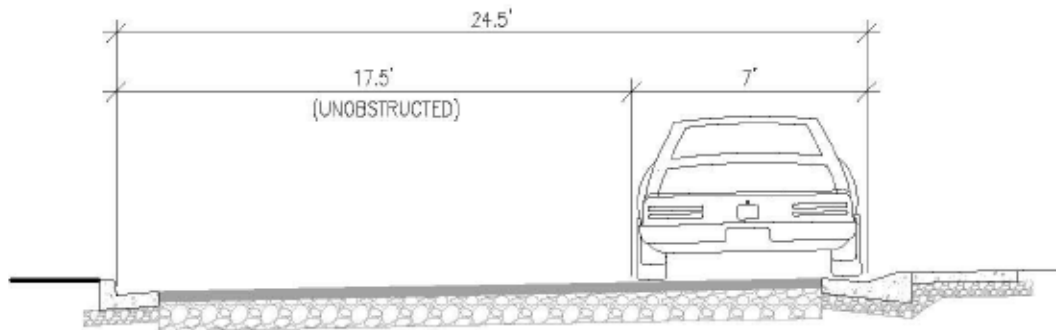
The paved surface of the street slope will be 2% across the road with storm water running to the curb along the west side into an inlet which will eliminate the need for a street crown. The traffic volume will not be detrimental to safety on the public street and will be limited since this is a "dead end" with no through street traffic flow. The 2% continuous slope is needed due to the severe topography of the site.



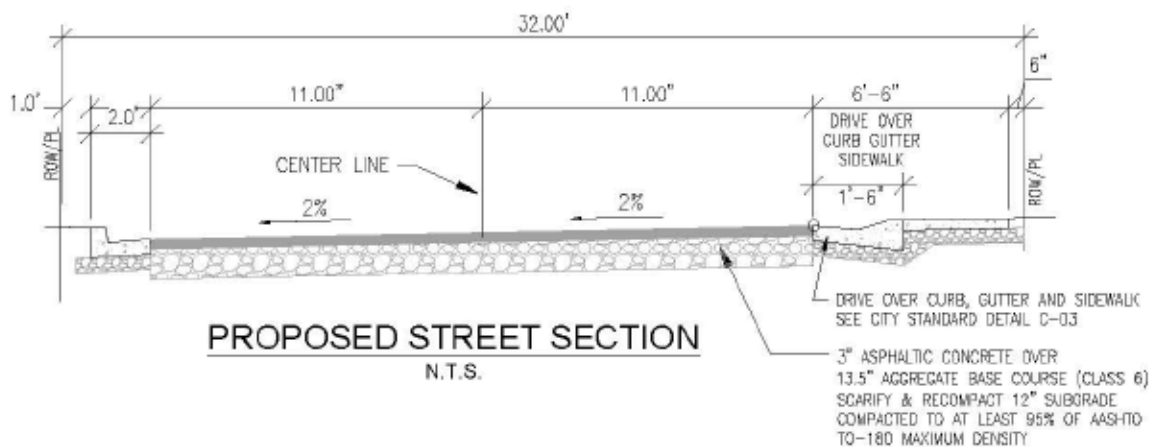
**Kim Kerk**  
**LAND**  
**CONSULTING**  
**DEVELOPMENT**



**URBAN RESIDENTIAL SECTION**  
N.T.S.



**PROPOSED STREET SECTION**  
N.T.S.



**PROPOSED STREET SECTION**  
N.T.S.

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### **Approval Criteria**

Section 21.02.150(b), **Outline Development Plan (ODP).**

(1) **Applicability.** An outline development plan is required. The purpose of an ODP is to demonstrate conformance with the Comprehensive Plan, and coordination of improvements within and among individually platted parcels, sections or phases of a development prior to the approval of a final plat. At ODP, zoning for the entire property or for each "pod" designated for development on the plan is established. This step is recommended for larger, more diverse projects that are expected to be developed over a long period of time. Through this process, the general pattern of development is established with a range of densities assigned to individual "pods" that will be the subject of future, more detailed planning.

(2) **Approval Criteria.** An ODP application shall demonstrate conformance with all of the following:

- (i) The Comprehensive Plan, Grand Valley Circulation Plan and other adopted plans and policies;

**Response:** The current zoning of the property of PD (with R-8 default zone) and the requested rezone to PD (with R-8 default zone) conforms with the Comprehensive Plan. The property is identified by the Comprehensive Plan as an "area subject to change" which anticipates new growth and development for vacant properties located within the Urban Growth Boundary. Residential development of this property will provide needed housing. In addition, the proposed development supports several of the goals, policies and Guiding Principles of the Comprehensive Plan as noted earlier in this report.

The proposed development is designed to be compliant with the Grand Valley Circulation Plan. Specifically, the development meets Sec. 31.08.020(d) which states: "Subdivisions and other development shall be designed to continue or create an integrated system of streets and trails that provide for efficient movement of pedestrians, bicycles, and automobiles to and from adjacent development." Sidewalk and a trail along the canal have been included in the design to meet the needs of an integrated system of streets and trails.



**This criterion has been MET.**

(ii) The rezoning criteria provided in GJMC [21.02.140](#):

Section 21.02.140(a), **Code amendment and rezoning, Approval Criteria.** In order to maintain internal consistency between this code and the zoning maps, map amendments must only occur if:

(1) Subsequent events have invalidated the original premises and findings; and/or

**Response:** There have not been subsequent events that have invalidated the original premises and findings regarding the subject property. The PD (Planned Development with default R-8 zoning) would remain the same as originally intended and continues to anticipate medium-high level density for future growth and development. The surrounding properties have been developed and no new development has occurred in the general vicinity of the subject property. The City goals and policies for future growth and development in the general area of the subject property have not changed since adoption of the Comprehensive Plan in 2010.

**This criterion is not applicable.**

(2) The character and/or condition of the area has changed such that the amendment is consistent with the Plan; and/or

**Response:** The character of the area has not changed significantly in recent years because the larger parcels located to the north, east and west of the subject property have already been developed. The subject property has been underutilized in terms of the residential development potential anticipated by the Comprehensive Plan for quite some time. The requested ODP and rezone to PD (with R-8 default zone) furthers the goals and policies, in addition to the Guiding Principles, of the Comprehensive Plan. Development of the property will complement the existing residential development and be consistent with the residential nature of the neighborhood.

**This criterion has been MET.**



(3) Public and community facilities are adequate to serve the type and scope of land use proposed; and/or

**Response:** All required and necessary utilities shall be constructed concurrent with development of the subject property. Utility providers for the subject property have the capacity and willingness to serve future development. Public facilities such as medical facilities, schools, library and parks are adequate to serve the scope of anticipated residential development and are currently available within 2.5 miles of the subject property.

**This criterion has been MET.**

(4) An inadequate supply of suitably designated land is available in the community, as defined by the presiding body, to accommodate the proposed land use; and/or

**Response:** There are few available vacant parcels of land within a half mile of the subject property. Most vacant parcels to the east have been designated for significantly lower density or have already been developed. There are a few vacant parcels located to the west of the subject property; however, many of them are currently under review for development applications or not available for sale.

The subject property is an isolated parcel that is underutilized and does not meet its development potential as anticipated by the Comprehensive Plan. Very few other parcels exist in the nearby area that could accommodate the proposed land use which constitutes an inadequate supply of suitably designated land.

**This criterion has been MET.**

(5) The community or area, as defined by the presiding body, will derive benefits from the proposed amendment.

**Response:** The Grand Falls Townhomes project is an infill development of a substantially constrained property which has a challenging topography. The proposed density of 5.5 dwelling units per acre is the same as the previous PD (Planned Development with default R-8 zoning). The proposed density is an efficient, cost-effective manner of constructing new homes without excessive streets, water and sewer lines which will be less expensive for the community to maintain.

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The townhome design is smaller, allowing the developer to provide more efficient homes that would appeal to first time buyers and older individuals who may be retired, or who no longer desire to maintain a large yard space. The community will also benefit from the provision of smaller homes than what are generally constructed in the Grand Valley that will provide variety to the diverse population in our community.

**This criterion has been MET.**

(iii) The planned development requirements of Chapter 21.05 GJMC;

**Response:** The proposed Grand Falls Townhomes development meets the following requirements for Planned Developments:

Sec. 21.05.010, Purpose: Planned development zoning should be used when long-term community benefits will be derived and the vision, goals and policies of the Comprehensive Plan can be achieved. The Grand Falls Townhomes development will provide a smaller housing type than what is generally constructed in the Grand Valley. The amount of open space provided exceeds the minimum open space requirement of the Zoning and Development Code. The proposed development meets several of the goals and policies, as well as Guiding Principles, of the Comprehensive Plan as noted earlier in this report.

Sec. 21.05.020, Default Standards: No variations to bulk standards have been requested.

Sec. 21.05.030, Establishment of Uses: Allowed uses will be the same as those permitted in the R-8 zone district including accessory uses.

Sec. 21.05.040, Development Standards: The development standards, such as those regarding fencing and accessory uses, shall be the same as those permitted by the R-8 zone district.

Sec. 21.05.050, Planned Development Phases and Signage: The proposed development will be constructed in one phase. Information regarding signage has been included with this report.



**This criterion has been MET.**

(iv) The applicable corridor guidelines and other overlay districts in GJMC Titles 23, 24 and 25;

**Response:** There are no corridor guidelines that are applicable to the Grand Falls Townhomes development. Title 23, North Avenue Overlay Zone; Title 24, Greater Downtown Overlay Zone; and Title 25, the 24 Road Corridor Design Standards do not apply to the proposed development.

**This criterion is not applicable.**

(v) Adequate public services and facilities shall be provided concurrent with the projected impacts of the development;

**Response:** The subject property is located within the 201 Sewer Service Boundary and the Urban Development Boundary. These areas are expected to grow and development with urban densities and services. All necessary and required utilities shall be provided concurrent with construction of the Grand Falls Townhomes development. Utilities shall be installed to current City standards and specifications. Public facilities such as medical facilities, schools, library and parks are adequate to serve the scope of anticipated residential development and are currently available within 2.5 miles of the subject property.

**This criterion has been MET.**

(vi) Adequate circulation and access shall be provided to serve all development pods/areas to be developed;

**Response:** Due to the location and topography of the subject property, the site may only be served by a dead-end street. All necessary design standards have been incorporated into the Alternative Street which was approved through the City's TEDS review process.

Connectivity is provided to the adjacent parcel to the north, should it ever be developed. The pedestrian facilities requirements will be met by providing a continuous sidewalk parallel to the public street on the east side, with connecting ADA access and walk to the west side.



The requested alternate residential street is not unique or unusual and has been used in other areas in the City of Grand Junction, specifically the existing roadways within the Grand Falls previous development.

**This criterion has been MET.**

(vii) Appropriate screening and buffering of adjacent property and uses shall be provided;

**Response:** 6' privacy fencing will be installed by the developer at the top of the existing steep slope along 28 ¼ Road on the west side of the development. Washed landscape river rock over landscape fabric will be placed on the steep slope west of the proposed privacy fence. The only area that needs a retaining wall is the south side of the turn-around drive and will be installed by the developer. A dumpster enclosure is also part of the site plan just NE of Tract C. All fencing shall meet the requirements of Section 21.06.040(g), Residential Perimeter Subdivision Enclosure, of the Zoning and Development Code.

Additionally, there will be a final landscaping design with trees, shrubs and ground cover which shall be included with final plat and plans submitted for approval, and the approved landscaping for the development shall be maintained by the HOA.

**This criterion has been MET.**

(viii) An appropriate range of density for the entire property or for each development pod/area to be developed;

**Response:** The proposed density of 5.5 dwelling units per acre is the same as the expired PD (Planned Development with default R-8 zoning). The proposed density is an efficient, cost-effective manner of constructing new homes without excessive streets, water and sewer lines which will be less expensive for the community to maintain.

The proposed density is consistent with the anticipated future growth and development of the Comprehensive Plan and supports Guiding Principles number 2 and 3.

**This criterion has been MET.**





(ix) An appropriate set of "default" or minimum standards for the entire property or for each development pod/area to be developed;

**Response:** No variations to bulk standard for R-8 zoning has been requested for this development. Allowed uses will be the same as those permitted in the R-8 zone district including accessory uses. Other development standards, such as those regarding fencing, shall be the same as those permitted by the R-8 zone district.

**This criterion has been MET.**

(x) An appropriate phasing or development schedule for the entire property or for each development pod/area to be developed; and

**Response:** Development of the subject property will be completed in a single filing as noted in this report.

**This criterion has been MET.**

#### **Development Schedule and Phasing:**

As the site is currently vacant and not occupied or used for any residential purposes, initial construction of infrastructure is anticipated to begin immediately following final approval of the project, to be completed in one filing.

#### **Conclusion**

The request to rezone from the current PD (Planned Development with default R-8 zoning) to PD (Planned Development with default R-8 zoning) based on the ODP supports the Comprehensive Plan.

Additionally, we have investigated and can report the following impacts expected during the development of Grand Falls Townhomes:

#### **➤ Neighborhood Impact:**

We will ensure that the existing services to adjacent properties continue and are not disturbed or negatively impacted. All contractors will be instructed to follow Best Management Practices during all phases of construction.



➤ **Fire Protection Impact:**

The service provider for fire protection in this area is the Grand Junction Fire Department. Fire hydrants shall be placed and have fire flow capabilities in accordance with the City's ordinances.

➤ **Flood Hazard Impact**

There are no mapped FEMA flood hazards in or near the proposed project area. In addition, based on requirements from the City of Grand Junction the peak 100-year discharge from developed conditions will be less than the historic conditions. Therefore, this subdivision will not create a flood hazard.

➤ **Historic Preservation Impact:**

No structures requiring preservation in accordance with City Standards exist on the site.

➤ **Irrigation Impact:**

Upon further design of the proposed subdivision the irrigation system and its maintenance shall be an integral part of the project. We will ensure that the existing irrigation service to adjacent properties continue and are not disturbed or negatively impacted.

➤ **Natural Features and Environmental Protection Impacts:**

The site does not contain natural features or environmental resources.

➤ **Noise, Dust & Odor Impacts:**

It is the intent of the developer/builder to limit the amount of unnecessary work which would pose a threat or be offensive to occupants of adjacent properties by reason of emission of noise, vibration, dust, smoke, odor or particulate matter, toxic or noxious materials.

➤ **Public Facilities Impacts:**

The impact on public facilities (i.e. schools, fire, police, roads, parks, etc...) will be minimal given the size of this development and considering that the project is proposed to develop within the density allowed by existing zoning and the recommendations of the Growth Plan.

➤ **Soils Impacts:**

The Natural Resources Conservation Service identifies 2 types of soils which are identified in the Drainage Report and are all typical of the vicinity.

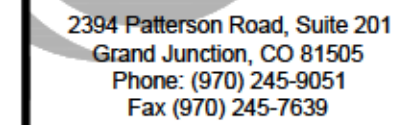


➤ **Transportation and Traffic:**

All streets will be constructed in conformance with current City of Grand Junction standards and specifications.

In summary, we have demonstrated how the proposed Grand Falls Townhomes development meets the design and development standards of the Zoning and Development Code, and other development regulations and standards, and we respectfully request approval of the request to rezone to Planned Development (PD with default R-8 zoning) and the Outline Development Plan.





**James C.  
Atkinson**  
PROFESSIONAL ENGINEER  
COLORADO LICENSE No. 18828

### GENERAL NOTES

1. ALL CONSTRUCTION TO CONFORM TO THE CURRENT CITY OF GRAND JUNCTION DEPARTMENT OF PUBLIC WORKS AND PLANNING STANDARDS AND SPECIFICATIONS.
2. CONTRACTOR MUST CONTACT CITY OF GRAND JUNCTION TRAFFIC OPERATIONS SUPERVISOR PRIOR TO CONSTRUCTION OR PLACEMENT OF TRAFFIC CONTROL DEVICES/FEATURES (STRIPING, SIGNALS, MEDIANS, ETC) FOR CONSTRUCTION IN THE RIGHT-OF-WAY ONLY.
3. REFER TO THE GEOTECHNICAL INVESTIGATION BY HUDDLESTON-BERRY, REPORT DATED 10/13/03 AND LETTER DATED 01/24/19 FOR RECOMMENDATIONS REGARDING PAVEMENT, SLABS, FOUNDATIONS AND GROUNDWATER MITIGATION REQUIREMENTS.
4. LIGHTING TO BE DESIGNED BY UTILITY PROVIDER. (XCEL ENERGY)

CONSTRUCTION NOTES:

- 1) PROPOSED 3' V-PAN  
RE: DETAIL THIS SHEET
- 2) PROPOSED 5' SIDEWALK, 4" THICK CONCRETE
- 3) PROPOSED DRIVE-OVER CURB, GUTTER, AND SIDEWALK  
RE: GRAND JUNCTION DETAIL C-03
- 4) PROPOSED STANDARD VERTICAL CURB & GUTTER  
RE: GRAND JUNCTION DETAIL C-05
- 5) PROPOSED 6" VERTICAL CURB
- 6) PROPOSED STREET LIGHT
- 7) PROPOSED TRASH ENCLOSURE - W/CONCRETE PAD  
RE: SHEET C.2.1
- 8) PROPOSED MAILBOX PAD
- 9) PROPOSED 4" WHITE PARKING STRIPES
- 10) PROPOSED 6' PRIVACY FENCE  
RE: DETAIL THIS SHEET
- 11) PROPOSED FIRE TURNAROUND EASEMENT (HATCH AREA)  
RE: GRAND FALLS TOWNHOMES PLAT
- 12) PROPOSED 5' WIDE LANDSCAPING AREA
- 13) PROPOSED END OF ROADWAY SIGN  
RE: MUTCD 0M4-1
- 14) PROPOSED ALTERNATE DRIVEWAY FOR VERTICAL CURB,  
GUTTER, WITHOUT SIDEWALK  
RE: GRAND JUNCTION DETAIL C-09
- 15) PROPOSED SPILL VERTICAL CURB & GUTTER  
RE: GRAND JUNCTION DETAIL C-05
- 16) PROPOSED PERPENDICULAR CURB RAMP  
RE: GRAND JUNCTION DETAIL C-13
- 17) PROPOSED ALTERNATE RAMP WITHOUT LANDING  
RE: GRAND JUNCTION DETAIL C-21
- 18) PROPOSED CROSSWALK
- 19) PROPOSED ACCESS EASEMENT (HATCH AREA)  
RE: GRAND FALLS TOWNHOMES PLAT
- 20) CONSTRUCT MSE BLOCK WALL  
RE: C2.0 FOR VERTICAL GEOMETRY
- 21) CONSTRUCT RIPRAP AT SHOWN DIMENSIONS  
OVER GEO FABRIC, D50-6", DEPTH=12"  
RE: C2.0 FOR VERTICAL GEOMETRY, C2.1 FOR DETAIL

**ACCEPTANCE BLOCK**

THE CITY OF GRAND JUNCTION REVIEW CONSTITUTES GENERAL COMPLIANCE WITH THE CITY'S DEVELOPMENT STANDARDS, SUBJECT TO THESE PLANS BEING SEALED, SIGNED, AND DATED BY THE PROFESSIONAL OF RECORD. REVIEW BY THE CITY DOES NOT CONSTITUTE APPROVAL OF THE PLAN DESIGN. THE CITY NEITHER ACCEPTS NOR ASSUMES ANY LIABILITY FOR ERRORS OR OMISSIONS. ERRORS IN THE DESIGN OR CALCULATIONS REMAIN THE RESPONSIBILITY OF THE PROFESSIONAL OF RECORD.

CONSTRUCTION MUST COMMENCE WITHIN ONE YEAR FROM THE DATE OF PLAN SIGNATURE.

CITY DEVELOPMENT ENGINEER

DATE \_\_\_\_\_

CITY PLANNER

DATE \_\_\_\_\_

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## Site Plan

***Grand Falls Townhomes  
Overall Development Plan***  
588 North Grand Falls Court  
Grand Junction, CO 81501

PROJECT NO: F18-088

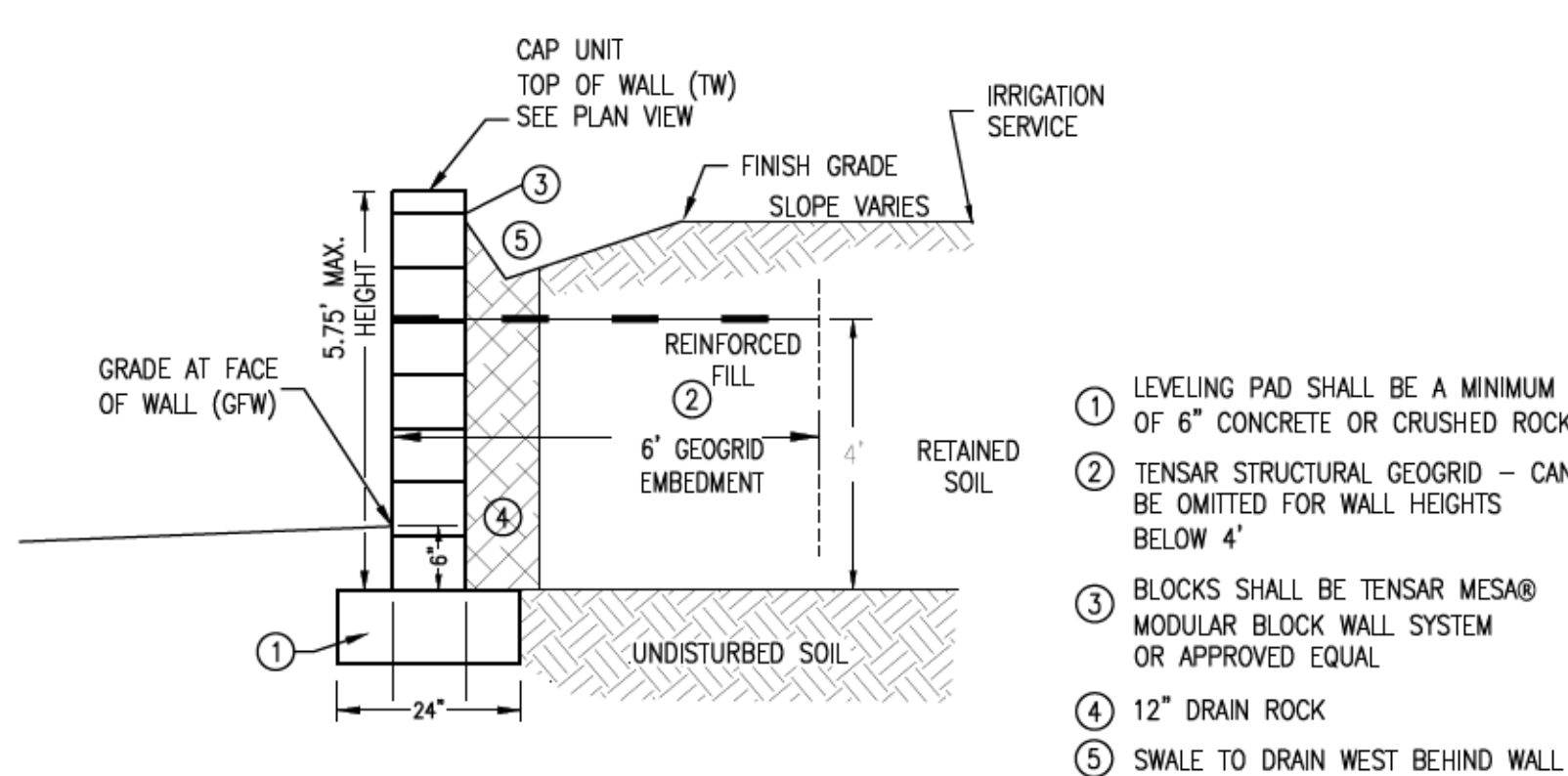
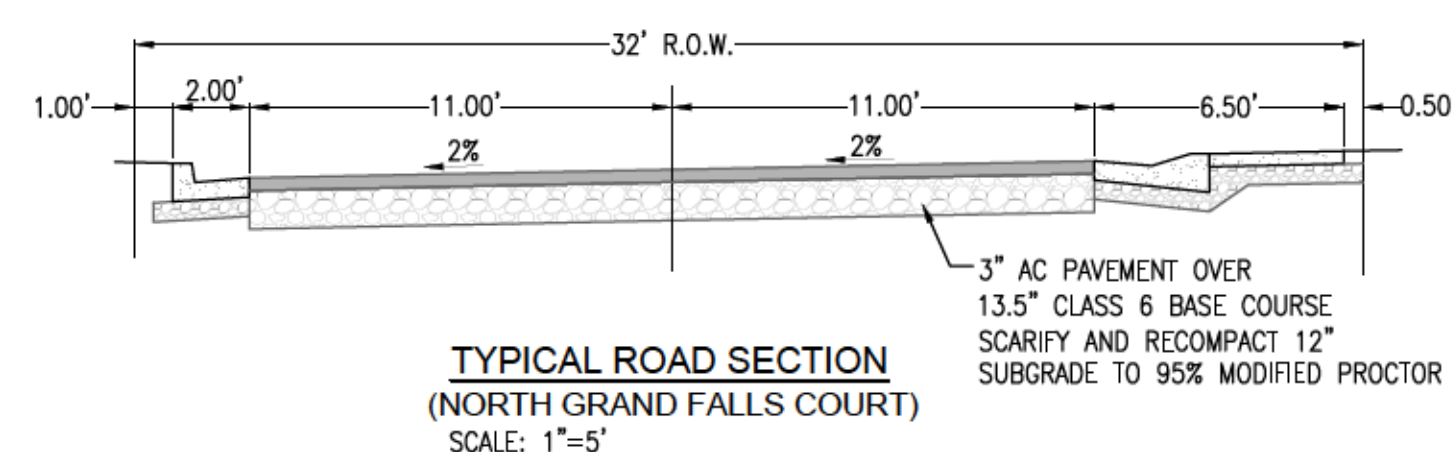
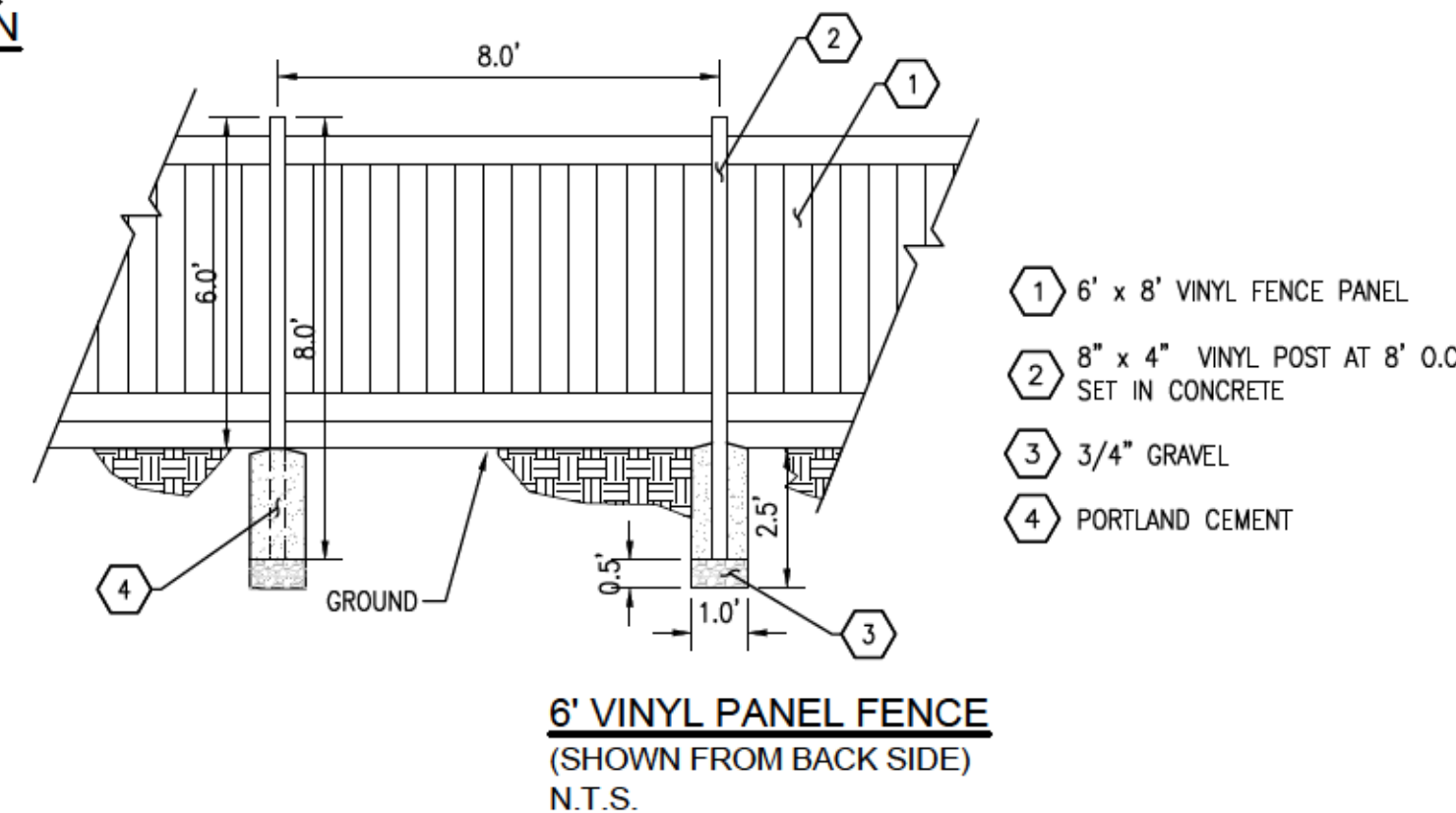
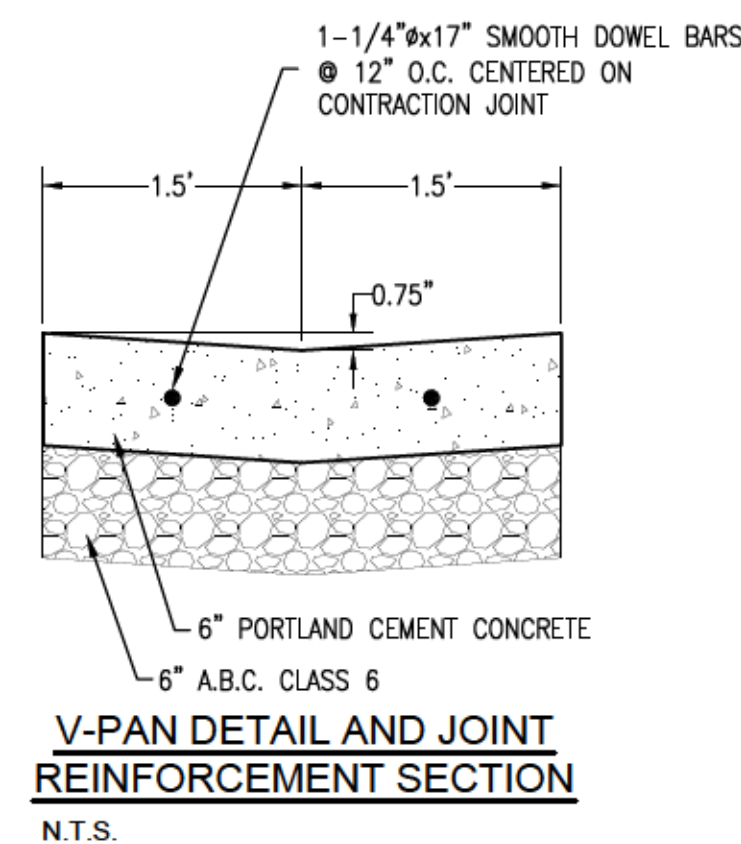
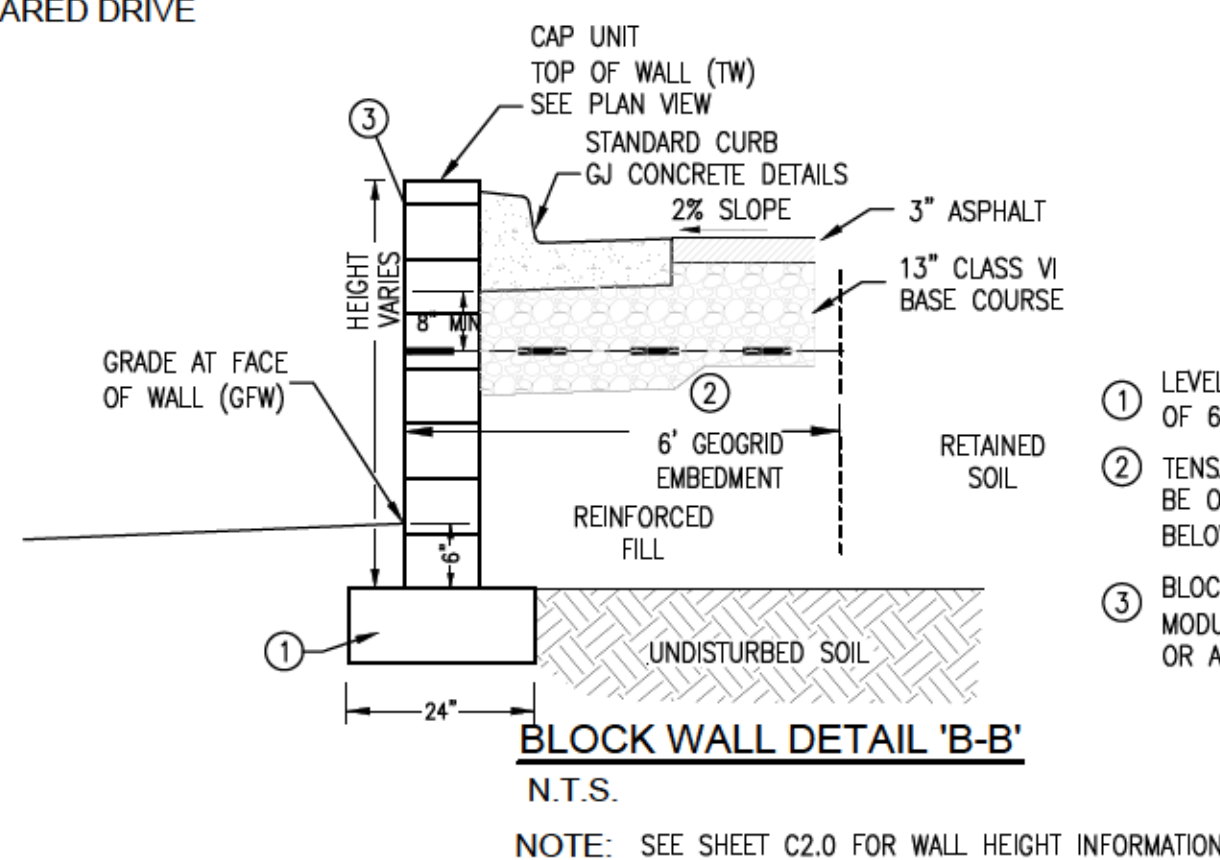
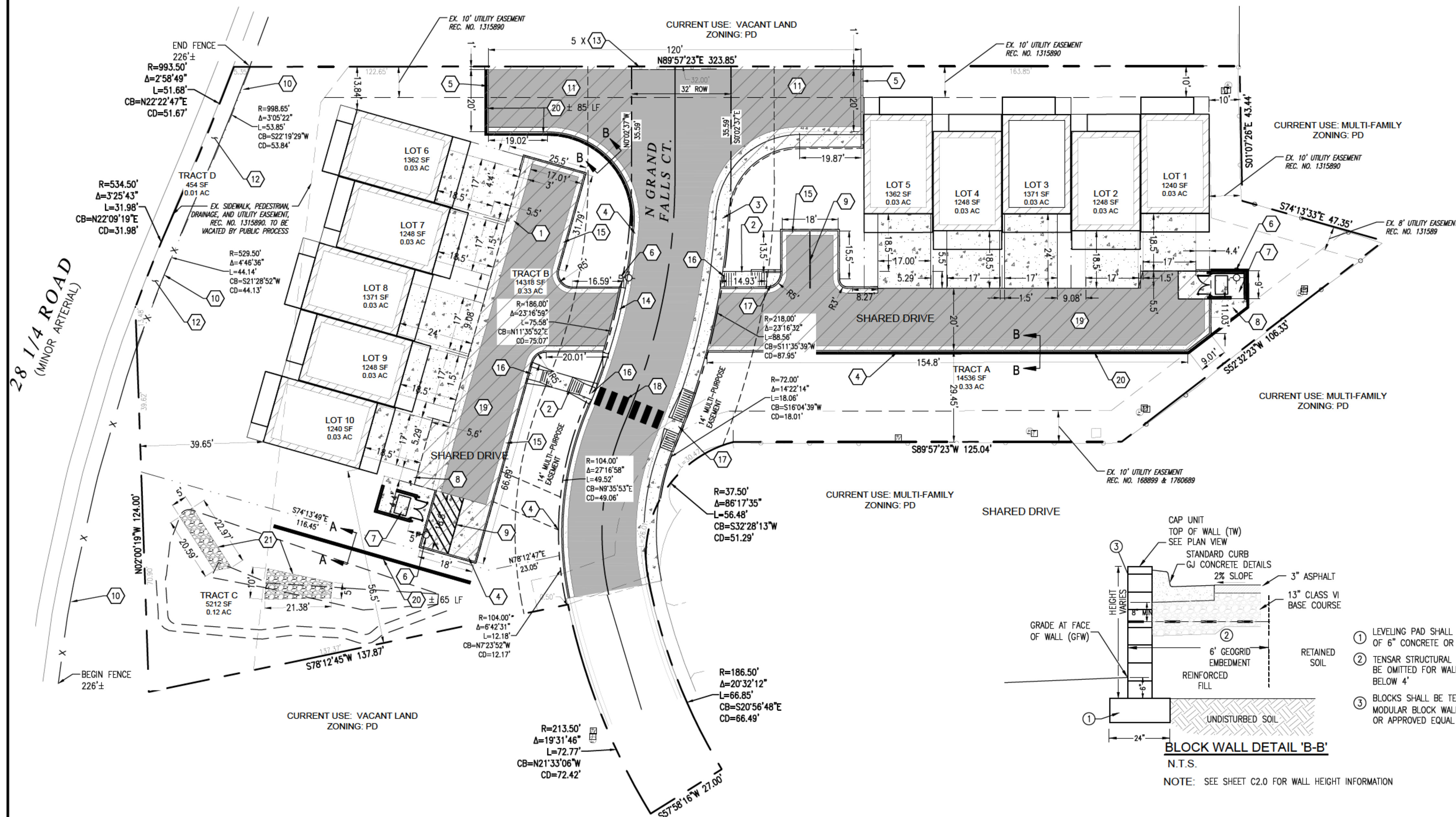
DATE: 2/26/19

SCALE: SEE PLAN

f18-088 site.dwg

~SHEET~

## C1.0



BLOCK WALL DETAIL 'A-A'  
N.T.S.

**NOTE:** SEE SHEET C2.0 FOR WALL HEIGHT INFORMATION

LOCATION OF UTILITIES SHOWN HEREON  
WAS PROVIDED BY OTHERS. CONTRACTOR  
MUST VERIFY LOCATION OF ALL EXISTING  
UTILITIES PRIOR TO CONSTRUCTION.



Know what's below.  
**Call** before you dig.  
Colorado 811  
1-800-922-1987  
co811.org

FOR REVIEW - NOT FOR CONSTRUCTION









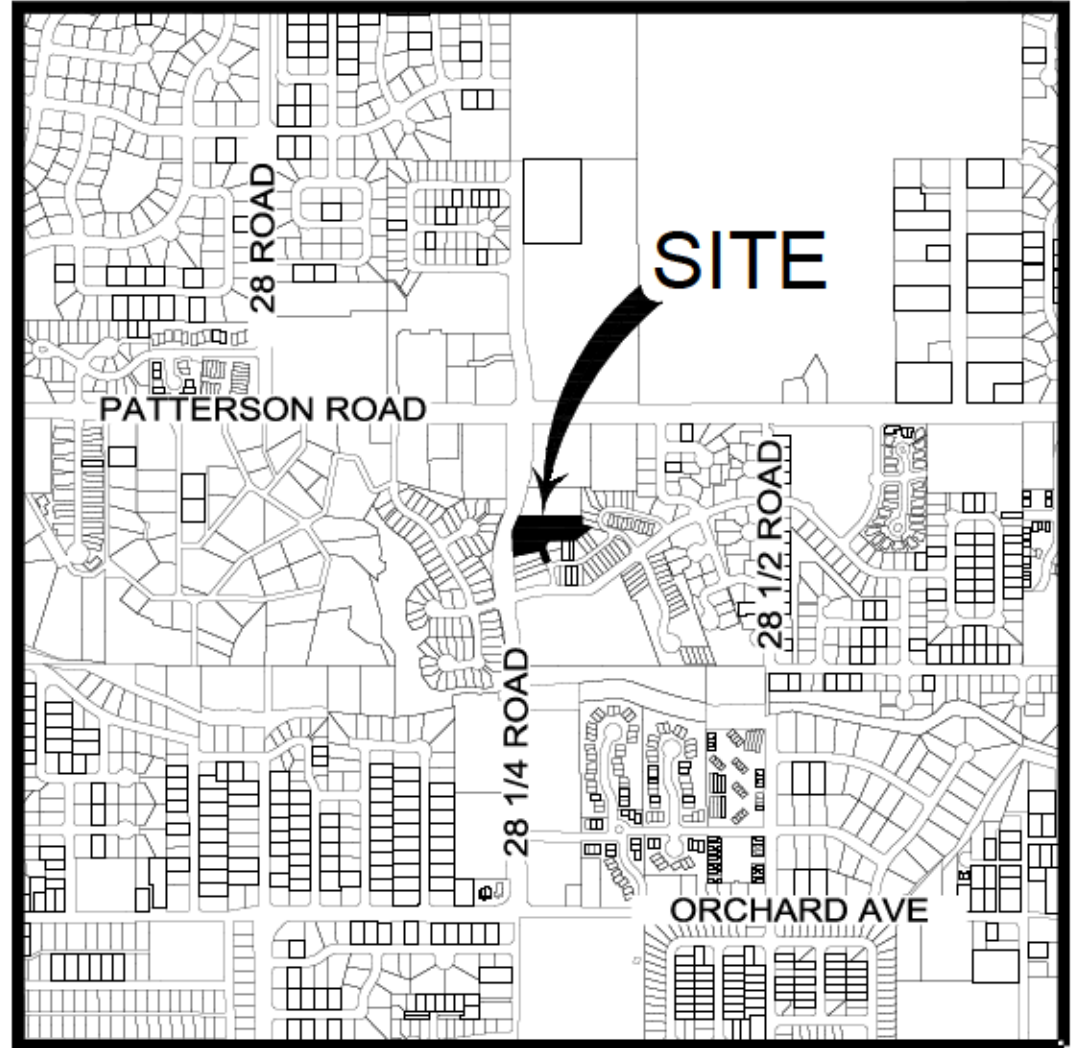






# GRAND FALLS TOWNHOMES

LOT 1 OF REPLAT LOTS 12 & 14 BLOCK TWO, THE FALLS - FILING NO. THREE  
RECEPTION NO. 1653349  
SITUATED IN THE NW1/4 OF SECTION 7  
TOWNSHIP 1 SOUTH, RANGE 1E, UTE MERIDIAN,  
CITY OF GRAND JUNCTION, MESA COUNTY, COLORADO



VICINITY MAP  
N.T.S.

## DEDICATION STATEMENT

KNOW ALL PERSONS BY THESE PRESENTS:

THAT THE UNDERSIGNED, COREY BENDETTI, IS THE OWNER OF RECORD OF THAT REAL PROPERTY SITUATED IN THE NW1/4 OF SECTION 7, T1S, R1E, UTE MERIDIAN, COUNTY OF MESA, STATE OF COLORADO, THE OWNERSHIP OF WHICH IS DEMONSTRATED AT RECEPTION NO. 2863815 OF THE RECORDS IN THE OFFICE OF THE MESA COUNTY CLERK AND RECORDER. SAID PROPERTY BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

LOT 1, REPLAT OF LOTS 12 & 14, BLOCK TWO, THE FALLS - FILING NO. THREE (REC. NO. 1653349)

CONTAIN APPROXIMATELY 1.26 ACRES.

SAID OWNER HAS CAUSED THE DESCRIBED REAL PROPERTY TO BE SURVEYED, LAID OUT, AND TO BE PUBLICLY KNOWN AS "GRAND FALLS TOWNHOMES."

ALL STREETS, ROADS, AND RIGHTS-OF-WAY ARE DEDICATED TO THE CITY OF GRAND JUNCTION FOR THE USE OF THE PUBLIC FOREVER.

ALL MULTI-PURPOSE EASEMENTS ARE DEDICATED TO THE CITY OF GRAND JUNCTION AS PERPETUAL EASEMENTS FOR CITY APPROVED UTILITIES INCLUDING THE INSTALLATION, OPERATION, MAINTENANCE, AND REPAIR OF SAID UTILITIES AND APPURTENANCES WHICH MAY INCLUDE BUT ARE NOT LIMITED TO ELECTRIC LINES, CABLE TV LINES, NATURAL GAS PIPELINES, SANITARY SEWER LINES, STORM SEWERS, WATER LINES, TELEPHONE LINES, TRAFFIC CONTROL FACILITIES, STREET LIGHTING, LANDSCAPING, TREES AND GRADE STRUCTURES.

ALL UTILITY EASEMENTS ARE DEDICATED TO THE CITY OF GRAND JUNCTION AS PERPETUAL EASEMENTS FOR CITY APPROVED UTILITIES INCLUDING THE INSTALLATION, OPERATION, MAINTENANCE, AND REPAIR OF SAID UTILITIES AND APPURTENANCES WHICH MAY INCLUDE BUT ARE NOT LIMITED TO ELECTRIC LINES, CABLE TV LINES, NATURAL GAS PIPELINES, SANITARY SEWER LINES, STORM SEWERS, WATER LINES, TELEPHONE LINES, EQUIVALENT OTHER PUBLIC UTILITY PROVIDERS AND APPURTENANT FACILITIES.

TRACTS A, B, C, AND D ARE GRANTED TO THE HOMEOWNERS ASSOCIATION BY SEPARATE INSTRUMENT. REFER TO THE COVENANTS OF GRAND FALLS TOWNHOMES FOR LIMITED COMMON ELEMENTS DETAILS.

TEMPORARY TURNAROUND EASEMENT GRANTED TO THE CITY OF GRAND JUNCTION BY SEPARATE INSTRUMENT.

SAID OWNER HEREBY ACKNOWLEDGES THAT THERE ARE NO LIENHOLDERS OF RECORD ASSOCIATED WITH THE INTERESTS OF THIS PLAT.

COREY BENDETTI \_\_\_\_\_ DATE \_\_\_\_\_

## NOTARY PUBLIC CERTIFICATION

STATE OF COLORADO )

COUNTY OF MESA )

THIS PLAT WAS ACKNOWLEDGED BEFORE ME BY COREY BENDETTI, ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D. 20\_\_\_\_.

MY COMMISSION EXPIRES \_\_\_\_\_

WITNESS MY HAND AND OFFICIAL SEAL.

## CLERK AND RECORDER'S CERTIFICATE

STATE OF COLORADO )

COUNTY OF MESA )

I CERTIFY THAT THIS INSTRUMENT WAS FILED IN MY OFFICE AT \_\_\_\_\_ O'CLOCK \_\_\_\_M., ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_ A.D. AND WAS RECORDED AT RECEPTION NO. \_\_\_\_\_  
DRAWER NO. \_\_\_\_\_, FEES \_\_\_\_\_

BY: \_\_\_\_\_ CLERK AND RECORDER DEPUTY

## LEGEND

PROPERTY BOUNDARY  
LOT LINE  
RIGHT-OF-WAY  
ADJOINING PROPERTY LINE  
EXISTING EASEMENT

### FOR CITY USE ONLY:

ASSOCIATED RECORDED DOCUMENTS  
RECEPTION NO. \_\_\_\_\_ DOCUMENT TYPE \_\_\_\_\_  
COVENANTS, CONDITIONS, & RESTRICTIONS  
TEMPORARY TURNAROUND EASEMENT  
TRACTS A, B, C, & D

- FOUND MESA COUNTY SURVEY MONUMENT (MCSM)
- FOUND #5 BAR WITH PLASTIC CAP MARKED "LS16413" OR AS NOTED
- FOUND #5 BAR WITH NO CAP. SET 2" ALUMINUM CAP MARKED "VORTEX ENGINEERING PLS 38464"
- SET #5 BAR WITH 2" ALUMINUM CAP MARKED "VORTEX ENGINEERING PLS 38464" IN CONCRETE
- SET PK NAIL AND 1.5" WASHER MARKED "VORTEX ENGINEERING PLS 38464" IN CONCRETE

MCSM  
PLS  
REC. NO.  
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MESA COUNTY SURVEY MONUMENT  
PROFESSIONAL LAND SURVEYOR  
RECEPTION NUMBER  
NORTH  
SOUTH  
EAST  
WEST  
RADIUS  
DELTA  
LENGTH  
CHORD BEARING  
CHORD DISTANCE  
WITNESS CORNER  
FEET  
SQUARE FEET  
ACRES

REVISION 2: 11/11/19

REVISION 1: 9/27/19

## GRAND FALLS TOWNHOMES

LOCATED IN THE  
NW1/4, Section 7, Township 1S,  
Range 1E, Ute Meridian  
City of Grand Junction, Mesa County, CO

**VORTEX**  
ENGINEERING, INC.

2394 Patterson Road, Suite 201  
Grand Junction, CO 81505  
Phone: (970) 245-9051  
Fax: (970) 245-7639

FIELDWORK: ABL  
DRAWING: GRAND FALLS SUBDIV PLAT.DWG  
DATE: 8/14/19  
DRAWN BY: ABL  
JOB NUMBER: F18-088  
SHEET 1 OF 1

## AREA SUMMARY:

LOTS:	0.30 AC	23.6%
TRACTS:	0.79 AC	63.1%
RIGHT-OF-WAY:	0.17 AC	13.3%
TOTAL	1.26 AC	100%

## NOTES:

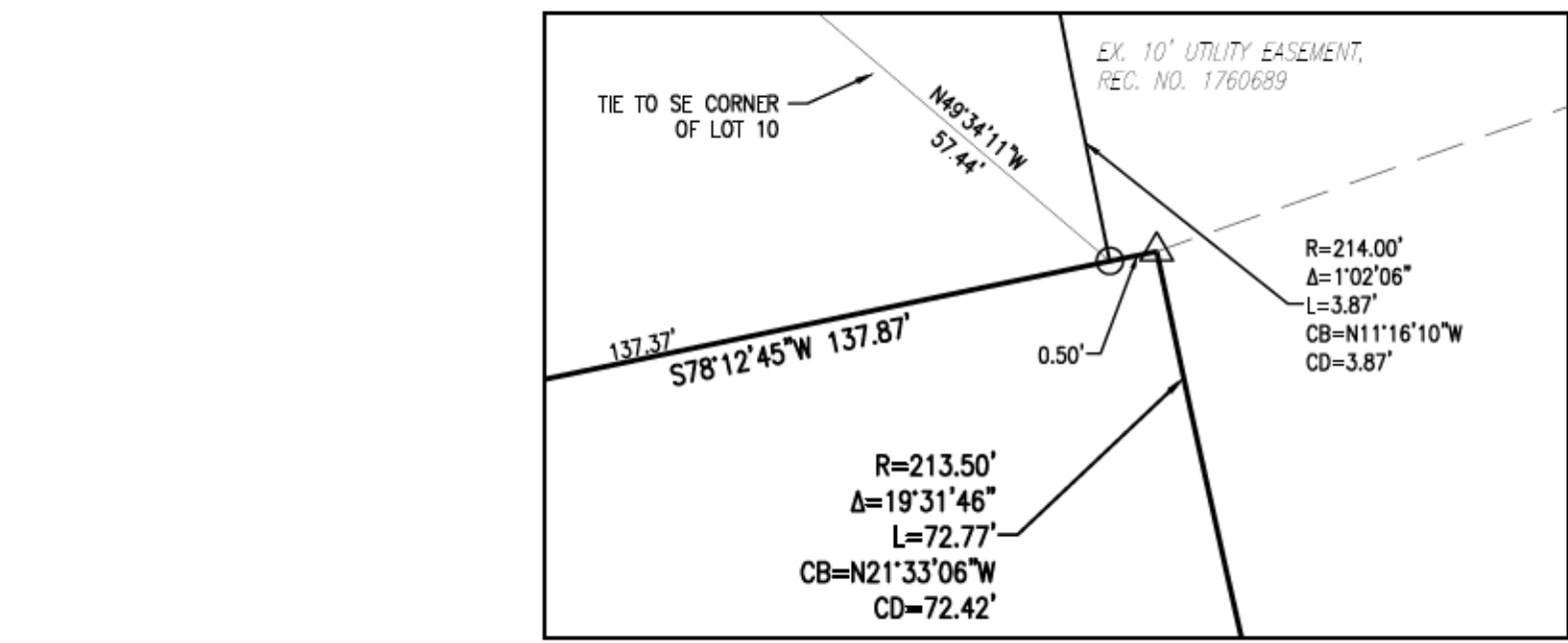
- BASIS OF BEARING: USING THE MESA COUNTY REAL TIME VIRTUAL REFERENCE NETWORK, A BEARING AND DISTANCE OF N89°57'23"E AND 2624.17 FEET BETWEEN A FOUND 2.5" ALUMINUM CAP MARKING THE NW CORNER OF SECTION 7 (MCSM #36-1) AND A FOUND 2.5" ALUMINUM CAP MARKING THE N1/4 CORNER OF SECTION 7 (MCSM #1217).
- ACCORDING TO COLORADO LAW, YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVERED 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.
- TITLE COMMITMENT INFORMATION PROVIDED BY ABSTRACT TITLE COMPANY, FILE NO. 53396SK, DATED DECEMBER 10, 2018.

## SURVEYOR'S CERTIFICATE

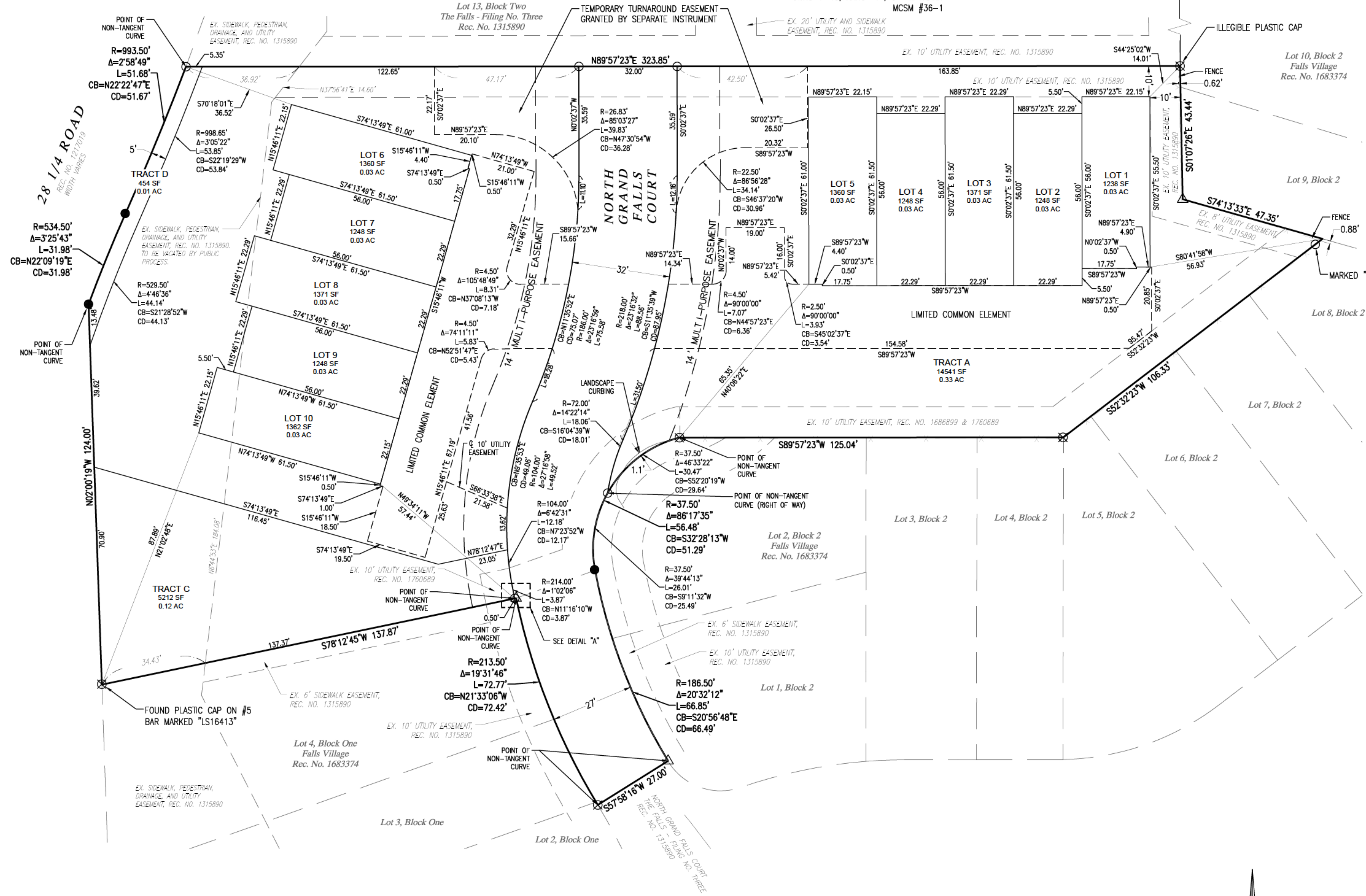
I, ALEXANDRE B. LHERTIER, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THIS PLAT OF GRAND FALLS TOWNHOMES WAS SURVEYED BY ME. IT IS BASED UPON MY PROFESSIONAL KNOWLEDGE, INFORMATION, AND BELIEF ACCORDING TO APPLICABLE STANDARDS OF PRACTICE. THIS IS NOT A GUARANTEE OR WARRANTY, EITHER EXPRESSED OR IMPLIED.

EXECUTED THE \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D. 20\_\_\_\_.

FOR REVIEW



DETAIL "A"  
SCALE: 1"=2'



## TITLE CERTIFICATION

ADVANCED TITLE COMPANY, A TITLE INSURANCE COMPANY, AS DULY LICENSED IN THE STATE OF COLORADO, HEREBY CERTIFIES THAT WE HAVE EXAMINED TITLE TO THE PERSON DESCRIBED PROPERTY, THAT WE FIND THE TITLE TO THE PROPERTY IS VESTED TO COREY BENDETTI; THAT THE CURRENT TAXES HAVE BEEN PAID; THAT ALL MORTGAGES NOT SATISFIED OR RELEASED OF RECORD NOR OTHERWISE TERMINATED BY LAW ARE SHOWN HEREON AND THAT THERE ARE NO OTHER ENCUMBRANCES OF RECORD; THAT ALL EASEMENTS, RESERVATIONS, AND RIGHTS-OF-WAY OF RECORD ARE SHOWN HEREON.

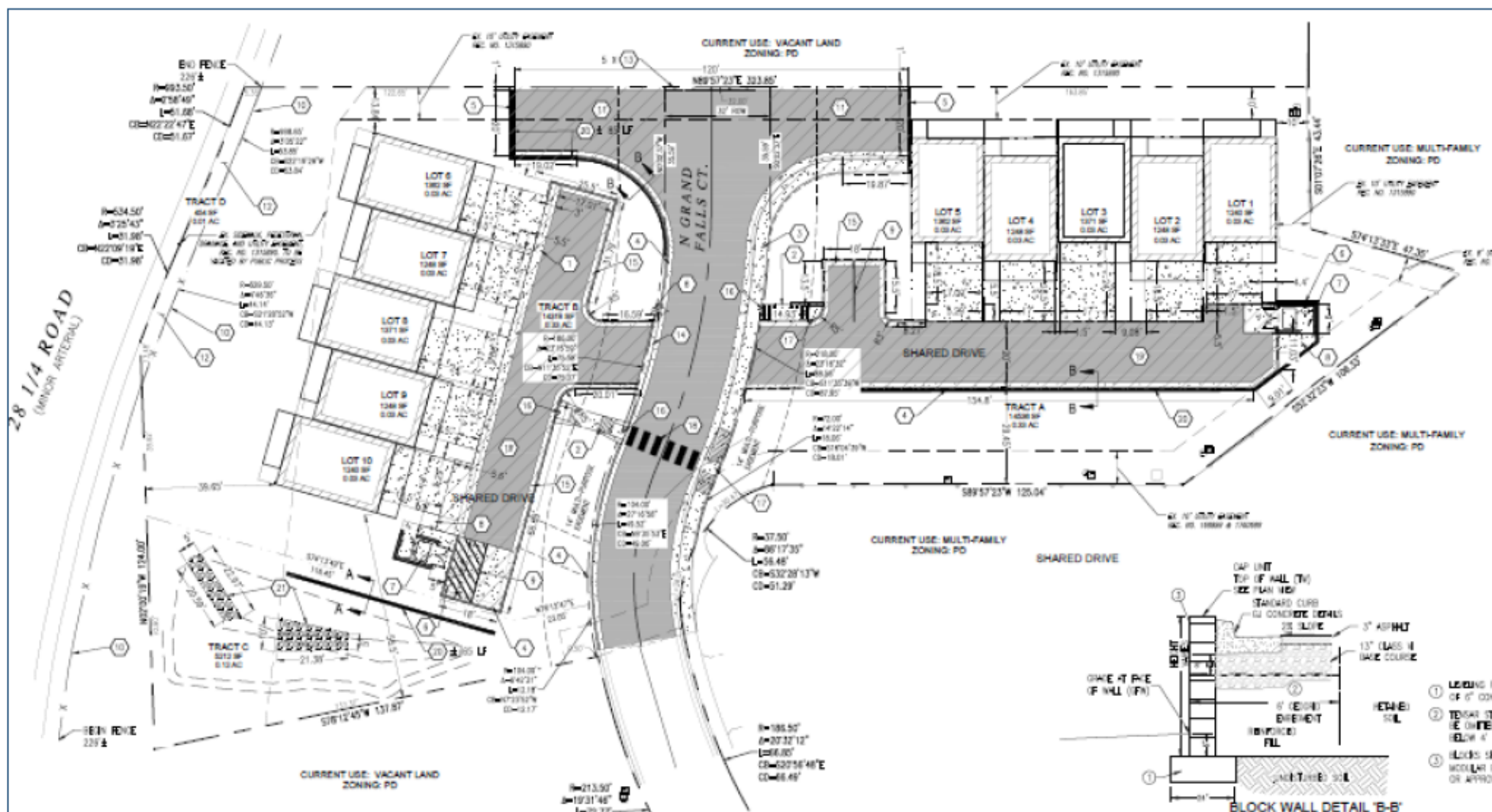
NAME AND TITLE \_\_\_\_\_ DATE \_\_\_\_\_  
ADVANCED TITLE COMPANY

## CITY OF GRAND JUNCTION APPROVAL

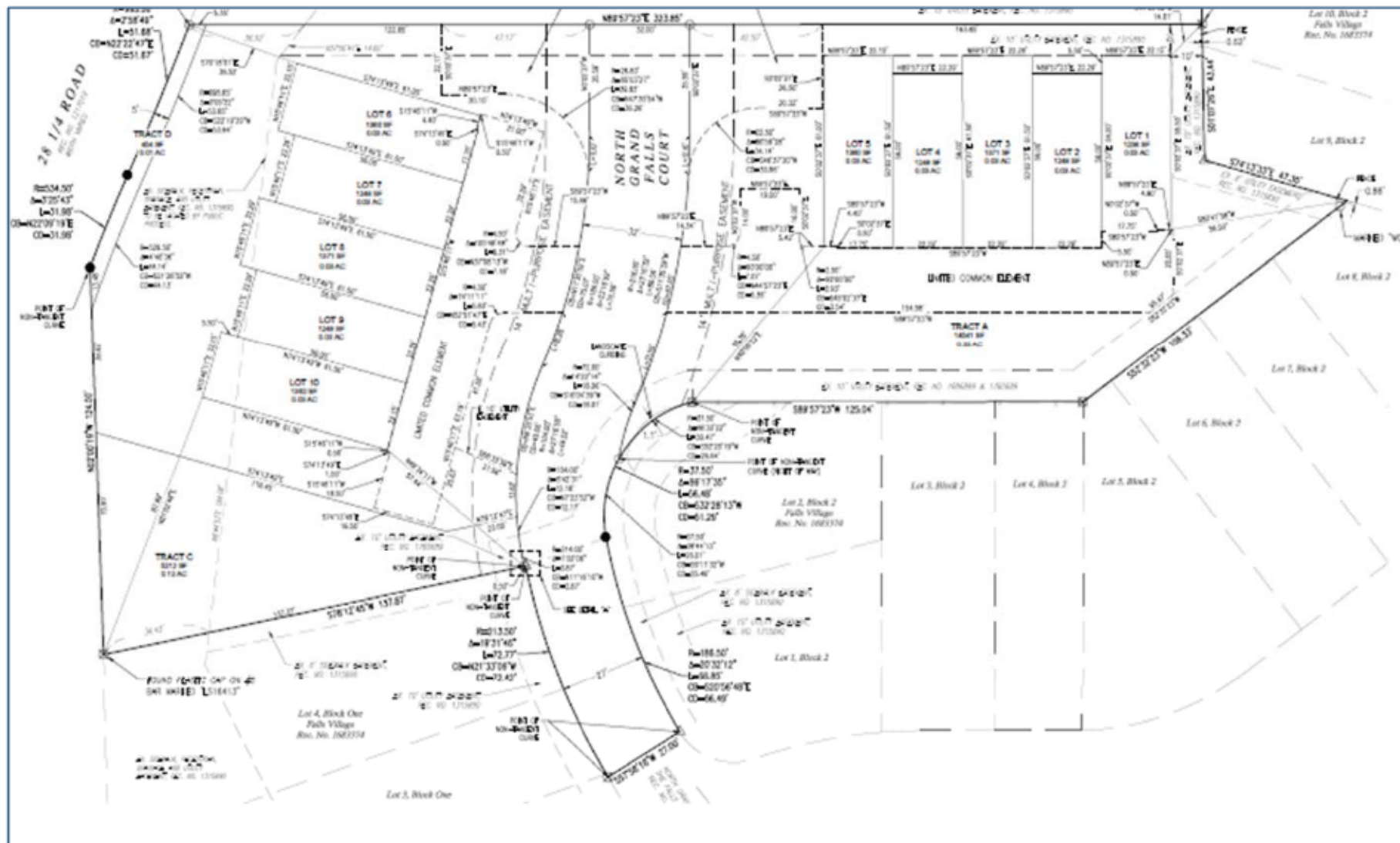
GRAND FALLS TOWNHOMES, A SUBDIVISION OF THE CITY OF GRAND JUNCTION, MESA COUNTY, COLORADO, IS HEREBY APPROVED AND DEDICATIONS ACCEPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_ A.D.

CITY MANAGER \_\_\_\_\_ MAYOR \_\_\_\_\_









**PROPOSED GRAND FALLS TOWNHOMES SUBDIVISION PLAT**

**GRAND JUNCTION PLANNING COMMISSION**  
**December 10, 2019 MINUTES**  
**6:00 p.m.**

The meeting of the Planning Commission was called to order at 6:00pm by Vice Chair Bill Wade.

Those present were Planning Commissioners; Vice Chair Bill Wade, George Gatseos, Kathy Deppe, Keith Ehlers, Sam Susuras and Ken Scissors.

Also present were Jamie Beard (Assistant City Attorney), Tamra Allen (Community Development Director), Kristen Ashbeck (Principal Planner), Scott Peterson (Senior Planner), Landon Hawes (Senior Planner), Senta Costello (Associate Planner), and Jace Hochwalt (Associate Planner).

There were approximately 11 citizens in the audience.

**CONSENT AGENDA**

Commissioner Susuras moved to adopt Consent Agenda items #1-6. Commissioner Gatseos seconded the motion. Motion carried unanimously 6-0.

1. **Approval of Minutes**
  - a. Minutes of the November 12, 2019 Regular Meeting.
2. **Rivertown Center – Vacation of Utility Easement** **File # VAC-2019-562**

Consider a request by DRK Associates to vacate the south 4 feet of the 14-foot Multi-Purpose Easement along Dewey Place located on a property at 2566 Patterson Road.
3. **Court on G Road Subdivision – Vacation of Public Right-of-Way** **File #VAC-2019-646**

Consider a request by Anatum, LLC to vacate the undeveloped Westcliff Drive Public Right-of-Way of 322.19 lineal feet as part of the development of the proposed Court on G Subdivision located south of G Road and east of 27 Road.
4. **Court on G Road Subdivision – Vacation of Utility Easement** **File # VAC-2019-647**

Consider a request by Anatum, LLC, to vacate two 10-foot public utility easements located at 2711 G Road.
5. **Hoffman III Subdivision – Vacation of Utility Easement** **File # VAC-2019-589**

Consider a request by Habitat for Humanity to vacate a public utility easement located on parcel 2943-212-06-100 and Hoffman Subdivision Filing II.

**6. Grand Falls Townhomes – Vacation of Public Easements File # VAC-2019-652**

Consider a request by Corey Bendetti to vacate public easements on a 1.26-acre parcel located at 588 North Grand Falls Court.

**REGULAR AGENDA**

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**1. Grand Falls Townhomes – Rezone File # RZN-2019-649**

Consider a request by Corey Bendetti to rezone 1.26-acres from PD (Planned Development) to R-8 (Residential 8 units per acre).

**Staff Presentation**

Kristen Ashbeck, Principal Planner, introduced exhibits into the record and provided a presentation regarding the request.

**Questions for Staff**

None.

**Applicant's Presentation**

Jim Atkinson, Vortex Engineering, spoke on behalf of the Applicant regarding the request.

**Public Comment**

The public hearing was opened at 6:13pm.

None.

The public hearing was closed at 6:14pm.

**Motion and Vote**

Commissioner Susuras made the following motion, "Mister Chairman, on the Rezone request RZN-2019-649 I move that the Planning Commission forward a recommendation of approval with the findings of fact listed in the staff report."

Commissioner Gatseos seconded the motion. The motion carried 6-0.

**2. Casas de Luz – Planned Development Amendment File # PLD-2010-259**

Consider a request by Dynamic Investments Inc., to amend the phasing schedule for the Casas de Luz Planned Development and associated Outline Development Plan.

**Staff Presentation**

Scott Peterson, Senior Planner, introduced exhibits into the record and provided a presentation regarding the request.



### **Questions for Staff**

Commissioner Ehlers asked Staff for clarification regarding the request and a versus editing the original approved plan.

Commissioner Wade asked Staff for clarification regarding PD extensions.

### **Applicant's Presentation**

The Applicant, Robert Stubbs, Dynamic Investments, Inc., was present and did not make a comment.

### **Public Comment**

The public hearing was opened at 6:26pm.

Russ Carson and Patricia McVane made comments in opposition of the request.

The Applicant, Robert Stubbs, Dynamic Investments, Inc., responded to public comment.

Commissioner Deppe asked a question regarding the Planned Development.

The public hearing was closed at 6:38pm.

### **Discussion**

Commissioner Gatseos, Ehlers, and Wade made comments in support of the request.

### **Motion and Vote**

Commissioner Gatseos made the following motion, "Mister Chair, on the Casas de Luz request to amend the phasing schedule of the previously approved Planned Development, located at West Ridges Boulevard and School Ridge Road, City file number PLD-2010-259, I move that the Planning Commission forward a recommendation of approval to City Council with the findings of fact as provided within the staff report."

Commissioner Susuras seconded the motion. The motion carried 6-0.

### **3. 1221 Wellington Avenue – Rezone File # RZN-2019-598**

Consider a request by John Poorey, Baseline Capital Investments, LLP, to rezone 1.81-acres from R-24 (Residential 24 units per acre) to B-1 (Neighborhood Business).

### **Staff Presentation**

Landon Hawes, Senior Planner, introduced exhibits into the record and provided a presentation regarding the request.

**Questions for Staff**

None.

**Applicant's Presentation**

Bill Plock, Baseline Capital Investments, LLP, owner, was present and did not make a comment.

**Public Comment**

The public hearing was opened at 6:52pm.

None.

The public hearing was closed at 6:52pm.

**Questions for Staff**

None.

**Discussion**

None.

**Motion and Vote**

Commissioner Gatseos made the following motion, "Mister Chair, on the Rezone request to B-1 for the property located at 1221 Wellington Avenue, City file number RZN-2019-598, I move that the Planning Commission forward a recommendation of approval to City Council with the findings of fact listed in the staff report."

Commissioner Susuras seconded the motion. The motion carried 6-0.

**4. Drinking Establishment/Brewery – Zoning Code Amendment File # ZCA-2019-644**

Consider a request by the City of Grand Junction to amend various sections of the Zoning and Development Code (Title 21) related to drinking establishments.

**Staff Presentation**

Jace Hochwalt, Associate Planner, introduced exhibits into the record and provided a presentation regarding the request.

**Questions for Staff**

Commissioner Ehlers asked a question regarding the absence of a "winery, tasting room" component in the proposed definition.

Tamra Allen, Community Development Director, explained the use of “winery” being consistent with an agricultural use, and tasting room could be categorized with “drinking establishment.”

Commissioner Scissors asked a question regarding the necessity of the CUP process being required in the I-O, I-1 and I-2 zone districts.

Mr. Hochwalt and Ms. Allen responded to Commissioner Scissors.

#### **Public Comment**

The public hearing was opened at 7:19pm.

None.

The public hearing was closed at 7:20pm.

#### **Discussion**

Commissioner Gatseos made a comment in support of this request.

#### **Motion and Vote**

Commissioner Ehlers made the following motion, “Mister Chairman, on the Zoning and Development Code Amendments, ZCA-2019-644, I move that the Planning Commission forward a recommendation of approval with the findings of fact as listed in the staff report.”

Commissioner Scissors seconded the motion. The motion carried 6-0.

#### **5. Other Business**

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None.

#### **6. Adjournment**

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The meeting was adjourned at 7:22pm.



**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE REZONING THE GRAND FALLS TOWNHOMES PROPERTY TO  
R-8 (RESIDENTIAL 8 UNITS PER ACRE)**

**LOCATED AT 588 NORTH GRAND FALLS COURT**

**Recitals:**

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of zoning the Grand Falls Townhomes property to the R-8 (Residential 8 units per acre) zone district, finding that it conforms to and is consistent with the Comprehensive Plan Future Land Use Map designation of Residential Medium High 8 to 16 units per acre, the goals and policies of the Comprehensive Plan and is generally compatible with land uses located in the surrounding area.

After public notice and public hearing, the Grand Junction City Council finds that the R-8 (Residential 8 units per acre) zone district is in conformance with at least one of the stated criteria of Section 21.02.140 of the Grand Junction Zoning and Development Code.

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT:**

The following property described below and depicted in Exhibit A shall be zoned R-8 (Residential 8 units per acre):

Lot 1 Replat Lots 12 and 14 Block Two The Falls – Filing Number Three Section 7 Township 1 South Range 1 East U M and also including that portion of the vacated right-of-way as described in Book 2882 Pages 246 through 248 Mesa County Records – 1.26 acres in size.

Introduced on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2019 and ordered published in pamphlet form.

Adopted on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2020 and ordered published in pamphlet form.

**ATTEST:**

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor





## Grand Junction City Council

### Regular Session

Item #6.b.ii.

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**Meeting Date:** January 15, 2020

**Presented By:** Landon Hawes, Senior Planner

**Department:** Community Development

**Submitted By:** Landon Hawes, Senior Planner

---

### **Information**

#### **SUBJECT:**

An Ordinance Rezoning to B-1 (Neighborhood Business) a 1.81-Acre Property Located at 1221 Wellington Avenue

#### **RECOMMENDATION:**

The Planning Commission heard this request at their December 10, 2019 meeting and voted 6-0 to recommend approval of the request.

#### **EXECUTIVE SUMMARY:**

The Applicant, Baseline Capital Investments LLP, is requesting a rezone of a 1.81-acre parcel of land located at 1221 Wellington Avenue from R-24 (Residential – 24 du/ac) to B-1 (Neighborhood Business) in anticipation of future development. The requested B-1 zone district is consistent with the Comprehensive Plan Future Land Use Map designation of Business Park Mixed Use.

#### **BACKGROUND OR DETAILED INFORMATION:**

##### **BACKGROUND**

The subject property is located on the southern corner of 12th Street and Wellington Avenue and is currently vacant. The Applicant wishes to rezone it to B-1 (Neighborhood Business) If approved, the Applicant has represented the intention to develop the site with a mixed-use building(s). This development was presented at the neighborhood meeting as comprising townhome, office, and retail uses.

Surrounding development to the North includes City Market and Qdoba (B-1), to the East Wellington Townhomes (PD), to the West General offices (B-1) and



commercial/retail, and to the South Bookcliff Medical Center (R-O).

This property was zoned in December 2017 from R-8 to R-24 as the Levande on 12th Apartments project (RZN-2017-465) and was slated to have an 89-unit residential facility constructed on it. However, that project has not come to fruition and the owner has new plans for this property.

The Development Code states that the purpose of the B-1 (Neighborhood Business) zone district is to “provide small areas for office and professional services combined with limited retail uses, designed in scale with surrounding residential uses; a balance of residential and nonresidential uses.” To achieve this, the B-1 zone has limited performance standards that parking, service entrances, and outdoor storage. Any business use may not increase on-street parking in front of neighborhood dwellings, service entrances and outdoor storage is not allowed. In comparison, the Development Code states that the purpose of the R-24 zone district is “to provide for high density residential use” and “to provide a balance of housing opportunities in the community.”

The B-1 and R-24 zones have comparable principal structure setbacks, but the R-24 zone allows buildings up to 32 feet taller than those allowed in the B-1 zone. The R-24 zone also does not have a density cap, while the B-1 zone allows a maximum of 16 units per acre. The B-1 zone also imposes a limit of 15,000 square feet on any building.

This property has a Future Land Use Map designation of Business Park Mixed Use. Applicable zones for this designation include R-8, R-12, R-16, R-24, R-O, B-1, CSR, BP, and I-O. The B-1 zone allows for a wide variety of housing, such as two family dwellings, single-family detached, and multifamily. It also permits civic and institutional uses, general office, general retail, and other commercial uses. In contrast, The R-24 zone is almost exclusively focused on allowing multifamily, with various institutional and civic uses such as schools allowed as well, which would eliminate any commercial potential for this site. Similar issues exist for the R-8, R-12, and R-16 zones because they are also focused on multifamily, with slightly more variety in residential use as well. The R-O zone is intended to provide “low intensity, nonretail, neighborhood service and office use,” which would discourage retail uses on this site. The CSR zone is designed mostly for civic and institutional uses and is therefore unsuitable for this site. The BP zone is intended for business parks that allow manufacturing, which is also unsuitable for the Applicant’s future project. Finally, the I-O district allows industrial uses, which would not fit the character of the surrounding neighborhood because of the existing commercial and residential uses.

With the preceding information in mind, staff feels that the B-1 zone makes the most sense for carrying out the Applicant’s plans for the site.

## **NOTIFICATION REQUIREMENTS**

### **Neighborhood Meeting:**

A Neighborhood Meeting regarding the proposed rezone request was held on September 16, 2019 in accordance with Section 21.02.080 (e) of the Zoning and Development Code. The Applicant and multiple representatives from his team attended, as well as City Staff and four neighbors. At that time, neighbors in attendance had questions about the B-1 zone district, traffic and noise, and the development timeframe.

### **Public Notice:**

Notice was completed consistent with the provisions in Section 21.02.080 (g) of the Zoning and Development Code. The subject property was posted with an application sign on October 21, 2019. Mailed notice of the public hearings before Planning Commission and City Council in the form of notification cards was sent to surrounding property owners within 500 feet of the subject property on November 29, 2019. The notice of this public hearing was published December 3, 2019 in the *Grand Junction Daily Sentinel*.

## **ANALYSIS**

The criteria for review is set forth in Section 21.02.140 (a). The criteria provide that the City may rezone property if the proposed changes are consistent with the vision, goals and policies of the Comprehensive Plan and must meet one or more of the following rezone criteria as identified:

(1) Subsequent events have invalidated the original premises and findings; and/or

The existing zoning of R-24 remains a zone district that works to implement the current Comprehensive Plan designation of Business Park Mixed Use. Therefore, staff does not find that subsequent events have invalidated the original premise and findings and therefore finds this criterion has not been met.

(2) The character and/or condition of the area has changed such that the amendment is consistent with the Plan; and/or

The character of the area has not changed since the previous rezoning. Therefore, staff finds that this criterion has been met.

(3) Public and community facilities are adequate to serve the type and scope of land use proposed; and/or

Adequate public and community facilities and services are available to the property and

are sufficient to serve land uses associated with the B-1 zone district. Required utilities are available for service to this property: city water and sewer lines are located in Wellington Avenue; the property is in the service area for Xcel Energy; Tope Elementary School is nearby; finally, Grand Valley Transit has several nearby bus stops located on 12th Street. As such, staff finds this criterion has been met.

(4) An inadequate supply of suitably designated land is available in the community, as defined by the presiding body, to accommodate the proposed land use; and/or

Planning best practices suggest that mixed-use developments decrease automobile traffic, increase pedestrian activity, increase public health, and create more vibrant neighborhoods. As demonstrated in the Background section of this report, the R-24 zone cannot create such developments by itself, while the B-1 zone can. The city has relatively few mixed-use neighborhoods in the city, so this rezone will potentially allow for more of that best-practice development. It is true that the MX districts allow for even greater mixed-use flexibility, but they are only allowed in Neighborhood Center Future Land Use designations or along Mixed Use Opportunity Corridors. Staff finds that the criterion has been met.

(5) The community or area, as defined by the presiding body, will derive benefits from the proposed amendment.

The community and area will benefit from this proposed rezone by creating the potential for a mix of uses such as office, retail, and residential land uses as part of a single development project of which is compatible with the surrounding area. This area currently has a mix of uses and employment and shopping are within easy walking distance of this site. A B-1 zone district further enables this area of the City to benefit from the potential for increased walkability with both residential and service oriented commercial uses. Therefore, staff finds that this criterion has been met.

This rezone request is consistent with the following vision, goals and/or policies of the Comprehensive Plan:

Goal 3: The Comprehensive Plan will create ordered and balanced growth and spread future growth throughout the community.

Policy B: Create opportunities to reduce the amount of trips generated for shopping and commuting and decrease vehicle miles traveled thus increasing air quality.

Goal 5: To provide a broader mix of housing types in the community to meet the needs of a variety of incomes, family types and life stages.



## **PLANNING COMMISSION RECOMMENDATION AND FINDINGS OF FACT**

After reviewing the Baseline Capital Investments LLP rezone request, RZN-2019-598, from R-24 (Residential – 24 du/ac) to B-1 (Neighborhood Commercial) for the property located at 1221 Wellington Avenue, the following findings of fact have been made:

1. In accordance with Section 21.02.140 (a) of the Zoning & Development Code, the application meets one or more of the rezone criteria.
2. The requested rezone is consistent with the goals and policies of the Comprehensive Plan.

Therefore, the Planning Commission recommends approval of the requested rezone to B-1.

### **FISCAL IMPACT:**

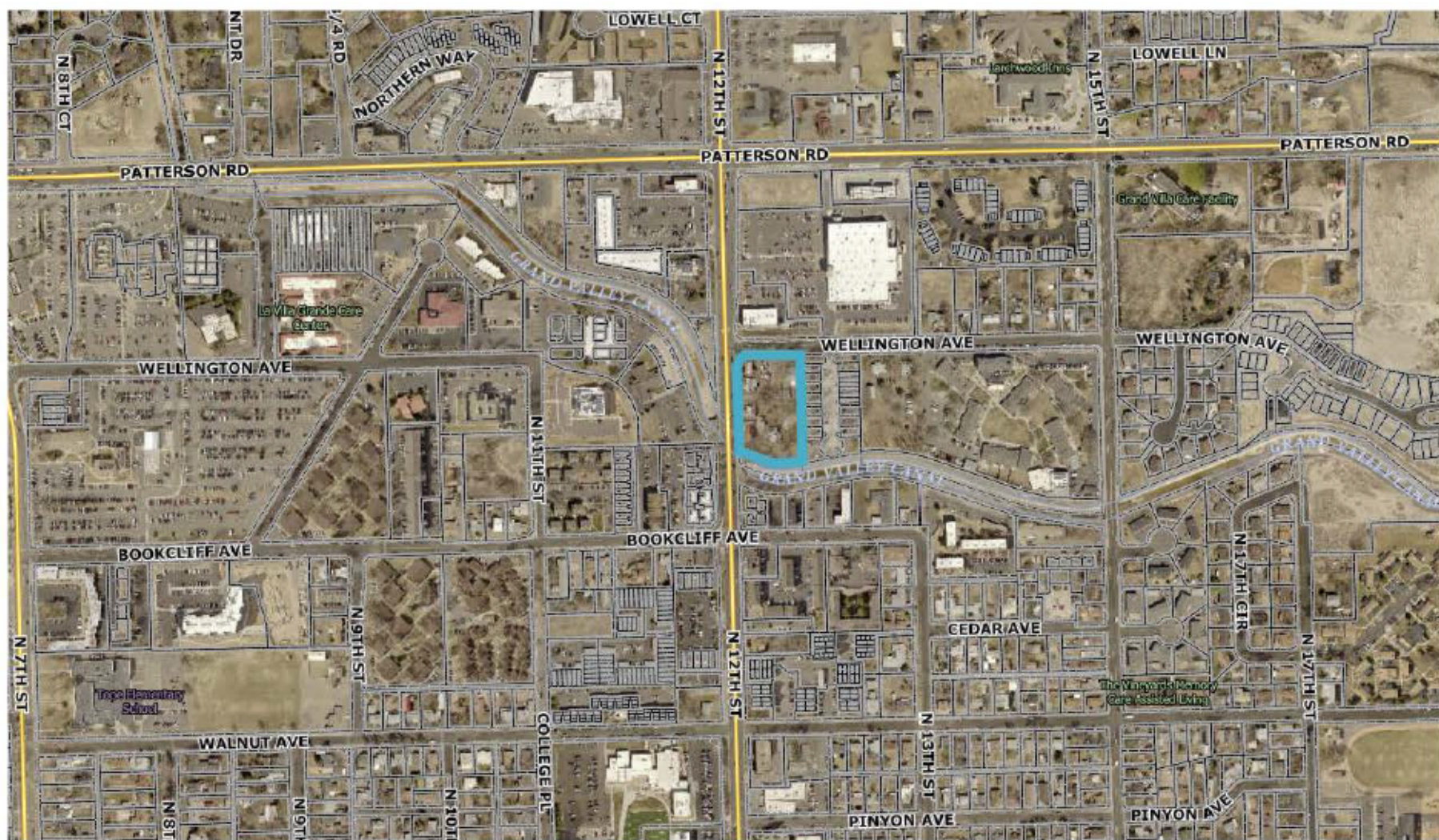
This request has no direct fiscal impact.

### **SUGGESTED MOTION:**

I move to (adopt/deny) Ordinance 4901, an ordinance approving a rezone to B-1 (Neighborhood Business) for a 1.81-acre parcel located at 1221 Wellington Avenue on final passage, and order final publication in pamphlet form.

### **Attachments**

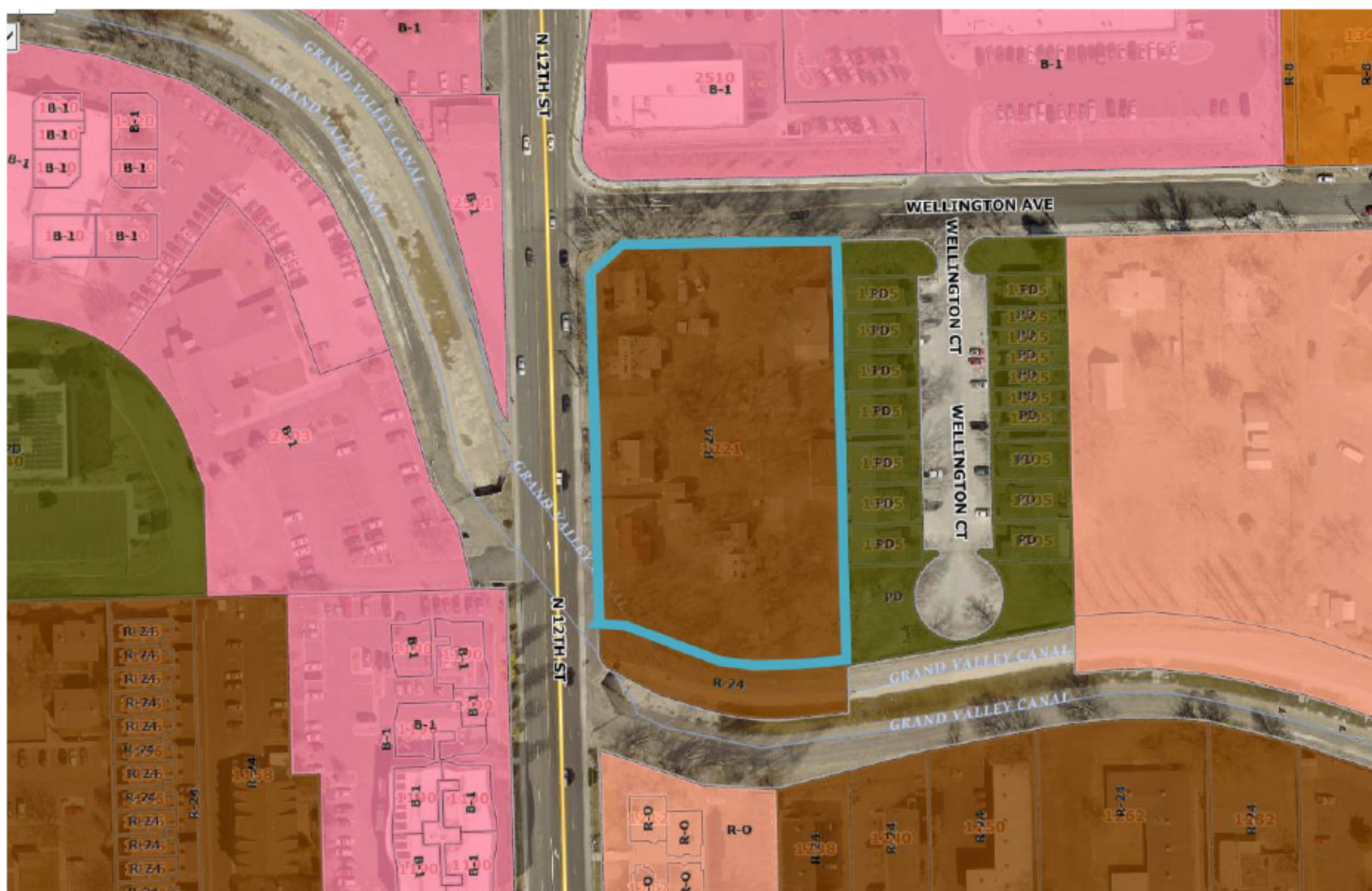
1. 1221 Wellington Rezone map exhibits
2. Planning Commission Minutes - 2019 - December 10 - Draft
3. ORD - Rezone 1221 Wellington















**GRAND JUNCTION PLANNING COMMISSION**  
**December 10, 2019 MINUTES**  
**6:00 p.m.**

The meeting of the Planning Commission was called to order at 6:00pm by Vice Chair Bill Wade.

Those present were Planning Commissioners; Vice Chair Bill Wade, George Gatseos, Kathy Deppe, Keith Ehlers, Sam Susuras and Ken Scissors.

Also present were Jamie Beard (Assistant City Attorney), Tamra Allen (Community Development Director), Kristen Ashbeck (Principal Planner), Scott Peterson (Senior Planner), Landon Hawes (Senior Planner), Senta Costello (Associate Planner), and Jace Hochwalt (Associate Planner).

There were approximately 11 citizens in the audience.

**CONSENT AGENDA**

Commissioner Susuras moved to adopt Consent Agenda items #1-6. Commissioner Gatseos seconded the motion. Motion carried unanimously 6-0.

1. **Approval of Minutes**
  - a. Minutes of the November 12, 2019 Regular Meeting.
2. **Rivertown Center – Vacation of Utility Easement** **File # VAC-2019-562**

Consider a request by DRK Associates to vacate the south 4 feet of the 14-foot Multi-Purpose Easement along Dewey Place located on a property at 2566 Patterson Road.
3. **Court on G Road Subdivision – Vacation of Public Right-of-Way** **File #VAC-2019-646**

Consider a request by Anatum, LLC to vacate the undeveloped Westcliff Drive Public Right-of-Way of 322.19 lineal feet as part of the development of the proposed Court on G Subdivision located south of G Road and east of 27 Road.
4. **Court on G Road Subdivision – Vacation of Utility Easement** **File # VAC-2019-647**

Consider a request by Anatum, LLC, to vacate two 10-foot public utility easements located at 2711 G Road.
5. **Hoffman III Subdivision – Vacation of Utility Easement** **File # VAC-2019-589**

Consider a request by Habitat for Humanity to vacate a public utility easement located on parcel 2943-212-06-100 and Hoffman Subdivision Filing II.



**6. Grand Falls Townhomes – Vacation of Public Easements File # VAC-2019-652**

Consider a request by Corey Bendetti to vacate public easements on a 1.26-acre parcel located at 588 North Grand Falls Court.

**REGULAR AGENDA**

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**1. Grand Falls Townhomes – Rezone File # RZN-2019-649**

Consider a request by Corey Bendetti to rezone 1.26-acres from PD (Planned Development) to R-8 (Residential 8 units per acre).

**Staff Presentation**

Kristen Ashbeck, Principal Planner, introduced exhibits into the record and provided a presentation regarding the request.

**Questions for Staff**

None.

**Applicant's Presentation**

Jim Atkinson, Vortex Engineering, spoke on behalf of the Applicant regarding the request.

**Public Comment**

The public hearing was opened at 6:13pm.

None.

The public hearing was closed at 6:14pm.

**Motion and Vote**

Commissioner Susuras made the following motion, "Mister Chairman, on the Rezone request RZN-2019-649 I move that the Planning Commission forward a recommendation of approval with the findings of fact listed in the staff report."

Commissioner Gatseos seconded the motion. The motion carried 6-0.

**2. Casas de Luz – Planned Development Amendment File # PLD-2010-259**

Consider a request by Dynamic Investments Inc., to amend the phasing schedule for the Casas de Luz Planned Development and associated Outline Development Plan.

**Staff Presentation**

Scott Peterson, Senior Planner, introduced exhibits into the record and provided a presentation regarding the request.

### **Questions for Staff**

Commissioner Ehlers asked Staff for clarification regarding the request and a versus editing the original approved plan.

Commissioner Wade asked Staff for clarification regarding PD extensions.

### **Applicant's Presentation**

The Applicant, Robert Stubbs, Dynamic Investments, Inc., was present and did not make a comment.

### **Public Comment**

The public hearing was opened at 6:26pm.

Russ Carson and Patricia McVane made comments in opposition of the request.

The Applicant, Robert Stubbs, Dynamic Investments, Inc., responded to public comment.

Commissioner Deppe asked a question regarding the Planned Development.

The public hearing was closed at 6:38pm.

### **Discussion**

Commissioner Gatseos, Ehlers, and Wade made comments in support of the request.

### **Motion and Vote**

Commissioner Gatseos made the following motion, "Mister Chair, on the Casas de Luz request to amend the phasing schedule of the previously approved Planned Development, located at West Ridges Boulevard and School Ridge Road, City file number PLD-2010-259, I move that the Planning Commission forward a recommendation of approval to City Council with the findings of fact as provided within the staff report."

Commissioner Susuras seconded the motion. The motion carried 6-0.

### **3. 1221 Wellington Avenue – Rezone File # RZN-2019-598**

Consider a request by John Poorey, Baseline Capital Investments, LLP, to rezone 1.81-acres from R-24 (Residential 24 units per acre) to B-1 (Neighborhood Business).

### **Staff Presentation**

Landon Hawes, Senior Planner, introduced exhibits into the record and provided a presentation regarding the request.

**Questions for Staff**

None.

**Applicant's Presentation**

Bill Plock, Baseline Capital Investments, LLP, owner, was present and did not make a comment.

**Public Comment**

The public hearing was opened at 6:52pm.

None.

The public hearing was closed at 6:52pm.

**Questions for Staff**

None.

**Discussion**

None.

**Motion and Vote**

Commissioner Gatseos made the following motion, "Mister Chair, on the Rezone request to B-1 for the property located at 1221 Wellington Avenue, City file number RZN-2019-598, I move that the Planning Commission forward a recommendation of approval to City Council with the findings of fact listed in the staff report."

Commissioner Susuras seconded the motion. The motion carried 6-0.

**4. Drinking Establishment/Brewery – Zoning Code Amendment File # ZCA-2019-644**

Consider a request by the City of Grand Junction to amend various sections of the Zoning and Development Code (Title 21) related to drinking establishments.

**Staff Presentation**

Jace Hochwalt, Associate Planner, introduced exhibits into the record and provided a presentation regarding the request.

**Questions for Staff**

Commissioner Ehlers asked a question regarding the absence of a "winery, tasting room" component in the proposed definition.



Tamra Allen, Community Development Director, explained the use of “winery” being consistent with an agricultural use, and tasting room could be categorized with “drinking establishment.”

Commissioner Scissors asked a question regarding the necessity of the CUP process being required in the I-O, I-1 and I-2 zone districts.

Mr. Hochwalt and Ms. Allen responded to Commissioner Scissors.

#### **Public Comment**

The public hearing was opened at 7:19pm.

None.

The public hearing was closed at 7:20pm.

#### **Discussion**

Commissioner Gatseos made a comment in support of this request.

#### **Motion and Vote**

Commissioner Ehlers made the following motion, “Mister Chairman, on the Zoning and Development Code Amendments, ZCA-2019-644, I move that the Planning Commission forward a recommendation of approval with the findings of fact as listed in the staff report.”

Commissioner Scissors seconded the motion. The motion carried 6-0.

#### **5. Other Business**

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None.

#### **6. Adjournment**

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The meeting was adjourned at 7:22pm.

**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

**AN ORDINANCE REZONING THE PROPERTY LOCATED AT 1221 WELLINGTON  
AVENUE FROM R-24 (RESIDENTIAL- 24 DU/AC)  
TO B-1 (NEIGHBORHOOD BUSINESS)**

Recitals:

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of rezoning the property located at 1221 Wellington Avenue, Grand Junction, Colorado to B-1 (Neighborhood Business) zone district. The Planning Commission found that the rezone request conforms to and is consistent with the Future Land Use Map designation of Business Park Mixed Use of the Comprehensive Plan and the Comprehensive Plan's goals and policies. Furthermore, the Planning Commission found that the rezoning is generally compatible with land uses located in the surrounding area.

After public notice and public hearing, the Grand Junction City Council finds that the B-1 (Neighborhood Business) zone district satisfies §21.02.140 of the Grand Junction Zoning and Development Code.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT:**

The property described below and commonly known as 1221 Wellington Avenue, Grand Junction, Colorado shall be zoned B-1 (Neighborhood Commercial):

Commencing at the Northwest corner of the Southwest ¼, Northwest ¼, Northwest ¼ of said Section 12, whence the North 1/16 corner on the West line of said Section 12 bears S 0°05'16" W a distance of 659.21 feet; thence S 49°14'13" E a distance of 46.16 feet to a point on the South Right of Way for Wellington Avenue as recorded at reception Number 10467, the East Right of Way for 12th Street as recorded at Reception Number 1094813, both of the Mesa County Clerk and Recorder's Office and the Point of Beginning, thence S 89°45'21" E along said South Right of Way a distance of 225.00 feet; thence S 0°14'33" W a distance of 417.54 feet to the centerline of the Grand Valley Canal; thence along the centerline of said Canal for the following five (5) courses:

- 1.) S 84°16'13" W a distance of 41.26 feet to the start of a curve to the right;
- 2.) along said curve to the right a distance of 83.62 feet with a radius of 200.00 feet and a central angle of 23°57'17", whose chord bears N 83°45'09" W a distance of 83.01 feet;
- 3.) N 71°46'30" W a distance of 45.18 feet;
- 4.) N 60° 32' 40" W a distance of 54.26 feet;

5.) N 31°35'17" W a distance of 19.17 feet;  
Thence leaving the centerline of the Grand Valley Canal N 0°05'16" E along the East  
right of way for 12th Street a distance of 356.44 feet to the Point of Beginning.  
Said Parcel Contains 2.10 acres

Introduced on first reading this 18<sup>th</sup> day of December, 2019 and ordered published in  
pamphlet form.

Adopted on second reading this 15<sup>th</sup> day of January, 2020 and ordered published in  
pamphlet form.

ATTEST:


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Wanda Winkelmann  
City Clerk


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J. Merrick Taggart  
Mayor



<b>CITY COUNCIL MEETING</b> <b>CITIZEN PRESENTATION</b>		<b>Date</b> 15 JAN 2020
<b>Citizen's Name</b>	RANDY SPYDELL	
<b>Subject</b>	SECTION 37 - CITY CHARTER	
<b>Phone Number (optional)</b>		Including your phone number is helpful if we would like to contact you in response to your questions, comments, or concerns. Thank you!

<b>CITY COUNCIL MEETING</b> <b>CITIZEN PRESENTATION</b>		<b>Date</b> 1/15/20
<b>Citizen's Name</b>	Alora Covault	
<b>Subject</b>		
<b>Phone Number (optional)</b>		Including your phone number is helpful if we would like to contact you in response to your questions, comments, or concerns. Thank you!

<b>CITY COUNCIL MEETING</b> <b>CITIZEN PRESENTATION</b>		<b>Date</b> 01.15.2020
<b>Citizen's Name</b>	JOHN STOCK	
<b>Subject</b>	HOISE ISSUES, NEED MORE LAW ENFORCEMENT IN THE AREA	
<b>Phone Number (optional)</b>		Including your phone number is helpful if we would like to contact you in response to your questions, comments, or concerns. Thank you!

<b>CITY COUNCIL MEETING</b> <b>CITIZEN PRESENTATION</b>		<b>Date</b>
<b>Citizen's Name</b>	Bruce Schmeller	
<b>Subject</b>	GOLF + Ethics	
<b>Phone Number (optional)</b>		Including your phone number is helpful if we would like to contact you in response to your questions, comments, or concerns. Thank you!



**HORIZON DRIVE**  
District

*Gateway to Grand Junction*

January 12, 2020

City Council  
250 North Fifth Street  
Grand Junction, Colorado 81501

Greetings, Mayor Taggart and Council members:

The Horizon Drive Business Improvement District first proposed a roundabout at the intersection of Horizon Drive and G Road (27 ½ Road) in their 2013 Corridor Improvement Plan for reasons of safety and traffic flow. In the seven years since, the need for a solution at this very busy intersection has only increased.

According to reports from the Grand Junction Police Department, there have been 20 accidents at this intersection in the last four years. Complaints about long queues at the traffic signal have been constant, and reports of drivers running the red light have increased. A roundabout replacing the current traffic signal will solve all of these issues.

The board of the Horizon Drive District unanimously supports both the City's plan to construct a roundabout at the intersection of Horizon Drive and G Road (27 ½ Road) and their proposed application for a hazard elimination grant from CDOT for the project.

Sincerely,

Darshann Ruckman  
President

**VISIT THE DISTRICT**

[www.HORIZONDRIVEDISTRICT.COM](http://www.HORIZONDRIVEDISTRICT.COM)

**970.985.1833**

**2764 Compass Drive, Suite 205 Grand Junction, CO 81506**