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**PLANNING COMMISSION AGENDA  
CITY HALL AUDITORIUM, 250 NORTH 5<sup>TH</sup> STREET**

**TUESDAY, APRIL 28, 2020 @ 6:00 PM**

**This meeting will be conducted as a VIRTUAL MEETING**

Due to COVID-19, the public may not attend in person; however, the public may participate in these ways:

1. Provide comment in advance or up to the close of the public hearing for each item at [www.GJSpeaks.org](http://www.GJSpeaks.org)
2. Leave a phone message at 970-244-1590 by 4 p.m. on April 14, 2020. This message will be public testimony and will be played for the Planning Commission to consider in review of each application.
3. View the meeting live or later at [www.GJSpeaks.org](http://www.GJSpeaks.org).

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**Call to Order - 6:00 PM**

1. Minutes of Previous Meeting(s) from April 14, 2020

**Regular Agenda**

1. Consider a request by the Applicants, McKee Homes and Construction LLC, et al Owners, to Vacate a Publicly Dedicated 30 foot wide Drainage Easement Located within Lots 1 through 11 and Tract F, Pear Park North Subdivision Filing 3 as granted to the City of Grand Junction within the original Tract C, Pear Park North Subdivision.
2. Consider a request by the City of Grand Junction to Vacate Seven Portions of Public Right-of-Way and a Public Sewer Easement within the proposed Riverfront at Dos Rios Development
3. Consider a Request by the City of Grand Junction to Amend the Grand Junction Municipal Code Title 21 Zoning and Development Code Regarding the Keeping of Roosters

**Other Business**

**Adjournment**

**GRAND JUNCTION PLANNING COMMISSION**  
**April 14, 2020 MINUTES**  
**6:00 p.m.**

The meeting of the Planning Commission was called to order at 6:00 p.m. by Chairman Christian Reece.

Those present were Planning Commissioners; Chairman Christian Reece, Vice Chair Bill Wade, George Gatseos, Keith Ehlers, Andrew Teske, Ken Scissors, and Sam Susuras.

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), Lance Gloss (Associate Planner), and Isabella Vaz (Planning Technician).

This meeting was conducted virtually and is available via livestream video.

**REGULAR AGENDA**

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**1. Minutes of Previous Meeting(s)**

The Planning Commission reviewed the meeting minutes from the February 25, 2020 and the April 9, 2020 meeting.

Commissioner Wade moved to approve the minutes as presented. Commissioner Susuras seconded the motion.

The motion carried unanimously 7-0.

**2. 27 ½ Road Right-of-Way Vacation **File # ZCA-2019-459****

Consider a request by Eddy at Grand JCT, LLC to Vacate a 25-foot-wide by 400 lineal foot Portion of the undeveloped 27 ½ Road Public Right-of-Way (ROW) abutting the eastern property line of the property located at approximately 347 27 ½ Road.

**Staff Presentation**

Landon Hawes, Senior Planner, introduced exhibits into the record and provided a brief summary of the pre-recorded presentation available at [www.GJSpeaks.org](http://www.GJSpeaks.org)

**Questions for Staff**

There was discussion regarding access to the Colorado River and pedestrian and utility easements.

## **Applicant's Presentation**

The Applicant's representative, Ted Ciavonne, was virtually present in the meeting. Mr. Ciavonne did not supply a presentation but was available for questions.

## **Public Comment**

The public hearing was opened at 8 a.m. on Friday, April 10, 2020 via [www.GJSpeaks.org](http://www.GJSpeaks.org) and was available until the close of this public comment portion of the hearing. Option for public comment via voicemail was also available starting Friday, April 10, 2020 as described on the meeting notice as well as the agenda.

No public comment was received.

The public hearing was closed at 6:31 p.m. on April 14, 2020.

## **Discussion**

Commissioner Ehlers asked for clarification regarding the pedestrian easements.

Ms. Jamie Beard suggested adding a second condition that with the vacation of the right-of-way, a pedestrian access easement is retained comparable to the pedestrian access easement that already exists on the abutting properties and comparable in size and location

## **Motion and Vote**

Commissioner Wade made the following motion, "Madam Chair, on the request for right of way vacation for an approximate 25 foot by 400 lineal foot portion of the undeveloped 27 ½ Road abutting the eastern property line of that property located at 347 27 ½ Road, City file number VAC-2019-459, I move that the Planning Commission forward a recommendation of approval to City Council with the findings of fact and conditions as listed in the staff report."

Commissioner Susuras seconded the motion. Chairman Reece took a roll call vote:

Commissioner Ehlers YES  
Commissioner Gatseos YES  
Commissioner Scissors YES  
Commissioner Susuras YES  
Commissioner Teske YES  
Commissioner Wade YES  
Chairman Reece YES

The motion carried 7-0.

### 3. Pinnacle Ridge Extension Request

**SUB-2015-120; SUB-2017-273**

Consider a request by Two R & D LLC, to extend for two additional years the approved Preliminary Plan and Filing 2 Plat for the Pinnacle Ridge Subdivision located East of Mariposa Drive near W. Ridges Blvd.

#### **Staff Presentation**

Scott Peterson, Senior Planner, introduced exhibits into the record and provided a brief summary of the pre-recorded presentation available at [www.GJSpeaks.org](http://www.GJSpeaks.org).

#### **Questions for Staff**

There was discussion regarding the extension process as described in the Code and the timeline for this general type of request/project.

#### **Applicant's Presentation**

The Applicant's representative, Robert Jones II, Vortex Engineering, was virtually present in the meeting. Mr. Jones did not supply a presentation but was available for questions.

#### **Questions for Applicant**

Commissioner Wade asked a question regarding the applicant's intention to complete filings 1 and 2. Mr. Jones responded.

Commissioner Susuras asked a question regarding the reason for the projects being put on hold and if it has to do with the economic insecurity the pandemic has caused. Mr. Jones responded.

#### **Public Comment**

The public hearing was opened at 8 a.m. on Friday, April 10, 2020 via [www.GJSpeaks.org](http://www.GJSpeaks.org) and was available until the close of this public comment portion of the hearing. Option for public comment via voicemail was also available starting Friday, April 10, 2020 as described on the meeting notice as well as the agenda.

Public comment was received from Mark Gardner, Mary Orn, and Bradley Brian. One additional comment that was received by Richard Wihera at 5:59 p.m. and was read into the record by Tamra Allen at 6:50 p.m.

Mr. Jones responded to the public comment that was received.

The public hearing was closed at 6:54 p.m. on April 14, 2020.

#### **Questions for Applicant**

None.

### Questions for Staff

None.

### Discussion

Commissioner Wade made a comment regarding the request.

Commissioners Gatseos made a comment regarding the request and asked Ms. Beard about a clause asking the developer report back in 12 months. Ms. Beard responded.

Commissioners Ehlers, Scissors and Susuras made comments in support of the request.

Ms. Allen clarified that the Planning Commission is the final decision maker on this item and it is not a recommendation to City Council.

### Motion and Vote

Commissioner Gatseos made the following motion, "Madam Chairman, on the Pinnacle Ridge Subdivision request to amend the expiration dates of the approved Preliminary Plan and Filing 2 recording date, City file numbers SUB-2015-120 and SUB-2017-273, I move that the Planning Commission approve the requested two year extension for the Preliminary Plan until April 19, 2022 and a two year extension for Filing 2 until December 11, 2022."

Commissioner Susuras seconded the motion. Chairman Reece took a roll call vote:

Commissioner Ehlers YES  
Commissioner Gatseos YES  
Commissioner Scissors YES  
Commissioner Susuras YES  
Commissioner Teske YES  
Commissioner Wade YES  
Commissioner Reece YES

The motion carried 7-0.

#### 4. **Augustine Blue Rezone**

**File # RZN-2020-110**

Consider a Request by Kyle Berger and Mark Beckner to Rezone Three Properties of a Total of 10.86 acres Currently in R-1 (Residential - 1 du/ac), R-E (Residential - Estate), and R-R (Residential - Rural) Zone Districts to an R-2 (Residential - 2 du/ac) Zone District located at 2574 and 2576 Tahoe Drive and an Adjacent Unaddressed Property.

Commissioner Teske recused himself from this item.

### **Staff Presentation**

Lance Gloss, Associate Planner, introduced exhibits into the record and provided a brief summary of the pre-recorded presentation available at [www.GJSpeaks.org](http://www.GJSpeaks.org).

### **Questions for Staff**

Chairman Reece asked a question regarding access to the property.

Commissioner Wade asked a question regarding the business Rooted Gypsy.

### **Applicant's Presentation**

The Applicant, Mark Beckner, did not submit a presentation but was present and available for questions.

### **Public Comment**

The public hearing was opened at 8 a.m. on Friday, April 10, 2020 via [www.GJSpeaks.org](http://www.GJSpeaks.org) and was available until the close of this public comment portion of the hearing. Option for public comment via voicemail was also available starting Friday, April 10, 2020 as described on the meeting notice as well as the agenda.

Public comment was received from Sandra Adcox. No additional comment was submitted.

The public hearing was closed at 7:17 p.m. on April 14, 2020.

### **Discussion**

Commissioner Gatseos asked a question regarding the rezone criteria that have been met.

Commissioner Ehlers asked a question regarding the rezone application versus the subdivision application. Commissioner Ehlers made a comment on the administrative subdivision process.

### **Motion and Vote**

Commissioner Scissors made the following motion, "Madam Chairman, on the Rezone request RZN-2019-585, I move that the Planning Commission forward a recommendation of approval for the rezone of three parcels at 2576 Tahoe Drive, 2574 Tahoe Drive, and an adjacent unaddressed parcel from a R-E (Residential – Estate), R-R (Residential – Rural), and R-1 (Residential – 1 du/ac) zone district to a R-2 (Residential, 2 du/ac) zone district, with the findings of fact listed in the staff report."

Commissioner Susuras seconded the motion. Chairman Reece called a roll call vote:

Commissioner Ehlers YES

Commissioner Gatseos YES  
Commissioner Scissors YES  
Commissioner Susuras YES  
Commissioner Wade YES  
Chairman Reece YES

The motion carried 6-0.

**5. The Riverfront at Dos Rios Rezone to PD and ODP File # PLD-2020-121**

Consider a request by the City of Grand Junction for a Rezone/Amendment to the Planned Development (PD) zone district and Outline Development Plan (ODP) for the Riverfront at Dos Rios, located on the northeast bank of the Colorado River between Highway 50 and Hale Avenue.

**Staff Presentation**

Kristen Ashbeck, Principal Planner, introduced exhibits into the record and provided a brief summary of the pre-recorded presentation available at [www.GJSpeaks.org](http://www.GJSpeaks.org).

**Questions for Staff**

Commissioner Reece asked a question regarding the location's relationship to the railyard.

Commissioner Ehlers asked a question regarding the original plan.

Commissioner Reece asked a question regarding access.

**Public Comment**

The public hearing was opened at 8 a.m. on Friday, April 10, 2020 via [www.GJSpeaks.org](http://www.GJSpeaks.org) and was available until the close of this public comment portion of the hearing. Option for public comment via voicemail was also available starting Friday, April 10, 2020 as described on the meeting notice as well as the agenda.

Public comment was received from Mary Morfin. No additional public comment was received.

The public hearing was closed at 7:29 p.m. on April 14, 2020.

**Discussion**

None.

### **Motion and Vote**

Commissioner Wade made the following motion, "Madam Chairman, on the Rezone and Amendment to Planned Development (PD) with a BP (Business Park) default zone district and an Outline Development Plan for a mixed use development known as the Riverfront at Dos Rios, file number PLD-2020-121, 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 Gatseos seconded the motion. Chairman Reece took a roll call vote:

Commissioner Ehlers YES  
Commissioner Gatseos YES  
Commissioner Scissors YES  
Commissioner Susuras YES  
Commissioner Teske YES  
Commissioner Wade YES  
Commissioner Reece YES

The motion carried 7-0.

### **6. Goose Down Right-of-Way Vacation File # VAC-2020-51**

Consider a request by Terry DeHerrera to Vacate an approximate 30-foot wide by 675-foot long portion of 29 5/8 Road abutting the Northeastern Property Line of the Property Located at 359 29 5/8 Road.

#### **Staff Presentation**

Scott Peterson, Senior Planner, introduced exhibits into the record and provided a brief summary of the pre-recorded presentation available at [www.GJSpeaks.org](http://www.GJSpeaks.org).

#### **Questions for Staff**

Commissioner Scissors asked a question regarding Item 4 in the Analysis, especially as it pertains to the safety aspect and the public comments that were received.

Chairman Reece asked a question regarding the 30-foot right-of-way and the plans for it in the future.

Commissioner Gatseos asked a question about the access to 29 1/2 Road.

#### **Applicant's Presentation**

The Applicant's representative, Ted Ciavonne, was virtually present in the meeting. Mr. Ciavonne did not supply a presentation but was available for questions.



### **Public Comment**

The public hearing was opened at 8 a.m. on Friday, April 10, 2020 via [www.GJSpeaks.org](http://www.GJSpeaks.org) and was available until the close of this public comment portion of the hearing. Option for public comment via voicemail was also available starting Friday, April 10, 2020 as described on the meeting notice as well as the agenda.

Public comment was received from Mark Gardner, Ed Gardner, Bruce Queen, and Brianne Leota. No additional public comment was received.

The public hearing was closed at 7:43 p.m. on April 14, 2020.

### **Discussion**

None.

### **Motion and Vote**

Commissioner Gatseos made the following motion, "Madam Chairman, on the request to Vacate an approximate 675 lineal foot portion of 29 5/8 Road, located at 359 29 5/8 Road, City file number VAC-2020-51, I move that the Planning Commission forward a recommendation of approval to City Council with the findings of fact as listed in the staff report."

Commissioner Ehlers seconded the motion. Chairman Reece took a roll call vote:

Commissioner Ehlers YES  
Commissioner Gatseos YES  
Commissioner Scissors YES  
Commissioner Susuras YES  
Commissioner Teske YES  
Commissioner Wade YES  
Commissioner Reece YES

The motion carried 7-0.

## **7. Zoning Code Amendment – Planned Developments **File # ZCA-2020-121****

Consider a Request by the City of Grand Junction to Amend Title 21 of the Grand Junction Municipal Code to modify and clarify provisions governing the Planned Development (PD) Zone District.

### **Staff Presentation**

Kristen Ashbeck, Principal Planner, introduced exhibits into the record and provided a brief summary of the pre-recorded presentation available at [www.GJSpeaks.org](http://www.GJSpeaks.org).

## Questions for Staff

None.

## Public Comment

The public hearing was opened at 8 a.m. on Friday, April 10, 2020 via [www.GJSpeaks.org](http://www.GJSpeaks.org) and was available until the close of this public comment portion of the hearing. Option for public comment via voicemail was also available starting Friday, April 10, 2020 as described on the meeting notice as well as the agenda.

Public comment was received by Ted Ciavonne.

The public hearing was closed at 7:50 p.m. on April 14, 2020.

## Discussion

Chairman Reece and Commissioners Ehlers and Scissors stated their support for the proposed amendments

## Motion and Vote

Commissioner Scissors made the following motion, "Madam Chair, on the Zoning and Development Code Amendments, ZCA-2020-121, I move that the Planning Commission forward a recommendation of approval with the findings of fact as listed in the staff report."

Commissioner Wade seconded the motion. Chairman Reece took a roll call vote:

Commissioner Ehlers YES  
Commissioner Gatseos YES  
Commissioner Scissors YES  
Commissioner Susuras YES  
Commissioner Teske YES  
Commissioner Wade YES  
Commissioner Reece YES

The motion carried 7-0.

## 8. Zoning Code Amendment – B-1 Setback Reduction File # ZCA-2020-172

Consider a request by the City of Grand Junction to amend Title 21 of the Grand Junction Municipal Code regarding setbacks in the B-1: Neighborhood Business Zone District.

## Staff Presentation

Landon Hawes, Senior Planner, introduced exhibits into the record and provided a brief summary of the pre-recorded presentation available at [www.GJSpeaks.org](http://www.GJSpeaks.org).

### **Questions for Staff**

Chairman Reece stated that this is an item the Planning Commission has workshopped and reviewed for the past few weeks.

### **Public Comment**

The public hearing was opened at 8 a.m. on Friday, April 10, 2020 via [www.GJSpeaks.org](http://www.GJSpeaks.org) and was available until the close of this public comment portion of the hearing. Option for public comment via voicemail was also available starting Friday, April 10, 2020 as described on the meeting notice as well as the agenda.

No public comment was received.

The public hearing was closed at 7:56 p.m. on April 14, 2020.

### **Discussion**

None.

### **Motion and Vote**

Commissioner Wade made the following motion, "Madam Chair, on the B-1 setback reduction, City file number ZCA-2020-172, I move that the Planning Commission forward a recommendation of approval to City Council with the findings of fact as listed in the staff report."

Commissioner Susuras seconded the motion. Chairman Reece took a roll call vote:

Commissioner Ehlers YES  
Commissioner Gatseos YES  
Commissioner Scissors YES  
Commissioner Susuras YES  
Commissioner Teske YES  
Commissioner Wade YES  
Commissioner Reece YES

The motion carried 7-0.

## **9. Other Business**

None.

## **10. Adjournment**

The meeting was adjourned at 8:00 p.m.



## Grand Junction Planning Commission

### Regular Session

Item #1.

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**Meeting Date:** April 28, 2020

**Presented By:** Scott D. Peterson, Senior Planner

**Department:** Community Development

**Submitted By:** Scott D. Peterson, Senior Planner

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### **Information**

#### **SUBJECT:**

Consider a request by the Applicants, McKee Homes and Construction LLC, et al Owners, to Vacate a Publicly Dedicated 30 foot wide Drainage Easement Located within Lots 1 through 11 and Tract F, Pear Park North Subdivision Filing 3 as granted to the City of Grand Junction within the original Tract C, Pear Park North Subdivision.

#### **RECOMMENDATION:**

Staff recommends approval.

#### **EXECUTIVE SUMMARY:**

The Applicants, McKee Homes and Construction LLC along with nine (9) other property owners are requesting the vacation of a publicly dedicated 30 foot wide Drainage Easement Located within Lots 1 through 11 & Tract F, Pear Park North Subdivision Filing 3 as conveyed to the City of Grand Junction within the original Tract C, Pear Park North Subdivision plat recorded in 2016, Reception # 2774903. This Drainage Easement was granted to the City of Grand Junction for the inspection, installation, operation and maintenance and repair of drainage facilities, specifically for the benefit of Grand Valley Drainage District's, Beswick Drain located along the north property line of the subdivision.

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

The existing 30-foot wide Drainage Easement over Tract C was conveyed in 2016 to the City of Grand Junction within the Dedication language on the subdivision plat for Pear Park North Subdivision (Reception # 2774903). This Drainage Easement was

granted to the City of Grand Junction for the inspection, installation, operation and maintenance and repair of drainage facilities, specifically for the benefit of Grand Valley Drainage District's, Beswick Drain located along the north property line of the subdivision. However, the Grand Valley Drainage District (GVDD), which operates and maintains the Beswick Drain, was also granted a drainage easement by separate document over the same 30-foot wide area creating overlap of the dedicated drainage easement to both the City and GVDD. In 2017, the Beswick Drain was piped by GVDD, thereby reducing the need for a 30-foot-wide drainage/maintenance easement, etc.

In 2018, Filing 3, Pear Park North Subdivision was recorded (Reception # 2859073) and re-subdivided Tract C from the previous 30 foot width in all but for the area behind Lots 11 and 12 of the original Pear Park North subdivision, to 17 feet and was renamed as Tract F.

Grand Valley Drainage District (GVDD) filed and recorded a separate 17-foot-wide Drainage Easement (Reception # 2840505) in 2018, specifically for their needs for maintaining and servicing the Beswick Drain (Tract F, Pear Park North Subdivision Filing 3). Because GVDD is responsible for maintenance, access and servicing of the Beswick Drain, the City of Grand Junction retains no interest in the publicly dedicated drainage easement. The benefit for the existing property owners with the proposed vacation request would be to remove an encumbrance from the existing platted Lots 1 through 11 and Tract F, Pear Park North Filing 3 and would give the property owners an additional 13 feet of the original 30-foot wide easement to incorporate into their lot area. Permanent structures cannot be placed within an easement. Tract F, Pear Park North Subdivision Filing 3 contains the remaining 17 feet which would remain under GVDD's drainage easement.

This existing drainage easement does not contain any utility infrastructure.

## **NOTIFICATION REQUIREMENTS**

### **Neighborhood Meeting:**

A Neighborhood Meeting was not required for an easement vacation and no utility companies voiced opposition to the proposed vacation request as part of the Vacation application (City file # VAC-2020-99).

Notice was completed consistent with the provisions in Section 21.02.080 (g) of the Zoning and Development Code. The subject area was posted with an application sign on March 2, 2020. 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 April 17, 2020. The notice of this public hearing was published April 21, 2020 in the Grand Junction Daily Sentinel.

## **ANALYSIS**

The criteria for review is set forth in Section 21.02.100 (c) of the Zoning and Development Code. The purpose of this section is to permit the vacation of surplus rights-of-way and/or easements.

(1) The Comprehensive Plan, Grand Valley Circulation Plan and other adopted plans and policies of the City;

The request to vacate an existing public drainage easement does not conflict with the Comprehensive Plan, Grand Valley Circulation Plan or other adopted plans and policies of the City. Vacation of this easement will have no impact on public facilities or services provided to the general public since GVDD has recorded a new 17-foot wide Drainage Easement in 2018 (Reception #2840505) specifically for their needs for maintaining and servicing the Beswick Drain.

Further, the vacation request is consistent with the following goals and policies of the Comprehensive Plan:

Goal 1 / Policy C: The City will make land use and infrastructure decisions consistent with the goal of supporting and encouraging the development of centers.

Goal 5 / Policy A: In making land use and development decisions, the City will balance the needs of the community.

Therefore, staff has found this criterion has been met.

(2) No parcel shall be landlocked as a result of the vacation;

This request is to vacate an existing 30-foot wide publicly dedicated drainage easement. As such, no parcels will be landlocked as a result of the proposed vacation request. Therefore, staff has found this criterion has been met.

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

This vacation request does not impact access to any parcel and as such, staff finds this criterion has been met.

(4) 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;

Grand Valley Drainage District (GVDD), previously recorded a 17-foot wide drainage easement in 2018 (Reception #2840505) to specifically address their needs for the continued maintenance, access and servicing of the Beswick Drain. No comments concerning the proposed vacation request were received from the utility review agencies or the effected property owners indicating issue or adverse impacts related to this request or the quality of services provided to the properties.

Staff therefore finds this criterion has been met.

(5) The provision of adequate public facilities and services shall not be inhibited to any property as required in Chapter 21.06 GJMC; and

Grand Valley Drainage District (GVDD), previously recorded a 17-foot wide drainage easement in 2018 (Reception #2840505) to specifically address their needs for the continued maintenance, access and servicing to the Beswick Drain. Neither staff nor utility providers have identified that this request to vacate 30 feet of the publicly dedicated drainage easement will inhibit the provision of adequate public facilities and services.

Staff finds that this criterion has been met.

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

Maintenance requirements for the City will not change as a result of the proposed vacation request. There are currently no maintenance requirements for the City. Existing property owners will largely be the beneficiaries of this vacation by providing the owners with an additional 13-feet of property that could be utilized; Permanent structures cannot be located over an easement.

As such, Staff finds that this criterion has been met.

### **STAFF RECOMMENDATION AND FINDINGS OF FACT**

After reviewing the Pear Park North and Pear Park North Filing 3 Subdivision Vacation of a publicly dedicated 30' wide Drainage Easement, VAC-2020-99, Located within Lots 1 through 11 & Tract F, Pear Park North Subdivision Filing 3, the following findings of fact have been made:

1. The request conforms with Section 21.02.100 (c) of the Zoning & Development Code.

Therefore, Staff recommends approval of the requested vacation.

**SUGGESTED MOTION:**

Madam Chairman, on the Pear Park North and Pear Park North Filing 3 Subdivision Vacation of a publicly dedicated 30-foot wide Drainage Easement, Located within Lots 1 through 11 and Tract F, Pear Park North Subdivision Filing 3, City file number VAC-2020-99, I move that the Planning Commission forward a recommendation of approval to City Council with the findings of fact as listed in the staff report.

**Attachments**

1. Site Location, Aerial Photo & Zoning Maps
2. Pear Park North & Pear Park North Filing 3 Subdivision Plats
3. Affidavit of Correction - Pear Park North Filing 3 - Drainage Easement Reception #
4. GVDD Easement - Reception # 2840505
5. Development Application Dated February 18 2020
6. Vacation Resolution





Site Location Map

Site - Vacation Area

Pear Park North Subdivision

# Aerial Photo Map

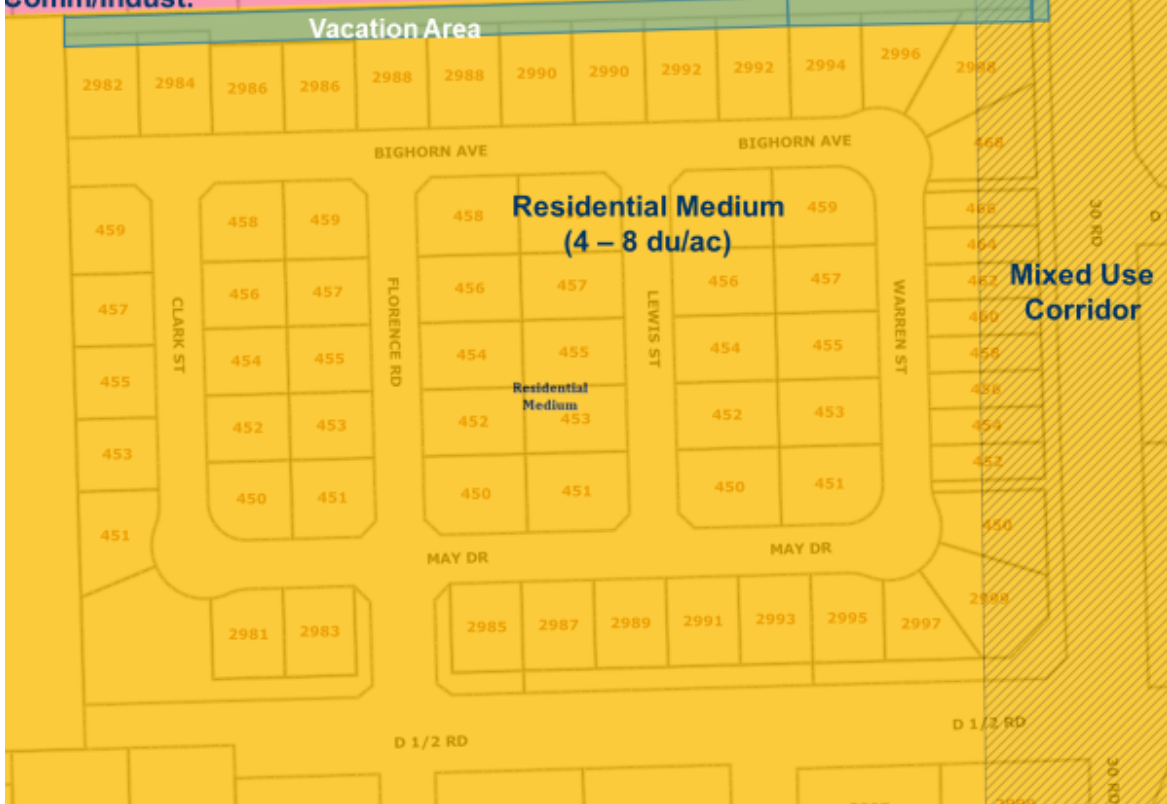
Beswick Drain

Vacation Area



# Comprehensive Plan Future Land Use Map

Comm/Indust.



County I-2

Existing Zoning Map



# PEAR PARK NORTH SUBDIVISION FILING 3

SITUATED IN THE SE ¼ NE ¼ SECTION 17, TOWNSHIP 1 SOUTH,  
 RANGE 1 EAST OF THE UTE MERIDIAN  
 CITY OF GRAND JUNCTION, COUNTY OF MESA, STATE OF COLORADO



GRAPHIC SCALE:  
 1"=50'

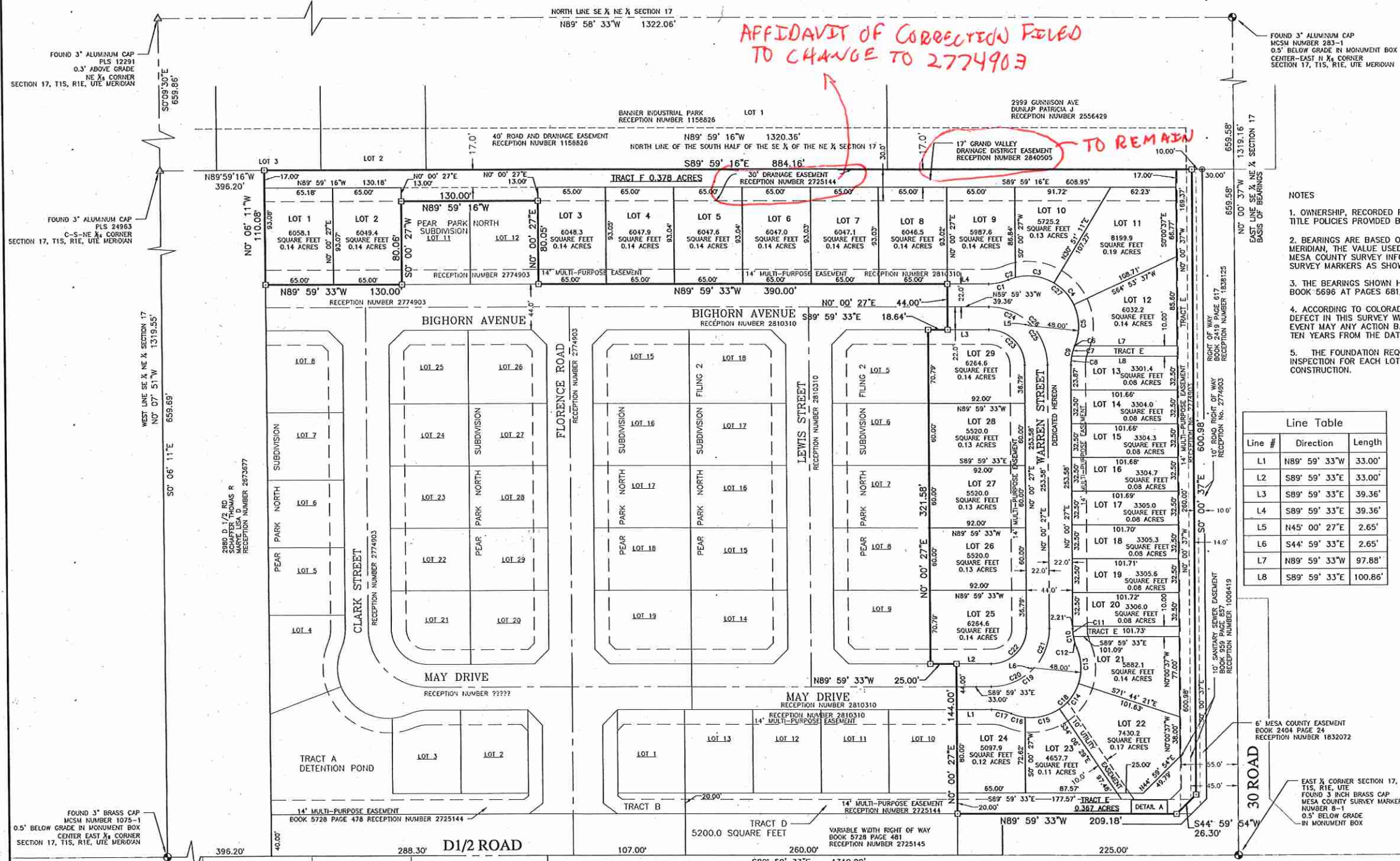


**LEGEND:**

- FOUND MESA COUNTY SURVEY MARKER AS DESCRIBED
- FOUND FOUND SURVEY MARKER AS DESCRIBED
- FOUND 1.5" ALUMINUM CAP ON NO. 5 REBAR PLS 24963
- FOUND 2" ALUMINUM CAP ON NO. 5 REBAR PLS 37904

*AFFIDAVIT OF CORRECTION FILED  
 TO CHANGE TO 2774903*

*TO REMAIN*



**NOTES**

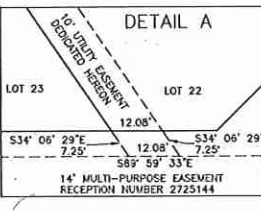
1. OWNERSHIP, RECORDED RIGHTS-OF-WAY, AND EASEMENT INFORMATION WAS DONE USING CURRENT TITLE POLICIES PROVIDED BY LAND TITLE GUARANTEE COMPANY, COMMITMENT No.: GJF65027478.
2. BEARINGS ARE BASED ON THE EAST LINE OF THE SE ¼ NE ¼ OF SECTION 17, T1S, R1E, UTE MERIDIAN, THE VALUE USED, N 0°00'37"W WAS CALCULATED USING THE PUBLISHED DATA FROM THE MESA COUNTY SURVEY INFORMATION MANAGEMENT SYSTEM. FOUND IN PLACE WERE MESA COUNTY SURVEY MARKERS AS SHOWN HEREON.
3. THE BEARINGS SHOWN HEREON REPRESENT THE LEGAL DESCRIPTIONS FROM DEED RECORDED IN BOOK 5696 AT PAGES 681, ROTATED TO THE MESA COUNTY LOCAL COORDINATE SYSTEM.
4. 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.
5. THE FOUNDATION REQUIREMENTS FOR INDIVIDUAL LOTS SHALL BE BASED ON AN OPEN HOLE INSPECTION FOR EACH LOT BY A LICENSED PROFESSIONAL GEOTECHNICAL ENGINEER PRIOR TO CONSTRUCTION.

**Line Table**

Line #	Direction	Length
L1	N89° 59' 33"W	33.00'
L2	S89° 59' 33"E	33.00'
L3	S89° 59' 33"E	39.36'
L4	S89° 59' 33"E	39.36'
L5	N45° 00' 27"E	2.65'
L6	S44° 59' 33"E	2.65'
L7	N89° 59' 33"W	97.88'
L8	S89° 59' 33"E	100.86'

**Curve Table**

Curve #	Radius	Length	Delta	CHORD LENGTH	CHORD BEARING
C1	48.00'	19.38'	023° 08' 14"	19.25'	S78° 26' 20"W
C2	48.00'	7.17'	008° 33' 48"	7.17'	S71° 09' 07"W
C3	48.00'	38.06'	045° 26' 00"	37.07'	S81° 50' 58"E
C4	48.00'	28.48'	033° 59' 41"	28.06'	N42° 06' 14"W
C5	48.00'	40.42'	048° 15' 03"	39.24'	N00° 58' 51"W
C6	48.00'	0.25'	000° 17' 48"	0.25'	N22° 59' 46"E
C7	48.00'	10.46'	012° 28' 49"	10.43'	S16° 36' 27"W
C8	48.00'	8.68'	010° 21' 36"	8.67'	N05° 11' 15"E
C9	48.00'	19.38'	023° 08' 14"	19.25'	S11° 34' 34"W
C10	48.00'	19.38'	023° 08' 14"	19.25'	S11° 33' 40"E
C11	48.00'	7.82'	009° 20' 16"	7.81'	S04° 39' 41"E
C12	48.00'	11.56'	013° 47' 58"	11.53'	S16° 13' 48"E
C13	48.00'	34.89'	041° 38' 32"	34.12'	S02° 18' 31"E
C14	48.00'	31.02'	037° 01' 19"	30.48'	S37° 01' 25"W
C15	48.00'	34.62'	041° 19' 08"	33.87'	S76° 11' 39"W
C16	48.00'	13.65'	016° 17' 27"	13.60'	N75° 00' 03"W
C17	48.00'	19.38'	023° 08' 14"	19.25'	N78° 25' 26"W
C18	48.00'	114.16'	136° 16' 27"	89.10'	N45° 00' 27"E
C19	56.00'	87.96'	090° 00' 00"	79.20'	N45° 00' 27"E
C20	56.00'	43.98'	045° 00' 00"	42.86'	N67° 30' 27"E
C21	56.00'	43.98'	045° 00' 00"	42.86'	N22° 30' 27"E
C22	34.00'	53.41'	090° 00' 00"	48.08'	N45° 00' 27"E
C23	34.00'	53.41'	090° 00' 00"	48.08'	N44° 59' 33"W
C24	56.00'	43.98'	045° 00' 00"	42.86'	N67° 29' 33"W
C25	56.00'	43.98'	045° 00' 00"	42.86'	N22° 29' 33"W
C26	56.00'	87.96'	090° 00' 00"	79.20'	N44° 59' 33"W
C27	48.00'	114.16'	136° 16' 27"	89.10'	N44° 59' 33"W



**PEAR PARK NORTH SUBDIVISION**  
 SITUATED IN THE SE ¼ NE ¼ SECTION 17, TOWNSHIP 1 SOUTH,  
 RANGE 1 EAST OF THE UTE MERIDIAN  
 GRAND JUNCTION, MESA COUNTY, COLORADO

DATE: 9/5/18 JOB #: 2015006 FIELD WORK: SL-SH  
 DRAWING NAME: PEAR PARK 3 DRAWN BY: PC

**POLARIS SURVEYING**  
 PATRICK W. CLICK P.L.S. 3194 MESA AVE. #B  
 GRAND JUNCTION, CO 81504  
 PHONE/FAX (970)434-7038

KNOW ALL MEN BY THESE PRESENTS: That, Grand Junction Real Estate Investments LLC is the owner of that real property located in the Southwest Quarter of the Northwest Quarter of Section 17, Township 1 South, Range 1 East, of the Ute Meridian, City of Grand Junction, Mesa County, Colorado ownership of which demonstrated in Book 5696 at Page 681 of the Mesa County Clerk and Recorder's Office and being more particularly described as follows:

**LEGAL DESCRIPTION:**

THE SOUTH HALF OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 17, TOWNSHIP 1 SOUTH, RANGE 1 EAST OF THE UTE MERIDIAN;  
 EXCEPT THE WEST 6 ACRES THEREOF;  
 AND EXCEPT A TRACT OF LAND CONVEYED TO MESA COUNTY STATE OF COLORADO BY WARRANTY DEED RECORDED MARCH 23, 1998 IN BOOK 2419 AT PAGE 617  
 AND EXCEPT A TRACT OF LAND CONVEYED TO THE CITY OF GRAND JUNCTION, MESA COUNTY STATE OF COLORADO BY WARRANTY DEED RECORDED MAY 27, 2015 IN BOOK 5728 AT PAGE 481,

COUNTY OF MESA, STATE OF COLORADO.

Said parcel contains 12.71 acres.

Said Owners have by these presents laid out, platted and subdivided the above described real property, and designated the same as PEAR PARK NORTH SUBDIVISION, in the City of Grand Junction, County of Mesa, State of Colorado, and does hereby offer the following dedication and grants

All streets, roads and Rights-of-Way are dedicated to the City of Grand Junction for the use of the public forever.

All Multipurpose Easements shown hereon 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.

Tracts A and C are dedicated to the City of Grand Junction as Drainage Easements as perpetual Easements for the inspection, installation, operation, maintenance, and repair of detention and drainage facilities and appurtenants thereto. The City of Grand Junction is dedicated reasonable ingress/egress access to the drainage/detention easement areas. The Owners of the lots platted hereon are not relieved of their responsibility to inspect, install, operate, maintain, and repair the detention and drainage facilities.

All Easements and Tracts include the right of ingress and egress on, along, over, under, through and across by the beneficiaries, their successors, or assigns, together with the right to trim or remove interfering trees and brush, and in Drainage and Detention/Retention easements or tracts, the right to dredge; provided however, that the beneficiaries/owners shall utilize the same in a reasonable and prudent manner. Furthermore, the owners of said lots or tracts hereby platted shall not burden or overburden said easements by erecting or placing any improvements thereon which may impede the use of the easement and/or prevent the reasonable ingress and egress to and from the easement.

Owners state that all lienholders appear hereon.

IN WITNESS WHEREOF, said owner has caused his name to be hereunto subscribed this 19<sup>th</sup> day of September, A.D. 2016.

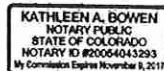
by: Steve C. Voytilla  
 Steve C. Voytilla, Manager  
 Grand Junction Real Estate Investments, LLC

**NOTARY PUBLIC CERTIFICATION**

STATE OF COLORADO :  
 COUNTY OF MESA :  
 :SS

The foregoing instrument was acknowledged before me this 19<sup>th</sup> day of September A.D. 2016.  
 by Steve C. Voytilla, Manager  
 Grand Junction Real Estate Investments, LLC  
 Witness my hand and official seal  
 My Commission Expires 11/09/2017

Kathleen A. Bowen  
 Notary Public



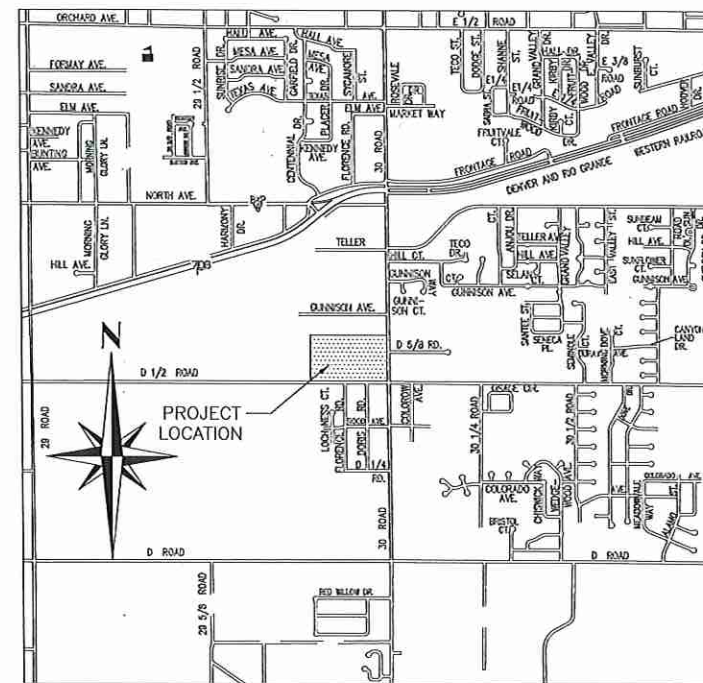
**FOR CITY USE ONLY**

Associated Recorded Documents	Type
2774904	Quit Claim Deed Tract A, B, C
2774905	REVOCABLE PERMIT
2774906	DECLARATION OF COVENANTS

LAND USE SUMMARY		
LOTS	3.42 ACRES	27%
TRACTS	1.04 ACRES	08%
LOT A - FUTURE DEVELOPMENT	6.54 ACRES	52%
DEDICATED RIGHT OF WAY	1.71 ACRES	13%
TOTAL	12.71 ACRES	100%

**PEAR PARK NORTH SUBDIVISION**

SITUATED IN THE SE ¼ NE ¼ SECTION 17, TOWNSHIP 1 SOUTH,  
 RANGE 1 EAST OF THE UTE MERIDIAN  
 CITY OF GRAND JUNCTION, COUNTY OF MESA, STATE OF COLORADO



VICINITY MAP: NOT TO SCALE

**NOTES**

- OWNERSHIP, RECORDED RIGHTS-OF-WAY, AND EASEMENT INFORMATION WAS DONE USING CURRENT TITLE POLICIES PROVIDED BY LAND TITLE GUARANTEE COMPANY, COMMITMENT No: GJF65028079.
- BEARINGS ARE BASED ON THE EAST LINE OF THE SE ¼ NE ¼ SECTION 17, T1S, R1E, UTE MERIDIAN, THE VALUE USED, N 0°00'37"W WAS CALCULATED USING THE PUBLISHED DATA FROM THE MESA COUNTY SURVEY INFORMATION MANAGEMENT SYSTEM. FOUND IN PLACE WERE MESA COUNTY SURVEY MARKERS AS SHOWN HEREON.
- THE BEARINGS SHOWN HEREON REPRESENT THE LEGAL DESCRIPTIONS FROM DEED RECORDED IN BOOK 5696 AT PAGES 681, ROTATED TO THE MESA COUNTY LOCAL COORDINATE SYSTEM.
- 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.
- THE FOUNDATION REQUIREMENTS FOR INDIVIDUAL LOTS SHALL BE BASED ON AN OPEN HOLE INSPECTION FOR EACH LOT BY A LICENSED PROFESSIONAL GEOTECHNICAL ENGINEER PRIOR TO CONSTRUCTION.

**CLERK AND RECORDER'S CERTIFICATE**

STATE OF COLORADO :  
 COUNTY OF MESA :  
 :SS

This plat was accepted for filing in the office of the Clerk and Recorder of Mesa County, Colorado, at 9:59 o'clock A.m., on this 22<sup>nd</sup> day of September 2016 and

was recorded at Reception No. 2774903

Drawer No. 83-59, and Fees \$20.00 + \$1.00

Sheila Beiner  
 Clerk and Recorder

Brendy E. Mas  
 Deputy

**CITY APPROVAL**

This plat of Pear Park North Subdivision, a subdivision of the City of Grand Junction, County of Mesa, State of Colorado, is hereby approved and dedications accepted this 20 day of September 2016.

Paul W. Click  
 City Manager

Pauline Morris  
 Mayor

**TITLE CERTIFICATION**

STATE OF COLORADO :  
 COUNTY OF MESA :  
 :SS

WE, LAND TITLE GUARANTEE COMPANY, A TITLE INSURANCE COMPANY, AS DULY LICENSED IN THE STATE OF COLORADO, HEREBY CERTIFY THAT WE HAVE EXAMINED THE TITLE TO THE HEREON DESCRIBED PROPERTY, THAT WE FIND THE TITLE TO THE PROPERTY VESTED TO GRAND JUNCTION REAL ESTATE INVESTMENTS, LLC; 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.

DATE: September 16, 2016 by: Sarah A. Caspary/Lic. Title Ex.  
 NAME AND TITLE: Sarah A. Caspary  
 LAND TITLE GUARANTEE COMPANY

**SURVEYOR'S CERTIFICATION:**

**ABBREVIATIONS:**

- N NORTH
- S SOUTH
- E EAST
- W WEST
- T TOWNSHIP
- R RANGE
- MCSM MESA COUNTY SURVEY MARKER
- ROW RIGHT OF WAY
- PLS PROFESSIONAL LAND SURVEYOR
- No. NUMBER
- GPS GLOBAL POSITIONING SYSTEM
- ID IDENTIFICATION

I, Patrick W. Click, do hereby certify that I am a registered land surveyor licensed under the laws of the State of Colorado, that this Plat is a true, correct and complete Final Plat of the PEAR PARK NORTH SUBDIVISION, as laid out, plotted, dedicated and shown hereon, that such Final Plat was made from an accurate survey of said property by me and under my supervision. Both conform to the standards of practice, statutes and laws of the State of Colorado to the best of my knowledge and belief. This statement is not a guaranty or warranty, either expressed or implied.



PATRICK W. CLICK  
 COLORADO REGISTERED LAND SURVEYOR PLS #37004

9-20-2016  
 DATE

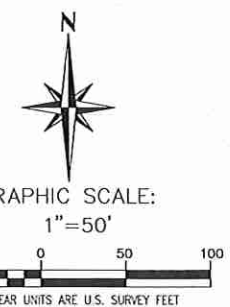
**PEAR PARK NORTH SUBDIVISION**  
 SITUATED IN THE SE ¼ NE ¼ SECTION 17, TOWNSHIP 1 SOUTH,  
 RANGE 1 EAST OF THE UTE MERIDIAN  
 GRAND JUNCTION, MESA COUNTY, COLORADO

DATE: 9/13/16 JOB #: 2015006 FIELD WORK: SL-SH  
 DRAWING NAME: PEAR PARK NORTH SUB DRAWN BY: PC

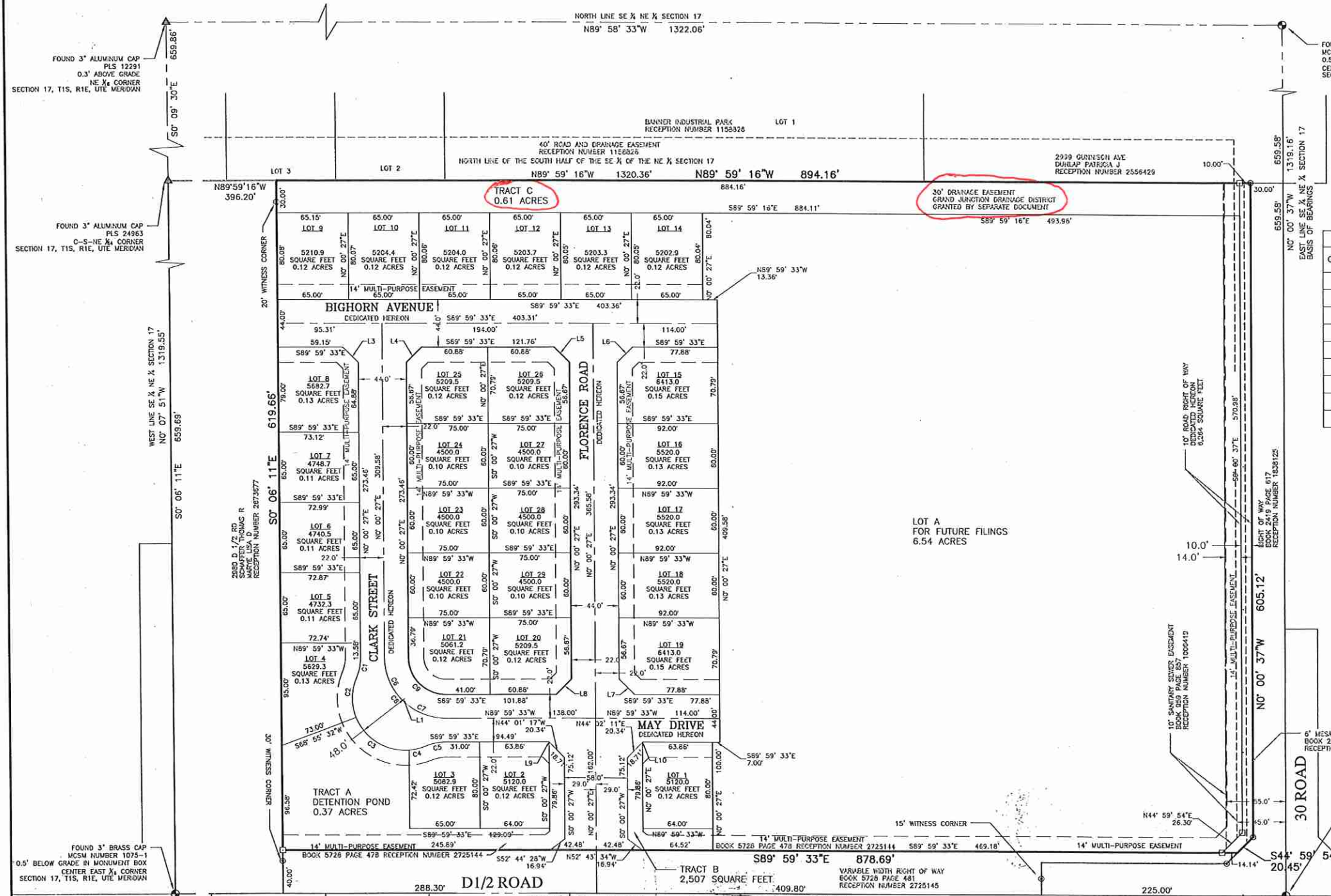
**POLARIS SURVEYING**  
 PATRICK W. CLICK P.L.S. 3194 MESA AVE. #8  
 GRAND JUNCTION, CO 81504  
 PHONE/FAX (970)434-7038

# PEAR PARK NORTH SUBDIVISION

SITUATED IN THE SE ¼ NE ¼ SECTION 17, TOWNSHIP 1 SOUTH,  
 RANGE 1 EAST OF THE UTE MERIDIAN  
 CITY OF GRAND JUNCTION, COUNTY OF MESA, STATE OF COLORADO



**LEGEND:**  
 FOUND MESA COUNTY SURVEY MARKER AS DESCRIBED   
 FOUND FOUND SURVEY MARKER AS DESCRIBED   
 FOUND 1.5" ALUMINUM CAP ON No. 5 REBAR PLS 24963   
 SET 2" ALUMINUM CAP ON No. 5 REBAR PLS 37904



Curve Table					
Curve #	Radius	Length	Delta	CHORD LENGTH	CHORD BEARING
C1	48.00'	19.38'	023° 08' 14"	19.25'	S11° 34' 34"W
C2	48.00'	37.23'	044° 26' 26"	36.30'	S00° 55' 27"W
C3	48.00'	61.28'	073° 08' 36"	57.20'	S57° 52' 03"E
C4	48.00'	15.66'	018° 41' 25"	15.59'	N76° 12' 56"E
C5	48.00'	19.38'	023° 08' 14"	19.25'	N78° 26' 20"E
C6	56.00'	43.98'	045° 00' 00"	42.86'	S22° 29' 33"E
C7	56.00'	43.98'	045° 00' 00"	42.86'	S67° 29' 33"E
C8	56.00'	87.96'	090° 00' 00"	79.20'	N44° 59' 33"W
C9	34.00'	53.41'	090° 00' 00"	48.08'	N44° 59' 33"W

Line Table		
Line #	Direction	Length
L1	S45° 00' 27"W	2.65'
L3	S44° 59' 33"E	19.97'
L4	N45° 00' 27"E	19.97'
L5	S44° 59' 33"E	19.97'
L6	N45° 00' 27"E	19.97'
L7	N44° 59' 33"W	19.97'
L8	S45° 00' 27"W	19.97'
L9	S44° 01' 17"E	0.20'
L10	N44° 02' 11"E	0.20'

- NOTES**
- OWNERSHIP, RECORDED RIGHTS-OF-WAY, AND EASEMENT INFORMATION WAS DONE USING CURRENT TITLE POLICIES PROVIDED BY LAND TITLE GUARANTEE COMPANY, COMMITMENT No: GJF65027478.
  - BEARINGS ARE BASED ON THE EAST LINE OF THE SE ¼ NE ¼ OF SECTION 17, T1S, R1E, UTE MERIDIAN. THE VALUE USED, N 0°00'37"W WAS CALCULATED USING THE PUBLISHED DATA FROM THE MESA COUNTY SURVEY INFORMATION MANAGEMENT SYSTEM. FOUND IN PLACE WERE MESA COUNTY SURVEY MARKERS AS SHOWN HEREON.
  - THE BEARINGS SHOWN HEREON REPRESENT THE LEGAL DESCRIPTIONS FROM DEED RECORDED IN BOOK 5696 AT PAGES 681, ROTATED TO THE MESA COUNTY LOCAL COORDINATE SYSTEM.
  - 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.
  - THE FOUNDATION REQUIREMENTS FOR INDIVIDUAL LOTS SHALL BE BASED ON AN OPEN HOLE INSPECTION FOR EACH LOT BY A LICENSED PROFESSIONAL GEOTECHNICAL ENGINEER PRIOR TO CONSTRUCTION.



**PEAR PARK NORTH SUBDIVISION**  
 SITUATED IN THE SE ¼ NE ¼ SECTION 17, TOWNSHIP 1 SOUTH,  
 RANGE 1 EAST OF THE UTE MERIDIAN  
 GRAND JUNCTION, MESA COUNTY, COLORADO

DATE: 9/13/16    JOB #: 2015006    FIELD WORK: SL-SH  
 DRAWING NAME: PEAR PARK SUB    DRAWN BY: PC

**POLARIS SURVEYING**  
 PATRICK W. CLICK P.L.S.    3194 MESA AVE. #B  
 GRAND JUNCTION, CO 81504  
 PHONE/FAX (970)434-7038

SHEET 2 OF 2

STATE OF COLORADO )  
 ) ss  
COUNTY OF MESA )

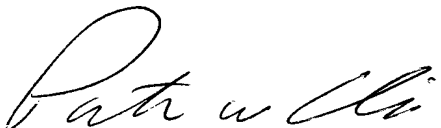
**AFFIDAVIT OF CORRECTION**

Patrick W. Click, of lawful age, being first duly sworn, upon oath deposes and say:  
That he is a registered Professional Land Surveyor in the State of Colorado and prepared  
the Plat of Pear Park North Subdivision Filing 3, as recorded at Reception Number  
2859073 of the Mesa County Clerk and Recorder's Office.

**AFFIANT FURTHER STATES THAT:**

The Reception Number for the recording information of the 30' Drainage Easement along  
the North property line on Page 2 is listed as 2725144.

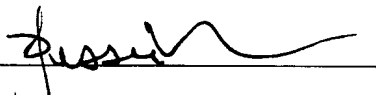
- Said Reception Number is hereby corrected to read 2774903



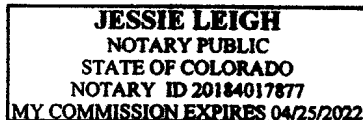
Patrick W. Click PLS

STATE OF COLORADO )  
 ) ss  
COUNTY OF MESA )

Subscribed and sworn to before me this 2<sup>nd</sup> day of October, 2019  
My commission expires 01/23/2022



Notary Public





**2 PAGE DOCUMENT**

EASEMENT AGREEMENT

THIS EASEMENT, made and entered into this 4<sup>th</sup> day of May, 2018, by and between **GRAND VALLEY DRAINAGE DISTRICT**, hereinafter referred to as "District", whose address is 722 23 Road, Grand Junction, Colorado, and **GRAND JUNCTION REAL ESTATE INVESTMENTS LLC**, hereinafter referred to as "Owner" whose address for the purpose of this agreement is PO Box 3467, Grand Junction, Colorado 81502.

WITNESSETH:

WHEREAS, the Owner desires to grant an easement for surface and subsurface drainage facilities known as a part of the **BESWICK DRAIN** across the premises as more particularly described in EXHIBIT "A", and

WHEREAS, it is to the mutual benefit of both parties to enter into this easement agreement. IT IS THEREFORE AGREED AS FOLLOWS:

1. Owner hereby grants unto the District, a perpetual easement through, over and across the Owner's premises for the cleaning, maintenance, replacement, adjustment or deepening of said facilities; together with the right to trim or remove interfering trees and brush.
2. Owner further grants to the District reasonable right of ingress and egress to accomplish the above, including the right to bring the necessary equipment upon the premises to accomplish same.
3. District agrees to maintain in a workmanlike manner said drain facilities.
4. Owner agrees to operate their premises in such a manner as not to damage said drain facilities. Any such damage so caused by the Owner shall be the Owner's sole responsibility to repair subject to District standards, supervision and acceptance.
5. Any act or omission of the Owner that causes said upkeep or maintenance to be increased over and above that which would normally be expected, the Owner shall be responsible for the cost of any additional upkeep or maintenance.
6. Owner shall have the use of such easement except for any use which conflicts with the purpose for which this easement is granted. Owner shall not build, or construct, nor permit to be built or constructed, any building or other improvement over or across said easement, except that District shall cooperate with Owner in widening and reconfiguring access across the easement in accordance with reasonable District requirements. Fencing across the easement must have a twenty (20) foot gate across the easement to allow equipment passage without interference.
7. Owner agrees to indemnify and save the District harmless from any and all claims asserted by third parties which are alleged to have occurred on Owner's property and which are alleged to have occurred as a result of the acts or failure(s) to act of the Owner. Further, Owner waives any right of claim as against the District for injuries or damages to Owner arising out of the District's reasonable operation and maintenance activities on Owner's land, except that such waiver does not apply in the event of the District's, or its officers and/or employee's gross negligence or willful wrong doing. Owner does not agree to indemnify to save the District harmless from the asserted claims of third parties which are asserted to have been caused by the acts or failure(s) to act of the District.

**2 PAGE DOCUMENT**

- 8. This easement shall be binding upon and inure to the benefit of the heirs, successors and assigns of the respective parties.
- 9. The recitals are a part of this agreement.

IN WITNESS WHEREOF, the parties have affixed their signatures, the day and year above mentioned.

**EXHIBIT "A"**

I, the undersigned Owner, its heirs, assigns and successors hereby grant to the District an Easement, which includes a reasonable right of ingress and egress seventeen (17) feet in width for maintenance of a piped drain line over and across a part of the SE1/4 NE1/4 of Section 17, Township 1 South, Range 1 East, of the Ute Meridian, County of Mesa, State of Colorado, said easement lying seventeen (17) feet south of the following described line;

Commencing at the SE Corner of the SE1/4 NE1/4 of said Section 17;  
Thence N00°00'37"W along the east line of the SE1/4 NE1/4 of said Section 17 a distance of 659.58 feet;  
Thence N89°59'16"W along the north line of the S1/2 SE1/4 NE1/4 of said Section 17 a distance of 40.00 feet to a point on the west right-of-way line of 30 Road and also the **TRUE POINT OF BEGINNING**;

Thence continuing N89°59'16"W along said north line a distance of 884.16 feet to the termination of said Easement.

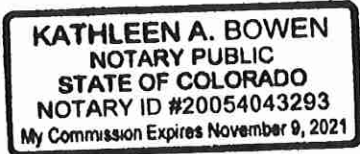
Dated this 4<sup>th</sup> day of May, 2018.

[Signature]  
(Representative) GJ Real Estate Investments LLC

State of Colorado     )  
                                  )ss  
County of Mesa        )

The foregoing instrument was acknowledged before me this 4<sup>th</sup> day of May, 2018  
by Steve Voytilla (Representative-GJ Real Estate Investments LLC)

My Commission Expires: 11/09/21 11/09/21 Kathleen A. Bowen  
Notary Public



ACCEPTED BY GRAND VALLEY DRAINAGE DISTRICT

ATTEST: [Signature]  
District Clerk

[Signature]  
District Manager



# 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: Drainage Easement Vacation

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: North of Bighorn Avenue Site Acreage: 0.14

Site Tax No(s): See Attached Site Zoning: R-8

Project Description:

### Property Owner Information

Name: See Attached

Street Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Business Phone #: \_\_\_\_\_

E-Mail: \_\_\_\_\_

Fax #: \_\_\_\_\_

Contact Person: \_\_\_\_\_

Contact Phone #: \_\_\_\_\_

### Applicant Information

Name: Steve Voytilla

Street Address: PO Box 3467

City/State/Zip: Grand Junction, CO 81502

Business Phone #: 970-234-2000

E-Mail: steve5515@aol.com

Fax #: \_\_\_\_\_

Contact Person: Steve Voytilla

Contact Phone #: 970-234-2000

### Representative Information

Name: Tom Logue

Street Address: 537 Fruitwood Drive

City/State/Zip: Grand Junction, CO 81504

Business Phone #: 970-434-8215

E-Mail: talldc@msn.com

Fax #: 970-434-0676

Contact Person: Tom Logue

Contact Phone #: (m)970-260-2911

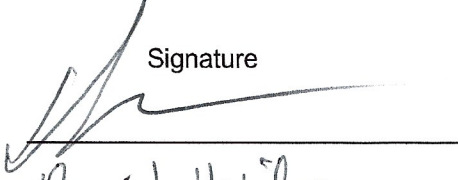
### NOTE: Legal property owner is owner of record on date of submittal.

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:  Date: January 27, 2020

Signature of Legal Property Owner: See Attached Date: \_\_\_\_\_

**DRAINAGE EASEMENT VACATION**  
**Pear Park North Subdivision, Filing No. Three**

Lot No.	Address	Tax Parcel Number	Signature	Date
1	2982 Bighorn Avenue	2943-171- 61-001		<u>2/3/2020</u>
2	2984 Bighorn Avenue	2943-171- 61-002	<u>Dennis W Wilson</u>	<u>2/3/2020</u>
4	2988 B Bighorn Avenue	2943-171- 61-004	<u>Laune Wood</u>	<u>2-3-2020</u>
6	2990 B Bighorn Avenue	2943-171- 61-006	<u>Erin Erickson</u>	<u>1-29-2020</u>
8	2992 B Bighorn Avenue	2943-171- 61-008	<u>Coleen Lee</u>	<u>1-29-20</u>
10	2996 Bighorn Avenue	2943-171- 61-010	<u>D J M/12</u>	<u>1/29/2020</u>
11	2998 Bighorn Avenue	2943-171- 61-011	<u>D J M/12</u>	<u>1/29/2020</u>



State Documentary Fee  
Date: 5-10-19  
\$0.00  
No Doc Fee Required

**Quit Claim Deed**

(Pursuant to 38-30-116 C.R.S.)

THIS DEED, made on 5-10-19 by MARY K. BAUGHMAN AND DENNIS W. WILSON AND ROBERTA L. WILSON AND MCKEE HOMES AND CONSTRUCTION, LLC AND ERIC J. ERICKSON AND KATHRYN E. ERICKSON Grantor(s) of the County of Mesa and State of Colorado for the consideration of \*\*\* Ten Dollars and Other Good and Valuable Consideration \*\*\* dollars in hand paid, hereby sells and quitclaims to DWAYNE OLSON AND MICHELLE OLSON, Grantee(s), whose street address is 2982 BIGHORN AVE, GRAND JUNCTION, CO 81504 County of Mesa, State of Colorado, the following real property in the County of Mesa and State of Colorado, to wit:

*as joint tenants*

LOTS 1, FILING 3 OF PEAR PARK NORTH SUBDIVISION, COUNTY OF MESA, STATE OF COLORADO.

also known by street and number as GRAND JUNCTION, CO 81504

with all its appurtenances.

When recorded return to:

2982 BIGHORN AVE, GRAND JUNCTION, CO 81504



SIGNATURE PAGE ATTACHMENT EXHIBIT

Mary K. Baughman  
MARY K. BAUGHMAN

Dennis W. Wilson  
DENNIS W. WILSON

Roberta L. Wilson  
ROBERTA L. WILSON

Daniel Mckee  
DANIEL MCKEE AS MANAGER OF MCKEE HOMES AND CONSTRUCTION LLC

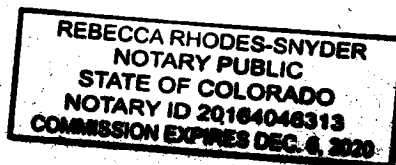
Eric J. Erickson  
ERIC J. ERICKSON

Kathryn E. Erickson  
KATHRYN E. ERICKSON

State of CO )  
 )ss  
County of MESA )

The foregoing instrument was acknowledged before me on this day of 5/10/19 ~~June 15th, 2017~~  
by ~~STEVE C. VOYTILLA AS MANAGER OF GRAND JUNCTION REAL ESTATE INVESTMENTS, LLC AND MARY K. BAUGHMAN AND DWAYNE OLSON AND MICHELLE OLSON AND DENNIS W. WILSON AND ROBERTA L. WILSON AND DANIEL MCKEE AS MANAGER OF MCKEE HOMES AND CONSTRUCTION, LLC AND ERIC J. ERICKSON AND KATHRYN E. ERICKSON.~~

Rebecca Rhodes-Snyder  
Notary Public  
My Commission expires December 16, 2020







State Documentary Fee
Date: 5-10-19
\$0.00
No Doc Fee Required

**Quit Claim Deed**

(Pursuant to 38-30-116 C.R.S.)

THIS DEED, made on 5-10-19 by DWAYNE OLSON AND MICHELLE OLSON AND MARY K. BAUGHMAN AND MCKEE HOMES AND CONSTRUCTION, LLC AND ERIC J. ERICKSON AND KATHRYN E. ERICKSON Grantor(s) of the County of Mesa and State of Colorado for the consideration of \*\*\* Ten Dollars and Other Good and Valuable Consideration \*\*\* dollars in hand paid, hereby sells and quitclaims to DENNIS W. WILSON AND ROBERTA L. WILSON as joint tenants Grantee(s), whose street address is 2984 BIGHORN AVE, #A, GRAND JUNCTION, CO 81504 County of Mesa, State of Colorado, the following real property in the County of Mesa and State of Colorado, to wit:

**LOTS 2, FILING 3 OF PEAR PARK NORTH SUBDIVISION, COUNTY OF MESA, STATE OF COLORADO.**

also known by street and number as GRAND JUNCTION, CO 81504

with all its appurtenances.


---


When recorded return to:


2982 BIGHORN AVE, GRAND JUNCTION, CO 81504




SIGNATURE PAGE ATTACHMENT EXHIBIT

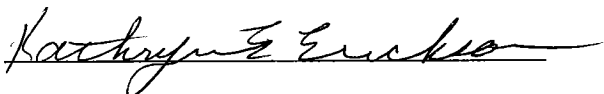
  
MARY K. BAUGHMAN

  
DWAYNE OLSON

  
MICHELLE OLSON

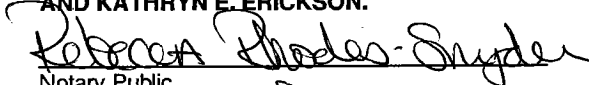
  
DANIEL MCKEE AS MANAGER OF MCKEE HOMES AND CONSTRUCTION LLC

  
ERIC J. ERICKSON

  
KATHRYN E. ERICKSON

State of CO )  
 )ss  
County of MESA )

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by ~~STEVE C. VOYTLA AS MANAGER OF GRAND JUNCTION REAL ESTATE INVESTMENTS, LLC AND MARY K. BAUGHMAN AND DWAYNE OLSON AND MICHELLE OLSON AND DENNIS W. WILSON AND ROBERTA L. WILSON AND DANIEL MCKEE AS MANAGER OF MCKEE HOMES AND CONSTRUCTION, LLC AND ERIC J. ERICKSON AND KATHRYN E. ERICKSON.~~

  
Notary Public  
My Commission expires December 6, 2020

REBECCA RHODES-SNYDER  
NOTARY PUBLIC  
STATE OF COLORADO  
NOTARY ID 20164046313  
COMMISSION EXPIRES DEC. 6, 2020



State Documentary Fee  
Date: 5-10-19  
\$0.00  
No Doc Fee Required

**Quit Claim Deed**

(Pursuant to 38-30-116 C.R.S.)

THIS DEED, made on 5-10-19 by DWAYNE OLSON AND MICHELLE OLSON AND MARY K. BAUGHMAN AND DENNIS W. WILSON AND ROBERTA L. WILSON AND MCKEE HOMES AND CONSTRUCTION, LLC Grantor(s) of the County of Mesa and State of Colorado for the consideration of \*\*\* Ten Dollars and Other Good and Valuable Consideration \*\*\* dollars in hand paid, hereby sells and quitclaims to ERIC J. ERICKSON AND KATHRYN E. ERICKSON as joint tenants Grantee(s), whose street address is 2988 BIGHORN AVE #B, GRAND JUNCTION, CO 81504 County of Mesa, State of Colorado, the following real property in the County of Mesa and State of Colorado, to wit:

**LOTS 4, FILING 3 OF PEAR PARK NORTH SUBDIVISION, COUNTY OF MESA, STATE OF COLORADO.**

also known by street and number as GRAND JUNCTION, CO 81504

with all its appurtenances.

When recorded return to:

2982 BIGHORN AVE, GRAND JUNCTION, CO 81504



SIGNATURE PAGE ATTACHMENT EXHIBIT

Mary K. Baughman  
MARY K. BAUGHMAN

Dwayne Olson  
DWAYNE OLSON

Michelle Olson  
MICHELLE OLSON

Dennis W. Wilson  
DENNIS W. WILSON

Roberta L. Wilson  
ROBERTA L. WILSON

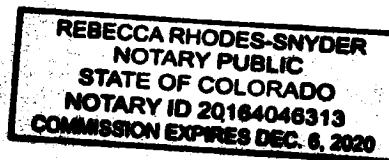
Daniel McKee  
DANIEL MCKEE AS MANAGER OF MCKEE HOMES AND CONSTRUCTION LLC

State of CO )  
 )ss  
County of MESA )

5-10-19

The foregoing instrument was acknowledged before me on this day of ~~June 15th, 2017~~  
by ~~STEVE G. VOYTILLA AS MANAGER OF GRAND JUNCTION REAL ESTATE INVESTMENTS, LLC AND MARY K. BAUGHMAN AND DWAYNE OLSON AND MICHELLE OLSON AND DENNIS W. WILSON AND ROBERTA L. WILSON AND DANIEL MCKEE AS MANAGER OF MCKEE HOMES AND CONSTRUCTION, LLC AND ERIC J. ERICKSON AND KATHRYN E. ERICKSON.~~

Rebecca Rhodes-Snyder  
Notary Public  
My Commission expires December 6, 2020





State Documentary Fee  
Date: 5-10-19  
\$0.00  
No Doc Fee Required

**Quit Claim Deed**

(Pursuant to 38-30-116 C.R.S.)

THIS DEED, made on 5-10-19 by DWAYNE OLSON AND MICHELLE OLSON AND MARY K. BAUGHMAN AND DENNIS W. WILSON AND ROBERTA L. WILSON AND MCKEE HOMES AND CONSTRUCTION, LLC AND ERIC J. ERICKSON AND KATHRYN E. ERICKSON Grantor(s) of the County of Mesa and State of Colorado for the consideration of \*\*\* Ten Dollars and Other Good and Valuable Consideration \*\*\* dollars in hand paid, hereby sells and quitclaims to GRAND JUNCTION REAL ESTATE INVESTMENTS, LLC Grantee(s), whose street address is P.O. BOX 3467 GRAND JUNCTION, CO County of Mesa, State of Colorado, the following real property in the County of Mesa and State of Colorado, to wit:

**LOTS 5-7, 9-29 FILING 3 OF PEAR PARK NORTH SUBDIVISION, COUNTY OF MESA, STATE OF COLORADO.**

**\*\*NOTE: This deed is being recorded to transfer any interest the Grantors may have had at the time of recording of the plat at reception no. 2859073.**

also known by street and number as VARIOUS, GRAND JUNCTION, CO 81504

with all its appurtenances.

When recorded return to:

2982 BIGHORN AVE, GRAND JUNCTION, CO 81504



SIGNATURE PAGE ATTACHMENT EXHIBIT

*Mary K. Baughman*  
MARY K. BAUGHMAN

DWAYNE OLSON

*Michelle Olson*  
MICHELLE OLSON

*Dennis W. Wilson*  
DENNIS W. WILSON

*Roberta L. Wilson*  
ROBERTA L. WILSON

*Daniel McKee*  
DANIEL MCKEE AS MANAGER OF MCKEE HOMES AND CONSTRUCTION LLC

*Eric J. Erickson*  
ERIC J. ERICKSON

*Kathryn E. Erickson*

KATHRYN E. ERICKSON

State of CO )  
 )ss  
County of MESA )

The foregoing instrument was acknowledged before me on this day of June 15th, 2017 <sup>5-10-19</sup>  
by ~~STEVE C. VOYTLA AS MANAGER OF GRAND JUNCTION REAL ESTATE INVESTMENTS, LLC AND MARY K. BAUGHMAN AND DWAYNE OLSON AND MICHELLE OLSON AND DENNIS W. WILSON AND ROBERTA L. WILSON AND DANIEL MCKEE AS MANAGER OF MCKEE HOMES AND CONSTRUCTION, LLC AND ERIC J. ERICKSON AND KATHRYN E. ERICKSON.~~

*Rebecca Rhodes-Snyder*  
Notary Public  
My Commission expires December 6, 2020

REBECCA RHODES-SNYDER  
NOTARY PUBLIC  
STATE OF COLORADO  
NOTARY ID 20164046313  
COMMISSION EXPIRES DEC. 6, 2020









OWNERSHIP STATEMENT - CORPORATION OR LIMITED LIABILITY COMPANY

(a) McKee Homes and Construction, LLC. ("Entity") is the owner of the following property:

(b) Lot 10, Pear Park North Subdivision, Filing 3, Grand Junction, Colorado.

A copy of the deed(s) evidencing the owner's interest in the property is attached. Any documents conveying any interest in the property to someone else by the owner are also attached.

I am the (c) Manager for the Entity. I have the legal authority to bind the Entity regarding obligations and this property. I have attached the most recent recorded Statement of Authority of the Entity.

- My legal authority to bind the Entity both financially and concerning this property is unlimited.
- My legal authority to bind the Entity financially and/or concerning this property is limited as follows:

- The Entity is the sole owner of the property.
- The Entity owns the property with other(s). The other owners of the property are:

On behalf of Entity, I have reviewed the application for the (d) Drainage Easement Vacation

I have the following knowledge or evidence of a possible boundary conflict affecting the property:

(e) None

I understand the continuing duty of the Entity to inform the City planner of any changes regarding my authority to bind the Entity and/or regarding ownership, easement, right-of-way, encroachment, lienholder and any other interest in the land.

I swear under penalty of perjury that the information in this Ownership Statement is true, complete and correct.

Signature of Entity representative: *[Handwritten Signature]*

Printed name of person signing: Dan McKee, Manager

State of Colorado )

County of Mesa ) ss.

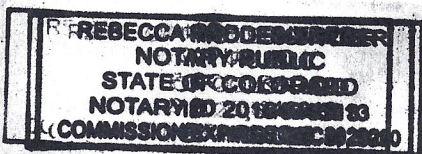
Subscribed and sworn to before me on this 29<sup>th</sup> day of January, 2020

by Dan McKee, Manager, McKee Homes and Construction, LLC.

Witness my hand and seal.

My Notary Commission expires on December 6, 2020

Rebecca Rhodes-Snyder  
Notary Public Signature







State Documentary Fee  
Date: 5-10-19  
\$0.00  
No Doc Fee Required

**Quit Claim Deed**

(Pursuant to 38-30-116 C.R.S.)

THIS DEED, made on 5-10-19 by DWAYNE OLSON AND MICHELLE OLSON AND MARY K. BAUGHMAN AND DENNIS W. WILSON AND ROBERTA L. WILSON AND MCKEE HOMES AND CONSTRUCTION, LLC AND ERIC J. ERICKSON AND KATHRYN E. ERICKSON Grantor(s) of the County of Mesa and State of Colorado for the consideration of \*\*\* Ten Dollars and Other Good and Valuable Consideration \*\*\* dollars in hand paid, hereby sells and quitclaims to GRAND JUNCTION REAL ESTATE INVESTMENTS, LLC Grantee(s), whose street address is P.O. BOX 3467 GRAND JUNCTION, CO County of Mesa, State of Colorado, the following real property in the County of Mesa and State of Colorado, to wit:

**LOTS 5-7, 9-29 FILING 3 OF PEAR PARK NORTH SUBDIVISION, COUNTY OF MESA, STATE OF COLORADO.**

**\*\*NOTE: This deed is being recorded to transfer any interest the Grantors may have had at the time of recording of the plat at reception no. 2859073.**

also known by street and number as VARIOUS, GRAND JUNCTION, CO 81504

with all its appurtenances.

When recorded return to:

2982 BIGHORN AVE, GRAND JUNCTION, CO 81504



SIGNATURE PAGE ATTACHMENT EXHIBIT

*Mary K. Baughman*  
MARY K. BAUGHMAN

DWAYNE OLSON

*Michelle Olson*  
MICHELLE OLSON

*Dennis W. Wilson*  
DENNIS W. WILSON

*Roberta L. Wilson*  
ROBERTA L. WILSON

*Daniel McKee*  
DANIEL MCKEE AS MANAGER OF MCKEE HOMES AND CONSTRUCTION LLC

*Eric J. Erickson*  
ERIC J. ERICKSON

*Kathryn E. Erickson*

KATHRYN E. ERICKSON

State of CO )  
 )ss  
County of MESA )

The foregoing instrument was acknowledged before me on this day of June 15th, 2017 <sup>5-10-19</sup>  
by ~~STEVE C. VOYTLA AS MANAGER OF GRAND JUNCTION REAL ESTATE INVESTMENTS, LLC AND MARY K. BAUGHMAN AND DWAYNE OLSON AND MICHELLE OLSON AND DENNIS W. WILSON AND ROBERTA L. WILSON AND DANIEL MCKEE AS MANAGER OF MCKEE HOMES AND CONSTRUCTION, LLC AND ERIC J. ERICKSON AND KATHRYN E. ERICKSON.~~

*Rebecca Rhodes-Snyder*  
Notary Public  
My Commission expires December 6, 2020

REBECCA RHODES-SNYDER  
NOTARY PUBLIC  
STATE OF COLORADO  
NOTARY ID 20164046313  
COMMISSION EXPIRES DEC. 6, 2020



GENERAL PROJECT REPORT FOR:

EASEMENT VACATION APPLICATION

PEAR PARK NORTH SUBDIVISION

GRAND JUNCTION, COLORADO

February, 2020

PREPARED FOR:  
GRAND JUNCTION  
REAL ESTATE, LLC.  
1100 NORTH AVENUE  
GRAND JUNCTION, CO 81501

**PART A  
REQUEST**

	PAGE
LOCATION MAP	1
REQUEST	1
LAND USE ZONING	2
LAND USE ZONING MAP	2
SURROUNDING LAND USE	3

**PART B  
EVALUATION OF THE REQUEST**

	PAGE
VACATION APPROVAL CRITERIA	4 & 5



**THOMAS A. LOGUE** LAND DEVELOPMENT CONSULTANT  
537 FRUITWOOD DRIVE • GRAND JUNCTION • COLORADO • 81504 • 970-434-8215

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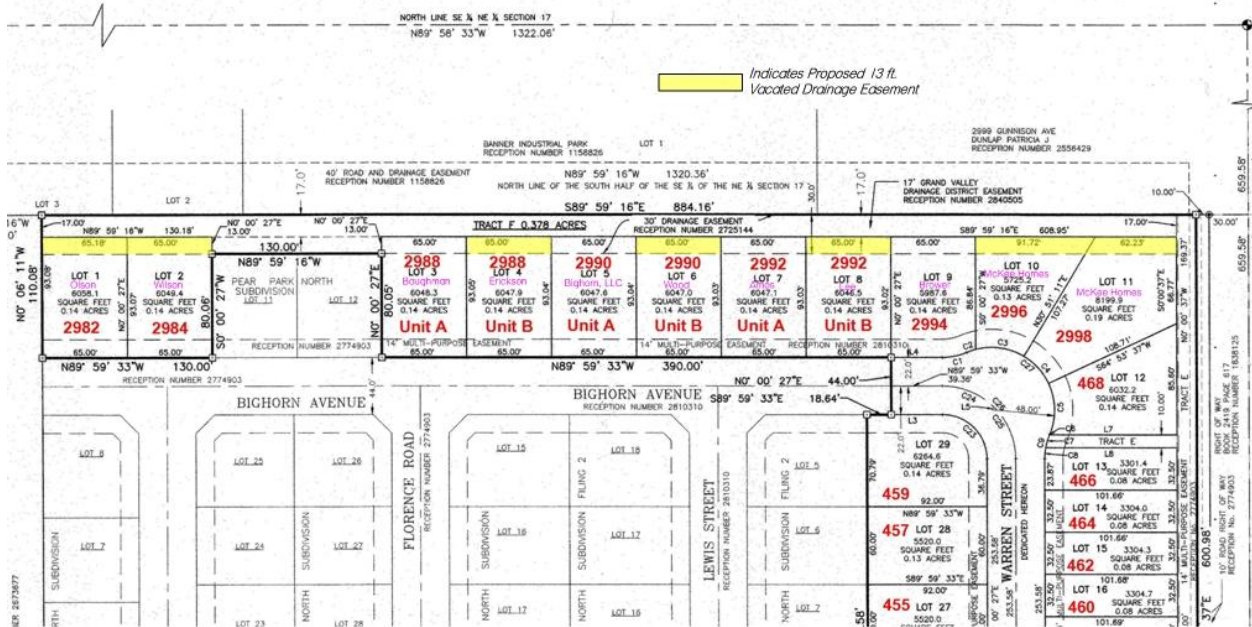
REQUEST - This application is a request to vacate 6,227 square feet of a 13 foot wide Drainage Easement at seven locations along the north line of the Pear Park North Subdivision.

In May, 2015 a 30 foot wide drainage easement was granted to the City of Grand Junction, by deed, for the Beswick Drain Ditch. In 2017 the open ditch was piped, thereby reducing the need for a 30 foot wide maintenance easement. In May, 2018 a 17 foot wide Drainage Easement was granted to the Grand Valley Drainage District by deed.

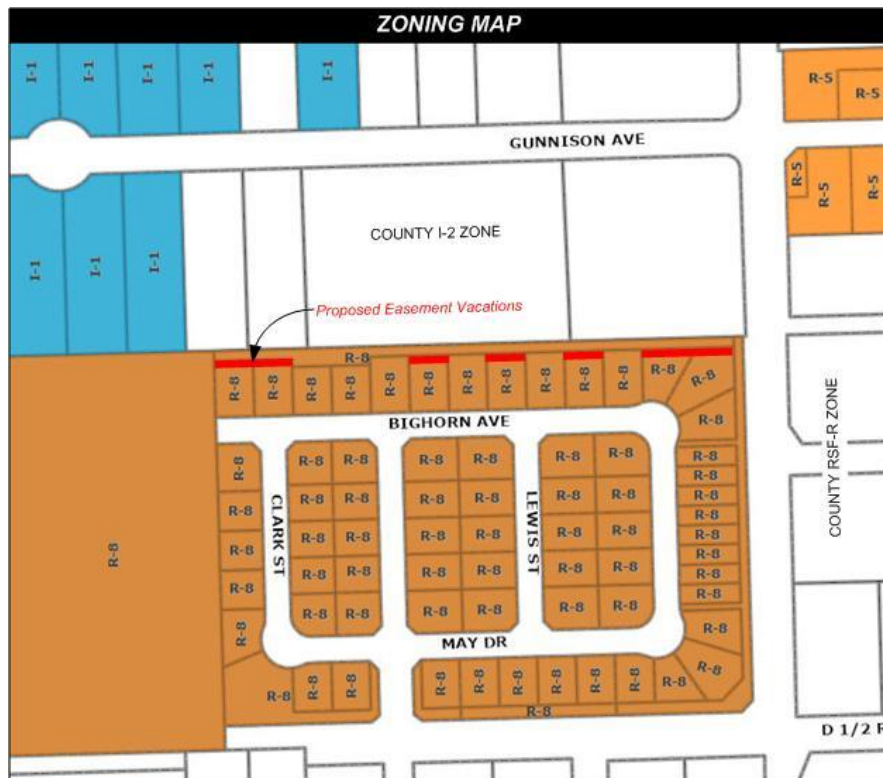
Drawings contained herein, illustrates the relationship of the proposed vacation to the current land ownership and the existing land uses adjoining the proposed Drainage Easement vacations.

# PEAR PARK NORTH SUBDIVISION FILING 3

SITUATED IN THE SE ¼ NE ¼ SECTION 17, TOWNSHIP 1 SOUTH,  
RANGE 1 EAST OF THE UTE MERIDIAN  
CITY OF GRAND JUNCTION, COUNTY OF MESA, STATE OF COLORADO



LAND USE ZONING - An examination of the Grand Junction Zoning Map reveals that the property adjacent to the vacated areas is zoned: R-5, (Residential Single Family, having a maximum density of: 5 dwelling units per acre). Land north of the request is zoned I-1 (Light Industrial) by the City of Grand Junction and I-2 (Industrial) by Mesa County.



SURROUNDING LAND USE – The surrounding land uses in the vicinity of the proposed Drainage Easement vacations are considered to be “medium” intensity. The area is dominated by single family dwelling on modest sized subdivided lots intermixed with single family dwelling on small acreage parcels. Existing industrial land uses are located north of the requested vacated areas. The following Surrounding Land Use Map portrays the properties owned by CMU and land uses in the vicinity of the requested vacated alley and street:



Evaluation of the **Vacation Request** is accomplished by using the six approval criteria for “Vacations of Rights-of-Way or Easements” in section 21.02.100 of the *Grand Junction Municipal Code*. The following response to each of the criteria illustrates compliance:

The vacation of the right-of-way or easement shall conform to the following:

*Criteria 1: The Growth Plan, major street plan and other adopted plans and policies of the City;*

RESPONSE: The proposed Easement Vacation request is not known to be in conflict with any adopted City plans and policies.

*Criteria 2: No parcel shall be landlocked as a result of the vacation;*

RESPONSE: No parcels of land be landlocked as a result of the proposed vacations.

*Criteria 3: 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;*

RESPONSE: Access for maintenance to the existing drainage system will not be restricted as a result of the requested vacation.

*Criteria 4: 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 service);*

RESPONSE: Since adequate existing maintenance easements are in place, the quality of services provide will not be reduced.

*Criteria 5: The provision of adequate public facilities and services shall not be inhibited to any property as required in Chapter 21.06;*

RESPONSE: Access to the existing facilities and services will not be limited as a result of the proposed vacations.

*Criteria 6: The proposal shall provide benefits to the City such as reduced maintenance requirement, improved traffic circulation, etc.*

RESPONSE: The existing easement is for the benefit of the Grand Valley Drainage District. The requested easement vacations will not reduce the ability of the district to perform their maintenance activities. Vacation of the easements will eliminate non conformance in those areas where the existing dwelling improvements encroach into the easement.

LOT 3  
BANNER INDUSTRIAL PARK  
RECEPTION NUMBER 1158826

LOT 2  
BANNER INDUSTRIAL PARK  
RECEPTION NUMBER 1158826

LOT 1  
BANNER INDUSTRIAL PARK  
RECEPTION NUMBER 1158826

2999 GUNNISON AVE.  
DUNLAP, PATRICEA J.  
RECEPTION NUMBER 2556529

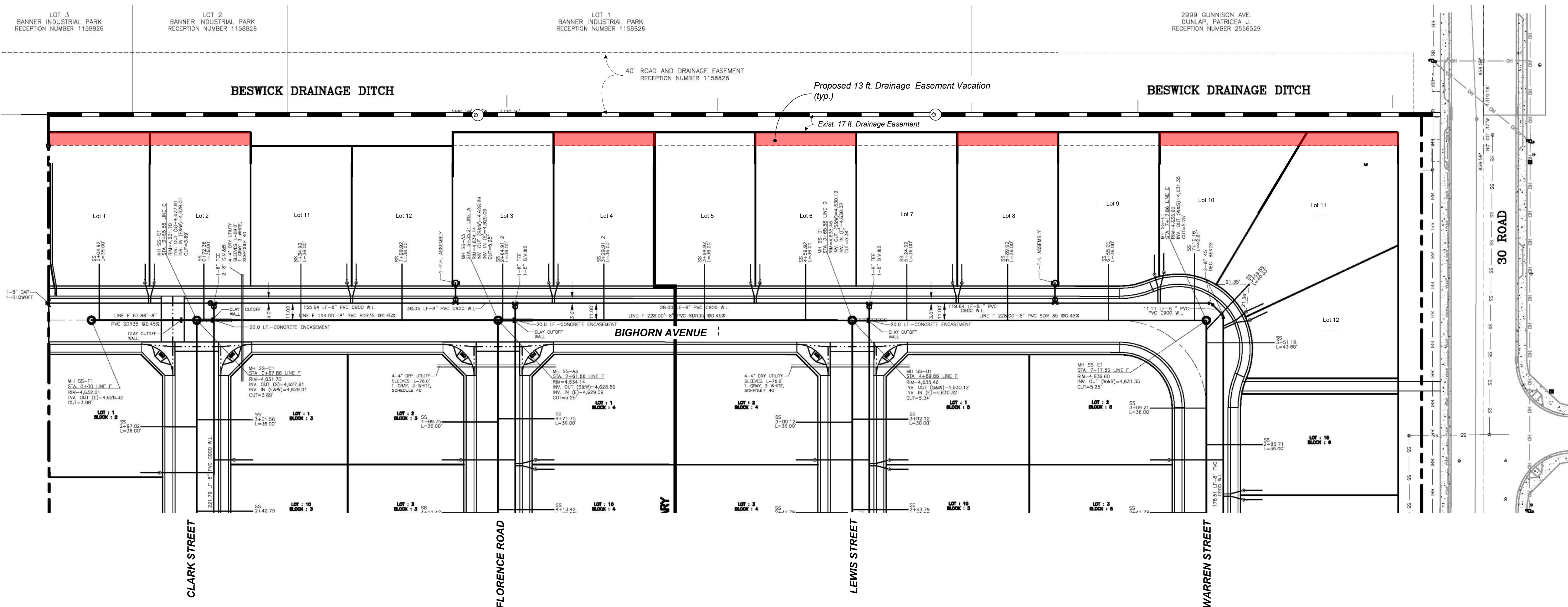
BESWICK DRAINAGE DITCH

BESWICK DRAINAGE DITCH

40' ROAD AND DRAINAGE EASEMENT  
RECEPTION NUMBER 1158826

Proposed 13 ft. Drainage Easement Vacation  
(typ.)

Exist. 17 ft. Drainage Easement



30 ROAD

Date	REVISIONS	Description

Date: February, 2020  
 Scale: 1 in. = 50 ft.  
 Contour Interval:  

Prepared By:  
**THOMAS A. LOGUE**  
 LAND DEVELOPMENT CONSULTANT  
 537 FRUITWOOD DRIVE, GRAND JUNCTION, COLORADO 81504  
 TALLDC@MSN.COM • (970)434-8215 • (970)260-2911

Prepared For:  
 GRAND JUNCTION REAL ESTATE, LLC  
 STEVE VOYTILLA  
 PO BOX 3467, GRAND JUNCTION, CO 81502

**EASEMENT VACATION REQUEST**  
 PEAR PARK NORTH SUBDIVISION  
 GRAND JUNCTION, COLORADO

**COMPOSITE PLAN**

# EXHIBIT A

## Legal Description

### Lot 1 Pear Park North Subdivision Filing 3

A tract of land situated in the Southeast Quarter of the Northeast Quarter of Section 17, Township 1 South, Range 1 East of the Ute Meridian, Mesa County, Colorado and lying entirely within a 30 foot Drainage Easement as described at Reception Number 2774903 of the Mesa County Records, being further described as follows.

The North 13.00 feet of Lot 1 Pear Park North Subdivision Filing 3 as described at Reception Number 2859073 of the Mesa County Clerk and Recorder's Office.

Said tract of land contains 847 square feet.

Above legal description written by:  
Patrick W. Click  
Colorado registered Professional Surveyor No. 37904  
3194 Mesa Avenue Unit B  
Grand Junction, Colorado 81504



# EXHIBIT A

## Legal Description

### Lot 2 Pear Park North Subdivision Filing 3

A tract of land situated in the Southeast Quarter of the Northeast Quarter of Section 17, Township 1 South, Range 1 East of the Ute Meridian, Mesa County, Colorado and lying entirely within a 30 foot Drainage Easement as described at Reception Number 2774903 of the Mesa County Records, being further described as follows.

The North 13.00 feet of Lot 2 Pear Park North Subdivision Filing 3 as described at Reception Number 2859073 of the Mesa County Clerk and Recorder's Office.

Said tract of land contains 845 square feet.

Above legal description written by:  
Patrick W. Click  
Colorado registered Professional Surveyor No. 37904  
3194 Mesa Avenue Unit B  
Grand Junction, Colorado 81504

# EXHIBIT A

## Legal Description

### Lot 4 Pear Park North Subdivision Filing 3

A tract of land situated in the Southeast Quarter of the Northeast Quarter of Section 17, Township 1 South, Range 1 East of the Ute Meridian, Mesa County, Colorado and lying entirely within a 30 foot Drainage Easement as described at Reception Number 2774903 of the Mesa County Records, being further described as follows.

The North 13.00 feet of Lot 4 Pear Park North Subdivision Filing 3 as described at Reception Number 2859073 of the Mesa County Clerk and Recorder's Office.

Said tract of land contains 845 square feet.

Above legal description written by:  
Patrick W. Click  
Colorado registered Professional Surveyor No. 37904  
3194 Mesa Avenue Unit B  
Grand Junction, Colorado 81504

# EXHIBIT A

## Legal Description

### Lot 6 Pear Park North Subdivision Filing 3

A tract of land situated in the Southeast Quarter of the Northeast Quarter of Section 17, Township 1 South, Range 1 East of the Ute Meridian, Mesa County, Colorado and lying entirely within a 30 foot Drainage Easement as described at Reception Number 2774903 of the Mesa County Records, being further described as follows.

The North 13.00 feet of Lot 6 Pear Park North Subdivision Filing 3 as described at Reception Number 2859073 of the Mesa County Clerk and Recorder's Office.

Said tract of land contains 845 square feet.

Above legal description written by:  
Patrick W. Click  
Colorado registered Professional Surveyor No. 37904  
3194 Mesa Avenue Unit B  
Grand Junction, Colorado 81504

# EXHIBIT A

## Legal Description

### Lot 8 Pear Park North Subdivision Filing 3

A tract of land situated in the Southeast Quarter of the Northeast Quarter of Section 17, Township 1 South, Range 1 East of the Ute Meridian, Mesa County, Colorado and lying entirely within a 30 foot Drainage Easement as described at Reception Number 2774903 of the Mesa County Records, being further described as follows.

The North 13.00 feet of Lot 8 Pear Park North Subdivision Filing 3 as described at Reception Number 2859073 of the Mesa County Clerk and Recorder's Office.

Said tract of land contains 844 square feet.

Above legal description written by:  
Patrick W. Click  
Colorado registered Professional Surveyor No. 37904  
3194 Mesa Avenue Unit B  
Grand Junction, Colorado 81504

# EXHIBIT A

## Legal Description

### Lot 11 Pear Park North Subdivision Filing 3

A tract of land situated in the Southeast Quarter of the Northeast Quarter of Section 17, Township 1 South, Range 1 East of the Ute Meridian, Mesa County, Colorado and lying entirely within a 30 foot Drainage Easement as described at Reception Number 2774903 of the Mesa County Records, being further described as follows.

The North 13.00 feet of Lot 11 Pear Park North Subdivision Filing 3 as described at Reception Number 2859073 of the Mesa County Clerk and Recorder's Office.

Said tract of land contains 859 square feet.

Above legal description written by:  
Patrick W. Click  
Colorado registered Professional Surveyor No. 37904  
3194 Mesa Avenue Unit B  
Grand Junction, Colorado 81504

# EXHIBIT A

## Legal Description

### Lot 10 Pear Park North Subdivision Filing 3

A tract of land situated in the Southeast Quarter of the Northeast Quarter of Section 17, Township 1 South, Range 1 East of the Ute Meridian, Mesa County, Colorado and lying entirely within a 30 foot Drainage Easement as described at Reception Number 2774903 of the Mesa County Records, being further described as follows.

The North 13.00 feet of Lot 10 Pear Park North Subdivision Filing 3 as described at Reception Number 2859073 of the Mesa County Clerk and Recorder's Office.

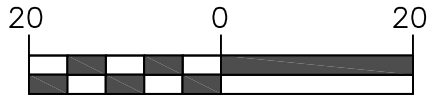
Said tract of land contains 1,141 square feet.

Above legal description written by:  
Patrick W. Click  
Colorado registered Professional Surveyor No. 37904  
3194 Mesa Avenue Unit B  
Grand Junction, Colorado 81504

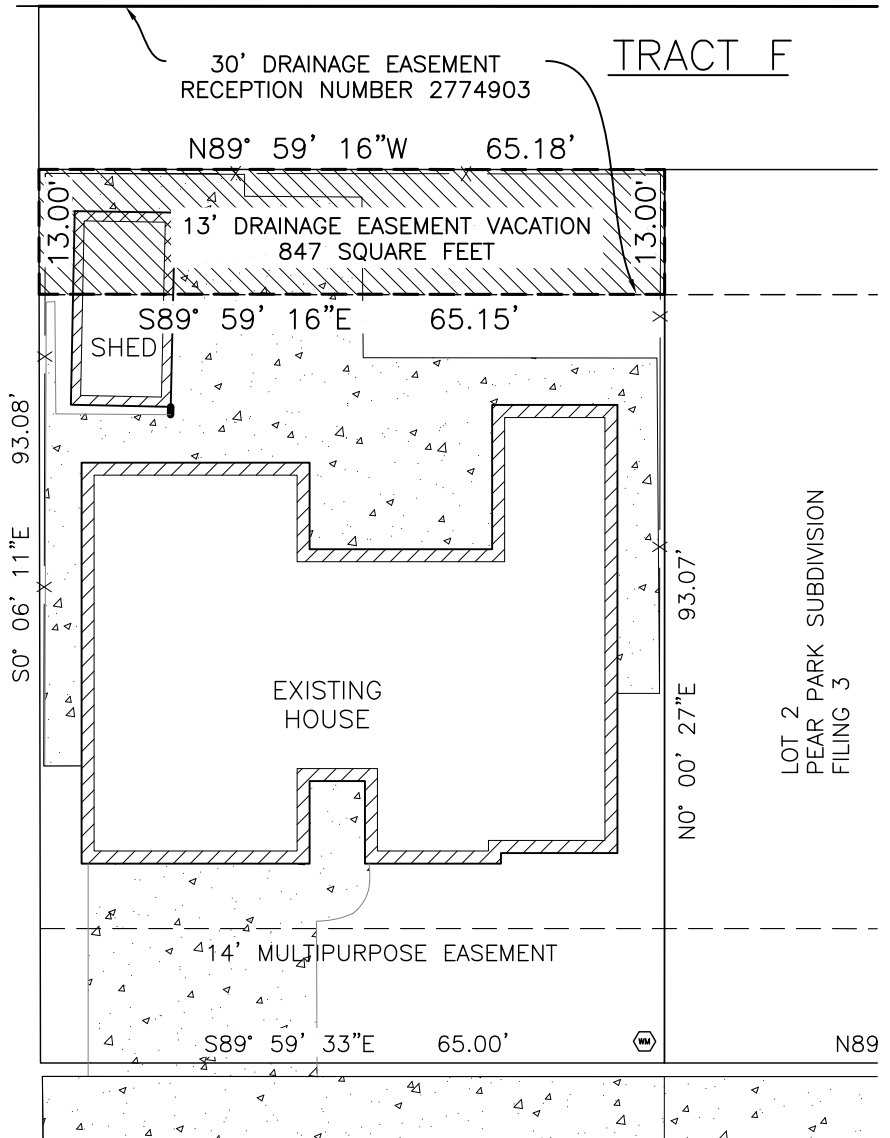
**Exhibit B**



GRAPHIC SCALE:  
1" = 20'



LINEAR UNITS ARE U.S. SURVEY FEET



**BIGHORN AVENUE**

RECEPTION NUMBER 2774903

LOT 1  
PEAR PARK SUBDIVISION FILING 3  
DRAINAGE EASEMENT VACATION  
2982 BIGHORN AVENUE

**LEGAL DESCRIPTION SKETCH**

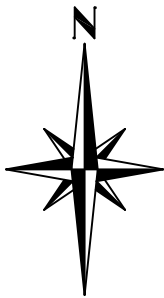
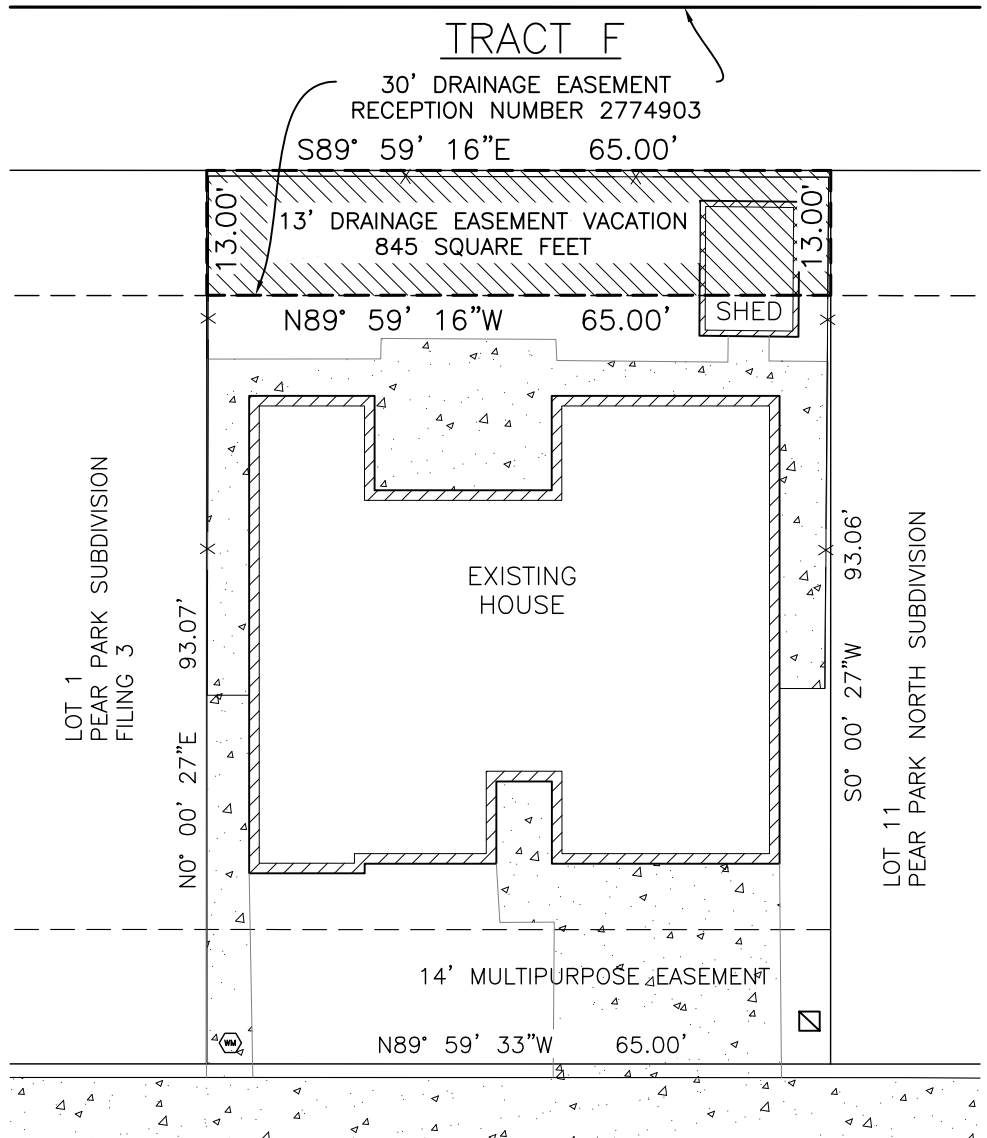
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SECTION 17, TOWNSHIP 1 SOUTH,  
RANGE 1 EAST OF THE UTE MERIDIAN  
COUNTY OF MESA, STATE OF  
COLORADO.

***POLARIS SURVEYING***

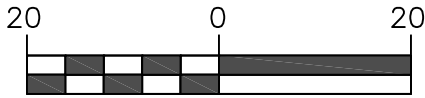
PATRICK W. CLICK P.L.S.

3194 MESA AVE. #B  
GRAND JUNCTION, CO 81504  
PHONE (970)434-7038

# Exhibit B



GRAPHIC SCALE:  
1" = 20'



LINEAR UNITS ARE U.S. SURVEY FEET

## BIGHORN AVENUE

RECEPTION NUMBER 2774903

LOT 2  
PEAR PARK SUBDIVISION FILING 3  
DRAINAGE EASEMENT VACATION  
2984 BIGHORN AVENUE

### LEGAL DESCRIPTION SKETCH

SITUATED IN THE SW $\frac{1}{4}$  NW $\frac{1}{4}$  OF  
SECTION 17, TOWNSHIP 1 SOUTH,  
RANGE 1 EAST OF THE UTE MERIDIAN  
COUNTY OF MESA, STATE OF  
COLORADO.

### *POLARIS SURVEYING*

PATRICK W. CLICK P.L.S.

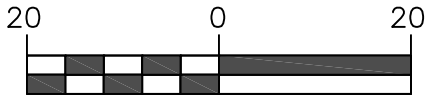
3194 MESA AVE. #B  
GRAND JUNCTION, CO 81504  
PHONE (970)434-7038



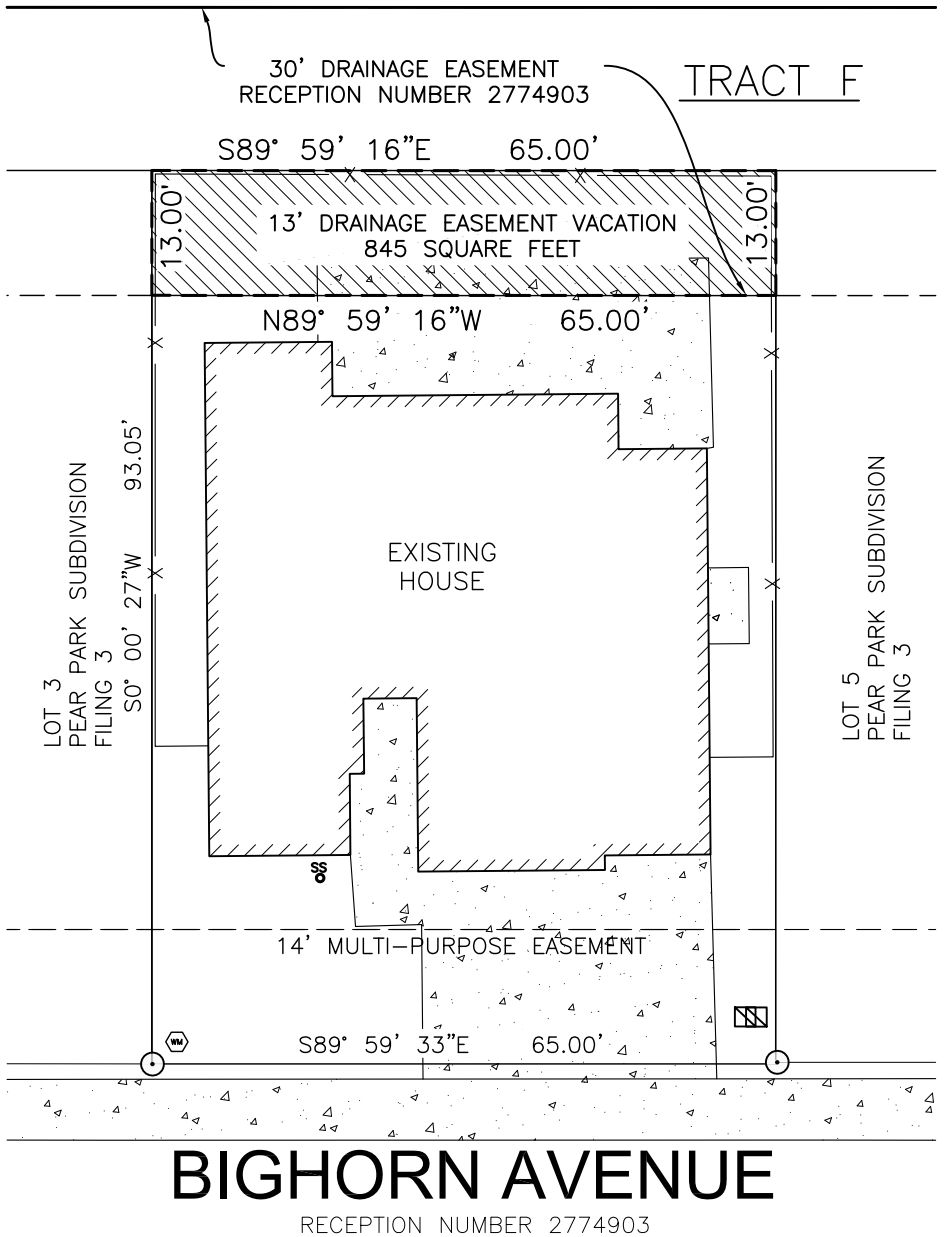
**Exhibit B**



GRAPHIC SCALE:  
1" = 20'



LINEAR UNITS ARE U.S. SURVEY FEET



LOT 4  
PEAR PARK SUBDIVISION FILING 3  
DRAINAGE EASEMENT VACATION  
2988 BIGHORN AVENUE No. B

**LEGAL DESCRIPTION SKETCH**

SITUATED IN THE SW $\frac{1}{4}$  NW $\frac{1}{4}$  OF  
SECTION 17, TOWNSHIP 1 SOUTH,  
RANGE 1 EAST OF THE UTE MERIDIAN  
COUNTY OF MESA, STATE OF  
COLORADO.

**POLARIS SURVEYING**

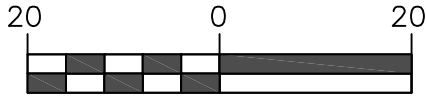
PATRICK W. CLICK P.L.S.

3194 MESA AVE. #B  
GRAND JUNCTION, CO 81504  
PHONE (970)434-7038

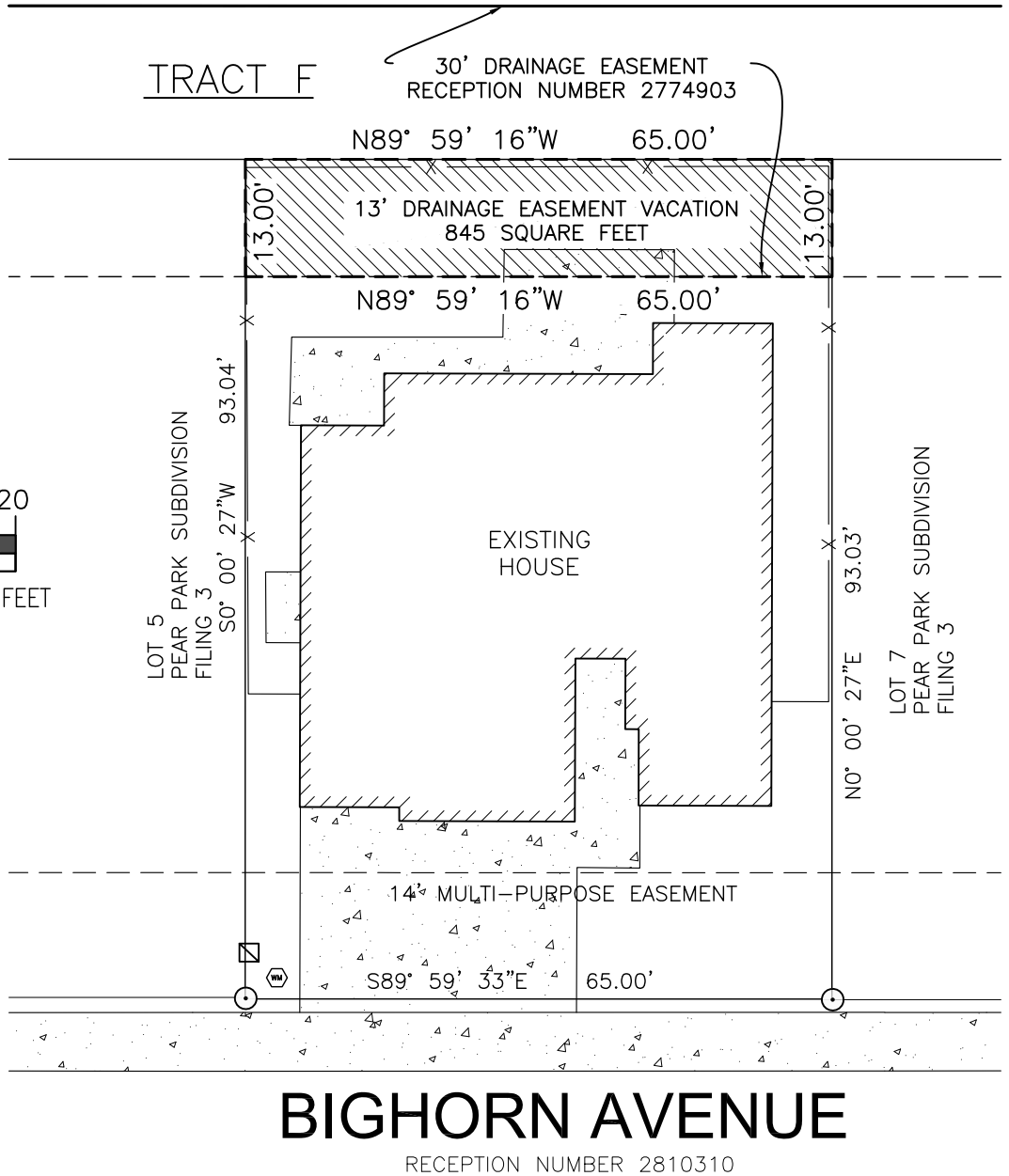
**Exhibit B**



GRAPHIC SCALE:  
1" = 20'



LINEAR UNITS ARE U.S. SURVEY FEET



**LEGAL DESCRIPTION SKETCH**

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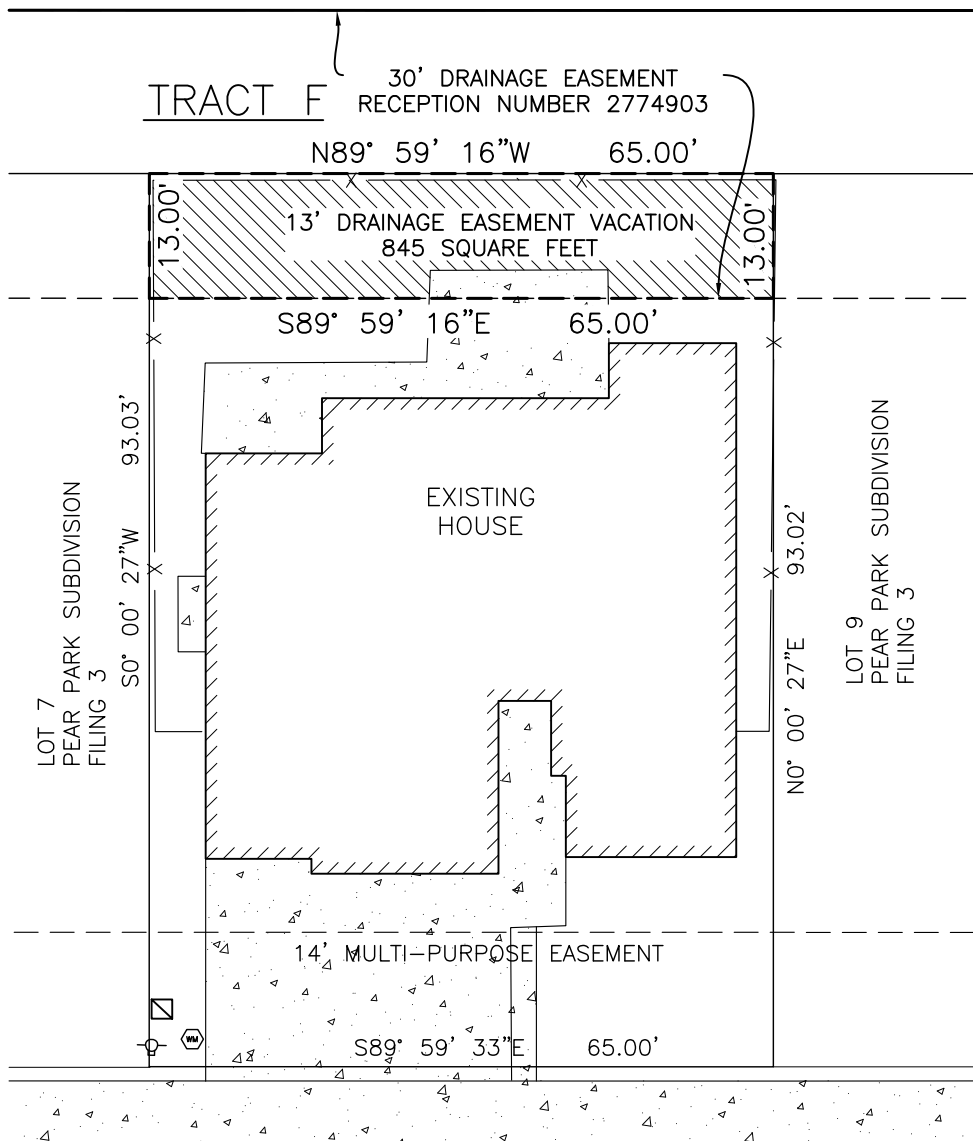
LOT 6  
PEAR PARK SUBDIVISION FILING 3  
DRAINAGE EASEMENT VACATION  
2990 BIGHORN AVENUE No. B

***POLARIS SURVEYING***

PATRICK W. CLICK P.L.S.

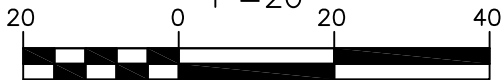
3194 MESA AVE. #B  
GRAND JUNCTION, CO 81504  
PHONE (970)434-7038

# Exhibit B



GRAPHIC SCALE:

1" = 20'



LINEAR UNITS ARE U.S. SURVEY FEET

## BIGHORN AVENUE

RECEPTION NUMBER 2810310

LOT 8  
PEAR PARK SUBDIVISION FILING 3  
DRAINAGE EASEMENT VACATION  
2992 BIGHORN AVENUE No. B

### LEGAL DESCRIPTION SKETCH

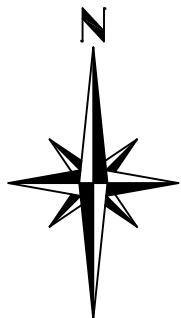
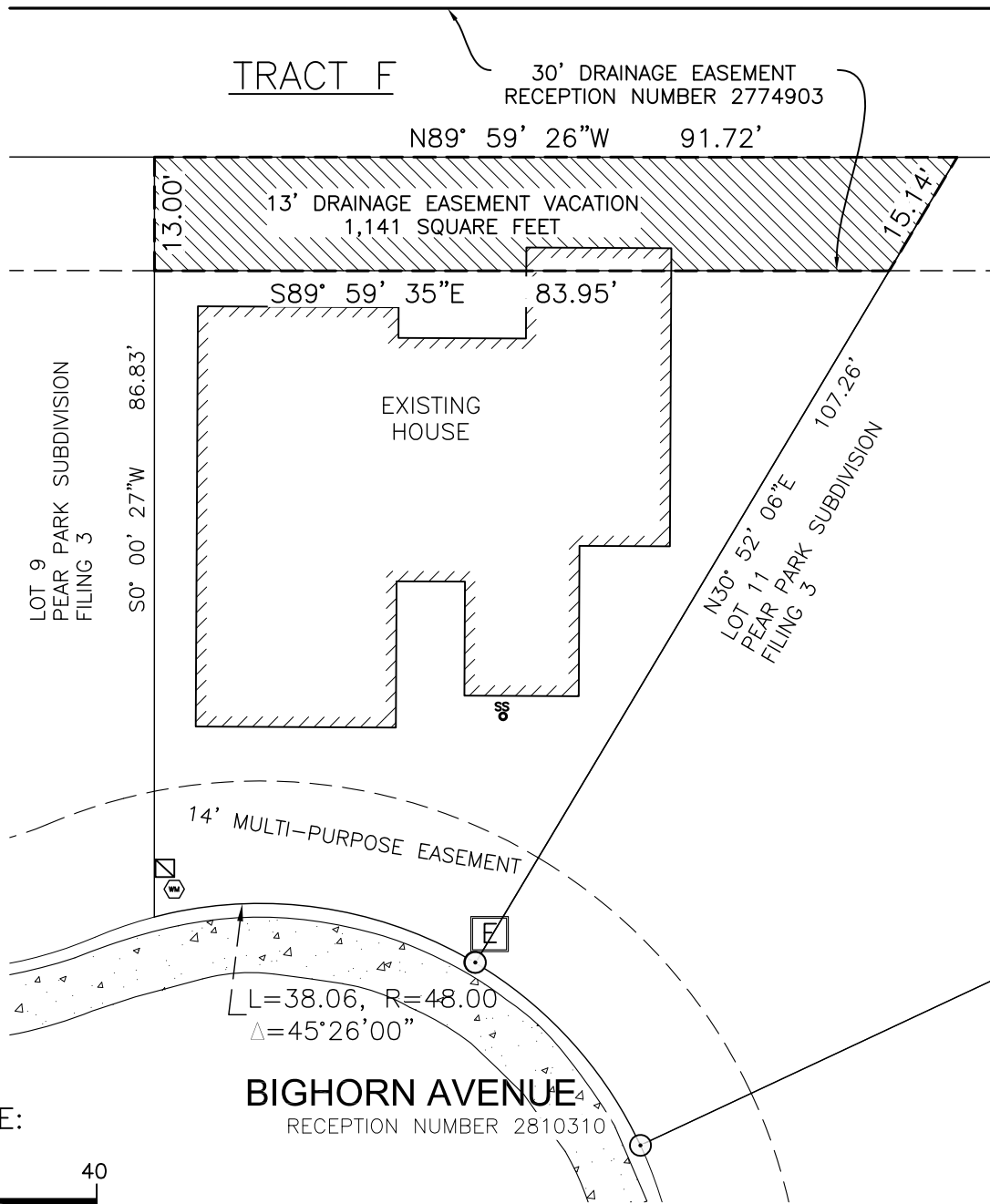
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SECTION 17, TOWNSHIP 1 SOUTH,  
RANGE 1 EAST OF THE UTE MERIDIAN  
COUNTY OF MESA, STATE OF  
COLORADO.

**POLARIS SURVEYING**

PATRICK W. CLICK P.L.S.

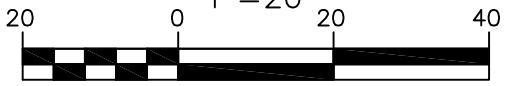
3194 MESA AVE. #B  
GRAND JUNCTION, CO 81504  
PHONE (970)434-7038

**Exhibit B**



GRAPHIC SCALE:

1"=20'



LINEAR UNITS ARE U.S. SURVEY FEET

LOT 10  
PEAR PARK SUBDIVISION FILING 3  
DRAINAGE EASEMENT VACATION  
2996 BIGHORN AVENUE

**LEGAL DESCRIPTION SKETCH**

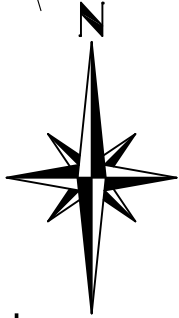
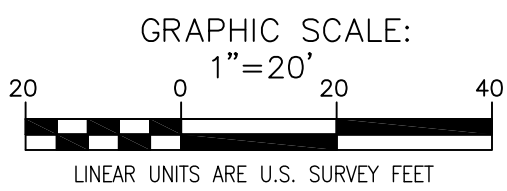
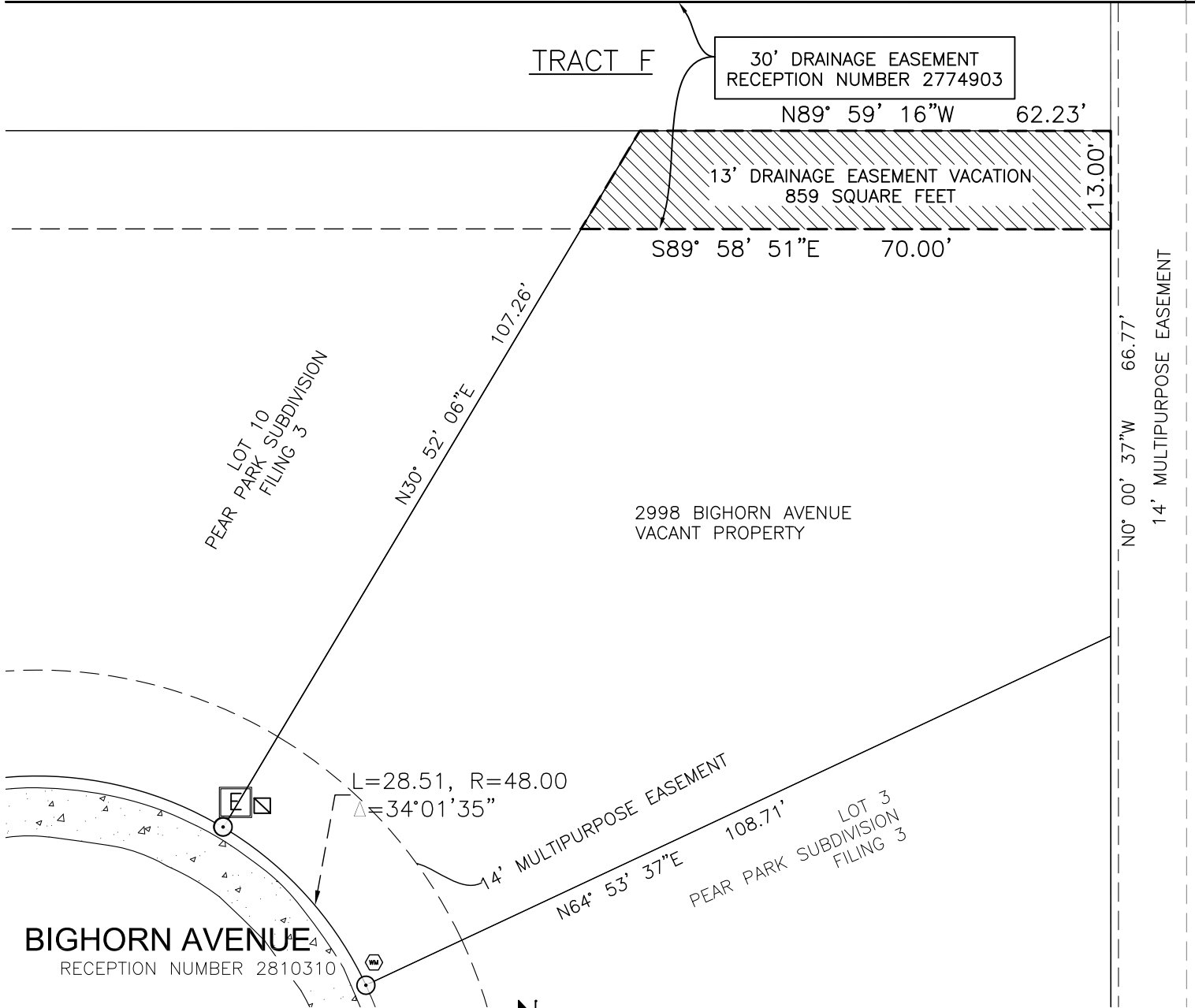
SITUATED IN THE SW<sup>1</sup>/<sub>4</sub> NW<sup>1</sup>/<sub>4</sub> OF  
SECTION 17, TOWNSHIP 1 SOUTH,  
RANGE 1 EAST OF THE UTE MERIDIAN  
COUNTY OF MESA, STATE OF  
COLORADO.

**POLARIS SURVEYING**

PATRICK W. CLICK P.L.S.

3194 MESA AVE. #B  
GRAND JUNCTION, CO 81504  
PHONE (970)434-7038

**Exhibit B**



**LEGAL DESCRIPTION SKETCH**

SITUATED IN THE SW $\frac{1}{4}$  NW $\frac{1}{4}$  OF SECTION 17, TOWNSHIP 1 SOUTH, RANGE 1 EAST OF THE UTE MERIDIAN COUNTY OF MESA, STATE OF COLORADO.

**POLARIS SURVEYING**

PATRICK W. CLICK P.L.S. 3194 MESA AVE. #B  
GRAND JUNCTION, CO 81504

# City of Grand Junction Review Comments

**Date:** March 19, 2020      **Comment Round No.** 1      **Page No.** 1 of 4  
**Project Name:** Pear Park North Subdivision, Ease Vac      **File No:** VAC-2020-99  
**Project Location:** 2996 Bighorn Avenue, etc.

Check appropriate  if comments were mailed, emailed, and/or picked up.

**Property Owner(s):** McKee Homes & Construction LLC – Attn: Dan McKee  
 **Mailing Address:** 3314 Music Lane, Grand Junction, CO 81506  
 **Email:** [dnamckee@aol.com](mailto:dnamckee@aol.com)      **Telephone:** (970) 361-7416  
 **Date Picked Up:** \_\_\_\_\_ **Signature:** \_\_\_\_\_

**Representative(s):** Tom Logue  
 **Mailing Address:** 537 Fruitwood Drive, Grand Junction, CO 81504  
 **Email:** [talldc@msn.com](mailto:talldc@msn.com)      **Telephone:** (970) 434-8215  
 **Date Picked Up:** \_\_\_\_\_ **Signature:** \_\_\_\_\_

**Developer(s):** Grand Junction Real Estate Investments LLC – Attn: Steve Voytilla  
 **Mailing Address:** P. O. Box 3467, Grand Junction, CO 81502  
 **Email:** [Steve5515@aol.com](mailto:Steve5515@aol.com)      **Telephone:** (970) 234-2000  
 **Date Picked Up:** \_\_\_\_\_ **Signature:** \_\_\_\_\_

## CITY CONTACTS

**Project Manager:** Scott D. Peterson, Senior Planner  
**Email:** [scottp@jcity.org](mailto:scottp@jcity.org)      **Telephone:** (970) 244-1447  
**Dev. Engineer:** Rick Dorris  
**Email:** [rickdo@jcity.org](mailto:rickdo@jcity.org)      **Telephone:** (970) 256-4034

# City of Grand Junction REQUIREMENTS (with appropriate Code citations)

## CITY PLANNING

1. Proposal is for vacation of an existing 30' wide Drainage Easement located within Lots 1 through 11, Pear Park North Subdivision, Filing 3, Lots 11 and 12, Pear Park North Subdivision and Tract F, Pear Park North Subdivision, Filing 3. Applicant's request is to vacate 13' of this 30' wide Drainage Easement located within seven (7) of the 13 lots. This 30' wide Drainage Easement was dedicated for the benefit of the City of Grand Junction as part of Tract C on the original Pear Park North Subdivision plat. Existing zoning for the subdivision is R-8 (Residential – 8 du/ac) and the Comprehensive Plan Future Land Use Map designates the property as Residential Medium (4 – 8 du/ac).

**Applicant's Response:**

**Document Reference:**

2. Vacation Request:

FYI. After review of this request, it was determined by City Staff in order to officially clean-up this drainage easement for the benefit of the applicant and all affected property owners, the City will process the request moving forward to vacate the City's interest in the entire 30' of this Drainage Easement, not just the 13' on the seven (7) lots that the applicant requested. City Staff Report for the upcoming Planning Commission and City Council meetings will reflect this change.

Applicant's Response:

Document Reference:

3. Public Hearing Schedule:

FYI. The Planning Commission and City Council have cancelled all upcoming meetings for the near future due to the Coronavirus outbreak, therefore City Project Manager will process this application for the next available meeting when the Commission and Council resume their public hearing schedule again. City Project Manager will notify applicant and representative of any further changes when more information becomes available.

Code Reference: Section 21.02.100 of the Zoning & Development Code.

Applicant's Response:

Document Reference:

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**CITY DEVELOPMENT ENGINEER**

1. The entire easement along this corridor should be vacated, not just on certain lots.

2. No other engineering concerns.

Applicant's Response:

Document Reference:

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**INTERIM CITY SURVEYOR – Jodie Grein – [jodie@rcegj.com](mailto:jodie@rcegj.com) (970) 243-8311**

Exhibits:

1. Add "NORTH" to the legal descriptions in the lower right hand corner of the exhibits.

2. Add "NORTH" to the lot labels.

Applicant's Response:

Document Reference:

---

**CITY FIRE DEPARTMENT – Matt Sewalson – [mattse@gjcity.org](mailto:mattse@gjcity.org) (970) 549-5855**

Grand Junction Fire Department's Fire Prevention Bureau has no comments.

Applicant's Response:

Document Reference:

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**CITY ADDRESSING – Pat Dunlap – [patd@gjcity.org](mailto:patd@gjcity.org) (970) 256-4030**

No comments.

Applicant's Response:

Document Reference:

# OUTSIDE REVIEW AGENCY COMMENTS

(Non-City Agencies)

**Review Agency:** Mesa County Building Department

**Contact Name:** Darrell Bay

**Email / Telephone Number:** [Darrell.bay@mesacounty.us](mailto:Darrell.bay@mesacounty.us) (970) 244-1651

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MCBD has no objections to this project.

**Applicant's Response:**

**Review Agency:** Xcel Energy

**Contact Name:** Brenda Boes

**Email / Telephone Number:** [Brenda.k.boes@xcelenergy.com](mailto:Brenda.k.boes@xcelenergy.com) (970) 244-2698

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Xcel has no objections as no utilities are effected.

Completion of this City/County review approval process does not constitute an application with Xcel Energy for utility installation. Applicant will need to contact Xcel Energy's Builder's Call Line/Engineering Department to request a formal design for the project. A full set of plans, contractor, and legal owner information is required prior to starting any part of the construction. Failure to provide required information prior to construction start will result in delays providing utility services to your project. Acceptable meter and/or equipment locations will be determined by Xcel Energy as a part of the design process. Additional easements may be required depending on final utility design and layout. Engineering and Construction lead times will vary depending on workloads and material availability. Relocation and/or removal of existing facilities will be made at the applicant's expense and are also subject to lead times referred to above. All Current and future Xcel Energy facilities' must be granted easement

**Applicant's Response:**

**Review Agency:** Ute Water Conservancy District

**Contact Name:** Jim Daugherty

**Email / Telephone Number:** [jdaugherty@utewater.org](mailto:jdaugherty@utewater.org) (970) 242-7491

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- No objection to VAC.
- ALL FEES AND POLICIES IN EFFECT AT TIME OF APPLICATION WILL APPLY.
- If you have any questions concerning any of this, please feel free to contact Ute Water.

**Applicant's Response:**

**Review Agency:** Grand Valley Drainage District

**Contact Name:** Tim Ryan

**Email / Telephone Number:** [tim.admin@gvdd.org](mailto:tim.admin@gvdd.org) (970) 242-4343

---

GVDD's existing easement; Rec# 2840505 shall remain as granted. Any vacation would not include this easement.

**Applicant's Response:**



# REVIEW AGENCIES

(Responding with “No Comment” or have not responded as of the due date)

**The following Review Agencies have responded with “No Comment.”**

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1. N/A.

**The following Review Agencies have not responded as of the comment due date.**

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1. Century Link
2. Spectrum Communications
3. Grand Valley Irrigation Company

The Petitioner is required to submit electronic responses, labeled as “**Response to Comments**” for the following agencies:

1. **City Planning**
2. **Interim City Surveyor**

Date due: **June 19, 2020**

Please provide a written response for each comment and, for any changes made to other plans or documents indicate specifically where the change was made.

**I certify that all of the changes noted above have been made to the appropriate documents and plans and there are no other changes other than those noted in the response.**

---

**Applicant’s Signature**

---

**Date**

**CITY OF GRAND JUNCTION, COLORADO**

**RESOLUTION NO.**

**A RESOLUTION VACATING A 30' WIDE DRAINAGE EASEMENT  
LOCATED WITHIN  
TRACT C, PEAR PARK NORTH**

**LOCATED NORTH OF BIGHORN AVENUE**

**RECITALS:**

A vacation of a publicly dedicated 30' wide Drainage Easement has been requested by the property owners, McKee Homes and Construction LLC, et al, which is no longer necessary. This Drainage Easement was granted to the City of Grand Junction on the subdivision plat for Pear Park North for the inspection, installation, operation and maintenance and repair of drainage facilities, specifically for the benefit of Grand Valley Drainage District's, Beswick Drain located along the north property line of the subdivision. However, the Grand Valley Drainage District (GVDD), which operates and maintains the Beswick Drain, was also granted a drainage easement by separate document over the same 30' wide area and therefore, the City's, publicly dedicated drainage easement overlapped. In 2017, the Beswick Drain was piped by GVDD, thereby reducing the need for a 30' wide drainage/maintenance easement, etc.

After public notice and public hearing as required by the Grand Junction Zoning & Development Code, and upon recommendation of approval by the Planning Commission, the Grand Junction City Council finds that the request to vacate a public 30' wide Drainage Easement is consistent with the Comprehensive Plan, the Grand Valley Circulation Plan and Section 21.02.100 of the Grand Junction Zoning & Development Code.

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

The following described publicly dedicated Drainage Easement is hereby vacated subject to the listed conditions:

1. Applicant shall pay all recording/documentary fees for the Vacation Resolution, any easement documents and/or dedication documents.

Public Drainage Easement to be vacated:

A 30-foot-wide Drainage Easement as identified within Tract C, Pear Park North subdivision as described at Reception Number 2774903 of the Mesa County Records.

PASSED and ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

ATTEST:

\_\_\_\_\_  
President of City Council

\_\_\_\_\_  
City Clerk



## Grand Junction Planning Commission

### Regular Session

Item #2.

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**Meeting Date:** April 28, 2020

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

**Department:** Community Development

**Submitted By:** Kristen Ashbeck

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### **Information**

#### **SUBJECT:**

Consider a request by the City of Grand Junction to Vacate Seven Portions of Public Right-of-Way and a Public Sewer Easement within the proposed Riverfront at Dos Rios Development

#### **RECOMMENDATION:**

Staff recommends approval of the request

#### **EXECUTIVE SUMMARY:**

The Applicant, the City of Grand Junction, is requesting 1) vacation of seven portions of public right-of-way that were previously platted or are adjacent to properties recently acquired by the City; and 2) vacation of a public sanitary sewer easement in order to facilitate development of the Riverfront at Dos Rios planned development. The requests to vacate are consistent with the City's Comprehensive Plan and Circulation Plan.

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

##### **BACKGROUND**

The City is in the process of developing the Riverfront as Dos Rios planned development south of the Riverside Neighborhood from Hale Avenue to the 5th Street/Highway 50 viaduct on the northeast bank of the Colorado River. An Outline Development Plan (ODP) was adopted by City Council in April 2019 consisting of a mix of uses including residential, commercial, light industrial, outdoor recreation and open space. Over the past several years, the City has platted this property in anticipation of the development as well as to sell properties within the site. To date, two properties

have been transferred to private property owners.

The rights-of-way within the site have been platted to serve the intended development. However, as detailed engineering plans have been drawn in order to construct the interior streets, some portions of the previously platted rights-of-way have been identified as no longer needed or that they do not fit with the current proposed street alignments.

In addition, the City has continued to acquire property in the northeast corner of the proposed development. In this area, there are streets that were platted (O'Boyles Subdivision – 1908) to serve these parcels that are no longer needed to provide access. The new streets within the planned development will provide access as these parcels are absorbed into the ODP and a new subdivision plat is recorded. There are two parcels (636 and 636-1/2 Lawrence Avenue) that have not yet been acquired by the City. Thus, the street and alley access to these properties are not a part of the current vacation request.

The sewer easement to be vacated was granted to the City in 1972 from the private property owner at the time, William Jarvis. The easement was used for the sewer line alignment until it was replaced in 1995 as part of the environmental clean-up of the southern part of the Riverfront at Dos Rios site. There is no longer a sewer line in the easement and the easement is now under the backwater pond on the site that was constructed by the City in the early 2000s for the United States Fish and Wildlife department. Thus, there is no longer use of or need for this easement.

### **NOTIFICATION REQUIREMENTS**

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 April 14, 2020. 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, as well as neighborhood associations within 1000 feet, on April 17, 2020. The notice of the Planning Commission public hearing was published on April 21, 2020 in the Grand Junction Daily Sentinel.

### **ANALYSIS**

The criteria for review of vacation requests are set forth in Section 21.02.100 (c) of the Zoning and Development Code. The purpose of this section is to permit the vacation of surplus rights-of-way and/or easements.

(1) The Comprehensive Plan, Grand Junction Circulation Plan and other adopted plans and policies of the City.

The vacation of these portions of right-of-way will no longer be needed once the new interior streets within the Riverfront at Dos Rios development are constructed with construction to begin summer 2020 and a new subdivision plat is recorded. None of these streets are depicted on the Circulation Plan since they are all to be local streets to serve the proposed development. The new street network will adequately serve the proposed mix of land uses. Since the sewer easement is neither used currently nor needed in the future, its vacation is inconsequential.

Further, the vacation requests are consistent with the following goals and policies of the Comprehensive Plan:

Goal 1 / Policy A. City and County land use decisions will be consistent with the Future Land Use Map.

Goal 5 / Policy B. Encourage mixed-use development and identification of locations for increased density.

Goal 7 / Policy A. In making land use and development decisions, the City and County will balance the needs of the community.

Thus, staff has found the requests to vacate existing public rights-of-way and a sewer easement do not conflict with the Comprehensive Plan, Grand Junction Circulation Plan or other adopted plans and policies of the City and finds this criterion has been met.

(2) No parcel shall be landlocked as a result of the vacation;

The request to vacate these rights-of-way and the sewer easement will not render any properties landlocked. The new street network to be constructed will provide adequate access to all properties within the Riverfront at Dos Rios development once a new subdivision plat is recorded. The inholdings of two private properties within Dos Rios will still gain access from the existing rights-of-way for Lawrence Avenue and an east-west alley north of the properties that are not a part of this vacation request. Therefore, staff has found this criterion has been met.

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

The vacation of the portions of right-of-way and the sewer easement will not physically impact access to any parcel. As such, staff finds this criterion has been met.

(4) 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);

Access, as exists today, will continue to be provided to the non-City owned properties within the Riverfront at Dos Rios site. No comments were received from utilities service providers other than the City of Grand Junction that these vacation requests would create any adverse impacts or that facilities or services would be diminished. City Utilities and Public Works identified that there is an existing 10-inch public (City) water line in the segments of Lila Avenue and Lawrence Avenue requested to be vacated and a sewer line in the eastern end of the alley proposed to be vacated. Thus, these portions of right-of-way may be vacated but the areas need to be retained as utility easement. Staff finds this criterion has been met subject to the easements being retained.

(5) The provision of adequate public facilities and services shall not be inhibited to any property as required in Chapter 21.06 GJMC; and

As stated in criterion 4 above, there were no comments from utilities service providers other than the City of Grand Junction that these vacations would inhibit the provision of adequate public facilities and services to any property. There is an existing City water line within the Lila Avenue and Lawrence Avenue and a sewer line in the eastern end of the alley right-of-way to be vacated so these areas must be retained as public utility easement. Provided this occurs, water and sewer service to properties in the vicinity of this area of the Riverfront at Dos Rios development will not be inhibited. Therefore, staff finds that this criterion has been met.

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

Maintenance requirements for the City will not change as a result of the requests as the vacations will not impact the maintenance of the new interior streets to be constructed within the Riverfront at Dos Rios development. The anticipated benefits of the vacation requests are the ability for the Applicant to develop the property with street and utility infrastructure that is constructed to City standards as well as the construction and alignment of streets consistent with the City's adopted Circulation Plan. As such, Staff finds that this criterion has been met.

## **RECOMMENDATION AND FINDINGS OF FACT**

After reviewing the request to vacate seven portions of right-of-way and a public sewer easement within the proposed Riverfront at Dos Rios development located along the northeast bank of the Colorado River between Hale Avenue and the 5th Street/Highway 50 viaduct, City file number VAC-2020-176, the following findings of fact have been made:

1. The request conforms with Section 21.02.100 (c) of the of the Zoning and Development Code.

Therefore, Staff recommends approval of the request subject to the following conditions.

Condition 1: The segments of vacated Lila Avenue (Parcels 4 and 5) and Lawrence Avenue (the north-south portion of Parcel 1) and the eastern end of the alleyway (Parcels 2 and 3) be retained as public utility easement for the benefit of the City of Grand Junction. Reference the parcel numbers on the Right-of-Way Overall exhibit included in the vacation ordinance.

Condition 2: The vacations shall not become effective until a new subdivision plat for the Riverfront at Dos Rios development is recorded.

**SUGGESTED MOTION:**

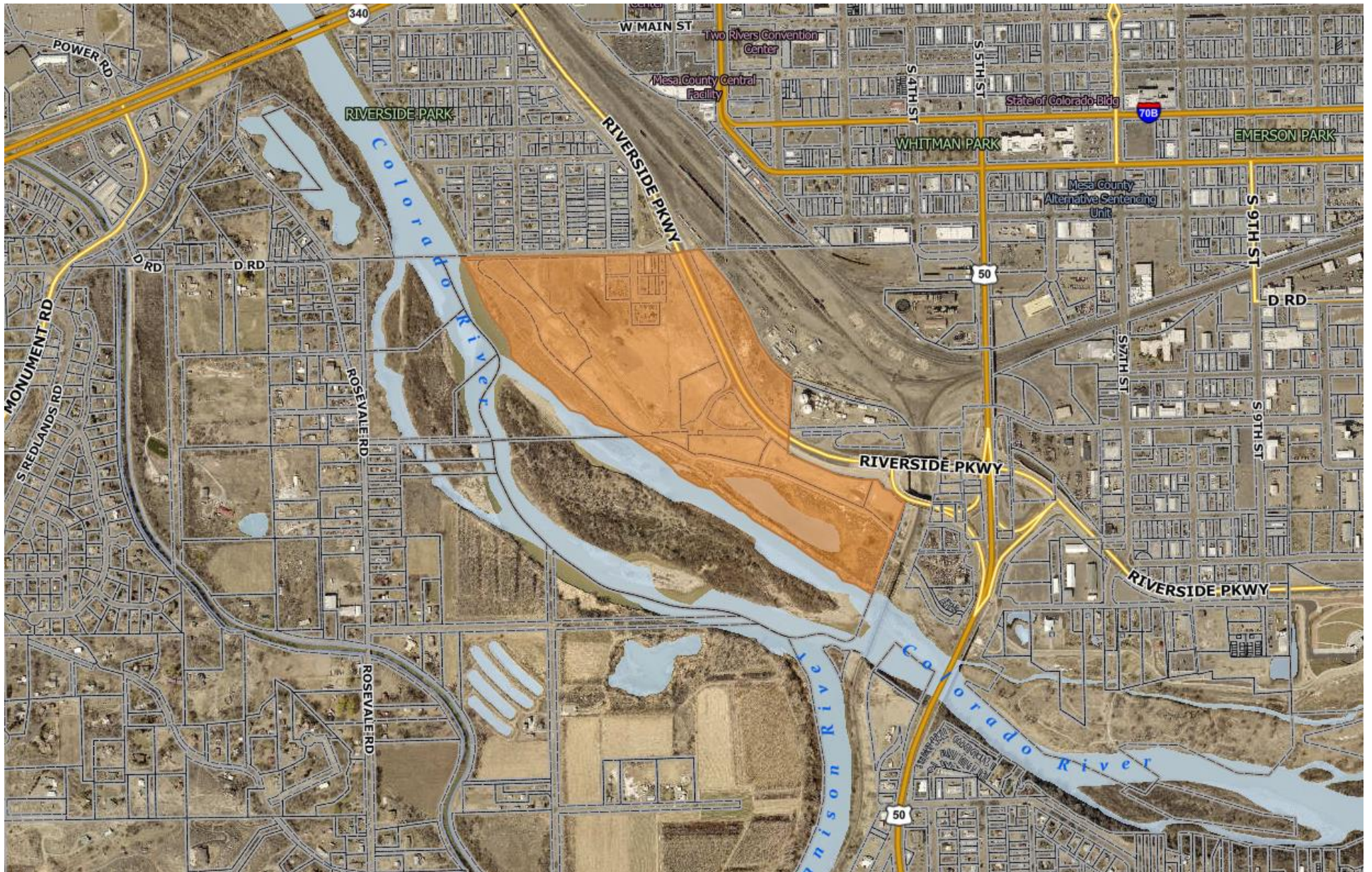
Madam Chairman, on the request to vacate seven segments and pieces of public right-of-way and a sewer easement within the proposed Riverfront at Dos Rios development, City file number VAC-2020-176, I move that the Planning Commission forward a recommendation of approval to City Council with the findings of fact and conditions as listed in the staff report.

**Attachments**

1. Location and Site Maps
2. Dos Rios Easement Vacation Resolution
3. Dos Rios Vacations Ordinance



# RIVERFRONT AT DOS RIOS SITE LOCATION MAP



**RIVERFRONT AT DOS RIOS ROW VACATIONS (Gray Circles) EASEMENT VACATION (Dashed Green Line)**



**RIVERFRONT AT DOS RIOS EASEMENT VACATION (Dashed Green Line) EXISTING SEWER (Green Solid)**



**CITY OF GRAND JUNCTION, COLORADO**

**RESOLUTION NO.**

**A RESOLUTION VACATING PUBLIC EASEMENT WITHIN THE RIVERFRONT AT  
DOS RIOS DEVELOPMENT LOCATED ALONG THE NORTHEAST BANK OF  
THE COLORADO RIVER BETWEEN HALE AVENUE  
AND THE 5<sup>th</sup> STREET/HIGHWAY 50 VIADUCT**

RECITALS:

A vacation of a publicly dedicated Sewer Easement by the property owner, the City of Grand Junction in anticipation of future mixed use development.

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 request to vacate a public Sewer Easement 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 ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT:

The following described public Easement as depicted on Exhibit A is hereby vacated:

A Permanent Sanitary Sewer Easement and Right-of-Way located in the SE1/4 NE1/4 of Section 22 and the SW1/4 NW1/4 of Section 23, Township 1 South, Range 1 West, Ute Meridian, City of Grand Junction, Mesa County Colorado, as described at Reception Number 1021843 of the Mesa County Property Records, more particularly Described as follows.

A Permanent Sanitary Sewer Easement and Right-of-Way twenty (20) feet in width, ten (10) feet on each side of centerlines described as follows:

Beginning at a point on the east line of the NE1/4 SE1/4 NE1/4 of Section 22 T1S, R1W, 230 feet south of the NE Corner of said NE1/4 SE1/4 NE1/4; thence northwesterly 522.6 feet, more or less, to a point on the north line of said NE1/4 SE1/4 NE1/4, which point is 469.3 feet, more or less, west of the NE Corner of said NE1/4 SE1/4 NE1/4 and except that portion which lies within the north 232 feet of the East 70 feet of said NE1/4 SE1/4 NE1/4.

ALSO:

Beginning at a point on the east line of the SE1/4 NE1/4 of Section 22 T1S, R1W, 230 feet south of the NE Corner of said SE1/4 NE1/4; thence northwesterly 77.6 feet, more or less, to a point 196.6 feet, more or less, south of the north line of said SE1/4 NE1/4.

ALSO:

Referring to the intersection of the north line of the SW1/4 NW1/4 of Section 23 T1S, R1W, and the West right-of-way line of the Denver and Rio Grande Western Railroad; thence S7°47'E, 369 feet, more or less, to a point on said right-of-way line; thence S15°02'W, 501.5 feet, more or less, to a point on said right-of-way line, said point being the point of beginning of description; thence northwesterly 1,339.6 feet, more or less, to a point on the west line of said SW1/4 NW1/4, which point is 230 feet South of the NW Corner of said SW1/4 NW1/4.

Containing approximately 0.826 Acres.

PASSED and ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2020

ATTEST:

\_\_\_\_\_  
President of City Council

\_\_\_\_\_  
City Clerk



**CITY OF GRAND JUNCTION, COLORADO**

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

**AN ORDINANCE VACATING PREVIOUSLY-PLATTED PUBLIC RIGHTS-OF-WAY  
WITHIN THE RIVERFRONT AT DOS RIOS DEVELOPMENT LOCATED ALONG THE  
NORTHEAST BANK OF THE COLORADO RIVER BETWEEN HALE AVENUE  
AND NEAR THE 5<sup>th</sup> STREET/HIGHWAY 50 VIADUCT**

Recitals:

The City is in the process of developing the Riverfront at Dos Rios planned development south of the Riverside Neighborhood from Hale Avenue to near the 5<sup>th</sup> Street/Highway 50 viaduct on the northeast bank of the Colorado River. An Outline Development Plan (ODP) was adopted by City Council in April 2019 consisting of a mix of uses including residential, commercial, light industrial, outdoor recreation and open space. Over the past several years, the City has platted this property in anticipation of the development as well as to sell properties within the site. To date, two properties have been transferred to private property owners.

The rights-of-way within the site have been platted to serve the intended development. However, as detailed engineering plans have been drawn in order to construct the interior streets, some portions of the previously platted rights-of-way have been identified as no longer needed or that they do not fit with the current proposed street alignments.

In addition, the City has continued to acquire property in the northeast corner of the proposed development. In this area, there are streets that were platted (O'Boyles Subdivision – 1908) to serve these parcels that are no longer needed to provide access. The new streets within the planned development will provide access as these parcels are absorbed into the ODP. There are two parcels (636 and 636-1/2 Lawrence Street) that have not yet been acquired by the City. Thus, the street and alley access to these properties are not a part of the current vacation request.

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 request to vacate portions of public rights-of-way is consistent with the Comprehensive Plan, the Grand Valley Circulation Plan and Section 21.02.100 of the Grand Junction Municipal Code subject to the following conditions:

Condition 1: The portions of right-of-way for Lila Avenue (Parcels 4 and 5) and Lawrence Street (north-south portion of Parcel 1) and the eastern end of the alleyway (Parcels 2 and 3) requested to be vacated shall be retained as public utility easement. Refer to Exhibit E.

Condition 2: The vacations shall not be effective until a new subdivision plat for the Riverfront at Dos Rios is recorded.

### **Parcel 1**

A Portion of the Alley right-of-way and Lawrence Street right-of-way located in O'Boyle's Sub-Division Reception No. 61369, in the NE1/4, NE1/4 of Section 22, Township 1 South, Range 1 West, of the Ute Principal Meridian, City of Grand Junction, Mesa County, Colorado, being more particularly described as follows;

Beginning at the Southwest Corner of the East 175 feet of Lot A, Block 2 of said Subdivision, whence the Southeast Corner of Lot A, Block 2 Bears S 89°56'44" E, with all bearings being relative thereto, thence the following courses and distances;

1. Along the southerly line of Lot A, S 89°56'44" E a distance of 174.80 feet, to the Southeast Corner of said lot;
2. Along the easterly line said lot, N 00°13'53" E, a distance of 110.00 feet;
3. Leaving said easterly line of Lot A, S 89°56'52" E, a distance of 2.15 feet;
4. S 00°13'53" W, a distance of 56.39 feet;
5. Along the arc of a 1,767.00 foot radius curve to the right, for a distance of 73.67 feet, with a chord which bears S 01°25'33" W, a distance of 73.66 feet, having an interior angle of 02°23'19;
6. S 89°56'44" E, a distance of 54.38 feet, to the Northwest Corner of Lot 12 Block 1 of said subdivision;
7. Along westerly line of said Lot 12, Block 1, S 00°09'53" W a distance of 129.98 feet, to the southeast Corner of said lot;
8. N 89°56'44" W, a distance of 54.95 feet, to the southeast corner of Lot 21, Block 2 of said subdivision;
9. N 00°08'36" E, a distance of 129.98 feet, to the Northeast Corner of said Lot 21;
10. Leaving said Northeast Corner of Lot 21, along the northerly line of Lots 21, through 27, N 89°56'44" W a distance of 174.80 feet;
11. N 00°13'53" E, a distance of 20.00 feet, to the Point of Beginning.

Containing approximately 10,884 square feet. (Exhibit "A")



**Parcel 2**

All that portion of the 20.0 Foot wide Alley within Block 1 of O'Boyle's Sub-Division, as same is recorded at Reception Number 61369, Public Records of Mesa County, Colorado lying East of the East line of Lot 8 Block 1 of said O'Boyle's Sub-Division; Containing approximately 500 square feet. (Exhibit "B")

**Parcel 3**

All that certain 20 foot alley right-of-way, as same is recorded in Book 511 at Page 81 Public Records of Mesa County, Colorado.  
Containing approximately 1,004 square feet. (Exhibit "B")

**Parcel 4**

All that portion of the 60.0 Foot wide right-of-way for Lila Avenue lying within the OBoyle's Sub-Division, as same is recorded at Reception Number 61369, Public Records of Mesa County, Colorado lying East of the East line of Block 2 and South of the south line of Block1 of said O'Boyle's Sub-Division;  
Containing approximately 12,294 square feet. (Exhibit "B")

**Parcel 5**

All that certain 60 foot right-of-way for Lila Ave, as same is recorded in Book 505 at Page 570 Public Records of Mesa County, Colorado.  
Containing approximately 3.006 square feet. (Exhibit "B")

**Parcel 6**

Right-Of-Way Vacation, located in the NE1/4, NE1/4 of Section 22, Township 1 South, Range 1 West, of the Ute Principal Meridian, City of Grand Junction, Mesa County, Colorado, being more particularly described as follows;

Beginning at the Southwest Corner of Right-Of-Way described at Reception No. 727833, from whence the N1/16 Corner of Section 22 Bears S 89°57'26" E, a distance of 314.35 feet, with all bearings being relative thereto, thence the following courses and distances;

1. N 01°37'36" E a distance of 5.90 feet;
2. Along the arc of a 279.00 foot radius curve to the left, for a distance of 61.57 feet, with a chord which bears N 63°20'09" E, a distance of 61.44 feet, having an interior angle of 12°38'36";
3. Along the arc of a 36.00 foot radius curve to the right, for a distance of 44.81 feet, with a chord which bears S 87°19'50" E, a distance of 41.97 feet, having an interior angle of 71°18'37";
4. S 51°40'32" E a distance of 52.65 feet,
5. Along the arc of a 297.50 foot radius curve to the left, for a distance of 6.93 feet, with a chord which bears S 52°20'33" E, a distance of 6.93 feet, having an interior angle of

01°20'03", to the southerly right-of-way of the additional right-of-way, described on the plat of Jarvis Subdivision Filing One, Reception Number 2790938;

6. Along said southerly right-of-way, N 87°36'50" W a distance of 128.59 feet;

7. Continuing on said southerly right-of-way, N 89°57'28" W a distance of 15.31 feet, to the Point of Beginning;

Containing approximately 3,522 square feet. (Exhibit "C")

**Parcel 7**

All that portion of the 20.0 Foot wide Alley within Block 3 of O'Boyle's Sub-Division, as same is recorded at Reception Number 61369, Public Records of Mesa County, Colorado lying South of the South line of Lots 1 through 8 Block 3 of said O'Boyle's Sub-Division;

Containing approximately 3,998 square feet. (Exhibit "D")

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT THE PREVIOUSLY-DESCRIBED DEDICATED RIGHTS-OF-WAY ARE HEREBY VACATED SUBJECT TO THE LISTED CONDITION.

Introduced on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2020 and ordered published in pamphlet form.

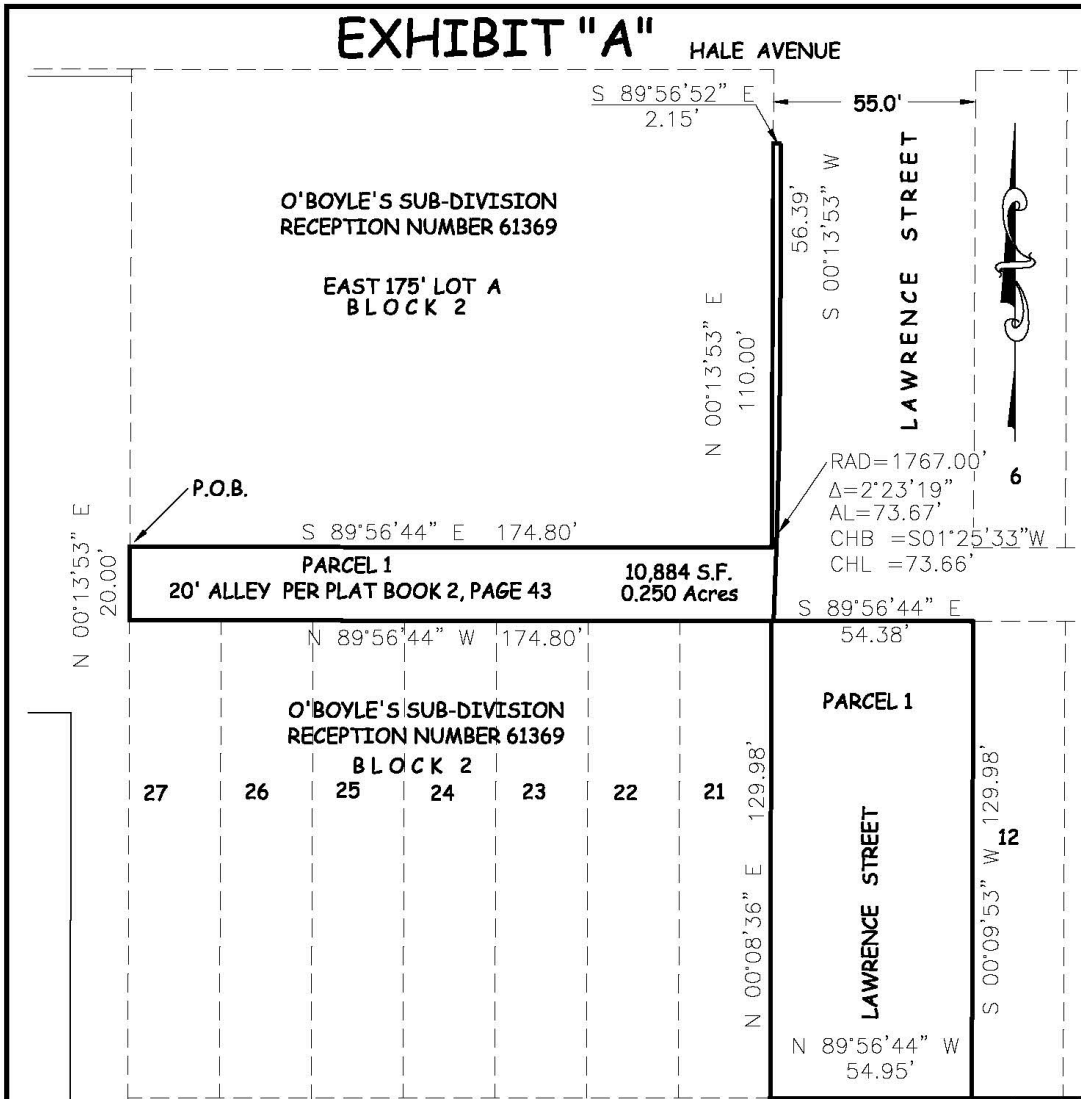
Adopted on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2020 and ordered published in pamphlet form.

ATTEST:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

# EXHIBIT "A"



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

ABBREVIATIONS

P.O.C. POINT OF BEGINNING  
R.O.W. SECTION



1 inch = 40 ft.

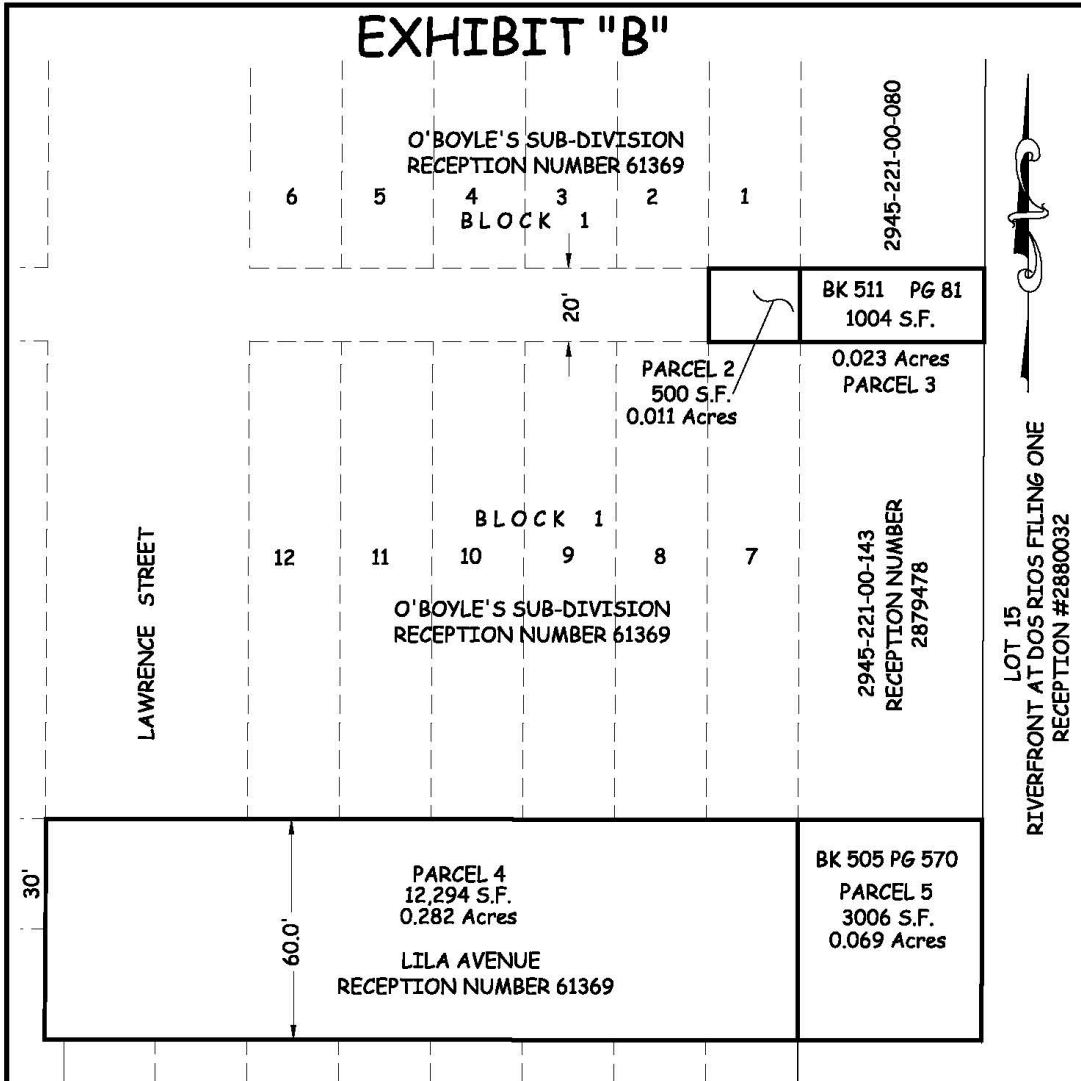
Lineal Units = U.S. Survey Foot

DRAWN BY: J.L.G.  
DATE: 03/19/20  
SCALE: 1" = 40'  
APPR BY: J.A.M.

RIGHT-OF-WAY VACATION  
PARCEL 1  
T.1S, R.1W, U.M.



# EXHIBIT "B"



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

ABBREVIATIONS  
 SEC. SECTION  
 TWP. TOWNSHIP  
 RGE. RANGE

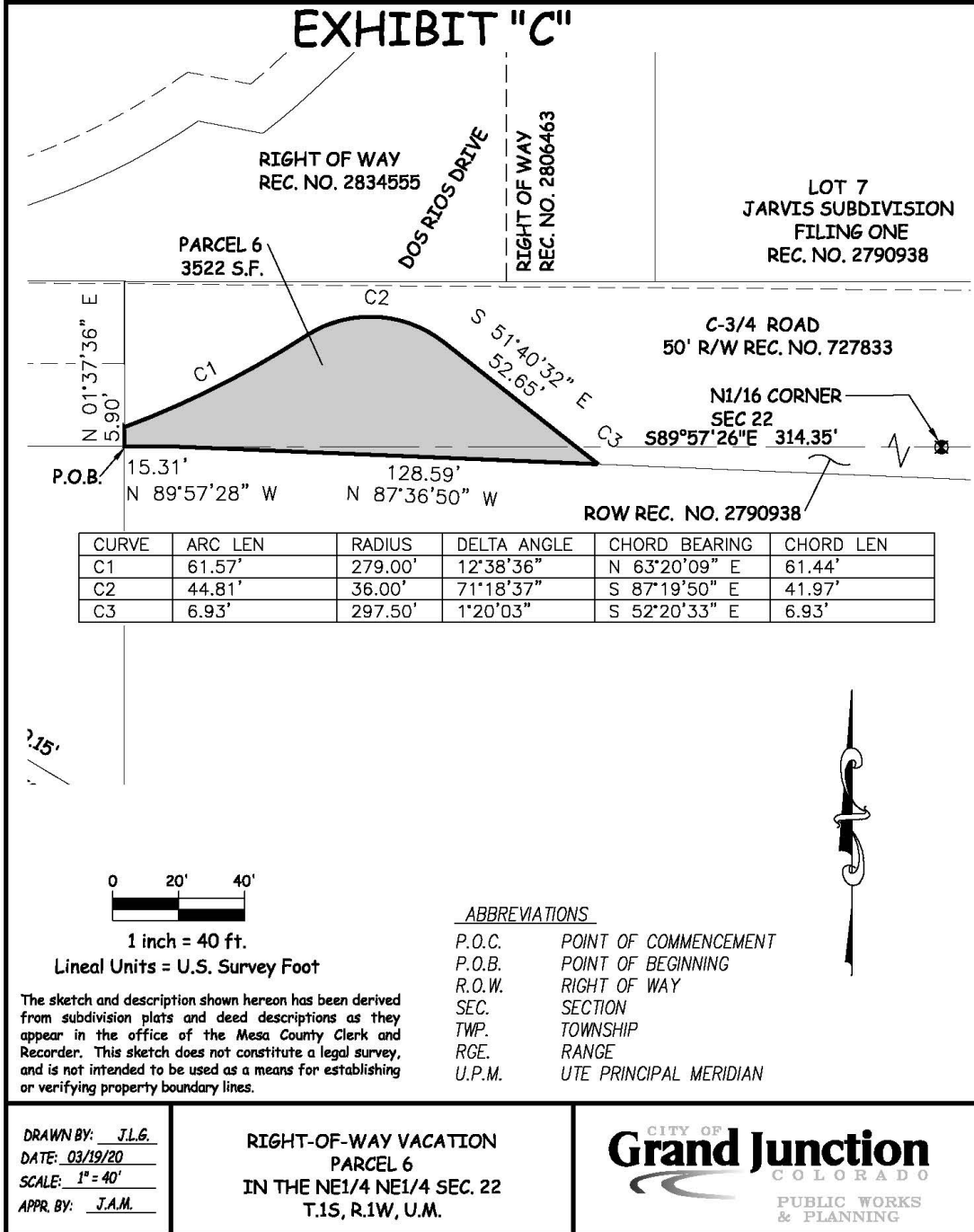
0 20' 40'  
 1 inch = 40 ft.  
 Lineal Units = U.S. Survey Foot

DRAWN BY: J.L.G.  
 DATE: 03/19/20  
 SCALE: 1" = 40'  
 APPR. BY: J.A.M.

**RIGHT-OF-WAY VACATION**  
**PARCELS 2-5**  
**T.1S, R.1W, U.M.**

CITY OF  
**Grand Junction**  
 COLORADO  
 PUBLIC WORKS  
 & PLANNING

# EXHIBIT "C"

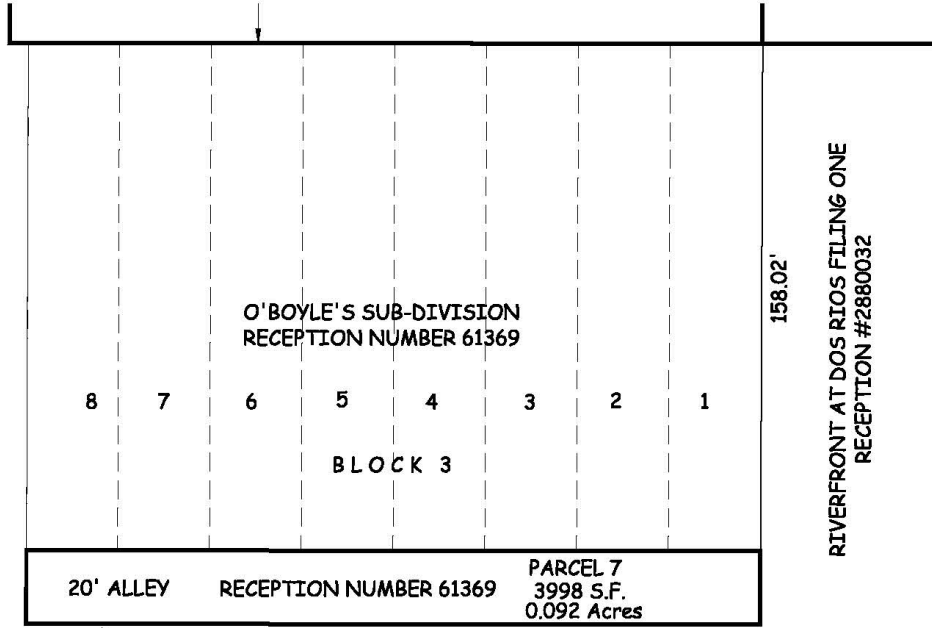


DRAWN BY: J.L.G.  
 DATE: 03/19/20  
 SCALE: 1" = 40'  
 APPR. BY: J.A.M.

RIGHT-OF-WAY VACATION  
 PARCEL 6  
 IN THE NE1/4 NE1/4 SEC. 22  
 T.1S, R.1W, U.M.

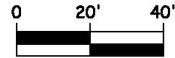
CITY OF  
**Grand Junction**  
 COLORADO  
 PUBLIC WORKS  
 & PLANNING

# EXHIBIT "D"



SOUTH LINE OF O'BOYLE'S SUB-DIVISION

LOT 15  
RIVERFRONT AT DOS RIOS FILING ONE  
RECEPTION #2880032



1 inch = 40 ft.  
Lineal Units = U.S. Survey Foot

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

ABBREVIATIONS

SEC.	SECTION
TWP.	TOWNSHIP
RGE.	RANGE

DRAWN BY: J.L.G.  
DATE: 03/19/20  
SCALE: 1" = 40'  
APPR. BY: J.A.M.

RIGHT-OF-WAY VACATION  
PARCEL 7  
T.1S, R.1W, U.M.

CITY OF  
**Grand Junction**  
COLORADO  
PUBLIC WORKS  
& PLANNING





## Grand Junction Planning Commission

### Regular Session

Item #3.

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**Meeting Date:** April 28, 2020

**Presented By:** Lance Gloss, Associate Planner

**Department:** Community Development

**Submitted By:** Lance Gloss, Associate Planner

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### **Information**

#### **SUBJECT:**

Consider a Request by the City of Grand Junction to Amend the Grand Junction Municipal Code Title 21 Zoning and Development Code Regarding the Keeping of Roosters

#### **RECOMMENDATION:**

Staff recommends approval of the proposed text amendments.

#### **EXECUTIVE SUMMARY:**

Staff is proposing amendments to sections of the Grand Junction Municipal Code (Code) Title 21 Zoning and Development Code to prohibit the keeping of roosters on properties of less than five (5) acres. Roosters are currently treated in the same way as all chickens by the Code, and are allowed on all properties subject to limits on quantity based on the acreage of a given property, and subject to other regulations in the Title 21 Zoning and Development Code and the Title 6 Municipal Code pertaining to Animals. Recognizing that noise-related nuisance complaints associated with roosters consistently arise in the City, and that the Code as currently written does not allow for effective enforcement of nuisance regulations in relation to roosters, staff is proposing to prohibit the keeping of roosters other than on large properties, i.e. lots of 5 acres or greater, consistent with the standards of the Residential – Rural (R-R) zone district. The ordinance, as proposed, allows sufficient time for the owners of chickens to identify the sex of possible roosters among fledgling chickens before coming into violation, and provides an amortization period of three months for the current owners of roosters.

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



## **BACKGROUND/DETAILED INFORMATION**

Recently the City Manager has received multiple complaints regarding roosters kept in an Orchard Mesa neighborhood. The complainants have requested that the City consider regulation and Staff has drafted and offers for Council's consideration the attached ordinance in response to those concerns. Typically, Code Enforcement receives five to ten rooster noise complaints each year. The complainants typically report roosters crowing during all hours of the day and night, which they say results in serious disruption and inconvenience. The current Code does not regulate roosters specifically but does regulate chickens broadly. The attached draft ordinance contemplates prohibiting roosters in all zone districts on properties of five acres or less. Roosters would be allowed on all properties of greater than five acres, subject to existing regulations regarding the keeping of fowl.

Currently, the Code does not prohibit roosters in any zoning district. Section 21.04.030(a)(1)(i) does prohibit the keeping of animals that become a nuisance, hazard and/or create a public health problem; however, lacks definition of what constitutes a nuisance or when a nuisance is created. Section 21.04.030(a)(3) addresses the keeping of agricultural animals, including the number that are allowed with the keeping of fowl being allowed as proscribed by certain housing conditions. For example, all fowl, including roosters., must be confined by a cage, fence, or coop that is at least 20 feet from the principal structure of any adjoining property and not located within the front and side yard setbacks. These strategies may not always be effective in preventing noise-related nuisance. Per GJMC 8.16.010(a), Code Enforcement officers may make a "prima facie determination as to whether such noise constitutes a public nuisance," but this may be difficult if there is no noise to observe. That is often the case, as the noise of a crowing rooster is generally confined to only a few times during the day, or may simply not occur at the exact time at which Code Enforcement officers are present at a property. This has produced scenarios in which Code Enforcement officers may have received a legitimate complaint regarding roosters but were unable to act.

Staff therefore recommends a code amendment, consistent with the approaches taken by other municipalities, to improve the capacity of Code Enforcement officers to address nuisance generated by roosters. It is not atypical for a municipality to regulate roosters specifically. Other jurisdictions take a variety of positions on the keeping of fowl, particularly on how to address roosters. Those include: 1) overall prohibition of roosters; 2) prohibition of roosters in specific zoning districts with some "grandfathering" by date or pre-dating regulation for a number of months or years from the passage of an ordinance to a date by which a rooster(s) may no longer be lawfully kept; 3) allowing a certain number of roosters in certain districts (primarily agricultural districts); and 4) allowance of a certain number of roosters in certain districts with time, cooping and duration of noise restrictions.

As with any animal regulation, biological considerations specific to the animal involved also have a bearing upon the array of solutions available to the municipal government. A mature chicken, or *Gallus gallus domesticus*, is referred to as a rooster if male and as a hen if female. The sex of a chicken (hen or rooster) can generally be identified by eight weeks of age or earlier, depending on the method used to determine sex. Sex-specific characteristics continue to develop through the eighth month of a chicken's life cycle, with the roosters exhibiting fully developed spurs on their legs by eight months. The crowing behavior of roosters, which is the primary factor related to nuisance caused by roosters, begins in earnest at four to five months of age. At as early as three months of age, roosters can be observed "practicing" their crowing behavior, producing loud noises that sound more or less like the mature crow.

It is also possible, in a minority of cases, for a hen in a group of chickens without a rooster to engage in crowing behavior, and to exhibit other male sex-specific traits related to that hen's dominant position in the group. It is therefore possible that nuisance related to crowing could be generated by a hen, and that a prohibition on roosters on small properties would not necessarily eliminate the problem of chickens that crow. However, for the practical purposes of eliminating the vast majority of crowing-related noise nuisance, staff recommends that the ordinance be limited to roosters. This is because, while prohibiting "chickens that crow" would include the eventuality of a crowing hen, it would limit the capacity of Code Enforcement officers to address the presence of evidently mature roosters that can be reasonably assumed to crow. Therefore, the Ordinance proposed by staff to resolve this matter would prohibit (on properties of 5 acres or less) roosters specifically, with roosters defined as male chickens aged three months or older.

Similar to current code enforcement practices, enforcement of this regulation would be complaint-driven. Should a complaint arise, this ordinance would provide Code Enforcement with the tools required to stop an ongoing nuisance generated by a crowing rooster.

## **NOTIFICATION REQUIREMENTS**

Notice was completed as required by Section 21.02.080(g). Notice of the public hearing was published on March 17, 2020 in the Grand Junction Daily Sentinel.

## **ANALYSIS**

In accordance with Section 21.02.140(c), a proposed text amendment shall address in writing the reasons for the proposed amendment. There are no specific criteria for review because a code amendment is a legislative act and within the discretion of the City Council to amend the Code with a recommendation from the Planning Commission. Reasons for the proposed amendments are provided in the Background section of this report.

### **STAFF RECOMMENDATION AND FINDINGS OF FACT**

Staff finds that the proposed amendments to the Zoning and Development Code are useful in that they improve the capacity of Code Enforcement officers to address nuisances and ensure for the health, safety, and welfare of the general population.

### **SUGGESTED MOTION:**

Madam Chairman, on the Zoning and Development Code Amendments, ZCA-2020-123. I move that the Planning Commission forward a recommendation of approval with the findings of fact as listed in the staff report.

### **Attachments**

1. ORD - Rooster Prohibition - v7

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

**AN ORDINANCE AMENDING SECTION 21.04.030 OF THE GRAND JUNCTION  
CODE OF ORDINANCES PERTAINING TO ANIMAL REGULATIONS BY  
IMPLEMENTING RESTRICTIONS ON THE KEEPING OF ROOSTERS.**

**RECITALS:**

Each year, the Code Enforcement Division of the Grand Junction Police Department responds to multiple noise complaints from roosters. The complainants typically report roosters crowing during all hours of the day and night, which can be a significant nuisance and disruption for those experiencing crowing.

To address this issue of nuisance and disruption, as well as to promulgate regulations that may assist in roosters and their neighborhoods peacefully co-existing, the City hereby provides regulations allowing for roosters to reside on properties best suited for agricultural types of use and to allow for existing roosters to reside on other properties for a period extending to September 1, 2020.

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

Chapter 21.04 Section 030 shall be revised as follows (additions are underlined and deletions marked with ~~strike through~~ notations):

(a) Animal Regulations.

(3) Agricultural Animals (see Definitions).

(i) The CSR, R-R, R-E, R-1 and R-2 districts shall not have more than one large agricultural animal per one-quarter acre of land and shall be subject to the fencing requirements of this chapter. In these districts, all types of fowl except roosters (e.g., chickens, turkeys, ducks, and geese) shall be allowed, subject to the confinement provisions of this subsection.

(ii) In all other districts, a maximum of one-large agricultural animal (e.g., horse, sheep, cow, mule or burro) shall be allowed per one-half acre of land.

(iii) Roosters, of any breed, are prohibited in all districts except on properties of at least five acres. A rooster shall be defined as any adult male domestic chicken which is three months of age or older.

(iii) (iv) Agricultural animals shall be subject to the following provisions:

(A) All large agricultural animals kept on a parcel shall be fenced so that they are no closer than 100 feet from any residential structure on another property. For

the purposes of this section, the first in time shall be the first in right. Written permission, if the animal were not first in time, for a lesser distance may be obtained from the property owner, or if not owner occupied, from the occupant.

(B) No person shall keep, house, or shelter one or more pigs in any zone district other than R-R unless such person has obtained a conditional use permit in accordance with the provisions of GJMC 21.02.110.

(C) Small animals (e.g. chickens and rabbits) which are kept outside the residence, shall be confined by a fence, cage, or pen, or coop so as to be no closer than 20 feet from a principal residential structure on an adjoining property. A maximum of six adult animals shall be allowed on parcels of one-half an acre or less. On parcels greater than one-half an acre, 15 adult animals shall be allowed per acre. Roosters are allowed only on parcels of 5 or more acres.

(D) In the R-R zone district, the number of agricultural animals and small animals (including roosters) allowed under this subsection may be exceeded with a conditional use permit (see GJMC 21.02.110). If the conditional use application is approved, the permit shall state the maximum number of animals allowed by type and in the aggregate.

(E) Property owners or residents currently maintaining roosters on property less than 5 acres in size shall be allowed to keep the existing rooster(s) until September 1, 2020.

**ALL OTHER PROVISIONS OF CHAPTER 21.04 SECTION 030 SHALL REMAIN IN FULL FORCE AND EFFECT.**

Introduced on first reading the \_\_\_\_\_ day of \_\_\_\_\_, 2019 and ordered published in pamphlet form.

Adopted on second reading this \_\_\_\_ day of \_\_\_\_\_ 2019 and ordered published in pamphlet form.

ATTEST:

\_\_\_\_\_  
J. Merrick Taggart  
Mayor

\_\_\_\_\_  
Wanda Winkelmann  
City Clerk