

**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO. 5116**

**AN ORDINANCE FOR AN AMENDMENT OF THE CITY CHARTER TO CHANGE THE AUTHORIZED LENGTH OF A LEASE OF CERTAIN PUBLIC PROPERTY FROM TWENTY-FIVE UP TO NINETY-NINE YEARS TO BE PLACED ON THE ELECTION BALLOT FOR THE APRIL 4, 2023 MUNICIPAL ELECTION**

Recitals.

Pursuant to §151 of the Grand Junction City Charter, the Charter may be amended at any time in the manner provided by Article XX of the Constitution of the State of Colorado.

The City Council has determined that the Charter provision limiting a lease of public property to a term of twenty-five years may be unduly restrictive and that increasing the term from twenty-five up to ninety-nine years, specifically and only for 1.1169 acre/48,621 square feet of property in the Las Colonias Park located at 601 Struthers Avenue (Property), will benefit the public by allowing the property to be occupied and used by Colorado Discover Ability (CDA.)

In 2017 the City leased the Property, which is a portion of the parcel addressed as 601 Struthers Avenue and has been addressed as 599 Struthers Avenue, to CDA for 25 years. Since 2017 CDA has successfully built a building and expanded its programs which provide year around adaptive recreational experiences for people with disabilities; however, the short term (25 year) lease does not provide certainty as to the location of the program, its services, and continued investment in the building that a long term (99 year) lease provides. The proposed Charter amendment is specific in location and acreage and applies to no other City property.

Leasing of any public property is permissive and within the sole and sound discretion of the City Council on terms it deems necessary and appropriate, including the acreage of any parcel, and the compensation to be paid therefor; amending the Charter will only change the possible term of the lease. The long term lease, if the Charter amendment is approved by the voters to allow it, will be subject to review and approval by the City Council and will include a specific covenant that the lease is only for the use and benefit of CDA.

Therefore, the City Council desires to present to the City voters a change to the City Charter, allowing the voters to determine if the change would be in the best interest of the City.

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

That a question of a proposed amendment to Section 124 of the City Charter, as amended, to increase the length of the allowed term of lease of the property located at



599/601 Struthers Avenue, in and near the Las Colonias Park, from twenty-five to ninety-nine years, as follows, and incorporating the foregoing recitals, be placed on the April 4, 2023 ballot:

**City of Grand Junction**

**Shall there be an amendment to Article XIV, Section 124 of the City Charter, as amended, to increase the authorized lease term for 1.1169 acres (48,621 square feet) of property to Colorado Discover Ability, a non-profit organization offering adaptive outdoor recreation for people with disabilities, located at 599/601 Struthers Avenue in and near Las Colonias Park from 25 years to a term not to exceed a total of 99 years?**

**If approved, Section 124 will read, in relevant part, and without amendment of the balance of the Section, as follows:**

***124. "No franchise, lease or right to use the streets or the public places, or property of the city, shall be granted by the city, except as in this Charter provided, for a period longer than twenty-five years. The City may lease, for a term not to exceed 99 years, approximately 1.1169 acres of property located at 599/601 Struthers Avenue, Grand Junction Colorado in or near the Las Colonias Park to Colorado Discover Ability, all as described in and for the purposes as stated in Ordinance No. \_\_\_\_."***

\_\_\_\_\_ **FOR THE AMENDMENT**

\_\_\_\_\_ **AGAINST THE AMENDMENT**

The ballot title is set based upon the requirements of the Colorado Constitution and the City Charter, all State statutes that might otherwise apply are hereby superseded to the extent of any inconsistencies or conflicts and, pursuant to Section 31-11-102, C.R.S., is an alternative to the provisions of State law. Any inconsistency or conflict is intended by the City Council and shall be deemed made pursuant to the authority of Article XX of the Colorado Constitution and the Charter.

Pursuant to Sections 31-10-1308, and 1-11-203.5 C.R.S., any election contest arising out of a ballot issue or ballot question election concerning the order of the ballot or the form or content of the ballot title shall be commenced by petition filed with the proper court within five days after the title of the ballot

issue or ballot question is set, and for contest concerning the order of a ballot, within five days after the ballot order is set by the County Clerk.

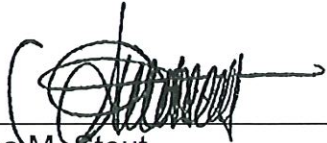
The officers of the City are hereby authorized and directed to take all action necessary or appropriate to effectuate the provisions of this resolution.

If any section, paragraph, clause, or provision of this resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section,

paragraph, clause, or provision shall in no manner affect any remaining provisions of this resolution, the intent being that the same are severable.

INTRODUCED ON FIRST READING AND ORDERED PUBLISHED THIS 7<sup>th</sup> DAY OF DECEMBER 2022.


PASSED, ADOPTED AND ORDERED PUBLISHED IN PAMPHLET FORM THIS 21<sup>st</sup> DAY OF DECEMBER 2022.



\_\_\_\_\_  
Anna M. Stout  
President of City Council



ATTEST:



\_\_\_\_\_  
Janet Harrell  
Deputy City Clerk

I HEREBY CERTIFY THAT the foregoing Ordinance, being Ordinance No. 5116 was introduced by the City Council of the City of Grand Junction, Colorado at a regular meeting of said body held on the 7<sup>th</sup> day of December 2022 and the same was published in The Daily Sentinel, a newspaper published and in general circulation in said City, in pamphlet form, at least ten days before its final passage.

I FURTHER CERTIFY THAT a Public Hearing was held on the 21<sup>st</sup> day of December 2022, at which Ordinance No. 5116 was read, considered, adopted and ordered published in pamphlet form by the Grand Junction City Council.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said City this 28<sup>th</sup> day of December 2022.

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

Published: December 9, 2022  
Published: December 23, 2022  
Effective: January 22, 2023

