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**CITY COUNCIL AGENDA  
WEDNESDAY, NOVEMBER 20, 2013  
250 NORTH 5<sup>TH</sup> STREET  
6:30 P.M. – PLANNING DIVISION CONFERENCE ROOM  
7:00 P.M. – REGULAR MEETING – CITY HALL AUDITORIUM**

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

**Call to Order**  
(7:00 p.m.)

Pledge of Allegiance – Cub Scout Troop #386 – Post the Colors and Lead in the Pledge of Allegiance  
Reflection – Joseph Alaimo, Western Colorado Atheists and Free Thinkers

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

**Presentation**

Matt Robbins from the Colorado Lottery is Presenting the City of Grand Junction with a 2013 Starburst Award for the Lincoln Park Arboretum, Trails, and Universally Accessible Playground Project. The Starburst Award recognizes excellence in the use of Lottery funds.

**Proclamation**

Proclaiming November 20, 2013 as “Grand Junction Daily Sentinel Day” in the City of Grand Junction

*Revised November 20, 2013*

*\*\* Indicates Changed Item*

*\*\*\* Indicates New Item*

*® Requires Roll Call Vote*

**REVISED**

**Council Comments**

**Citizen Comments**

**\*\*\* CONSENT CALENDAR \*\*\***

1. **Minutes of Previous Meeting** [Attach 1](#)

*Action: Approve the Minutes of the November 6, 2013 Regular Meeting*

2. **Setting a Hearing for the 2013 Supplemental Appropriation Ordinance and the 2014 Budget Appropriation Ordinance** [Attach 2](#)

This request is to appropriate certain sums of money to defray the necessary expenses and liabilities of the accounting funds of the City of Grand Junction based on the 2013 amended and 2014 proposed budgets.

Proposed Ordinance Making Supplemental Appropriations to the 2013 Budget of the City of Grand Junction

Proposed Ordinance Appropriating Certain Sums of Money to Defray the Necessary Expenses and Liabilities of the City of Grand Junction, Colorado, the Downtown Development Authority, and the Ridges Metropolitan District for the Year Beginning January 1, 2014, and Ending December 31, 2014

*Action: Introduction of Proposed Ordinances and Set a Hearing for December 4, 2013*

Staff presentation: Jodi Romero, Financial Operations Director

3. **CDBG Subrecipient Contract with Rocky Mountain SER Head Start for Previously Allocated Funds within the 2013 Community Development Block Grant (CDBG) Program Year** [File #CDBG 2013-10] [Attach 3](#)

The Subrecipient Contract formalizes the City's award of \$28,050 to Rocky Mountain SER Head Start allocated from the City's 2013 CDBG Program as previously approved by Council. The grant funds will be used for security upgrades to 3 buildings utilized for the Head Start program.

*Action: Authorize the City Manager to Sign the Subrecipient Contract with Rocky Mountain SER Head Start Facility Security Upgrades for \$28,050 for the City's 2013 Program Year Funds*

Staff presentation: Kristen Ashbeck, Senior Planner/CDBG Administrator

4. **2014 Mesa County Animal Control Services Agreement** [Attach 4](#)

The City has an ongoing, annually renewable agreement with Mesa County for animal control services within the City limits. The City pays the County a percentage of the Mesa County Animal Services' budget based upon the City's percentage of total calls for service.

*Action: Approve and Authorize the Mayor to Sign the 2014 Agreement between Mesa County and the City of Grand Junction Pertaining to Animal Services*

Staff presentation: John Shaver, City Attorney  
Jamie B. Beard, Assistant City Attorney

\*\*\* 5. **CNG Fueling Facility Expansion and Vehicle Purchase Grant Request** [Attach 5](#)

This is a request to authorize the City Manager to submit a request to the Colorado Department of Local Affairs for a \$200,000 grant for expansion of the Compressed Natural Gas (CNG) fueling facility and to fund the cost difference of Compressed Natural Gas option for the replacement of three pickup trucks.

Resolution No. 71-13—A Resolution Authorizing the City Manager to Submit a Grant Request to the Colorado Department of Local Affairs' (DOLA) Energy and Mineral Impact Assistance Program for CNG Fueling Facility and Vehicles

*®Action: Adopt Resolution No. 71-13*

Staff presentation: Jay Valentine, Internal Services Manager  
Rich Englehart, City Manager

**\*\*\* END OF CONSENT CALENDAR \*\*\***

\* \* \* ITEMS NEEDING INDIVIDUAL CONSIDERATION \* \* \*

6. **Public Hearing—Bonito Avenue Alley Right-of-Way Vacation, Located between 1220 and 1224 Bonito Avenue** [File #VAC-2013-415] [Attach 6](#)

This is a request made by the property owner of 1224 Bonito Avenue to vacate the public right-of-way, located between 1220 Bonito Avenue and 1224 Bonito Avenue. The right-of-way is approximately 12-foot wide and 123.37 feet long. It runs in a north/south direction between 1220 and 1224 Bonito Avenue, and functions as an alley for these two properties.

Ordinance No. 4609—An Ordinance Vacating Right-of-Way for Bonito Avenue Alley, Located between 1220 and 1224 Bonito Avenue

*®Action:* Hold a Public Hearing to Consider Final Passage and Final Publication in Pamphlet Form of Ordinance No. 4609

Staff presentation: Lori V. Bowers, Senior Planner

7. **Public Hearing—Addition of City Property to the Downtown Development Authority District (DDA)** [Attach 7](#)

The City and DDA Staff are recommending the addition of a number of City-owned parcels into the DDA district.

Ordinance No. 4610—An Ordinance Expanding the Boundaries of the Grand Junction, Colorado Downtown Development Authority

*®Action:* Hold a Public Hearing to Consider Final Passage and Final Publication in Pamphlet Form of Ordinance No. 4610

Staff presentation: John Shaver, City Attorney  
Harry Weiss, DDA, Executive Director

8. **Public Hearing—Elementary Enclave Annexation and Zoning, Located at 2977 B Road** [File #ANX-2013-316] [Attach 8](#)

A request to annex 1.0 acres of enclaved property, located at 2977 B Road, and to zone the annexation, which consists of a one acre (1.0 ac) parcel, to an R-4 (Residential 4 du/ac) zone district.

Ordinance No. 4611—An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Elementary Enclave Annexation, Located at 2977 B Road, Consisting of Approximately One Acre

Ordinance No. 4612—An Ordinance Zoning the Elementary Enclave Annexation to R-4 (Residential 4 DU/AC), Located at 2977 B Road

*®Action: Hold a Public Hearing to Consider Final Passage and Final Publication in Pamphlet Form of Ordinance Nos. 4611 and 4612*

Staff presentation: Brian Rusche, Senior Planner

9. **Public Hearing—Twenty Nine Thirty Enclave Annexation and Zoning, Located on the North and South Side of B ½ Road at Crista Lee Way** [File #ANX-2013-377] [Attach 9](#)

A request to annex 12.08 acres of enclaved property, located on the north and south side of B ½ Road at Crista Lee Way, and to zone the annexation, which consists of six parcels, to an R-4 (Residential 4 du/ac) zone district.

Ordinance No. 4613—An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Twenty Nine Thirty Enclave Annexation, Located on Both Sides of B ½ Road at Crista Lee Way, Consisting of Approximately 12.08 Acres

Ordinance No. 4614—An Ordinance Zoning the Twenty Nine Thirty Enclave Annexation to R-4 (Residential 4 DU/AC), Located on Both Sides of B ½ Road at Crista Lee Way

*®Action: Hold a Public Hearing to Consider Final Passage and Final Publication in Pamphlet Form of Ordinance Nos. 4613 and 4614*

Staff presentation: Brian Rusche, Senior Planner

10. **Public Hearing—Ray Annexation and Zoning, Located at 416 29 Road** [File #ANX-2013-403] [Attach 10](#)

A request to annex and zone the Ray Annexation, located at 416 29 Road. The Ray Annexation consists of one parcel and approximately 0.144 acres (6,261 square feet) of the 29 Road right-of-way. The requested zoning is a C-1 (Light Commercial) zone district.

Resolution No. 70-13—A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Ray Annexation,

Located at 416 29 Road and Including Portions of the 29 Road Right-of-Way, is Eligible for Annexation

Ordinance No. 4615—An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Ray Annexation, Approximately 1.14 Acres, Located at 416 29 Road and Including Portions of the 29 Road Right-of-Way

Ordinance No. 4616—An Ordinance Zoning the Ray Annexation to C-1 (Light Commercial), Located at 416 29 Road

*®Action: Adopt Resolution No. 70-13, Hold a Public Hearing to Consider Final Passage and Final Publication in Pamphlet Form of Ordinance Nos. 4615 and 4616*

Staff presentation: Brian Rusche, Senior Planner

11. **Non-Scheduled Citizens & Visitors**
12. **Other Business**
13. **Adjournment**

Attach 1

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

**November 6, 2013**

The City Council of the City of Grand Junction convened into regular session on the 6<sup>th</sup> day of November, 2013 at 7:00 p.m. in the City Auditorium. Those present were Councilmembers Bennett Boeschstein, Martin Chazen, Jim Doody, Duncan McArthur, Phyllis Norris, Barbara Traylor Smith, and Council President Sam Susuras. Also present were City Manager Rich Englehart, City Attorney John Shaver, and City Clerk Stephanie Tuin.

Council President Susuras called the meeting to order. Boy Scout Troop #303 posted the colors and led the Pledge of Allegiance, followed by a moment of silence.

Council President Susuras recognized a Colorado Mesa University (CMU) American Government class in attendance.

**Proclamations**

**Proclaiming the Month of November, 2013 as “National Alzheimer’s Disease Awareness Month” in the City of Grand Junction**

Councilmember Boeschstein read the proclamation. Teresa Black, Regional Director of the local Alzheimer’s Association, was present to receive the proclamation. She said there are about 1600 people in Mesa County with the disease and each of those patients have at least two caregivers each that are also indirectly affected by the disease. She invited anyone interested in more information to contact her and to participate in the upcoming candlelight vigil.

**Proclaiming the Month of November, 2013 as “Pulmonary Hypertension Awareness Month” in the City of Grand Junction**

Councilmember McArthur read the proclamation. Kristine Green and Anna Bower, members of the local support group, were present to receive the proclamation. Ms. Bower explained what this rare disease is and what the current treatments are. Ms. Green explained her symptoms and treatment. She encouraged everyone to take the straw test to see what it feels like to have the disease. They are distributing purple/zebra ribbons and explained the significance of the colors. She invited anyone to attend the support group or to visit the website.

## **Proclaiming November 11, 2013 as “A Salute to All Veterans 2013” in the City of Grand Junction**

Councilmember Doody read the proclamation. Rick Peterson, Chair of the Veterans Committee of the Western Slope, along with other veterans, were present to receive the proclamation. Mr. Peterson thanked the City Council for the proclamation. He was appreciative of the reminder to recognize veterans. He introduced Rich Lawson of the Air Force Association and Veterans Committee, and Don Kissinger, President of the Military Officers Association. He complimented the City Staff who helped them through the process. He announced the annual dinner at CMU on Friday night to recognize veterans, the parade on Saturday, and he said there is also a ceremony at the Vietnam Veterans War Memorial in Fruita on the 11<sup>th</sup>.

## **Proclaiming November 2013 as “Hospice and Palliative Care Month” in the City of Grand Junction**

Councilmember Traylor Smith read the proclamation. Christy Whitney, Director of HopeWest, was present to receive the proclamation. She said this is the 20<sup>th</sup> year to receive this proclamation and it is still important. She thanked the community for its support of hospice.

## **Certificate of Appointment**

Ebe Eslami was present to receive his Certificate of re-appointment to the Planning Commission. Council President Susuras thanked Mr. Eslami for his service. Mr. Eslami thanked the Council for his reappointment.

## **Council Comments**

Councilmember Chazen said on October 23, he attended the Arts and Culture Commission meeting and was pleasantly surprised and pleased with how closely they scrutinize the grant process. On October 24, he went to a Downtown Development Authority/Business Improvement District (DDA/BID) meeting and there was a discussion of a boundary expansion and the proposed budget. On November 5, he attended a municipal court session as an observer. He was impressed how professional and efficient the municipal process was.

Councilmember Norris said she attended the Manufacturing Association meeting and the Western Colorado manufacturers are forming their own group. They have goals and she hopes they are successful.

Councilmember Doody said the Veteran’s Day celebration will be on Monday, November 11, at 11:00 a.m. at the Western Slope Vietnam War Memorial of Western Colorado.



Tom Fisher, Mesa County Administrator and Colonel in the Utah Guard, will be the keynote speaker.

Councilmember Boeschstein attended the Conservation Colorado Gathering at Mesa Park Winery on October 26<sup>th</sup>. Several members of Council attended the open house for North Avenue Association on October 30<sup>th</sup> held at the Lincoln Park Tower. On November 1<sup>st</sup>, he attended the Mesa Land Trust Open House and on November 4<sup>th</sup>, there was the Council Strategic Planning Meeting. On November 6<sup>th</sup>, he and Councilmember Norris attended the Business Incubator meeting. He mentioned the site needing some improvements including a bridge over the river for that area and including them in the Orchard Mesa Plan. He also said there is also the need to get Foresight Park back into the Enterprise Zone.

### **Citizen Comments**

Stephanie McGuire, 532 34 Road, Clifton, was there to present on behalf of the small business of child care. She asked the Council to look into the Parks and Recreation STARS program which she feels is competing with the small child care centers. Many child care centers have closed over the last several years because of this competition. She asked that the STARS program rates be increased to \$25 per day which is the market rate.

### **CONSENT CALENDAR**

Councilmember Chazen read the Consent Calendar items #1-8 and then moved to adopt the Consent Calendar. Councilmember Doody seconded the motion. Motion carried by roll call vote.

1. **Minutes of Previous Meeting**

*Action: Approve the Summary of the September 16, 2013 Readiness Session, the October 16, 2013 Regular Meeting, and the October 28, 2013 Special Meeting*

2. **Setting a Hearing on Bonito Avenue Alley Right-of-Way Vacation, Located Between 1220 and 1224 Bonito Avenue** [File #VAC-2013-415]

This is a request made by the property owner of 1224 Bonito Avenue to vacate the public right-of-way, located between 1220 Bonito Avenue and 1224 Bonito Avenue. The right-of-way is approximately 12-foot wide and 123.37 feet long. It runs in a north/south direction between 1220 and 1224 Bonito Avenue, and functions as an alley for these two properties.

Proposed Ordinance Vacating Right-of-Way for Bonito Avenue Alley, Located between 1220 and 1224 Bonito Avenue

*Action: Introduce a Proposed Ordinance and Set a Hearing for November 20, 2013*

3. **Setting a Hearing on Zoning the Elementary Enclave Annexation, Located at 2977 B Road** [File #ANX-2013-316]

A request to zone the Elementary Enclave Annexation, which consists of a one acre parcel, located at 2977 B Road, to an R-4 (Residential 4 du/ac) zone district.

Proposed Ordinance Zoning the Elementary Enclave Annexation to R-4 (Residential 4 DU/Ac), Located at 2977 B Road

*Action: Introduce a Proposed Zoning Ordinance and Set a Hearing for November 20, 2013*

4. **Setting a Hearing on Zoning the Twenty Nine Thirty Enclave Annexation, Located on the North and South Side of B ½ Road at Crista Lee Way** [File # ANX-2013-377]

A request to zone the Twenty Nine Thirty Enclave Annexation, which consists of 12.08 acres, less 0.51 acres of public right-of-way, in six parcels located on the north and south side of B ½ Road at Crista Lee Way, to an R-4 (Residential 4 du/ac) zone district.

Proposed Ordinance Zoning the Twenty Nine Thirty Enclave Annexation to R-4 (Residential 4 DU/Ac), Located on Both Sides of B ½ Road at Crista Lee Way

*Action: Introduce a Proposed Zoning Ordinance and Set a Hearing for November 20, 2013*

5. **Setting a Hearing on Zoning the Ray Annexation, Located at 416 29 Road** [File #ANX-2013-403]

A request to zone the Ray Annexation, consisting of one parcel of 0.996 acres, located at 416 29 Road, to a C-1 (Light Commercial) zone district.

Proposed Ordinance Zoning the Ray Annexation to C-1 (Light Commercial), Located at 416 29 Road

*Action: Introduce a Proposed Zoning Ordinance and Set a Hearing for November 20, 2013*

6. **Setting a Hearing on the Addition of City Property to the Downtown Development Authority (DDA) District**

The City and DDA Staff are recommending the addition of a number of City-owned parcels into the DDA district.

Proposed Ordinance Expanding the Boundaries of the Grand Junction, Colorado Downtown Development Authority

*Action: Introduce a Proposed Ordinance and Set a Hearing for November 20, 2013*

7. **Construction Contract for the Water Tank Painting Project**

The Water Tank Painting Project will repaint the inside of two 4 million gallon steel water tanks used for storing finished potable water at the City's Water Treatment Plant.

*Action: Authorize the City Purchasing Division to Enter into a Contract with Spiegel Industrial, LLC of Steamboat Springs, CO for the Water Tank Painting Project in the Amount of \$512,705.96*

8. **Colorado Law Enforcement Training Center Grant Request**

This request is for authorization to submit a request to the Mesa County Federal Mineral Lease District for a \$1,000,000 grant for the development of the Colorado Law Enforcement Training Center.

Resolution No. 67-13—A Resolution Authorizing the City Manager to Submit a Grant Request to the Mesa County Federal Mineral Lease District for the Development of the Colorado Law Enforcement Training Center

*Action: Adopt Resolution No. 67-13*

**ITEMS NEEDING INDIVIDUAL CONSIDERATION**

**Avalon Theatre Naming Rights**

This item is a review of and request for approval for the marketing of the naming opportunities for the Avalon Theatre. Establishing naming opportunities will make it possible to attempt to generate additional private contributions for the Avalon Theatre renovation project.

Debbie Kovalik, Economic, Convention, and Visitor Services Director, presented this item. She said one of the pieces of the Avalon Theatre renovation is to figure out another way to raise funds for the project. The Avalon Theatre Foundation Board suggested that they sell naming rights. Establishing the naming opportunities will make it possible for the campaign committee members to generate additional private contributions for the project. They researched how other organizations raised funds and they learned where the acceptable levels were in the community for naming rights. The name Avalon will stay in the name in perpetuity. Any offers will need to be approved by City Council. The term, the method of recognition, and the amount of payment will be negotiated. She described the different components and levels of contribution associated with those components. Seats will be sold but there will not be any names placed on the seats. Regarding the seats sold previously, the names are preserved and will be placed on a wall. The bricks in the front walk will remain.

Councilmember Boeschstein thanked the group and noted Council had asked the group to go to the other organizations to see how they have done fundraising and naming rights and this has been done. He said private money is needed to fund the rest of the phases. He encouraged adoption.

Councilmember Doody echoed Councilmember Boeschstein and asked if the amounts are flexible. Ms. Kovalik said yes, they are negotiable.

Councilmember Norris thanked Ms. Kovalik for all the work done and she hopes that people will step forward.

Councilmember Chazen thanked the committee and CMU for sharing their work. He encouraged the committee to aggressively market these rights.

Councilmember Traylor Smith also expressed her appreciation.

Councilmember McArthur asked why the terms were not tied to the level amounts. He asked how those negotiations will take place. Ms. Kovalik said the prices attached are associated with the value of the structure and its cost. The City Council will make the final decision. Councilmember McArthur was concerned someone would feel they were not treated fairly under the proposed process.

Resolution No. 68-13—A Resolution Authorizing the Offering for Sale of the Naming and Sponsorship Rights for the Avalon Theatre

Councilmember Boeschstein moved to adopt Resolution No. 68-13. Councilmember Traylor Smith seconded the motion. Motion carried by roll call vote.

**Rates and Fees Effective January 1, 2014**

Proposed rate/fee increases which would be effective January 1, 2014 are for Water, Irrigation, Wastewater, Solid Waste, Two Rivers Convention Center, and Parks and Recreation as presented and discussed during City Council budget workshops.

Jodi Romero, Financial Operations Director, presented this item. She explained the proposed rate increases will be effective January 1, 2014 and what fees are affected in the resolution. The increases have been discussed in the various budget workshops that have taken place.

She explained the reason for each of the increases, specifically the water and sewer fees. She listed the increases at Two Rivers noting that service club luncheons will not be increased. She then addressed recreation and golf fees, and lastly, the ambulance transport fees which are set by Mesa County in the spring. The other is the Transportation Capacity Payment (TCP) fee and those fees automatically adjust per a previous resolution.

Councilmember Traylor Smith asked if the reason for the increases is to cover future infrastructure. Ms. Romero replied they are for current infrastructure as well as future infrastructure.

Councilmember Norris asked about the increase in golf fees and if the City is in the median range compared to other golf courses. She asked for confirmation that there is no change in the STARS program. Ms. Romero confirmed both statements.

Councilmember Doody asked if the Persigo rates are set in partnership with the County. Ms. Romero said that is correct.

Councilmember Boeschstein asked what the TCP fee increase covers. Ms. Romero deferred to Deputy City Manager Moore. He explained it is an annual inflation cost for the cost of asphalt. Councilmember Boeschstein asked how it is paid if the fees are waived. Mr. Moore said the fees are not waived however, if they are reduced then the general fund makes up the difference.

Resolution No. 69-13—A Resolution Adopting Fees and Charges for Water, Irrigation, Wastewater, Solid Waste, Ambulance Transport, Two Rivers Convention Center, and Parks and Recreation

Councilmember Doody moved to adopt Resolution No. 69-13. Councilmember Traylor Smith seconded the motion. Motion carried by roll call vote.

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

There were none.

### **Other Business**

There was none.

Council President Susuras asked the audience to stand while Boy Scout Troop 303 retired the colors.

### **Adjournment**

The meeting adjourned at 8:11 p.m.

Stephanie Tuin, MMC  
City Clerk



Date: 11/15/13  
 Author: Sonya Evans  
 Title/ Phone Ext: Finance Supervisor  
xt.1522  
 Proposed Schedule: November 20<sup>th</sup>.  
2013  
 2nd Reading  
 (if applicable): December 4<sup>th</sup>, 2013  
 File # (if applicable): \_\_\_\_\_

**Attach 2**  
**CITY COUNCIL AGENDA ITEM**

<b>Subject:</b> Setting a Hearing on the 2013 Supplemental Appropriation Ordinance and the 2014 Appropriation Ordinance
<b>Action Requested/Recommendation:</b> Introduction of Proposed Ordinances and Setting a Public Hearing for December 4, 2013
<b>Presenter(s) Name &amp; Title:</b> Jodi Romero, Financial Operations Director

**Executive Summary:**

This request is to appropriate certain sums of money to defray the necessary expenses and liabilities of the accounting funds of the City of Grand Junction based on the 2013 amended and 2014 proposed budgets.

**Background, Analysis and Options:**

This is the second 2013 Supplemental Appropriation Ordinance. Two funds require additional appropriation as follows:

- Additional appropriation is required in the Visitor & Convention fund due to an increase in the operating subsidy for Two Rivers Convention Center.
- Additional appropriation is required in the Facilities Capital fund in order to close out the fund and discontinue use effective December 31<sup>st</sup>, 2013.

The 2014 appropriation ordinance is the legal adoption of the City Manager’s budget by the City Council for the upcoming fiscal year. The components of the 2014 budget have been reviewed and discussed during several City Council workshops throughout the year.

**How this item relates to the Comprehensive Plan Goals and Policies:**

This action is needed to meet the plan goals and policies.

**Board or Committee Recommendation:**

none

**Financial Impact/Budget:**

The supplemental appropriation ordinance and the next year's budget appropriation ordinance are presented to ensure adequate appropriation by fund.

**Legal issues:**

N/A

**Other issues:**

N/A

**Previously presented or discussed:**

The 2014 City of Grand Junction Budget has been developed with City Council and presented during budget workshops throughout this year, including the following dates July 23<sup>rd</sup>, August 5<sup>th</sup>, 18<sup>th</sup>, and 19<sup>th</sup>, September 30<sup>th</sup>, October 7<sup>th</sup> and 28<sup>th</sup>, and November 18<sup>th</sup> of 2013.

**Attachments:**

Proposed Supplemental Appropriation Ordinance for 2013 Budget  
Proposed 2014 Budget Appropriation Ordinance



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

**AN ORDINANCE MAKING SUPPLEMENTAL APPROPRIATIONS TO THE 2013  
BUDGET OF THE CITY OF GRAND JUNCTION**

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

That the following sums of money be appropriated from unappropriated fund balance and additional revenue to the funds indicated for the year ending December 31, 2013, to be expended from such funds as follows:

<b>FUND NAME</b>	<b>FUND #</b>	<b>APPROPRIATION</b>
Visitor & Convention Bureau	102	\$ 11,313
Facilities Capital Fund	208	\$ 7,204

**INTRODUCED AND ORDERED PUBLISHED IN PAMPHLET FORM** this \_\_\_\_ day of \_\_\_\_\_, 2013.

**TO BE PASSED AND ADOPTED AND ORDERED PUBLISHED IN PAMPHLET FORM** this \_\_\_\_ day of \_\_\_\_\_, 2013.

Attest:

\_\_\_\_\_  
President of the Council

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

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

**AN ORDINANCE APPROPRIATING CERTAIN SUMS OF MONEY TO DEFRAY THE NECESSARY EXPENSES AND LIABILITIES OF THE CITY OF GRAND JUNCTION, COLORADO AND THE DOWNTOWN DEVELOPMENT AUTHORITY FOR THE YEAR BEGINNING JANUARY 1, 2014, AND ENDING DECEMBER 31, 2014**

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

**SECTION 1.** That the following sums of money, or so much therefore as may be necessary, be and the same are hereby appropriated for the purpose of defraying the necessary expenses and liabilities, and for the purpose of establishing emergency reserves of the City of Grand Junction, for the fiscal year beginning January 1, 2014, and ending December 31, 2014, said sums to be derived from the various funds as indicated for the expenditures of:

<b>FUND NAME</b>	<b>FUND #</b>	<b>APPROPRIATION</b>
General	100	\$ 67,015,213
Enhanced 911 Special Revenue	101	\$ 3,865,782
Visitor & Convention Bureau	102	\$ 2,066,588
D.D.A. Operations	103	\$ 382,329
Community Development Block Grants	104	\$ 614,441
Open Space	105	\$ 406,717
Conservation Trust	110	\$ 705,455
Sales Tax Capital Improvements	201	\$ 14,419,396
Storm Drainage Improvements	202	\$ 50,000
DDA Capital Improvements	203	\$ 310,573
Major Capital Improvements	204	\$ 2,514,670
Transportation Capacity Improvements	207	\$ 410,000
Water Fund	301	\$ 6,708,933
Solid Waste	302	\$ 3,534,058
Two Rivers Convention Center	303	\$ 2,670,564
Golf Courses	305	\$ 2,055,156
Parking	308	\$ 478,007
Irrigation Systems	309	\$ 251,226
Information Technology	401	\$ 6,310,601
Equipment	402	\$ 5,273,996

Self Insurance	404	\$	2,418,788
Communications Center	405	\$	7,647,455
General Debt Service	610	\$	8,279,303
T.I.F. Debt Service	611	\$	938,105
GJ Public Finance Debt Service	614	\$	534,955
Cemetery Perpetual Care	704	\$	6,209
Joint Sewer System, Total	900	\$	11,377,324

**INTRODUCED AND ORDERED PUBLISHED IN PAMPHLET FORM** this \_\_\_\_ day of \_\_\_\_\_, 2013.

**TO BE PASSED AND ADOPTED AND ORDERED PUBLISHED IN PAMPHLET FORM** this \_\_\_\_ day of \_\_\_\_\_, 2013.

Attest:

\_\_\_\_\_  
President of the Council

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



Date: November 7, 2013  
 Author: Kristen Ashbeck  
 Title/ Phone Ext: Senior Planner x1491  
 Proposed Schedule:  
Approval November 20, 2013; Execute  
agreement following approval.  
 File #: CDBG 2013-10  
 \_\_\_\_\_

**Attach 3**  
**CITY COUNCIL AGENDA ITEM**

<b>Subject:</b> CDBG Subrecipient Contract with Rocky Mountain SER Head Start for Previously Allocated Funds within the 2013 Community Development Block Grant (CDBG) Program Year
<b>Action Requested/Recommendation:</b> Authorize the City Manager to Sign the Subrecipient Contract with Rocky Mountain SER Head Start Facility Security Upgrades for \$28,050 for the City’s 2013 Program Year Funds
<b>Presenter(s) Name &amp; Title:</b> Kristen Ashbeck, Senior Planner/CDBG Administrator

**Executive Summary:** The Subrecipient Contract formalizes the City’s award of \$28,050 to Rocky Mountain SER Head Start allocated from the City’s 2013 CDBG Program as previously approved by Council. The grant funds will be used for security upgrades to 3 buildings utilized for the Head Start program.

**Background, Analysis and Options:**

CDBG 2013-10 Rocky Mountain SER Head Start Facility Security Improvements  
 Head Start prepares children for kindergarten by enhancing the social and cognitive development of a child through the provision of educational, health, nutritional, social and other services, primarily to low-moderate income families, 67% of which are Hispanic/Latino. Head Start will utilize \$28,050 in CDBG funding to make security improvements at three of its facilities within the city limits (2897 North Avenue, 235-A North 7<sup>th</sup> Street and 648 West Colorado Avenue). Head Start will match the grant with \$26,950 leveraged from other sources.

Rocky Mountain SER Head Start is considered a “subrecipient” to the City. The City will “pass through” a portion of its 2013 Program Year CDBG funds to Rocky Mountain SER Head Start but the City remains responsible for the use of these funds. The contract outlines the duties and responsibilities of the agency and are is to ensure that the subrecipient complies with all Federal rules and regulations governing the use of these funds. The contracts must be approved before the subrecipients may spend any of these Federal funds. Exhibit A of the contracts (Attachments 1 through 6) contains the specifics of each project and how the money will be used by the subrecipients.

**How this item relates to the draft Comprehensive Plan Goals and Policies:**

This project funded through the 2013 CDBG grant year allocation addresses steps towards the City’s Comprehensive Plan Goal listed below:

Goal 12: Goods and Services that Enhance a Healthy, Diverse Economy: The CDBG project discussed above provides services that enhance our community including improved services for youth and families, many of which are minority populations.

**Board or Committee Recommendation:** There is no board or committee review of this request.

**Financial Impact/Budget:** Previously approved 2013 CDBG Program Year Budget

**Legal issues:** Funding is subject to Subrecipient Agreement. The City Attorney has reviewed and approved the form of agreement.

**Other issues:** None

**Previously presented or discussed:**

City Council discussed and approved the allocation of CDBG funding for this project at its May 22, 2013 meeting.

**Attachments:**

1. Exhibit A, Subrecipient Agreement – Rocky Mountain SER Head Start Program

**ATTACHMENT 1: 2013 SUBRECIPIENT CONTRACT FOR  
CITY OF GRAND JUNCTION  
COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS  
WITH  
Rocky Mountain SER Head Start Program**

**EXHIBIT "A"  
SCOPE OF SERVICES**

1. The City agrees to pay the Subrecipient, subject to the subrecipient agreement, \$28,050.00 from its 2013 Program Year CDBG Entitlement Funds for security upgrades at three Head Start facilities in Grand Junction, Colorado ("Properties"). Head Start prepares children for kindergarten by enhancing the social and cognitive development of a child through the provision of educational, health, nutritional, social and other services, primarily to low-moderate income families, 67% of which are Hispanic/Latino.
2. The Subrecipient certifies that it will meet the CDBG National Objective of low/moderate income clientele benefit (570.201(c)). It shall meet this objective by providing the above-referenced services to low/moderate income persons in Grand Junction, Colorado. In addition, this project meets CDBG eligibility requirements under section 570.208(a)(1), Youth Services.
3. The project consists of capital construction/improvement to three existing buildings used for the Head Start program in Grand Junction located at 235-A North 7<sup>th</sup> Street, 648 West Colorado Avenue and 2897 North Avenue. A substitute location may occur for the latter address. CDBG funds will be used to improve security of these buildings including access control and mechanical egress at doorways, monitored panic button systems, and exterior camera monitoring systems. The Property at 648 West Colorado Avenue is currently owned by Head Start which will continue to operate the facility. The other two buildings are leased by Head Start. It is understood that the City's grant of \$28,050 in CDBG funds shall be used only for the remodel improvements described in this agreement. Costs associated with any other elements of the project shall be paid for by other funding sources obtained by the Subrecipient.
4. This project shall commence upon the full and proper execution of the 2013 Subrecipient Agreement and the completion of all appropriate environmental, Code, State and Local permit review and approval and compliance. The project shall be completed on or before December 31, 2014.
5. The total project budget for the project is estimated to be \$55,000 as specified below.

Access Control Doors	\$40,000
Panic Button Systems	\$ 5,000
Camera Monitoring Systems	\$ 5,000
Construction and Labor	\$ 5,000

\_\_\_\_\_ Head Start

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

6. The Head Start program in Grand Junction serves approximately 170 children and 400 family members and has a waiting list of 40 children. This level of service will continue into next year.
7. The City shall monitor and evaluate the progress and performance of the Subrecipient to assure that the terms of this agreement are met in accordance with City and other applicable monitoring and evaluating criteria and standards. The Subrecipient shall cooperate with the City relating to monitoring, evaluation and inspection and compliance.
8. The Subrecipient shall provide quarterly financial and performance reports to the City. Reports shall describe the progress of the project, what activities have occurred, what activities are still planned, financial status, compliance with National Objectives and other information as may be required by the City. A final report shall also be submitted when the project is completed.
9. During a period of five (5) years following the date of completion of the project the use of the Properties improved may not change unless: A) the City determines the new use meets one of the National Objectives of the CDBG Program, and B) the Subrecipient provides affected citizens with reasonable notice and an opportunity to comment on any proposed changes. If the Subrecipient decides, after consultation with affected citizens that it is appropriate to change the use of the Properties to a use which the City determines does not qualify in meeting a CDBG National Objective, the Subrecipient must reimburse the City a prorated share of the City's \$28,050 CDBG contribution. At the end of the five-year period following the project closeout date and thereafter, no City restrictions under this agreement on use of the Properties shall be in effect.
10. The Subrecipient understands that the funds described in the Agreement are received by the City from the U.S. Department of Housing and Urban Development under the Community Development Block Grant Program. The Subrecipient shall meet all City and federal requirements for receiving Community Development Block Grant funds, whether or not such requirements are specifically listed in this Agreement. The Subrecipient shall provide the City with documentation establishing that all local and federal CDBG requirements have been met.
11. A blanket fidelity bond equal to cash advances as referenced in Paragraph V.(E) will not be required as long as no cash advances are made and payment is on a reimbursement basis.
12. A formal project notice will be sent to the Subrecipient once all funds are expended and a final report is received.

\_\_\_\_\_ Head Start

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



Date: 11-08-13  
 Author: Jamie B. Beard  
 Title/ Phone Ext: Assistant City Attorney/4032  
 Proposed Schedule: November 20, 2013  
 2nd Reading (if applicable): \_\_\_\_\_  
 File # (if applicable): \_\_\_\_\_

**Attach 4  
 CITY COUNCIL AGENDA ITEM**

<b>Subject:</b> 2014 Mesa County Animal Control Services Agreement
<b>Action Requested/Recommendation:</b> Approve and Authorize the Mayor to Sign the 2014 Agreement between Mesa County and the City of Grand Junction Pertaining to Animal Services
<b>Presenter(s) Name &amp; Title:</b> John Shaver, City Attorney Jamie B. Beard, Assistant City Attorney

**Executive Summary:**

The City has an ongoing, annually renewable agreement with Mesa County for animal control services within the City limits. The City pays the County a percentage of the Mesa County Animal Services' budget based upon the City's percentage of total calls for service.

**Background, Analysis and Options:**

In 1983 the City agreed to combine forces with Mesa County for animal control services. Since that time the City and County have contracted for Mesa County Animal Services to provide services to the City.

The Agreement is based upon actual service figures and costs that occurred during the County's fiscal year which ran from July 1, 2012 through June 30, 2013. The actual costs for animal control services during that time period was \$763,811.00. The City's share of that cost is 44.6 % or \$340,660.00. Payments will be made to the County on a quarterly basis in the amount of \$85,165.00. (The agreement amount is actually slightly less than the 2013 agreement, by approximately \$3,560.00.)

**How this item relates to the Comprehensive Plan Goals and Policies:**

**Goal 1:** To implement the Comprehensive Plan in a consistent manner between the City, Mesa County, and other service providers.

The joint City-County program to provide animal services provides consistent treatment and application of animal services and control of animals throughout the valley.



**Goal 12:** Being a regional provider of goods and services the City and County will sustain, develop and enhance a healthy, diverse economy.

The joint City-County program to provide animal services to the citizens of Grand Junction will help support a safe and healthy community.

**Board or Committee Recommendation:**

The Mesa County Animal Services Advisory Board has not reviewed the specifics of the Agreement but the members support the joint City-County program as it works well for the benefit of the citizens and the animals.

**Financial Impact/Budget:**

The 2014 Police Department proposed budget includes the costs of the City's share of the City-County program.

**Legal issues:**

The Assistant City Attorney has reviewed and approved the proposed Agreement as to form.

**Other issues:**

None

**Previously presented or discussed:**

No

**Attachments:**

Proposed 2014 Mesa County Animal Control Services Agreement

**AGREEMENT  
BETWEEN MESA COUNTY AND THE CITY OF GRAND JUNCTION  
PERTAINING TO ANIMAL SERVICES.**

The City of Grand Junction, ("City") and Mesa County ("County") have determined that Mesa County shall provide animal services within the City. Those services will be pursuant to the City's home rule powers and under the provisions of §29-1-201, et. seq., C.R.S. as amended. This Agreement, dated \_\_\_\_\_, 2013, is intended to provide the basis for animal services for the year January 1, 2014 through December 31, 2014.

**AGREEMENT**

(1) The City has adopted Chapter 6, Article III & IV of the Grand Junction Code of Ordinances, ("Code" or "the Code") for the control of animals within the City. The City hereby agrees to provide the County with the authority necessary to administer and enforce City regulations ("Code"), relating to animal control, within the City.

(2) The County agrees to enforce the Code as now codified and hereafter amended, in accordance with its provisions, consistent with proper enforcement practice and on a uniform basis throughout the City.

(3) During the term hereof, the City will pay to the County, Three Hundred Forty Thousand, Six Hundred Sixty and 00/100, (\$340,660.00). One-fourth of that amount, Eighty Five Thousand, One Hundred Sixty-five and 00/100, (\$85,165.00) shall be paid quarterly. All fines and shelter/impoundment revenues derived from enforcement under this Agreement shall be paid to the County as additional consideration for the services rendered.

(4) The consideration paid by the City to the County is sufficient to support this Agreement and the same is determined as follows:

- a. Mesa County's actual expenses for animal services from July 1, 2012 through June 30, 2013, along with Mesa County OMB Circular A-87 Cost Allocation Plan – 2012 Actual Numbers shall be reduced by actual revenues from July 1, 2012 through June 30, 2013. The resulting amount represents the cost of the overall, combined City-County animal services program. The City and County recognize and acknowledge that the County will occasionally incur capital expenditures related to the County facilities, equipment and/or tooling utilized in providing the services referenced in this Agreement. The only capital expenditures that would be permitted in the formula identified in paragraph (4)c. hereof are capital expenditures that have been agreed to in writing by both the City and County prior to such costs for capital expenditures actually being expended.
- b. As part of this Agreement, the County's dispatch and patrol stops are logged within a database. The percentage of animal services attributable to the City is calculated from this data after administrative stops have been deleted.

- c. Multiplying the Cost of the Program by the percentage of the workload attributable to enforcement activity within the City yields an amount representing the cost of providing service to the City. The resulting figure is the amount due Mesa County under this Agreement for providing animal control services in 2014.

Listed below is the 2014 calculation:

\$ 675,976.00	personnel expenditures 7/1/12 to 6/30/13
\$ 153,811.00	operating expenditures 7/1/12 through 6/30/13
\$ 268,806.00	Mesa County A-87 Cost Allocation Plan 2012 Actual Expenditures
\$ 0.00	Capital expenditures
\$ 334,782.00	revenues from 7/1/12 through 6/30/13
\$ 763,811.00	cost of city-county program
X 44.6	City's percentage of Animal Control Responses 7/1/12 through 6/30/13
\$ 340,660.00	contract amount due Mesa County in 2014.
\$ 85,165.00	QUARTERLY PAYMENTS DUE Mesa County. Contract amount divided by four (4) quarterly payments.

(5) The County shall provide animal services pursuant to this Agreement during those hours best suited, as determined by the County, for enforcement. The County shall provide a standby system for all other hours. In situations that cannot be handled solely by the County, the Grand Junction Police Department may be called by the County to assist.

(6) The County will select and supervise the personnel providing animal services under this Agreement. Mesa County shall provide to the City, all necessary or required reports on the activities of the animal services officers.

(7) Enforcement actions arising out of or under the Code shall be prosecuted in the Grand Junction Municipal Court. The City agrees to reasonably cooperate with the County in enforcement and prosecution activities.

(8) The County shall be liable and legally responsible for any claims or damages arising from the County's negligent performance of its duties under this Agreement. The City shall be liable and legally responsible for any claims or damages arising under this Agreement for other than the County's negligent performance of its duties.

(9) This Agreement shall terminate upon six months' written notice of intent to terminate, or on December 31, 2014 if the parties to this Agreement enter into a new agreement for the provision of animal control services in the succeeding year as set forth below. Notice to terminate, if issued, shall be sent to the appropriate signatory of this Agreement by certified mail.

(10) It shall be the responsibility of the County to provide the City with a proposed animal services Agreement for 2015 services no later than November 1, 2014. After review of the proposed Agreement will, on or before December 1, 2014, either issue a preliminary acceptance of the proposed Agreement or a written notice of termination of the existing Agreement and a statement of the City's intention not to enter into the proposed Agreement for animal services in the succeeding calendar year.

(11) If preliminary acceptance has been given, the proposed Agreement shall not become effective until expiration of the then existing Agreement and until signed by the parties. The City's preliminary acceptance may be withdrawn at any time prior to signing of the Agreement by notification of termination being sent to the County as specified in paragraph 9. If preliminary acceptance is withdrawn by a notice of termination, the City will pay for, and the County will provide, animal services for six (6) months from the date of the notice of termination.

(12) The terms and rates for the six (6) months service continuation period after notice of termination shall be those agreed to by the parties in the 2014 Agreement, unless the six months extends beyond December 31, 2014, in which case the remainder of the six months shall be controlled by the terms and rates of the proposed Agreement, which shall be effective during the service period following December, 2014 until the completion of the six months termination period.

(13) If terms and conditions of the proposed Agreement are not accepted by the parties in the form of a signed written Agreement, on or before December 31, 2014, the provision of animal services to the City shall cease June 30, 2015.

Attest: CITY OF GRAND JUNCTION

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

\_\_\_\_\_  
Mayor:

Date:\_\_\_\_\_

Date\_\_\_\_\_

Attest: COUNTY OF MESA

\_\_\_\_\_  
County Clerk:

\_\_\_\_\_  
Board of County Commissioners  
Chairperson:

Date:\_\_\_\_\_

Date:\_\_\_\_\_



Date: November 19, 2013  
 Author: Kathy Portner  
 Title/ Phone Ext: Econ Dev & Sustainability, ext. 1420  
 Proposed Schedule: Nov. 20, 2013  
 2nd Reading  
 (if applicable): N/A  
 File # (if applicable): N/A

**Attach 5**  
**CITY COUNCIL AGENDA ITEM**

<b>Subject:</b> CNG Fueling Facility Expansion and Vehicle Purchase Grant Request
<b>Action Requested/Recommendation:</b> Adopt a Resolution Authorizing the City Manager to Submit a Grant Request to the Colorado Department of Local Affairs' Energy and Mineral Impact Assistance Program for Expansion of the CNG Fueling Facility and the Cost Difference of CNG Option for Vehicle Replacement
<b>Presenter(s) Name &amp; Title:</b> Jay Valentine, Internal Services Manager Rich Englehart, City Manager

**Executive Summary:**

This is a request to authorize the City Manager to submit a request to the Colorado Department of Local Affairs for a \$200,000 grant for expansion of the Compressed Natural Gas (CNG) fueling facility and to fund the cost difference of Compressed Natural Gas option for the replacement of three pickup trucks.

**Background, Analysis and Options:**

The City's CNG project has been very successful with the completion of the slow-fill and fast-fill fueling station and the purchase of CNG vehicles by both the City and Grand Valley Transit. We currently have 18 vehicles fueling at the slow-fill station at the Municipal Services Campus, but have only 10 fill stations, which requires rotating vehicles. Grand Valley Transit will be ordering two additional CNG busses and the City continues to pursue a CNG option on replacement vehicles. Another compressor is also needed for redundancy and to allow for additional capacity.

The proposed grant request to DOLA is for \$200,000, to be matched with \$496,000 proposed in the City's 2014 budget, for the installation of 10 slow-fill stations with 4 meters, a 40 horse power compressor, 3 CNG pickup trucks and 1 CNG refuse truck.

<u>Project Expenses:</u>	<u>DOLA</u>	<u>City Match</u>
10 Slow Fill Stations with 4 Meters	\$ 70,000	\$130,000
40 Horse Power Compressor	\$100,000	\$ 0
3 CNG Pickup Trucks	\$ 30,000	\$126,000
1 CNG Refuse Truck	\$ 0	\$240,000
<b>Total</b>	<b>\$200,000</b>	<b>\$496,000</b>

## **How this item relates to the Comprehensive Plan Goals and Policies:**

The CNG Facilities and Vehicle project supports the following Goal from the Comprehensive Plan:

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

**Policy A:** *The City will plan for the locations and construct new public facilities to serve the public health, safety and welfare, and to meet the needs of existing and future growth.*

The proposed project will expand and enhance the CNG fueling facility located at the Municipal Services Campus.

**Goal 12:** *Being a regional provider of goods and services the City will sustain, develop and enhance a healthy, diverse economy.*

**Policy A:** *Through the Comprehensive Plan policies the City will improve as a regional center of commerce, culture and tourism.*

The proposal will enhance and expand the opportunities to be a regional center for the utilization of CNG as a vehicle fuel.

In addition, the project is in accordance with Resolution No. 112-07 supporting the efforts of GJ CORE to promote conservation and use of our resources, which, in part, states:

*Local governments are in a unique position to implement and coordinate local action that will lead to significant and real reductions in energy use by influencing land use, transportation, building construction, waste management and management of City facilities and operations. Local government actions taken to conserve resources and increase energy efficiency provide multiple local benefits by decreasing pollution, creating jobs, reducing energy expenditures, enhancing urban livability and sustainability, and saving money for the City government, its businesses and its citizens.*

## **Board or Committee Recommendation:**

There are none.

## **Financial Impact/Budget:**

The proposed 2014 budget includes \$496,000 for the project match.

## **Legal issues:**

If awarded, the grant funding documents shall be reviewed and approved by the City Attorney.

**Other issues:**

There are no other issues.

**Previously presented or discussed:**

This was not previously presented or discussed.

**Attachments:**

Resolution authorizing application to the Colorado Department of Local Affairs in accordance with the representations made in this report.

CITY OF GRAND JUNCTION, COLORADO

RESOLUTION NO. \_\_\_-13

A RESOLUTION AUTHORIZING THE CITY MANAGER TO SUBMIT A GRANT REQUEST TO THE COLORADO DEPARTMENT OF LOCAL AFFAIRS' (DOLA) ENERGY AND MINERAL IMPACT ASSISTANCE PROGRAM FOR CNG FUELING FACILITY AND VEHICLES

RECITALS.

The City's CNG project has been very successful with the completion of the slow-fill and fast-fill fueling station and the purchase of CNG vehicles by both the City and Grand Valley Transit. We currently have 18 vehicles fueling at the slow-fill station at the Municipal Services Campus, but have only 10 fill stations, which requires rotating vehicles. Grand Valley Transit will be ordering two additional CNG busses and the City continues to pursue a CNG option on replacement vehicles. Another compressor is also needed for redundancy and to allow for additional capacity.

The proposed grant request to DOLA is for \$200,000, to be matched with \$496,000 proposed in the City's 2014 budget, for the installation of 10 slow-fill stations with 4 meters, a 40 horse power compressor, 3 CNG pickup trucks and 1 CNG refuse truck.

<b>Project Expenses:</b>	<b>DOLA</b>	<b>City Match</b>
10 Slow Fill Stations with 4 Meters	\$ 70,000	\$130,000
40 Horse Power Compressor	\$100,000	\$ 0
3 CNG Pickup Trucks	\$ 30,000	\$126,000
1 CNG Refuse Truck	\$ 0	\$240,000
<b>Total</b>	<b>\$200,000</b>	<b>\$496,000</b>

**NOW, THEREFORE, BE IT RESOLVED THAT** the City Council of the City of Grand Junction does hereby authorize the City Manager to submit a \$200,000 grant request in accordance with and pursuant to the recitals stated above to the Department of Local Affairs' Energy and Mineral Impact Assistance Program for CNG facility upgrades and the purchase of CNG vehicles.

Dated this \_\_\_ day of \_\_\_\_\_ 2013.

\_\_\_\_\_  
President of the Council

ATTEST:

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





**Attach 6  
CITY COUNCIL AGENDA ITEM**

Date: November 5, 2013  
Author: Lori V. Bowers,  
Title/ Phone Ext: Senior Planner /  
4033  
Proposed Schedule: 1<sup>st</sup> reading  
November 6, 2013  
2<sup>nd</sup> Reading and public hearing:  
November 20, 2013  
File #: VAC-2013-415

<b>Subject:</b> Bonito Avenue Alley Right-of-Way Vacation Located Between 1220 and 1224 Bonito Avenue
<b>Action Requested/Recommendation:</b> Hold a Public Hearing to consider Final Passage and Final Publication in Pamphlet Form of a Proposed Vacation Ordinance
<b>Presenter(s) Name &amp; Title:</b> Lori V. Bowers, Senior Planner

**Executive Summary:**

This is a request made by the property owner of 1224 Bonito Avenue to vacate the public right-of-way, located between 1220 Bonito Avenue and 1224 Bonito Avenue. The right-of-way is approximately 12-foot wide and 123.37 feet long. It runs in a north/south direction between 1220 and 1224 Bonito Avenue, and functions as an alley for these two properties.

**Background, Analysis and Options:**

The background information provided within the attached staff report is important and somewhat lengthy. Parking and the general use of the alley has become a source of contention between the two neighbors located on either side of the alley right-of-way. There have been verbal disturbances and arguments resulting in numerous calls to 911/dispatch and to the City’s Code Enforcement Division. There have also been calls to the City Attorney’s office. Due to the inconvenience of having to share the use of the alley with the neighbors, the Applicant wants the City to vacate it.

Please see the attached staff report for more background, analysis and information.

**How this item relates to the Comprehensive Plan Goals and Policies:**

The request is not consistent with the goals and policies of the Comprehensive Plan.

**Goal 1:** To implement the Comprehensive Plan in a consistent manner between the City, Mesa County, and other service providers.

In order to consistently implement the Comprehensive Plan between the City and service providers, such as Xcel Energy and Ute Water, City Staff seeks information and

requests input from such agencies when those utilities may be impacted by a request to vacate public right-of-way. These utility providers may require access over or through such right-of-ways to access or maintain their utilities. This consistency in their input helps to enforce policies which are intended to bring predictability to the decision-making process of whether or not to vacate a public right-of-way.

In this case their input shows that the right-of-way is necessary as it may not be possible to vacate the ROW and replace it with a 10-foot wide easement, placed solely on one property, not encumbered by fences or structure.

**Board or Committee Recommendation:**

The Planning Commission forwards a unanimous recommendation of denial to the City Council, from their meeting held on October 8, 2013.

**Financial Impact/Budget:**

N/A

**Legal issues:**

State law dictates how title to vacated right-of-way vests. C.R.S. §43-2-302 provides in pertinent part:

"[W]henver any roadway has been designated on the plat of any tract of land . . . and thereafter is vacated, title to the lands included within such roadway . . . shall vest . . . as follows:

(c) In the event that a roadway bounded by straight lines is vacated, title to the vacated roadway shall vest in the owners of the abutting land, each abutting owner taking to the center of the roadway. . . "

"Roadway" includes any platted or designated public street, alley, lane, parkway, avenue, road, or other public way, whether or not it has been used as such. (C.R.S. §43-2-301.) Therefore the 12' right-of-way in question constitutes a roadway for purposes of the vacation statute.

Any request by the applicant or neighbors to split the right-of-way area other than as provided by the above-referenced statute (namely, from the center line) should be rejected as contrary to state law. The vacation statute does not allow title to vest in any other manner than half-and-half, under the facts presented with this application. Once the property is vacated, the property owners could themselves split the land in a different way by deeding part of it from one to the other.

City staff tried to work with the landowners toward this end, but those efforts were not fruitful.

**Other issues:**

There are no other issues.

**Previously presented or discussed:**

This item was presented for first reading on the City Council Consent Agenda, November 6, 2013.

**Attachments:**

Site Location Map / Aerial Photo Map  
Comprehensive Plan Map / Existing City Zoning Map  
Site Photos  
Improvement Survey Block  
Improvement Survey Detail  
Letter to Planning Commission/City Council  
Minutes of the Planning Commission, October 8, 2013  
Ordinance

## ANALYSIS

### Background

The dedicated public right-of-way located between 1220 and 1224 Bonito Avenue is the subject of this report. The right-of-way is approximately 12-feet wide and 123.37 feet long. It runs in a north/south direction between 1220 and 1224 Bonito Avenue, and functions as an alley for these two properties.

This area was annexed into the City in 1966 as part of the North 12th Street Annexation. The annexation map shows the dedicated alley between Lots 3 and 4, Block 2, of the Eagleton Subdivision which was platted in 1955. Air photos from 1954 show the subject area connecting to a bridge that was placed over the large open drainage ditch, utilized by Grand Valley Water Users Association at the time. This was part of the old Miller Homestead.

The homes located at 1220 and 1224 Bonito Avenue were both constructed in 1955. The home located at 1220 Bonito Avenue has a detached garage set diagonally behind the house with a portion of the driveway encroaching into the alley. The house located at 1224 Bonito has a fence encroachment of a few inches into the alley. The use of the alley is important to both property owners. The owner of 1220 Bonito Avenue has parked her camper in her back yard, by accessing through the alley since she purchased the property in 2003. Air photos of this area support her claim. The garage at this address is detached and set at an angle to the driveway. The alley makes access to the garage much easier if the entire width of the alley is used. She also insists that if the access area is reduced by half, which would be the result if the right-of-way is vacated, she would not be able to adequately access the garage or a back yard storage area for a camper. The owner of 1224 Bonito Avenue stated the reason he purchased his property in 2011, was the ability to access his backyard through the alley.



Since 2011, parking and the general use of the alley has become a source of contention between the two neighbors. There is no need for the neighbors to use the alley for parking, as there is abundant street parking available on Bonito Avenue, including directly in front of their homes. Along with parking and blocking the access to the alley there have been verbal disturbances and arguments resulting in numerous calls to 911/dispatch. The City's Code Enforcement Division has tried to work with the feuding neighbors. It is worth noting that since the Applicant moved in (around July 2011) there have been 14 calls for service through 911/dispatch and several others to Code Enforcement and to the City Attorney's office. Prior to that, the neighbor at 1220 reports, the neighborhood was peaceful and there were no known issues over use of the right-of-way.

Due to the inconvenience of having to share the use of the alley with the neighbors, the Applicant wants the City to vacate it.

The application was sent to the applicable review agencies. Notice cards were sent to all properties located within 500 feet of the right-of-way requested to be vacated. Several phone calls were received from residents in the area asking about the alley vacation. None of them were concerned with the application as it had no direct effect on their property use or access, but one caller mentioned that the two neighbors do not get along.

During the review process, City staff tried to facilitate an agreement between the adjacent landowners that might allow the alley right-of-way to be vacated. After protracted efforts to achieve a compromise, Staff determined there were no workable solutions for vacating the alley that protected all of the interests involved, and that the only way to protect all the interests is to leave the alley in place as public right-of-way. The subject right-of-way serves as access to overhead electrical lines located along the north side of the lots along Block 2, of the Eagleton Subdivision and also as access to the covered drainage pipe located on the Hospice property. Ute Water Conservancy District and Xcel Energy reviewed the vacation request. Ute Water confirmed in March 2013 that they had no utilities within this area. Xcel Energy reviewed the proposal and stated that if the vacation took place, they would require at a minimum, a utility easement 10-feet in width which should be contained solely on one property. They also objected to the placement of fences or other structures within easement area. The facilities manager of the Hospice Campus objected to Xcel using access through their landscaped areas located on the N 12th and N 13th Streets. From the perspective of Hospice, the subject right-of-way serves as the best access to these facilities because of the landscaping improvements that have been made on the Hospice property at N 12th and N 13th Streets, the alternative access points.

In subsequent discussions with Greg Trainor, Xcel and Hospice indicated that it might be possible for their interests to be protected with vacation of the subject right-of-way. However, the property owners at 1220 and 1224 still could not agree to an equitable split of the area. If the right-of-way is vacated by the City Council, 6' will go to each property owner, and the owner of 1220 believes that would not provide her with enough space to access the garage and camper storage area. Even if the neighbor at 1220

would be afforded some minimal access with the (6' +/-), it is not readily apparent what reason the City would have to reduce the historic access by vacating the right-of-way.

Having explored all of the possibilities for vacating the right-of-way, City staff sees no viable alternative for vacating it.

Section 21.02.100 of the Grand Junction Municipal Code

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

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

The Comprehensive Plan was addressed above. The Grand Valley Circulation Plan does not identify the subject alley right-of-way. Adopted City policies do not lend themselves to the vacation as this would be inconsistent with our working relationships with the utility companies and as expressed in the Comprehensive Plan.

This criterion has not been met.

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

No parcel would be landlocked by the vacation.

This criterion has been met.

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

The vacation of the alley right-of-way would restrict access from the alley by the property owners of both 1220 and 1224 Bonito Avenue. Both properties currently access their backyard areas through this existing public right-of-way. Vacating the alley would restrict both property owners' access to existing backyards and at least one garage. Restricting access to the garage (located at 1220 Bonito Avenue) would reduce the value, use and enjoyment of that property.

This criterion has not been met.

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

Utility services provided by Xcel Energy may be impacted if Xcel needs ready access to the overhead power lines on the north side of the properties. If not accessed by the subject alley, the utility provider will have to use N 12th or N 13th Streets and cross over Hospice and Palliative Care property, through their established landscaped areas. Hospice has contacted the City regarding this issue and they would rather not see Xcel using their landscape areas for access.

This criterion has not been met.

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

Xcel has stated that a 10-foot easement, dedicated to Xcel Energy, located solely on one parcel, unencumbered by any future fencing or structures that would not inhibit the public facilities of Xcel Energy would be adequate. However, it has not been demonstrated that vacation of the alley with this condition is not feasible because the adjacent property owners do not agree that a 10' / 2' split of the alley area between them is workable. Therefore, vacation of the alley will impact public facilities and services.

This criterion has not been met.

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

There is no benefit to the City by vacating the right-of-way. The right-of-way is unimproved and has been sufficiently maintained by the adjacent property owners, so there would be no benefit to the City in terms of reduced maintenance costs. Traffic circulation for the adjacent property owners would not be improved; it would be restricted for both properties.

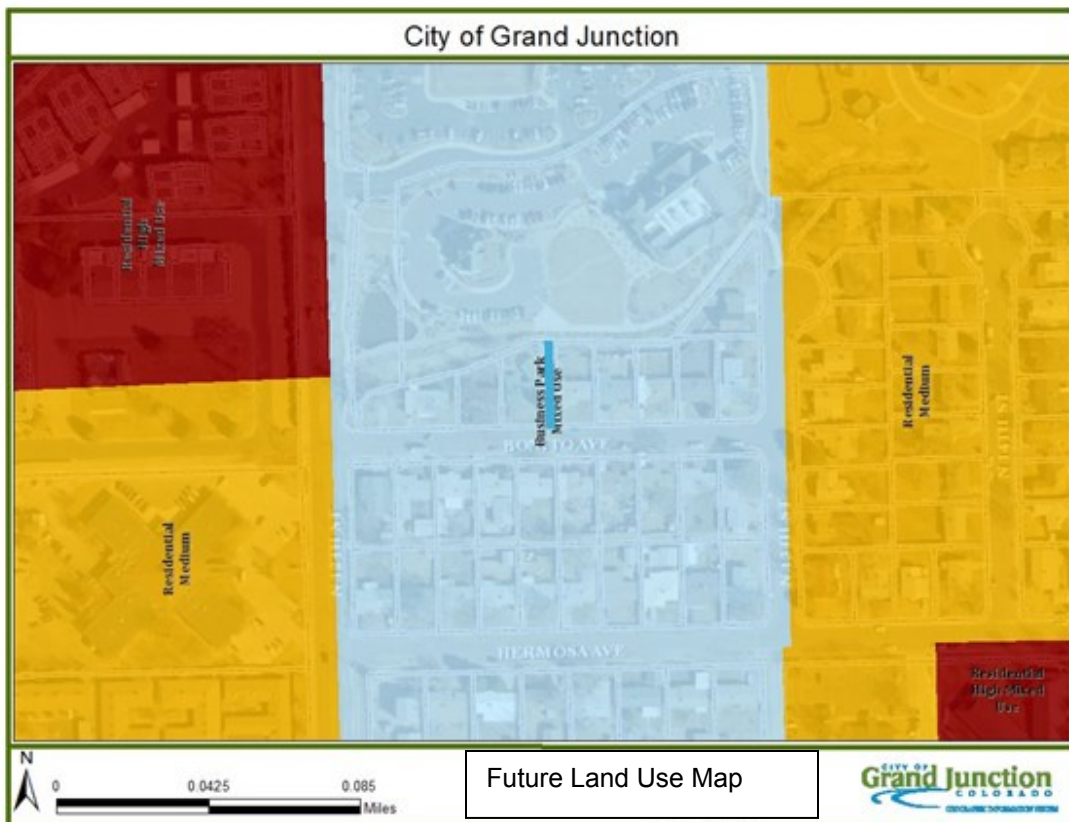
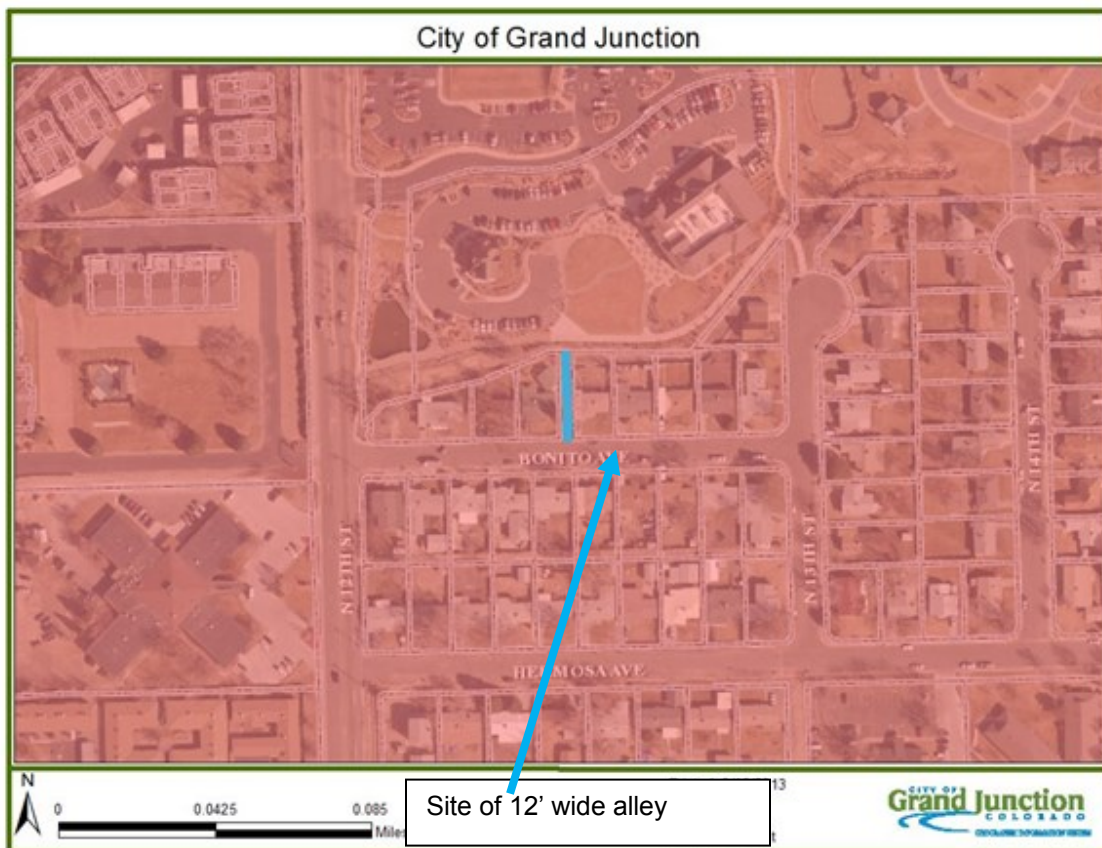
This criterion has not been met.

#### PLANNING COMMISSION FINDINGS OF FACT/CONCLUSIONS

After reviewing the Bonito Avenue Alley Right-of-Way Vacation application, VAC-2013-415 for the vacation of a public right-of-way, the Planning Commission makes the following findings of fact and conclusions and therefore recommends denial of the request:

1. The requested right-of-way vacation is not consistent with the Comprehensive Plan.
2. The review criteria in Section 21.02.100 of the Grand Junction Municipal Code have not been met.

Location Map





City of Grand Junction



Zoning Map





The 12-foot wide alley fight-of-way is shown in blue. The right-of-way appears to be a 20-foot wide area, however lot lines are not depicted correctly on the City GIS maps. The area that has been requested to vacate is only the area shown in blue.

1224 Bonito Ave



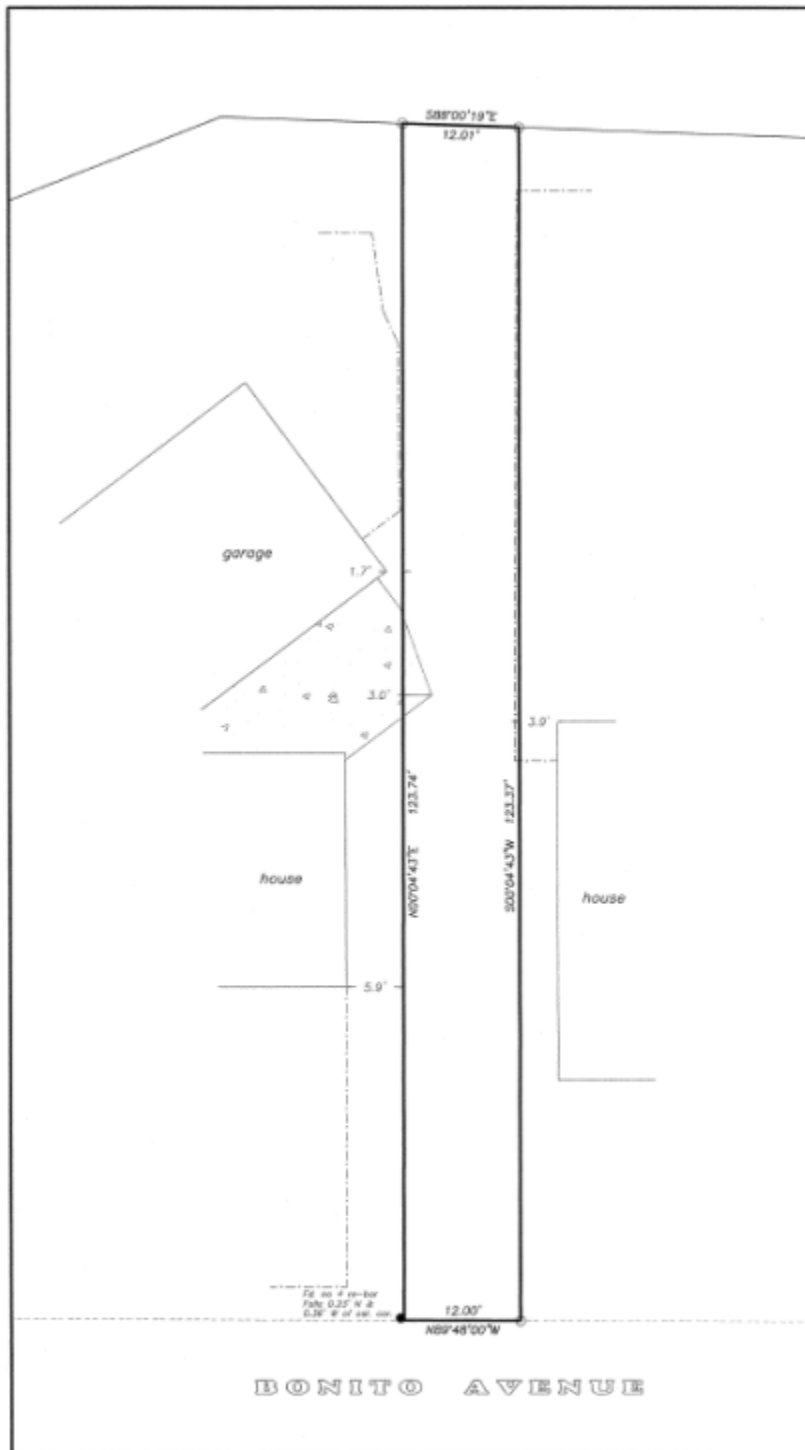
1220 Bonito Ave.



**Photos of Subject Alley Right-of-Way**

Dedicated alley ROW is 12-foot wide. The gravel area shown here is about 20 feet wide. The 12-foot area runs down the middle of the gravel area.





Detail  
 1"=10'

City of Grand Junction  
Planning Commission/ City Council  
250 N. 5<sup>th</sup> St.  
Grand Junction, CO 81501

RECEIVED  
SEP 25 2013  
COMMUNITY DEVELOPMENT  
DEPT.

Re: VAC-2013-415- Vacation of Bonito Alley ROW -Pg. 1 of 2

Planning Commission and City Council:

We continue to oppose vacation of the ROW adjacent to and East of our home at 1220 Bonito Ave. at this time due to the following reasons in accordance with section 21.02.100 of Zoning and development code:

This is not a surplus ROW; it is used daily by us and occasionally by our neighbors. Vacation, as proposed, would make access to our garage and yard unreasonable and unsafe. Additionally, the value of our property would be reduced due to loss of access to our garage and yard.

As the planning division is aware, we have made multiple attempts to resolve this matter with the new neighbor, Michael Day. He has been verbally abusive, has threatened to sue us if we didn't sign the papers to vacate and even squirted his hose at Annette while she was in the ROW (we have both written and video documentation of Day's inappropriate behavior).

There has been no proposed solution that does not have a negative impact on us and potential future property owners.

The current use of the ROW -which specifies no parking within it- is functional and provides reasonable access for both property owners. Historically, for decades, this space has been used for access to and parking for 1220 Bonito Ave. without issue or concern.

The homeowners and residents on Bonito Ave., who have lived here for five to fifty eight years, have signed below conveying their support for leaving the ROW as is, at this time.

We appreciate your respectful consideration of this matter,

  
Annette Collier

  
Joni Beckner

By signing below, I indicate my support for denial of ROW vacation at this time.

<u>Wanda L. Frislan</u>	<u>1243 Bonito Ave, SQ CO 81506</u>
<u>Naomi S. Frislan</u>	<u>1243 Bonito Ave, SQ CO 81506</u>
<u>Ruth E. Bogg</u>	<u>1242 Bonito Ave</u>
<u>Phyllis J. Mah</u>	<u>2940 N. 13<sup>th</sup> St. 81506</u>
<u>Valerie Puckett</u>	<u>1231 Bonito Ave 81506</u>
<u>Terra Elise</u>	<u>1207 Bonito Ave. 81506</u>
<u>Mark</u>	<u>1240 Bonito Ave 81506</u>
<u>South Reef</u>	<u>1241 Bonito Ave</u>
<u>Jon Patsonteras</u>	<u>1235 Bonito Ave, GJ. 81506</u>
<u>Kim Patsonteras</u>	<u>1235 Bonito Ave, GJ. 81506</u>

**RECEIVED**

SEP 25 2013

COMMUNITY DEVELOPMENT  
DEPT.

**GRAND JUNCTION PLANNING COMMISSION**  
**October 8, 2013 MINUTES**  
**6:00 p.m. to 7:54 p.m.**

The meeting of the Planning Commission was called to order at 6:00 p.m. by Chairman Reece. The public hearing was held in the City Hall Auditorium located at 250 N. 5<sup>th</sup> Street, Grand Junction, Colorado.

In attendance, representing the City Planning Commission, were Christian Reece (Chairman), Ebe Eslami (Vice-Chairman), Jon Buschhorn, Loren Couch, Steve Tolle, Reginald Wall and Bill Wade.

In attendance, representing the City's Administration Department - Planning Division, was Lisa Cox (Planning Manager), Brian Rusche (Senior Planner) and Lori Bowers (Senior Planner).

Also present was Jamie Beard (Assistant City Attorney).

Darcy Austin was present to record the minutes.

There were 6 citizens present during the course of the hearing.

**Announcements, Presentations and/or Visitors**

Lisa Cox reminded the Board and citizens that there will not be another Planning Commission meeting in October and that the next workshop would be Thursday, November the 7<sup>th</sup> and the next Planning Commission meeting would be Tuesday, November the 12<sup>th</sup>.

Ms. Cox stated that the City and Planning Commission wanted to recognize Commissioner Reggie Wall for his years of service. This was the last Planning Commission meeting for Commissioner Wall.

Chairman Reece made a presentation to Commissioner Wall, who is term limited at the end of October. She thanked him for his many years of service to the Grand Junction Zoning Board of Appeals and the Planning Commission, and for his service as Chairman to both the Board and Commission.

Chairman Reece presented a plaque to Commissioner Reginald Wall, from the City of Grand Junction, in recognition and sincere appreciation as Planning Commissioner from 2004 -2013, Planning Commission Chairman from January 2010 - May 2013, Zoning Board of Appeals Chairman January 2010 - May 2013. Major planning improvements during his tenure included H Road Northwest Area Plan in 2007, the Comprehensive Plan in 2010, North Avenue Plan and North Avenue West Plan in 2007 and 2011, North Avenue Overlay in 2012, and the Greater Downtown Plan Overlay in 2013. During this time he attended 205 Planning Commission meetings and considered 1,021 agenda items.



Chairman Reece stated that none of the other Commissioners had the foundation or the guidance to be on Planning Commission without all of his support and he would be genuinely missed. His thoughtful approach to planning items had been very inspiring and it had been a real learning lesson for all of the Commissioners to watch and learn from. Chairman Reece then opened it up for her fellow Commissioners to say any words to Reggie.

Commissioner Loren Couch echoed her sentiments and stated he had no exposure a couple years ago, and that not only Reggie's technical assistance but also his long experience with public service had meant a great deal to him. Commissioner Ebe Eslami echoed Commissioner Couch's sentiments and stated that Reggie would be missed.

Commissioner Bill Wade stated he'd been on the Commission for only a year and hoped that Reggie leaving the Planning Commission wouldn't mean that the City was losing his services in other ways, because he was such a help to him.

Commissioner Jon Buschhorn was sorry that Reggie was term limited because he had been there a year and half and had learned a lot from him. He noted that there was more that he could have learned from him but thanked him for his service.

Commissioner Steve Tolle referred to Reggie as someone who had gone above and beyond and asked that Reggie please take home to his family their thanks for making him available to the Planning Commission and for giving up his time with family. They had to give up some time and you had to give up some family time, nothing beats a family that works and is committed. He thanked him for his service.

Lisa Cox reintroduced Darcy Austin to the Commission because a couple of Commissioners were not at the Special Meeting held on September 26, 2013 when she was first introduced to the Commission. She invited the Commissioners to say hi, ask questions or let her know how she could be of help.

## **Consent Agenda**

### **1. Minutes of Previous Meetings**

Approve the minutes from the September 10, 2013 regular meeting and the September 26, 2013 special meeting.

### **2. Elementary Enclave Annexation - Zone of Annexation**

Forward a recommendation to City Council to zone 1.0 acres from County RSF-R (Residential Single-Family Rural) to a City R-4 (Residential 4 du/ac) zone district.

**FILE #:** ANX-2013-316

**APPLICANT:** City of Grand Junction

**LOCATION:** 2977 B Road

**STAFF:** Brian Rusche

### **3. Twenty Nine Thirty Enclave Annexation - Zone of Annexation**

Forward a recommendation to City Council to zone approximately 11.57 acres from County RSF-R (Residential Single-Family Rural) to a City R-4 (Residential 4 du/ac) zone district.

**FILE #:** ANX-2013-377  
**APPLICANT:** City of Grand Junction  
**LOCATION:** 2930 B 1/2 Road  
**STAFF:** Brian Rusche

#### **4. Ray Annexation – Zone of Annexation**

Forward a recommendation to City Council to zone 0.996 acres from County RSF-R (Residential Single Family Rural) to a City C-1 (Light Commercial) zone district.

**FILE #:** ANX-2013-403  
**APPLICANT:** John Ray - Colorado Custom Elevator & Lift  
**LOCATION:** 416 29 Road  
**STAFF:** Brian Rusche

Chairman Reece briefly explained the Consent Agenda and invited the public, Planning Commissioners and staff to speak if they wanted an item pulled for additional discussion or a full hearing. With no amendments to the Consent Agenda, Chairman Reece called for a motion.

**MOTION: Commissioner Bill Wade “I move that we approve the Consent Agenda as submitted.”**

Commissioner Ebe Eslami seconded the motion. A vote was called and the motion passed unanimously by a vote of 7- 0.

### **Public Hearing Items**

#### **5. Bonito Alley Right-of-Way Vacation - Request to Vacate Public Right-of-Way**

Forward a recommendation to City Council to vacate public right-of-way, located between 1220 and 1224 Bonito Avenue.

**FILE #:** VAC-2013-415  
**APPLICANT:** Michael Day  
**LOCATION:** between 1220 and 1224 Bonito Avenue  
**STAFF:** Lori Bowers

### **Staff’s Presentation**

Lori Bowers, Senior Planner provided a PowerPoint presentation that explained the request for a recommendation to vacate public right-of-way located between 1220 and 1224 Bonito Avenue. Referring to a slide in her presentation, Ms. Bowers noted that the blue strip on the location map indicated the right-of-way which was annexed in 1966 as part of the North 12<sup>th</sup> Street Annexation. Old air photos showed the subject area connecting to a bridge placed over a large open ditch, utilized by the Grand Valley Water Users Association at the time, and was now part of the Hospice and Palliative

Care Campus. The Future Land Use Map of the Comprehensive Plan showed it designated as Business Park Mixed Use. The zoning of the property is R-8, meaning eight residential units per acre and the zoning designation was in conformance with the Comprehensive Plan. A closer view showed the subject alley right-of-way which is approximately 12ft wide, a little over 120 feet long, and runs in a north to south direction between 1220 and 1224 Bonito Avenue and functions as an alley for the two properties.

She stated that the home located at 1220 Bonito Avenue had a detached garage with a portion of the driveway encroaching into the alley. The property at 1224 Bonito Avenue had a fence encroachment of a few inches into the alley. The owner at 1220 Bonito Avenue had parked her camper in her backyard by accessing through the alley since she purchased the property in 2003 and air photos support this claim. If the alley is reduced by vacating the right-of-way the owners at 1220 Bonito Avenue would not be able to access the garage or the backyard storage area for the camper. The owner at 1224 Bonito Avenue stated he purchased his home in 2011 because of the ability to access his backyard through the alley. Since 2011 parking and the general use of the alley had become a source of contention between the two neighbors. Along with parking issues, there had been fourteen calls to 911 and multiple calls to Code Enforcement and the City Attorney's office. Prior to that the owner at 1220 Bonito Avenue stated that the neighborhood was peaceful and there were no issues over the use of the right-of-way.

Ms. Bowers stated that due to the inconvenience the applicant, Michael Day, wants the City to vacate the right-of-way. She noted that Notice cards were sent to all neighbors within 500 feet of the right-of-way and several phone calls were received about the alley vacation. None of the callers were concerned about the request but one caller mentioned there were issues between the neighbors. After protracted efforts to achieve a compromise, staff determined that there were no workable solutions that would protect all interests involved and the only way to protect the interests would be to leave the alley as a public right-of-way.

Ms. Bowers stated that the alley serves as access to overhead electrical lines located on the north side of the Lot 2 of the Eagleton Subdivision and also access to the covered drainage pipe on the Hospice and Palliative Care property. Xcel Energy stated in their comments that they would require, at a minimum, an easement 10-feet in width which would be contained solely on one property and objected to fences or other obstructions in the easement area. Hospice stated that the subject right-of-way served as the best access because of the landscaping improvements that had been done on N. 12<sup>th</sup> and N. 13<sup>th</sup> Street.

The end of the garage driveway encroaches into the alley and a fence slightly encroaches into the alley. Property owners at 1220 and 1224 Bonito Avenue could not agree to the equitable split of the division of the right-of-way. If the right-of-way was vacated by City Council, six feet would go to each property owner, however the owner of 1220 Bonito believed it would not allow them access to their backyard and storage area. Ms. Bowers stated that it wasn't apparent why the City would vacate the access to the historic right-of-way. City staff saw no viable way to vacate. Colorado revised statutes states that in the event of vacating a right-of-way the property should be split between the properties of the abutting land, each abutting owner taking center to the

right-of-way. The right-of-way in question constitutes a roadway for the purposes of vacation. Any vacation of the property in any other manner than half and half was not allowed by state statute. Ms. Bowers noted that if the property was vacated, the property owners could then deed property to one or another. City staff tried to work with the property owners to this end but those efforts were futile.

Ms. Bowers referred to a slide that showed the detached garage, belonging to 1220 Bonito Avenue, and that it is set at an angle. She then showed a slide that shows the slight encroachment of the fence located at 1224 Bonito Avenue.

Goal One of the goals of the Comprehensive Plan is to serve Mesa County, the City and other service providers consistently. If utilities would be impacted by the vacation of right-of-way, these utility providers are contacted and asked for their comments. In this instance their input shows that the right-of-way is necessary as they would need access to at least 10-feet, not encumbered by fence or structure, on one property. Ms. Bowers further explained that there are six criteria found in the Code that must be met in order for the vacation of a right-of-way to take place. She covered each criterion individually.

The first criterion that must be addressed are the Comprehensive Plan, Grand Valley Circulation Plan, and adopted plans and policies of the City. Ms. Bowers explained that the Comprehensive Plan was previously discussed and had not been met, and the Grand Valley Circulation Plan does not identify the subject alley right-of-way. The City's adopted policies do not lend themselves to the vacation of the alley as this would be inconsistent with the working relationships with the utility companies.

Second criterion provides that no parcel shall be landlocked as part of a vacation of a right-of-way. This criterion had been met as no property would be landlocked by this vacation.

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. The vacation of the alley would restrict access to both the property owners of 1220 and 1224 Bonito Avenue. Both property owners access their property through this right-of-way. It would restrict access to the backyard of 1220 Bonito Avenue and reduce the value, use and enjoyment of that property, adversely affecting their property and lower their property value, thus this criterion had not been met.

There shall be no adverse impact on the health, safety and or welfare of the general community and the quality of public facilities and services to any parcel of land shall not be reduced such as services for police, fire, or utility services. Utility services for Xcel Energy may be impacted if they need access to the overhead lines on the north side of the property. If the right of way is vacated the utility provider would have to use access at N 12<sup>th</sup> or N 13<sup>th</sup> Street's, which would cross over the Hospice and Palliative Care property and go through their established landscape area. Hospice had contacted the City and would rather not see Xcel Energy using these streets for access. So, this criterion had not been met.

The provision of public facilities and services shall not be inhibited to any property as required in Chapter 21.06 of the Grand Junction Municipal Code. Xcel Energy had stated that a 10-foot easement located solely on one parcel, unencumbered by any future fencing or structures that would not inhibit the public facilities of Xcel Energy would be adequate. However, it is not feasible that a 10-foot/ 2-foot split would work for the two homeowners. Therefore the impact of this alley vacation will affect the utilities and services. This criterion had not been met.

Ms. Bowers covered the final criterion; it shall provide benefits to the City, such as reduced maintenance requirements, improved traffic circulation, etc. There is no benefit to the City by vacating the right-of-way. It is unimproved and had been sufficiently maintained by the property owners. Traffic circulation would be reduced to both parties. This criterion had not been met.

In summation, Ms. Bowers entered her staff report and supporting documents into the record and called attention to the letter addressed to the Planning Commission and City Council. It was signed by the neighbors in the area of the requested vacation. After reviewing the Bonito Avenue Alley vacation request, staff made the following findings of fact and conclusions: 1) that it is not consistent with Comprehensive Plan, and 2) the review criteria of the Municipal Code had not been met. Staff recommended that the Planning Commission forward a recommendation of denial to the City Council.

### **Questions for Staff**

Commissioner Loren Couch asked Jamie Beard, Assistant City Attorney, about the state regulation on page 72 of the Agenda. The request appeared to be in violation of the state statute. He asked if it would supersede the Comprehensive Plan and if it's not split down the middle, as the state calls for, does that supersede the City ordinance of request for vacation. Ms. Beard stated that if the City choose to vacate, it could, but since the City doesn't have anything set up stating how the right-of-way would go back to the property owners, then the City relies on the state law and the state law states that it would be split down the middle the way the original dedication occurred.

### **Applicant's Presentation**

Mr. Michael Day, 1224 Bonito Avenue, thanked the Planning Commissioners for volunteering and stated that he had done some volunteering and knew that it takes a lot to do this kind of work. Mr. Day stated that he would like to touch on what Commissioner Loren Couch just picked up on. It had been a long road to get here to this meeting and part of the frustration was all the mediation to try to come to some resolution of how to split the right-of- way was unnecessary and a real waste of time. After going over the statute, Mr. Day noted that any vacation of a right-of-way had to be split up the middle and if he later choose to deed a portion of that to help facilitate his neighbor's access to their property that would be between the homeowner and him and not for City Council to consider. He then stated that he would like to go through Lori's

staff report and wanted to start from the beginning because there were several things he wanted to bring into question.

Mr. Day noted that Lori Bowers, in her staff report stated that the owner of 1220 Bonito had parked the camper in her backyard since she purchased the property, back in 2003. She stated that air photos of this area supported her claim. Mr. Day stated, "That's not correct". He said that when he moved in and saw the camper, it was in the spring. Ms. Collier had planted a tree on his fence line. When he spoke to Ms. Collier he stated he would be taking down the old fence and she would need to move the tree she planted and he would need access back there and she would need to move the trailer. Allen Evans and Bill Beard were there to speak to some of these circumstances. Mr. Day also noted that he had purchased rock to help clean up the right-of-way and make it look nice. After that was done Ms. Collier had a tree fall on her house and he went over to help her out. After making that effort, whenever he tried to share the use of the right-of-way, he was met with dirty looks and snide remarks. When he was in the military he fought for everyone's rights and freedoms and would not allow himself to be abused or bullied, so he stood up for himself when things got out of hand. The last line (in Ms. Bowers' report) stated the reason he bought this property was to access his backyard through the alley. Mr. Day stated that he never once made that statement, nor was it a reason he purchased the house.

The staff report suggests that there is abundant parking in front of the homes on Bonito Avenue. The photo that Lori Bowers showed is not accurate. The house to the east of Mr. Day's property is college students and they had come to an understanding about parking in front of the property so Mr. Day's guests had a place to park. It was just an agreement between neighbors because it is a public street. Ms. Collier had even parked in front of Mr. Day's house and had a driveway, a garage and two spots in front of her house. A house across the street had four vehicles and parking is limited at best because Bonito Avenue is a narrow street. Mr. Day commented that he would explain how this split would be useful to Ms. Collier later in his presentation regarding the parking situation. He emphasized that parking was not abundant in this area.

Ms. Bower's report also noted that Ms. Collier reported that the neighborhood was peaceful; Mr. Day stated "That's not true". His realtor stated that the property had some issues. With all the contractors, people coming and going, cars parked all over the place, Mr. Day took the approach to be the nice guy and put down rock to better the neighborhood and share the use of it but he got dirty looks, snide remarks and abusive comments.

Mr. Day then stated that Lori Bowers stated that public notice cards were sent to all the properties within 500 feet and none of the neighbors were concerned Mr. Day stated that that was an important point, that no one was concerned. He was unaware of the petition until three days ago and because he worked nights and had been very busy it was hard for him to get through the (staff) report. A neighbor down the street, in excess of 500 feet, came and took the time to come and talk to me, and now he regrets signing the petition. The notice went out beyond 500 feet, which isn't a bad thing, the more input the better. Mr. Day stated that at the end of their conversation the other homeowner stated he learned more in the 15 minute conversation they had than he learned from everybody else and he wished me the best of luck.

Mr. Day then noted that the staff report states that the right-of-way is used for access to overhead utility lines. If you look to the east of the property, near a tree, you would see a utility pole. When placing the fence on the east side, the neighbor to Mr. Day's east had an existing fence, so he just ran his up against that. A surveyor came back and determined that the property owner to the east had encroached on Mr. Day's property by 18 inches and right now the telephone pole resides within that 18 inches outside Mr. Day's fence on the east side.

Mr. Day stated that the landscaping installed by Hospice encroaches on all of the properties on the north side and comes some 30-feet into his property. Hospice had sprinkler systems that encroached on his property and they (Hospice) put curb and gutter in without a driveway access behind the homes. Mr. Day believes that they should have provided for an alley behind the homes. The drainage pipe which is located on the Hospice property is an incorrect statement; it is located on all the properties of the Eagleton Subdivision. It's in the dirt, outside the 10-foot easement and the title to his (Mr. Day's) property states that any alterations to utilities must be done within the easement. Mr. Day had not gone to look but chances are there is a manhole for servicing this pipe. Mr. Day thought a vac truck and a guy would go down there and clean it out. The drainage pipe is located on his property and Ms. Collier's property and access via that drainage pipe is nonexistent. As Ms. Bowers indicated there used to be a bridge there that went to a ranch.

Mr. Day noted that the staff report stating that a 10-foot easement shall be placed solely on one property is a misleading statement. The 10-foot easement runs east and west through the middle of everyone's backyard. The Eagleton Subdivision doesn't run north and south, it runs east and west through it, it isn't contained on one property, it's on everyone's property.

Mr. Day noted that the adequate split was so frustrating to read through the statute and the Comprehensive Plan and then ask ourselves why we had been bickering over how to come up with a division when if we vacate the right-of-way it goes right down the middle and then the two of us would decide any changes from that. Mr. Day provided a drawing showing the alley and the driveway. He said that on Ms. Collier's side, there is 5 feet 9 inches of that property that abuts the right-of-way and 3 feet 8 inches that abuts the right-of-way on his property. Should this get approved, a fence could be placed up the middle of the properties, which would provide a 12 foot wide space up to her garage. He stated that the space after her garage is not important, because access to the garage was the issue.

Mr. Day continued, stating that the staff report stating Ms. Collier had been parking her trailer back there since she moved here is incorrect. As the satellite photo shows, she hadn't been parking behind the garage, she had been parking in the alley. Ms. Collier could easily access her garage if adjustments were made to her garage and she could probably easily access behind the garage if these adjustments were made.

The law says that the City can only split the right-of-way down the middle and can't make a decision otherwise. Mr. Day said he felt like he had covered that and he and Ms. Collier could decide how to split the right-of-way after that.

Commissioner Wall asked, specific to this meeting, had there been a discussion on this map? Mr. Day explained that Eric Hahn suggested at their last meeting about giving Ms. Collier 7-feet, and his property taking the 3-feet, but at that time he didn't realize how much space she already had. These 7-feet would go all the way to the corner of her house and any other subsequent square footage would be lost to him. They ran it all the way behind her garage so the trailer could be placed back there. Ms. Collier used the public right-of-way to park her trailer before that and according to a letter from Ms. Bowers that is unacceptable and not what the right-of-way is meant for.

Commissioner Wall asked about the drawing and questioned if Mr. Day's fence would angle to make up for lost space. Mr. Day stated that it would just be straight 6-foot 3-inches all the way down because fences make good neighbors.

Commissioner Eslami stated "You don't have an agreement on the separation of the property". Mr. Day stated that was true, that Ms. Collier would not speak to him and she had put up no trespassing signs making it impossible to come to a decision.

Mr. Day then referred page 6 of the report referring to the provision that "adequate access shall not be inhibited to any property". Staff said this criterion had not been met; Mr. Day stated that it was an incorrect statement, that there was sufficient access to maintain the utilities.

Mr. Day disagreed with the criteria of Section F, that no benefit would be gained by the vacation of the alley. He felt a great benefit would be obtained by allowing for additional parking for each owner if the vacation were granted.

Mr. Day then discussed the Findings and Conclusions in the staff report. He felt that the Comprehensive Plan had been met and that he had demonstrated that already. The section stating that the review criteria in Section 21.02.100 had not been met, he disagreed with. He stated that it had been met. He said that the City had never been out to maintain the right-of-way in two years, and he didn't feel that he should have to provide maintenance or his neighbor should not have to maintain it either. If they had to maintain it they should own it. Increasing the lot size would increase property tax which would benefit the City with property taxes.

### **Questions for the Applicant**

Commissioner Wall said it sounded like there had been a lot of meetings on trying to agree on what the split should be or how the split should be. Mr. Day stated most meetings were conducted by Greg Trainor and were done independently. Mr. Day stated that this was a source of anxiety and stress and these men (in the audience) had witnessed these ladies harass him and he had retaliated.

Commissioner Eslami wanted to make clear that they were there to decide if it is legal to vacate the right-of-way and not discuss the issues of harassment.

Commissioner Tolle thanked Mr. Day for his federal service. Some of the things he said directly contradict the staff report. Commissioner Tolle state that the entire



neighborhood gets service from the power line running on that pole. Mr. Day stated the pole outside his fence and the one to the west resides on the west side of Ms. Collier's backyard. They can get to it easily. Commissioner Tolle stated that it's in the best service of the neighborhood to have access to the right of way.

Chairman Reece asked if there were any other questions. Hearing none, the hearing was open to the public. Chairman Reece asked for those in favor of the request to step forward to speak and then asked for those opposed to speak next.

### **Public Comment**

No one from the public spoke in favor of the request.

Annette Collier, property owner of 1220 Bonito Avenue addressed the camper issue stating that there had been one parked back there for longer than she'd lived on the property. Regarding the parking of the camper, she stated that sometimes it was partially on the right-of-way and sometimes not. When Hospice filled in the drainage ditch, she didn't have a fence back there and had always parked the trailer back there and that's why she bought the house. She said that you are not allowed to park it on the street so that's why she put it in the backyard. Mr. Day would park his work trucks in the middle of the right-of-way for days at a time and she couldn't access her yard because he was parked in the middle of the right-of-way. Code Enforcement made it No Parking and she moved everything of hers over. She stated that she moved her vehicles out of the right-of-way. Mr. Day had stated that there is no parking on the street, and it can be an issue, but most people had changed to parking in front of their own property. The property at 1214 Bonito Avenue had two parking spaces in front of their own home.

Commissioner Eslami asked if she was for or against the request to vacate and Ms. Collier stated that she was against it because she needs access to her garage and her backyard. She was fine with the no parking but still needed access.

Chairman Reece asked if Mr. Day's proposal would give enough space. Ms. Collier stated that it was very difficult now because it's tight and the road is tight. As it is, she had actually hit her own fence and the gas meter is on that side of the alley and it's not 12 feet, making it dangerous if it got any tighter when you wouldn't even be able to get in your car. She thought that they should be able to function the way it always had. If she parked in front of his house he shouldn't come over and scream at her because she is on a public street.

Commissioner Wall asked what happens from here, and the right-of-way stays in place, how two neighbors will maintain? Ms. Collier stated they stay on their own property. The cement slab is a flat surface and had been there since she lived there. The right-of-way still services the persons of the community.

Joni Becker, 1220 Bonito Avenue, state that she had lived at the property for four years and wanted to express her opposition to the vacation of the right-of-way. They did not circulate a petition; they communicated with their neighbors and asked them to sign a letter in support of denial of the application, which the neighbors did. She wanted to

thank Lori Bowers, Shelley Dackonish and Eric Hahn in particular. This had been a two year process, where they had to protect their property and she had to protect her partner. Lori Bowers and her team had been very helpful during this process. She gave reference to fourteen calls to 911 that had been made.

She stated that two calls were out of concern for safety. On September 21, 2012 they had neighbors parked in front of their house. All of the neighbors use the street for parking. On that particular day they had people in front of their home and Annette Collier parked her vehicle in front of Mr. Day's property. He came over screaming and throwing his arms over the fence, and at that point they went inside and called 911. It is that reason why they can't agree on the right-of-way. She wanted the issue of safety considered because they were put in a position to defend their property and themselves.

She went on to state that on a Sunday in November, Michael Day's friend was parked at the front of the right-of-way and to the center and she stated that he needed to move and he kindly and respectfully moved his car. The conversation deteriorated from there. After that she contacted Lori Bowers to ask about a right-of-way vacation and thought that would be a wise solution. She met with Mr. Day and City staff in November to discuss the possibility. On December 6, 2012 they received a letter from Lori Bowers thanking us for taking the time to meet them but they found out through an email that the City could not support the request to vacate the right-of-way. Ms. Beckner read the email which stated that the right-of-way was the City's major access way for the utility easement and the restrictions for the use of the alley, which included no vehicle parking in the alley or storing items in the alley right-of-way.

Ms. Beckner continued trying to figure out day to day how to handle the situation and on June 29, 2012 a Subaru parked on their property, in front of the garage, and a police officer came and placed a ticket on the windshield. They had to have the officer come back out and asked why he ticketed the vehicle and where he had gotten his information. Ms. Beckner state that the officer stated that it was obvious that Mr. Day was being vindictive. She said that those were several of the situations where they felt it was necessary to call the police.

On April 2, 2013 a letter came from Greg Trainor, Director of Public Works, Utilities and Planning Department stating that the City couldn't vacate the right-of-way. Ms. Beckner read the letter aloud to the Planning Commission. In summation the letter was to inform them that City staff had determined that the right-of-way could not be vacated and that City staff had explored all possibilities for vacation of the right-of-way but did not see any viable alternative for doing so.

Mr. Trainor visited the owners of 1220 Bonito Avenue at the site. He toured the site with them and heard that they did not construct the garage that it had been there since about 1957. The owners offered to cut off the portion of the concrete driveway that encroached into the right-of-way. She noted that they told Mr. Trainor that they were really surprised that the whole situation had come this far. Ms. Beckner further stated that she had never been in a situation that needed to go this far. She stated that they appreciated all the work to try to come to an agreement, but with all the meetings of mediation, it was no longer a safe, reasonable, or professional conversation.

Ms. Beckner further explained that Xcel Energy had been able to access the right-of-way when a dead tree came down. To her knowledge, Xcel had at least twice used the alley for repairs in the past two and one half years.

Annette Collier stated the 10-foot easement that Xcel Energy was talking about would run north and south, along with the existing easement that runs east and west. It would be for access to the east west easement.

There was no further public comment.

In rebuttal, Michael Day noted two things. The initial letter from the City in December stating that the City wouldn't vacate the alley was because Ms. Collier came down and tried to get the City to vacate the entire 12-feet to her. He stated that he wouldn't have known this if it weren't for someone calling him and telling him that.

He also noted that Xcel Energy's use of the right-of-way when the tree fell down was because he had taken his old fence down at that time and they could get back there, you could not get a large truck down a 10-foot easement.

Commissioner Eslami asked why Mr. Day wanted to vacate the right-of-way. Mr. Day stated that fences make good neighbors and if we had a fence, they would both be able to use the property, the neighbors on their side and him on his side of the property.

At the conclusion of Mr. Day's comments, Chairman Reece called for a short recess at 7:33 pm.

### **Planning Commission Discussion**

The Planning Commission meeting resumed at 7:38 pm. Chairman Reece asked the Commission for their questions, comments and discussion.

Commissioner Wade asked Ms. Bowers about the right-of-way. He questioned if the easement that Excel Energy wanted, was it not the same easement as the easement that ran across the back of the property. Ms. Bowers stated that that was correct.

Commissioner Wall asked if Xcel had an easement on the right-of-way now. Ms. Bowers stated they don't need it because it is a right-of-way.

Commissioner Eslami questioned if they vacate the right-of-way, which side was the 10-foot easement going to be on? Ms. Bowers stated that in the last email received from Excel Energy, they requested it would be on one property or the other. Commissioner Eslami stated than one property wouldn't be getting the full benefit of the vacation and the other one will suffer because they cannot build on it.

Commissioner Wall noted that the City utilizes the right-of-way for the drainage pipe. Ms. Bowers stated the equipment used to clean the drain is very large but the City would like the ability to get in the alley with smaller equipment or pick-up trucks for the

operators that would give them access to the middle of the area by not going through the Hospice property.

Commissioner Buschhorn stated there is no easement across the Hospice property; it's that right-of-way or nothing. Ms. Bowers stated she did not see another right-of-way on the Hospice property plat.

Commissioner Couch stated that his observation was that someone was not playing well with others and it was out of their scope of involvement and he would like to defer to the current use for utilities and others.

Commissioner Eslami believed this would not benefit both properties and secondly it was a good place for drainage, utilities and fire and not in favor of vacating the property.

Commissioner Wall stated he had been out to the site alot and it was tight. The first time he didn't see the right-of-way when coming in and had to turn back around and park. He was baffled why either party wanted to vacate the right-of-way, because as a homeowner it made sense to have it. He was not sure what caused the stress between the two neighbors. He was sure that someone irritated someone else. This is kind of like a marriage and the two households had to get along. He stated he had been sold on the idea of vacating until he understood that Xcel was using the right-of-way and wished there could be a division that would make sense for both property owners. Personally he did not see both parties coming to agreement on division of the property. Since the utility company had been out there twice it was obvious that this was an access for them. His position now is that it should remain a right-of-way.

Commissioner Buschhorn stated he doesn't think the criteria had been met. The right-of-way is there for a reason and it's meant for access to the back of the property and there was no reason to access through Hospice when there is right-of-way there already. Hospice shouldn't have to use their property for access when this access exists. He believed the right-of-way should exist for the purpose of the utilities and vacating it defeats that purpose. Obviously there was a lot of conflict but it does not seem fixable and the property owners should not treat the right-of-way as a conflict but as a benefit, and he would not recommend to City Council to vacate the right-of-way.

Commissioner Wade stated that maybe there had been parking problems because the Planning Commission had been out there parking every day. One of the Commissioners noted how easy it was to miss the alley because you can walk right by it and not even notice the right-of-way. Like Commissioner Buschhorn said, it didn't meet the criteria.

Chairman Reece agreed with her fellow Commissioners. She noted that when you look at the facts it doesn't qualify for a vacation. She did see the right-of-way as a huge benefit and hoped that some resolution could be found but she didn't feel it was in the Planning Commissions duties or within the Code to approve or recommend the vacation of this right-of-way.

Commissioner Wall stated he appreciated Mr. Day researching and giving a fantastic presentation because he didn't see that very often.

Commissioner Tolle stated he personally would encourage both parties to try to work out their differences because there was little to be gained and a lot to be lost, not just between the two of them, but for the entire neighborhood. As for the safety, he wanted them to take care of the whole neighborhood and do it because they were good citizens of Grand Junction.

Chairman Reece asked the Commission if there were any other questions or comments. As there was no further comment, she asked for a motion.

**MOTION: (Commissioner Ebe Eslami) “Madam Chairman, on item VAC-2013-415, I move we forward a recommendation of approval to the City Council on the request to vacate the Bonito Avenue Alley Right-of-Way, located between 1220 and 1224 Bonito Avenue, with the findings of fact and conclusions in the staff report.”**

Commissioner Wall seconded the motion. A vote was called and the motion failed by a vote of 0- 7.

### **General Discussion/Other Business**

Lisa Cox reminded the applicant and members of the audience that the Planning Commission was making a recommendation on this item and that City Council was responsible for the final decision. The City Council meeting to make the final decision is open to the public and would be held on November 20<sup>th</sup>, in the City Hall Auditorium at 7:00 pm.

### **Nonscheduled Citizens and/or Visitors**

None.

### **Adjournment**

With no objection and no further business, the Planning Commission meeting was adjourned at 7:54 p.m.

**CITY OF GRAND JUNCTION**

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

**AN ORDINANCE VACATING RIGHT-OF-WAY FOR**

**BONITO AVENUE ALLEY**

**LOCATED BETWEEN 1220 AND 1224 BONITO AVENUE**

**RECITALS:**

A vacation of the dedicated right-of-way for the Bonito Avenue Alley has been requested by the property owner at 1224 Bonito Avenue which is adjacent to the right-of-way.

The City Council finds that the request is consistent with the Comprehensive Plan, the Grand Valley Circulation Plan and Section 21.02.100 of the Grand Junction Municipal Code.

The Planning Commission, having heard and considered the request, found the criteria of the Code to have not been met, and recommends that the vacation request be denied.

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

The following described dedicated right-of-way for Bonito Avenue Alley is hereby vacated subject to the listed conditions:

1. Applicants shall pay all recording/documentary fees for the Vacation Ordinance, any easement documents and dedication documents.
2. A ten foot multi-purpose easement shall be dedicated to the City, a minimum of 10-feet in width, running the entire length of the property, which shall be contained solely on one parcel. There shall be no placement of fences or other structures within the easement area.

The following right-of-way is shown on "Exhibit A" as part of this vacation of description.

Dedicated right-of-way to be vacated:

A certain parcel of land lying in the Southwest Quarter of the Southwest Quarter (SW 1/4 SW 1/4) of Section 1, Township 1 South, Range 1 West of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

ALL of that certain 12.0 foot wide alley lying between Lots 3 and 4, Block 2 of Eagleton Subdivision, as same is recorded in Plat Book 8, Page 4, Public Records of Mesa County, Colorado

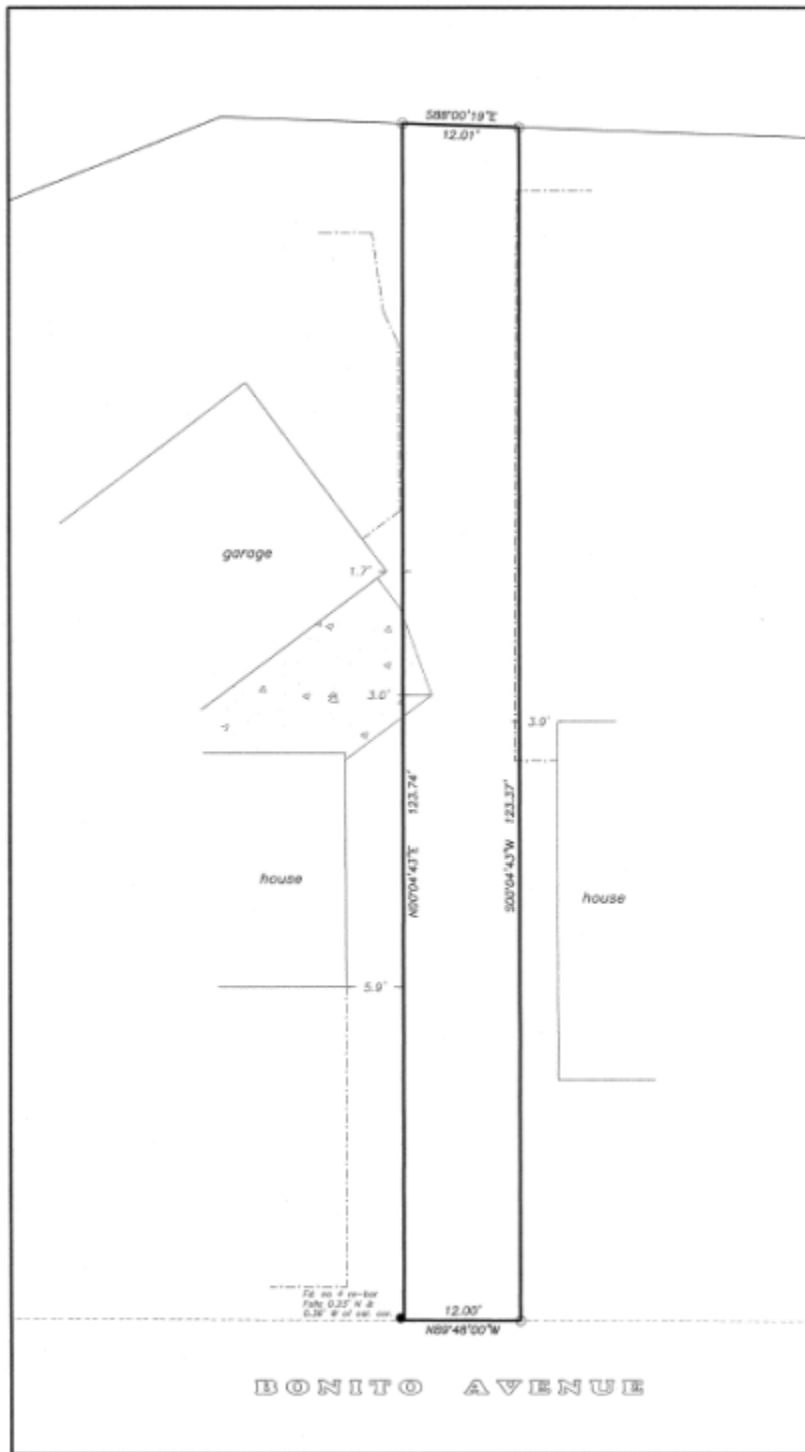
Introduced for first reading on this 6th day of November, 2013 and ordered published in pamphlet form.

PASSED and ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2013 and ordered published in pamphlet form.

ATTEST:

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

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



Detail  
 1"=10'





Date: 11/08/13  
 Author: H Weiss  
 Title/ Phone Ext: DDA ED/4134  
 Proposed Schedule: 11/20/13  
 2nd Reading  
 (if applicable): \_\_\_\_\_  
 File # (if applicable): \_\_\_\_\_

Attach 7

**CITY COUNCIL AGENDA ITEM**

<b>Subject:</b> Addition of City Property to the Downtown Development Authority (DDA) District
<b>Action Requested/Recommendation:</b> Hold a Public Hearing to Consider Final Passage and Final Publication in Pamphlet Form of the Proposed Ordinance
<b>Presenter(s) Name &amp; Title:</b> John Shaver, City Attorney Harry Weiss, DDA Executive Director

**Executive Summary:**

The City and DDA Staff are recommending the addition of a number of City-owned parcels into the DDA district.

**Background, Analysis and Options:**

In the course of the City Legal Department’s preparation to replat the multiple parcels upon which the Public Safety Complex sits into a single parcel, the County Assessor noted that two of the eight existing parcels are included in the DDA district. Similarly, the City-owned gravel parking lot on the east side of 7<sup>th</sup> Street across from the Public Safety campus is made up of two lots, only one of which is in the DDA district. The Assessor will not allow for only a portion of a parcel to be included in a taxing district. To remedy the situation, the new single parcels should be either included or excluded from the district. Staff recommends inclusion.

City Attorney Shaver requested that the DDA Director review the matter and make recommendations for other boundary adjustments concurrent with the clean-up of the Public Safety site. The DDA identified a number of odd parcels in the vicinity of Las Colonias Park and the Botanical Gardens for inclusion in the district.

**How this item relates to the Comprehensive Plan Goals and Policies:**

Goal 4: Support the continued development of the downtown area of the City Center into a vibrant and growing area with jobs, housing and tourist attractions.

Goal 10: Develop a system of regional, neighborhood and community parks protecting open space corridors for recreation, transportation and environmental purposes. Expansion of the DDA district will enable the Authority to consider opportunities for investments in support of both Goal 4 and Goal 10, while strengthening the connectivity

between the core commercial area of downtown with the South Downtown area and Las Colonias Park.

**Board or Committee Recommendation:**

The DDA reviewed and endorsed the inclusion of the identified City-owned parcels at its October 10, 2013, meeting.

**Financial Impact/Budget:**

None. These City-owned properties are tax-exempt and generate no tax revenues; nor will they have any effect on the DDA's TIF. These parcels are outside of the Downtown Grand Junction Business Improvement District and therefore have no effect on the City's PILT in support of the BID.

**Legal issues:**

Inclusion of property in the DDA district is by voluntary petition of the property owner.

**Other issues:**

None.

**Previously presented or discussed:**

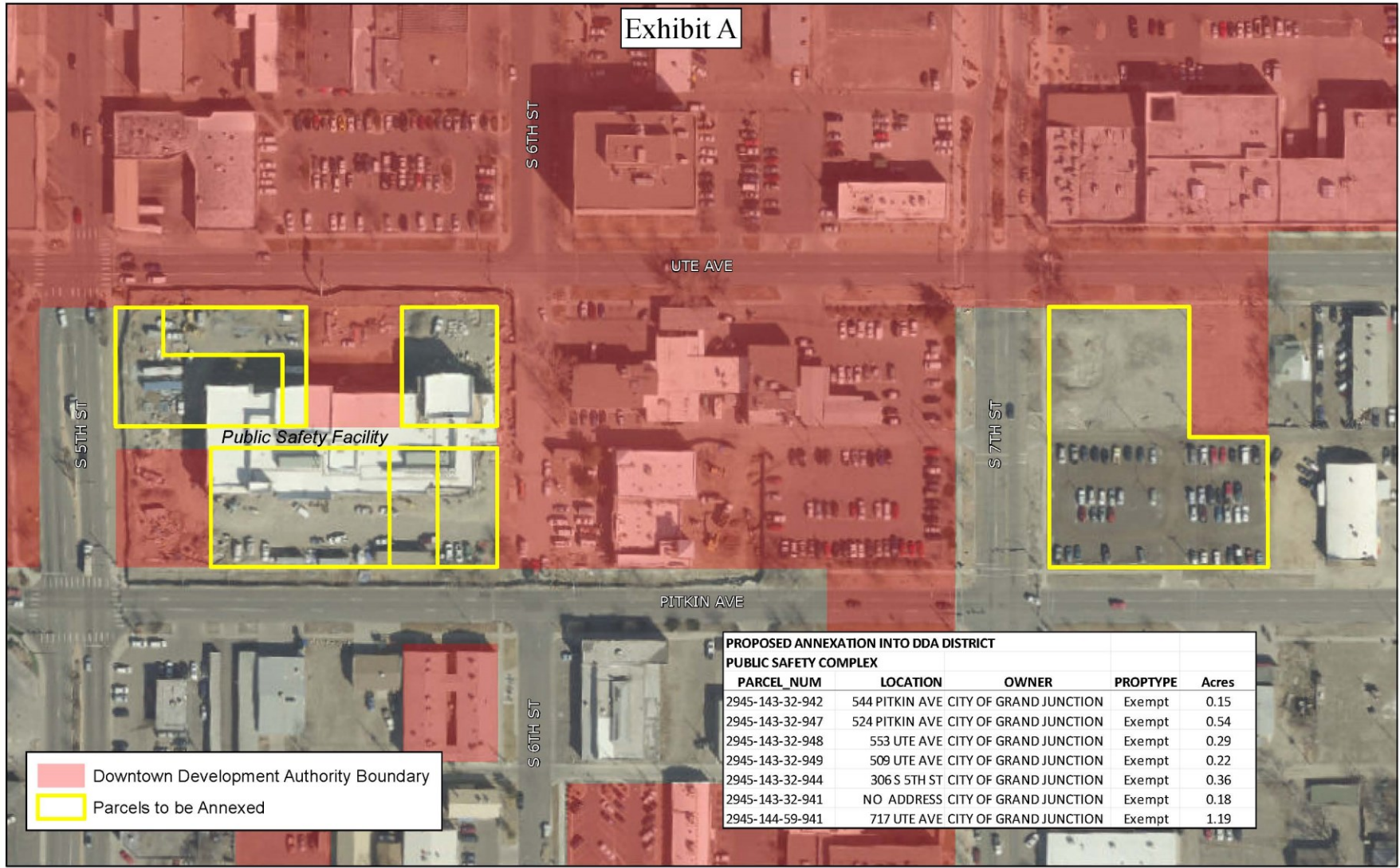
This item was presented to City Council at two previous work sessions on October 14, 2013, and October 28, 2013, and unanimous direction given to staff to proceed with the preparation of an ordinance.

**Attachments:**

Exhibits A & B (GIS maps depicting the parcels)  
Proposed Ordinance

# Potential Properties for Annexation into DDA District

Exhibit A

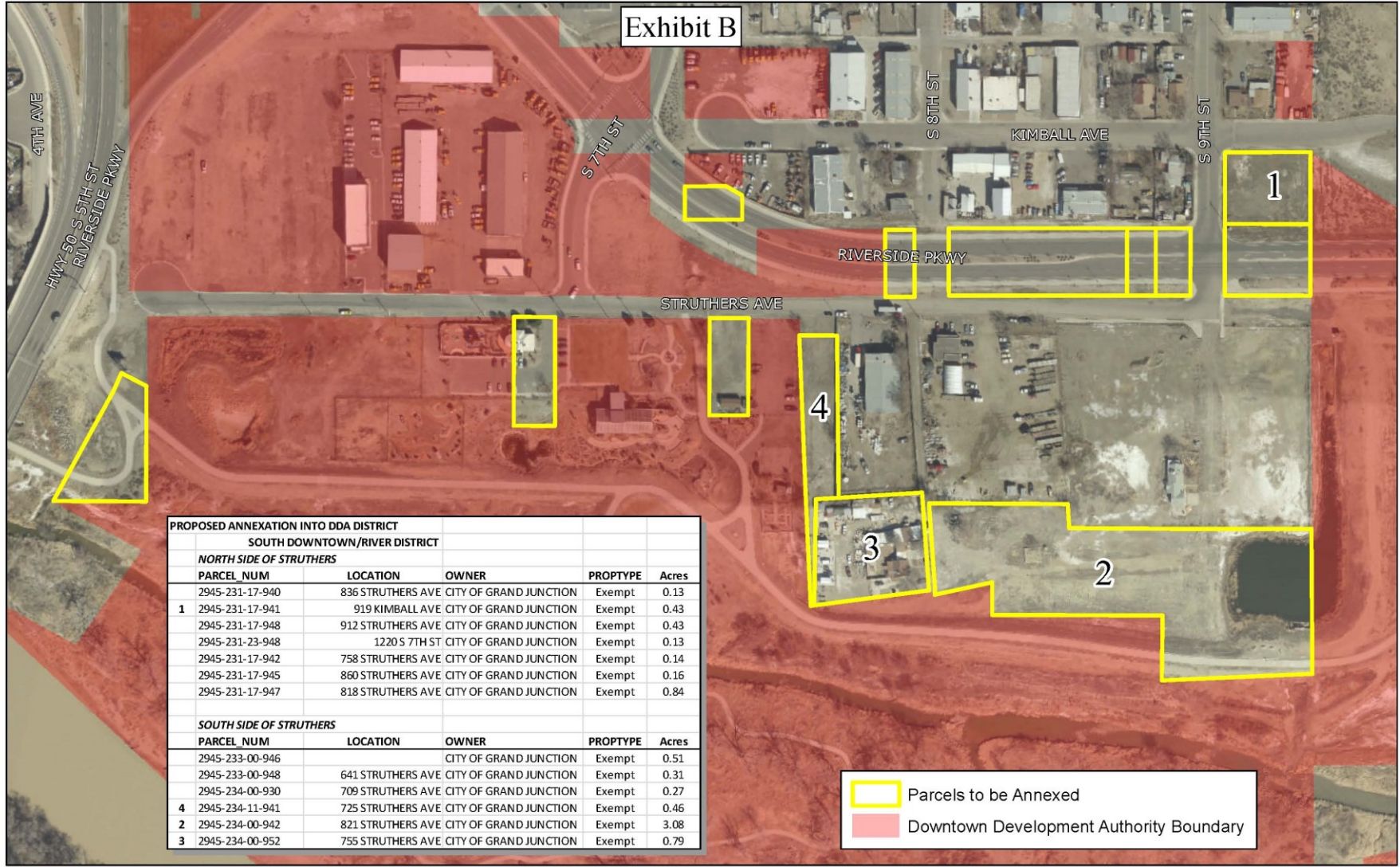


Downtown Development Authority Boundary  
 Parcels to be Annexed

PROPOSED ANNEXATION INTO DDA DISTRICT				
PUBLIC SAFETY COMPLEX				
PARCEL_NUM	LOCATION	OWNER	PROPTYPE	Acres
2945-143-32-942	544 PITKIN AVE	CITY OF GRAND JUNCTION	Exempt	0.15
2945-143-32-947	524 PITKIN AVE	CITY OF GRAND JUNCTION	Exempt	0.54
2945-143-32-948	553 UTE AVE	CITY OF GRAND JUNCTION	Exempt	0.29
2945-143-32-949	509 UTE AVE	CITY OF GRAND JUNCTION	Exempt	0.22
2945-143-32-944	306 S 5TH ST	CITY OF GRAND JUNCTION	Exempt	0.36
2945-143-32-941	NO ADDRESS	CITY OF GRAND JUNCTION	Exempt	0.18
2945-144-59-941	717 UTE AVE	CITY OF GRAND JUNCTION	Exempt	1.19

# Potential Properties for Annexation into DDA District

Exhibit B



PROPOSED ANNEXATION INTO DDA DISTRICT					
SOUTH DOWNTOWN/RIVER DISTRICT					
NORTH SIDE OF STRUTHERS					
PARCEL_NUM	LOCATION	OWNER	PROTOTYPE	Acres	
	836 STRUTHERS AVE	CITY OF GRAND JUNCTION	Exempt	0.13	
1	2945-231-17-941	919 KIMBALL AVE	CITY OF GRAND JUNCTION	Exempt	0.43
	2945-231-17-948	912 STRUTHERS AVE	CITY OF GRAND JUNCTION	Exempt	0.43
	2945-231-23-948	1220 S 7TH ST	CITY OF GRAND JUNCTION	Exempt	0.13
	2945-231-17-942	758 STRUTHERS AVE	CITY OF GRAND JUNCTION	Exempt	0.14
	2945-231-17-945	860 STRUTHERS AVE	CITY OF GRAND JUNCTION	Exempt	0.16
	2945-231-17-947	818 STRUTHERS AVE	CITY OF GRAND JUNCTION	Exempt	0.84
SOUTH SIDE OF STRUTHERS					
PARCEL_NUM	LOCATION	OWNER	PROTOTYPE	Acres	
	2945-233-00-946	CITY OF GRAND JUNCTION	Exempt	0.51	
	2945-233-00-948	641 STRUTHERS AVE	CITY OF GRAND JUNCTION	Exempt	0.31
	2945-234-00-930	709 STRUTHERS AVE	CITY OF GRAND JUNCTION	Exempt	0.27
4	2945-234-11-941	725 STRUTHERS AVE	CITY OF GRAND JUNCTION	Exempt	0.46
2	2945-234-00-942	821 STRUTHERS AVE	CITY OF GRAND JUNCTION	Exempt	3.08
3	2945-234-00-952	755 STRUTHERS AVE	CITY OF GRAND JUNCTION	Exempt	0.79

Parcels to be Annexed  
 Downtown Development Authority Boundary

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

**AN ORDINANCE EXPANDING THE BOUNDARIES OF THE GRAND JUNCTION,  
COLORADO DOWNTOWN DEVELOPMENT AUTHORITY**

The Grand Junction, Colorado, Downtown Development Authority (“the Authority” or “DDA”) has adopted a Plan of Development (“Plan”) for the boundaries of the Authority. The Plan and boundaries were initially approved by the Grand Junction, Colorado, City Council (“the Council”) on December 16, 1981.

Pursuant to Section 31-25-822, C.R.S. and Article X of the Authority's Plan, the City has petitioned for inclusion of certain of its properties within the Authority's boundaries. Some of the properties are split by the current Authority boundary and some have never been included with the DDA. In large measure the inclusion affected by this ordinance will serve to “clean up” the boundary and make mapping of the Authority boundary clearer.

The Board of the Authority reviewed the proposed inclusions and has determined that the boundary of the DDA should be expanded. With the expansion the Tax Increment Financing (“TIF”) district will be coterminous with the Authority boundary.

The Board of the Authority requests the Council's approval to expand the Authority's boundaries to include all properties included by reference in this ordinance and to expand the Authority to receive a portion or increment of ad valorem and sales taxes collected with the Plan area in accordance with State law, the Plan and other applicable law, rules or regulations.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO, that

1. The Council finds the existence of blight within the boundary of the Authority, within the meaning of Section 31-25-802(1.5), C.R.S.
2. The Council hereby finds and determines that the approval of the expansion of boundaries for the Authority and the Plan, as shown on the attached Exhibit A, will serve a public use; will promote the health, safety, prosperity, security and general welfare of the inhabitants of the City and of its central business district; will halt or prevent the deterioration of property values or structures; will halt or prevent the growth of blighted areas; will assist the City and the Authority in the development and redevelopment of the district and in the overall planning to restore or provide for the continuance of the economic health; and will be of specific benefit to the property to be included within the amended boundaries of the Authority and the TIF district.
3. The expansion of the Authority's boundaries, as shown on the attached Exhibit A, is hereby approved by the Council and incorporated into the Plan for TIF purposes.

The Authority is hereby authorized to undertake development projects as described in the Plan and to act consistently with the Plan including, but not necessarily limited to, receiving and expending for development and redevelopment efforts a portion or increment of ad valorem and sales taxes generated in the area in accordance with Section 31-25-801, C.R.S.

4. The Council hereby requests that the County Assessor certify the valuation for the assessment of the new property included by this Ordinance within the Authority's boundaries and the TIF district as of the date of the last certification. The City Financial Operations Manager is hereby directed to certify the sales tax receipts for the properties included in and described by the attached Exhibit A for the twelve (12) months prior to the inclusion.

5. Adoption of this Ordinance and amendment to, or expansion of the boundary of the Authority and the TIF District, does not, shall not and will not provide for or allow or authorize receipt or expenditure of tax increments without requisite statutory and Plan compliance.

6. If any provision of this Ordinance is judicially adjudged invalid or unenforceable, such judgment shall not affect the remaining provisions hereof, it being the intention of the City Council that the provisions hereof are severable.

**INTRODUCED** on first reading the 6<sup>th</sup> day of November, 2013 and ordered published in pamphlet form.

**PASSED and ADOPTED** on second reading the \_\_\_\_ day of \_\_\_\_\_, 2013 and ordered published in pamphlet form.

\_\_\_\_\_  
President of the Council

ATTEST:

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

## EXHIBIT A

Expanding the boundaries of the Grand Junction Downtown Development Authority  
The boundaries of the Authority shall be expanded to include the following properties into the Plan of Development area within which tax increment financing is used:

Parcel Number	Address	Owner
2945-143-32-942	544 PITKIN AVE	CITY OF GRAND JUNCTION
2945-143-32-949	509 UTE AVE	CITY OF GRAND JUNCTION
2945-143-32-943	336 S 5TH ST	CITY OF GRAND JUNCTION
2945-143-32-946		CITY OF GRAND JUNCTION
2945-143-32-947	524 PITKIN AVE	CITY OF GRAND JUNCTION
2945-143-32-944	306 S 5TH ST	CITY OF GRAND JUNCTION
2945-143-32-948	553 UTE AVE	CITY OF GRAND JUNCTION
2945-143-32-941		CITY OF GRAND JUNCTION
2945-144-59-941	717 UTE AVE	CITY OF GRAND JUNCTION
2945-144-59-942	727 UTE AVE	CITY OF GRAND JUNCTION
2945-231-17-940	836 STRUTHERS AVE	CITY OF GRAND JUNCTION
2945-231-17-941	919 KIMBALL AVE	CITY OF GRAND JUNCTION
2945-231-17-948	912 STRUTHERS AVE	CITY OF GRAND JUNCTION
2945-231-23-948	1220 S 7TH ST	CITY OF GRAND JUNCTION
2945-231-17-942	758 STRUTHERS AVE	CITY OF GRAND JUNCTION
2945-231-17-945	860 STRUTHERS AVE	CITY OF GRAND JUNCTION
2945-231-17-947	818 STRUTHERS AVE	CITY OF GRAND JUNCTION
2945-233-00-946		CITY OF GRAND JUNCTION
2945-233-00-948	641 STRUTHERS AVE	CITY OF GRAND JUNCTION
2945-234-00-930	709 STRUTHERS AVE	CITY OF GRAND JUNCTION
2945-234-11-941	725 STRUTHERS AVE	CITY OF GRAND JUNCTION
2945-234-00-942	821 STRUTHERS AVE	CITY OF GRAND JUNCTION
2945-234-00-952	755 STRUTHERS AVE	CITY OF GRAND JUNCTION



**Attach 8  
CITY COUNCIL AGENDA ITEM**

Date: October 23, 2013  
Author: Brian Rusche  
Title/ Phone Ext: Sr. Planner/4058  
Proposed Schedule:  
October 2: 1<sup>st</sup> reading of annexation  
November 6: 1<sup>st</sup> reading of zoning  
2nd Reading:  
Wednesday, November 20, 2013  
File #: ANX-2013-316

<b>Subject:</b> Annexation and Zoning of the Elementary Enclave Located at 2977 B Road
<b>Action Requested/Recommendation:</b> Hold a Public Hearing to Consider Final Passage and Final Publication in Pamphlet Form of the Proposed Annexation and Zoning Ordinances
<b>Presenters Name &amp; Title:</b> Brian Rusche, Senior Planner

**Executive Summary:** A request to annex 1.0 acres of enclaved property, located at 2977 B Road, and to zone the annexation, which consists of a one acre (1.0 ac) parcel, to an R-4 (Residential 4 du/ac) zone district.

**Background, Analysis and Options:**

The 1.0 acre Elementary Enclave Annexation consists of one (1) parcel, located at 2977 B Road. The annexation has been initiated by the City pursuant to the 1998 Persigo Agreement with Mesa County (“Agreement”). With the annexation of the property included in the Mesa View Elementary Annexation on October 17, 2008, the area is enclaved. The terms of the Agreement state that an “enclaved” area shall be annexed into the City. (“Enclaved” means that an unincorporated area is completely surrounded by the City.)

Land annexed to the City shall be zoned in accordance with Grand Junction Municipal Code (GJMC) Section 21.02.140 to a district that is consistent with the adopted Comprehensive Plan and the criteria set forth. The Comprehensive Plan Future Land Use designation of the property is Residential Medium (4-8 du/ac). The proposed zoning of R-4 (Residential 4 du/ac) will implement this land use designation.

The review criteria in Section 21.02.140 of the Grand Junction Municipal Code have all been met.

See attached Staff Report/Background Information for additional detail.

**How this item relates to the Comprehensive Plan Goals and Policies:**



**Goal 1:** To implement the Comprehensive Plan in a consistent manner between the City, Mesa County, and other service providers.

Annexation of this enclave will allow for efficient provision of municipal services. Zoning this enclave will create consistent land use jurisdiction and allow for efficient provision of municipal services. The proposed R-4 (Residential 4 du/ac) implements the Comprehensive Plan Future Land Use Map, which has designated the property as Residential Medium (4-8 du/ac). The proposed zone will provide consistency with the adjacent properties.

**Board or Committee Recommendation:** On October 8, 2013 the Planning Commission forwarded a recommendation of approval of the R-4 (Residential 4 du/ac) zone district.

**Financial Impact/Budget:** The provision of municipal services will be consistent with adjacent properties already in the City. Property tax levies and municipal sales/use taxes will be collected within the enclaved area upon annexation.

**Legal issues:** It is noted that upon annexation existing land use(s) which are otherwise lawful may continue to the extent they qualify as a legal nonconformity. Specifically, the property resident is keeping cattle and sheep upon the property, which may continue after annexation. Section 21.04.030(a) addresses the keeping of livestock within the City, permitting one (1) large animal for every one-half (1/2) acre of property.

**Other issues:** There is only property included in this annexation. The property owner has been contacted via letter about the annexation. The resident of the property, a relative of the owner, has been contacted by phone.

Answers to common questions about this annexation are addressed in the attached FAQ, which was sent to the property owner.

**Previously presented or discussed:** A Resolution of Intent to Annex (Resolution 63-13) was adopted on October 2, 2013. First reading of the Zoning Ordinance was on November 6, 2013.

**Attachments:**

1. Staff report/Background information
2. Annexation Summary
3. Frequently Asked Questions (FAQ)
4. Annexation Map
5. Aerial Photo
6. Comprehensive Plan - Future Land Use Map
7. Existing City and County Zoning Map
8. Annexation Ordinance
9. Zoning Ordinance



ELEMENTARY ENCLAVE ANNEXATION SUMMARY		
<b>File Number:</b>	ANX-2013-316	
<b>Location:</b>	2977 B Road	
<b>Tax ID Numbers:</b>	2943-321-00-166	
<b># of Parcels:</b>	1	
<b>Population (2010 Census):</b>	2	
<b># of Parcels (owner occupied):</b>	1	
<b># of Dwelling Units:</b>	1	
<b>Acres land annexed:</b>	1.0	
<b>Developable Acres Remaining:</b>	1.0	
<b>Right-of-way in Annexation:</b>	None	
<b>Previous County Zoning:</b>	County RSF-R (Residential Single-Family Rural)	
<b>Proposed City Zoning:</b>	R-4 (Residential 4 du/ac)	
<b>Current Land Use:</b>	Agricultural	
<b>Future Land Use:</b>	Residential	
<b>Values:</b>	<b>Assessed:</b>	\$9250
	<b>Actual:</b>	\$105,080
<b>Address Ranges:</b>	2977 B Road	
<b>Special Districts:</b>	<b>Water:</b>	Ute Water Conservancy District
	<b>Sewer:</b>	Persigo 201 sewer service boundary
	<b>Fire:</b>	Grand Junction Rural Fire District
	<b>Irrigation:</b>	Orchard Mesa Irrigation District
	<b>Drainage:</b>	Orchard Mesa Irrigation District
	<b>School:</b>	Mesa County Valley School District #51
	<b>Pest:</b>	Grand River Mosquito Control District

**ZONE OF ANNEXATION:**

Background:

The 1.0 acre Elementary Enclave Annexation consists of one (1) parcel, located at 2977 B Road. The Elementary Enclave was created by the Mesa View Elementary Annexation on October 17, 2008. Under the 1998 Persigo Agreement with Mesa County, the City is required to annex all enclaved areas within five (5) years.

There is only property included in this annexation. The property owner has been contacted via letter about the annexation. The resident of the property, a relative of the owner, has been contacted by phone. Answers to common questions about this annexation are addressed in the attached FAQ, which was sent to the property owner.

The parcel is assessed as agricultural and includes a single-family residence. It is currently zoned County RSF-R (Residential Single-Family Rural). Refer to the Zoning Map included in this report.

Land annexed to the City shall be zoned in accordance with Grand Junction Municipal Code (GJMC) Section 21.02.140 to a district that is consistent with the adopted Comprehensive Plan and the criteria set forth.

The Comprehensive Plan Future Land Use designation of the property is Residential Medium (4-8 du/ac). The proposed zoning of R-4 (Residential 4 du/ac) will implement this land use designation.

Existing conditions:

The existing residence was built in 1967. The property is assessed as agricultural. There appear to be cultivated fields that extend onto the adjacent property at 2981 B Road, as well as livestock enclosures.

It is noted that upon annexation existing land use(s) which are otherwise lawful may continue to the extent they qualify as a legal nonconformity. Specifically, the property resident is keeping cattle and sheep upon the property, which may continue after annexation. Section 21.04.030(a) addresses the keeping of livestock within the City, permitting one (1) large animal for every one-half (1/2) acre of property.

Development pattern:



1954



1977



1994



2002



2008

Based on aerial photographs, this part of the community has undergone a transition from large farms and orchards, to the first subdivisions encroaching from the west in the mid-1970s, the construction of the school in 1982 but little additional development until

the early 2000s. Growth fueled additional subdivisions in 2008 with more planned, but not constructed.

The first neighborhood was constructed on the north side of B Road beginning in 1999. Known as Chipeta Pines (ANX-1999-195) it was developed as a PD (Planned Development) that includes 46 single-family homes and 34 townhomes on 20.717 acres, for a total density of 3.86 du/ac.

Fairway Pines Subdivision (PFP-2006-186) is located on the north side of B Road just west of Chipeta Pines. It was developed at a density of 3.07 du/ac and has 13 vacant lots remaining.

Mesa View Elementary School was built in 1982 and annexed to the City in 2008, creating the enclave. The annexation (GPA-2008-206) was in anticipation of residential development of approximately 10 acres south of the school. School District #51 subdivided this land from the school site, but the residential development did not occur.

The adjacent properties to the south and east were part of the Dyer/Green/Ottenberg Annexation of four (4) parcels. These parcels received Preliminary Plan approval (PP-2007-124) in 2007 as the Osprey Subdivision. Osprey was proposed with 67 single-family lots at a density of 3.6 du/ac. The subdivision was not constructed and the plan has expired.

While development has not occurred as originally anticipated, zoning established at the time of annexation would allow for previous plans to be “restarted” when the economics warrant.

Further east within the same neighborhood is Hawk’s Nest Subdivision (FP-2006-196) located at 30 and B Roads. Approved at a density of 3.56 du/ac, the third and final phase of 22 lots has not been constructed or platted.

## 2. Grand Junction Municipal Code – Chapter 21.02 – Administration and Procedures:

Section 21.02.160 of the Grand Junction Municipal Code states: Land annexed to the City shall be zoned in accordance with GJMC Section 21.02.140 to a district that is consistent with the adopted Comprehensive Plan and the criteria set forth.

The requested zone of annexation to an R-4 (Residential 4 du/ac) zone district is consistent with the Comprehensive Plan Future Land Use Map designation of Residential Medium (4-8 du/ac).

Section 21.02.140(a) states: *In order to maintain internal consistency between this code and the zoning maps, map amendments must only occur if:*

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

In 1998, Mesa County and the City of Grand Junction adopted the Persigo Agreement. Under this agreement, the City is required to annex all enclaved

areas within five (5) years. The property has been enclaved since October 17, 2008 by the Mesa View Elementary Annexation.

The Comprehensive Plan Future Land Use designation of the property is Residential Medium (4-8 du/ac). The proposed zoning of R-4 (Residential 4 du/ac) will implement this land use designation.

The Comprehensive Plan and the annexation of the property into the City of Grand Junction invalidate the original premises of the existing unincorporated Mesa County RSF-R (Residential Single Family Rural) zoning. Therefore, this criterion has been met.

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

The existing residence was built in 1967. The property is assessed as agricultural. The maximum density in the County RSF-R zone is one (1) dwelling unit per five (5) acres. The existing residence is on only one (1) acre.

Based on aerial photographs, this part of the community has undergone a transition away from large farms and orchards, beginning with the construction of Mesa View Elementary School in 1982.

The first neighborhood on the north side of B Road is Chipeta Heights, began in 1999 and fully developed at a density of 3.86 du/ac. Also on the north side of B Road is Fairway Pines, developed at a density of 3.07 du/ac. Further east on the south side of B Road is Hawk's Nest, which has a density of 3.56 du/ac.

Other developments were proposed on adjacent properties but not constructed as originally anticipated; however, those properties have zoning that would allow for previous plans to be "restarted" when the economics warrant.

This criterion has been met.

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

B Road is a major collector providing east/west access through the Orchard Mesa neighborhood from 28 ½ Road at US Highway 50 to 32 Road.

A 12" Ute Water line and a 10" Persigo sanitary sewer line exist in B Road. Electricity is provided by Grand Valley Power (a franchise utility). Adequate infrastructure exists to accommodate, with upgrades as necessary, additional development on this parcel.

The property is adjacent to Mesa View Elementary.

This criterion has been met.



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

Several large parcels of land on Orchard Mesa east of 29 Road and north of US Highway 50 were annexed and zoned R-4 between 2000 and 2010. Some of the proposed new developments did not materialize, including Osprey Subdivision (east of Mesa View Elementary), Mesa Crest South Subdivision (now owned by the Bureau of Reclamation), Mountain View Estates (2922 B ½ Road), Orchard Park Subdivision (Jon Hall Road at 29 ½ Road) and Orchard Estates (south of Jon Hall Road).

Those subdivisions that were constructed have seen their inventories of platted lots slowly absorbed by the market. Fairway Pines Subdivision on the north side of B Road has 13 vacant platted lots remaining.

There is approximately 100 acres of undeveloped land between the Colorado River and US Highway 50, from 29 to 30 Road, within the city limits currently zoned R-4. If built at maximum density (4 du/ac), this acreage would accommodate only 920 persons (at 2.3 persons per unit), which is a small portion of the anticipated overall population growth in the Grand Valley.

This criterion has been met.

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

The annexation of enclaved unincorporated areas adjacent to the City is critical to providing efficient urban services and infrastructure, minimizing costs to the City and therefore the community.

The proposed R-4 zone district will provide the opportunity, when the market is ripe, for additional residential development along an established corridor in an urbanizing area of the valley. Additional residential density allows for more efficient use of City services and infrastructure, minimizing costs to the City and therefore the community.

This criterion has been met.

Alternatives: The following zone districts would also implement the Comprehensive Plan Future Land Use Map designation of Residential Medium for the property:

1. R-5 (Residential 5 du/ac)
2. R-8 (Residential 8 du/ac)
3. R-12 (Residential 12 du/ac)
4. R-16 (Residential 16 du/ac)
5. R-O (Residential Office)

An R-O zone would not be appropriate, since the enclave is not located at a roadway intersection or along a transitioning commercial corridor.

The R-8, R-12 and R-16 zone districts would allow density that exceeds that of the surrounding neighborhoods and are therefore not appropriate zone districts for this property.

The intent of the R-4 zone is to provide for medium-low density single-family uses where adequate public facilities and services are available. This zone is consistent with the subdivisions to the north and east. In contrast, the R-5 zone district would allow density that exceeds that of the surrounding neighborhoods.

If the City Council chooses an alternative zone designation, specific alternative findings must be made.



## **Elementary Enclave Annexation** **FREQUENTLY ASKED QUESTIONS**

### **WHY ARE WE BEING ANNEXED?**

The City and County signed the Persigo Agreement in 1998 to ensure that all development within the 201 Sewer Service area is eventually incorporated into the City. As property is annexed and developed, existing development can become "enclaved". These gaps are to be incorporated into the City within five (5) years, according to the agreement.

### **WHAT SERVICES CAN THE CITY PROVIDE?**

The City offers Police, Street Maintenance, and Planning Services to all its citizens, including programs such as Spring Cleanup and Fall Leaf Collection. You may sign up for garbage service from the City or maintain your current hauler.

### **WHAT WILL HAPPEN TO MY TAXES?**

The City will assess a mill levy (currently 8 mills or \$8 per \$1000 of assessed valuation) on all taxable real property within the enclaved area. Fire Protection is provided by the City as one of its services, so the existing levy (currently 5.938 mills) which goes to the Rural Fire Protection District will be discontinued after annexation. Therefore, the total increase in levy is only 2.062 mills. Purchases within the enclaved area and/or for delivery to a City address will be subject to the 2.75% City Sales Tax. In addition, certain franchise utilities, such as cable and electric, will include a franchise fee on future statements.

### **WHAT IF I WANT TO BUILD SOMETHING ON MY PROPERTY?**

The City Planning Division can assist you in obtaining the proper permits for new construction, building additions, change of use, or other development on your property.

### **CAN WE OPPOSE THIS ANNEXATION?**

State Law permits unilateral annexations (meaning without consent of property owners) and the Persigo Agreement requires annexation of enclaved properties, to provide for orderly development and provision of services.

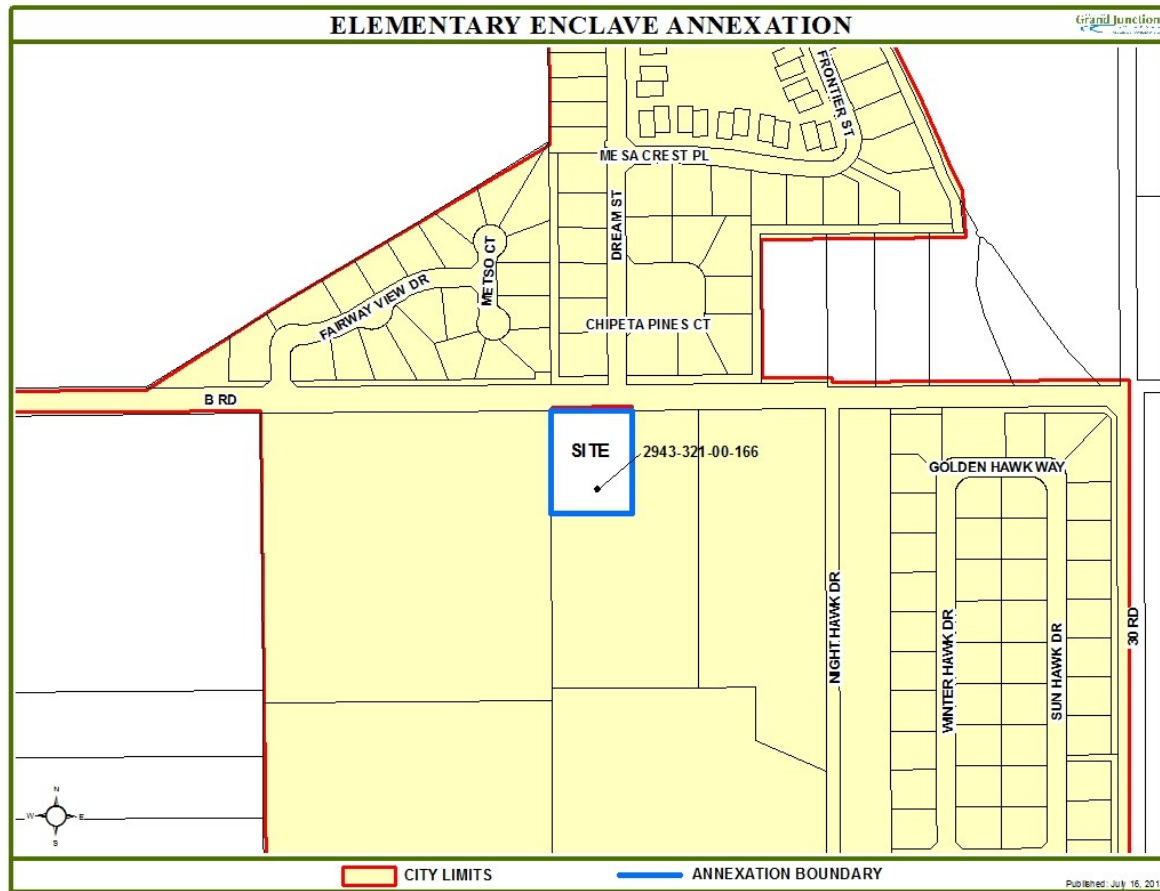
### **HOW DO I GET MORE INFORMATION?**

Contact Brian Rusche (970-256-4058).

For information about the City, go to [www.gjcity.org](http://www.gjcity.org)

# Annexation Map

Figure 1



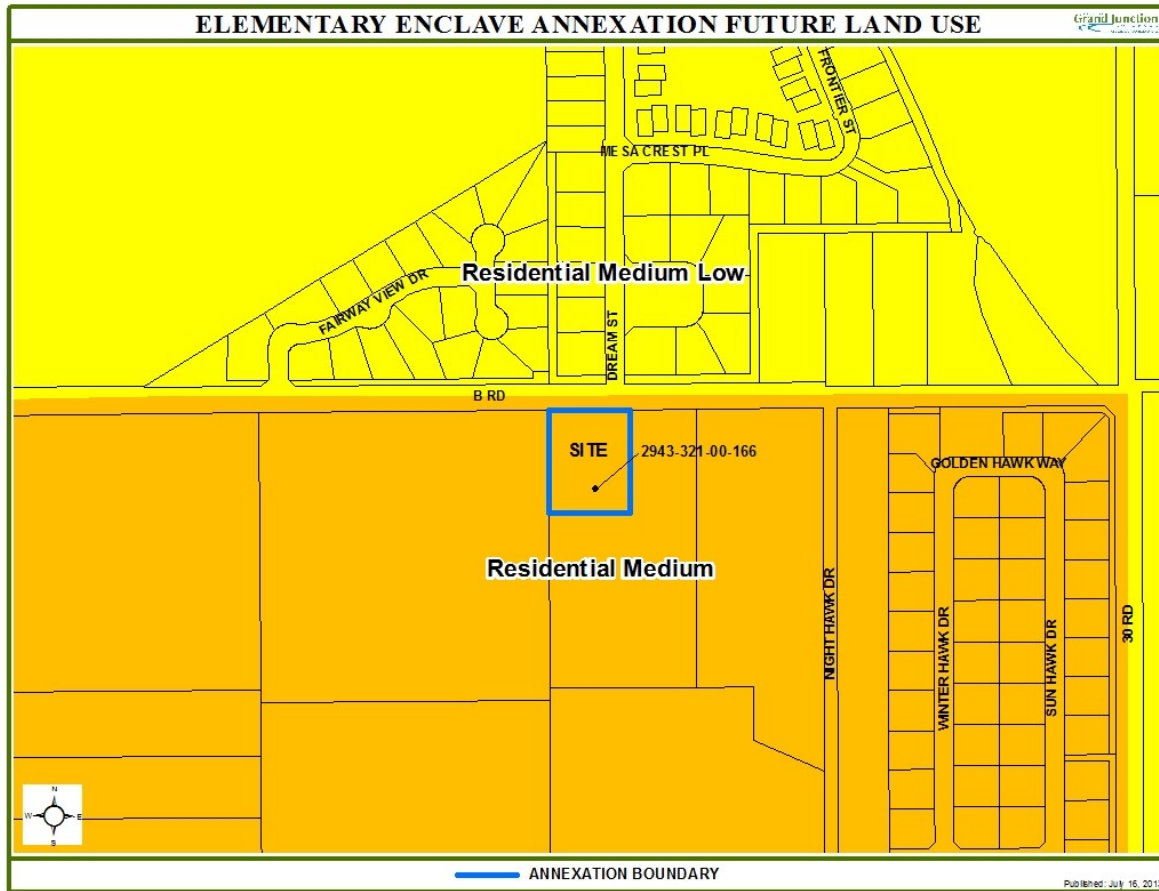
# Aerial Photo

## Figure 2



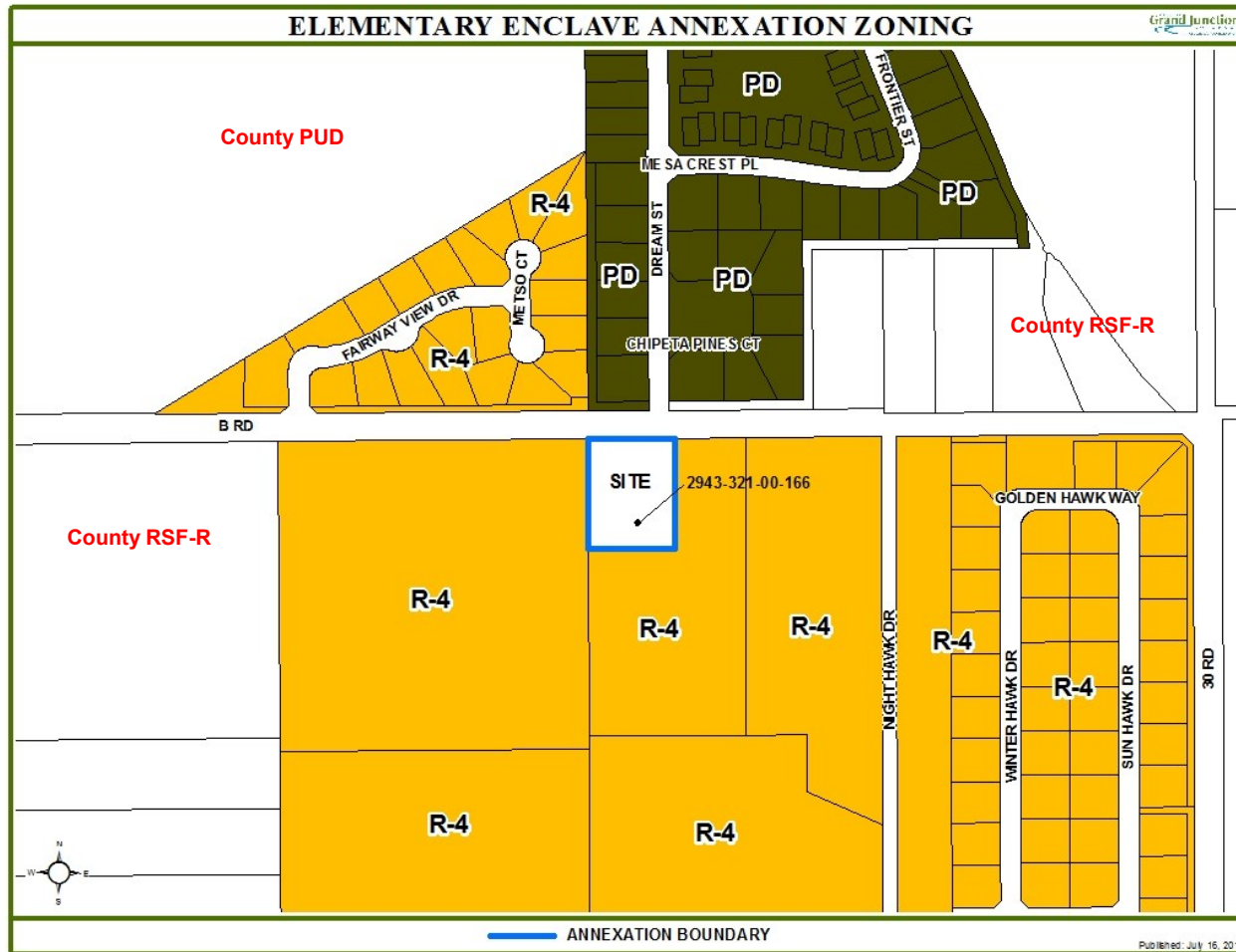
# Comprehensive Plan – Future Land Use Map

## Figure 3



# Existing City and County Zoning Map

Figure 4



**CITY OF GRAND JUNCTION, COLORADO**

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

**AN ORDINANCE ANNEXING TERRITORY TO THE  
CITY OF GRAND JUNCTION, COLORADO**

**ELEMENTARY ENCLAVE ANNEXATION**

**LOCATED AT 2977 B ROAD**

**CONSISTING OF APPROXIMATELY ONE ACRE**

WHEREAS, on the 2<sup>nd</sup> day of October, 2013, the City Council of the City of Grand Junction gave notice that they will consider for annexation to the City of Grand Junction the following described territory, commonly known as the Elementary Enclave; and

WHEREAS, a hearing and second reading on the proposed annexation ordinance was duly held after proper notice on the 20<sup>th</sup> day of November, 2013; and

WHEREAS, the area proposed to be annexed is entirely contained within the boundaries of the City of Grand Junction and said area has been so surrounded for a period of not less than three (3) years, pursuant to C.R.S. 31-12-106(1); and

WHEREAS, the requirements of Section 30, Article II of the Colorado Constitution have been met, specifically that the area is entirely surrounded by the annexing municipality.

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

That the property situate in Mesa County, Colorado, and described to wit:

**ELEMENTARY ENCLAVE ANNEXATION**

A certain enclaved parcel of land lying in the Northeast Quarter of the Northeast Quarter (NE 1/4 NE 1/4) of Section 32, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

ALL the lands bounded on the East and South by Dyer/Green/Ottenberg Annexation No. 1, City of Grand Junction Ordinance 4056, as same is recorded in Book 4402, Page 970; bounded on the North by Chipeta Pines Annexation No. 2, City of Grand Junction Ordinance 3191, as same is recorded in Book 2646, Page 301, and, bounded on the West by Mesa View Elementary School Annexation, City of Grand Junction Ordinance 4290, as same is recorded in Book 4731, Page 815, all in the Public Records of Mesa County, Colorado.



Be and is hereby annexed to the City of Grand Junction, Colorado.

**INTRODUCED** on first reading the 2nd day of October, 2013 and ordered published in pamphlet form.

**PASSED and ADOPTED** on second reading the \_\_\_\_ day of \_\_\_\_\_, 2013 and ordered published in pamphlet form.

Attest:

Council

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President of the

---

City Clerk

**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

**AN ORDINANCE ZONING THE ELEMENTARY ENCLAVE ANNEXATION  
TO R-4 (RESIDENTIAL 4 DU/AC)**

**LOCATED AT 2977 B ROAD**

Recitals

The Elementary Enclave Annexation has been initiated by the City of Grand Junction ("City") pursuant to the 1998 Persigo Agreement with Mesa County ("Agreement"). With the annexation of the property included in the Mesa View Elementary Annexation on October 17, 2008, the area is enclaved. The terms of the Agreement state that an "enclaved" area shall be annexed into the City. ("Enclaved" means that an unincorporated area is completely surrounded by the City.)

The City has also agreed to zone newly annexed areas using a zone district that implements the Comprehensive Plan. The proposed zoning of R-4 (Residential 4 du/ac) implements the Comprehensive Plan Future Land Use Map, which has designated the enclaved area as Residential Medium (4-8 du/ac).

After public notice and public hearing as required by the Grand Junction Municipal Code, the Grand Junction Planning Commission recommended approval of zoning the Elementary Enclave Annexation to the R-4 (Residential 4 du/ac) zone district, finding conformance with the recommended land use category as shown on the Future Land Use Map of the Comprehensive Plan and the Comprehensive Plan's goals and policies and is compatible with land uses located in the surrounding area. The zone district meets criteria found in Section 21.02.140 of the Grand Junction Municipal Code.

After public notice and public hearing before the Grand Junction City Council, City Council finds that the R-4 (Residential 4 du/ac) zone district is in conformance with criteria found in Section 21.02.140 of the Grand Junction Municipal Code.

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

The following property be zoned R-4 (Residential 4 du/ac):

**ELEMENTARY ENCLAVE ANNEXATION**

A certain enclaved parcel of land lying in the Northeast Quarter of the Northeast Quarter (NE 1/4 NE 1/4) of Section 32, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

ALL the lands bounded on the East and South by Dyer/Green/Ottenberg Annexation No. 1, City of Grand Junction Ordinance 4056, as same is recorded in Book 4402, Page 970; bounded on the North by Chipeta Pines Annexation No. 2, City of Grand Junction Ordinance 3191, as same is recorded in Book 2646, Page 301, and, bounded on the West by Mesa View Elementary School Annexation, City of Grand Junction Ordinance 4290, as same is recorded in Book 4731, Page 815, all in the Public Records of Mesa County, Colorado.

CONTAINING 43,527 Square Feet or 1.00 Acres, more or less, as described.

**INTRODUCED** on first reading the 6<sup>th</sup> day of November, 2013 and ordered published in pamphlet form.

**PASSED and ADOPTED** on second reading the \_\_\_\_ day of \_\_\_\_\_, 2013 and ordered published in pamphlet form.

ATTEST:

\_\_\_\_\_  
President of the Council

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



**Attach 9  
CITY COUNCIL AGENDA ITEM**

Date: October 22, 2013  
Author: Brian Rusche  
Title/ Phone Ext: Sr. Planner/4058  
Proposed Schedule:  
October 2: 1<sup>st</sup> reading of annexation  
November 6: 1<sup>st</sup> reading of zoning  
2nd Reading:  
Wednesday, November 20, 2013  
File #: ANX-2013-377

<b>Subject:</b> Annexation and Zoning of the Twenty Nine Thirty Enclave, Located on the North and South Side of B ½ Road at Crista Lee Way
<b>Action Requested/Recommendation:</b> Hold a Public Hearing to Consider Final Passage and Final Publication in Pamphlet Form of the Proposed Annexation and Zoning Ordinances
<b>Presenters Name &amp; Title:</b> Brian Rusche, Senior Planner

**Executive Summary:** A request to annex 12.08 acres of enclaved property, located on the north and south side of B ½ Road at Crista Lee Way, and to zone the annexation, which consists of six parcels, to an R-4 (Residential 4 du/ac) zone district.

**Background, Analysis and Options:**

The 12.08 acre Twenty Nine Thirty Enclave Annexation encompasses six (6) parcels and 0.51 acres of public right-of-way, located on the north and south side of B ½ Road at Crista Lee Way. The annexation has been initiated by the City pursuant to the 1998 Persigo Agreement with Mesa County (“Agreement”). With the annexation of the property included in the Level III Annexation on September 5, 2008, the area is enclaved. The terms of the Agreement state that an “enclaved” area shall be annexed into the City. (“Enclaved” means that an unincorporated area is completely surrounded by the City.)

Land annexed to the City shall be zoned in accordance with Grand Junction Municipal Code (GJMC) Section 21.02.140 to a district that is consistent with the adopted Comprehensive Plan and the criteria set forth. The Comprehensive Plan Future Land Use designation of the property is Residential Medium Low (2-4 du/ac). The requested zoning of R-4 (Residential 4 du/ac) will implement this land use designation.

The review criteria in Section 21.02.140 of the Grand Junction Municipal Code have all been met.

See attached Staff Report/Background Information for additional detail.

**How this item relates to the Comprehensive Plan Goals and Policies:**

**Goal 1:** To implement the Comprehensive Plan in a consistent manner between the City, Mesa County, and other service providers.

Annexation of this enclave will allow for efficient provision of municipal services. Zoning this enclave will create consistent land use jurisdiction and allow for efficient provision of municipal services. The proposed R-4 (Residential 4 du/ac) implements the Comprehensive Plan Future Land Use Map, which has designated the property as Residential Medium Low (2-4 du/ac). The proposed zone will provide consistency with the adjacent properties.

**Board or Committee Recommendation:** On October 8, 2013 the Planning Commission forwarded a recommendation of approval of the R-4 (Residential 4 du/ac) zone district.

**Financial Impact/Budget:** The provision of municipal services will be consistent with adjacent properties already in the City. Property tax levies and municipal sales/use taxes will be collected within the enclaved area upon annexation.

**Legal issues:** It is noted that upon annexation existing land use(s) which are otherwise lawful may continue to the extent they qualify as a legal nonconformity. Specifically, agricultural operations at 2936 B ½ Road may continue.

**Other issues:** There six (6) properties included in this annexation. All of the property owners have been contacted via letter about the annexation.

Answers to common questions about this annexation are addressed in the attached FAQ, which was sent to the property owners.

**Previously presented or discussed:** A Resolution of Intent to Annex (Resolution 64-13) and first reading of the Annexation Ordinance was adopted on October 2, 2013. First reading of the Zoning Ordinance was on November 6, 2013.

**Attachments:**

1. Staff report/Background information
2. Annexation Summary
3. Frequently Asked Questions (FAQ)
4. Annexation Map
5. Aerial Photo
6. Comprehensive Plan - Future Land Use Map
7. Existing City and County Zoning Map
8. Annexation Ordinance
9. Zoning Ordinance

**STAFF REPORT / BACKGROUND INFORMATION**

<b>Location:</b>		North and south side of B ½ Road at Crista Lee Way		
<b>Address Ranges:</b>		2930, 2931, 2934, 2935, 2936 B ½ Road		
<b>Applicant:</b>		City of Grand Junction		
<b>Existing Land Use:</b>		Single Family Residential / Agricultural		
<b>Proposed Land Use:</b>		Residential		
<b>Surrounding Land Use:</b>	<b>North</b>	Single Family Residential / Agricultural		
	<b>South</b>	Single Family Residential		
	<b>East</b>	Single Family Residential / Agricultural		
	<b>West</b>	Agricultural / Vacant		
<b>Existing Zoning:</b>		County RSF-R (Residential Single-Family Rural)		
<b>Proposed Zoning:</b>		R-4 (Residential 4 du/ac)		
<b>Surrounding Zoning:</b>	<b>North</b>	R-4 (Residential 4 du/ac)		
	<b>South</b>	R-4 (Residential 4 du/ac)		
	<b>East</b>	R-4 (Residential 4 du/ac)		
	<b>West</b>	R-4 (Residential 4 du/ac)		
<b>Future Land Use Designation:</b>		Residential Medium Low (2-4 du/ac)		
<b>Zoning within density range?</b>		X	<b>Yes</b>	<b>No</b>

**Staff Analysis:**

**ANNEXATION:**

The annexation area consists of 12.08 acres, encompassing six (6) parcels and 0.51 acres of public right-of-way.

Under the 1998 Persigo Agreement with Mesa County, the City is required to annex all enclaved areas within five (5) years. State law allows a municipality to annex enclaved areas unilaterally after they have been enclaved for a period of three (3) years. The property has been enclaved since September 5, 2008 by the Level III Annexation.

The following annexation and zoning schedule is being proposed:

## ANNEXATION SCHEDULE

<b>October 2, 2013</b>	Notice of Intent to Annex (30 Day Notice), Exercising Land Use
<b>October 8, 2013</b>	Planning Commission considers Zone of Annexation
<b>November 6, 2013</b>	Introduction Of A Proposed Ordinance on Zoning by City Council
<b>November 20, 2013</b>	Public Hearing on Annexation and Zoning by City Council
<b>December 22, 2013</b>	Effective date of Annexation and Zoning

**TWENTY NINE THIRTY ENCLAVE ANNEXATION SUMMARY**

<b>File Number:</b>	ANX-2013-377	
<b>Location:</b>	North and south side of B ½ Road at Crista Lee Way	
<b>Tax ID Numbers:</b>	2943-292-00-019 2943-293-00-118 2943-292-00-089 2943-292-00-090 2943-292-00-066 2943-293-00-065	
<b># of Parcels:</b>	6	
<b>Population (2010 Census):</b>	17	
<b># of Parcels (owner occupied):</b>	5	
<b># of Dwelling Units:</b>	5	
<b>Acres land annexed:</b>	12.08	
<b>Developable Acres Remaining:</b>	11.57	
<b>Right-of-way in Annexation:</b>	0.51 acres (22,402 square feet)	
<b>Previous County Zoning:</b>	County RSF-R (Residential Single-Family Rural)	
<b>Proposed City Zoning:</b>	R-4 (Residential 4 du/ac)	
<b>Current Land Use:</b>	Single Family Residential / Agricultural	
<b>Future Land Use:</b>	Residential	
<b>Values:</b>	<b>Assessed:</b>	\$63,050
	<b>Actual:</b>	\$773,110
<b>Address Ranges:</b>	2930, 2931, 2934, 2935, 2936 B ½ Road	
<b>Special Districts:</b>	<b>Water:</b>	Ute Water Conservancy District
	<b>Sewer:</b>	Persigo 201 sewer service boundary
	<b>Fire:</b>	Grand Junction Rural Fire District
	<b>Irrigation:</b>	Orchard Mesa Irrigation District
	<b>Drainage:</b>	Orchard Mesa Irrigation District
	<b>School:</b>	Mesa County Valley School District #51
	<b>Pest:</b>	Grand River Mosquito Control District



## ZONE OF ANNEXATION:

### Background:

The 12.08 acre Twenty Nine Thirty Enclave Annexation encompasses six (6) parcels and 0.51 acres of public right-of-way, located on the north and south side of B ½ Road at Crista Lee Way. The Twenty Nine Thirty Enclave was created by the Level III Annexation on September 5, 2008. Under the 1998 Persigo Agreement with Mesa County, the City is required to annex all enclaved areas within five (5) years.

All of the property owners have been contacted via letter about the annexation. Three of the property owners were contacted by phone and three were unlisted. Answers to common questions about this annexation are addressed in the attached FAQ, which was sent to the property owners.

All of the properties are presently zoned County RSF-R (Residential Single-Family Rural).

Land annexed to the City shall be zoned in accordance with Grand Junction Municipal Code (GJMC) Section 21.02.140 to a district that is consistent with the adopted Comprehensive Plan and the criteria set forth.

The Comprehensive Plan Future Land Use designation of the property is Residential Medium Low (2-4 du/ac). The proposed zoning of R-4 (Residential 4 du/ac) will implement this land use designation.

### Existing conditions:

The existing land uses are as follows (from west to east):

- Single Family residence at 2930 B ½ Road, built in 1951
- Single Family residence at 2931 B ½ Road, built in 1908
- Vacant, unaddressed property owned by Krogh
- Single Family residence at 2934 B ½ Road, built in 1938
- Single Family residence at 2935 B ½ Road, built in 2005
- Agricultural land at 2936 B ½ Road, with a Single Family residence built in 1968

It is noted that upon annexation existing land use(s) which are otherwise lawful may continue to the extent they qualify as a legal nonconformity. Specifically, agricultural operations at 2936 B ½ Road may continue.

The enclaved area is generally bounded by developed subdivisions on the north and south and undeveloped or agricultural land on the east and west.

Development pattern:



1937



1977



1997



2007



2012

Based on aerial photographs, this part of the community has undergone a transition from large farms and orchards, with only a few small groups of houses into the late-1970s. Development increased to the south in the late 1990s, including the creation of the Chipeta Golf Course. Growth fueled additional subdivisions in the mid 2000s; these subdivisions are now largely completed.

The property at 2922 B  $\frac{1}{2}$  Road was annexed on September 5, 2008 as the Level III Annexation, which created the enclave. The nearly 20 acres was approved as Mountain View Estates (PP-2008-212) consisting of 61 single-family lots, for a density of 3.18 du/ac. This subdivision retains approval until May 25, 2014.

To the north is Riverview Estates, which was platted in 2007 with 81 single-family lots on 26.95 acres, for a density of 3 du/ac. This subdivision includes stub streets on its southern boundary for future extension into the enclaved area. There are 6 vacant lots remaining.

Two 10-acre properties to the east were annexed in 2006 (Colvin Annexation) and 2007 (Krabacher Annexation). The former was known as Chipeta Estates (FP-2007-348) with 31 lots and the latter was known as Solstice Meadows (PP-2007-364) with 38 lots. Both plans have expired.

On the south side of B  $\frac{1}{2}$  Road is Crista Lee Subdivision, a completed development of 21 single-family residences with a density of 3.5 du/ac. Adjacent to Crista Lee is Crystal Brooke. The first phase has public improvements which have not been completed, so no new residences can be constructed. The second phase has expired.

The entire subdivision, including the existing residence at 2919 B ½ Road was anticipated to be developed at a density of 3.35 du/ac.

While development has not occurred as originally anticipated, zoning established at the time of annexation would allow for previous plans to be “restarted” when the economics warrant.

Further east adjacent to the golf course is the Chipeta West Subdivision, which includes 25 single-family residences and one vacant lot, for a build-out density of 3.45 du/ac.

2. Grand Junction Municipal Code – Chapter 21.02 – Administration and Procedures:

Section 21.02.160 of the Grand Junction Municipal Code states: Land annexed to the City shall be zoned in accordance with GJMC Section 21.02.140 to a district that is consistent with the adopted Comprehensive Plan and the criteria set forth.

The requested zone of annexation to an R-4 (Residential 4 du/ac) zone district is consistent with the Comprehensive Plan Future Land Use Map designation of Residential Medium Low (2-4 du/ac).

Section 21.02.140(a) states: *In order to maintain internal consistency between this code and the zoning maps, map amendments must only occur if:*

6) *Subsequent events have invalidated the original premises and findings; and/or*

In 1998, Mesa County and the City of Grand Junction adopted the Persigo Agreement. Under this agreement, the City is required to annex all enclaved areas within five (5) years. The property has been enclaved since September 5, 2008 by the Level III Annexation.

The Comprehensive Plan Future Land Use designation of the property is Residential Medium Low (2-4 du/ac). The proposed zoning of R-4 (Residential 4 du/ac) will implement this land use designation.

The Comprehensive Plan and the annexation of the property into the City of Grand Junction invalidate the original premises of the existing unincorporated Mesa County RSF-R (Residential Single Family Rural) zoning. Therefore, this criterion has been met.

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

Based on aerial photographs, this part of the community has undergone a transition from large farms and orchards, with only a few small groups of houses into the late-1970s. Development increased to the south in the late 1990s, including the creation of the Chipeta Golf Course. Growth fueled additional subdivisions in the mid 2000s; these subdivisions are now largely completed.

While other proposed residential subdivisions were not developed as originally anticipated, zoning established at the time of annexation would allow for previous plans to be “restarted” when the economics warrant.

This criterion has been met.

- 8) *Public and community facilities are adequate to serve the type and scope of land use proposed; and/or*

B ½ Road is a Minor Arterial providing east/west access through the Orchard Mesa neighborhood from the US Highway 50 overpass to 32 Road.

A 24” and an 8” Ute Water line and a 12” Persigo sanitary sewer line exist in B Road. Electricity is provided by Xcel Energy (a franchise utility). Adequate infrastructure exists to accommodate, with upgrades as necessary, additional development on this parcel.

Lincoln Orchard Mesa Elementary School, built in 1901 with three expansions from 1953 to 1963, is less than one-half (1/2) mile from the enclave property.

This criterion has been met.

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

Several large parcels of land on Orchard Mesa east of 29 Road and north of US Highway 50 were annexed and zoned R-4 between 2000 and 2010. Clustered along B ½ Road are some of these developments that did not materialize, including Mountain View Estates (2922 B ½ Road), Chipeta Estates (2940 B ½ Road), Solstice Meadows (2946 B ½ Road), and Crystal Brooke (2919 B ½ Road).

Those subdivisions that were constructed have seen their inventories of platted lots slowly absorbed by the market. Riverview Estates to the north has six (6) vacant lots remaining and Chipeta West further to the east has one vacant lot.

There is approximately 100 acres of undeveloped land between the Colorado River and US Highway 50, from 29 to 30 Road, within the city limits currently zoned R-4. If built at maximum density (4 du/ac), this acreage would accommodate only 920 persons (at 2.3 persons per unit), which is a small portion of the anticipated overall population growth in the Grand Valley.

This criterion has been met.

- 10) *The community or area, as defined by the presiding body, will derive benefits from the proposed amendment.*

The annexation of enclaved unincorporated areas adjacent to the City is critical to providing efficient urban services and infrastructure, minimizing costs to the City and therefore the community.

The proposed R-4 zone district will provide the opportunity, when the market is ripe, for additional residential development along an established corridor in an urbanizing area of the valley. Additional residential density allows for more efficient use of City services and infrastructure, minimizing costs to the City and therefore the community.

This criterion has been met.

Alternatives: The following zone districts would also implement the Comprehensive Plan Future Land Use Map designation of Residential Medium Low for the property:

6. R-R (Residential Rural)
7. R-E (Residential Estate)
8. R-1 (Residential 1 du/ac)
9. R-2 (Residential 2 du/ac)
10. R-5 (Residential 5 du/ac)

All of the enclaved parcels, except for the agricultural operation at 2936 B ½ Road, are less than one acre. The R-R, R-E, and R-1 zone districts only allow density that is less than the existing parcels and would create nonconformities. The R-2 zone district would allow density less than the surrounding subdivisions. Therefore, these are not appropriate zone districts for the enclaved property.

The intent of the R-4 zone is to provide for medium-low density single-family uses where adequate public facilities and services are available. This zone is consistent with the subdivisions to the north and east. In contrast, the R-5 zone district would allow density that exceeds that of the surrounding neighborhoods.

If the City Council chooses an alternative zone designation, specific alternative findings must be made.



## **Twenty Nine Thirty Enclave Annexation** **FREQUENTLY ASKED QUESTIONS**

### **WHY ARE WE BEING ANNEXED?**

The City and County signed the Persigo Agreement in 1998 to ensure that all development within the 201 Sewer Service area is eventually incorporated into the City. As property is annexed and developed, existing development can become "enclaved". These gaps are to be incorporated into the City within five (5) years, according to the agreement.

### **WHAT SERVICES CAN THE CITY PROVIDE?**

The City offers Police, Street Maintenance, and Planning Services to all its citizens, including programs such as Spring Cleanup and Fall Leaf Collection. You may sign up for garbage service from the City or maintain your current hauler.

### **WHAT WILL HAPPEN TO MY TAXES?**

The City will assess a mill levy (currently 8 mills or \$8 per \$1000 of assessed valuation) on all taxable real property within the enclaved area. Fire Protection is provided by the City as one of its services, so the existing levy (currently 5.938 mills) which goes to the Rural Fire Protection District will be discontinued after annexation. Therefore, the total increase in levy is only 2.062 mills. Purchases within the enclaved area and/or for delivery to a City address will be subject to the 2.75% City Sales Tax. In addition, certain franchise utilities, such as cable and electric, will include a franchise fee on future statements.

### **WHAT IF I WANT TO BUILD SOMETHING ON MY PROPERTY?**

The City Planning Division can assist you in obtaining the proper permits for new construction, building additions, change of use, or other development on your property.

### **CAN WE OPPOSE THIS ANNEXATION?**

State Law permits unilateral annexations (meaning without consent of property owners) and the Persigo Agreement requires annexation of enclaved properties, to provide for orderly development and provision of services.

### **HOW DO I GET MORE INFORMATION?**

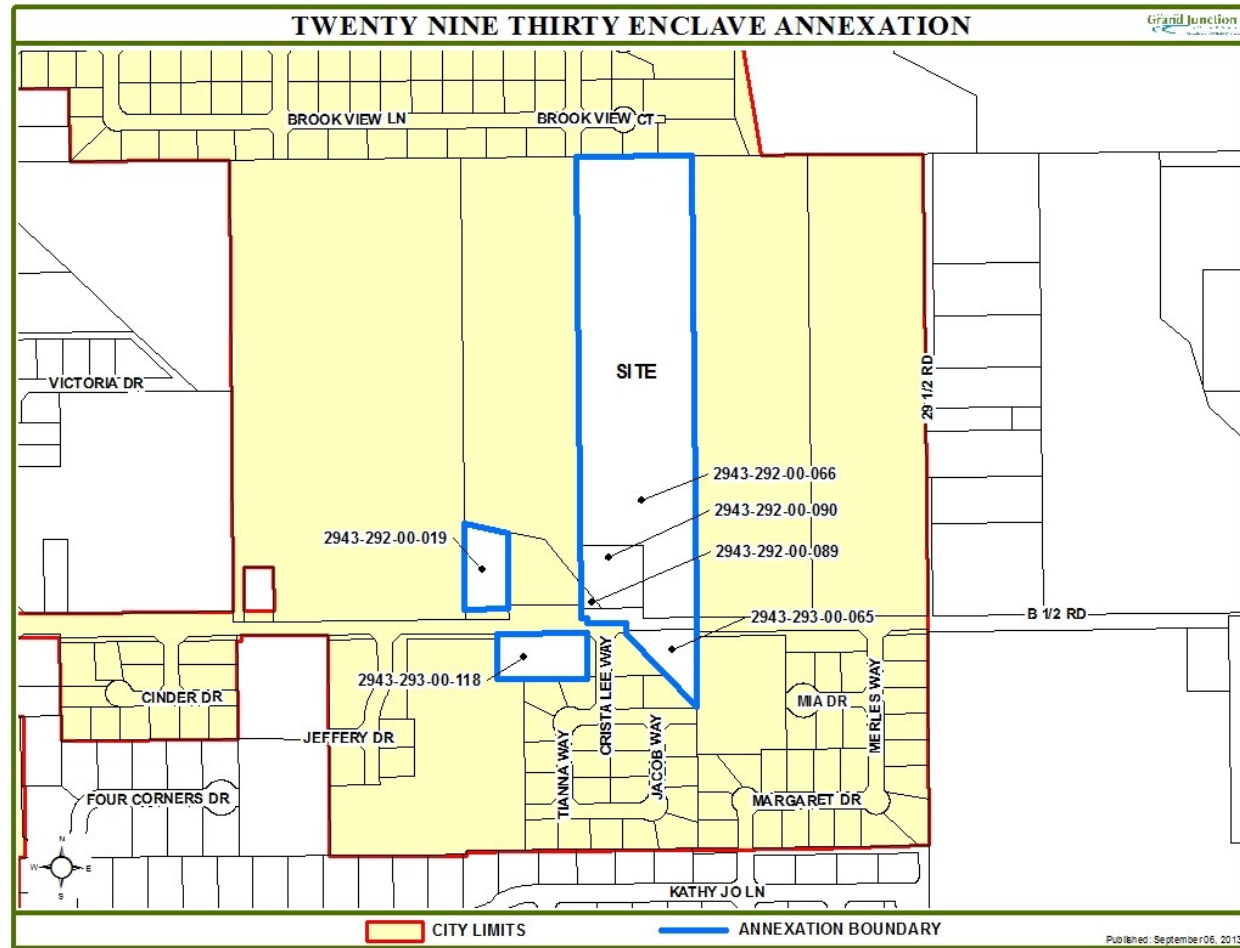
Contact Brian Rusche (970-256-4058).

For information about the City, go to [www.gjcity.org](http://www.gjcity.org)



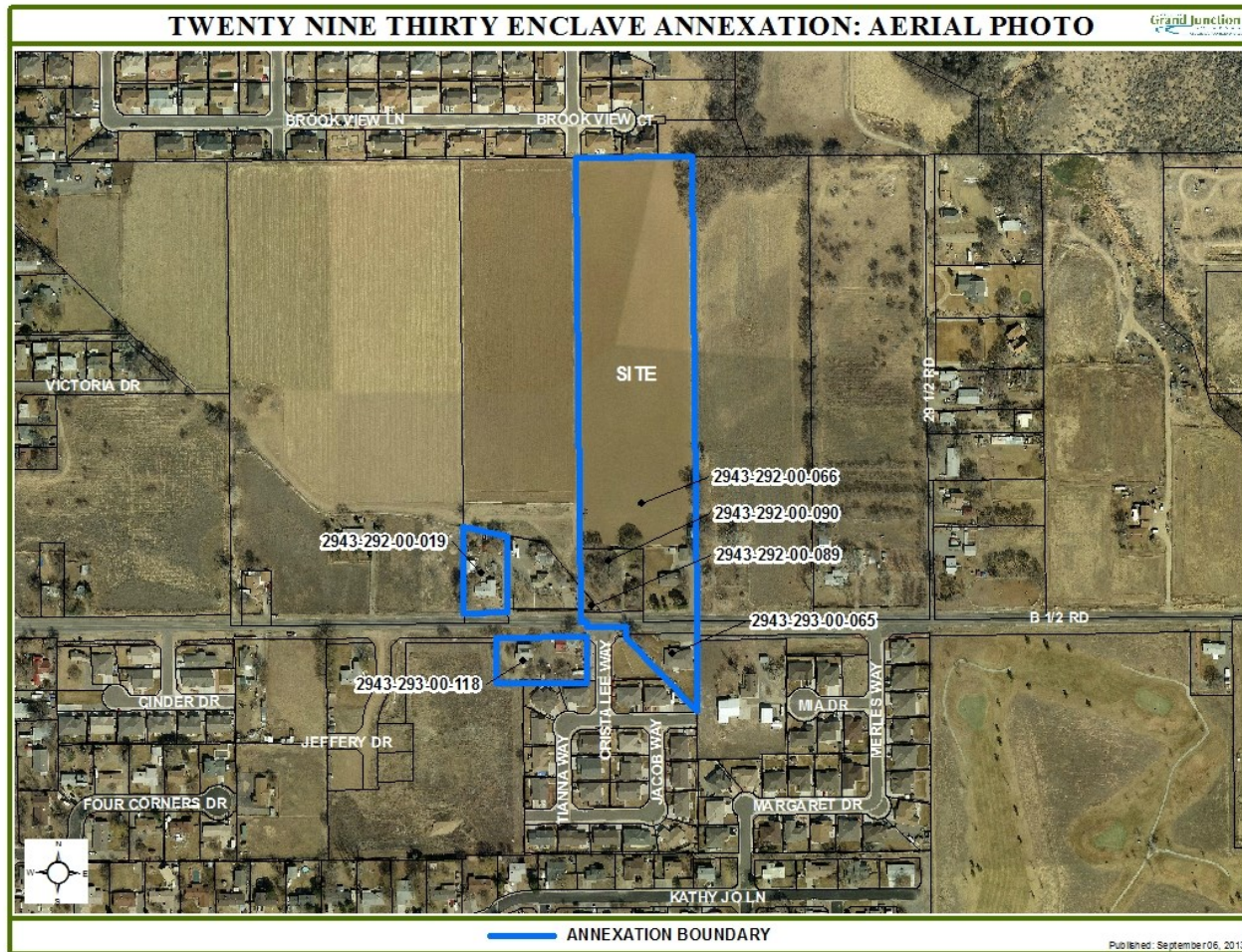
# Annexation Map

Figure 1



# Aerial Photo

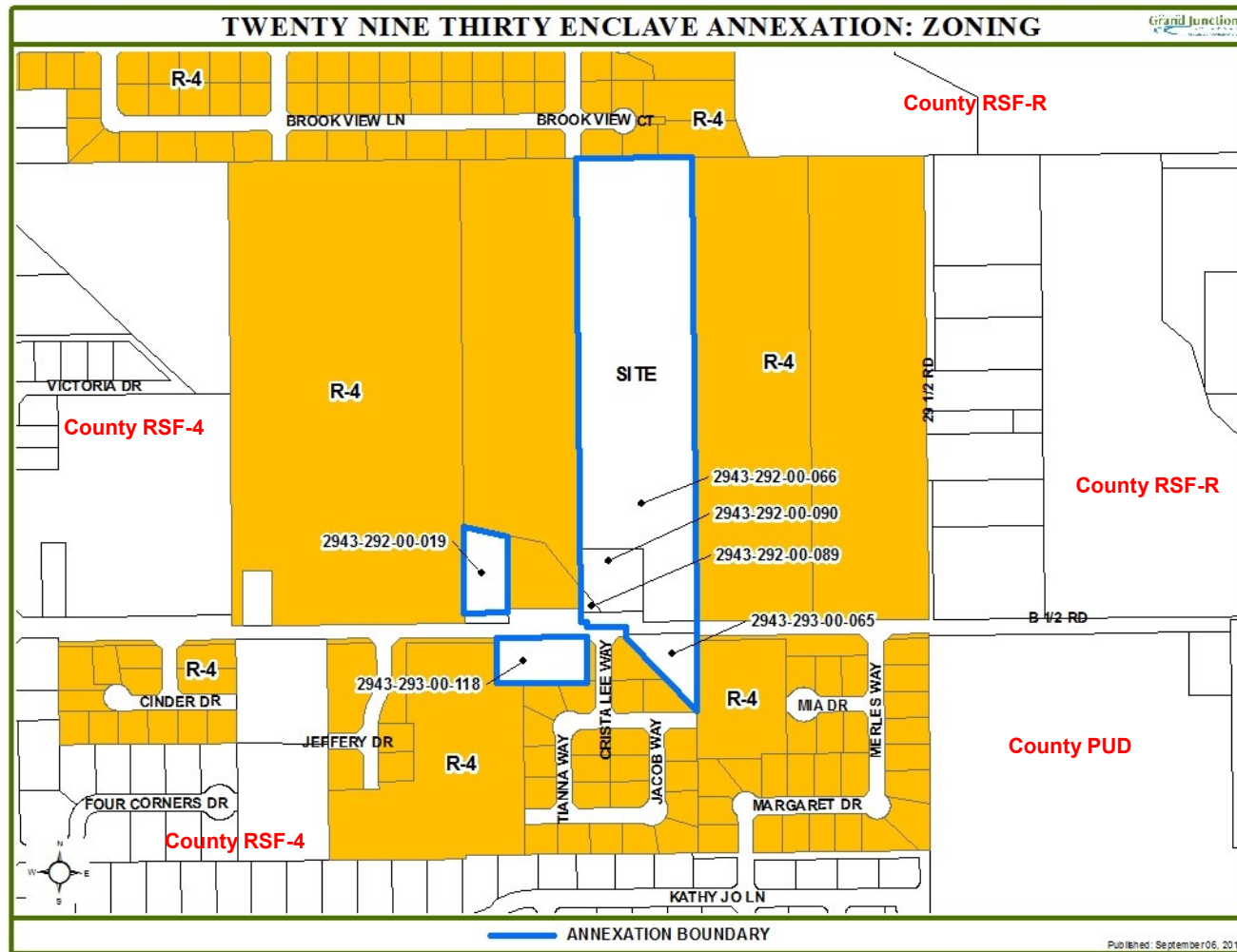
## Figure 2





# Existing City and County Zoning Map

Figure 4



**CITY OF GRAND JUNCTION, COLORADO**

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

**AN ORDINANCE ANNEXING TERRITORY TO THE  
CITY OF GRAND JUNCTION, COLORADO**

**TWENTY NINE THIRTY ENCLAVE ANNEXATION**

**LOCATED ON BOTH SIDES OF B ½ ROAD  
AT CRISTA LEE WAY**

**CONSISTING OF APPROXIMATELY 12.08 ACRES**

WHEREAS, on the 2<sup>nd</sup> day of October, 2013, the City Council of the City of Grand Junction gave notice that they will consider for annexation to the City of Grand Junction the following described territory, commonly known as the Twenty Nine Thirty Enclave; and

WHEREAS, a hearing and second reading on the proposed annexation ordinance was duly held after proper notice on the 20<sup>th</sup> day of November, 2013; and

WHEREAS, the area proposed to be annexed is entirely contained within the boundaries of the City of Grand Junction and said area has been so surrounded for a period of not less than three (3) years, pursuant to C.R.S. 31-12-106(1); and

WHEREAS, the requirements of Section 30, Article II of the Colorado Constitution have been met, specifically that the area is entirely surrounded by the annexing municipality.

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

That the property situate in Mesa County, Colorado, and described to wit:

**TWENTY NINE THIRTY ENCLAVE ANNEXATION**

**PARCEL ONE**

A certain parcel of land lying in the Southeast Quarter of the Northwest Quarter (SE 1/4 NW 1/4) of Section 29, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

ALL of the lands bounded on the North, East and South by Krogh Annexation, City of Grand Junction Ordinance 4286, as same is recorded in Book 4731, Page 823 and bounded on the West by Level III Annexation, City of Grand Junction Ordinance 4271, as same is recorded in Book 4715, Page 612, all in the Public Records of Mesa County, Colorado.

CONTAINING 28,876 Square Feet or 0.66 Acres, more or less, as described.

**PARCEL TWO**

A certain parcel of land lying in the Northeast Quarter of the Southwest Quarter (NE 1/4 SW 1/4) of Section 29, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

ALL of the lands bounded on the North by Krogh Annexation, City of Grand Junction Ordinance 4286, as same is recorded in Book 4731, Page 823; bounded on the West and a portion of the South by Larson Annexation No. 3, City of Grand Junction Ordinance 3425, as same is recorded in Book 3084, Page 980 and bounded on the East and a portion of the South by Crista Lee Annexation, City of Grand Junction Ordinance 3471, as same is recorded in Book 3214, Page 293, all in the Public Records of Mesa County, Colorado.

CONTAINING 32,668 Square Feet or 0.75 Acres, more or less, as described.

**PARCEL THREE**

A certain parcel of land lying in the Southeast Quarter of the Northwest Quarter (SE 1/4 NW 1/4) of Section 29, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

ALL of the lands bounded on the West by Krogh Annexation, City of Grand Junction Ordinance 4286, as same is recorded in Book 4731, Page 823; bounded on the North by Summit Annexation No. 2, City of Grand Junction Ordinance 3713, as same is recorded in Book 3819, Page 694; bounded on the East by the following: Colvin Annexation No. 2, City of Grand Junction Ordinance 3971, as same is recorded in Book 4253, Page 716, Colvin Annexation No. 1, City of Grand Junction Ordinance 3970, as same is recorded in Book 4253, Page 712 and by Whaley Annexation No. 1, City of Grand Junction Ordinance 3748, as same is recorded in Book 3881, Page 450 and bounded on the South by Crista Lee Annexation, City of Grand Junction Ordinance 3471, as same is recorded in Book 3214, Page 293, all in the Public Records of Mesa County, Colorado.

CONTAINING 464,769 Square Feet or 10.67 Acres, more or less, as described.

Be and is hereby annexed to the City of Grand Junction, Colorado.

**INTRODUCED** on first reading the 2nd day of October, 2013 and ordered published in pamphlet form.

**PASSED and ADOPTED** on second reading the \_\_\_\_ day of \_\_\_\_\_, 2013 and ordered published in pamphlet form.

Attest:

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President of the Council

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City Clerk

**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

**AN ORDINANCE ZONING THE TWENTY NINE THIRTY ENCLAVE ANNEXATION  
TO R-4 (RESIDENTIAL 4 DU/AC)**

**LOCATED ON BOTH SIDES OF B ½ ROAD  
AT CRISTA LEE WAY**

Recitals

The Twenty Nine Thirty Enclave Annexation has been initiated by the City of Grand Junction ("City") pursuant to the 1998 Persigo Agreement with Mesa County ("Agreement"). With the annexation of the property included in the Level III Annexation on September 5, 2008, the area is enclaved. The terms of the Agreement state that an "enclaved" area shall be annexed into the City. ("Enclaved" means that an unincorporated area is completely surrounded by the City.)

The City has also agreed to zone newly annexed areas using a zone district that implements the Comprehensive Plan. The proposed zoning of R-4 (Residential 4 du/ac) implements the Comprehensive Plan Future Land Use Map, which has designated the enclaved area as Residential Medium Low (2-4 du/ac).

After public notice and public hearing as required by the Grand Junction Municipal Code, the Grand Junction Planning Commission recommended approval of zoning the Twenty Nine Thirty Enclave Annexation to the R-4 (Residential 4 du/ac) zone district, finding conformance with the recommended land use category as shown on the Future Land Use Map of the Comprehensive Plan and the Comprehensive Plan's goals and policies and is compatible with land uses located in the surrounding area. The zone district meets criteria found in Section 21.02.140 of the Grand Junction Municipal Code.

After public notice and public hearing before the Grand Junction City Council, City Council finds that the R-4 (Residential 4 du/ac) zone district is in conformance with criteria found in Section 21.02.140 of the Grand Junction Municipal Code.

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

The following property be zoned R-4 (Residential 4 du/ac):

**TWENTY NINE THIRTY ENCLAVE ANNEXATION**

**PARCEL ONE**



A certain parcel of land lying in the Southeast Quarter of the Northwest Quarter (SE 1/4 NW 1/4) of Section 29, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

ALL of the lands bounded on the North, East and South by Krogh Annexation, City of Grand Junction Ordinance 4286, as same is recorded in Book 4731, Page 823 and bounded on the West by Level III Annexation, City of Grand Junction Ordinance 4271, as same is recorded in Book 4715, Page 612, all in the Public Records of Mesa County, Colorado.

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CONTAINING 464,769 Square Feet or 10.67 Acres, more or less, as described.

LESS 22,402 Square Feet of B ½ Road Right Of Way.

**INTRODUCED** on first reading the 6<sup>th</sup> day of November, 2013 and ordered published in pamphlet form.

**PASSED and ADOPTED** on second reading the \_\_\_\_ day of \_\_\_\_\_, 2013 and ordered published in pamphlet form.

ATTEST:

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President of the Council

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City Clerk



Date: October 24, 2013  
Author: Brian Rusche  
Title/ Phone Ext: Senior Planner/4058  
Proposed Schedule: 1<sup>st</sup> Reading:  
October 2, 2013 and November 6, 2013  
2nd Reading: November 20, 2013  
File #: ANX-2013-403

**Attach 10**  
**CITY COUNCIL AGENDA ITEM**

<b>Subject:</b> Ray Annexation and Zoning, Located at 416 29 Road
<b>Action Requested/Recommendation:</b> Adopt a Resolution Accepting the Petition for the Ray Annexation, Hold a Public Hearing to Consider Final Passage and Final Publication in Pamphlet Form of the Proposed Annexation and Zoning Ordinances
<b>Presenter(s) Name &amp; Title:</b> Brian Rusche, Senior Planner

**Executive Summary:**

A request to annex and zone the Ray Annexation, located at 416 29 Road. The Ray Annexation consists of one parcel and approximately 0.144 acres (6,261 square feet) of the 29 Road right-of-way. The requested zoning is a C-1 (Light Commercial) zone district.

**Background, Analysis and Options:**

The 1.14 acre Ray Annexation consists of one (1) parcel located at 416 29 Road and approximately 0.144 acres (6,261 square feet) of the 29 Road right-of-way.

The property is home to Colorado Custom Elevator and Lift Inc, which provides design, installation, service and maintenance for both residential and commercial elevators, stair lifts, wheelchair platform lifts, dumbwaiters and freight lifts, according to the business website. The property owners have requested annexation into the City and a zoning of C-1 (Light Commercial) to facilitate a proposed expansion of the facility.

Under the 1998 Persigo Agreement with Mesa County proposed development within the Persigo Wastewater Treatment Facility boundary requires annexation and processing in the City. Land annexed to the City shall be zoned in accordance with Grand Junction Municipal Code (GJMC) Section 21.02.140 to a district that is consistent with the adopted Comprehensive Plan and the criteria set forth. The proposed zoning of C-1 (Light Commercial) implements the Comprehensive Plan Future Land Use Map designation of the property as Village Center Mixed Use.

A Neighborhood Meeting was held on June 3, 2013. A copy of those in attendance is attached. No objections were raised about Mr. Ray being able to pursue a proposed business expansion at this location.

The review criteria in Section 21.02.140 of the Grand Junction Municipal Code have all been met. See attached Staff Report/Background Information for additional detail.

**How this item relates to the Comprehensive Plan Goals and Policies:**

**Goal 1:** To implement the Comprehensive Plan in a consistent manner between the City, Mesa County, and other service providers.

Annexation of this property will allow for efficient provision of municipal services.

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

The property is located within a Village Center, so its annexation and concurrent commercial zoning will implement the “centers” concept within the Comprehensive Plan.

**Goal 12:** Being a regional provider of goods and services the City and County will sustain, develop, and enhance a healthy, diverse economy.

The City will provide appropriate commercial and industrial development opportunities in order to implement this goal. The annexation, proposed zoning and subsequent expansion of an existing business qualifies as one of those opportunities.

**Board or Committee Recommendation:**

On October 8, 2013 the Planning Commission forwarded a recommendation of approval of the C-1 (Light Commercial) zone district.

**Financial Impact/Budget:**

The provision of municipal services will be consistent with adjacent properties already in the City. Property tax levies and municipal sales/use tax will be collected, as applicable, upon annexation.

**Legal issues:**

The property is currently subject to a code enforcement action by Mesa County related to the operation of the business in a residential zone and the permitting of the existing buildings. The proposed commercial zoning would allow a business operation, subject to approval by the City. The permitting of the buildings will be addressed by the Mesa County Building Department. The petitioner, who owns the business, has submitted an application (SPN-2013-406) for a proposed expansion and site improvements, which is currently in review.

**Other issues:** None.

**Previously presented or discussed:**

Resolution No. 65-13 Referring the Petition for Annexation was adopted on October 2, 2013.

First Reading of the Zoning Ordinance was November 6, 2013.

**Attachments:**

1. Staff report/Background information
2. Neighborhood Meeting sign-in sheet
3. Annexation Map
4. Aerial Photo
5. Comprehensive Plan - Future Land Use Map
6. Existing City and County Zoning Map
7. Acceptance Resolution
8. Annexation Ordinance
9. Zoning Ordinance

STAFF REPORT / BACKGROUND INFORMATION					
<b>Location:</b>		416 29 Road			
<b>Applicants:</b>		John W. Ray II and Tiffany A. Ray			
<b>Existing Land Use:</b>		Commercial (subject of code enforcement action)			
<b>Proposed Land Use:</b>		Commercial			
<b>Surrounding Land Use:</b>	<b>North</b>	Agricultural			
	<b>South</b>	Agricultural			
	<b>East</b>	Agricultural			
	<b>West</b>	Public (Colorado Mesa University property)			
<b>Existing Zoning:</b>		County RSF-R, (Residential Single-Family Rural)			
<b>Proposed Zoning:</b>		C-1 (Light Commercial)			
<b>Surrounding Zoning:</b>	<b>North</b>	County RSF-R, (Residential Single-Family Rural)			
	<b>South</b>	County RSF-R, (Residential Single-Family Rural)			
	<b>East</b>	County RSF-R, (Residential Single-Family Rural)			
	<b>West</b>	PD (Planned Development)			
<b>Future Land Use Designation:</b>		Village Center Mixed Use Mixed Use Opportunity Corridor (along 29 Road)			
<b>Zoning within density range?</b>		X	<b>Yes</b>		<b>No</b>

**Staff Analysis:**

**ANNEXATION:**

This annexation area consists of 1.14 acres of land and is comprised of one (1) parcel and approximately 0.144 acres (6,261 square feet) of the 29 Road right-of-way.

The property owners have requested annexation into the City to allow for development of the property. Under the 1998 Persigo Agreement with Mesa County proposed development within the Persigo Wastewater Treatment Facility boundary requires annexation and processing in the City.

It is staff's opinion, based on review of the petition and knowledge of applicable state law, including the Municipal Annexation Act Pursuant to C.R.S. 31-12-104, that the Ray Annexation is eligible to be annexed because of compliance with the following:

- a) A proper petition has been signed by more than 50% of the owners and more than 50% of the property described;
- b) Not less than one-sixth of the perimeter of the area to be annexed is contiguous with the existing City limits;

- c) A community of interest exists between the area to be annexed and the City. This is so in part because the Central Grand Valley is essentially a single demographic and economic unit and occupants of the area can be expected to, and regularly do, use City streets, parks and other urban facilities;
- d) The area is or will be urbanized in the near future;
- e) The area is capable of being integrated with the City;
- f) No land held in identical ownership is being divided by the proposed annexation;
- g) No land held in identical ownership comprising 20 contiguous acres or more with an assessed valuation of \$200,000 or more for tax purposes is included without the owner's consent.

The following annexation and zoning schedule is being proposed:

<b><u>ANNEXATION SCHEDULE</u></b>	
<b>October 2, 2013</b>	Referral of Petition (30 Day Notice), Exercising Land Use Control, Introduction Of A Proposed Ordinance, Setting a Hearing
<b>October 8, 2013</b>	Planning Commission considers Zone of Annexation
<b>November 6, 2013</b>	Introduction of A Proposed Ordinance on Zoning by City Council
<b>November 20, 2013</b>	Acceptance of Petition and Public Hearing on Annexation and Zoning by City Council
<b>December 22, 2013</b>	Effective date of Annexation and Zoning

<u>RAY ANNEXATION SUMMARY</u>	
<b>File Number:</b>	ANX-2013-403
<b>Location:</b>	416 29 Road
<b>Tax ID Number:</b>	2943-173-00-097
<b># of Parcels:</b>	1
<b>Estimated Population:</b>	0
<b># of Parcels (owner occupied):</b>	0
<b># of Dwelling Units:</b>	1
<b>Acres land annexed:</b>	1.14
<b>Developable Acres Remaining:</b>	0.996
<b>Right-of-way in Annexation:</b>	0.144 acres (6,261 sq. ft.)
<b>Previous County Zoning:</b>	RSF-R, (Residential Single Family – Rural)
<b>Proposed City Zoning:</b>	C-1, (Light Commercial)
<b>Current Land Use:</b>	Commercial (subject of code enforcement action)
<b>Future Land Use:</b>	Commercial
<b>Values (2012):</b>	<b>Assessed:</b> \$14,140
	<b>Actual:</b> \$177,640
<b>Address Ranges:</b>	416 29 Road
<b>Special Districts:</b>	<b>Water:</b> Ute Water Conservancy District
	<b>Sewer:</b> Persigo 201 sewer service boundary
	<b>Fire:</b> Grand Junction Rural Fire District
	<b>Irrigation/ Drainage:</b> Grand Valley Irrigation Company/ Grand Valley Drainage District
	<b>School:</b> Mesa County Valley School District 51
	<b>Pest:</b> Grand River Mosquito Control District

**ZONE OF ANNEXATION:**

**Background**

The 1.14 acre Ray Annexation consists of one (1) parcel located at 416 29 Road and approximately 0.144 acres (6,261 square feet) of the 29 Road right-of-way.

The property is home to Colorado Custom Elevator and Lift Inc, which provides design, installation, service and maintenance for both residential and commercial elevators, stair lifts, wheelchair platform lifts, dumbwaiters and freight lifts, according to the



business website. The property owners have requested annexation into the City and a zoning of C-1 (Light Commercial) to facilitate a proposed expansion of the facility.

The property is currently subject to a code enforcement action by Mesa County related to the operation of the business in a residential zone and the permitting of the existing buildings. The proposed commercial zoning would allow a business operation, subject to approval by the City. The permitting of the buildings will be addressed by the Mesa County Building Department. The petitioner, who owns the business, has submitted an application (SPN-2013-406) for a proposed expansion and site improvements, which is currently in review.

### **Zone of Annexation**

Under the 1998 Persigo Agreement with Mesa County proposed development within the Persigo Wastewater Treatment Facility boundary requires annexation and processing in the City. Land annexed to the City shall be zoned in accordance with Grand Junction Municipal Code (GJMC) Section 21.02.140 to a district that is consistent with the adopted Comprehensive Plan and the criteria set forth. The proposed zoning of C-1 (Light Commercial) implements the Comprehensive Plan Future Land Use Map designation of the property as Village Center Mixed Use.

### **Neighborhood Meeting**

A Neighborhood Meeting was held on June 3, 2013. A copy of those in attendance is attached. No objections were raised about Mr. Ray being able to pursue a proposed business expansion at this location.

### **Grand Junction Municipal Code – Chapter 21.02 – Administration and Procedures:**

Section 21.02.160 of the Grand Junction Municipal Code states: Land annexed to the City shall be zoned in accordance with GJMC Section 21.02.140 to a district that is consistent with the adopted Comprehensive Plan and the criteria set forth.

The requested zone of annexation to C-1 (Light Commercial) zone district is consistent with the Comprehensive Plan Future Land Use Map designation of Village Center Mixed Use.

Section 21.02.140(a) states: *In order to maintain internal consistency between this code and the zoning maps, map amendments must only occur if:*

- 11) *Subsequent events have invalidated the original premises and findings; and/or*

The Comprehensive Plan, adopted in 2010, designated the property as Village Center Mixed Use. The Village Center land use designation was new to this plan and superseded the previous designation of Residential Medium derived from the 2005 Pear Park Neighborhood Plan.

This criterion has been met.

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

The applicant is requesting a zone district that will implement the Comprehensive Plan Future Land Use Map designation of Village Center, a concept that was introduced in 2010. The Village Center anticipates a mix of uses to provide a broad range of commercial uses and higher density residential uses.

This request is only the second to occur after the creation of the Village Center. The northeast corner of the intersection of 29 Road and D Road is now approved for a Maverik convenience store. The character near the intersection will continue to change in the future as more properties annex and develop with a mix of commercial and high density residential uses that are anticipated by the Comprehensive Plan Village Center.

After the recent completion of the 29 Road viaduct over the Union Pacific Railroad and I-70 Business Loop, 29 Road now provides one of the few north/south access routes across the valley. Traffic has already increased along this portion of the 29 Road, thereby making the adjacent properties attractive for commercial development.

This criterion has been met.

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

29 Road is a principal arterial providing one of the few north/south access routes across the valley after the recent completion of the viaduct over the Union Pacific Railroad and the I-70 Business Loop.

There are public utilities already connected to the existing building(s), including potable water provided by the Ute Water Conservancy District, sanitary sewer service maintained by the City, and electricity from Xcel Energy (a franchise utility). Utility mains are adjacent to the subject parcel that can be utilized to facilitate new use(s) or construction that may occur as a result of the proposed zoning.

This criterion has been met.

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

The requested annexation and proposed zoning is only the second to occur within this Village Center land use designation since the 2010 Comprehensive Plan. The Feuerborn Annexation at the northeast corner of the intersection of 29 Road and D Road is now approved for a Maverik convenience store and one commercial outlot on 2.694 acres.

The only other C-1 zoning on Pear Park is at the southwest corner of the same intersection. The property, totaling 8.18 acres, has remained vacant since it was annexed in 2008.

This criterion has been met.

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

The requested zoning supports the following goals of the Comprehensive Plan:

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

The property is located within a Village Center, so its commercial zoning will implement the “centers” concept within the Comprehensive Plan.

**Goal 12:** Being a regional provider of goods and services the City and County will sustain, develop, and enhance a healthy, diverse economy.

The City will provide appropriate commercial and industrial development opportunities in order to implement this goal. The proposed zoning and subsequent expansion of an existing business qualifies as one of those opportunities.

This criterion has been met.

Alternatives: In addition to the C-1 zone district, the following zone districts would also implement the Comprehensive Plan designation of Village Center:

- a. R-8 (Residential – 8 du/ac)
- b. R-12 (Residential – 12 du/ac)
- c. R-16 (Residential – 16 du/ac)
- d. R-24 (Residential – 24 du/ac)
- e. R-O (Residential Office)
- f. B-1 (Neighborhood Business)
- g. MXR – (Mixed Use Residential – 3, 5)
- h. MXG – (Mixed Use General – 3, 5)
- i. MXS – (Mixed Use Shop – 3, 5)
- j. M-U (Mixed Use)

The property has an existing business that seeks to become conforming as well as expand. The business incorporates office and manufacturing functions, with some outdoor storage. None of the zone district alternatives incorporate all of the functions of the existing business and would result in further nonconformity.

The proposed C-1 zone district allows the greatest variety of uses and will therefore facilitate bringing the business into compliance and its expansion, while providing the greatest flexibility should the property redevelop. It is my professional opinion that the C-1 (Light Commercial) zone district is the best choice for this property.

If the City Council chooses an alternative zone designation, specific alternative findings must be made.

**PLANNING COMMISSION RECOMMENDATION:**

After reviewing the Ray Zone of Annexation, ANX-2013-403, a request to zone the Ray Annexation to C-1 (Light Commercial), the Planning Commission made the following findings of fact and conclusions:

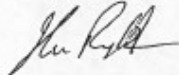
1. The requested zone district of C-1 (Light Commercial) is consistent with the goals and policies of the Comprehensive Plan and implements the Village Center Mixed Use Future Land Use designation.
2. The review criteria in Section 21.02.140 (a) of the Grand Junction Zoning and Development Code have all been met.

**Neighborhood Meeting**  
**Proposed Annexation and Business Expansion**  
**Located at 416 29 Road**

Existing Zoning is County RSF-R (Residential Single-Family Rural)  
Future land Use Designation is Village Center

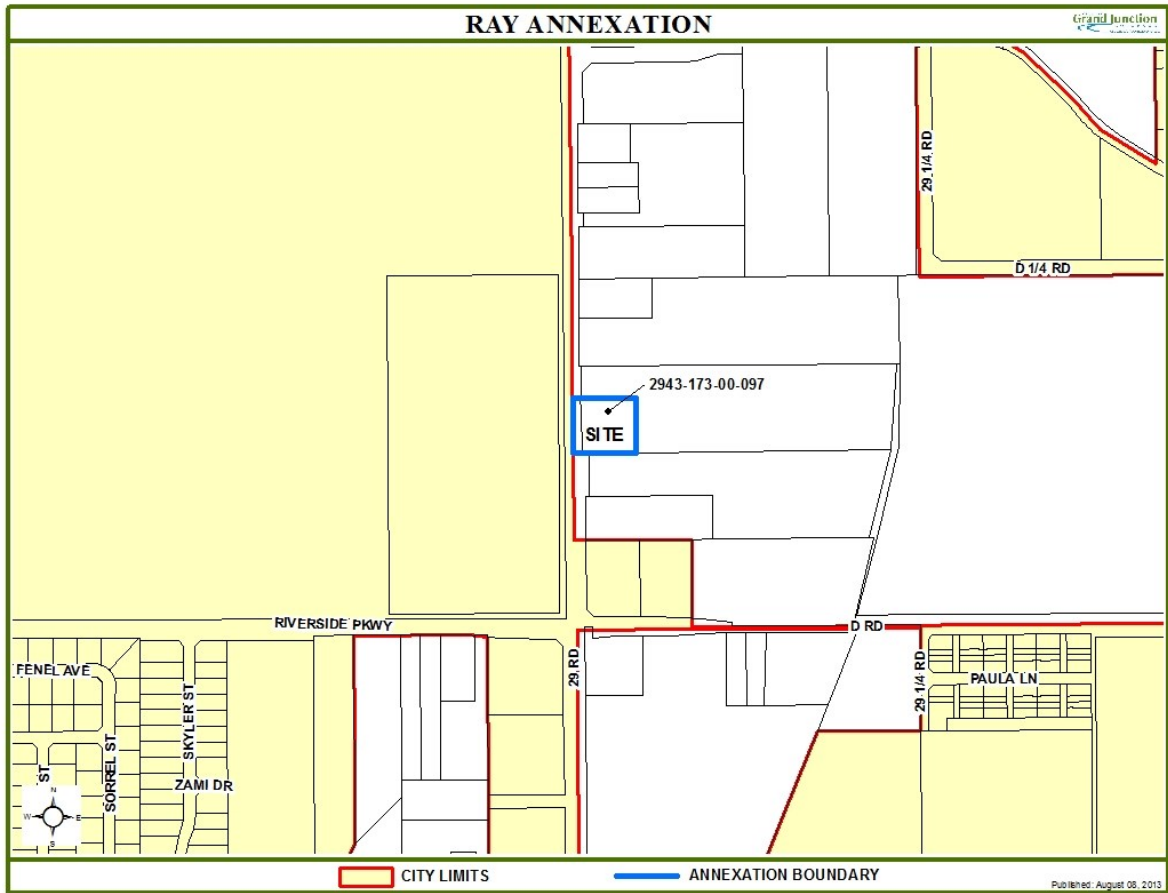
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**Please Sign In**

Name	Address	Contact info
DORIS A STEPHENS	410 29 RD	GJ CO 81504
Kim Wright	408 29 Rd	GJ CO 81504
Mark Wright	408 29 Rd	GJ CO 81504
	420-29R	GJ. CO 81504
Brian Rusche	250 N. 5TH ST.	GJ, 81501

# Annexation Map

## Figure 1



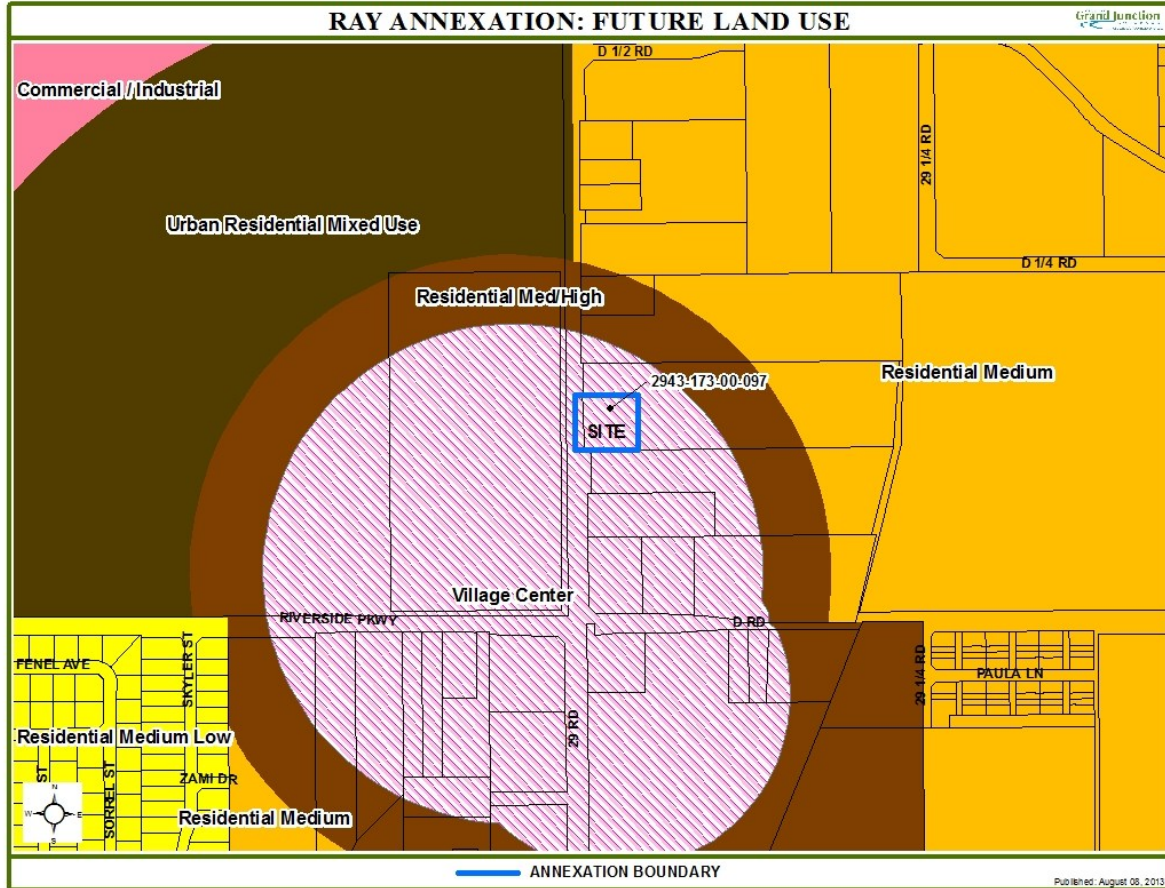
# Aerial Photo

## Figure 2



# Comprehensive Plan – Future Land Use Map

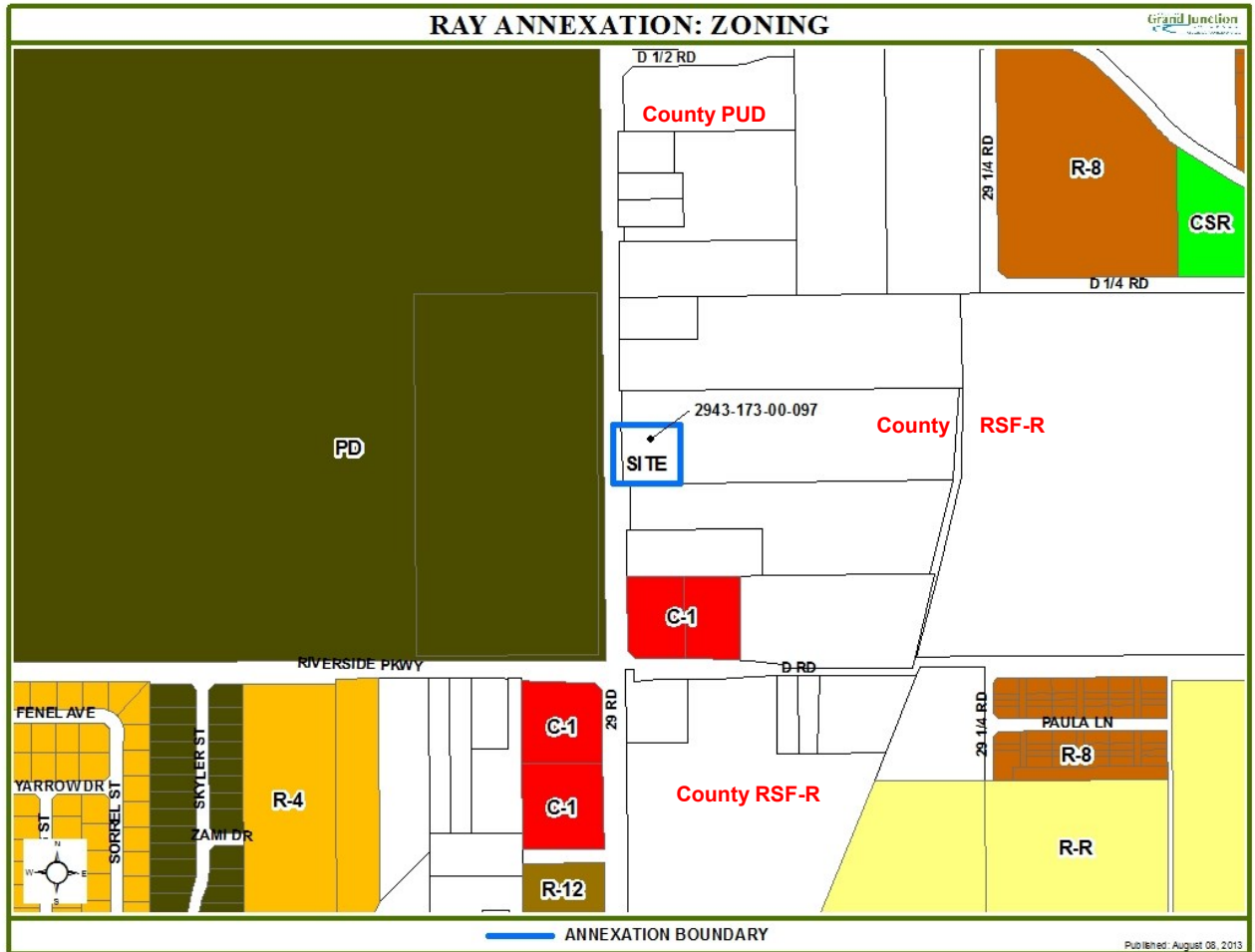
## Figure 3





# Existing City and County Zoning Map

Figure 4



**CITY OF GRAND JUNCTION, COLORADO**

**RESOLUTION NO. \_\_\_\_**

**A RESOLUTION ACCEPTING A  
PETITION FOR ANNEXATION, MAKING CERTAIN  
FINDINGS, DETERMINING THAT PROPERTY KNOWN AS THE**

**RAY ANNEXATION**

**LOCATED AT 416 29 ROAD  
AND INCLUDING PORTIONS OF THE 29 ROAD RIGHT-OF-WAY,**

**IS ELIGIBLE FOR ANNEXATION**

WHEREAS, on the 2<sup>nd</sup> day of October, 2013, a petition was referred to the City Council of the City of Grand Junction, Colorado, for annexation to said City of the following property situate in Mesa County, Colorado, and described as follows:

**RAY ANNEXATION**

A certain parcel of land lying in the Southwest Quarter of the Southwest Quarter (SW 1/4 SW 1/4) of Section 17, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

COMMENCING at the Southwest corner of said Section 17 and assuming the West line of the SW 1/4 SW 1/4 of said Section 17 bears N 00°13'10" W with all other bearings contained herein being relative thereto; thence from said Point of Commencement, N 00°13'10" W along the West line of the SW 1/4 SW 1/4 of said Section 17, a distance of 660.80 feet to the POINT OF BEGINNING; thence from said Point of Beginning, continue N 00°13'10" W along the West line of the SW 1/4 SW 1/4 of said Section 17, a distance of 208.70 feet; thence N 89°57'50" E, along the North line of that certain parcel of land described in Book 4136, Page 171, Public Records of Mesa County, Colorado, a distance of 238.70 feet; thence S 00°13'10" E, along the East line of that certain parcel of land described in Book 4136, Page 171, a distance of 208.70 feet; thence S 89°57'50" W, along the South line of that certain parcel of land described in Book 4136, Page 171, a distance of 238.70 feet, more or less, to the Point of Beginning.

CONTAINING 49,816 Square Feet or 1.14 Acres, more or less, as described.

WHEREAS, a hearing on the petition was duly held after proper notice on the 20<sup>th</sup> day of November, 2013; and

WHEREAS, the Council has found and determined and does hereby find and determine that said petition is in substantial compliance with statutory requirements

therefore, that one-sixth of the perimeter of the area proposed to be annexed is contiguous with the City; that a community of interest exists between the territory and the City; that the territory proposed to be annexed is urban or will be urbanized in the near future; that the said territory is integrated or is capable of being integrated with said City; that no land held in identical ownership has been divided without the consent of the landowner; that no land held in identical ownership comprising more than twenty acres which, together with the buildings and improvements thereon, has an assessed valuation in excess of two hundred thousand dollars is included without the landowner's consent; and that no election is required under the Municipal Annexation Act of 1965.

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

The said territory is eligible for annexation to the City of Grand Junction, Colorado, and should be so annexed by Ordinance.

ADOPTED the \_\_\_\_\_ day of \_\_\_\_\_, 2013.

Attest:

\_\_\_\_\_  
President of the Council

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

**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

**AN ORDINANCE ANNEXING TERRITORY TO THE  
CITY OF GRAND JUNCTION, COLORADO**

**RAY ANNEXATION**

**APPROXIMATELY 1.14 ACRES**

**LOCATED AT 416 29 ROAD  
AND INCLUDING PORTIONS OF THE 29 ROAD RIGHT-OF-WAY**

**WHEREAS**, on the 2<sup>nd</sup> day of October, 2013, the City Council of the City of Grand Junction considered a petition for the annexation of the following described territory to the City of Grand Junction; and

**WHEREAS**, a hearing on the petition was duly held after proper notice on the 20<sup>th</sup> day of November, 2013; and

**WHEREAS**, the City Council determined that said territory was eligible for annexation and that no election was necessary to determine whether such territory should be annexed;

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

That the property situate in Mesa County, Colorado, and described to wit:

**RAY ANNEXATION**

A certain parcel of land lying in the Southwest Quarter of the Southwest Quarter (SW 1/4 SW 1/4) of Section 17, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

COMMENCING at the Southwest corner of said Section 17 and assuming the West line of the SW 1/4 SW 1/4 of said Section 17 bears N 00°13'10" W with all other bearings contained herein being relative thereto; thence from said Point of Commencement, N 00°13'10" W along the West line of the SW 1/4 SW 1/4 of said Section 17, a distance of 660.80 feet to the POINT OF BEGINNING; thence from said Point of Beginning, continue N 00°13'10" W along the West line of the SW 1/4 SW 1/4 of said Section 17, a distance of 208.70 feet; thence N 89°57'50" E, along the North line of that certain parcel of land described in Book 4136, Page 171, Public Records of Mesa County, Colorado, a distance of 238.70 feet; thence S 00°13'10" E, along the East line of that certain

parcel of land described in Book 4136, Page 171, a distance of 208.70 feet; thence S 89°57'50" W, along the South line of that certain parcel of land described in Book 4136, Page 171, a distance of 238.70 feet, more or less, to the Point of Beginning.

CONTAINING 49,816 Square Feet or 1.14 Acres, more or less, as described.

be and is hereby annexed to the City of Grand Junction, Colorado.

**INTRODUCED** on first reading on the 2<sup>nd</sup> day of October, 2013 and ordered published in pamphlet form.

**ADOPTED** on second reading the \_\_\_\_\_ day of \_\_\_\_\_, 2013 and ordered published in pamphlet form.

Attest:

\_\_\_\_\_  
President of the Council

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

**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

**AN ORDINANCE ZONING THE RAY ANNEXATION  
TO C-1 (LIGHT COMMERCIAL)**

**LOCATED AT 416 29 ROAD**

Recitals

The 1.14 acre Ray Annexation consists of one (1) parcel located at 416 29 Road and approximately 0.144 acres (6,261 square feet) of the 29 Road right-of-way. The property owners have requested annexation into the City and a zoning of C-1 (Light Commercial). Under the 1998 Persigo Agreement between the City and Mesa County, all proposed development within the Persigo Wastewater Treatment Facility boundary requires annexation and processing in the City.

The City has also agreed to zone newly annexed areas using a zone district that implements the Comprehensive Plan. The proposed zoning of C-1 (Light Commercial) implements the Comprehensive Plan Future Land Use Map, which has designated the property as Village Center Mixed Use.

After public notice and public hearing as required by the Grand Junction Municipal Code, the Grand Junction Planning Commission recommended approval of zoning the Ray Annexation to the C-1 (Light Commercial) zone district finding that it conforms with the recommended land use category as shown on the future land use map of the Comprehensive Plan and the Comprehensive Plan's goals and policies. The zone district meets the criteria found in Section 21.02.140 of the Grand Junction Municipal Code.

After public notice and public hearing before the Grand Junction City Council, City Council finds that the C-1 (Light Commercial) zone district is in conformance with the stated criteria of Section 21.02.140 of the Grand Junction Municipal Code.

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

The following property be zoned C-1 (Light Commercial).

**RAY ANNEXATION**

A certain parcel of land lying in the Southwest Quarter of the Southwest Quarter (SW 1/4 SW 1/4) of Section 17, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

COMMENCING at the Southwest corner of said Section 17 and assuming the West line of the SW 1/4 SW 1/4 of said Section 17 bears N 00°13'10" W with all other bearings contained herein being relative thereto; thence from said Point of Commencement, N 00°13'10" W along the West line of the SW 1/4 SW 1/4 of said Section 17, a distance of 660.80 feet to the POINT OF BEGINNING; thence from said Point of Beginning, continue N 00°13'10" W along the West line of the SW 1/4 SW 1/4 of said Section 17, a distance of 208.70 feet; thence N 89°57'50" E, along the North line of that certain parcel of land described in Book 4136, Page 171, Public Records of Mesa County, Colorado, a distance of 238.70 feet; thence S 00°13'10" E, along the East line of that certain parcel of land described in Book 4136, Page 171, a distance of 208.70 feet; thence S 89°57'50" W, along the South line of that certain parcel of land described in Book 4136, Page 171, a distance of 238.70 feet, more or less, to the Point of Beginning.

CONTAINING 49,816 Square Feet or 1.14 Acres, more or less, as described.

LESS approximately 0.144 acres (6,261 square feet) of the 29 Road right-of-way

**INTRODUCED** on first reading the 6th day of November, 2013 and ordered published in pamphlet form.

**ADOPTED** on second reading the \_\_\_\_\_ day of \_\_\_\_\_, 2013 and ordered published in pamphlet form.

ATTEST:

\_\_\_\_\_  
President of the Council

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