

**ORDINANCE NO. 4407**

**AN ORDINANCE EXCLUDING PROPERTY OWNED BY ARVIN J. LEANY  
FROM THE DOWNTOWN GRAND JUNCTION BUSINESS IMPROVEMENT  
DISTRICT**

**LOCATED AT 337 SOUTH 1<sup>ST</sup> STREET (PUFFERBELLY RESTAURANT)**

Recitals

On July 20, 2005, the Grand Junction City Council was presented with petitions from the Downtown Grand Junction Business Improvement District organizing committee requesting formation of a business improvement district.

On August 17, 2005, after a duly notice public hearing, the Downtown Grand Junction Business Improvement District was formed.

On November 1, 2005, the qualified electors of said District authorized the imposition of a Special Assessment to each property owner in the District.

On December 7, 2005, after a duly noticed public hearing, the City council acting as the Board of Directors for the Downtown Grand Junction Business Improvement District directed staff to prepare an assessment roll and file it as required with the Mesa County Treasurer for collection of assessment in 2006. At that public hearing, no objections were presented with the exception of one letter from Carol Newton objecting to the assessment.

On August 4, 2009, Mr. Arvan J. Leany, a property owner in the District, presented a request in writing to the City Clerk asking for exclusion. The request included the required deposit to cover the costs of the process to consider the request.

Upon receipt of the exclusion request, the Grand Junction City Council referred the matter to the Downtown Grand Junction Business Improvement District (DGJBID) Board at its August 17, 2009 meeting.

The DGJBID Board heard the request on October 22, 2009 and with six board members present, the motion was defeated with a tied vote. The result was taken back to City Council, who advised during their November 18, 2009 meeting that the matter be remanded back to the DGJBID Board to re-hear the matter once they had a full board.

The DGJBID Board re-heard the request at its January 28, 2010, and with a six members present, the request was approved by a vote of 5-1.

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

Upon consideration of the request to be excluded from the Downtown Grand Junction Business Improvement District from property owner, Arvin J. Leany, for the following property:

Parcel No. 2945-154-34-001     337 S. 1<sup>st</sup> Street

The request for exclusion from the Downtown Grand Junction Business Improvement District is hereby granted.

**INTRODUCED** on first reading this 17<sup>th</sup> day of February, 2010 and ordered published.

**PASSED AND ADOPTED** on second reading the 1<sup>st</sup> day of March, 2010.

ATTEST:

/s/ Bruce Hill  
President of the Council

/s/ Stephanie Tuin  
City Clerk