

RHS96HDR

TYPE OF RECORD: PERMANENT

CATEGORY OF RECORD: DEVELOPMENT IMPROVEMENTS AGREEMENT

NAME OF AGENCY OR CONTRACTOR: RICHFIELD HOSPITALITY SERVICES, INC

STREET ADDRESS/PARCEL NAME/SUBDIVISION/PROJECT: INSTALLATION OF TRAFFIC
SIGNAL AT THE INTERSECTION OF HORIZON DRIVE AND HORIZON 70 COURT

CITY DEPARTMENT: PUBLIC WORKS

YEAR: 1996

EXPIRATION DATE: NONE

DESTRUCTION DATE: NONE

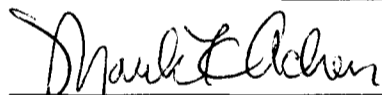
RELEASE

KNOW ALL MEN BY THESE PRESENTS:

That the City of Grand Junction, for the sole consideration of Fifteen Thousand Dollars (\$15,000.00), to the City of Grand Junction paid by Richfield Hospitality Services, Inc., by and on behalf of the Hilton Hotel - Grand Junction and its Owner, hereinafter collectively referred to as Payor, has released and discharged and by these presents, does release and forever discharge the said Payor and all other persons, firms, and corporations as principals, agents, or successors from any and all claims or obligations for or because of any requirement for the payment of or for participation in the cost of installation of a traffic signal at the intersection of Horizon Drive and Horizon 70 Court, Grand Junction, Colorado.

The City of Grand Junction and the Payor understand and agree that this release is made as a compromise to avoid the expense of dispute resolution and to terminate all controversy and/or claims in any way arising from or associated with the requirement of the Grand Junction City Council that the Payor, as a condition of subdivision, pay all or any portion of such cost as occasioned by the construction of the Hilton Hotel - Grand Junction at the intersection described. A photocopy of the minutes of the meeting at which the requirement was imposed are attached hereto and incorporated by this reference as if fully set forth. By the execution hereof, the City of Grand Junction hereby acknowledges and agrees that as of the date hereof, the Payor, its successors and assigns, have fully and completely complied with the requirements of the Grand Junction City Council as it relates to contributions for traffic signals or roadway and intersection improvements or construction of any kind as occasioned by the development of the hotel.

IN WITNESS WHEREOF, Mark K. Achen, City Manager, has hereunto set his hand this 29th day of January, 1996.



Mark K. Achen
250 North 5th Street
Grand Junction, CO 81501

ATTEST:



Stephanie Nye


City Clerk



SUBDIVISION - HORIZON 70, FINAL PLAT, SW CORNER OF I-70 AND HORIZON DRIVE

Taken from the table for further discussion was the Horizon 70 final subdivision plat to be located on the southwest corner of I-70 and Horizon Drive. At the last Council meeting, members of Council expressed concern with the traffic situation as it relates to the ramp from I-70 and Horizon Drive. Senior Planner Del Beaver reviewed Planning Commission and Planning Staff comments. He submitted a copy of a letter from Dave Campbell, State Highway Department, and a copy of a memo to City Engineer Ron Rish from Traffic Engineer Steve McKee. The letter from Mr. Campbell addressed significant traffic in the area and indicated that the developer's proposed channelization of the intersection will diminish the impact and spoke to eventual traffic signal control, and suggested the establishment of an escrow account by the developer to assure availability of funds when traffic signal warrants are met. Mr. McKee's memo to Mr. Rish indicates traffic volumes, peak hour flows, and the problems that would be associated with this intersection. Mr. Beaver said it is still Staff's understanding that upon the petitioner working out the final schematics toward this intersection with the realigned islands and signalization would mitigate to a great degree the concerns evidenced by Mr. McKee and Mr. Campbell.

Mr. Rish indicated signalization of the intersection would be warranted upon full development of the property in question.

It was moved by Councilman Kozisek and seconded by Councilman Brown that the Final Plat of Horizon 70 Subdivision be approved subject to the conditions of the Planning Commission and the Planning Staff and subject to the developer being charged with 80% for signalization when it is warranted, directing the Staff to use input for the closing of the ditch road, and the channelization of the intersection.

Mr. Treece, the developer, stated that he cannot understand the comparison of the absolute peak traffic that he would generate in three or four years with today's traffic on Horizon Drive seems to him an unfair comparison. If his development can be projected, it would seem that Horizon Drive can also be projected to seek what peak development will be and what percentage is being talked about. Secondly, Mr. Treece said they have drawn a plan for an office building. The possibility is that in four years they will not put up an office building. It may be condominiums, it may be open land and they may have a lot less traffic generated from this development. When the time comes for a traffic light at that intersection, there may be other reasons in four years for the traffic light. He indicated that Horizon Drive is a very active area with plans for four laning it. He stated that a traffic light may go up there without his development generating much of the traffic, and yet at this meeting he is being committed for a certain percentage of that. He said there are two unknown factors: what he is going to do and what Horizon Drive is going to do. He continued that he felt it was fair at the last meeting when he indicated that he was willing to participate in the signalization so that at the time it is necessary an evaluation can be made as to who is getting the most benefit and who is getting how much benefit. He expressed no doubt but that the traffic signal would benefit other people as well. He

said he did not feel it is fair to expect him to pay a certain percentage of the cost now when it is not known what the cost will be in three to four years' time.

Councilman Brown stated that, even though Horizon Drive traffic triples, if the development does not go in there would be no need for a signal.

Motion carried with President Johnson voting NO.

President Johnson felt the percentage figure is too arbitrary at this time.

John Shaver