

MON04IMP

TYPE OF RECORD:	PERMANENT
CATEGORY OF RECORD:	CONTRACT
NAME OF CONTRACTOR:	MONUMENT REFUSE, INC.
SUBJECT/PROJECT:	RESOLVE VARIOUS SITE PLANNING ISSUES THAT EXIST BETWEEN MONUMENT AND THE CITY FOR STREET IMPROVEMENTS FOR 21 ½ ROAD AND H ROAD
CITY DEPARTMENT:	PUBLIC WORKS AND PLANNING
YEAR:	2004
EXPIRATION DATE:	NONE
DESTRUCTION DATE:	NONE

AGREEMENT

Monument Refuse, Inc. ("Monument") and the City of Grand Junction ("City") enter into the Agreement in order to resolve various site planning issues that exist between Monument and the City.

In consideration of mutual benefits, burdens, forbearances and to resolve their differences, the parties agree as follows:

1. Monument agrees, in connection with the current review comments relating to file number SPR 2003-050, to complete the items set forth in attached Exhibit A, incorporated herein by this reference, which upon completion shall constitute full compliance with all City site plan requirements. Monument shall abide by the City's regulatory requirements that are consistent with the site plan review currently pending, subject to Monument's administrative or judicial rights of appeal.

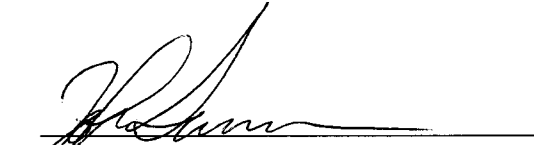
2. On or before March 31, 2004, Monument agrees to pay to the City \$31,200.00 of which \$14,750.00 shall constitute all amounts to be paid or incurred by Monument for future 21 ½ Road improvements that would have been required but for this settlement (consisting of curb and gutter and 18 feet of mat) along its northern boundary (as that boundary exists at the time of this Agreement) which is contiguous to the right-of-way for 21 ½ Road.

\$16,450.00 shall constitute all amounts to be paid or incurred by Monument for future H Road improvements that would have been required but for this settlement (consisting of curb and gutter and 18 feet of mat) along its northern boundary (as that boundary exists at the time of this Agreement) which is contiguous to the right-of-way for H Road.


3. The parties agree that upon Monument's compliance with the site plan requirements and other terms of the Agreement and based upon the current uses of the Monument property, the legal description of which is attached as Exhibit "Monument Legal Description," there shall be no further requirements of Monument relative to the City's land use code and/or road improvements and/or dedication/conveyance of additional right-of-way. Change of use, new use(s) or development will result in the application of all standards then in effect.

4. The parties stipulate and agree that Monument is entitled to use 8.03 acres, more or less, as described graphically on the attached Exhibit "monument Site Plan" for current uses which are truck and equipment storage and operations yard.

The parties have signed this Agreement this 25th day of March, 2004.




John Durmas, President
Monument Refuse, Inc.

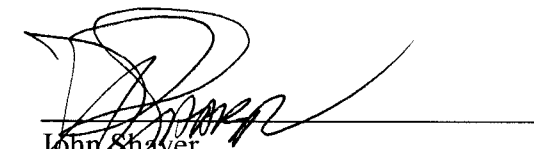


Robert E. Blanchard
Community Development Director
City of Grand Junction

Approved as to form:



Michael J. Russell, Esq.
Monument Refuse, Inc.



John Shaver
Acting City Attorney
City of Grand Junction

Exhibit A

Comment Response Letter

RECEIVED
FEB 02 2004
COMMUNITY DEVELOPMENT
DEPT.

File #SPR-2003-050

Date: January 11, 2004

Location: 780 - 21½ Road

Petitioner: **John Durmas - Monument Trucking**
Greg Knight - Knight and Durmas Properties LLC
780 - 21½ Road
Grand Jct. CO 81505
257-1833

Petitioner's Representative: David Smuin/HydroTerra

Community Development Department
Ronnie Edwards

- Response 1: Owners agree to install landscaping per approved plan and protect and preserve existing landscaping.
- Response 2: No new lighting is proposed. Existing lighting appears to be in compliance with the code.
- Response 3: Clarification has been added to the plan showing the specific uses for specific areas of the property.
- Response 4: All existing easements are shown on the plans.
- Response 5: Additional time may be required for installation of landscaping and other site upgrades due to onset of winter weather conditions. An agreement about the timing of required site improvements and ½ street improvements has been negotiated with the City Attorney.

City Development Engineer
Eric Hahn

- Response 1: 21 ½ Road improvements consisting of ½ street section (curb, gutter, and additional asphalt mat bringing total ½ street asphalt width to 18 ft) will be constructed by the owners. No H road improvements will be built. Payment of ½ the estimated amount to construct the ½ street improvements (curb, gutter, and additional asphalt mat bringing total ½ street asphalt width to 18 ft) will be made by owners per an agreement negotiated with the City Attorney. A geotech report and plan and profile drawings are being submitted for City approval.
- Response 2: The area labeled as a "storage yard" on the plan meets the requirements of the code per Chapter 6, Paragraph 9-a (page 31) of the code defines a "low traffic storage yard" as having less than 30 average daily trips generated. According to a daily traffic count made by site personnel during several days in September 2003, the average daily trips in the storage yard and truck parking area is 24.
- Response 3: Currently there is 40 ft of ½ street right of way along both the H Road and 21 ½ Road property frontages for this project as dedicated on the Valley West Filing 1

subdivision plat. The current Grand Valley Circulation Plan, Functional Classification Map in TEDS, shows both of these streets as local roads along the reaches associated with this property. According to the standard street sections shown in Chapter 5 of TEDS, a local industrial street only requires a ½ street r.o.w. width of 24 ft, thus there is more than enough ½ street r.o.w. along both property frontages. If the City is concerned about the overall r.o.w. width, then City Engineering should research the amount of r.o.w. available for the other side of the two streets and acquire additional r.o.w. as necessary from the adjacent land owners.

Response 4. An agreement for construction and payment of ½ street improvements has been formulated between the owners and the City.

Response 5. A geotech report is attached.

City Fire Department
Hank Masterson

No response required.

City Code Enforcement
Nina McNally

Response: All code requirements stated in the comments are noted and will be adhered to.

City Attorney
Stephanie Rubinstien

No response required.

City Utility Engineer
Trent Prall

The contact will be made and any sewer plant investment fees will be paid.

City Transportation Engineer
George Miller

Response 1: A sight distance triangle has been added to the plan and it is specified on the plan that no shrubs can be taller than 30 inches and that all trees must have an 8 foot foliage free trunk when within the sight zone.

Response 2: No response required.

Mesa County Building Department
Bob Lee

No response required.

Grand Junction Drainage District
John Ballagh

The districts map was consulted to obtain the recorded easements and underground improvements on the property. These have been added to the plan.

Grand Valley Irrigation
Phil Bertrand

Response 1. Information acknowledged.
Response 2. Information acknowledged.
Response 3. Information acknowledged.
Response 4. Information acknowledged.
Response 5. Information acknowledged.

Ute Water
Ed Tolen

No new water taps are requested, thus no response is required.

XCEL
Harold Ball

No response necessary.

Comments not received from the following:
Qwest

Cost Estimate for 1/2 Street Improvements for Monument Truck
Nov 22, 2003

21 1/2 Road Estimate

GeoTechnical Testing	\$800.00
Engineering and Design	\$3000.00
Reconditioning (650 sq.yd. @ 2.70/sq.yd.)	\$1755.00
Aggregate Base Course (429 sq.yd. @ 10.50/sq.yd.)	\$4505.00
Aggregate Base Course (228 sq.yd. @ 3.50/sq.yd.)	\$798.00
Hot Bituminous Paving (425 sq.yd. @ 10.70/sq.yd)	\$4548.00
Curb and Gutter (286 ft @ 10.00/ft)	<u>\$2860.00</u>
Construction Sub-Total	\$18,266.00
Construction Staking and Surveying - 10%	\$1800.00
Quality Control Testing - 10%	\$1800.00
Traffic Control	<u>\$1500.00</u>
<hr/>	
Total Estimated Cost for 21 1/2 Road -	\$23,366.00

H Road Estimate

GeoTechnical Testing	\$800.00
Engineering and Design	\$4000.00
Reconditioning (932 sq.yd. @ 2.70/sq.yd.)	\$2516.00
Aggregate Base Course (607 sq.yd. @ 10.50/sq.yd.)	\$6373.00
Aggregate Base Course (325 sq.yd. @ 3.50/sq.yd.)	\$1138.00
Hot Bituminous Paving (607 sq.yd. @ 10.70/sq.yd)	\$6494.00
Curb& Gutter (409 ft @ 10.00/ft)	<u>\$4090.00</u>
Construction Sub-Total	\$25,411.00
Construction Staking and Surveying - 10%	\$2500.00
Quality Control Testing - 10%	\$2500.00
Traffic Control	<u>\$2500.00</u>
<hr/>	
Total Estimated Cost for H Road -	\$32,900.00

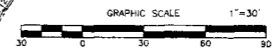
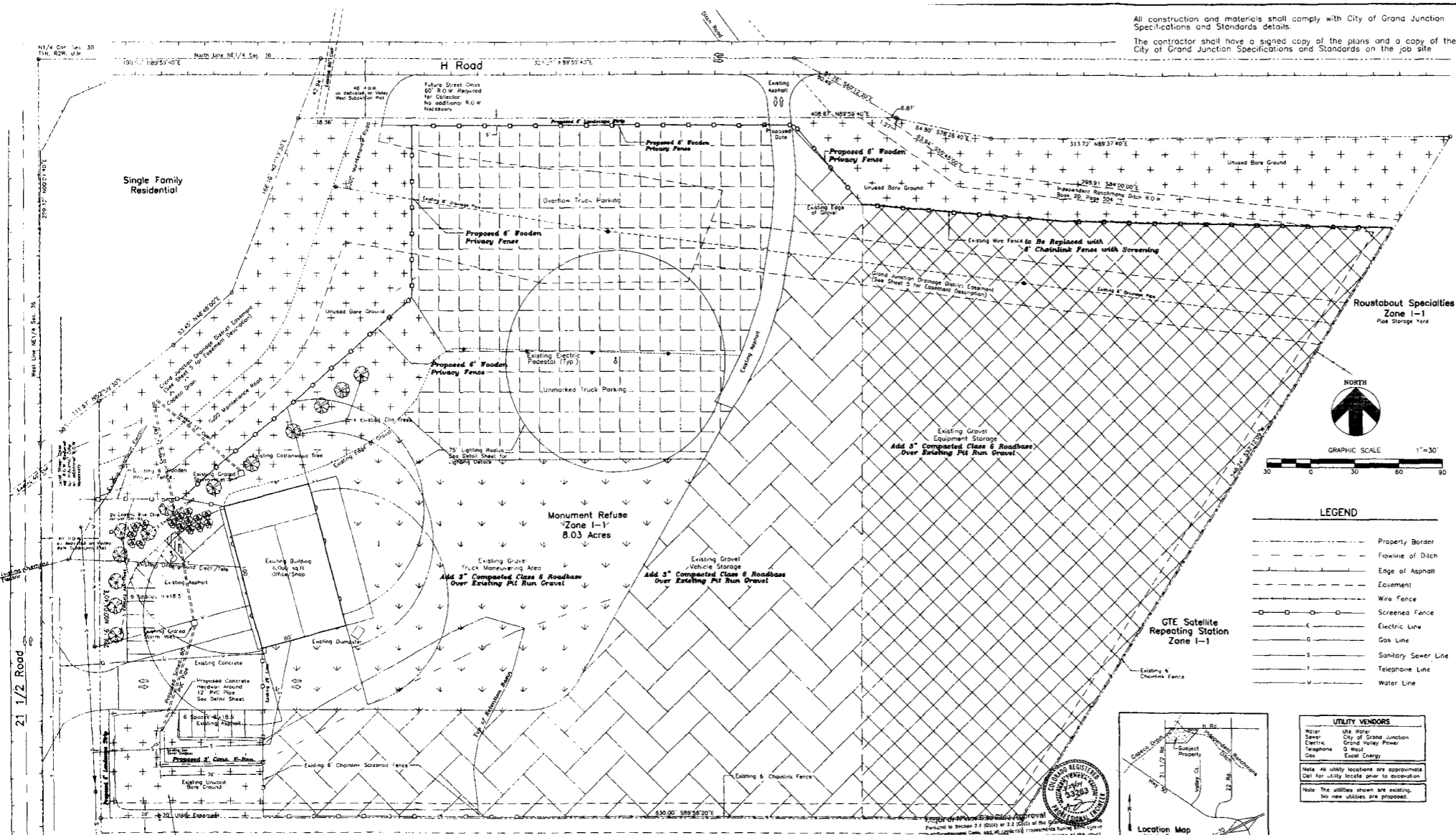
Note- This estimate is based only on conceptual design parameters and may vary depending site specific requirements and variations in recommended paving and sub-base section.

1/2 of est. H Road Improvements

\$16,450.00

This is the number for H Road
to put in agreement w/ City

All construction and materials shall comply with City of Grand Junction Specifications and Standards details.
The contractor shall have a signed copy of the plans and a copy of the City of Grand Junction Specifications and Standards on the job site.

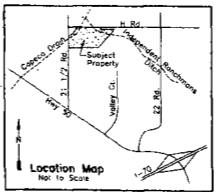


LEGEND

- Property Border
- - - - - Easement
- - - - - Edge of Ditch
- - - - - Easement
- - - - - Wire Fence
- - - - - Screened Fence
- - - - - Electric Line
- - - - - Gas Line
- - - - - Sanitary Sewer Line
- - - - - Telephone Line
- - - - - Water Line

UTILITY VENDORS	
Water	City of Grand Junction
Sewer	City of Grand Junction
Electric	Grand Valley Power
Telephone	Q West
Gas	Excel Energy

Note: All utility locations are approximate. Call for utility locate prior to excavation.
Note: The utilities shown are existing. No new utilities are proposed.



Accepted for construction for one year from this date
3/20/04
City of Grand Junction Engineering Department Representative
Date

LAND USE BREAKDOWN	
Existing Building	4,000 sq ft
Existing Asphalt/Concrete	13,770 sq ft
Existing Gravel	216,100 sq ft
Excise & Proposed Landscape	4,750 sq ft
Existing Unused Bare Ground	109,180 sq ft
TOTAL	349,800 sq ft (8.03 acres)

SCALE	AS SHOWN
DATE ISSUED	March 12, 2003
LATEST REVISION	March 29, 2004

HydroTerra, Inc.
423 Purdy Mesa Road
Whitehouse, Colorado 81527
Telephone (970) 242-4454

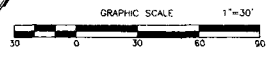
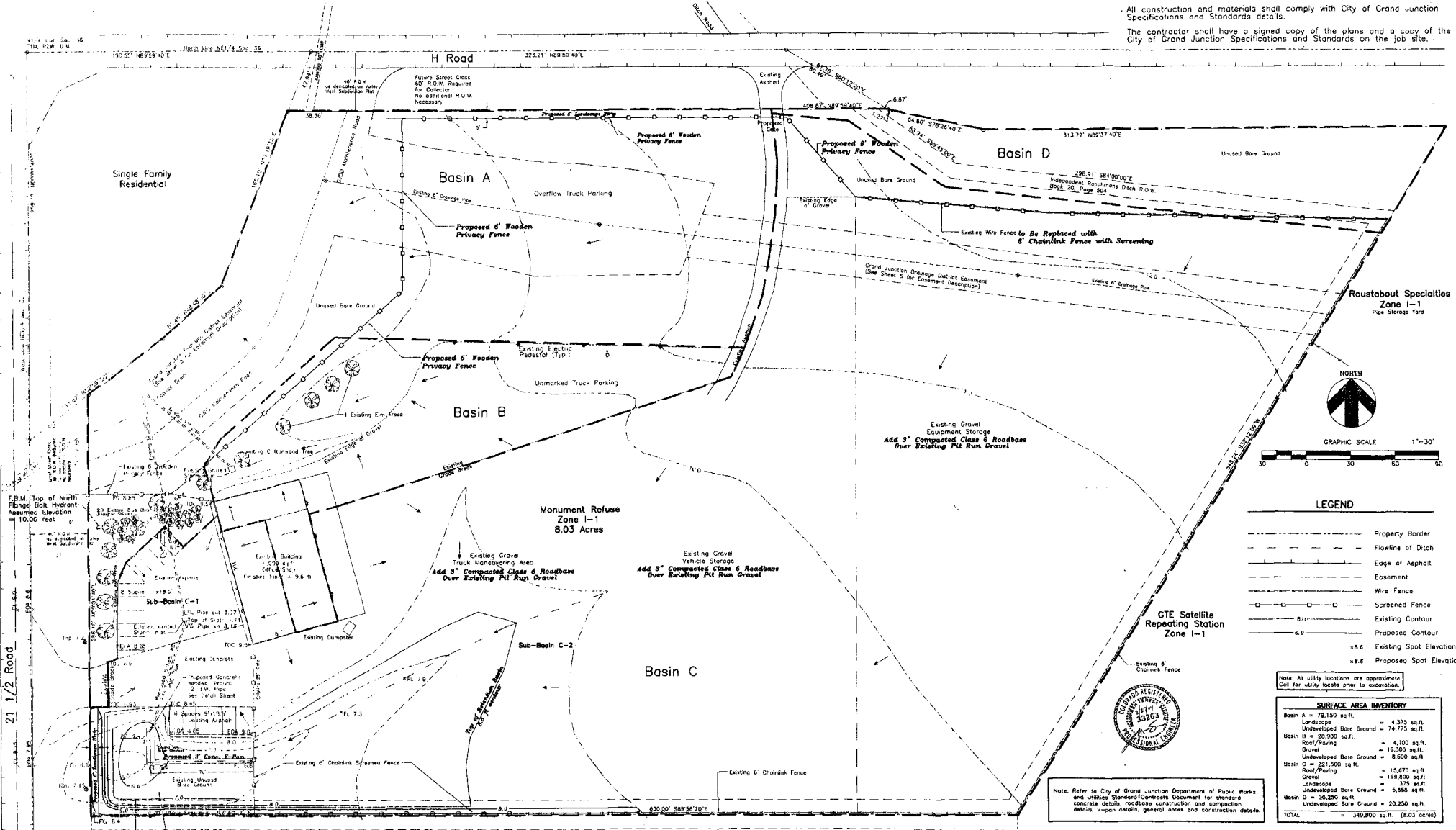
John Durmas
780 21 1/2 Road
Grand Junction, CO 81505
(970) 257-1833

Site/Lighting Plans
Monument Truck, Inc.
Parcel # 2697-361-01-001
Zone I-1, 8.03 Acres
780 21 1/2 Road
Grand Junction, CO 81505

Accepted for construction for one year from this date
3/20/04
City of Grand Junction Engineering Department Representative
Date

All construction and materials shall comply with City of Grand Junction Specifications and Standards details.

The contractor shall have a signed copy of the plans and a copy of the City of Grand Junction Specifications and Standards on the job site.



LEGEND

- Property Border
- - - Flowline of Ditch
- - - Edge of Asphalt
- - - Easement
- - - Wire Fence
- - - Screened Fence
- - - Existing Contour
- - - Proposed Contour
- x8.6 Existing Spot Elevation
- x8.6 Proposed Spot Elevation

Note: All utility locations are approximate. Call for utility locate prior to excavation.

SURFACE AREA INVENTORY	
Basin A = 78,150 sq.ft.	Landscape = 4,375 sq.ft.
	Undeveloped Bare Ground = 74,775 sq.ft.
Basin B = 28,900 sq.ft.	Road/Paving = 4,100 sq.ft.
	Gravel = 16,300 sq.ft.
	Undeveloped Bare Ground = 8,500 sq.ft.
Basin C = 221,500 sq.ft.	Road/Paving = 15,870 sq.ft.
	Gravel = 199,600 sq.ft.
	Landscape = 375 sq.ft.
	Undeveloped Bare Ground = 5,855 sq.ft.
Basin D = 20,250 sq.ft.	Undeveloped Bare Ground = 20,250 sq.ft.
TOTAL	= 349,800 sq.ft. (8.03 acres)

Note: Refer to City of Grand Junction Department of Public Works and Utilities Standard Contracts Document for standard concrete details, roadbase construction and compaction details, v-pipe details, general notes and construction details.

Accepted for construction for one year from this date.
 Acceptance of these plans does not relieve the developer, contractor, or the engineer from conformance with City of Grand Junction Standards and Specifications.

City of Grand Junction Engineering Department Representative *[Signature]* Date *3/30/04*

*All details, construction, inspections, and testing shall conform to City of Grand Junction Standards and Specifications. The contractor shall have a copy of the accepted plans and the current City of Grand Junction Standards and Specifications on site and available at all times.

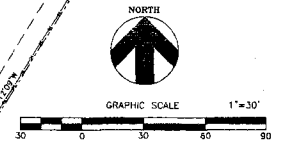
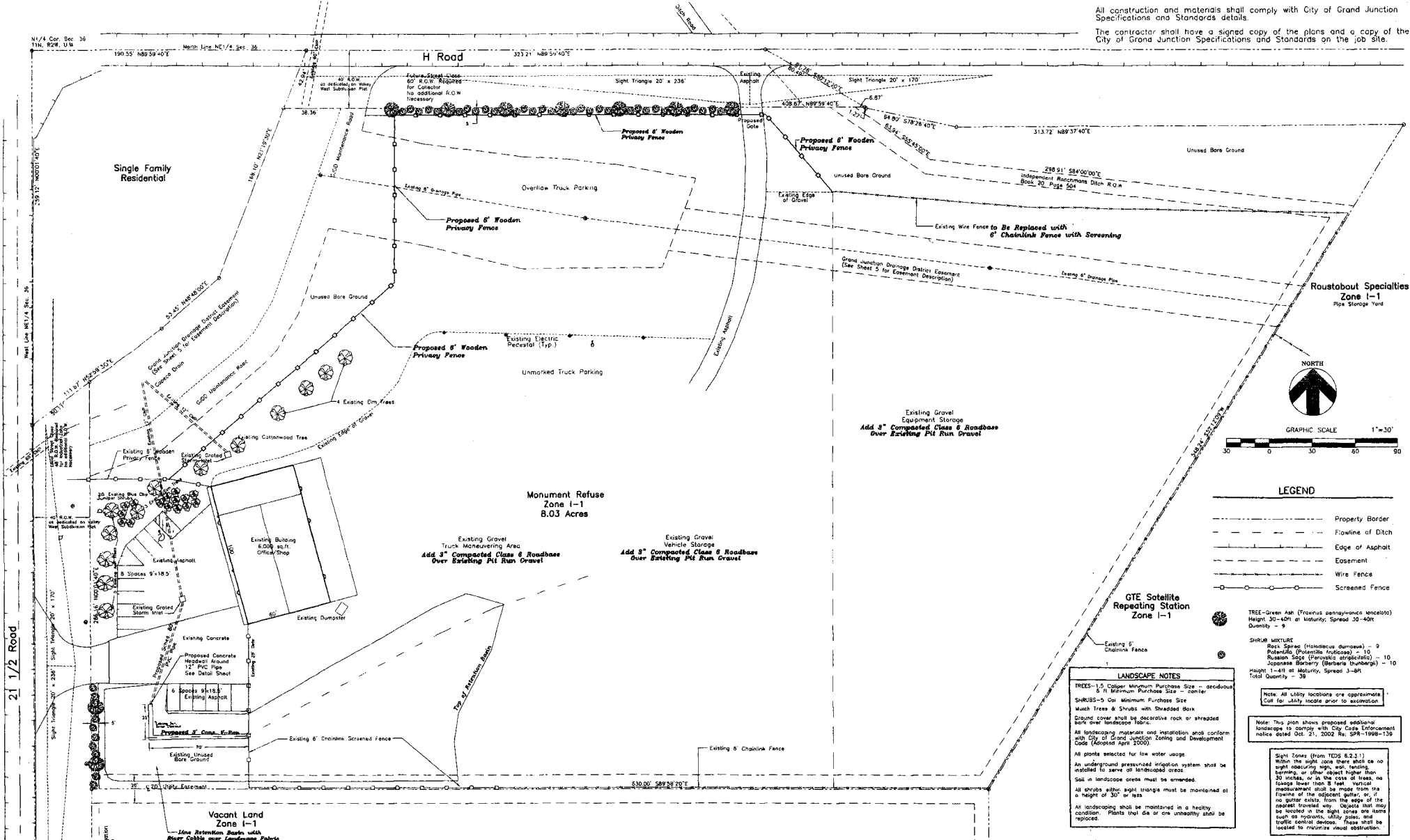
SCALE AS SHOWN
DATE DRAWN March 12, 2003
LATEST REVISION March 29, 2004

HydroTerra, Inc.
 2221 Purdy Mesa Road
 Whitehouse, Colorado 81527
 Telephone: (970) 242-4454

John Durmas
 780 21 1/2 Road
 Grand Junction, CO 81505
 (970) 257-1833

**Drainage Plan
 Monument Truck, Inc.**
 Parcel # 2697-361-01-001
 Zone I-1, 8.03 Acres
 780 21 1/2 Road
 Grand Junction, CO 81505

All construction and materials shall comply with City of Grand Junction Specifications and Standards details.
 The contractor shall have a signed copy of the plans and a copy of the City of Grand Junction Specifications and Standards on the job site.



LEGEND

	Property Border
	Flowline of Ditch
	Edge of Asphalt
	Easement
	Wire Fence
	Screened Fence

- TREE-GREEN ASH** (*Fraxinus pennsylvanica*)
 Height 30-40ft at Maturity; Spread 30-40ft
 Quantity - 9
- SHRUB MIXTURE**
 Box Spruce (*Abies balsamea*) - 9
 Potentilla (*Potentilla fruticosa*) - 10
 Russian Sage (*Perovskia atrorubra*) - 10
 Japanese Barberry (*Barberry thunbergii*) - 10
 Height 1-4ft at Maturity; Spread 3-8ft
 Total Quantity - 39
- LANDSCAPE NOTES**
 TREES-1/3 Caliper Minimum Purchase Size - deciduous
 5/8" Minimum Purchase Size - conifer
 SHRUBS-5 Cal Minimum Purchase Size
 Mulch Trees & Shrubs with Shredded Bark
 Ground cover shall be decorative rock or shredded bark over landscape fabric.
 All landscaping materials and installation shall conform with City of Grand Junction Zoning and Development Code (revised April 2000).
 All plants selected for low water usage.
 An underground pressurized irrigation system shall be installed to serve all landscaped areas.
 Soil in landscaped areas must be amended.
 All shrubs within sight triangles must be maintained at a height of 30" or less.
 All landscaping shall be maintained in a healthy condition. Plants that die or are unhealthy shall be replaced.
- Note:** All utility locations are approximate. Call for utility locate prior to excavation.
- Note:** This plan shows proposed additional landscape to comply with City Code Enforcement notice dated Oct. 21, 2002 Re: SR#-1998-139.
- Sight Zones (from TDS 6.2.3.1)**
 Within the sight zone there shall be no sight obscuring sign, sign-fencing, barriers, or other object higher than 30 inches, or in the case of trees, no foliage lower than 8 feet. Vertical measurement shall be made from the flowline of the adjacent gutter, or, if no gutter exists, from the edge of the nearest traveled way. Objects that may be located in the sight zones are items such as hydrants, utility poles, and traffic control devices. These shall be located to minimize visual obstruction.

Accepted for construction for one year from this date.
 Acceptance of these plans does not relieve the developer, contractor, or the engineer from conformance with City of Grand Junction Standards and Specifications.

City of Grand Junction Planning Department Representative _____ Date _____

*All details, construction, inspections, and testing shall conform to City of Grand Junction Standards and Specifications. The contractor shall have a copy of the accepted plans and the current City of Grand Junction Standards and Specifications on the job site.

SCALE As Shown
DATE DESIGNED March 12, 2003
LATEST REVISION March 29, 2004

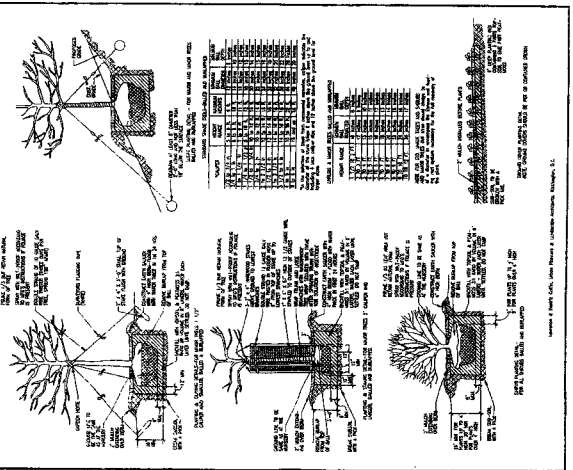
HydroTerra, Inc.
 4221 Purdy Mass Road
 Whitewater, Colorado 81527
 Telephone: (970) 242-4454

John Durmas
 780 21 1/2 Road
 Grand Junction, CO 81505
 (970) 257-1833

**Landscape Plan
 Monument Truck, Inc.**
 Parcel # 2697-361-01-001
 Zone 1-1, 8.03 Acres
 780 21 1/2 Road
 Grand Junction, CO 81505

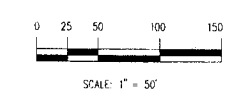
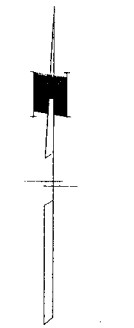
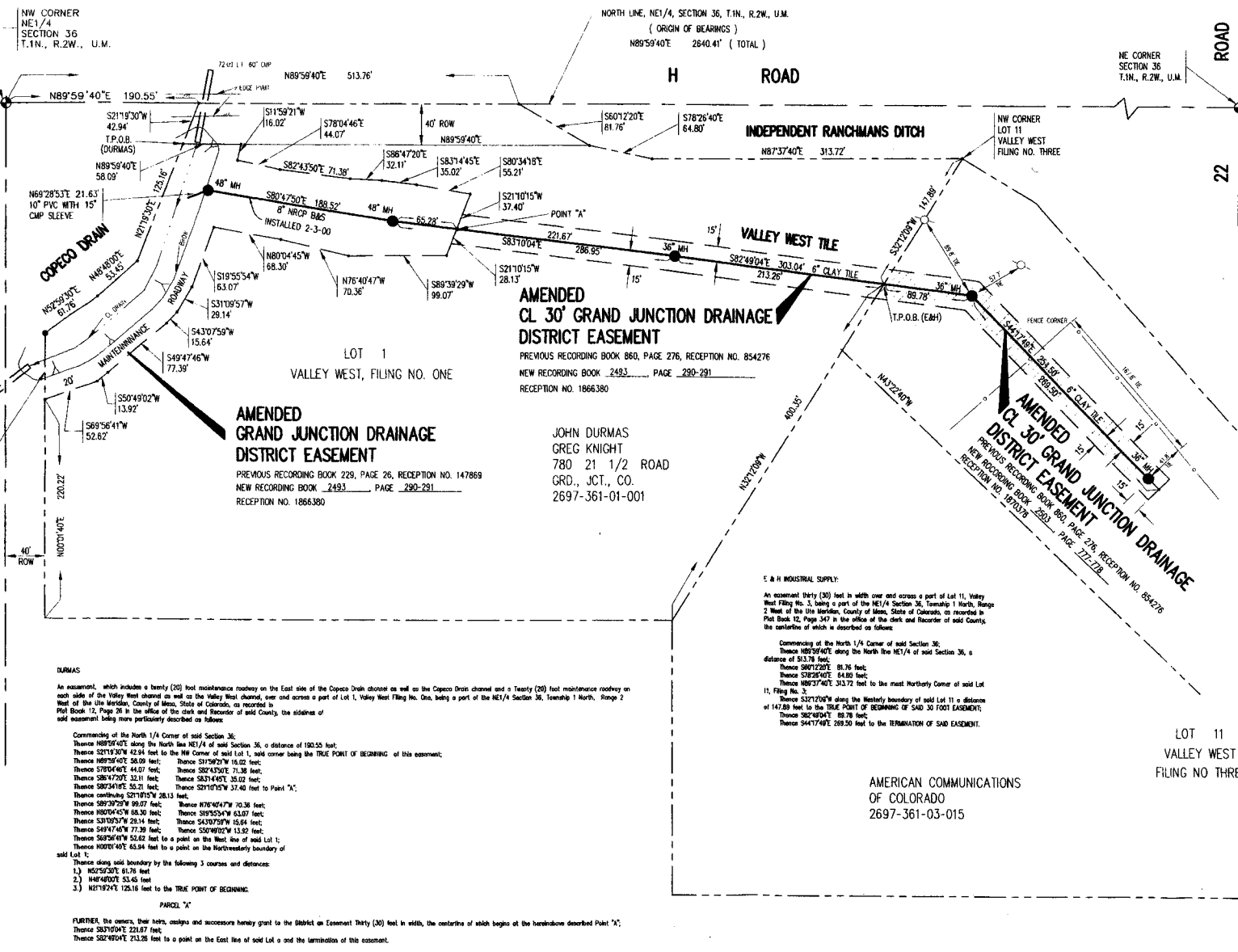
All construction and materials shall comply with City of Grand Junction Specifications and Standards details.
The contractor shall have a signed copy of the plans and a copy of the City of Grand Junction Specifications and Standards on the job site.

PLANTING DETAIL



21 1/2 ROAD

21 1/2 ROAD



- LEGEND
- MESA COUNTY SURVEY MONUMENT
 - FOUND 2" ALUMINUM CAP 'DISMANT'
 - PROPERTY LINE
 - - - CHAIN LINK FENCE
 - POWER POLE

AMENDED GRAND JUNCTION DRAINAGE DISTRICT EASEMENT
 PREVIOUS RECORDING BOOK 229, PAGE 26, RECEPTION NO. 147869
 NEW RECORDING BOOK 2493, PAGE 290-291
 RECEPTION NO. 1866380

AMENDED CL 30' GRAND JUNCTION DRAINAGE DISTRICT EASEMENT
 PREVIOUS RECORDING BOOK 860, PAGE 276, RECEPTION NO. 854276
 NEW RECORDING BOOK 2493, PAGE 290-291
 RECEPTION NO. 1866380

JOHN DURMAS
 GREG KNIGHT
 780 21 1/2 ROAD
 GROUND, JCT., CO.
 2697-361-01-001

AMERICAN COMMUNICATIONS
 OF COLORADO
 2697-361-03-015

MUSTANG, INC.
 C/O E&H INDUSTRIAL SUPPLY
 789 VALLEY COURT
 2697-361-03-014
 BK 2137, PG 941

DURMAS
 An easement, which includes a twenty (20) foot maintenance roadway on the East side of the Copeco Drain channel as well as the Copeco Drain channel and a Twenty (20) foot maintenance roadway on both sides of the Valley West channel as well as the Valley West channel, over and across a part of Lot 1, Valley West Filing No. One, being a part of the NE1/4 Section 36, Township 1 North, Range 2 West of the 10th Meridian, County of Mesa, State of Colorado, as recorded in Plat Book 12, Page 347 in the office of the Clerk and Recorder of said County, the said easement, being more particularly described as follows:

Commencing at the North 1/4 Corner of said Section 36;
 Thence N89°59'40"E along the North line NE1/4 of said Section 36, a distance of 190.55 feet;
 Thence S21°19'30"W 42.94 feet to the NW Corner of said Lot 1, said corner being the TRUE POINT OF BEGINNING of this easement;
 Thence N89°59'40"E 58.09 feet; Thence S11°52'21"W 16.02 feet;
 Thence S78°04'46"E 44.07 feet; Thence S82°43'50"E 71.38 feet;
 Thence S86°47'20"E 32.11 feet; Thence S83°14'45"E 35.02 feet;
 Thence S80°47'50"E 188.52 feet to Point "A";
 Thence S21°10'15"W 37.40 feet; Thence S83°10'04"E 221.67 feet to Point "X";
 Thence continuing S21°10'15"W 28.13 feet;
 Thence S87°39'29"W 99.07 feet; Thence N76°40'47"W 70.36 feet;
 Thence N80°04'45"W 68.30 feet; Thence S31°09'57"W 29.14 feet;
 Thence S31°09'57"W 29.14 feet; Thence S43°07'59"W 15.64 feet;
 Thence S49°47'46"W 77.39 feet; Thence S50°49'02"W 13.92 feet;
 Thence S68°58'41"W 52.62 feet to a point on the East line of said Lot 1;
 Thence N00°01'40"E 65.94 feet to a point on the Northwesterly boundary of said Lot 1;

Thence along said boundary by the following 3 courses and distances:
 1.) N62°52'30"E 61.78 feet
 2.) N48°49'02"E 53.45 feet
 3.) N21°19'24"E 125.16 feet to the TRUE POINT OF BEGINNING.

PARCEL "X"

FURTHER, the owners, their heirs, assigns and successors hereby grant to the District an Easement Thirty (30) feet in width, the centerline of which begins at the hereinabove described Point "X";
 Thence S21°10'04"E 221.67 feet;
 Thence S82°49'04"E 213.26 feet to a point on the East line of said Lot 1 and the termination of this easement.

**COPECO DRAIN SYSTEM
 VALLEY WEST TILE**
 NW1/4 NE1/4, SECTION 36, T.1N., R.2W., U.M.
 MESA COUNTY COLORADO

MONUMENT TRUCKING - E&H INDUSTRIAL SUPPLY
 SURVEYED: 9/9/98

GRAND JUNCTION DRAINAGE DISTRICT
 722 - 23 Road P.O. Box 55246
 Grand Junction, CO. 81505
 (970) 242-4343

Rennie Edwards

February 13, 2003

To: City Community Development Department

From: David Smuin
HydroTerra, Inc.
4221 Purdy Mesa Road
Whitewater CO 81527

RECEIVED

JAN 12 2004

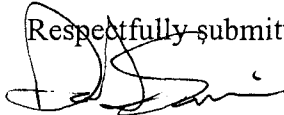
**COMMUNITY DEVELOPMENT
DEPT.**

Re: Submittal of revised plans for SPR-2003-050

To whom it may concern,

Attached is the draft agreement between the City and Monument Refuse, Inc. A comment response letter is included as Exhibit A of the agreement. Revised plans are also attached. A plan and profile design is being submitted for improvements to 21 ½ Road along with a report of geotechnical investigation. Upon approval of the roadway plan, Monument will complete a DIA and submit a guarantee for the proposed improvements.

~~Respectfully submitted,~~



David Smuin