

RESOLUTION NO. 30-96

RECONSIDERING THE EASTERN COMMERCIAL AND VILLA CORONADO ANNEXATIONS, DIRECTING THAT A DISCONNECTING ORDINANCE BE BROUGHT TO THE COUNCIL AND ADDRESSING PROCEDURES AND DETAILS RELATED TO THE DISCONNECTING ORDINANCE AND DIRECTING STAFF TO BEGIN THE STEPS TO HOLD AN ANNEXATION ELECTION.

Recitals.

On December 20, 1995, the City Council adopted Ordinances 2875 and 2876, which ordinances annexed certain properties to the City (commonly referred to as the "Eastern Commercial" and "Villa Coronado" annexations). The Council, at its March 6, 1996 meeting, approved a motion which directed City staff to begin the process to disconnect the properties annexed by said ordinances. Following completion of the annexation and prior to March 6, 1996, certain private parties, and the Board of Commissioners of Mesa County, filed with the City their respective "Motions to Reconsider", pursuant to the Annexation Act.

The City's Charter and the law applicable to a municipalities requires an ordinance to amend or repeal an ordinance. Thus, Council, in order to "disconnect" or "de-annex" must adopt an ordinance which repeals Ordinances 2875 and 2876.

Ordinance No. 2876 provided that, concerning sales tax collection, the effective date was April 1, 1996 to allow a more orderly transition into the City. Now the City Council intends to repeal this ordinance and disconnect the affected area in May, 1996. The Council finds that the imposition of the City's sales tax in this area for only a few weeks is not desirable and will be a hardship on the affected businesses.

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

1. The City Council grants the Motions to Reconsider which have previously been filed, and finds that Ordinances 2875 and 2876 should be repealed.

2. The City Manager is authorized and directed to not collect Sales and Use taxes in the areas affected by Ordinances 2875 and 2876. With respect to Ordinances 2875 and 2876, City Council finds that it is in the interest of this City to not impose any penalty for any failure to file any return or otherwise collect sales tax.

3. The City Manager is directed to facilitate a smooth transition of land use authority to Mesa County upon disconnection of the affected areas. The Council desires that adverse impacts on individual property owners be minimized. The Council is mindful of the provisions of 31-12-115, C.R.S. 12B.

4. City staff is directed to work with citizens desiring to be annexed in the area east of 29 Road and generally north of I-70B, including the Fruitwood Subdivision, in order to place this ballot issue before the voters on November 5, 1996. City Council expects such a ballot question would be formally presented to the City Council in late August or early September 1996 and directs staff to prepare information and work-product necessary to accomplish such an election and, to that end, to assist in preparing information needed for informed electorate.

PASSED and ADOPTED this 20th day of March, 1996.

/s/ Ron Maupin

President of the City Council

/s/ Theresa F. Martinez

Deputy City Clerk