

Grand Junction, Colorado

May 20, 1981

The City Council of the City of Grand Junction, Colorado, convened in regular session the 20th day of May, 1981, at 7:30 p.m. in the City Council Chambers at City Hall. Those present were Council members Betsy Clark, Frank Dunn, Dale Hollingsworth, Robert Holmes, Gary Lucero, and Karl Johnson, a quorum. Councilman Louis Brach was absent. Also present were City Manager Jim Wysocki, City Attorney Gerald Ashby, and City Clerk Neva Lockhart.

Acting Council President Karl Johnson called the meeting to order and led in the Pledge of Allegiance.

INVOCATION

Councilman Robert Holmes.

MINUTES

Upon motion by Councilman Dunn, seconded by Councilman Hollingsworth and carried, the Minutes of the regular meeting May 6, 1981, were approved as written.

Upon motion by Councilman Hollingsworth, seconded by Councilman Lucero and carried, Louis Brach was nominated and elected unanimously President of the Council Ex-Officio Mayor.

PRESIDENT OF THE COUNCIL EX-OFFICIO MAYOR - LOUIS BRACH ELECTED

Upon motion by Councilman Hollingsworth, seconded by Councilman Lucero and carried, Frank Dunn was nominated and elected unanimously President of the Council Pro Tempore Ex-Officio Mayor Pro Tempore. Thereafter, the Oath of Office was administered to President Pro Tempore Frank Dunn who then assumed the Chair.

REORGANIZATION OF COUNCIL

Council members will be serving the next two years on the following Committees:

AIM (Action in Mesa County)
Dale Hollingsworth

ComAct Housing
Frank Dunn
Gary Lucero

Colorado Municipal League
Policy Committee: Karl Johnson

Downtown Development Authority (DDA)
Karl Johnson

Dominguez Dam Project
Louis Brach

Employees Supplemental Retirement Board
Frank Dunn

Energy Impact Assistance Team
Dale Hollingsworth

Fire Pension Board (President of the Council)
Louis Brach

Grand Junction, Colorado, Housing Authority
Gary Lucero

Park Improvement Advisory Board (PIAB)
Betsy Clark

Walker Field, Colorado, Public Airport Authority
Louis Brach
Frank Dunn
Dale Hollingsworth

Region 11 Council of Governments (COG)
Louis Brach

Metropolitan Planning Organization - Transit Comm
Louis Brach

Recreation Board
Betsy Clark

Valley Wide Sewer Committee
Dale Hollingsworth

Clean Communities Committee
Betsy Clark

County Park Board
Louis Brach

Year of the Disabled
Bob Holmes

Centennial Committee
Bob Holmes

LIQUOR - SANTY'S STOP CORPORATE STRUCTURE CHANGE APPROVED

Upon motion by Councilman Johnson, seconded by Councilwoman Clark and carried with Councilman HOLMES voting NO, the application by Santy's Stop, Inc., changing the corporate structure was approved.

President/Manager: Daniel Bruce Brock
Vice President: JoAnn E. Brock
Sec'y/Treasurer: Marie N. Haupt

BEER - LICENSES RENEWED FOR CITY MARKET STORES #2, 865 NORTH AVENUE, AND #9, 1909 NORTH AVENUE

Upon motion by Councilman Johnson, seconded by Councilwoman Clark and carried with Councilman HOLMES voting NO, the applications by City Market, Inc., to renew 3.2% beer licenses at Store No. 2, 865 North Avenue, and Store No. 9, 1909 North Avenue, were approved.

HEARING - PROPOSED ORDINANCE - REZONE FROM R-1-C TO PR-22, FARREL ROPER INVESTMENTS OUTLINE DEVELOPMENT PLAN, NW CORNER OF 15TH AND CEDAR STREETS

A hearing was held after due notice on the petition by Farrel Roper, Jr., to rezone from R-1-C to PR-22 and the Farrel Roper Investments outline development plan for the northwest corner of 15th and Cedar Streets. The request is to change from single-family residential use at approximately five units per acre to planned residential use with design density of 22 units per acre on .90 acres. There were no opponents, letters, or counterpetitions. Upon motion by Councilman Johnson, seconded by Councilwoman Clark and carried, the outline development plan was approved subject to the conditions of the Planning Commission.

The following entitled proposed ordinance was read: AN ORDINANCE AMENDING THE ZONING MAP, A PART OF CHAPTER 32 OF THE CODE OF ORDINANCES OF THE CITY OF GRAND JUNCTION, BY CHANGING THE ZONING OF CERTAIN LANDS WITHIN THE CITY. Upon motion by Councilman Johnson, seconded by Councilman Hollingsworth and carried, the proposed ordinance was passed for publication.

HEARING - FINAL PLAN OF ALMETA GARDENS SUBDIVISION (MINOR), LOCATED AT 548 28-3/4 ROAD

A hearing was held after due notice on the petition by Almeta Onan for the final plan of Almeta Gardens Subdivision (Minor), containing .806 acres designed for two units in a single-family residential zone located at 548 28-3/4 Road. There were no opponents, letters, or counterpetitions. Upon motion by Councilman Johnson, seconded by Councilwoman Clark and carried, the final plan for Almeta Gardens Subdivision (Minor) was approved subject to the conditions of the Planning Commission.

HEARING - CONDITIONAL USE FOR ADDITION TO A CHURCH AT 539 28-1/2 ROAD GRANTED

A hearing was held after due notice on the petition by O. F. Ragsdale for conditional use for addition to a church at 539 28-1/2 Road on .48 acres in a single-family residential zone. There were no opponents, letters, or counterpetitions. Upon motion by Councilman Johnson, seconded by Councilwoman Clark and carried,

the conditional use for addition to a church at 539 28-1/2 Road was granted subject to the conditions of the Planning Commission.

HEARING - APPLICATION BY LESLIE SOMERVILLE TO MOVE RETAIL LIQUOR STORE LICENSE FROM 817 NORTH FIRST STREET TO 901 NORTH FIRST STREET - RESOLUTION OF FINDINGS JUNE 3, 1981

A hearing was held after proper posting and publishing of notice on the application by Leslie Somerville to move the First Street Liquor Store License from 817 North First Street to 901 North First Street. The following report was read:

"Leslie Somerville filed an application on April 16, 1981, to move the retail liquor store license issued to First Street Liquor from 817 North First Street to 901 North First Street. The sign giving Notice of Hearing on the application was posted at 901 North First Street on May 8, 1981, and the display ad giving notice of hearing was published in The Daily Sentinel Friday, May 8, 1981. The applicant filed a signed lease agreement with the application for the property at 901 North First Street.

Mr. Carl Davis was hired to survey the area bounded by South Sherwood Drive on the north, 4th Street on the east, Gunnison Avenue on the south, to Highway 50 Bypass on the west. Results of the survey:

(1) Yes, I am in favor of the moving of the license as I believe the needs of the neighborhood are not being met by existing outlets. 359

(a) Owner of property in neighborhood 113

(b) Employee or business lessee of property in the neighborhood 143

(c) Inhabitant of the neighborhood 187

(2) No, I am not in favor of the moving of the license as I believe the needs of the neighborhood are being met by existing outlets. 33

(a) Owner of property in neighborhood 11

(b) Employee or business lessee of property in the neighborhood 7

(c) Inhabitant of the neighborhood 20

Similar type outlets within survey area: 1.

Similar type outlets within one mile: 6."

The map showing similar-type outlets was reviewed. The petitioner, Leslie Somerville, was present for the hearing. There were no opponents, letters, or counterpetitions. A Resolution of findings

and decision is scheduled on the June 3, 1981, City Council agenda.

BIDS - AWARD OF CONTRACT - STREET PAVEMENT OVERLAYS - CORN CONSTRUCTION CO. - \$215,550

Bids were received and opened Tuesday, May 19, 1981, for the street pavement overlay program. Bidders were:

Elam Construction, Inc. \$217,094.00
Corn Construction Company \$215,550.00
Engineer's Estimate \$252,580.00

The City Manager advised that 12th Street between Bonita Avenue going north to Horizon Drive has not been assessed. It is in need of repair and maintenance and this would be a maintenance item. Grand Avenue from 28 Road to I-70 By-Pass is also in need of repair and is included in this project although it, too, has not been assessed in the past. The Staff recommended award of contract to Corn Construction Company, said contract to include the above two streets. Funds budgeted for the overlay program total \$259,188.27.

Upon motion by Councilman Holmes, seconded by Councilman Johnson and carried, the contract for the Street Pavement Overlay Program including the above-listed two streets was awarded Corn Construction Company for its low bid of \$215,550.

BIDS - AWARD OF FIVE-YEAR LEASE FOR HALLEN-BECK PROPERTY - STEVEN BONNELL - \$8,100

Bids were received and opened May 11, 1981, for leasing of approximately 294 acres of the Hallen-Beck property on Purdy Mesa for five years. Bidders were:

Steven Bonnell \$8,100.00
Ed Studebaker \$5,500.00
Pat Dalton \$5,075.75

Upon motion by Councilman Johnson, seconded by Councilman Hollingsworth and carried, Steve Bonnell was awarded the five-year lease for the Hallenbeck Property for a total leasing fee of \$8,100.

HEARING - PROPOSED ORDINANCE - REZONE FROM PD-8 TO PB AND THE PARK AT HORIZON DRIVE PRELIMINARY PLAN AND ROAD VACATION ON THE NE CORNER OF 12TH STREET AND HORIZON DRIVE

A hearing was held after proper notice on the petition by John Shaw, Victorio Investment, to rezone from PD-8 to PB and vacate a road and The Park at Horizon Drive preliminary plan. The request is to change from Planned Residential Use at approximately eight units per acre to Planned Business Uses on 27.93 acres and to vacate a 25-foot utility easement.

Proponents: Herb Wright, Bill Foster.

Opponents: Nancy Dickey, 718 Niblic Drive, submitted a petition with 102 signatures requesting Council hold off on the Horizon Drive developments until Horizon Drive is developed; Sandy Peeso, 720 Niblic Drive.

The comments from the City Engineer were received by Council and the petitioner on May 20, and the petitioner will be prepared to address those comments after review and before the final plan is submitted.

In response to Mrs. Dickey and the petition submitted regarding a moratorium for any more development on Horizon Drive until Horizon Drive is improved and can bear the traffic impact, Councilman Johnson stated that he didn't think anybody, certainly none of the Council, would dispute the fact that Horizon Drive is a major concern, and how to address it is a question that has not yet been totally answered. He thought that question comes up as to what comes first -- it's the old chicken and egg thing. If there had been no development in that area in the last five or ten years, there would be no need to improve Horizon Drive. He questioned whether the street should be improved before development or should there be coordination of development along with street improvements. The City Council has placed Horizon Drive as its number one priority for capital improvements as far as streets are concerned. Recognizing that the cost of a project of this magnitude is going to be enormous, the Council has tied it into the funds that, hopefully, will be made available by the State Legislature for the City and County to utilize along Horizon Drive and Patterson Road. Over the years as development has occurred along Horizon Drive, the City has attained powers of attorney from developers for participation in the improvement to Horizon Drive if and when that becomes a realty. Councilman Johnson felt sure there are enough powers of attorney on file right now so that if the City Council wished, it could force Horizon Drive into an improvement district, assess all of the property along this corridor for a portion of the cost of the improvements, but the City needs that impact money as its matching portion of that. The City will be paying roughly two-thirds of the cost of that project when it is done, and it is a multi-million dollar project. He continued that declaring a moratorium at this point and saying there will be no more development is, in his opinion, unrealistic.

The City Manager assured Mrs. Peeso that something can be done about the intersection if it is warranted prior to any improvements to Horizon Drive. If signalization of the intersection is warranted, that can be done to alleviate some of the impact.

Upon motion by Councilman Johnson, seconded by Councilman Hollingsworth and carried, the preliminary plan was approved subject to the conditions of the Planning Commission.

The following entitled proposed ordinance was read: AN ORDINANCE AMENDING THE ZONING MAP, A PART OF CHAPTER 32 OF THE CODE OF ORDINANCES OF THE CITY OF GRAND JUNCTION, BY CHANGING THE ZONING OF CERTAIN LANDS WITHIN THE CITY. Upon motion by Councilman Hollingsworth, seconded by Councilman Holmes and carried, the proposed ordinance was passed for publication.

The following entitled proposed ordinance was read: AN ORDINANCE VACATING A ROAD RIGHT OF WAY AND UTILITY EASEMENT WITHIN THE CITY. Upon motion by Councilman Holmes, seconded by Councilman Johnson and carried, the proposed ordinance was passed for publication.

HEARING - THE GRAND HOTEL AND OFFICE COMPLEX DEVELOPMENT IN H.O. ZONE, NW CORNER OF I-70 AND HORIZON DRIVE

A hearing was held on the petition by Jay Kuhne for the Grand Hotel and Office complex development on 9.5 acres on the northwest corner of I-70 and Horizon Drive. Planning Commission recommends approval subject to consideration of Horizon Drive traffic impact. Alex Candelaria of the Planning Staff reviewed the area and discussed the review agency comments. The request is for a hotel and office complex on 9.5 acres. Steve Kellogg of a planning firm from Denver was present to speak for the petitioner. The proposal is for a 280 room full service hotel. The office building is conceptual at this point.

Lloyd Unfred, 3900 Applewood Street, and Mr. Cliff O'Brien, 2854 Sharon Place, spoke in favor of the project.

Opponents: Nancy Dickey, 718 Niblic Drive, submitted a petition signed by approximately 82 people. The petition read: "We, the undersigned, object to the approval of the ten story, two tower Grand Hotel and Offices on Horizon Drive. It is out of scale and not compatible with existing uses in the area. Large buildings of this type belong in downtown Grand Junction if downtown is going to survive." Mrs. Dickey also questioned whether the development is located on the northwest corner of I-70 and Horizon Drive or whether it should be the southwest corner of I-70 and Horizon Drive. If the southeast corner is correct, then the legal ad giving notice of hearing was incorrect. She also questioned at what point people are told what height these buildings are. She has no objections to a two-story, maybe even three-story building. But the ten-story building came as a shock. Her interpretation of the Rules and Regulations says 65 feet unless the developer has a conditional use, and the legal ad did not specify conditional use in order to alert anyone to the size it really was. Her main objection is that access at the interchange is poor. She also noted the distance from the hotel to the nearest fire station.

The City Attorney advised that the item was properly advertised. It has the legal description. Mrs. Dickey said that what really concerned her was the legal ad did not specify conditional use for the height of the building but rather as an allowed use. Mr.

Warner stated that since H.O. is a planned development zone, the height is always determined at the hearing. There is no height requirement in H.O. except for those uses that do not come to hearing and they are 35 feet. That is the apartments.

Mr. Kellogg stated that the petitioner has agreed to participate at whatever proportionate amount the Council imposes for the signalization of the intersection. Mr. Kellogg indicated that the requirement by the Fire Department is for full sprinkling of the building and the petitioner will comply if not exceed those requirements. There will also be additional fire hydrants on the site.

Councilman Johnson responded to Mrs. Dickey's petition as it relates to downtown. He stated that he shares her concern as to what happens to downtown with the development out on Horizon Drive. He noted, however, that Council has found denying these requests does not assure that any development is going to occur downtown. Downtown land cost are ranging up to \$15.00 a square foot and having to be put together in parcels of multiple ownership, and it is very difficult for a developer to put together a piece of property of suitable size to make a major development. A major department store was lost to the downtown for that very reason.

Upon motion by Councilman Holmes, seconded by Councilman Johnson and carried, the plan for the Grand Hotel and Office Complex development was approved subject to the conditions of the Planning Commission and subject to no certificate of occupancy being issued for the occupancy of the building until such time as the determination is made between the developer and the Council as to the percentage of the developer's participation in the signalization and channelization of traffic at the intersection.

The President Pro Tempore declared a five-minute recess. Upon reconvening the six Council members were present.

HEARING - REVISED FINAL PLAN AND PLAT FOR OMEGA PARK, SE CORNER OF 28 ROAD AND ELM AVENUE - TABLED

A hearing was held after proper notice on the revised final plan and plat for Omega Park containing 6.29 acres in planned business zone on the southeast corner of 28 Road and Elm Avenue. The petitioner, Harry Mavrakis of Omega Investment, was present for the hearing. There were no opponents, letters, or counterpetitions. The City Engineer had received the plan for review late today. Upon motion by Councilman Johnson, seconded by Councilwoman Clark and carried with Councilman HOLMES voting NO, the matter was tabled until the Engineering Department indicated that the Staff has had an opportunity to review the revised plan.

HEARING - PROPOSED ORDINANCE - REZONE FROM R-2-A TO H.O. PROPERTY LOCATED BETWEEN HIGHWAY 50 AND UNAWEEP AVENUE, E OF 26-1/4 ROAD

A hearing was held after proper notice on the petition by Cecil Miller to rezone from R-2-A to H.O. property located between Highway 50 and Unawep Avenue, east of 26-1/4 Road. The request is to change from single-family/multi-family residential use at approximately 14 units power acre to highway-oriented uses on 2.5 acres. Richard Piland, 611 Americana Drive, was present representing the petitioner. There were no opponents, letters, or counterpetitions.

The following entitled proposed ordinance was read: AN ORDINANCE AMENDING THE ZONING MAP, A PART OF CHAPTER 32 OF THE CODE OF ORDINANCES OF THE CITY OF GRAND JUNCTION BY CHANGING THE ZONING OF CERTAIN LANDS WITHIN THE CITY. Upon motion by Councilman Johnson, seconded by Councilman Hollingsworth and carried, the proposed ordinance was passed for publication.

HEARING - OFFICE COMPLEX DEVELOPMENT IN H.O. ZONE AT 2793 SKYLINE COURT .45 ACRES

A hearing was held after proper notice on the petition by Carl and Virgie Roach for office complex development in H.O. zone at 2793 Skyline Court on .45 acres. There were no opponents, letters, or counterpetitions. Upon motion by Councilman Johnson, seconded by Councilman Lucero and carried, the office complex development in H.O. zone at 2793 Skyline Court was approved.

HEARING - PROPOSED ORDINANCE - DEVELOPMENT IN H.O. ZONE - CROSS ROADS MOTOR INN MOTEL AND UTILITY EASEMENT VACATION

A hearing was held after proper notice on the petition by Harry Easton, Grand Junction Motor Hotel, Ltd., for development in H.O. zone with a motel on 1.61 acres east of 27-3/4 Road Line, northwest of Horizon Drive for the Cross Roads Motor Inn Motel. There was also a petition for a utility easement vacation. There were no opponents, letters or counterpetitions.

Upon motion by Councilman Johnson, seconded by Councilman Lucero, the Crossroads Motor Inn Motel development in H.O. zone was approved.

The following entitled proposed ordinance was read: AN ORDINANCE VACATING AN EASEMENT IN THE CITY. Upon motion by Councilman Johnson, seconded by Councilman Holmes and carried, the proposed ordinance was passed for publication.

HEARING - PROPOSED ORDINANCE - ZONING FOSTER ANNEXATION PD-8, NW CORNER 12TH STREET AND HORIZON DRIVE

A hearing was held after proper notice on the petition by Richard Ferrell, Horizon Development Group, Ltd., to zone 9.7 acres of the Foster Annexation located on the northwest corner of 12th Street and Horizon Drive to Planned Residential Use with a design density of 8 units per acre on 23.09 acres. There were no opponents, letters, or counterpetitions. The following entitled proposed

ordinance was read: AN ORDINANCE AMENDING THE ZONING MAP, A PART OF CHAPTER 32 OF THE CODE OF ORDINANCES OF THE CITY OF GRAND JUNCTION, BY ADDING THE ZONING OF CERTAIN LANDS WITHIN THE CITY. Upon motion by Councilman Holmes, seconded by Councilman Hollingsworth and carried, the proposed ordinance was passed for publication.

ORDINANCE NO. 1967 - REPEALING AND REENACTING THE CITY OF GRAND JUNCTION ZONING AND DEVELOPMENT CODE - HEARING

The hearing on repealing and reenacting the City of Grand Junction Zoning and Development Code was held after proper notice. The President Pro Tempore requested that the City Manager give a brief overview of the background of the proposal.

Upon motion by Councilman Johnson, seconded by Councilman Hollingsworth and carried with Council members HOLMES and LUCERO voting NO, the Proof of Publication in pamphlet form was accepted for filing.

Upon motion by Councilman Hollingsworth, seconded by Councilman Johnson and carried with Council members HOLMES and LUCERO voting NO, the proposed ordinance was called up for final passage and the title only was read: THE CITY OF GRAND JUNCTION ZONING AND DEVELOPMENT CODE.

Comments were had from John Ballagh and Bernard Dangler, 1630 Juniper Court. It was moved by Councilman Johnson and seconded by Councilman Hollingsworth that the Ordinance be passed, adopted, numbered 1967, and ordered published in pamphlet form with the publication of a notice of its final passage. Councilman Holmes stated he felt it inappropriate to pass on final until the questionable aspects of the document are addressed. Councilman Johnson commented that if Council is going to delay taking action every time a question is raised, it will never accomplish anything. He noted there were amendments to the Constitution within a very few years after its adoption because of necessary corrections that come up from time to time. Councilman Lucero agreed with comments by both Councilman Holmes and Councilman Johnson, however, he thought Council was coming so close to something that would be workable but yet there are some apparent problems with the document that he feels should be made before its final adoption. He specifically cited the conditional uses that would be allowed in some of the zones and the fact that the public would not be allowed to make comment on things that would affect their neighborhood directly. The old Code does protect the public but it was not carried over to the Code under consideration. He felt that anything affecting the character of the neighborhood was of paramount importance.

He noted that the new Code does not allow for public hearings in the case of baseball fields or the placement of jails that the Staff may see as meeting the requirements and would not require the Council's nor the public's response or approval of the

situation. Another area of concern to Councilman Lucero that was not in the old Code but has crossed over to the new Code is the zero lot lines in the RMF-8 zone. Here, essentially, according to Councilman Lucero, a problem is created to where people could build right on the property line 32-feet high. The person living right next door may be between the rock and a hard place because his other neighbor may elect to do the same, and he has his 65-foot lot with 32-foot buildings on either side of him. Councilman Lucero felt that not remedying these kinds of situations before the document is finally adopted is premature and not wise on the part of the City Council. Councilwoman Clark pointed out that periodically the zoning documents need to be upgraded. She felt that postponing action would delay things more, and she felt that people were waiting to see what action the Council is going to take and she felt the Council needs to move forward.

Roll was called upon the motion with Council members CLARK, HOLLINGSWORTH, JOHNSON and DUNN voting AYE, Council members HOLMES, LUCERO voting NO. The President Pro Tempore declared the motion carried.

PROPOSED ORDINANCE - AUTHORIZING ISSUANCE OF RENTE-V CROSSROADS REVENUE BONDS

The following entitled proposed ordinance was read: AN ORDINANCE AUTHORIZING THE ISSUANCE OF A CITY OF GRAND JUNCTION, COLORADO, INDUSTRIAL DEVELOPMENT REVENUE BOND (RENTE-V - CROSSROADS PROJECT), SERIES 1981, IN THE PRINCIPAL AMOUNT OF \$4,400,000; AND APPROVING THE FORM AND AUTHORIZING THE EXECUTION OF CERTAIN DOCUMENTS RELATING THERETO. Upon motion by Councilman Hollingsworth, seconded by Councilman Johnson and carried with Council members LUCERO and CLARK ABSTAINING, and Councilman HOLMES voting NO, the proposed ordinance was passed for publication.

PERSIGO ANNEXATION - PETITION - RESOLUTION OF INTENT TO ANNEX - PROPOSED ORDINANCE - SE CORNER OF 25 AND G ROADS

The following petition for annexation of the Persigo property located in the southeast corner of 25 and G Roads was accepted for filing.

PETITION

WE, THE UNDERSIGNED, do hereby petition the City Council of the City of Grand Junction, State of Colorado, to annex the following described property to the said City:

Beginning at the northwest Corner of the SW4NW4 of Section 3, T1S, R1W of the Ute Meridian, thence S 89 deg. 31 min. E 1319.00 feet to the northeast corner of said SW4NW4, thence S 00 deg. 01 min. E 147.3 feet, thence S 74 deg. 27 min. W 1084.6 feet, thence S 64 deg. 16 min. W 141.0 feet thence W 147.2 feet to the W line of said SW4NW4, thence N 510.4 feet to the point of beginning, AND

That part of the NW4NW4 and the W2NE4NW4 of Section 3, T1S, R1W of the Ute Meridian, lying Westerly and Southerly of the Easterly and Northerly right-of-way line of the Grand Junction and Grand River Valley Railway, EXCEPT: beginning at the Northwest corner of Section 3, R1S, R1W of the Ute Meridian, thence E along the N line of said Section 3 a distance of 220.0 feet, thence S parallel to the W line of said Section 3 a distance of 180.0 feet, thence W parallel to the N line of said Section 3 a distance of 220.0 feet, thence N along the W line of said Section 3 a distance of 180.0 feet to the point of beginning, except 30-foot right of way for 25 Road on W and G Road on N;

ALL IN MESA COUNTY, COLORADO.

As ground therefore, the petitioners respectfully state that annexation to the City of Grand Junction, Colorado, is both necessary and desirable and that the said territory is eligible for annexation in that the provisions of the Municipal Annexation Act of 1965, Sections 31-12-104 and 31-12-105 CRS 1973 have been met.

This petition is accompanied by four copies of a map or plat of the said territory, showing its boundary and its relation to established city limit lines, and said map is prepared upon a material suitable for filing.

Your petitioners further state that they are the owners of one hundred percent of the area of such territory to be annexed, exclusive of streets and alleys; that the mailing address of each signer and the date of signature are set forth hereafter opposite the name of each signer, and that the legal description of the property owned by each signer of said petition is attached hereto.

WHEREFORE, these petitions pray that this petition be accepted and that the said annexation be approved and accepted by ordinance.

<u>DATE</u> <u>SIGNATURE</u> <u>ADDRESS</u> <u>PROPERTY</u> <u>DESCRIPTION</u>			
5-8-81/s/ Wm. Lace Rice c/o Wm. L. Rice 12017 W. Virginia Dr. Lakewood, CO Beginning at the NW Cor of the SW4NW4 of Sec 3 T1S, R1W			

<p>of the U.M., thence S 89 deg. 31 E 1319.00 ft to the NE Cor of said SW4NW4, thence S 00 deg. 01 E 147.3 ft, thence S 74 deg. 27 min. W 1084.6 ft, thence S 64 deg. 16 min. W 141.0 ft, thence W 147.2 ft to the W line of said SW4NW4, thence N 510.4 ft to the point of beginning</p>			
<p>David G. Rice, Jr. Wm. L. Rice Robt J. Rice Joint TenantsSame as aboveThat part of the NW4NW4 and the W2NE4NW4 of Sec 3, T1S, R1W of the U.M., lying Westerly and Southerly of the Easterly and Northerly right- of-way line of the Grand Junction and Grand River Valley Railway, EXCEPT: Beginning at the NW Cor of Sec 3, T1S, R1W of the U.M., thence E along the N line of said Sec 3 a distance of 220.0 ft, thence S parallel to the W line of said Sec 3 a distance of 180.0 ft, thence</p>			

W parallel to the N line of said Sec 3 a distance of 220.0 ft, thence N along the W line of said Sec 3 a distance of 180.0 ft to the point of beginning, ALL IN MESA COUNTY, COLORADO.			
5/8/81/s/ David G. Rice, Jr. /s/ Wm. L. Rice /s/ Robert J. Rice			

STATE OF COLORADO)			
) SSAFFIDAVIT			
CITY AND COUNTY OF DENVER)			

Donald A. Houlehan, of lawful age, being first duly sworn, upon oath, deposes and says:

That he is the circulator of the foregoing petition;

That each signature on the said petition is the signature of the person whose name it purports to be

;sigl;
/s/ Donald A. Houlehan

Subscribed and sworn to before me this 8th day of May, 1981.

Witness my hand and official seal.

;sigl;
/s/ Gail E. King
Notary Public

My Commission expires: January 22, 1985

The following Resolution was read:

RESOLUTION

WHEREAS, on the 20th day of May, 1981, a petition was submitted to the City Council of the City of Grand Junction, Colorado, for annexation to the City of the following property situate in Mesa County, Colorado, and described as follows:

Beginning at the NW Cor of the SW quarter of the NW Quarter of Section 3, T1S, R1W of the Ute Meridian, thence S 89 deg. 31 min. E 1319.00 feet to the NE Cor of said SW Quarter of the NW Quarter, thence S 00 deg. 01 min. E 147.3 feet, thence S 74 deg. 27 min. W 1084.6 feet, thence S 64 deg. 16 min. W 141.0 feet, thence W 147.2 feet to the W line of said SW Quarter of the NW Quarter, thence N 510.4 feet to the point of beginning, AND

That part of the NW Quarter of the NW Quarter and the W Half of the NE Quarter of the NW Quarter of Section 3, T1S, R1W of the Ute Meridian, lying Westerly and Southerly of the Easterly and Northerly right of way line of the Grand Junction and Grand River Valley Railway, EXCEPT: Beginning at the NW Cor of Section 3, T1S, R1W of the Ute Meridian, thence E along the N line of said Section 3 a distance of 220.0 feet, thence S parallel to the W line of said Section 3 a distance of 180.0 feet, thence W parallel to the N line of said Section 3 a distance of 220.0 feet, thence N along the W line of said Section 3 a distance of 180.0 feet to the point of beginning, EXCEPT right of way for 25 Road on the W and right of way for G Road on the N;

and

WHEREAS, the Council has found and determined and does hereby find and determine that said petition is in substantial compliance with statutory requirements therefor; 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, and that no election is required under the Municipal Annexation Act of 1965 as the owner of one hundred percent of the property has petitioned for annexation;

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

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

President of the Council Pro Tempore

Attest:

City Clerk

Upon motion by Councilman Holmes, seconded by Councilman Johnson and carried by roll call vote, the Resolution was passed and adopted as read.

The following entitled proposed ordinance was read: AN ORDINANCE ANNEXING TERRITORY TO THE CITY OF GRAND JUNCTION, COLORADO. Upon motion by Councilman Johnson, seconded by Councilman Holmes and carried, the proposed ordinance was passed for publication.

CITIZEN COMMENTS

Mr. Bernard Dangler, addressing Councilman Johnson, commented that with two single exceptions that Constitution and its amendments are restrictions on government.

Mr. John Viera also addressing Councilman Johnson, commented that the analogy of the Constitution to what was done this evening as far as the passage of the Code (The Zoning and Development Code) is a poor one simply for the reason that the amendments to the Constitution were no attempt to give the people of this country more rights. Mr. Viera personally believes that implementation of the Code is not enhancing the rights of the citizens but detracting from those rights.

DISABLED CITIZENS

On behalf of the Disabled citizens of the community, Councilman Holmes expressed appreciation to the City Manager and Staff who made arrangements for the rally on the City Hall lawn.

ADJOURNMENT

Upon motion by Councilman Hollingsworth, duly seconded and carried, the meeting was adjourned.

Neva B. Lockhart

Neva B. Lockhart, CMC
City Clerk