

Grand Junction, Colorado

June 17, 1981

The City Council of the City of Grand Junction, Colorado, convened in regular session the 17th day of June, 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, Karl Johnson and President of the Council Louis Brach, a quorum. Also present were City Manager Jim Wysocki, City Attorney Gerald Ashby, and City Clerk Neva Lockhart.

President of the Council Louis Brach 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 meetings May 20, 1981, and June 3, 1981, were approved as written.

HOUSING AUTHORITY - PRESENTATION OF PLAQUE TO COUNCILMAN JOHNSON

Paul Malinowski, Housing Authority Director, made a brief report stating that the Housing Authority is going well. Sue Snider, Board Chairman, presented a plaque to Councilman Karl Johnson in appreciation for his service on the Housing Authority for more than five years.

APPOINTMENTS TO DOWNTOWN DEVELOPMENT AUTHORITY - BOB QUIMBY AND PAT GORMLEY (4-YEAR TERMS)

Upon motion by Councilman Johnson, seconded by Councilwoman Clark and carried, Bob Quimby and Pat Gormley were reappointed to four-year terms on the Downtown Development Authority.

PROGRESS REPORT ON PERFORMING ARTS CENTER COMMITTEE

Mr. Dennis Granum, Chairman of the Performing Arts Center Committee, submitted a report requesting direction from the City Council regarding funds for feasibility studies and experts to evaluate the situation.

City Manager Wysocki suggested that the report be reviewed thoroughly by City Council and that a decision be made at the next meeting of Council, or a meeting be held between the City Council and the Performing Arts Center Committee for more specific direction.

President Brach is to set up a City/County meeting with Chairman

Maxine Albers and the Performing Arts Center Committee, to discuss the continuation of this project, and any expenditures necessary. Mr. Brach will contact Mr. Granum on exact date of said meeting.

INDUSTRIAL REVENUE BOND CONSIDERATIONS - ENVIRONMENTAL COMMUNITY DEVELOPERS COMPANY

Judy Borne, 515 29 1/2 Road, Unit 6, Grand Junction, spoke to Council representing Gerald M. Greenberg, etal, Environmental Community Developers Company. She wished to appeal the IRB Committee recommendation to deny the issuance of \$5,000,000 of Industrial Revenue Bonds to be released in two phases, \$2,000,000 for Phase I, and \$3,000,000 for Phase II. The project is to form a branch headquarters for the Western Slope Development Company in the proposed Independence Plaza located at the corner of Independent Avenue and 25 1/2 Road (approximately 27 acres).

Morton Baker, Urban Planner Consultant, 1641 S. Eudora Street, Denver, Colorado, explained they are anticipating ten office business warehouse buildings on the east, and in a later phase, they are anticipating a high-rise or medium-rise office building, a hotel and a restaurant. Mr. Baker stated that existence of this project would generate sales tax revenue for the City in the \$200,000 to \$300,000 bracket.

Mr. Gerald Greenberg of Denver, Colorado, addressed the Council with financial information concerning commitments from future tenants of the project.

A Resolution of findings and decision on this item is scheduled for July 1, 1981.

RESOLUTION OF INDUCEMENT AGREEING TO ISSUE \$2,500,00 INDUSTRIAL DEVELOPMENT BONDS TO TWO HUNDRED GRAND PROPERTIES BUILDING PROJECT - APPROVED

The following Resolution was read:

RESOLUTION OF INDUCEMENT ADOPTED CONCERNING INDUSTRIAL REVENUE BONDS FOR TWO HUNDRED GRAND PROPERTIES BUILDING PROJECT

After hearing the presentation of Dennis Granum of Granum Investments, the major partner in TWO HUNDRED GRAND PROPERTIES, the following Resolution was read:

RESOLUTION

RESOLUTION RELATING TO THE ISSUANCE OF INDUSTRIAL DEVELOPMENT REVENUE BONDS; GIVING PRELIMINARY APPROVAL TO A PROJECT UNDER THE COUNTY AND MUNICIPALITY DEVELOPMENT REVENUE BOND ACT AND THE ISSUANCE OF REVENUE BONDS TO DEFRAY THE COSTS THEREOF AND AUTHORIZING THE PREPARATION OF NECESSARY DOCUMENTS.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION,

COLORADO, as follows:

Section 1. Recitals.

1.01. The legislature of the State of Colorado, in the County and Municipality Development Revenue Bond Act, Title 29, Article 3, Colorado Revised Statutes 1973, as amended ("the Act"), has found and declared it to be a public purpose for municipalities to promote industry and develop trade or other economic activity by inducing profit or non-profit corporations, federal governmental offices, hospitals, and agricultural, manufacturing, industrial, commercial, or business enterprises to locate, expand, or remain in this State, to mitigate the serious threat of extensive unemployment in parts of this State, to secure and maintain a balanced and stabled economy in all parts of this State, and to further the use of its agricultural products or natural resources.

1.02. In furtherance of the foregoing purposes, the legislature has authorized municipalities to issue revenue bonds under the Act for the purpose of defraying the cost of financing, acquiring, improving, and equipping any "project" including any land, building, or other improvement and all real or personal properties, whether or not in existence, suitable or used for or in connection with commercial enterprises, including, without limitation, enterprises engaged in storing, warehousing, distributing, selling or transporting any products of agriculture, industry, commerce, manufacturing or business; the legislature has authorized municipalities to enter into a "financing agreement" with the user of the project for the purpose of providing revenues to pay the bonds so authorized, and to secure the payment of such bonds as provided in the Act.

1.03. Pursuant to the authority of the Act, it has been proposed that the City issue its revenue bonds in an amount sufficient to defray the cost of financing, acquiring, improving, and equipping certain real and personal properties at 200 Grand Avenue in the City of Grand Junction to be used by TWO HUNDRED GRAND PROPERTIES (the "Developer"), as an office building facility (the "Project"), and that the City enter into a financing agreement with the Developer, pursuant to which the Developer will agree to pay the City amounts sufficient to pay when due the principal of, premium, if any, and interest on the revenue bonds and to cause the Project to be constructed. The Project is presently estimated to cost approximately \$3,400,000.

1.04. The existence of the Project would promote the sound economic growth of the State of Colorado and the City of Grand Junction, would provide increased opportunities for employment for residents of the City and surrounding area and would further the public purposes set forth in Section 1.01 hereof. The Project is located within the City limits of the City, and is within the Downtown area of Grand Junction.

1.05. The City has been advised that conventional, commercial

financing to pay the capital cost of the Project is available only on a limited basis and at such high costs of borrowing that the economic feasibility of operating the Project would be significantly reduced, but with the aid of municipal financing, and its resulting low borrowing costs, the Project is economically more feasible.

1.06. This Council has reviewed the report of its own Industrial Development Bond Committee, financing the Developer's request for revenue bond financing for the Project. This Council also notes the Project's furtherance of the goals established in the City's downtown policy statement issued earlier this year.

1.07. The City has been advised that revenue bonds of the City could be issued and sold upon favorable rates and terms to finance the Project.

1.08. The Project constitutes a "project" as defined in Section 29-3-103(10) of the Act.

Section 2. Approvals and Authorizations.

2.01. On the basis of the information given the City to date, it appears that it is in the best interest of the City for the City to issue its industrial development revenue bonds under the provisions of the Act to finance all or part of the costs of the Project.

2.02. The Project is hereby given preliminary approval by the City and the issuance of revenue bonds for such purpose, in an amount sufficient to pay project costs but not to exceed \$2,500,000, is hereby approved, subject to further approval by this Council of the necessary legal documents.

2.03. Prior to or simultaneously with the issuance of the bonds, the City will enter into a financing agreement with the Developer with respect to the Project. The financing agreement shall provide for payment by the Developer to the City of such revenues as will be sufficient to pay the principal of, premium, if any, and interest on the revenue bonds, and to build up and maintain any reserves reasonably deemed advisable by this Council in connection therewith.

2.04. The President of the Council, City Clerk, City Attorney and other officers, employees and agents of the City are hereby authorized to initiate and assist in the preparation of such documents as may be appropriate to the Project.

Section 3. Special Obligations.

In all events, it is understood, however, that the principal of and interest on the revenue bonds issued to finance the Project shall be payable solely out of the revenues derived from the financing of the Project. The bonds and interest coupons, if any,

appurtenant thereto shall never constitute the debt or indebtedness of the City within the meaning of any provision or limitation of the State Constitution, statutes, or home rule charter, and shall not constitute nor give rise to a pecuniary liability of the City or charge against its general credit or taxing powers. Such limitation shall be plainly stated on the face of each bond.

Upon motion by Councilman Hollingsworth, seconded by Councilman Johnson and carried by roll call vote, with Councilman HOLMES voting NO, the Resolution was passed and adopted as read.

PASSED and ADOPTED this 17th day of June, 1981.

President of the Council

Attest:

City Clerk

Upon motion by Councilman Hollingsworth, seconded by Councilman Johnson and carried by roll call vote with Councilman HOLMES voting NO and Councilman LUCERO ABSTAINING, the Resolution was passed and adopted as read.

RESOLUTION OF INDUCEMENT AGREEING TO ISSUE \$2,500,000 INDUSTRIAL DEVELOPMENT BONDS TO POMA OF AMERICA, INC., BUILDING PROJECT - APPROVED

The following Resolution was read:

RESOLUTION

RESOLUTION RELATING TO THE ISSUANCE OF INDUSTRIAL REVENUE BONDS: GIVING PRELIMINARY APPROVAL TO A PROJECT UNDER THE COUNTY AND MUNICIPALITY DEVELOPMENT REVENUE BOND ACT AND THE ISSUANCE OF REVENUE BONDS TO DEFRAY THE COSTS THEREOF AND AUTHORIZING THE PREPARATION OF NECESSARY DOCUMENTS.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO, as follows:

Section 1. Recitals.

1.1 The legislature of the State of Colorado, in the County and Municipality Development Revenue Bond Act, Title 29, Article 3, Colorado Revised Statutes 1973, as amended (the Act) has found and declared it to be a public purpose for municipalities to promote industry and develop trade or other economic activity by inducing profit or non-profit corporations, federal governmental offices,

hospitals, and agricultural, manufacturing, industrial, commercial, or business enterprises to locate, expand, or remain in this State, to mitigate the serious threat of extensive unemployment in parts of this State, to secure and maintain a balanced and stable economy in all parts of this State, and to further the use of its agricultural products or natural resources.

1.2 In furtherance of the foregoing purposes, the legislature has authorized municipalities to issue, revenue bonds under the Act for the purpose of defraying the cost of financing, acquiring, improving, and equipping any "project" including any land, building, or other improvement and all real or personal properties, whether or not in existence, suitable or used for or in connection with commercial enterprises, including, without limitation, enterprises engaged in storing, warehousing, distributing, selling or transporting any products of agriculture, industry, commerce, manufacturing or business; to enter into a "financing agreement" with the user of the Project for the purpose of providing revenues to pay the bonds so authorized, and to secure the payment of such bonds as provided in the Act.

1.3 Pursuant to the authority of the Act, it has been proposed that the City issue its revenue bonds in an amount sufficient to defray the cost of financing, acquiring, improving, and equipping certain real and personal properties near the City to be used by Poma of America, Inc. (the "Corporation"), as a manufacturing facility and related facilities (the "Project"), to enter into a financing agreement with the Corporation pursuant to which the Corporation will agree to pay the City amounts sufficient to pay when due the principal of, premium, if any, and interest on the revenue bonds and to cause the Project to be constructed. The Project is presently estimated to cost approximately \$2,250,000.

1.4 The existence of the Project would promote the sound economic growth of the State of Colorado and the City of Grand Junction, would provide increased opportunities for employment for residents of the City and surrounding area and would further the public purposes set forth in Section 1.1 hereof. The Project is located within the City limits of the City.

1.5 The City has been advised that conventional, commercial financing to pay the capital cost of the Project is available only on a limited basis and at such high costs of borrowing that the economic feasibility of operating the Project would be significantly reduced, but with the aid of municipal financing, and its resulting low borrowing costs, the Project is economically more feasible.

1.6 The Corporation has been advised by investment bankers that revenue bonds of the City are placeable, depending on the meeting of general conditions in the market at the time of offering.

1.7 The Project constitutes a "project" as defined in Section 29-3-103(10) of the Act.

Section 2. Approval and Authorizations.

2.1 On the basis of the information given the City to date, it appears that it is in the best interest of the City for the City to issue its industrial development revenue bonds under the provisions of the Act to finance all or part of the costs of the Project.

2.2 The Project is hereby given preliminary approval by the City and the issuance of revenue bonds for such purpose and in an amount sufficient to pay project costs but not to exceed \$2,225,000 approved, subject to approval by this Council of the necessary legal documents and of the approval by the purchasers of the bonds as to the details of the bond issue and provisions for their payment.

2.3 Prior to or simultaneously with the issuance of the bonds, the City will enter into a financing agreement with the Corporation with respect to the Project. The financing agreement shall provide for payment by the Corporation to the City of such revenues as will be sufficient to pay the principal of, premium, if any, and interest on the revenue bonds, to build up and maintain any reserves deemed advisable by this Council in connection therewith, and to pay the costs of maintaining the Project in good repair and keeping it properly insured, unless the financing agreement obligates the Corporation to pay for the maintenance of the insurance on the Project.

2.4 The President of the Council, City Clerk, City Attorney and other officers, employees and agents of the City are hereby authorized to initiate and assist in the preparation of such documents as may be appropriate to the Project.

Section 3. Special Obligations

In all events, it is understood, however, that the principal of and interest on the revenue bonds issued to finance the Project shall be payable solely out of the revenues derived from the financing of the Project. The bonds and interest coupons, if any, appurtenant thereto shall never constitute the debt or indebtedness of the City within the meaning of any provision or limitation of the State Constitution, statutes, or home rule charter, and shall not constitute nor give rise to a pecuniary liability of the City or charge against its general credit or taxing powers. Such limitation shall be plainly stated on the fact of each bond.

PASSED and ADOPTED this 17th day of June, 1981.

President of the Council

Attest:

City Clerk

Upon motion by Councilman Johnson, seconded by Councilman Dunn and carried by roll call vote with Councilman HOLMES voting NO, the Resolution was passed and adopted as read.

Upon motion by Councilman Johnson, seconded by Councilman Dunn and carried by roll call vote with Councilman HOLLINGSWORTH ABSTAINING and Councilman HOLMES voting NO, the Resolution was passed and adopted as read.

LIQUOR - RENEWAL OF LIQUOR LICENSES

Upon motion by Councilman Dunn, seconded by Councilwoman Clark and carried with Councilman HOLMES voting NO, the applications by Feed Lot, Inc., dba The T-Bond Restaurant, 120 North 7th Street, and Ruth D. Murray dba Teddy's Pub Cafe & Lounge, 603 Highway 50, were approved.

HEARING - APPLICATION BY TRIBOLET-SOMNERS, INC., DBA DANNY'S, 103 NORTH 1ST ST (CHANGE OF OWNERSHIP) - APPROVED

Upon motion by Councilman Dunn, seconded by Councilwoman Clark and carried with Councilman HOLMES voting NO, the application by Tribolet-Somners, Inc., dba Danny's, 103 North 1st Street, was approved. This is a change of ownership affecting Grasso's Italian Restaurant, 103 North 1st Street.

HEARING - OUTLINE DEVELOPMENT PLAN FOR NW CORNER OF 12TH STREET AND HORIZON FOR 12TH STREET AND HORIZON PLANNED COMMUNITY

A hearing was held after due notice on the petition by Richard Ferrell of Horizon Development Group, Ltd. for outline development plan for the northwest corner of 12th Street and Horizon Planned Community. There were no opponents, letters or counterpetitions. Upon motion by Councilman Dunn, seconded by Councilwoman Clark and carried, the outline development plan for the northwest corner of 12th Street and Horizon Planned Community, was approved subject to the conditions of the Planning Commission.

HEARING - FINAL PLAT OF CH FOUR COMMERCIAL PARK, FILING NO. 1, NW OF HORIZON DRIVE, NE OF HIGHLINE CANAL

A hearing was held after due notice on the petition by Bruce Currier for Final Plat of CH Four Commercial Park, Filing No. 1, northwest of Horizon Drive, northeast of Highline Canal, which contains 14.2 acres designed for 2 lots in an H.O. Zone. There were no opponents, letters or counterpetitions. Upon motion by Councilman Dunn, seconded by Councilwoman Clark and carried, the final plat of CH Four Commercial Park, Filing No. 1, was approved

subject to the conditions of the Planning Commission.

HEARING - CONDITIONAL USE - REVOCABLE PERMIT - RESOLUTION - NW
CORNER OF D ROAD AND 12TH STREET - APPROVED

A hearing was held after due notice on the petition by Paul Manning for conditional use and revocable permit to use a portion of D Road right-of-way, northwest corner of D Road and 12th Street. There were no opponents, letters, or counterpetitions. Upon motion by Councilman Dunn, seconded by Councilwoman Clark and carried, the conditional use for use of a portion of D Road right-of-way was approved subject to the conditions of the Planning Commission.

The following Resolution was read:

RESOLUTION

WHEREAS, Paul Manning has petitioned the City Council of the City of Grand Junction, Colorado, for a Revocable Permit to allow parking in the public right of way at the Northwest Corner of D Road and 12th Street, City of Grand Junction; and

WHEREAS, such action would not be detrimental to the interest of the inhabitants of the City;

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

That the City Manager, on behalf of the City and as the act of the City, be and he is hereby authorized to grant such Revocable Permit to the above-named petitioner for the purpose above described upon the execution by the petitioner of an agreement to save and hold the City harmless from any claims arising out of the encroachment and use granted, and execution by the petitioner of an agreement that upon the revocation of such Permit, the petitioner will remove said encroachment at his own expense, restoring the right of way to its original condition.

PASSED and ADOPTED this 17th day of June, 1981.

President of the Council

Attest:

City Clerk

REVOCABLE PERMIT

WHEREAS, Paul Manning has petitioned the City Council of the City

of Grand Junction, Colorado, for a Revocable Permit to allow parking in the public right of way at the Northwest Corner of D Road and 12th Street, City of Grand Junction; and

WHEREAS, the City Council is of the opinion that such action would not be detrimental to the City or to any of the inhabitants thereof at this time and has directed the City Manager to issue a permit for such use;

NOW, THEREFORE, IN ACCORDANCE WITH THE ACTION OF THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO:

There is hereby granted to Paul Manning a Revocable Permit to allow parking on the right of way at the Northwest Corner of D Road and 12th Street, City of Grand Junction; provided, however, that said Permit may be revoked by the City Council at its pleasure at any time; provided, further that the above-named petitioner shall agree to indemnify the City and hold it harmless from any and all claims, damages, actions, costs and expenses of every kind in any manner arising out of, or resulting from the permitted use; and further provided that said petitioner shall agree that upon the revocation of such permit, he will, at his own expense, remove said encroachment and restore the right of way to its original condition.

DATED this 17th day of June, 1981.

James E. Wysocki
City Manager

Attest:

Neva B. Lockhart
City Clerk

AGREEMENT

Paul Manning, for himself, his heirs, executors, administrators and assigns, does hereby agree that he will abide by the conditions contained in the foregoing Permit and that he will indemnify the City of Grand Junction and hold it harmless from all claims as recited in said Permit, and further, on revocation of the Permit, he agrees to remove said encroachment and restore the right of way to its original condition, all at his own expense.

DATED at Grand Junction, Colorado, this _____ day of _____, 1981.

Paul Manning

STATE OF COLORADO)		
) ss:		
COUNTY OF MESA)		

The foregoing Agreement was acknowledged before me this _____ day of _____, 1981, by Paul Manning, the Petitioner herein.

My Commission expires: _____

Witness my hand and official seal.

Notary Public

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

HEARING - HOUSTON HEIGHTS SUBDIVISION - FINAL, NE CORNER OF 15TH AND WELLINGTON AVENUE - APPROVED

A hearing was held after due notice on the petition by Ken Shrum of Colorado Land & Exploration Company for Houston Heights Subdivision (2 lots), located on the northeast corner of 15th Street and Wellington Avenue, containing 4.1 acres designed for 2 lots in a Planned Development at a density of 8 units per acre. There were no opponents, letters or counterpetitions. Upon motion by Councilman Dunn, seconded by Councilwoman Clark and carried, Houston Heights Subdivision Final was approved subject to the conditions of the Planning Commission.

HEARING - PROPOSED ORDINANCE - REZONE FROM B-1 TO PB, 845 COLORADO AVENUE AND FINAL PLAN

A hearing was held after due notice on the petition by Josephine Guffey to rezone from B-1 to PB, 845 Colorado Avenue, and Final Plan. This is a request to change from B-1 Limited Business Uses to Planned Business on .14 acres. There were no opponents, letters or counterpetitions. Upon motion by Councilman Dunn, seconded by Councilwoman Clark and carried, the request to rezone from B-1 to PB, 845 Colorado Avenue, and Final 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 Holmes and carried, the proposed ordinance was passed for publication.

HEARING - CONDITIONAL USE - REQUEST FOR TEMPORARY OFFICE, SW CORNER OF 12TH STREET AND PATTERSON ROAD (VILLAGE FAIR)

A hearing was held after due notice on the petition by Earl Jensen for conditional use for Temporary Office on the southwest corner of 12th Street and Patterson Road (Village Fair). This is a request for a temporary office in a Planned Business Zone on approximately 19 acres. There were no opponents, letters or counterpetitions. Upon motion by Councilman Dunn, seconded by Councilwoman Clark and carried, the conditional use was approved subject to the conditions of the Planning Commission.

HEARING - REVISED FINAL PLAN FOR FIRST SECURITY SAVINGS & LOAN ASSOCIATION, NW CORNER OF 7TH STREET AND GLENWOOD AVENUE (WILLIAMS BUILDING)

A hearing was held after due notice on the petition by Leland Schmidt for revised Final Plan for First Security Savings and Loan Association, northwest corner of 7th Street and Glenwood Avenue (Williams Building). This is a request for a temporary office for Savings and Loan in a Planned Residential Zone on approximately .52 acres. There were no opponents, letters, or counterpetitions. Upon motion by Councilman Dunn, seconded by Councilwoman Clark and carried with Councilman LUCERO ABSTAINING, the revised final plan was approved subject to conditions of the Planning Commission.

RESOLUTION OF FINDINGS AND DECISION RE: APPLICATION BY RUTH OIL COMPANY DBA SITE FOOD MART, 2833 NORTH AVENUE, FOR 3.2% BEER LICENSE FOR SALES OF MALT BEVERAGES IN SEALED CONTAINERS - DENIED

The following Resolution was read:

RESOLUTION

OF DECISION ON APPLICATION FOR A FERMENTED MALT BEVERAGE LICENSE BY RUTH OIL COMPANY DBA SITE FOOD MART AT 2833 NORTH AVENUE, GRAND JUNCTION.

A public hearing having been held on June 3, 1981, on the application by Ruth Oil Company for a fermented malt beverage license for sales in sealed containers for consumption off the premises for Site Food Mart at 2833 North Avenue, Grand Junction, and the City Council having considered the evidence adduced at said hearing, FINDS:

1. The hearing was properly held after due notice under the Beer Code.

2. The City caused a survey to be made of an area bounded by Court Road on the west, Elm Avenue on the north, 28 1/2 Road on the east and Teller Avenue on the south.

3. The results of the survey conducted by the City were that 191 persons in the neighborhood favored the issuance of the license stating that the needs of the neighborhood were not being met by existing outlets. Of this total, 70 indicated that they were inhabitants of the area, 32 stated they were owners of property within the area, and 87 said they were employees within the area. The survey also developed that 212 persons in the neighborhood opposed the issuance of the license believing the needs of the neighborhood were being met by other outlets. Of this total 56 were inhabitants of the neighborhood, 40 were owners of property, and 119 were employees of the businesses within the neighborhood. One person wrote a letter essentially neutral in character, but not opposing the issuance of the license if people wanted it. The applicant entered into evidence petitions carrying signatures of about 150 persons who traded at the station declaring that they favored the issuance of the license.

4. There are two similar outlets within the survey area and 5 within one mile of the proposed location, including the two in the neighborhood.

5. The required character determinations were favorable to the applicant.

6. The applicant suggested that the inhabitants of the neighborhood had voted, by a fourteen vote margin, for the issuance of the license. More of the owners, it was stated, favored the issuance of the license than disapproved that issuance. It was only when those people who were employees, and perhaps not legitimately "Inhabitants" of the neighborhood, were considered that the survey changed from a positive one for the applicant to a negative one. This imbalance of the negative vote was more than overcome, the applicant felt, by the petitions from the store; and therefore, the license should issue.

CONCLUSION

The Beer Code requires that the City Council consider the desires of the inhabitants and the needs of the neighborhood in determining whether or not a license should issue. It gives no easy guidelines as to how these may be determined under circumstances where the matter is a close one; however, it is clear that mere numbers are not necessarily controlling.

The Council is inclined to give more weight to its own survey because of a believed impartiality involved in that survey over what might be involved in the presenting of a petition in the proposed outlet. While the desires of the inhabitants may be that the license issue, if that desire is considered as being evidenced

by the sentiment of owners of property within the neighborhood and those who have designated themselves as inhabitants of the neighborhood as determined by the survey, that margin is very close. The needs of the neighborhood would require the consideration of the employees who were surveyed, and this addition would require, absent any consideration of the petitions, the determination that the needs of the neighborhood were being met by other outlets. While the Council recognizes that the petitions presented are to be considered in assessing the needs of the neighborhood, it also recognizes that there are two other outlets of the same type within a very short distance of the proposed outlet; and it believes that those persons who signed the petition could easily be served by those other outlets; even though the proposed outlet might be more convenient, thus lessening the impact of the petitions to demonstrate need in a neighborhood already supplied with outlets. Although the matter is a close one, the Council feels the license should be denied on the basis that the needs of the neighborhood are being met by other outlets within the neighborhood.

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

That the application by Ruth Oil Company for a fermented malt beverage license for Site Food Mart at 2833 North Avenue, Grand Junction, be denied.

PASSED and ADOPTED this 17th day of June, 1981.

President of the Council

Attest:

City Clerk

Upon motion by Councilman Hollingsworth, seconded by Councilman Johnson and carried by roll call vote with Council members LUCERO, CLARK and DUNN voting NO, the Resolution was passed and adopted as read.

HEARING - PROPOSED ORDINANCE - ZONING PHIPPS ANNEXATION NO. 3 H.O. AND PRELIMINARY PLAN FOR NE CORNER OF 27.75 ROAD AND HIGHWAY 50

A hearing was held after due notice on the petition by Ray Phipps to zone Phipps Annexation No. 3 H.O. and Preliminary Plan for the northeast corner of 27.75 Road and Highway 50, for 14 lots on 25.7 acres. Planner Bob Goldin stated concerns of the Planning Staff concerning piping along the northern portion on B 1/2 Road, as to whether the size of the pipe is matched up, and the City Engineer had some concerns as to the exact size of the pipe.

Mr. Tom Logue of Paragon Engineering, representing the petitioner, stated that the City Engineer feels it is appropriate to tile the combination drainage and irrigation ditch along B 1/2 Road with a 42 in. tile. Mr. Logue stated that the petitioner feels that request is inappropriate due to the following reasons:

1. In addition to some minimal on-site drainage, only 25% of this site will utilize the drain ditch along B 1/2 Road.
2. Because the petitioner is only contributing a portion of the total drainage, there is about 78 to 80 acres lying north and east of this ditch that contributes to that flow.
3. The Development Plan did not call for utilizing B 1/2 Road for any vehicular driveway accesses. The petitioner planned to leave it as is.

Mr. Logue stated that if Council requires the petitioner to tile the ditch, he would request that the petitioner be allowed to utilize B 1/2 Road for vehicular access. Mr. Logue estimated that ditch tiling would cost approximately \$60 a foot with 1320 feet to be tiled. The petitioner is willing to participate in a percentage share on the tiling of the ditch based on an acreage basis pro rata.

City Engineer Ron Rish reminded City Council that B 1/2 Road is an important arterial and that it is physically impossible to improve B 1/2 Road to match the proposed future road. It cannot be done without tiling the ditch.

There were no opponents, letters or counterpetitions. Upon motion by Councilman Holmes, seconded by Councilman Johnson and carried, the preliminary plan for the northeast corner of 27.75 Road and Highway 50 was approved contingent upon petitioner tiling 1320 feet of the drainage and irrigation ditch along B 1/2 Road with 42 in. tile, and 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 ADDING ZONING OF CERTAIN LANDS WITHIN THE CITY. Upon motion by Councilwoman Clark, seconded by Councilman Holmes and carried, the proposed ordinance was passed for publication.

HEARING - PRELIMINARY PLAN FOR COLONY PARK, S OF PATTERSON ROAD, E OF POMONA ELEMENTARY SCHOOL

A hearing was held after due notice on the petition by Bob Baughman for Preliminary Plan on 19.96 acres for Planned Residential Use at a density of 11 units per acre. Planner Bob Goldin stated concerns of the Staff as to the design of the pedestrian pathway along Patterson Road running the length of the

proposed plan. It has been addressed and will be resolved before filing of the final plan.

Mr. Ted Straughan, 2667 Catalina Drive, Grand Junction, was present representing the petitioner. Mr. Straughan stated that the petitioner plans to have a bicycle pedestrian way primarily for the children that go to Pomona School that would enter the subject property at the northeast corner of the property.

Councilwoman Clark asked if the petitioner intends to fence along the ditch. Mr. Straughan answered that he would address that problem at Final.

Mr. Wysocki asked if the petitioner was staying south of the right-of-way easement that the ditch company was with the pathway. Mr. Straughan stated he would like to have it up on the side of the berm which they would like to construct on the south side of the ditch. He felt that they would be outside the easement or would come to an agreement for joint usage of the area.

Mr. Wysocki stated that the reason the City is concerned about the ditch is because the ditch company has certain feelings toward the proximity of the pathway to the ditch. Mr. Wysocki suggested that Mr. Straughan talk with him or the City Engineer prior to construction of the pathway.

There were no opponents, letters or counterpetitions.

Upon motion by Councilman Johnson, seconded by Councilwoman Clark and carried, the preliminary plan for Colony park was approved contingent upon the petitioner meeting all concerns of the City Engineer and subject to the conditions of the Planning Commission.

ORDINANCE NO. 1976 - EXPANDING THE BOUNDARIES OF THE DOWNTOWN DEVELOPMENT AUTHORITY

Upon motion by Councilman Johnson, seconded by Councilman Lucero and carried, the Proof of Publication to the following entitled proposed ordinance was accepted for filing: AN ORDINANCE EXPANDING THE BOUNDARIES OF THE DOWNTOWN DEVELOPMENT AUTHORITY.

Upon motion by Councilman Holmes, seconded by Councilman Hollingsworth and carried, the proposed ordinance was called up for final passage and read, as amended.

There were no comments. Upon motion by Councilman Dunn, seconded by Councilman Holmes and carried by roll call vote, the Ordinance was passed as amended, adopted, numbered 1976, and ordered published.

PROPOSED ORDINANCE - VACATING PORTION OF UNUSED RIGHT-OF-WAY AT 7TH STREET FOR ST. MARY'S HOSPITAL

The following entitled proposed ordinance was read: AN ORDINANCE

VACATING RIGHT-OF-WAY IN THE CITY. Upon motion by Councilman Holmes, seconded by Councilman Johnson and carried, the proposed ordinance was passed for publication.

EMERGENCY ORDINANCE NO. 1977, AMENDING CHAPTER 25 INCREASING WATER POLLUTION CONTROL PLANT INVESTMENT FEE FROM \$500 TO \$750 - RESOLUTION

The following ordinance was read: AN ORDINANCE CHANGING THE METHOD FOR DETERMINING THE PLANT INVESTMENT FEE FOR SEWERAGE FACILITIES AND DECLARING AN EMERGENCY.

There was a motion by Councilman Johnson, seconded by Councilman Dunn and carried by unanimous AYE vote of all members that the Ordinance be passed as an emergency Ordinance, numbered 1977, and ordered published.

The following Resolution was read:

RESOLUTION

ESTABLISHING A PLANT INVESTMENT FEE

The plant investment fee (sometimes the basic plant investment fee) shall be Seven Hundred Fifty Dollars (\$750.00) per single family residence.

PASSED and ADOPTED this 17th day of June, 1981.

/s/ Louis Brach

President of the Council

Attest:

/s/ Neva B. Lockhart, CMC

City Clerk

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

I.D. ST-80, PHASE B, ENGINEER'S STATEMENT OF COMPLETION - RESOLUTION GIVING NOTICE OF HEARING ON ASSESSMENTS

The Engineer's Statement of Completion for I.D. ST-80, Phase B, was presented:

STREET IMPROVEMENT DISTRICT 1980, PHASE B CITY ENGINEER'S STATEMENT OF COMPLETION

This project consists of four (4) alleys and nine (9) streets which were petitioned and/or designated by the City Council for

improvements construction in 1980. These alleys and streets are as follows:

Alley - 1st St. to 2nd St. between Gunnison & Hill

Alley - 2nd St. to 3rd St. between Belford & North

Alley - 18th St. to 21st St. - between North & Bunting

Alley - 23rd St. to 25th St. between North & Bunting

Frontage Road - I-70 Business Loop from Main St. to 21st St.

21st St. 0 Frontage Road to Rood Ave.

Rood Ave. - 19th St. to 21st St.

Patterson Road - South side from 28 1/4 Road to 28 1/2 Road

Crestview Drive - South from Bell Ridge Court

Bookcliff Avenue - North side east from 11th St.

11th St. and Wellington Ave. - West to Little Bookcliff

Mulberry St. - West Ouray to Highway 6 & 50 Frontage Road

West Hall Ave. - East from Bass Street

A notice was published in the Daily Sentinel newspaper on January 6, 1980, stating that petitions for street or alley improvements would be received until February 1, 1980. Petitions for most of the above-listed street and alley improvements were received between January 23, 1980, and February 25, 1980. Because of an engineering staff vacancy (Project Engineer) for several months, design work was delayed. The plans and specifications were presented to City Council and adopted on July 2, 1980. On August 6, 1980, the City Council created the district and authorized award of a construction contract to Elam Construction Company, the lowest of two (2) bidders of the August 5, 1980, bid opening.

Construction Notice to Proceed was on September 2, 1980. A winter shutdown was authorized to begin on December 1, 1980, due to inclement weather. At that time all construction was complete except for paving of the alley from 23rd Street to 25th Street between North and Bunting. Thirty (30) calendar days of contract time remain and the intent is to complete the alley paving in early 1981 as soon as weather will allow hot-bituminous paving operations. I final-inspected all construction work on December 10, 1980, and final-payment, except for the above-mentioned alley paving, was authorized to the contractor on December 30, 1980. West Hall Avenue double-penetration sealcoat was performed by City crews.

The total contract amount to Elam Construction Company to-date for all work completed on Street Improvement District 1980, Phase B, is \$378,611.51 which includes eight (8) change orders which total a net amount of \$24,640.00.

Following are details of the Improvement District costs and proposed assessments based on consultations with the City Manager and City Attorney concerning current City policies for improvements assessments. Details of all payment to the contractor and other expenditures are on file in my office.

Ronald P. Rish, P.E.
 City Engineer
 March 9, 1981

FINAL COSTS

CONTRACT CONSTRUCTION COSTS TO DATE:

Alley - 1st St. to 2nd St. between Gunnison & Hill\$ 8,947.40	
Alley - 2nd St. to 3rd St. between Belford & North9,677.30	
Alley - 18th St. to 21st St. between North & Bunting20,092.40	
Alley - 23rd St. to 25th St. between North & Bunting9,487.03	
Frontage Road - I-70 Business Loop from Main to 21st St.27,787.31	
21st St. - Frontage Road to Rood Ave.15,135.24	
Rood Ave. - 19th St. to 21st St.24,334.26	
Patterson Road - South side from 28 1/4 Rd to 28 1/2 Rd.145,601.86	
Crestview Drive - South from Bell Ridge Court9,293.40	
Bookcliff Avenue - North side	

east from 11th St.7,639.10	
11th St. and Wellington Ave. - West to Little Bookcliff75,258.52	
Mulberry St. - West Ouray to Highway 6 & 50 Frontage Road 25,357.69	
Subtotal =\$378,611.51	

DOUBLE PENETRATION SEALCOAT:

West Hall - east to Bass St. \$3,619.55

ESTIMATED REMAINING CONSTRUCTION COST TO PAVE ALLEY - 23rd St. to
25th St. between North & Bunting:

Subtotal = \$7,600.00

TRAFFIC CONTROL AND UTILITY ADJUSTMENTS:

Alley - 1st St. to 2nd St. between Gunnison & Hill196.60	
Alley - 2nd St. to 3rd St. between Belford & North201.75	
Alley - 18th St. to 21st St. between North & Bunting244.20	
Alley - 23rd St. to 25th St. between North & Bunting254.40	
Frontage Road - I-70 Bus Loop from Main to 21st St.95.75	
21st St. - Frontage Road to Rood Ave.95.75	
Rood Ave. - 19th St. to 21st St.95.75	
Patterson Road - South side from 28 1/4 Rd to 28 1/2 Rd.855.40	
Crestview Drive - South from Bell Ridge Court162.50	

Bookcliff Avenue - North side east from 11th St.170.99	
11th St. and Wellington Ave. - West to Little Bookcliff1,821.60	
Mulberry St. - West Ouray to Highway 6 & 50 Frontage Road <u>320.14</u>	
Subtotal =\$4,514.83	

ADMINISTRATION, ENGINEERING, FINANCIAL, AND LEGAL SERVICES COSTS
TO DATE:

Alley - 1st St. to 2nd St. between Gunnison & Hill\$ 2,221.52	
Alley - 2nd St. to 3rd St. between Belford & North2,069.63	
Alley - 18th St. to 21st St. between North & Bunting3,908.16	
Alley - 23rd St. to 25th St. between North & Bunting3,218.84	
Frontage Road - I-70 Bus Loop from Main to 21st St.3,769.65	
21st St. - Frontage Road to Rood Ave.2,772.50	
Rood Ave. - 19th St. to 21st St.3,497.51	
Patterson Road - South side from 28 1/4 Rd to 28 1/2 Rd.17,757.01	
Crestview Drive - South from Bell Ridge Court1,505.01	
Bookcliff Avenue - North side east from 11th St.2,949.77	
11th St. and Wellington Ave. -	

West to Little Bookcliff	8,279.11
Mulberry St. - West Ouray to Highway 6 & 50 Frontage Road	3,879.87
Subtotal	=\$55,828.58

ESTIMATED REMAINING ADMINISTRATION AND ENGINEERING COSTS:

(To complete alley - 23rd St. to 25th St.)

Subtotal = \$1,130.00

RIGHT-OF-WAY ACQUISITIONS:

Patterson Road - South side from 28 1/4 to 28 1/2 Road.

Subtotal = \$4,004.00

TOTAL COSTS (INCLUDING ESTIMATED REMAINING COSTS):

Alley - 1st St. to 2nd St. between Gunnison & Hill	\$11,365.52
Alley - 2nd St. to 3rd St. between Belford & North	11,948.68
Alley - 18th St. to 21st St. between North & Bunting	24,244.76
Alley - 23rd St. to 25th St. between North & Bunting	21,690.27*
Frontage Road - I-70 Bus Loop from Main to 21st St.	31,652.71
21st St. - Frontage Road to Rood Ave.	18,003.49
Rood Ave. - 19th St. to 21st St.	27,927.52
Patterson Road - South side from 28 1/4 Rd to 28 1/2 Rd.	168,218.27
Crestview Drive - South from Bell	

Ridge Court	10,960.91	
Bookcliff Avenue - North side east from 11th St.	10,759.86	
11th St. and Wellington Ave. - West to Little Bookcliff	85,359.23	
Mulberry St. - West Ouray to Highway 6 & 50 Frontage	29,557.70	
West Hall - East from Bass St. (Double-Pen Sealcoat)	<u>3,619.55</u>	
Total Cost except Bonds	= \$455,308.47	
Cost of Bonds during Construction	= \$ 28,272.98	
Street Improvement District 1980 Phase B Cost	= \$483,581.45	
Assessment Revenue	= \$364,157.81	
Resulting City Cost of Street Improvement District 1980 Phase B	= \$119,423.64	

* Estimated

The following Resolution was read:

RESOLUTION

WHEREAS, the City Council of the City of Grand Junction, Colorado, has reported the completion of Improvement District No. ST-80, Phase B; and

WHEREAS, the City Council has caused to be prepared a statement showing the assessable cost of the improvements of Improvement District No. ST-80, Phase B, and apportioning the same upon each lot or tract of land or other real estate to be assessed for the same;

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

That the improvements connected therewith in said District be, and the same are hereby, approved and accepted; that said statement be, and the same is hereby, approved and accepted as the statement

of the assessable cost of the improvements of said Improvement District No. ST-80, Phase B, to be assessed; and

BE IT FURTHER RESOLVED, that the same be apportioned on each lot or tract of land or other real estate to be assessed for the same, together with interest at the average rate of 8.9679 percent per annum to September 20, 1981; and

BE IT FURTHER RESOLVED, that the City Clerk shall immediately advertise for three days in The Daily Sentinel, a newspaper of general circulation published in said City notice to the owners of the real estate to be assessed, and all persons interested generally without naming such owner or owners, that said improvements have been completed and accepted, specifying the assessable cost of the improvements and the share so apportioned to each lot or tract of land; that any complaints or objections that may be made in writing by such owners or persons shall be made to the Council and filed with the Clerk within thirty (30) days from the first publication of said notice; that same may be heard and determined by the Council at its first regular meeting after said thirty (30) days and before the passage of the ordinance assessing the cost of the improvements, all being in pursuance of the terms and provisions of Chapter 18 of the Code of Ordinances of the City of Grand Junction, Colorado, being Ordinance No. 178, as amended.

The Notice shall be in the following form:

NOTICE

NOTICE IS HEREBY GIVEN to the owners of the real estate hereinafter described, said real estate comprising the district of lands known as Improvement District No. ST-80, Phase B, and to all persons interested therein as follows:

That the improvements in and for said District, which are authorized by and are in accordance with the terms and provisions of a Resolution passed and adopted on the 2nd day of July, 1980, declaring the intention of the City Council of the City of Grand Junction, Colorado, to create a local street improvement district to be known as Improvement District No. ST-80, Phase B, with the terms and provisions of a Resolution passed and adopted on the 2nd day of July, 1980, adopting details, plans and specifications for said District; and with the terms and provisions of a Resolution passed and adopted on the 6th day of August, 1980, creating and establishing said District, all being in accordance with the terms and provisions of Chapter 18 of the Code of Ordinances of the City of Grand Junction, Colorado, being Ordinance No. 178, as amended, have been completed and have been accepted by the City Council of the City of Grand Junction, Colorado;

That the whole cost of the improvements to be assessed has been definitely ascertained and is in the sum of \$483,581.45 said amount including six percent (6%) for cost of collection and other

incidentals and interest at the rate of 8.9679 percent per annum to September 20, 1981; that the part apportioned to and upon each lot or tract of land within said District and assessable for said improvements is hereinafter set forth; that payment may be made to the Finance Director of the City of Grand Junction at any time within thirty (30) days after the final publication of the assessing ordinance, assessing the real estate in said District for the cost of said improvements, and that the owner so paying should be entitled to an allowance of six percent (6%) for cost of collection and other incidentals.

That any complaints or objections that may be made in writing by the said owner, or owners of land within the said District and assessable for said improvements, or by any person interested, may be made to the City Council and filed in the office of the City Clerk of said City within thirty (30) days from the first publication of this Notice will be heard and determined by the said City Council at its first regular meeting after said last mentioned date and before the passage of any ordinance assessing the cost of said improvements against the real estate in said District, and against said owners respectively, as by law provided;

That the sum of \$483,581.45 for improvements is to be apportioned against the real estate in said District and against the owners respectively as by law provided in the following proportions and amounts severally as follows, to wit:

LEGAL DESCRIPTION	ASSESSMENT
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Beg 420 ft E of NW Cor NE4NW4 Sec 7 1S 1E E 240 ft S 400 ft W 240 ft N 400 ft to Beg Exc N 50 ft for Rd ROW as Desc in B-1275 P-925 Mesa Co Records \$23,711.19

Lot 1 Blk 1 The Falls - Filing No. 1 as Amended Sec 7 1S 1E 1,055.06

Lot 2 Blk 1 The Falls - Filing No. 1 as Amended Sec 7 1S 1E 1,055.06

Lot 3 Blk 1 The Falls - Filing No. 1 as Amended Sec 7 1S 1E 1,055.06

Lot 4 Blk 1 The Falls - Filing No. 1 as Amended Sec 7 1S 1E 1,055.06

Lot 5 Blk 1 The Falls - Filing No. 1 as Amended Sec 7 1S 1E 1,055.06

Lot 6 Blk 1 The Falls - Filing No. 1 as Amended Sec 7 1S 1E
1,055.06

Lot 7 Blk 1 The Falls - Filing No. 1 as Amended Sec 7 1S 1E
1,055.06

Lot 8 Blk 1 The Falls - Filing No. 1 as Amended Sec 7 1S 1E
1,055.06

Lot 9 Blk 1 The Falls - Filing No. 1 as Amended Sec 7 1S 1E
1,055.06

Lot 10 Blk 1 The Falls - Filing No. 1 as Amended Sec 7 1S 1E
1,055.06

Lot 11 Blk 1 The Falls - Filing No. 1 as Amended Sec 7 1S 1E
1,055.06

Lot 12 Blk 1 The Falls - Filing No. 1 as Amended Sec 7 1S 1E
1,055.06

Lot 13 Blk 1 The Falls - Filing No. 1 as Amended Sec 7 1S 1E
1,055.06

Lot 14 Blk 1 The Falls - Filing No. 1 as Amended Sec 7 1S 1E
1,055.06

Lot 15 Blk 1 The Falls - Filing No. 1 as Amended Sec 7 1S 1E
1,055.06

Lot 16 Blk 1 The Falls - Filing No. 1 as Amended Sec 7 1S 1E
1,055.06

Lot 17 Blk 1 The Falls - Filing No. 1 as Amended Sec 7 1S 1E
1,055.06

Lot 18 Blk 1 The Falls - Filing No. 1 as Amended Sec 7 1S 1E
1,055.06

Lot 19 Blk 1 The Falls - Filing No. 1 as Amended Sec 7 1S 1E
1,055.06

Lot 20 Blk 1 The Falls - Filing No. 1 as Amended Sec 7 1S 1E
1,055.06

Lot 21 Blk 1 The Falls - Filing No. 1 as Amended Sec 7 1S 1E
1,055.06

Lot 22 Blk 1 The Falls - Filing No. 1 as Amended Sec 7 1S 1E
1,055.06

Lot 23 Blk 1 The Falls - Filing No. 1 as Amended Sec 7 1S 1E
1,055.06

Lot 1 Blk 2 The Falls - Filing No. 1 as Amended Sec 7 1S 1E
1,055.06

Lot 2 Blk 2 The Falls - Filing No. 1 as Amended Sec 7 1S 1E
1,055.06

Lot 3 Blk 2 The Falls - Filing No. 1 as Amended Sec 7 1S 1E
1,055.06

Lot 4 Blk 2 The Falls - Filing No. 1 as Amended Sec 7 1S 1E
1,055.06

Lot 5 Blk 2 The Falls - Filing No. 1 as Amended Sec 7 1S 1E
1,055.06

Lot 6 Blk 2 The Falls - Filing No. 1 as Amended Sec 7 1S 1E
1,055.06

Lot 7 Blk 2 The Falls - Filing No. 1 as Amended Sec 7 1S 1E
1,055.06

Lot 1 Blk 3 The Falls - Filing No. 1 as Amended Sec 7 1S 1E
1,055.06

Lot 2 Blk 3 The Falls - Filing No. 1 as Amended Sec 7 1S 1E
1,055.06

Lot 3 Blk 3 The Falls - Filing No. 1 as Amended Sec 7 1S 1E
1,055.06

Lot 4 Blk 3 The Falls - Filing No. 1 as Amended Sec 7 1S 1E
1,055.06

Lot 5 Blk 3 The Falls - Filing No. 1 as Amended Sec 7 1S 1E
1,055.06

Lot 6 Blk 3 The Falls - Filing No. 1 as Amended Sec 7 1S 1E
1,055.06

Lot 7 Blk 3 The Falls - Filing No. 1 as Amended Sec 7 1S 1E
1,055.06

Lot 8 Blk 3 The Falls - Filing No. 1 as Amended Sec 7 1S 1E
1,055.06

Lot 9 Blk 3 The Falls - Filing No. 1 as Amended Sec 7 1S 1E
1,055.06

Lot 10 Blk 3 The Falls - Filing No. 1 as Amended Sec 7 1S 1E
1,055.06

Lot 1 Blk 4 The Falls - Filing No. 1 as Amended Sec 7 1S 1E
1,055.06

Lot 2 Blk 4 The Falls - Filing No. 1 as Amended Sec 7 1S 1E
1,055.06

Lot 3 Blk 4 The Falls - Filing No. 1 as Amended Sec 7 1S 1E
1,055.06

Lot 4 Blk 4 The Falls - Filing No. 1 as Amended Sec 7 1S 1E
1,055.06

Lot 5 Blk 4 The Falls - Filing No. 1 as Amended Sec 7 1S 1E
1,055.06

Lot 6 Blk 4 The Falls - Filing No. 1 as Amended Sec 7 1S 1E
1,055.06

Lot 7 Blk 4 The Falls - Filing No. 1 as Amended Sec 7 1S 1E
1,055.06

Lot 8 Blk 4 The Falls - Filing No. 1 as Amended Sec 7 1S 1E
1,055.06

Lot 1 Blk 5 The Falls - Filing No. 1 as Amended Sec 7 1S 1E
1,055.06

Lot 2 Blk 5 The Falls - Filing No. 1 as Amended Sec 7 1S 1E
1,055.06

Lot 3 Blk 5 The Falls - Filing No. 1 as Amended Sec 7 1S 1E
1,055.06

Lot 4 Blk 5 The Falls - Filing No. 1 as Amended Sec 7 1S 1E
1,055.06

Lot 5 Blk 5 The Falls - Filing No. 1 as Amended Sec 7 1S 1E
1,055.06

Lot 6 Blk 5 The Falls - Filing No. 1 as Amended Sec 7 1S 1E
1,055.06

Lot 7 Blk 5 The Falls - Filing No. 1 as Amended Sec 7 1S 1E
1,055.06

Lot 10 Shaws Sub Amended of Tr C Westlake Park Sub Sec 10 1S 1E
622.68

Lot 9 Shaws Sub Amended of Tr C Westlake Park Sub Sec 10 1S 1W
533.72

Lot 8 Shaws Sub Amended of Tr C Westlake Park Sub Sec 10 1S 1W
489.24

Lot 7 Shaws Sub Amended of Tr C Westlake Park Sub Sec 10 1S 1W
444.77

Beg 643 ft W of SE Cor Lot 4 Capt Hill Sub Sec 11 1S 1W W 90 ft N
150 ft E 90 ft S to Beg Exc S 15 ft for Rd 2,864.77

Beg 30 ft N of SW Cor Lot 4 Capitol Hill Sub E 148 ft N 580 ft W
68.66 ft S 33 deg. 02 min. W 691.94 ft E 297.49 ft to Beg Sec 10
1S 1W 2,933.53

Beg 363 ft W of SE Cor Lot 4 Capitol Hill Sub Sec 11 1S 1W W 267
ft N 330 ft E 267 ft S 330 ft to Beg Exc S 25 ft for Rd ROW & a
Triangular Pt in the SW Cor for Rd ROW as Desc in B-1283 P-45 Mesa
Co Records 24,588.05

Lot 1 Little Bookcliff Sub Sec 11 1S 1W 8,973.11

Lot 2 Little Bookcliff Sub Sec 11 1S 1W 14,427.33

Lot 3 Little Bookcliff Sub Sec 11 1S 1W 7,724.33

Lot 4 Little Bookcliff Sub Sec 11 1S 1W 32,414.03

Lot 1 Wellington Business Park Sec 11 1S 1W 2,624.56

Lot 2 Wellington Business Park Sec 11 1S 1W 13,041.26

Lots 1 to 3 Inc Blk 6 Elmwood Plaza Refile & W 10 ft of Vac Aly on
E 2,005.03

Lots 4 & 5 Blk 6 Elmwood Plaza & that Pt of Vac Alley Adj on E as
per Ordinance 1157 3,007.55

Lot 1 Blk 3 Teller Acres 645.68

Lot 2 Blk 3 Teller Acres 635.28

Lot 3 Blk 3 Teller Acres 635.28

Lot 4 Blk 3 Teller Acres 635.28

Lot 5 Blk 3 Teller Acres 635.28

Lot 6 Blk 3 Teller Acres 635.28

Lot 7 Blk 3 Teller Acres 635.28

Lot 8 Blk 3 Teller Acres 635.28

Lot 9 Blk 3 Teller Acres 635.28

Lot 10 Blk 3 Teller Acres 635.28

Lot 11 Blk 3 Teller Acres 658.39

Lots 14 and 15 Blk 3 Teller Acres 2,841.45

Lots 16 to 20 Inc Blk 3 Teller Acres 4,612.67

N 125 ft of Lots 12 and 13 Blk 3 Teller Acres 3,078.12

Lot 1 Blk 6 Arcadia Village Refile 766.63

Lot 2 Blk 6 Arcadia Village Refile 648.69

Lot 3 Blk 6 Arcadia Village Refile 648.69

Lot 4 Blk 6 Arcadia Village Refile 648.69

Lot 5 Blk 6 Arcadia Village Refile 648.69

Lot 6 Blk 6 Arcadia Village Refile 648.69

Lot 7 Blk 6 Arcadia Village Refile 648.69

Lot 8 Blk 6 Arcadia Village Refile 648.69

Lot 9 Blk 6 Arcadia Village Refile 648.69

Lot 10 Blk 6 Arcadia Village Refile 648.69

Lot 11 Blk 6 Arcadia Village Refile 860.99

Lots 18 and 19 Blk 6 Arcadia Village Refile and that Pt of Vac Alley Adj on W as per Ordinance 1157 2,689.10

Lot 15 Exc E 15 ft and All Lots 16 and 17 Blk 6 Arcadia Village Refile 3,980.59

Pt Lots 13 and 14 Blk 6 Arcadia Village Refile Desc as Foll Beg N 0 deg. 04 min. 30 sec. W 125.0 ft and N 89 deg. 54 min. W 150.0 ft and N 0 deg. 04 min. 30 sec. W 8.0 ft fr SE Cor Sd Blk 6 N 89 deg. 54 min. W 82.85 ft N 0 deg. 06 min. 20 sec. W 137.0 ft S 89 deg. 54 min. E 82.92 ft S 0 deg. 04 min. 30 sec. E 137.0 ft to Beg 1,466.98

Beg N 0 deg. 04 min. 30 sec. W 125.0 ft fr SE Cor Lot 12 Blk 6 Arcadia Village Sub Refile N 0 deg. 04 min. 30 sec. W 145.0 ft N 89 deg. 54 min. W 82.92 ft to W Li Lot 12 S Alg Sd W Li to a Pt N 89 deg. 54 min. W fr Beg S 89 deg. 54 min. E to Beg 1,466.98

Pt Lot 13 Blk 6 Arcadia Village Sub Refile Beg NE Cor Lot 13 Blk 6 N 89 deg. 54 min. W 67.08 ft S 0 deg. 04 min. 30 sec. E 145.0 ft S 89 deg. 54 min. E to E Li Lot 13 N Alg Sd E Li to Beg 1,186.74

Lot 1 to 24 Inc. Blk 5 E Main St Addition 519.78

Beg 719.87 ft S and 2155.9 ft W of E4 Cor Sec 13 1S 1W N 89 deg. 43 min. E 150 ft S 189.34 ft to N Li Hwy ROW S 72 deg. 52 min. W Alg Hwy 156.7 ft N 234.76 ft to Beg 25,783.02

Beg 721.5 ft S and 2485.9 ft W fr E4 Cor Sec 13 1S 1W S 275.5 ft W
150 ft N 274.74 ft E to Beg 15,593.31

Beg 720.5 ft S and 2285.9 ft W fr E4 Cor Sec 13 1S 1W E 130 ft S
234.76 ft S 72 deg. 52 min. W to a Pt S of Beg N 274.1 ft to Beg
and Also Beg 721.5 ft S and 2485.9 ft W of E4 Cor Sec 13 1S 1W N
89 deg. 43 min. E Alg S Li Rood Ave 200 ft S 274.1 ft to N Li Hwy
S 72 deg. 52 min. W 7.93 ft Alg Hwy W 192.4 ft Alg Hwy N 275.5 ft
to Beg 34,624.94

Lots 1 to 12 Inc Blk 10 Grand Junction 5,175.55

Lots 13 to 16 Inc Blk 10 Grand Junction 1,725.18

Lots 17 and 18 Blk 10 Grand Junction 575.06

Lots 19 and 20 Blk 10 Grand Junction 575.06

Lots 27 to 32 Inc Blk 10 Grand Junction 1,725.18

Lots 21 to 26 Inc Blk 10 Grand Junction 1,725.18

Lots 13, 14, 15 Blk 34 Grand Junction 1,039.55

Lots 16 to 18 Inc Blk 34 Grand Junction 1,039.55

Lots 19 and 20 Blk 34 Grand Junction 1,039.55

Lot 21 Blk 34 Grand Junction 519.78

Lot 22 Blk 34 Grand Junction 519.78

Lots 23 and 24 Blk 34 Grand Junction 1,039.55

Lots 1 thru 12 Inc Blk 34 Grand Junction 6,237.33

Beg 97.4 ft N of SW Cor SE4SE4NE4 Sec 15 1S 1W N to a Pt 527.02 ft
S of N Li SE4NE4 Sec 15 E to Hwy SEly Alg Hwy to a Pt 394 ft N of
S Li SE4NE4 W to a Pt 15 ft E of W Li SE4NE4 S 296.6 ft W 15 ft to
Beg 13,759.38

Beg 45 ft W and 90 ft N of SE Cor NW4SE4NE4 Sec 15 1S 1W N 100 ft
W 61 ft SWly to a Pt 80 ft W of Beg E to Beg and Beg 45 ft W of SE
Cor NW4SE4E4 Sec 15 1S 1W W 41.5 ft N 25 ft W 38.5 ft N 65 ft E 80
ft S 90 ft to Beg and that Pt Lot 1 Blk 3 Six and Fifty West Sub
Sec 15 1S 1W Beg S 33 deg. 07 min. 46 sec. E 134.0 ft N 56 deg. 52
min. 14 sec. E 20.0 ft S 33 deg. 07 min. 46 sec. E 51.32 ft S 10
deg. 51 min. 18 sec. W 206.48 ft S 0 deg. 05 min. 49 sec. W 65.0
ft fr NE Cor Lot 1 Blk 3 S 89 deg. 54 min. 18 sec. E 38.50 ft S 0
deg. 05 min. 42 sec. W 25.17 ft N 89 deg. 54 min. 18 sec. W 38.50
ft N 0 deg. 05 min. 42 sec. E 25.17 ft to Beg as Desc in B-1147 P-
603 Co Clerks Office 9,331.30

Lots 18 to 22 Incl Blk 1 Carpenter Sub 2 4,092.68

Lots 1, 2, 3, 4 Blk 1 Carpenters Sub No 2 Sec 15 1S 1 3,274.15

DATED at Grand Junction, Colorado, this _____ day of June, 1981.

BY ORDER OF THE CITY COUNCIL
THE CITY OF GRAND JUNCTION, COLORADO

By:

STATE OF COLORADO)		
)SS:		
COUNTY OF MESA)		

I, LOUIS BRACH, President of the City Council of the City of Grand Junction, Colorado, do hereby certify that the above and foregoing is the statement showing the assessable cost of the improvements in Grand Junction Improvement District No. ST-80, Phase B, and apportions the cost upon each lot or tract of land or other real estate to be assessed for the same, all in accordance with the terms and provisions of Chapter 18 of the Code of Ordinances of the City of Grand Junction, Colorado, being Ordinance No. 178, as amended.

DATED this _____ day of _____, 1981.

President of the Council

Attest:

City Clerk

PASSED and ADOPTED this 17th day of June, 1981.

President of the Council

Attest:

City Clerk

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

PROPOSED ORDINANCE - RESOLUTION OF INTENT TO ANNEX - PETITION - THOMPSON ANNEXATION, CORTLAND AVENUE AND 27-3/4 ROAD

The following petition for annexation of the Thompson property located at Cortland Avenue and 27-3/4 Road 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 Southeast corner of Lot 19, JAYNE'S SUBDIVISION, thence West 172 feet, thence North to the North boundary of Lot 19, JAYNE'S SUBDIVISION, thence East 172 feet, thence South to the Point of Beginning, and Road Right-of-Way on South.

As ground therefor, 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 petitioners pray that this petition be accepted and that the said annexation be approved and accepted by ordinance.

DATE SIGNATURE ADDRESS PROPERTY DESCRIPTION			
<p>6-1-81/s/ Vern O. Thompson P. O. Box 1863 Grand Jct, CO 81502 Beginning at the SE Cor of Lot 19, JAYNE'S SUB thence W 172 ft, thence N to the N boundary of Lot 19, JAYNE'S SUB, thence E 172 ft, thence S to the Point of Beginning. EXCEPT the S 25 ft as conveyed to County of Mesa in instrument recorded September 17, 1968, in Book 926 at Page 1000, Mesa County, Colorado</p>			

STATE OF COLORADO)		
)SS		
COUNTY OF MESA)		

AFFIDAVIT

Don Warner, 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/ Don Warner

Subscribed and sworn to before me this 5th day of June, 1981.

Witness my hand and official seal.

/s/ Neva B. Lockhart

Notary Public

My Commission expires: 6-23-82

The following Resolution was read:

RESOLUTION

WHEREAS, on the 17th day of June, 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 Southeast Corner of Lot 19, JAYNE'S SUBDIVISION, thence West 172 feet, thence North to the North boundary of Lot 19, JAYNE'S SUBDIVISION, thence East 172 feet, thence South to the Point of Beginning, and road right of way on the South;

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 one-sixth perimeter of the area proposed to be annexed is contiguous with the City; 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, Colorado, and should be so annexed by Ordinance.

PASSED and ADOPTED this 17th day of June, 1981.

President of the Council

Attest:

City Clerk

Upon motion by Councilman Dunn, seconded by Councilman Lucero 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.

SESSION CONCERNING FLOOD PLAIN

City Manager Wysocki announced a Council session on Thursday, June 18, 1981, at 7:30 p.m. in the Council Chambers for City Council and Staff to review the flood plain maps as it relates to the Federal Flood Plain Insurance Plan and the studies that accompany the maps.

CITY STAFF MEMBERS TO PARTICIPATE IN RODEO

City Manager Wysocki announced that he and Mayor Louis Brach, Assistant City Manager Ron Ruskey, Parks Director Ken Idleman and Recreation Supervisor Ray Coca will participate in the Rodeo at Veterans' Park on Thursday or Friday of this week.

WASTE WATER TREATMENT PLANT

Mr. Wysocki stated progress regarding the Waste Water Treatment Plan is slow. This afternoon he was given assurance that the request for funds for Grand Junction and Mesa County would be forwarded to Washington, D.C. on Friday, which is contrary to what he was told approximately two weeks ago. Due to the Senate's action regarding the rescision of funds, everything was put on hold until it can find out how much money Colorado would have to distribute. Supposedly, that will be done in the next couple of days. He is maintaining contact with the proper people, and he and Mayor Brach are prepared to go to Washington if necessary.

HAZARDS OF SMOKING IN LOCAL THEATERS

Mr. Stanley Rottman, 1015 Grand Avenue, Grand Junction, appeared before Council to state his deep concern regarding safety hazard of allowing smoking in theaters in Grand Junction. He was quite surprised to see people smoking with open flame near curtains that go all the way up both sides of theater walls. He asked Council what State laws may apply. Council directed City Attorney Ashby to

research and determine the law. Mr. Rottman will be contacted with an answer in the near future.

ANNUAL KIWANIS PANCAKE BREAKFAST

Councilman Dunn reminded all in attendance that Friday, June 19, the annual Kiwanis Pancake Breakfast will be held at Two Rivers Plaza.

COG

Councilman Dunn reported that he and Mayor Brach attended a COG meeting in Rifle on Thursday, June 11, to meet with other municipal officers of the Western Slope. Financial participation from the municipalities was discussed.

DOWNTOWN ASSOCIATION

Councilman Dunn reported that the Grand Junction Downtown Association is still soliciting membership.

HOUSING AUTHORITY

Councilman Lucero reported that he attended his first Housing Authority meeting this month.

CITY COUNCIL WORKSHOP

President Brach announced the City Council Workshop/Preliminary Agenda Review Meeting on Monday, June 29, at 7:00 a.m. There will be no luncheon on Monday.

BOYS CLUB

Mayor Brach has received numerous calls from citizens encouraging the organization of a Grand Junction Boys Club. Mr. Brach also received word from a woman who has a \$94,000 home in Carbondale. She is willing to give the City the profit if the City will have a non-profit group raffle the house off. She is estimating \$200,000 could be made off the raffle, and she would be willing to donate the excess to the Boys Club.

ADJOURNMENT

The President adjourned the meeting.

Neva B. Lockhart

Neva B. Lockhart, CMC
City Clerk