

Grand Junction, Colorado

August 5, 1981

The City Council of the City of Grand Junction, Colorado, convened in regular session the 5th day of August, 1981, at 7:30 p.m. in the Civic Auditorium at City Hall. Those present were Council members Betsy Clark, Frank Dunn, Robert Holmes, Gary Lucero, Karl Johnson, and President of the Council Louis Brach, a quorum. Councilman Dale Hollingsworth was absent. Also present were City Manager Jim Wysocki, City Attorney Gerald Ashby, and Deputy City Clerk Teddy Martinez.

The President of the Council called the meeting to order and led in the Pledge of Allegiance.

INVOCATION

Mr. Bill O'Dwyer.

MINUTES

Upon motion by Councilman Dunn, seconded by Councilwoman Clark and carried, the minutes of the regular meeting July 15, 1981, were approved as submitted.

APPOINTMENT TO HOUSING AUTHORITY

The resignation of Sue Snider from the Housing Authority has left one vacancy. By secret ballot Charlene Wren was appointed to the Housing Authority to fill the unexpired term of Sue Snider, said term to expire October, 1982.

APPOINTMENTS TO RECREATION BOARD

Upon motion by Councilman Johnson, seconded by Councilman Holmes and carried, Ed Vander Took and Floyd Hunt were reappointed to three-year terms on the Recreation Board, and Ted Swanson was appointed to a three-year term on the Recreation Board.

APPOINTMENT OF REPRESENTATIVE FOR UNITED NATIONS DAY 1981

Upon motion by Councilman Holmes, seconded by Councilman Dunn and carried, Peter Morello was appointed Grand Junction's representative for United Nations Day 1981 (October 24, 1981).

BEER AND LIQUOR RENEWALS

Upon motion by Councilman Dunn, seconded by Councilman Johnson and carried with Councilman HOLMES voting NO, the applications by the following businesses to renew liquor and beer licenses were approved:

1. Dos Hombres Restaurant, 2516 Broadway

2. Williams Market & Deli, 801 N. First Street
3. Jim's Liquors, 1560 North Avenue
4. The Jolly Jug, 220 West Grand Avenue

3.2% BEER LICENSE - APPLICATION BY C & F FOOD STORES, INC., DBA C & F FOOD STORE #1, 859 PITKIN AVENUE, AND C & F FOOD STORE #3, 2714 HIGHWAY 50 SOUTH (CHANGING FROM PARTNERSHIP TO CORPORATION)

Mr. Jay Brodell, 712 N. 7th Street, requested that these items be removed from the Consent Agenda. Mr. Brodell stated: "Usually when I appear before the Council it's in defense of a merchant's rights to sell pornography. And I believe everyone has that right as much as I reject, personally, to the product. But I don't think the City has to do favors for anyone who sells pornography. I feel granting a Beer License is a municipal favor, and it is granted only to those who meet requirements of the law. C & F Food Stores is the most visible purveyor of pornography I have seen in town. Most merchants, if they sell filthy magazines at all, keep them under the counter. C & F, at its City locations and also its locations in Mesa County, assaults the eye of the shopper by setting up its porno displays right behind the cashier. That may be good merchandizing, but it is merchandizing we can do without in this area. I'm not talking about "Playboy" magazine. You have to see these magazines to believe they exist. I would ask that the Council question Frank Childs of 160 Willowbrook, and Carl J. Felts of 914 Squire Court, Fruita, and Kathleen L. Buskin of 522 22/12 Road, as to their intentions with regard to porno displays under corporate ownership. Mr. Childs and Mr. Felts own the business as a partnership, and it is these three people who are identified as officers in the corporation according to the city files I saw today. Additionally, the files said that Oliver R. and Mary Patterick will receive a portion of the corporate stock. If that is correct, they also should be questioned. The State Beer Code, I'm told, prohibits lewd or indecent displays at licensed establishments. I ask Council to delay action on this matter and investigate to see if the Beer Code has been violated. In the past, by these displays, I feel it obscene, lewd, and totally without redeeming social value. Additionally, I would ask the Council to instruct the City Clerk to forward an annotated section of tonight's minutes to the Mesa County Commissioners for consideration at which I believe would be similar hearings at the County level, about stores that are outside the City limits. And finally, I would ask the Council to reject this transfer of a beer license unless the new corporation stipulates it will remove the offensive displays from public view. I would also ask, respectfully, that Mr. Holmes disqualify himself from further deliberations on this matter. As much as I feel he agrees with me, he is on record at a past Council meeting as calling for a boycott of C & F Food Stores for the same reason."

City Attorney Ashby presented a Police Department memo stating: "Officer Joe Mendicelli checked the stores at 2714 Highway 50 and 859 Pitkin Avenue on August 3 and 4. In both stores these magazines are displayed in a rack located in, with and behind the

cashier. This rack covers most of the front cover, only displaying the name of the magazine and subject matter. Both stores have separate racks located in the customer aisles for other types of magazines. There were no adult magazines or books displayed in these racks nor elsewhere in the store." Mr. Ashby stated there is a new State Statute on "Display."

Mr. Brodell suggested that Council should visit the stores.

Mr. Ashby agreed that Council should visit the stores. He recommended that because of the fact that C & F does have a right to be notified of any complaints against it at the time of the hearing, that Council go ahead and approve the transfer of ownership from the partnership to corporation with the understanding that this does not bind Council in regard to any subsequent hearing, and that the matter be investigated further by the Police Department, that the report be made to Council as to what the Police Department observed in regard to what Mr. Brodell has stated, and that a hearing be set before the Liquor Hearing Officer in the event that Council determines that that is what ought to occur under the Beer Code.

Mr. Brodell stated that he is not accusing C & F Food Stores of violating the law. He is accusing them of violating good taste. He stated that it is up to Council to determine whether this accusation is so.

Upon motion by Councilman Johnson, seconded by Councilman Lucero and carried with Councilman HOLMES ABSTAINING, the application for change of ownership was approved with the stipulation that there will be further investigation made as to whether or not the standards of display as described under the Beer Code and the State Statutes have been complied with, and in that event, that a hearing be scheduled to determine what action is necessary.

Mr. Holmes abstained from voting at the request of Mr. Brodell. Mr. Brodell explained that at a Council meeting approximately two months ago Mr. Holmes indicated it was his intent that there should be a boycott against C & F Food Store. Mr. Brodell feels that had Mr. Holmes made that statement, and Council took subsequent action with Mr. Holmes being involved in the vote, that the entire action that Council might take could be voided.

APPLICATION FOR RENEWAL OF 3.2% BEER LICENSE BY GILLIN & COMPANY
DBA MR. G'S PLACE, 1230 N. 12TH STREET

Mr. Anthony Prinster, attorney representing the applicant, was present. The Police Department report and a letter from Duane Scott and John W. Lemaster were reviewed by Council and Mr. Prinster. City Attorney Ashby recommended that Council approve the application and that a hearing be set before the Hearing Officer to determine the truth or falsity of the allegations along with any other material that may be developed at that time. Mr. Ashby assured Mr. Prinster that he would receive notice and

specification of any complaints that Council will feel should be made, and his client will have to answer only those matters that are specified.

Upon motion by Councilman Johnson, seconded by Councilwoman Clark and carried with Councilman HOLMES voting NO, the application for renewal of 3.2% Beer License was approved, with the stipulation that a hearing before the City Hearing Officer be set to determine the validity of the allegations that have been made as far as violations are concerned, and a recommendation be made back to Council.

HEARING - APPLICATION BY MARCH OF DIMES BIRTH DEFECTS FOUNDATION FOR MALT, VINOUS AND SPIRITUOUS LIQUOR SPECIAL EVENTS PERMIT AUGUST 29, 1981, 5:00 P.M. TO 1:30 A.M. AT TWO RIVERS PLAZA, 159 MAIN STREET - DINNER-DANCE (1ST PERMIT)

Carol Moore, 2968 Oxbow Road, Chairman of the Board, March of Dimes Birth Defects Foundation, was present to answer questions of Council. Upon motion by Councilwoman Clark, seconded by Councilman Dunn and carried with Councilman HOLMES voting NO, the application by March of Dimes Birth Defects Foundation for a Special Events Permit on August 29, 1981, was approved.

BIDS - AWARD OF CONTRACT - NORTH AVENUE - BEAUTIFICATION - FRED CUNNINGHAM CONSTRUCTION - \$23,243

City Manager Wysocki stated the City solicited bids for North Avenue Beautification on June 25, 1981. Bids were broken down with figures on six different islands on North Avenue. Staff recommends that the 1100 block island, the island west of 281/4 Road, and the 2000 Block island be improved (three islands only). Those items total \$23,243 allowing the City to stay within the budgeted amount of \$25,000.

Upon motion by Councilman Dunn, seconded by Councilman Holmes and carried with Councilman LUCERO ABSTAINING, the contract for the beautification of the three islands on North Avenue was awarded Fred Cunningham Construction for its low bid of \$23,243.

RESOLUTION - CONDITIONAL USE FOR BEER-WINE LICENSE ON NE CORNER OF 29 ROAD AND NORTH AVENUE (SHANARA, INC. DBA 'ROUND THE CORNER RESTAURANT) APPROVED

The following Resolution was read:

RESOLUTION

GRANTING A CONDITIONAL USE FOR SHANARA, INC.

WHEREAS, Shanara, Inc. has petitioned the City Council of the City of Grand Junction for a conditional use for a beer and wine license to be utilized on land zoned Commercial in the City of Grand Junction, County of Mesa and State of Colorado, and

described as follows:

Lot 2, FLYNN SUBDIVISION;

and

WHEREAS, a hearing was held on July 5, 1981, and the City Council, having considered the evidence presented at the hearing, FINDS:

1. That the Grand Junction Planning Commission recommended the approval of the conditional use.
2. That petitions were presented both in favor of and opposed to the approval of the conditional use; those in opposition to the approval being more generally within the neighborhood of the site proposed and being opposed because the issuance of such a license would be adverse to the residential nature of the area by increasing the number of intoxicated drivers on 29 Road and by increasing the noise and congestion in that area.
3. The proposed location at the intersection of North Avenue and 29 Road places the restaurant on two major arterial roads designed to carry high traffic counts, and it is the proposed type of activity which would logically locate at such an intersection.
4. The site plan indicates that every care has been taken to lessen the impact on the abutting residential neighbor as the parking and entrance are both removed from the residential property.
5. The City Council may not anticipate that persons will become intoxicated and violate the law by driving in that condition as a result of the possibility of the granting of a beer and wine license at the location.
6. The conditional use should be granted as the zone and location are consistent with the type of activity sought and meet the criteria for a conditional use set out in the zoning ordinance of the City.

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

That the application of Shanara, Inc., be approved contingent upon the granting of a liquor license in the manner required by and under the provisions of the Liquor Code, and, further, that this proceeding for conditional use in no wise is determinative of the question of the granting of such a license.

PASSED and ADOPTED this 5th day of August, 1981.

President of the Council

Attest:

Deputy City Clerk

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

RESOLUTION - PETITION FOR OFFICE BUILDING FINAL PLAN IN PLANNED BUSINESS ZONE, SW CORNER OF FIRST STREET AND MESA AVENUE - APPROVED

The following Resolution was read:

RESOLUTION

APPROVING AN OFFICE BUILDING IN A PLANNED BUSINESS DEVELOPMENT ZONE FOR THOMS AND DANIEL.

WHEREAS, Walter R. Thoms, Victor J. Daniel and Walter C. Thoms have requested that the City Council approve an office building on land situate in the City, Mesa County, Colorado, described as:

Block 1 of West Lake Park Annex according to the amended plat thereof, EXCEPT tract as conveyed to the City of Grand Junction, a Municipal corporation, as in instrument recorded December 15, 1960, in Book 793 at Page 138 of the records of the Mesa County Clerk and Recorder;

and

WHEREAS, a hearing was held on the 15th day of July, 1981, the Council having considered the evidence presented at the hearing, FINDS:

1. That the Grand Junction Planning Commission recommended denial of the application as it was felt to be in contradiction of the 1st Street policy statement of the Planning Commission and the Council.
2. The neighbors favor the plan presented rather than multi-family development on the site which would bring a much heavier impact on the neighborhood.
3. While the 1st Street policy does not favor strip development along 1st Street, this development is consistent with the action previously taken by the Council in granting an office use to the Tipping interests within about two blocks of the site here, also after evidence by the neighbors that this was a use preferred over multi-family.

4. The use will be in the best interests of the City and its inhabitants.

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

That the application of Thoms and Daniel for an office building on the above described property be approved.

PASSED and ADOPTED this 5th day of August, 1981.

President of the Council

Attest:

Deputy City Clerk

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

HEARING - DEVELOPMENT IN H.O. ZONE - SUPER 8 MOTEL - RIGHT-OF-WAY AND EASEMENT VACATION AND A REZONE FROM R-1-B (RSF-5) TO H.O., NW CORNER OF NIBLIC DRIVE-NINE IRON DRIVE AND E OF HORIZON DRIVE - RESOLUTION OF DECISION SCHEDULED AUGUST 19, 1981

Bob Goldin, Planner, reviewed the area. Mr. Tom Logue of Paragon Engineering, representing the petition, was present and also reviewed the development. Petitioners James Carlisle and Mr. Naylor were present for the hearing. Mr. Wayne Wilcox, 701 Bunker Drive, commented that a 15" or 18" high curb and gutter would solve some of the problem of people turning off Horizon Drive, driving through the motel and coming out the back driveway, and coming up Nine Iron Drive and Niblic Drive.

Nancy Dickey, 718 Niblic Drive, appeared before Council and gave some suggestions for improvements on Horizon Drive, and did not object to the subject development.

She also submitted written comments from Sandra Peeso, 720 Niblic Drive. Neither Mrs. Dickey or Mrs. Peeso have objection to the proposed development, but feel Council is adding one more traffic-oriented development on Horizon Drive to further add to an already hazardous road. There were no other opponents, letters, or counterpetitions. A Resolution of Findings and Decision is scheduled on the August 19 Agenda.

ORDINANCE NO. 1985 - REZONE FROM R-1-C TO C-2 THE NE CORNER OF 281/2 ROAD AND GUNNISON

Upon motion by Councilman Holmes, seconded by Councilwoman Clark and carried with Councilman LUCERO ABSTAINING, the Proof of Publication to the following entitled proposed ordinance was accepted for filing: 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 OF GRAND JUNCTION, COLORADO.

Upon motion by Councilman Dunn, seconded by Councilman Holmes and carried with Councilman LUCERO ABSTAINING, the proposed ordinance was called up for final passage and read.

There were no comments. Upon motion by Councilman Dunn, seconded by Councilman Holmes and carried by roll call vote with Councilman LUCERO ABSTAINING, the Ordinance was passed, adopted, numbered 1985, and ordered published.

ORDINANCE NO. 1986 - REPEALING AND REENACTING CHAPTER 20, CODE OF ORDINANCES, ARTICLE IV AND V, FORESTRY AND GARDENING

Upon motion by Councilman Johnson, seconded by Councilwoman Clark and carried with Councilman HOLMES voting NO, the Proof of Publication to the following entitled proposed ordinance was accepted for filing: AN ORDINANCE REPEALING AND REENACTING ARTICLES IV AND V OF CHAPTER 20 OF THE CODE OF ORDINANCES OF THE CITY OF GRAND JUNCTION CONCERNING THE FORESTRY AND GARDENING REGULATIONS OF THE CITY.

Upon motion by Councilman Johnson, seconded by Councilman Lucero and carried with Councilman HOLMES voting NO, the proposed ordinance was called up for final passage and the title only was read.

There were no comments. Upon motion by Councilman Johnson, seconded by Councilman Lucero and carried with Councilman HOLMES and DUNN voting NO, the Ordinance was passed, adopted, numbered 1986, and ordered published.

ORDINANCE NO. 1987 - REZONE FROM R-3 TO P (PARKING) THE SW CORNER OF 4TH AND OURAY

Upon motion by Councilman Holmes, seconded by Councilman Lucero and carried, the Proof of Publication to the following entitled proposed ordinance was accepted for filing: 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 OF GRAND JUNCTION.

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

There were no comments. Upon motion by Councilman Dunn, seconded

by Councilman Holmes and carried, the Ordinance was passed, adopted, numbered 1987, and ordered published.

HEARING - I.D. ST-80, PHASE B, ASSESSMENTS

City Attorney Ashby stated that written objections have been tendered by First National Bank North. Mr. Greg Hoskin, attorney for First National Bank North, was present to voice objection to their assessments, stating that the basis for the objection is the question of whether the First National Bank North is a real estate developer.

Mr. Jim Mackley, President of First National Bank North, stated that he personally circulated the petition for improvement of the alley between North Avenue and Bunting Avenue and between 23rd and 25th Streets. His understanding was that the property owners on either side of the alley would be assessed one-third of the cost of the project, but not to exceed a certain dollar value. Mr. Mackley could not remember any comment to the effect that businesses would be treated as developers. The language in the printed material that was handed to the property owners upon signature of the petition read: "The assessment shall be apportioned to all lands abutting or within the assessment range of the street, alley, or sidewalk improved. The costs of streets and alleys improved shall be assessed at one-third to each abutting owner other than a developer, and one-third to be paid by the City." Mr. Mackley stated that he did not inform the businesses along North Avenue that they were going to be assessed as a developer because he had no idea that this would be the manner for determining the assessments. Mr. Mackley stated he was not aware that First National Bank North was going to be assessed as a developer. He talked to one City employee at the time he circulated the petition, and was assured that all property owners were going to be assessed one-third on both sides of the alley.

Mr. Holmes questioned what is the difference between the one-third assessment and the developer assessment. First National Bank North is being assessed one-half instead of one-third. Mr. Greg Hoskin distributed copies of the petition, a copy of the Resolution adopted by the City Council in 1978 which provided for the fee-splitting arrangements for the cost of improvement districts such as I.D. ST-80, and a copy of the applicable provision of the Grand Junction City Code that relates to paving assessments. Mr. Hoskin pointed out that the petition talks about the "real estate" developer and uses those words, but does not define them. The Resolution refers to "developer" and it does not define what a developer is either. The City Code speaks of numerous ways to repay, but it does not define "real estate developer" or "developer" either. Mr. Hoskin stated that Council has an undefined term that is floating. Procedural Due Process says in the Law that "the person must be given reasonable notice of what is going to happen to him under the Law before you can enforce what is Law," and Mr. Hoskin felt that this applies in this case. The procedures are clear, and the common understanding of either

"developer" or "real estate developer" is someone who is in the business of taking land and doing something with it in the way of improving it, and then reselling it for a profit. Mr. Hoskin feels that the First National Bank does not fit in this category and probably none of the property owners in ID ST-80 fit in this category.

Bill Reams, employed by the Law Firm of Reams and Kay, appeared representing Elberta Senn, owner of the El Palomino Motel, stating that Elberta Senn would like to affirm, adopt, ratify and acquiesce the statements, comments and observations and objections raised by Mr. Hoskin and Jim Mackley of the First National Bank North.

Don Warner, 1340 N. 24th Street, Planner Analyst with the City/County Development Department, was questioned by City Attorney Ashby.

Mr. Ashby questioned Darrel Lowder as to what Cedar Square paid as its share of improvements at 7th and Patterson. Mr. Lowder stated they paid one-half of a residential street.

PETITION - RESOLUTION - PROPOSED ORDINANCE - GRAFF PROPERTY, SW CORNER OF 29 AND F ROADS

The following petition for annexation was presented:

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 a point 30 feet S of the NE Corner of Section 7, T1S, R1E of the U.M. thence W 165 ft; thence S 00 deg. 02 min. E 470.0 ft; thence S 32 deg. 23 min. W 806.0 ft; thence W 63 ft; thence S 139.05 ft to S line of NE4NE4 of said Section 7, thence W 196 ft along said S line; thence S 42 deg. 40 min. W 543.0 ft; thence N 72 deg. 32 min. W 100 ft; thence S 44.7 ft to the center line of the Grand Valley Canal; thence along said canal S 72 deg. 30 min. E 500 ft; thence S 79 deg. 20 min. E 150 ft; thence S 87 deg. 15 min. E 165 ft; thence E 260.0 ft; thence leaving centerline of said canal; thence N 431 ft; thence 270.0 ft to the E line of said Section 7, thence N along said E line of said Section 7, N 1015.7 ft; thence W 58 ft; thence N 05 deg. 42 min. E 50.1 ft; thence E 53 ft; thence N 254.0 ft to Point of Beginning EXCEPT Beginning S 508.0 ft and N 89 deg. 59 min. W, 30.0 ft from the NE Corner of Section 7, T1S, R1E, U.M.; thence S 120 ft; thence N 89 deg. 59 min. W 92 ft; thence N 120 ft thence S 89 deg. 59 min. E 92 ft to the Point of Beginning AND EXCEPT

Beginning at a point that is 81 ft S and 30 ft W of the NE Corner of the SE quarter of the NE quarter, of Section 7, T1S, R1E of the U.M., County of Mesa, State of Colorado; thence S 88.00 ft, thence

W 136.50 ft thence N 88.00 ft thence E 136.50 ft to the Point of Beginning and including S2 of F Road on the N and W2 of 29 Road on the E.

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.

<u>DATE</u> <u>SIGNATURE</u> <u>ADDRESS</u> <u>PROPERTY</u> <u>DESCRIPTION</u>			
7-21-81/s/ Wm W. Graff583 29 Road Grand Jct, CO 81501Beginning at a point 30 ft S of the NE Cor of Sec 7, T1S, R1E of the U.M. thence W 165 ft; thence S 00 deg. 02 min. E 470 ft; thence S 32 deg. 23 min.			
7-21-81/s/ Barbara C. Graff583 29 Road			

Grand Jct, CO
81501W 806 ft;
thence W 63 ft;
thence S 139.05
ft to S line of
NE4NE4 of said
Sec 7, thence W
196 ft along
said S line;
thence S 42 deg.
40 min. W 543
ft; thence N 72
deg. 32 min. W
100 ft; thence S
44.7 ft to the
center line of
the Grand Valley
Canal; thence
along said canal
S 72 deg. 30
min. E 500 ft;
thence S 79 deg.
20 min. E 150
ft; thence S 87
deg. 15 min. E
165 ft; thence E
260 ft; thence
leaving the
centerline of
said canal;
thence N 431 ft;
thence 270 ft to
the E line of
said Sec 7;
thence N along
said E line of
said Sec 7, N
1015.7 ft;
thence W 58 ft;
thence N 05 deg.
42 min. E 50.1
ft; thence E 53
ft; thence N 254
ft to Point of
Beginning EXCEPT
Beginning S 508
ft and N 89 deg.
59 min. W, 30 ft
from the NE Cor
of Sec 7, T1S,
R1E, U.M.;
thence S 120 ft;
thence N 89 deg.

59 min. W 92 ft; thence N 120 ft thence S 89 deg. 59 min. E 92 ft to the Point of Beginning AND EXCEPT Beginning at a point that is 81 ft S and 30 ft W of the NE Cor of the SE Quarter of the NE Quarter of Sec 7, T1S, R1E of the U.M., County of Mesa, State of Colorado, thence S 88 ft, thence W 136.50 ft thence N 88 ft thence E 136.50 ft to the Point of Beginning AND ALSO EXCEPT the E and N 30 ft for county road.			
STATE OF COLORADO)			
)			
COUNTY OF MESA) AFFIDAVIT			

Robert D. Oxford, 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/ Robert D. Oxford

Subscribed and sworn to before me this 21st day of July, 1981.

Witness my hand and official seal.

/s/ Donald H. Warner, Jr.

Notary Public

My Commission expires: April 9, 1983

The following Resolution was read:

RESOLUTION

WHEREAS, on the 5th day of August, 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 a point 30 ft S of the NE Cor of Sec 7, T1S, R1E of the U.M., thence W 165 ft; thence S 00 deg. 02 min. E 470.0 ft; thence S 32 deg. 23 min. W 806.0 ft; thence W 63 ft; thence S 139.05 ft to the S line of the NE Quarter of the NE Quarter of said Sec 7, thence W 196 ft along said S line; thence S 42 deg. 40 min. W 543.0 ft; thence N 72 deg. 32 min. W 100 ft; thence S 44.7 ft to the center line of the Grand Valley Canal; thence along said canal S 72 deg. 30 min. E 500 ft; thence S 79 deg. 20 min. E 150 ft; thence S 87 deg. 15 min. E 165 ft; thence E 260.0 ft; thence leaving the centerline of said canal; thence N 431 ft; thence 270.0 ft to the E line of said Sec 7, thence N along said E line of said Sec 7, N 1015.7 ft; thence W 5 ft; thence N 05 deg. 42 min. E 50.1 ft; thence E 53 ft; thence N 254.0 ft to the Point of Beginning, EXCEPT Beginning S 508.0 ft and N 89 deg. 59 min. W, 30.0 ft from the NE Cor of Sec 7, T1S, R1E, U.M.; thence S 120 ft; thence N 89 deg. 59 min. W 92 ft; thence N 120 ft; thence S 89 deg. 59 min. E 92 ft to the Point of Beginning, AND EXCEPT

Beginning at a point that is 81 ft S and 30 ft W of the NE Cor of the SE Quarter of the NE Quarter of Sec 7, T1S, R1E of the U.M.; thence S 88.00 ft, thence W 136.50 ft, thence N 88.00 ft, thence E 136.50 ft to the Point of Beginning, AND INCLUDING the S2 of F Road on the N and the W2 of 29 Road on the E;

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 the 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 5th day of August, 1981.

President of the Council

Attest:

Deputy 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.

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

PROPOSED ORDINANCE DOWNTOWN SHOPPING PARK VENDORS

The following entitled proposed ordinance was read by title only: AN ORDINANCE REGULATING THE SALE OF FOOD-STUFFS AND OTHER MERCHANDISE AND SERVICES FROM THE PUBLIC RIGHT-OF-WAY. Upon motion by Councilman Johnson, seconded by Councilman Dunn and carried, the proposed ordinance was passed for publication.

PROPOSED ORDINANCE AUTHORIZING ISSUANCE OF INDUSTRIAL REVENUE BONDS TO ENVIRONMENTAL COMMUNITY DEVELOPERS, INC. (INDEPENDENCE PLAZA PROJECT)

The following entitled proposed ordinance was read: AN ORDINANCE AUTHORIZING THE ISSUANCE OF A CITY OF GRAND JUNCTION, COLORADO, INDUSTRIAL DEVELOPMENT REVENUE BOND (INDEPENDENCE PLAZA LTD., PROJECT), SERIES 1981, IN THE PRINCIPAL AMOUNT OF \$2,000,000; AND APPROVING THE FORM AND AUTHORIZING THE EXECUTION OF CERTAIN DOCUMENTS RELATING THERETO. Upon motion by Councilman Dunn, seconded by Councilwoman Clark with Councilman HOLMES voting NO, the proposed ordinance was passed for publication.

NAMING LINCOLN PARK TENNIS COURTS THE "CLINTON SMITH TENNIS COURTS"

President Brach submitted a letter from Carter W. Elliott requesting that in the memory of Clinton Smith, the Lincoln Park

tennis courts be named the "Clinton Smith Tennis Courts." Upon motion by Councilman Holmes, seconded by Councilwoman Clark and carried, the Lincoln Park Tennis Courts were named "Clinton Smith Tennis Courts" in honor and in memory of a pioneer resident of Grand Junction, Clinton Smith.

DISCUSSION OF A NEW CITY POOL - BILL O'DWYER

Mr. Bill O'Dwyer, 1427 Chipeta, spoke to Council with some ideas and suggestions regarding the size and location of a new pool. He stated that he would like to see some of the Revenue Sharing Funds directed toward the construction of a new pool. Mr. O'Dwyer felt that a new pool is very much needed now. There are many young people swimming in the canals, rivers, etc., which is a very dangerous pastime. He also suggested that a pool be constructed at the Boys Club building (indoor pool). A hearing will be held on the proposed construction of a wave pool.

RECREATION BOARD

Councilwoman Clark reported that the Recreation Board took a tour of some of the various activities of the Summer Program, and invited Council to stop by the Recreation office and see what is taking place.

ADJOURNMENT

The President adjourned the meeting. The President called an Executive Session in the City Manager's office immediately following the meeting.

Teddy Martinez

Teddy Martinez
Deputy City Clerk