

GRAND JUNCTION, COLORADO MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL

APRIL 1, 1992

The City Council of the City of Grand Junction, Colorado, convened in regular session the 1st day of April, 1992, at 7:30 p.m. in the City/County Auditorium at City Hall. Those present were Jim Baughman, John Bennett, Bill Bessinger, Bill McCurry, Reford Theobald, and President of the Council Pro Tempore Paul Nelson. President of the Council Conner Shepherd was absent. Also present were Acting City Manager James Shanks, City Attorney Dan Wilson, and City Clerk Neva Lockhart.

Council President Pro Tempore Paul Nelson called the meeting to order and Councilman Baughman led in the Pledge of Allegiance. The audience remained standing during the invocation by Dan Stuck, Pentecostal Church of God.

PROCLAMATIONS/RECOGNITIONS

PROCLAMATION DECLARING APRIL 6-10, 1992, AS "TUMOR REGISTRARS WEEK" IN THE CITY OF GRAND JUNCTION

PROCLAMATION DECLARING APRIL 17, 1992, AS "ARBOR DAY" IN THE CITY OF GRAND JUNCTION

PROCLAMATION DECLARING APRIL 15, 1992, "ACCESSING OUR FUTURE DAY"

PROCLAMATION DECLARING APRIL 15-11, 1992, "ALTRUSA INTERNATIONAL WEEK" IN THE CITY OF GRAND JUNCTION

PROCLAMATION DECLARING APRIL 4-12, 1992, AS "GRAND VALLEY LIONS REGIONAL HEALTH FAIR WEEK" IN GRAND JUNCTION

PROCLAMATION DECLARING APRIL, 1992, AS "FRESHAZADAZY MONTH" IN THE CITY OF GRAND JUNCTION

CITIZEN PARTICIPATION - MR. HARRY D. SMITH, DISCUSSES ANNEXATION

Mr. Harry D. Smith, 798 21-1/2 Road, discussed the recent annexation of his property to the City effective February 9, 1992. The manner in which the annexation took place disturbed him. On February 12, 1992, a City-owned truck drove up to his yard and a gentleman from the City Sanitation Department presented him with an envelope addressed to him. When he opened it, it said: "Dear Newly Annexed Resident". Mr. Smith thought he was 3-1/2 miles from the City limits and suddenly he was inside of it. During the course of that day he attempted to get information from several City departments with no luck until City Attorney Dan Wilson returned his call at approximately 4:00 p.m. and explained to him what had occurred. At the end of the conversation he said "Let me go to the Planning Department and see what is going on here." As far as he knew they had only annexed commercial property. Mr.

Wilson shortly returned Mr. Smith's call and informed him that, having looked at the map, the Planning Department didn't think he was in the City. Two days later Mr. Smith received a call from Bennett Boeschstein, Director of Community Development, who told him he was indeed in the City. The deadline had passed for public comments, and "tough luck." Mr. Smith immediately sought the advice of his counsel. He had not received any prior notice individually. He was told that there had been a number of publications in the newspaper. If you don't subscribe to the Daily Sentinel, he felt you are just out of luck. If you do read the official notices you would have a difficult time trying to figure out that you were in the boundaries of that annexation unless you were in the real estate business or you were a surveyor. The letter that Mr. Smith received told him about his day of trash pickup and how much he was going to owe the City each month, which was considerably more than he was paying a private collector. He has since been informed that he is probably the exception to the rule. On February 3, 1992, he received from the Planning Department the first certified follow-up letter regarding the annexation, which was addressed to Howard D. Smith at Mr. Smith's address. It was not his name. It happened to be his initials. He was later told that they had gotten this information from the County Assessor's office. Mr. Smith felt they got the information from the phone book because he is listed in the phone directory as "H.D. Smith." He felt someone took a guess at what H stood for -- Howard, and that is not his name. Mr. Boeschstein's letter went on to tell Mr. Smith about the zoning of the zoned C Commercial packet and parcel that was taken in. It said there were some uses that would be considered "grandfathered" in. It told him about the benefits that were going to befall him as a resident of Grand Junction. Mr. Smith has lived in Grand Junction before. The first item was 24-hour Police protection. He did not know whether that was a slam at the County Sheriff's Department or if the City doesn't think the County Sheriff's Department is providing him with 24-hour protection. In Mr. Smith's conversation with Mr. Wilson, he agreed that he was not going to see a Police car on 21-1/2 Road any more often than he sees a County Sheriff's car, if that often. Mr. Smith could understand where the City's primary patrol responsibilities are, and it is not out in the farming community.

The second item was more frequent road maintenance. Mr. Smith stated a bridge was just replaced last year about 500 feet from his house, and they just had a road resurfaced.

The third item was the ability to tap into the City's sewer system. He felt this was another fallacy, nonexistent fact. The sewer system is uphill from his house to the Sewer Plant. He was certain the City has absolutely no intention of running the sewer down in front of his property. Mr. Wilson indicated that there would have to be 500 houses in that immediate area before this could be done. It is going to take a pump station, and he didn't feel Council wants to spend that kind of money for him.

The fourth item was possible lower fire insurance rates. Mr. Smith is already in the Grand Junction Fire District. He did not believe the City is going to build a new Fire station in his area for some time.

The fifth item was trash collection at a savings over most private trash collections. He currently gets trash collection at a little less than half the rate that the City is going to charge him.

The last item was lower park fees for the City Parks and Recreation facilities, the Lincoln Park Golf Course and the Tiara Rado Golf Course. Mr. Smith does not play golf. He found that small reduction in fees little consolation for what the City is going to do to his taxes.

After the meeting with Mr. Wilson he received a letter from Jody Kole. He responded to that letter by saying that the more correspondence he receives from the City of Grand Junction, the less faith he has in the operation. She wrote a letter to him confirming some of the things that were discussed in the meeting between Ms. Kole, Mr. Wilson, himself, and his attorney. She came up with some things that were not so. Mr. Smith cited one particular paragraph. Ms. Kole said, "It was my understanding from our meeting that you received a certified letter regarding the annexation prior to the City Council hearings." Mr. Smith received the certified letter on February 20, 1992. He questioned when were the hearings held? Back in November or December, 1991? The City annexes Mr. Smith on February 9, 1992, and he receives the certified letter on February 20, 1992, after the fact. She went on to explain about the mill levy on the fire protection, etc., which Mr. Smith felt is negligible. The manner in which this was done disturbed Mr. Smith. He understood that the whole procedure has changed now, but he found it little consolation for him and his family for what the City is going to do in the future, because it has already been done to him and his family.

Mr. Smith was informed that if his home was ever destroyed, he would not be able to rebuild on his property since it is zoned Commercial and not Residential. In summation, Mr. Smith felt that he and his family have been robbed. In a day and age, in a country where citizens are supposed to have certain unalienable rights, he did not see that he had a lot of rights in this instance. He thanked Council for their attention.

Mr. Wilson explained that the area could be zoned Residential by the City to solve that problem. An alternative could be a letter of record that states that the City has no objection to a rebuilding of the residence because it is a prior use.

President of the Council Pro Tempore Paul Nelson publicly apologized to Mr. Smith and his family for how he was treated. Mr. Nelson did not feel that it was fair. He was sorry that it happened. He explained that one of the problems is that the City is dealing with so many people that sometimes it does not get done

right. He felt there are some improvements that can be made to the City's system, but he was not ready to throw the system out.

Mr. Smith questioned whether the line cuts down Prichard's Wash. Based on the fact that the City is taking in Commercial property, he questioned why, when the line came down 21-1/2 Road to Prichard's Wash that it cut off, when, in fact, that piece of property across the street from Mr. Smith is Commercial and was not annexed. Why did the City come down to the Ash and then go to Highway 6 & 50 instead of going over and getting the rest of the Commercial property. He saw that as discrimination.

Community Development Director Bennett Boeschenstein explained the reason for the line is the zoning in the County. The Commercial zoning ends at 21-1/2 Road and H Road on the southeast corner. All of the other directions are AFT Zoning, even though it is in some Commercial use. There are a lot of nonconforming uses there, but it is AFT Zoning, and that is why the line was struck where it was.

Mr. Smith requested that he be deannexed. He asked that the actual line be placed as reflected on the map, and put him back in the County.

City Attorney Dan Wilson explained that for larger parcels there is a provision in the Statutes that is termed "Statutory Cities." Grand Junction is a "Home Rule" city, so he was not certain whether that particular sections applies. Assuming that it does apply, if you have greater than 20 acres and are willing to go to District Court and request a disconnection order, the Court can say as long as you do not subdivide or develop the property within six years, the Court can order disconnection under certain circumstances. It would not apply to Mr. Smith alone as he is well under the acreage limit. Council could, by ordinance, reverse the annexation and disconnect.

Regarding the notification process, Bennett Boeschenstein explained that there were two public open houses held at the West Gate Inn for all of these annexations. Notices were in the newspaper and in the media. Notices were sent out. There was quite a bit of advance publicity. There were approximately 70 people that attended the second open house which was designed for Mr. Smith's neighborhood.

Councilman Baughman felt it would be appropriate to send a registered letter to everyone that is in the proposed annexation area so that there would be positive proof of notification. Mr. Boeschenstein stated that the procedure is now being used by his department. Mr. Boeschenstein stated the zoning of the annexation is in the Council's hand next month and he could be zoned Residential which would be better than the current zoning in the County which is Commercial. With the Commercial zoning that he has in the County now, if his house burned down, he couldn't rebuild it either. Residential is not permitted in Commercial zones in

Mesa County. So it is the same as in the City. He stated that what the City could do for him is zone him Residential. RSF-R Zone allows HUD approved mobile homes, or an existing mobile home would be grandfathered in anyway. Mr. Smith could also have his poultry operation. He has some chickens and ducks. He would continue to have that in an RSF-R Zone. It is the nearest rural zone the City has. It is similar to the AFT Zone in the County.

Upon motion by Councilman Bessinger, seconded by Councilman McCurry and carried, a decision regarding deannexation of Mr. Smith's property was tabled until such time as Council has discussed options, and met with Mr. Smith regarding those options, and then act at a later date.

Mr. Smith stated that his litigation deadline is April 9, 1992.

Council directed Bennett Boeschstein to put together the options for Mr. Smith and share them with Council.

* * * CONSENT CALENDAR * * *

Upon motion by Councilman Theobald, seconded by Councilman Bessinger and carried, the following Consent Items 1 through 6 were approved:

1. Approve minutes of the Regular Meeting March 18, 1992
2. Award Contract for Curb, Gutter, and Sidewalk Replacement 1992 - Mays Concrete, Inc. - \$150,998.00

Bids received March 19, 1992, are summarized as follows from lowest to highest:

Mays Concrete, Inc.	\$150,998.00
Two Rivers Forming, Inc.	\$186,696.00
Sea-Me Corporation	\$201,920.17
Fred Cunningham Construction	\$242,194.50
Engineer's Estimate	\$148,179.50

3. Award Contract to purchase 2,890 gallons of Latex Street Marking Paint - Linear Dynamics, Inc., Parsippany, New Jersey - \$18,629.15

Bids were opened March 19th for the bulk purchase of Latex Street Marking Paint for the Traffic Division of Public Works. Bid invitations were sent to four (4) vendors; we received four (4) bids. Staff recommends accepting the low responsive bid submitted by Linear Dynamics, Inc. Total cost for 2,890 gallons shall be \$18,629.15.

4. Award Contract for purchase of two (2) 3/4 Ton Pickup Trucks for the Parks and Recreation Department. Total expenditure, \$26,927.90

Bids were opened March 25th for the purchase of a 3/4 Ton Utility Truck and a 3/4 Ton Pickup Truck. These trucks are additions to the City's fleet, not replacement vehicles. The Utility Truck is required due to the Ridges Annexation; the Standard Pickup Truck is requested for Riverfront Trail service. Bid invitations were sent to five (5) dealers; we received three (3) bids. Low bid for the Utility Truck was submitted by Fuoco Motors at \$14,284.90. Low bid for the Pickup was submitted by Hellman Motors at \$12,643.00.

5. Award Contract to purchase a 3/4 Ton Flatbed Truck for the Traffic Division and a 1/2 Ton SWB Pickup Truck for the Streets Division. Total expenditure, \$24,609.00

Bids were opened March 18th for the purchase of a 3/4 Ton Flatbed Truck for Traffic Division and a 1/2 Ton Pickup Truck for the Streets Division. Bid invitations were distributed to five (5) dealers; three (3) bids were received. Low bids for both trucks were submitted by Hellman Motors. Purchase price is \$13,721.00 for the 3/4 Ton and \$10,888.00 for the 1/2 Ton Pickup.

6. Award Contract to HDR Engineering, Inc., in the amount of \$58,172.00 to provide engineering services for the 201 Comprehensive Wastewater Basin Study

On February 2 and February 9, 1992, the City advertised in The Daily Sentinel for proposals to provide engineering services for the 201 basin study. Four proposals were submitted for evaluation. The proposing firms were as follows:

HDR Engineering, Inc.	Denver	\$58,172
Black & Veatch	Aurora	\$59,240
CH2M Hill	Englewood	\$59,900
Gronning Engineering	Denver	\$70,050

Company		
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No local firms submitted proposals; two local firms, Banner Associates and Rolland Engineering, were included in the proposals submitted from the east slope firms.

Based on team qualifications, past knowledge of 201 system and proposed fee, HDR Engineering, Inc., was selected by Public Works Staff to provide consultant services for the study.

* * * END CONSENT CALENDAR * * *

AWARD CONTRACT FOR SOLE-SOURCE PURCHASE OF TWO (2) PIECES OF TURFGRASS MAINTENANCE EQUIPMENT (FAIRWAY AERIFIER AND SELF-CONTAINED SPRAYER) - TOTAL EXPENDITURE - \$33,843.00

The Golf Course Maintenance Division has budgeted for the purchase of a Fairway Aerifier and a Self-Contained Sprayer.

Four (4) Aerifiers were tested to establish a pre-qualified bid list of potential manufacturer's; however, only one (1) aerifier demonstrated was capable of penetrating the soil as required for proper aerification. Therefore, it is requested that we bypass the bid process and purchase a Cushman GA-60 (\$17,376.00), the only unit that performed to our requirements. The Cushman aerifier is the only unit with a self-contained engine (33hp). The Aspen Golf Course has had good success with this machine on very rocky soil.

As for the Sprayer, Doug Jones has reviewed various types of sprayers used in the turfgrass maintenance industry; Doug has demonstrated one unit that is equipped with a sonar device designed to horizontally adjust sprayer heads based on course topography. Sonar adjusts a sprayer boom automatically to the desired height as the ground undulates resulting in continuity of swath and product application. Doug believes the advantages of the sonar-equipped sprayer are sufficient to warrant a sole-source request. The Toro/Hahn Multipro Sprayer has exclusive rights to use "Sonar" in the turfgrass maintenance industry; therefore, we request permission to sole-source purchase the "Multipro" at a cost of \$16,467.00.

Both the aerifier and sprayer are sold under State Price Agreements through L.L. Johnson Distributing of Denver.

Parks Supervisor Don Hobbs explained that the Cushman GA 60 Fairway Aerifier was demonstrated at the golf course fairways, and it is the only aerifier that is capable of aerifying the soil at the required depth of 4-6".

Upon motion by Councilman Baughman, seconded by Councilman Theobald and carried, the Contract for sole source purchase of turfgrass maintenance equipment (Fairway Aerifier and Self-

Contained Sprayer) in the amount of \$33,843 was awarded to L.L. Johnson Distributing of Denver.

HEARING - RIDGES ANNEXATIONS NO. 1, 2, AND 3 - RESOLUTION NO. 33-92 TO ANNEX BY ORDINANCE - PROPOSED ORDINANCE

The Ridges Majority Annexation encompasses the Ridges Metro District and 15 other properties extending generally south and west of the Ridges to a point southeast of the Tiara Rado golf course. The total area proposed for annexation is approximately three (3) square miles. A small portion of the area comprising four (4) parcels, extends northeast from the Ridges and connects to the existing City Limits at the Brach's Market area.

Community Development Director Bennett Boeschstein stated that there have been three town meetings held at Scenic Elementary School, there has been a vote of the Ridges Metropolitan District, District Court has taken place, and an impact report was sent to the County Commissioners on February 4, 1992.

Karl Metzner, Community Development Department, reviewed this item. He stated that this a serial annexation done in three phases. The Ridges Majority Annexation is comprised of a total area of approximately three square miles and contains 843 parcels of land. Within this area the Ridges Metropolitan District consists of 946 acres and 820 parcels. The owners of one other parcel consisting of 330 acres have also signed the petition for annexation. The total area petitioned is 1276 acres by petition, both signing the petition which includes the Ridges Metropolitan District, with 821 parcels of land. The area included in the annexation which has not signed the petition consists of 644 acres contained 22 parcels. This annexation, with the exception of the developed Ridges Metropolitan area, is comprised mostly of large, undeveloped parcels that are currently zoned to allow development at urban densities. These densities range from a low of 2 units per acre to a high of 8 units per acre with a majority of the land being at 3 to 4 units per acre. At the direction of the Council Growth and Annexation Committee, the annexation was structured to advance the City Limits as close as possible to the City-owned Tiara Rado Golf Course to facilitate future annexation of that golf course.

Mr. Metzner stated that letters of opposition have been received from the Liberty Baptist Church, Mr. David Fletcher, Ms. Tery Dixon (hand delivered this date), Tom Logue, representing the George Saxe property which is in the PR-4 area to the north. Mr. Saxe had originally submitted a letter in opposition. This new letter supports the annexation subject to retaining existing zoning and some other development matters. The proposed annexation has been reviewed. The petition has been signed by owners of more than 50% of the property described, and more than 50% of the owners in the area described has at least one-sixth contiguity with existing limits. This contiguity has been established serially. A community of interest exists between the area to be

annexed and the City of Grand Junction since the Central Grand Valley is essentially a single demographic and economic unit, and occupants of the area can be expected to use City streets, parks and other urban facilities. The area is urban or will be urbanized in the near future. The area is capable of being integrated with the City of Grand Junction since the City has the facilities and resources necessary to provide urban services. No land held in identical ownership is being divided without written consent unless the division is by a dedicated road. No land in identical ownership comprising twenty acres, or more, and a valuation of two hundred thousand dollars, or more, is included without the owners' consent.

The hearing was opened. Those speaking in favor were:

Ms. Linda Afman, 388 Hidden Valley Court, a Ridges Metropolitan District director, wished to enter into the record that a vote was taken on February 25, 1992, with 338 members of the Ridges Metro District voting in favor of annexation, and 19 opposing. Ms. Afman publicly thanked City Manager Mark Achen and the City Department heads that visited with the Ridges residents for their concern and openness in answering questions.

Mr. Tom Logue, representing Mr. George Saxe, owner of approximately 200 acres in the area, stated that the Saxes do not take a particular exception to the annexation of their property; however, the following three issues are concerns:

1. The existing County Zone PR-4 designation would remain unchanged.
2. A provision that would allow the Saxes to suggest a rural type roadway section similar to what is being prepared by City staff;
3. Encourage part of the annexation agreement to include the current standards as it relates to potential paybacks to sewer line extensions. The property does not currently have a sewer line to it requiring an extension from the Goat Draw Interceptor. It is the desire of the Saxes that if they front end that expense that they have the opportunity to recapture it. They realize that that option is available in April of 1992. They would like to reinforce that should changes occur in the future.

Those speaking in opposition were as follows:

Ms. Bonnie Koffer, 446 Wildwood Drive, is opposed to any property being annexed west of South Camp Road.

Ms. Tery Dixon, 2119 S. Broadway, owner of property at 423 Wildwood Drive, read into the record two letters signed by her dated March 30, 1992, and March 31, 1992, which she had previously submitted to Council. She also read the addendum to her letter from Ruth A. and Robert L. Sutton who own the property at 413 S. Camp Road, also opposing the annexation.

Councilman Theobold: I was surprised at your reaction to what I was saying Monday night because that was not my intent. I did not realize I was intimidating you. I have found that unfortunately people tend to be intimidated by more than what I look like than what I say sometimes. I'm not always aware of that, and then again it was not my intent to attempt, and I apologize. I was not attempting to be condescending, again, if that was how that came off. Again, I apologize. That was not what I was trying to do. Actually, I thought your remarks and our conversation was quite enjoyable because you are so well informed about what is going on.

Ms. Dixon: I accept your apology.

Mayor Pro Tem Nelson: Are there other people who would like to speak against the annexation at this time?

Robert Sutton: I am Robert Sutton, 413 S. Camp Road. I would like to go on verbal opposition. We really do not want to be annexed. We oppose the annexation of our property west of South Camp Road.

Councilman Theobold: Bob invited me out there a few weeks ago to personally tour the property.

Bruce Isaacson: My name is Bruce Isaacson. I live at 429 S. Camp Road. I am just north of Bob Sutton's place on the west of S. Camp Road. We are not in the proposed area to be annexed. I would like to ask a member of Council if, within the last 24 hours, they had heard verbally from the . . . a recitation very similar to what you have just heard from Ms. Dixon. Would Council recognize if they might have heard such a comment?

Councilman Theobold: Are you talking about our phone conversations?

Mr. Isaacson: I am talking about our phone call conversation.

Councilman Theobold: All right.

Mr. Isaacson: I stated that instead of going to a meeting designed to enhance my financial position, it was necessary for me to go to a meeting to protect my property from Saddam Hussein, and that's how I visualize what you are doing, or attempting to do, or will do. Earlier, I believe, Reford asked if any petitions have been presented for the property west of South Camp. And the statement was negative, that no one had petitioned west of South Camp. Would you please, then, explain to me why you annexed the area west of South Camp if no one wants to be annexed? Why are you annexing it?

Councilman Baughman: The answer I hear from City staff is so we can get closer to Tiara Rado Golf Course. Now I don't agree with this, but that's . . .

Councilman Theobold: The reason for choosing those parcels in

particular, I think, Bruce, what the . . . I'm guessing the kind of answer you're looking for is, legally the annexation must be favored by a majority of the property owners owning a majority of the acreage, and in other words, it has to be a majority of parcels and a majority of acreage, and in anticipating of the Ridges being in favor, we anticipated there would be a majority to be able to expand the annexation beyond Central Ridges boundary.

Mr. Isaacson: I have no problem with the annexation of the Ridges. Those people desire to . . . and I think that's great, and I'm all for them. I do not desire it, and I have the opinion that the people west of South Camp do not wish it. Thank you.

Mayor Pro Tem Nelson: Is there anyone else who would like to speak at this time? Please step forward if you'd like to make a comment. This is your big chance because after we close the public hearing, then there is no public testimony. Would anybody like to speak either for or against?

Tery Dixon: A couple of things I would like to point out that I found quite interesting, and again it had to do with the speed with which the boundaries were drawn. There was a small parcel of a neighbor that borders South Camp who do not want to be annexed, but they . . . whomever is drawing this up, apparently granted exclusion to, I believe, the attorney Greg Hoskin, who owns three parcels that are either adjacent or right in, and I'd like to know why he's getting exclusion a parcel that is in the middle of three that he owns, and I have to come before you and ask for exclusion of forty acres that's really not even close to the Ridges. You surely can't get to my house. It really would be _____ to you guys whether it were annexed, or not. And after the comment made by Mr. Wilson this evening, I would take it even more personal than this action I am already taking personal, if I have to go to District Court to do what you suggested earlier because by acreage is greater than twenty acres, to have it removed from annexation, and I don't want to give into a situation like Mr. Smith did. You asked me Monday evening about my zoning, and it's R-2. And that's something that I did not request. It was done by County a long time ago.

Councilman Theobald: Just by way of explanation, if you have any interest at all, but I saw something within the last day or two since the conversation Monday night that indicated the reason the County had done some of the zoning it had in theoretical anticipation of what would eventually developed, was also a part of an overall zoning plan, and they were looking for areas, that would be . . . in order to facilitate a clean water act. So there were some other driving forces other than just simply what the County's opinion of your land was apparently. I'm not talking for somebody who did something fifteen years ago.

Ms. Dixon: I wanted to make it clear it was not something I requested.

Councilman Theobold: No, never thought that. I was going to ask Bennett to answer the one question she asked about the . . . I'm assuming the Hoskin property, because he has some that's in and some that's out.

City Attorney Dan Wilson: I may have a better answer. I think it was late summer or last fall . . . I think Greg called me and said, and I thought he had two parcels, you mentioned three, and I don't know that I ever checked on it. And he said I'm not intending to develop the small parcel. It is not good developable ground. It seems like it's around twenty acres. This has been a while since I've thought about this, and I simply told Karl he doesn't want to be in. And when Karl started looking at the original Ridges, he excluded it because he was not receiving the urban services. And I think had we looked at it again when we started looking at the westward for the majority, we probably would have included it. It probably seems pretty arbitrary in tonight's light. I don't have a better answer.

Councilman Baughman: I'm not sure I buy that argument because I know when the map was first shown to Council a few months back, and I picked up on that piece of white up in the top of the brown on the top mat, and I says "Hey, what's the deal here? How come this guy's not getting taken, and his neighbors are?" And they told me here he was, and I thought that was quite inappropriate and we shouldn't show favoritism to one property owner versus another. And then later the . . .

Councilman Theobold: From a distance it looks like the two pieces of brown touch, but there's a roadway or something in between there . . . if you would want to hear it from me, I would be in favor of treating Greg Hoskin fairly, and I would not vote him out just because of who he is.

Councilman Bessinger: Does that mean you would prefer to annex Greg Hoskin?

Councilman Theobold: Sure. But I don't know what we can do at this point.

Ms. Dixon: No, you can't. You can delete properties, but you cannot add to them at this time.

City Attorney Wilson: Well, the other question is . . . if that strip is a roadway, then they touch as far as enclave. I don't know that. Karl is nodding his head which means in three years . . .

Councilman Baughman: What Tery is asking is a legitimate question is . . . Mr. Hoskin asked to be excluded, and he was. She asked to be excluded, and she is not.

Ms. Dixon: Well, the other thing was even before this was finalized I did check with Planning a number of times. And

Bennett, now whether he misunderstood and didn't know where it was I lived, which I . . . but I was told by several different entities, "No, you're not . . . No, you're not, yes, you are . . . No, you're not, Yes you are", and then when I visited with Karl he says, "Well, I don't know where you got your information, but you have been in it from the start." And I shared his information with Mark and he said, "No, you're right. This is very frustrating for you to try to figure it out to properly deal with anything." And I said, "Yes, it is, because I can't get a straight answer from anyone." Until I started getting the registered mail, then I said, "I guess this means I can complain now."

Councilman Theobold: But you did get the certified mail. And it was sent to the right name?

Ms. Dixon: Right.

Councilman Theobold: We're improving.

Ms. Dixon: You're getting better.

Councilman Theobold: Thank you.

Mayor Pro Tem Nelson: Anything else, Tery?

Ms. Dixon: No, I'd just like you to tell me this evening that yes, you're dropped. Go away!

Mayor Pro Tem Nelson: That hasn't been determined yet. Is there anyone else who would like to make a comment at this time?

There were no other opponents, letters or counterpetitions.

Mayor Pro Tem Nelson: I close the public hearing now and bring the matter up to the table for consideration. Is there anything yet the Staff would like to respond with responses to the technical questions that were asked?

Councilman Theobold: I just have one question for the City Attorney. My understanding is we cannot delete someone from the annexation without starting the entire process over?

City Attorney Wilson: That is correct.

Councilman Theobold: This is an all or nothing situation?

City Attorney Wilson: That's true. Once we accept a petition with a certain boundary, then to change that radius, take a new petition and start over.

Councilman Theobold: And if we were to do that . . . right now we're looking at the whole annexation to be effective what date?

City Attorney Wilson: Well, the annexation will be effective on

May 15. If we start over we're going to accept a new petition . . . let's say it's April 15th, second reading would be the first meeting in May, I don't know the date on that, so the effective date for the ordinance would be some time in June. Remember that there is a 60-day judicial challenge period that Mr. Smith had talked about earlier. So it puts us probably into August as far as the Ridges dissolution process under the annexation agreement with the Ridges.

Councilman Theobald: And we could, in theory, and I'm not making arguments one way or the other, but we could, in theory, on your own, once an annexation is completed, amend it much more quickly that way.

City Attorney Wilson: If it didn't go to District Court, if Council initiated it, it would be first reading, you accept the petition, first reading, second reading, and to disconnect. It would be the same process, just in reverse.

Councilman Baughman: On second reading, we could disconnect?

City Attorney Wilson: Well, what you do is direct Staff to bring back a legal description of the lands that you wanted to be disconnected. You would have first reading on that ordinance, the normal publication, second reading, and then 30 days later it would be out of the City. It would be the same process, just changing an ordinance.

Councilman Theobald: I can appreciate some of what is being said about the properties west of South Camp, but at the very same time, we are currently processing a request by some people west of South Camp for annexation. So we're going to be on the other side of South Camp whether we do this, or not, within the next two months.

City Attorney Wilson: One comment that I had made earlier is that the disconnection portion of the Statutes is a section the time of which is "Statutory Cities." Now normally titles don't necessarily govern the language, but I haven't gone and read the case to see if that is a uniquely . . . such an animal that is unique to a statutory city, as opposed to home rule. Independent of the Statute, I think that Council can disconnect it if it wanted to.

Councilman Baughman: I would sure like to disconnect anything west of South Camp. We have no one in that area that is requesting annexation and I think that if we want to get the Tiara Rado golf course . . . the way that we've been doing things like that is we've been flagpoling and hooking onto something that we're . . .

Councilman Theobald: Are you about to say that you would favor a flagpole to get to Tiara Rado?

Councilman Baughman: No. What I'm telling you is you guys can do that in other places, and so if you want Tiara Rado, you can

flagpole to that, and leave these people alone.

Councilman Theobold: Okay. You're saying you oppose this, and your recommendation is something else that you would oppose?

Councilman Baughman: Oh no. That's leaving you the alternative to still do the other.

Councilman Theobold: But you don't like it any better?

Councilman Baughman: No.

Councilman Theobold: Well, it's an all or nothing on this vote, so we might just as well have a motion, and move . . . because we can't pick and choose. We've either got to vote it up or vote it down. I'd move . . .

Councilman Bennett: I would move that we go ahead with the annexation, but also immediately upon annexation, Staff is to start de-annexing all properties that did not sign the petition, that did not sign petitions and request annexation to the City.

Councilman Theobold: Okay, just a question, John. Regardless of which side of South Camp they are on?

Councilman Bennett: That's the way I feel.

Councilman Bessinger: Everybody who disregards the majority annexation . . .

Councilman Bennett: In this majority annexation, anyone that did not sign a petition requesting to be annexed to the City, to be de-annexed.

Councilman Bessinger: I don't think that's at all feasible. If you think about maintaining and building streets and so forth, I don't think that's feasible.

Councilman Bennett: All you have to do is . . .

Councilman Theobold: Yah, it will come up for a vote.

Mayor Pro Tem Nelson: Is there a second?

Councilman Baughman: I second that motion.

Councilman Theobold: John, would that include people who did not sign, but were in favor?

Councilman Bennett: As long as they are in favor of it, and they have signed the petition requesting petition . . .

Councilman Theobold: Okay, there are some that did not sign, but were in favor.

Councilman Bennett: Okay, then they can sign a petition and say I want to stay in.

Councilman Bessinger: Are you proposing this to be for all future annexations?

Councilman Bennett: This one right here, and each future annexation, we're going to go through the same thing.

Councilman Bessinger: And you're going to let people who don't want to be annexed stay out?

Councilman Baughman: Well, what we get into Bill, is this majority stuff. That's what's getting us.

Councilman Bessinger: Well, that's the way this country is run incidentally.

Councilman Baughman: No, Sir.

Councilman Bessinger: It isn't?

Councilman Baughman: No, we had an election in the Ridges and those people decided to come in, and that's well and fine. But we have a State Statute that now being that we have this brown area here that want to come in, we can come out here and take this turquoise area.

Mayor Pro Tem Nelson: That's the State Law.

Councilman Baughman: But we don't have to follow that Law. We have a choice. We can do it legally, but we don't have to do it.

Councilman Bessinger: Now just think about the ramifications of roadways, for instance. If there's somebody that did not choose to be annexed, we take the road up to their property, stop it, go across the street, start the blacktop again. Is that what we're going to do?

Councilman Bennett: Bill, what I'm saying . . . the people in the Ridges, and the Ridges asked to be annexed. I'm all for that. Okay, the people to the west of it, they said "I want to be annexed." Somebody out there says, "No, I'm not going to sign this petition." Why should we force him in? I don't care if he owns a lot, or forty acres. What I'm saying, we have done a lousy job in the majority. Everyone we've tried to do, let's correct it. We do a wonderful job when we go in the neighborhoods and explain and work with the people, but when we come to the majority, everyone of them that we've tried, we've messed it up.

Councilman Theobald: I'm not sure that I would go so far as to say that our problems have been that wide and that severe.

Councilman Bennett: They may not be that severe, but that's the way I view it.

Councilman Theobold: I understand. But my understanding of the motion is that the motion requests two things: that we process this one, and then begin a process to allow us to vote on the de-annexation of certain properties, so obviously this vote does not bind Council to vote on the de-annexation process, because obviously that's going to be . . .

Councilman Bessinger: No, that's not the way I understood it.

Councilman Theobold: Well, I don't think we can have . . . I don't think a motion can bind us . . . It's still required by Charter, hearing, first reading, second reading, the whole works. And we can't bypass that.

Councilman Bennett: We have to start the process as soon as this is completed.

Councilman Theobold: Yah, I think John's motion is to start the process, and then we have again, a hearing, and I'm willing to look at it. I'm not sure that I would go as far as John, or even vote to de-annex anyone, but I'm not opposed to starting the process and looking at it. That doesn't both me.

Councilman Bennett: Well, I find it very objectionable. Somebody calls up and says, "Hey, I want to be left out." And we say, "Gee, you're a nice guy. I'll leave you out." Somebody else comes in and says, "I don't want to be here." "Aw, tough." I find that objectionable.

Councilman Theobold: I'm amazed to find that, considering the relations at the time, that anything he asked was granted.

President Pro Tem Nelson: Are you guys ready to vote?

Councilman Baughman: We're voting on John's motion at the present time. Is this correct?

President Pro Tem Nelson: Yes, that's right. Does anybody want to hear that motion again?

City Clerk Neva Lockhart: You're voting on the Resolution, pass the resolution to annex by ordinance, subject to Staff will immediately start the process of bringing the de-annexation back for those people who did not sign the petition.

Councilman Theobold: Yah, upon completion of de-annexation, the . . .

Councilman Bennett: . . . in the area . . .

Councilman Theobold: Right. And what that means is outside the

Ridges Metro, would that be an accurate rephrasing?

City Attorney Wilson: The concern I have is again the distinction that Councilman Theobold has been talking about. Because what is on the agenda tonight is the resolution and a first reading to include those people who did not sign . . .

Councilman Bennett: I'm willing to go ahead and bring them in, but at the same time I want a guarantee as soon as this annexation is completed, and we do this, I would like to see Staff start working immediately on the de-annexation process. After this whole thing is over, they are brought in. It's either that, or throw the Ridges out, everybody out, and we start all over. I'm not willing to do that.

Councilman Theobold: Would it clear things up . . . Is there a legal problem with John's motion?

City Attorney Wilson: Not so long as it's understood that the Council could vote on this motion tonight, and then vote against the motion to be annexed. That's the only distinction.

Councilman Bennett: All I'm saying is as soon as the annexation of this area is completed and they are in the City, I'm requesting Staff to start working to put together to de-annex the parcels out there that the people did not sign a petition . . .

Councilman Theobold: And the understanding is clear that that will also come up to a vote, and that may fail, that may succeed, it will rise and fall on how we vote at the time?

Councilman Bennett: That's right.

Councilman Theobold: Just like it would be if you tried to amend it now?

Councilman Bennett: Uhuh.

Mayor Pro Tem Nelson: Do you understand, Jim?

Councilman Baughman: I'm not sure we're getting anything here. It looks to me like you've got a carrot out here, but you're not going to get the carrot.

Councilman Bessinger: No, but we've got the stick.

Councilman Baughman: . . . or the shaft. What we need if this thing passes, are we having the understanding that the people in the majority annexation . . . all we're doing is delaying the vote again at a later time on Council, for this vote in the majority?

Councilman Bennett: No. My understanding, correct me if I'm wrong, Dan, we have to take the Ridges and all of the majority in at this

time because we've already filed, it has already gone through this process. Now we've got two choices, either bring all of this in and continue with the process, or throw it all out, and start over.

Councilman Theobold: And John's motion, what it means is those people who are part of what we call the majority, will have one more shot at talking us into not annexing them. Does that make sense?

City Attorney Wilson: Because there will be a disconnection or . . .

Councilman Baughman: They will be annexed.

Councilman Theobold: The question, will they stay, or will they be cut loose.

Councilman Baughman: So we're just delaying the vote on . . .

Mayor Pro Tem Nelson: That vote will be another day.

Councilman Theobold: The main reason for doing this, most people enjoy these hearings so much they want to attend another one.

City Attorney Wilson: I know the Council knows this, but the public may not appreciate this, what in any event what you're voting on tonight is first reading of a proposed ordinance. That will be published. That will come back to the Council for second reading on including those that are in the majority.

Mayor Pro Tem Nelson: Is everybody clear on the motion? Roll Call.

Roll Call was called with the following result:

AYE: BAUGHMAN, THEOBOLD, MCCURRY, BENNETT.

NO: BESSINGER, NELSON.

Mayor Pro Tem Nelson: The Resolution passes, so what has happened, so for you folks in the audience tonight, by a 4 to 2 vote, we have chosen to annex the entire area that is brown and blue here, and ask the Staff to prepare de-annexation both for the people that have not signed the petitions. Those hearings will be at a later date. Please stay posted. (See next page for Resolution 33-92).

Councilman Theobold: And one more understanding that that does not mean that the annexation will be rescinded. That means we are going to have a vote on it later on.

Councilman Baughman: . . . for all non-signers.

Councilman Theobold: Right. I see Tery back there and I think she wants to say something again.

Ms. Dixon: I would just like to request that Council or the legal expertise answer . . . I would like to know the section that says you cannot delete from this action. It seems I read that you could delete.

Mayor Pro Tem Nelson: Okay. Please call him independently. This is not something we need to talk about during this meeting.

Ms. Dixon: Not this meeting, I'm just asking . . .

Councilman Theobald: Oh, the hearing's over. The vote's over. She just had a question, that's all. Could I make one quick comment before we go on? Since Bob Sutton is here, and he's on the Board at Redlands Water and Power, I just wanted to express our appreciation for the offer they made about providing the water for the beautification on the Broadway Bridge. It is very community-spirited of them and we appreciate it. Thank you.

TEN-MINUTE RECESS

The President Pro Tem declared a ten-minute recess. Upon reconvening Councilmembers Theobald, McCurry, Bessinger and Nelson, a quorum, were present.

HEARING - WILSON RANCH ANNEXATIONS NO. 1, 2, AND 3 - RESOLUTION NO. 34-92 TO ANNEX BY ORDINANCE - PROPOSED ORDINANCE

Approximately 25.4 acres located at 25 1/2 Road and G 3/8 Road. Bennett Boeschstein, Community Development Director, reviewed this item. He stated that the petition has been signed by owners of more than 50% of the properties described and by more than 50% of the owners in the area described. The area has at least one-sixth contiguity with existing City limits. Contiguity is established serially. A community of interest exists between the area to be annexed and the City of Grand Junction since Central Grand Valley is essentially a single demographic and economic unit, and occupants of the area can be expected to use the streets, parks and other urban facilities. The area is urban or will be urbanized in the near future. The area is capable of being integrated with the City of Grand Junction since the City has the facilities and resources necessary to provide urban services. No land held in identical ownership is being divided without written consent unless written consent

RESOLUTION NO. 33-92

TO ANNEX THE RIDGES NO. 1, 2, AND 3 BY ORDINANCE

WHEREAS, on the 19th day of February, 1992, a petition was submitted to the City Council of the City of Grand Junction, Colorado, for annexation to said City of the following property situated in Mesa County, Colorado, and described as follows:

RIDGES #1

A TRACT OF LAND BEGINNING AT THE EAST 1/4 CORNER OF SECTION 20, T1S, R1W OF THE UTE MERIDIAN; THENCE WEST ALONG THE NORTH LINE OF THE SE 1/4 OF SAID SECTION 20 A DISTANCE OF 1.0 FT. TO A POINT; THENCE SOUTH PARALLEL WITH THE EAST LINE OF THE SE 1/4 OF SAID SECTION 20 A DISTANCE OF 2400.0 FT. TO A POINT; THENCE WEST PARALLEL WITH THE SOUTH LINE OF SAID SECTION 20 A DISTANCE OF 4599.0 FT. TO A POINT; THENCE SOUTH PARALLEL WITH THE WEST LINE OF THE SW 1/4 OF SAID SECTION 20 A DISTANCE OF 1.00 FT. TO A POINT; THENCE EAST PARALLEL WITH THE SOUTH LINE OF SAID SECTION 20 A DISTANCE OF 4599.0 FT. TO A POINT; THENCE SOUTH PARALLEL WITH THE EAST LINE OF THE SE 1/4 OF SAID SECTION 20 A DISTANCE OF 184.42 FT. TO A POINT ON THE SOUTH LINE OF THE SE 1/4 OF SAID SECTION; THENCE EAST ALONG THE SOUTH LINE OF THE SE 1/4 OF SAID SECTION 20 A DISTANCE OF 1.00 FT. TO THE SE CORNER OF SAID SECTION 20; THENCE NORTH ALONG THE EAST LINE OF THE SE 1/4 OF SAID SECTION 20 A DISTANCE OF 2585.42 FT. TO THE POINT OF BEGINNING.

TOTAL PERIMETER 14,370.85 FEET
CONTIGUOUS PERIMETER 2,585.42 FEET
AREA IN SQ./FT. 7,184.42
AREA IN ACRES 0.165

RIDGES #2

A TRACT OF LAND BEGINNING AT THE EAST 1/4 CORNER OF SECTION 20, T1S, R1W OF THE UTE MERIDIAN; THENCE WEST ALONG THE NORTH LINE OF THE SE 1/4 OF SAID SECTION 20 A DISTANCE OF 1.0 FT. TO THE TRUE POINT OF BEGINNING; THENCE WEST ALONG THE NORTH LINE OF THE SE 1/4 OF THE SAID SECTION 20 A DISTANCE OF 1.0 FT. TO A POINT; THENCE SOUTH PARALLEL WITH THE EAST LINE OF THE SE 1/4 OF SAID SECTION 20 A DISTANCE OF 2399.0 FT. TO A POINT; THENCE WEST PARALLEL WITH THE SOUTH LINE OF SAID SECTION 20 A DISTANCE OF 4797.0 FT. TO A POINT; THENCE NORTH PARALLEL WITH THE WEST LINE OF THE SW 1/4 OF SAID SECTION 20 A DISTANCE OF 1998.0 FT. TO A POINT; THENCE EAST PARALLEL WITH THE NORTH LINE OF THE SOUTH 1/2 OF SAID SECTION 20 A DISTANCE OF 4399.0 FT. TO A POINT; THENCE NORTH PARALLEL WITH THE EAST LINE OF THE SE 1/4 OF SAID SECTION 20 A DISTANCE OF 1.0 FT. TO A POINT; THENCE WEST PARALLEL WITH THE NORTH LINE OF THE SOUTH 1/2 OF SAID SECTION 20 A DISTANCE OF 4400.0 FT. TO A POINT; THENCE SOUTH PARALLEL WITH THE WEST LINE OF SW 1/4 OF SAID SECTION 2 A DISTANCE OF 2000.0 FT. TO A POINT; THENCE EAST PARALLEL WITH THE SOUTH LINE OF SAID SECTION 20 A DISTANCE OF 4799.0 FT. TO A POINT; THENCE NORTH PARALLEL WITH THE EAST LINE OF THE SE 1/4 OF SAID SECTION 20 A DISTANCE OF 2400 FT. TO THE TRUE POINT OF BEGINNING; AND, ALSO . . .

A TRACT OF LAND COMMENCING AT THE SE CORNER OF SECTION 20, T1S, R1W OF THE UTE MERIDIAN; THENCE WEST ALONG THE SOUTH LINE OF THE SE 1/4 OF SAID SECTION 20 A DISTANCE OF 1.0 FT. TO THE TRUE POINT OF BEGINNING; THENCE NORTH PARALLEL WITH THE EAST LINE OF THE SE 1/4 OF SAID SECTION 20 A DISTANCE OF 184.42 FT. TO A POINT; THENCE WEST PARALLEL WITH THE SOUTH LINE OF SAID SECTION 20 A DISTANCE OF

4599.0 FT. TO A POINT; THENCE NORTH PARALLEL WITH THE WEST LINE OF THE SW 1/4 OF SAID SECTION 20 A DISTANCE OF 1.0 FT. TO A POINT; THENCE WEST PARALLEL WITH THE SOUTH LINE OF THE SW 1/4 OF SAID SECTION 20 A DISTANCE OF 1.0 FT; THENCE SOUTH PARALLEL WITH WEST LINE OF THE SW 1/4 OF SAID SECTION 20 A DISTANCE OF 1.0 FT; THENCE WEST PARALLEL WITH THE SOUTH LINE OF THE SW 1/4 OF SAID SECTION 20 A DISTANCE OF 398.0 FT. TO A POINT; THENCE NORTH PARALLEL WITH THE WEST LINE OF THE SW 1/4 OF SAID SECTION 20 A DISTANCE OF 2098.0 FT. TO A POINT; THENCE EAST PARALLEL WITH THE NORTH LINE OF THE SOUTH 1/2 OF SAID SECTION 20 A DISTANCE OF 4799.0 FT. TO A POINT; THENCE NORTH PARALLEL WITH THE EAST LINE OF THE SE 1/4 OF SAID SECTION 20 A DISTANCE OF 1.0 FT. TO A POINT; THENCE WEST PARALLEL WITH THE NORTH LINE OF THE SOUTH 1/2 OF SAID SECTION 20 A DISTANCE OF 4800.0 FT. TO A POINT; THENCE SOUTH PARALLEL WITH THE WEST LINE OF THE SW 1/4 OF SAID SECTION 20 A DISTANCE OF 2100.0 FT. TO A POINT; THENCE EAST PARALLEL WITH THE SOUTH LINE OF SAID SECTION 20 A DISTANCE OF 4998.0 FT. TO A POINT; THENCE SOUTH PARALLEL WITH THE EAST LINE OF THE SE 1/4 OF SAID SECTION 20 A DISTANCE OF 183.42 FT. TO A POINT ON THE SOUTH LINE OF SAID SECTION 20; THENCE EAST ALONG THE SOUTH LINE OF SAID SECTION 20 A DISTANCE OF 1.0 FT. TO THE TRUE POINT OF BEGINNING.

TOTAL PERIMETER 51,356.85 FEET
CONTIGUOUS PERIMETER 11,783.43 FEET
AREA IN SQ. FT. 25,677.43
AREA IN ACRES 0.59

RIDGES #3

A TRACT OF LAND IN SECTIONS 16, 17, 18, 19, 20, 21, 29 AND 30, T1S, R1W, OF THE UTE MERIDIAN AND SECTIONS 26, 34 AND 35 T11S, R 101W, OF THE 6TH PRINCIPAL MERIDIAN BEING FURTHER DESCRIBED AS FOLLOWS:

BEGINNING AT THE E 1/4 CORNER OF SECTION 20, T1S, R1W OF THE UTE MERIDIAN; THENCE WEST ALONG THE NORTH LINE OF THE SE 1/4 OF SAID SECTION 20 A DISTANCE OF 2.0 FT. TO A POINT; THENCE SOUTH PARALLEL WITH THE EAST LINE OF THE SE 1/4 OF SAID SECTION 20 A DISTANCE OF 2399.0 FT. TO A POINT; THENCE WEST PARALLEL WITH THE SOUTH LINE OF SAID SECTION 20 A DISTANCE OF 4797.0 FT. TO A POINT; THENCE NORTH PARALLEL WITH THE WEST LINE OF THE SW 1/4 OF SAID SECTION 20 A DISTANCE OF 1998.0 FT. TO A POINT; THENCE EAST PARALLEL WITH THE NORTH LINE OF THE SOUTH 1/2 OF SAID SECTION 20 A DISTANCE OF 4399.0 FT. TO A POINT; THENCE NORTH PARALLEL WITH THE EAST LINE OF THE SE 1/4 OF SAID SECTION 20 A DISTANCE OF 1.0 FT. TO A POINT; THENCE WEST PARALLEL WITH THE NORTH LINE OF THE SOUTH 1/2 OF SAID SECTION 20 A DISTANCE OF 4400.00 FT. TO A POINT; THENCE SOUTH PARALLEL WITH THE WEST LINE OF SW 1/4 OF SAID SECTION 20 A DISTANCE OF 2000.0 FT. TO A POINT; THENCE EAST PARALLEL WITH THE SOUTH LINE OF THE SW 1/4 OF SAID SECTION 20 A DISTANCE OF 199.0 FT. TO A POINT; THENCE SOUTH PARALLEL WITH THE WEST LINE OF THE SW 1/4 OF SAID SECTION 20 A DISTANCE OF 1.0 FT. TO A POINT; THENCE WEST PARALLEL WITH THE SOUTH LINE OF THE SW 1/4 OF SAID SECTION 20 A DISTANCE OF 398.0 FT. TO A POINT; THENCE NORTH PARALLEL WITH THE

WEST LINE OF THE SW 1/4 OF SAID SECTION 20 A DISTANCE OF 2098.0 FT. TO A POINT; THENCE EAST PARALLEL WITH THE NORTH LINE OF THE SOUTH 1/2 OF SAID SECTION 20 A DISTANCE OF 4799.0 FT. TO A POINT; THENCE NORTH PARALLEL WITH THE EAST LINE OF THE SE 1/4 OF SAID SECTION 20 A DISTANCE OF 1.0 FT. TO A POINT; THENCE WEST PARALLEL WITH THE NORTH LINE OF THE SOUTH 1/2 OF SAID SECTION 20 A DISTANCE OF 4800.0 FT. TO A POINT; THENCE SOUTH PARALLEL WITH THE WEST LINE OF THE SW 1/4 OF SAID SECTION 20 A DISTANCE OF 2100.0 FT. TO A POINT; THENCE EAST PARALLEL WITH THE SOUTH LINE OF SAID SECTION 20 A DISTANCE OF 4998.0 FT. TO A POINT; THENCE SOUTH PARALLEL WITH THE EAST LINE OF THE SE 1/4 OF SAID SECTION 20 A DISTANCE OF 183.42 FT. TO A POINT ON THE SOUTH LINE OF THE SE 1/4 OF SAID SECTION 20; THENCE EAST ALONG THE SOUTH LINE OF THE SE 1/4 OF SAID SECTION 20 A DISTANCE OF 2.0 FT. TO THE SE CORNER OF SAID SECTION 20; THENCE S 89 DEG. 47 MIN. 09 SEC. ALONG THE NORTH LINE OF THE NE 1/4 NE 1/4 OF SECTION 29 T1S R1W OF THE UTE MERIDIAN A DISTANCE OF 97.94 FT. TO THE NORTHEAST CORNER OF SAID SECTION 29; THENCE S 00 DEG. 05 MIN. 35 SEC. E ALONG THE EAST LINE OF THE NE 1/4 NE 1/4 OF SECTION 29 A DISTANCE OF 1306.72 FT. TO THE SE CORNER OF THE NE 1/4 OF THE NE 1/4 NE 1/4 OF SAID SECTION 29; THENCE N 89 DEG. 44 MIN. 13 SEC. W ALONG THE SOUTH LINE OF THE NE 1/4 NE 1/4 OF SAID SECTION 29 A DISTANCE OF 1321.65 FT. TO THE SW CORNER OF THE NE 1/4 NE 1/4 OF SAID SECTION 29; THENCE N 00 DEG. 07 MIN. 02 SEC. W ALONG THE WEST LINE OF THE NE 1/4 NE 1/4 OF SAID SECTION 29 A DISTANCE OF 1306.81 FT. TO THE NW CORNER OF THE NE 1/4 NE 1/4 OF SAID SECTION 29; THENCE N 89 DEG. 43 MIN. 33 SEC. W ALONG THE NORTH LINE OF THE NW 1/4 NE 1/4 OF SAID SECTION 29 A DISTANCE OF 1414.76 FT. TO THE NW CORNER OF THE NE 1/4 OF SAID SECTION 29; THENCE N 89 DEG. 43 MIN. 33 SEC. W ALONG THE NORTH LINE OF THE NE 1/4 NW 1/4 OF SECTION 29 A DISTANCE OF 1320.94 FT. TO THE NW CORNER OF THE NE 1/4 NW 1/4 OF SAID SECTION 29; THENCE N 89 DEG. 46 MIN. 02 SEC. W ALONG THE NORTH LINE OF THE NW 1/4 NW 1/4 OF SAID SECTION 29 A DISTANCE OF 240.32 FT. TO A POINT; THENCE S 00 DEG. 59 MIN. 37 SEC. W A DISTANCE OF 1337.21 FT. TO A POINT ON THE SOUTH LINE OF THE NW 1/4 NW 1/4 OF SAID SECTION 29; THENCE N 89 DEG. 42 MIN. 00 SEC. W ALONG THE SOUTH LINE OF THE NW 1/4 NW 1/4 OF SAID SECTION 29 A DISTANCE OF 218.72 FT. TO A POINT; THENCE S 34 DEG. 36 MIN. 00 SEC. W A DISTANCE OF 722.69 FT. TO A POINT; THENCE S 48 DEG. 32 MIN. 30 SEC. W A DISTANCE OF 79.92 FT. TO A POINT; SAID POINT BEING ON THE NORTH RIGHT-OF-WAY LINE OF SOUTH CAMP ROAD; THENCE NORTHWESTERLY ALONG THE NORTHERLY AND EASTERLY RIGHT-OF-WAY OF SOUTH CAMP ROAD THE FOLLOWING 14 COURSES:

(1) N 45 DEG. 57 MIN. 29 SEC. W A DISTANCE OF 65.40 FT. TO A POINT; (2) ALONG A CURVE TO THE LEFT HAVING AN INITIAL TANGENT BEARING OF N 45 DEG. 57 MIN. 29 SEC. W AND A RADIUS OF 766.20 FT. A DISTANCE OF 427.37 FT. TO A POINT; (3) N 77 DEG. 55 MIN. 00 SEC. W A DISTANCE OF 1429.89' (4) ALONG A CURVE TO THE RIGHT HAVING AN INITIAL TANGENT BEARING OF N 77 DEG. 55 MIN. 00 SEC. W AND A RADIUS OF 904.93 FT. A DISTANCE OF 596.75 FT. TO A POINT; (5) N 40 DEG. 08 MIN. 00 SEC. W A DISTANCE OF 457.15 FT. TO A POINT; (6) ALONG A CURVE TO THE RIGHT HAVING AN INITIAL TANGENT BEARING OF N 40 DEG. 08 MIN. 00 SEC. W AND A RADIUS OF 904.93 FT. A DISTANCE OF 686.60 FT. TO A POINT; (7) N 03 DEG. 20 MIN. 20 SEC. E A DISTANCE

OF 429.95 FT. TO A POINT; (8) ALONG A CURVE TO THE LEFT HAVING AN INITIAL TANGENT BEARING OF N 03 DEG. 20 MIN. 20 SEC. E AND A RADIUS OF 1004.94 FT. A DISTANCE OF 633.56 FT. TO A POINT; (9) N 32 DEG. 47 MIN. 00 SEC. W A DISTANCE OF 45.59 FT. TO A POINT; (10) ALONG A CURVE TO THE LEFT HAVING AN INITIAL TANGENT BEARING OF N 32 DEG. 47 MIN. 00 SEC. W AND A RADIUS OF 1004.93 FT. A DISTANCE OF 615.34 FT. TO A POINT; (11) N 67 DEG. 52 MIN. 00 SEC. W A DISTANCE OF 1200.25 FT. TO A POINT; (12) ALONG A CURVE TO THE RIGHT HAVING AN INITIAL TANGENT BEARING OF N 67 DEG. 52 MIN. 00 SEC. W AND A RADIUS OF 904.95 FT. A DISTANCE OF 226.82 FT. TO A POINT; (13) N 53 DEG. 30 MIN. 20 SEC. W A DISTANCE OF 573.66 FT.; (14) ALONG A CURVE TO THE RIGHT HAVING AN INITIAL TANGENT BEARING OF N 53 DEG. 30 MIN. 20 SEC. W AND A RADIUS OF 666.14 FT. A DISTANCE OF 481.41 FT. TO A POINT; THENCE S 89 DEG. 48 MIN. 47 SEC. W A DISTANCE OF 35.55 FT. TO A POINT ON THE NORTH LINE OF THE SW 1/4 OF SECTION 19, T1S R1W OF THE UTE MERIDIAN, SAID POINT LYING 30 FT. EAST OF THE NW CORNER OF THE SW 1/4 OF SAID SECTION 19; THENCE N 00 DEG. 01 MIN. 57 SEC. E PARALLEL WITH THE WEST LINE OF THE NW 1/4 OF SAID SECTION 19 A DISTANCE OF 2572.25 FT. TO A POINT; THENCE N 00 DEG. 22 MIN. 00 SEC. W A DISTANCE OF 169.68 FT. TO A POINT; THENCE N 89 DEG. 38 MIN. 00 SEC. E A DISTANCE OF 10.0 FT. TO A POINT; THENCE N 00 DEG. 22 MIN. 00 SEC. E A DISTANCE OF 149.68 FT. TO A POINT; THENCE S 89 DEG. 38 MIN. 00 SEC. W A DISTANCE OF 40.00 FT.; THENCE N 88 DEG. 22 MIN. 41 SEC. W A DISTANCE OF 123.38 FT. TO A POINT; THENCE WESTERLY ALONG THE SOUTH BANK OF THE REDLANDS WATER AND POWER 2ND LIFT CANAL IN SECTION 26, T11S R 101 W 6TH PRINCIPAL MERIDIAN THE FOLLOWING 12 COURSES:

(1) ALONG A CURVE TO THE LEFT HAVING AN INITIAL TANGENT BEARING OF N 88 DEG. 22 MIN. 41 SEC. W AND A RADIUS OF 357.01 FT. A DISTANCE OF 153.19 FT. TO A POINT, (2) S 64 DEG. 50 MIN. 38 SEC. W A DISTANCE OF 32.33 FT. TO A POINT; (3) S 60 DEG. 26 MIN. 55 SEC. W A DISTANCE OF 80.02 FT. TO A POINT; (4) ALONG A CURVE TO THE RIGHT HAVING AN INITIAL TANGENT BEARING OF S 60 DEG. 26 MIN. 55 SEC. W AND A RADIUS OF 420.06 FT. A DISTANCE OF 221.84 FT. TO A POINT; (5) N 85 DEG. 29 MIN. 50 SEC. W A DISTANCE OF 37.81 FT. TO A POINT; (6) ALONG A CURVE TO THE LEFT HAVING AN INITIAL TANGENT BEARING OF N 85 DEG. 29 MIN. 50 SEC. W AND A RADIUS OF 365.55 FT. A DISTANCE OF 88.96 FT. TO A POINT OF COMPOUND CURVATURE; (7) ALONG A CURVE TO THE RIGHT HAVING AN INITIAL TANGENT BEARING OF S 80 DEG. 33 MIN. 34 SEC. W AND A RADIUS OF 495.17 FT. A DISTANCE OF 321.33 FT. TO A POINT; (8) N 69 DEG. 30 MIN. 00 SEC. W A DISTANCE OF 679.56 FT. TO A POINT; (9) ALONG A CURVE TO THE LEFT HAVING AN INITIAL TANGENT BEARING OF N 69 DEG. 30 MIN. 00 SEC. W AND A RADIUS OF 365.55 FT. A DISTANCE OF 276.63 FT. TO A POINT; (10) N 36 DEG. 59 MIN. 58 SEC. W A DISTANCE OF 20.00 FT. TO A POINT; (11) S 30 DEG. 11 MIN. 00 SEC. W A DISTANCE OF 34.57 FT. TO A POINT; (12) S 36 DEG. 14 MIN. 00 SEC. W A DISTANCE OF 192.00 FT. TO A POINT; THENCE S 01 DEG. 26 MIN. 11 SEC. W A DISTANCE OF 125.00 FT. TO A POINT, SAID POINT BEING ON THE NORTH LINE OF SECTION 35, T11S, R 101 W OF THE 6TH PRINCIPAL MERIDIAN; THENCE S 89 DEG. 35 MIN. 54 SEC. E ALONG THE NORTH LINE OF SAID SECTION 35 A DISTANCE OF 665.60 FT. TO THE NW CORNER OF LOT 1 OF SAID SECTION 35; THENCE S 00 DEG. 04 MIN. 05 SEC. W ALONG THE WEST LINE OF LOT 1 OF SAID

SECTION 35 A DISTANCE OF 1312.03 FT. TO THE SW CORNER OF SAID LOT 1; THENCE S 00 DEG. 10 MIN. 07 SEC. E ALONG THE WEST LINE OF LOT 2 OF SAID SECTION 35 A DISTANCE OF 1318.14 FT. TO THE SW CORNER OF SAID LOT 2; THENCE S 89 DEG. 52 MIN. 15 SEC. W ALONG THE SOUTH LINE OF THE NW 1/4 OF SAID SECTION 35 A DISTANCE OF 877.27 FT. TO A POINT; THENCE N 11 DEG. 10 MIN. 03 SEC. E A DISTANCE OF 352.67 FT. TO A POINT; THENCE S 89 DEG. 52 MIN. 51 SEC. W A DISTANCE OF 573.07 FT. TO A POINT; THENCE S 48 DEG. 55 MIN. 47 SEC. W A DISTANCE OF 524.31 FT. TO A POINT, SAID POINT BEING ON THE SOUTH LINE OF THE NW 1/4 OF SAID SECTION 35; THENCE N 89 DEG. 33 MIN. 15 SEC. W A DISTANCE OF 523.55 FT. TO THE SW CORNER OF THE NW 1/4 OF SAID SECTION 35; THENCE WEST ALONG THE SOUTH LINE OF THE NE 1/4 OF SECTION 34, T11S, R 101 W OF THE 6TH PRINCIPAL MERIDIAN A DISTANCE OF 349.80 FT. TO A POINT; THENCE N 00 DEG. 03 MIN. 25 SEC. E A DISTANCE OF 1323.30 FT.; THENCE N 00 DEG. 02 MIN. 56 SEC. E A DISTANCE OF 772.96 FT. TO A POINT; THENCE N 00 DEG. 02 MIN. 37 SEC. E A DISTANCE OF 546.92 FT. TO A POINT, SAID POINT BEING THE SW CORNER OF SECTION 26, T11S R 101 W OF THE 6TH PRINCIPAL MERIDIAN; THENCE N 00 DEG. 05 MIN. 31 SEC. E A DISTANCE OF 1314.73 FT. TO THE NW CORNER OF THE SW 1/4 SW 1/4 F SAID SECTION 26; THENCE S 89 DEG. 51 MIN. 00 SEC. E ALONG THE NORTH LINE OF THE SW 1/4 SW 1/4 OF SAID SECTION 26 A DISTANCE OF 558.85 FT. TO A POINT; THENCE S 00 DEG. 09 MIN. 00 SEC. W A DISTANCE OF 91.55 FT. TO A POINT; THENCE N 88 DEG. 23 MIN. 39 SEC. E A DISTANCE OF 1.95 FT. TO A POINT; THENCE S 00 DEG. 00 MIN. 00 SEC. E A DISTANCE OF 49.99 FT. TO A POINT; THENCE S 01 DEG. 36 MIN. 40 SEC. E A DISTANCE OF 208.70 FT. TO A POINT; THENCE N 88 DEG. 23 MIN. 20 SEC. E A DISTANCE OF 206.94 FT. TO A POINT; THENCE N 01 DEG. 36 MIN. 40 SEC. W A DISTANCE OF 208.70 FT. TO A POINT; THENCE N 88 DEG. 23 MIN. 20 SEC. E A DISTANCE OF 116.89 FT. TO A POINT; THENCE ALONG A CURVE TO THE LEFT HAVING AN INITIAL TANGENT BEARING OF S 32 DEG. 48 MIN. 58 SEC. E AND A RADIUS OF 50.00 FT. A DISTANCE OF 156.03 FT. TO A POINT; THENCE N 32 DEG. 49 MIN. 20 SEC. W A DISTANCE OF 92.97 FT. TO A POINT, SAID POINT BEING THE NORTH LINE OF THE SW 1/4 SW 1/4 OF SAID SECTION 26; THENCE S 89 DEG. 56 MIN. 00 SEC. E ALONG THE NORTH LINE OF THE SW 1/4 SW 1/4 OF SAID SECTION 26 A DISTANCE OF 491.33 FT. TO THE NE CORNER OF THE SW 1/4 SW 1/4 OF SAID SECTION 26; THENCE S 89 DEG. 31 MIN. 03 SEC. E ALONG THE NORTH LINE OF THE SE 1/4 SW 1/4 OF SAID SECTION 26 A DISTANCE OF 601.56 FT. TO A POINT; THENCE S 89 DEG. 54 MIN. 12 SEC. E ALONG THE NORTH LINE OF THE SE 1/4 SW 1/4 OF SAID SECTION 26 A DISTANCE OF 611.84 FT. TO THE NE CORNER OF THE SE 1/4 SW 1/4 OF SAID SECTION 26; THENCE S 89 DEG. 55 MIN. 12 SEC. E ALONG THE NORTH LINE OF LOT 4 OF SAID SECTION 26 A DISTANCE OF 531.10 FT. TO A POINT; THENCE N 89 DEG. 57 MIN. 48 SEC. E ALONG THE NORTH LINE OF LOT 4 OF SAID SECTION 26 A DISTANCE OF 896.00 FT. TO THE NE CORNER OF SAID LOT 4; THENCE S 00 DEG. 22 MIN. 00 SEC. E A DISTANCE OF 36.02 FT. TO A POINT ON THE WEST LINE SECTION 18 T1S R1W; THENCE S 82 DEG. 35 MIN. 00 SEC. E A DISTANCE OF 325.90 FT. TO A POINT; THENCE N 00 DEG. 22 MIN. 00 SEC. W A DISTANCE OF 317.08 FT. TO A POINT; THENCE S 84 DEG. 57 MIN. 12 SEC. W A DISTANCE OF 323.98 FT. TO A POINT, SAID POINT BEING ON THE EAST LINE OF SAID SECTION 26; THENCE N 00 DEG. 22 MIN. 00 SEC. W ALONG THE EAST LINE OF SAID SECTION 26 A DISTANCE OF 1111.76 FT. TO THE EAST 1/4 CORNER OF

SAID SECTION 26; THENCE N 00 DEG. 24 MIN. 00 SEC. W ALONG THE EAST LINE OF SAID SECTION 26 A DISTANCE OF 799.88 FT. TO A POINT, SAID POINT BEING ON THE SOUTH RIGHT-OF-WAY LINE OF SOUTH BROADWAY; THENCE EASTERLY ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SOUTH BROADWAY, THE FOLLOWING 11 COURSES:

(1) S 87 DEG. 11 MIN. 00 SEC. E A DISTANCE OF 573.09 FT. TO A POINT; (2) N 61 DEG. 38 MIN. 00 SEC. E A DISTANCE OF 404.87 FT. TO A POINT; (3) N 74 DEG. 56 MIN. 00 SEC. E A DISTANCE OF 193.61 FT. TO A POINT; (4) N 49 DEG. 43 MIN. 00 SEC. E A DISTANCE OF 16.05 FT. TO A POINT; (5) S 23 DEG. 07 MIN. 59 SEC. E A DISTANCE OF 26.74 FT. TO A POINT; (6) N 64 DEG. 30 MIN. 34 SEC. E A DISTANCE OF 95.29 FT. TO A POINT; (7) N 22 DEG. 56 MIN. 59 SEC. W A DISTANCE OF 25.00 FT. TO A POINT; (8) ALONG A CURVE TO THE LEFT HAVING AN INITIAL TANGENT BEARING OF N 67 DEG. 03 MIN. 01 SEC. E AND A RADIUS OF 3266.00 FT. A DISTANCE OF 95.00 FT. TO A POINT; (9) N 65 DEG. 23 MIN. 01 SEC. E A DISTANCE OF 76.04 FT. TO A POINT; (10) N 64 DEG. 08 MIN. 01 SEC. E A DISTANCE OF 124.96 FT. TO A POINT; (11) ALONG A CURVE TO THE LEFT HAVING AN INITIAL TANGENT BEARING OF N 64 DEG. 08 MIN. 01 SEC. E AND A RADIUS OF 1004.93 FT. A DISTANCE OF 75.71 FT. TO A POINT, SAID POINT BEING ON THE NORTH LINE OF THE SE 1/4 NW 1/4 OF SECTION 18, T1S R1W OF THE UTE MERIDIAN; THENCE N 89 DEG. 57 MIN. 03 SEC. E ALONG THE NORTH LINE OF THE SE 1/4 NW 1/4 OF SAID SECTION 18 A DISTANCE OF 151.21 FT. TO A POINT; THENCE S 00 DEG. 01 MIN. 59 SEC. E A DISTANCE OF 90.02 FT. TO A POINT; THENCE N 74 DEG. 47 MIN. 01 SEC. E A DISTANCE OF 150.00 FT. TO A POINT; THENCE N 65 DEG. 24 MIN. 46 SEC. E A DISTANCE OF 122.27 FT. TO A POINT, SAID POINT BEING ON THE NORTH LINE OF THE SE 1/4 NW 1/4 OF SAID SECTION 18; THENCE N 89 DEG. 57 MIN. 03 SEC. E ALONG THE NORTH LINE OF THE SE 1/4 NW 1/4 OF SAID SECTION 18 A DISTANCE OF 674.80 FT. TO A POINT; THENCE N 22 DEG. 25 MIN. 01 SEC. W A DISTANCE OF 361.43 FT. TO A POINT; THENCE N 48 DEG. 35 MIN. 59 SEC. E A DISTANCE OF 56.08 FT. TO A POINT; THENCE N 21 DEG. 39 MIN. 59 SEC. E A DISTANCE OF 53.96 TO A POINT, SAID POINT BEING ON THE SOUTHWESTERLY LINE OF LOT 25, SOUTH EASTER HILL SUBDIVISION; THENCE S 58 DEG. 55 MIN. 01 SEC. E ALONG THE SOUTHWESTERLY LINE OF SAID LOT 25 A DISTANCE OF 246.83 FT. TO AN ANGLE POINT ON THE SOUTH LINE LOT 11, SOUTH EASTER HILL SUBDIVISION; THENCE S 32 DEG. 21 MIN. 01 SEC. E ALONG THE SOUTHWESTERLY LINE OF SAID LOT 11 A DISTANCE OF 329.00 FT. TO THE SE CORNER OF SAID LOT 11; THENCE S 05 DEG. 17 MIN. 59 SEC. W ALONG THE WEST RIGHT-OF-WAY LINE OF EASTER HILL DRIVE A DISTANCE OF 68.10 FT. TO A POINT; THENCE S 06 DEG. 47 MIN. 59 SEC. W ALONG THE WEST RIGHT-OF-WAY LINE OF EASTER HILL DRIVE A DISTANCE OF 153.34 FT. TO A POINT; THENCE ALONG THE RIGHT-OF-WAY FOR EASTER HILL DRIVE A CURVE TO THE LEFT HAVING AN INITIAL TANGENT BEARING OF S 06 DEG. 47 MIN. 59 SEC. W AND A RADIUS OF 100.00 FT. A DISTANCE OF 131.19 FT. TO A POINT; THENCE S 68 DEG. 22 MIN. 01 SEC. E ALONG THE SOUTH RIGHT-OF-WAY LINE OF EASTER HILL DRIVE A DISTANCE OF 88.04 FT. TO A POINT; THENCE S 74 DEG. 40 MIN. 01 SEC. E ALONG THE SOUTH RIGHT-OF-WAY LINE OF EASTER HILL DRIVE A DISTANCE OF 70.84 FT. TO A POINT; THENCE ALONG A CURVE TO THE LEFT HAVING AN INITIAL TANGENT BEARING OF S 74 DEG. 40 MIN. 01 SEC. E AND A RADIUS OF 100.00 FT. A DISTANCE OF 106.99 FT. TO A POINT; THENCE N 44 DEG.

01 MIN. 59 SEC. E ALONG THE EAST RIGHT-OF-WAY LINE OF EASTER HILL DRIVE A DISTANCE OF 465.97 FT. TO A POINT, SAID POINT BEING ON THE NORTH LINE OF THE S 1/2 OF THE NE 1/4 OF SAID SECTION 18; THENCE N 89 DEG. 53 MIN. 03 SEC. E ALONG THE NORTH LINE OF THE S 1/2 OF THE NE 1/4 OF SAID SECTION 18 A DISTANCE OF 1202.76 FT. TO A POINT; THENCE N 89 DEG. 56 MIN. 59 SEC. E ALONG THE NORTH LINE OF THE SE 1/4 NE 1/4 OF SAID SECTION 18 A DISTANCE OF 512.32 FT. TO THE NE CORNER OF THE SE 1/4 NE 1/4 OF SAID SECTION 18; THENCE S 00 DEG. 03 MIN. 01 SEC. E ALONG THE EAST LINE OF THE SE 1/4 NE 1/4 OF SAID SECTION 18 A DISTANCE OF 1320.19 FT. TO A POINT, SAID POINT BEING THE SE CORNER OF THE SE 1/4 NE 1/4 OF SAID SECTION 18; THENCE S 00 DEG. 39 MIN. 01 SEC. E ALONG THE EAST LINE OF THE NE 1/4 SE 1/4 OF SAID SECTION 18 A DISTANCE OF 1311.40 FT. TO THE SE CORNER OF THE NE 1/4 SE 1/4 OF SAID SECTION 18; THENCE S 89 DEG. 44 MIN. 59 SEC. E ALONG THE NORTH LINE OF THE SW 1/4 SW 1/4 OF SECTION 17, T1S R1W OF THE UTE MERIDIAN A DISTANCE OF 1315.58 FT. TO THE NE CORNER OF THE SW 1/4 SW 1/4 OF SAID SECTION 17; THENCE S 89 DEG. 42 MIN. 56 SEC. E ALONG THE NORTH LINE OF THE SE 1/4 SW 1/4 OF SAID SECTION 17 A DISTANCE OF 709.51 FT. TO A POINT; THENCE S 00 DEG. 23 MIN. 00 SEC. W A DISTANCE OF 9.15 FT. TO A POINT; THENCE S 79 DEG. 28 MIN. 00 SEC. E A DISTANCE OF 147.50 FT. TO A POINT; THENCE S 00 DEG. 20 MIN. 00 SEC. E A DISTANCE OF 140.0 FT. TO A POINT; THENCE S 66 DEG. 03 MIN. 00 SEC. E A DISTANCE OF 300.60 FT. TO A POINT; THENCE S 16 DEG. 12 MIN. 00 SEC. E A DISTANCE OF 22.60 FT. TO A POINT, SAID POINT BEING ON THE WEST RIGHT-OF-WAY LINE OF RIO VISTA ROAD; THENCE ALONG A CURVE TO THE RIGHT HAVING A CHORD BEARING OF S 04 DEG. 58 MIN. 00 SEC. W, CHORD LENGTH OF 75.19 FT. AND A RADIUS OF 104.12 FT. A DISTANCE OF 76.93 FT. TO A POINT; THENCE S 26 DEG. 08 MIN. 00 SEC. W OF A DISTANCE OF 3.90 FT. TO A POINT; THENCE ALONG A CURVE TO THE RIGHT HAVING A CHORD BEARING OF S 35 DEG. 56 MIN. 27 SEC. W, CHORD LENGTH OF 134.85 FT. AND A RADIUS OF 395.84 FT. A DISTANCE OF 135.51 FT. TO A POINT; THENCE N 70 DEG. 40 MIN. 00 SEC. W A DISTANCE OF 804.16 FT. TO A POINT; THENCE S 10 DEG. 27 MIN. 59 SEC. W A DISTANCE OF 510.00 FT. TO A POINT; THENCE S 78 DEG. 59 MIN. 02 SEC. E A DISTANCE OF 472.50 FT. TO A POINT; THENCE N 54 DEG. 02 MIN. 01 SEC. E A DISTANCE OF 73.07 FT. TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF THE RIO VISTA DRIVE CUL-DE-SAC; THENCE ALONG A CURVE TO THE RIGHT HAVING A CHORD BEARING OF N 68 DEG. 27 MIN. 00 SEC. E, A CHORD LENGTH OF 96.85 FT. AND A RADIUS OF 50.00 FT. A DISTANCE OF 131.91 FT. TO A POINT; THENCE N 52 DEG. 52 MIN. 00 SEC. E ALONG THE EAST RIGHT-OF-WAY LINE OF RIO VISTA DRIVE A DISTANCE OF 290.20 FT. TO A POINT; THENCE CONTINUING ALONG THE EAST RIGHT-OF-WAY LINE OF RIO VISTA DRIVE ALONG A CURVE TO THE LEFT HAVING AN INITIAL TANGENT BEARING OF N 52 DEG. 52 MIN. 00 SEC. E AND A RADIUS OF 445.84 FT. A DISTANCE OF 82.83 FT. TO A POINT; THENCE S 75 DEG. 55 MIN. 01 SEC. E A DISTANCE OF 225.66 FT. TO A POINT ON THE EAST LINE OF THE SE 1/4 SW 1/4 OF SAID SECTION 17; THENCE N 00 DEG. 17 MIN. 01 SEC. W ALONG THE EAST LINE OF THE SE 1/4 SW 1/4 OF SAID SECTION 17 A DISTANCE OF 27.43 FT. TO A POINT; THENCE N 89 DEG. 42 MIN. 59 SEC. E A DISTANCE OF 300.00 FT. TO A POINT; THENCE N 00 DEG. 17 MIN. 01 SEC. W A DISTANCE OF 350.00 FT. TO A POINT; THENCE S 89 DEG. 42 MIN. 59 SEC. W A DISTANCE OF 275.00 FT. TO A POINT; THENCE N 00 DEG. 17 MIN. 01 SEC. W A DISTANCE OF 197.87 FT. TO A POINT ON THE NORTH LINE OF

THE SW 1/4 SE 1/4 OF SAID SECTION 17; THENCE S 89 DEG. 59 MIN. 12 SEC. E ALONG THE NORTH LINE OF THE SW 1/4 SE 1/4 OF SAID SECTION 17 A DISTANCE OF 861.93 FT. TO A POINT; THENCE N 03 DEG. 30 MIN. 14 SEC. E A DISTANCE OF 199.40 FT. TO A POINT; THENCE N 83 DEG. 54 MIN. 44 SEC. E A DISTANCE OF 343.35 FT. TO A POINT; THENCE S 60 DEG. 13 MIN. 49 SEC. E A DISTANCE OF 371.13 FT. TO A POINT; THENCE N 20 DEG. 00 MIN. 48 SEC. E A DISTANCE OF 451.00 FT. TO A POINT; THENCE N 52 DEG. 19 MIN. 12 SEC. W A DISTANCE OF 111.43 FT. TO A POINT; THENCE N 01 DEG. 52 MIN. 48 SEC. E A DISTANCE OF 88.78 FT. TO A POINT; THENCE S 52 DEG. 19 MIN. 12 SEC. E A DISTANCE OF 88.78 FT. TO A POINT; THENCE S 37 DEG. 40 MIN. 48 SEC. W A DISTANCE OF 8.14 FT. TO A POINT; THENCE S 51 DEG. 16 MIN. 12 SEC. E A DISTANCE OF 635.71 FT. TO A POINT; THENCE S 69 DEG. 41 MIN. 12 SEC. E A DISTANCE OF 187.25 FT. TO A POINT; THENCE S 50 DEG. 03 MIN. 15 SEC. E A DISTANCE OF 259.01 FT. TO A POINT; THENCE N 44 DEG. 52 MIN. 00 SEC. E A DISTANCE OF 81.50 FT. TO THE NW CORNER OF THE SW 1/4 SW 1/4 OF SECTION 16, T1S R1W OF THE UTE MERIDIAN; THENCE N 44 DEG. 52 MIN. 00 SEC. E A DISTANCE OF 280.70 FT. TO A POINT; THENCE N 15 DEG. 28 MIN. 00 SEC. E A DISTANCE OF 355.59 FT. TO THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF COLORADO STATE HIGHWAY 340; THENCE S 74 DEG. 37 MIN. 00 SEC. E ALONG THE SOUTH RIGHT-OF-WAY LINE OF COLORADO STATE HIGHWAY 340 A DISTANCE OF 324.10 FT. TO A POINT; THENCE CONTINUING ALONG SAID SOUTH RIGHT-OF-WAY LINE AND ALONG A CURVE TO THE RIGHT HAVING AN INITIAL TANGENT BEARING OF S 74 DEG. 37 MIN. 00 SEC. E AND A RADIUS OF 2825.0 FT. A DISTANCE OF 137.87 FT. TO A POINT; THENCE S 16 DEG. 11 MIN. 49 SEC. W A DISTANCE OF 174.56 FT. TO A POINT; THENCE S 02 DEG. 56 MIN. 26 SEC. E A DISTANCE OF 146.96 FT. TO A POINT; THENCE S 75 DEG. 29 MIN. 32 SEC. E A DISTANCE OF 409.92 FT. TO A POINT; THENCE S 89 DEG. 52 MIN. 33 SEC. E A DISTANCE OF 67.84 FT. TO A POINT; THENCE S 75 DEG. 23 MIN. 00 SEC. E A DISTANCE OF 43.49 FT. TO A POINT; THENCE N 89 DEG. 57 MIN. 00 SEC. E A DISTANCE OF 104.00 FT. TO A POINT ON THE WEST LINE OF THE SE 1/4 SW 1/4 OF SAID SECTION 16; THENCE N 00 DEG. 09 MIN. 26 SEC. E ALONG THE WEST LINE OF THE SE 1/4 SW 1/4 OF SAID SECTION 16 A DISTANCE OF 10.57 FT. TO THE NW CORNER OF THE SE 1/4 SW 1/4 OF SAID SECTION 16; THENCE N 89 DEG. 30 MIN. 06 SEC. E ALONG THE NORTH LINE OF THE SE 1/4 SW 1/4 OF SAID SECTION 16 A DISTANCE OF 208.00 FT. TO A POINT; THENCE N 16 DEG. 45 MIN. 00 SEC. E A DISTANCE OF 13.63 FT. TO THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF COLORADO STATE HIGHWAY 340; THENCE N 17 DEG. 39 MIN. 52 SEC. E A DISTANCE OF 199.88 FT. TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF COLORADO STATE HIGHWAY 340; THENCE N 59 DEG. 22 MIN. 00 SEC. W ALONG SAID NORTHERLY RIGHT-OF-WAY LINE A DISTANCE OF 110.00 FT. TO A POINT; THENCE N 68 DEG. 36 MIN. 00 SEC. E A DISTANCE OF 490.40 FT. TO A POINT; THENCE S 62 DEG. 42 MIN. 00 SEC. E A DISTANCE OF 262.84 FT. TO A POINT; THENCE N 42 DEG. 17 MIN. 00 SEC. E A DISTANCE OF 333.30 FT. TO A POINT; THENCE N 55 DEG. 58 MIN. 00 SEC. E A DISTANCE OF 248.92 FT. TO A POINT; THENCE N 00 DEG. 00 MIN. 0 SEC. E A DISTANCE OF 487.19 FT. TO A POINT; THENCE S 50 DEG. 40 MIN. 00 SEC. E A DISTANCE OF 32.46 FT. TO A POINT ON THE WEST LINE OF NW 1/4 SE 1/4 OF SAID SECTION 16; THENCE S 00 DEG. 10 MIN. 52 SEC. W ALONG SAID WEST LINE OF SECTION 16 A DISTANCE OF 86.89 FT. TO A POINT; THENCE S 65 DEG. 57 MIN. 12 SEC. E A DISTANCE OF 76.36 FT. TO A POINT; THENCE S 68 DEG. 48 MIN. 37

SEC. E A DISTANCE OF 112.27 FT. TO A POINT; THENCE S 86 DEG. 40 MIN. 51 SEC. E A DISTANCE OF 140.76 FT. TO A POINT; THENCE S 67 DEG. 42 MIN. 24 SEC. E A DISTANCE OF 159.06 FT. TO A POINT; THENCE S 70 DEG. 55 MIN. 45 SEC. E A DISTANCE OF 116.77 FT. TO A POINT; THENCE S 67 DEG. 47 MIN. 24 SEC. E A DISTANCE OF 118.65 FT. TO A POINT; THENCE S 63 DEG. 13 MIN. 06 SEC. E A DISTANCE OF 119.79 FT. TO A POINT; THENCE S 69 DEG. 34 MIN. 48 SEC. E A DISTANCE OF 262.54 FT. TO A POINT; THENCE S 84 DEG. 11 MIN. 17 SEC. E A DISTANCE OF 173.94 FT. TO A POINT; THENCE S 64 DEG. 12 MIN. 09 SEC. E A DISTANCE OF 108.47 FT. TO A POINT; THENCE S 62 DEG. 31 MIN. 23 SEC. E A DISTANCE OF 361.84 FT. TO A POINT; THENCE N 17 DEG. 03 MIN. 47 SEC. E A DISTANCE OF 82.34 FT. TO A POINT; THENCE S 22 DEG. 30 MIN. 00 SEC. E A DISTANCE OF 134.00 FT. TO A POINT; THENCE S 74 DEG. 15 MIN. 00 SEC. E A DISTANCE OF 71.00 FT. TO A POINT; THENCE S 79 DEG. 10 MIN. 00 SEC. E A DISTANCE OF 185.00 FT. TO A POINT; THENCE S 00 DEG. 26 MIN. 57 SEC. E A DISTANCE OF 251.00 FT. TO A POINT; THENCE S 55 DEG. 33 MIN. 00 SEC. E A DISTANCE OF 210.00 FT. TO A POINT; THENCE S 00 DEG. 26 MIN. 57 SEC. E A DISTANCE OF 34.00 FT. TO A POINT; THENCE S 89 DEG. 53 MIN. 53 SEC. E A DISTANCE OF 91.00 FT. TO A POINT; THENCE S 00 DEG. 38 MIN. 09 SEC. E A DISTANCE OF 24.50 FT. TO A POINT; THENCE S 58 DEG. 50 MIN. 00 SEC. E A DISTANCE OF 474.62 FT. TO A POINT ON THE EAST LINE OF SE 1/4 OF SAID SECTION 16; THENCE S 00 DEG. 17 MIN. 23 SEC. W ALONG SAID EAST LINE A DISTANCE OF 138.14 FT. TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF COLORADO STATE HIGHWAY 340; THENCE S 69 DEG. 13 MIN. 00 SEC. W ALONG SAID NORTHERLY RIGHT-OF-WAY LINE A DISTANCE OF 41.12 FT. TO A POINT; THENCE N 57 DEG. 00 MIN. 00 SEC. W A DISTANCE OF 741.22 FT. TO THE NE CORNER OF LOT 16, BLOCK 1, MAYS SUBDIVISION; THENCE N 54 DEG. 30 MIN. 00 SEC. W ALONG THE NORTHEASTERLY LINE OF LOT 15, BLOCK 1, MAYS SUBDIVISION, A DISTANCE OF 189.92 FT. TO THE NE CORNER OF LOT 14, BLOCK 1, MAYS SUBDIVISION; THENCE N 75 DEG. 15 MIN. 00 SEC. W ALONG THE NORTHERLY LINE OF SAID LOT 14 A DISTANCE OF 120.00 FT. TO THE NORTHERLY MOST CORNER OF SAID LOT 14; THENCE S 68 DEG. 03 MIN. 00 SEC. W ALONG THE NORTHWESTERLY LINES OF LOTS 12, 13, AND 14, BLOCK 1, MAYS SUBDIVISION, A DISTANCE OF 345.65 FT. TO THE NW CORNER OF LOT 12, BLOCK 1, MAYS SUBDIVISION; THENCE S 10 DEG. 47 MIN. 00 SEC. W ALONG THE WEST LINES OF LOTS 10 AND 11, BLOCK 1, MAYS SUBDIVISION A DISTANCE OF 192.26 FT. TO THE WESTERN MOST CORNER OF SAID LOT 10; THENCE S 79 DEG. 13 MIN. 00 SEC. E A DISTANCE OF 23.60 FT.; THENCE S 27 DEG. 45 MIN. 00 SEC. E A DISTANCE OF 109.50 FT. TO THE NW CORNER OF LOT 9, BLOCK 1, MAYS SUBDIVISION; THENCE S 10 DEG. 47 MIN. 00 SEC. W A DISTANCE OF 224.6 FT. TO THE SW CORNER OF SAID LOT 9; THENCE N 79 DEG. 13 MIN. 00 SEC. W A DISTANCE OF 91.50 FT. TO A POINT; THENCE S 10 DEG. 47 MIN. 00 SEC. W A DISTANCE OF 324.76 FT. TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF COLORADO STATE HIGHWAY 340; THENCE N 87 DEG. 25 MIN. 13 SEC. W ALONG SAID NORTHERLY RIGHT-OF-WAY LINE A DISTANCE OF 36.42 FT. TO A POINT; THENCE N 09 DEG. 52 MIN. 00 SEC. E A DISTANCE OF 853.00 FT. TO A POINT; THENCE NORTH A DISTANCE OF 236.80 FT. TO A POINT; THENCE N 66 DEG. 27 MIN. 00 SEC. W A DISTANCE OF 303.50 FT. TO A POINT; THENCE N 50 DEG. 45 MIN. 00 SEC. W A DISTANCE OF 240.50 FT. TO A POINT; THENCE N 74 DEG. 15 MIN. 00 SEC. W A DISTANCE OF 209.00 FT. TO A POINT; THENCE

SOUTH A DISTANCE OF 164.60 FT. TO A POINT; THENCE S 66 DEG. 50 MIN. 00 SEC. W A DISTANCE OF 241.00 FT. TO A POINT; THENCE S 78 DEG. 15 MIN. 00 SEC. W A DISTANCE OF 300.00 FT. TO A POINT; THENCE S 08 DEG. 05 MIN. 00 SEC. W A DISTANCE OF 252.50 FT. TO A POINT ON THE NORTH LINE OF THE SW 1/4 SE 1/4 OF SAID SECTION 16; THENCE WEST ALONG SAID NORTH LINE A DISTANCE OF 115.60 FT. TO THE NW CORNER OF THE SW 1/4 SE 1/4 OF SAID SECTION 16; THENCE WEST ALONG THE NORTH LINE OF THE SE 1/4 SW 1/4 OF SAID SECTION 16 A DISTANCE OF 152.46 FT. TO A POINT; THENCE S 72 DEG. 57 MIN. 15 SEC. W A DISTANCE OF 251.40 FT. TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF COLORADO STATE HIGHWAY 340; THENCE N 65 DEG. 32 MIN. 41 SEC. W ALONG SAID NORTHERLY RIGHT-OF-WAY LINE A DISTANCE OF 178.01 FT. TO A POINT ON THE NORTH LINE OF THE SE 1/4 SW 1/4 OF SAID SECTION 16; THENCE N 89 DEG. 46 MIN. 20 SEC. W ALONG SAID NORTH LINE A DISTANCE OF 525.13 FT. TO A POINT ON THE NORTH LINE OF LOT 7, POLAND HEIGHTS SUBDIVISION REPLAT, SAID POINT IS ALSO LOCATED ON THE SOUTHERLY RIGHT-OF-WAY LINE OF COLORADO STATE HIGHWAY 340; THENCE S 65 DEG. 33 MIN. 00 SEC. E ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE A DISTANCE OF 211.94 FT.; THENCE S 24 DEG. 17 MIN. 56 SEC. W 117 83 FT. TO A BOLT TAGGED LS5837 FOR THE SE CORNER OF LOT 7 OF POLAND HEIGHTS SUBDIVISION; THENCE ALONG THE ARC OF A 50.00 FT. RADIUS NON-TANGENT CURVE TO THE LEFT, WHICH ACRE SUBTENDS A CHORD BEARING S 55 DEG. 22 MIN. 18 SEC. W 85.68 FT. TO A REBAR TAGGED LS5837 FOR THE SOUTHERN MOST CORNER OF SAID LOT 7; THENCE N 33 DEG. 24 MIN. 28 SEC. W A DISTANCE OF 159.41 FT. TO A REBAR FOR AN ANGLE POINT ON THE SOUTHERLY LINE OF SAID LOT 7; THENCE S 62 DEG. 28 MIN. 48 SEC. W A DISTANCE OF 125.53 FT. TO A REBAR FOR A POINT ON LINE BETWEEN LOTS 5 AND 6 OF SAID SUBDIVISIONS; THENCE S 62 DEG. 28 MIN. 17 SEC. W A DISTANCE OF 98.46 FT. TO A REBAR FOR A POINT ON LINE ON THE WESTERLY LINE OF SAID LOT 5; THENCE S 00 DEG. 09 MIN. 26 SEC. W ALONG THE WEST LINE OF THE SE 1/4 SW 1/4 OF SAID SECTION 16 A DISTANCE OF 1100.69 FT. TO THE SW CORNER OF THE SE 1/4 SW 1/4 OF SAID SECTION 16; THENCE S 89 DEG. 31 MIN. 30 SEC. E ALONG THE SOUTH LINE OF THE SE 1/4 SW 1/4 OF SAID SECTION 16 A DISTANCE OF 1067.62 FT. TO A POINT, SAID POINT BEING THE NW CORNER OF LOT 3, BLOCK 4, COUNTRY CLUB PARK SUBDIVISION; THENCE S 19 DEG. 56 MIN. 37 SEC. W ALONG THE WESTERLY LINE OF SAID COUNTRY CLUB PARK, A DISTANCE OF 1260.62 FT. TO A POINT; THENCE S 52 DEG. 20 MIN. 01 SEC. W A DISTANCE OF 230.25 FT. TO THE SE CORNER OF THE NE 1/4 NW 1/4 OF SECTION 21, T1S R1W OF THE UTE MERIDIAN; THENCE S 09 DEG. 11 MIN. 10 SEC. E A DISTANCE OF 161.77 FT. TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF BELLA PAGO DRIVE; THENCE ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF BELLA PAGO DRIVE THE FOLLOWING 9 COURSES:

(1) S 32 DEG. 58 MIN. 56 SEC. W A DISTANCE OF 149.88 FT. TO A POINT; (2) ALONG A CURVE TO THE RIGHT HAVING AN INITIAL TANGENT BEARING OF S 32 DEG. 58 MIN. 56 SEC. W AND A RADIUS OF 332.96 FT. A DISTANCE OF 137.54 FT. TO A POINT; (3) S 56 DEG. 38 MIN. 55 SEC. W A DISTANCE OF 249.81 FT.; (4) ALONG A CURVE TO THE RIGHT HAVING AN INITIAL TANGENT BEARING OF S 56 DEG. 38 MIN. 55 SEC. W AND A RADIUS OF 591.00 FT. A DISTANCE OF 143.21 FT. TO A POINT; (5) S 70 DEG. 31 MIN. 55 SEC. W A DISTANCE OF 209.82 FT. TO A POINT; (6) ALONG A CURVE TO THE RIGHT HAVING AN INITIAL TANGENT BEARING OF S

70 DEG. 31 MIN. 55 SEC. W AND A RADIUS OF 135.84 FT. A DISTANCE OF 118.55 FT. TO A POINT; (7) N 59 DEG. 28 MIN. 05 SEC. W A DISTANCE OF 149.92 FT. TO A POINT; (8) ALONG A CURVE TO THE RIGHT HAVING AN INITIAL TANGENT BEARING OF N 59 DEG. 28 MIN. 05 SEC. W AND A RADIUS OF 128.77 FT. A DISTANCE OF 116.87 FT. TO A POINT; (9) ALONG A CURVE TO THE LEFT HAVING A CHORD BEARING OF N 22 DEG. 12 MIN. 42 SEC. W, A CHORD LENGTH OF 98.23 FT. AND A RADIUS OF 50.00 FT. A DISTANCE OF 138.24 FT. TO A POINT; THENCE N 66 DEG. 03 MIN. 54 SEC. W A DISTANCE OF 328.35 FT. TO A POINT ON THE WEST LINE OF THE SE 1/4 NW 1/4 OF SAID SECTION 21; THENCE N 00 DEG. 30 MIN. 35 SEC. E ALONG SAID WEST LINE A DISTANCE OF 243.34 FT. TO THE NW CORNER OF THE SE 1/4 NW 1/4 OF SAID SECTION 21; THENCE N 00 DEG. 30 MIN. 35 SEC. W ALONG THE WEST LINE OF THE NE 1/4 NW 1/4 OF SAID SECTION 21 A DISTANCE OF 335.05 FT. TO A POINT; THENCE N 89 DEG. 48 MIN. 21 SEC. W A DISTANCE OF 1300.72 FT. TO A POINT ON THE WEST LINE OF THE NW 1/4 OF SAID SECTION 21; THENCE S 00 DEG. 13 MIN. 43 SEC. W ALONG SAID WEST LINE A DISTANCE OF 1652.68 FT. TO THE POINT OF BEGINNING, EXCEPT THE SW 1/4 NE 1/4 OF SECTION 19, T1S R1W OF THE UTE MERIDIAN.

TOTAL PERIMETER 87,361.80 FEET
CONTIGUOUS PERIMETER 39,573.42 FEET
AREA IN SQ. FT. 101,182,393.35
AREA IN ACRES 2,322.83
AREA IN SQ. MILES 3.63

WHEREAS, a hearing on the petition was duly held after proper notice on the 1st day of April, 1992; 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 of the 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; that no land held in single ownership comprising more than twenty acres, which has an assessed value in excess of two hundred thousand dollars, is included without the landowner's consent; and that no election is required under the Municipal Annexation Act of 1965.

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

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 1st day of April, 1992.

Attest:

President of the Council

City Clerk

RESOLUTION NO. 34-92

TO ANNEX WILSON RANCH NO. 1, 2, AND 3 BY ORDINANCE

WHEREAS, on the 19th day of February, 1992, a petition was submitted to the City Council of the City of Grand Junction, Colorado, for annexation to said City of the following described property situated in Mesa County, Colorado, and described as follows:

WILSON RANCH #1

A TRACT OF LAND IN THE SW 1/4 AND SE 1/4 OF SECTION 34, TOWNSHIP 1 NORTH, RANGE 1 WEST OF THE UTE MERIDIAN, MESA COUNTY, COLORADO, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH 1/4 CORNER OF SAID SECTION 34, AND CONSIDERING THE SOUTH LINE OF SAID SECTION 34 TO BEAR DUE WEST AS A BASIS OF BEARINGS; THENCE NORTH A DISTANCE OF 30.0 FEET; THENCE WEST A DISTANCE OF 20.0 FEET TO THE POINT OF BEGINNING; THENCE WEST A DISTANCE OF 440.0 FEET; THENCE NORTH A DISTANCE OF 340.0 FEET; THENCE EAST A DISTANCE OF 440.0 FEET TO THE WEST RIGHT-OF-WAY LINE FOR 25 1/2 ROAD; THENCE NORTH ALONG THE WEST RIGHT-OF-WAY LINE FOR 25 1/2 ROAD A DISTANCE OF 290.0 FEET TO THE NORTH LINE OF THE SE 1/4 SE 1/4 SW 1/4 OF SAID SECTION 34; THENCE EAST A DISTANCE OF 20.0 FEET TO THE WEST LINE OF THE SE 1/4 OF SAID SECTION 34; THENCE NORTH ALONG THE WEST LINE OF SAID SE 1/4, SAID LINE BEING COMMON WITH THE WEST RIGHT-OF-WAY LINE FOR 25 1/2 ROAD, A DISTANCE OF 270.0 FEET; THENCE EAST A DISTANCE OF 1.0 FEET; THENCE SOUTH A DISTANCE OF 900.0 FEET; THENCE WEST A DISTANCE OF 21.0 FEET TO THE POINT OF BEGINNING.

TOTAL PERIMETER 2722.00 FEET
CONTIGUOUS PERIMETER 461.00 FEET
AREA IN SQUARE FEET 163,100.00
AREA IN ACRES 3.74

WILSON RANCH #2

A TRACT OF LAND IN THE SE 1/4 OF SECTION 34, TOWNSHIP 1 NORTH, RANGE 1 WEST OF THE UTE MERIDIAN, MESA COUNTY, COLORADO, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE SE 1/4 OF SAID SECTION 34, AND CONSIDERING THE WEST LINE OF THE SW 1/4 SE 1/4 OF SAID SECTION 34 TO BEAR DUE NORTH AS A BASIS OF BEARINGS; THENCE NORTH ALONG THE WEST LINE OF THE SW 1/4 SE 1/4 OF SAID SECTION 34 A

DISTANCE OF 30.0 FEET; THENCE EAST A DISTANCE OF 1.0 FEET TO THE POINT OF BEGINNING; THENCE NORTH A DISTANCE OF 900.0 FEET; THENCE WEST A DISTANCE OF 1.0 FEET TO THE WEST LINE OF THE SW 1/4 SE 1/4 OF SAID SECTION 34, SAID LINE BEING COMMON WITH THE WEST RIGHT-OF-WAY LINE FOR 25 1/2 ROAD; THENCE ALONG THE WEST RIGHT-OF-WAY LINE FOR 25 1/2 ROAD THE FOLLOWING TWO COURSES AND DISTANCES:

1) NORTH A CALCULATED DISTANCE OF 396.52 FEET TO THE NORTHWEST CORNER OF THE SW 1/4 SE 1/4 OF SAID SECTION 34;

2) N 00 DEG. 06 MIN. 00 SEC. E A DISTANCE OF 677.58 FEET TO THE NORTH RIGHT-OF-WAY LINE FOR G 3/8 ROAD AS DESCRIBED ON THE SUBDIVISION PLAT FOR WILSON RANCH FILING NO. ONE AND RECORDED IN PLAT BOOK 13 AT PAGES 282 & 283 IN THE OFFICE OF THE MESA COUNTY CLERK AND RECORDER;

THENCE S 89 DEG. 54 MIN. 00 SEC. E ALONG THE NORTH RIGHT-OF-WAY LINE FOR G 3/8 ROAD A DISTANCE OF 25.0 FEET; THENCE S 00 DEG. 06 MIN. 00 SEC. W A DISTANCE OF 70.0 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE FOR 25 1/2 ROAD, SAID POINT BEING COMMON WITH THE NORTHWEST CORNER OF LOT 1, BLOCK 2, WILSON RANCH FILING NO. ONE; THENCE ALONG THE EAST RIGHT-OF-WAY LINE FOR 25 1/2 ROAD THE FOLLOWING THREE COURSES AND DISTANCES:

1) S 00 DEG. 06 MIN. 00 SEC. W A DISTANCE OF 607.58 FEET TO THE SOUTHWEST CORNER OF LOT 15, BLOCK 2, WILSON RANCH FILING NO. ONE;

2) SOUTH A DISTANCE OF 6.63 FEET TO A POINT ON THE NORTH LINE OF THE SW 1/4 SE 1/4 OF SAID SECTION 34;

3) SOUTH A DISTANCE OF 1289.85 FEET;

THENCE WEST A DISTANCE OF 24.0 FEET TO THE POINT OF BEGINNING.

TOTAL PERIMETER 3998.16 FEET
CONTIGUOUS PERIMETER 925.00 FEET
AREA IN SQUARE FEET 49,351.54
AREA IN ACRES 1.13

WILSON RANCH #3

A TRACT OF LAND IN THE SE 1/4 OF SECTION 34, TOWNSHIP 1 NORTH, RANGE 1 WEST OF THE UTE MERIDIAN, MESA COUNTY, COLORADO, DESCRIBED AS FOLLOWS:

ALL OF WILSON RANCH FILING NO. ONE AS RECORDED IN PLAT BOOK 13 AT PAGES 282 & 283 IN THE OFFICE OF THE MESA COUNTY CLERK AND RECORDER;

AND ALSO

COMMENCING AT THE SOUTHWEST CORNER OF THE SE 1/4 OF SAID SECTION 34, AND CONSIDERING THE WEST LINE OF THE SE 1/4 OF SAID SECTION 34 TO BEAR DUE NORTH AS A BASIS OF BEARINGS; THENCE NORTH A DISTANCE

OF 1326.48 FEET; THENCE N 89 DEG. 20 MIN. 11 SEC. E A DISTANCE OF 25.0 FEET TO THE EAST RIGHT-OF-WAY LINE FOR 25 1/2 ROAD FOR A POINT OF BEGINNING; THENCE N 89 DEG. 20 MIN. 11 SEC. E A DISTANCE OF 1271.58 FEET; THENCE SOUTH A DISTANCE OF 20.7 FEET TO A POINT ON THE EAST BANK OF THE DRAIN SITUATED ON THE NORTH LINE OF THE SW 1/4 SE 1/4 OF SAID SECTION 34; THENCE ALONG THE EAST BANK OF THE DRAIN THE FOLLOWING FOUR COURSES AND DISTANCES:

- 1) S 37 DEG. 29 MIN. 00 SEC. W A DISTANCE OF 370.07 FEET;
- 2) S 47 DEG. 25 MIN. 00 SEC. W A DISTANCE OF 271.65 FEET;
- 3) S 73 DEG. 38 MIN. 00 SEC. W A DISTANCE OF 174.67 FEET;
- 4) S 23 DEG. 01 MIN. 00 SEC. W A DISTANCE OF 88.18 FEET;

THENCE S 88 DEG. 01 MIN. 10 SEC. W A DISTANCE OF 596.93 FEET; THENCE S 74 DEG. 10 MIN. 00 SEC. W A DISTANCE OF 49.50 FEET TO THE EAST RIGHT-OF-WAY LINE FOR 25 1/2 ROAD; THENCE NORTH ALONG THE EAST RIGHT-OF-WAY LINE FOR 25 1/2 ROAD A DISTANCE OF 647.96 FEET TO THE POINT OF BEGINNING.

TOTAL PERIMETER 6976.83 FEET
CONTIGUOUS PERIMETER 1350.54 FEET
AREA IN SQUARE FEET 1,236,550.19
AREA IN ACRES 28.39

and

WHEREAS, a hearing on the petition was duly held after proper notice on the 1st day of April, 1992; 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 of the 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; that no land held in single ownership has been divided by the proposed annexation; that no land held in identical ownership comprising more than twenty acres, which has an assessed value in excess of two hundred thousand dollars, is included without the landowner's consent; and that no election is required under the Municipal Annexation Act of 1965.

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 1st day of April, 1992.

Attest:

President of the Council

City Clerk

unless the division is by dedicated road. No land in identical ownership comprising twenty acres, or more, with a valuation of two hundred thousand dollars, or more, is included without the owner's consent. Mr. Boeschstein explained that the legal descriptions have been corrected with the latest plat.

The hearing was opened. There were no opponents, letters, or counterpetitions.

Councilman Baughman arrived at this time.

Upon motion by Councilman Theobold, seconded by Councilman Bessinger and carried by roll call vote with Councilman BAUGHMAN voting NO, Resolution No. 34-92 was passed and adopted (see next page). Councilman Bennett was not present to vote on this item.

Upon motion by Councilman Theobold, seconded by Councilman Bessinger and carried, the proposed ordinance was passed for publication.

RESOLUTION NO. 35-92 - ACCEPTING PETITION FOR THE ANNEXATION OF LANDS TO THE CITY OF GRAND JUNCTION AND SETTING A HEARING ON SUCH ANNEXATION - LDS ANNEXATION - APPROXIMATELY 5.82 ACRES LOCATED NORTHWEST OF 25-1/2 AND G ROADS

A petition has been received from the LDS Church for annexation of property they own northwest of 25 1/2 and G Roads. This property lies north and west of another church-owned property which was annexed as part of Wilson Ranch Annexation No. 1. This is currently vacant land comprised of a single parcel of approximately 5.8 acres. This is a 100% annexation petition. Karl Metzner, Community Development Department reviewed this item.

Upon motion by Councilman Bessinger, seconded by Councilman McCurry and carried by roll call vote, Resolution No. 35-92 was passed and adopted (see next page). Councilman Bennett was not present to vote on this item.

HEARING - APPLICATION BY GRAND JUNCTION KNIGHTS OF COLUMBUS ESCALANTE COUNCIL #1062 FOR A MALT, VINOUS, AND SPIRITUOUS LIQUOR SPECIAL EVENTS PERMIT ON APRIL 24, 1992, AT THE ROYAL BALLROOM, 718 HORIZON DRIVE - FIRST PERMIT

A hearing was held on the application by the Grand Junction Knights of Columbus Escalante Council #1062 for a Malt, Vinous, and Spirituous Liquor Special Events Permit on Friday, April 24, 1992, from 12:01 p.m. to 11:59 p.m. at the Royal Ballroom, 718 Horizon Drive - hosting the State Convention of Knights of Columbus. Mr. Bill Shanahan was present representing the organization. There were no opponents, letters, or counterpetitions. The hearing was closed.

Upon motion by Councilman Bessinger, seconded by Councilman McCurry and carried, the application was approved contingent upon the organization contacting the local Police Department and establishing its need for enforcement.

Councilman Bennett arrived at this time.

HEARING - APPLICATION BY LOWER VALLEY HOSPITAL ASSOCIATION (FAMILY HEALTH WEST) FOR A MALT, VINOUS, AND SPIRITUOUS LIQUOR SPECIAL EVENTS PERMIT ON MAY 16, 1992, AT THE WEST STAR AVIATION HANGAR, WALKER FIELD - ANNUAL FUND-RAISER DINNER AND RED BARON BALL - FIRST PERMIT

A hearing was held after proper notice on the application by Lower Valley Hospital Association (Family Health West) for a Malt, Vinous, and Spirituous Liquor Special Events Permit to be held on Saturday, May 16, 1992, from 6:00 p.m. to 12:00 midnight at the West Star Aviation Hangar, Walker Field, for its annual fund-raiser dinner and the Red Baron Ball. Mr. Dennis Ficklin, President, Family Health West, was present. There were no opponents, letters or counterpetitions. The hearing was closed.

Upon motion by Councilman Bennett, seconded by Councilman Baughman and carried, the application was approved.

HEARING - APPLICATION BY LATIN ANGLO ALLIANCE FOR 3.2% BEER SPECIAL EVENTS PERMIT ON MAY 2, 1992, ON MAIN STREET BETWEEN 5TH ND 7TH STREET AND ON 6TH STREET FROM THE ALLEY ON THE NORTH OF 6TH AND MAIN TO THE ALLEY ON THE SOUTH OF 6TH AND MAIN - ANNUAL CINCO DE MAYO FESTIVAL - FIRST PERMIT

A hearing was held after proper notice on the application by the Latin Anglo Alliance for the 3.2% Beer Special Events Permit on Saturday, May 2, 1992, from 10:00 a.m. to 12:00 Midnight on Main Street between 5th and 7th Street, and on 6th Street from the alley on the north of 6th and Main to the alley on the south of 6th and Main, for the tenth (10th) annual Cinco de Mayo Festival. Ms. Stephanie Quintana, event manager, and Raphael Quintana, PA representative, were present. There were no opponents, letters or counterpetitions. The hearing was closed.

Upon motion by Councilman Bessinger, seconded by Councilman McCurry and carried, the application was approved.

RESOLUTION NO. 35-92

ACCEPTING A PETITION FOR THE ANNEXATION OF LANDS TO THE CITY OF GRAND JUNCTION, COLORADO, AND SETTING A HEARING ON SUCH ANNEXATION LANDS ANNEXATION - APPROXIMATELY 5.82 ACRES LOCATED NORTHWEST OF 25 1/2 AND G ROADS

WHEREAS, on the first day of April, 1992, a petition was submitted to the City Council of the City of Grand Junction, Colorado, for annexation to said City of the following property situated in Mesa County, Colorado, and described as follows:

A TRACT OF LAND IN THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 1 NORTH, RANGE 1 WEST OF THE UTE MERIDIAN, MESA COUNTY, COLORADO, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 34, AND CONSIDERING THE SOUTH LINE OF SAID SECTION 34 TO BEAR DUE WEST AS A BASIS OF BEARINGS; THENCE NORTH A DISTANCE OF 30.0 FEET; THENCE WEST A DISTANCE OF 460.0 FEET TO THE POINT OF BEGINNING; THENCE NORTH A DISTANCE OF 340.0 FEET; THENCE EAST A DISTANCE OF 440.0 FEET TO THE WEST RIGHT-OF-WAY LINE FOR 25 1/2 ROAD; THENCE NORTH ALONG THE WEST RIGHT-OF-WAY LINE FOR 25 1/2 ROAD A DISTANCE OF 290.0 FEET TO THE NORTH LINE OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 34; THENCE WEST ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 34 A DISTANCE OF 640 FEET TO THE NORTHWEST CORNER OF THE SAID SOUTHEAST QUARTER SOUTHEAST QUARTER SOUTHWEST QUARTER; THENCE SOUTH ALONG THE WEST LINE OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 34 A DISTANCE OF 630 FEET TO THE NORTH RIGHT-OF-WAY LINE FOR G ROAD; THENCE EAST ALONG THE NORTH RIGHT-OF-WAY LINE FOR G ROAD A DISTANCE OF 200 FEET TO THE POINT OF BEGINNING.

ANNEXATION PERIMETER 2540.00 FEET
CONTIGUOUS PERIMETER 1270.00 FEET
AREA IN SQUARE FEET 253,600.00
AREA IN ACRES 5.82

and

WHEREAS, the Council has found and determined that the petition complies substantially with the provisions of the Municipal Annexation Act and a hearing should be held to determine whether or not the lands should be annexed to the City by Ordinance;

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

That a hearing will be held on the 6th day of May, 1992, in the City-County Auditorium in City Hall of the City of Grand Junction, Colorado, at 7:30 o'clock p.m. to determine whether one-sixth of the perimeter of the area proposed to be annexed is contiguous

with the City; whether a community of interest exists between the territory and the City; whether the territory proposed to be annexed is urban or will be urbanized in the near future; whether the territory is integrated or is capable of being integrated with said City; whether any land in single ownership has been divided by the proposed annexation; whether any land held in identical ownership comprising more than twenty acres which, together with the buildings and improvements thereon, has an assessed valuation in excess of two hundred thousand dollars is included without the landowner's consent; whether any of the land is now subject to other annexation proceedings; and whether an election is required under the Municipal Annexation Act of 1965.

PASSED and ADOPTED this 1st day of April, 1992.

/s/ Paul W. Nelson

President of the Council Pro Tem

ATTEST:

Theresa F. Martinez

Acting City Clerk

ORDINANCE NO 2566 - RATIFYING AND ESTABLISHING A NEW HIRE POLICE MONEY PURCHASE DEFINED CONTRIBUTION PLAN AND A NEW HIRE FIRE MONEY PURCHASE DEFINED CONTRIBUTION PLAN - TABLED

City Attorney Dan Wilson: Mr. Mayor, this is substantially the same document you saw two weeks ago. I wanted to point out a couple of amendments that the Staff recommends. The second WHEREAS on the second page originally indicated that . . . well, let me just read it as it reads now. "Since 1987 it has become increasingly apparent to the City that City management and oversight is needed and is beneficial." The original WHEREAS referred to the Fire Department. This one indicates reference to the City Manager. In addition, in paragraph 5 the book and page of the cited case are now spelled out, and originally there was a reference made to Internal Revenue Code provisions amendments of 1990, and that language now reads, "As amended and applicable regulations." Other than that, it is the same document you have seen before.

Mayor Pro Tem Nelson: Okay. Comments, questions from the . . . ?

City Attorney Wilson: This is a hearing, second reading.

Mayor Pro Tem Nelson: Okay, I'll open the public hearing at this time. Don't forget to identify yourself. Go ahead, please.

Attorney Susan Corle: Councilmen, Mr. Wilson, Ms. Lockhart, my name is Susan Corle. I am an attorney with the law firm of Williams, Turner & Holmes here in Grand Junction. My business

address is 200 N. 6th Street. I'm speaking to you tonight on behalf of the participant members of the Boards of Directors of the Grand Junction Police and Fire Department Life Purchase Pension Plans. I'm also speaking to you on behalf of the participants of those plans. I apologize for my partner's absence. Mr. Prakken just could not be heard tonight. He was unavoidably detained on a Mexican beach somewhere, and he certainly can't be here I trust this will come as no surprise to you. The purpose of my speaking to you tonight is to let you know that the participants of these Plans are opposed to the ordinance you are proposing to enact tonight. And they are opposed to the Plan that ordinance purports to adopt. I've passed out to you a Position Statement which I hope will provide you with some information about the reasons for the objections. I'm not going to repeat much of what is in there. I just want to hit a few high points. The first major issue for the participants of the Plans and the current members of the Boards of Trustees . . . when I say that, I'm going to say that a lot. When I say that, I'm excluding City representatives on those Boards. The first major issue we have is the question of who is going to control these funds. As the Plans are currently written and as the ordinance is written, the City is taking over control of these Plans. And you've got to know the history of this. When the withdrawal from FPPA occurred in 1986, effective January 1, 1987, the City Council at that time adopted plans that provided for a Board of seven individuals, five (5) police officers, or five (5) firefighters depending on the Department, and two (2) City representatives. Since that time, participants have been, in effect, in control of these plans. And I am not aware of any serious objections that the participants have and how that is managed. In fact they get a chance each year to elect trustees to these Boards and to exercise their right to say, "We don't like what you've been doing" in that fashion. By this ordinance and these Plans, you are taking that control away from these people, and they don't like it. Don't we want to see in some kind of a plan, some kind of a Board of Trustee that gives real and effective voice to the participants of the Plan in both the administration of the Plans and the investment of the assets that are held by the Plan. That is the first major point.

The second point has to do with the rate of contributions that the City is going to make to these Plans. In its present form I'd be basically as saying you will make 8% contributions, and you're basically putting these folks on sort of a yo-yo. You're going to enact a Resolution periodically that says "We'll give you a little more than 8%, and then maybe later we'll take it back down." And you're going to do that by Resolution. Now in January of this year you decided to put them at 10.65% because you were taking them out of the Supplemental Plan which you maintain for the general employees. These folks have been relying on that. I mean, they thought "We're out of the Supplemental. We're not getting that benefit anymore. At least we're getting something additional in these Plans." And that made that better. But to the extent this ordinance is read as putting them at 8% again. I think we regard that as reneging on the deal you made in January and we are

unhappy about that. Now I also object to the use of Resolution to change the contribution rate in this Plan. It seems to me that inconsistent with the position you're taking otherwise with regard to these Plans, and that is that the Charter says that you have to deal with pensions by Ordinance. The extent you are proposing now to change a very basic provision of the Plans by Resolution, you're cutting out public input, you're cutting out input from participants, and I don't think that is appropriate. I think if you're going to be consistent, you need to make those kinds of changes by Ordinance, as well.

The third point I want to make on contribution issues. State law requires that any amendment to these Plans, these Plans that were created as a result of the withdrawal from FPPA, State Law says any amendment has to be approved by 65% of the participants before it can become effective. A change in the contribution rate is a change in the Plan, and that requires 65% of the participants. I think these Plans should spell that out so that there's no question in the future that that's what they are entitled to do. They are entitled to vote. If you want to put them up, if you want to take them down off that 8%, they've got to have a say in it.

City Attorney Wilson: Susan, before you go on, under a scenario for, . . . let's say the Council were at 10.65, and I need to tell you that I . . . I am certain that there is no intent to drop it below 10.65. The ordinance is, in fact, written to allow for that theoretical option, but that's not anyone's desire, just to address that one point. But in the future, if the Council chose to go down below 10.65, and did it, let's say, by Ordinance, to follow that scenario, is it your position that the membership would have to approve that before the Ordinance would be effective?

Attorney Corle: Absolutely.

City Attorney Wilson: Okay, I just wanted to clarify the position. I don't know that we conceded that the participants can govern the Council's ability to adopt ordinances, and of course, that's one of the issues . . .

Attorney Corle: Well, that is one of the issues. We've got a State Law that says 65% of the participants have to approve a change. And that's a very basic change to any plan.

Councilman Theobald: Could I ask . . . I guess kind of the flip side of that, just uh . . . I don't want to distract or delay this, but Dan has brought it up, it's timely. Would the flip side of that also be true that uh . . . if 65% voted to change it from 10.65 to 11.65, that it would also require Council approval as well?

Attorney Corle: Yes.

Councilman Theobald: Okay.

Attorney Corle: That gets to the next point I was going to go on to.

Councilman Theobald: Okay, alright.

Attorney Corle: And that has to do with the provision for amending and _____ this Plan. I started working with these folks on these Plans in about 1989. And one of the first things I told them was "This is strange. I've never seen a Plan where the employer didn't have a say in the amendment." And that's how the Plan I was given was written. We have absolutely no objection to negotiating with you about an amendment process, an amendment procedure that is also City Council's. That is . . . that's a non-issue as far as we're concerned. We will negotiate that. I'd like to come up with a Plan provision that is very specific about how that process is going to take place. It's a non-issue. We need both sides. We need the City Council, we need the Plan. We need the Purchase Plan.

Taking up on something that you said, Dan, if there's no question here that the contribution level is to remain at 10.65. I think that needs to be built into the Plan, or built into this ordinance. Preferably, built into the Plan. And if your intention is to be at 10.65, I don't see what the objection would be to that as long as we've also got in place the provision that spells out the _____.

City Attorney Wilson: My advice to the Council, and especially to the City Manager, and he didn't get as far as Mexico, but he at least got to Phoenix, which is why he is unavoidably detained, was that is, in my view, a management prerogative. And by that I mean the City Council prerogative. And the purpose of that was to allow them some flexibility by Resolution, as opposed to building in an Ordinance where arguably, Plan participants, under the Statute, would have to approve, as well. That's why at least . . . and when you're done, I want to at least talk about where we go from here, if you don't. And I want to touch on that point later. But for the purposes of this ordinance tonight, I don't think my recommendation is going to change on changing the language unless our Pension attorney advises us that that's necessary.

Attorney Corle: Well, I guess my point has less to do with Pension Law than it has to do with your Charter. And it seems to me that your taxpayers have an interest, if nobody else. If you're going to start increasing the rate, and _____. They ought to have the opportunity to speak to that. So that's part of what I wanted to communicate there. Now I've touched on the amendment process. I told you that we're willing to negotiate. Because of the way the State Law reads, it's my position, and the position of the people I represent, that applies to any amendment that covers contributions, which covers, you know . . . any other amendment . . . I think it should also apply to amendments needed to conform the Plan to Tax Law. Those conforming amendments are not

always . . . you know, you've got to do this - and you've got to do this It's not always that black and white. Sometimes there are choices, and that can affect the Plan participants. So across the board, I think the Plan should say amendments apply with 65% approval.

On the termination question, which is another major issue for my clients. The Plan right now says you guys can terminate this Plan at will. I think that is inappropriate. State Law clearly requires you to maintain a Plan for these people. Our preference would be to have a termination provision that said "Terminate the Plan. Okay, but you can't do that unless 65% of the participants, minimum, approve it, in advance, and there is a replacement Plan available and approved by 65% of the participants", so that we don't have any questions in the future that this is an ongoing thing. This is a permanent deal. Maybe the form of the Plan changing, something like that, but you've got to maintain that Plan. I think that needs to be spelled out in the document as well. Now I've got to tell you that our position is also that the Plans that you're proposing to adopt tonight and the ordinance that enacts them, our position is also that requires 65% approval of the participants. And I can tell you right now that with these provisions in it where the City is taking control from the participants, where the contribution rate is somewhat up in the air, where we don't agree with the procedures you propose for changing that rate, the other objection is that are more clearly spelled out in the Position Statement, I feel that we may not have even found yet because we haven't had all that much time to look at the Plan. With those provisions in it, I can tell you that these Plans are not going to get 65% approval. So anything you do tonight I think you've got to regard as futile because it is not going to count. These people are not going to approve it. They don't want what you're doing here.

If you enact this ordinance, and I'm led to believe that anything I say here tonight won't persuade you from doing that, if that's the case, we will also investigate every option we have to block it. And we will see that it does not take effect because we think it is unlawful without that 65% approval.

I want to talk a minute about a couple of paragraphs in the ordinance that talk about retroactive rash _____ of the Plans that were adopted in 1986 because I've got a kind of a problem with those. They think that what we've done all along is okay, partially. But we don't like certain other things. So what you're saying is "We're going to ratify the parts we like, and we're going to 'talk off' the parts we don't like. And we all know the parts you don't like. I think you don't like these Boards that had the nerve to take you to court. And I think you don't like Section 4.16 which talks about how you can allocate the refund that comes from FPPA because that gives us a contract claiming a lawsuit. And, it would be nice for you if those things weren't there. So I think I see what you're trying to do here. You're trying to say "Well, we'll just try and make them go away." I don't think that

works. And I don't think the judge is going to think that works. So I guess . . . well, I'd just point that out to you that if that's what you're up to, and I'm led to believe it is, I think that's too bad. I think it kind of back-fired. This is a situation where you've had a deal with these folks for the last five years and you never objected before. Now you want to change it. But they don't go along . . . that's not how contracts work. That's not how our legal system works. And I think it's unfortunate you're taking the position you are with regard to that matter.

Now let's talk a little bit more about the lawsuit because as I read this ordinance this is inextricably entwined. I don't think we can look at this ordinance if these folks hadn't sued you. My partner a couple of weeks ago gave you an explanation of why we saw it redressed in court. And I'm not going to repeat that here, except to mention that is a legal right they have. And it is not from seeing this. It should be pledged for, and then met. It's almost as if I have to regard this ordinance is being the fact. There are some references in the ordinance that bother me. The press has picked up on purse strings argument. I want to say something about that too. You say you regard the lawsuit as an effort by the participants and the plaintiffs in the case to control the purse strings of the City. Nothing could be farther from the truth. It was not their intention to control purse strings in any way, never has been, never will be. They simply want to see a redress for a legal wrong that has simply been done to them, and that we think they have a legitimate claim to. So I just felt I needed to say that because that bothered me that the press picked up on that kind of a statement. Now I'm told that you're gonna pass these Plans tonight and this ordinance. And I'm told that if we come in to negotiate a settlement in the next two weeks or so, you'll pass other Plans that are more acceptable to us, and that, in fact, Plan No. 2 was in the process of being drafted. So if we have . . . if we settle, we get Plan 2 and Plan 2 gives some control back to the participants, and it gives us some of the other things that we were concerned about. If we don't settle and we have to go to trial, we get Plan 1. Now I don't know what that's all about. Maybe it's a little bit of retaliation. Maybe it's a little bit of your litigation strategy. Fortunately, because of the 65% requirements in the Statute, I think my clients are in the drivers seat here and you're not going to be able to do what you want to do because Plan No. 1 is not going to work. But there's another consideration here that I think you need to keep in mind. And that's that these people work for you. They are your employees and they do a good job for you. And they deserve a little bit better treatment than what they're getting here. If you want to settle, if you want to negotiate with us about the terms of these Plans, don't pass this ordinance tonight. Let's sit down and let's try to hammer out provisions that we can all live with. Let's talk about this and see if we can come to some resolution. But if we can't, the facts are what they are. The judge is going to have to decide that dispute. Let's leave that in his court, and let's try to work out plans that we can live with. Let's try to separate those two issues. Let's stop

tying them together the way they are in this ordinance right now. I think that just makes you folks look bad. I mean this isn't how government is supposed to work. I don't think this is what legislation is supposed to do. So what I want to suggest for the future is that we put this thing on hold. Let's sit down and work out Plans, let the judge decide the case. So let's try to keep those two things separate and go from there. I think that's all I have to say. Any questions?

City Attorney Wilson: One of the sort of dilemmas that I face in giving Mark advice and the Council advice, and I think the issue that Susan just hit on last, which is the lateness of the hour to be talking about negotiating private trial, just a few days ago we tried to find . . . uh Bill Prakken and I tried to call the Court Clerk to look for trial dates in the hope that the trial could be put off a couple of months was the goal. And the original . . . uh, there was a trial date in August, and Bill had a conflict. There was a trial date in September that was a guaranteed. And the response was that the participants felt like that was too long of a delay. But I want . . . I think it's important to understand that we were willing to sort of put it on hold to give Mark and the Boards more time. And I think they honestly tried to, as well, but just didn't feel like that was a trade off they could make. But I know the City Manager feels like he has the concept of an agreement with both Boards. He has told me so. I don't know their perspective on that view. I worked on a draft stipulation and Mark looked at it. He had a long standing vacation, and, in fact, I think he was looking for colleges for his daughter, and has seen one draft of it. He gave me instructions and those instructions have evolved into what you call the Plan 2, which would be a Plan that would . . . uh, I think Mark believes, satisfy both the Police Board and the Fire Board. I don't know if he knows about the participant level. So my comment is that even if we do adopt tonight, at least Mark's view real clearly is that we should not stop talking, that we should try and find a resolution, hopefully, before trial. Mark thinks we're going to get there. Well, I think we'll really have to see. There are some very complicated, I think, tax issues, Internal Revenue Code issues concerning how the proceeds are dealt with, and what the impact to approaching . . . when they go into the Plan, what effect that may have. And I don't think we, the City, fully understand them yet, and when Mark comes back next week part of my job is to bring him up to speed on those issues where he can more fully understand the potential negative impacts, at least some dangers out there. The issue on the ordinance which is, I think, a good question, is really one of convenience. And if the sense is that that should be done by ordinance to give an increased comfort level, I don't have any objection to doing that.

Attorney Corle: You're talking on the contribution rate?

City Attorney Wilson: On the contribution rate. If that raises the comfort level, I think that's fine. It's not written that way, but we could certainly do it that way. I guess I have to think to

whether I want it in the Plan document itself, or need it in a separate ordinance because of the ramifications of some of the State Statute provisions. The other comment I would have is this entire lawsuit in this situation is one that never should have occurred, and wouldn't have occurred, I think, had there been an ordinance process. I guess maybe I'm being an optimist in the Fall of 1986, because what happened, what looks like had happened in the past, is people wrote the Plan, and the City management were not paying attention to the detail of it. And a Plan got adopted, and I am certain that the City Council did not appreciate what that Plan document did. And perhaps a two reading of an ordinance in the Fall of '86 would have given Council the opportunity to have fully understood it. It could have been that debate between the groups. That's water under the bridge and I guess we're going to have to deal with that.

Attorney Corle: You're going to have to live with it.

Mayor Pro Tem Nelson: I'll tell you what. With the Council's permission I would like to speak for the Council and have it only be me to speak for the Council because it is such a sensitive matter. And I wanted to respond to some of the things that you said, Susan, and also to speak directly to the employees, because I haven't had a chance to talk to them officially about this. And I think, basically, what I'd like to mention to both you and the employees who are affected by this is this, is that by the adoption of this ordinance this evening is not meant to be punitive or vindictive in any stretch of the imagination. We consider that we are negotiating with you people and both sides are negotiating in good faith. I have excellent feelings from the comments I'm getting back from the City Manager and the City Attorney and I think we're close to getting to where we need to be. We, as you well know, would respectively like to choose to disagree that some of the points in your previous outline and discussion that you gave us, but we'd like to continue to work toward the resolution of this, a satisfactory resolution to this, to both sides. And I'm not sure there's a whole lot more I can say except that we look forward to continuing what we already have been doing in terms of negotiation and hammering, something out that is going to be acceptable to everybody. And I don't mind saying that publicly at all. And I have good expectations as to where our negotiations and our conversations are heading. Does that fairly represent what the Council is thinking?

Councilman Bessinger: I think there's one more thing to be said. That we don't consider this as an individual, face to face confrontation. They're doing what they have to do, and we're doing what we think we have to do.

Attorney Corle: I don't disagree with you.

Major Pro Tem Nelson: We're sure not drawing any lines.

Attorney Corle: My response to you, and we will continue to

negotiate, but it seems a very strange process to me, because we're going to do this, and if you don't go along with us on a settlement this is what you folks are going to have to live with.

City Attorney Wilson: Well, though, Susan, you said if we do it, you won't approve it

Attorney Corle: Well, we won't.

City Attorney Wilson: . . . and it's both sides being stubborn, one more indication

Attorney Corle: Yah, right.

City Attorney Wilson: The point is we need to try and get over that.

Attorney Corle: But why not . . . why pass this ordinance if we know we're going to be talking? I mean, why do this if we know we're going to be talking? Why not wait until we've got something that we agree on? I don't understand why cram this through tonight

City Attorney Wilson: The answer is "Why do the trial in May? Why not do it in September to give us enough time?" That's the dilemma, and that's the dilemma that I've offered the Council

Attorney Corle: But if we can't reach an agreement in the next two weeks, you've got the next Council meeting. Why do it then, for what little good I've

Councilman Bessinger: If it has no substance why would you suggest it not be done?

Attorney Corle: I'm suggesting this ordinance not be done because it has no substance. I'm suggesting we have another ordinance after we've got something that we all can live with, that does have substance, that will get a 65% approval, because I think we can get there, but not with this. I'm suggesting this ordinance, itself, is going to have no meaning because it won't be approved. Don't bother to pass it. Let's sit down and talk and get to a point where we know we can have something that will be approved.

Councilman Baughman: Dan, could you go through this with me? I guess I'm fuzzy on why we need to do this tonight.

City Attorney Wilson: The rationale for doing it tonight was that, part of it was, of course we need an ordinance on the books in accordance with Charter.

Councilman Baughman: Right.

City Attorney Wilson: The particular timing was really to meet a

trial date of May 18th. If we waited two weeks the effective date would be May 17th, and it is simply an awkward position to carry forth the morning of the 18th and say, "Oh, by the way, at 11:59 last night we had an ordinance," or excuse me, "at 12:01 this morning we had an ordinance that's on the books." And there's no hard wall for me to say that that would hurt us in a case. My preference was to do it tonight so that it would have been on the books, as it were, more than the day before trial. That's simply the reason. It's really a judgement call on my part in recommending it.

Councilman Baughman: If the judge looks at it and he says it's two weeks prior, or

City Attorney Wilson: But see, that's the question, but is it going to matter to the judge whether we're the day before, or two weeks and a day. I don't know, but the longer, the better, is my sense on it. It is clearly a judgment call, and I don't have a bright line that I can draw and say this is clearly an answer. I don't think it's that clear.

Attorney Corle: I think what is going to matter to the judge is whether or not it has been approved by 65% of the participants. That's not going to happen whether you had passed this tonight or if you pass it in two weeks.

City Attorney Wilson: Therefore you lose nothing. If that argument is true it doesn't matter whether we do it tonight or two weeks hence.

Attorney Corle: But you lose something because you risk jeopardizing the relationship with the employees.

City Attorney Wilson: And that's why the purpose of the discussion tonight was to say "This is a strategy. Recognize that we want to sole this thing. Please don't take this as a closing of the door. It is a strategy. That's all it is." And I think that's what the Mayor was trying to say. I mean I know the Mayor believes it and I know the City Manager believes it as well, because he has said it too many times.

Mayor Pro Tem Nelson: And I think the Council does too. I think we'll find out here in a minute.

Attorney Corle: I have nothing further. If you had no more questions, I'll take a seat.

Mayor Pro Tem Nelson: Thank you, Susan. Is there anyone else who would like to speak during the public hearing part of this second reading? Being none, I will close the public hearing and bring the matter up here for discussion and a motion. Gentlemen?

Councilman Theobald: Do we want to hear anything from our counsel?

City Attorney Wilson: No, we invited her here to listen, to learn, but unless Council has specific questions, here expertise is in the areas that are well beyond what is the language in this ordinance dealing with Pension and the Internal Revenue Code. She's here to answer other questions and primarily to give Mark advice on how to best understand the tax laws.

Councilman Theobold: Could I infer from that that the advice of the special counsel and the City Attorney has not changed?

City Attorney Wilson: Correct.

Councilman Theobold: This is 2566 only, correct?

Mayor Pro Tem Nelson: Yes.

Councilman Theobold: Okay, well let's get it on the table. I move approval of Ordinance No. 2566.

Mayor Pro Tem Nelson: Second to the motion?

Councilman Theobold: Let's get it moved and seconded so we can at least vote.

Councilman Bessinger: Are you going to vote NO?

Councilman McCurry: Yes.

Councilman Bessinger: I'll say it.

Councilman Theobold: Well, Bill, the other Bill, making the motion doesn't necessarily indicate how they will vote.

Councilman Bessinger: I want to move along.

Mayor Pro Tem Nelson: Is there any conversation or discussion before the vote?

Councilman Baughman: I kind of think we shouldn't do this right now. I think it's driving a wedge between the City and our City employees, a potential wedge, and a little bit we can possibly gain is nebulous and the lot that we could lose is great, and if I was the judge I would be looking at the two week's difference, if that's the case, whether it's the morning of, or two weeks before, if it matters . . . if you're looking at it to be evasive, one is just as bad as the other. I don't see the difference.

Councilman Bessinger: Are you telling us that your opinion is more valuable in this legal matter than Dan Wilson's?

Councilman Baughman: No.

City Attorney Wilson: I tell you, mine is not as much a legal opinion as it is a judgment call.

Councilman Baughman: I don't know the facts on this thing that well, I'll tell you. But not knowing it, I'm inclined to be cautious and say NO. That's my opinion.

Councilman Theobald: If the trial date has been moved back I would be inclined to agree to postpone this as well. But as we're seeing a chess game of strategies of moves and counter-moves, and the leverage we have as an ordinance, the leverage they have as a trial date . . . can't be one without the other. I guess somebody has got to move first.

Councilman Bessinger: I think you've got to move. I think there's a conflict here that hasn't been resolved. What authority does a home rule city have when the Charter specifically says what authority the Council has, and there are some ramifications here that I don't know if they've been explored, but they will be before it's over.

Councilman Theobald: Susan is well aware and has explained to all of her clients that the issue of whether the 65% is need, or not, is one of the things that's hanging out there. We don't know. They don't know. They'd like it to be one way. Obviously we have a different opinion, and that's going to be one of the things that either has to be negotiated or settled, either one or the other. We'll find out, some how.

Mayor Pro Tem Nelson: Are you guys ready to vote?

Councilman Bessinger: Move the question.

Mayor Pro Tem Nelson: Roll call, please.

City Clerk Lockhart: Mr. Bennett?

Councilman Bennett: NO.

City Clerk Lockhart: Mr. Bessinger?

Councilman Bessinger: YES.

City Clerk Lockhart: Mr. Baughman?

Councilman Baughman: NO.

City Clerk Lockhart: Mr. Theobald?

Councilman Theobald: YES.

City Clerk Lockhart: Mr. McCurry?

Councilman McCurry: NO.

City Clerk Lockhart: Mr. Nelson?

Mayor Pro Tem Nelson: YES.

Councilman Bessinger: That's why we have seven persons on the Council.

City Attorney Wilson: That's right.

Mayor Pro Tem Nelson: Well, the Chair would suggest that we table this until the next Council meeting when we have all seven of us and then there will be a definitive answer at that time.

Councilman Bessinger: That kind of defeats what he hopes to accomplish.

City Attorney Wilson: It's a good second best as opposed to doing nothing two weeks hence. At least I'd like to have the opportunity to have you consider it again.

Councilman Theobold: Well, we've always set the pattern tonight that we just love to do these things over, because everybody likes to sit through these things.

Councilman Bessinger: Realizing that this is part of the legal strategy . . . I mean everybody is following a strategy . . . I really think we ought to go with Dan's recommendation and let him have as much latitude as he can in this matter.

Councilman Theobold: Unfortunately, that has already been voted on. And unless somebody, one way or the other, would like to suggest they have a change of opinion, a similar motion would probably have a similar vote.

Councilman Bessinger: I don't see anybody where I'm looking that says they want to change their mind.

Councilman Theobold: I don't see anybody where you're looking either.

Councilman Baughman: What do we need? A motion to table this thing for two weeks?

Councilman Theobold: I think that would be appropriate?

Mayor Pro Tem Nelson: We are officially in passe.

Councilman Baughman: I think that's appropriate. I think we need to come back in two weeks and look at this thing again.

Councilman Theobold: Second.

Mayor Pro Tem Nelson: Okay, motion to table, and a second. All those in favor say AYE.

All members of Council present voted AYE.

ORDINANCE NO. 2567 - ESTABLISHING RETIREMENT PLANS FOR SPECIFIED CITY OF GRAND JUNCTION EMPLOYEES

City Attorney Dan Wilson explained that this ordinance simply approves, by Ordinance, the other Pension Plan that the City already has in place. This is in adherence to the Charter requirements. There are no changes to the Plans.

Upon motion by Councilman Theobold, seconded by Councilman McCurry and carried by roll call vote, Ordinance No. 2567 was passed and adopted.

PROPOSAL FOR THE BUILDING OF A WATER TREATMENT PLANT - PURDY MESA LIVESTOCK WATER COMPANY

The Purdy Mesa Livestock Water Company shareholders have instructed their officers to meet with the City Council for the purposes of making a proposal to the City and setting a deadline for decision concerning the City constructing a treatment plant on Purdy Mesa and the funding of such a plant.

The Colorado Department of Health have a requirement for the Purdy Mesa, Cross-Bar-Cross, and Reeder Mesa Livestock Water Company to provide water treatment to their customers. The City made a proposal to the Company in July, 1991 for the City to provide treatment. The Company rejected this offer. Subsequent meetings in November, 1991, December, 1991, January, 1992, February, 1992, and March, 1992, have addressed the location of the plant should the Company build and the possibility of reopened negotiations with the City concerning the City constructing the plant.

Mr. W. D. Bradbury, President of the Purdy Mesa Livestock Water Company, presented a proposal for the building of a water treatment plant for the Purdy Mesa Livestock Water Company. Mr. Bradbury distributed copies of the proposal to Council. He stated that the Purdy Mesa Livestock Water Company presently has approximately 35 water taps that are in use with 75 water taps available. Reeder Mesa Livestock Water Company has 25-30 water taps.

Upon motion by Councilman Theobold, seconded by Councilman Bessinger and carried, this item be referred to the City Services Committee with a recommendation by Staff brought to the April 13, 1992, Council workshop for a decision by Council on the 15th of April.

ORDINANCE NO. 2568 - VACATING A PORTION OF NORTH GRAND FALLS COURT

Upon motion by Councilman Theobold, seconded by Councilman McCurry and carried by roll call vote, Ordinance No. 2568 was passed and adopted.

PROPOSED ORDINANCE MAKING SUPPLEMENTAL APPROPRIATIONS FOR 1992

The appropriation requests are to re-appropriate certain amounts appropriated for 1991 and not spent. They include various requests previously approved by the Council for which appropriations have not yet been made. They include appropriations for certain projects for which additional revenues have been received. They also include the division of the Self-Insurance Fund to the General Liability and Casualty Self-Insurance Fund and the Workers' Compensation Fund. This division will eliminate the need for various manual processes and records which have been maintained to segregate these functions within the previous fund. Administrative Services Director Ron Lappi reviewed this item.

Upon motion by Councilman McCurry, seconded by Councilman Theobold and carried, the proposed ordinance was passed for publication.

ADJOURNMENT

Upon motion by Councilman Theobold, seconded by Councilman Bessinger and carried, the meeting was adjourned.

Neva B. Lockhart

Neva B. Lockhart, CMC
City Clerk