

**GRAND JUNCTION CITY COUNCIL  
TWO RIVERS CONVENTION CENTER, 159 MAIN STREET  
AGENDA**

**WEDNESDAY, JANUARY 5, 2000, 7:30 P.M.**

**CALL TO ORDER**

Pledge of Allegiance  
Invocation - Steve Johnson  
Living Hope Evangelical Free Church

**APPOINTMENT CERTIFICATES**

PRESENTATION OF CERTIFICATES OF APPOINTMENTS TO NEWLY  
APPOINTED PLANNING COMMISSION MEMBERS

PRESENTATION OF CERTIFICATES OF REAPPOINTMENT TO HISTORIC  
PRESERVATION BOARD MEMBERS

**APPOINTMENTS**

REAPPOINTMENTS TO THE VISITORS & CONVENTION BUREAU BOARD OF  
DIRECTORS

**CITIZEN COMMENTS**

Dr. John Bull and Ruth Michaels, Mesa County Substance Abuse Task Force, to  
discuss the upcoming Mesa County Substance Abuse Summit

**\*\*\* CONSENT CALENDAR \*\*\***

1. **Minutes of Previous Meeting**

*Action: Approve the Minutes of the Special Meeting December 13, 1999*  
[Attach1](#)

2. **Annual Designation of the Location for the Posting of Meeting  
Notices, the 2000 City Council Meeting Schedule and the Special  
Meeting Procedure** [Attach2](#)

State law requires an annual designation of the City's official location for the  
posting of meeting notices. The City's Code of Ordinances, Sec. 2-26,  
requires the meeting schedule and the procedure for calling special  
meetings be determined annually by resolution.

Resolution No. 01-00 – A Resolution of the City of Grand Junction Designating the Location for the Posting of the Notice of Meetings, Establishing the City Council Meeting Schedule and the Procedure for Calling of Special Meetings for the City Council

*\*Action: Adopt Resolution No. 01-00*

Staff presentation: Stephanie Nye, City Clerk

3. **Notice of Election for the Special Election to be Held on February 1, 2000** [Attach3](#)

Both the Charter and the Municipal Election Code have specific publication requirements for the election notice. The proposed notice contained within the resolution being presented meets those requirements.

Resolution No. 02–00 – A Resolution Setting Forth the Notice of Election for the Special Municipal Election to be Held on February 1, 2000 in the City of Grand Junction

*\*Action: Adopt Resolution No. 02-00*

Staff presentation: Stephanie Nye, City Clerk

4. **Renewal of Hazardous Materials Intergovernmental Agreement** [Attach5](#)

Since 1992, the County has provided funding for the City to respond to emergency incidents involving releases of hazardous materials in the County as the Designated Emergency Response Authority (DERA). The County also provides funding for the City to manage the federally mandated Superfund Amendment Reauthorization Act (SARA) program that deals with hazardous materials in manufacturing, transportation, and storage in controlled environments.

*Action: Approve the Renewal of the Hazardous Materials Intergovernmental Agreement*

Staff presentation: Jim Bright, Operations Officer, Fire Department

5.\*\*\* **Growth Plan Amendment for Desert Hills Estates Located at 2114 Desert Hills Road** [File #ANX-1999-204] [Attach13](#)

Request for a Growth Plan Amendment from Residential Rural, 5-35 acres per unit, to Residential Estate, 2-5 acres per unit for Desert Hills Estates, consisting of 22 single family lots on approximately 56 acres.

Resolution No. 07-00 Amending the Growth Plan of the City of Grand Junction (Desert Hills Estates)

*\*Action: Adopt Resolution No. 07-00*

Staff presentation: Lisa Gerstenberger, Senior Planner

6. **Setting a Hearing on Zoning High Pointe Estates Annexation PR-2, Located at 2462, 2462 ½ and 2464 Broadway** [File #ANX-1999-228]  
[Attach6](#)

Request for a Zone of Annexation from County R-2 to City PR-2, Planned Residential with a density not to exceed 2 units per acre.

Proposed Ordinance Zoning High Pointe Estates Annexation PR-2

**Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for January 19, 2000**

Staff presentation: Lisa Gerstenberger, Senior Planner

7. **Setting a Hearing on Zoning Coventry Club Annexation to PR-17.83, Located at Arlington Drive, North of Quincy Lane** [File #ANX-1999-247]  
[Attach7](#)

The 4.32-acre Coventry Club Annexation area consists of one parcel of land (2.860 acres); the entire right-of-way of Oxford Avenue, a distance of 810 feet; and Quincy Lane from Arlington Drive to the pedestrian path on Quincy Lane, about 450 feet. The subdivision currently provides 50 townhomes and one clubhouse. The request for the minor subdivision comes from the homeowners association to convert the clubhouse into a residential unit, therefore increasing the number of units to 51. The requested zoning is PR. This is a similar zoning designation of PD-8, which Mesa County has applied to this property. Staff recommends the zone of PR-16.83.

Proposed Ordinance Zoning Coventry Club Annexation to PR-17.83

*Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for January 19, 2000*

Staff presentation: Lori Bowers, Associate Planner

8. **Setting a Hearing on Zoning Broome Annexation to C-1, Located at 3090 I-70B** [File #ANX-1999-263] [Attach8](#)

The Broome Annexation area consists of two parcels of land, Lots 3 and 6, 31 Road Business Park Subdivision, 2.12 acres in size. Owners of the property have signed a petition for annexation in accordance with the Persigo Agreement. The owners are requesting a C-1 zoning for this property. This zoning district will allow RV sales and service as an allowed use. The applicants are currently under site plan review for a new 5,000 square foot building to house this use.

Proposed Ordinance Zoning Broome Annexation to C-1

*Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for January 19, 2000*

Staff presentation: Lori Bowers, Associate Planner

9. **Setting a Hearing on Crowe Annexation, Located at the Southeast Corner of I Road and 26 ½ Road** [File #ANX-1999-271] [Attach9](#)

The 41.51-acre Crowe Annexation area consists of one parcel of land located at the southeast corner of I Road and 26 ½ Road and including portions of the I Road and 26 ½ Road rights-of-way. The owner of the property has signed a petition for annexation as part of a request for a Growth Plan Amendment.

**a. Referral of Petition for Annexation, Setting a Hearing and Exercising Land Use Control and Jurisdiction**

Resolution No. 04-00 – A Resolution Referring a Petition to the City Council for the Annexation of Lands to the City of Grand Junction, Colorado, Setting a Hearing on Such Annexation and Exercising Land Use Control – Crowe Annexation Located at the Southeast Corner of I Road and 26 ½ Road and Including a Portion of the I Road and 26 ½ Road Rights-of-Way

*\*Action: Adopt Resolution No. 04-00 and Set a Hearing for February 16, 2000*

**b. Set a Hearing on Annexation Ordinance**

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Crowe Annexation, Approximately 41.51 Acres, Located at the

Southeast Corner of I Road and 26 ½ Road and Including Portions of the I Road and 26 ½ Road Rights-of-Way

*\*Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for February 16, 2000*

Staff presentation: Dave Thornton, Principal Planner

10. **Setting a Hearing on Webb Crane Annexation, Located at 761 23 ½ Road** [File #ANX-1999-277] [Attach10](#)

The 24.75-acre Webb Crane Annexation area consists of three parcels of land located at 761 23 ½ Road. Owners of the property have signed a petition for annexation as part of their request for a Growth Plan Amendment and rezoning of this parcel.

**a. Referral of Petition for Annexation, Setting a Hearing and Exercising Land Use Control and Jurisdiction**

Resolution No. 05–00 – A Resolution Referring a Petition to the City Council for the Annexation of Lands to the City of Grand Junction, Colorado, Setting a Hearing on Such Annexation and Exercising Land Use Control – Webb Crane Annexation Located at 761 23 ½ Road and Including a Portion of the 23 ½ Road and I-70 Right-of-Way

*\*Action: Adopt Resolution No. 05–00 and Set a Hearing for February 16, 2000*

**b. Set a Hearing on Annexation Ordinance**

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Webb Crane Annexation, Approximately 24.75 Acres, Located at 761 23 ½ Road and Including a Portion of the 23 ½ Road and I-70 Right-of-Way

**Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for February 16, 2000**

Staff presentation: Kathy Portner, Planning Manager

11. **Setting a Hearing on Robertson Annexation, Located at 522 20 ½ Road and Including Portions of the 20 ½ Road Right-of-Way** [File #ANX-1999-269] [Attach11](#)

The 3.80-acre Robertson Annexation area consists of two parcels of land. The southern most parcel contains a single family residence and is

proposing adjusting its northern most property line to acquire additional real estate. The remaining parcel, which has one single family residence existing, will be subdivided into 3 residential lots. The owners of the properties have signed a petition for annexation.

**a. Referral of Petition for Annexation, Setting a Hearing and Exercising Land Use Control and Jurisdiction**

Resolution No. 06-00 – A Resolution Referring a Petition to the City Council for the Annexation of Lands to the City of Grand Junction, Colorado, Setting a Hearing on Such Annexation and Exercising Land Use Control – Robertson Annexation Located at 522 20 ½ Road and Including Portions of the 20 ½ Road Right-of-Way

*\*Action: Adopt Resolution No. 06-00 and Set a Hearing for February 16, 2000*

**b. Set a Hearing on Annexation Ordinance**

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Robertson Annexation, Approximately 3.80 Acres, Located at 522 20 ½ Road and Including Portions of the 20 ½ Road Right-of-Way

*\*Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for February 16, 2000*

Staff presentation: Joe Carter, Associate Planner

12. **Setting a Hearing on Rezoning Garrett Estates from PR-21 to RSF-8, Located at the Northeast Corner of 25 Road and F ½ Road** [File #RZP-1999-252] [Attach12](#)

In conjunction with a request to subdivide two parcels totaling 12.16 acres into a 55-lot subdivision, the applicant requests to rezone the parcels from PR-21 to RSF-8. The proposed zoning is in conformance with the Growth Plan Future land Use designation of Residential Medium Density (4-8 du/ac) and comparable densities in the approved subdivision to the east and north. At its December 21, 1999 hearing, the Planning Commission recommended approval of this request.

Proposed Ordinance Rezoning Property to be Known as the Garrett Estates, Located at the Northeast Corner of 25 Road and F ½ Road, from PR-21 to RSF-8

*Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for January 19, 2000*

Staff presentation: Bill Nebeker, Senior Planner

**\*\*\* END OF CONSENT CALENDAR \*\*\***

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**\*\*\* ITEMS NEEDING INDIVIDUAL CONSIDERATION \*\*\***

13. **Opposing Federal Legislation Prohibiting the Collection of State and Local Sales and Use Taxes on Remote Sales** [Attach4](#)

Electronic commerce, growing rapidly in popularity with consumers, has begun to impact state and local sales tax revenue. Steps need to be taken to ensure that the City can continue to provide quality services to its citizens and that out-of-town vendors do not have an unfair tax advantage over local retailers.

Resolution No. 03-00 – A Resolution Opposing Federal Legislation Prohibiting the Collection of State and Local Sales and Use Taxes on Remote Sales

*Action: Adopt Resolution No. 03-00*

Staff presentation: Ron Lappi, Administrative Services Director

14. **Eminent Domain Actions**

Determining the necessity of and authorizing acquisition of certain real properties.

**a. For Construction of 24 Road**

Resolution No. 08-00 – A Resolution Determining the Necessity of and Authorizing the Acquisition of Real Property Owned by WDM Corporation Located at the Southwest Corner of G Road and 24 Road

*Action: Adopt Resolution No. 08-00*

**b. For Property at Horizon Drive, G Road and 27 ½ Road**

Resolution No. 09-00 – A Resolution Determining the Necessity of and Authorizing the Acquisition of Real Property Owned by Emanuel Epstein and Jimmy Etter for Property Located at the Southern Intersection of Horizon Drive, G Road and 27 ½ Road

*Action: Adopt Resolution No. 09-00*

Staff presentation: Dan Wilson, City Attorney

15. **NON-SCHEDULED CITIZENS & VISITORS**
16. **OTHER BUSINESS**
- 17.\*\*\* **EXECUTIVE SESSION** to Discuss Personnel Issues
18. **ADJOURNMENT**



**Attach 1**

**GRAND JUNCTION CITY COUNCIL  
MINUTES OF THE REGULAR MEETING**

**December 15, 1999**

**WILL BE ON THE NEXT MEETING FOR APPROVAL  
AND DISTRIBUTED AT THAT TIME**

**GRAND JUNCTION CITY COUNCIL  
AND  
BOARD OF COUNTY COMMISSIONERS OF MESA COUNTY**

**SPECIAL MEETING**

**DECEMBER 13, 1999**

The Grand Junction City Council and the Mesa County Commissioners convened into special session on the 13<sup>th</sup> day of December at 7:03 p.m. at Two Rivers Convention Center to continue discussion of the **201 Persigo Boundary Changes**. Those present were Councilmembers Cindy Enos-Martinez, Gene Kinsey, Earl Payne, Jack Scott, Jim Spehar, Janet Terry, Reford Theobald, and Mesa County Commissioners Doralyn Genova, Jim Baughman and Kathy Hall. Also present were City Manager Mark Achen, City Attorney Dan Wilson, Utilities Manager Greg Trainor and City Clerk Stephanie Nye. County staff present included Pete Baier, Public Works Director, and Bob Jasper, Administrator.

Council President Kinsey called the meeting to order.

The City Council and the Mesa County Commissioners met together to discuss the outstanding changes in the 201 boundaries. Utilities Manager Greg Trainor reviewed the issues that were outstanding for the boundary changes. He noted in October a motion was made to add the Orchard Mesa area (Valle Vista) sewer line to the 201 service area. Another area adjacent to 30 Road, along Hwy 50, was also added. Clifton Sanitation Districts #1 and #2 were deleted. The area adjacent to the airport was deleted. The Saccomanno property was added. The Appleton area was added but the western boundary was changed. The area west of Independence Valley (Country Meadows) was added. The S. Broadway area was deferred. The Wildwood/S. Broadway area was proposed for deletion, but was deferred. Monument Valley was kept in. The section north of Monument Road was included. The area along Little Park Road was included. The three remaining areas: 19 ½ Road, Wildwood and West Orchard Mesa were proposed for deletion.

Mr. Trainor said the map was redrawn with the new boundaries shown based on those decisions and the remaining areas identified.

1. 19 ½ Road (Buffer Area)

Greg Trainor referred to the summary. There is one area that was not included in the proposed deletion, but they want to include that in the buffer area.

Commissioner Baughman asked if that is the property discussed at the last meeting that would be divided. Mr. Trainor said that area was in the Appleton deletion and the boundary was adjusted so that property was not split.

Greg Trainor continued. An option is to delete this area and, if there is new development proposed, it can go before all three entities for re-inclusion. There are a number of existing homes on small lots, in this area. Another option is to address existing lots that are within 400 feet of sewer. However, there are homes within 400 feet. Another option, if there is a majority among the property owners, would be to create an improvement district to extend sewer.

Councilmember Spehar said if there is development there to a density that would support sewer and no topographical reasons not to serve that area should the property owners desire, why not leave it in and leave them with one less hoop to jump through if they decide to create a district. Mr. Trainor said that too is an option.

Councilmember Theobald thought that to be unlikely and did not want to encourage development to be at that density as that would violate the buffer agreement between Fruita, Grand Junction and Mesa County. Commissioner Baughman recalled an extension of the buffer zone in the Redlands and there was a petition from the Redlands residents to include that area in a buffer zone. Their concern was annexation, not sewer. Councilmember Theobald agreed with the result being they do not have access to sewer. Councilmember Terry agreed and wanted to protect the integrity of that agreement, especially without Fruita being present. Commissioner Genova agreed that this area should be left in the buffer zone right now.

Councilmember Baughman recalled there were several residents in that area that wanted to remain in the 201 area. Councilmember Theobald said their topography is incompatible with having to do another septic system if their septic fails. He felt that those lots should be addressed on a case by case basis. Mr. Trainor added that it would be a substantial investment to extend sewer into those areas.

Councilmember Payne favored leaving it out of the area and addressing it at a later time.

Public comment was taken at this time.

Ron Drake, 1974 S. Broadway, which is in this area, said he has a one acre lot near the edge of the area. He was concerned if his sewer system fails it would be difficult to replace. Commissioner Genova noted Mr. Drake is not within 400 feet of a sewer line.

Councilmember Terry advised that several residents in that area would have to form a district if they received approval from the three entities. Mr. Trainor said Mr.

Drake is almost a mile from the sewer. Councilmember Terry said all three entities could then discuss this at that time. If sewer extension is approved it would be pretty expensive. Mr. Drake said he is familiar with the process as he used to live in Country Club Park. Mr. Trainor estimated it would cost \$18,000 to \$25,000 per lot.

Marie Tipping, 1967 Broadway, would like to have sewer available because of the high water table. At some point the area will be developed. They are agricultural so they want to remain rural in the buffer. Councilmember Theobald asked if she is willing to have development around her in order to solve the sewer problem. Ms. Tipping said she would be willing. Commissioner Genova said the buffer area is reviewed every five years, with the next review to be three years from now.

Commissioner Baughman argued that these people are saying that someday they may need sewer. Commissioner Genova said any of the agreements can be amended.

Mayor Kinsey stated that although some residents have expressed a desire to have sewer, there was overwhelming testimony at the buffer meetings to keep this area in the buffer area.

There were no other public comments.

### City

Upon motion by Councilmember Spehar, seconded by Councilmember Payne and carried unanimously, the 19 ½ Road buffer area was deleted from the 201 Sewer System.

### **County**

It was moved by Commissioner Baughman to leave the 19 ½ Road buffer area in the 201 Sewer System. The motion died for lack of a second.

Upon motion by Commissioner Genova, seconded by Commissioner Baughman and carried with two ayes and one nay, this area was deleted from the 201 Sewer System with the understanding that both areas can be readdressed within the next three years.

Commissioner Hall reminded Commissioner Baughman of the three meetings on buffer zone discussions.

### 2. Wildwood Area

Greg Trainor then reviewed the proposed deletion of the Wildwood area. Two areas are delineated on the map. He reminded everyone about Mr. McCall's

comments whose neighbors have sewer. He was near to the sewer service. Staff identified homes that are within 400 feet of existing sewer. There are three lots just adjacent to the Seasons development. Councilmember Theobold clarified that the 400 feet is measured by a direct line. He asked if there is an easement. Mr. Trainor said the lowest lot does have an easement extending through the Seasons. The top lot would have to figure out a way to get the sewer right-of-way. Topography and distance is not a problem.

Councilmember Theobold asked if a property owner could rebuild their failed septic system since they are within 400 feet of sewer, that is would they be allowed to rebuild or would they need to find a way to get the sewer extended themselves. Trent Prall said they would be allowed to rebuild. The Mesa County Health Department regulations state it has to be through platted right-of-way and easements. Greg Trainor added they would have to make an attempt to get the right-of-way.

The other map looks at an area to the northeast of this proposed buffer area, indicating a piece of property that goes to Riggs Hill. It is split by the buffer so they need to consider where to redraw the boundary. There is a home on the property (Guy Stephens house) and it is further away than 400 feet. The other parcel to consider is the Rump property just south of S. Broadway.

James McCall, 2083 S. Broadway, said his house is 200 feet from the sewer line at The Seasons. The house across the street is within 30 feet of sewer. He asked the Mesa County Health Department about a failed sewer system, and what would happen. They said they will not issue a permit to repair the septic system if he is within 400 feet of sewer. He would like to see the boundary moved back east 200 feet.

Councilmember Terry said those three parcels that can be hooked up to sewer should stay in the service area. Councilmember Theobold said he is struggling with the property (McCall) that does not have a way to get sewer. Mr. McCall feels he can get an easement from his neighbor.

Councilmember Terry asked why this was being proposed to be removed. Mr. Trainor said he did not know about this area. Commissioner Baughman thought the reason is they have large lots and do not want to be part of the City or to develop. Council-member Theobold recalled it was mostly due to development concerns.

Terry Dixon, 423 Wildwood Drive, said she has spoken with her neighbors, Ray Riley and Steve McCallum, and they, as well as Ms. Dixon, want to be left in the 201 service area. Currently, they are not entertaining the thought of development, but by deleting their area now, a petition would be required to create a sewer district later. Councilmember Spehar said the property owners would also have to petition to be included back in.

Councilmember Terry noted a residential development that meets criteria in the Persigo Agreement would be eligible for annexation. Councilmember Theobold said it must be developed at no smaller than 2-acre lots which would mean expensive sewer.

Councilmember Terry said several hearings have been conducted and notices have been mailed as well as newspaper publications, and she didn't want to change the direction now after City Council and the County Commissioners have already had discussions with those neighbors. Ms. Dixon said her first notice was received last Friday, and apparently there has been miscommunication.

Councilmember Terry felt a change in direction would warrant a new round of public hearings and notification.

Ms. Dixon asked that the Wildwood Drive area not be deleted. She understood if it does get deleted, she could petition later to be reincluded. Mayor Kinsey said yes.

Mr. McCall asked if the 400 foot rule can't be changed, he would like to be an exception. He did not want to be caught in the middle.

Councilmember Theobold said they can't serve Mr. McCall if he is outside the 201. He felt that perhaps the answer Mr. McCall received from the Mesa County Health Department was the generic answer and did not address the more complicated issues. Mr. McCall just wanted to insure that he will be permitted to repair his septic if it fails.

Ray Riley, 373 Granite Falls Way, neighbor of Terry Dixon, said he also did not receive notice. He questioned the harm of leaving their properties in the 201. They didn't want to lose that status and have to fight for it later on. He requested they be left in the 201. Mayor Kinsey said people have told Council they do not want those areas developed and if they have sewer, then it leads to development, and thus City annexation.

Mr. Riley disagreed with Mayor Kinsey's assumption as one doesn't predicate the other.

Commissioner Hall said people have notified the Commissioners in the past that they do not want high density and sewer will trigger development.

Mr. Riley said Council's and the Commissioners' decision impacts the value of his property.

Commissioner Hall said the conclusion came from public meetings that were held with the area residents.

Mr. Riley said he and his neighbors represent ownership of over a hundred acres. He and his neighbors did not have the opportunity to participate in the meetings since they did not receive notice. He challenged that the people in the area want to be out. He wanted to be in the 201. Ms. Dixon wants to be in and Mr. McCallum wants to be in.

Commissioner Baughman confirmed that Mr. Riley and his neighbors have no immediate plans to develop at this time, they just want to preserve their options.

Councilmember Spehar said there is no down side to leaving this in, it is not in the buffer area, and they have the ability to leave this in.

Councilmember Terry said the density from the Growth Plan is part of the motivation for wanting to delete this area. Mr. Riley said the zoning is R-2 (4 units/acre) currently. Commissioner Hall said that zoning is right for high density. It's certainly appropriate for sewer.

Councilmember Theobald recalled the people in this area were overwhelmingly opposed to annexation and development and asked to be deleted from the 201. He favored leaving the area out. If development is going to take place they can argue to be brought back in. Commissioner Baughman reiterated that their concerns were not related to sewer.

Councilmember Spehar said the people representing the majority of the acreage are asking to be left in. He questioned the deletion when there is no downside to leaving it in.

Councilmember Enos–Martinez said they have heard from two owners out of 27, and not the third owner noted by Ms. Dixon.

Councilmember Theobald said Council needs to make their best judgement on what is best for those that did not speak.

Commissioner Hall said there is no downside. They will review the service area in two or three years.

Councilmember Terry said the 201 is supposed to reflect the urban area level of development, and would be aligned with the Master Plan. If they decide to leave it in they need to relook at this area and the Master Plan may need to be changed.

Commissioner Hall said she would like to see the Master Plan. Upon review of the Master Plan, Commissioner Hall said yes it is shown as rural area. She felt they need to go back and notify the entire area and have more residents respond. Councilmember Terry agreed.

Commissioner Genova felt the area should be left in the 201, then renotify and then revisit the issue.

Councilmember Theobald suggested sending all notices by certified mail.

Councilmember Terry asked that Staff make a recommendation to look at the whole surrounding area, not just Wildwood.

Councilmember Payne asked what the time frame would be. Commissioner Hall said the notices need to be mailed certified requesting comments in writing. Councilmember Terry suggested setting a hearing by March.

Mayor Kinsey said it has been agreed to leave the Wildwood area in the 201 service area, set a meeting, and revisit the issue in March of 2000.

### 3. West Orchard Mesa

Pete Baier, Mesa County Public Works Director, then reviewed the third area which is West Orchard Mesa. He reminded everyone that there is an Orchard Mesa Plan which overrides. It had a lot of process with citizens and is to be reviewed every ten years. Mr. Baier said the two areas south of the Valle Vista line should both be included, one area is zoned at 4 units per acre and the area in between should also be included, plus one residence on the east side of Valle Vista on B Road that is potentially within the 400 feet. It is currently being served.

Councilmember Terry asked how the "land between" area is zoned. Baier said it is zoned AFT. The overlay allows one unit per 2.5 acres.

Trent Prall, City Utilities Engineer, said there could be an impact on the lift station at Duck Pond Park. However, the lift station is due to be replaced in 2001.

Mr. Baier said the Growth Plan will be amended to include the Orchard Mesa Neighborhood Plan. Everything north of the Valle Vista line to the river should be removed from the 201 service area.

Debra Davis, Orchard Mesa Sanitation District, said the board members had discussed this with the City and County in October, 1999, and presented options to be considered. She felt the best alternative is to keep B ½ Road, south to the highway, in the service area. They are currently taking sewer to 30 Road with a completion date of April or March, 2000. The main concern is the area east of 31 Road to 32 Road on B Road regarding a water quality problem. People have requested the District to provide sewer service due to problems with their system. The OMSD board wants to get a line designed. It stopped when this discussion began. The owners will have to spend \$8,000 to \$12,000 to engineer a septic system. They would rather have a gravity fed sewer. The District is willing to agree that they will not serve any new development on larger than two acres



unless it is already an existing home or parcel. She asked that B Road be kept in the service area. She said the OMSD is ready to take care of the problem but can't do it if it's outside of the 201 sewer area. Anna Boyles approached the OMSD for service to her property which is approximately 600 feet from the District's line. The District would maintain the 400 feet north of B Road.

Mr. Trainor asked if the OMSD is allowed to serve outside their district. Ms. Davis said they do serve outside their district.

Mesa County Administrator Bob Jasper said the Council and Commissioners need to decide who should serve this area. They can also contract with OMSD or the District can contract. It is a two-body sewer.

Commissioner Baughman said the City of Grand Junction and Orchard Mesa Sanitation District have an agreement on this sewer. He felt this agreement takes precedence.

Mr. Jasper said the agreement is for the District only. All of this is area outside the District.

Councilmember Theobald said the Valle Vista line is now part of the Persigo System rather than Orchard Mesa Sanitation District. Ms. Davis agreed.

Ms. Davis said she would like City Council and the Commissioners to consider leaving the B Road corridor in the 201 service area regardless of who maintains the service.

Debra Davis also noted the District did not receive notice on the October 26 meeting.

Jim Rooks, 155 31 Road, elaborated on the high water table in the area east of 31 Road, south of B Road. He agreed with Debra Davis. He offered to answer questions about the area. He agreed with the recommendations made by Pete Baier.

Councilmember Payne asked if the Valle Vista line can serve all these areas.

Councilmember Theobald said they are proposing the line go down the B Road corridor (400 feet on each side). It could be quite expensive. It would take one mile of pipe to serve approximately 100 acres, at a cost of approximately \$350,000.

City Attorney Dan Wilson reminded Council of the Persigo Agreement which states "There shall be no development or uses approved in the area east of 30 Road, west of 32 Road, connected to the system, except the already developed subdivision Valle Vista. Structures lawfully existing as of the date hereof which are

within 400 feet of the existing sewer service line which connects to Valle Vista may be connected to that Valle Vista sewer line....” If this area is left in, the Persigo Agreement and the Orchard Mesa Sanitation District contract need to be amended.

Mr. Wilson said the Orchard Mesa agreement is with the City of Grand Junction only.

Councilmember Terry asked if the contract were amended with Orchard Mesa Sanitation District, would that automatically change the District boundaries. Mr. Wilson said no.

Councilmember Scott asked if there were development in that area and it was hooked to the sewer line, would it then need to be annexed. Mr. Wilson said if new development, then yes, but the agreement said there will be no new development.

Commissioner Baughman recalled the agreement saying the Orchard Mesa Sanitation District can't expand its boundaries without City permission. Mr. Wilson agreed.

Councilmember Theobold felt that who serves is not the issue, but rather will it have sewer and development and all the other side issues.

Councilmember Terry said Pete Baier has said there is capacity. Mr. Baier said yes with the Duck Pond Park lift station upgrade.

Councilmember Terry asked about the additional request all south of the B Road corridor. Utilities Engineer Trent Prall said if it's developed at the existing density and no denser, there would be capacity.

Councilmember Theobold asked if the “land between” was included in the Orchard Mesa Plan. Mr. Baier said yes.

Councilmember Theobold said there is a need to amend the Orchard Mesa Plan and the Growth Plan. Councilmember Terry said the agreement could restrict the “land between” area so it would follow and be in line with the overlay zone– or do the “land between” the same as that to the east.

Councilmember Theobold said amending the Persigo Agreement will be necessary even with the Orchard Mesa plan area and the “land between” area being in the 201 sewer service area.

Commissioner Baughman felt there is enough conflicting information so a decision can't be made tonight.

Councilmember Terry suggested bringing this item back in March.

### **City**

Upon motion by Councilmember Theobald, seconded by Councilmember Spehar and carried unanimously, the area bounded by 30 Road on the west, 32 Road on the east, the Colorado River on the north and 400 feet north of B Road on the south was deleted from the 201 sewer service area.

### **County**

Upon motion by Commissioner Genova, seconded by Commissioner Baughman and carried unanimously, the area of 30 Road on the west, 32 Road on the east and 400 feet north of B Road to the Colorado River was deleted from the 201 sewer service area.

Commissioner Genova stated City Council and the County Commissioners need to get with Staff and meet in March of 2000 to discuss the rest of the issues. All affected residents are to be notified by certified mail.

Mayor Kinsey adjourned the special meeting at 9:20 p.m.

Stephanie Nye, CMC  
City Clerk

Attach 2

## CITY COUNCIL AGENDA CITY OF GRAND JUNCTION

City Council

Workshop

Formal Agenda

Meeting Date: January 5, 2000

Date Prepared: December 17, 1999

Author: Stephanie Nye

Title: City Clerk

Presenter Name: Stephanie Nye

Title: City Clerk

**Subject:** Annual Designation of the Location for the Posting of Meeting Notices, the 2000 City Council Meeting Schedule and the Special Meeting Procedure.

**Summary:** State Law requires an annual designation of the City's official location for the posting of meeting notices. The City's Code of Ordinances, Sec. 2-26, requires the meeting schedule and the procedure for calling special meetings be determined annually by resolution.

**Background Information:** In 1991, the Open Meetings Law was amended to include a provision that requires that a "local public body" annually designate the location of the public place or places for posting notice of meetings and such designation shall occur at the first regular meeting of each calendar year (24-6-402(2)(c) C.R.S.). This resolution complies with the statutory requirement. The location designated is the glassed-in bulletin board outside the City Clerk's office at 515 28 Road.

As of 1994, the revised City Code of Ordinances included a provision whereby the City Council determined annually the City Council meeting schedule and the procedure for calling a special meeting.

**Budget:** NA

**Action Requested/Recommendation:** Adopt Resolution No. 1-00 - A Resolution of the City of Grand Junction Designating the Location for the Posting of the Notice of Meetings, Establishing the City Council Meeting Schedule and the Procedure for Calling of Special Meetings of the City Council

**Citizen Presentation:** Yes      X No. If yes,

**Name:**

**Purpose:**

**Report results back to Council?** X No      Yes, When \_\_\_\_\_

CITY OF GRAND JUNCTION

RESOLUTION NO. 1-00

A RESOLUTION OF THE CITY OF GRAND JUNCTION  
DESIGNATING THE LOCATION FOR THE POSTING OF THE NOTICE  
OF MEETINGS, ESTABLISHING THE CITY COUNCIL  
MEETING SCHEDULE AND THE PROCEDURE FOR CALLING OF  
SPECIAL MEETINGS FOR THE CITY COUNCIL

Recitals.

The City Council of the City of Grand Junction is a "local public body" as defined in C.R.S. §24-6-402 (1)(a).

The City Council holds meetings to discuss public business.

The C.R.S. §24-6-402 (2)(c) provides that "Any meetings at which the adoption of any proposed policy, position, resolution, rule, regulation, or formal action occurs or at which a majority or quorum of the body is in attendance, or is expected to be in attendance, shall be held only after full and timely notice to the public. In addition to any other means of full and timely notice, a local public body shall be deemed to have given full and timely notice if the notice of the meeting is posted in a designated public place within the boundaries of the local public body no less than 24 hours prior to the holding of the meeting. The public place or places for posting of such notice shall be designated annually at the local public body's first regular meeting of each calendar year".

The Grand Junction Code of Ordinances, Section 2-26, provides that the meeting schedule and the procedure for calling of special meetings of the City Council shall be established by resolution annually.

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

1. The Notice of Meetings for the local public body shall be posted on the exterior notice board at 515 28 Road, City Hall.
2. The meeting schedule for the regular meetings of the City Council is the first and third Wednesday of each month, at the hour of 7:30 p.m.

3. A special meeting may be called by the President of the City Council for any purpose and notification of such meeting shall be posted twenty-four hours prior to the meeting. Each and every member of City Council shall be notified of any special meeting at least twenty-four hours in advance.

Read and approved this \_\_\_ day of January, 2000.

---

President of the Council

ATTEST:

---

City Clerk

**Attach 3**

**CITY COUNCIL AGENDA  
CITY OF GRAND JUNCTION**

**City Council**

     Workshop

xx Formal Agenda

**Meeting Date: January 5, 2000**

**Date Prepared: December 16, 2011**

**Author: Stephanie Nye**

**Title: City Clerk**

**Presenter Name: Stephanie Nye**

**Title: City Clerk**

**Subject:** Approve the Notice of Election for the Special Election to be held on February 1, 2000

**Summary:** Both the Charter and the Municipal Election Code have specific publication requirements for the election notice. The proposed notice contained within the resolution being presented meets those requirements.

**Background Information:** The Charter, Section 17, requires that a notice of election be published three times within the ten days prior to the election. The Municipal Election Code requires that such notice be published at least the ten days prior to the election and that the contents include the voter qualifications. This notice will be published January 21, 22 and 23, 2000 in Daily Sentinel. With this being a mail ballot election, it will also be published the week prior. In years past, with polling place elections, publication has also taken place the Sunday preceding the election. The proposed notice contained within the resolution includes the pertinent information specific to this election.

**Budget:** The estimated cost for all five publications is \$1,800.

**Attachments:** Resolution that includes the Election Notice.

**Action Requested/Recommendation:** Adopt the Resolution.

**Citizen Presentation:**      Yes xx No. If yes,

**Name**

**Purpose**

**Report results back to Council?** xx No      Yes, When \_\_\_\_\_

Placement on agenda: <u>XX</u> Consent <u>    </u> Individual Consideration <u>    </u> Workshop
--

**RESOLUTION NO. \_\_\_\_-00**

**A RESOLUTION SETTING FORTH THE NOTICE OF ELECTION  
FOR THE SPECIAL MUNICIPAL ELECTION TO BE HELD  
ON FEBRUARY 1, 2000 IN THE CITY OF GRAND JUNCTION**

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

The Election Notice hereinafter be the Notice of the Special Municipal Election to be held in the City on February 1, 2000 and further that the same be published in accordance with election procedures:

**ELECTION NOTICE**

**CITY OF GRAND JUNCTION, COLORADO  
NOTICE OF REGULAR MUNICIPAL ELECTION  
TO BE HELD ON TUESDAY, THE 1ST DAY OF FEBRUARY, 2000**

PUBLIC NOTICE IS HEREBY GIVEN THAT A REGULAR MUNICIPAL ELECTION WILL BE HELD BY MAIL-IN BALLOT ON TUESDAY, THE 1ST DAY OF FEBRUARY, 2000, IN THE CITY OF GRAND JUNCTION, COLORADO.

That said Special Municipal Election will be held by mail-in ballot with ballots mailed to all active registered voters in said City of Grand Junction. Ballot packages will be mailed no later than February 1, 2000 and must be returned to the City Clerk's Office no later than 7:00 p.m. on Election Day, Tuesday, February 1, 2000. Voted ballots may be mailed with proper postage affixed and received by the City Clerk no later than 7:00 p.m. Election Day, or returned to the following locations, also no later than 7:00 p.m. Election Day:

**City Clerk's Office  
City Hall  
515 28 Road  
Grand Junction, Co. 81501**

**Mesa County Elections Office  
Mesa Mall  
2424 Hwy 6 & 50, #414  
Grand Junction, Co. 81505**



**Recording Office  
Mesa County Courthouse  
6<sup>th</sup> and Rood  
Grand Junction, Co. 81501**

On February 1, 2000, the places designated will be open until the hour of 7:00 p.m. NO voting devices will be provided at any location. The election will be held and conducted as prescribed by law.

The City Clerk's Office will be open for issue of ballots to "inactive voters", or the reissue of ballots to those who have spoiled, lost, moved, or for some reason did not receive a ballot, for the period of Thursday, January 27, 2000 to Monday, January 31, 2000, from 7:30 a.m. to 5:30 p.m. daily and Saturday, January 29, 2000 from 10:00 a.m. to 4:00 p.m. and Tuesday, February 1, 2000 7:00 a.m. to 4:00 p.m.

Registered voters within the city limits of Grand Junction are qualified to vote. Registration of voters for the said election has taken place in the time and manner now provided by law.

One question will be on the ballot as follows:

**BALLOT TITLE NUMBER 1**

Shall the Charter of the City of Grand Junction be amended to: allow collective bargaining for sergeants, lieutenants, police officers and other employees of the police department; allow collective bargaining for fire fighters, fire supervisors and other employees of the fire department ; allowing for binding arbitration awards regarding pay, working conditions, benefits, work schedules, minimum staffing levels, and other issues; providing no penalties if strikes occur; and other related provisions.

\_\_\_\_\_ YES

\_\_\_\_\_ NO

BY ORDER OF THE CITY COUNCIL

\_\_\_\_\_  
Stephanie Nye, City Clerk

PASSED and ADOPTED this \_\_\_\_ day of January, 2000.

\_\_\_\_\_  
President of the Council

ATTEST:

\_\_\_\_\_  
City Clerk

**Attach 4**

**CITY OF GRAND JUNCTION**

**DATE:** 01/05/00

**CITY COUNCIL**

**STAFF PRESENTATION:**

Ron Lappi

Director of Admin. Services

**AGENDA TOPIC:** A RESOLUTION OPPOSING FEDERAL LEGISLATION PROHIBITING THE COLLECTION OF STATE AND LOCAL SALES AND USE TAXES ON REMOTE SALES.

**SUMMARY:** Electronic commerce, growing rapidly in popularity with consumers, has begun to impact state and local sales tax revenue. Steps need to be taken to ensure that the City can continue to provide quality services to it's citizens and that out-of-town vendors do not have an unfair tax advantage over local retailers.

**ACTION REQUESTED:** Adoption of the Resolution.

**BACKGROUND INFORMATION:** E-commerce consumer sales are expected to increase twelve fold between 1998 and 2003, most of which will not be subject to the collection of state and local sales tax. This puts Grand Junctions most important revenue stream in peril. By the year 2003, an estimated \$5 million a year in sales tax revenue could be lost. The U.S. Supreme Court has ruled that Congress has clear authority to resolve this problem by requiring remote commerce retailers to collect taxes, just as their main street competitors do.

**RECOMMENDATION:**

It is recommended that this Resolution be adopted.

Placement on Agenda:   X   Consent \_\_\_\_\_ Individual Consideration  
Other (specify)

RESOLUTION NO. \_\_\_\_\_-00

A RESOLUTION OPPOSING FEDERAL LEGISLATION PROHIBITING THE  
COLLECTION OF STATE AND LOCAL SALES AND USE TAXES ON REMOTE  
SALES.

WHEREAS, currently, neither internet nor catalog sales taxes are being collected on interstate sales when the vendor lacks physical presence in Colorado, because requiring such vendors to do so is foreclosed by United States Supreme Court decisions holding that such requirements would burden interstate commerce; and

WHEREAS, state and local associations at the national level and local governments in Colorado are working to simplify sales and use taxes to minimize collection burdens while protecting this vital revenue source; and

WHEREAS, local retailers are put at an unfair disadvantage by remote vendors who have no responsibility to collect and remit sales and use taxes; and

WHEREAS, the City of Grand Junction is dependent upon local collection of sales and use taxes with more than 70% of its general fund reliant thereon and could realize a loss of as much as \$5 million by 2003 an eight fold increase from 1998; and

WHEREAS, it is estimated that by 2003, sales from the Internet alone will reach 6% of total retail spending and continue to increase into the future; and

WHEREAS, revenues to the state and local governments will fall accordingly and create a shortage in funds to provide needed public services and infrastructure; and

WHEREAS, although these are not new taxes, because taxpayers are presently obligated to pay sales or use taxes on remote sales regardless of whether the vendor is obligated to collect such taxes, it is difficult and inconvenient for the governmental entity to collect such taxes;

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

Section 1. That the Council of Grand Junction urges the Congress of the United States of America to oppose legislation restricting state and local sales and use taxes;

Section 2. That a copy of this Resolution be transmitted to all members of the Colorado Congressional Delegation, the Governor of the State of Colorado, and the Colorado Municipal League.

ADOPTED AND APPROVED THIS \_\_\_\_\_ day of \_\_\_\_\_, 2000.

\_\_\_\_\_  
President of the Council

ATTEST:

\_\_\_\_\_  
Stephanie Nye, City Clerk

## **ADMINISTRATIVE SERVICES DEPARTMENT**

### **MEMORANDUM**

**December 14, 1999**

**TO:           The Honorable Mayor and City Council  
              Mark Achen, City Manager  
              David Varley, Assistant City Manager  
              Dan Wilson, City Attorney  
              Kristin Winn, Public Information Coordinator  
              John Shaver, Assistant City Attorney  
              All Department Directors**

**FROM:       Ron Lappi, Admin. Svcs. & Finance Director**

**SUBJECT:   The Issue of Remote Commerce Tax Collection Obligations**

I am sure that all of you are very much aware of the important national and statewide discussions going on relative to how we can influence Congress and the Advisory Commission on Electronic Commerce. The issue has never been whether or not we should be allowed to tax the internet, but rather how can we get remote commerce to compete for retail sales on the same playing field as local businesses and collect state and local Sales Taxes. A goal also has to be to protect our most important revenue stream to local governments in Colorado such as Grand Junction, so that we can continue to provide the services and infrastructure needed by our citizens.

E-commerce consumer sales are expected to increase Twelve (12) fold between 1998 and 2003, most of which will not be subject to the collection of state and local sales taxes. The Colorado Municipal League together with several cities in Colorado have developed a reasonable model to estimate the impact of this growth and lost revenues to local governments. I have put Grand Junctions best data estimates through this model and have estimated that by 2003 we could easily be losing \$5 million dollars a year in Sales Tax Revenue. Most expect that growth rate to continue before any equalizing point is reached. In Grand Junction 70% of our general government revenues come from Sales Tax and Sales Tax represents 83% of our tax revenue versus the state average of 71.3% of tax revenues.

While Governor Leavitt of Utah, a member of the Commission, has proposed a uniform tax rate for each state to be held and accounted for by a third party service provide as a viable compromise; others believe the taxation of remote commerce should be prohibited.

Page 2 of 2

Some that support the collection of Sales Tax believe that in this age of computers that every local government unique tax base and rate should be honored.

Because of the large amounts of money behind those who oppose any tax collection responsibilities on e-commerce, I believe that a more simplified system and uniform rates within a state makes more sense than taking the chance of losing this revenue stream all together.

I have attached for your information a portion of the relevant materials provided by CML, a copy of the worksheet calculation for Grand Junction and a proposed Resolution I would ask the City Council to consider at the first opportunity in January 2000. On the worksheet I have used our effective rate of 3.07% to reflect our share of the Mesa County Sales Tax. It is very difficult for a regional trade center such as us to come up with an accurate estimate of lost revenues based on population. To be a little conservative I used 90,000 people in 1998 and 100,000 people in 2003 in the worksheet calculations.

I hope you find the attached materials and this memorandum informative and descriptive of a significant threat to our continued ability to provide services into the future without needed federal legislation. If you have any questions I could answer for you please feel free to call me at 244-1515.

Thank you,

Cc: Lanny Paulson, Budget and Accounting Manager  
Jodi Romero, Customer Service Manager  
Kim Martens, Accounting Supervisor  
Geoff Wilson, General Counsel CML





<b>Internet Sales</b>		<u>1998</u>	<u>2003</u>
1 Per Capita Consumer Internet Retail Sales	\$	22.17	\$ 255.68
2 Per Capita Business to Business Taxable Internet Sales	+	<u>44.35</u>	<u>1,154.12</u>
3 Lost Internet Sales Per Capita	=	66.52	1,409.80
4 Municipal Sales and Use Tax Rate	x	3.07%	3.07%
5 Municipal Population	x	<u>90,000</u>	<u>100,000</u>
<b>6 Estimated Lost Internet Sales and Use Tax Revenue</b>	=	<b>183,795</b>	<b>4,328,086</b>
<b>Catalog Sales</b>			
7 Per Capita Catalog Consumer Retail Sales	\$	131.56	\$ 170.22
8 Per Capita Catalog Business to Business Sales	+	<u>31.13</u>	<u>41.81</u>
9 Lost Catalog Sales Per Capita	=	162.69	212.03
10 Municipal Sales and Use Tax Rate	x	3.07%	3.07%
11 Population	x	<u>90,000</u>	<u>100,000</u>
<b>12 Estimated Lost Catalog Sales and Use Tax Revenue</b>	=	<b>449,512</b>	<b>650,932</b>
<b>Total Internet and Catalog Lost Sales and Use Tax</b>		<b>\$ 633,307</b>	<b>\$ 4,979,018</b>

**Notes:**

**Internet Sales**

- Line 1. The U.S. Department of Commerce estimated 1998 consumer sales over the internet were \$9 billion. Forrester Research projects that consumer Internet sales will reach \$108 billion by 2003. Forrester Research is a leading independent research firm that analyzes the future of technology change and its impact on business, consumers, and society. The 1998 population estimate is from the U.S. Bureau of the Census. According to population projections, the U.S. population will reach 281.6 million in 2003. It was assumed that 1/3 of total internet sales would not be subject to tax because they are exempt or tax is being paid under current nexus definitions.
- Line 2. Forrester Research provided these estimates: \$48 billion in 1998, \$1.3 trillion by 2003. It was assumed that only 25% of these sales would be taxable. The other 75% are not subject to tax because they are exempt or tax is being paid under current nexus definitions.
- Line 3. This line combines the consumer and business per capita sales figures from Lines 1 and 2.
- Line 4. Insert the municipal sales and use tax rate.
- Line 5. Insert the municipal population for 1998 and an estimate for 2003.
- Line 6. This is the product of Line 3 times Line 4 times Line 5.

**Catalog Sales**

- Line 7. For the catalog sales data, WEFA provided the estimates of total catalog sales by category. WEFA is the former Chase Econometrics and Wharton Economic Forecasting Associates. These two firms (now the WEFA Group) are very highly regarded in the forecasting and economic analysis field. For 1998, WEFA estimated consumer catalog sales at \$53.4 billion. By 2003, the total consumers catalog sales forecast is \$71.9 billion. Population figures are the same as explained in the note for Line 1. It was assumed that 1/3 of the total catalog sales would not be subject to tax because they are exempt or tax is being paid under current nexus definitions.
- Line 8. WEFA estimated 1998 business to business catalog sales were \$33.7 billion; by 2003, WEFA forecast \$47.1 billion. As above with the Internet sales, it was assumed that 25% of these sales would be taxable. The other 75% are not subject to tax because they are exempt or tax is being paid under current nexus definitions.
- Line 9. This line combines the consumer and business per capita sales figures from Lines 7 and 8.
- Line 10. Insert the municipal sales and use tax rate.
- Line 11. Insert the municipal population for 1998 and an estimate for 2003.
- Line 12. This is the product of Line 9 times Line 10 times Line 11.

Total Line. Combines Line 6 Internet Sales with Line 12 Catalog Sales to provide a total estimate.

**CITY COUNCIL AGENDA  
CITY OF GRAND JUNCTION**

<b>City Council</b> <input type="checkbox"/> Workshop <input checked="" type="checkbox"/> <b>Formal Agenda</b>	<b>Date Prepared:</b> December 8, 1999 <b>Author:</b> Jim Bright <b>Title:</b> Operations Officer – FD <b>Presenter Name:</b> Same <b>Title:</b>
<b>Meeting Date:</b> January 5, 2000	

**Subject:** Renewal of Hazardous Materials Intergovernmental Agreement.

**Summary:** Since 1992, the County has provided funding for the City to respond to emergency incidents involving releases of hazardous materials in the County as the Designated Emergency Response Authority (DERA). The County also provides funding for the City to manage the federally mandated Superfund Amendment Reauthorization Act (SARA) program that deals with hazardous materials in manufacturing, transportation, and storage in controlled environments.

This agreement has been renewed annually since 1992.

**Background Information:** Previous funding has ranged from \$59,700 to \$68,600 annually and has fluctuated based on program expenditures and actual incidents.

If this agreement is not renewed, the City would not be the DERA for the County and would not manage the SARA program for the County. However, there would be little cost reduction for the City to maintain these programs within the City Boundaries.

**Budget:** Proposed funding from the County for 2000 is \$35,600 for DERA program and \$24,600 for the SARA program for a total of \$60,200.

**Action Requested/Recommendation:** It is recommended that the Council approve the proposed agreement.

**Citizen Presentation:** \_\_\_ Yes  No. If yes,

**Name:**

**Purpose:**

**Report results back to Council?**  No \_\_\_ Yes, When \_\_\_\_\_

<b>Placement on agenda:</b> <input checked="" type="checkbox"/> Consent ___ Individual Consideration Workshop
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## A G R E E M E N T

THIS AGREEMENT is made and entered into this \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by and between the CITY OF GRAND JUNCTION, COLORADO, hereinafter referred to as the CITY and MESA COUNTY, COLORADO, hereinafter referred to as the COUNTY.

WHEREAS, the COUNTY is obligated by law to respond to hazardous substance incidents within its jurisdiction and otherwise perform as the Designated Emergency Response Authority (D.E.R.A.) for Mesa County; and

WHEREAS, the COUNTY is required by law to provide hazardous materials inventory, containment and emergency planning services under the Superfund Amendment and Reauthorization Act of 1986 (S.A.R.A.), also known as the Emergency Planning and Community Right to Know Act of 1986 and/or S.A.R.A. Title III; and

WHEREAS, the CITY, owns hazardous substance emergency response equipment and employs trained personnel who can perform the D.E.R.A. functions; and

WHEREAS, the CITY employs trained personnel who can perform the S.A.R.A. function; and

WHEREAS, the CITY and the COUNTY are willing to enter into an agreement for the provision of required D.E.R.A. and S.A.R.A., Title III services by the CITY, for and on behalf of, the residents of the COUNTY, beyond those COUNTY residents living in the CITY;

NOW, THEREFORE, for and in consideration of the premises and other good and valuable consideration, the parties hereto agree as follows:

1. The CITY shall provide emergency hazardous substance response and SARA Title III services to the CITY and other corporate and unincorporated areas of the COUNTY in conformance with statutory obligations and as more particularly described in Exhibits A and B, incorporated herein by this reference as if fully set forth.
2. The COUNTY shall pay to the CITY, in two equal payments, for services provided for calendar year 2000, an amount of \$35,600 for the CITY serving as the D.E.R.A. for the COUNTY and an amount of \$24,600 for the CITY performing the S.A.R.A. services for the COUNTY. The first payments of \$17,800 for D.E.R.A. and \$12,300 for S.A.R.A. shall be due on or before June 30, 2000; the second payments shall be due on or before December 31, 2000.

3. Before any payment by the COUNTY is made to the CITY, the CITY agrees to provide the County's Emergency Management Coordinator with an invoice on or before the tenth working day of the month in which payment is due. The invoice shall contain a detailed account of all costs incurred by the CITY in performing, during the applicable billing period, those duties defined by, but not limited to Exhibit A and paragraph 4 of this agreement for D.E.R.A. and Exhibit B and paragraph 4 of this agreement for S.A.R.A.
4. The CITY agrees that it will furnish and pay for all of the labor, technical, administrative and professional services and all supplies, materials, equipment, office space and facilities, analyses, calculations and any other resources reasonably required to perform and complete the services, activities and functions of the D.E.R.A., as further described in Exhibit A and as required by Title III of S.A.R.A., as further described in Exhibit B.
5. This agreement is terminable by either the CITY or the COUNTY upon ninety days written notice. If this agreement is terminated, the CITY shall be compensated for and such compensation shall be limited to; (A) the reasonable value to the COUNTY of the services which the CITY performed prior to the date of termination, but which had not yet been paid for, and/or (B) the cost of any work the COUNTY approves in writing which it determines is needed to accomplish an orderly termination of this agreement.
6. The COUNTY hereby agrees to indemnify and hold harmless the CITY, its officers, agents and employees from and against any and all loss of, or damage to, property or injuries to, or death of any person or persons, including property and employees or agents of the CITY and shall indemnify and hold harmless the CITY, its officers, agents and employees from any and all claims, suits, damages, costs, expenses, liabilities, actions or proceedings arising out of the CITY's performance of this agreement, to the extent permitted by law. The COUNTY's obligation to indemnify or hold harmless the CITY, its officers, agents and employees under this agreement shall not apply to liability or damages resulting from the negligence of the CITY's officers, agents and employees nor to injuries covered by workers compensation. The CITY hereby agrees to indemnify and hold harmless the COUNTY, its officers, agents and employees from and against any and all loss of, or damage to, property or injuries to, or death of any person or persons, including property and employees or agents of the COUNTY, and shall indemnify and hold harmless the COUNTY, its officers, agents and employees from any and all claims, suits, damages, costs, expenses, liabilities, actions or proceedings arising out of the CITY's negligent performance under this agreement. This paragraph shall survive the termination of this agreement.

7. The CITY shall maintain adequate worker's compensation insurance through an authorized self-insurance plan approved by the State of Colorado, insuring the payment of workers benefits to its employees.
8. Notices concerning this agreement, notices of alleged or actual violations of the terms or provisions of this agreement and other notices of similar importance shall be made in writing by the CITY to the COUNTY at 750 Main Street, Grand Junction, Colorado, 81501, and by the COUNTY to the CITY at 250 North 5th Street, Grand Junction, Colorado, 81501, by prepaid United States mail. Mailed notices shall be deemed effective upon deposit with the U.S. Postal Service.
9. The COUNTY shall have the right to audit, examine and copy the CITY's records related to work performed under this agreement. The CITY shall retain these records for three years after the termination of this agreement.
10. For all purposes under this agreement, the CITY shall be an independent contractor retained on a contractual basis to perform technical and professional work and it is not intended nor shall it be construed, that the CITY employees are employees, officers or agents of the COUNTY for any purpose whatsoever.
11. The CITY agrees to perform its work under this agreement in accordance with the reasonable operational requirements of the COUNTY.
12. The CITY shall promptly bill any and all persons or entities releasing or spilling hazardous substances or otherwise requiring hazardous substance emergency response under this agreement. All monies recovered shall be dedicated to the hazardous substance emergency response program and D.E.R.A. activities and services. For releases or spills of hazardous substances or other hazardous substances or emergency responses outside the corporate limits of the City where a responsible party is unknown or cannot be identified, the COUNTY shall pay any and all response costs. The CITY shall furnish the County Emergency Management Coordinator duplicate receipts or other satisfactory evidence showing payments received and all billings, debts and obligations incurred by the CITY performing work under this agreement.
13. The CITY shall exercise that degree of care and skill possessed by trained hazardous substance emergency response personnel to assure that all of the work performed under this agreement by the CITY shall comply with applicable laws, rules, regulations and safety requirements. The CITY further represents that the work performed will not intentionally violate any applicable laws, rules, regulations or codes including but not limited to the requirements of the most recently adopted United States Code, Code of Federal Regulations and the Colorado Revised Statutes.

14. All emergency response plans and other documents submitted to the CITY by the COUNTY or to the COUNTY by the CITY are the property of the CITY and the COUNTY and each may, without restriction, make use of such as it sees fit. There shall be no liability for any damage which may result from any use of any documents for purposes other than those intended or described in the document or plan.
15. All emergency contingency plans, chemical inventories or other information required by S.A.R.A. Title III submitted to the CITY by the COUNTY or to the COUNTY by the CITY are the property of the CITY and the COUNTY and such shall be made available to the public in conformance with the requirements of section 324 of Title III.
16. In the event any of the provisions, or applications thereof, of this agreement are held to be unenforceable or invalid by any court of competent jurisdiction, the validity and enforceability of the remaining provisions, or applications thereof, shall not be affected.
17. The CITY shall have the right to include representations that it is serving as the D.E.R.A. and is performing S.A.R.A. functions for Mesa County among the CITY's promotional materials. The CITY's materials shall not include the COUNTY's confidential or proprietary information if the COUNTY has previously advised the CITY in writing of the specific information considered by the COUNTY to be confidential or proprietary.
18. The enforcement of the terms and conditions of this agreement and all rights of action relating to such enforcement, shall be strictly reserved to the CITY and the COUNTY and nothing contained in this agreement shall give or allow any claim or right of action by any other or third person on such agreement.
19. This agreement is made in Grand Junction, Colorado and shall be construed and interpreted under the laws of the State of Colorado. In the event any aspect of the Agreement is litigated by or among the parties, the prevailing party shall be entitled to its costs and reasonable attorneys fees.

CITY/COUNTY

Page 5

20. This agreement shall become effective on the day and year first written above and shall continue in effect until December 31, 2000. Payment and indemnification obligations, as provided herein, shall continue in effect and survive termination until discharged.

IN WITNESS WHEREOF, the parties hereto have caused this instrument to be executed as of the day and year first written above.

CITY OF GRAND JUNCTION:

by: \_\_\_\_\_  
Gene Kinsey  
President of the Council

RECOMMENDED AND APPROVED:

by: \_\_\_\_\_  
Rick Beaty  
Fire Chief

ATTEST:

by: \_\_\_\_\_  
City Clerk

Mesa County Commissioners:

by: \_\_\_\_\_  
Kathy Hall  
Chairperson

ATTEST:

by: \_\_\_\_\_  
Monica Todd  
Mesa County Clerk and Recorder

**EXHIBIT A**

**HAZARDOUS SUBSTANCE INCIDENT RESPONSE - DERA**

The CITY agrees that it will provide 24 hour response to all hazardous substance incidents occurring within Mesa County.

The CITY will provide all of the manual, technical, administrative and professional labor and all equipment, supplies, materials, office space and facilities required to perform as the Designated Emergency Response Authority (D.E.R.A.) as agreed in the foregoing agreement. D.E.R.A. responsibilities include but are not necessarily limited to, providing initial hazardous substance response, analysis and or containment or arranging for containment, notification of law enforcement or other appropriate authorities, providing for the initial notification of citizens that are or may be affected, and determining, documenting and reporting potentially responsible parties.

The CITY, by and through the Grand Junction Fire Department shall supervise cleanup and mitigation activities.

The CITY will provide hazardous substance incident awareness level training to COUNTY employees at intervals agreed to by the parties, or as warranted by current legislation.

The Mesa County Emergency Manager shall be notified of hazardous substance incidents in accordance with the appropriate annex of the Mesa County Emergency Operations Plan.

The CITY, by and through the Grand Junction Fire Department, shall be in command at all hazardous substance incidents.

The CITY shall maintain trained personnel and the specialized equipment, as determined by the City to be reasonably required to discharge the D.E.R.A. responsibilities.

The foregoing Exhibit is attached and incorporated by reference to the agreement. By initialing below, the parties affirmatively state that they have read the Exhibit and acknowledge the responsibilities and obligations associated therewith.

\_\_\_\_\_ City

\_\_\_\_\_ County



**EXHIBIT B**

Superfund Amendments and Reauthorization Act (S.A.R.A. Title III, also known as the Emergency Planning and Community Right to Know Act of 1986).

The CITY agrees that it will perform inspections and surveys at hazardous and regulated material facilities in Mesa County pursuant to S.A.R.A. Title III. CITY also agrees to provide the County's Emergency Management Coordinator with a written report detailing such inspections and surveys. Such report shall be submitted annually.

The CITY will conduct investigations of hazardous and regulated material incidents and disposal activities, including but not necessarily limited to, identification of potentially responsible parties and initiation of enforcement and compliance efforts.

The CITY will provide hazardous substance awareness level training to COUNTY employees at intervals agreed to by the parties or as warranted by current legislation.

The Mesa County Emergency Management Coordinator shall be notified of hazardous substance incidents in accordance with the appropriate annex of the Mesa County Emergency Operations Plan.

The CITY, by and through the Grand Junction Fire Department, shall be in command at all hazardous substance incidents.

The CITY shall maintain trained personnel, as determined by the City to be reasonably required to perform the S.A.R.A. services.

The CITY will maintain records, reports and documentation as required by S.A.R.A. Title III and provide copies of same to the County's Emergency Management Coordinator upon request.

The foregoing Exhibit is attached and incorporated by reference to the agreement. By initialing below, the parties affirmatively state that they have read the Exhibit and acknowledge the responsibilities and obligations associated therewith.

\_\_\_\_\_ City

\_\_\_\_\_ County

**Attach 6**

**CITY COUNCIL AGENDA  
CITY OF GRAND JUNCTION**

**City Council**  
 Workshop  
 **Formal Agenda**  
**Meeting Date:**  
**January 5, 2000**

**Date Prepared: December 22, 1999**  
**Author: Lisa Gerstenberger**  
**Title: Senior Planner**  
**Presenter Name: Lisa Gerstenberger**  
**Title: Senior Planner**

**Subject:** File No. ANX-1999-228. Zone of Annexation of High Pointe Estates property located at 2464, 2462, AND 2462 ½ Broadway.

**Summary:** First reading of the Zone of Annexation ordinance for the High Pointe Estates Annexation located at 2464, 2462, and 2462 ½ Broadway. (#ANX-1999-228)

**Background Information:** See attached

**Budget:** N/A

**Action Requested/Recommendation:** Approval of the Zone of Annexation ordinance for High Pointe Estates.

**Citizen Presentation:**  Yes  No. If yes,  
**Name**  
**Purpose**

**Report results back to Council?**  No  Yes, When \_\_\_\_\_

<b>Placement on agenda:</b> <input checked="" type="checkbox"/> Consent <input type="checkbox"/> Individual Consideration <input type="checkbox"/> Workshop
---

CITY OF GRAND JUNCTION

DATE: December 22, 1999

CITY COUNCIL

STAFF PRESENTATION: Lisa Gerstenberger

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**AGENDA TOPIC:** ANX-1999-228, High Pointe Estates-First reading of the Zone of Annexation ordinance.

**SUMMARY:** Request for a Zone of Annexation from County R-2 to City PR-2, Planned Residential with a density not to exceed 2 units per acre.

**ACTION REQUESTED:** Approval of first reading of the Zone of Annexation ordinance.

**BACKGROUND INFORMATION:**

**Location:** 2464, 2462, 2462 ½ Broadway

**Applicant:** Lois Clifton/Conquest Construction and Property Management

**Existing Land Use:** Single Family Residential/Vacant

**Proposed Land Use:** Single-Family Residential

**Surrounding Land Use:**

**North:** Redlands Water and Power Canal

**South:** Single Family Residential

**East:** Single Family Residential

**West:** Single Family Residential

**Existing Zoning:** R-2 (County)

**Proposed Zoning:** PR-2, Planned Residential with a density not to exceed 2 units/acre

**Surrounding Zoning:**

**North:** Redlands Water and Power Canal

**South:** RSF-2

**East:** R-2 (County)

**West:** R-2 (County)

**Relationship to Comprehensive Plan:** The Growth Plan Future Land Use Map designates this area as Residential Low, ½ to 2 acres per unit. The proposal is within that density range and consistent with the Growth Plan.

**Staff Analysis:**

**ZONE OF ANNEXTION:**

The proposed Zone of Annexation for the High Pointe Estates property is PR-2, Planned Residential with a density not to exceed 2 units per acre. The petitioner has provided approximately 7 ½ % Common Open Space in three tracts distributed throughout the proposed subdivision. The proposed density is in keeping with the goals of the Growth Plan.

**REZONING CRITERIA:**

The Zone of Annexation must be evaluated using the criteria noted in Sections 4-4-4 and 4-11 of the Zoning and Development Code. The criteria are as follows for Section 4-4-4:

- A. Was the existing zone an error at the time of adoption?** This would be a new City zone of annexation with no previous zoning actions taken by the City, therefore, no error in zoning is apparent.
- B. Has there been a change in character in the area due to installation of public facilities, other zone changes, new growth trends, deterioration, development transitions, etc.?** The area around this property has been developed and is used for single family residential purposes.
- C. Is there an area of community need for the proposed rezone?** The Growth Plan designates this property for Residential use which would indicate a community need.
- D. Is the proposed rezone compatible with the surrounding area or will there be adverse impacts?** The proposed rezone is compliant with City requirements for new development and would not pose adverse impacts to the surrounding areas.
- E. Will there be benefits derived by the community, or area, by granting the proposed rezone?** Yes. The proposed development includes the provision of approximately 7 ½ % open space in three tracts distributed throughout the subdivision.
- F. Is the proposal in conformance with the policies, intents and requirements of this Code, with the City Master Plan (Comprehensive Plan), and other adopted plans and policies?** Yes, the proposed development has been designed to be compliant.
- G. Are adequate facilities available to serve development for the type and scope suggested by the proposed zone? If utilities are not available, could they be reasonably extended?** Adequate facilities are available in the area and could be reasonably be extended.

The criteria are as follows for Section 4-11:

- A. Adverse impacts to the developed density of established neighborhoods shall be considered.** The proposal is compatible with area development and the Growth Plan.
- B. The relationship of the property to the urban core area or to established subcores shall be considered.** The property is located within a developing area and should therefore have urban densities.

#### **STAFF RECOMMENDATION**

Staff recommends approval of the zone of annexation to PR-2, Planned Residential with a density not to exceed 2 units per acre.

#### **PLANNING COMMISSION RECOMMENDATION**

Approval of the PR-2, Planned Residential with a density not to exceed 2 units per acre, zone of annexation for the following reasons:

- PR-2 zone district meets the recommended land use categories as shown through the Growth Plan, as well as the Growth Plan's goals and policies.
- PR-2 zone district meets the criteria found in Sections 4-4-4 and 4-11 of the Zoning and Development Code.

**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE No. \_\_\_\_\_**

**Ordinance Zoning the High Pointe Annexation to the following:**

**PR-2, Planned Residential with a density not to exceed 2 units per acre**

Recitals.

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of applying a PR-2 zone district to this annexation for the following reasons:

- The zone district meets the recommended land use category as shown on the future land use map of the Growth Plan and the Growth Plan's goals and policies and/or are generally compatible with appropriate lands uses located in the surrounding area.
- The zone district meets the criteria found in Section 4-4-4 and Section 4-11 of the Zoning and Development Code.

After public notice and public hearing before the Grand Junction City Council, City Council finds that the PR-2 zone district be established.

The Planning Commission and City Council find that the PR-2 zoning is in conformance with the stated criteria of section 4-4-4 and section 4-11 of the Grand Junction Zoning and Development Code.

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT:**

**The following property shall be zoned PR-2, Planned Residential with a density not to exceed 2 units per acre zone district:**

**PERIMETER BOUNDARY LEGAL DESCRIPTION  
HIGH POINTE ANNEXATION**

A parcel of land situate in the SE 1/4 of Section 16, Township 1 South, Range 1 West of the Ute Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

Commencing at the Southeast corner of Section 16; thence N 02°16'30" W a distance of 900.00 feet to the southeast corner of Willow Ridge Subdivision as found recorded in Plat Book 15 at Page 94 of the records of the Mesa County

Clerk and Recorder; thence S 02°16'30" E a distance of 10.55 feet to a point; thence along a line 10.00 feet south of and parallel with the northerly right of way line for U.S. Highway No. 340 the following 2 courses:

- 1) S 69°13'00" W a distance of 180.64 feet;
- 2) S 65°37'50" W a distance of 480.50 feet;

thence leaving said line S 00°28'00" W a distance of 151.13 feet to a point; thence 785.04 feet along a line 10.00 feet south of and parallel with the centerline of said U.S. Highway No. 340 and arc of a curve concave to the north, having a radius of 1647.10 feet, a delta angle of 27°18'30" and a long chord bearing S 87°02'44" W a distance of 777.63 feet to a point; thence leaving said line N 11°15'00" E a distance of 49.95 feet to a point; thence along a line 10.00 feet south of and parallel with the northerly right of way line for said U.S. Highway No. 340 the following 5 courses:

- 1) 158.04 feet along the arc of a curve concave to the north, having a radius of 1597.10 feet, a delta angle of 5°40'10" and a long chord bearing N 76°46'23" W a distance of 157.97 feet;
- 2) N 66°01'30" W a distance of 232.30 feet;
- 3) N 62°29'41" W a distance of 92.50 feet;
- 4) N 79°38'00" W a distance of 82.23 feet;
- 5) N 65°33'00" W a distance of 341.17 feet;

thence leaving said line N 00°19'35" E a distance of 10.96 feet to a point on the northerly right of way line for said U.S. Highway No. 340, whence the South 1/4 corner of said Section 16 bears N 65°33'00" W -209.29 feet, N 40°00'00" W - 62.59 feet & S 09°23'00" W – 970.10 feet; thence leaving said northerly right of way line N 00°19'35" E a distance of 290.91 feet to a point; thence N 89°06'50" W a distance of 318.79 feet to a point on the northerly right of way line for said U.S. Highway No. 340; thence N 08°05'00" E along said right of way line a distance of 204.99 feet to a point on the north line of the SW 1/4 SE 1/4 of said Section 16; thence leaving said north line N 08°05'00" E a distance of 268.59 feet to a point; thence N 78°15'00" E a distance of 300.00 feet to a point; thence N 66°50'00" E a distance of 246.26 feet to a point; thence N 00°00'00" W a distance of 138.00 feet to a point; thence S 74°15'00" E a distance of 209.00 feet to a point; thence S 50°45'00" E a distance of 240.50 feet to a point; thence S 18°10'00" E a distance of 266.00 feet to a point; thence S 04°00'00" W a distance of 140.00 feet to a point; thence S 12°00'00" W a distance of 218.20 feet to a point; thence N 85°37'00" W a distance of 164.90 feet to a point; thence S 53°08'00" W a distance of 150.20 feet to a point; thence S 69°36'00" W a distance of 135.90 feet to a point; thence S 00°00'00" W a distance of 245.13 feet to a point on the northerly right of way line for said U.S. Highway No. 340; thence along said northerly right of way line the following 5 courses:

- 1) S 65°33'00" E a distance of 44.68 feet;
- 2) S 79°38'00" E a distance of 82.50 feet;
- 3) S 62°29'41" E a distance of 93.70 feet;
- 4) S 66°01'30" E a distance of 231.30 feet;

5) 166.51 feet along the arc of a curve concave to the north, having a radius of 1587.10 feet, a delta angle of 06°00'40" and a long chord bearing S 76°58'07" E a distance of 166.43 feet;

thence leaving said northerly right of way line S 11°15'00" W a distance of 50.00 feet to a point on the centerline for said U.S. Highway No. 340; thence 762.79 feet along said centerline and arc of a curve concave to the north, having a radius of 1637.10 feet, a delta angle of 26°41'47" and a long chord bearing N 86°59'54" E a distance of 755.91 feet to a point; thence leaving said centerline N 00°28'00" E a distance of 150.11 feet to a point on the northerly right of way line for said U.S. Highway No. 340; thence along said northerly right of way line the following 2 courses:

- 1) N 65°37'30" E a distance of 487.20 feet;
- 2) N 69°13'00" E a distance of 184.30 feet to the point of beginning, containing 17.21 acres more or less.

**Housing type, density and bulk standards for the PR-2, Planned Residential with a density not to exceed 2 units per acre zone district shall include the following:**

Land Use = Single Family detached residential

Density = 2 units per acre

Bulk Standards:

Setbacks:

Front = 20 ft.

Side = 15 ft.

Rear = 25 ft.

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Introduced on first reading this 5<sup>th</sup> day of January, 2000.

PASSED and ADOPTED on second reading this \_\_\_ day of \_\_\_\_\_, 2000.

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President of the Council

ATTEST:

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City Clerk



**Attach 7**

**CITY COUNCIL AGENDA  
CITY OF GRAND JUNCTION**

**City Council**

**Workshop**

**Formal Agenda**

**Meeting Date: January 5, 2000**

**Date Prepared: December 21, 1999**

**Author: Lori V. Bowers**

**Title: Associate Planner**

**Presenter Name: Lori V. Bowers**

**Title: Associate Planner**

**Subject:**

First Reading of the Zone of Annexation Ordinance for the Coventry Club Annexation, located at Arlington Drive, north of Quincy Lane. File number ANX-1999-247.

**Summary:**

The 4.32-acre Coventry Club Annexation area consists of one parcel of land (2.860 acres); the entire right-of-way of Oxford Avenue, a distance of 810 feet; and Quincy Lane from Arlington Drive, to the pedestrian path on Quincy Lane, about 450 feet. The subdivision currently provides 50 townhomes and one clubhouse. The request for the minor subdivision comes from the homeowners association to convert the clubhouse into a residential unit, therefore increasing the number of units to 51. The requested zoning is for PR zoning. This is a similar zoning designation of PD-8, which Mesa County has applied to this property. Staff recommends the zone of PR-17.83 for the zone of annexation.

**Background Information:**

See attached report.

**Budget:**

N/A

**Action Requested/Recommendation:** Staff and City Planning Commission recommend approval of the first reading of the zone of annexation ordinance to the zone of PR-17.83, for Coventry Club Minor Subdivision Annexation.

**Citizen Presentation:**  Yes  No. If yes,

**Name**

**Purpose**

**Report results back to Council?**  No  Yes, When \_\_\_\_\_

<b>Placement on agenda:</b> <input checked="" type="checkbox"/> Consent <input type="checkbox"/> Individual Consideration <input type="checkbox"/> Workshop
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**AGENDA TOPIC:** ANX-1999-247 Zone of Annexation for the Coventry Club Minor Subdivision, and approval of the requested minor subdivision. The subdivision is located at Arlington Drive, north of Quincy Lane. The physical address of the newly subdivided lot will be 263 Coventry Court, unit 51.

**SUMMARY:** The 4.32-acre Coventry Club Annexation area consists of one parcel of land (2.860 acres); the entire right-of-way of Oxford Avenue, a distance of 810 feet; and Quincy Lane from Arlington Drive, to the pedestrian path on Quincy Lane, about 450 feet. The subdivision currently provides 50 townhomes and one clubhouse. The request for the minor subdivision comes from the homeowners association to convert the clubhouse into a residential unit, therefore increasing the number of units to 51. The requested zoning is PR zoning. This is a similar zoning designation of PD-8, which Mesa County has applied to this property. Staff recommends the zone of PR-17.83.

**ACTION REQUESTED:** Decision on zone of annexation, approval of the minor subdivision.

**BACKGROUND INFORMATION:**

**Location:** Arlington Drive, north of Quincy Lane

**Applicant:** Dave Bingham, representing the Coventry Club Homeowners Association.

**Existing Land Use:** 50 Townhouse units and one clubhouse in Mesa County.

**Surrounding Land Use:**

*North:* residential in Mesa County

*South:* Arrowhead Acres Residential

*East:* residential in Mesa County

*West:* residential in Mesa County

**Existing Zoning:** Mesa County PD-8.

**Proposed Zoning:** Planned Residential not to exceed 17.83 units per acre. (PR-17.83)

**Surrounding Zoning:** Mesa County residential / to the south is Arrowhead Acres, zoned

RSF-5 (residential single family, not to exceed 5 units per acre).

**Relationship to Comprehensive Plan:** The Growth Plan shows this area to be developed as a medium residential area with a density of 4 to 8 units per acre. The Orchard Mesa Plan calls for Single Family \ Multi Family at 8 units per gross acre. The Plan further states that densities greater than 8 units per acre may be appropriate. Any rezoning to a density greater than 8 units per acre should occur through a planned development zone only.

**Staff Analysis:**

**Zoning.** The Coventry Club HOA no longer feel there is a need for a clubhouse in this subdivision, therefore they are requesting a minor subdivision. Adequate public services necessary for the conversion of the clubhouse to a residence currently exist in this subdivision. The existing clubhouse is compatible as a residential unit, as it is similar in design with the existing neighborhood.

Approval of this minor subdivision results in an actual density of 17.83 units per acre. Coventry Club Subdivision is a minor subdivision of a larger subdivision, Village Nine. Village Nine Subdivision was a planned development, approved in Mesa County, in 1982. The overall density of this planned development resulted in a PD8 zoning district in Mesa County. The developer has further provided that Coventry Club was part of Phase II, Block 5, of the Village Nine Subdivision allowing 80 units on 2.09 acres. With the addition of one more unit in Block 5, the density is still within the intent of this planned development. Staff feels the zone of PR-17.83 is acceptable as the zone of annexation.

Staff's position that PR-17.83 zoning should apply, is in compliance with Chapter Four, Section 4-1-1, of the Zoning and Development Code, by encouraging the most appropriate use of land throughout the City and to ensure the logical and orderly growth and development of the physical elements of the City. This proposal also protects and maintains the integrity and character of this established residential area and meets the intent of Section 4-1-1 entitled "Purpose".

Section 4-11 of the Zoning and Development Code, Zoning of Annexations states: The zoning request shall be evaluated by the following special criteria in addition to the general criteria for rezoning.

- A. adverse impacts to the developed density of established neighborhoods shall be considered: and
- B. the relationship of the property to the urban core area or to established subcores shall be considered.

The proposed PR-17.83 zone complies with this criteria and is consistent not only with the Growth Plan, but also the Orchard Mesa Neighborhood Plan. The Growth Plan Goals and Policies are meet in Policy 1.7 "The City and County will use zoning to establish the appropriate scale, type, location and intensity for development..." and Goal 11: To promote stable neighborhood and land use

compatibility throughout the community." This property is currently in a residential zoned area and is compatible with the existing residential uses surrounding it.

This proposed zoning of PR-17.83, also complies with Section 4-4-4, criteria. The following questions shall be answered in reviewing rezone applications and shall be considered in the decisions made by the Planning Commission and City Council.

- A. Was the existing zone an error at the time of adoption? *No it was not.*
- B. Has there been a change of character in the area due to installation of public facilities, other zone changes, new growth trends, deterioration, development transitions, etc? *There has been little change in this immediate area.*
- C. Is there an area of community need for the proposed rezone? *The rezone is a result of annexation due to the Persigo agreement.*
- D. Is the proposed rezone compatible with the surrounding area or will there be adverse impacts? *The rezone is compatible.*
- E. Will there be benefits derived by the community, or area, by granting the proposed rezone? *This rezone allows for conformity with future annexations that will be in accordance with the Persigo Agreement.*
- F. Is the proposal in conformance with the policies, intents and requirements of this Code, with the City Master Plan (Comprehensive Plan), and other adopted plans and policies? *This proposal is in conformance with the Persigo Agreement, the Growth Plan for this area, and the Orchard Mesa Plan..*
- G. Are adequate facilities available to serve development for the type and scope suggested by the proposed zone? *Yes, adequate facilities are available.*

**PLANNING COMMISSION RECOMMENDATION:**

At their regularly scheduled meeting of December 14, 1999, the Grand Junction Planning Commission made the recommendation to the City Council that the zone of annexation for the Coventry Club Minor Subdivision should be PR-17.83.

**RECOMMENDATION:** Staff and Planning commission recommend the zone of PR-17.83 for the zone of annexation for the Coventry Club Minor Subdivision Annexation, located at Arlington Drive, north of Quincy Lane. The recommendation of the zone of PR-17.83, is in compliance with Section 4-1-1, and Section 4-4-4, of the Zoning and Development Code, and the Orchard Mesa Neighborhood Plan.

**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE No. \_\_\_\_\_**

**Ordinance Zoning the Coventry Club Annexation  
to a PR-17.83 Zoning District  
(Planned Residential - not to exceed 17.83 units per acre)**

Recitals.

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of applying a PR-17.83 zone district (Planned Residential not to exceed 17.83 units per acre) to this annexation.

After public notice and public hearing before the Grand Junction City Council, City Council finds that the PR-17.83 zone district be established.

The City Council finds that the PR-17.83 zoning is in conformance with the stated criteria of section 4-4-4 and section 4-11 of the Grand Junction Zoning and Development Code.

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT:**

**The following parcel shall be zoned PR-17.83 (Planned Residential – not to exceed 17.83 units per acre):**

**All Tax Parcels Located at Block 31 of #2943-302-31**

**PERIMETER BOUNDARY LEGAL DESCRIPTION  
COVENTRY CLUB SUBDIVISION ANNEXATION**

A parcel of land situate in the SW 1/4 NW 1/4 and in the SE 1/4 NW 1/4 of Section 30, Township 1 South, Range 1 East of the Ute Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

Commencing at the NW 1/16 corner of Section 30; thence S 00°43'19" E along the west line of the SE 1/4 NW 1/4 of said Section 30 a distance of 458.41 feet to the True Point of Beginning of the parcel described herein; thence crossing Arlington Drive N 89°16'41" E a distance of 56.81 feet to a point on the east right of way line for said Arlington Drive; thence 48.89 feet along the north boundary of Coventry Club as found recorded in Plat Book 13 at Page 60 of the records of the Mesa County Clerk and Recorder and arc of a curve concave to the south, having a radius of 20.00 feet, a delta angle of 140°03'52" and a long chord bearing N 88°29'29" E a distance of 37.60 feet to a point; thence 446.80 feet along the northeasterly boundary of said Coventry Club and arc of a curve concave to the

northeast, having a radius of 675.26 feet, a delta angle of 40°25'54" and a long chord bearing S 40°25'54" E a distance of 438.69 feet to a point; thence S 62°04'58" E a distance of 111.98 feet to a point on the southeasterly right of way line for Quincy Drive; thence along the southeasterly right of way line for said Quincy Drive the following 5 courses:

- 1) 94.40 feet along the arc of a curve concave to the southeast, having a radius of 77.50 feet, a delta angle of 69°47'24" and a long chord bearing S 69°16'45" W a distance of 88.67 feet;
- 2) 194.65 feet along the arc of a curve to the right having a radius of 605.66 feet, a delta angle of 18°24'50" and a long chord bearing S 43°35'28" W a distance of 193.81 feet;
- 3) S 52°47'59" W a distance of 46.63 feet;
- 4) 186.48 feet along the arc of a curve to the right, having a radius of 322.50 feet, a delta angle of 33°07'49" and a long chord bearing S 69°21'54" W a distance of 183.89 feet;
- 5) 30.25 feet along the arc of a curve to the left, having a radius of 20.00 feet, a delta angle of 86°39'36" and a long chord bearing S 42°36'00" W a distance of 27.45 feet to a point on the east right of way line for Arlington Drive;
- 6) thence S 00°43'19" E along the east right of way line for said Arlington Drive a distance of 112.62 feet to a point; thence leaving said east right of way line S 89°16'41" W a distance of 25.00 feet to a point on the west line of the SE 1/4 NW 1/4 of said Section 30; thence N 00°43'19" W along said west line a distance of 594.31 feet to a point; thence leaving the west line of said SE 1/4 NW 1/4 S 89°16'41" W a distance of 25.00 feet to a point on the west right of way line for said Arlington Drive; thence 177.08 feet along said west right of way line and arc of a curve to the right, having a radius of 622.97 feet, a delta angle of 16°17'13" and a long chord bearing N 07°25'17" E a distance of 176.49 feet to a point on the east line of the SW 1/4 NW 1/4 of said Section 30; thence N 00°43'19" W along said east line a distance of 13.56 feet to the point of beginning, containing 3.95 acres more or less.

Introduced on first reading this 5th day of January, 2000.

PASSED and ADOPTED on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2000.

\_\_\_\_\_  
President of the Council

ATTEST:

\_\_\_\_\_  
City Clerk



B 1/2 ROAD





**Attach 8**

**CITY COUNCIL AGENDA  
CITY OF GRAND JUNCTION**

**City Council**

**Workshop**

**Formal Agenda**

**Meeting Date: January 5, 2000**

**Date Prepared: December 21, 1999**

**Author: Lori V. Bowers**

**Title: Associate Planner**

**Presenter Name: Lori V. Bowers**

**Title: Associate Planner**

**Subject:**

First reading of the Zone of Annexation Ordinance, for the Broome Annexation, located at 3090 I-70 B, file number ANX-1999-263.

**Summary:**

The Broome Annexation area consists of two parcels of land, Lots 3 & 6, 31 Road Business Park Subdivision, 2.12-acres in size. Owners of the property have signed a petition for annexation in accordance with the Persigo Agreement. The owners are requesting a C-1 zoning for this property. This zoning district will allow RV sales and service as an allowed use. The applicants are currently under site plan review for a new 5,000 square foot building to house this use.

**Background Information:**

See attached report.

**Budget:**

N/A

**Action Requested/Recommendation:**

Staff recommends that City Council approve on first reading the zone of annexation ordinance for the Broome RV Sales Annexation, located 3090 I-70 B.

**Citizen Presentation:**  **Yes**  **No. If yes,**

**Name**

**Purpose**

**Report results back to Council?**  **No**  **Yes, When** \_\_\_\_\_

<b>Placement on agenda:</b> <input checked="" type="checkbox"/> <b>Consent</b> <input type="checkbox"/> <b>Individual Consideration</b> <input type="checkbox"/> <b>Workshop</b>
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City of Grand Junction

DATE: December 21, 1999

CITY COUNCIL

STAFF PRESENTATION: Lori V. Bowers

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**AGENDA TOPIC:** ANX-1999-263 Zone of Broome Annexation. The two subdivided lots for this annexation are physically addressed as 3090 I-70 B, the legal description for which is Lots 3 and 6, 31 Road Business Park Subdivision.

**SUMMARY:** The Broome Annexation area consists of two parcels of land, Lots 3 & 6, 31 Road Business Park Subdivision, 2.12-acres in size. Owners of the property have signed a petition for annexation in accordance with the Persigo Agreement. The owners are requesting a C-1 zoning for this property. This zoning district will allow RV sales and service as an allowed use. The applicants are currently under site plan review for a new 5,000 square foot building to house this use.

**ACTION REQUESTED:** Decision on zone of annexation.

**BACKGROUND INFORMATION:**

**Location:** 3090 I-70 B. Access is actually from Hoover Drive

**Applicant:** Larry and Kathy Herwick

**Existing Land Use:** Vacant land

**Surrounding Land Use:**

*North:* Hasco Inc.

*South:* I-70 B

*East:* vacant land and office/retail spaces

*West:* Central Grand Valley Sanitation offices

**Existing Zoning:** ILCB – Mesa County (Industrial limited class B)

**Proposed Zoning:** C-1 (light commercial)

**Relationship to Comprehensive Plan:** The Growth Plan shows this area to be developed as a commercial area.

**Staff Analysis:**

**Zoning.** Dale Broome RV Sales and Service will require the zone of C-1 for this land use. The applicants are requesting the zone of C-1, and Staff is in support of the zone of C-1.

Staff's position that C-1 zoning should apply to this annexation is in compliance with Chapter Four, Section 4-1-1, of the Zoning and Development Code, by encouraging the most appropriate use of land throughout the City and to ensure the logical and orderly growth and development of the physical elements of the City. This proposal also protects and maintains the integrity and character of this established commercial area and meets the intent of Section 4-1-1 entitled "Purpose".

Section 4-11 of the Zoning and Development Code, Zoning of Annexations states: The zoning request shall be evaluated by the following special criteria in addition to the general criteria for rezoning.

- C. adverse impacts to the developed density of established neighborhoods shall be considered: and
- D. the relationship of the property to the urban core area or to established subcores shall be considered.

The proposed C-1 zone complies with this criteria and is consistent with the Growth Plan. The Growth Plan Goals and Policies are met in Policy 1.7 "The City and County will use zoning to establish the appropriate scale, type, location and intensity for development..." and Goal 11: To promote stable neighborhood and land use compatibility throughout the community." This property is currently in a commercially zoned area in Mesa County and is compatible with the existing commercial uses surrounding it.

The proposed zoning of C-1, also complies with Section 4-4-4, criteria. The following questions shall be answered in reviewing rezone applications and shall be considered in the decisions made by the Planning Commission and City Council.

- H. Was the existing zone an error at the time of adoption? *No it was not.*
- I. Has there been a change of character in the area due to installation of public facilities, other zone changes, new growth trends, deterioration, development transitions, etc? *There has been little change in this immediate area.*
- J. Is there an area of community need for the proposed rezone? *The rezone is a result of annexation due to the Persigo agreement.*
- K. Is the proposed rezone compatible with the surrounding area or will there be adverse impacts? *The rezone is compatible.*
- L. Will there be benefits derived by the community, or area, by granting the proposed rezone? *This rezone is in compliance with the Persigo Agreement, and will allow for the use of RV sales and service, as was allowed under County jurisdiction.*
- M. Is the proposal in conformance with the policies, intents and requirements of this Code, with the City Master Plan (Comprehensive Plan), and other adopted plans and policies? *This proposal is in conformance with the Persigo Agreement, and the Growth Plan for this area.*

N. Are adequate facilities available to serve development for the type and scope suggested by the proposed zone? *Yes, adequate facilities are available.*

**PLANNING COMMISSION RECOMMENDATION:** The Planning Commission at their regularly scheduled meeting of December 14, 1999, made a recommendation to City Council on the zone of annexation for Dale Broome Annexation, and recommended the Zone of C-1.

**RECOMMENDATION:** Planning Commission and Staff recommend the zone of C-1 for the zone of annexation for Dale Broome RV Sales Annexation, located at 3090 I-70 B. The recommendation of the zone of C-1 is in compliance with Section 4-1-1, and Section 4-4-4, of the Zoning and Development Code.

**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE No. \_\_\_\_\_**

**Ordinance Zoning the Broome Annexation  
to a Light Commercial Zone District (C-1)**

Recitals.

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of applying a Light Commercial (C-1) zone district to this annexation.

After public notice and public hearing before the Grand Junction City Council, City Council finds that the C-1 zone district be established.

The City Council finds that the C-1 zoning is in conformance with the stated criteria of section 4-4-4 and section 4-11 of the Grand Junction Zoning and Development Code.

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT:**

**The following parcel shall be zoned Light Commercial (C-1):**

**Tax Parcels # 2943-094-77-003 and 2943-094-77-006**

**Perimeter Boundary Legal Description**

**Broome Annexation**

A parcel of land situate in the SE 1/4 of Section 9, Township 1 South, Range 1 East of the Ute Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

Beginning at the northeast corner of Lot 3 of 31 Road Business Park Subdivision as found recorded in Plat Book 12 at Page 353 of the records of the Mesa County Clerk and Recorder; thence S 00°00'00" W along the east line of said Lot 3 a distance of 215.69 feet to the southeast corner of said Lot 3; thence S 00°00'00" W along the east line of Lot 6 of said 31 Road Business Park Subdivision a distance of 214.42 feet to the southeast corner of said Lot 6; thence S 69°03'28" W along the northerly right of way line for I-70 B a distance of 193.43 feet to the southwest corner of said Lot 6; thence N 00°00'00" E along the east right of way line for Hoover Drive a distance of 221.55 feet to the northwest corner of said Lot 6; thence crossing said Hoover Drive S 71°02'52" W a distance of 63.44 feet to the southeast corner of Lot 4 of said 31 Road Business Park Subdivision; thence N

00°00'00" E along the west right of way line for said Hoover Drive a distance of 197.96 feet to a point; thence 37.33 feet along said west right of way line and arc of a curve to the left, having a radius of 20.00 feet, a delta angle of 106°56'58" and a long chord bearing N 53°28'29" W a distance of 32.14 feet to a point on the south right of way line for E 1/4 Road; thence N 73°03'02" E along the south right of way line for said E 1/4 Road a distance of 278.59 feet to the point of beginning, containing 2.12 acres more or less.

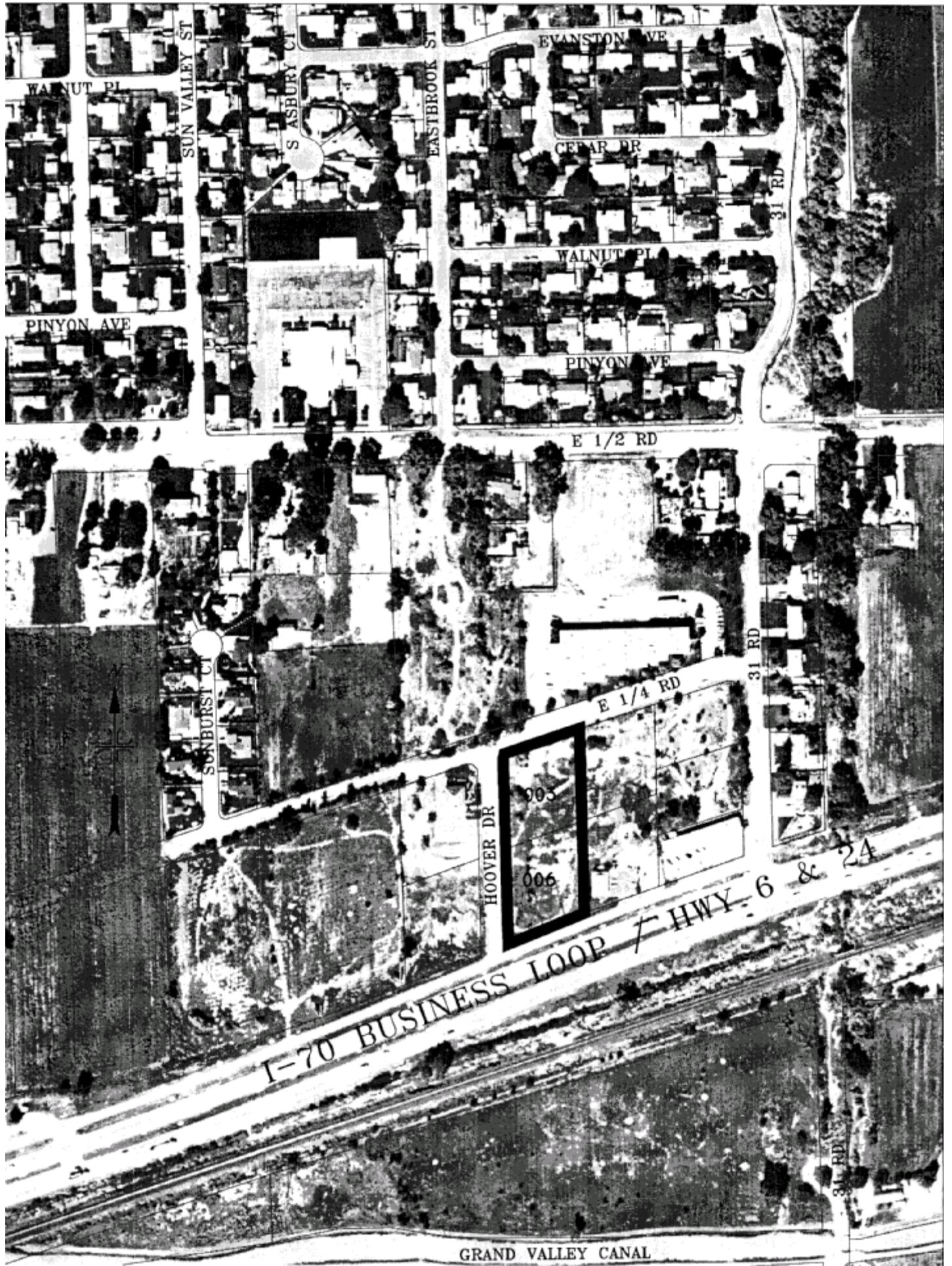
Introduced on first reading this 5th day of January, 2000.

PASSED and ADOPTED on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2000.

\_\_\_\_\_  
President of the Council

ATTEST:

\_\_\_\_\_  
City Clerk



WALNUT PL

SUN VALLEY ST

S ASBURY CT

EASTBROOK ST

EVANSTON AVE

CEDAR DR

31 RD

PINYON AVE

WALNUT PL

PINYON AVE

E 1/2 RD

SONBURST CT

E 1/4 RD

31 RD

HOOVER DR

005

006

I-70 BUSINESS LOOP / HWY 6 & 24

GRAND VALLEY CANAL

**Attach 9**

**CITY COUNCIL AGENDA  
CITY OF GRAND JUNCTION**

**City Council**

     Workshop

  X   Formal Agenda

**Meeting Date: January 5, 2000**

**Date Prepared: December 17, 1999**

**Author: Dave Thornton**

**Title: Principal Planner**

**Presenter Name: Dave Thornton**

**Title: Principal Planner**

**Subject: Crowe Annexation**

**Subject:** Annexation of the Crowe property located at the SE corner of I Road and 26 ½ Road, #ANX-1999-271.

**Summary:** Resolution for Referral of Petition to Annex/First reading of the annexation ordinance/Exercising land use jurisdiction immediately for the Crowe Annexation located at the SE corner of I Road and 26 ½ Road and including portions of the I Road and 26 ½ Road rights-of-way. The 41.51 acre Crowe Annexation area consists of one parcel of land. The owner of the property has signed a petition for annexation as part of a request for a Growth Plan Amendment.

**Background Information:** See Attached

**Budget:** N/A

**Action Requested/Recommendation:** It is recommended that City Council approve the resolution for the referral of petition to annex, first reading of the annexation ordinance and exercise land use immediately for the Crowe Annexation and set a hearing for February 16, 2000.

**Citizen Presentation:**      Yes   X   No. If yes,

**Name**

**Purpose**

**Report results back to Council?**   X   No      Yes, When \_\_\_\_\_

<b>Placement on agenda:</b> <u>  X  </u> Consent <u>    </u> Individual Consideration <b>Workshop</b>
--



**BACKGROUND INFORMATION:**

**Location:** SE corner of I Road and 26 ½ Road

**Applicants:** Ruby F. Crowe, Owner  
Best Buy Homes, LLC, Developer  
Representative: Doug Theis, Thompson-Langford Corp.

**Existing Land Use:** Agricultural/Vacant

**Proposed Land Use:** Residential

**Surrounding Land Use:**

**North:** Residential & vacant

**South:** Agricultural & Residential

**East:** Vacant and Summer Hill proposed development

**West:** Residential & Agricultural

**Existing Zoning:** AFT (County)

**Proposed Zoning:** Residential Single Family with a maximum of 4 units per acre (RSF-4)

**Surrounding Zoning:**

**North:** AFT (Mesa County)

**South:** AFT (Mesa County)

**East:** PR 2.5

**West:** AFT (Mesa County)

**Relationship to Comprehensive Plan:** The Growth Plan future land use map recommends “residential” with densities ranging between 4 and 7.9 units per acre for this property. The applicant is seeking an amendment to the Growth Plan that would reduce the residential density range to “2 to 3.9 units per acre”.

**Staff Analysis:**

**ANNEXATION:**

This annexation area consists of annexing 41.51 acres of land including portions of the I Road and 26 ½ Road rights-of-way. The actual acreage of the Crowe

property is 38.91 acres. The property is now being annexed into the City of Grand Junction.

It is my professional opinion, based on my review of the petition and my knowledge of applicable state law, including the Municipal Annexation Act Pursuant to C.R.S. 31-12-104, that the Crowe Annexation is eligible to be annexed because of compliance with the following:

- a) A proper petition has been signed by more than 50% of the owners and more than 50% of the property described;
- b) Not less than one-sixth of the perimeter of the area to be annexed is contiguous with the existing City limits;
- c) A community of interest exists between the area to be annexed and the City. This is so in part because the Central Grand Valley is essentially a single demographic and economic unit and occupants of the area can be expected to, and regularly do, use City streets, parks and other urban facilities;
- d) The area is or will be urbanized in the near future;
- e) The area is capable of being integrated with the City;
- f) No land held in identical ownership is being divided by the proposed annexation;
- g) No land held in identical ownership comprising 20 contiguous acres or more with an assessed valuation of \$200,000 or more for tax purposes is included without the owners consent.

The following annexation schedule is being proposed.

January 5 <sup>th</sup>	Referral of Petition to Annex & 1 <sup>st</sup> Read (30 Day Notice)
January 11 <sup>th</sup>	Planning Commission considers Zone of Annexation
February 2 <sup>nd</sup>	First Reading on Zoning by City Council
February 16 <sup>th</sup>	Public hearing on Annexation and Zoning by City Council
March 19 <sup>th</sup>	Annexation and Zoning Effective

**RECOMMENDATION:**

Approval

## CROWE ANNEXATION SUMMARY

<b>File Number:</b>	ANX-1999-271
<b>Location:</b>	SE Corner of I Road and 26 ½ Road
<b>Tax ID Number:</b>	2701-261-00-702
<b>Parcels:</b>	1
<b>Estimated Population:</b>	0
<b># of Parcels (owner occupied):</b>	NA
<b># of Dwelling Units:</b>	0
<b>Acres:</b>	41.51 acres for annexation area, 38.91 acres excluding the ROW.
<b>Developable Acres Remaining:</b>	38.91 acres
<b>Right-of-way in Annexation:</b>	<ul style="list-style-type: none"><li>• I Road. (entire width adjacent to parcel) See Map.</li><li>• 26 ½ Road (entire width adjacent to parcel) See map.</li></ul>
<b>Previous County Zoning:</b>	AFT
<b>Proposed City Zoning:</b>	RSF-4 Residential
<b>Current Land Use:</b>	Vacant
<b>Future Land Use:</b>	Residential
<b>Assessed Values:</b>	Land = \$ 4,430 Improvements = \$ 0 TOTAL VALUE = \$ 4,430
<b>Census Tract:</b>	16
<b>Address Ranges:</b>	<ul style="list-style-type: none"><li>• 888 thru 898 26 ½ Road (even only)</li><li>• 2651 thru 2699 I road (odd only)</li></ul>
<b>Special Districts:</b>	
<b>Water:</b>	Ute Water
<b>Sewer:</b>	

**Fire:**  
**Drainage:**  
**School:**  
**Pest:**

Grand Junction Rural Fire

District 51

**NOTICE OF HEARING  
ON PROPOSED ANNEXATION OF LANDS  
TO THE CITY OF GRAND JUNCTION, COLORADO**

**NOTICE IS HEREBY GIVEN** that at a regular meeting of the City Council of the City of Grand Junction, Colorado, held on the 5<sup>th</sup> day of January, 2000, the following Resolution was adopted:

**CITY OF GRAND JUNCTION, COLORADO**

**RESOLUTION NO. \_\_ - 00**

**A RESOLUTION  
REFERRING A PETITION TO THE CITY COUNCIL  
FOR THE ANNEXATION OF LANDS  
TO THE CITY OF GRAND JUNCTION, COLORADO,  
SETTING A HEARING ON SUCH ANNEXATION,  
AND EXERCISING LAND USE CONTROL**

**CROWE ANNEXATION**

**LOCATED at the SE corner of I Road and 26 ½ Road  
and including a portion of the I Road and 26 ½ Road rights-of-way**

**WHEREAS**, on the 5<sup>th</sup> day of January, 2000, a petition was referred to the City Council of the City of Grand Junction, Colorado, for annexation to said City of the following property situate in Mesa County, Colorado, and described as follows:

A parcel of land situate in the W 1/2 NE 1/4, the NE 1/4 NW 1/4 of Section 26 and in the SW 1/4 SE 1/4 of Section 23 all in Township 1 North, Range 1 West of the Ute Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

Beginning at the NE 1/16 corner of said Section 26; thence S 00°12'20" W along the east line of the SW 1/4 NE 1/4 of said Section 26 a distance of 449.24 feet to a point; thence along the southeasterly and westerly boundary of Parcel 1 of Plsek/Crowe Simple Land Division as found recorded in Plat Book 15 at Page 388 of the records of the Mesa County Clerk and Recorder the following 6 courses:

- 1) S 31°08'42" W a distance of 642.65 feet;
- 2) S 58°45'09" W a distance of 276.98 feet;
- 3) S 52°29'01" W a distance of 40.45 feet;
- 4) N 00°07'50" E a distance of 1849.35 feet;
- 5) N 02°06'48" W a distance of 37.86 feet;
- 6) N 89°52'10" W a distance of 689.89 feet to a point on the east right of way line for 26 1/2 Road;

thence crossing said 26 1/2 Road N 89°52'10" W a distance of 60.00 feet to a point on the west right of way line for said 26 1/2 Road; thence N 00°07'50" E along the west right of way line for said 26 1/2 Road a distance of 568.32 feet to the northeast corner of Lot 1 of Del's Country Estates Subdivision as found recorded in Plat Book 14 at Page 265 of the records of said Mesa County Clerk and Recorder; thence leaving said west right of way line S 89°59'40" E a distance of 30.00 feet to a point on the east line of the NE 1/4 NW 1/4 of said Section 26; thence N

00°07'50" E along said east line a distance of 30.00 feet to the N 1/4 corner of said Section 26; thence N 00°04'04" W along the west line of the SW 1/4 SE 1/4 of Section 23 a distance of 30.00 feet to a point; thence S 89°59'40" E along the north right of way line for I Road a distance of 1316.96 feet to a point on the east line of said SW 1/4 SE 1/4; thence S 00°10'36" E along the east line of said SW 1/4 SE 1/4 a distance of 30.00 feet to the E 1/16 corner on the section line common with Section 23 and 26; thence S 00°04'05" E along the east line of the NW 1/4 NE 1/4 of said Section 26 a distance of 30.00 feet to the northeast corner of Parcel 1 of said Plsek/Crowe Simple Land Division; thence continuing along the east line of said NW 1/4 NE 1/4 S 00°04'05" E a distance of 1289.50 feet to the point of beginning, containing 41.51 acres more or less.

**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:**

1. That a hearing will be held on the 16<sup>th</sup> day of February, 2000, in Two Rivers Convention Center, 159 Main Street, Grand Junction, Colorado, at 7:30 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 without the consent of the landowner; 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.
2. Pursuant to the State's Annexation Act, the City Council determines that the City may now, and hereby does, exercise jurisdiction over land use issues in the said territory. Requests for building permits, subdivision approvals and zoning approvals shall, as of this date, be submitted to the Community Development Department of the City.

**ADOPTED** this \_\_\_ day of \_\_\_\_\_, 1999.

Attest:

\_\_\_\_\_  
President of the Council

\_\_\_\_\_  
City Clerk



**NOTICE IS FURTHER GIVEN** that a hearing will be held in accordance with the Resolution on the date and at the time and place set forth in the Resolution.

---

City Clerk

Published:

January 7, 2000  
January 14, 2000  
January 21, 2000  
January 28, 2000

**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

**AN ORDINANCE ANNEXING TERRITORY TO THE  
CITY OF GRAND JUNCTION, COLORADO**

**CROWE ANNEXATION**

**APPROXIMATELY 41.51 ACRES**

**LOCATED AT THE SE CORNER OF I ROAD AND 26 ½ ROAD AND  
INCLUDING PORTIONS OF THE I ROAD AND 26 ½ ROAD RIGHTS-OF-WAY**

**WHEREAS**, on the 5<sup>th</sup> day of January, 2000 the City Council of the City of Grand Junction considered a petition for the annexation of the following described territory to the City of Grand Junction; and

**WHEREAS**, a hearing on the petition was duly held after proper notice on the 16<sup>th</sup> day of February, 2000; and

**WHEREAS**, the City Council determined that said territory was eligible for annexation and that no election was necessary to determine whether such territory should be annexed.

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

That the property situate in Mesa County, Colorado, and described to wit:

A parcel of land situate in the W 1/2 NE 1/4, the NE 1/4 NW 1/4 of Section 26 and in the SW 1/4 SE 1/4 of Section 23 all in Township 1 North, Range 1 West of the Ute Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

Beginning at the NE 1/16 corner of said Section 26; thence S 00°12'20" W along the east line of the SW 1/4 NE 1/4 of said Section 26 a distance of 449.24 feet to a point; thence along the southeasterly and westerly boundary of Parcel 1 of Plsek/Crowe Simple Land Division as found recorded in Plat Book 15 at Page 388 of the records of the Mesa County Clerk and Recorder the following 6 courses:

- 7) S 31°08'42" W a distance of 642.65 feet;
- 8) S 58°45'09" W a distance of 276.98 feet;

9) S 52°29'01" W a distance of 40.45 feet;  
10) N 00°07'50" E a distance of 1849.35 feet;  
11) N 02°06'48" W a distance of 37.86 feet;  
12) N 89°52'10" W a distance of 689.89 feet to a point on the east right of way line for 26 1/2 Road;  
thence crossing said 26 1/2 Road N 89°52'10" W a distance of 60.00 feet to a point on the west right of way line for said 26 1/2 Road; thence N 00°07'50" E along the west right of way line for said 26 1/2 Road a distance of 568.32 feet to the northeast corner of Lot 1 of Del's Country Estates Subdivision as found recorded in Plat Book 14 at Page 265 of the records of said Mesa County Clerk and Recorder; thence leaving said west right of way line S 89°59'40" E a distance of 30.00 feet to a point on the east line of the NE 1/4 NW 1/4 of said Section 26; thence N 00°07'50" E along said east line a distance of 30.00 feet to the N 1/4 corner of said Section 26; thence N 00°04'04" W along the west line of the SW 1/4 SE 1/4 of Section 23 a distance of 30.00 feet to a point; thence S 89°59'40" E along the north right of way line for I Road a distance of 1316.96 feet to a point on the east line of said SW 1/4 SE 1/4; thence S 00°10'36" E along the east line of said SW 1/4 SE 1/4 a distance of 30.00 feet to the E 1/16 corner on the section line common with Section 23 and 26; thence S 00°04'05" E along the east line of the NW 1/4 NE 1/4 of said Section 26 a distance of 30.00 feet to the northeast corner of Parcel 1 of said Plsek/Crowe Simple Land Division; thence continuing along the east line of said NW 1/4 NE 1/4 S 00°04'05" E a distance of 1289.50 feet to the point of beginning, containing 41.51 acres more or less.

be and is hereby annexed to the City of Grand Junction, Colorado.

**INTRODUCED** on first reading on the 5<sup>th</sup> day of January, 2000.

**ADOPTED** and ordered published this \_\_\_ day of \_\_\_\_\_, 2000.

Attest:

\_\_\_\_\_  
President of the Council

\_\_\_\_\_  
City Clerk



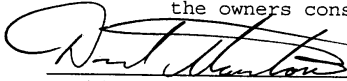
CROWE ANNEXATION

Public Hearing before Grand Junction City Council 2/2/00

It is my professional belief; based on my review of the petition, pursuant to C.R.S. 31-12-104, that the Crowe Annexation is eligible to be annexed.

It complies with the following:

- a) A proper petition has been signed by more than 50% of the owners and more than 50% of the property described;
- b) Not less than one-sixth of the perimeter of the area to be annexed is contiguous with the existing City limits;
- c) A community of interest exists between the area to be annexed and the City. This is so in part because the Central Grand Valley is essentially a single demographic and economic unit and occupants of the area can be expected to, and regularly do, use City streets, parks and other urban facilities;
- d) The area will be urbanized in the near future;
- e) The area is capable of being integrated with the City;
- f) No land held in identical ownership is being divided by the proposed annexation;
- g) No land held in identical ownership comprising 20 contiguous acres or more with an assessed valuation of \$200,000 or more for tax purposes is included without the owners consent.

  
 \_\_\_\_\_  
 David Thornton, AICP

12/17/99  
 \_\_\_\_\_  
 Date

STATE OF COLORADO

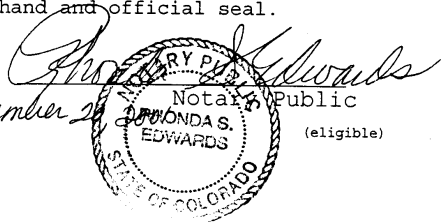
SS:

COUNTY OF MESA)

Subscribed and sworn to before me this 17<sup>th</sup> day of December 1999, by David L. Thornton. Witness my hand and official seal.

My Commission expires:

September 28



(eligible)

STATE OF COLORADO }  
COUNTY OF MESA - }

SS

AFFIDAVIT

Charles E. Reiber, of lawful age, being first duly sworn, upon oath, deposes and says:

That he is the circulator of the forgoing petition:

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

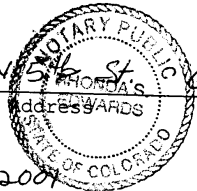
C. Reiber

Subscribed and sworn to before me this 15 day of December, 1999.

Witness my hand and official seal.

Rhonda S. Edwards  
Notary Public

250. N. 5th St. Grand Junction,  
address CO 81501



My commission expires: September 20, 2001

**CROWE ANNEXATION  
PETITION FOR ANNEXATION**

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

Tax Parcel #2701-261-00-702

Parcel 1 of Plsek/Crowe Simple Land Division according to the plat recorded in Plat Book 15 at Page 388 of the Mesa County records, Mesa County, Colorado.

This foregoing description describes the parcel; the perimeter boundary descriptions, for purposes of the Annexation Act, is shown on the attached "Perimeter Boundary Legal Description, Crowe Annexation."

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

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

Your petitioner further states that they are the owner of more than fifty percent of the area of such territory to be annexed, exclusive of streets and alleys; that the mailing address of the signer and the date of signature are set forth hereafter opposite the name of the signer, and that the legal description of the property owned by the signer of said petition is attached hereto.

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

Ruby F. Crowe  
NAME

880 26 1/2 Road, Grand Jct., CO 81506  
ADDRESS

Ruby E. Crowe  
SIGNATURE

12-3-99  
DATE

**PERIMETER BOUNDARY LEGAL DESCRIPTION  
CROWE ANNEXATION**

A parcel of land situate in the W 1/2 NE 1/4, the NE 1/4 NW 1/4 of Section 26 and in the SW 1/4 SE 1/4 of Section 23 all in Township 1 North, Range 1 West of the Ute Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

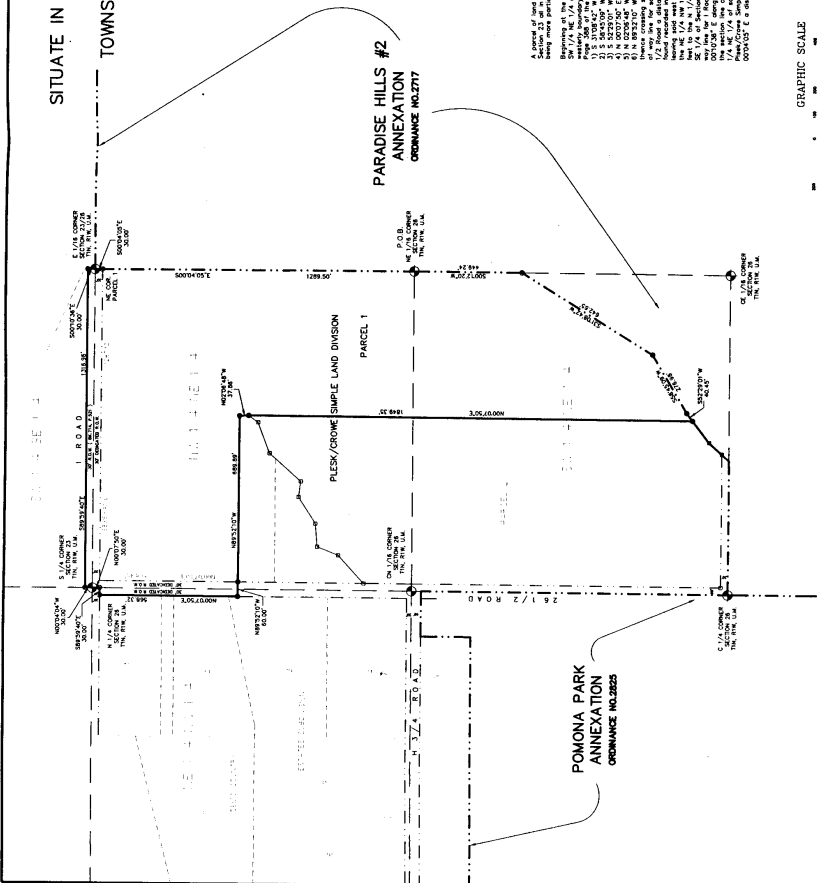
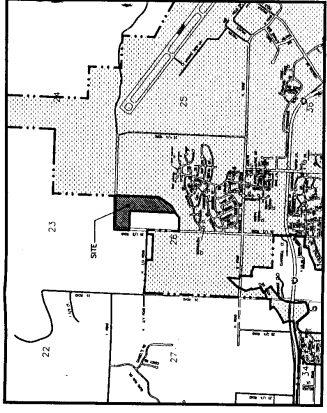
Beginning at the NE 1/16 corner of said Section 26; thence S 00°12'20" W along the east line of the SW 1/4 NE 1/4 of said Section 26 a distance of 449.24 feet to a point; thence along the southeasterly and westerly boundary of Parcel 1 of Plsek/Crowe Simple Land Division as found recorded in Plat Book 15 at Page 388 of the records of the Mesa County Clerk and Recorder the following 6 courses:

- 1) S 31°08'42" W a distance of 642.65 feet;
- 2) S 58°45'09" W a distance of 276.98 feet;
- 3) S 52°29'01" W a distance of 40.45 feet;
- 4) N 00°07'50" E a distance of 1849.35 feet;
- 5) N 02°06'48" W a distance of 37.86 feet;
- 6) N 89°52'10" W a distance of 689.89 feet to a point on the east right of way line for 26 1/2 Road;

thence crossing said 26 1/2 Road N 89°52'10" W a distance of 60.00 feet to a point on the west right of way line for said 26 1/2 Road; thence N 00°07'50" E along the west right of way line for said 26 1/2 Road a distance of 568.32 feet to the northeast corner of Lot 1 of Del's Country Estates Subdivision as found recorded in Plat Book 14 at Page 265 of the records of said Mesa County Clerk and Recorder; thence leaving said west right of way line S 89°59'40" E a distance of 30.00 feet to a point on the east line of the NE 1/4 NW 1/4 of said Section 26; thence N 00°07'50" E along said east line a distance of 30.00 feet to the N 1/4 corner of said Section 26; thence N 00°04'04" W along the west line of the SW 1/4 SE 1/4 of Section 23 a distance of 30.00 feet to a point; thence S 89°59'40" E along the north right of way line for I Road a distance of 1316.96 feet to a point on the east line of said SW 1/4 SE 1/4; thence S 00°10'36" E along the east line of said SW 1/4 SE 1/4 a distance of 30.00 feet to the E 1/16 corner on the section line common with Section 23 and 26; thence S 00°04'05" E along the east line of the NW 1/4 NE 1/4 of said Section 26 a distance of 30.00 feet to the northeast corner of Parcel 1 of said Plsek/Crowe Simple Land Division; thence continuing along the east line of said NW 1/4 NE 1/4 S 00°04'05" E a distance of 1289.50 feet to the point of beginning, containing 41.51 acres more or less.



**CROWE ANNEXATION**  
 SITUATE IN THE W 1/2, NE 1/4, NE 1/4 NW 1/4 OF SECTION 26  
 & IN THE SW 1/4 SE 1/4 OF SECTION 23  
 TOWNSHIP 1 NORTH, RANGE 1 WEST OF THE UTE MERIDIAN  
 COUNTY OF MESA, STATE OF COLORADO



**LEGAL DESCRIPTION**

A portion of said Section 26 in the W 1/2, NE 1/4, NE 1/4 NW 1/4 of Section 26 and in the SW 1/4 SE 1/4 of Section 26, Township 1 North, Range 1 West of the Ute Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

1. S 1/4 CORNER THE NE 1/4  
 2. S 1/4 CORNER THE NE 1/4  
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 100. S 1/4 CORNER THE NE 1/4



The description(s) contained herein have been derived from the subdivision plan and other data on file in the office of the Mesa County Clerk and Recorder. This plan does not constitute a legal survey, and is not intended to be used as a means for establishing or verifying property boundary lines.

SENIOR REAL ESTATE TECHNICIAN, PLS 22580

**ORDINANCE NO.**

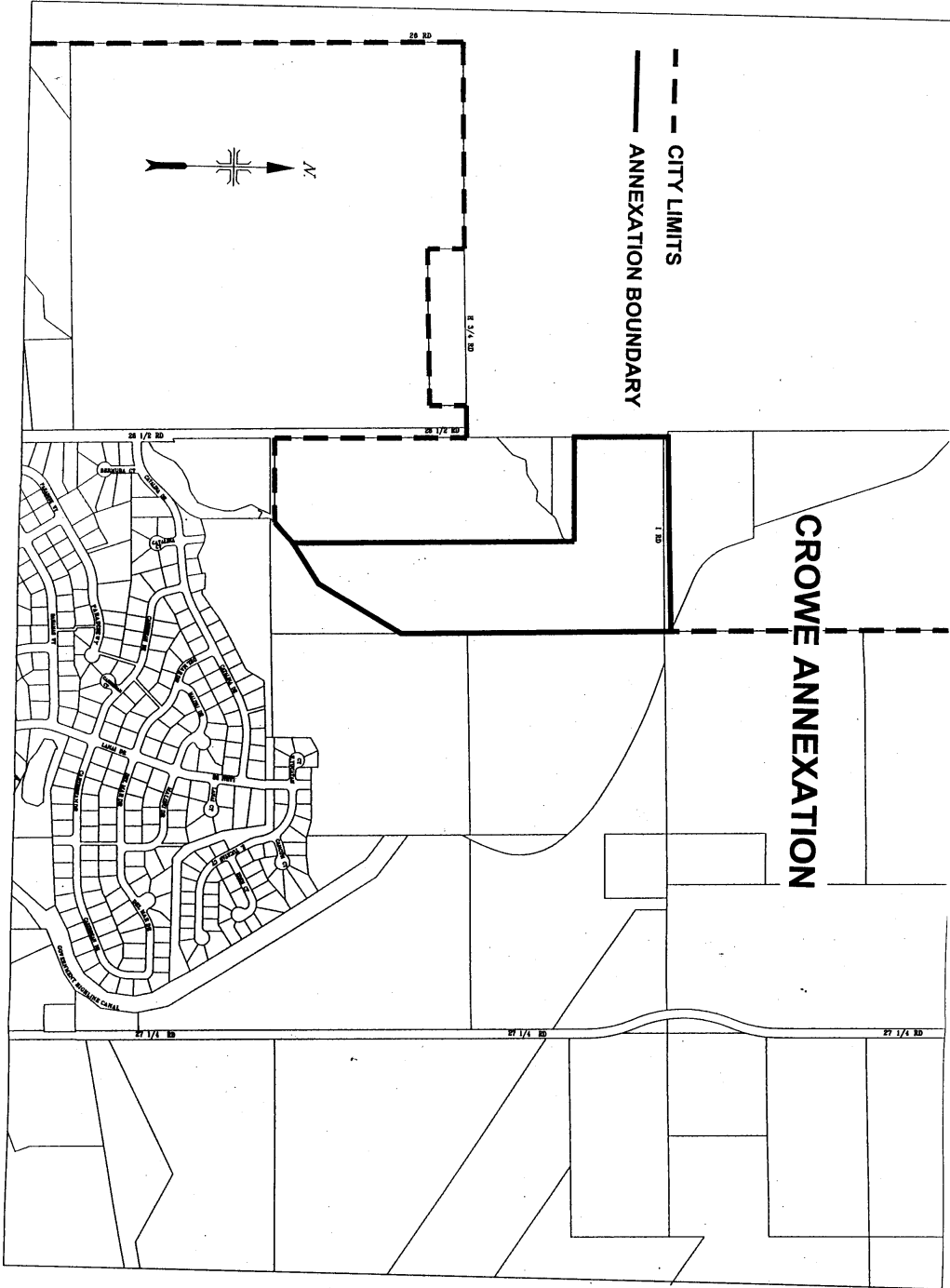
**EFFECTIVE DATE**

**AREA OF ANNEXATION**  
 171.78 AC  
 171.78 AC  
 171.78 AC  
 171.78 AC

DRAWN BY:            DATE: 11-15-20  
 DESIGNED BY:            DATE:             
 CHECKED BY:            DATE:           

SCALE: 1" = 200'  
 DEPARTMENT OF PUBLIC WORKS AND UTILITIES  
 ENGINEERING AND TECHNICAL SERVICES DIVISIONS  
 CITY OF MESA, COLORADO

CROWE ANNEXATION



Attach 10

**CITY COUNCIL AGENDA  
CITY OF GRAND JUNCTION**

**City Council**

**Workshop**

**Formal Agenda**

**Meeting Date:** January 5, 1999

**Date Prepared:** December 16, 1999

**Author:** Kathy Portner

**Title:** Planning Manager

**Presenter Name:** Kathy Portner

**Title:** Planning Manager

**Subject:** ANX-1999-277 Referring a Petition/First Reading of the Annexation Ordinance/Exercise Land Use Jurisdiction for the Webb Crane Annexation, located at 761 23 ½ Road.

**Summary:** The 24.75 acre Webb Crane Annexation area consists of three parcels of land. Owners of the property have signed a petition for annexation as part of their request for a Growth Plan Amendment and rezoning of this parcel.

**Background Information:** See attached.

**Budget:** N/A

**Action Requested/Recommendation:** Council approval of the Resolution of referral of the petition and the first reading of the annexation ordinance, as well as approval to exercise land use jurisdiction.

**Citizen Presentation:**  Yes  No. If yes,

**Name**

**Purpose**

**Report results back to Council?**  No  Yes, When \_\_\_\_\_

<b>Placement on agenda:</b> <input checked="" type="checkbox"/> Consent <input type="checkbox"/> Individual Consideration <b>Workshop</b>
--

**CITY OF GRAND  
JUNCTION**

**DATE:** December 15, 1999

**CITY COUNCIL**

**STAFF PRESENTATION:** Kathy Portner

---

**AGENDA TOPIC:** ANX-1999-277 Referring a Petition/First Reading of the Annexation Ordinance/Exercise Land Use Jurisdiction for the Webb Crane Annexation, located at 761 23 ½ Road.

**SUMMARY:** The 24.75 acre Webb Crane Annexation area consists of three parcels of land. Owners of the property have signed a petition for annexation as part of their request for a Growth Plan Amendment and rezoning for a portion of this property.

**ACTION REQUESTED:** Council approval of the Resolution of referral of the petition and the first reading of the annexation ordinance, as well as approval to exercise land use jurisdiction.

**BACKGROUND INFORMATION:**

**Location:** 761 23 ½ Road

**Applicant:** Webb Crane

**Existing Land Use:** Webb Crane and undeveloped property

**Proposed Land Use:** Expansion of Webb Crane

**Surrounding Land Use:**

***North:*** Large lot single family

***South:*** I-70, heavy commercial, light industrial

***East:*** 23 ½ Road and Kenworth Trucking

***West:*** Triune Mining Supply

**Existing Zoning:** County PC (Planned Commercial) and AFT

**Proposed Zoning:** I-1 (Light Industrial)

**Surrounding Zoning:**

***North:*** County AFT (1 unit per 5 acres)

***South:*** County AFT, PUD, C-2 and I-1

***East:*** County PC and PUD

***West:*** County PC and AFT

**Relationship to Comprehensive Plan:**

The Future Land Use Map designates the south half of this property as Commercial and the north portion as Residential Estate, 2 to 5 acres per unit.

**Staff Analysis:**

Pursuant to the 1998 Persigo Agreement, all new development located within the “Annexable Area” is required to annex into the City of Grand Junction. The Webb Crane Annexation petition has been signed by the property owners as a part of their request for a Growth Plan Amendment and rezoning of the property. This annexation consists of annexing three parcels of land of approximately 20 acres, as well as a portion of the 23 ½ Road and I-70 right-of-way.

It is the opinion of Staff, based on their review of the petition and knowledge of applicable state law, including the Municipal Annexation Act Pursuant to C.R.S. 31-12-104, that the Webb Crane Annexation is eligible to be annexed because of compliance with the following:

- a. A proper petition has been signed by more than 50% of the owners and more than 50% of the property described;
- b. Not less than one-sixth of the perimeter of the area to be annexed is contiguous with the existing City limits;
- c. A community of interest exists between the area to be annexed and the City. This is so in part because the Central Grand Valley is essentially a single demographic and economic unit and occupants of the area can be expected to, and regularly do, use City streets, parks and other urban facilities;
- d. The area is or will be urbanized in the near future;
- e. The area is capable of being integrated with the City;
- f. No land held in identical ownership is being divided by the proposed annexation;
- g. No land held in identical ownership comprising 20 contiguous acres or more with an assessed valuation of \$200,000 or more for tax purposes is included without the owners consent.

**RECOMMENDATION:**

Staff recommends approval.

## WEBB CRANE ANNEXATION SUMMARY

<b>File Number:</b>	ANX-1999-277
<b>Location:</b>	761 23 ½ Road
<b>Tax ID Number:</b>	2701-322-00-069 2701-322-05-002 2701-322-00-084
<b>Parcels:</b>	3
<b>Estimated Population:</b>	0
<b># of Parcels (owner occupied):</b>	0
<b># of Dwelling Units:</b>	0
<b>Acres:</b>	24.75 acres for annexation area 20 acres for property
<b>Developable Acres Remaining:</b>	approximately 9 acres
<b>Right-of-way in Annexation:</b>	Portions of 23 ½ Road and I-70
<b>Previous County Zoning:</b> AFT	PC (Planned Commercial) and
<b>Proposed City Zoning:</b>	I-1 (Light Industrial)
<b>Current Land Use:</b>	Webb Crane and undeveloped
<b>Future Land Use:</b>	Proposal to expand Webb Crane
<b>Assessed Values:</b>	Land = \$ 24,940 Improvements = \$ 99,530 TOTAL VALUE = \$ 124,470
<b>Census Tract:</b>	15
<b>Address Ranges:</b>	<ul style="list-style-type: none"><li>• 761 23 ½ Road</li></ul>
<b>Special Districts:</b>	
<b>Water:</b>	Ute Water
<b>Sewer:</b>	

**Fire:**  
**Drainage:**  
**School:**  
**Pest:**

Grand Junction Rural District  
Grand Junction Drainage  
District 51

**NOTICE OF HEARING  
ON PROPOSED ANNEXATION OF LANDS  
TO THE CITY OF GRAND JUNCTION, COLORADO**

**NOTICE IS HEREBY GIVEN** that at a regular meeting of the City Council of the City of Grand Junction, Colorado, held on the 5th day of January, 2000, the following Resolution was adopted:



**CITY OF GRAND JUNCTION, COLORADO**

**RESOLUTION NO.**

**A RESOLUTION  
REFERRING A PETITION TO THE CITY COUNCIL  
FOR THE ANNEXATION OF LANDS  
TO THE CITY OF GRAND JUNCTION, COLORADO,  
SETTING A HEARING ON SUCH ANNEXATION,  
AND EXERCISING LAND USE CONTROL**

**WEBB CRANE ANNEXATION**

**WHEREAS**, on the 5<sup>th</sup> day of January, 2000, a petition was referred to the City Council of the City of Grand Junction, Colorado, for annexation to said City of the following property situate in Mesa County, Colorado, and described as follows:

**WEBB CRANE ANNEXATION**

A parcel of land situate in the North 1/2 of Section 32, Township 1 North, Range 1 West of the Ute Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

Commencing at the N 1/4 corner of said Section 32; thence S 00°02'00" E along the north-south centerline of said Section 32 a distance of 1539.64 feet to the northeast corner of the south 441.75 feet of the N 1/2 SE 1/4 NW 1/4 of said Section 32 and True Point of Beginning for the parcel described herein; thence S 00°02'00" E along said north-south centerline a distance of 441.75 feet of the southeast corner of the N 1/2 SE 1/4 NW 1/4 of said Section 32; thence N 89°58'00" E a distance of 40.00 feet to a point on the east right of way line for 23 1/2 Road; thence S 00°02'00" E along said east right of way line a distance of 349.97 feet to a point; thence continuing along said east right of way line S 44°50'30" E a distance of 70.90 feet to a point on the north right of way line for Interstate 70; thence crossing said Interstate 70 S 00°20'00" W a distance of 203.02 feet to a point; thence N 89°40'00" W along a line 2.00 feet north of and parallel with the south right of way line for said Interstate 70 a distance of 855.13 feet to a point; thence crossing said Interstate 70 N 00°02'00" W a distance of 203.00 feet to a point on the north right of way line for said Interstate 70 ( said point also being the southeast corner of Lot 1 of Elder, Quinn, & McGill Inc. Planned Commercial Park as found recorded in Plat book 12 at Page 338 of the records of the Mesa County Clerk and Recorder ); thence N 00°02'00" W along the east line of Lot 1 of said Elder, Quinn, & McGill Inc. Planned Commercial Park a distance of 393.93 feet to the northeast corner of said Lot 1; thence S 89°54'04" W along the north line of said Lot 1 a distance of 553.38 feet to the southwest corner of the N 1/2 SE 1/4 NW 1/4 of said Section 32; thence N 00°05'56" W along the west line of the SE 1/4 NW 1/4 of said Section 32 a distance of 441.75 feet to the

northwest corner of the south 441.75 feet of the N 1/2 SE 1/4 NW 1/4 of said Section 32; thence N 89°54'04" E along the north line of the south 441.75 feet of said N 1/2 SE 1/4 NW 1/4 a distance of 1320.34 feet to the point of beginning, containing 24.75 acres more or less.

**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:**

1. That a hearing will be held on the 16th day of February, 2000 at Two Rivers Convention Center, 159 Main Street, Grand Junction, Colorado, at 7:30 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 without the consent of the landowner; 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.

2. Pursuant to the State's Annexation Act, the City Council determines that the City may now, and hereby does, exercise jurisdiction over land use issues in the said territory. Requests for building permits, subdivision approvals and zoning approvals shall, as of this date, be submitted to the Community Development Department of the City.

ADOPTED this 5<sup>th</sup> day of January, 2000.

Attest:

---

City Clerk

---

President of City Council

NOTICE IS FURTHER GIVEN that a hearing will be held in accordance with the Resolution on the date and at the time and place set forth in the Resolution.

---

City Clerk

Published:

January 7, 2000  
January 14, 2000  
January 21, 2000  
January 28, 2000

**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

**AN ORDINANCE ANNEXING TERRITORY TO THE  
CITY OF GRAND JUNCTION, COLORADO**

**WEBB CRANE ANNEXATION  
APPROXIMATELY 24.75 ACRES  
INCLUDING A PORTION OF THE 23 1/2 ROAD AND I-70 RIGHT-OF-WAY  
LOCATED AT 761 23 1/2 ROAD**

**WHEREAS**, on the 5<sup>TH</sup> day of January, 2000 the City Council of the City of Grand Junction considered a petition for the annexation of the following described territory to the City of Grand Junction; and

**WHEREAS**, a hearing on the petition was duly held after proper notice on the 16<sup>th</sup> day of February, 2000; and

**WHEREAS**, the City Council determined that said territory was eligible for annexation and that no election was necessary to determine whether such territory should be annexed.;

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

That the property situate in Mesa County, Colorado, and described to wit:

**WEBB CRANE ANNEXATION**

A parcel of land situate in the North 1/2 of Section 32, Township 1 North, Range 1 West of the Ute Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

Commencing at the N 1/4 corner of said Section 32; thence S 00°02'00" E along the north-south centerline of said Section 32 a distance of 1539.64 feet to the northeast corner of the south 441.75 feet of the N 1/2 SE 1/4 NW 1/4 of said Section 32 and True Point of Beginning for the parcel described herein; thence S 00°02'00" E along said north-south centerline a distance of 441.75 feet of the southeast corner of the N 1/2 SE 1/4 NW 1/4 of said Section 32; thence N 89°58'00" E a distance of 40.00 feet to a point on the east right of way line for 23 1/2 Road; thence S 00°02'00" E along said east right of way line a distance of 349.97 feet to a point; thence continuing along said east right of way line S 44°50'30" E a distance of 70.90 feet to a point on the north right of way line for Interstate 70; thence crossing said Interstate 70 S 00°20'00" W a distance of 203.02 feet to a point; thence N 89°40'00" W along a line 2.00 feet north of and

parallel with the south right of way line for said Interstate 70 a distance of 855.13 feet to a point; thence crossing said Interstate 70 N 00°02'00" W a distance of 203.00 feet to a point on the north right of way line for said Interstate 70 ( said point also being the southeast corner of Lot 1 of Elder, Quinn, & McGill Inc. Planned Commercial Park as found recorded in Plat book 12 at Page 338 of the records of the Mesa County Clerk and Recorder ); thence N 00°02'00" W along the east line of Lot 1 of said Elder, Quinn, & McGill Inc. Planned Commercial Park a distance of 393.93 feet to the northeast corner of said Lot 1; thence S 89°54'04" W along the north line of said Lot 1 a distance of 553.38 feet to the southwest corner of the N 1/2 SE 1/4 NW 1/4 of said Section 32; thence N 00°05'56" W along the west line of the SE 1/4 NW 1/4 of said Section 32 a distance of 441.75 feet to the northwest corner of the south 441.75 feet of the N 1/2 SE 1/4 NW 1/4 of said Section 32; thence N 89°54'04" E along the north line of the south 441.75 feet of said N 1/2 SE 1/4 NW 1/4 a distance of 1320.34 feet to the point of beginning, containing 24.75 acres more or less.

be and is hereby annexed to the City of Grand Junction, Colorado.

**INTRODUCED** on first reading on the 5<sup>th</sup> day of January, 2000.

**ADOPTED** and ordered published this \_\_\_ day of \_\_\_\_\_, 2000.

Attest:

\_\_\_\_\_  
President of the Council

\_\_\_\_\_  
City Clerk

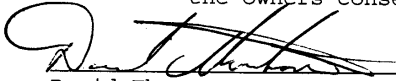
WEBB CRANE ANNEXATION

Public Hearing before Grand Junction City Council 2/2/00

It is my professional belief; based on my review of the petition, pursuant to C.R.S. 31-12-104, that the Webb Crane Annexation is eligible to be annexed.

It complies with the following:

- a) A proper petition has been signed by more than 50% of the owners and more than 50% of the property described;
- b) Not less than one-sixth of the perimeter of the area to be annexed is contiguous with the existing City limits;
- c) A community of interest exists between the area to be annexed and the City. This is so in part because the Central Grand Valley is essentially a single demographic and economic unit and occupants of the area can be expected to, and regularly do, use City streets, parks and other urban facilities;
- d) The area will be urbanized in the near future;
- e) The area is capable of being integrated with the City;
- f) No land held in identical ownership is being divided by the proposed annexation;
- g) No land held in identical ownership comprising 20 contiguous acres or more with an assessed valuation of \$200,000 or more for tax purposes is included without the owners consent.

  
 David Thornton, AICP

12/7/99  
 Date

STATE OF COLORADO  
 SS:  
 COUNTY OF MESA)

Subscribed and sworn to before me this 7<sup>th</sup> day of December 1999,  
 by David L. Thornton. Witness my hand and official seal.

My Commission expires:

*Rhonda S. Edwards*  
 Notary Public  
 (eligible)  
 RHONDA S. EDWARDS  
 STATE OF COLORADO

September 20, 2001

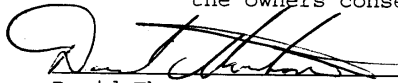
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- d) The area will be urbanized in the near future;
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- f) No land held in identical ownership is being divided by the proposed annexation;
- g) No land held in identical ownership comprising 20 contiguous acres or more with an assessed valuation of \$200,000 or more for tax purposes is included without the owners consent.

  
 \_\_\_\_\_  
 David Thornton, AICP

12/7/99  
 \_\_\_\_\_  
 Date

STATE OF COLORADO  
 SS:  
 COUNTY OF MESA)

Subscribed and sworn to before me this 7<sup>th</sup> day of December 1999,  
 by David L. Thornton. Witness my hand and official seal.

My Commission expires:

*Rhonda S. Edwards*  
 Notary Public  
 (e) (State)  
 RHONDA S. EDWARDS  
 COLORADO

September 20, 2001

STATE OF COLORADO

COUNTY OF MESA

SS

AFFIDAVIT

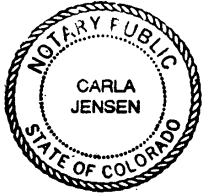
*William Z. Hill*  
*Debra A. Hill*  
\_\_\_\_\_, of lawful age, being first duly sworn, upon oath, deposes and says:

That he is the circulator of the forgoing petition:

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

Subscribed and sworn to before me this 4 day of NOVEMBER, 1999.

Witness my hand and official seal.



My Commission expires  
April 7, 2001

*Carla Jensen*  
\_\_\_\_\_  
Notary Public

1879 J ROAD FRUITA, CO 81521  
Address

My commission expires: \_\_\_\_\_



**WEBB CRANE ANNEXATION  
PETITION FOR ANNEXATION**

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

ADDRESS: 2340 I-70 Frontage Road & Tax Parcel #2701-322-00-084  
See Attached Exhibit A

ADDRESS: 761 23 ½ Road & Tax Parcel #2701-322-05-001  
Lot 1 in Williamsen Subdivision, Mesa County, Colorado.

ADDRESS: 763 23 ½ Road & Tax Parcel #2701-322-00-069  
The South 441.75 feet of the N1/2SE1/4NW1/4 of Section 32, Township 1 North, Range 1 West of the Ute Meridian EXCEPT the South 4.0 feet thereof, Mesa County, Colorado

ADDRESS: N/A & Tax Parcel # N/A  
The South 4 feet of the N1/2SE1/4NW1/4 of Section 32, Township 1 North, Range 1 West of the Ute Meridian, Mesa County, Colorado

This foregoing description describes the parcel; the perimeter boundary descriptions, for purposes of the Annexation Act, is shown on the attached "Perimeter Boundary Legal Description, Webb Crane Annexation."

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

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

Your petitioners further state that they are the owners of more than fifty percent of the area of such territory to be annexed, exclusive of streets and alleys; that the mailing address of each signer and the date of signature are set forth

hereafter opposite the name of each signer, and that the legal description of the property owned by each signer of said petition is attached hereto.

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

William L. Webb  
NAME

1777 Larimer Street #1102, Denver, CO 80202  
761 23 1/2 Road, Grand Jct., CO 81505 and  
~~1946 Star Canyon Drive, Grand Junction, CO 81503~~

ADDRESSES  
*1946 Star Canyon Drive, Grand Junction  
is our old residence! W.L.W.*

*William L. Webb*  
SIGNATURE

11-14-99  
DATE

Leslie A. Webb  
NAME

1777 Larimer Street #1102, Denver, CO 80202  
761 23 1/2 Road, Grand Jct., CO 81505 and  
~~1946 Star Canyon Drive, Grand Junction, CO 81503~~

ADDRESSES  
*1946 is our old residence - L.A.W. -  
Star Canyon.*

*Leslie A. Webb*  
SIGNATURE

11-14-99  
DATE

# Exhibit A

BOOK 1768 PAGE 112

That part of the S 1/2 SE 1/4 NW 1/4 Section 32, Township 1 North, Range 1 West of the Ute Meridian lying North of the right-of-way for Highway I-70,

EXCEPT Beginning at the Northeast Corner of said S 1/2 SE 1/4 NW 1/4, Section 32 which is South  $00^{\circ}02'00''$  East 1981.39 feet from the North Quarter Corner of said Section 32, thence South  $00^{\circ}02'00''$  East 349.71 feet along the East line of said S 1/2 SE 1/4 NW 1/4 to the North right of way of Interstate 70; thence along said North right of way North  $89^{\circ}45'32''$  West 20.00 feet, thence South  $45^{\circ}06'14''$  West 70.54 feet, thence North  $89^{\circ}45'30''$  West 390.85 feet, thence North  $00^{\circ}02'00''$  West 396.07 feet to a point on the North line of said S 1/2 SE 1/4 NW 1/4, thence North  $89^{\circ}54'04''$  East 460.85 feet along the North line of said S 1/2 SE 1/4 NW 1/4 to the point of beginning,

ALSO EXCEPT the West 5 acres of the S 1/2 SE 1/4 NW 1/4 of Section 32, Township 1 North, Range 1 West, Ute Meridian lying North of the Interstate Highway 70 right of way line, and being more specifically described as follows:

Beginning at a point which bears South  $00^{\circ}02'$  East 1981.39 feet and South  $89^{\circ}54'04''$  West 766.45 feet from the N 1/4 corner of Section 32, Township 1 North, Range 1 West, Ute Meridian, and considering the East line of the NW 1/4 of said Section 32 to bear South  $00^{\circ}02'$  East with all other bearings contained relative thereto, thence South  $00^{\circ}02'42''$  East 395.16 feet to a point on the North right of way line of Interstate Highway 70, thence along said right of way line North  $89^{\circ}45'30''$  West 553.49 feet to a point on the West line of the S 1/2 SE 1/4 NW 1/4 of said Section 32, thence along said West line North  $00^{\circ}02'42''$  West 391.86 feet to a point on the North line of the S 1/2 SE 1/4 NW 1/4 of said Section 32, thence along said North line North  $89^{\circ}54'04''$  East 553.48 feet to the Point of Beginning,

MESA COUNTY, COLORADO.

- Schedule A -

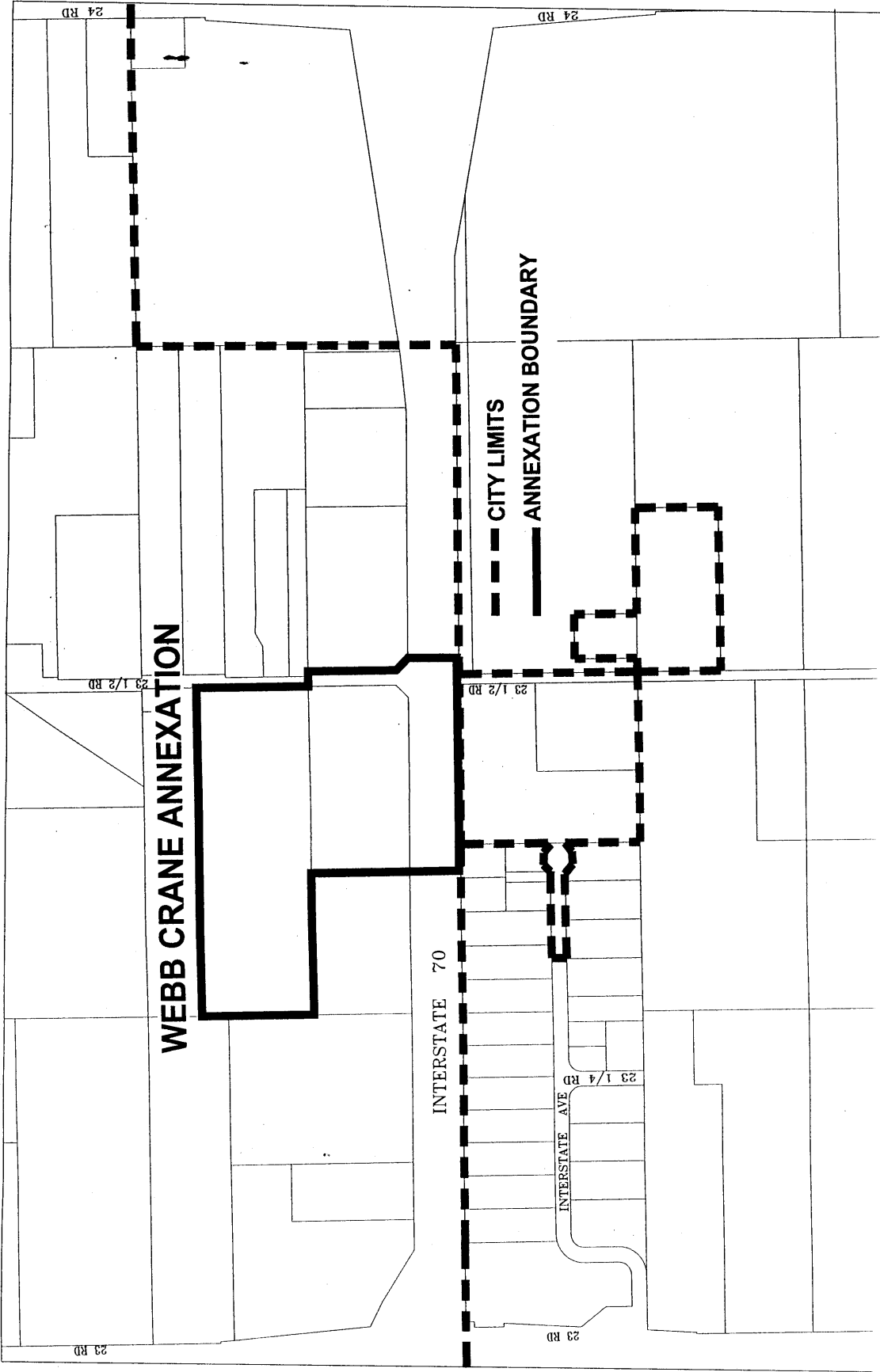
PERIMETER BOUNDARY LEGAL DESCRIPTION  
WEBB CRANE ANNEXATION

A parcel of land situate in the North 1/2 of Section 32, Township 1 North, Range 1 West of the Ute Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

Commencing at the N 1/4 corner of said Section 32; thence S 00°02'00" E along the north-south centerline of said Section 32 a distance of 1539.64 feet to the northeast corner of the south 441.75 feet of the N 1/2 SE 1/4 NW 1/4 of said Section 32 and True Point of Beginning for the parcel described herein; thence S 00°02'00" E along said north-south centerline a distance of 441.75 feet of the southeast corner of the N 1/2 SE 1/4 NW 1/4 of said Section 32; thence N 89°58'00" E a distance of 40.00 feet to a point on the east right of way line for 23 1/2 Road; thence S 00°02'00" E along said east right of way line a distance of 349.97 feet to a point; thence continuing along said east right of way line S 44°50'30" E a distance of 70.90 feet to a point on the north right of way line for Interstate 70; thence crossing said Interstate 70 S 00°20'00" W a distance of 203.02 feet to a point; thence N 89°40'00" W along a line 2.00 feet north of and parallel with the south right of way line for said Interstate 70 a distance of 855.13 feet to a point; thence crossing said Interstate 70 N 00°02'00" W a distance of 203.00 feet to a point on the north right of way line for said Interstate 70 ( said point also being the southeast corner of Lot 1 of Elder, Quinn, & McGill Inc. Planned Commercial Park as found recorded in Plat book 12 at Page 338 of the records of the Mesa County Clerk and Recorder ); thence N 00°02'00" W along the east line of Lot 1 of said Elder, Quinn, & McGill Inc. Planned Commercial Park a distance of 393.93 feet to the northeast corner of said Lot 1; thence S 89°54'04" W along the north line of said Lot 1 a distance of 553.38 feet to the southwest corner of the N 1/2 SE 1/4 NW 1/4 of said Section 32; thence N 00°05'56" W along the west line of the SE 1/4 NW 1/4 of said Section 32 a distance of 441.75 feet to the northwest corner of the south 441.75 feet of the N 1/2 SE 1/4 NW 1/4 of said Section 32; thence N 89°54'04" E along the north line of the south 441.75 feet of said N 1/2 SE 1/4 NW 1/4 a distance of 1320.34 feet to the point of beginning, containing 24.75 acres more or less.

(webb.doc)







Attach 11

**CITY COUNCIL AGENDA  
CITY OF GRAND JUNCTION**

City Council

Workshop

Formal Agenda

Meeting Date: January 5, 2000

Date Prepared: December 20, 1999

Author: Joe Carter

Title: Associate Planner

Presenter Name: Joe Carter

Title: Associate Planner

**Subject: Annexation of the Robertson Minor Subdivision, #ANX-1999-269**

**Summary:** Resolution for Referral of Petition to Annex/First reading of the annexation ordinance/Exercising land use jurisdiction immediately for the Robertson Annexation located at 522 20 1/2 Road and including portions of the 20 1/2 (#ANX-1999-269). The 3.80-acre Robertson Annexation consists of two parcels of land.

**Background Information:** See Attached

**Budget:** N/A

**Action Requested/Recommendation:** It is recommended that City Council approve the resolution for the referral of petition to annex, first reading of the annexation ordinance and exercise land use immediately for the Robertson Annexation and set a hearing for February 16, 2000.

**Citizen Presentation:**            Yes        X    No. If yes,  
Name  
Purpose

**Report results back to Council?** X No Yes, When\_\_\_\_\_

**Placement on agenda:** X Consent    Individual Consideration  
Workshop



**CITY OF GRAND JUNCTION**

**DATE: January 5, 2000**

**CITY COUNCIL STAFF PRESENTATION: Joe Carter**

**AGENDA TOPIC:** Resolution for Referral of Petition to Annex/First reading of the annexation ordinance/Exercising land use jurisdiction immediately for the Robertson Annexation located at 522 20 ½ Road and including portions of the 20 ½ Road right-of-way. (#ANX-1999-269)

**SUMMARY:** The 3.80-acre Robertson Annexation area consists of two parcels of land. The southern most parcel contains a single family residence and is proposing adjusting its northern most property line to acquire additional real estate. The remaining parcel, which has one single family residence existing, will be subdivided into 3 residential lots. The owners of the properties have signed a petition for annexation.

**ACTION REQUESTED:** It is recommended that City Council approve the resolution for the referral of petition to annex, first reading of the annexation ordinance and exercise land use immediately for the Robertson Annexation and set a hearing for February 16th, 2000.

**BACKGROUND INFORMATION:**

**Location: 522 20 1/2 Road**

**Applicants: Stephen Robertson, Owner**  
**Representative: Steve Sharp, Banner Associates**

**Existing Land Use: Residential**

**Proposed Land Use: Residential**

**Surrounding Land Use:**

**North: Residential**

**South: Residential**

**East: Public Use/Golf Driving Range**

**West: Residential**

**Existing Zoning: R1B (County)**

**Proposed Zoning: RSF-2**

**Surrounding Zoning:**

**North: R-2 (Mesa County)**

**South: R1B (Mesa County)**

**East: PZ (City)**

**West: PUD (City)**

**Relationship to Comprehensive Plan: The Growth Plan Future Land Use map designates this property “residential medium-low” with densities between 2 and 4 units per acre. The approved development plan falls with this density range.**

**Staff Analysis:**

**ANNEXATION:**

**This annexation area consists of annexing 3.80 acres of land including portions of the 20 ½ Road right-of-way. The property is now being annexed into the City of Grand Junction.**

**It is staff’s professional opinion, based on review of the petition and knowledge of applicable state law, including the Municipal Annexation Act Pursuant to C.R.S. 31-12-104, that the Robertson Annexation is eligible to be annexed because of compliance with the following:**

- a) A proper petition has been signed by more than 50% of the owners and more than 50% of the property described;**
- b) Not less than one-sixth of the perimeter of the area to be annexed is contiguous with the existing City limits;**
- c) A community of interest exists between the area to be annexed and the City. This is so in part because the Central Grand Valley is essentially a single demographic and economic unit and occupants of the area can be expected to, and regularly do, use City streets, parks and other urban facilities;**
- d) The area is or will be urbanized in the near future;**
- e) The area is capable of being integrated with the City;**
- f) No land held in identical ownership is being divided by the proposed annexation;**
- g) No land held in identical ownership comprising 20 contiguous acres or more with an assessed valuation of \$200,000 or more for tax purposes is included without the owners consent.**

**The following annexation schedule is being proposed.**

<b>January 5th</b>	<b>Referral of Petition to Annex &amp; 1st Read (30 Day Notice)</b>
<b>January 11th</b>	<b>Planning Commission considers Zone of Annexation</b>
<b>February 2nd</b>	<b>First Reading on Zoning by City Council</b>
<b>February 16th</b>	<b>Public hearing on Annexation and Zoning by City Council</b>
<b>March 19th</b>	<b>Effective date of Annexation and Zoning</b>

**RECOMMENDATION:**

**Approval**

## ROBERTSON ANNEXATION SUMMARY

**File Number:** ANX-1999-269

**Location:** 522 20 ½ Road

**Tax ID Number:** 2947-244-00-028 & 2947-224-27-001

**Parcels:** 2

**Estimated Population:** 2

**# of Parcels (owner occupied):** 2

**# of Dwelling Units:** 2

**Acres:** 3.80 acres for annexation area

**Developable Acres Remaining:** 3.607 acres

**Right-of-way in Annexation:**  
20 ½ Road full right-of-way width for 118 feet and half right-of-way width for 447 feet.

**Previous County Zoning:** County R1B

**Proposed City Zoning:** (RSF-2) Residential Single Family 2 units  
per acre

**Current Land Use:** Residential

**Future Land Use:** Residential

**Assessed Values:** Land = \$ NOT AVAILABLE  
Improvements = \$ 0  
**TOTAL VALUE = \$ NOT AVAILABLE**

**Census Tract:** 1401

**Address Ranges:**  
522 thru 528 20 ½ Road (even #'s only)

**Special Districts:**

**Water:** Ute Water

**Sewer:**

**Fire:** Grand Junction Rural Fire

**Drainage:**  
**School:**  
**Pest:**

**District 51**

**NOTICE OF HEARING  
ON PROPOSED ANNEXATION OF LANDS  
TO THE CITY OF GRAND JUNCTION, COLORADO**

**NOTICE IS HEREBY GIVEN** that at a regular meeting of the City Council of the City of Grand Junction, Colorado, held on the 5th day of January, 2000, the following Resolution was adopted:

**CITY OF GRAND JUNCTION, COLORADO**

**RESOLUTION NO.**

**A RESOLUTION  
REFERRING A PETITION TO THE CITY COUNCIL  
FOR THE ANNEXATION OF LANDS  
TO THE CITY OF GRAND JUNCTION, COLORADO,  
SETTING A HEARING ON SUCH ANNEXATION,  
AND EXERCISING LAND USE CONTROL**

**ROBERTSON ANNEXATION**

**LOCATED at 522 20 ½ Road and including portions of  
the 20 ½ Road right-of-way**

**WHEREAS**, on the 5th day of January 2000, a petition was referred to the City Council of the City of Grand Junction, Colorado, for annexation to said City of the following property situate in Mesa County, Colorado, and described as follows:

A parcel of land situate in the SW 1/4 SE 1/4 and in the SE 1/4 SW 1/4 of Section 22, Township 11 South, Range 101 West of the 6th Principal Meridian, County of Mesa, State of Colorado, being more particularly described as follows;

Beginning at the northwest corner of the SW 1/4 SE 1/4 of said Section 22; thence N 90°00'00" E along the north line of said SW 1/4 SE 1/4 a distance of 176.60 feet to a point; thence leaving said north line S 53°04'00" E a distance of 229.70 feet to a point; thence S 16°55'00" W a distance of 323.58 feet to a point on the north line of Lot 1 of Galbreath Subdivision as found recorded in Plat Book 13 at Page 112 of the records of the Mesa County Clerk and Recorder; thence N 90°00'00" E along the north line of said Lot 1 a distance of 0.86 feet to the northeast corner of said Lot 1; thence S 16°55'00" W along the easterly line of said Lot 1 a distance of 113.94 feet to the southeast corner of said Lot 1; thence S 87°59'00" W along the south line of said Lot 1 a distance of 192.73 feet to the southwest corner of said Lot 1; thence S 87°59'00" W a distance of 40.02 feet to a point on the north-south centerline of said Section 22; thence S 87°59'00" W a distance of 30.02 feet to a point on the west right of way line for 20 1/2 Road ( South Broadway ); thence N 00°07'00" W along the west right of way line for said 20 1/2 Road ( South Broadway ) ( said west right of way line also being the east boundary line for Block 5 of Tiara Rado Subdivision as found recorded in Plat Book 11 at Page 35 of the records of said Mesa County Clerk and Recorder ) a distance of 118.19 feet to a point; thence leaving said west right of way line N 89°53'00" E a distance of 30.00 feet to a point on the north-south centerline of said Section 22; thence N 00°07'00" W along said north-south centerline a distance of 447.60 feet to the point of beginning, containing 3.80 acres more or less.

**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:**

1. That a hearing will be held on the 16th day of February, 2000, in Two Rivers Convention Center, 159 Main Street, Grand Junction, Colorado, at 7:30 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 without the consent of the landowner; 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.
2. Pursuant to the State's Annexation Act, the City Council determines that the City may now, and hereby does, exercise jurisdiction over land use issues in the said territory. Requests for building permits, subdivision approvals and zoning approvals shall, as of this date, be submitted to the Community Development Department of the City.

ADOPTED this      day of      , 2000.

Attest:

\_\_\_\_\_  
President of the Council

\_\_\_\_\_  
City Clerk

NOTICE IS FURTHER GIVEN that a hearing will be held in accordance with the Resolution on the date and at the time and place set forth in the Resolution.

---

City Clerk

Published:

January 7, 2000  
January 14, 2000  
January 21, 2000  
January 28, 2000



**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

**AN ORDINANCE ANNEXING TERRITORY TO THE  
CITY OF GRAND JUNCTION, COLORADO**

**ROBERTSON ANNEXATION**

**APPROXIMATELY 3.80 ACRES**

**LOCATED AT 522 20 ½ ROAD AND INCLUDING PORTIONS OF  
THE 20 ½ RIGHT-OF-WAY**

**WHEREAS**, on the 5th day of January, 2000 the City Council of the City of Grand Junction considered a petition for the annexation of the following described territory to the City of Grand Junction; and

**WHEREAS**, a hearing on the petition was duly held after proper notice on the 16th day of February, 2000; and

**WHEREAS**, the City Council determined that said territory was eligible for annexation and that no election was necessary to determine whether such territory should be annexed.;

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

That the property situate in Mesa County, Colorado, and described to wit:

A parcel of land situate in the SW 1/4 SE 1/4 and in the SE 1/4 SW 1/4 of Section 22, Township 11 South, Range 101 West of the 6th Principal Meridian, County of Mesa, State of Colorado, being more particularly described as follows;

Beginning at the northwest corner of the SW 1/4 SE 1/4 of said Section 22; thence N 90°00'00" E along the north line of said SW 1/4 SE 1/4 a distance of 176.60 feet to a point; thence leaving said north line S 53°04'00" E a distance of 229.70 feet to a point; thence S 16°55'00" W a distance of 323.58 feet to a point on the north line of Lot 1 of Galbreath Subdivision as found recorded in Plat Book 13 at Page 112 of the records of the Mesa County Clerk and Recorder; thence N 90°00'00" E along the north line of said Lot 1 a distance of 0.86 feet to the northeast corner of said Lot 1; thence S 16°55'00" W along the easterly line of said Lot 1 a distance of 113.94 feet to the southeast corner of said Lot 1; thence S 87°59'00" W along the south line of said Lot 1 a distance of 192.73 feet to the southwest corner of said Lot 1; thence S 87°59'00" W a distance of 40.02 feet to a point on the north-south centerline of said Section 22; thence S 87°59'00" W a distance of 30.02 feet to a point on the west right of way line for 20 1/2 Road ( South Broadway ); thence N 00°07'00" W along the west right of way line for said 20 1/2 Road ( South Broadway ) ( said west right of way line also being the east boundary line for Block 5 of Tiara Rado Subdivision as found recorded in Plat Book 11 at Page 35 of the records of said Mesa County Clerk and Recorder ) a distance of 118.19 feet to a point; thence leaving said west right of way line N 89°53'00" E a distance of 30.00 feet to a point on the north-south centerline of said Section 22; thence N 00°07'00" W along said north-south centerline a distance of 447.60 feet to the point of beginning, containing 3.80 acres more or less.

be and is hereby annexed to the City of Grand Junction, Colorado.

**INTRODUCED** on first reading on the 5th day January, 2000.

**ADOPTED** and ordered published this        day of        , 2000.

**Attest:**

\_\_\_\_\_  
**President of the Council**

\_\_\_\_\_  
**City Clerk**



ROBERTSON ANNEXATION

Public Hearing before Grand Junction City Council 2/2/00

It is my professional belief; based on my review of the petition, pursuant to C.R.S. 31-12-104, that the Robertson Annexation is eligible to be annexed.

It complies with the following:

- a) A proper petition has been signed by more than 50% of the owners and more than 50% of the property described;
- b) Not less than one-sixth of the perimeter of the area to be annexed is contiguous with the existing City limits;
- c) A community of interest exists between the area to be annexed and the City. This is so in part because the Central Grand Valley is essentially a single demographic and economic unit and occupants of the area can be expected to, and regularly do, use City streets, parks and other urban facilities;
- d) The area will be urbanized in the near future;
- e) The area is capable of being integrated with the City;
- f) No land held in identical ownership is being divided by the proposed annexation;
- g) No land held in identical ownership comprising 20 contiguous acres or more with an assessed valuation of \$200,000 or more for tax purposes is included without the owners consent.

  
 \_\_\_\_\_  
 David Thornton, AICP

12/27/99  
 \_\_\_\_\_  
 Date

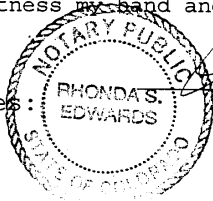
STATE OF COLORADO

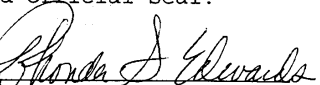
SS:

COUNTY OF MESA)

Subscribed and sworn to before me this 27<sup>th</sup> day of December 1999, by David L. Thornton. Witness my hand and official seal.

My Commission expires:  
*September 20, 2001*



  
 \_\_\_\_\_  
 Notary Public

(eligible)

STATE OF COLORADO }  
COUNTY OF MESA }

SS

AFFIDAVIT

Stephen R. Roberto, of lawful age, being first duly sworn, upon oath, deposes and says:

That he is the circulator of the forgoing petition:

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

Subscribed and sworn to before me this 24<sup>th</sup> day of November, 1999.

Witness my hand and official seal.

Norma C. Sufka  
Notary Public

131 W. 6th St., Suite 608, Denver, CO 80202  
Address

My commission expires: 8-9-02

**ROBERTSON ANNEXATION  
PETITION FOR ANNEXATION**

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

See Below

This foregoing description describes the parcel; the perimeter boundary descriptions, for purposes of the Annexation Act, is shown on the attached "Perimeter Boundary Legal Description, Robertson Annexation."

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

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

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

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

ADDRESS: 522 South Broadway & Tax Parcel #2947-224-00-028

Beginning at the Northwest Corner of the Southwest Quarter of the Southeast Quarter of Section 22, Township 11 South, Range 101 West of the 6<sup>th</sup> P.M., thence East 176.6 feet to the Redlands Canal, thence South 53°04' East 229.7 feet, thence South 16°55' West 323.8 feet, thence West 266 feet to the West line of the Southwest Quarter of the Southeast Quarter, thence North 447.6 feet to the point of beginning,

Mesa County, Colorado

Stephen R. Robertson  
NAME

609 Wagon Trail, Grand Jct., CO 81503  
ADDRESS

Stephen R. Robertson  
SIGNATURE

11-24-99  
DATE

STATE OF COLORADO }  
COUNTY OF MESA }

SS

AFFIDAVIT

Amy L Swank, of lawful age, being first duly sworn, upon oath, deposes and says:

That he is the circulator of the forgoing petition:

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

Subscribed and sworn to before me this 24 day of December, 1999.

Witness my hand and official seal.

AMY L. SWANK  
NOTARY PUBLIC  
STATE OF COLORADO

Amy L Swank  
Notary Public

616 North Ave Grand Jct CO 81501  
Address

My commission expires: **MY COMMISSION EXPIRES 02/02/2002**

(affidavit)

(Robertson Annexation petition) PAGE 2

ADDRESS: 518 South Broadway & Tax Parcel #2947-224-27-001

Lot one of Galbreath Subdivision according to the official plat thereof. Recorded in plat book No. 13 at page 112. Official records of Mesa County, Colorado.

Mark E. Holmes  
NAME

518 S. Broadway, Grand Jct., CO 81503  
ADDRESS

*Mark E. Holmes*  
SIGNATURE

12/27/99  
DATE

Darlene S. Holmes  
NAME

518 S. Broadway, Grand Jct., CO 81503  
ADDRESS

*Darlene S Holmes*  
SIGNATURE

12-24-99  
DATE

(rub pet.doc)

*Amy L Swank*



MY COMMISSION EXPIRES 02/02/2002

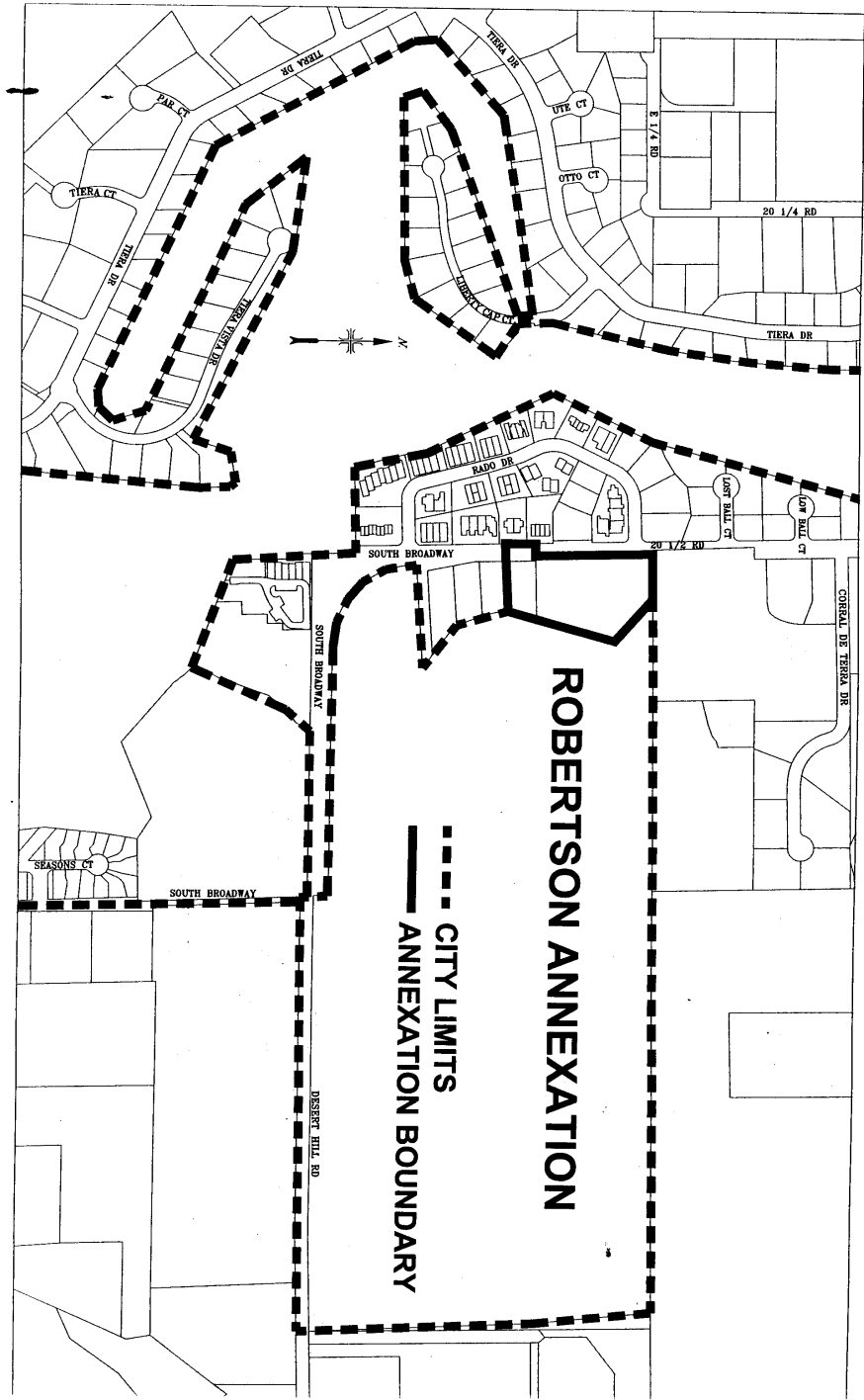


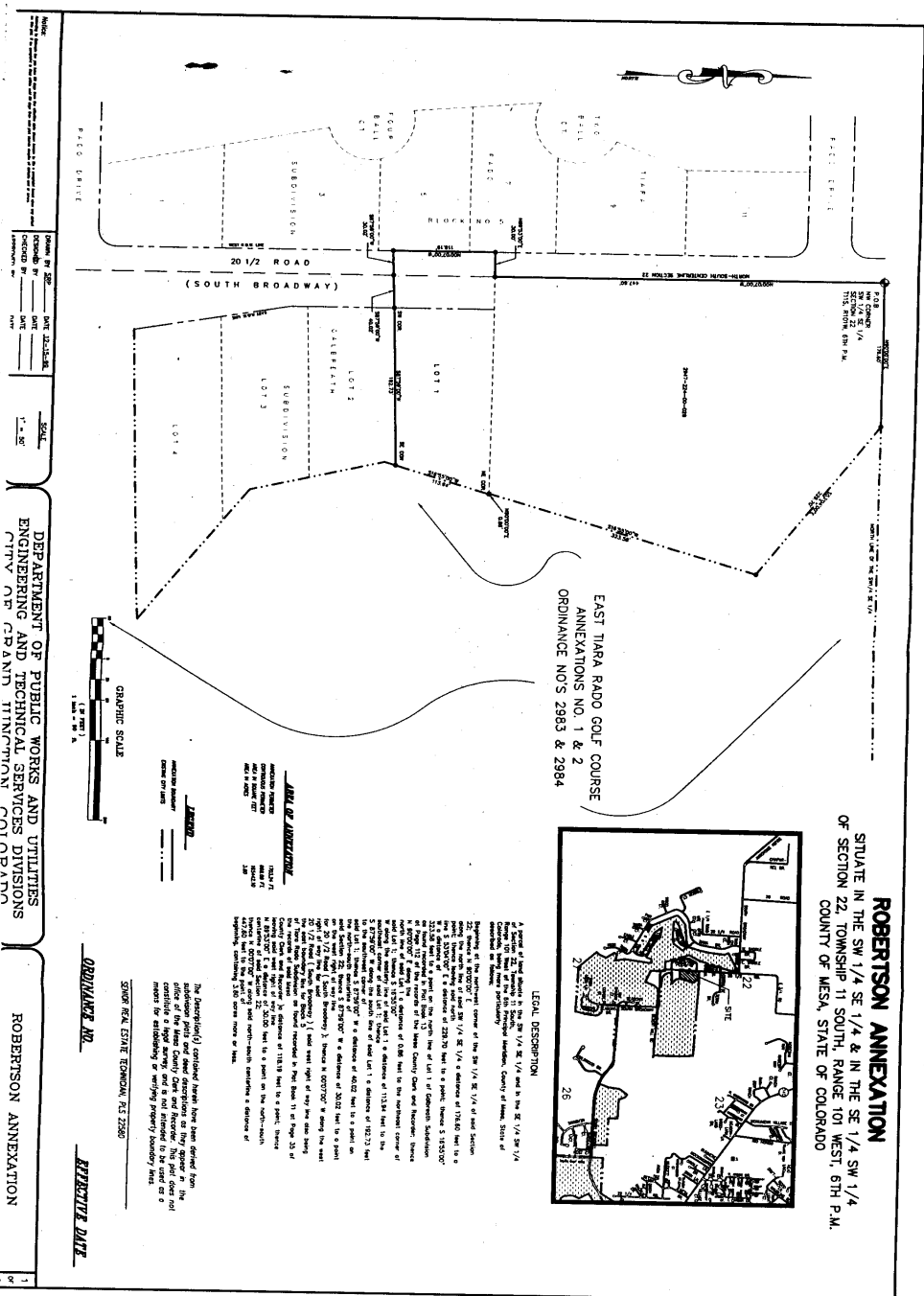
**PERIMETER BOUNDARY LEGAL DESCRIPTION  
ROBERTSON ANNEXATION**

A parcel of land situate in the SW 1/4 SE 1/4 and in the SE 1/4 SW 1/4 of Section 22, Township 11 South, Range 101 West of the 6th Principal Meridian, County of Mesa, State of Colorado, being more particularly described as follows;

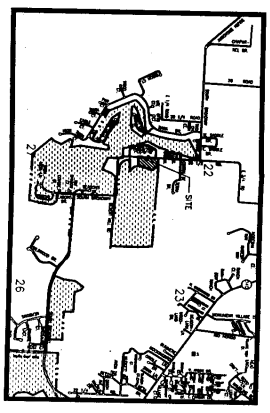
Beginning at the northwest corner of the SW 1/4 SE 1/4 of said Section 22; thence N 90°00'00" E along the north line of said SW 1/4 SE 1/4 a distance of 176.60 feet to a point; thence leaving said north line S 53°04'00" E a distance of 229.70 feet to a point; thence S 16°55'00" W a distance of 323.58 feet to a point on the north line of Lot 1 of Galbreath Subdivision as found recorded in Plat Book 13 at Page 112 of the records of the Mesa County Clerk and Recorder; thence N 90°00'00" E along the north line of said Lot 1 a distance of 0.86 feet to the northeast corner of said Lot 1; thence S 16°55'00" W along the easterly line of said Lot 1 a distance of 113.94 feet to the southeast corner of said Lot 1; thence S 87°59'00" W along the south line of said Lot 1 a distance of 192.73 feet to the southwest corner of said Lot 1; thence S 87°59'00" W a distance of 40.02 feet to a point on the north-south centerline of said Section 22; thence S 87°59'00" W a distance of 30.02 feet to a point on the west right of way line for 20 1/2 Road ( South Broadway ); thence N 00°07'00" W along the west right of way line for said 20 1/2 Road ( South Broadway ) ( said west right of way line also being the east boundary line for Block 5 of Tiara Rado Subdivision as found recorded in Plat Book 11 at Page 35 of the records of said Mesa County Clerk and Recorder ) a distance of 118.19 feet to a point; thence leaving said west right of way line N 89°53'00" E a distance of 30.00 feet to a point on the north-south centerline of said Section 22; thence N 00°07'00" W along said north-south centerline a distance of 447.60 feet to the point of beginning, containing 3.80 acres more or less.







EAST TIARA RADO GOLF COURSE  
ANNEXATIONS NO. 1 & 2  
ORDINANCE NOS. 2983 & 2984



**ROBERTSON ANNEXTION**  
SITUATE IN THE SW 1/4 SE 1/4 & IN THE SE 1/4 SW 1/4  
OF SECTION 22, TOWNSHIP 11 SOUTH, RANGE 101 WEST, 6TH P.M.,  
COUNTY OF MESA, STATE OF COLORADO

**LEGAL DESCRIPTION**

A part of land situate in the SW 1/4 SE 1/4 and in the SE 1/4 SW 1/4 of Section 22, Township 11 South, Range 101 West, 6th P.M., County of Mesa, State of Colorado, more particularly described as follows:

Beginning at the southeast corner of the SW 1/4 SE 1/4 of said Section 22, Township 11 South, Range 101 West, 6th P.M., County of Mesa, State of Colorado, and running thence North 75° 00' 00" West 230.20 feet to a point, thence S 15° 00' 00" East 121.40 feet to the north line of Lot 1 of said subdivision, thence North 75° 00' 00" East 121.40 feet to the southeast corner of the SW 1/4 SE 1/4 of said Section 22, Township 11 South, Range 101 West, 6th P.M., County of Mesa, State of Colorado, and running thence North 75° 00' 00" West 230.20 feet to the point of beginning.

Beginning at the southeast corner of the SW 1/4 SE 1/4 of said Section 22, Township 11 South, Range 101 West, 6th P.M., County of Mesa, State of Colorado, and running thence North 75° 00' 00" West 230.20 feet to a point, thence S 15° 00' 00" East 121.40 feet to the north line of Lot 1 of said subdivision, thence North 75° 00' 00" East 121.40 feet to the southeast corner of the SW 1/4 SE 1/4 of said Section 22, Township 11 South, Range 101 West, 6th P.M., County of Mesa, State of Colorado, and running thence North 75° 00' 00" West 230.20 feet to the point of beginning.

Beginning at the southeast corner of the SW 1/4 SE 1/4 of said Section 22, Township 11 South, Range 101 West, 6th P.M., County of Mesa, State of Colorado, and running thence North 75° 00' 00" West 230.20 feet to a point, thence S 15° 00' 00" East 121.40 feet to the north line of Lot 1 of said subdivision, thence North 75° 00' 00" East 121.40 feet to the southeast corner of the SW 1/4 SE 1/4 of said Section 22, Township 11 South, Range 101 West, 6th P.M., County of Mesa, State of Colorado, and running thence North 75° 00' 00" West 230.20 feet to the point of beginning.

The Description(s) contained herein have been found from station points and deed descriptions at the office of the Mesa County Clerk and Recorder. This plat does not constitute a warranty of title, and the purchaser is advised to make his own investigation by visiting property records.

SIGNED FOR ESTATE EDWARD R.E. 2280

ROBERTSON JR.

ROBERTSON ANNEXTION

DEPARTMENT OF PUBLIC WORKS AND UTILITIES  
ENGINEERING AND TECHNICAL SERVICES DIVISIONS  
CITY OF GRAND JUNCTION COLORADO

ROBERTSON ANNEXTION

Attach 12

**CITY COUNCIL AGENDA  
CITY OF GRAND JUNCTION**

<b>City Council</b> <input type="checkbox"/> Workshop <input checked="" type="checkbox"/> Formal Agenda <b>Meeting Date:</b> January 5, 2000	<b>Date Prepared:</b> December 23, 1999 <b>Author:</b> Bill Nebeker <b>Title:</b> Senior Planner <b>Presenter Name:</b> Bill Nebeker <b>Title:</b> Senior Planner
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**Subject:** Rezone – PR 21 to RSF-8 for Garrett Estates; located at the northeast corner of 25 Road and F ½ Road; File #RZP-1999-252.

**Summary:** In conjunction with a request to subdivide two parcels totaling 12.16 acres into a 55 lot subdivision, the applicant requests to rezone the parcels from PR 21 to RSF-8. The proposed zoning is in conformance with the Growth Plan Future Land Use designation of Residential Medium Density (4-8 du/ac) and comparable densities in the approved subdivisions to the east and north. At its December 21, 1999 hearing, the Planning Commission recommended approval of this request.

**Background Information:** See attached report for further information.

**Budget:** Not applicable

**Action Requested/Recommendation:** Adopt ordinance on first reading and set a hearing for January 19, 2000.

**Citizen Presentation:**     \_\_\_ Yes      X  No. If yes,  
**Name**  
**Purpose**

**Report results back to Council?**  X  No \_\_\_ Yes, When \_\_\_\_\_

<b>Placement on agenda:</b> <u> X </u> Consent ___ Individual Consideration ___ Workshop
--

**Location:** Northeast corner of 25 Road and F ½ Road

**Applicant:** Sonshine Construction LLC

**Representative:** Banner Associates Inc.

**Owner:** LeRoy & Esther McKee

**Existing Land Use:** one single family home and vacant

**Proposed Land Use:** 55 single-family detached residential lots

**Surrounding Land Use and Zoning:**

<b>North:</b> vacant (Country Crossing)	PR 4.4
<b>South:</b> Mesa County Sheriff's Posse	Planned Indust.
<b>East:</b> Diamond Ridge Sub (under construction)	PR 4.2
<b>West:</b> residential	RSF-R

**Existing Zoning:** PR 21

**Proposed Zoning:** RSF-8

**Relationship to Comprehensive Plan:** The Growth Plan shows this area developing at 4 to 8 dwellings per acre. The overall average density of this subdivision is 4.53 dwellings per acre. This subdivision is in conformance with the Growth Plan Map.

### **Staff Analysis**

**Rezone:** The applicant is proposing to rezone the 12.12-acre parcel from PR-21 to RSF-8. This parcel was annexed to the City of Grand Junction in 1980 and zoned PR 21. The zoning likely reflected the same density of county zoning of 21 dwellings per acre on an approved project that never materialized. With adoption of the Growth Plan map in 1996 the density of this parcel and the surrounding area from F ½ Road to G and 25 Road to 25 ½ was designated for 4 to 8 dwellings per acre. The downzoning of this parcel to RSF-8 is more in conformance with zoning on parcels to the north and east, respectively PR 4.4 and 4.2. The developed density of the Garrett Subdivision is 4.5 dwellings per acre. The RSF-8 zone district allows more flexibility with lot sizes and setbacks than the RSF-5 zone district.

Staff finds that the proposed rezone of this parcel meets the criteria established in Section 4-4-4 of the Grand Junction Zoning and Development Code as noted below:

- A. **Was the existing zone an error at the time of adoption?** No. The PR 21 zoning was applied at the time of annexation and reflected the density allowed in the comparable County zoning.
- B. **Has there been a change in character in the area due to the installation of public facilities, other zone changes, new growth trends, deterioration, development transitions, etc.?** Yes. Development at approximately 4 dwellings per acre has been approved on parcels to the north and east. The parcel to the east is currently under construction.
- C. **Is there an area of community need for the proposed rezone?** Yes. According to the applicant, sales have been brisk for single family lots of this size in this location.
- D. **Is the proposed rezone compatible with the surrounding area or will there be adverse impacts?** Yes. The subdivision abuts two approved and proposed subdivisions with similar densities
- E. **Will there be benefits derived by the community, or area, by granting the proposed rezone?** Yes. Benefits include an increased tax base, development of homes at mid-price ranges and improvement of surrounding infrastructure.
- E. **Is the proposal in conformance with the policies, intents and requirements of this Code, with the City Master Plan (Comprehensive Plan), and other adopted plans and policies?** Yes. The zoning is in conformance with the Growth Plan Map, which shows this area developing at 2 to 4 dwellings per acre.
- F. **Are adequate public facilities available to serve development for the type and scope suggested by the proposed zone?** Yes.

**PLANNING COMMISSION RECOMMENDATION: Approval**

The remainder of this report is provided for informational purposes only.

Preliminary Plat: The applicant is proposing a 55-lot subdivision with lot sizes ranging between 5,682 and 10,855 square feet in size. The minimum lot size in the RSF-8 zone is 4000 square feet. Single family detached homes are planned for the lots.

Access: There are three accesses to the subdivision and one pedestrian access – one off F ½ Road, one to the adjacent Diamond Ridge Subdivision to the

east and one to Country Crossing Subdivision to the north. Pedestrian access has been provided to 25 Road since no vehicular access is provided to this street. The applicant will be required to construct a concrete path in the tracts for pedestrian access.

*Stormwater Retention:* Stormwater is being detained in two long, narrow detention basins along F ½ Road. The existing storm water drainage system downstream of this development is undersized for the existing conditions. Therefore, just controlling the discharge rates to the historical values may not be adequate for this subdivision. The City Development Engineer suggested three options: 1) increase the detention and discharge at less than historical rates, 2) reconstruct the downstream or 3) wait until the downstream system is reconstructed by the City or the Drainage District. The applicant has met with John Ballagh of the Grand Junction Drainage District who is in agreement with a fourth option. If a drainage easement were obtained from the property owner to the west, stormwater could be discharged into an existing series of open ditches that flow into Leach Creek to the northwest of this site.

The City Development Engineer has agreed to allow detention on this site and release of stormwater at the historical rate into the ditches to Leach Creek, with a condition that the easement be obtained over the property west of 25 Road. At final plat approval, if an analysis of the downstream drainage shows sufficient capacity for full discharge with no detention, then the plat may be modified to delete the detention basins. If the basins remain they shall be adequately sized to detain the required stormwater per the SWMM Manual.

*Open Space:* No open space is provided or required since this is a “straight zone” subdivision.

*Phasing Plan:* Three phases are proposed for the subdivision. Phase one includes the entrance onto F ½ Road and the connection to Diamond Ridge Subdivision via Garnet Avenue. Garnet Avenue has been constructed in this subdivision. Phase two includes the connection to Country Crossing Subdivision to the north. Crossing Street has not been constructed on the parcel to the north. Phase three includes the remainder of the lots along 25 Road.

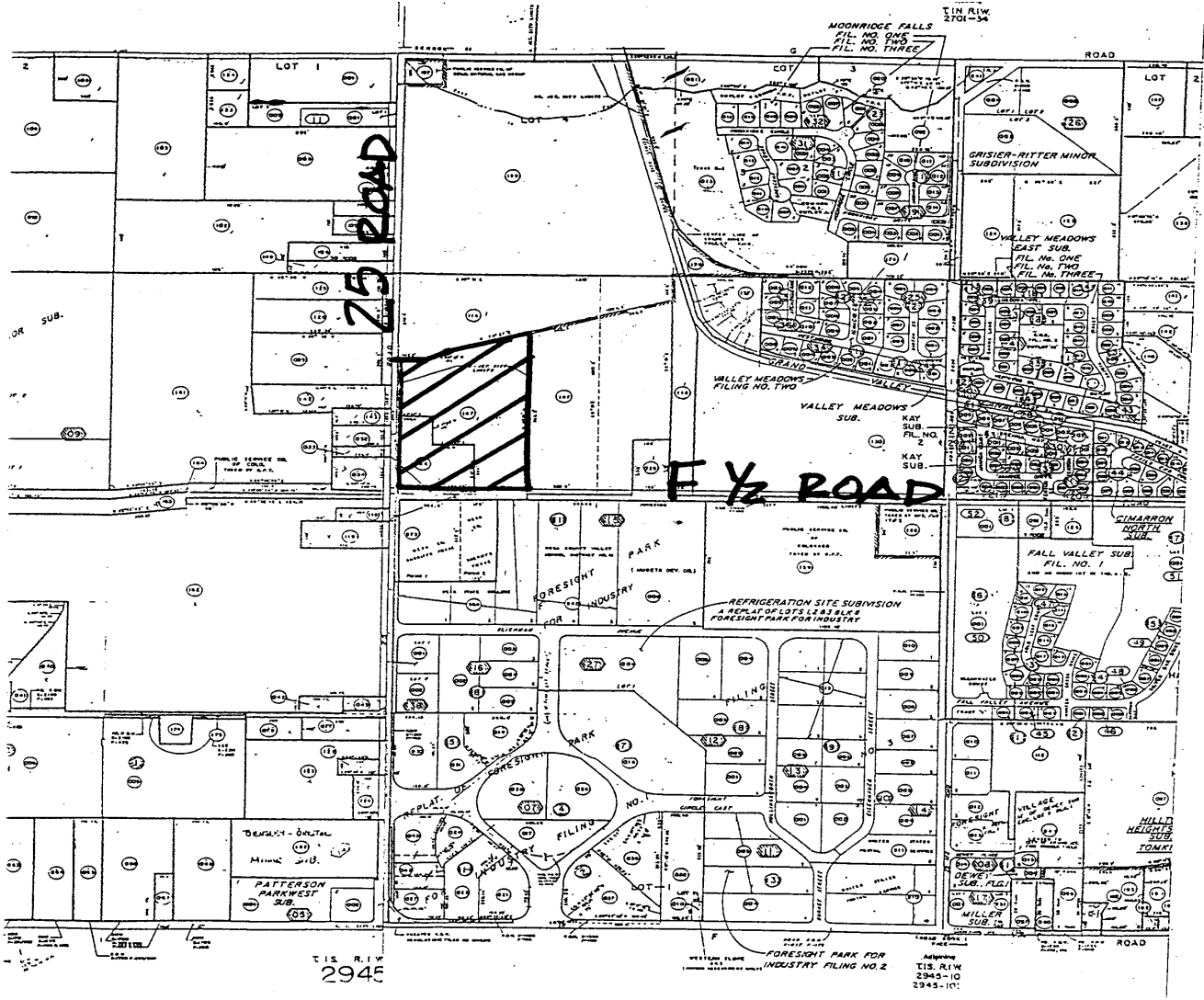
*Fencing:* The applicant has indicated that a subdivision perimeter fence along 25 Road and F ½ Road behind the detention facility is desired. The applicant has chosen the option of a 6-foot cedar fence located five feet behind the property line. A five-foot wide landscaped easement will be required on the final plat and trees and shrubs planted within this area. This area will be

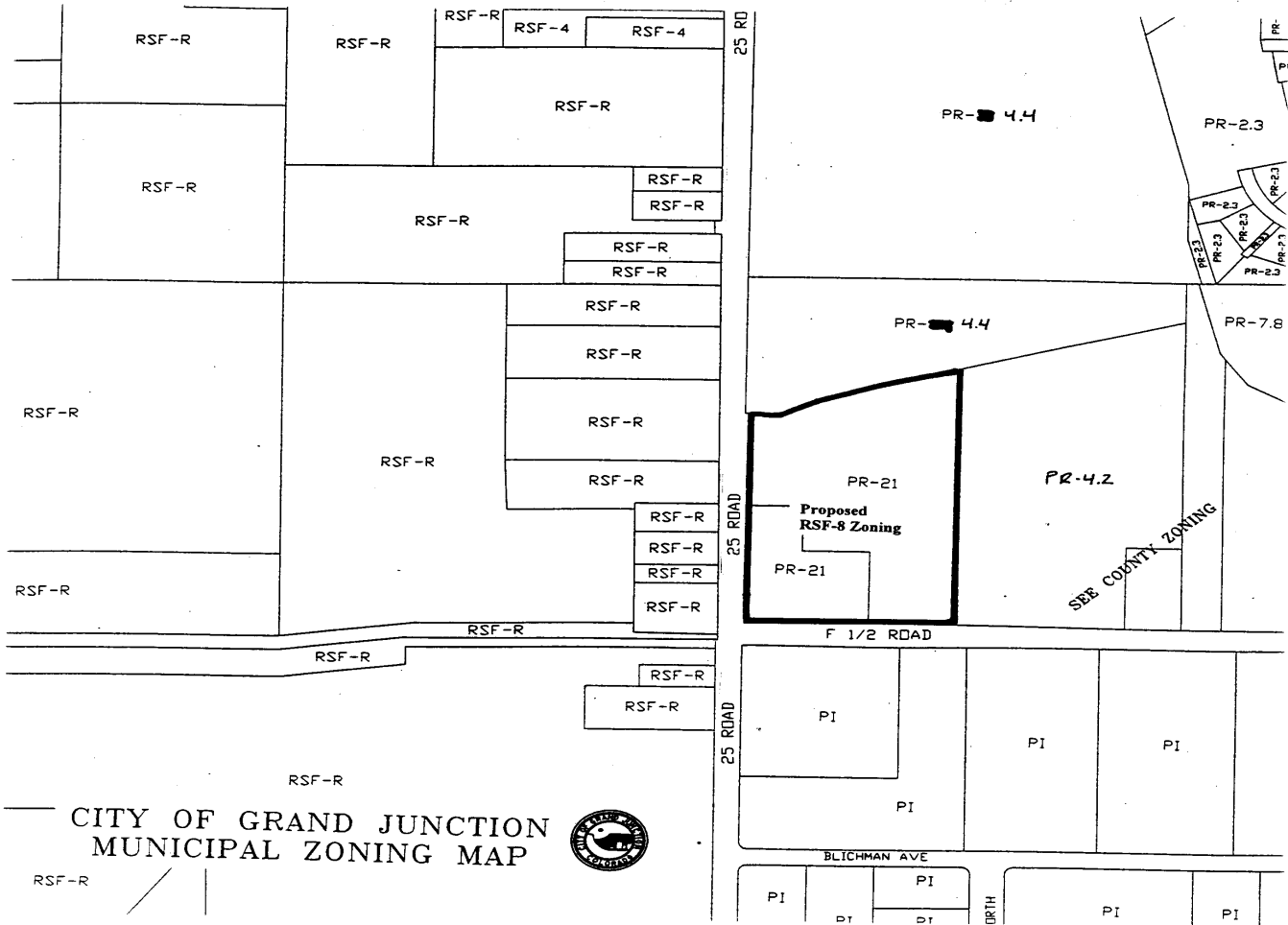


conveyed to and maintained by the homeowner's association after plat recordation.

At its December 21, 1999 hearing the Planning Commission approved this subdivision with the following conditions:

1. A minimum eight-foot wide concrete path with weed barrier and gravel on each side is required to be constructed in the pedestrian tracts for access between 25 Road and Diamond Ridge Subdivision.
2. The applicant shall obtain and submit an executed easement over the property to the west of 25 Road for off-site drainage, with final plat submittal. This easement must be obtained prior to submittal for final approval.
3. If an analysis of downstream drainage performed by the applicant shows that there is excess capacity in the drainage system to Leach Creek, the city will consider the allowance for full stormwater discharge rather than detention and release at historic rates.
4. A six-foot high solid fence shall be constructed by the developer around the perimeter of this subdivision along 25 Road and F ½ Road, behind a five-foot wide landscaped setback with trees and shrubs provided by the developer in a tract or easement. The tract or easement shall be conveyed to the Homeowner's Association for maintenance.

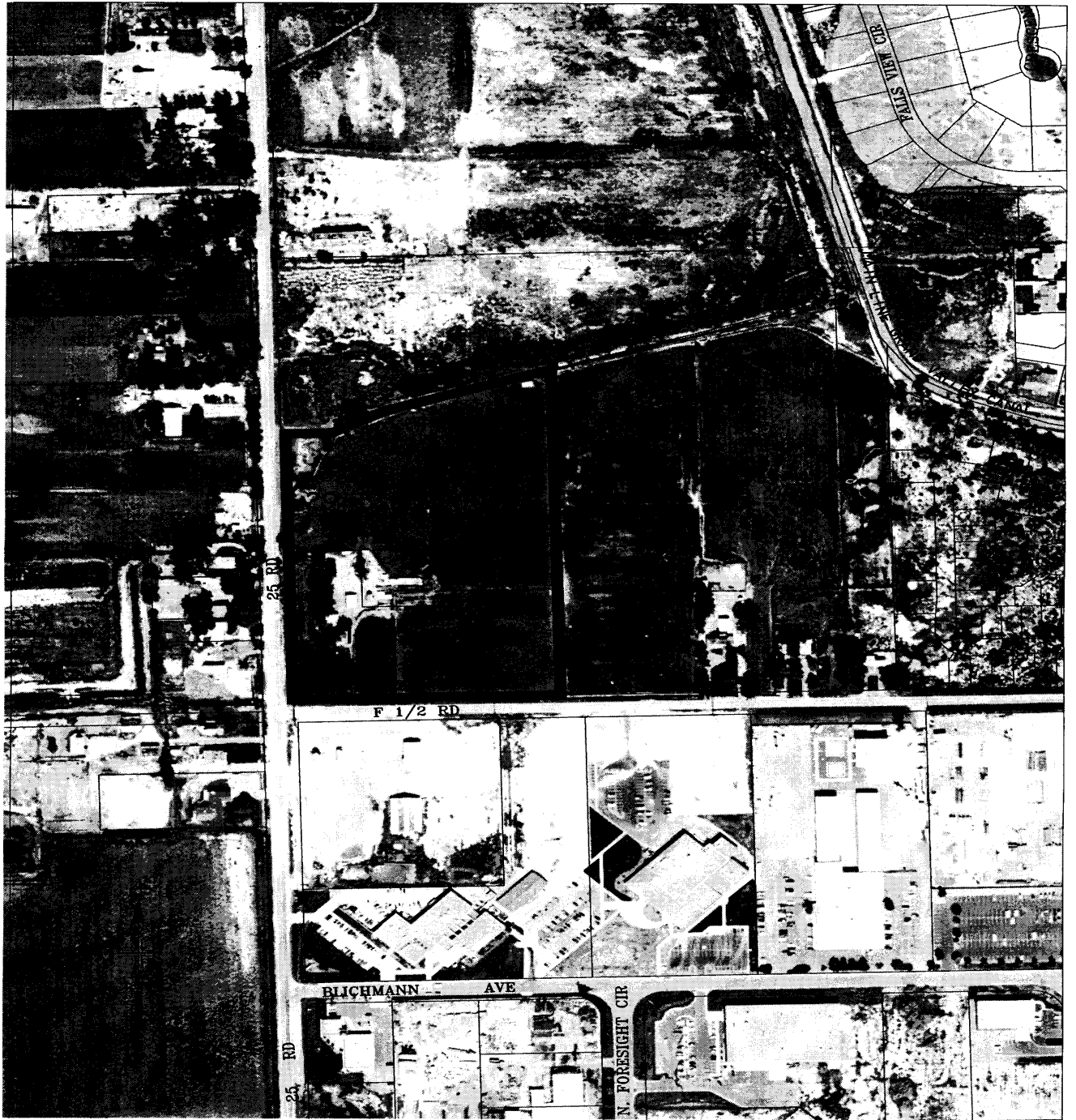


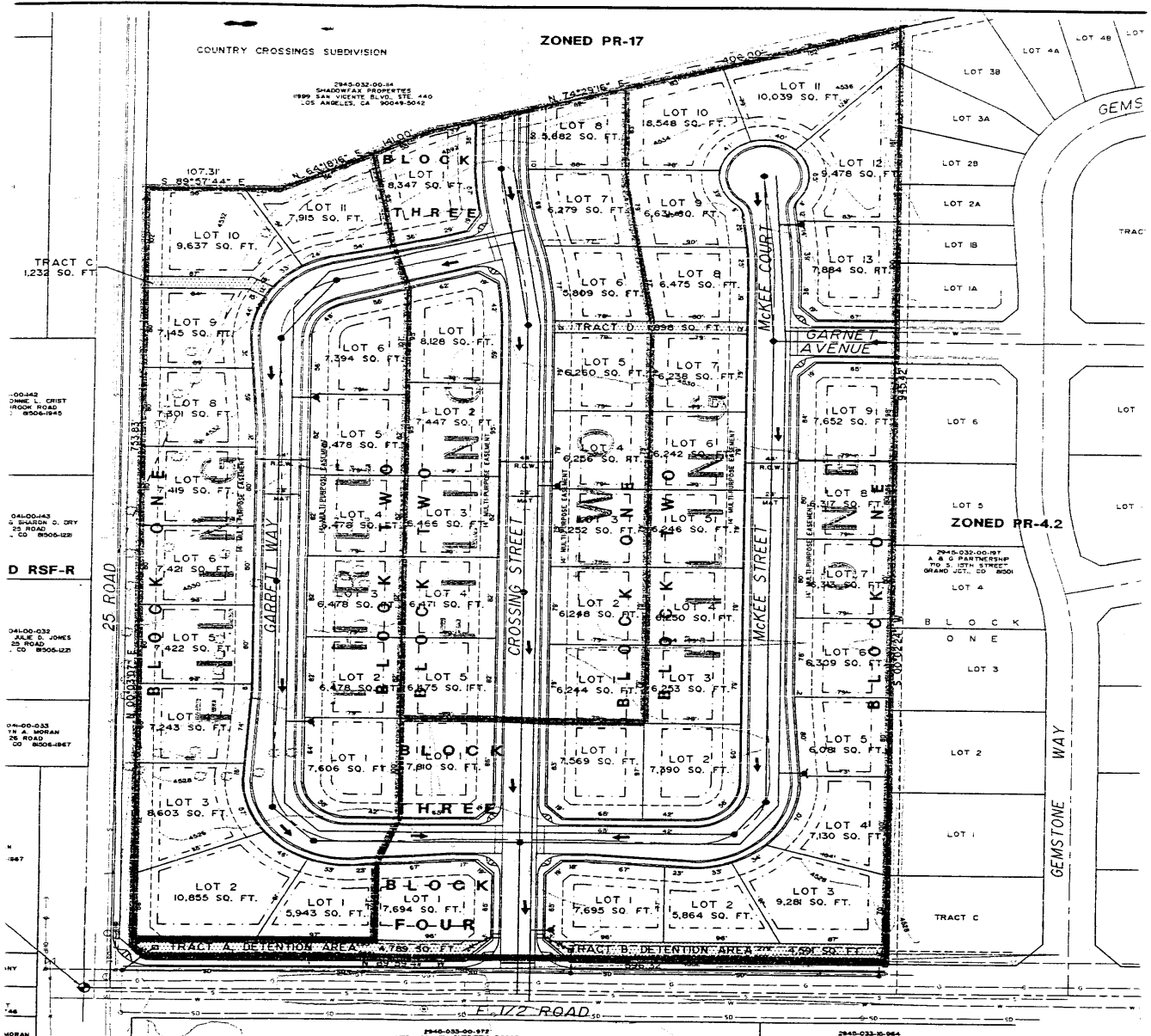


CITY OF GRAND JUNCTION  
MUNICIPAL ZONING MAP



RSF-R





**ZONED P1**

2940-032-00-34  
SHADOWNAL PROPERTIES  
1800 SAN VICENTE BLVD., STE. 440  
LOS ANGELES, CA 90044-0047

2940-032-00-37  
MESA COUNTY SHERIFF'S POSSE  
P.O. BOX 1386  
GRAND JCT. CO 80523-1386

2940-032-00-36A  
MESA STATE COLLEGE, PRESTATE COLLEGES  
P. COLORADO STREET  
103 TEXAS AVENUE  
GRAND JCT. CO 80501-7605

NO.	REVISION	DATE	DESCRIPTION	BY	CHKD.

**BANNER**  
S. INC. • CONSULTING ENGINEERS & SURVEYORS  
• GRAND JUNCTION, CO 80506 • (970) 243-2242

**SONSHINE CONSTRUCTION, LLC**

**GARRETT ESTATES  
PRELIMINARY PLAN**

CITY OF GRAND JUNCTION

Ordinance No. \_\_\_\_\_

REZONING PROPERTY TO BE KNOWN AS  
GARRETT ESTATES, LOCATED AT THE  
NORTHEAST CORNER OF 25 ROAD  
AND F ½ ROAD, FROM  
PR 21 TO RSF-8

Recitals.

The applicant is proposing to rezone two parcels totaling 12.12-acres in size from PR-21 to RSF-8. These parcels were annexed to the City of Grand Junction in 1980 and zoned PR 21. With adoption of the Growth Plan map in 1996 the density of these parcels and the surrounding area from F ½ Road to G and 25 Road to 25 ½ was designated for 4 to 8 dwellings per acre. The downzoning of this parcel to RSF-8 is more in conformance with zoning on parcels to the north and east, respectively PR 4.4 and 4.2. The developed density of the Garrett Estates Subdivision is 4.5 dwellings per acre. The RSF-8 zone district allows more flexibility with lot sizes and setbacks than the RSF-5 zone district.

The City Planning Commission found that the zoning conforms with Section 4-4-4 of the Grand Junction Zoning and Development Code and recommended approval of this rezone request at their December 21, 1999 hearing. Community Development Department File #RZP-1999-252 outlines the specific findings of the Commission.

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

City Council finds that the requested rezone meets the criteria as set forth in Section 4-4-4 of the Grand Junction Zoning and Development Code and in accordance therewith the following described parcels are hereby rezoned from PR 21 to RSF-8:

A parcel of land in the State of Colorado, County of Mesa described as follows:

Beginning at the W4 cor Sec 3 T1S R1W of the UM, thence S 89degrees57'E 659.85', thence N00degrees 01'W 980.2', thence S74degrees27'W 400', thence S64degrees6'W 141', thence W 147.2', thence S 811.2' on the POB; except the W 40' and the S 33'; of the W2 of the S 811.2' of SW4NW4 Sec 3 T1S R1W UM.

INTRODUCED for FIRST READING and PUBLICATION this     day of     2000.

PASSED on SECOND READING this     day of     2000.

ATTEST:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
President of City Council

Attach 13

**CITY COUNCIL AGENDA  
CITY OF GRAND JUNCTION**

City Council  
 Workshop  
 Formal Agenda  
Meeting Date: January 5, 2000

Date Prepared: December 22, 1999  
Author: Lisa Gerstenberger  
Title: Senior Planner  
Presenter Name: same  
Title:

**Subject:** File No. ANX-1999-204. Growth Plan Amendment for Desert Hills Estates, located at 2114 Desert Hills Road.

**Summary:** Resolution to approve the Growth Plan Amendment to redesignate 56 acres from Residential Rural, 5-35 acres per unit, to Residential Estate, 2-5 acres per unit, for Desert Hills Estates located at 2114 Desert Hills Road. (#ANX-1999-204)

**Background Information:** See attached

**Budget:** N/A

**Action Requested/Recommendation:** Approval of resolution to approve the Growth Plan amendment.

**Citizen Presentation:**  Yes  No. If yes,  
Name  
Purpose

**Report results back to Council?**  No  Yes, When \_\_\_\_\_

Placement on agenda:  Consent  Individual Consideration  Workshop



CITY OF GRAND JUNCTION  
1999

DATE: December 22,

CITY COUNCIL

STAFF PRESENTATION: Lisa Gerstenberger

---

**AGENDA TOPIC:** ANX-1999-204, Desert Hills Estates—Growth Plan Amendment.

**SUMMARY:** Request for a Growth Plan Amendment from Residential Rural, 5-35 acres per unit, to Residential Estate, 2-5 acres per unit for Desert Hills Estates, consisting of 22 single family lots on approximately 56 acres.

**ACTION REQUESTED:** Approval of the proposed resolution

**BACKGROUND INFORMATION:**

**Location:** 2114 Desert Hills Road

**Applicant:** Tierra Ventures, LLC  
Marjorie Rump

**Existing Land Use:** Vacant

**Proposed Land Use:** Single Family Residential

**Surrounding Land Use:**

**North:** Single Family Residential

**South:** Vacant and Riggs Hill

**East:** Single Family Residential and Vacant

**West:** Single Family Residential

**Existing Zoning:** R-2 (County, Residential 4 units per acre)

**Proposed Zoning:** PR, with a density not to exceed one dwelling unit per 2.5 acres

**Surrounding Zoning:**

**North:** R-2 (County)

**South:** R-2 (County)

**East:** R-2 (County)

**West:** R-2, PR-4 (County)

**Relationship to Comprehensive Plan:** The adopted Growth Plan Future Land Use Map designates this area as Residential Rural, 5-35 acres per dwelling unit. The applicant has requested a Growth Plan Amendment to

redesignate this property as Residential Estate, 2-5 acres per dwelling unit. There are several goals and policies that must be taken into account in considering this request, which include the following:

Goal 1: To achieve a balance of open space, agricultural, residential and nonresidential land use opportunities that reflect the residents respect for the natural environment, the integrity of the community's neighborhoods, the economic needs of the residents and business owners, the right of private property owners and the needs of the urbanizing community as a whole.

Policy 4.5: The City will require adequate public services and facilities to be in place or assured so they will be in place concurrently with urban development in the joint planning area.

Goal 5: To ensure that urban growth and development make efficient use of investments in streets, utilities and other public facilities.

Policy 5.2: The City will encourage development that uses existing facilities and is compatible with existing development.

Policy 5.3: The City may accommodate extensions of public facilities to serve development that is adjacent to existing facilities. Development in areas which have adequate public facilities in place or which provide needed connections of facilities between urban development areas will be encouraged. Development that is separate from existing urban services will be discouraged.

Policy 20.7: The City will limit development on steep slopes, ridgelines and hilltops to promote public safety and preserve natural vistas of the Bookcliffs, Grand Mesa and Colorado National Monument.

Policy 20.9: The City will encourage dedications of conservation easements or land along the hillsides, habitat corridors, drainageways and waterways surrounding the City.

Policy 20.10: The City will limit cut and fill work along hillsides. In areas where cut and fill is necessary to provide safe access to development, the City may require landscape improvements to reduce the visual impact of such work.

Policy 20.12: The City will support cost-effective habitat conservation strategies involving dedications, targeted acquisition of land or development rights, and clustering of development.

Goal 21: To minimize the loss of life and property by avoiding inappropriate development in natural hazard areas.

Policy 21.2: The City will prohibit development in or near natural hazard areas, unless measures are undertaken to mitigate the risk of injury to persons and the loss of property.

Policy 21.3: The City will encourage the preservation of natural hazard areas for use as habitat and open space areas.

Policy 26.3: The City will encourage the retention of lands that are not environmentally suitable for construction for open space areas and, where appropriate, development of recreational uses.

**Staff Analysis:**

**GROWTH PLAN AMENDMENT**

The Desert Hills property consists of 56 acres at the end of the platted and partially improved Desert Hills Road off of South Broadway. The property has varied topography, with a steep knoll in the northern part and wetlands along the west property line. The Future Land Use Map of the Growth Plan designated this property, as well as the properties to the southeast and southwest, as Residential Rural, 5 to 35 acres per unit. The property to the northeast and northwest is designated as Residential Estate, 2 to 5 acres per unit. The owner is requesting a Growth Plan Amendment to redesignate this property as Residential Estate, 2 to 5 acres per unit.

The recently adopted Plan Amendment Process agreement outlines the procedure and requirements for Plan amendments. For properties within the City limits, the City Planning Commission will make a recommendation to the City Council, with City Council making the final decision. The Desert Hills property is currently in the annexation process and the City has taken land use jurisdiction.

As per the agreement, the following criteria must be considered in reviewing the request for a Plan amendment:

**1. Was there an error in the original Plan such that then existing facts, projects, or trends (that were reasonably foreseeable) were not accounted for?**

The applicant, in the project narrative, argues that the Plan is in error because it is one of several properties designated as Rural in the immediate and adjacent area of the Redlands, whereas there are numerous properties in the immediate area which are designated as Estate. Presumably, the designation of these properties as Rural was because of the potential physical constraints (wetlands and steep slopes), proximity to Riggs Hill, limited access and, for those properties south of South Broadway, proximity to the Colorado National Monument. Detailed information for individual properties were not considered for the original Growth Plan designations.

**2. Have events subsequent to the adoption of the Plan invalidated the original premises and findings?**

The applicant has cited many subdivisions that have been developed in the area; however, most of them were developed or anticipated at the time the Growth Plan was adopted. Since the adoption of the Growth Plan, the Persigo Agreement has been implemented which redefined the Persigo sewer service area and requires development within the defined area to be annexed into the City. The agreement also assumes that properties within the service area will have sewer and generally develop at urban densities, which are defined as densities of greater than 2 acres per unit. However, it is possible that there may still be areas within the 201 boundary that are not conducive to those densities.

**3. Has the character and/or condition of the area changed enough that the amendment is acceptable?**

The character or condition of the area has not changed substantially from the time the Growth Plan was adopted, but this review offers the opportunity to review the site in more detail. Prior development proposals on the property necessitated the delineation of wetlands, floodplain and geologic constraints. It appears there is still sufficient property for clustering development.

**4. Is the change consistent with the goals and policies of the Plan, including applicable special area, neighborhood and corridor plans?**

Many of the Goals and Policies of the Growth Plan would support the change from Rural to Estate. Goal 5 and Policies 4.5, 5.2 and 5.3 support utilizing existing infrastructure for development and providing extensions of infrastructure to connect areas that are already developed or can be expected to develop in the near future.

Goals 1 and 21 and Policies 20.7, 20.9, 20.10, 20.12, 21.2, 21.3 and 26.3 support the preservation of environmentally sensitive areas and hazard areas. This property has both. Retention of the Rural designation on this property would most likely lead to a zoning designation of RSF-R (Residential single family, Rural, 5 acres per unit), which is the lowest density zone the City has. The carving up of this property into 5 acre lots would not preserve any of the natural features. The Estate designation of 2 to 5 acres per lot would offer more options for the preservation of wetlands and steep slope areas. It would also be more likely that the needed infrastructure could be justified. The applicant has provided substantial open space and areas to be held in conservation with the proposed Desert Hills Estates subdivision which is in keeping with the above noted Goals and Policies.

**5. Are public and community facilities adequate to serve the type and scope of land use proposed?**

Water and sewer is available to serve the proposed development. The most limiting factor for the development has been opposition to the use of Desert Hills

Road as the point of access. Since the original submittal, access to the development has been secured through adjacent properties and will come off of South Broadway.

**6. Is there an inadequate supply of suitably designated land available in the community, as defined by the presiding body, to accommodate the proposed land use?**

There is a limited amount of Estate designation on the Redlands; however, a large area in the North Central Valley Plan was redesignated from Rural to Estate. Probably the more pertinent question is whether this property is better suited for Estate densities than Rural densities. Given its proximity to other urban densities and easy access to the urban center, it may be better suited for the 2 to 5 acre per unit densities of Estate, rather than the 5 to 35 acre per unit densities of Rural.

**7. Will the community or area, as defined by the presiding body, derive benefits from the proposed amendment?**

There are potential benefits to the community from the proposed amendment. It would allow for better utilization of existing infrastructure, including better sewer service for surrounding areas. It also offers more opportunities for preserving the wetlands and steep slopes.

**STAFF RECOMMENATION:**

Based on staff analysis, staff recommends approval of the proposed Growth Plan Amendment to redesignate the Desert Hills property from Rural to Estate densities.

**PLANNING COMMISSION RECOMMENDATION:**

Approval of the proposed Growth Plan amendment to redesignate 56 acres located at 2114 Desert Hills Road from Residential Rural, to Residential Estate.

**CITY OF GRAND JUNCTION, COLORADO**

**Resolution No.**

**AMENDING THE GROWTH PLAN OF THE CITY OF GRAND JUNCTION**

Recitals:

After using the Growth Plan for over two years, it is recognized that it may be appropriate to amend the Growth Plan from time to time.

A request for the Growth Plan amendment has been submitted in accordance with the "Agreement between Mesa County and the City of Grand Junction Providing for an Interim Joint Plan Consistency Review and Plan Amendment Process for the Joint Urban Area Plan." Tierra Ventures, LLC, as the applicant, has requested that 56 acres be redesignated from Residential Rural, 5-35 acres per unit, to Residential Estate, 2-5 acres per unit, for Desert Hills Estates, located at 2114 Desert Hills Road.

The Grand Junction Planning Commission has reviewed the request for the proposed Growth Plan amendment and determined that it has satisfied the criteria as set forth in the "Agreement between Mesa County and the City of Grand Junction Providing for an Interim Joint Plan Consistency Review and Plan Amendment Process for the Joint Urban Area Plan" for Plan Amendments. The Planning Commission has recommended approval of the Growth Plan amendment.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT THE GRAND JUNCTION GROWTH PLAN IS AMENDED IN THE FOLLOWING WAY:**

Redesignate 56 acres located at 2114 Desert Hills Road from Residential Rural, 5-35 acres per unit, to Residential Estate, 2-5 acres per unit.

PASSED on this 5<sup>th</sup> day of January, 2000.

ATTEST:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
President of Council