

**GRAND JUNCTION CITY COUNCIL
CITY AUDITORIUM, 250 NORTH 5TH STREET
AGENDA**

WEDNESDAY, SEPTEMBER 20, 2000, 7:30 P.M.

CALL TO ORDER

Pledge of Allegiance
Invocation - Eldon Coffey, Retired Minister

PROCLAMATIONS / RECOGNITIONS

PROCLAMATION DECLARING SEPTEMBER 22, 2000 AS "AMERICAN BUSINESS WOMEN'S ASSOCIATION (ABWA) DAY" IN THE CITY OF GRAND JUNCTION

PROCLAMATION DECLARING OCTOBER 2-8, 2000 AS "MENTAL ILLNESS AWARENESS WEEK" IN THE CITY OF GRAND JUNCTION

PROCLAMATION DECLARING OCTOBER, 2000 AS "NATIONAL HEADSTART AWARENESS MONTH" IN THE CITY OF GRAND JUNCTION

PRESENTATION OF CERTIFICATES OF APPOINTMENT AND REAPPOINTMENT

PRESENTATION OF CERTIFICATE OF REAPPOINTMENT TO REAPPOINTED MEMBER OF THE DOWNTOWN DEVELOPMENT AUTHORITY

PRESENTATION OF CERTIFICATE OF APPOINTMENT TO NEWLY APPOINTED AND REAPPOINTMENT MEMBERS OF THE RIVERFRONT COMMISSION

CITIZEN COMMENTS

***** CONSENT CALENDAR *****

1. **Minutes of Previous Meeting** [Attach 1](#)
Action: Approve the Minutes of the Regular Meeting September 6, 2000
2. **Conveyance of a Sanitary Sewer Easement across City Owned Property for the Benefit of Village Park Subdivision** [Attach 2](#)

The proposed resolution would authorize the installation of a sanitary sewer line across the south boundary of the City's storm water detention facility located east of 28 Road and north of Patterson Road.

Resolution No. 87-00 – A Resolution Concerning the Granting of a Non-Exclusive Sanitary Sewer Easement to Village Park GJ, LLC

**Action: Adopt Resolution No. 87-00*

Staff presentation: Tim Woodmansee, Real Estate Manager

3. **Setting a Hearing on Vacating a Portion of 25 Road and F 1/2 Road Right-of-Way (Garrett Estates Subdivision)** [File #FP-2000-128] [Attach 3](#)

The developer of Garrett Estates Subdivision requests to vacate a portion of excess right-of-way for 25 Road and F½ Road that is not needed per the Major Street Plan. The vacated right-of-way will be incorporated into the final plat of Garrett Estates, a 55-lot single family development on approximately 12.16 acres at the northeast corner of 25 Road and F ½ Road.

Proposed Ordinance Vacating a Portion of 25 Road and F ½ Road adjacent to Garrett Estates Subdivision

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for October 4, 2000

Staff presentation: Bill Nebeker, Senior Planner

4. **Setting a Hearing on Route 30 Partners Annexation Located at 520 30 Road** [File #ANX-2000-172] [Attach 4](#)

The 20.92-acre Route 30 Partners Annexation consists of six parcels of land of approximately 17 acres and I-70 Business Loop right-of-way of approximately 3.92 acres.

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

Resolution No. 88-00 – 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 – Route 30 Partners Annexation Located at 520 30 Road and Including a Portion of the I-70 Business Loop Right-of-Way

**Action: Adopt Resolution No. 88-00 and Set a Hearing on November 1, 2000*

b. Set a Hearing on Annexation Ordinance

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Route 30 Partners Annexation, Approximately 20.92 Acres Located at 520 30 Road and Including a Portion of the I-70 Business Loop Right-of-Way

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for November 1, 2000

Staff presentation: Lisa Gerstenberger, Senior Planner

5. **Setting a Hearing on Mesa Moving Annexation Located at 2225 River Road and 681 Railroad Boulevard** [File #ANX-2000-177] [Attach 5](#)

The 12.38-acre Mesa Moving Annexation area consists of two parcels of land. One currently houses Mesa Moving and United Van Lines and the other parcel consists of 2 acres of vacant land. Mesa Moving would like to construct a new truck service facility for their business on the vacant lot. The owner of the property has signed a petition for annexation.

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

Resolution No. 89–00 – 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 – Mesa Moving Annexation Located at 2225 River Road and 681 Railroad Boulevard (Known as 637 Railroad Boulevard on the Assessor’s Records)

**Action: Adopt Resolution No. 89–00 and Set a Hearing on November 1, 2000*

b. Set a Hearing on Annexation Ordinance

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Mesa Moving Annexation, Approximately 12.38 Acres Located at 2225 River Road and 681 Railroad Boulevard (Known as 637 Railroad Boulevard on the Assessor’s Records)

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for November 1, 2000

Staff presentation: Lori Bowers, Associate Planner

6. **Opposition of Adoption of Amendment 24** [Attach 6](#)

The Council voted to oppose Amendment 24 at the last Council meeting. The proposed resolution formalizes that position.

Resolution No. 90-00 – A Resolution of the City Council of Grand Junction Opposing Adoption of Amendment 24

**Action: Adopt Resolution No. 90-00*

Staff presentation: Dan Wilson, City Attorney

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

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

7. **Opposition to Proposed Amendment 21 on the November Ballot** [Attach 7](#)

This resolution urges voters to turn away the latest effort by Douglas Bruce to reduce annually certain taxes by \$25, increased by \$25 annually, which would greatly reduce the City's ability to meet local needs, while totally eliminating the services of many special districts in a very short period of time.

Resolution No. 91-00 – A Resolution Opposing Amendment #21, the Statewide Ballot Measure to Reduce Taxes \$25 per Year per Entity Indefinitely

**Action: Adopt Resolution No. 91-00*

Staff presentation: Ron Lappi, Administrative Services Director

8. **Public Hearing - Assessments for Alley Improvement District 1999, Phase B** [Attach 8](#)

Reconstruction of the alley, 22nd Street to 23rd Street, Grand Avenue to Ouray Avenue, has been completed in accordance with Resolution No. 47-99 creating Alley Improvement District 1999, Phase B.

Ordinance No. 3290 – An Ordinance Approving the Assessable Cost of the Improvements Made in and for Alley Improvement District No. ST-99, Phase B, in the City of Grand Junction, Colorado, Pursuant to Ordinance No. 178, Adopted and Approved the 11th Day of June, 1910, as Amended; Approving the Apportionment of Said Cost to Each Lot or Tract of Land or Other Real Estate in Said District; Assessing the Share of Said Cost against Each Lot or Tract of Land or Other Real Estate in Said District; Approving the Apportionment of Said Cost and Prescribing the Manner for the Collection and Payment of Said Assessment

**Action: Adopt Ordinance No. 3290 on Second Reading*

Staff presentation: Rick Marcus, Real Estate Technician

9. **Public Hearing - Assessments for Alley Improvement District 2000, Phase A** [Attach 9](#)

Reconstruction of the following alleys has been completed in accordance with Resolution No. 129-99 creating Alley Improvement District 2000, Phase A:

2nd Street to 3rd Street, Chipeta Avenue to Gunnison Avenue
10th Street to 11th Street, Rood Avenue to White Avenue
11th to 12th Street, Main Street to Colorado Avenue
16th Street to 17th Street, Grand Avenue to Ouray Avenue
18th Street to 19th Street, Grand Avenue to Ouray Avenue

Ordinance No. 3291 – An Ordinance Approving the Assessable Cost of the Improvements Made in and for Alley Improvement District No. ST-00, Phase A, in the City of Grand Junction, Colorado, Pursuant to Ordinance No. 178, Adopted and Approved the 11th Day of June, 1910, as Amended; Approving the Apportionment of Said Cost to Each Lot or Tract of Land or Other Real Estate in Said District; Assessing the Share of Said Cost against Each Lot or Tract of Land or Other Real Estate in Said District; Approving the Apportionment of Said Cost and Prescribing the Manner for the Collection and Payment of Said Assessment

**Action: Adopt Ordinance No. 3291 on Second Reading*

Staff presentation: Rick Marcus, Real Estate Technician

10. **Public Hearing – Appeal of Planning Commission Approval of Preliminary Plan and Zoning of the White Willows Annexation, Located at 2856 C 1/2 Road and 2851 and 2863 D Road [File #PP-2000-106] Continued from the September 6, 2000 Meeting** [Attach 10](#)

An adjacent property owner has appealed the Planning Commission's recommendation to approve the requested RSF-4 zoning for the White Willows Annexation. The property has been annexed for several months but has not been given City zoning. County zoning is RSF-R (formerly AFT). An appeal has also been filed on the Planning Commission's decision to approve the White Willows Subdivision, a 122-lot subdivision on 39.56 acres. The appellant cites increased traffic on D Road as the major reason for the appeal. A revised traffic study submitted by the applicant shows a minimal traffic impact on the D Road and 9th Street and 30 Road intersections from this subdivision.

a. **Appeal**

**Action: Decision on Appeal*

b. Zoning Ordinance

Ordinance No. 3287 - An Ordinance Zoning the White Willows Annexation Located at 2856 C 1/2 Road, 2851 and 2863 D Road, from County AFT to City RSF-4

**Action: Adopt Ordinance No. 3287 on Second Reading*

Staff presentation: Kathy Portner, Planning Manager

11. **Public Hearing - Appeal of the Planning Commission Approval to Amend the Plan for Lots 7 through 11 of South Rim, Filing 4** [File #FPA-2000-066]

[Attach 11](#)

Appeal of the Planning Commission decision amending the approved plan requiring geotechnical investigation and/or other analyses prior to the issuance of a planning clearance/building permit for South Rim, Filing #4, Lots 7 through 11.

**Action: Decision on Appeal*

Staff presentation: Kathy Portner, Planning Manager

12. **Public Hearing - Vacating a Portion of the Right-of-Way for Flower Street Located South of Central Drive, Northwest of Beta Place** [File #VR-2000-083]

[Attach 12](#)

On August 15, 2000, the Planning Commission recommended approval of the vacation of right-of-way, subject to the creation of a 15-foot irrigation easement along the easterly portion of the vacated right-of-way, to dedicate to the Grand Valley Water Users Association upon completion of the right-of-way vacation.

Ordinance No. 3292 – An Ordinance Vacating the Portion of Flower Street Located South of Central Drive

**Action: Adopt Ordinance No. 3292 on Second Reading*

Staff presentation: Kathy Portner, Planning Manager

13. **Policy Regarding Subdivision and Sewer Assessments after Creation of a Local Sewer Improvement District – Postponed from August 2, 2000 Meeting**

[Attach 13](#)

Resolution regarding the subdivision of lands after creation of Local Sewer Improvement Districts, reapportionment of improvement district costs on such subdivided lands; reimbursements to properties which were fully developed at the time assessments were made. The sewer policy is designed to insure that all benefiting lots within a local sewer improvement district pay equally for the benefit received.

Resolution No. 92-00 - A Resolution Adopting a Policy Regarding Subdivision and Sewer Assessments after Creation of a Local Sewer Improvement District

**Action: Adopt Resolution No. 92-00*

Staff presentation: Greg Trainor, Utility Manager
Trent Prall, Utility Engineer
Tim Woodmansee, Real Estate Manager

14. **Public Hearing - Assessments for Sanitary Sewer Improvement District No. SS-43-99 – Continued from August 2, 2000 Meeting** [Attach 14](#)

Sanitary sewer facilities have been installed as petitioned by and for the special benefit of seven properties located in the vicinity of Marsh Lane and North 12th Street. The proposed ordinance will levy assessments in the amount of \$11,883.97 upon each of the seven benefiting parcels.

Ordinance No. 3277 – An Ordinance Approving the Assessable Cost of the Improvements Made in and for Sanitary Sewer Improvement District No. SS-43-99, in the City of Grand Junction, Colorado, Pursuant to Ordinance No. 178, Adopted and Approved the 11th day of June, 1910, as Amended; Approving the Apportionment of Said Cost to Each Lot or Tract of Land or Other Real Estate in Said District; Assessing the Share of Said Cost against Each Lot or Tract of Land or Other Real Estate in Said District; Approving the Apportionment of Said Cost and Prescribing the Manner for the Collection and Payment of Said Assessment

**Action: Adopt Ordinance No. 3277 on Second Reading*

Staff presentation: Tim Woodmansee, Real Estate Manager

15. **Public Hearing - Transferring the City's 2000 Private Activity Bond Allotment to CHFA** [Attach 15](#)

The City received a Private Activity Bond allocation from the State of Colorado Department of Local Affairs for the fourth time in 2000 as a result of the City reaching a 40,000 population level in 1997. The bond authority can be issued on a tax-exempt basis for various private purposes. The City can reserve this authority for future housing benefits by ceding the authority to CHFA at this time.

Ordinance No. 3293 – An Ordinance Authorizing Assignment to the Colorado Housing and Finance Authority of a Private Activity Bond Allocation of City of Grand Junction Pursuant to the Colorado Private Activity Bond Ceiling Allocation Act

**Action: Adopt Ordinance No. 3293 on Second Reading*

Staff presentation: Ron Lappi, Administrative Services Director
Dan Wilson, City Attorney

16. **NON-SCHEDULED CITIZENS & VISITORS**

17. **OTHER BUSINESS**

18. **ADJOURNMENT**

Attach 1

GRAND JUNCTION CITY COUNCIL MINUTES OF THE REGULAR MEETING

September 6, 2000

The City Council of the City of Grand Junction convened into regular session the 6th day of September, 2000 at 7:30 pm at the City Auditorium. Those present were Cindy Enos-Martinez, Earl Payne, Jack Scott, Jim Spehar, Janet Terry, Reford Theobold, and President of the Council Gene Kinsey. Also present were Interim City Manager David Varley, City Attorney Dan Wilson, and City Clerk Stephanie Nye.

Council President Kinsey called the meeting to order and Councilmember Theobold led in the Pledge of Allegiance.

PROCLAMATION DELCARING THE WEEK OF SEPTEMBER 3-9, 2000 AS "2000 WOMEN IN CONSTRUCTION WEEK" IN THE CITY OF GRAND JUNCTION

PROCLAMATION DECLARING SEPTEMBER 17-23, 2000 AS "CONSTITUTION WEEK" IN THE CITY OF GRAND JUNCTION

APPOINTMENT TO THE DOWNTOWN DEVELOPMENT AUTHORITY

Upon motion by Councilmember Theobold, seconded by Councilmember Enos-Martinez and carried, Bruce Bengé was reappointed to a four-year term on the Downtown Development Authority.

CONSENT ITEMS

Upon motion by Councilmember Terry, seconded by Councilmember Scott and carried by roll call vote, the following Consent Items #1 through 15 were approved with Item #16 moved to Individual Consideration:

1. **Minutes of Previous Meeting**

Action: Approve the Minutes of the Regular Meeting August 16, 2000

2. **Setting a Hearing on Transferring the City's 2000 Private Activity Bond Allotment to CHFA**

The City received a Private Activity Bond allocation from the State of Colorado Department of Local Affairs for the fourth time in 2000 as a result of the City reaching a 40,000 population level in 1997. The bond authority can be issued on a tax exempt basis for various private purposes. The City can reserve this authority for future housing benefits by ceding the authority to CHFA at this time.

Proposed Ordinance Authorizing Assignment to the Colorado Housing and Finance Authority of a Private Activity Bond Allocation of City of Grand Junction Pursuant to the Colorado Private Activity Bond Ceiling Allocation Act

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for September 20, 2000

3. **Purchase of 10-Yard Dump Truck for Pipeline Maintenance**

The following bids were received:

Hanson Equipment, Inc.	Grand Junction	\$102,514.00
Mesa Mack Sales & Service	Grand Junction	\$100,865.00
Mesa Mack Sales & Service (Alternate #1)	Grand Junction	\$ 85,365.00
Transwest Trucks, Inc.	Grand Junction	\$ 92,230.00

Action: Authorize Purchase of 10-Yard Dump Truck from Mesa Mack Sales and Service (Alternate #1) in the Amount of \$85,365

4. **Lease of Seven New City Hall Copiers**

Competitive proposals were opened on August 9, 2000 to furnish copiers for various Division's use in City Hall. The term of the lease agreement is 5 years with an annual funding out clause as required by City Ordinance. The reliability and service of the equipment for the contract term is guaranteed by a performance bond to the City.

Action: Approve Agreement with Capital Business Systems, Inc., Grand Junction, to Lease Seven Copiers Including Maintenance for City Hall Users at an Estimated Annual Amount of \$14,561.04

5. **2000 New Sidewalk and Curb, Gutter and Sidewalk Repair Project**

The following bids were received on August 22, 2000:

<u>Contractor</u>	<u>From</u>	Rid
Reyes Construction	Grand Junction	\$182,949.90
Precision Paving	Grand Junction	\$170,290.75
G and G Paving	Grand Junction	\$156,147.50
Vista Paving	Grand Junction	\$147,758.75
BPS Concrete	Grand Junction	\$139,406.04
Engineer's Estimate		\$148,296.65

Action: Award Contract for 2000 New Sidewalk and Curb, Gutter and Sidewalk Repair Project to BPS Concrete in the Amount of \$139,406.04

6. **Desert Hills Sewer Trunk Extension**

The following bids were received on July 21, 2000:

<u>Contractor</u>	<u>From</u>	Schedule C – on s it	Schedule D – o f	Total
Ben Dowd Excavating	Clifton	\$39,512.10	\$138,062.30	\$177,574.40
Taylor Constructors	Grand Jct	\$50,900.00	\$147,009.50	\$197,909.50
Sorter Construction	Grand Jct	\$52,396.00	N/A	N/A
Mountain Valley	Grand Jct	N/A	\$152,300.40	N/A
Engineer's Estimate		\$28,844.00	\$90,400.00	\$119,244.00

Action: Award Contract for Desert Hills Sewer Trunk Extension to Ben Dowd Excavating in the Amount of \$177,574.40 and Authorize Additional Funding for the Project of \$96,000

7. **Turn Lane Modification, I-70B at Grand Avenue**

The following bids were received on August 29, 2000:

<u>Contractor</u>	<u>From</u>	<u>Bid</u>
G&G Paving, Inc.	Grand Junction	\$79,950.00
Vista Paving L.L.C.	Grand Junction	\$81,473.00
United Companies	Grand Junction	\$86,265.25
Mays Concrete, Inc.	Grand Junction	\$94,082.50
Engineer's Estimate		\$71,035.00

Action: Award Contract for Turn Lane Modification, I-70 B at Grand Avenue, to G&G Paving, Inc. in the Amount of \$79,950.00

8. **FY2001 Consolidated Planning Grant Intergovernmental Agreement**

The CPG Intergovernmental Agreement is the document which outlines the federal funds and local match requirements between the Colorado Department of Transportation and the Grand Junction/Mesa County MPO for the FY 2001 Unified Planning Work Program.

Action: Authorize the Mayor to Sign the FY2001 Consolidated Planning Grant Intergovernmental Agreement and Authorize the MPO Administrator to Sign any Forthcoming Change Order Letters

Staff presentation: Jody Kliska, Transportation Engineer

9. **Utility Easement at the Northwest Corner of Columbine Park**

The Public Service Company has been requested to provide a 3-Phase electric power to the National Healthcare Associates Assisted Living Facility being developed at 565 28¼ Road. The nearest source of 3-Phase electric power is located at the northwest corner of the Columbine Park property.

Resolution No. 81-00 – A Resolution Concerning the Granting of a Non-Exclusive Electric Utility Easement to the Public Service Company of Colorado

Action: Adopt Resolution No. 81-00

10. **Setting a Hearing on Assessments for Alley Improvement District 1999, Phase B**

Reconstruction of the alley, 22nd Street to 23rd Street, Grand Avenue to Ouray Avenue, has been completed in accordance with Resolution No. 47-99 creating Alley Improvement District 1999, Phase B.

Proposed Ordinance Approving the Assessable Cost of the Improvements Made in and for Alley Improvement District No. ST-99, Phase B, in the City of Grand Junction, Colorado, Pursuant to Ordinance No. 178, Adopted and Approved the 11th Day of June, 1910, as Amended; Approving the Apportionment of Said Cost to Each Lot or Tract of Land or Other Real Estate in Said District; Assessing the Share of Said Cost against Each Lot or Tract of Land or Other Real Estate in Said District; Approving the Apportionment of Said Cost and Prescribing the Manner for the Collection and Payment of Said Assessment

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for September 20, 2000

11. **Setting a Hearing on Assessments for Alley Improvement District 2000, Phase A**

Reconstruction of the following alleys has been completed in accordance with Resolution No. 129-99 creating Alley Improvement District 2000, Phase A:

2nd Street to 3rd Street, Chipeta Avenue to Gunnison Avenue
10th Street to 11th Street, Rood Avenue to White Avenue
11th to 12th Street, Main Street to Colorado Avenue
16th Street to 17th Street, Grand Avenue to Ouray Avenue
18th Street to 19th Street, Grand Avenue to Ouray Avenue

Proposed Ordinance Approving the Assessable Cost of the Improvements Made in and for Alley Improvement District No. ST-00, Phase A, in the City of Grand

Junction, Colorado, Pursuant to Ordinance No. 178, Adopted and Approved the 11th Day of June, 1910, as Amended; Approving the Apportionment of Said Cost to Each Lot or Tract of Land or Other Real Estate in Said District; Assessing the Share of Said Cost against Each Lot or Tract of Land or Other Real Estate in Said District; Approving the Apportionment of Said Cost and Prescribing the Manner for the Collection and Payment of Said Assessment

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for September 20, 2000

12. **Contract for Excess Water from Green Mountain Reservoir between the City of Grand Junction and the Bureau of Reclamation**

Due to dry conditions, the Bureau of Reclamation, on behalf of the Endangered Species Recovery Program and in concert with approved recovery actions, has proposed a short-term contract between the City and the Bureau for delivery of excess water from Green Mountain Reservoir. Deliveries would start immediately and cease on December 31, 2000. Water would be delivered to and coordinated with the City for municipal recreation purposes with a supplemental benefit to endangered fish species in the section of the Colorado River between Palisade and Grand Junction.

Action: Approve Contract for Excess Water from Green Mountain Reservoir between the City of Grand Junction and the Bureau of Reclamation

13. **Setting a Hearing on Brutsche Annexation Located at 20 1/2 Road and F 3/4 Road** [File #ANX-2000-143]

The 10-acre Brutsche Annexation consists of one parcel of land that is sandwiched between the Independence Ranch Subdivision in the City and the Country Meadows Subdivision in the County. The parcel will be encompassed within the Independence Ranch Filings 7-13 revised preliminary plan for low-density single family lots.

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

Resolution No. 82-00 – 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 – Brutsche Annexation Located at the Northwest Corner of 20½ Road and F¾ Road

Action: Adopt Resolution No. 82-00 and Set a Hearing for October 18, 2000

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

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Brutsche Annexation, Approximately 10 Acres Located at the Northwest Corner of 20½ Road and F¾ Road

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for October 18, 2000

14. **Setting a Hearing on Ephemeral Resources Annexation No. 1, No. 2 and No. 3, Located at the Southwest Corner of 29 5/8 Road and D Road**
[File #ANX-2000-144]

This is a serial annexation comprised of Ephemeral Resources Annexation No. 1, No. 2 and No. 3. This is the first reading of the annexation ordinance and exercises land use jurisdiction immediately for the Ephemeral Resources Annexation No. 1, No. 2 and No. 3, a 110.86-acre parcel located at the southwest corner of 29 5/8 Road and D Road and including portions of the 29 Road and D Road rights-of-way.

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

Resolution No. 83–00 – 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 – Ephemeral Resources Annexation No. 1, No. 2 and No. 3 Located at 29 5/8 Road and D Road, and Including Portions of 29 Road and D Road Rights-of-Way

Action: Adopt Resolution No. 83–00 and Set a Hearing on October 18, 2000

b. Set Hearings on Annexation Ordinances

- (1) Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Ephemeral Resources Annexation No. 1, Approximately 0.50 Acres Located in Portions of the 29 Road Right-of-Way
- (2) Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Ephemeral Resources Annexation No. 2, Approximately 0.49 Acres Located in Portions of the 29 Road and D Road Rights-of-Way
- (3) Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Ephemeral Resources Annexation No. 3, Approximately 109.87 Acres Located at 29 Road and D Road and Including Portions of the 29 Road and D Road Rights-of-Way

Action: Adopt Proposed Ordinances on First Reading and Set Hearings for October 18, 2000

15. **Setting a Hearing on Vacating a Portion of the Right-of-Way for Flower Street Located South of Central Drive, Northwest of Beta Place** [File #VR-2000-083]

On August 15, 2000, the Planning Commission recommended approval of the vacation of right-of-way, subject to the creation of a 15-foot irrigation easement along the easterly portion of the vacated right-of-way, to dedicate to the Grand Valley Water Users Association upon completion of the right-of-way vacation.

Proposed Ordinance Vacating the Portion of Flower Street Located South of Central Drive

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for September 20, 2000

16. **Defining Valid Development Applications – Moved to Individual Consideration**

Amendment 24, which will be on the November ballot, affects development applications. This resolution will define what constitutes a valid development application, as referenced in that amendment.

Moved to individual consideration.

Resolution No. 84-00 - A Resolution Defining Valid Development Applications as Referenced in Amendment 24

Action: Adopt Resolution No. 84-00

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

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

PUBLIC HEARING – APPEAL OF PLANNING COMMISSION APPROVAL OF PRELIMINARY PLAN AND ZONING OF THE WHITE WILLOWS ANNEXATION, LOCATED AT 2856 C 1/2 ROAD AND 2851 AND 2863 D ROAD [FILE #PP-2000-106]

An adjacent property owner has appealed the Planning Commission's recommendation to approve the requested RSF-4 zoning for the White Willows Annexation. The property has been annexed for several months but has not been given City zoning. County zoning is RSF-R (formerly AFT). An appeal has also been filed on the Planning Commission's decision to approve the White Willows Subdivision, a 122-lot subdivision on 39.56 acres. The appellant cites increased traffic on D Road as the major reason for the appeal. A revised traffic study submitted by the applicant shows a minimal traffic impact on the D Road and 9th Street and 30 Road intersections from this subdivision.

Mayor Kinsey opened the public hearing at 7:40 p.m.

Mayor Kinsey announced that there has been a request to continue the appeal until September 20, 2000.

He asked for any comments on the continuance. There were none.

The Mayor closed the public hearing at 7:42 p.m.

a. Appeal

b. Zoning Ordinance

Ordinance No. 3287 - An Ordinance Zoning the White Willows Annexation Located at 2856 C 1/2 Road, 2851 and 2863 D Road, from County AFT to City RSF-4

Upon motion by Councilmember Spehar, seconded by Councilmember Scott and carried, this item was continued to September 20, 2000.

DEFINING VALID DEVELOPMENT APPLICATIONS

Amendment 24, which will be on the November ballot, affects development applications. This resolution will define what constitutes a valid development application, as referenced in that amendment.

The Mayor announced that the discussion will be in the format of a public hearing.

Dan Wilson, City Attorney, reviewed this item and explained the impact the adoption of the amendment will have. He then explained what the proposed resolution being presented will do to allow more properties to be defined as a "committed areas" by the September 12, 2000 deadline. In other words, it will broaden the definition of a development application. Once a property is in a committed area, then it is past the Amendment 24 hurdle. However, it must still proceed through the City's development review process. Once those areas are developed, any further development will have to go to the voters for approval. There are exceptions, such as located more than one mile from other commercial areas and family splits; both of which seem to run contrary to what Amendment 24 is trying to stop, that is, urban sprawl.

The City has until the end of 2001 to map the "committed areas." Any further development will be placed on the ballot by the City for voter approval. Furthermore, it must meet a host of requirements before going on the ballot.

The resolution is an attempt to state as clearly as possible that any development process counts if filed with the City by 5:00 p.m. by September 12, 2000. The definition also includes concept plans. The resolution presents three options: 1 – to approve concept

plans, 2 – approve concept plans only if consistent with Persigo Growth Plan, and 3 – adopt no concept plan. Items A through J would fit any option. Different cities have taken a variety of approaches – with some requiring even less than a concept plan for acceptance.

Councilmember Theobold noted the concept plan option really only exists for a one week period, until the September 12, 2000 deadline. Mr. Wilson confirmed but added that if the development plan is filed before September 12, 2000 and kept active, it could be good for one year. However, the grandfather status could disappear retroactively if nothing is done within that year.

Councilmember Theobold questioned Section C regarding the definition of a committed area. A committed area must have central water and sewer and development around it. Mr. Wilson suggested thinking of an enclave surrounded by developed areas. At least half must be developed and the other half must be dedicated open space. Council-member Terry asked for clarification if 100% of the perimeter has to be developed. According to Mr. Wilson it can be one of two ways, either half built on or central water and sewer availability or septic system for half of the lots.

Councilmember Terry asked if it is a requirement that the lots and plats be recorded. Mr. Wilson answered yes. Councilmember Terry also questioned resolution option #3 stating the application must be written, the other two options did not say the application must be written. Mr. Wilson stated it is implied but agreed it is more clear in the first introduction.

Councilmember Scott asked what the affect would be on the resolution if Amendment 24 doesn't pass. Mr. Wilson that there would be no affect, it won't matter.

Councilmember Jim Spehar asked if Option 3 doesn't lower the bar then what change does it really make over our current procedures. Mr. Wilson explained that it is just a safety factor with an Outline Development Plan (ODP) approval under the County's jurisdiction, maybe the developer doesn't know if the City will accept so they might file it with the City. Another section speaks to abandoned or expired ODPs.

Mayor Kinsey feels this ballot issue subverts the City's process that has been carefully constructed. He thinks Amendment 24 is terrible and hopes it gets defeated. He stated the City has a valid process for submitting applications. However, he did not favor the adoption of the proposed resolution feeling time would be better spent trying to defeat Amendment 24.

Councilmember Theobold pointed out the concept plan is already in the Code and agrees with Mayor Kinsey on the amendment. But he doesn't consider defining a concept plan as subverting the Code. According to the items in the list, A through D, valid development applications involving items that had a zoning change in the last few years but nothing else has happened, would it be considered a committed area? Mr. Wilson responded that is not clear.

Councilmember Spehar questioned if the Planning Commission has been asked for their opinion. City Attorney Dan Wilson replied he has not spoken with the Planning Commission but has discussed the Amendment with City staff. He also has talked with several city attorneys and to local development lawyers for their input.

Mayor Kinsey asked for comments from the public.

Jim Langford stated that if this resolution would be of value for only one week, nothing would be compromised. Concerning the committed area, Mr. Langford asked for clarification on Mr. Wilson stating the City would need to develop a map for the committed area; would that then need to be voted on in a year's time? Mr. Wilson advised that no, that would be part of the grandfathering clause. Once the area is defined though, any additions would need voter approval.

Mr. Jim Langford expressed concern with financing through bonds since retirement of the bonds is predicated on normal growth. If there is no normal growth, a situation similar to Ridges might occur. When development stopped in that area, residents saw a significant increase in taxes because there was no growth to help retire the bonds.

Mr. Larry Rasmussen representing the Mesa County Homebuilders and Realtor Association, endorses the adoption of this resolution, specifically Option 1, as it would be beneficial for the community to continue to grow.

Diane Schwenke, Chamber of Commerce, represented the Chambers' opposition to Amendment 24 and will continue to work to defeat it. Several Chamber members called to thank the Council for considering this proposal and asked Council to support Option 1. A major concern of the Chamber and its members is how this amendment will affect the local economy. They would like to see a resolution passed tonight.

Tom Volkman, 422 White, joins those who spoke previously supporting Option 1. Option 2 references consistency with Growth Plan but brings into plan approval standards rather than submittal standards. There is no shortcut in compliance with the existing Code.

Chris McAnany, echoed concerns discussed previously, mainly on applications being rejected due to technical deficiency. If detailed submittal requirements are included it will shut many out who have been proceeding diligently to date. He supported Option 1 with a possible addition, a provision that authorizes supplementing after the initial submittal if necessary. Mr. McAnany stated that this is not shortcutting the system, but preserving the existing land use system. There is a concern that the amendment is yanking the rug out from under some folks who have been working diligently to comply with current guidelines. He asked that the Council make the process simple and permit people to supplement applications later in order to meet this deadline.

Councilmember Terry questioned Mr. McAnany as to whether he thought the definition of concept plan as identified in the resolution attachment was too specific as written. Mr. McAnany responded that it may be for some applicants who may not have all the specifics

together yet. He has spoken with some cities that are requiring drafts and permitting supplementation of their application.

Mr. Wilson referred to the definition, subsection 8, section 2, that is, to file an application means that application meets substantively the requirements of the Code and it must be complete. He has set guidelines that are reasonable and low but not so low that the measure purposely tries to avoid the Amendment. Supplementation is a fair question but there is a danger of setting standards so low that the perception is the City is trying to avoid the Amendment. The addition of Persigo Agreement and Growth Plan references perhaps are not needed, but are provided for consideration.

Mike Joyce, 2764 Compass Drive, agrees with Mr. Wilson that the concept plan is simple to put together, very fair, is not circumventing any regulations of current planning. He urged adoption of Option 1.

Councilmember Theobald asked what would the difference be in changing “will” to “should” in the definition on page 3. Mr. Wilson answered it would be similar, but “shall” is mandatory and more direct.

Councilmember Theobald believes the resolution will help retain the City’s process, whereas Amendment 24 will subvert the process. He feels the Council needs to do something and prefers Option 1.

Councilmember Terry asked if the concept plan is currently in the Code? Mr. Wilson responded it is but is not outlined as to what is required for submittal standards.

Kathy Portner, Planning Manager, explained that a checklist has not ever been put together for concept plans, although the term is defined. The Community Development Department has plans to develop a checklist. The concept plan allows the developer to informally come before the Planning Commission to discuss ideas in order to get direction or reaction to what they are proposing.

Councilmember Terry confirmed with Ms. Portner that parties could go before the Planning Commission on an informal basis, to present ideas. This process gives no implied approval, ideas are presented for an initial reaction only.

Ms. Portner believes it would be hard to have an incomplete concept plan. The idea is very straight forward, however if a developer submits an ODP and it is incomplete, she asks does it get reverted to a concept plan? Or, are they given leeway for it to be completed via supplementation. Mr. Wilson said his response would be to submit the incomplete ODP as a concept plan.

Councilmember Terry asked if this locks them in if an incomplete concept plan is submitted. Mr. Wilson stated the response should be they must finish their concept plan

process. He also suggested adding to Option 1 the language “any application will deemed to be valid” before “for any land within the urban growth boundary” and to correct the election references to the “general election in the Fall 2000.”

Councilmember Spehar stated that the Council is not going to resolve these issues with this proposal. Rather the defeat of Amendment 24 is what is needed. He feels this resolution would be perceived as an attempt by Council to subvert the Amendment. There is no significant differences demonstrated which show the need to do this for the 5½ days prior to the deadline. The Council would be sending the wrong message to the public. He also stated it was more important to defeat this Amendment than to provide ammunition to those wanting to significantly alter the process.

Mayor Kinsey agreed and stated the perception of the public would be that the Council is favoring the developers.

Councilmember Terry agreed with Councilmember Spehar. Regardless of how strongly she opposes Amendment 24, because of public perception she could only support Option 3. It doesn't change or allow any development applications under a newly defined concept plan.

Councilmember Theobold doesn't disagree, yet one could also argue that those who believe that way cannot be persuaded anyway. Regarding the economic impact, the proposed resolution is not a 5-day impact, but an attempt to keep development continuing for a year because the next vote would not be until November 2001.

Councilmember Spehar suggested the Council not do any of the three options but instead adopt a resolution opposing Amendment 24.

Councilmember Scott believes Council should do something to help some of the people, but that 5 days will not make that much difference. He supports Option 3.

It was moved by Councilmember Theobold and seconded by Councilmember Enos-Martinez, to adopt Resolution No. 84-00, with Option 1 to include additional language of “within the urban growth boundary” and changing language in Section J to election of Fall 2000. The motion failed.

Councilmember Terry moved, seconded by Councilmember Spehar, to adopt Resolution No. 84-00 with Option 3 to include the additional language “within urban growth boundary” and redefining the election to Fall 2000. The motion carried with Councilmembers **PAYNE** and **ENOS-MARTINEZ** voting **NO**.

It was moved by Councilmember Terry moved and seconded by Councilmember Jack Scott that the Council make a resolution expressing their opposition to Amendment 24. The motion carried.

Staff was directed to bring the language of the Resolution back to Council.

PUBLIC HEARING – GROWTH PLAN AMENDMENT AND REZONING THE KOLLAO PROPERTY FROM RSF-R TO RSF-2, LOCATED AT 2570 G ROAD

[FILE #GPA-2000-109]

Councilmember Enos-Martinez has conflict of interest and excused herself from the dais.

The public hearing opened at 8:50 p.m.

Lisa Gerstenberger, Community Development Department, reviewed this item giving some background. She clarified the request for lowering the density from medium to low. She stated this meets the goals and policies of the Growth Plan and the criteria for a Growth Plan amendment. The request is actually a downzone to residential low to reduce density.

Councilmember Payne asked if parcel 1 is in the city limits and Ms. Gerstenberger confirmed both parcels are in the City of Grand Junction. City Attorney Dan Wilson reminded Council that one parcel involved in a legal access issue relative to Wilson Ranch and part of the settlement includes a road plan.

Councilmember Theobald asked about the surrounding uses being consistent south and east, and the current designation being consistent with north and west. Ms. Gerstenberger posted the surrounding growth designation map. Councilmember Theobald stated he feels the issue is what the Growth Plan says about the general area.

Mike Joyce, 2764 Compass Drive, petitioner, clarified the zoning designations. Councilmember Theobald noted that the staff reports states the opposite.

Kathy Portner, Planning Manager, believes the subdivision recently approved just east of 1st Street, is around 2 units per acre density.

Ms. Gerstenberger continued, recommending approval of the Growth Plan amendment and the rezone request. The Planning Commission made similar findings and recommends approval. Part of the request to rezone to residential low is based upon topographical reasons. This would be consistent with the Growth Plan and is compliant with the plan.

Councilmember Theobald asked if the density includes the open space noting the argument that the density should be lowered due to the development constraints conflicts with the fact that at the same time the constraints are taken out of consideration. He is concerned about constant pressure to lower density which in turn encourages sprawl.

Ms. Gerstenberger posted the constraints map to better illustrate the justification.

Councilmember Spehar stated the need to be consistent and be careful about preserving some of these densities instead of lowering them at every request.

Councilmember Theobold discussed the Growth Plan map; generally everything to the north is medium density and to the south is low density.

Ms. Gerstenberger stated many of the properties south of G Road are already platted and developed and not likely to subdivide. They will likely stay at that density. Physical restraints are appropriate for lower density justification.

Councilmember Payne said that during annexation meetings, they were told many times not to change the zoning without a request. Now Council has a request and there are some real topography problems.

Ms. Gerstenberger met with the neighbors who are in favor, with no one speaking in opposition of the lower density.

Mike Joyce, 2764 Compass Drive, stated this is a unique piece of ground. The Growth Plan was not done parcel by parcel so this parcel was not looked at specifically. There are numerous physical constraints including flood plain problems. Many urban trails have been proposed across the property.

Councilmember Theobold asked if 11 acres are to be developed? Mr. Joyce answered that 13 acres are to be developed. Because of sight distance problems on G Road, they are trying to get Elvira Drive vacated to fix a potentially very bad situation. They are anticipating a total of 17 units between the two properties.

Mayor Kinsey asked for public comment. There was none.

The public hearing was closed at 9:17 p.m.

Councilmember Terry stated Council is striving to adhere to the Growth Plan but knew it was not perfect. It was recognized there would be errors that would need to be dealt with. Criteria for the Growth Plan amendments were determined and the answers to that criteria are satisfactory. If more stringent criteria is needed, then Council needs to adopt them. For this property, topographical constraints justify the zoning change.

Councilmember Spehar stated this change is justified, but cautioned Council about consistency and recognizing the value of higher density.

Councilmember Payne noted the property to the west is zoned high density and could never be. The possible trails system gives more reasons to approve this request.

Councilmember Theobold stated the topography just affects one parcel. The parcel to the north of parcel 1 has the same issues so he warned Council to expect the same such request.

Councilmember Scott has no problem with the downzoning due to topographical constraints.

Upon motion by Councilmember Payne, seconded by Councilmember Terry and carried by roll call vote, Resolution No. 85-00 was adopted and Ordinance No. 3288 was adopted on second reading and ordered published.

Councilmember Enos-Martinez returned to the dais.

Council briefly discussed the future of Growth Plan amendments and how often they should be scheduled.

PUBLIC HEARING - REZONING REIMER MINOR SUBDIVISION/SPANISH TRAILS FROM PD TO RSF-4, LOCATED AT 719 24 1/2 ROAD [FILE #RZP-2000-107]

A request to rezone a .34 acre parcel from PD (Planned Development) to RSF-4 (Residential Single Family, not to exceed 4 units per acre).

The public hearing opened at 9:25 p.m.

Mike Queally, representing the petitioner, discussed the request for rezoning. The property has one home that has been vacated. He would like to sell the property and put it to use that is compliant with surrounding density. The home still exists.

Councilmember Theobald asked if this is south of the gazebo? Mr. Queally responded that is not.

Kathy Portner, Community Development Department, reviewed the request to rezone. There is an approved ODP, which included the home in the overall plan. Now the applicant wants to separate the lot with the home on it, keeping consistent with the Growth Plan, and it will still be somewhat incorporated into their plan. She feels it meets rezoning criteria and the Planning Commission recommended approval, as does staff.

Councilmember Theobald asked if there is direct access to the property on 24 1/2 Road. Ms. Portner answered it does currently have driveway access to 24 1/2 Road and no change is proposed to change the driveway access.

The Mayor asked for public comments. There were none. He closed the hearing at 9:29 p.m.

Ordinance No. 3289 – An Ordinance Rezoning Property at 719 24 1/2 Road from PD to RSF-4 (Reimer Minor Subdivision/Spanish Trails)

Upon motion by Councilmember Theobold, seconded by Councilmember Spehar and carried by roll call vote, Ordinance No. 3289 was adopted on second reading and ordered published.

OTHER BUSINESS

Visiting Russian Contractors

Interim City Manager David Varley stated a group of Colorado contractors have asked the City to host visiting Russian contractors. The visitors will be here the 15th at 2:00 p.m. to talk about our process. There will be 9 visitors plus interpreters. The Council is invited to attend.

Amendment 21

Councilmember Terry asked that since the Council has stated its position on Amendment 24, she would like to schedule a discussion on the proposed Amendment 21 for Wednesday's agenda.

ADJOURNMENT

The meeting adjourned at 9:32 p.m.

Stephanie Nye, CMC
City Clerk

Attach 2

**CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION**

<i>CITY COUNCIL</i>			
Subject:	Resolution authorizing the conveyance of a sanitary sewer easement across City owned property for the benefit of Village Park Subdivision		
Meeting Date:	September 20, 2000		
Date Prepared:	September 14, 2000		
Author:	Tim Woodmansee	Real Estate Manager	
Presenter Name:	Tim Woodmansee	Real Estate Manager	
	Workshop	X	Formal Agenda

Subject: Resolution authorizing the conveyance of a sanitary sewer easement across City owned property for the benefit of Village Park Subdivision.

Summary: The proposed resolution would authorize the installation of a sanitary sewer line across the south boundary of the City's storm water detention facility located east of 28 Road and north of Patterson Road.

Background Information: Village Park is an approved mixed-use development on 18 acres located at the northwest intersection of Patterson Road and 28 ¼ Road. The City's Utilities Engineer has informed the developer that the proposed alignment of the sanitary sewer line would best serve the Village Park development.

In exchange for the sewer easement across City property, the developer will grant to the City an easement to allow the installation of an irrigation line to serve the City's storm water detention facility. The City has been evaluating options for irrigating the detention facility to improve its appearance. The developer has also agreed to construct a second pedestrian connection to the detention facility for an eventual trail connection to Matchett Park.

Action Requested/Recommendation: Pass and adopt proposed resolution.

Citizen Presentation:	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Yes	If Yes,
Name:					
Purpose:					
Report results back to Council:	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Yes	When:
Placement on Agenda:	<input checked="" type="checkbox"/>	Consent	<input type="checkbox"/>	Indiv. Consideration	<input type="checkbox"/>
					Workshop

RESOLUTION NO.

**CONCERNING THE GRANTING OF A NON-EXCLUSIVE SANITARY SEWER
EASEMENT TO VILLAGE PARK GJ, LLC**

WHEREAS, the City of Grand Junction believes it is the owner of certain real property described as follows: Commencing at the Southwest corner of Section 6, Township 1 South, Range 1 East of the Ute Meridian, City of Grand Junction, County of Mesa, State of Colorado; thence N 00°03'19" E a distance of 686.19 feet; thence S 89°59'07" E a distance of 40.00 feet to the Point of Beginning; thence S 89°59'07" E a distance of 596.09 feet; thence S 00°01'54" W a distance of 165.00 feet; thence N 89°59'07" W a distance of 187.19 feet; thence S 00°01'06" E a distance of 25.00 feet; thence N 89°59'07" W a distance of 409.00 feet; thence N 00°03'19" E a distance of 190.00 feet to the Point of Beginning; and

WHEREAS, Village Park GJ, LLC, a Colorado Limited Liability Company, has requested an easement across the south boundary of the above described City property for the purposes of installing, operating, maintaining, repairing and replacing a sanitary sewer line to serve the Village Park development to the east and to serve the First Church of the Nazarene property to the south of the above described City property; and

WHEREAS, in consideration of the conveyance of a non-exclusive sanitary sewer easement across the above described City property, Village Park GJ, LLC, has agreed to grant to the City an easement across the west boundary of said Village Park property to allow the installation of an irrigation line to serve the above described City owned property, and has additionally agreed to construct a second pedestrian connection to the above described City property for an eventual trail connection to the City owned Matchett Park property.

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

That the City Manager is hereby authorized to execute any and all documents necessary and appropriate to effectuate the grant and conveyance of a non-exclusive sanitary sewer easement for the purposes aforescribed and for the benefit of the adjoining properties aforescribed; provided, however, that the grant and conveyance of said sanitary sewer easement shall be specifically contingent upon Village Park GJ, LLC, granting and conveying to the City an irrigation easement across the west boundary of said Village Park property for the benefit of the above described City property, and shall additionally be specifically contingent upon said Village Park constructing a second pedestrian connection between said City property and the City owned Matchett Park property.

PASSED and ADOPTED this 20th day of September, 2000.

Attest:

President of the Council

City Clerk

Attach 3

**CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION**

<i>CITY COUNCIL</i>			
Subject:	Garret Estates – Right of Way Vacation		
Meeting Date:	September 20, 2000		
Date Prepared:	September 14, 2000		
Author:	Bill Nebeker	Senior Planner	
Presenter Name:	Bill Nebeker	Senior Planner	
	Workshop	X	Formal Agenda

Subject: Vacation of a portion of 25 Road and F ½ Road right-of-way in conjunction with final plat approval for Garrett Estates Subdivision; File #FP-2000-128.

Summary: The developer of Garrett Estates Subdivision requests to vacate a portion of excess right-of-way for 25 Road and F ½ Road that is not needed per the Major Street Plan. The vacated right-of-way will be incorporated into the final plat of Garrett Estates, a 55 lot single family development on approximately 12.16 acres at the northeast corner of 25 Road and F ½ Road.

Background Information: See Attached

Budget: N/A

Action Requested/Recommendation: Adopt ordinance on first reading and schedule a hearing for October 4, 2000.

Citizen Presentation:	X	No		Yes	If Yes,
Name:	Various				
Purpose:					

Report results back to Council:	X	No		Yes	When:	
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Placement on Agenda:	X	Consent		Indiv. Consideration		Workshop
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BACKGROUND INFORMATION			
Location:		NEC 25 & F ½ Roads	
Applicant:		Sonshine Construction	
Existing Land Use:		Single family home and vacant	
Proposed Land Use:		Single family homes (55)	
Surrounding Land Use:	North	Vacant (Country Crossing)	
	South	Mesa County Sheriff's Posse	
	East	Single family residential (Diamond Ridge)	
	West	Low density residential	
Existing Zoning:		RMF-8 (formerly RSF-8)	
Proposed Zoning:		No change proposed	
Surrounding Zoning:	North	PD (planned development - residential)	
	South	I-O (Industrial Office Park)	
	East	PD (Planned Development - residential)	
	West	RMF-8	
Growth Plan Designation:		Residential Medium: 4 to 8 units per acre	
Zoning within density range?		X	Yes
			No

Staff Analysis: The applicant is requesting that 10-feet of 25 Road and 3-feet of F ½ Road adjacent to the approved Garrett Estates Subdivision be vacated. Garrett Estates is a 55 lot single family development on approximately 12.16 acres at the northeast corner of 25 Road and F ½ Road. Currently 25 Road has 40 feet of right-of-way on the east side and F ½ Road has 33-feet on the north side. The Major Street Plan designates both streets as Major Collectors, requiring 30-foot half streets. The applicant will be improving both streets as part of final plat approval. The excess right-of-way, if not vacated, must be landscaped and maintained by the homeowner's association. The applicant requests vacation to increase lot sizes and eliminate unnecessary maintenance by the homeowner's association.

The Urban Trail Master Plan shows an on-street bike path along 25 Road. Collector Streets prohibit parking on each side. The 4-foot wide path would be striped on each side and leave two 11-foot lanes and a center turn lane. The right-of-way vacation does not affect the ability to place the bike paths on this street per adopted Public Works standards.

At its September 12, 2000 hearing the City Planning Commission found that the vacation complies with the approval criteria in Section 2.11C of the Grand Junction Zoning and Development Code in that the vacation conforms to the following:

1. The Growth Plan, major street plan and other adopted plans and policies of the City; - *The proposal is in conformance with the adopted Major Street Plan that requires only a 30-foot half street for both streets.*
2. No parcel shall be landlocked as a result of the vacation; - *The proposal does not landlock any parcel of land.*
3. Access to any parcel shall not be restricted to the point where access is unreasonable, economically prohibitive, or reduces or devalues any property affected by the proposed vacation; - *The proposal does not restrict access to any parcel.*
4. There shall be no adverse impacts on the health, safety, and/or welfare of the general community, and the quality of public facilities and services provided to any parcel of land shall not be reduced (e.g. police/fire protection and utility services); - *The proposal does not have any adverse impacts on the health, safety, and/or welfare of the general community, and does not reduce the quality of public services provided to any parcel of land. 25 and F ½ Roads will be built to the widths as required on the Major Street Plan. It is unknown if the rights-of-way contain public utilities, however the vacation ordinance will not become effective until a new easement is dedicated on the plat.*
5. The provision of adequate public facilities and services shall not be inhibited to any property as required in Chapter Six of the Zoning and Development Code; - *The vacation has no effect on public facilities or services, as described in this report.*
6. The proposal shall provide benefits to the City such as reduced maintenance requirements, improved traffic circulation, etc. - *The proposal provides private and public benefits by allowing the retention of several large trees along the east side of 25 Road. Other private benefits include slightly larger lots for the adjoining subdivision and less excess right-of-way to be maintained by the future homeowner's association.*

Planning Commission Recommendation: Approval with the condition that the vacating ordinance will not become effective until the plat for Garrett Estates has been recorded. This condition assures that an easement exists for any utilities contained in the right-of-way to be vacated. A multi-purpose easement will be dedicated on the plat in the vacated right-of-way.

Attachment to this report include the following:

1. Road Vacation Exhibit
2. Garrett Estates Subdivision Plat

3. Vacation Ordinance

Insert attachments here

CITY OF GRAND JUNCTION

Ordinance No. _____

**VACATING A PORTION
OF 25 ROAD AND F1/2 ROAD
ADJACENT TO GARRETT ESTATES SUBDIVISION**

Recitals.

The developer of Garrett Estates Subdivision is requesting that 10-feet of 25 Road and 3-feet of F ½ Road adjacent to the approved subdivision be vacated. Garrett Estates is a 55 lot single family development on approximately 12.16 acres at the northeast corner of 25 Road and F ½ Road. Currently 25 Road has 40 feet of right-of-way on the east side and F ½ Road has 33-feet on the north side. The Major Street Plan designates both streets as Major Collectors, requiring 30-foot half streets. The applicant will be improving both streets as part of final plat approval. The excess right-of-way, if not vacated, must be landscaped and maintained by the homeowner's association. The applicant requests vacation to increase lot sizes and eliminate unnecessary maintenance by the homeowner's association.

At its September 12, 2000 hearing the Planning Commission found that the right-of-way vacation conforms with the approval criteria in Section 2.11C of the Grand Junction Zoning and Development Code with the condition that the vacating ordinance will not become effective until the plat for Garrett Estates has been recorded. The specific findings are found in the staff report in File #FP-2000-128.

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

City Council finds that the vacation meets the criteria set forth in Section 2.11C of the Grand Junction Zoning and Development Code and in accordance therewith the following described right-of-way is hereby vacated with the provision that this ordinance will not become effective until the plat for Garrett Estates has been recorded:

A strip of land situated in the SW ¼ NW ¼ Section 3, T.1S, R.1W Ute Meridian, Mesa County, Colorado, being more particularly described as follows:

Commencing at the found Mesa County survey marker for the W ¼ corner of said Section 3, the basis of bearing being N00°03'01"E along the west line of said SW ¼ NW ¼ to the N 1/16 corner, being another said found Mesa County survey marker;
Thence N00°03'01"E a distance of 30.00 feet;
Thence S89°59'47"E a distance of 30.00 feet to the point of beginning;
Thence N00°03'01"E a distance of 781.32.00 feet;

Thence N89°57'14"E a distance of 10.00 feet;
Thence S00°03'01"W a distance of 778.31 feet;
Thence S89°59'47"E a distance of 619.98 feet;
Thence S00°02'24"W a distance of 3.00 feet;
Thence N89°59'47"W a distance of 629.99.00 feet.
Said parcel contains 0.22 acres more or less.

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 4

**CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION**

<i>CITY COUNCIL</i>			
Subject:	Route 30 Partners Annexation		
Meeting Date:	September 20, 2000		
Date Prepared:	September 20, 2000		
Author:	Lisa Gerstenberger	Senior Planner	
Presenter Name:	Lisa Gerstenberger	Senior Planner	
	Workshop	X	Formal Agenda

Subject: Annexation of the Route 30 Partners Annexation, ANX-2000-172

Summary: Resolution for Referral of Petition to Annex/First reading of the annexation ordinance/Exercising land use jurisdiction immediately for the Route 30 Partners Annexation located at 520 30 Road and including I-70 Business right-of-way. The 20.92-acre Route 30 Partners Annexation consists of six parcels of land of approximately 17 acres and I-70 Business Loop right-of-way of approximately 3.92 acres.

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 Route 30 Partners Annexation and set a hearing for November 1, 2000.

Citizen Presentation:	X	No	Yes	If Yes,
Name:				
Purpose:				

Report results back to Council:	X	No	Yes	When:	
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Placement on Agenda:	X	Consent	Indiv. Consideration	Workshop
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AGENDA TOPIC: Annexation of the Route 30 Partners Annexation, ANX-2000-172

SUMMARY: Resolution for Referral of Petition to Annex/First reading of the annexation ordinance/Exercising land use jurisdiction immediately for the Route 30 Partners Annexation located at 520 30 Road and including I-70 Business Loop right-of-way. The 20.92-acre Route 30 Partners Annexation consists of six parcels of land of approximately 17 acres and I-70 Business Loop right-of-way of approximately 3.92 acres.

<i>BACKGROUND INFORMATION</i>			
Location:		520 30 Road	
Applicants:		Route 30 Partners	
Existing Land Use:		Vacant	
Proposed Land Use:		Commercial	
Surrounding Land Use:	North	Residential	
	South	Commercial	
	East	Vacant	
	West	Commercial	
Existing Zoning:		County Planned Commercial	
Proposed Zoning:		C-1	
Surrounding Zoning:	North	County RSF-4; Planned Commercial; PUD	
	South	County RSF-4	
	East	County PUD	
	West	County B-2	
Growth Plan Designation:		Commercial	
Zoning within density range?		<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

Staff Analysis:

ANNEXATION:

This annexation area consists of annexing 20.92 acres of land including portions of the I-70 Business Loop right-of-way. Owners of the property have signed a petition for annexation as part of their request to construct a general retail shopping center, pursuant to the 1998 Persigo Agreement with Mesa County.

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 Route 30 Partners 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 and zoning schedule is being proposed.

<i>ANNEXATION SCHEDULE</i>	
9-20-2000	Referral of Petition (30 Day Notice), First Reading, Exercising Land Use
10-10-2000	Planning Commission considers Zone of Annexation
10-18-2000	First Reading on Zoning by City Council
11-1-2000	Acceptance of Petition and Public hearing on Annexation and Zoning by City Council
12-3-2000	Effective date of Annexation and Zoning

Action Requested/Recommendation: It is recommended that City Council approve the Route 30 Partners Annexation.

Attachments:

- Annexation Summary
- Resolution of Referral of Petition/Exercising Land Use Immediately
- Annexation Ordinance
- Annexation Map

ROUTE 30 PARTNERS ANNEXATION SUMMARY

File Number:		ANX-2000-172
Location:		520 30 Road
Tax ID Number:		2943-093-00-187
Parcels:		6 parcels and I-70 Business ROW
Estimated Population:		0
# of Parcels (owner occupied):		N/A
# of Dwelling Units:		0
Acres land annexed:		20.92 acres for annexation area
Developable Acres Remaining:		17 acres
Right-of-way in Annexation:		3.92, See Annexation Map
Previous County Zoning:		Planned Commercial
Proposed City Zoning:		Commercial Light, C-1
Current Land Use:		Vacant
Future Land Use:		Retail
Values:	Assessed:	= \$6, 130
	Actual:	= \$62,960
Census Tract:		11
Address Ranges:		520 30 Road; 3020 I-70 Business Loop
Special Districts:	Water:	Clifton Water
	Sewer:	Grand Valley Sanitation
	Fire:	Clifton Fire
	Drainage:	GJ Drainage District
	School:	District 51
	Pest:	N/A

**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 20th day of September, 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**

ROUTE 30 PARTNERS ANNEXATION

**LOCATED AT 520 30 ROAD and
Including a portion of the I-70 Business Loop Right-of-way**

WHEREAS, on the 20th day of September, 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 SW 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:

Commencing at the northwest corner of the SW 1/4 SW 1/4 of said Section 9; thence N 89°50'30" E along the north line of said SW 1/4 SW 1/4 a distance of 287.10 feet to the True Point of Beginning of the parcel described herein; thence continuing along the north line of said SW 1/4 SW 1/4 N 89°50'30" E a distance of 808.69 feet to a point on the southerly right of way line for the Grand Valley Canal; thence along the southerly right of way line for said Grand Valley Canal the following 2 courses:
S 42°27'15" E a distance of 92.94 feet to a point;
S 50°44'33" E a distance of 94.82 feet to a point;
thence S 00°02'45" W a distance of 756.96 feet to a point on the northerly right of way line for I70B; thence leaving said northerly right of way line S 45°59'59" E a distance of 227.29 feet to a point; thence S 72°50'00" W along a line 1.00 feet north of and parallel with the southerly right of way line for said I70B a distance of 879.47 feet to a point; thence N 21°35'52" E a distance of 336.22 feet to a point on the northerly right of way line for said I70B; thence leaving said northerly right of way line N 00°15'00" W a distance of 256.04 feet to a point; thence S 89°45'00" W a distance of 101.85 feet to a point; thence N 00°15'00" W a distance of 311.98 feet to a point; thence S 89°45'00" W a distance of 285.00 feet to a point; thence N 00°15'00" W a distance of 128.74 feet to a point; thence S 89°50'30" W a distance of 247.10 feet to a point on the east right of way line for 30 Road; thence N 00°15'00" W along the east right of way line for said 30 Road a distance of 152.00 feet to a point; thence leaving said east right of way line N 89°50'30" E a distance of 247.10 feet to a point; thence a N 00°15'00" W a distance of 141.00 feet to the point of beginning.

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 1st day of November, 2000, in the auditorium of the Grand Junction City Hall, located at 250 N. Fifth 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 20th day of September, 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

<i>PUBLISHED</i>
September 20, 2000
September 29, 2000
October 6, 2000
October 13, 2000

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

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

ROUTE 30 PARTNERS ANNEXATION

APPROXIMATELY 20.92 ACRES

**LOCATED AT 520 30 ROAD and
Including a portion of the I-70 Business Loop Right-of-way**

WHEREAS, on the 20th day of September, 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 1st day of November, 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 SW 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:

Commencing at the northwest corner of the SW 1/4 SW 1/4 of said Section 9; thence N 89°50'30" E along the north line of said SW 1/4 SW 1/4 a distance of 287.10 feet to the True Point of Beginning of the parcel described herein; thence continuing along the north line of said SW 1/4 SW 1/4 N 89°50'30" E a distance of 808.69 feet to a point on the southerly right of way line for the Grand Valley Canal; thence along the southerly right of way line for said Grand Valley Canal the following 2 courses:

- 1) S 42°27'15" E a distance of 92.94 feet to a point;
- S 50°44'33" E a distance of 94.82 feet to a point;

thence S 00°02'45" W a distance of 756.96 feet to a point on the northerly right of way line for I70B; thence leaving said northerly right of way line S 45°59'59" E a distance of 227.29 feet to a point; thence S 72°50'00" W along a line 1.00 feet north of and parallel with the southerly right of way line for said I70B a distance of 879.47 feet to a point; thence N 21°35'52" E a distance of 336.22 feet to a point on the northerly right of way line for said I70B; thence leaving said northerly right of way line N 00°15'00" W a distance of 256.04 feet to a point; thence S 89°45'00" W a distance of 101.85 feet to a point; thence N 00°15'00" W a distance of 311.98 feet to a point; thence S 89°45'00" W a distance of 285.00 feet to a point; thence N 00°15'00" W a distance of 128.74 feet to a point; thence S 89°50'30" W a distance of 247.10 feet to a point on the east right of way line for 30 Road; thence N 00°15'00" W along the east right of way line for said 30 Road a distance of 152.00 feet to a point; thence leaving said east right of way line N 89°50'30" E a distance of 247.10 feet to a point; thence a N 00°15'00" W a distance of 141.00 feet to the point of beginning.

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

INTRODUCED on first reading on the 20th day September, 2000.

ADOPTED and ordered published this ____ day of _____, 2000.

Attest:

President of the Council

City Clerk

Attach 5

**CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION**

<i>CITY COUNCIL</i>			
Subject:	Mesa Moving Annexation		
Meeting Date:	September 20, 2000		
Date Prepared:	September 14, 2000		
Author:	Lori V. Bowers	Associate Planner	
Presenter Name:	Lori V. Bowers	Associate Planner	
	Workshop	X	Formal Agenda

Subject: Referral of Petition, First reading of the annexation ordinance and exercising land use jurisdiction immediately for the Mesa Moving Annexation located at 2225 River Road and 681 Railroad Blvd. (also known as 637 on the Assessor's records). File # ANX-2000-177.

Summary: The 12.38-acre Mesa Moving Annexation area consists of two parcels of land. One currently houses Mesa Moving and United Van Lines and the other parcel consists of 2 acres of vacant land. Mesa Moving would like to construct a new truck service facility for their business on the vacant lot. The owner of the property has signed a petition for annexation.

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 Mesa Moving Annexation and set a hearing for November 1, 2000.

Citizen Presentation:	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Yes	If Yes,
Name:					
Purpose:					

Report results back to Council:	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Yes	When:	
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Placement on Agenda:	<input checked="" type="checkbox"/>	Consent	<input type="checkbox"/>	Indiv. Consideration	<input type="checkbox"/>	Workshop
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BACKGROUND INFORMATION					
Location:		2225 River Road & 681 Railroad Blvd. (known as 637 on Assessor's records)			
Applicants:		David Smuin, representative for Saad Family LLC			
Existing Land Use:		Vacant land and existing business – Mesa Moving and United Van Lines			
Proposed Land Use:		Truck repair facility			
Surrounding Land Use:	North	Railroad tracks/I-70B/ Truck Stop			
	South	Railroad Ave. and vacant land (United Companies)			
	East	United Companies			
	West	Vacant / McCarr Co.			
Existing Zoning:		Planned Industrial – County			
Proposed Zoning:		I-2			
Surrounding Zoning:	North	City C-2 (Heavy Commercial) and I-1 (Light Commercial)			
	South	County RSF-4 (Residential not to exceed 4 units per acre; S side of Colorado River)			
	East	County Industrial			
	West	County AFT			
Growth Plan Designation:		Commercial Industrial			
Zoning within density range?		X	Yes		No

ACTION REQUESTED: It is recommended that City Council approve the resolution for the referral of the annexation petition, approve on first reading the annexation ordinance and exercise land use jurisdiction immediately for the Mesa Moving Annexation and set a hearing for November 1, 2000.

Staff Analysis:

ANNEXATION:

This annexation area consists of 12.38 acres of land. The request for annexation comes from a request to develop the 2- acre parcel for a truck service center for Mesa Moving. A request for site plan review is forthcoming. 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 Mesa Moving 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.

ANNEXATION SCHEDULE	
Sept. 20 th	Referral of Petition to Annex & 1st Read (30 Day Notice)
Oct. 10th	Planning Commission considers Zone of Annexation
Oct. 18th	First Reading on Zoning by City Council
Nov. 1st	Public hearing on Annexation and Zoning by City Council
Dec. 3rd	Effective date of Annexation and Zoning

RECOMMENDATION:
Approval

Attachments:
Mesa Moving Annex Summary
Resolution
Annexation Ordinance
Annexation Map

MESA MOVING ANNEXATION SUMMARY

File Number:	ANX-2000-177	
Location:	2225 River Road & 681 Railroad Blvd.	
Tax ID Number:	2945-062-04-005 & 2945-062-04-003	
Parcels:	2	
Estimated Population:	0	
# of Parcels (owner occupied):	1	
# of Dwelling Units:	0	
Acres land annexed:	12.38	
Developable Acres Remaining:	2.0	
Right-of-way in Annexation:	Approximately 840 feet in length, the entire width of I-70 B; a portion of Southern Pacific ROW; 900 feet, the entire width, of River Road	
Previous County Zoning:	County Industrial	
Proposed City Zoning:	I-2 (Heavy Industrial)	
Current Land Use:	Vacant & Mesa Moving and Storage	
Future Land Use:	Truck service facility for Mesa Moving	
Values:	Land:	= \$57,360
	Improvements:	= \$129,370
Census Tract:	9	
Address Ranges:	2225 River Road and 681 Railroad Blvd.	
Special Districts:	Water:	Ute Water
	Sewer:	Railhead Water & Sewer
	Fire:	Grand Junction Rural Fire District
	Drainage & Irrigation	Grand Junction Drainage
	School:	District 51
	Pest:	

**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 20th day of September, 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**

MESA MOVING ANNEXATION

**LOCATED AT 2225 RIVER ROAD AND 681 RAILROAD BLVD
(KNOWN AS 637 RAILROAD BLVD ON THE ASSESSOR'S RECORDS)**

WHEREAS, on the 20th day of September, 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:

**PERIMETER BOUNDARY LEGAL DESCRIPTION
MESA MOVING ANNEXATION**

A parcel of land situate in the NW 1/4 of Section 6, Township 1 South, Range 1 West and in the SW 1/4 of Section 31, Township 1 North, Range 1 West all of the Ute Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

Commencing at the northeast corner of Block One of Railhead Industrial Park as Amended, whence the N 1/4 corner of Section 6, Township 1 South, Range 1 West bears N 56°31'00" W a distance of 628.81 feet & N 89°44'57" E a distance of 933.17 feet; thence N 56°31'00" W along the southwesterly right of way line for River Road a distance of 70.00 feet to the True Point of Beginning of the parcel described herein; thence leaving the southwesterly right of way line for said River Road S 14°46'37" E a distance of 100.00 feet to a point on the westerly right of way line for Railroad Boulevard; thence 282.38 feet along the westerly right of way line for said Railroad Boulevard and arc of a curve concave to the east, having a radius of 482.24 feet, a delta angle of 33°33'00" and a long chord bearing S 08°46'23" W a distance of 278.36 feet to a point; thence along the southwesterly line of Block One of said Railhead Industrial Park as Amended the following 2 courses:
22.97 feet along the arc of a curve concave to the northeast, having a radius of 478.34 feet, a delta angle of 02°45'06" and a long chord bearing N 57°53'32" W a distance of 22.97 feet to a point;
N 56°31'00" W a distance of 1019.82 feet to a point;
thence leaving the southwesterly line of said Block One N 33°29'00" E a distance of 320.00 feet to a point on the southwesterly right of way line for said River Road; thence N

33°29'00" E a distance of 368.11 feet to a point on the northeasterly right of way line for U.S. Highway 6 & 50 (I70B); thence S 56°31'00" E along said northeasterly right of way line a distance of 844.24 feet to a point on the section line common with Section 31, Township 1 North, Range 1 West and Section 6, Township 1 South, Range 1 West; thence S 89°44'57" W along said section line a distance of 576.22 feet to a point on the southwesterly right of way line for the Southern Pacific Transportation Railroad; thence S 56°31'00" E along said southwesterly right of way line a distance of 486.77 feet to a point; thence leaving said southwesterly right of way line S 33°29'00" W a distance o 48.11 feet to the point of beginning.

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 1st day of November, 2000, at the City Hall Auditorium, located at 250 North 5th Street, City of 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 20th day of September, 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:

September 22, 2000

September 29, 2000

October 6, 2000

October 13, 2000

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

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

MESA MOVING ANNEXATION

**APPROXIMATELY 12.38 ACRES
LOCATED AT 2225 RIVER ROAD AND 681 RAILROAD BLVD.
(KNOWN AS 637 RAILROAD BLVD ON THE ASSESSOR'S RECORDS)**

WHEREAS, on the 20th day of September, 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 1st day of November, 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:

**PERIMETER BOUNDARY LEGAL DESCRIPTION
MESA MOVING ANNEXATION**

A parcel of land situate in the NW 1/4 of Section 6, Township 1 South, Range 1 West and in the SW 1/4 of Section 31, Township 1 North, Range 1 West all of the Ute Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

Commencing at the northeast corner of Block One of Railhead Industrial Park as Amended, whence the N 1/4 corner of Section 6, Township 1 South, Range 1 West bears N 56°31'00" W a distance of 628.81 feet & N 89°44'57" E a distance of 933.17 feet; thence N 56°31'00" W along the southwesterly right of way line for River Road a distance of 70.00 feet to the True Point of Beginning of the parcel described herein; thence leaving the

southwesterly right of way line for said River Road S 14°46'37" E a distance of 100.00 feet to a point on the westerly right of way line for Railroad Boulevard; thence 282.38 feet along the westerly right of way line for said Railroad Boulevard and arc of a curve concave to the east, having a radius of 482.24 feet, a delta angle of 33°33'00" and a long chord bearing S 08°46'23" W a distance of 278.36 feet to a point; thence along the southwesterly line of Block One of said Railhead Industrial Park as Amended the following 2 courses: 22.97 feet along the arc of a curve concave to the northeast, having a radius of 478.34 feet, a delta angle of 02°45'06" and a long chord bearing N 57°53'32" W a distance of 22.97 feet to a point; N 56°31'00" W a distance of 1019.82 feet to a point; thence leaving the southwesterly line of said Block One N 33°29'00" E a distance of 320.00 feet to a point on the southwesterly right of way line for said River Road; thence N 33°29'00" E a distance of 368.11 feet to a point on the northeasterly right of way line for U.S. Highway 6 & 50 (I70B); thence S 56°31'00" E along said northeasterly right of way line a distance of 844.24 feet to a point on the section line common with Section 31, Township 1 North, Range 1 West and Section 6, Township 1 South, Range 1 West; thence S 89°44'57" W along said section line a distance of 576.22 feet to a point on the southwesterly right of way line for the Southern Pacific Transportation Railroad; thence S 56°31'00" E along said southwesterly right of way line a distance of 486.77 feet to a point; thence leaving said southwesterly right of way line S 33°29'00" W a distance o 48.11 feet to the point of beginning.

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

INTRODUCED on first reading on the day of , 2000.

ADOPTED and ordered published this day of , 2000.

Attest:

President of the Council

City Clerk

Attach 6

CITY OF GRAND JUNCTION, COLORADO

RESOLUTION NO. _____

City Council of Grand Junction Statement Opposing Adoption of Amendment 24

The City Council opposes the adoption of Amendment 24 for the following reasons:

1. The Amendment directly attacks the home rule powers of cities in Colorado. It forces on this City one way of addressing of growth, one way of evaluating growth and one way of deciding how growth and development can occur. This chosen method requiring "all growth" to be approved by the voters has some emotional appeal. However, to work it requires that every voter know everything there is to know about every development in order to be fair. In this day and age of information overload and lack of time for any one subject, it is wholly unrealistic, unfair and ultimately dangerous to require that level of information by all of us on every day-to-day management decision. Whether we like it or not, we must delegate those duties to our elected officials. As the City Council we are responsible to adopt the rules and hire the people to implement our community vision. In Grand Junction, this system works. We do not have runaway growth. We do not have outrageous hidden costs of development. We have a plan to keep our quality of life high: a growth plan, city and county development codes, the Persigo Agreement and the area buffer agreements, to name a few.
2. The United States Constitution, the Colorado Constitution and our home rule charter are the foundations of our representative form of government. Amendment 24 demolishes that foundation and, unless one of the exceptions applies, requires a direct referendum on every future subdivision and every single apartment building. While it may not be obvious initially, this is a direct assault on the Constitution and an undermining of the American system of government.
3. Amendment 24 attempts to fix problems faced in some parts of Colorado by forcing a state wide "solution." There are many other solutions which could address the concerns of too rapid growth, environmental problems, hidden costs and public subsidies. In fact, some communities desire, and need, appropriate growth.

This community has done the responsible thing by planning for growth and addressing enforcement solutions. This community will suffer with Amendment 24. This community will not gain since we have already made the hard choices.

4. Amendment 24 will force cities and counties to revise budgets, dedicate staff and make spending decisions but will provide no funding. In this day when costs are rising and resources are diminishing, such a mandate is unfair. The amendment appears to be an unconstitutional mandate.
5. It raises the price of development with no net gain. While the information required by the Amendment would help our citizens understand the costs and impacts of development, the method used to gain that information is expensive and insufficient to really educate. The result may be “data” that is a summary that is by its very nature not detailed enough to sufficiently educate.

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

That this City Council opposes Amendment 24. We urge Grand Junction voters to defeat it.

PASSED and **ADOPTED** this 20th day of September, 2000.

Attest:

President of the Council

City Clerk

Attach 7

**CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION**

<i>CITY COUNCIL</i>			
Subject:	Amendment 21 Resolution		
Meeting Date:	9/20/00		
Date Prepared:	9/11/00		
Author:	Ron Lappi	Title Admin Svcs Director	
Presenter Name:	Ron Lappi	Title Admin Svcs Director	
	Workshop	X	Formal Agenda

Subject: A resolution expressing the City Council's strong opposition to proposed Amendment 21 on the November ballot.

Summary: This resolution urges voters to turn away the latest effort by Douglas Bruce to reduce annually certain taxes by an increase of \$25 per year, which would greatly reduce our ability to meet local needs, while totally eliminating the services of many special districts in a very short period of time.

Background Information: Amendment 21 is a state wide ballot measure that would reduce the City of Grand Junction's general fund revenues by \$1.9 million the first year and an estimated \$3.9 by the fourth year. Our property taxes revenue would be reduced 50% within four years and other revenues would be reduced or eliminated. Special districts such as Library districts and Fire Protection districts will be hit very hard immediately, since the majority of their operating revenues are from small mill levies from property taxes. (See attached worksheet and report.)

Budget: The passage of this resolution has no budget impact. However, if Amendment 21 is not defeated the budget impact as to lost revenues is millions of dollars.

Action Requested/Recommendation: Adopt this resolution opposing Amendment 21 at the regular meeting of September 20, 2000.

Citizen Presentation:	X	No		Yes	If Yes,
Name:					
Purpose:					

Report results back to Council:	X	No		Yes	When:	
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Placement on Agenda:		Consent	X	Indiv. Consideration		Workshop
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ADMINISTRATIVE SERVICES DEPARTMENT

MEMORANDUM

August 17, 2000

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

FROM: Ron Lappi, Admin. Srvs. & Finance Director

SUBJECT: Amendment 21/Bruce's Current Tax Cut Proposal

The attached one page analysis outlines our preliminary estimates of the impact on the City of Grand Junction if Amendment 21 were to be approved at the November election. As you may recall, the ballot measure provides for continuous \$25 tax cuts each year of various types of current taxes. The largest and most immediate impacts will be to significantly reduce property tax revenues for all local governments, including special districts.

The City of Grand Junction has 18,529 parcels, with 68% of them paying the City less than \$100 a year in property taxes. Therefore by the end of the 4th year we will only have 32% of our properties paying any property tax to the City. By year two we will have lost 47% of our property tax revenue or \$1.6 million; and by year four we will have lost 50%.

Since we do have a Sales Tax on restaurant food remaining parcels will receive a \$50 a year increased reduction in property tax for many years before only a few high-end commercial properties will pay anything to the City.

Our revenues would be reduced in total by \$1.8 million, \$2.9 million, \$3.4 million and \$3.9 million in years one through four respectively. Reductions in future years will increase by an estimated \$500,000 per year. We have used the methodology suggested by the Colorado Municipal League for these estimations, but we would have to come up with our specific calculations if this measure should pass.

Most small property taxing districts will have their revenue eliminated almost immediately, since they levy less than the \$25 per parcel in most cases. Unlike Sewer and Water Districts that in theory could replace lost property taxes with user fees, Libraries and Fire Districts would quickly lose their main source of revenue very quickly.

If you have any questions about this memo or the attached please call at 244-1515.

Thank you,

RESOLUTION NO. _____

**A RESOLUTION OPPOSING
AMENDMENT #21, THE STATE WIDE
BALLOT MEASURE TO REDUCE
TAXES \$25 PER YEAR PER ENTITY
INDEFINITELY**

WHEREAS: Amendment #21 is an attempt by the author to eliminate property taxes as a significant revenue source for school districts, local governments and other special districts; and

WHEREAS: This amendment would reduce direct property taxes for every jurisdiction for every parcel of property \$25 the first year, \$50 the second, \$75 the third etc. indefinitely into the future; and

WHEREAS: The City of Grand Junction would lose approximately \$1.9 million the first year and \$3.9 million by the fourth year; and

WHEREAS: These significant revenue loses in just a few short years will force Grand Junction and all other local governments to reduce or eliminate services entirely; and

WHEREAS: In Mesa County alone most special districts have such a small mill levy to start with that their services would have to halt almost immediately. The Grand Junction Rural Fire District, which we serve, would lose 76% of its revenue in just four years.

WHEREAS: Unlike Tabor (Article X, Section 20), there is no legal option to opt out of this amendment and let local voters decide what is allowed.

WHEREAS: The State is not required to replace lost local revenues and we believe they will not have the resources to do so if they wished.

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

- a) We oppose Amendment #21 as not being in the best interest of the citizens of the City of Grand Junction, Mesa County and the State of Colorado.
- b) We urge every voter to get out and vote in this important election and vote **No** on Amendment #21.

ADOPTED AND APPROVED THIS 20th day of September, 2000.

ATTEST:

APPROVED:

City Clerk

President of the Council

Attach 8

**CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION**

<i>CITY COUNCIL</i>			
Subject:	Proposed Assessments for AID 1999, Phase B		
Meeting Date:	September 20th, 2000		
Date Prepared:	September 12th, 2000		
Author:	Rick Marcus	Real Estate Technician	
Presenter Name:	Rick Marcus	Real Estate Technician	
	Workshop	X	Formal Agenda

Subject: Public Hearing and 2nd Reading of a proposed Ordinance for the apportionment of costs connected with Alley Improvement District 1999, Phase B.

Summary: Reconstruction of the following alley has been completed in accordance with Resolution No. 47-99 creating Alley Improvement District 1999, Phase B:

- 22nd to 23rd, Grand to Ouray

Background Information: People's Ordinance No. 33 gives the City Council authority to create improvement districts and levy assessments when requested by a majority of the owners of the property to be assessed. This alley was petitioned for construction by more than 50% of the property owners. The proposed assessments are based on the rates stated in the petition, as follows: \$6 per abutting foot for residential single-family properties, \$12 per abutting foot for residential multi-family properties, and \$22.50 per abutting foot for non-residential uses.

Budget:

2000 Budget	\$320,000
Estimated Cost 1999 Phase B Alley (constructed in 2000)	\$ 57,213
Estimated Cost 2000 Phase A Alleys	<u>\$203,688</u>
Total Estimated Cost	\$260,901
Total Cost to Property Owner	\$ 37,599 (14%)
Total Cost to City	\$223,302 (86%)
Anticipated Balance	\$ 59,099

Action Requested/Recommendation: Conduct public hearing, pass and adopt ordinance on second reading.

Citizen Presentation:	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Yes	If Yes,	
Name:						
Purpose:						
Report results back to Council:	<input type="checkbox"/>	No	<input type="checkbox"/>	Yes	When:	
Placement on Agenda:	<input type="checkbox"/>	Consent	<input checked="" type="checkbox"/>	Indiv. Consideration	<input type="checkbox"/>	Workshop

SUMMARY SHEET

PROPOSED ALLEY IMPROVEMENT DISTRICT 22ND STREET TO 23RD STREET

OWNER	FOOTAGE	COST/FOOT	ASSESSMENT
COLLEEN & JOSEPH CAIN	60.00	\$ 6.00	\$ 360.00
TAE SUN SHELLEMAN	60.00	\$ 6.00	\$ 360.00
*CLAUDETTE EULER (trustee)	60.00	\$ 6.00	\$ 360.00
*KAREN MARQUETTE	60.00	\$ 6.00	\$ 360.00
*KEVIN REUST	115.00	\$ 6.00	\$ 690.00
*MMH PROPERTY VENTURE	125.00	\$12.00	\$1,500.00
*MMH PROPERTY VENTURE	135.70	\$12.00	\$1,628.40
*GARY & DIANE DERUSH	150.00	\$12.00	\$1,800.00
*MESA DEVELOPMENTAL SER	75.00	\$12.00	\$ 900.00
*DARRYL GROSJEAN	75.00	\$12.00	\$ 900.00
TOTAL			\$8,858.40
ASSESSABLE FOOTAGE	915.70		

Estimated Cost to Construct	\$ 57,213.00
Absolute Cost to Owners	<u>\$ 8,858.40</u>
Estimated Cost to City	\$ 48,354.60

Assessments may be paid in full upon completion of project or may be paid over a ten-year period, in which event, a one-time charge of 6% will be added to the principal balance to which simple interest will accrue at the rate of 8% per annum on the declining balance.

*Indicates Property Owners Signing Petition = 8/10 = 80% of Owners & 87% of Abutting Footage

ORDINANCE NO. _____

AN ORDINANCE APPROVING THE ASSESSABLE COST OF THE IMPROVEMENTS MADE IN AND FOR ALLEY IMPROVEMENT DISTRICT NO. ST-99, PHASE B, IN THE CITY OF GRAND JUNCTION, COLORADO, PURSUANT TO ORDINANCE NO. 178, ADOPTED AND APPROVED THE 11TH DAY OF JUNE, 1910, AS AMENDED; APPROVING THE APPORTIONMENT OF SAID COST TO EACH LOT OR TRACT OF LAND OR OTHER REAL ESTATE IN SAID DISTRICT; ASSESSING THE SHARE OF SAID COST AGAINST EACH LOT OR TRACT OF LAND OR OTHER REAL ESTATE IN SAID DISTRICT; APPROVING THE APPORTIONMENT OF SAID COST AND PRESCRIBING THE MANNER FOR THE COLLECTION AND PAYMENT OF SAID ASSESSMENT.

WHEREAS, the City Council and the Municipal Officers of the City of Grand Junction, in the State of Colorado, have complied with all the provisions of law relating to certain improvements in Alley Improvement District No. ST-99, Phase B, in the City of Grand Junction, pursuant to Ordinance No. 178 of said City, adopted and approved June 11, 1910, as amended, being Chapter 28 of the Code of Ordinances of the City of Grand Junction, Colorado, and pursuant to the various resolutions, orders and proceedings taken under said Ordinance; and

WHEREAS, the City Council has heretofore caused to be published the Notice of Completion of said local improvements in said Alley Improvement District No. ST-99, Phase B, and the apportionment of the cost thereof to all persons interested and to the owners of real estate which is described therein, said real estate comprising the district of land known as Alley Improvement District No. ST-99, Phase B, in the City of Grand Junction, Colorado, which said Notice was caused to be published in The Daily Sentinel, the official newspaper of the City of Grand Junction (the first publication thereof appearing on August 18th, 2000, and the last publication thereof appearing on August 20th, 2000); and

WHEREAS, said Notice recited the share to be apportioned to and upon each lot or tract of land within said District assessable for said improvements, and recited that complaints or objections might be made in writing to the Council and filed with the Clerk within thirty (30) days from the first publication of said Notice, and that such complaints would be heard and determined by the Council at its first regular meeting after the said thirty (30) days and before the passage of any ordinance assessing the cost of said improvements; and

WHEREAS, no written complaints or objections have been made or filed with the City Clerk as set forth in said Notice; and

WHEREAS, the City Council has fully confirmed the statement prepared by the City Engineer and certified by the President of the Council showing the assessable cost of said improvements and the apportionment thereof heretofore made as contained

in that certain Notice to property owners in Alley Improvement District No. ST-99, Phase B, duly published in the Daily Sentinel, the official newspaper of the City, and has duly ordered that the cost of said improvements in said Alley Improvement District No. ST-99, Phase B, be assessed and apportioned against all of the real estate in said District in the portions contained in the aforesaid Notice; and

WHEREAS, from the statement made and filed with the City Clerk by the City Engineer, it appears that the assessable cost of the said improvements is \$9,389.90; and

WHEREAS, from said statement it also appears the City Engineer has apportioned a share of the assessable cost to each lot or tract of land in said District in the following proportions and amounts, severally, to wit:

22ND TO 23RD , GRAND TO OURAY :

TAX SCHEDULE NO.: 2945-131-17-002 LEGAL DESCRIPTION: Lot 12, Block 1, Mesa Gardens Subdivision, City of Grand Junction.
ASSESSMENT..... \$ 381.60

TAX SCHEDULE NO.: 2945-131-17-004 LEGAL DESCRIPTION: Lot 11, Block 1, Mesa Gardens Subdivision, City of Grand Junction.
ASSESSMENT..... \$ 381.60

TAX SCHEDULE NO.: 2945-131-17-006 LEGAL DESCRIPTION: Lot 10, Block 1, Mesa Gardens Subdivision, City of Grand Junction.
ASSESSMENT..... \$ 381.60

TAX SCHEDULE NO.: 2945-131-17-008 LEGAL DESCRIPTION: Lot 9, Block 1, Mesa Gardens Subdivision, City of Grand Junction.
ASSESSMENT..... \$ 381.60

TAX SCHEDULE NO.: 2945-131-17-010 LEGAL DESCRIPTION: Lot 8, Block 1, Mesa Gardens Subdivision, City of Grand Junction.
ASSESSMENT..... \$ 731.40

TAX SCHEDULE NO.: 2945-131-17-011 LEGAL DESCRIPTION: Lot 1, Block 1, Mesa Gardens Subdivision, City of Grand Junction.
ASSESSMENT..... \$ 1,590.00

TAX SCHEDULE NO.: 2945-131-17-012 LEGAL DESCRIPTION: Lot 7, Block 1, Mesa Gardens Subdivision, City of Grand Junction.
ASSESSMENT..... \$ 1,726.10

TAX SCHEDULE NO.: 2945-131-17-014 LEGAL DESCRIPTION: Lots 2 & 3 and the south ½ of Lot 4, Block 1, Mesa Gardens Subdivision, City of Grand Junction.
ASSESSMENT..... \$ 1,908.00

TAX SCHEDULE NO.: 2945-131-17-977 LEGAL DESCRIPTION: North ½ of Lot 4 & all except the north 15 ft. of Lot 5, Block 1, Mesa Gardens Subdivision, City of Grand Junction.
ASSESSMENT..... \$ 954.00

TAX SCHEDULE NO.: 2945-131-17-015 LEGAL DESCRIPTION: Lot 6, & the north 15 ft. of Lot 5, Block 1, Mesa Gardens Subdivision, City of Grand Junction.
ASSESSMENT..... \$ 954.00

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

Section 1. That the assessable cost and apportionment of the same, as hereinabove set forth, is hereby assessed against all the real estate in said District, and to and upon each lot or tract of land within said District, and against such persons in the portions and amounts which are severally hereinbefore set forth and described.

Section 2. That said assessments, together with all interests and penalties for default in payment thereof, and all cost of collecting the same, shall from the time of final publication of this Ordinance, constitute a perpetual lien against each lot of land herein described, on a parity with the tax lien for general, State, County, City and school taxes, and no sale of such property to enforce any general, State, County, City or school tax or other lien shall extinguish the perpetual lien of such assessment.

Section 3. That said assessment shall be due and payable within thirty (30) days after the final publication of this Ordinance without demand; provided that all such assessments may, at the election of the owner, be paid in installments with interest as hereinafter provided. Failure to pay the whole assessment within the said period of thirty days shall be conclusively considered and held an election on the part of all persons interested, whether under disability or otherwise, to pay in such installments. All persons so electing to pay in installments shall be conclusively considered and held as consenting to said improvements, and such election shall be conclusively considered and held as a waiver of any and all rights to question the power and jurisdiction of the City to construct the improvements, the quality of the work and the regularity or sufficiency of the proceedings, or the validity or correctness of the assessment.

Section 4. That in case of such election to pay in installments, the assessments shall be payable in ten (10) equal annual installments of the principal. The first of said installments of principal shall be payable at the time the next installment of general taxes, by the laws of the State of Colorado, is payable, and each annual installment shall be paid on or before the same date each year thereafter, along with simple interest which has accrued at the rate of 8 percent per annum on the unpaid principal, payable annually.

Section 5. That the failure to pay any installments, whether of principal or interest, as herein provided, when due, shall cause the whole unpaid principal to become due and payable immediately and the whole amount of the unpaid principal and accrued interest shall thereafter draw interest at the rate of 8 percent per annum until the day of sale, as by law provided; but at any time prior to the date of sale, the owner may pay the amount of such delinquent installment or installments, with interest at 8 percent per annum as aforesaid, and all penalties accrued, and shall thereupon be restored to the right thereafter to pay in installments in the same manner as if default had not been suffered. The owner of any piece of real estate not in default as to any installments may at any time pay the whole of the unpaid principal with interest accrued.

Section 6. That payment may be made to the City Finance Director at any time within thirty days after the final publication of this Ordinance, and an allowance of the six percent added for cost of collection and other incidentals shall be made on all payments made during said period of thirty days.

Section 7. That the monies remaining in the hands of the City Finance Director as the result of the operation and payments under Alley Improvement District No. ST-99, Phase B, shall be retained by the Finance Director and shall be used thereafter for the purpose of further funding of past or subsequent improvement districts which may be or may become in default.

Section 8. That all provisions of Ordinance No. 178 of the City of Grand Junction, as amended, being Chapter 28 of the Code of Ordinances of the City of Grand Junction, Colorado, shall govern and be taken to be a part of this Ordinance with respect to the creation of said Alley Improvement District No. ST-99 Phase B, the construction of the improvements therein, the apportionment and assessment of the cost thereof and the collection of such assessments.

Section 9. That this Ordinance, after its introduction and first reading shall be published once in full in the Daily Sentinel, the official newspaper of the City, at least ten days before its final passage, and after its final passage, it shall be numbered and recorded in the City ordinance record, and a certificate of such adoption and publication shall be authenticated by the certificate of the publisher and the signature of the President of the Council and the City Clerk, and shall be in full force and effect on and after the date of such final publication, except as otherwise provided by the Charter of the City of Grand Junction.

INTRODUCED and **ORDERED PUBLISHED** this 20th day of September, 2000.

PASSED and ADOPTED this _____, day of _____, 2000.

Attest:

City Clerk

President of the Council

Attach 9

**CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION**

<i>CITY COUNCIL</i>			
Subject:		Proposed Assessments for AID 2000, Phase A	
Meeting Date:		September 20th, 2000	
Date Prepared:		September 12th, 2000	
Author:		Rick Marcus	Real Estate Technician
Presenter Name:		Rick Marcus	Real Estate Technician
Workshop		X	Formal Agenda

Subject: Public Hearing and 2nd Reading of a proposed Ordinance for the apportionment of costs connected with Alley Improvement District 2000, Phase A.

Summary: Reconstruction of the following alleys has been completed in accordance with Resolution

No. 129-99 creating Alley Improvement District 2000, Phase A:

- 2nd to 3rd, Chipeta to Gunnison
- 10th to 11th, Rood Avenue to White Avenue
- 11th to 12th, Main Street to Colorado Avenue
- 16th to 17th, Grand Avenue to Ouray Avenue
- 18th to 19th, Grand Avenue to Ouray Avenue

Background Information: People's Ordinance No. 33 gives the City Council authority to create improvement districts and levy assessments when requested by a majority of the owners of the property to be assessed. This alley was petitioned for construction by more than 50% of the property owners. The proposed assessments are based on the rates stated in the petition, as follows: \$8 per abutting foot for residential single-family properties, \$15 per abutting foot for residential multi-family properties, and \$31.50 per abutting foot for non-residential uses.

Budget:

2000 Budget	\$320,000
Estimated Cost 1999 Phase B Alley (constructed in 2000)	\$ 57,213
Estimated Cost 2000 Phase A Alleys	<u>\$203,688</u>
Total Estimated Cost	\$260,901
Total Cost to Property Owner	\$ 37,599 (14%)
Total Cost to City	\$223,302 (86%)
Anticipated Balance	\$ 59,099

Action Requested/Recommendation: Conduct public hearing, pass and adopt ordinance on second reading.

Citizen Presentation:	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Yes	If Yes,
Name:					
Purpose:					
Report results back to Council:	<input type="checkbox"/>	No	<input type="checkbox"/>	Yes	When:
Placement on Agenda:	<input type="checkbox"/>	Conse nt	<input checked="" type="checkbox"/>	Indiv. Consideration	<input type="checkbox"/>
					Worksho p

SUMMARY SHEET

PROPOSED ALLEY IMPROVEMENT DISTRICT 2nd STREET TO 3rd STREET CHIPETA AVENUE TO GUNNISON AVENUE

OWNER	FOOTAGE	COST/FOOT	ASSESSMENT
*Joe & Doris Mansur	62.50	\$ 8.00	\$ 500.00
*Terry & Christie Ruckman	37.50	\$15.00	\$ 562.50
*Dallas & Donna Nowlin	37.50	\$ 8.00	\$ 300.00
Magoffin Trust	41.50	\$ 8.00	\$ 332.00
*Conrad Cole	46.00	\$ 8.00	\$ 368.00
Dora Sadoris	50.00	\$ 8.00	\$ 400.00
Patrick Hunt	50.00	\$ 8.00	\$ 400.00
*Martin & Martha Smith	75.00	\$ 8.00	\$ 600.00
*Joyce Wittwer	50.00	\$ 8.00	\$ 400.00
Robin Adcock	25.00	\$ 8.00	\$ 200.00
*Jacoba Lambert	25.00	\$ 8.00	\$ 200.00
Meindert & Lisa Lambert	50.00	\$ 8.00	\$ 400.00
Peter & Cecile Brennan	50.00	\$ 8.00	\$ 400.00
*Vinton Estate	50.00	\$ 8.00	\$ 400.00
*James & Steven Thayer	50.00	\$ 8.00	\$ 400.00
*David Miller	50.00	\$ 8.00	\$ 400.00
Steven & Julie Lee	50.00	\$ 8.00	\$ 400.00
TOTAL			\$ 6,662.50
ASSESSABLE FOOTAGE	800.00		

Estimated Cost to Construct	\$ 40,500.00
Absolute Cost to Owners	<u>\$ 6,662.50</u>
Estimated Cost to City	\$ 33,837.50

Assessments may be paid in full upon completion of project or may be paid over a ten-year period, in which event, a one-time charge of 6% will be added to the principal balance to which simple interest will accrue at the rate of 8% per annum on the declining balance.

*Indicates property owners signing petition = 10/17 or 59% of owners and 60% of abutting footage.

SUMMARY SHEET

PROPOSED ALLEY IMPROVEMENT DISTRICT 10th STREET TO 11th STREET WHITE AVENUE TO ROOD AVENUE

OWNER	FOOTAGE	COST/FOOT	ASSESSMENT
Ann & Corinne Halpin	50.00	\$15.00	\$ 750.00
Genevieve Kruckrnberg	50.00	\$ 8.00	\$ 400.00
Jose & Mary Gallegos	50.00	\$ 8.00	\$ 400.00
*Etrl Enterprises, Ltd	50.00	\$ 8.00	\$ 400.00
Alexander & Sina Krasnow	50.00	\$ 8.00	\$ 400.00
*Lee & Lanette Hunt	50.00	\$ 8.00	\$ 400.00
*George & Carrie Euler	50.00	\$ 8.00	\$ 400.00
*John Mazzuca	50.00	\$ 8.00	\$ 400.00
Steve & Timothy Frame	50.00	\$ 8.00	\$ 400.00
*CNB & E. H. Kruger	50.00	\$ 8.00	\$ 400.00
Stephen Kessberger	50.00	\$15.00	\$ 750.00
*Larry & Linda Ratton	50.00	\$ 8.00	\$ 400.00
*Larry & Linda Ratton	50.00	\$15.00	\$ 750.00
*Sven & Riley Osolin	50.00	\$15.00	\$ 750.00
Dylan Hardy	50.00	\$ 8.00	\$ 400.00
*Daniel Neifert	50.00	\$ 8.00	\$ 400.00
TOTAL			\$ 7,800.00
ASSESSABLE FOOTAGE	800.00		

Estimated Cost to Construct	\$ 40,500.00
Absolute Cost to Owners	<u>\$ 7,800.00</u>
Estimated Cost to City	\$ 32,700.00

Assessments may be paid in full upon completion of project or may be paid over a ten-year period, in which event, a one-time charge of 6% will be added to the principal

balance to which simple interest will accrue at the rate of 8% per annum on the declining balance.

*Indicates property owners signing petition = 9/16 or 56% of owners and 56% of abutting footage.

SUMMARY SHEET

PROPOSED ALLEY IMPROVEMENT DISTRICT 11th STREET TO 12th STREET MAIN STREET TO COLORADO AVENUE

OWNER	FOOTAGE	COST/FOOT	ASSESSMENT
Theodore & Linda Koeman	75.00	\$15.00	\$1,125.00
*Frank & Christina DeHerrera	50.00	\$15.00	\$ 750.00
*Cynthia Webb	50.00	\$ 8.00	\$ 400.00
*Kern Copeland	75.00	\$ 8.00	\$ 600.00
*Helen Spehar	50.00	\$ 8.00	\$ 400.00
*Helen Spehar	50.00	\$ 8.00	\$ 400.00
*George Spehar	99.20	\$15.00	\$1,488.00
*Saul Tompkins	49.20	\$31.50	\$1,549.80
*Linda Foster	50.00	\$ 8.00	\$ 400.00
*Helen Spehar	50.00	\$ 8.00	\$ 400.00
*Mary Baker	50.00	\$ 8.00	\$ 400.00
*Anthony Pollack & Hillary Day	50.00	\$ 8.00	\$ 400.00
*Richard & Mary Jones	50.00	\$15.00	\$ 750.00
*Jerry & Kathleen Harris	75.00	\$15.00	\$1,125.00
*Jerry & Kathleen Harris	75.00	\$15.00	\$1,125.00
TOTAL			\$11,312.80
ASSESSABLE FOOTAGE	898.40		

Estimated Cost to Construct	\$ 44,928.00
Absolute Cost to Owners	<u>\$ 11,312.80</u>
Estimated Cost to City	\$ 33,615.20

Assessments may be paid in full upon completion of project or may be paid over a ten-year period, in which event, a one-time charge of 6% will be added to the principal balance to which simple interest will accrue at the rate of 8% per annum on the declining balance.

*Indicates property owners signing petition = 14/15 or 93% of owners and 92% of abutting footage.

SUMMARY SHEET

PROPOSED ALLEY IMPROVEMENT DISTRICT 16th STREET TO 17th STREET GRAND AVENUE TO OURAY AVENUE

OWNER	FOOTAGE	COST/FOOT	ASSESSMENT
*Stanley & Peggy Conrad	50.00	\$ 8.00	\$ 400.00
Suzanne Carson	50.00	\$ 8.00	\$ 400.00
*Kenneth & Linda Edwards	62.50	\$ 8.00	\$ 500.00
Lee Dyer & Christine Squassoni	55.00	\$ 8.00	\$ 440.00
l*la Mae Booles	55.00	\$ 8.00	\$ 440.00
*Richard & Lynn Phegley	45.00	\$ 8.00	\$ 360.00
M. & E. Kronkright	50.00	\$ 8.00	\$ 400.00
*Stanley & Peggy Conrad	135.00	\$ 8.00	\$1,080.00
*Steven & Charity States	127.00	\$ 8.00	\$1,016.00
*Laura Holbrook	50.00	\$ 8.00	\$ 400.00
*Dennis Finnessey	84.50	\$ 8.00	\$ 676.00
TOTAL			\$6,112.00
ASSESSABLE FOOTAGE	764.00		

Estimated Cost to Construct	\$ 38,880.00
Absolute Cost to Owners	<u>\$ 6,112.00</u>
Estimated Cost to City	\$ 32,768.00

Assessments may be paid in full upon completion of project or may be paid over a ten-year period, in which event, a one-time charge of 6% will be added to the principal balance to which simple interest will accrue at the rate of 8% per annum on the declining balance.

*Indicates property owners signing petition = 8/11 or 73% of owners and 80% of abutting footage.

SUMMARY SHEET

PROPOSED ALLEY IMPROVEMENT DISTRICT 18th STREET TO 19th STREET GRAND AVENUE TO OURAY AVENUE

OWNER	FOOTAGE	COST/FOOT	ASSESSMENT
*Douglas & Cynthia Lowell	62.50	\$ 8.00	\$ 500.00
*Maxine Hoey	75.00	\$ 8.00	\$ 600.00
*Sharon Felt	50.00	\$ 8.00	\$ 400.00
*Clayton & Tammie Binkley	62.50	\$ 8.00	\$ 500.00
*Harold & Minnie Hutchison	50.00	\$ 8.00	\$ 400.00
*James Ives	62.50	\$ 8.00	\$ 500.00
*Charles & Carol Lopas	50.00	\$ 8.00	\$ 400.00
*David & Jean Marquardt	62.50	\$ 8.00	\$ 500.00
*Oral Cheedle	50.00	\$ 8.00	\$ 400.00
*Louis & S M Petrafeso	62.50	\$ 8.00	\$ 500.00
*Monte Riggle	50.00	\$ 8.00	\$ 400.00
*Beth Cisco	57.00	\$ 8.00	\$ 456.00
*Michael & L Ann Levan	69.50	\$ 8.00	\$ 556.00
TOTAL			\$ 6,112.00
ASSESSABLE FOOTAGE	764.00		

Estimated Cost to Construct \$ 38,880.00

Absolute Cost to Owners \$ 6,112.00

Estimated Cost to City \$ 32,768.00

Assessments may be paid in full upon completion of project or may be paid over a ten-year period, in which event, a one-time charge of 6% will be added to the principal balance to which simple interest will accrue at the rate of 8% per annum on the declining balance.

*Indicates property owners signing petition = 13/13 or 100% of owners and 100% of abutting footage.

ORDINANCE NO. ____

AN ORDINANCE APPROVING THE ASSESSABLE COST OF THE IMPROVEMENTS MADE IN AND FOR ALLEY IMPROVEMENT DISTRICT NO. ST-00, PHASE A, IN THE CITY OF GRAND JUNCTION, COLORADO, PURSUANT TO ORDINANCE NO. 178, ADOPTED AND APPROVED THE 11TH DAY OF JUNE, 1910, AS AMENDED; APPROVING THE APPORTIONMENT OF SAID COST TO EACH LOT OR TRACT OF LAND OR OTHER REAL ESTATE IN SAID DISTRICT; ASSESSING THE SHARE OF SAID COST AGAINST EACH LOT OR TRACT OF LAND OR OTHER REAL ESTATE IN SAID DISTRICT; APPROVING THE APPORTIONMENT OF SAID COST AND PRESCRIBING THE MANNER FOR THE COLLECTION AND PAYMENT OF SAID ASSESSMENT.

WHEREAS, the City Council and the Municipal Officers of the City of Grand Junction, in the State of Colorado, have complied with all the provisions of law relating to certain improvements in Alley Improvement District No. ST-00, Phase A, in the City of Grand Junction, pursuant to Ordinance No.178 of said City, adopted and approved June 11, 1910, as amended, being Chapter 28 of the Code of Ordinances of the City of Grand Junction, Colorado, and pursuant to the various resolutions, orders and proceedings taken under said Ordinance; and

WHEREAS, the City Council has heretofore caused to be published the Notice of Completion of said local improvements in said Alley Improvement District No. ST-00, Phase A, and the apportionment of the cost thereof to all persons interested and to the owners of real estate which is described therein, said real estate comprising the district of land known as Alley Improvement District No. ST-00, Phase A, in the City of Grand Junction, Colorado, which said Notice was caused to be published in The Daily Sentinel, the official newspaper of the City of Grand Junction (the first publication thereof appearing on August 18th, 2000, and the last publication thereof appearing on August 20th, 2000); and

WHEREAS, said Notice recited the share to be apportioned to and upon each lot or tract of land within said District assessable for said improvements, and recited that complaints or objections might be made in writing to the Council and filed with the Clerk within thirty (30) days from the first publication of said Notice, and that such complaints would be heard and determined by the Council at its first regular meeting after the said thirty (30) days and before the passage of any ordinance assessing the cost of said improvements; and

WHEREAS, no written complaints or objections have been made or filed with the City Clerk as set forth in said Notice; and

WHEREAS, the City Council has fully confirmed the statement prepared by the City Engineer and certified by the President of the Council showing the assessable

cost of said improvements and the apportionment thereof heretofore made as contained in that certain Notice to property owners in Alley Improvement District No. ST-00, Phase A, duly published in the Daily Sentinel, the official newspaper of the City, and has duly ordered that the cost of said improvements in said Alley Improvement District No. ST-00, Phase A, be assessed and apportioned against all of the real estate in said District in the portions contained in the aforesaid Notice; and

WHEREAS, from the statement made and filed with the City Clerk by the City Engineer, it appears that the assessable cost of the said improvements is \$40,278.74; and

WHEREAS, from said statement it also appears the City Engineer has apportioned a share of the assessable cost to each lot or tract of land in said District in the following proportions and amounts, severally, to wit:

2ND TO 3RD, CHIPETA TO GUNNISON:

TAX SCHEDULE NO.: 2945-142-26-001 LEGAL DESCRIPTION: Lots 1 & 2 and the west ½ of Lot 3, Block 54, City of Grand Junction.
ASSESSMENT..... \$ 530.00

TAX SCHEDULE NO.: 2945-142-26-002 LEGAL DESCRIPTION: East ½ of Lot 3 and all of Lot 4, Block 54, City of Grand Junction.
ASSESSMENT..... \$ 596.25

TAX SCHEDULE NO.: 2945-142-26-003 LEGAL DESCRIPTION: Lot 5 and the west ½ of Lot 6, Block 54, City of Grand Junction.
ASSESSMENT..... \$ 318.00

TAX SCHEDULE NO.: 2945-142-26-004 LEGAL DESCRIPTION: East ½ of Lot 6 and all of Lot 7, Block 54, City of Grand Junction.
ASSESSMENT..... \$ 351.92

TAX SCHEDULE NO.: 2945-142-26-005 LEGAL DESCRIPTION: East 21 ft. of Lot 8 and all of Lot 9, Block 54, City of Grand Junction.
ASSESSMENT..... \$ 390.08

TAX SCHEDULE NO.: 2945-142-26-006 LEGAL DESCRIPTION: Lots 10 & 11, Block 54, City of Grand Junction.
ASSESSMENT..... \$ 424.00

TAX SCHEDULE NO.: 2945-142-26-007 LEGAL DESCRIPTION: Lots 12 & 13, Block 54, City of Grand Junction.
ASSESSMENT..... \$ 424.00

TAX SCHEDULE NO.: 2945-142-26-010 LEGAL DESCRIPTION: South 50 ft. of Lots 14, 15 & 16, Block 54, City of Grand Junction.
ASSESSMENT..... \$ 636.00

TAX SCHEDULE NO.: 2945-142-26-011 LEGAL DESCRIPTION: Lots 17 & 18, Block 54, City of Grand Junction.
ASSESSMENT..... \$ 424.00

TAX SCHEDULE NO.: 2945-142-26-012 LEGAL DESCRIPTION: Lot 19, Block 54, City of Grand Junction.
ASSESSMENT..... \$ 212.00

TAX SCHEDULE NO.: 2945-142-26-013 LEGAL DESCRIPTION: Lot 20, Block 54, City of Grand Junction.
ASSESSMENT..... \$ 212.00

TAX SCHEDULE NO.: 2945-142-26-014 LEGAL DESCRIPTION: Lots 21 & 22, Block 54, City of Grand Junction.

ASSESSMENT..... \$ 424.00

TAX SCHEDULE NO.: 2945-142-26-015 LEGAL DESCRIPTION: Lots 23 & 24, Block 54, City of Grand Junction.

ASSESSMENT..... \$ 424.00

TAX SCHEDULE NO.: 2945-142-26-016 LEGAL DESCRIPTION: Lots 25 & 26, Block 54, City of Grand Junction.

ASSESSMENT..... \$ 424.00

TAX SCHEDULE NO.: 2945-142-26-017 LEGAL DESCRIPTION: Lots 27 & 28, Block 54, City of Grand Junction.

ASSESSMENT..... \$ 424.00

TAX SCHEDULE NO.: 2945-142-26-018 LEGAL DESCRIPTION: Lots 27 & 28, Block 54, City of Grand Junction.

ASSESSMENT..... \$ 424.00

TAX SCHEDULE NO.: 2945-142-26-019 LEGAL DESCRIPTION: Lots 31 & 32, Block 54, City of Grand Junction.

ASSESSMENT..... \$ 424.00

10TH TO 11TH, WHITE TO ROOD:

TAX SCHEDULE NO.: 2945-144-11-001 LEGAL DESCRIPTION: Lots 1 & 2, Block 90, City of Grand Junction.

ASSESSMENT..... \$ 795.00

TAX SCHEDULE NO.: 2945-144-11-002 LEGAL DESCRIPTION: Lots 3 & 4, Block 90, City of Grand Junction.

ASSESSMENT..... \$ 424.00

TAX SCHEDULE NO.: 2945-144-11-003 LEGAL DESCRIPTION: Lots 5 & 6, Block 90, City of Grand Junction.

ASSESSMENT..... \$ 424.00

TAX SCHEDULE NO.: 2945-144-11-004 LEGAL DESCRIPTION: Lots 7 & 8, Block 90, City of Grand Junction.

ASSESSMENT..... \$ 424.00

TAX SCHEDULE NO.: 2945-144-11-005 LEGAL DESCRIPTION: Lots 9 & 10, Block 90, City of Grand Junction.
ASSESSMENT..... \$ 424.00

TAX SCHEDULE NO.: 2945-144-11-006 LEGAL DESCRIPTION: Lots 11 & 12, Block 90, City of Grand Junction.
ASSESSMENT..... \$ 424.00

TAX SCHEDULE NO.: 2945-144-11-007 LEGAL DESCRIPTION: Lots 13 & 14, Block 90, City of Grand Junction.
ASSESSMENT..... \$ 424.00

TAX SCHEDULE NO.: 2945-144-11-008 LEGAL DESCRIPTION: Lots 15 & 16, Block 90, City of Grand Junction.
ASSESSMENT..... \$ 424.00

TAX SCHEDULE NO.: 2945-144-11-009 LEGAL DESCRIPTION: North ½ of Lots 31 & 32, Block 90, City of Grand Junction.
ASSESSMENT..... \$ 424.00

TAX SCHEDULE NO.: 2945-144-11-010 LEGAL DESCRIPTION: Lots 17 & 18, Block 90, City of Grand Junction.
ASSESSMENT..... \$ 424.00

TAX SCHEDULE NO.: 2945-144-11-012 LEGAL DESCRIPTION: Lots 29 & 30, Block 90, City of Grand Junction.
ASSESSMENT..... \$ 795.00

TAX SCHEDULE NO.: 2945-144-11-013 LEGAL DESCRIPTION: Lots 27 & 28, Block 90, City of Grand Junction.
ASSESSMENT..... \$ 424.00

TAX SCHEDULE NO.: 2945-144-11-014 LEGAL DESCRIPTION: Lots 25 & 26, Block 90, City of Grand Junction.
ASSESSMENT..... \$ 795.00

TAX SCHEDULE NO.: 2945-144-11-015 LEGAL DESCRIPTION: Lots 23 & 24, Block 90, City of Grand Junction.
ASSESSMENT..... \$ 795.00

TAX SCHEDULE NO.: 2945-144-11-016 LEGAL DESCRIPTION: Lots 21 & 22, Block 90, City of Grand Junction.
ASSESSMENT..... \$ 424.00

TAX SCHEDULE NO.: 2945-144-11-017 LEGAL DESCRIPTION: Lots 19 & 20, Block 90, City of Grand Junction.

ASSESSMENT..... \$ 424.00

11TH TO 12TH, MAIN TO COLORADO:

TAX SCHEDULE NO.: 2945-144-24-001 LEGAL DESCRIPTION: Lots 1, 2 & 3, Block 111, City of Grand Junction.

ASSESSMENT..... \$ 1,192.50

TAX SCHEDULE NO.: 2945-144-24-017 LEGAL DESCRIPTION: Lots 4 & 5, Block 111, City of Grand Junction.

ASSESSMENT..... \$ 795.00

TAX SCHEDULE NO.: 2945-144-24-003 LEGAL DESCRIPTION: Lots 6 & 7, Block 111, City of Grand Junction.

ASSESSMENT..... \$ 424.00

TAX SCHEDULE NO.: 2945-144-24-004 LEGAL DESCRIPTION: Lots 8, 9 & 10, Block 111, City of Grand Junction.

ASSESSMENT..... \$ 636.00

TAX SCHEDULE NO.: 2945-144-24-005 LEGAL DESCRIPTION: Lots 11 & 12, Block 111, City of Grand Junction.

ASSESSMENT..... \$ 424.00

TAX SCHEDULE NO.: 2945-144-24-006 LEGAL DESCRIPTION: Lots 13 & 14, Block 111, City of Grand Junction.

ASSESSMENT..... \$ 424.00

TAX SCHEDULE NO.: 2945-144-24-007 LEGAL DESCRIPTION: Lots 15, 16 & 17, Block 111, City of Grand Junction.

ASSESSMENT..... \$ 1,577.28

TAX SCHEDULE NO.: 2945-144-24-018 LEGAL DESCRIPTION: Lot 18, Block 111, City of Grand Junction.

ASSESSMENT..... \$ 1,642.79

TAX SCHEDULE NO.: 2945-144-24-013 LEGAL DESCRIPTION: Lots 19 & 20, Block 111, City of Grand Junction.

ASSESSMENT..... \$ 424.00

TAX SCHEDULE NO.: 2945-144-24-012 LEGAL DESCRIPTION: Lots 21 & 22, Block 111, City of Grand Junction.

ASSESSMENT..... \$ 424.00

TAX SCHEDULE NO.: 2945-144-24-011 LEGAL DESCRIPTION: Lots 23 & 24, Block 111, City of Grand Junction.
ASSESSMENT..... \$ 424.00

TAX SCHEDULE NO.: 2945-144-24-010 LEGAL DESCRIPTION: Lot 25 & 26, Block 111, City of Grand Junction.
ASSESSMENT..... \$ 424.00

TAX SCHEDULE NO.: 2945-144-24-009 LEGAL DESCRIPTION: Lots 27 & 28, Block 111, City of Grand Junction.
ASSESSMENT..... \$ 795.00

TAX SCHEDULE NO.: 2945-144-24-015 LEGAL DESCRIPTION: Lots 29, 30 & 31, Block 111, City of Grand Junction.
ASSESSMENT..... \$ 1,192.50

TAX SCHEDULE NO.: 2945-144-24-016 LEGAL DESCRIPTION: Lots 32, 33 & 34, Block 111, City of Grand Junction.
ASSESSMENT..... \$ 1,192.50

16TH TO 17TH, GRAND TO OURAY:

TAX SCHEDULE NO.: 2945-132-18-001 LEGAL DESCRIPTION: Lots 1 & 2, Block 2, Slocomb Addition, plus beginning at the SW corner of Lot 2 to the NW corner of Lot 1; thence west 15 ft.; thence south to a point 15 ft. west of the point of beginning; thence to the point of beginning, City of Grand Junction.
ASSESSMENT..... \$ 424.00

TAX SCHEDULE NO.: 2945-132-18-002 LEGAL DESCRIPTION: Lots 29 & 30, Block 2, Slocomb Addition, City of Grand Junction.
ASSESSMENT..... \$ 424.00

TAX SCHEDULE NO.: 2945-132-18-003 LEGAL DESCRIPTION: Lots 5 & 6, & the north 1/2 of Lot 7, Block 2, Slocomb Addition, plus beginning 12.5 ft. north the SW corner of Lot 7; thence north to the NW corner of Lot 5; thence west 15 ft.; thence south to a point 15 ft. west of the point of Beginning; thence east to the point of beginning, City of Grand Junction.
ASSESSMENT..... \$ 530.00

TAX SCHEDULE NO.: 2945-132-18-004 LEGAL DESCRIPTION: Lots 25 & 26 and the south 1/2 of Lot 27, Block 2, Slocomb Addition, City of Grand Junction.
ASSESSMENT..... \$ 466.40

TAX SCHEDULE NO.: 2945-132-18-005 LEGAL DESCRIPTION: North 5 ft. of Lot 22 and all of Lots 23 & 24, Block 2, Slocomb Addition, City of Grand Junction.

ASSESSMENT..... \$ 466.40

TAX SCHEDULE NO.: 2945-132-18-006 LEGAL DESCRIPTION: North 20 ft. of Lot 27 and all of Lot 28, Block 2, Slocomb Addition, City of Grand Junction.

ASSESSMENT..... \$ 381.60

TAX SCHEDULE NO.: 2945-132-18-007 LEGAL DESCRIPTION: North 5 ft. of Lot 20, all of Lot 21 and the south 20 ft. of Lot 22, Block 2, Slocomb Addition, City of Grand Junction.

ASSESSMENT..... \$ 424.00

TAX SCHEDULE NO.: 2945-132-18-009 LEGAL DESCRIPTION: East 50 ft. of Lots 10 through 15, inclusive, Block 2, Slocomb Addition, except the north 22 ft. of the east 50 ft. of Lot 10, City of Grand Junction.

ASSESSMENT..... \$ 1,144.80

TAX SCHEDULE NO.: 2945-132-18-010 LEGAL DESCRIPTION: West 42 ft. of Lots 16 through 19, inclusive, plus the south 20 ft. of Lot 20, Block 2, Slocomb Addition, City of Grand Junction.

ASSESSMENT..... \$ 1,076.96

TAX SCHEDULE NO.: 2945-132-18-012 LEGAL DESCRIPTION: Lots 3 & 4, Block 2, Slocomb Addition, plus 15 ft adjusted to the lot on the west side, City of Grand Junction.

ASSESSMENT..... \$ 424.00

TAX SCHEDULE NO.: 2945-132-18-013 LEGAL DESCRIPTION: South ½ of Lot 7 and all of Lots 8 through 10, inclusive, plus the west 70 ft of the north 5 ft. of Lot 11, Block 2, Slocomb Addition, City of Grand Junction.

ASSESSMENT..... \$ 716.56

18TH TO 19TH, GRAND TO OURAY:

TAX SCHEDULE NO.: 2945-132-16-001 LEGAL DESCRIPTION: North ½ of Lot 28 and all of Lots 29 & 30, Block 4, Slocomb Addition, City of Grand Junction.

ASSESSMENT..... \$ 530.00

TAX SCHEDULE NO.: 2945-132-16-004 LEGAL DESCRIPTION: Lots 26 & 27 and the south ½ of Lot 28, Block 4, Slocomb Addition, City of Grand Junction.

ASSESSMENT..... \$ 530.00

TAX SCHEDULE NO.: 2945-132-16-006 LEGAL DESCRIPTION: North ½ of Lot 23 and all of Lots 24 & 25, Block 4, Slocomb Addition, City of Grand Junction.

ASSESSMENT..... \$ 530.00

TAX SCHEDULE NO.: 2945-132-16-008 LEGAL DESCRIPTION: Lots 21 & 22 and the south ½ of Lot 23, Block 4, Slocomb Addition, City of Grand Junction.

ASSESSMENT..... \$ 530.00

TAX SCHEDULE NO.: 2945-132-16-010 LEGAL DESCRIPTION: North ½ of Lot 18 and all of Lots 19 & 20, Block 4, Slocomb Addition, City of Grand Junction.

ASSESSMENT..... \$ 530.00

TAX SCHEDULE NO.: 2945-132-16-013 LEGAL DESCRIPTION: Lots 16 & 17 and the south ½ of Lot 18, Block 4, Slocomb Addition, City of Grand Junction.

ASSESSMENT..... \$ 589.36

TAX SCHEDULE NO.: 2945-132-16-002 LEGAL DESCRIPTION: Lots 1, 2 & 3, Block 4, Slocomb Addition, City of Grand Junction.

ASSESSMENT..... \$ 636.00

TAX SCHEDULE NO.: 2945-132-16-003 LEGAL DESCRIPTION: Lots 4 & 5, Block 4, Slocomb Addition, City of Grand Junction.

ASSESSMENT..... \$ 424.00

TAX SCHEDULE NO.: 2945-132-16-005 LEGAL DESCRIPTION: Lots 6 & 7, Block 4, Slocomb Addition, City of Grand Junction.

ASSESSMENT..... \$ 424.00

TAX SCHEDULE NO.: 2945-132-16-007 LEGAL DESCRIPTION: Lots 8 & 9, Block 4, Slocomb Addition, City of Grand Junction.

ASSESSMENT..... \$ 424.00

TAX SCHEDULE NO.: 2945-132-16-009 LEGAL DESCRIPTION: Lots 10 & 11, Block 4, Slocomb Addition, City of Grand Junction.

ASSESSMENT..... \$ 424.00

TAX SCHEDULE NO.: 2945-132-16-011 LEGAL DESCRIPTION: Lots 12 & 13, Block 4, Slocomb Addition, City of Grand Junction.

ASSESSMENT..... \$ 424.00

TAX SCHEDULE NO.: 2945-132-16-012 LEGAL DESCRIPTION: Lots 14 & 15, Block 4, Slocomb Addition, City of Grand Junction.

ASSESSMENT..... \$ 483.36

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

Section 1. That the assessable cost and apportionment of the same, as hereinabove set forth, is hereby assessed against all the real estate in said District, and to and upon each lot or tract of land within said District, and against such persons in the portions and amounts which are severally hereinbefore set forth and described.

Section 2. That said assessments, together with all interests and penalties for default in payment thereof, and all cost of collecting the same, shall from the time of final publication of this Ordinance, constitute a perpetual lien against each lot of land herein described, on a parity with the tax lien for general, State, County, City and school taxes, and no sale of such property to enforce any general, State, County, City or school tax or other lien shall extinguish the perpetual lien of such assessment.

Section 3. That said assessment shall be due and payable within thirty (30) days after the final publication of this Ordinance without demand; provided that all such assessments may, at the election of the owner, be paid in installments with interest as hereinafter provided. Failure to pay the whole assessment within the said period of thirty days shall be conclusively considered and held an election on the part of all persons interested, whether under disability or otherwise, to pay in such installments. All persons so electing to pay in installments shall be conclusively considered and held as consenting to said improvements, and such election shall be conclusively considered and held as a waiver of any and all rights to question the power and jurisdiction of the City to construct the improvements, the quality of the work and the regularity or sufficiency of the proceedings, or the validity or correctness of the assessment.

Section 4. That in case of such election to pay in installments, the assessments shall be payable in ten (10) equal annual installments of the principal. The first of said installments of principal shall be payable at the time the next installment of general taxes, by the laws of the State of Colorado, is payable, and each annual installment shall be paid on or before the same date each year thereafter, along with simple interest which has accrued at the rate of 8 percent per annum on the unpaid principal, payable annually.

Section 5. That the failure to pay any installments, whether of principal or interest, as herein provided, when due, shall cause the whole unpaid principal to become due and payable immediately and the whole amount of the unpaid principal and accrued interest shall thereafter draw interest at the rate of 8 percent per annum until the day of sale, as by law provided; but at any time prior to the date of sale, the owner may pay the amount of such delinquent installment or installments, with interest at 8 percent per annum as aforesaid, and all penalties accrued, and shall thereupon be restored to the right thereafter to pay in installments in the same manner as if default had not been suffered. The owner of any piece of real estate not in default as to any installments may at any time pay the whole of the unpaid principal with interest accrued.

Section 6. That payment may be made to the City Finance Director at any time within thirty days after the final publication of this Ordinance, and an allowance of the six

percent added for cost of collection and other incidentals shall be made on all payments made during said period of thirty days.

Section 7. That the monies remaining in the hands of the City Finance Director as the result of the operation and payments under Alley Improvement District No. ST-00, Phase A, shall be retained by the Finance Director and shall be used thereafter for the purpose of further funding of past or subsequent improvement districts which may be or may become in default.

Section 8. That all provisions of Ordinance No. 178 of the City of Grand Junction, as amended, being Chapter 28 of the Code of Ordinances of the City of Grand Junction, Colorado, shall govern and be taken to be a part of this Ordinance with respect to the creation of said Alley Improvement District No. ST-00 Phase A, the construction of the improvements therein, the apportionment and assessment of the cost thereof and the collection of such assessments.

Section 9. That this Ordinance, after its introduction and first reading shall be published once in full in the Daily Sentinel, the official newspaper of the City, at least ten days before its final passage, and after its final passage, it shall be numbered and recorded in the City ordinance record, and a certificate of such adoption and publication shall be authenticated by the certificate of the publisher and the signature of the President of the Council and the City Clerk, and shall be in full force and effect on and after the date of such final publication, except as otherwise provided by the Charter of the City of Grand Junction.

INTRODUCED and **ORDERED PUBLISHED** this 20th day of September, 2000.

Passed and Adopted on the _____ day of _____, 2000

Attest:

City Clerk

President of the Council

Attach 10

**CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION**

<i>CITY COUNCIL</i>			
Subject:	White Willows Zone of Annexation		
Meeting Date:	September 20, 2000		
Date Prepared:	August 10, 2000		
Author:	Bill Nebeker	Senior Planner	
Presenter Name:	Kathy Portner	Planning Manager	
	Workshop	X	Formal Agenda

Subject: Appeal of Planning Commission’s Approval – White Willows Zone of Annexation and Preliminary Plan, located at 2856 C ½ Road and 2851 and 2863 D Road; File #PP-2000-106.

Summary: An adjacent property owner has appealed the Planning Commission’s recommendation to approve the requested RSF-4 zoning for the White Willows Annexation. The property has been annexed for several months but has not been given City zoning. County zoning is RSF-R (formerly AFT). An appeal has also been filed on the Commission’s decision to approve the White Willows Subdivision, a 122-lot subdivision on 39.56 acres. The appellant cites increased traffic on D Road as the major reason for the appeal. A revised traffic study submitted by the applicant shows a minimal traffic impact on the D and 9th Street and 30 Road intersections from this subdivision.

Background Information: See Attached

Budget: N/A

Action Requested/Recommendation: Public hearing on Appeals, Adopt ordinance on second reading.

Citizen Presentation:	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Yes	If Yes,
Name:					
Purpose:					

Report results back to Council:	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Yes	When:	
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Placement on Agenda:	<input type="checkbox"/>	Consent	<input checked="" type="checkbox"/>	Indiv. Consideration	<input type="checkbox"/>	Workshop
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<i>BACKGROUND INFORMATION</i>			
Location:		2856 C ½ Road, 2851 and 2863 D Road	
Applicants:		Robert J. & Marvelle F. Smith; Patricia B. McBride; & The Patnode Family Trust, Owners Gene Patnode, Applicant	
Existing Land Use:		Agricultural/Vacant/Single Family	
Proposed Land Use:		Residential	
Surrounding Land Use:	North	Vacant & agricultural	
	South	Residential, agricultural & vacant	
	East	Agricultural & vacant (Skyler Subdivision)	
	West	Single family residential	
Existing Zoning:		AFT (County) – 5 acre lot minimum	
Proposed Zoning:		RSF-4 – 4 units per acre	
Surrounding Zoning:	North	PE (Mesa County) – Planned Education	
	South	AFT (Mesa County) – 5 acre lot minimum	
	East	PR-4 (City) – 4 units per acre	
	West	R1-B (Mesa County) – 2 units per acre	
Growth Plan Designation:		Residential Med Low: 2 to 4 units per acre	
Zoning within density range?		X	Yes
			No

ACTION REQUESTED: Public hearing on appeals, Adopt ordinance on second reading.

Staff Analysis:

Zone of Annexation: The applicant is requesting a zone of annexation of RSF-4. At the time of annexation the Planning Commission had recommended a zone of annexation at half this density (RSF-2) based upon the applicant's failure to provide sufficient information to show the traffic impact of this subdivision on D Road and the 9th Street and 30 Road intersections. The City Council allowed the applicant to withdraw the zone of annexation request, with the understanding that a new request would be submitted after the expanded traffic study was completed. The applicant has submitted a new application which includes a slightly modified preliminary plan and the expanded traffic study information requested by staff. The traffic study shows that the impact of this subdivision's traffic is not as significant as previously thought. The cumulative impact of

traffic from this subdivision and others developing along the D Road corridor is still at issue.

The requested RSF-4 zone allows a density no greater than 4 dwellings per acre. The actual density of the White Willows preliminary plan is 3.1 dwellings per acre. Zoning of the Pine Estates Subdivision in the county to the west is R1-B, which allows two dwellings per acre. Lot sizes in Pine Estates vary in size with the smallest lot being about 35,000 square feet. The actual density of Pine Estates is about 1.15 dwellings per acre. The RSF-4 zone provides a transition between the lower density Pine Estates Subdivision to the west and the slightly higher density Skyler Subdivision (4 du/ac) to the east.

The Growth Plan Future Land Use Map recommends Residential Medium Low Density between 2 and 4 dwellings per acre for this area

At its July 18, 2000 hearing the Planning Commission found that the proposed RSF-4 zoning meets the criteria established in Section 4-11 and 4-4-4 of the Grand Junction Zoning and Development Code as noted below:

Section 4-11

- A. Adverse impacts to the developed density of established neighborhoods shall be considered.** See response to D below.
- B. The relationship of the property to the urban core area or to established subcores shall be considered.** The property is located within the Urban Growth Boundary and is expected to develop at urban densities.

Section 4-4-4

- A. Was the existing zone an error at the time of adoption?** No. Existing County zoning of RSF-R (formerly AFT) is appropriate for the historical agricultural nature of these parcels
- 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. The City has approved higher densities to the east in the Skyler Subdivision and other properties in the area have developed at urban densities. Increased commercialization and industrialization of the areas to the west of this site prompt higher density on these parcels.
- C. Is there an area of community need for the proposed rezone?** The project is a response to an anticipated market demand for the proposed residential uses.
- D. Is the proposed rezone compatible with the surrounding area or will there be adverse impacts?** There is always some conflict when new development is constructed adjacent to existing subdivisions, especially if no development has

occurred in the area for awhile. The conflict is intensified as predominantly rural areas develop or redevelop with urban densities. These impacts occur whether the property is zoned RSF-2, the low end of the Growth Plan range or RSF-4, the higher end. The proposed subdivision is mid-range. The impacts from this subdivision – increased traffic, loss of views, noise, etc. must be balanced with the goals of the Growth Plan to concentrate urban growth.

- D. Will there be benefits derived by the community, or area, by granting the proposed rezone?** In addition to criteria previously responded to, D Road will be widened adjacent to this development per the Major Street Plan.
- 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 rezone is in conformance with the Growth Plan Future Land Use Map. It is also in conformance with the goal to concentrate urban growth. Per page V.12 of the Growth Plan, “a key objective of this growth pattern is to use infrastructure (existing and planned) most efficiently and cost-effectively.” Low-density development does not use infrastructure efficiently or cost-effectively.
- G. Are adequate public facilities available to serve development for the type and scope suggested by the proposed zone?** According to the traffic study submitted by the developer, immediate traffic impacts of White Willows Subdivision on surrounding roadways and intersections will be relatively minor. The greater impact is the cumulative effect of traffic from many subdivisions on D Road. Other utilities are available to serve this development.

Preliminary Plan: The attached materials show the proposed layout of the White Willows Subdivision. The subdivision proposes 122 lots on 39.56 acres at an overall density of 3.1 dwellings per acre.

Traffic Impact: Immediate traffic impacts of the subdivision on surrounding roadways and intersections will be relatively minor, according to a Traffic Impact Study (TIS) submitted to the City of Grand Junction by Transportation Initiatives, Inc. This study investigated the level of service along the D Road corridor from 9th Street to 30 Road, prior to development of White Willows Subdivision, immediately following development and 20 years into the future. Levels of service were calculated for D Road and the following intersections: 9th Street and D Road, and 30 and D Road. Level of Service (LOS) is a definition of the delay time encountered by each vehicle when traveling through an intersection or along a roadway.

Current traffic volumes along the D Road corridor are 5,700 ADT (average daily traffic) and do not significantly impact the LOS at any of the above-mentioned intersections (all LOS calculations indicate LOS B or higher). See attached page 4, Method of Analysis, from traffic study for more information. However, the traffic study indicates D Road currently operates at a LOS D. This may be due in part to the narrow shoulder width

and percentage of trucks along the corridor. Some improvement to the service flow rate along D Road may be accomplished by widening the road and including a center turn lane/striped median. Widening D Road to accommodate the above-mentioned improvements has been proposed by the applicant along their D Road frontage. Further shoulder widening, pedestrian and capacity improvements along D Road from 29 Road to 30 Road are scheduled to begin in 2005.

Traffic impacts on the surrounding road system due to development of White Willows Subdivision also appear to be relatively minor. D Road will remain at LOS D, while only one of the previously mentioned intersections (9th Street and D Road) will notice any decrease in LOS. The LOS at the 9th Street intersection will drop from LOS B to LOS C due to development of White Willows. Traffic from the proposed subdivision pushes the 9th Street intersection into LOS C by 0.9 seconds.

The applicants traffic consultant also evaluated future levels of service and traffic impacts along the D Road corridor. Year 2020 traffic impacts show a significant decrease in the level of service at both the 9th Street and 30 Road intersections. Without signaling each intersection, the LOS at 9th Street will drop from LOS C to LOS F, while the LOS at 30 Road will drop from LOS B to LOS D (signaling the 9th Street intersection will increase the LOS from F to C, while the LOS at 30 Road will remain at LOS D). It should be noted that the drop in LOS at the unsignalized intersection anticipated by the traffic study would occur with or without development of White Willows Subdivision at the density proposed by the developer. The decrease in LOS is due to general growth of traffic from within the D Road traffic basin over the next 20 years.

Year 2005 traffic impacts associated with construction of the 29 Road Bridge over the Colorado River to D Road were also evaluated. The applicants traffic consultant assumed the overpass to Interstate 70 Business would not be completed, and that eighty percent of the 29 Road traffic would turn west on D Road towards the downtown area. The resulting LOS on D Road is E, while the LOS for all intersections along D Road will immediately drop to LOS F. The most feasible solution to avoid this LOS decrease would be to construct the bridge and overpass at the same time.

In summary, traffic solely from this subdivision will have a minor impact on D Road and at the 9th Street and 30 Road intersections. Instead, the cumulative effect of increased development that accesses the D Road corridor eventually creates a Level of Service that will be unacceptable per City policy.

Access: Only one entrance is allowed on D Road to provide sufficient spacing between other intersections on the road. The Fire Department requires a second access to the subdivision before the 30th lot is platted. The phasing plan includes a connection to Skyler Subdivision to the east via Mason Street in the second phase for this purpose. The subdivision will also provide street stubs to the east, west and south for future street connections as adjacent areas develops.

Florida Street is proposed to be relocated about 100 feet to the south to align with the existing sewer and water line. Florida Street stubs are provided at the east and west property lines. The existing Florida Street right-of-way will be vacated during final plat approval that contains that portion of the street.

Thyme Street is provided as a street stub to the south for future development. The developer has chosen to only construct the street 140 feet past the Chamomile Drive intersection to avoid having to construct a temporary turnaround at the south property line. The developer will be required to escrow funds now to pay the costs of future extension when the property to the south develops.

Bulk Standards: The bulk standards of the RSF-4 zone district of the new code apply to this subdivision. Minimum lot size within this zone is 8000-sq. ft. Lot sizes in this subdivision vary between 8504 sq. ft. to 89,377-sq. ft. (2.05 acres). The larger lot is designed for future subdivision into several smaller parcels. The developer has increased the size of the lots along the west property line adjacent to the Pine Estates Subdivision to approximately 12,500 square feet (per lot) to provide a more appropriate transition between the two subdivisions. Typical setbacks shown on the preliminary plan are incorrect.

Irrigation & Drainage: The site drains to the south where a combination pond catches runoff and provides storage for irrigation water.

Fencing: No special fencing requirements have been proposed by the applicant except for a six-foot privacy fence along the D Road. Fencing along the backside of double-frontage lots (lots with front and rear property lines on a street) is required to be approved at the time of subdivision approval. A five-foot wide landscaped setback is required between the street right-of-way and the fence, to be installed by the developer and maintained by the homeowner's association.

PLANNING COMMISSION RECOMMENDATION: At its July 18, 2000 hearing, the Planning Commission approved the preliminary plan with the following conditions:

1. A six-foot high solid fence shall be constructed by the developer along the D Road frontage behind a five-foot wide irrigated and 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.
2. Provide road width transition tapers per Table 10, Page 31 of the TEDS manual, east and west of the proposed improvements along the D Road frontage.

Attachments to this report include the following:

1. Page 4 of Traffic Study showing Method of Analysis. (Particularly shows delays associated with Level of Service (LOS))
2. Page 10 & 11, Traffic Study showing conclusions and recommendations of traffic study
3. Pages 1 & 2, Addendum to Traffic Study showing additional traffic recommendations
4. Vicinity map
5. Aerial photo
6. White Willows preliminary plat (3 pages)
7. White Willows Subdivision General Project Report (2 pages)
8. Letter of appeal and letters from citizens opposed to this proposal (4 pages)
9. Zone of Annexation Ordinance (2 pages)

Insert attachments here

CITY OF GRAND JUNCTION, COLORADO

Ordinance No. 3287

**ZONING THE WHITE WILLOWS ANNEXATION LOCATED AT
2856 C ½ ROAD, 2851 AND 2863 D ROAD, FROM COUNTY AFT TO CITY RSF-4**

Recitals.

The following property has been annexed to the City of Grand Junction as the White Willows Annexation and requires a zone of annexation.

The petitioner has requested that the property be zoned from County AFT to RSF-4 (Residential single family with a density not to exceed four dwellings per acre). With this zoning the applicant proposes to develop White Willows Subdivision, a 122-lot residential development on 39.56 acres. The density of the subdivision is approximately 3.1 dwellings per acre.

The City of Grand Junction Growth Plan Future Land Use Map designates this area for Residential Medium Low-Density 2-4 dwelling units per acre. This rezone is in conformance with the density proposed in the Future Land Use Map.

After public notice and public hearing, the City Planning Commission found that the proposed zoning is in conformance with Section 4-11 and 4-4-4 of Grand Junction Zoning and Development Code and recommended approval of this zone change to RSF-4 at its July 18, 2000 hearing.

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

Council finds that the proposed Zone of Annexation meets the criteria as set forth in Section 4-11 and 4-4-4 of the Zoning and Development Code and in accordance therewith the following described parcel is hereby rezoned from County AFT to City RSF-4:

The following description from Warranty deed located at Bk 2629, Pg 878 Mesa County Records: 2943-191-00-043: Lots 7 & 8 lying N of the Drain, Bevier's Subdivision; EXCEPT beginning at the SW cor of the N2 of Lot 8; N 137'; E 22.5'; S 137'; W 22.5' to the beginning; Also described as follows: A tract of land located in the SW4NE4 Sec 19, T1S R1E of the UM Mesa County CO. Beginning at the SWLY cor of a tract of land, which is identical with the NWLY cor of Lot 8 Bevier Subdivision as recorded in Bk 2, Pg 9 of Mesa County Clerk and Records; 1) E 660' to the NELY cor Lot 7, Bevier Subdivision; 2) N 40' to the N line of the SW4NE4 Sec 19; 3) W 660' to the C-N 1/16 cor of Sec 19; 4) S 40' along the W line of the SW4NE4 Sec 19 to POB. 2943-191-00-006: The W4 NW4NE4

Sec 19, T1S R1E of the UM Mesa County CO. Also the following description from Warranty deed in Bk 1763, Pg 489 of Mesa County Records: 2943-191-00-136: The E 3/4 of NW4NE4 Sec 19, T1S R1E of the UM, Except the following described property to wit: That part of the N2NE4 Sec 19, T1S, R1E of the UM, beginning at a point on the N boundary of Sec 19, whence the NE cor of Sep 19 bears S89°45'E, 1320'; S 1326.83' to S boundary of the N2NE4 Sec 19; N 89°39'W 330' along S boundary; N 1326.26' to the N boundary of Sec 19; S 89°45'E 330' along N boundary to POB. All in Mesa County CO.

INTRODUCED for FIRST READING and PUBLICATION this 2nd day of August, 2000.

PASSED on SECOND READING this ___ day of _____, 2000.

ATTEST:

City Clerk

President of City Council

Attach 11

**CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION**

<i>CITY COUNCIL</i>			
Subject:	FPA-2000-066 South Rim, Filing 4 Amended Plan		
Meeting Date:	September 20, 2000		
Date Prepared:	September 12, 2000		
Author:	Kathy Portner	Planning Manager	
Presenter Name:	Kathy Portner	Planning Manager	
	Workshop	X	Formal Agenda

Subject: FPA-2000-066 Final Plan Amendment—South Rim Subdivision, Filing #4.

Summary: Appeal of the Planning Commission decision amending the approved plan requiring geotechnical investigation and/or other analyses prior to the issuance of a planning clearance/building permit for South Rim, Filing #4, Lots 7,8,9,10 and 11.

Background Information: **See Attached.**

Budget: N/A

Action Requested/Recommendation: Council decision on the appeal.

Citizen Presentation:		No	X	Yes	If Yes,
Name:	Mr. Richard Cummins				
Purpose:	Appellant				

Report results back to Council:	X	No		Yes	When:	
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Placement on Agenda:		Consent	x	Indiv. Consideration		Workshop
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CITY OF GRAND JUNCTION

DATE: September 12, 2000

CITY COUNCIL

STAFF PRESENTATION: Kathy Portner

AGENDA TOPIC: FPA-2000-066 Final Plan Amendment—South Rim Subdivision, Filing #4

SUMMARY: Appeal of the Planning Commission decision amending the approved plan requiring geotechnical investigation and/or other analyses prior to the issuance of a planning clearance/building permit for South Rim, Filing #4, Lots 7, 8, 9, 10 and 11.

ACTION REQUESTED: Council decision on the appeal.

Staff Analysis:

Early in 2000 the City was made aware of slope failure and other geotechnical problems occurring along the bluff of the Colorado River in the South Rim and Vista Del Rio Subdivisions. Failure is currently occurring at the end of El Monte Court in Vista Del Rio Subdivision. An existing home at the end of the cul-de-sac is cracking and being greatly impacted by an active landslide below it. The house has been vacated and removal or demolition is pending. There is also an existing home on lot 10 in the South Rim Subdivision that has undergone extensive remedial foundation work to save the house. The remaining lots that appear to have potential problems are currently vacant.

Attached is a report from Jeffrey Hynes of the Colorado Geological Survey outlining his findings and recommendations. Mr. Hynes' report includes his findings for the Vista Del Rio Subdivision lots, as well as the South Rim lots. Both issues were heard as one at the April Planning Commission hearing.

Planning Commission approved staff recommendation that future development of the lots be restricted and require an expert in geologic engineering investigate the geologic conditions of individual lots and design any proposed structures. Also that an engineer be required to perform site inspections during construction and produce a certification at the conclusion of construction that the site was developed in accordance with the approved plans.

At the Planning Commission hearing, Mr. Skip Behrhorst, developer of South Rim, provided copies of South Rim documents that he felt already addressed the potential slope issues. Addendum "A" to the Lot Purchase Contract includes notification to the buyer of requirements for City and Architectural Control Committee (ACC) approval for any construction. It further states that the "buyer agrees and understands that site grading, drainage, foundation design and irrigation systems must comply with the requirements of the Lincoln-DeVore Subsurface Exploration Report".

The South Rim Architectural and Landscape Standards and Guidelines Booklet includes provisions for site drainage and grading , irrigation and xeriscape principles. The Architectural Control Committee checklist includes a requirement for an Engineering Compliance Letter or Engineered stamped foundation plans.

Mr. Behrhorst felt that those requirements were sufficient and the City should not impose additional requirements. Planning Commission concurred with staff that an Architectural Control Committee is probably not the best review body for technical engineering requirements. This proposed amendment would require that the information that is already required by the South Rim covenants also be submitted to the City for review. The amendment would impose an additional requirement of site inspection and certification by an engineer.

Mr. Richard Cummins, owner of lot 8, South Rim, Filing 4 appealed the Planning Commission decision in a letter dated April 20, 2000. The appeal was not scheduled until now to allow Mr. Cummins the opportunity to discuss the decision further with City staff. Mr. Cummins has indicated that he would like to pursue the appeal. His letter of May 24, 2000 (attached) outlines his concerns with the Planning Commission decision.

RECOMMENDATION:

The Planning Commission approved the plan amendment for lots 7,8,9,10 and 11 of South Rim, Filing 4, requiring a site and structure specific geotechnical investigation, observation and analysis by a Colorado Registered professional engineer prior to the issuance of a planning clearance/building permit. The plan amendment further requires that the planning clearance/building permit shall be issued only on condition that the applicants engineer design, inspect and supervise the excavation and construction and certify at the conclusion of the construction, that the site and structure was constructed in accordance with the engineer's approved design.

Planning Commission Minutes - excerpt from April 18, 2000 presented. Conditions changed, and what today may seem viable may not be tomorrow. How could the petitioner guarantee that no gas station would ever be constructed on the site?

Commissioner Grout noted that approval of the Growth Plan Amendment did not restrict the type of uses allowed. If approved, any allowed commercial use could be placed on the site.

Commissioner Dibble said that the project offered a type of “philosophy” that something attractive could be constructed to serve as an aesthetic entrance into the City. He felt that any access into the site could be constructed to mitigate stacking and other traffic problems. He agreed that expanding the current 15 acres to 30 acres would give both the petitioner and the project added flexibility. He also agreed that residential uses were not the best uses for the subject property. He wondered if the County would indeed dictate any expansion beyond Parcel A.

Mr. Shaver said that since properties were within the Persigo 201 boundary, they fell within the City’s jurisdiction in accordance with the Persigo Agreement as development occurred.

Commissioner Dibble said that traffic issues would require mitigation, regardless of whether or not development occurred on 15 acres or 30 acres. He again expressed support for the request.

Commissioner Prinster said that while some commercial in the area would provide transition, expansion to the north would create too large a commercial node and be out of character with surrounding residential and agricultural uses. He felt that a quality development could be constructed on the existing 15 acres, and he supported denial of the request.

MOTION: (Commissioner Grout) “Mr. Chairman, on item GPA-2000-029, I move that we forward a recommendation of approval to the City Council on the request to amend the Growth Plan for this proposal.”

Commissioner Nall seconded the motion. A vote was called and the motion was defeated by a vote of 2-4, with Chairman Elmer and Commissioners Nall, Grout, and Prinster opposing.

VI. PUBLIC HEARING ITEMS ON ITEMS FOR FINAL DECISION, continued

FPA-2000-065 FINAL PLAN AMENDMENT—VISTA DEL RIO SUBDIVISION, FILINGS 2 AND 3

A request for a major amendment to the approved plan requiring geotechnical investigation and/or other analyses prior to the issuance of a planning clearance/building permit for Filing 2, Block 1, Lot 5 and Block 2, Lot 5; and Filing

3, Lots 10, 11, 12, and 13 (2294, 2295, and 2296 El Monte Court; 569, 570, 571, and 572 Casa Rio Court)

Petitioner: City of Grand Junction

Location: 2294, 2295, and 2296 El Monte Court; 569, 570, 571, and 572 Casa Rio Court

**FPA-2000-066 FINAL PLAN AMENDMENT—SOUTH RIM SUBDIVISION, FILING 4
A request for a major amendment to the approved plan requiring geotechnical investigation and/or other analyses prior to the issuance of a planning clearance/building permit for Lots 7, 8, 9, 10, and 11 (2342, 2345, 2347, 2349, and 2351 Promontory Court)**

Petitioner: City of Grand Junction

Location: 2342, 2345, 2347, 2349, and 2351 Promontory Court

STAFF'S PRESENTATION

Kathy Portner presented an overhead transparency of the site and noted the lots believed to present geologic hazards. In one case, slope failure had occurred, resulting in the owners vacating the home. Mr. Shaver added that a potential issue could exist with Lot 4, Block 1, Filing 2 in the event that continued sliding compromised the integrity of the cul-de-sac.

Ms. Portner said that the proposed plan amendment would apply to any future structure(s) proposed for the lots. Photos of the vacated home on El Monte Court were shown, and the significant slope damage of this lot was highlighted. Based on the recommendations of Jeff Hynes, Colorado Geological Survey, staff proposed adding additional restrictions on the subject lots so that prior to the issuance of planning clearances and/or building permits, applicants must provide a geotechnical investigation specific to the lot and/or other analysis for the City to review, and that an engineer design any structures proposed for the sites. An engineer would be required to inspect the site during construction and require certification at the conclusion of construction attesting that construction conformed with approved plans. Notice to future buyers advising them of the City's restrictions was also suggested by Ms. Portner.

Ms. Portner introduced Jeff Hynes, who was made available via telephone conferencing. Mr. Shaver asked Mr. Hynes to provide a summary of his credentials, experience and background, which was given. Mr. Hynes said that he'd been contacted initially by the City regarding a home located on Lot 11, Filing 4 of South Rim. Mr. Hynes said that he had discussions with the City, the contractor involved in remedial action for the home and other City staff. Mr. Hynes stated that he did a surface inspection of all 5 lots. He noted that the lot surfaces had been disturbed by equipment traveling off the cul-de-sac to Lot 11 to effect repairs on the north side of the house so surface features were not as apparent as they may otherwise have been. Signs of insipient failure had been observed along the bluff, which were noted on a series of maps (Maps 1 and 2).

Mr. Hynes spoke about his investigation of the home at 2296 El Monte Court, which had fallen victim to severe slope damage.

Mr. Hynes said that the owner of the El Monte home contacted him later and they'd engaged in discussions. Continued progression of the slide, he said, would lead to the eventual destruction of the home, if it wasn't demolished beforehand.

Mr. Shaver referenced the maps of which Mr. Hynes had spoken and asked if they represented generalized findings of field conditions observed during his site visits. Mr. Hynes said that they represented findings regarding the stress and failure the two land areas were undergoing. The letter accompanying the maps provided general observations regarding the types of investigations that would be needed. Prior to viewing some of the insipient failure on Promontory Court, he and staff had used the presumption of developability. After the site visitation, he was more inclined to presume undevelopability unless and until it could be demonstrated that they were developable, using the same investigation methodology and tests that would have been required with the first presumption. Again referencing the maps, he said that the dashed and solid lines noted clear lines of failure in both topographical areas. The dashed line referred to a short-term (6 months to a year) timeframe where the physical distress would likely, in his opinion, manifest itself as a landslide. The remedy includes a set of rigorous design standards that must be met to demonstrate that those lots could be developed. Standards would include engineered foundation work, slope stabilization, surface and subsurface moisture management, slope stability analyses and irrigation management. He said that the severe sliding at 2296 El Monte had probably been exacerbated by extensive yard installation and irrigation. The lack of yard and an irrigation system on Lot 11 in South Rim had probably contributed to the structure being salvagable.

Absent specific surface and subsurface investigations, he recommended site-specific engineering detail for homes on subject lots except for Lot 5, Block 2 of Vista Del Rio. He opined that nothing could be done to save that lot; it was effectively unbuildable as shown by the existing condition. If the El Monte Court cul-de-sac were to be saved, grading and drainage management of the slope would have to occur once the vacated home was removed.

Mr. Shaver asked if Mr. Hynes had been retained to render any final opinions on that assumption, to which Mr. Hynes responded negatively. Mr. Shaver asked Mr. Hynes to recall the number of cases where he had been qualified as an "expert," and his associated educational credentials relating to the opinions being given, for which Mr. Hynes complied.

Mr. Hynes said that the general bluff-retreat phenomenon along the river extended at least as far west as Loma. He recalled other areas in Grand Junction, particularly Lamplight Park, where this phenomenon was occurring.

QUESTIONS

Chairman Elmer asked for clarification on the problems related to Lots 10, 11, 12, and 13 at the end of Casa Rio Court. Mr. Hynes said that on an outside bend along the river channel tended to accelerate, resulting in “hydraulic elevation.” Thus, the outer bank of the river curve had the tendency to erode faster than the inner bank. He observed that some of the gravel deposit on El Monte existed on Casa Rio as well. He conjectured that some of the fill material from the Casa Rio area had been excavated as “borrow” and used to build the filled wedge for the bridge approach on the south side of the river. By removing that material from the Casa Rio area, it was much more stable than the El Monte Court area. The difference, he said, was in the prognosis—the prognosis being better for the Casa Rio area. There were more opportunities for mitigation of lots along Casa Rio Court; however, stabilization costs for the lots may ultimately be prohibitive. The same situation was evident along Promontory Court.

Commissioner Nall, looking at the contour of the river, asked if installation of rip-rap along the river could help stabilize the bank. Mr. Shaver suggested that mitigation engineering didn’t relate to the plan amendments under discussion; he noted that Mr. Hynes was not testifying for that purpose.

Commissioner Ainsworth referenced the El Monte Court cul-de-sac and wondered if additional lots would be affected if the cul-de-sac were pulled back. He asked “would the cul-de-sac even be salvageable?” Mr. Shaver said that the City had retained CTL Thompson to evaluate utilities and transportation impacts of the current situation.

Commissioner Prinster asked if geological data would still be required for Lot 5, Block 2 if deemed unbuildable. Mr. Shaver said that while a general opinion had been rendered by Mr. Hynes, the staff part of the plan amendment being proposed is not asking the Commission to make that decision.

PUBLIC COMMENTS

Richard Cummings (Aspen, CO) referenced the markings on Map 1 and Map 2 and wondered if areas north of lines marked “clear line of failure” could be engineered to make those areas buildable. Mr. Hynes said that there was an area of active landslide on El Monte Court. There was probably no economic way to recover the cost of lots along El Monte, he said, for less than two or three times the value of the lot; development of lots along Promontory may be more economic.

Chairman Elmer said that it would be difficult to know the status of each lot or what kind of mitigation might be possible without further investigation. Mr. Hynes agreed, adding that the depth and orientation of slope failures were crucial to the feasibility and cost of any mitigation efforts.

Skip Behrhorst (no address given), developer of South Rim, said that he had been very aware of the property’s geologic constraints. He referenced a booklet (passed around to planning commissioners) which included specific recommendations, requirements and recorded documents included as part of the initial project analysis. Covenants and

specific issues related to geotechnical requirements had also been recorded and included disclosures in the purchase contract and reference to a Lincoln-DeVore study conducted on the property. On the bluff lots, a provision in the deed specifically addressed the area from the bluff line to the building envelope, limiting the amount of fill from the existing grade of 6 inches at the bluff line to not more than 18 inches to the building envelope. In the Architectural Guidelines, an extensive booklet was prepared to address architectural control. A subsurface exploration report conducted by Lincoln-DeVore made irrigation water recommendations and restrictions. Xeriscaping was strongly encouraged, and CC&Rs had been put into place. Referencing page 15, the recommendation was made that the owner provide a subsurface analysis through an open foundation investigation. On page 23 of the CC&Rs, number 4, specific reference to geotechnical requirements was made (read into the record). Another requirement of record prevented building envelopes from being less than 35 feet from the bluff line. Mr. Behrhorst said that no specific investigation or analysis had been undertaken by Mr. Hynes. The City's proposed amendments were no more restrictive than precautions already taken by the owner.

Mr. Shaver stated that by making the documents referenced by Mr. Behrhorst a part of the plan amendment, the City would then have authority to enforce what had already been put into place by the developer. The only other element included site-specific, building-specific design requirements.

Chairman Elmer clarified to the audience that the Planning Commission was not in a position to referee any legal dispute between property owners and the developer.

Edward Morris (no address given), of Lincoln-DeVore said that Lincoln-DeVore had been involved in the subsurface investigation of the subject properties. Mr. Morris expressed concern over Mr. Hynes' testimony and how referenced maps were being used. All lots located on the bluff line shared similar concerns, yet only a few lots had been singled out.

Mr. Morris said that he'd visited Lots 7 and 8 off of Promontory Court yesterday and determined that surface cracking seemed limited to the upper levels of Lots 7, 8 and 9. He said that the cracking represented very thin, graveled, sandy soils that were sliding over the existing shale formation. Excavation determined that cracking did not extend into the shale. Cracking on the central and west ends of Lot 7 of South Rim, Filing 4, related to approximately 9 feet of very low-density sands, gravels and cobbles. While normally quite dry, these materials did get seasonably wet and had undergone minor collapse. In fact, they were deemed by Mr. Morris to be "collapsible soils." Mr. Morris noted a crack along 5 feet of the bluff line that represented old fill that had been pushed over the edge during the gravel removal process and was now beginning to move down the slope. Removing those soils and revegetating the area would involve very complex mitigation efforts. In reviewing the slope's stability, no changes from his initial report were noted. The 35-foot setback referenced previously did not apply to all lots; some lots had setbacks greater than 35 feet.

Mr. Morris referenced the remedial work that occurred on Lot 11 of South Rim and said that expansive soils were present in the central portion of the Lot and settlement had occurred due to the presence of collapsible soils. No evidence of slope instability on Lot 11 was present nor did slope instability have anything to do with damages caused to the home.

Doug Colaric (200 Grand Avenue, #101), representing two lot owners in Vista Del Rio, referenced the 1994 approval of Vista Del Rio Subdivision. He said at that time the Lincoln-DeVore report identified areas of instability. He asked whether the City's request for additional conditions concur with findings in the initial report or had the report been incomplete? Ms. Portner said that the City's amendments would expand on the original report. The report's findings had been very generalized and were neither site-specific nor lot-specific. Mr. Colaric said that both lot owners represented by him were concerned over the fate of the cul-de-sac. Mr. Shaver reiterated that the City had retained CTL Thompson to analyze the situation and prepare a report. Mr. Colaric asked Mr. Hynes if, in his opinion, lots belonging to the two owners—the Scotts and Halpennys (Lot 5, Block 1 and Lot 5, Block 2)—were unbuildable, to which Mr. Hynes replied affirmatively.

Kevin Nourse (564 Casa Rio Court, Grand Junction) said that Vista Del Rio Subdivision had essentially the same covenants and restrictions as South Rim. He questioned the City's singling out a few specific lots for further geotechnical review when his subdivision map noted those lots and others within the Vista Del Rio Subdivision. A newspaper article had identified similar areas of concern as far away as 5 blocks.

Christopher McAnany, representing the owner of Lot 10 in the South Rim Subdivision, noted the three Code requirements for a plan amendment. Testimony from Mr. Behrhorst and Mr. Morris pointed out that concerns had been known for some time and were well documented. A procedure was already in place to enable individual lot owners to seek geotechnical review before any development was undertaken. Since soil conditions were not new and adequate CC&Rs were already in place, new, City-imposed restrictions were not warranted. He asked Mr. Hynes for clarification on the lack of bluff instability notations on Lot 10. Mr. Hynes said that while lots directly to the east and west of Lot 10 showed signs of either distress or failure, his inspection of Lot 10 did not show any evidence of change in the shallow surface. Mr. Hynes was unsure whether Lincoln-DeVore had taken into consideration the fill which had been placed on the southern half of referenced lots to achieve grade for the cul-de-sac. Basing fill at the head of a scarp was an accepted practice, but had a tendency to destabilize a slope, although he couldn't say for sure whether surface features were as a result of any fill work. Mr. Morris's comments, he said, represented the level of findings from a detailed analysis that would likely support development of Lots 7, 8, 9 and 10 on Promontory Court. Mr. Hynes said that his "inspection" included only observations, not in-depth analysis.

Leeds Foyle (2294 El Monte Court, Grand Junction) said that if the cul-de-sac on El Monte failed, would he be notified of what the City intended to do? Would he have input? Mr. Shaver replied affirmatively.

Paul Wisecup (568 Casa Rio Court, Grand Junction), owner of Lot 8 on Casa Rio Court, expressed concern over the additional regulatory layer of control being requested by the City. He wondered what restrictions the City could impose that would be any different from what was already in place. He wondered how or if slope stabilization, surface drainage and irrigation management would be addressed by the City for the subdivisions as a whole. In the event that Lots 5 in both Block 1 and 2 could meet engineering requirements for building on those lots and the cul-de-sac failed, what would the City commit to do to ensure access? It seemed that the City certainly had a vested interest in the integrity of streets and utilities in the subdivisions; therefore, the entire subdivision should be considered.

DISCUSSION

Mr. Shaver said that restrictions could not be imposed to retrofit the subject subdivisions since they were constructed to County standards. With regard to the Code requirements Mr. Shaver said that there were two not three; changes in conditions which occurred after final and changes in the development policy of the community. He said that meeting the condition of "change in conditions," is demonstrated by the failure on El Monte; the change in development policy is that the staff and the Commission are now more aware of the need for engineered foundations.

Commissioner Nall asked Mr. Hynes if a site-specific approach would provide adequate remedy or did the City need to consider a more broad-based approach? Mr. Hynes said that there was a possibility with the current situation to get owners of lots located along Promontory Court to combine their efforts to come up with a common solution which could improve the stability of the area overall while saving money in the process. He suggested an aggressive subsurface moisture collection and conveyance system as one possible option.

Chairman Elmer said that a number of indications existed to encourage property owners to look further. Although falling within the Architectural Control Committee's (ACC) purview, the ACC did not have the expertise to make the level of geotechnical judgments necessary to render an accurate geological conclusion. The City would provide a higher level of review.

Commissioner Ainsworth asked if the City would require a different type of testing than what was already being undertaken. Planning commissioners agreed that all lots located along the bluff had the potential for instability. Mr. Shaver provided clarification on this point.

Commissioner Dibble said that by raising the review to a higher standard, the City would have the opportunity of preventing another occurrence similar to that of 2296 El Monte

Court. Had plans come under City scrutiny prior to their original approval, the currently requested level of review probably would have been required at that time.

Commissioner Nall expressed concern over the site-specific requirement and possible conflicts which might arise in expert opinions. And what would happen if the mitigation of one lot created problems for another lot?

Commissioner Grout said that in his experience most of the reports generated were fairly consistent in their findings.

Mr. Hynes offered that, as one option, a special “management zone” all along the bluff on the south side of the river, from the eastern city limits to its western boundary, be implemented. Where lots weren’t in imminent development or failure, he suggested convening a board of vested parties to come up with a management tool that would encompass areas of concern.

MOTION: (Commissioner Grout) “Mr. Chairman, on item FPA-2000-065 and FPA-2000-066, I move we amend the final plans for Vista Del Rio, Filings 2 and 3, and South Rim Filing 4 as recommended by staff.”

Commissioner Dibble seconded the motion. A vote was called and the motion passed unanimously by a vote of 6-0.

GENERAL DISCUSSION

Ms. Portner said that City and County staffs were currently undertaking update of the Orchard Mesa Neighborhood Plan. Copies of a meeting schedule were distributed to Planning Commissioners.

With no further business, the hearing was adjourned at 11:50 p.m.

Attach 12

**CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION**

<i>CITY COUNCIL</i>			
Subject:	VR-2000-083 – Flower Street Vacation		
Meeting Date:	September 20, 2000		
Date Prepared:	September 12, 2000		
Author:	Pat Cecil	Development Services Supervisor	
Presenter Name:	Kathy Portner	Planning Manager	
	Workshop	X	Regular Agenda

Subject: VR-2000-083, first reading of the ordinance for approval of the vacation of a portion of the dedicated Flower Street right-of-way, located south of Central Drive, northwest of Beta Place.

Summary: The Planning Commission at the hearing of August 15, 2000, recommended that the City Council approve the vacation of right-of way, subject to the creation of a fifteen (15) foot irrigation easement along the easterly portion of the vacated right-of-way, to dedicate to the Grand Valley Water Users Association upon completion of the right-of-way vacation.

Background Information: See attached.

Budget: N/A

Action Requested/Recommendation:, That the City Council approve the vacation subject to the recommended condition.

Citizen Presentation:	X	No	Yes	If Yes,
Name:				
Purpose:				

Report results back to Council:	X	No	Yes	When:

AGENDA TOPIC: Vacation of Right-of-Way, VR-2000-083.

SUMMARY: The Petitioner is requesting the City Council approve a vacation of a portion of Flower Street located south of Central Drive.

ACTION REQUESTED: City Council approval of the ordinance for right-of-way vacation of the portion of Flower Street located south of Central Drive.

<i>BACKGROUND INFORMATION</i>			
Location:		South of Central Drive, northwest of Beta Place	
Applicants:		Holger and Anne Albrethsen LANDesign, Representative	
Existing Land Use:		Currently undeveloped	
Proposed Land Use:		Combining the unused right-of-way with the adjacent lot.	
Surrounding Land Use:	North	Single family residential	
	South	Single family residential	
	East	Single family residential	
	West		
Existing Zoning:		Residential Single Family- 2 dwelling units per acre (RSF-2)	
Proposed Zoning:		Same	
Surrounding Zoning:	North	RSF-2	
	South	RSF-2	
	East	RSF-2 & CSR (Future park)	
	West	RSF-2	
Growth Plan Designation:		Residential Medium Low (2-4 dwelling units per acre)	
Zoning within density range?		X	Yes
			No

Project Analysis:

Right-of-Way Vacation: The applicants for the vacation are requesting approval of the vacation of the portion of Flower Street located south of Central Drive. The applicants for the vacation have consented to the creation of a fifteen foot irrigation easement along the easterly portion of the vacated right-of-way, to dedicated to the Grand Valley Water Users Association upon completion of the right-of-way vacation. The vacation of

the right-of-way will relieve the petitioners for the future Windemere Heights subdivision of the responsibility of constructing or paying for the construction of Flower Street in this location.

Vacation of Right-of-Way Criteria:

The vacation of the right-of-way must be reviewed for conformance with the criteria established by Section 2.11 of the Zoning and Development Code, as follows:

1. The Growth Plan, major street plan and other adopted plans and policies of the City;
The proposed vacation has no impact on the Growth Plan, major street plan or other adopted plans and policies of the City.
2. No parcel shall be landlocked as a result of the vacation;
The vacation does not affect access to any of the properties involved or adjacent properties.
3. Access to any parcel shall not be restricted to the point where access is unreasonable, economically prohibitive, or reduces or devalues any property affected by the proposed vacation:
The vacation will not affect access to any properties or devalue any property.
4. There shall be no adverse impacts on the health, safety, and/or welfare of the general community, and the quality of public facilities and services provided to any parcel of land shall not be reduced (e.g. police/fire protection and utility services);
There will not be an impact to health, safety and/or welfare.
5. The provisions of adequate public facilities and services shall not be inhibited to any property as required in Chapter Six of this Code; and
The proposed vacation will not prevent adequate services to adjacent properties as required by the Code.
6. The proposal shall provide benefits to the City such as reduced maintenance requirements, improved traffic circulation, ect.
The proposed vacation will have no affect on maintenance requirements or traffic circulation.

PLANNING COMMISSION RECOMMENDATION:

- 1) That the City Council approve the right-of-way vacation for that portion of Flower Street located south of Central Drive, subject to the condition that a 15 foot irrigation easement be created in favor of the Grand Valley Water Users Association along the new easterly boundary of the Albrethsen lot upon completion of the vacation process.

RECOMMENDED CITY COUNCIL MOTION:

Mr. Chairman, on the vacation of the southerly portion of the Flower Street right-of-way, I move that we approve the ordinance for right-of-way vacation, finding that the proposed vacation is consistent with the Growth Plan and Section 2.11 of the Zoning and Development Code, with a condition that requires that a 15 foot irrigation easement be created on the easterly boundary of the vacation area in favor of the Grand Valley Water Users Association prior to completion of the vacation process.

- Attachments:**
- a. Resolution of approval**
 - b. General location map**
 - c. Right-of-way vacation map**

CITY OF GRAND JUNCTION

Ordinance No. 00-

**VACATING THE PORTION OF FLOWER STREET
LOCATED SOUTH OF CENTRAL DRIVE**

RECITALS:

A vacation of a portion of the dedicated right-of-way for Flower Street located south of Central Drive, northwest of Beta Place has been requested by the adjoining property owner. The existing dedicated right-of-way is presently undeveloped.

The City Council finds that the request is consistent with the Growth Plan, the adopted Major Street Plan and Section 2.11 of the Zoning and Development Code.

The Planning Commission, having heard and considered the request, found the criteria of the Code to have been met, and recommends that the vacation be approved.

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

The following described dedicated right-of-way is hereby vacated subject to the condition that a fifteen (15) foot irrigation easement be created on the easterly boundary of the vacation area in favor of the Grand Valley Water Users Association prior to completion of the vacation process.

The following right-of-way is shown on Exhibit A as part of this vacation of right-of-way description.

Dedicated right-of-way to be vacated:

That portion of Flower Street, a fifty (50) foot wide right-of-way, lying East of Block 3, and South of the fifty (50) foot wide right-of-way for Central Drive, as shown on the Replat of Block 3, Melody Park Subdivision, recorded in Plat Book 9, Page 168, Mesa County Records.

INTRODUCED ON FIRST READING this 6th day of September, 2000.

PASSED and ADOPTED this day of , 2000.

ATTEST:

City Clerk

President of City Council

**CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION**

<i>CITY COUNCIL</i>			
Subject:	Subdivision of lands after creation of Local Sewer Improvement Districts; Re-apportionment of improvement district costs on such subdivided lands; Reimbursements to properties which were fully developed at the time assessments were made.		
Meeting Date:	September 20, 2000		
Date Prepared:	September 8, 2000		
Author:	Greg Trainor	Utility Manager	
Presenter Name:	Greg Trainor Trenton Prall Tim Woodmansee		
	Workshop	X	Formal Agenda

Subject: Resolution regarding the subdivision of lands after creation of Local Sewer Improvement Districts; Re-apportionment of improvement district costs on such subdivided lands; Reimbursements to properties which were fully developed at the time assessments were made.

Summary: The attached sewer policy is designed to insure that all benefiting lots within a local sewer improvement district pay equally for the benefit received.

Background Information:

There are situations where local sewer improvement districts are created in established neighborhoods to eliminate septic systems. The absence of piped sewage collection systems, in some cases, results in lands ineligible for development and installation of septic systems because of small lot sizes. The introduction of piped sewage collection systems now makes some lands eligible for development or further subdivision. In some cases, future anticipated subdivision of lands are taken into consideration at the time a local improvement district is created and the total number of assessable lots can be calculated. In other cases, property owners cannot or will not declare what their future development plans are and the total number of assessable lots can not be determined. In the latter case, the policy is to calculate the assessment costs on the known total number of existing lots.

To insure that completely developed properties are not subsidizing costs to provide sewer to properties which later become subdivided, the attached resolution is proposed to recalculate the assessments based on the final count of assessable lots, after subdivision and development, with reimbursements made to the fully-developed properties. Reimbursements are proposed to be made to the fully-developed properties if the reimbursable amount is \$500 or greater. If the reimbursable amount is less than \$500, no reimbursement will be made and the amount will be retained by the sewer fund.

Newly developed lots will also pay the total assessable costs without the 30% Septic System Elimination Program incentive, which only applies to existing lots with existing septic systems.

The genesis of this policy was the outcome of discussions concerning the creation of the Marsh Lane Sewer Improvement District. The policy, if adopted, will apply to Marsh Lane and any sewer improvement district in the future being created under the City/County Septic System Elimination Program. In the case of the Marsh Lane LID, there were originally 7 lots to be benefited. After creation of the District, the owner of one of the undeveloped parcel in the Marsh Lane District, proposed to divide his one- (1) lot into four (4) lots, making the total of benefited lots ten (10). The owner however, feels that he should be only charged an assessment of 1/7th of the total costs rather than as 4/10th of the total costs. If the owner of the undeveloped parcel is allowed to subdivide without the costs being reapportioned, then the owners of the 7 original lots will be subsidizing the 3 additional lots created by the subdivision.

An affirmative decision on this policy will not affect the City Council's deliberations on the Marsh Lane sewer improvement district assessment hearing to be held on August 2, 2000 City Council meeting. Today there are only 7 lots to be assessed. If the owner of the undeveloped lot decides, in the future, to subdivide his property, then the reapportionment policy will apply.

Budget: N/A

Action Requested/Recommendation:

Adopt Resolution No. Attached.

Citizen Presentation:	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Yes	If Yes,
Name:	Residents of Marsh Lane Local Sewer Improvement District				
Purpose:					

Report results back to Council:	<input type="checkbox"/>	No	<input type="checkbox"/>	Yes	When:	
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Placement on Agenda:	<input type="checkbox"/>	Consent	<input checked="" type="checkbox"/>	Indiv. Consideration	<input type="checkbox"/>	Workshop
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RESOLUTION NO. _____

**RESOLUTION ADOPTING POLICIES REGARDING SUBDIVISION OF LANDS
WITHIN EXISTING LOCAL SEWER IMPROVEMENT DISTRICTS AND
ASSESSMENT OF DISTRICT COSTS TO NEWLY CREATED LOTS AFTER
CREATION OF SEWER IMPROVEMENT DISTRICTS**

Recitals.

Local sewer improvement districts are useful vehicles to help owners of residential properties, which are on septic systems, pay for the construction costs to extend sanitary sewer collection lines to these already developed areas. Both the City of Grand Junction and Mesa County are assisting such neighborhood efforts within the Persigo 201 Sewer Service Area through the Septic System Elimination Program (SSEP). The goal is to eliminate all septic system usage within the Persigo 201 by connecting more properties to the Persigo system, thereby improving public health.

Newly available sewage collection systems directly benefits all properties that can be served, because the market value of the property increases and because development/re-development can occur once sewer collection systems are available.

The Septic System Elimination Program, adopted by the City and the County on May 22, 2000, was established to pay for 30 % of the direct construction costs of extending collection system facilities, so that existing residential uses served by septic systems would more likely form local special improvement districts.

This jointly-adopted policy of the City Council and Board of County Commissioners, adopted pursuant to the October, 1998 Persigo Agreement, allows for additional, new, lots to be assessed, so that other areas on septic systems within the 201 Sewer Service Area can be sewerred more quickly.

- (a) When a local sewer improvement district is formed existing and developed lots, parcels or properties whether platted or described by metes and bounds description, known as "original lot(s)" are eligible to receive the benefit of the Persigo System 30% Septic System Elimination Program incentive, pending funds availability.
- (b) Regardless of the availability of Persigo Septic System Elimination program funds, within a ten-year period from the creation of the district, subsequently created lots (within the district) shall pay the same cost per lot as apportioned to the original lots within the district. No System financing shall be available with respect to any lot not an original lot.
- (c) Owners of original lots may either pay the assessment in full (the full direct construction cost reduced by the 30 %) as provided in the assessing ordinances/resolutions or elect to finance the assessment for a ten year term with annual interest on the unpaid balance of 6%, in accordance with existing City policies and requirements.
- (d) Any lot(s) platted or developed after the district is formed which will receive or will anticipate receiving the benefit of the sewer system improvements constructed as a result of the creation of the district shall at the time of platting or development pay to

the City, as the Persigo System Manager, the amount of the assessment had it been paid within the first 30 days following the creation of the district. Such proceeds shall be used by the System to help fund other septic elimination efforts and districts.

- (e) There will be no adjustments for interest, the value of money over time or the date when the later connections to the System are made; if an owner chooses to wait until after the 10 year period has expired, s/he may do so without having to pay pursuant to this policy;
- (f) The existing policies of the Persigo System regarding trunk line extensions, payments and reimbursement agreements remain unchanged except as specifically modified herein.

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

The policy stated in this Resolution is and shall be construed to be consistent in all material respects to the policy adopted by the Board of Mesa County Commissioners on September 19, 2000. This Resolution is adopted as and shall be construed as a policy matter under the October 1998 Persigo Agreement.

ADOPTED and APPROVED this 20th day of September, 2000.

President of the Council

ATTEST:

City Clerk

**CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION**

<i>CITY COUNCIL</i>			
Subject:	Public Hearing & Proposed Assessing Ordinance for Sanitary Sewer Improvement District No. SS-43-99		
Meeting Date:	September 20, 2000		
Date Prepared:	September 13, 2000		
Author:	Tim Woodmansee	Real Estate Manager	
Presenter Name:	Tim Woodmansee	Real Estate Manager	
	Workshop	X	Formal Agenda

Subject: Public Hearing and Second Reading of a Proposed Assessing Ordinance for the apportionment of costs connected with Sanitary Sewer Improvement District No. SS-43-99. This item is a continuance from the August 2, 2000 City Council meeting.

Summary: Sanitary sewer facilities have been installed as petitioned by and for the special benefit of seven properties located in the vicinity of Marsh Lane and North 12th Street. The proposed ordinance will levy assessments in the amount of \$11,883.97 upon each of the seven benefiting parcels.

Background Information: This item was continued to give the City Council and County Commissioners an opportunity to consider adopting a policy that would allow for assessments to be reapportioned in the event additional lots are created after assessments have been levied. The City Council is also being asked to consider whether to apply the benefits of a joint City/County Resolution, adopted after this District was created, which provides financial incentives for property owners whose participation in Improvement Districts results in the elimination of existing septic systems.

Reapportionment of Assessments. The City Council and County Commissioners have discussed variations of a proposed policy that would reapportion assessments if additional lots are created after assessments are levied. All variations are intended to allocate costs equitably among all benefiting properties. In the event a new policy is adopted prior to this hearing, the City Council is being asked to decide whether to apply such policy to this District.

Septic System Elimination Program. The petition requesting the improvements provides that all costs associated with this District be assessed against and upon the benefiting properties. However, on May 22 of this year the City Council and County Commissioners jointly adopted the Septic System Elimination Program. This program discounts special assessments by 30% for developed properties that eliminate existing septic systems through participation in sewer improvement districts. Four of the seven properties included in this District were previously connected to septic systems. Should Council determine to apply the benefits of this new program to this

District, assessments for those four properties would be reduced from \$11,883.97 to \$8,283.78.

Upon final passage of the proposed Assessing Ordinance, each owner of property within the District will have until October 24, 2000, to pay their assessment in full. Assessments not paid in full will be submitted to the Mesa County Treasurer for collection with six-percent added for collection costs and eight-percent simple interest added to the declining balance for a period of ten years.

Budget: The 906 sewer fund will be reimbursed by the assessments to be levied.

Action Requested/Recommendation: Conduct Public Hearing and Adopt Proposed Ordinance on Second Reading.

Citizen Presentation:	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Yes	If Yes,
Name:	Any interested citizen or property owner.				
Purpose:	To speak in favor of or opposition to the proposed assessments.				
Report results back to Council:	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Yes	When:
Placement on Agenda:	<input type="checkbox"/>	Consent	<input checked="" type="checkbox"/>	Indiv. Consideration	<input type="checkbox"/>
					Workshop

ORDINANCE NO.

AN ORDINANCE APPROVING THE ASSESSABLE COST OF THE IMPROVEMENTS MADE IN AND FOR SANITARY SEWER IMPROVEMENT DISTRICT NO. SS-43-99, IN THE CITY OF GRAND JUNCTION, COLORADO, PURSUANT TO ORDINANCE NO. 178, ADOPTED AND APPROVED THE 11TH DAY OF JUNE, 1910, AS AMENDED; APPROVING THE APPORTIONMENT OF SAID COST TO EACH LOT OR TRACT OF LAND OR OTHER REAL ESTATE IN SAID DISTRICT; ASSESSING THE SHARE OF SAID COST AGAINST EACH LOT OR TRACT OF LAND OR OTHER REAL ESTATE IN SAID DISTRICT; APPROVING THE APPORTIONMENT OF SAID COST AND PRESCRIBING THE MANNER FOR THE COLLECTION AND PAYMENT OF SAID ASSESSMENT

WHEREAS, the City Council and the Municipal Officers of the City of Grand Junction, in the State of Colorado, have complied with all the provisions of law relating to certain improvements in Sanitary Sewer Improvement District No. SS-43-99, in the City of Grand Junction, pursuant to Ordinance No. 178 of said City, adopted and approved June 11, 1910, as amended, being Chapter 28 of the Code of Ordinances of the City of Grand Junction, Colorado, and pursuant to the various resolutions, orders and proceedings taken under said Ordinance; and

WHEREAS, the City Council has heretofore caused to be published the Notice of Completion of said local improvements in said Sanitary Sewer Improvement District No. SS-43-99, and the apportionment of cost thereof to all persons interested and to the owners of real estate which is described therein, said real estate comprising the district of land known as Sanitary Sewer Improvement District No. SS-43-99, in the City of Grand Junction, Colorado, which said Notice was caused to be published in the Daily Sentinel, the official newspaper of the City of Grand Junction (the first publication thereof appearing on June 23, 2000, and the last publication thereof appearing on June 25, 2000); and

WHEREAS, said Notice recited the share to be apportioned to and upon each lot or tract of land within said District assessable for said improvements, and recited that complaints or objections might be made in writing to the Council and filed with the City Clerk within thirty (30) days from the first publication of said Notice, and that such complaints would be heard and determined by the Council at its first regular meeting after the said thirty (30) days and before the passage of any ordinance assessing the cost of said improvements; and

WHEREAS, no written complaints or objections have been made or filed with the City Clerk as set forth in said Notice; and

WHEREAS, the City Council has fully confirmed the statement prepared by the City Engineer and certified by the President of the Council showing the assessable cost of said improvements and the apportionment thereof heretofore made as contained in

that certain Notice to property owners in Sanitary Sewer Improvement District No. SS-43-99, duly published in the Daily Sentinel, the official newspaper of the City, and has duly ordered that the cost of said improvements in said Sanitary Sewer Improvement District No. SS-43-99 be assessed and apportioned against all of the real estate in said District in the portions contained in the aforesaid Notice; and

WHEREAS, from the statement made and filed with the City Clerk by the City Engineer, it appears that the assessable cost of the said improvements is \$88,179.05, said sum including a one-time charge of six percent (6%) for costs of collection and other incidentals; and

WHEREAS, from said statement it also appears the City Engineer has apportioned a share of the assessable cost to each lot or tract of land in said District in the following proportions and amounts, severally, to wit:

TAX SCHEDULE NO.: 2701-362-00-009 / LEGAL DESCRIPTION: Beginning 586.48 feet North of the W ¼ corner of Section 36, Township 1 North, Range 1 West of the Ute Meridian; thence North 60.6 feet; thence S 88°25' E 480.7 feet; thence N 83°03' E 202.2 feet; thence S 88°25' E 34 feet to the Highline Lateral No. 6; thence Southwesterly along said Lateral to a point 670 feet east of the point of beginning; thence West to the point of beginning.
ASSESSMENT.....\$12,597.00

TAX SCHEDULE NO.: 2701-362-00-010 / LEGAL DESCRIPTION: Beginning 586.48 feet North and 30 feet East of the Southwest corner of the NW ¼ of Section 36, Township 1 North, Range 1 West of the Ute Meridian; thence East 650 feet; thence South 100 feet; thence West 650 feet; thence North to the point of beginning.
ASSESSMENT.....\$12,597.00

TAX SCHEDULE NO.: 2701-362-00-011 / LEGAL DESCRIPTION: Beginning 386.48 feet North and 30 feet East of the Southwest corner of the NW ¼ of Section 36, Township 1 North, Range 1 West of the Ute Meridian; thence North 100 feet; thence East 553.25 feet; thence S 58°21' W 191 feet; thence West 391 feet to the point of beginning.
ASSESSMENT.....\$12,597.00

TAX SCHEDULE NO.: 2701-362-00-012 / LEGAL DESCRIPTION: Beginning 286.48 feet North and 30 feet East of the Southwest corner of the NW ¼ of Section 36, Township 1 North, Range 1 West of the Ute Meridian; thence North 100 feet; thence East 391 feet; thence S 50°26' E 156.9 feet; thence West 512 feet to the point of beginning.
ASSESSMENT.....\$12,597.00

TAX SCHEDULE NO.: 2701-362-00-013 / LEGAL DESCRIPTION: Beginning 286.48 feet North of the Southwest corner of the SW ¼ NW ¼ of Section 36,

Township 1 North, Range 1 West of the Ute Meridian; thence East 325 feet; thence South 50 feet; thence West 145 feet; thence South 100 feet; thence West 180 feet to the point of beginning, except road and part of cul-de-sac on north.

ASSESSMENT\$12,597.00

TAX SCHEDULE NO.: 2701-362-00-014 / LEGAL DESCRIPTION: Beginning 236.48 feet North and 180 feet East of the Southwest corner of the SW ¼ NW ¼ of Section 36, Township 1 North, Range 1 West of the Ute Meridian; thence East 145 feet; thence South 100 feet; thence West 145 feet; thence North 100 feet to the point of beginning, except cul-de-sac.

ASSESSMENT\$12,597.00

TAX SCHEDULE NO.: 2701-362-00-015 / LEGAL DESCRIPTION: Beginning 286.48 feet North and 325 feet East of the Southwest corner of the SW ¼ NW ¼ of Section 36, Township 1 North, Range 1 West of the Ute Meridian; thence East 187 feet; thence S 50°51' E 82.2 feet; thence S 21°10' W 53.1 feet; thence S 20°26' E 51.9 feet; thence West 249.6 feet; thence North 150 feet to the point of beginning.

ASSESSMENT\$12,597.00

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

Section 1. That the assessable cost and apportionment of the same, as hereinabove set forth, is hereby assessed against all real estate in said District, and to and upon each lot or tract of land within said District, and against such persons in the portions and amounts which are severally hereinbefore set forth and described.

Section 2. That said assessments, together with all interests and penalties for default in payment thereof, and all cost of collecting the same, shall from the time of final publication of this Ordinance constitute a perpetual lien against each lot of land herein described, on a parity with the tax lien for general, State, County, City and school taxes, and no sale of such property to enforce any general, State, County, City or school tax or other lien shall extinguish the perpetual lien of such assessment.

Section 3. That said assessment shall be due and payable within thirty (30) days after the final publication of this Ordinance without demand; provided that all such assessments may, at the election of the owner, be paid in installments with interest as hereinafter provided. Failure to pay the whole assessment within the said period of thirty (30) days shall be conclusively considered and held an election on the part of such owner to pay in such installments. All persons so electing to pay in installments shall be conclusively considered and held as consenting to said improvements, and such election shall be conclusively considered and held a waiver of any and all rights to question the power and jurisdiction of the City to construct the improvements, the quality of the work and the regularity or sufficiency of the proceedings, or the validity or correctness of the assessment.

Section 4. That in case of such election to pay in installments, the assessments shall be payable in ten (10) equal annual installments of the principal. The first of said installments of principal shall be payable at the time the next installment of general taxes, by the laws of the State of Colorado, is payable, and each annual installment shall be paid on or before the same date each year thereafter, along with simple interest which has accrued at the rate of eight percent (8%) per annum on the unpaid principal, payable annually.

Section 5. That the failure to pay any installments, whether of principal or interest, as herein provided, when due, shall cause the whole unpaid principal to become due and payable immediately and the whole amount of the unpaid principal and accrued interest shall thereafter draw interest at the rate of eight percent (8%) per annum until the day of sale, as by law provided; but at any time prior to the date of sale, the owner may pay the amount of such delinquent installment or installments, with interest at the rate of eight percent (8%) per annum as aforesaid; and all penalties accrued, and shall thereupon be restored to the right thereafter to pay in installments in the same manner as if default had not been suffered. The owner of any piece of real estate not in default as to any installments may at any time pay the whole of the unpaid principal with interest accrued.

Section 6. That payment may be made to the City Finance Director at any time within thirty (30) days after the final publication of this Ordinance, and an allowance of the six percent (6%) added for cost of collection and other incidentals shall be made on all payments made during said period of thirty (30) days.

Section 7. That the monies remaining in the hands of the City Finance Director as the result of the operation and payments under Sanitary Sewer Improvement District No. SS-43-99 shall be retained by the Finance Director and shall be used thereafter for the purpose of further funding of past or subsequent improvement districts which may be or may become in default.

Section 8. That all provisions of Ordinance No. 178 of the City of Grand Junction, as amended, being Chapter 28 of the Code of Ordinances of the City of Grand Junction, Colorado, shall govern and be taken to be a part of this Ordinance with respect to the creation of said Sanitary Sewer Improvement District No. SS-43-99, the construction of the improvements therein, the apportionment and assessment of the cost thereof and the collection of such assessments.

Section 9. That this Ordinance, after its introduction and first reading, shall be published once in full in the Daily Sentinel, the official newspaper of the City, at least ten (10) days before its final passage, and after its final passage, it shall be numbered and recorded in the City ordinance record, and a certificate of such adoption and publication shall be authenticated by the certificate of the publisher and the signature of the President of the Council and the City Clerk, and

shall be in full force and effect on and after the date of such final publication, except as otherwise provided by the Charter of the city of Grand Junction.

PASSED and ADOPTED this 20th day of September, 2000.

Attest:

President of the Council

City Clerk

**CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION**

<i>CITY COUNCIL</i>			
Subject:	An Ordinance to Transfer the City's 2000 PAB Allotment		
Meeting Date:	September 20, 2000		
Date Prepared:	August 24, 2000		
Author:	Ron Lappi	Admin Svcs Director	
Presenter Name:	Ron Lappi & Dan Wilson	Admin Svcs Director & City Attorney	
	Workshop	X	Formal Agenda

Subject: An Ordinance Authorizing the City Manager to Sign an Assignment Agreement with the Colorado Housing and Finance Authority to Transfer the City's \$1,072,525 in 2000 Private Activity Bond Allotment from the City to CHFA.

Summary: The City of Grand Junction received a Private Activity Bond allocation from the State of Colorado Department of Local Affairs for the fourth time in 2000 as a result of the City reaching a 40,000 population level in 1997. The bond authority can be issued on a tax exempt basis for various private purposes. We can reserve this authority for future housing benefits by ceding the authority to CHFA at this time.

Background Information: The City has until September 15, 2000 to commit our tax exempt PAB allotment to a project or it will automatically go to the State for utilization state wide. This year we have a manufacturing firm interested in using these funds for expansion but has not yet materialized. This authority can be used for small issue manufacturing, single family mortgage revenue bonds, redevelopment bonds, residential rental projects, student loans, exempt facility bonds, and qualified 501 (c) (3) bonds for non-profit hospitals and private universities. CHFA approached us, as well as Mesa County and other local governments, relative to a process to bank our allocation for future housing needs. The Grand Junction Housing Authority Executive Director, Jody Kole, supports this reserving process at this time.

Budget:

Action Requested/Recommendation: Pass the ordinance on the first reading with adoption on September 20, 2000 after a public hearing and second reading.

Citizen Presentation:	X	No		Yes	If Yes,
Name:					
Purpose:					

Report results back to Council:	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Yes	When:	
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Placement on Agenda:	<input checked="" type="checkbox"/>	Consent	<input type="checkbox"/>	Indiv. Consideration	<input type="checkbox"/>	Workshop
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ORDINANCE NO.

**AN ORDINANCE AUTHORIZING ASSIGNMENT TO THE
COLORADO HOUSING AND FINANCE AUTHORITY OF A
PRIVATE ACTIVITY BOND ALLOCATION OF CITY OF GRAND
JUNCTION PURSUANT TO THE COLORADO PRIVATE
ACTIVITY BOND CEILING ALLOCATION ACT**

WHEREAS, the City of Grand Junction is authorized and empowered under the laws of the State of Colorado (the "State") to issue revenue bonds for the purpose of providing single-family mortgage loans to low- and moderate-income persons and families; and

WHEREAS, the Internal Revenue Code of 1986, as amended (the "Code"), restricts the amount of tax-exempt bonds ("Private Activity Bonds") which may be issued in the State to provide such mortgage loans and for certain other purposes; and

WHEREAS, pursuant to the Code, the Colorado legislature adopted the Colorado Private Activity Bond Ceiling Allocation Act, Part 17 of Article 32 of Title 24, Colorado Revised Statutes (the "Allocation Act"), providing for the allocation of the State Ceiling among the Colorado Housing and Finance Authority (the "Authority") and other governmental units in the State, and further providing for the assignment of such allocations from such other governmental units to the Authority; and

WHEREAS, pursuant to an allocation under Section 24-32-1706 of the Allocation Act, the City has an allocation of the 2000 State Ceiling for the issuance of a specified principal amount of Private Activity Bonds prior to September 15, 2000 (the "2000 Allocation"); and

WHEREAS, the City has determined that, in order to increase the availability of adequate affordable housing for low- and moderate-income persons and families within the City and elsewhere in the State, it is necessary or desirable to provide for the utilization of all or a portion of the 2000 Allocation; and

WHEREAS, the City has determined that the 2000 Allocation, or a portion thereof, can be utilized most efficiently by assigning it to the Authority to issue Private Activity Bonds for the purpose of providing single-family mortgage loans to low- and moderate-income persons and families; and

WHEREAS, the City Council of the City has determined to assign \$1,072,525 of its 2000 Allocation to the Authority, which assignment is to be evidenced by an Assignment of Allocation between the City and the Authority attached hereto as Exhibit A (the "Assignment of Allocation").

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Grand Junction as follows:

1. The assignment to the Authority of \$1,072,525 of the City's 2000 Allocation be and hereby is approved.
2. The form and substance of the Assignment of Allocation be and hereby are approved; provided, however, that the City Manager be and hereby is authorized to make such technical variations, additions or deletions in or to such Assignment of Allocation as he shall deem necessary or appropriate and not inconsistent with the approval thereof by this ordinance.
3. The City Manager of the City be and hereby is authorized to execute and deliver the Assignment of Allocation on behalf of the City and to take such other steps or actions as may be necessary, useful or convenient to effect the aforesaid assignment in accordance with the terms and intent of this ordinance.
4. If any section, paragraph, clause, or provision of this ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect any of the remaining provisions of this ordinance.
5. This ordinance shall be in full force and effect upon its passage and approval or as otherwise required by home rule charter.

INTRODUCED ON FIRST READING this 6th day of September, 2000.

PASSED, ADOPTED AND APPROVED this _____ day of _____, 2000.

ATTEST:

City Clerk

President of the Council

EXHIBIT A
ASSIGNMENT OF ALLOCATION

This Assignment of Allocation (the "Assignment"), dated this 20th day of September 2000, is between the City of Grand Junction (the "Assignor") and the Colorado Housing and Finance Authority (the "Assignee").

WITNESSETH:

WHEREAS, the Assignor and the Assignee are authorized and empowered under the laws of the State of Colorado (the "State") to issue revenue bonds for the purpose of providing single-family mortgage loans to low- and moderate-income persons and families; and

WHEREAS, the Internal Revenue Code of 1986, as amended (the "Code"), restricts the amount of tax-exempt bonds ("Private Activity Bonds") which may be issued in the State to provide such mortgage loans and for certain other purposes (the "State Ceiling"); and

WHEREAS, pursuant to the Code, the Colorado legislature adopted the Colorado Private Activity Bond Ceiling Allocation Act, Part 17 of Article 32 of Title 24, Colorado Revised Statutes (the "Allocation Act"), providing for the allocation of the State Ceiling among the Assignee and other governmental units in the State, and further providing for the assignment of allocations from such other governmental units to the Assignee; and

WHEREAS, pursuant to an allocation under Section 24-32-1706 of the Allocation Act, the Assignor has an allocation of the 1999 State Ceiling for the issuance of a specified principal amount of Private Activity Bonds prior to September 15, 2000 (the "2000 Allocation"); and

WHEREAS, the Assignor has determined that, in order to increase the availability of adequate affordable housing for low and moderate income persons and families within the City of Grand Junction and elsewhere in the State, it is necessary or desirable to provide for the utilization of all or a portion of the 2000 Allocation; and

WHEREAS, the Assignor has determined that the 1999 Allocation, or a portion thereof, can be utilized most efficiently by assigning it to the Assignee to issue Private Activity Bonds for the purpose of providing single-family mortgage loans to low- and moderate-income persons and families ("Revenue Bonds") and the Assignee has expressed its willingness to attempt to issue Revenue Bonds with respect to the 2000 Allocation; and

WHEREAS; the City Council of the Assignor has determined to assign to the Assignee \$1,072,525 of its 2000 Allocation, and the Assignee has agreed to accept such assignment, which is to be evidenced by this Assignment.

NOW, THEREFORE, in consideration of the premises and the mutual promises hereinafter set forth, the parties hereto agree as follows:

1. The Assignor hereby assigns to the Assignee \$1,072,525 of its 2000 Allocation, subject to the terms and conditions contained herein. The Assignor represents that it has received no monetary consideration for said assignment.
2. The Assignee hereby accepts the Assignment to it by the Assignor of \$1,072,525 of Assignor's 2000 Allocation, subject to the terms and conditions contained herein. The Assignee agrees to use its best efforts to issue and sell Revenue Bonds, in one or more series, and to provide mortgage loans in at least the amount of \$1,072,525 to finance single-family housing facilities located in the City of Grand Junction. (The mortgage loans will be subject to all applicable current requirements of Assignee's mortgage revenue bond program, including Assignee's income and purchase price limit.)
3. The Assignor hereby consents to the election by the Assignee, if the Assignee in its discretion so decides, to treat all or any portion of the assignment set forth herein as an allocation for a project with a carry forward purpose.
4. The Assignor and Assignee each agree that it will take such further action and adopt such further proceedings as may be required to implement the terms of this Assignment.
5. Nothing contained in this Assignment shall obligate the Assignee to finance mortgage loans in any particular amount or at any particular interest rate or to use any particular percentage of the proceeds of its Revenue Bonds to provide mortgage loans to finance single-family housing facilities located in City of Grand Junction.
6. This Assignment is effective upon execution and is irrevocable.

IN WITNESS WHEREOF, the parties hereto have duly executed this Assignment on the date first written above.

CITY OF GRAND JUNCTION

By: _____
City Manager

ATTESTS:

By: _____
City Clerk

COLORADO HOUSING AND FINANCE
AUTHORITY

By: _____
Assistant Secretary

By: _____
Executive Director

September 7, 2000

Colorado Housing and Finance Authority
1981 Blake Street
Denver, CO 80202-1272

Gentlemen:

I am an attorney duly admitted to practice in the State of Colorado (the "State"). I have acted as counsel for the City of Grand Junction ("City") in connection with the assignment by the City to the Colorado Housing and Finance Authority (the "Authority") of the City's allocation of the ceiling on private activity bonds which may be issued in the State during the period from January 1, to December 21, 2000 (the "2000 Allocation"), under Part 17 of Article 32 of Title 24 of the Colorado Revised Statutes (the "Allocation Act"). This assignment is being affected pursuant to an Ordinance adopted by City Council on first reading on September 6, 2000 (the "Ordinance"), and an Assignment of Allocation dated September 6, 2000 (the "Assignment of Allocation"), between the City and the Authority.

I have examined, among other things, a copy of the Ordinance. I have also examined the Constitution of the State and such statutes and regulations as I deemed appropriate, including, without limitation, the charter of the City, certificates of public officials and of officers and representatives of the City, and such other documents as I have deemed necessary as a basis for the opinions hereinafter expressed. In the course of such examinations I have assumed the genuineness of all signatures and the authenticity of all documents submitted to me as copies.

Based upon the foregoing, it is my opinion that:

1. The City of Grand Junction is a City, validly existing under the Constitution and the laws of the state.
2. The City of Grand Junction has full legal right, power and authority: (a) to assign its 2000 Allocation, or a portion thereof, in accordance with the Ordinance and the Assignment of Allocation; (b) to adopt the Ordinance; (c) to execute and deliver the Assignment of Allocation; and (d) to perform its obligations under the Ordinance.
3. The adoption or the execution and delivery and the performance of the City of the Ordinance, and the Assignment of Allocation and the performance of obligations thereunder, have been duly authorized by the City. Each have been duly adopted

or executed and delivered by the City and each of them constitute valid and binding obligations of the City enforceable in accordance with the respective terms.

4. The adoption of the Ordinance and the execution and delivery of the Assignment of Allocation, and compliance with the terms, conditions and provisions of each thereof by the City, will not conflict with or result in a breach or violation of any of the terms, conditions or provisions of the Constitution or the laws of the State, local ordinances, resolutions, charter, bylaws, or other regulations, or any other governmental authority of any nature whatsoever as now existing or, to the best of my knowledge, any agreement or instrument to which the City is now a party or by which it is bound, or which could constitute a default thereunder.
5. With respect to the 2000 allocation, or a portion thereof, being assigned to the Authority pursuant to the Ordinance and the Assignment of Allocation, the City has not: (a) issued private activity bonds; (b) assigned the allocation to another "issuing authority" as such term is defined in the Allocation Act; (c) made a mortgage credit certificate election; or (d) treated the allocation as an allocation for a project with a carry-forward purpose.
6. No approval, permit, consent or authorization applicable to the City and not already obtained by the City of any government or public agency, authority or person is required in connection with the adoption, the execution and delivery by the City of, and the performance by it of its obligations under, the Ordinance and the Assignment of Allocation.

This opinion may be relied upon by: (i) the Authority's Bond Counsel in rendering its opinion in connection with the issuance by the Authority of revenue bonds; (ii) each institution which may act as an underwriter of any such revenue bonds; no one else without the written approval of the City.

Regards,

Dan Wilson
City Attorney

Need to attach excel file