

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

**WEDNESDAY, OCTOBER 4, 2000, 7:30 P.M.**

**CALL TO ORDER**

Pledge of Allegiance

Invocation - Miriam Greenwald, Para-Rabbinic Fello  
Representing the Jewish Community

**ADMINISTER OATH OF OFFICE TO NEW CITY MANAGER KELLY E. ARNOLD**

**PROCLAMATIONS / RECOGNITIONS**

PROCLAMATION DECLARING OCTOBER 7, 2000 AS "OKTOBERFEST DAY" IN THE CITY OF GRAND JUNCTION

PROCLAMATION DECLARING OCTOBER 11, 2000 AS "SAVE TODAY" IN THE CITY OF GRAND JUNCTION

**PRESENTATION OF CERTIFICATE OF APPOINTMENT**

PRESENTATION OF CERTIFICATE OF APPOINTMENT TO NEWLY APPOINTED MEMBER OF THE RIVERFRONT COMMISSION

**CITIZEN COMMENTS**

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

1. **Minutes of Previous Meeting** [Attach 1](#)

*Action: Approve the Minutes of the Regular Meeting September 20, 2000*

2. **Amending the Signatories on the City's Bank Accounts** [Attach 2](#)

New City Manager Kelly E. Arnold needs to be added as an authorized signatory on the Alpine Bank accounts. Approval of the resolution will authorize a change removing David Varley and adding Kelly E. Arnold as a signatory on the Payroll and Accounts Payable clearing accounts.

Resolution No. 93-00 - A Resolution Amending Resolution No. 66-00, Passed and Adopted by the City Council July 5, 2000, that Modified Section (d) of Resolution No. 69-98 Relative to Authorized Signatures

\*Action: Adopt Resolution No. 93-00

Staff presentation: Ron Lappi, Administrative Services Director

3. **Renewal of Davis Lease for Somerville, Anderson and Click Ranches**

[Attach 3](#)

The current ranch lease on the City-owned Somerville, Anderson and Click ranches to Cliff and Judy Davis expired May, 2000. The City Council conducted interviews of potential lessees in August of last year and directed staff to negotiate a lease renewal with the Davises. The proposed resolution ratifies the Interim City Manager's approval of the lease agreement.

Resolution No. 94-00 – A Resolution Ratifying the Interim City Manager's Signature on the Davis Lease Renewal for the Somerville, Anderson and Click Ranches

\*Action: Adopt Resolution No. 94-00

Staff presentation: Greg Trainor, Utilities Manager

4. **Alley Improvement District No. ST-01, Phase A**

[Attach 4](#)

Petitions have been submitted requesting a Local Improvement District be created to reconstruct the following five alleys:

East/West Alley from 8<sup>th</sup> to 9<sup>th</sup>, between Chipeta Avenue and Ouray Avenue  
East/West Alley from 9<sup>th</sup> to 10<sup>th</sup>, between Colorado Avenue and Ute Avenue  
East/West Alley from 10<sup>th</sup> to 11<sup>th</sup>, between Main Street and Colorado Avenue  
East/West Alley from 10<sup>th</sup> to 11<sup>th</sup>, between Hill Avenue and Teller Avenue  
“T” shaped Alley from 18<sup>th</sup> to 19<sup>th</sup>, between Elm Avenue and Bunting Avenue

The proposed resolution is the first step in the formal process for creating the proposed Improvement District. A hearing to allow public comment for or against the proposed Improvement District is scheduled for the November 15<sup>th</sup>, 2000 City Council meeting.

Resolution No. 95-00 – A Resolution Declaring the Intention of the City Council of the City of Grand Junction, Colorado, to Create within Said City Alley Improvement District No. ST-01, Phase A, and Authorizing the City Engineer to Prepare Details and Specifications for the Same

\*Action: Adopt Resolution No. 95-00 and Set a Hearing for November 15, 2000

Staff presentation: Rick Marcus, Real Estate Technician

5. **Revocable Permit to Mesa State College to Allow the Installation of Buried Communications Lines across Public Right-of-Way for North 12<sup>th</sup> Street**

[Attach 5](#)

The Mesa State College Foundation has acquired the property located at the northeast corner of 12<sup>th</sup> Street and Kennedy Avenue for education purposes. Mesa State College is proposing to extend communications lines from the main campus to the subject property by boring under the public right-of-way for North 12<sup>th</sup> Street.

Resolution No. 96-00 – A Resolution Authorizing the Issuance of a Revocable Permit to Mesa State College Foundation

*\*Action: Adopt Resolution No. 96-00*

Staff presentation: Tim Woodmansee, Real Estate Manager

6. **Amendment to the Transportation Improvement Plan**

[Attach 6](#)

The Transportation Improvement Plan (TIP) is a six-year capital improvement program for the urbanized area of Grand Junction and Mesa County. It is based on the adopted 2020 Regional Transportation Plan. The TIP's purpose is to carry out continuing, comprehensive, and cooperative transportation planning. The proposed resolution amends the Grand Junction/Mesa County Metropolitan Planning Organization FY 2001-2006 Transportation Improvement Plan (TIP).

Resolution No. 97-00 - A Joint Resolution of the County of Mesa and the City of Grand Junction Concerning Adoption of Administrative Amendments to the Fiscal Year 2001-2006 Transportation Improvement Program

*\*Action: Adopt Resolution No. 97-00*

Staff presentation: Jody Kliska, Transportation Engineer

7. **Setting a Hearing on the Adoption of 2000 International Building Codes**

[Attach 7](#)

The proposed ordinance is for the adoption of the National Electric Code and the family of 2000 International Codes to include: International Building, Residential, Fire, Mechanical, Fuel Gas, Property Maintenance, and Energy Conservation Code. The ordinance also adopts the 2000 Uniform Plumbing Code. The City of Grand Junction is currently using the 1994 Editions of the Uniform Codes.

Proposed Ordinance of the City of Grand Junction, Colorado, Adopting and Amending the Latest Edition of the International Building Code, the Uniform

Plumbing Code, the International Mechanical Code, the International Fuel Gas Code, the International Property Maintenance Code, the International Residential Code, the National Electric Code, and the International Energy Conservation Code to be Applied Throughout the City of Grand Junction with Certain Amendments Regulating the Erection, Construction, Enlargement, Alteration, Repair, Moving, Removal, Demolition, Conversion, Occupancy, Equipment, Use, Height, Area and Maintenance of all Buildings or Structures in the City of Grand Junction; Providing for the Issuance of Permits and Collection of Fees Therefor; Authorizing Fees to be Set by Resolution and Providing for Penalties for the Violation Thereof and Repealing All Other Ordinances and Parts Of Ordinances in Conflict Herewith.

*Action: Adopt Proposed Ordinance and Set a Hearing for November 1, 2000*

Staff presentation; Mark Relph, Public Works & Utilities Director

8. **Setting a Hearing on Zoning Brutsche Annexation to PD, Located North of F<sup>3</sup>/<sub>4</sub> Road at 20<sup>1</sup>/<sub>2</sub> Road** [File #ANX-2000-143] [Attach 8](#)

The applicant requests to revise the Preliminary Plan for the remaining filings of the Independence Ranch Subdivision by adding a 10 acre parcel that is being annexed into the City. Upon annexation the parcel and the remaining filings of Independence Ranch will be zoned to PD (Planned Development) with an overall density of 1.7 dwellings per acre. At its September 19, 2000 hearing, the Planning Commission recommended approval of this request.

Proposed Ordinance Zoning Independence Ranch Filings 7-13, Located North of F 3/4 Road at 20 1/2 Road to City PD

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

Staff presentation: Bill Nebeker, Senior Planner

9. **Setting a Hearing on Zoning the Ephemeral Resources Annexation to RSF-R, Located at 29 5/8 Road and D Road** [File #ANX-2000-144] [Attach 9](#)

First reading of the zone of annexation for the 100.86-acre Ephemeral Resources Annexation located at the southwest corner of 29 5/8 Road and D Road and includes portions of the 29 Road and D Road rights-of-way.

Proposed Ordinance Zoning the Ephemeral Resources Annexation to RSF-R, Located at 29 5/8 Road and D Road

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

Staff presentation: Patricia Parish, Associate Planner

10. **2000 Community Development Block Grant Subrecipient Contract with Grand Valley Catholic Outreach** [Attach 10](#)

This contract formalizes the City's award of \$130,000 to the Grand Valley Catholic Outreach for acquisition of the Homeless Day Center located at 302 Pitkin Avenue. These funds come from the City's 2000 Community Development Block Grant Program.

*Action: Authorize the City Manager to Sign the 2000 Community Development Block Grant Subrecipient Contract with the Grand Valley Catholic Outreach*

Staff presentation: David Varley, Assistant City Manager

- 11.\*\*\* **Existing Industry Incentive Request** [Attach W-1](#)

Existing Business Expansion Incentive Committee request for \$47,200 in expansion funds for Hamilton Sundstrand.

*Action: Approve Existing Business Expansion Incentive Committee's Request for \$47,200 in Expansion Funds for Hamilton Sundstrand*

Staff presentation: Diane Schwenke, Chair  
Existing Business Expansion Incentive Committee

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

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

12. **Public Hearing - Vacating a Portion of 25 Road and F 1/2 Road Right-of-Way (Garrett Estates Subdivision)** [File #FP-2000-128] [Attach 11](#)

The developer of Garrett Estates Subdivision requests to vacate a portion of excess right-of-way for 25 Road and F 1/2 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 1/2 Road.

Ordinance No. 3294 – An Ordinance Vacating a Portion of 25 Road and F 1/2 Road adjacent to Garrett Estates Subdivision

*Action: Adopt Ordinance No. 3294 on Second Reading*

Staff presentation: Bill Nebeker, Senior Planner

13. **NON-SCHEDULED CITIZENS & VISITORS**
14. **OTHER BUSINESS**
15. **ADJOURNMENT**

## Attach 1

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

September 20, 2000

The City Council of the City of Grand Junction convened into regular session the 20<sup>th</sup> day of September, 2000 at 7:30 p.m. at the City Auditorium. Those present were Earl Payne, Jack Scott, Jim Spehar, Janet Terry, Reford Theobald, and President of the Council Gene Kinsey. Also present were Interim City Manager David Varley, Assistant City Attorney John Shaver, and City Clerk Stephanie Nye. Cindy Enos-Martinez was absent.

Council President Kinsey called the meeting to order and Councilmember Payne led in the Pledge of Allegiance. The audience remained standing during the invocation by Retired Minister Eldon Coffey.

#### **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**

Bruce Benge was present to receive his certificate for his reappointment to the Downtown Development Authority.

Jim Majors, Gabe De Gabriele and Dusty Dunbar were present to receive their certificates of appointment to the Riverfront Commission.

#### **CONSENT ITEMS**

Upon motion by Councilmember Payne, seconded by Councilmember Terry and carried by roll call vote, the following Consent Items 1 through 5 were approved:

1. **Minutes of Previous Meeting**

*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**

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*

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]

The developer of Garrett Estates Subdivision requests to vacate a portion of excess right-of-way for 25 Road and F 1/2 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 1/2 Road.

Proposed Ordinance Vacating a Portion of 25 Road and F 1/2 Road adjacent to Garrett Estates Subdivision

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

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

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

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

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

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

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

**OPPOSITION TO PROPOSED AMENDMENT 24 ON THE NOVEMBER BALLOT**

The Council voted to oppose Amendment 24, the Citizen's Growth Initiative, at the last Council meeting. The proposed resolution formalizes that position.

Councilmember Theobold read the proposed resolution in its entirety.

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

Upon motion by Councilmember Theobold, seconded by Councilmember Terry and carried by roll call vote, Resolution No. 90-00 was adopted.

**OPPOSITION TO PROPOSED AMENDMENT 21 ON THE NOVEMBER BALLOT**

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

Councilmember Spehar read the resolution in its entirety.

Upon motion by Councilmember Spehar, seconded by Councilmember Scott and carried by roll call vote, Resolution No. 91-00 was adopted.

Councilmember Terry asked Administrative Services and Finance Director Ron Lappi to elaborate on the proposed amendment and its impact if it were to be passed. Mr. Lappi explained the City's revenues are sales tax dependent. The City's rate of financial loss from this amendment will be doubled because of the sales and use tax on prepared foods, restaurant foods and beverages served in restaurants. The City's revenue would be reduced by 50% within four years. Another devastating impact would be the loss of the specific ownership tax. Commercial consumption of gas and electricity sales tax would be reduced the first year.

Councilmember Theobold asked about the \$25 per tax bill perception. Mr. Lappi said the impact is per jurisdiction that levies a property tax. It would actually be a \$25 reduction in property tax per jurisdiction, including each special district.

Councilmember Spehar advised that the Amendment actually it takes away the voter's choice on what services they would like to retain. Under Amendment One, Tabor, previously passed, there is the option of going to the voters for direction in retaining surplus revenues for specific projects. There is no local option to retain taxes for special districts such as library, hospital or fire district with Amendment 21.

Councilmember Theobald noted that both Amendments 24 and 21 virtually eliminate local control.

**PUBLIC HEARING - ASSESSMENTS FOR ALLEY IMPROVEMENT DISTRICT 1999,  
PHASE B AND ASSESSMENTS FOR ALLEY IMPROVEMENT DISTRICT 2000,  
PHASE A**

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

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

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

Mayor Kinsey opened the public hearing at 7:58 p.m.

Rick Marcus, Real Estate Technician, displayed the depiction of the first alley having been improved and reviewed the items. He combined his review for this project, AID-99, Phase B, and the next item, AID-00, Phase A.

Councilmember Terry asked how many alleys were left to do city-wide. Mr. Marcus estimated there were about 110 alleys left with about 75 alleys having been done so far, totaling almost 8 miles.

Councilmember Scott clarified that the City has not received any objections from residents. Mr. Marcus responded affirmatively. One alley petition had 100% signatures and the other had 94%.

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

11<sup>th</sup> 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

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 11<sup>th</sup> 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

Information on both Item 8 and Item 9, Ordinance No. 3290 and Ordinance No. 3291, was presented. The Mayor asked for public comment on either item. There being no public comment the Mayor closed the hearing to public comment at 8:02 p.m.

Upon motion by Councilmember Payne, seconded by Councilmember Theobald and carried by roll call vote, Ordinances No. 3290 and No. 3291 were adopted on second reading and ordered published.

**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**

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 9<sup>th</sup> Street and 30 Road intersections from this subdivision.

Mayor Kinsey opened the public hearing at 8:03 p.m.

Mark Fugere, 382 Evergreen, appellant, addressed the Council. He inquired as to what happened to the initial zoning of RSF-2. He also queried about a condition of approval for a privacy fence. Other questions Mr. Fugere had included if the RSF-4 is compatible with the Growth Plan and is a Growth Plan amendment required? Assistant City Attorney

Shaver commented that these questions would be addressed in Bill Nebeker's, Senior Planner for Community Development, presentation. Mr. Fugere then stated his concerns on the traffic flow on 9<sup>th</sup> Street. The area residents maintain it is a problem and a safety concern. One safety concern involves the response time for the Fire Department should a train be at that area's railroad crossing 9th Street. There are ten trains coming back and forth a day just from Paonia. Mr. Fugere believes any type of density transition should happen on the developer's land if it goes from two houses per acre to four houses per acre. Some type of transition or buffer zone should occur, next to his subdivision, and on the developer's side, where it is going from a lower density to a higher density.

Pat O'Connor, Banner & Associates, 2777 Crossroads Blvd., represented the applicant. The subdivision is located at 28 ½ Road, with a proposal of approximately 3.1 units per acre. This development has been before the Council and the Planning Commission previously. The RSF-2 was recommended at that time because of the unanswered traffic issues but a zone designation needed to be assigned. This development is situated in a location recommended by the Growth Plan for medium to low density, which is 2 to 4 units per acre. The proposal of 3.1 units per acre fits within that range. A new Traffic Impact Statement was performed and submitted to the City by Transportation Initiatives, a highly recommended firm. The study indicated there were some impacts but they were actually very slight. The situation on D Road is not a good situation at the current time, but the study did show the additional impact from this development is fairly minimal. Mr. O'Connor believes all issues and questions regarding the impact have been satisfactorily addressed by the preparer of this study.

Mr. O'Connor addressed the issue of the privacy fence, which was initially to be constructed along the western boundary of the property. Because of opposition from residents residing in that subdivision regarding the privacy fence, the developer instead has eliminated four lots immediately adjacent to the subdivision and increased the size of the adjacent lots to the west in an effort to accommodate the residents' concerns.

Mr. O'Connor stated the RSF-4 is compatible with the Growth Plan. This subdivision is 3.1 units per acre, which falls within the zoning of 2-4 units per acre. The floodplain is a concern with any development and was addressed in the study. It does not affect this site as per current FEMA information.

Councilmember Scott asked what they propose to do with the four eliminated lots. Mr. O'Connor said those four lots would not be submitted as part of the plan. The other lots were increased in size. The average lot size is 8500 square feet but those four lots near the subdivision to the west are over 12,000 square feet.

Bill Nebeker, Senior Planner, explained the history of the zoning. The Planning Commission recommended the RSF-2 zoning to give more density matching the Growth Plan range. The zoning was assigned as the need to assign zoning for the annexation

was imminent. The applicant appealed that, and it went to City Council. The applicant then agreed to withdraw the appeal under the condition that he could come back with a traffic study and apply for RSF-4, which is what happened. The proposal was in compliance with the Growth Plan and the rezone criteria so approval was recommended. The fence was to provide a barrier/buffer to the agricultural area along the west property line. The applicant decided to increase the lot size as opposed to the fence.

Councilmember Terry asked Mr. Nebeker to elaborate about the fencing requirement along D Road and if that is still in existence.

Mr. Nebeker responded that the new Code requires fences to be set back five feet if six feet high and they must have a five foot landscaping strip. This requirement is an attempt to avoid the canyon-like appearance seen along Patterson Road. Assistant City Attorney John Shaver clarified that the developer proposed the fence; it is not required for this project as the project came in under the old code when no such requirement existed.

Councilmember Terry asked Mr. Nebeker to explain the section addressing road improvements. Mr. Nebeker said the applicant is widening D Road along his property but then it must transition back to the current width. Community Development requires the full width of the developer's property be widened.

Councilmember Payne asked approximately how long the widening would be? Mr. Nebeker said it would be approximately 1/8 of a mile. The overall effect is negligible, but the widening of this area would increase the capacity for both right and left turns.

Councilmember Theobald asked Tim Moore, Public Works Manager, for a thumbnail sketch of road improvements in that area.

Tim Moore, Public Works Manager, said a number of improvements are planned for the area. 1.) Riverside bypass - to provide fluid traffic movement that goes around the 9th and D Road intersection (in 5-6 years), 2.) 29 Road from D Road north, meanwhile Mesa County will be going south and constructing a bridge over the river, 3.) Mesa County will also be working on the widening of E Road from 30 Road to 32 Road - to be completed in 2005, and 4.) 30 Road underpass - Mesa County is planning on starting in 2001 and finishing in 2002. There are a number of improvements planned by both the City and the County in that area.

Councilmember Theobald asked Mr. Moore what portion of 32 Road to 9<sup>th</sup> Street is in the city limits. Mr. Moore responded that right now, the city limits ends at 15<sup>th</sup> Street on D Road. The section from 15<sup>th</sup> Street to White Willow Subdivision is actually in city limits.

Councilmember Terry asked Mr. Moore, relative to this subdivision and this particular area, to give some perspective on the above proposed projects and the potential impacts and traffic improvements this subdivision will receive as a result of these projects. Is there a reduction in numbers regarding traffic flows?

Mr. Moore responded that it is tough to know what exactly will happen as far as traffic flows. Preliminary studies indicate an increase of traffic using the 30 Road underpass. The direction of traffic flow from that area is generally to north and west destinations.

Councilmember Terry asked if the 29 Road improvements would have more traffic going north instead of west? Mr. Moore said it certainly can. A preliminary model indicates that once complete, it will serve the Orchard Mesa area. It is unknown about the Pear Park area at this time. Improving Riverside Drive would direct more traffic to the 5<sup>th</sup> Street viaduct in lieu of 9<sup>th</sup> Street, offering the most relief.

Councilmember Terry asked about the impact of the traffic study submitted, and did it make sense, and from his professional perspective, would the impact be minimal?

Mr. Moore responded that the purpose of the expanded study was to help the City understand the level of service better. The study indicated the level of service at both of these intersections would be negligible. The measured level of service is basically unchanged.

Councilmember Spehar stated that when looking at these studies, the real issue is the cumulative affects of the number of subdivisions in an area. He asked Mr. Moore if the study he reviewed took into account future developments in that area? Mr. Moore responded that it did. Any additional developments putting the service level below the acceptable level would need to be addressed with a traffic impact study.

Councilmember Scott asked Mr. Moore if there other projects planned for widening 29 Road on D Road, going west. Mr. Moore stated that there are no such plans within either City or County capital improvements budget. But if the City receives any break from the restrictions of the Tabor Amendment it might be able to factor in road improvements along D Road.

Councilmember Theobald stated that the County may be anticipating the City will be annexing that area soon which would be the reason it is not part of their capital improvement plan.

Councilmember Terry referred to Mr. Fugere's question on City liability to the Assistant City Attorney. Assistant City Attorney Shaver addressed his concern on the potential approval of this subdivision and whether or not there would be liability attended to that for

emergency response. Under the Governmental Immunity Act, a delayed or failed emergency response is not listed as a liability so the City would be immune.

Councilmember Theobald addressed the letters in the packet suggesting the floodplain is a serious threat to this neighborhood. He asked if there could be a potential threat to the neighborhood? Mr. Nebeker responded that the area is not in the 100-year floodplain.

The Mayor asked for public comment. There were no public comments.

Councilmember Payne suggested the appellant be able to respond to some of the issues discussed.

Mark Fugere stated he has seen emergency vehicles blocked by the train and have had to turn around and find an alternate route.

Councilmember Theobald believes that Mr. Fugere makes a good point with emergency service vehicles and asked if the Fire Department is equipped to handle such situations when servicing City areas beyond the railroad tracks. Is there a means of knowing in advance if there is a train blocking the intersection?

Mark Relph, Public Works Director, said it would possible to install a warning device alerting emergency vehicles that there is a train on the tracks. There was such a device installed during the construction project of the 5<sup>th</sup> Street bridge and overpass.

Councilmember Payne understood very few coal trains actually go as far as 9<sup>th</sup> Street. He thought they usually travel west of the 5<sup>th</sup> Street viaduct and 95% of those coal trains continue west. Mr. Fugere countered that those trains go through the hump yard each way. He drives that road everyday, and tends to disagree with the traffic study.

Assistant City Attorney Shaver responded to Mr. Fugere's question on the requirement for fencing. Under the previous Code, the City has not required fences in straight zones. No fence was required and as part of the plan review the City asked if the developer would offer a fence. In this case, he did not, rather he made the accommodation of increasing the lot sizes along the boundary instead. There could be items placed in the covenants that state a fence would be required after a certain period of time. Or the developer may agree to include the fence during the final plan approval.

The Mayor asked for public comments. There were none. He closed the hearing to public comment at 8:50 p.m.

Councilmember Theobald noted the City will wrestle with the issue of traffic on D Road for years to come, but believes the City must rely on the expertise of the traffic analysis. The country setting creates the conflict with the checkerboard development of the



valley, and the Growth Plan has called for this area to be developed at this density in this pattern and therefore, should be followed.

Councilmember Terry agreed with what Councilmember Theobold said about the traffic study and said she wished the money were available to move forward on these improvements more quickly. She is comfortable with the traffic analysis and is hopeful that this subdivision will not have a significant impact on the traffic. The developer's willingness to eliminate the four lots on the west, thus creating a buffer zone between the two subdivisions, is appreciated.

Councilmember Scott would like to see a warning device installed that would indicate when there is a train at the intersection on 9<sup>th</sup> Street, thereby alerting motorists of a potential traffic problem.

Councilmember Spehar was also comfortable with the traffic study and the objective criteria used in the analysis. He also appreciates the decrease in density to create a buffer zone. There have been recent conversations with the Planning Commission on how to avoid sprawl by not reducing the zoned density of a development. It is not fair to hold adjacent property owners to a different standard.

Councilmember Payne agreed with the other members of the Council, adding that he appreciated the zoning being right in the medium range as specified by the Growth Plan. He also commented that the intersection at 9<sup>th</sup> Street and D Road has been a difficult one since the early 1980's. But the addition of the 5<sup>th</sup> Street viaduct offered an alternate route for motorists, eliminating much of the congestion.

Mayor Kinsey believed the decision should be based on objective criteria such as the traffic study. The Council is aware there will be an impact but it is not enough to support the appeal. The questions presented have made the Public Works Department and Council aware of the traffic concerns and that future growth in that area will need to be carefully scrutinized.

**a. Appeal**

Upon motion by Councilmember Payne, seconded by Councilmember Terry and carried by roll call vote, the decision to appeal the Planning Commission approval of the Preliminary Plan and the zoning of the White Willows Annexation was denied.

**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 Theobold, seconded by Councilmember Scott and carried by roll call vote, Ordinance No. 3287 was adopted on second reading and ordered published.

**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]

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.

Mayor Kinsey opened the public hearing at 9:03 p.m.

Richard Cummins, 450 S. Galena Street, Suite 201, Aspen, Co., appellant, gave an analogy to express the reason for his appeal. He referred to a letter dated March 6, 2000 from Mr. Jeffrey Hynes of the Colorado Geological Survey. The properties have virtually been rendered unbuildable by soil distress according to the report. In the Planning Commission transcript on page 8, Mr. Hynes stated he conducted a surface inspection of all five lots. Mr. Cummins directed the Council to page 10, last paragraph, where it mentioned Mr. Edward Morris, Lincoln-DeVore, was also involved in the subsurface investigation of the subject properties. Mr. Morris noted the excavation determined that cracking did not extend into the shale. Mr. Cummins felt Mr. Hynes condemned the lots without really determining whether they are unbuildable or not. He suggested the City conduct an engineering report for each lot as opposed to the lot owners. That way a potential buyer would be less wary of the lot conditions than if the lot owner was paying for the report. He stated he currently cannot sell his lot.

Kathy Portner, Planning Manager, gave a history of the property and the geotechnical studies. The subdivision was approved in the County and the first time the City went out to look at the lots was the first discovery of the house on El Monte having problems. The covenants already require site-specific engineering studies. Since the Homeowners Association isn't really equipped to deal with such reports, the staff thought the study should be submitted to the City and additionally that an engineer be on site while excavation was taking place.

Councilmember Theobold asked Ms. Portner what her reaction is to the appellant's suggestion that the City be responsible for the site-specific engineering investigations as a course of action? Ms. Portner responded that in the past, it has not been typical for the City or County to provide site-specific investigations. It is typically the responsibility of the lot owner.

Councilmember Terry asked Ms. Portner to respond to Mr. Hynes statement that these lots are unbuildable. Ms. Portner said it was not the Planning Commission's position that these lots were unbuildable.

Assistant City Attorney Shaver refers to the rest of the sentence in the letter that relates to soil distress associated to this zone of bluff retreat. That particular sentence makes reference to the map, which has a general area, depicted near the bluff, and the phrase read in context refers to the zone of bluff retreat.

Councilmember Terry asked what information would be available for a potential buyer to review. Ms. Portner responded that a potential buyer would have access to anything in Community Development's files and any notations in the plat map book located at the Community Development counter.

Assistant City Attorney Shaver referred the Council to the record of decision entered into following the Planning Commission hearing and the June 1st letter from Ms. Portner to Mr. Cummins, which is consistent with her testimony tonight.

The Mayor asked for public comments.

Richard Cummins stated that in the minutes of the Planning Commission meeting, page 8, the State Engineer was more inclined to presume undevelopability and this brands these properties as unbuildable. On page 11, an attorney, Mr. Doug Colaric, said that both lot owners were concerned with the cul-de-sac. Mr. Shaver said the City had hired CTL Thompson to study the situation, which Mr. Cummins feels sets a precedent.

Councilmember Terry told Mr. Cummins that he was mixing apples with oranges with the above setting a precedent as that particular issue was regarding a development that had already occurred.

Councilmember Theobald said the investigation performed was actually on City property. Mr. Shaver confirmed that it was City streets and utilities investigated.

There was no further public comment. The Mayor closed the public hearing at 9:25 p.m.

Councilmember Spehar stated that generally Homeowners Associations do very well on designs but they do not have the expertise to investigate technical matters such as geotechnical issues. He thinks this is an issue between the property owner, the developer and the State Geologist, and it is not the City's role to participate in these investigations.

Councilmember Terry is comfortable with the official record saying there needs to be a study but disagrees that it states the property is not buildable.

Upon motion by Councilmember Payne, seconded by Councilmember Spehar and carried by roll call vote, the Council denied the appeal regarding the Planning Commission decision to require geotechnical investigation and/or other analyses for South Rim Filing #4, Lots 7 through 11.

**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]

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.

Mayor Kinsey opened the public hearing at 9:27 p.m.

Kathy Portner, Planning Manager, reviewed the request and displayed an aerial photo of the area. The request meets the criteria of the zoning code and the Planning Commission and staff recommends approval.

Councilmember Theobald asked if there was sufficient access built out and if the stub is necessary. Ms. Portner responded the access is built out and the stub is not used for those lots.

Councilmember Payne clarified that the access is built out. Ms. Portner again confirmed, and indicated that they will be dedicating a needed easement for irrigation. There already is an executed deed for that easement.

Councilmember Theobald clarified with Ms. Portner that all of the rights-of-way came from the applicant so there will be no split among adjacent owners. All of the r-o-w will go back to the applicant.

There was no public comment. The Mayor closed the hearing at 9:30 p.m.

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

Upon motion by Councilmember Theobald, seconded by Councilmember Terry and carried by roll call vote, Ordinance No. 3292 was adopted on second reading.

**POLICY REGARDING SUBDIVISION AND SEWER ASSESSMENTS AFTER CREATION OF A LOCAL SEWER IMPROVEMENT DISTRICT – POSTPONED FROM AUGUST 2, 2000 MEETING**

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.

Greg Trainor, Utilities Manager, reviewed this item. He stated that this proposal is following a discussion with the City Council and the County Commissioners that occurred September 19. He highlighted the important points detailed in the resolution. The assessments of the improvements will be allocated equally to already developed lots and future lots that are anticipated. Those assessments would be collected at the time of development (final plat). There will be no interest penalties assessed. It is a simple approach.

Councilmember Spehar noted that the narrative accompanying the resolution was prepared prior to the previous night's discussion and may not reflect the actual Resolution.

Mr. Trainor confirmed that to be true. Mr. Shaver stated there is no reimbursement provision in the resolution he provided this evening through Mr. Trainor.

Mayor Kinsey asked if the subsidy will be available only if funds are available and questioned whether or not this policy will apply only to lots receiving a subsidy or to all sewer districts.

Mr. Trainor explained that as the septic system elimination program was laid out, 40 sub-basins within the 201 area were investigated. All other areas are probably already developed and have sewer systems.

Mayor Kinsey stated that there is a limited amount of funds in the subsidy program and it may happen that a neighborhood is desperate enough that it will fund the sewer line even without the subsidy. Would this policy still apply to them?

Mr. Trainor gave a scenario to illustrate the situation. If they proceed on their own without the incentive (subsidy), the policy would still apply. The incentive just brings down the initial cost.

Councilmember Spehar stated the purpose of the Resolution is to avoid a free ride for subsequent development.

Mr. Trainor stated paragraph A could be modified to more clearly say the 30% incentive is available only if funds are available to eligible applicants.

Councilmember Spehar suggested another way to address this is at the top of paragraph B to add “regardless of the subsidy ...”.

Mayor Kinsey reiterated the basic policy was discussed with County Commissioners last night, and the City, as managers, has the duty to implement this program.

Resolution No. 92-00 - A 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

Upon motion by Councilmember Spehar, seconded by Councilmember Theobold, and carried by roll call vote, Resolution No. 92-00 was adopted with the following added language as suggested by Mr. Shaver, beginning paragraph B, “...regardless of Persigo System Septic System Elimination incentives...”

**PUBLIC HEARING - ASSESSMENTS FOR SANITARY SEWER IMPROVEMENT  
DISTRICT NO. SS-43-99 – CONTINUED FROM AUGUST 2, 2000 MEETING**

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 12<sup>th</sup> Street. The proposed ordinance will levy assessments in the amount of \$11,883.97 upon each of the seven benefiting parcels.

Mayor Kinsey opened the public hearing at 9:41 p.m.

Tim Woodmansee, Real Estate Manager, reviewed this item and pointed out the location of the property on an aerial photo. He said this project is directly affected by the policy just adopted. Another 30% could be applied to the assessments based on the new policy. The ordinance as written did not deduct the 30% so if that is to be applied then the ordinance needs to be adjusted accordingly. Mr. Woodmansee determined the reduced amount.

The Mayor asked for public comments. There were none. He closed the hearing at 9:47 p.m.

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 11<sup>th</sup> 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

Upon motion by Councilmember Payne, seconded by Councilmember Theobald and carried by roll call vote, Ordinance No. 3277 was adopted as amended on second reading and ordered published.

### **PUBLIC HEARING - 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.

Mayor Kinsey opened the public hearing at 9:48 p.m.

Ron Lappi, Administrative Services and Finance Director, explained that this is the fourth year the City has ceded this allocation to CHFA. No project has come through yet so it is best to “bank” the allocation with CHFA.

The Mayor asked for public comments. There were none. He closed the hearing at 9:50 p.m.

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

Upon motion by Councilmember Terry, seconded by Councilmember Scott and carried by roll call vote, Ordinance No. 3293 was adopted on second reading and ordered published.

### **NON-SCHEDULED CITIZENS & VISITORS**

Mary Huber, 580 ½ Melrose Court, complimented the City on its new facility. However, the volume at the Planning Commission meeting is still low and difficult to hear. She also wanted to compliment the City on the Parks and Recreation Guide. Ms. Huber inquired as to what type of agreement, if any, the School District has with the Parks and Recreation Department for use of its facilities. She felt non-residents should be given consideration for using facilities outside of city limits.

Councilmembers responded with various reasons for the facility rates.

Interim City Manager David Varley will work with AT&T Cable to resolve the volume problem.

**ADJOURNMENT**

The meeting adjourned at 9:55 p.m.

Stephanie Nye, CMC  
City Clerk



**Attach 2**

**CITY COUNCIL AGENDA  
CITY OF GRAND JUNCTION**

| <i>CITY COUNCIL</i>    |                         |   |               |
|------------------------|-------------------------|---|---------------|
| Subject:               | Bank Signatories        |   |               |
| Meeting Date:          | October 4, 2000         |   |               |
| Date Prepared:         | September 29, 2000      |   |               |
| <b>Author:</b>         | Kimberly<br>Marte<br>ns | Accounting Supervisor                       |               |
| <b>Presenter Name:</b> | <b>Ron Lappi</b>        | <b>Administrative Services<br/>Director</b> |               |
|                        | Workshop                |   | Formal Agenda |

**Subject:** Bank Signatories

**Summary:** New City Manager, Kelly E. Arnold, needs to be added as an authorized signatory on our accounts with Alpine Bank. Approval of the resolution will authorize a change removing David Varley and adding Kelly E. Arnold as a signatory on the Payroll and Accounts Payable clearing accounts.

**Background Information:** The proposed resolution effectively amends Resolution 66-00.

**Budget:** n/a

**Action Requested/Recommendation:** Approval of the Resolution

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

|  |                                     |           |                          |            |              |  |
|--|-------------------------------------|-----------|--------------------------|------------|--------------|--|
| <b>Report results back to Council:</b> | <input checked="" type="checkbox"/> | <b>No</b> | <input type="checkbox"/> | <b>Yes</b> | <b>When:</b> |  |
|--|-------------------------------------|-----------|--------------------------|------------|--------------|--|

|                             |                                     |                |                          |                             |                          |                 |
|-----------------------------|-------------------------------------|----------------|--------------------------|-----------------------------|--------------------------|-----------------|
| <b>Placement on Agenda:</b> | <input checked="" type="checkbox"/> | <b>Consent</b> | <input type="checkbox"/> | <b>Indiv. Consideration</b> | <input type="checkbox"/> | <b>Workshop</b> |
|-----------------------------|-------------------------------------|----------------|--------------------------|-----------------------------|--------------------------|-----------------|

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION AMENDING RESOLUTION NO 66-00 PASSED AND ADOPTED BY THE CITY COUNCIL JULY 5, 2000 THAT MODIFIED SECTION (d) OF RESOLUTION 69-98 RELATIVE TO AUTHORIZED SIGNATURES.**

**WHEREAS,** The City Council has authorized an agreement for banking services with Alpine Bank; and

**WHEREAS,** Resolution No. 66-00 amended resolution 2-99 which amended resolution 69-98 authorizing certain individuals as signatories on accounts; and

**WHEREAS,** Staffing changes have created the need to change the designated signatories in section (d).

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

**(d) That the names and titles of the persons authorized to sign demands against the various accounts are as follows:**

PAYROLL CLEARING: any two  
Kelly E. Arnold, City Manager  
Ronald M. Lappi, Finance Director

ACCOUNTS PAYABLE CLEARING: any two  
Kelly E. Arnold, City Manager  
Ronald M. Lappi, Finance Director  
Lanny Paulson, Budget & Accounting Manager  
Jodi Romero, Customer Service Manager

**ADOPTED AND APPROVED THIS \_\_\_\_\_ day of October, 2000**

APPROVED:

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

ATTEST:

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

**Attach 3**

**CITY COUNCIL AGENDA  
CITY OF GRAND JUNCTION**

| <u>CITY COUNCIL</u>    |  |                        |
|------------------------|--|------------------------|
| Subject:               | Renewal of Davis Lease on Somerville, Anderson and Click Ranches |                        |
| Meeting Date:          | October 4, 2000  |                        |
| Date Prepared:         | September 25, 2000   |                        |
| <b>Author:</b>         | Greg Trainor   | Utility Manager        |
| <b>Presenter Name:</b> | <b>Greg Trainor</b>  | <b>Utility Manager</b> |
|                        | Workshop   | Formal Agenda          |

Subject: **Renewal of Davis Lease on Somerville, Anderson and Click ranches**

**Summary:** Renewal of ranch lease on the City-owned Somerville, Anderson and Click ranches to Cliff and Judy Davis. The current lease expired on May, 2000. The City Council conducted interviews of potential lessees in August of last year and directed staff to negotiate a lease renewal with the Davises. It was thought that City Council had approved the lease renewal to the Davises last Fall. On that basis, the Interim City Manager signed the negotiated lease renewal. However, the Clerk could find no Council resolution to this effect.

**Background Information:**

In 1990, the City of Grand Junction purchased the Somerville ranch for its water rights. The City owns other ranch properties in the Kannah Creek area and manage these lands for use of its water. For the past 30 years, the Davis family has leased various ranch lands from the City. In 1990, after the Somerville acquisition, the City leased that ranch to the Davises as well. The current Somerville lease expired in May, 2000. Prior to the lease expiration, the City Council solicited proposals from interested ranchers and in August 1999 interviewed two individuals who had an interest in the lease. After the interviews, Council directed utility staff to negotiate a lease renewal with the Davis family, combining the separate Somerville, Anderson and Click ranch leases into one lease.

Provisions of the renewed lease have the same basic elements as the expired leases:  
Lessee:

1. Pays all *ad valorem* taxes on the leased lands so that Mesa County taxing entities continue to receive revenues from these lands as if they were privately held.

2. Pays the cost of all ranch operations; fence, ditch and building maintenance; weed spraying; BLM grazing fees; and all capital improvements. (See **Performance Objectives**, Appendix A)
3. Makes a lease payment to the City. The 2000-2009 term will generate \$322,204 in lease payments from the Davises to the Water Fund. The 1990-1999 term generated \$275,760 (See **Budget** section, below.)
4. Controls, measures, accounts for irrigation water usage.
5. Manages big game hunting with the City receiving 20% of the gross hunting revenues for cost-sharing with Davis on more long-term capital improvements. The City's share in the past has amounted to \$8,500-\$9,600 per year, or \$85,000 over the ten-year period.
6. Meets with the City annually to report on past year activities and the next year's operations plan.

**Budget:**

| <u>Lease Year</u><br><u>Beginning</u><br><u>May 1,</u> | <u>Somerville</u><br><u>Ranch</u><br><u>Lease</u><br><u>Amount</u> | <u>Click Ranch</u><br><u>Lease</u><br><u>Amount</u> | <u>Anderson</u><br><u>Ranch</u><br><u>Lease</u><br><u>Amount</u> | <u>Combined Somerville-</u><br><u>Click-</u><br><u>Anderson Ranch Lease</u> |                     |
|--|--|---|--|---|---------------------|
|  |  |   |  | <u>Annual Amt.</u>  | <u>Monthly Amt.</u> |
| 2000   | \$21,675.00  | \$2,484.84  | \$4,500.00   | \$28,659.84   | \$2,388.32          |
| 2001   | 22,758.75  | 2,609.08  | 4,725.00   | 30,092.83   | 2,507.74            |
| 2002   | 23,213.93  | 2,661.26  | 4,819.50   | 30,694.69   | 2,557.89            |
| 2003   | 23,678.20  | 2,714.49  | 4,915.89   | 31,308.58   | 2,609.05            |
| 2004   | 24,151.77  | 2,768.78  | 5,014.21   | 31,934.75   | 2,661.23            |
| 2005   | 24,634.80  | 2,824.15  | 5,114.49   | 32,573.45   | 2,714.45            |
| 2006   | 25,127.50  | 2,880.64  | 5,216.78   | 33,224.92   | 2,768.74            |
| 2007   | 25,630.05  | 2,938.25  | 5,321.12   | 33,889.42   | 2,824.12            |
| 2008   | 26,142.65  | 2,997.02  | 5,427.54   | 34,567.20   | 2,880.60            |
| <u>2009</u>  | <u>26,665.50</u>   | <u>3,056.96</u>                                     | <u>5,536.09</u>  | <u>35,258.55</u>  | <u>2,938.21</u>     |
| TOTALS   | \$243,678.15   | \$27,935.47   | \$50,590.62  | \$322,204.23  |                     |

**Action Requested/Recommendation:**

Approve resolution ratifying the interim City Manager's September 14<sup>th</sup> signature of the Davis Lease renewal.

The full text of the Lease renewal is available in the office of the City Clerk

|                              |  |           |                                     |            |                |
|------------------------------|--|-----------|-------------------------------------|------------|----------------|
| <b>Citizen Presentation:</b> | <input type="checkbox"/>                                   | <b>No</b> | <input checked="" type="checkbox"/> | <b>Yes</b> | <b>If Yes,</b> |
| <b>Name:</b>                 | <b>Cliff and Judy Davis</b>                                |           |                                     |            |                |
| <b>Purpose:</b>              | <b>If needed, the Davises are available for discussion</b> |           |                                     |            |                |

|  |                                     |           |                          |            |              |  |
|--|-------------------------------------|-----------|--------------------------|------------|--------------|--|
| <b>Report results back to Council:</b> | <input checked="" type="checkbox"/> | <b>No</b> | <input type="checkbox"/> | <b>Yes</b> | <b>When:</b> |  |
|--|-------------------------------------|-----------|--------------------------|------------|--------------|--|

|                             |                                     |                |                          |                             |                          |                 |
|-----------------------------|-------------------------------------|----------------|--------------------------|-----------------------------|--------------------------|-----------------|
| <b>Placement on Agenda:</b> | <input checked="" type="checkbox"/> | <b>Consent</b> | <input type="checkbox"/> | <b>Indiv. Consideration</b> | <input type="checkbox"/> | <b>Workshop</b> |
|-----------------------------|-------------------------------------|----------------|--------------------------|-----------------------------|--------------------------|-----------------|

## Appendix A

Somerville, Anderson and Click Ranch leases:

### Performance Objectives

#### General

1. Lessee will utilize the public and private lands for grazing in their appropriate time as outlined in the Grazing Plan, Appendix B. Cattle trespass situations on US Forest Service lands or BLM lands shall be dealt with promptly. Failure to respond within a 48-hour period after receiving notification of the trespass situation may result in notice to the lessee of forfeiture of the lease as outlined in Section 13 of this lease. This is necessary to retain the BLM grazing permit in the Whitewater Common Allotment and to prevent contamination within the Town of Palisade's watershed near Kruzen Springs. Losses of either of these two areas as a result of inadequate cattle management will devalue the City's use and enjoyment of its lands.
2. Water available to City lands, either by *direct* flow or *stored* water, will be utilized by the lessee to the fullest extent possible or not wasted. Return flows from City lands will be minimized to the extent possible. Flows will be measured where weirs are installed and recorded by the lessee as flows change at the headgates to ditches feeding City lands and in the laterals feeding various irrigated pastures. This usage will be recorded in the manner illustrated in the Water Record, attached to these Objectives. This data will be subject to review at the annual management meeting held on or before the first day of December of each year between the City Utility Department and the lessee. Water conservation practices and improvements are important for the lessee to undertake as, from time to time, water will be removed from ranch lands for other decreed purposes.
3. The lessee is responsible for improvements to leased properties as outlined in the lease. Work of a permanent nature either to buildings or land is subject to City approval. This includes but is not limited to new roads, new fences, new ditches, woodcutting, and drainage improvements. These can be discussed at the annual meeting or at other times arranged between the City and the lessees.
4. Subleases to or use of City buildings by the individuals, other than the Lessees, must be approved in advance by the City Utility Department. Reimbursements for the sublease, either monetarily or in exchange for services, must be approved by the City.
5. Lessees will continue their membership in the Mesa Soil Conservation District and will take advantage of appropriate land and water programs available through the

District. Permanent land and water projects, proposed by the lessee, will be reviewed for funding by the District.

6. Lessees will cooperate financially with the City, Mesa County and others in a long-term project to control and eliminate the spread of noxious weeds on City lands. This includes the spread of Russian Olive and Tamarisk trees. Noxious weeds are defined as those on the Mesa County list of noxious weeds. This item will be an agenda item on the annual management meeting held in late Fall of each year.
7. Relationships with neighboring landowners and water users are important to the City of Grand Junction. Cordial relationships with other private and public landowners is material to continued use of City lands for water development purposes. Lessees will take special care to work with neighboring landowners and users on all grazing, water, weed, and fencing issues.

**RESOLUTION NO. \_\_\_\_\_**

**RESOLUTION RATIFYING THE INTERIM CITY MANAGER'S SIGNATURE  
OF THE DAVIS LEASE RENEWAL FOR THE  
SOMERVILLE, ANDERSON, AND CLICK RANCHES**

**WHEREAS**, the City of Grand Junction has leased the Somerville, Anderson and Click ranches to Cliff and Judy Davis since 1990, and

**WHEREAS**, the lease expired in May of 2000, and

**WHEREAS**, the City Council interviewed potential ranch lessees in August of 1999 in anticipation of the lease expiration and authorized utility staff to negotiate a lease renewal with Cliff and Judy Davis, and

**WHEREAS**, a new lease has been negotiated with increased lease payments over the next ten years, authorizing the Davises to continue big game hunting on the property, to use the City's water supply for irrigation purposes, to pay all ad valorem taxes on the properties, and to pay all operations, maintenance and capital improvement costs, and

**WHEREAS**, the Interim City Manager signed the lease renewal on September 14, 2000, subject to Council approval.

**NOW, THREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF  
GRAND JUNCTION,**

That the Interim City Manager of the City of Grand Junction is authorized to sign the ranch lease renewal between the City of Grand Junction and Cliff and Judy Davis.

Attest:

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

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



**Attach 4**

**CITY COUNCIL AGENDA  
CITY OF GRAND JUNCTION**

| <i>CITY COUNCIL</i>    |   |                               |
|------------------------|---|-------------------------------|
| Subject:               | Alley Improvement District 2001 Phase A |                               |
| Meeting Date:          | October 4 <sup>th</sup> , 2000          |                               |
| Date Prepared:         | September 26 <sup>th</sup> , 2000       |                               |
| <b>Author:</b>         | Rick Marcus                             | Real Estate Technician        |
| <b>Presenter Name:</b> | <b>Rick Marcus</b>                      | <b>Real Estate Technician</b> |
|                        | Workshop                                | Formal Agenda                 |

**Subject:** Resolution declaring the intent of the City Council intent to create Alley Improvement District ST-01, Phase A, and giving notice of a hearing.

**Summary:** Petitions have been submitted requesting a Local Improvement District be created to reconstruct the following five alleys:

- East/West Alley from 8<sup>th</sup> to 9<sup>th</sup>, between Chipeta Avenue and Ouray Avenue
- East/West Alley from 9<sup>th</sup> to 10<sup>th</sup>, between Colorado Avenue and Ute Avenue
- East/West Alley from 10<sup>th</sup> to 11<sup>th</sup>, between Main Street and Colorado Avenue
- East/West Alley from 10<sup>th</sup> to 11<sup>th</sup>, between Hill Avenue and Teller Avenue
- “T” shaped Alley from 18<sup>th</sup> to 19<sup>th</sup>, between Elm Avenue and Bunting Avenue

The proposed resolution is the first step in the formal process of creating the proposed Improvement District. A hearing to allow public comment for or against the proposed Improvement District is scheduled for the November 15<sup>th</sup>, 2000, City Council meeting.

Background Information: Peoples Ordinance No. 33 authorizes the City Council to create improvement districts and levy assessments when requested by a majority of the owners of the property to be assessed. Council may also establish assessment rates by resolution. The present rates for alleys are \$8.00 per abutting foot for residential single-family uses, \$15.00 per abutting foot for residential multi-family uses, and \$31.50 per abutting foot for non-residential uses.

**Budget:**

|   |           |
|---|-----------|
| 2001 Alley Budget                               | \$333,000 |
| Estimated Cost to construct 2001 Phase A Alleys | \$254,250 |
| Estimated Balance                               | \$78,750  |

**Action Requested/Recommendation:** Review and adopt proposed resolution.

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

**SUMMARY SHEET**

**PROPOSED ALLEY IMPROVEMENT DISTRICT  
8<sup>TH</sup> STREET TO 9<sup>TH</sup> STREET  
CHIPETA AVENUE TO OURAY AVENUE**

| <b>OWNER</b>                      | <b>FOOTAGE</b> | <b>COST/FOOT</b> | <b>ASSESSMENT</b> |
|-----------------------------------|----------------|------------------|-------------------|
| DONALD CARPENTER                  | 50.00          | \$15.00          | \$ 750.00         |
| • CINDI HOWE                      | 50.00          | \$ 8.00          | \$ 400.00         |
| RON ELLIOTT                       | 50.00          | \$ 8.00          | \$ 400.00         |
| • RICHARD & BONNIE AKERS          | 50.00          | \$ 8.00          | \$ 400.00         |
| ELIZABETH FULTON                  | 50.00          | \$ 8.00          | \$ 400.00         |
| PIERA & D KLLANXHJA               | 50.00          | \$ 8.00          | \$ 400.00         |
| • DEBBIE KENNEDY                  | 50.00          | \$ 8.00          | \$ 400.00         |
| PETER STABOLEPSZY                 | 50.00          | \$ 8.00          | \$ 400.00         |
| • CHARLES HARDY & DANNA MICHELS   | 50.00          | \$ 8.00          | \$ 400.00         |
| • WILLIAM & DORIS SCHULTZ         | 50.00          | \$ 8.00          | \$ 400.00         |
| • CHARLES & ESTHER HAUTH          | 50.00          | \$ 8.00          | \$ 400.00         |
| • TOM GEIST                       | 50.00          | \$ 8.00          | \$ 400.00         |
| • MARTIN LAMB                     | 50.00          | \$ 8.00          | \$ 400.00         |
| • RICHARD & ALMARINE CARDENAS     | 50.00          | \$ 8.00          | \$ 400.00         |
| MARK & KATHY CHIONO               | 50.00          | \$ 8.00          | \$ 400.00         |
| ARTHUR TAFOYO ( BISHOP OF PUEBLO) | 50.00          | \$ 8.00          | <u>\$ 400.00</u>  |
| <b>TOTAL</b>                      |                |                  | <b>\$6,750.00</b> |
| <b>ASSESSABLE FOOTAGE</b>         | <b>800.00</b>  |                  |                   |

|                             |                    |
|-----------------------------|--------------------|
| Estimated Cost to Construct | \$ 40,500.00       |
| Absolute Cost to Owners     | <u>\$ 6,750.00</u> |
| Estimated Cost to City      | \$ 33,750.00       |

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 & 56% of Abutting Footage

**SUMMARY SHEET**

**PROPOSED ALLEY IMPROVEMENT DISTRICT  
9th STREET TO 10th STREET  
COLORADO AVENUE TO UTE AVENUE**

| <u>OWNER</u>                | <u>FO</u> | <u>COST/FOOT</u> | <u>ASSESSMENT</u>  |
|-----------------------------|-----------|------------------|--------------------|
| • ERTL ENTERPRISES          | 50.00     | \$ 8.00          | \$ 400.00          |
| • REGINA & MARY YOST        | 50.00     | \$ 8.00          | \$ 400.00          |
| • LENNY & LINDA HARTTER     | 50.00     | \$15.00          | \$ 750.00          |
| LYLE DUMONT                 | 25.00     | \$ 8.00          | \$ 200.00          |
| ISABEL HERTEL (TRUST)       | 50.00     | \$15.00          | \$ 750.00          |
| TIMOTHY NELSON & MAY BOSSON | 50.00     | \$ 8.00          | \$ 400.00          |
| • DARREN COOK               | 62.50     | \$15.00          | \$ 937.50          |
| MIYOUNG & TODD TAYLOR       | 62.50     | \$15.00          | \$ 937.50          |
| • SCHOOL DISTRICT 51        | 400.00    | \$31.50          | <u>\$12,600.00</u> |
| TOTAL                       |           |                  | <u>\$17,375.00</u> |
| ASSESSABLE FOOTAGE          | 800.00    |                  |                    |

|                             |                     |
|-----------------------------|---------------------|
| Estimated Cost to Construct | \$ 40,500.00        |
| Absolute Cost to Owners     | <u>\$ 17,375.00</u> |
| Estimated Cost to City      | \$ 23,125.00        |

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 = 5/9 or 56% of Owners & 77% of Abutting Footage

**SUMMARY SHEET**

**PROPOSED ALLEY IMPROVEMENT DISTRICT  
10th STREET TO 11th STREET  
MAIN STREET TO COLORADO AVENUE**

| <b>OWNER</b>                                | <b>FOOTAGE</b> | <b>COST/FOOT</b> | <b>ASSESSMENT</b> |
|---|----------------|------------------|-------------------|
| 1021 MAIN ENTERPRISES                       | 50.00          | \$31.50          | \$1,575.00        |
| • GENEVIEVE HARRIS (TRUSTEE)                | 50.00          | \$31.50          | \$1,575.00        |
| • CYNTHIA HAND-TREECE & MARILYNN HAND HOEPF | 50.00          | \$ 8.00          | \$ 400.00         |
| • ADAM PATE                                 | 50.00          | \$ 8.00          | \$ 400.00         |
| • KATHERINE MONROE & ANTHONY BOGART         | 50.00          | \$ 8.00          | \$ 400.00         |
| • MESA TRAVEL SERVICE                       | 50.00          | \$31.50          | \$1,575.00        |
| ED MIGUES & NITA KRONINGER                  | 50.00          | \$ 8.00          | \$ 400.00         |
| IRIS & JAMES JOHNS                          | 50.00          | \$ 8.00          | \$ 400.00         |
| • DANIEL BROWN & MAX MORRIS                 | 50.00          | \$ 8.00          | \$ 400.00         |
| RICHARD JONES                               | 100.00         | \$15.00          | \$1,500.00        |
| RICHARD & MARY JONES                        | 50.00          | \$ 8.00          | \$ 400.00         |
| • WELLS PROPERTIES, INC                     | 50.00          | \$ 15.00         | \$ 750.00         |
| • DANIEL BROWN AND MAX MORRIS               | 50.00          | \$ 8.00          | \$ 400.00         |
| HILLTOP HEALTH SERVICES                     | 100.00         | \$31.50          | <u>\$3,150.00</u> |
| TOTAL                                       |                |                  | \$13,325.00       |
| ASSESSABLE FOOTAGE                          | 800.00         |                  |                   |

|                             |                     |
|-----------------------------|---------------------|
| Estimated Cost to Construct | \$ 40,500.00        |
| Absolute Cost to Owners     | <u>\$ 13,325.00</u> |
| Estimated Cost to City      | \$ 27,175.00        |

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 = 8/14 or 57% of Owners & 50% of Abutting Footage

**SUMMARY SHEET**

**PROPOSED ALLEY IMPROVEMENT DISTRICT  
10th STREET TO 11th STREET  
HILL AVENUE TO TELLER AVENUE**

| <b>OWNER</b>                         | <b>FOOTAGE</b> | <b>COST/FOOT</b> | <b>ASSESSMENT</b> |
|--------------------------------------|----------------|------------------|-------------------|
| • CHERYL KRUEGER                     | 100.00         | \$ 8.00          | \$ 800.00         |
| LAWRENCE SLATER & ED HOKANSON        | 50.00          | \$15.00          | \$ 750.00         |
| LAWRENCE SLATER & ED HOKANSON        | 50.00          | \$ 8.00          | \$ 400.00         |
| MATTHEW ROGOYSKI                     | 50.00          | \$ 8.00          | \$ 400.00         |
| • DANIEL BARNES                      | 50.00          | \$ 8.00          | \$ 400.00         |
| • ROBERT JOHNSON et. al.             | 50.00          | \$15.00          | \$ 750.00         |
| PEGGY HOBBS                          | 50.00          | \$ 8.00          | \$ 400.00         |
| • CHARLES PABST                      | 50.00          | \$ 8.00          | \$ 400.00         |
| • MARTIN & EILEEN DONOHUE            | 50.00          | \$ 8.00          | \$ 400.00         |
| • PATRICIA CANDELARIA                | 50.00          | \$15.00          | \$ 750.00         |
| GAIL WILCOX (TRUSTEE)                | 50.00          | \$ 8.00          | \$ 400.00         |
| • KIMBERLIE DAVIS & MAURA<br>MCDUGAL | 50.00          | \$ 8.00          | \$ 400.00         |
| • MARGARET FOGAL                     | 50.00          | \$ 8.00          | \$ 400.00         |
| ERTL ENTERPRISES                     | 50.00          | \$ 8.00          | \$ 400.00         |
| WILLIAM BAILEY                       | 50.00          | \$ 8.00          | \$ 400.00         |
| <b>TOTAL</b>                         |                |                  | <b>\$7,450.00</b> |
| <b>ASSESSABLE FOOTAGE</b>            | <b>800.00</b>  |                  |                   |

|                             |                    |
|-----------------------------|--------------------|
| Estimated Cost to Construct | \$ 40,500.00       |
| Absolute Cost to Owners     | <u>\$ 7,450.00</u> |
| Estimated Cost to City      | \$ 33,050.00       |

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 = 8/15 or 53% of Owners & 56% of Abutting Footage

**SUMMARY SHEET**

**PROPOSED ALLEY IMPROVEMENT DISTRICT  
18TH STREET TO 19TH STREET  
BUNTING AVENUE TO ELM AVENUE**

| OWNER                                   | FOOTAGE         | COST/FOOT | ASSESSMENT         |
|---|-----------------|-----------|--------------------|
| • JOHN GRIBBEN                          | 58.00           | \$ 8.00   | \$ 464.00          |
| • VERA & H. PEARCE                      | 60.00           | \$ 8.00   | \$ 480.00          |
| • TONY & EUDORA MARTINEZ                | 60.00           | \$ 8.00   | \$ 480.00          |
| • AMY & BRIAN JARVIS                    | 60.00           | \$ 8.00   | \$ 480.00          |
| CALVIN & ANNE REED                      | 60.00           | \$ 8.00   | \$ 480.00          |
| • JUAN & JUANITA SERNA                  | 138.90          | \$ 8.00   | \$1,111.40         |
| • ROSE TOWNE                            | 63.00           | \$ 8.00   | \$ 504.00          |
| ADOLF & MARGARET KEEL                   | 63.00           | \$ 8.00   | \$ 504.00          |
| • MARK & TERESA LAMBERT                 | 63.00           | \$ 8.00   | \$ 504.00          |
| • DEARL & LISA BEAM                     | 63.00           | \$ 8.00   | \$ 504.00          |
| NANCY BOLLIG, DILBERT & SHIRLEY GILBERT | 63.00           | \$ 8.00   | \$ 504.00          |
| GEORGE & SHARON PETTIT                  | 63.00           | \$ 8.00   | \$ 504.00          |
| • KEN & LYNN LUBALL                     | 63.00           | \$ 8.00   | \$ 504.00          |
| • STEVE WYNNE                           | 63.00           | \$ 8.00   | \$ 504.00          |
| CHRIS OTTO & CARYN PENN                 | 63.00           | \$15.00   | \$ 945.00          |
| BRUCE WIUFF                             | 139.10          | \$ 8.00   | \$1,112.80         |
| • ALVIS GOOLSBY                         | 63.00           | \$ 8.00   | \$ 504.00          |
| • ROBERT & ANN SHOPBELL                 | 63.00           | \$ 8.00   | \$ 504.00          |
| CAROLYN KOSTELC                         | 63.00           | \$ 8.00   | \$ 504.00          |
| LYSIE & CHARLA WILSON                   | 63.00           | \$ 8.00   | \$ 504.00          |
| DELBERT & SHIRLEY GILBERT               | 63.00           | \$ 8.00   | \$ 504.00          |
| • FLOYD & LORRAINE O'NAN                | 63.00           | \$15.00   | \$ 945.00          |
| R & J WASIELEWSKI                       | 63.00           | \$ 8.00   | \$ 504.00          |
| WILLIAM & JOAN BOND                     | 63.00           | \$15.00   | \$ 945.00          |
| <b>TOTAL</b>                            |                 |           | <b>\$14,499.00</b> |
| <b>ASSESSABLE FOOTAGE</b>               | <b>1,647.00</b> |           |                    |

|                             |              |
|-----------------------------|--------------|
| Estimated Cost to Construct | \$ 92,250.00 |
| Absolute Cost to Owners     | \$ 14,499.00 |
| Estimated Cost to City      | \$ 77,571.00 |

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 = 13/24 or 54% of Owners & 54% of Abutting Footage



**RESOLUTION NO. \_\_\_\_\_**

**DECLARING THE INTENTION OF THE CITY COUNCIL  
OF THE CITY OF GRAND JUNCTION, COLORADO, TO CREATE  
WITHIN SAID CITY ALLEY IMPROVEMENT DISTRICT NO. ST- 01, PHASE A, AND  
AUTHORIZING THE CITY ENGINEER TO PREPARE  
DETAILS AND SPECIFICATIONS FOR THE SAME.**

**WHEREAS**, a majority of the property owners to be assessed have petitioned the City Council, under the provisions of Chapter 28 of the City of Grand Junction Code of Ordinances, as amended, and People's Ordinance No. 33, that an Alley Improvement District be created for the construction of improvements as follows:

**Location of Improvements:**

- East/West Alley from 8<sup>th</sup> to 9<sup>th</sup>, between Chipeta Avenue and Ouray Avenue
- East/West Alley from 9<sup>th</sup> to 10<sup>th</sup>, between Colorado Avenue and Ute Avenue
- East/West Alley from 10<sup>th</sup> to 11<sup>th</sup>, between Main Street and Colorado Avenue
- East/West Alley from 10<sup>th</sup> to 11<sup>th</sup>, between Hill Avenue and Teller Avenue
- “T” shaped Alley from 18<sup>th</sup> to 19<sup>th</sup>, between Elm Avenue and Bunting Avenue

**Type of Improvements** - To include base course material under a mat of Concrete Pavement and construction or reconstruction of concrete approaches as deemed necessary by the City Engineer; and

**WHEREAS**, the City Council deems it advisable to take the necessary preliminary proceedings for the creation of a Local Improvement District.

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

1. That the District of lands to be assessed is described as follows:

LOTS 1 through 32, inclusive, Block 63, of the City of Grand Junction;  
AND ALSO, LOTS 1 through 32, inclusive, Block 130, of the City of Grand Junction;  
AND ALSO, LOTS 1 through 32, inclusive, Block 112, of the City of Grand Junction;  
AND ALSO, South ½ of Lots 1 through 4, inclusive, Block 24; and all of Lots 5 through 32,  
inclusive, Block 24, of the City of Grand Junction;  
AND ALSO, LOTS 1 through 25, inclusive, Block 5, Elmwood Plaza Refile,  
All in the City of Grand Junction, and Mesa County, Colorado.



2. That the assessment levied against the respective properties will be as follows per each linear foot directly abutting the alley right-of-way:

Properties located within any zone other than residential and properties which are used and occupied for any purpose other than residential shall be assessed \$31.50 per abutting foot; provided, however, that existing multi-family uses within a non-residential zone shall be assessed at the multi-family rate of \$15.00 per abutting foot; further provided, that any single-family uses within a non-residential zone shall be assessed at the single family rate of \$8.00 per abutting foot.

Properties located in a residential multi-family zone shall be assessed at the residential multi-family rate of \$15.00 per abutting foot; provided, however, that any single family uses within a multi-family zone shall be assessed at the single family rate of \$8.00 per abutting foot.

Properties located in a single family residential zone shall be assessed at \$8.00 per abutting foot; provided, however, that existing multi-family uses within a residential zone shall be assessed at the multi-family rate of \$15.00 per abutting foot.

Properties having alley frontage on more than one side shall be assessed the applicable assessment rate for the frontage on the longest side only.

If the use of any property changes, or if a property is rezoned any time prior to the assessment hearing, the assessment shall reflect that change.

The total amount of assessable footage for properties receiving the single-family residential rate is estimated to be 3,433.00 feet and the total amount of assessable footage for properties receiving the multi-family residential rate is estimated to be 764.00 feet; and the total amount of assessable footage receiving the non-residential rate is 650.00.

3. That the assessments to be levied against the properties in said District to pay the cost of such improvements shall be due and payable, without demand, within thirty (30) days after the ordinance assessing such costs becomes final, and, if paid during this period, the amount added for costs of collection and other incidentals shall be deducted; provided, however, that failure by any owner(s) to pay the whole assessment within said thirty (30) day period shall be conclusively considered as an election on the part of said owner(s) to pay the assessment, together with an additional six percent (6%) one-time charge for cost of collection and other incidentals which shall be added to the principal payable in ten (10) annual installments, the first of which 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.

4. That the City Engineer is hereby authorized and directed to prepare full details, plans and specifications for such paving; and a map of the district depicting the real property to be assessed from which the amount of assessment to be levied against each individual property may be readily ascertained, all as required by Ordinance No. 178, as amended, City of Grand Junction, Colorado.

5. That Notice of Intention to Create said Alley Improvement District No. ST-01, Phase A, and of a hearing thereon, shall be given by advertisement in one issue of The Daily Sentinel, a newspaper of general circulation published in said City, which Notice shall be in substantially the form set forth in the attached "**NOTICE**".

## NOTICE

### OF INTENTION TO CREATE ALLEY IMPROVEMENT DISTRICT NO. ST-01, PHASE A, IN THE CITY OF GRAND JUNCTION, COLORADO, AND OF A HEARING THEREON

**PUBLIC NOTICE IS HEREBY GIVEN**, pursuant to the request of a majority of the affected property owners, to the owners of real estate in the district hereinafter described and to all persons generally interested that the City Council of the City of Grand Junction, Colorado, intends to create Alley Improvement District No. ST-01, Phase A, in said City for the purpose of reconstructing and paving certain alleys to serve the property hereinafter described, which lands are to be assessed with the cost of the improvements, to wit:

That the District of lands to be assessed is described as follows:

LOTS 1 through 32, inclusive, Block 63, of the City of Grand Junction;  
AND ALSO, LOTS 1 through 32, inclusive, Block 130, of the City of Grand Junction;  
AND ALSO, LOTS 1 through 32, inclusive, Block 112, of the City of Grand Junction;  
AND ALSO, South ½ of Lots 1 through 4, inclusive, Block 24; and all of Lots 5 through 32, inclusive, Block 24, of the City of Grand Junction;  
AND ALSO, LOTS 1 through 25, inclusive, Block 5, Elmwood Plaza Refile,  
All in the City of Grand Junction, and Mesa County, Colorado.

#### **Location of Improvements:**

- East/West Alley from 8<sup>th</sup> to 9<sup>th</sup>, between Chipeta Avenue and Ouray Avenue
- East/West Alley from 9<sup>th</sup> to 10<sup>th</sup>, between Colorado Avenue and Ute Avenue
- East/West Alley from 10<sup>th</sup> to 11<sup>th</sup>, between Main Street and Colorado Avenue
- East/West Alley from 10<sup>th</sup> to 11<sup>th</sup>, between Hill Avenue and Teller Avenue
- “T” shaped Alley from 18<sup>th</sup> to 19<sup>th</sup>, between Elm Avenue and Bunting Avenue

**Type of Improvements** - To include base course material under a mat of Concrete Pavement and construction or reconstruction of concrete approaches as deemed necessary by the City Engineer.

2. That the assessment levied against the respective properties will be as follows per each linear foot directly abutting the alley right-of-way:

Properties located within any zone other than residential and properties which are used and occupied for any purpose other than residential shall be assessed \$31.50 per abutting foot; provided, however, that existing multi-family uses within a non-residential zone shall be assessed at the multi-family rate of \$15.00 per abutting foot;

Properties located in a residential multi-family zone shall be assessed at the residential multi-family rate of \$15.00 per abutting foot.

Properties located in a single-family residential zone shall be assessed at \$8.00 per abutting foot.

Properties having alley frontage on more than one side shall be assessed the applicable assessment rate for the frontage on the longest side only.

If the use of any property changes, or if a property is rezoned any time prior to the assessment hearing, the assessment shall reflect that change.

The total amount of assessable footage for properties receiving the single-family residential rate is estimated to be 3,433.00 feet and the total amount of assessable footage for properties receiving the multi-family residential rate is estimated to be 764.00 feet; and the total amount of assessable footage receiving the non-residential rate is 650.00.

To the total assessable cost of \$ 59,349.00 to be borne by the property owners, there shall be added six (6) percent for costs of collection and incidentals. The said assessment shall be due and payable, without demand, within thirty (30) days after the ordinance assessing such cost shall have become final, and if paid during such period, the amount added for costs of collection and incidentals shall be deducted; provided however, that failure by any owner(s) to pay the whole assessment within said thirty (30) day period shall be conclusively considered as an election on the part of said owner(s) to pay the assessment, together with an additional six percent (6%) one-time charge for cost of collection and other incidentals which shall be added to the principal payable in ten (10) annual installments which shall become due upon the same date upon which general taxes, or the first installment thereof, are by the laws of the State of Colorado, made payable. Simple interest at the rate of eight (8) percent per annum shall be charged on unpaid installments.

On November 15<sup>th</sup> , 2000, at the hour of 7:30 o'clock P.M. in the City Council Chambers in City Hall located at 250 North 5th Street in said City, the Council will consider testimony that may be made for or against the proposed improvements by the owners of any real estate to be assessed, or by any person interested.

A map of the district, from which the share of the total cost to be assessed upon each parcel of real estate in the district may be readily ascertained, and all proceedings of the Council, are on file and can be seen and examined by any person interested therein in the office of the City Clerk during business hours, at any time prior to said hearing.

Dated at Grand Junction, Colorado, this 4<sup>th</sup> day of October, 2000.

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

By: \_\_\_\_\_  
City Clerk

**PASSED** and **ADOPTED** this 4<sup>th</sup> day of October, 2000.

---

President of the Council

Attest:

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City Clerk



2945-141-34-010  
 802 OURAY AVE.  
 \$ 400.00  
 2945-141-34-011  
 810 OURAY AVE.  
 \$ 400.00  
 2945-141-34-012  
 820 OURAY AVE.  
 \$ 400.00  
 2945-141-34-013  
 828 OURAY AVE.  
 \$ 400.00  
 2945-141-34-014  
 830 OURAY AVE.  
 \$ 400.00  
 2945-141-34-015  
 844 OURAY AVE.  
 \$ 400.00  
 2945-141-34-016  
 856 OURAY AVE.  
 \$ 400.00  
 2945-141-34-017  
 860 OURAY AVE.  
 \$ 400.00

OURAY AVENUE

|  |       |  |
|--|-------|--|
| 2945-141-34-010<br>802 OURAY AVE.<br>\$ 400.00 | ALLEY | 2945-141-34-018<br>801 CHIPETA AVE.<br>\$ 750.00 |
| 2945-141-34-011<br>810 OURAY AVE.<br>\$ 400.00 |       | 2945-141-34-003<br>815 CHIPETA AVE.<br>\$ 400.00 |
| 2945-141-34-012<br>820 OURAY AVE.<br>\$ 400.00 |       | 2945-141-34-004<br>821 CHIPETA AVE.<br>\$ 400.00 |
| 2945-141-34-013<br>828 OURAY AVE.<br>\$ 400.00 |       | 2945-141-34-005<br>827 CHIPETA AVE.<br>\$ 400.00 |
| 2945-141-34-014<br>830 OURAY AVE.<br>\$ 400.00 |       | 2945-141-34-006<br>835 CHIPETA AVE.<br>\$ 400.00 |
| 2945-141-34-015<br>844 OURAY AVE.<br>\$ 400.00 |       | 2945-141-34-007<br>839 CHIPETA AVE.<br>\$ 400.00 |
| 2945-141-34-016<br>856 OURAY AVE.<br>\$ 400.00 |       | 2945-141-34-008<br>843 CHIPETA AVE.<br>\$ 400.00 |
| 2945-141-34-017<br>860 OURAY AVE.<br>\$ 400.00 |       | 2945-141-34-009<br>859 CHIPETA AVE.<br>\$ 400.00 |

CHIPETA STREET

2001 PHASE "A" ALLEY IMPROVEMENT DISTRICT

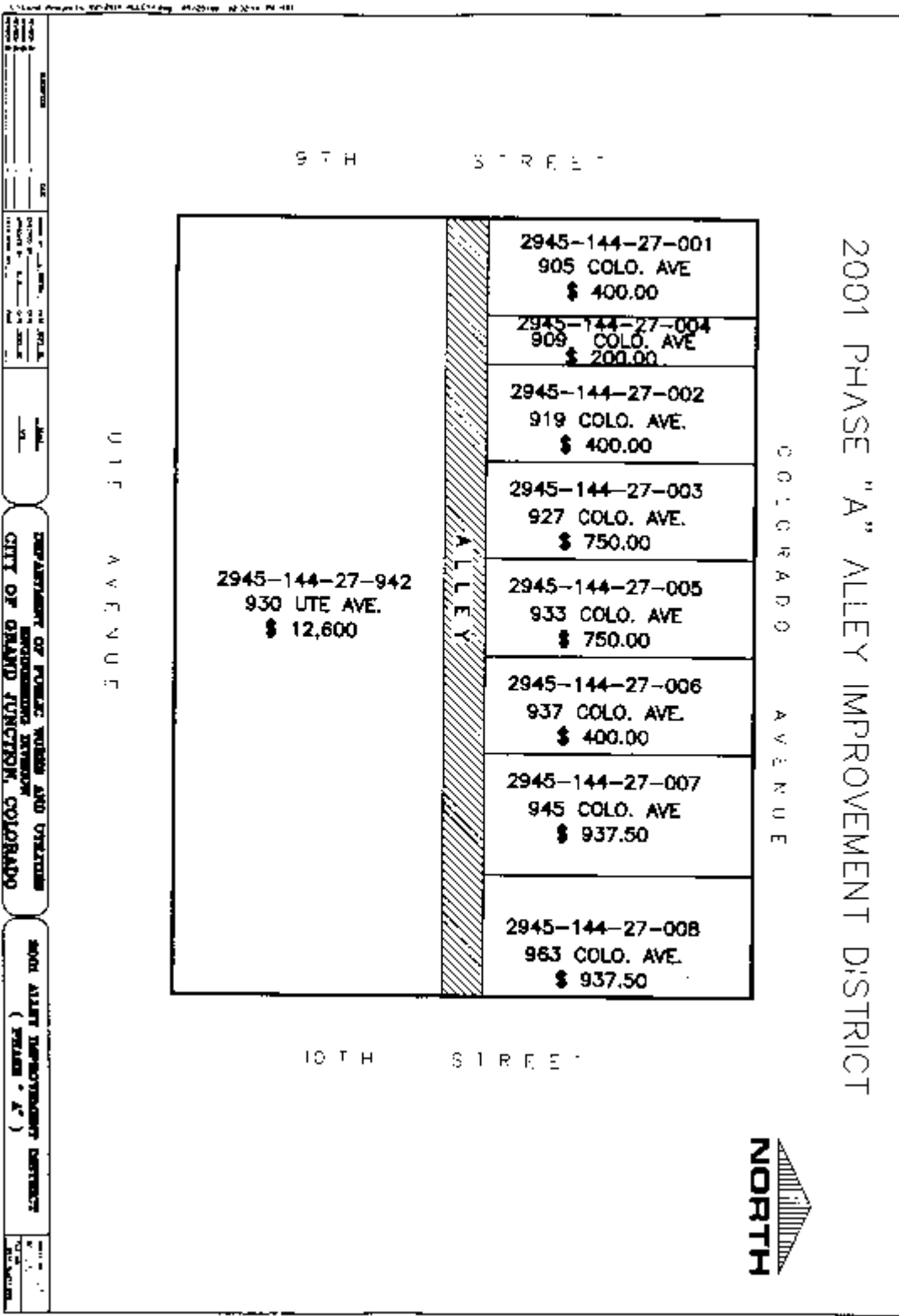
8TH STREET

9TH STREET

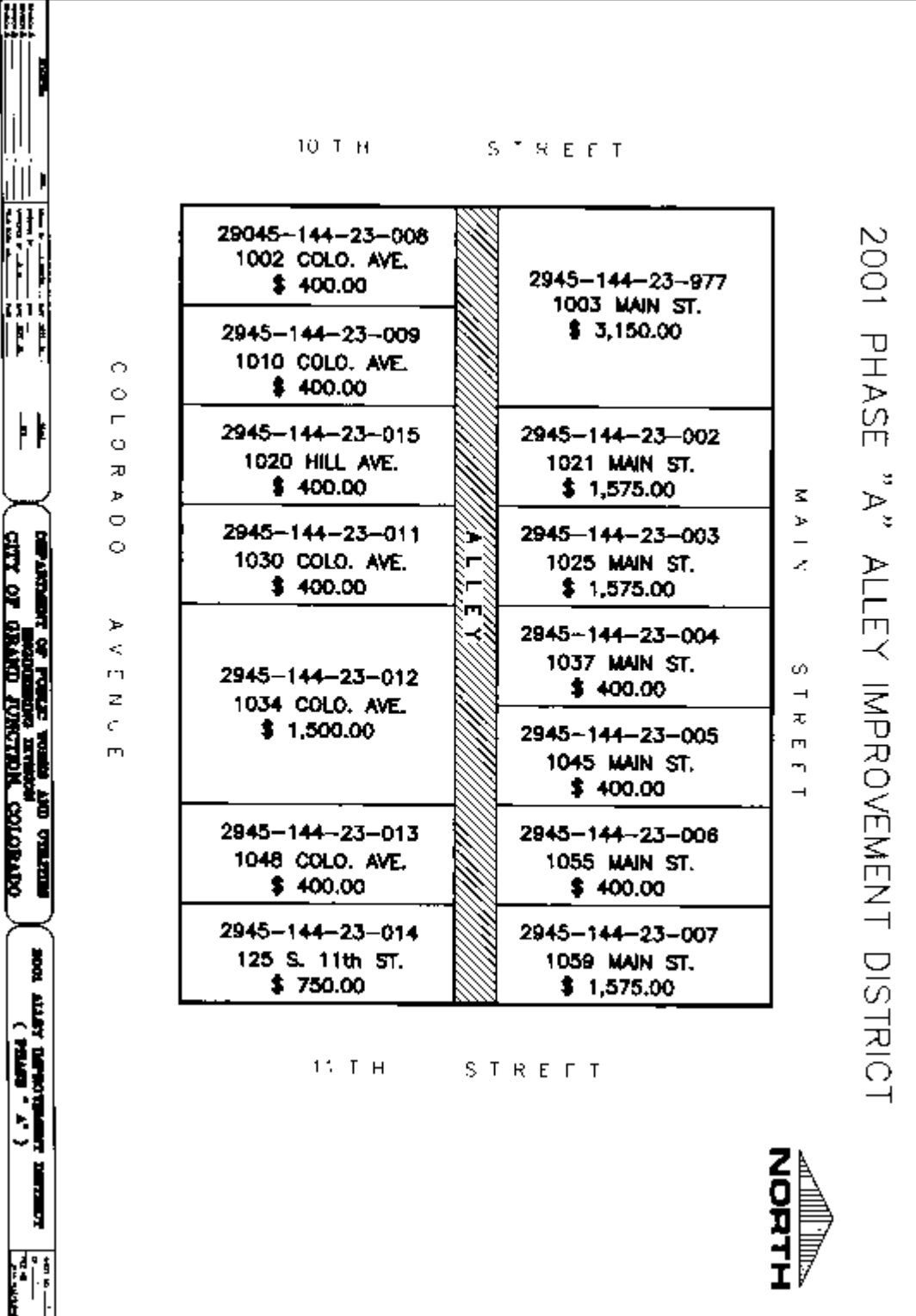


DEPARTMENT OF PUBLIC WORKS AND UTILITIES  
 ENGINEERING DIVISION  
 CITY OF GRAND JUNCTION, COLORADO

SOON ALLEY IMPROVEMENT DISTRICT  
 ( PHASE "A" )



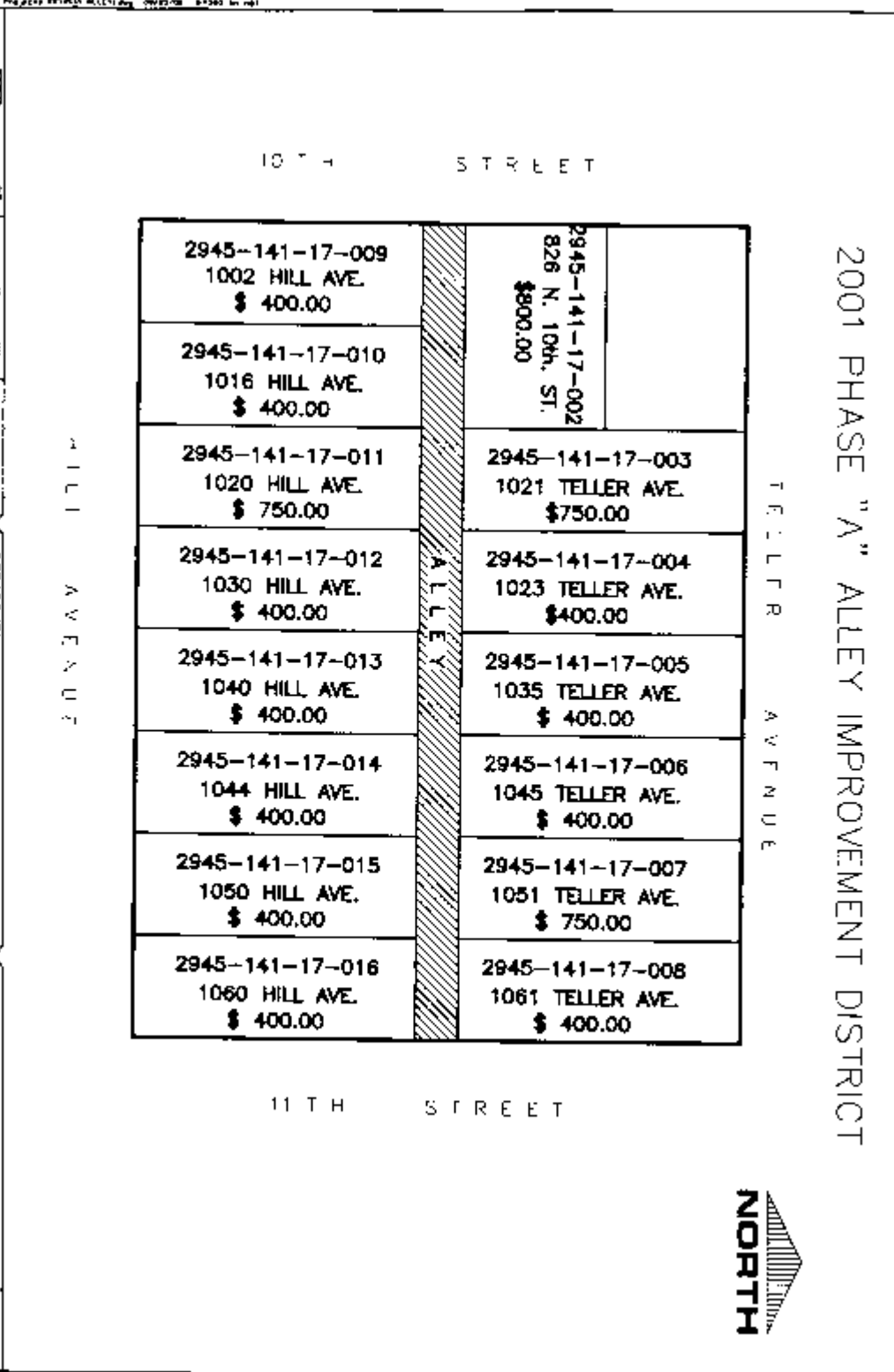
DEPARTMENT OF PUBLIC WORKS AND UTILITIES  
 ENGINEERING DIVISION  
 CITY OF GRAND JUNCTION, COLORADO  
 SOON ALLEY IMPROVEMENT DISTRICT  
 (SHEET "A")



2001 PHASE "A" ALLEY IMPROVEMENT DISTRICT

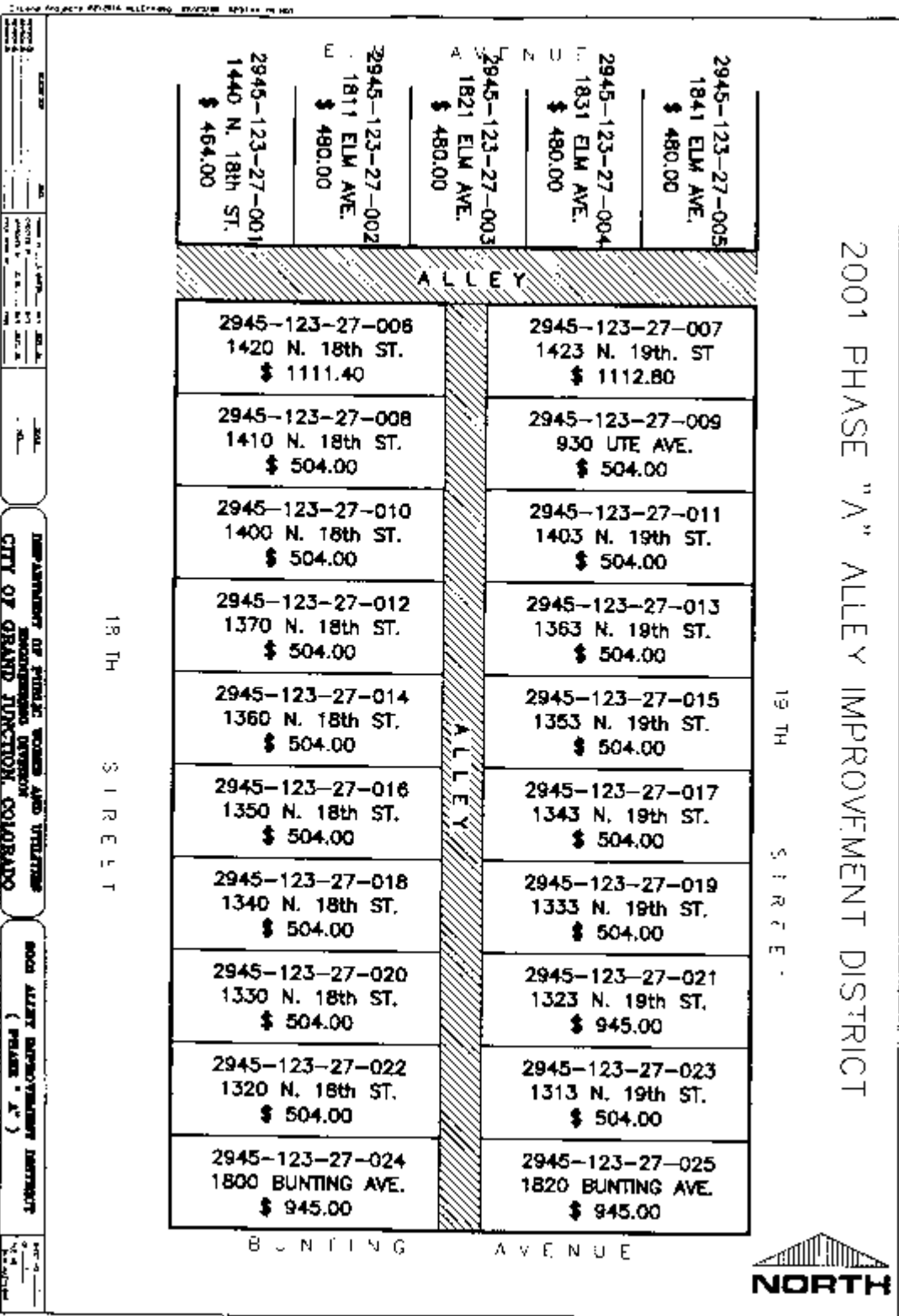


2945-141-17-009  
 2945-141-17-010  
 2945-141-17-011  
 2945-141-17-012  
 2945-141-17-013  
 2945-141-17-014  
 2945-141-17-015  
 2945-141-17-016  
 2945-141-17-002  
 2945-141-17-003  
 2945-141-17-004  
 2945-141-17-005  
 2945-141-17-006  
 2945-141-17-007  
 2945-141-17-008



2001 PHASE "A" ALLEY IMPROVEMENT DISTRICT





CITY OF GRAND JUNCTION, COLORADO  
 DEPARTMENT OF PUBLIC WORKS AND UTILITIES  
 ENGINEERING DIVISION  
 800 ALBERT BERNHARDT BLVD.  
 (PHONE - 243)

**Attach 5**

**CITY COUNCIL AGENDA  
CITY OF GRAND JUNCTION**

| <i>CITY COUNCIL</i> |   |                     |               |
|---------------------|---|---------------------|---------------|
| Subject:            | Resolution authorizing the issuance of a Revocable Permit for Mesa State College Communications Lines |                     |               |
| Meeting Date:       | October 4, 2000   |                     |               |
| Date Prepared:      | September 27, 3000  |                     |               |
| Author:             | Tim Woodmansee  | Real Estate Manager |               |
| Presenter Name:     | Tim Woodmansee  | Real Estate Manager |               |
|                     | Workshop  |                     | Formal Agenda |

**Subject:** Resolution authorizing the issuance of a Revocable Permit to Mesa State College for the installation of buried communications lines in the public right-of-way for North 12<sup>th</sup> Street.

**Summary:** The Mesa State College Foundation has acquired the property located at northeast corner of 12<sup>th</sup> Street and Kennedy Avenue for education purposes. Mesa State College is proposing to extend communications lines from the main campus to the subject property by boring under the public right-of-way for North 12<sup>th</sup> Street.

**Background Information:** The proposed resolution will authorize Mesa State College to bore under the public right-of-way for North 12<sup>th</sup> Street to extend buried communications lines from the main campus to the subject property located at 1450 North 12<sup>th</sup> Street.

The proposed Revocable Permit will require Mesa State College to maintain the facility proposed to be located in public right-of-way. Mesa State College will be responsible for and obligated to repair damage to any public facility caused as a result of the bore installation, and will be obligated to remove the facility within 30 days of revocation of the permit.

**Action Requested/Recommendation:** Pass and adopt proposed resolution authorizing the issuance of a Revocable Permit to the Mesa State College Foundation.

|                                 |                                     |         |                          |                      |                          |
|---------------------------------|-------------------------------------|---------|--------------------------|----------------------|--------------------------|
| 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 ISSUANCE OF A REVOCABLE PERMIT TO  
THE MESA STATE COLLEGE FOUNDATION**

**Recitals.**

1. The Mesa State College Foundation, hereinafter referred to as the Petitioner, represent that it is the owner of that certain real property located at 1450 North 12<sup>th</sup> Street in the City of Grand Junction, County of Mesa, State of Colorado, and has requested that the City Council of the City of Grand Junction issue a Revocable Permit to allow the Petitioner to install, operate, maintain, repair and replace buried communications lines within the limits of the following described public right-of-way for North 12<sup>th</sup> Street, to wit:

Commencing at the Southwest Corner of Lot 34, Block 2 of the Amended Plat of Henderson Heights, a subdivision situate in the Southwest ¼ of Section 12, Township 1 South, Range 1 West of the Ute Meridian, City of Grand Junction, County of Mesa, State of Colorado, as recorded in Plat Book 5 at Page 19 in the office of the Mesa County Clerk and Recorder; thence N 00°00'00" E, along a line which is common with the west boundary line of said Lot 34 and the east right-of-way line for North 12<sup>th</sup> Street, a distance of 19.50 feet to the True Point of Beginning; thence leaving said common line, S 52°58'15" W a distance of 100.52 feet to a point on the west right-of-way line for North 12<sup>th</sup> Street and the Point of Terminus.

2. Based on the foregoing, the City Council has determined that such action would not at this time be detrimental to the inhabitants of the City of Grand Junction.

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

That the City Manager, on behalf of the City and as the act of the City, is hereby authorized and directed to issue the attached Revocable Permit to the above-named Petitioner for the purposes aforescribed and within the limits of the public right-of-way aforescribed, subject to each and every term and condition contained in the attached Revocable Permit.

PASSED and ADOPTED this 4<sup>th</sup> day of October, 2000.

Attest:

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

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

## REVOCABLE PERMIT

### Recitals

1. The Mesa State College Foundation, hereinafter referred to as the Petitioner, represent that it is the owner of that certain real property located at 1450 North 12<sup>th</sup> Street in the City of Grand Junction, County of Mesa, State of Colorado, and has requested that the City Council of the City of Grand Junction issue a Revocable Permit to allow the Petitioner to install, operate, maintain, repair and replace buried communications lines within the limits of the following described public right-of-way for North 12<sup>th</sup> Street, to wit:

Commencing at the Southwest Corner of Lot 34, Block 2 of the Amended Plat of Henderson Heights, a subdivision situate in the Southwest  $\frac{1}{4}$  of Section 12, Township 1 South, Range 1 West of the Ute Meridian, City of Grand Junction, County of Mesa, State of Colorado, as recorded in Plat Book 5 at Page 19 in the office of the Mesa County Clerk and Recorder; thence N 00°00'00" E, along a line which is common with the west boundary line of said Lot 34 and the east right-of-way line for North 12<sup>th</sup> Street, a distance of 19.50 feet to the True Point of Beginning; thence leaving said common line, S 52°58'15" W a distance of 100.52 feet to a point on the west right-of-way line for North 12<sup>th</sup> Street and the Point of Terminus.

2. Based on the foregoing, the City Council has determined that such action would not at this time be detrimental to the inhabitants of the City of Grand Junction.

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

There is hereby issued to the above-named Petitioner a Revocable Permit for the purposes aforescribed and within the limits of the public right-of-way aforescribed; provided, however, that the issuance of this Revocable Permit shall be conditioned upon the following terms and conditions:

1. The installation of buried communications lines within the public right-of-way as authorized pursuant to this Permit shall be performed using commonly accepted directional boring techniques, exercising due care or any other higher standard of care as may be required to avoid damaging utilities or any other facilities presently existing in said right-of-way.

2. The City hereby reserves and retains a perpetual right to utilize all or any portion of the aforescribed public right-of-way for any purpose whatsoever. The City further reserves and retains the right to revoke this Permit at any time and for any reason.

3. The Petitioner, for itself and for its successors and assigns, agrees that it shall not hold, nor attempt to hold, the City of Grand Junction, its officers, employees and agents, liable for damages caused to the facilities to be installed by the Petitioner within the limits of said public right-of-way (including the removal thereof), or any other property of the Petitioner or any other party, as a result of the Petitioner's occupancy, possession or use of said public right-of-way or



as a result of any City activity or use thereof or as a result of the installation, operation, maintenance, repair and replacement of public improvements.

4. The Petitioner agrees that it shall at all times keep the above described public right-of-way and the facilities authorized pursuant to this Permit in good condition and repair.

5. This Revocable Permit shall be issued only upon concurrent execution by the Petitioner of an agreement that the Petitioner and the Petitioner's heirs, successors and assigns, shall save and hold the City of Grand Junction, its officers, employees and agents harmless from, and indemnify the City, its officers, employees and agents, with respect to any claim or cause of action however stated arising out of, or in any way related to, the encroachment or use permitted, and that upon revocation of this Permit by the City the Petitioner shall, at the sole expense and cost of the Petitioner, within thirty (30) days of notice of revocation (which may occur by mailing a first class letter to the last known address), peaceably surrender said public right-of-way and, at its own expense, remove any encroachment so as to make the aforescribed public right-of-way available for use by the City or the general public. The provisions concerning holding harmless and indemnity shall survive the expiration, revocation, termination or other ending of this Permit .

6. The Petitioner, for itself and for its successors and assigns, agrees that it shall be solely responsible for maintaining and repairing the condition of facilities authorized pursuant to this Permit.

7. This Revocable Permit, the foregoing Resolution and the following Agreement shall be recorded by the Petitioner, at the Petitioner's expense, in the office of the Mesa County Clerk and Recorder.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2000.

Attest:

The City of Grand Junction,  
a Colorado home rule municipality

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

\_\_\_\_\_  
City Manager

Acceptance on behalf of The Mesa  
State College Foundation:

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

**AGREEMENT**

The Mesa State College Foundation, for itself and for its successors and assigns, does hereby agree to: Abide by each and every term and condition contained in the foregoing Revocable Permit; As set forth, indemnify the City of Grand Junction, its officers, employees and agents and hold the City of Grand Junction, its officers, employees and agents harmless from all claims and causes of action as recited in said Permit; Within thirty (30) days of revocation of said Permit, peaceably surrender said public right-of-way to the City of Grand Junction and, at its expense, remove any encroachment so as to make said public right-of-way fully available for use by the City of Grand Junction or the general public.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2000.

The Mesa State College Foundation:

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

State of Colorado            )  
  )ss.  
County of                        )

The foregoing Agreement was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2000, by \_\_\_\_\_ as \_\_\_\_\_ of the Mesa State College Foundation.

My Commission expires: \_\_\_\_\_

Witness my hand and official seal.

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

**Attach 6**

**CITY COUNCIL AGENDA  
CITY OF GRAND JUNCTION**

| <i>CITY COUNCIL</i>    |   |                                |
|------------------------|---|--------------------------------|
| Subject:               | Transportation Improvement Plan (TIP)<br>Administrative Amendment |                                |
| Meeting Date:          | October 4, 2000   |                                |
| Date Prepared:         | September 26, 2000  |                                |
| <b>Author:</b>         | Cliff   | RTPO Director                  |
| <b>Presenter Name:</b> | <b>Jody Kliska</b>  | <b>Transportation Engineer</b> |
|                        | Workshop  | Formal Agenda                  |

**Subject:** A joint resolution between the City of Grand Junction and Mesa County amending the Grand Junction/Mesa County Metropolitan Planning Organization FY 2001-2006 Transportation Improvement Plan (TIP).

**Summary:** A joint resolution between the City of Grand Junction and Mesa County is required to amend the Metropolitan Planning Organization's (MPO) Transportation Improvement Plan (TIP). This particular amendment is to increase the budget for the transit element of the TIP.

**Background Information:** This amendment is to increase the transit element of the TIP in the year 2001, thereby accepting additional Federal Transit Administration grant funds to be used on our local transit program. There is no additional cost to the City of Grand Junction.

Staff from the City of Grand Junction, Mesa County and CDOT Region 3 have been consulted and concur with all the proposed amendments. Authority is granted to the MPO for TIP amendments under Section F, paragraphs 2a, 2b and 2c of the Grand Junction Urbanized Area Memorandum of Agreement dated July 2, 1984.

The Transportation Improvement Plan (TIP) is a six-year capital improvement program for the urbanized area of Grand Junction and Mesa County. It is based on the adopted 2020 Regional Transportation Plan. The TIP's purpose is to carry out continuing, comprehensive, and cooperative transportation planning by:

- Coordinating projects in the urbanized area initiated by individual City, County, and State agencies.
- Defining the costs of these projects and the available financial resources.
- Prioritizing the projects to make the best use of available resources.

The TIP satisfies regulations jointly issued by the Federal Transit Administration (FTA) and Federal Highway Administration (FHWA). An approved regional plan (2020) and TIP are necessary to maintain federal funding for highways and streets within the planning area and for federal assistance on transit programs.

The TIP is developed cooperatively by the Grand Junction/Mesa County Metropolitan Planning Organization (MPO) and contains all federally funded transportation projects in the urbanized area initiated by Mesa County, Grand Junction, or the Colorado Department of Transportation (CDOT). Annual adjustments of funds are made as required with input from the City, County, and CDOT.

The FY 2001-2006 TIP amendment is required to reflect the federally funded transportation-related projects within the Federal Aid Urban Boundary for fiscal year 2001.

**Budget : N/A**

**Action Requested/Recommendation:** Approve the joint resolution with Mesa County endorsing the proposed amendment in the attached report to the Grand Junction/Mesa County Metropolitan Planning Organization FY 2001-2006 Transportation Improvement Plan.

|                              |                          |           |                          |            |                |
|------------------------------|--------------------------|-----------|--------------------------|------------|----------------|
| <b>Citizen Presentation:</b> | <input type="checkbox"/> | <b>No</b> | <input type="checkbox"/> | <b>Yes</b> | <b>If Yes,</b> |
|------------------------------|--------------------------|-----------|--------------------------|------------|----------------|

|                 |  |
|-----------------|--|
| <b>Name:</b>    |  |
| <b>Purpose:</b> |  |

|  |                          |           |                          |            |              |  |
|--|--------------------------|-----------|--------------------------|------------|--------------|--|
| <b>Report results back to Council:</b> | <input type="checkbox"/> | <b>No</b> | <input type="checkbox"/> | <b>Yes</b> | <b>When:</b> |  |
|--|--------------------------|-----------|--------------------------|------------|--------------|--|

|                             |                                     |                |                          |                             |                          |                 |
|-----------------------------|-------------------------------------|----------------|--------------------------|-----------------------------|--------------------------|-----------------|
| <b>Placement on Agenda:</b> | <input checked="" type="checkbox"/> | <b>Consent</b> | <input type="checkbox"/> | <b>Indiv. Consideration</b> | <input type="checkbox"/> | <b>Workshop</b> |
|-----------------------------|-------------------------------------|----------------|--------------------------|-----------------------------|--------------------------|-----------------|

MCC# \_\_\_\_\_  
GJCC# \_\_\_\_\_

**RESOLUTION**

**A JOINT RESOLUTION OF THE COUNTY OF MESA AND THE CITY OF GRAND JUNCTION CONCERNING ADOPTION OF ADMINISTRATIVE AMENDMENT TO THE FISCAL YEAR 2001-2006 TRANSPORTATION IMPROVEMENT PROGRAM**

WHEREAS, The City and County have been designated by the Governor as the Metropolitan Planning Organization for the Grand Junction/Mesa County Urbanized Area; and

WHEREAS, Part 2 of Article 1 of Title 29, Colorado Revised Statutes authorizes the parties to contract with one another to make the most efficient and effective use of their powers and responsibilities; and

WHEREAS, The City and County realize the importance of both short and long range planning in the development of an efficient transportation system, and are both aware that it is the responsibility of the Metropolitan Planning Organization to perform those planning functions; and

WHEREAS, The City and County, in their performance of those planning functions for the Urbanized Area, wish to use Federal Highway Administration transportation planning funds in coordination with the Colorado Department of Transportation;

**NOW, THEREFORE, BE IT JOINTLY RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF MESA, COLORADO AND THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO:**

That the Administrative Amendment to the Fiscal Year 2001-2006 Transportation Improvement Plan, hereunto attached, is adopted by the Board of County Commissioners of the County of Mesa, Colorado on \_\_\_\_\_, and by the City Council of the City of Grand Junction, Colorado on \_\_\_\_\_.

CITY OF GRAND JUNCTION

COUNTY OF MESA

\_\_\_\_\_  
Mayor  
Grand Junction City Council

\_\_\_\_\_  
Chair of the Board  
Mesa County Board of Commissioners

\_\_\_\_ day of \_\_\_\_\_, 2000

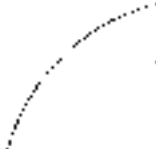
\_\_\_\_ day of \_\_\_\_\_, 2000

Attest:

Attest:

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

\_\_\_\_\_  
County Clerk



**Mesa County**  
**Regional**  
**Transportation**  
**Planning Office**

*Grand Junction/Mesa County*  
*Metropolitan Planning Organization &*  
*Transportation Planning Region*

Box 20,000-5093  
White Avenue  
Grand Junction, Colorado  
262-5093

Phone: (970) 255-7188  
(970) 244-1769

*Working toward a Total*  
*Transportation Solution"*

# Memorandum

To: Board of County Commissioners  
Grand Junction City Council

From: Cliff Davidson, RTPO Director

Date: September 26, 2000

RE: Joint Resolution on Amendment to the FY 2001-2006 Transportation Improvement Program (TIP)

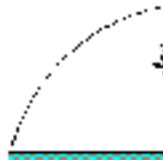
The attached joint resolution is for proposed Administrative Amendment to the FY 2001-2006 Transportation Improvement Program (TIP). This amendment was recommended for approval by the Transportation Technical Advisory Committee (TTAC) and the Transportation Policy Advisory Committee (TPAC) of the MPO. TIP Amendments are required to reflect the federally-funded transportation-related projects within the Federal Aid Urban Boundary for fiscal year 2001.

The attached report outlines the contents, format, and process that must be followed when preparing, amending, and approving a TIP. The report also includes a breakdown of all the amended federally-funded transportation-related projects within the urban boundary. Authority is granted to the MPO for TIP amendments under Section F, paragraphs 2a, 2b and 2c of the Grand Junction Urbanized Area Memorandum of Agreement dated July 2, 1984.

Thank you for your continued support of the metropolitan planning process.

TRANSPORTATION IMPROVEMENT PROGRAM  
ADMINISTRATIVE AMENDMENT  
FOR THE  
GRAND JUNCTION/MESA COUNTY URBANIZED AREA

OCTOBER 1, 2000 TO SEPTEMBER 30, 2001



PREPARED BY THE

MESA COUNTY  
REGIONAL TRANSPORTATION PLANNING OFFICE

IN COOPERATION WITH THE

COLORADO DEPARTMENT OF TRANSPORTATION  
DIVISION OF TRANSPORTATION DEVELOPMENT

CITY OF GRAND JUNCTION

MESA COUNTY

AND THE

U.S. DEPARTMENT OF TRANSPORTATION  
FEDERAL HIGHWAY ADMINISTRATION  
FEDERAL TRANSIT ADMINISTRATION

September, 2000



## INTRODUCTION

The Transportation Improvement Program (TIP) is a six-year capital improvement program for the urbanized area of Grand Junction and Mesa County. The Grand Junction/Mesa County Metropolitan Planning Organization (MPO) is charged with carrying out continuing, comprehensive and cooperative transportation planning by:

□ Coordinating projects in the urbanized area initiated by individual City, County, and State agencies;

- Defining the costs of these projects and the available financial resources;
- Prioritizing the projects to make the best use of available resources.

The TIP serves not only the need in this area for an efficient transportation system, but also satisfies regulations jointly issued by the Federal Transit Administration (FTA) and Federal Highway Administration (FHWA), regarding the content and purpose of the program. Amendments to an approved TIP are necessary (as per Section F, paragraphs 2a, 2b, and 2c of the Grand Junction Urbanized Area Memorandum of Agreement dated July 2, 1984) to maintain federal funding for highways and streets within the planning area, and for federal assistance on transit programs. It is developed by the Mesa County Regional Transportation Planning Office (RTPO) acting as the MPO.

## CONTENTS

The TIP shall contain all federally funded transportation projects in the urbanized area initiated by Mesa County, Grand Junction or by the Colorado Department of Transportation (CDOT). It is also necessary to include operating and/or capital grants from the U.S. Department of Transportation's Federal Transit Administration to agencies (public or private) in the urbanized area. The urbanized area (or Federal Aid Urban Boundary) is defined by the boundary of the Metropolitan Planning Organization (MPO).

In 1985 the City and the County began a two-year cycle for sharing of Small Urban Program funds. This allows the money to be used more effectively on larger projects. Annual adjustments of funds were made as required with input from the City, County and CDOT. Beginning in 1992, the City and County began to apply for these funds jointly and coordinate their planned improvements in such a way as to maximize the efficiency of the funds expended.

## FORMAT

Format for the TIP is specified by federal and state requirements. Projects are broken out by:

1. Funding Source - (STP, FTA, etc.)
2. Priority - The projects are listed by priority in the first year of the program.

Each project must identify the location, description, responsible agency, general purpose, whether the project has received or will receive federal/state funding beyond the program period, and the breakdown of funding by year and by source. This format is standardized by CDOT for all urbanized areas. The general purpose relates to whether the project either furthers the goals of the State of Colorado's 20-year Transportation Plan.

## PROCESS

The projects in the TIP are originally proposed for inclusion by the implementing agencies. Projects are then considered by members of the Transportation Technical Advisory Committee (TTAC), which is composed of representatives from all public agencies involved in construction or operation of transportation systems in the Grand Junction Urbanized area.

After review of the program, the TIP is forwarded to the Transportation Policy Advisory Committee (TPAC), composed of local representatives from the Grand Junction City Council, the Mesa County Board of Commissioners, the Federal Highway Administration (FHWA), State Air Quality Control Commission and the local Transportation Commissioner and the. The TPAC may refer the program back to the TTAC or endorse the program and place it before the Mesa County Commissioners and the Grand Junction City Council for their approval. The Council and the County Commissioners will either approve the program or refer it back to the TPAC for consideration. A copy of the final document is sent to CDOT for review and approval.

Finally, the TIP is sent to the Governor for his approval and forwarded to the Federal Highway Administration and the Environmental Protection Agency for concurrence and/or comments. The FTA Region VIII office in Denver, Colorado also receives a copy of the approved document.

Amendments to the TIP are required when there are major changes in the cost of a project or when there are additions to or deletions of projects within the TIP. These are approved in the same manner as the program. Flexibility is required to allow for construction cost changes or for the allocation of additional Federal or State funds.



**TRANSPORTATION IMPROVEMENT PROGRAM  
ADMINISTRATIVE AMENDMENTS  
FY 2001-2006**

**TRANSIT**

**Location: Mesa County**

**Project Description: Administrative amendment reflecting funding for operating and capital costs for FY 2001.**

**Responsible Government: Mesa County**

**Past Funding: Y                      Future Funding: Y                      Long Range: Y                      TSM: N**

**OPERATING (50/50) LINE ITEM**

| <b>Budget Year</b> | <b>2001 prior TIP total</b> | <b>2001 proposed increase</b> | <b>2001 amended TIP total</b> |
|--------------------|-----------------------------|-------------------------------|-------------------------------|
| <b>Federal</b>     | <b>\$245,000.00</b>         | <b>\$537,000.00</b>           | <b>\$782,000.00</b>           |
| <b>Local</b>       | <b>245,000.00</b>           | <b>536,000.00</b>             | <b>781,000.00</b>             |
| <b>TOTAL</b>       | <b>\$490,000.00</b>         | <b>\$1,073,000.00</b>         | <b>\$1,563,000.00</b>         |

**CAPITAL LINE ITEM**

| <b>Budget Year</b> | <b>2001 prior TIP total</b> | <b>2001 proposed increase</b> | <b>2001 amended TIP total</b> |
|--------------------|-----------------------------|-------------------------------|-------------------------------|
| <b>Federal</b>     | <b>\$197,000.00</b>         | <b>\$27,000.00</b>            | <b>\$224,000.00</b>           |
| <b>Local</b>       | <b>50,000.00</b>            | <b>6,000.00</b>               | <b>56,000.00</b>              |
| <b>TOTAL</b>       | <b>\$247,000.00</b>         | <b>\$33,000.00</b>            | <b>\$280,000.00</b>           |

- - End of Administrative Amendments - -

**Attach 7**

**CITY COUNCIL AGENDA  
CITY OF GRAND JUNCTION**

| <i>CITY COUNCIL</i>    |   |  |
|------------------------|---|--|
| <b>Subject:</b>        | Adoption of 2000 International Building Codes |  |
| <b>Meeting Date:</b>   | October 4, 2000                               |  |
| <b>Date Prepared:</b>  | September 27,2000                             |  |
| <b>Author:</b>         | Bob Lee                                       | Mesa County Building<br>Department               |
| <b>Presenter Name:</b> | <b>Mark Relph</b>                             | <b>Public Works &amp; Utilities<br/>Director</b> |
|                        | Workshop                                      | Formal Agenda                                    |

**Subject:** Adoption of an Ordinance thereby adopting the 2000 International Building Codes plus related amendments and the 2000 Uniform Plumbing Code plus related amendments.

**Summary:** The proposed ordinance is for the adoption of the National Electric Code and the family of 2000 International codes to include: International Building, Residential, Fire, Mechanical, Fuel Gas, Property Maintenance, and Energy Conservation Code. The ordinance also adopts the 2000 Uniform Plumbing code. The City of Grand Junction is currently using the 1994 Editions of the Uniform Codes.

**Background:**

Prior to the year 2000, there were three major codes used in the United States. They were the BOCA, Southern and the Uniform codes. In 1999 the three code organizations merged to form one family of codes, which are known as the International Codes, to be used throughout the country. The Uniform Codes will no longer be printed. The end result is a series of codes that are more user-friendly and in some cases, less restrictive. With few exceptions, the least restrictive requirements of all the codes were used to formulate the new versions. A residential code has been created that places all residential building, plumbing, mechanical, insulation and fuel gas requirements into one manual. This code has been well received by the homebuilders.

The state of Colorado adopts a plumbing code and the Statutes allow local jurisdictions to adopt a different code provided it is not inferior to that of the states. The code adopted by the state is the Uniform Plumbing Code. There is some question as to the International Plumbing Code (IPC) being an inferior code to that of the state. Recently, lawsuits have been filed against some Front Range jurisdictions that are attempting to adopt the IPC. Staff recommends adopting the same code as the state until this issue is settled at which time we would propose to change to the IPC.

This adoption process began in early summer with the formulation of a steering committee. The committee was made up of representatives of all the local contractor groups, design professionals, fire officials, city and county officials and citizens. All of the committee recommendations were incorporated into the proposed adoption. The steering committee completed its process in late August with a recommendation for adoption of this ordinance.

The Mesa County Building Department has developed a contractor-training program. To date they have conducted training for the commercial and residential contractors and more classes are planned for the near future. Classes will be conducted for the plumbing and mechanical trades later this fall. This program is ongoing.

Mesa County is moving for adoption of the 2000 codes, to be effective in late November. Due to the fact that the city contracts with the county for building inspection services, we need to adopt the same codes to eliminate enforcement problems.

**Budget:** N/A

**Action Requested/Recommendation:** Recommend City Council adopts the 2000 International Building Codes and the 2000 Uniform Plumbing Code as amended.

|                              |  |              |  |            |                |
|------------------------------|--|--------------|--|------------|----------------|
| <b>Citizen Presentation:</b> |  | <b>No: X</b> |  | <b>Yes</b> | <b>If Yes,</b> |
| <b>Name:</b>                 |  |              |  |            |                |
| <b>Purpose:</b>              |  |              |  |            |                |

|  |          |           |  |            |              |  |
|--|----------|-----------|--|------------|--------------|--|
| <b>Report results back to Council:</b> | <b>X</b> | <b>No</b> |  | <b>Yes</b> | <b>When:</b> |  |
|--|----------|-----------|--|------------|--------------|--|

|                             |          |                |  |                             |  |                 |
|-----------------------------|----------|----------------|--|-----------------------------|--|-----------------|
| <b>Placement on Agenda:</b> | <b>X</b> | <b>Consent</b> |  | <b>Indiv. Consideration</b> |  | <b>Workshop</b> |
|-----------------------------|----------|----------------|--|-----------------------------|--|-----------------|

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF GRAND JUNCTION, COLORADO, ADOPTING AND AMENDING THE LATEST EDITION OF THE INTERNATIONAL BUILDING CODE, THE UNIFORM PLUMBING CODE, THE INTERNATIONAL MECHANICAL CODE, THE INTERNATIONAL FUEL GAS CODE, THE INTERNATIONAL PROPERTY MAINTENANCE CODE, THE INTERNATIONAL RESIDENTIAL CODE, THE NATIONAL ELECTRIC CODE, AND THE INTERNATIONAL ENERGY CONSERVATION CODE TO BE APPLIED THROUGHOUT THE CITY OF GRAND JUNCTION WITH CERTAIN AMENDMENTS REGULATING THE ERECTION, CONSTRUCTION, ENLARGEMENT, ALTERATION, REPAIR, MOVING, REMOVAL, DEMOLITION, CONVERSION, OCCUPANCY, EQUIPMENT, USE, HEIGHT, AREA AND MAINTENANCE OF ALL BUILDINGS OR STRUCTURES IN THE CITY OF GRAND JUNCTION; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFOR; AUTHORIZING FEES TO BE SET BY RESOLUTION AND PROVIDING FOR PENALTIES FOR THE VIOLATION THEREOF AND REPEALING ALL OTHER ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH.**

RECITALS:

Pursuant to the constitutional, statutory and Charter authority of the City Council of the City of Grand Junction to adopt ordinances for the protection of the health safety and general welfare of the population of the City the following ordinance is proposed. After full hearing and consideration of the ordinance and upon recommendation by the City staff the Council finds that adoption of the ordinance is necessary to preserve the health safety and general welfare of the people of the City of Grand Junction. The International Codes, which are hereby adopted, are the state of the art. The Codes are mutually adopted by the City and Mesa County, which provides for efficient building and enforcement practices. As well, the International Codes are increasingly common in many communities, which further increase the benefits of standardization. This ordinance and the Codes which it adopts regulate the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area and maintenance of all buildings or structures in the City of Grand Junction. The ordinance further provides for issuance of permits and collection of fees.

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

**Adoption and Amendment of the International Building Code:**

The International Building Code, 2000 Edition, promulgated by the International Code Council, Inc. together with amendments set forth below (hereafter “IBC or International Building Code”) is hereby adopted to provide minimum standards to safeguard life and limb, health, property and the public welfare by regulating and controlling various matters including, but not limited to the design, construction, quality of materials, use and occupancy, location and maintenance of all buildings and structures within the jurisdiction.

The following chapters of the Appendix of the International Building Code, 2000 Edition, are adopted:

Chapter C, Group U-Agricultural Buildings

Chapter I, Patio Covers

No other chapters of the Appendix are adopted.

#### **Amendments to International Building Code.**

The building code adopted in Section 1, of this Part 4, is hereby amended as follows:

*Section 105.2:* Section 105.2 is amended by the addition of the word Platforms to Section 105.2, Item 6.

*Section 108:* Section 108 is amended by the addition of following Subsection 108.7. No fees shall be required for a building permit obtained for Agricultural Buildings, as defined at Section 202. This agricultural building fee exemption does not include fees for electrical, mechanical and plumbing permits for said structures.



*Section 108.2:* *Section 108.2* is amended by the addition of Table 108-A, Fee Schedule, for building permits and/or combinations of building, mechanical, plumbing, electrical, fuel gas piping and pool, hot tub and spa permits. (Copy of Table 108-A, Fee Schedule, in on file in the Building Inspection office).

*Section 108.6:* *Section 108.6* is amended to establish a fee refund policy, by the addition of the following: Building permit fees may be refunded at a rate of 85% of the building permit fee provided the project for which the permit was issued has not commenced and/or inspections have not been conducted. No refunds will be made after work has commenced.

*Section 109:* *Section 109* is amended by addition of Subsection 109.7 as follows:  
No inspection shall be required for a building permit obtained for Agricultural Buildings as defined at Section 202. However, this exemption is not an exception to the minimum building standards set forth in the International Building Code, nor to the other requirements for inspections for electrical, mechanical and plumbing.

*Section 112:* *Section 112* is amended by deletion thereof. The Board of Appeals established in Part 13 shall serve as the Board of Appeals.

*Section 302:* *Section 302*, Table 302.1.1 is amended to read: Storage rooms over 100 square feet in Group I and H occupancies.

*Section 302:* *Section 302*, Table 302.3.3 is amended by changing footnote b. to read: Occupancy separation need not be provided for incidental storage areas

within all occupancies except Group I and H if the: Remainder of footnote b.  
remains unchanged.

*Section 1003:* Section 1003.2.2.2 is amended to change maximum floor area allowance per occupant of Agricultural Building from 300 Gross to 500 Gross.

*Section 1003.3.3.3:* Section 1003.3.3.3 is amended to add Exception Item 7 to read: Within individual dwelling units of Group R-2 occupancies the maximum riser height shall be 8 inches and the minimum tread depth shall be 9 inches.

*Section 1704.1:* Section 1704.1 is amended to change the first paragraph to read: Where an application is made for construction as described in this section, the owner or the registered design professional in responsible charge acting as the owners agent shall employ one or more special inspectors to provide inspections during construction on the types of work listed under Sections 1704 and 109.3.4.

All references in the International Building Code to the International Plumbing Code shall hereafter be changed to reference the Uniform Plumbing Code.

### **Adoption and Amendment of the Uniform Plumbing Code:**

#### **Adoption of Uniform Plumbing Code.**

- (a) The Uniform Plumbing Code, 2000 Edition, promulgated by the International Association of Plumbing and Mechanical Officials, together with amendments set forth below (hereafter “UPC or Uniform Plumbing Code”) is hereby adopted for regulating the design, construction, quality of materials, erection,

installation, alteration, repair, location, relocation, replacement, addition to, use, and maintenance of plumbing systems within the jurisdiction.

(b) The following chapters of the Appendix of the Uniform Plumbing Code, 2000 Edition, are adopted.

Appendix A- Recommended Rules for Sizing the Water Supply System

Appendix B- Explanatory Notes on Combination Waste and Vent Systems

Appendix C- Sizing of Category 1 Venting

Appendix D- Sizing of Storm water Drainage Systems

Appendix H- Recommended Procedures for Design, Construction and Installation of Commercial Kitchen Grease Interceptors

Appendix I Installation Standards

No other chapters of the Appendix are adopted.

### **Amendments to Uniform Plumbing Code.**

The plumbing code adopted in Section 1 of this Part 5 is hereby amended as follows:

*Section 102.3.2:* *Section 102.3.2* is amended by deletion of the section and replacing with the following: Section 102.3.2 Penalties. Any person who violates a provision of this code or fails to comply with any of the requirements thereto shall be subject to penalties as prescribed in Part 16 of this ordinance.

*Section 103.4.1:* Section 103.4.1 is amended by deletion of the section and replacing with the following: Section 103.4.1 Permit Fees. A fee for each permit shall be as set forth in Part 4, Section 2, (c) of this ordinance.

*Section 102.3.3:* The UPC is amended to add Section 102.3.3 Board of Appeals. The Board of Appeals established in Part 13 shall serve as the Board of Appeals.

*Section 103.4.2:* Section 103.4.2 is amended by deletion of the section. Chapter 12 and 13 are amended by deletion.

### **Adoption and Amendment of the International Mechanical Code:**

#### **Adoption of International Mechanical Code.**

The International Mechanical Code, 2000 Edition, promulgated by the International Code Council Inc., together with amendments set forth below (hereafter “IMC or International Mechanical Code”) is hereby adopted to regulate the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use and maintenance of mechanical systems within the jurisdiction.

The following chapters of the Appendix of the International Mechanical Code, 2000 Edition, are adopted:

Chapter A, Combustion Air Openings and Chimney Connector  
Pass-Throughs.

No other chapters of the Appendix are adopted.

#### **Amendments to International Mechanical Code.**

The mechanical code adopted in Section 1 of this Part 6 is hereby amended as follows:

*Section 108.4:* *Section 108.4* is amended by deletion of the section and replacing with the following: Section 108.4 Violation Penalties. Any person who violates a provision of this code or fails to comply with any of the requirements thereof shall be subject to penalties as prescribed by in Part 16 of this ordinance.

*Section 109:* *Section 109* is amended by deletion thereof. The Board of Appeals established in Part 13 shall serve as the Board of Appeals.

International Mechanical Code, 2000 Edition, references to the 2000 International Energy Conservation Code shall hereafter be changed to reference the 1998 International Energy Conservation Code.

International Mechanical Code, 2000 Edition, references to the International Plumbing Code shall hereafter be changed to reference the Uniform Plumbing Code.

### **Adoption and Amendment of the International Fuel Gas Code:**

#### **Adoption of International Fuel Gas Code**

The International Fuel Gas Code, 2000 Edition, promulgated by the International Code Council Inc., together with amendments set forth below (hereafter “IFGC or International Fuel Gas Code”) is hereby adopted for the control of buildings and structures within the jurisdiction.

The following chapters of the Appendix of the International Fuel Gas Code, 2000 Edition, are adopted.

Chapter A, Sizing and Capacities of Gas Piping

Chapter B, Sizing of Vent Systems

Chapter C, Exit Terminals of Mechanical Draft and Direct-Vent  
Venting Systems

No other chapters of the Appendix are adopted.

**Amendments to International Fuel Gas Code.**

The fuel gas code adopted in Section 1 of this Part 7, is hereby amended as follows:

*Section 108.4:* *Section 108.4* is amended by deletion of the section and replacing with the following: Section 108.4 Violations Penalties. Any person who violates a provision of this code or fails to comply with any of the requirements thereof shall be subject to penalties as prescribed in Part 16 of this ordinance.

*Section 109:* *Section 109* is amended by deletion thereof. The Board of Appeals established in Part 13 shall serve as the Board of Appeals.

International Fuel Gas Code, 2000 Edition, references to the 2000 International Energy Conservation Code shall hereafter be changed to reference the 1998 International Energy Conservation Code.

*Section 404.4:* *Section 404.4* is amended by deletion and replacing with the following: Section 404.4. Underground piping outside of buildings shall terminate at exterior aboveground locations and shall enter buildings in exposed locations.

International Fuel Gas Code, 2000 Edition, references to the International Plumbing Code shall hereafter be changed to reference the Uniform Plumbing Code.

## **Adoption and Amendment of the International Property Maintenance Code:**

### **Adoption of International Property Maintenance Code.**

The International Property Maintenance Code, 2000 Edition, promulgated by the International Code Council Inc., together with amendments set forth below (hereafter “IPMC or International Property Maintenance Code”) is hereby adopted for the control of buildings and structures within the jurisdiction.

### **Amendments to International Property Maintenance Code.**

The property maintenance code adopted in Section 1 of this Part 8, is hereby amended as follows:

*Section 111:* Section 111 is amended by the deletion of Sections 111.2, 111.2.1, 111.2.2, 111.2.3 and 111.2.4. The Board of Appeals established in Part 13 shall serve as the Board of Appeals.

*Section 302:* Section 302 is amended by deletion thereof.

*Section 305:* Section 305 is amended by deletion thereof.

*Section 306:* Section 306 is amended by deletion thereof.

## **Adoption and Amendment of the International Residential Code:**

### **Adoption of International Residential Code.**

The International Residential Code, 2000 Edition, promulgated by the International Code Council Inc., together with amendments set forth below (hereafter “IRC or International Residential Code”) is hereby adopted for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of one-and

two-family dwellings and townhouses not more than three stories in height within the jurisdiction.

The following chapters of the Appendix of the International Residential Code, 2000 Edition, are adopted.

Chapter H, Patio Covers

No other chapters of the Appendix are adopted.

**Amendments to International Residential Code.**

The residential code adopted in Section 1 of this Part 9, is hereby amended as follows:

*Section R105.2:* Section R105.2, Item 5, is amended to read Sidewalks, Driveways and Platforms.

*Section R105.2:* Section R105.2 is amended by addition of the following new sub sections;

Building Item 10. Re-siding of building regulated by this code. Building Item

*Section R105.3.1.1:* Section R105.1.1.1 is amended by deletion thereof.

*Section R106.3.1:* Section R106.3.1 is amended by deletion of the second sentence of first paragraph. The building official shall retain one set of construction documents so reviewed.

*Section R106.5:* Section R106.5 is amended by deletion thereof.

*Section R112:* Section R112 is amended by deletion thereof. The Board of Appeals established in Part 13 shall serve as the Board of Appeals.

*Section R112.2.3:* Section R112.2.3 is amended by deletion thereof.

*Section R112.2.4:* Section R112.2.4 is amended by deletion thereof.



*Section R301.2.4:* Section R301.2.4 is amended by deletion thereof.

*Section R302.1:* Section R302.1 is amended to change the first paragraph to read:

Exterior walls with a fire separation distance less than 3 feet shall have not less than one-hour fire-resistive rating with exposure from both sides or when two residential buildings adjoin at a property line, a concrete or masonry wall with a minimum 3 hour fire-resistive rating is permitted when constructed per Sections R321.2, R321.2.1, R321.2.2, R321.2.3 and R321.2.4 for townhouses.

*Section R309.3:* Section R309.3 is amended by deletion of the second paragraph.

*Section R309.5:* Section R309.5 is amended by deletion thereof.

*Section R314.2:* Section R314.2 is amended by deletion of the first sentence of first paragraph and replacing with the following: The maximum riser height shall be 8 inches and the minimum tread depth shall be 9 inches.

*Section R315.1:* Section R315.1 is amended by deletion of second sentence of first paragraph and replacing with the following: All required handrails shall be continuous the full length of the stairs with four or more risers from a point directly above the top riser of a flight to a point directly above the lowest riser of a flight.

*Section R327:* Section R327 is amended by deletion thereof.

*Section R908:* The IRC is amended to add Section 908. Roof Covering Requirements in Wildfire Hazard Areas.

Section R908.1 Wildfire Hazards defined. Areas that have wildfire hazard rating of medium or above (as shown on the Mesa County Wildfire Hazard Map).

Section R908.2 Roof Covering. Roof coverings for new buildings or structures or additions thereto or roof coverings utilized for re-roofing, shall be Class A or B, tested in accordance with ASME E108 or UL 790 or Fire-retardant-treated shingles or shakes treated in accordance with AWPA C1.

Section 908.3. Moved Buildings. Any building or structure moved within or into any Wildfire Hazard Area shall be made to comply with all the requirements for new buildings in the Wildfire Hazard Area.

- (q) The IRC is amended by deletion of Chapters 25, 26, 27, 28, 29, 30, 31 and 32 in their entirety.

**Adoption of the International Energy Conservation Code:**

**Adoption of the International Energy Conservation Code**

The International Energy Conservation Code, 1998 Edition, promulgated by the International Code Council Inc. (hereafter "IECC or International Energy Conservation Code") be and is hereby adopted as the code for the City of Grand Junction regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use and maintenance of the building envelope, mechanical, lifting and power systems in the City of Grand Junction.

**Adoption of the National Electric Code:**

**Adoption of National Electric Code**

The National Electric Code as promulgated by the National Fire Protection

Association, Batterymarch Park, and Quincy, Massachusetts and as adopted by the State of Colorado and pursuant to Title 12, Article 23 C.R.S.

Applicants shall pay for each electrical permit at the time of issuance, a fee for electrical permits and inspections as determined by the jurisdiction.

**Repeal of Conflicting Provisions:**

All other resolutions or ordinances in conflict herewith are hereby repealed except as otherwise provided herein.

**Board of Appeals, Appeals Procedures:**

A common appellate procedure and Board of Appeals to hear all appeals arising under Codes adopted herein, EXCEPT with respect to the National Electric Code is contained within this Part.

In order to determine the suitability of alternate materials and methods of construction and to provide reasonable interpretations of this code, there shall be and is hereby created a Board of Appeals consisting of five members who are qualified by experience and training to pass upon matters pertaining to building construction and who are not employees of the jurisdiction. The Chief Building Official shall be an ex-officio member of and shall act as secretary to said board. The Board of Appeals shall be appointed by the Board of County Commissioners and shall hold office at its pleasure. The Board shall adopt rules and procedures for conducting business and shall render all decisions

and findings in writing to the appellant with a duplicate copy to the Chief Building Official.

The Board of Appeals shall have jurisdiction to decide any appeals from the Chief Building Official if the decision of the Chief Building Official concerns suitability of alternate materials, methods of construction or a reasonable interpretation of the code. The Board of Appeals shall not hear appeals of life safety items, administrative provisions of the codes nor shall the Board of Appeals be empowered to waive requirements of the codes. The first order of business at any hearing of the Board of Appeals shall be to determine if it has jurisdiction to hear the appeal.

Any appeal to the Board of Appeals shall be preceded by a written appeal to the Chief Building Official, who shall reply in writing. The decision of the Chief Building Official may be appealed to the Board of Appeals, within ten days from the date of the decision of the Chief Building Official, a Notice of Appeal together with a copy of the original written appeal to the Chief Building Official and a copy of the Chief Building Officials decision.

The Board of Appeals shall meet within 30 days of the written appeal, hear evidence and argument if it deems appropriate, and shall render all decisions and findings in writing to the Chief Building Official with a duplicate copy to the appellant.

**Administration:**

The Director of Public Works and Utilities as Chief Building Official of the City by and through a contractual arrangement with the Mesa County Building Department shall administer and enforce such codes as are adopted and provided for in this ordinance and as otherwise provided by law. Fees and costs other than for or resulting from a violation, penalty or enforcement action shall be set by separate resolution adopted by the City Council, which fees and charges may be amended from time to time by resolution.

**Violation and Penalty:**

The penalties imposed for violation of the Codes and of the statutory sections authorizing their adoption are as follows:

Any person, firm or corporation violating this Ordinance or any provision of any adopted code herein is guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than one thousand dollars or by imprisonment in the county jail for not more than one year or by both such fine and imprisonment. Each day during which such illegal erection, construction, reconstruction, alteration, maintenance or use continues shall be deemed a separate offense. In case any building or structure is or is proposed to be erected, constructed, remodeled, used or maintained in violation of this part or of any provision of this ordinance the City Attorney may institute an appropriate action injunction, mandamus or abatement to prevent, enjoin, abate or remove such unlawful erection, construction, reconstruction, alteration, remodeling, maintenance or use. The City Attorney may use or

enforce any remedies provided by law or in equity. Jurisdiction for any action brought under this ordinance shall be in the Municipal Court of the City of Grand Junction and such action shall be heard and decided in accordance with the rules of that court.

**Miscellaneous Provisions:**

- (a) *Adoption of Codes Unamended.* All Sections of the referenced Codes not specifically amended by this Ordinance are adopted as published.
- (2) *Conflicts and Permits Previously Issued.* Any and all Resolutions and/or Ordinances or parts thereof in conflict herewith to the extent of such conflicts or inconsistencies are hereby amended; provided, however, this ordinance shall not affect the construction of buildings for which Permits were issued prior to the effective date of this Ordinance and all Buildings now under construction pursuant to existing Permits shall be constructed in conformance with the Building Codes applicable at the time of issuance of said permit; provided further however, that no construction authorized by an existing Permit shall be altered without complying with the newly adopted Building codes. Nor shall the adoption of this Code prevent the prosecution of violations of any prior Resolution or Ordinance adopting prior Building Codes, which occurred prior to the effective date of this Ordinance. Where this Ordinance and the Codes adopted herein by reference are in conflict with other resolutions or ordinances of the City of Grand Junction the more restrictive provision shall apply.

- (3) *Copies of Code Available for Inspection.* At least three (3) copies of each of the Codes hereby adopted; all certified to be true copies, are now and shall remain on file with the Mesa County Building Department.
- (4) *Nonassumption, nonwaiver.* The City of Grand Junction, its officials, employees and agents thereof shall not be deemed to have assumed a duty of care where none otherwise existed by the performance of a service or an act of assistance for the benefit of any person under service or an act of assistance for the benefit of any person under service or an act of assistance for the benefit of any person under this Ordinance. The adoption of these Codes shall not give rise to a duty of care. The enforcement or failure to enforce this Ordinance or the mere fact that an inspection was conducted in the course of enforcing this Ordinance shall not give rise to a duty of care where none otherwise existed. Enactment of this Ordinance shall not constitute a waiver of sovereign immunity by the City of Grand Junction, its officials, employees and agents.

(5) *Invalidity in Part.* If any part, section, subsection, sentence, clause or phrase of this Ordinance or of the Codes adopted herein is for any reason held to be invalid, such decisions shall not affect the validity of remaining sections of this Ordinance or of the Codes adopted herein, the City Council hereby declares that it would have passed the Ordinance and adopted said Codes in each part, section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more parts, sections, subsections, sentences, clauses or phrases be declared invalid. Should any portion of this Ordinance or Codes adopted herein be declared invalid then to the extent of such invalidity the prior Code shall not be found, deemed or determined to be repealed so as to continue the provisions of the Code in effect for any portions of this Ordinance and Codes adopted thereby which may be declared invalid or unenforceable.

A public hearing on the adoption by reference thereto of the International Building Code, the Uniform Plumbing Code, the International Mechanical Code, the International Fuel Gas Code, the International Property Maintenance Code, the International Residential Code, the National Electric Code and the International Energy Conservation Code, with certain amendments is scheduled in the City Council Chambers at 250 N. 5<sup>th</sup> Street, Grand Junction Colorado on November 1, 2000 at 7:30 P.M. and the City Clerk is hereby directed to publish Notice of said public hearing in the manner and style and pursuant to the schedule of such publication prescribed in 31-16-201 *et. seq.* C.R.S. Such notice shall specifically include but not necessarily be limited to a description of the purpose of the Code, the subject matter of the Code by title, that the Codes are promulgated by the International Code Council, 5203 Leesburg Pike, Suite 708, Falls Church Virginia 22041-3401 and that the 2000 version of the Code is being adopted.

At least three copies of the Codes, as described herein together with certain amendments thereto all certified to be true copies, shall be on file in the office of the City Clerk of the City of Grand Junction, Colorado. The clerk shall publish notice at least fifteen (15) and eight (8) days preceding said public hearing. The proposed ordinance and copies of the



Codes may be inspected by interested persons between the hours of 8:00 A.M. and 5:00 P.M. Monday through Friday.

This Ordinance shall become Section \* of the Code of Ordinances of the City of Grand Junction.

INTRODUCED ON FIRST READING this 4<sup>th</sup> day of October 2000.

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

---

Gene Kinsey  
President of the Council

Attest:

---

Stephanie Nye  
City Clerk

I HEREBY CERTIFY that the foregoing ordinance, being Ordinance No. \* , was introduced, read, and ordered published by the City Council of the City of Grand Junction, Colorado, at a regular meeting of said body held on the \_\_\_ day of \_\_\_\_\_, 2000 and that the same was published in The Daily Sentinel, a newspaper published and in general circulation in said City, at least fifteen and eight days before its final passage.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said City this \_\_\_ day of \_\_\_\_\_, 2000.

---

Stephanie Nye, CMC  
City Clerk

**Attach 8**

**CITY COUNCIL AGENDA  
CITY OF GRAND JUNCTION**

| <i>CITY COUNCIL</i>    |                     |                       |
|------------------------|---------------------|-----------------------|
| Subject:               | Brutsche Annexation |                       |
| Meeting Date:          | October 4, 2000     |                       |
| Date Prepared:         | September 27, 2000  |                       |
| <b>Author:</b>         | Bill Nebeker        | Senior Planner        |
| <b>Presenter Name:</b> | <b>Bill Nebeker</b> | <b>Senior Planner</b> |
|                        | Workshop            | Formal Agenda         |

**Subject:** Zone of Annexation – Brutsche Annexation; File #ANX-2000-013. The Brutsche Annexation located at the northwest corner of 20 ½ & F ¾ Road; File ANX-2000-143.

**Summary:** The applicant requests to revise the preliminary plan for the remaining filings of the Independence Ranch Subdivision by adding a 10 acre parcel that is being annexed into the City. Upon annexation the parcel and the remaining filings of Independence Ranch will be zoned to PD (Planned Development) with an overall density of 1.7 dwellings per acre. At its September 19, 2000 hearing the Planning Commission recommended approval of this request.

**Background Information:** See Attached

**Budget:** N/A

**Action Requested/Recommendation:** Adopt ordinance on first reading and schedule a hearing for October 18, 2000.

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

|  |                                     |    |                          |     |       |  |
|--|-------------------------------------|----|--------------------------|-----|-------|--|
| <b>Report results back to Council:</b> | <input checked="" type="checkbox"/> | No | <input type="checkbox"/> | Yes | When: |  |
|--|-------------------------------------|----|--------------------------|-----|-------|--|

|                             |                                     |         |                          |                      |                          |          |
|-----------------------------|-------------------------------------|---------|--------------------------|----------------------|--------------------------|----------|
| <b>Placement on Agenda:</b> | <input checked="" type="checkbox"/> | Consent | <input type="checkbox"/> | Indiv. Consideration | <input type="checkbox"/> | Workshop |
|-----------------------------|-------------------------------------|---------|--------------------------|----------------------|--------------------------|----------|

| <i>BACKGROUND INFORMATION</i>       |              |  |           |
|-------------------------------------|--------------|--|-----------|
| <b>Location:</b>                    |              | <b>NW corner of 20 ½ &amp; F ¾ Road</b>            |           |
| <b>Applicants:</b>                  |              | <b>Hans Brutsche</b>                               |           |
| <b>Existing Land Use:</b>           |              | Vacant   |           |
| <b>Proposed Land Use:</b>           |              | Single family residential                          |           |
| Surrounding Land Use:               | <b>North</b> | Vacant   |           |
|                                     | <b>South</b> | <b>Single family residential</b>                   |           |
|                                     | <b>East</b>  | Vacant   |           |
|                                     | <b>West</b>  | <b>Single family residential</b>                   |           |
| <b>Existing Zoning:</b>             |              | <b>RSF-4 (County) (formerly R-2)</b>               |           |
| <b>Proposed Zoning:</b>             |              | <b>PD (1.7 dwellings per acre)</b>                 |           |
| Surrounding Zoning:                 | <b>North</b> | PD (1.7 dwellings per acre)                        |           |
|                                     | <b>South</b> | <b>PD (1.7 dwellings per acre)</b>                 |           |
|                                     | <b>East</b>  | PD (1.7 dwellings per acre)                        |           |
|                                     | <b>West</b>  | <b>RSF-4 (County) (formerly R-2)</b>               |           |
| <b>Growth Plan Designation:</b>     |              | <b>Residential Med. Low: 2 to 4 units per acre</b> |           |
| <b>Zoning within density range?</b> | <b>X</b>     | <b>Yes – See Note</b>                              | <b>No</b> |

**Growth Plan Note:** The overall gross density within the Independence Ranch Filing 4-10 subdivision is 1.7 dwellings per acre, however this includes 38.67 acres of open space. Density of the proposal less developable open space, i.e. open space not included in the floodplain (16.89 acres) or slopes exceeding 30 percent (4.7 acres) is 2.04 dwellings per acre. The density less all open space areas is 2.62 dwellings per acre.

**ACTION REQUESTED:** Adopt ordinance on first reading and schedule a hearing for October 18, 2000.

**Staff Analysis:**

**BACKGROUND:** Independence Ranch Filings 4 through 10 is a planned development in the process of being constructed at the north end of 20 ½ Road. Filings 4-5 have been constructed and filing 6 has final approval. The zoning under the former code was PR-1.7. Zoning under the new code is PD or planned development, with an underlying density of 1.7 dwellings per acre. The 10-acre parcel to the west of this site, commonly known as the Talley parcel, is now owned by Hans Brutsche, the developer of Independence Ranch. Mr. Brutsche has purchased this parcel to expand the Independence Ranch Subdivision. This parcel is a key piece to the overall development of Independence Ranch because it adjoins the extension of Baseline Drive through Country Meadows Subdivision in the County.

As a condition of preliminary approval Independence Ranch was required to provide a second access before the 100<sup>th</sup> lot was platted. Although a second access is proposed along the far northern portion of this development, there is no certainty on the timing of construction of that connection in Country Meadows. Acquisition of the Talley parcel now puts the developer of Independence Ranch in control of the future destiny of this subdivision, rather than relying on the buildout of an adjacent subdivision.

**ZONE OF ANNEXATION:** The applicant has requested a zone of annexation of PD (Planned Development) with an underlying density of 1.7 dwellings per acre for the 10 acre Talley parcel. The remaining filings of Independence Ranch are also being rezoned at this time to assure consistency in bulk requirements for the entire remaining portions of the planned development.

At its hearing of September 19, 2000 the Planning Commission found that the proposed zone of annexation is in conformance with Section 2.6 as shown below:

1. The zoning on this parcel was not in error at the time of adoption of the code. County zoning on the parcel is RSF-4. The applicant has proposed subdivision at the lower end of the Growth Plan density. With the amount of open space proposed in the subdivision the overall density is slightly below the minimum growth plan density. See note on conformance with Growth Plan map above for more information.
2. There has been a change of character in the neighborhood due to installation of public facilities, other zone changes, new growth trends, etc. The change in character is the development of this area with lot sizes much smaller than the sizes normally found in the RSF-4 zone district. The minimum lot size in RSF-4 is 8000 square feet. Average lots sizes proposed in the Independence Ranch Subdivision Filings 7-13 are 14,000 to 17,000 square feet.
3. The proposed rezone is compatible with the neighborhood and creates fewer impacts than if the zoning was at the higher RSF-4 density. Issues regarding

capacity of street network, storm water management, pollution and other nuisances have been addressed under preliminary plan review.

4. The proposal conforms with and furthers the goals and policies of the Growth Plan as outlined in the applicant's general project report.
5. Adequate public facilities including roads, sewer, water, irrigation water and other utilities are available for this development.
6. There is not an adequate supply of land in the immediate vicinity to accommodate additional development in the Independence Ranch Subdivision and to provide access to adjoining properties.
7. The community benefits from the proposal from more efficiency in the use of land and increased property taxes.

**The following is provided for informational purposes only:**

**PRELIMINARY PLAN:** The overall density of Filings 4-13 is 1.69 dwellings per acre – hence the 1.7 dwellings per acre maximum. The density of Filings 7-13 is lower at 1.45 dwellings per acre because these filings contain the large open space area below the bluff line that remains undeveloped. The overall area summary showing number of lots, open space etc. for filings 7-13 and 4-13 is shown below.

| <b>Area Summary Filings 7 Thru 13</b> |                     |                |
|---------------------------------------|---------------------|----------------|
| <b>Lots</b>                           | <b>39.109 acres</b> | <b>48.03%</b>  |
| <b>Rights-of-way</b>                  | <b>6.906 acres</b>  | <b>8.66%</b>   |
| <b>Open Space</b>                     | <b>33.360 acres</b> | <b>41.83%</b>  |
| <b>Tract C (open space)</b>           | <b>0.380 acres</b>  | <b>0.48%</b>   |
| <b>TOTAL</b>                          | <b>79.755 acres</b> | <b>100.00%</b> |
| <b>TOTAL # OF LOTS</b>                | <b>116</b>          |                |

| <b>Area Summary Filings 4 Thru 13</b> |                      |                |
|---------------------------------------|----------------------|----------------|
| <b>Lots</b>                           | <b>60.837 acres</b>  | <b>55.74%</b>  |
| <b>Rights-of-way</b>                  | <b>11.666 acres</b>  | <b>10.69%</b>  |
| <b>Open Space</b>                     | <b>36.251 acres</b>  | <b>33.22%</b>  |
| <b>Tract C (open space)</b>           | <b>0.380 acres</b>   | <b>0.35%</b>   |
| <b>TOTAL</b>                          | <b>109.134 acres</b> | <b>100.00%</b> |
| <b>TOTAL # OF LOTS</b>                | <b>185</b>           |                |

*Conformance with Preliminary Plan Conditions:* This preliminary replaces the previously approved preliminary plans for this subdivision. However the preliminary conditions of approval that still apply to this subdivision will be carried over. These conditions are as follows. The italicized text provides additional staff clarification of this condition.

1. The applicant shall obtain and comply with a state highway access permit for this subdivision. *Since an additional parcel is being added to this subdivision a new CDOT access permit for access to Highway 340 is required.*
2. An eastbound left-turn deceleration lane on Highway 340 must be constructed before the filing containing the 43rd home in the subdivision is platted. *This condition was deleted in Filing 6 because CDOT stated that the turn lane was not needed. However the revised traffic study shows that this lane must be constructed when the 142<sup>nd</sup> home is constructed. This occurs in the 7<sup>th</sup> filing. Since the trigger is the 142<sup>nd</sup> home rather than lot, and there is always a delay between platting and home construction, it is suggested that the lane improvement be installed with construction of the 8<sup>th</sup> filing, which contains the connection to Baseline Road and the 154-175<sup>th</sup> lot.*
3. Improvements to the open space below the bluff line and the linear park shall be provided no later than the third phase (Filing 6). Improvements in the open space below the bluff line will follow the guidelines recommended by the Division of Wildlife. *(This*

condition was later changed to the filing containing the lots on either side of the access to the open space – Filing 7 of the revised preliminary.) In his 1998 correspondence to the City, Paul Creeden of the DOW stated the following regarding this open space: “... the riparian habitat along the Colorado River is critical habitat. Encouraging human use of this zone, or the adjacent Walker State Wildlife Area, will reduce its value to wildlife. This is particularly true for waterfowl, herons and other species sensitive to disturbance. We recommend the incorporation of viewing blinds where wildlife can be observed unseen to maintain the area's value as resting habitat for wildlife. We also recommend that pets be excluded from the lowland riparian habitat. No pets are allowed on the Walker Wildlife Area.” Staff suggests that to truly discourage human use of this zone, no improvements should be constructed. Any improvements will only encourage its use and disturb the wildlife even more. Mr. Creeden concurred with this opinion by telephone on September 15, 2000. Current access to this site is from an old dirt road that is suitable for walking. Staff recommends that a sign be placed by the developer during Filing 7 that states that no pets are allowed in this open space area and the sign be placed in the center of the road to keep vehicles out. If the developer desires to further construct a “soft” path into the area, he may do so but no other improvements should be allowed in this area.

4. Concurrent with the platting of the last phase of this subdivision the applicant shall place a deed restriction or use some other appropriate mechanism to assure that the open space below the bluff line remains open and natural in perpetuity. *This condition is still in effect.*
5. No more than 100 lots may be developed with the subdivision until an additional improved through street is provided. *This condition is still in effect and the connection will be made with the 8<sup>th</sup> filing.*
6. A note shall be added to the final plat indicating that an odor may possibly emanate from the nearby wastewater treatment plant. *This note will be placed on all future final plats.*

Other conditions not listed above have either been satisfied in earlier filings or have been determined to not be required anymore. For instance, one condition required staff to assess whether traffic calming measures should be incorporated into the final design of Roundup Drive to assist in reducing speeds on this street. The revised preliminary changes the centerline radius on Roundup Drive to promote lesser speeds in the subdivision. Further traffic calming measures are not required. Another condition required a pedestrian path to be installed between Hackamore Court and Filing D. This condition is no longer necessary since Hackamore Court has been replaced with a through street and the sidewalk along the street serves as the desired pedestrian connection.

**Bulk Requirements:** The following bulk standards are proposed for the revised preliminary:

|   |         |
|---|---------|
| Front Setback:  | 25 feet |
| Side Setback (generally for lots with sides along open space) | 15 feet |



|   |         |
|---|---------|
| Side Setback (all other lots)                       | 10 feet |
| Rear Setback (for lots with rears along open space) | 25 feet |
| Rear Setback (all other lots)                       | 20 feet |
| Maximum Building Height                             | 32 feet |
| Maximum Lot Coverage                                | 35%     |

Note: All structures 6 feet or less in height are not allowed in the front yard setback or within 3 feet of any lot line.

*Open Space:* Although only the Talley parcel is being zoned to PD under this ordinance, Independence Ranch Subdivision Filings 1-13 constitutes one subdivision with a single homeowner's association and common open space facilities. Hence credit is given to this development for active open space areas constructed in earlier filings. The table below lists all open spaces existing or proposed for this planned development and their status:

| Filing # | Tract # | Size in acres | Purpose & Features   | Status                      |
|----------|---------|---------------|--|-----------------------------|
| 1        | A       | .08           | Landscaping  | Constructed                 |
|          | B       | .08           | Landscaping  | Constructed                 |
|          | C       | .20           | Passive open space – paved trail & grass                           | Constructed                 |
| 2        | A       | 1.73          | Passive & active – playground equipment, paved trail & landscaping | Constructed                 |
| 3        | A       | .03           | Landscaping  | Constructed                 |
| 4        | A       | .58           | Passive open space – grass - potential future irrigation pond      | Constructed                 |
| 6        | A       | .53           | Active open space – basketball court & grass                       | Under construction          |
|          | B       | 1.84          | Active/passive open space – soccer field & grass                   | Constructed                 |
|          | C       | .38           | Passive open space – unimproved natural area                       | Existing                    |
| 7        |         | 2.37          | Passive open space – unimproved natural area                       | To be platted with Filing 6 |
| 12       |         | .34           | Access to open space in filing 6 – basketball court & grass        | Proposed in filing 12       |
| 13       |         | 30.7          | Passive open space – unimproved natural area                       | Existing                    |
| TOTAL    |         | 38.8          |  |                             |

With the inclusion of the Talley parcel into Independence Ranch Subdivision the only addition to the development's open space is the .34 acre green space in Filing. However considering the total amount of passive and active recreational area provided in this subdivision, no additional open space is required.

*Phasing Plan:* The applicant had requested a 2-year phasing plan between filings. The typical timeline is 1 year between phases. Staff recommends that a 1.5-year phasing plan be allowed. Time extensions are alternatives to extending the development plan for additional time.

All stormwater runoff in this subdivision is via direct discharge into the gulch north of the subdivision. A drainage fee is required for each filing in lieu of on-site detention.

**RECOMMENDATION:** At its September 19, 2000 hearing the Planning Commission recommended approval with a finding that the rezone and preliminary plan are consistent with the Growth Plan and Sections 2.6 and 2.8 of the Zoning and Development Code. The following conditions are attached to the preliminary plan:

1. The applicant shall obtain and comply with a state highway access permit for this subdivision.
2. An eastbound left-turn deceleration lane on Highway 340 must be constructed in Filing 8.
3. In Filing 7 that applicant shall erect a bollard or some other permanent barrier in the road to the open space below the bluff line that effectively keeps vehicles out of this area. A "No Pets Allowed" sign shall be placed on or near the barrier. No other improvements to this open space shall be required of the developer.
4. Concurrent with the platting of the last phase of this subdivision the applicant shall place a deed restriction or use some other appropriate mechanism to assure that the open space below the bluff line remains open and natural in perpetuity.
5. No more than 100 lots may be developed with the subdivision until an additional improved through street is provided.
6. A note shall be added to the final plat indicating that an odor may possibly emanate from the nearby wastewater treatment plant.
7. A drainage fee shall be required for each filing that utilizes direct discharge of stormwater.

NOTE: Underlying zoning for the Planned Development is RSF-2.

**ATTACHMENTS:**

1. Independence Ranch Filings 7-13 Vicinity Map

**Insert attachment here**

**CITY OF GRAND JUNCTION, COLORADO**

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

**ZONING INDEPENDENCE RANCH FILINGS 7-13  
LOCATED NORTH OF F ¾ ROAD AT 20 ½ ROAD TO CITY PD**

Recitals.

Independence Ranch Filings 4 through 10 is a planned development in the process of being constructed north of F ¾ Road at 20 ½ Road. Filings 4-5 have been constructed and filing 6 has been approved but not recorded. The zoning under the former code was PR-1.7. Zoning under the new code is PD or planned development, with an underlying density of 1.7 dwellings per acre. The 10-acre parcel to the west of this site, commonly known as the Talley parcel, is now owned by Hans Brutsche, the developer of Independence Ranch. Mr. Brutsche has purchased this parcel to expand the Independence Ranch Subdivision.

The developer has requested a zone of annexation of PD (Planned Development) with an underlying density of 1.7 dwellings per acre for the 10-acre Talley parcel. The remaining filings of Independence Ranch are also being rezoned at this time to assure consistency in bulk requirements for the entire remaining portions of the planned development. Three additional filings have been added to this subdivision with the addition of the Talley parcel.

After public notice and hearing the Planning Commission found that the proposed zoning is in conformance with Section 2.6 of Grand Junction Zoning and Development Code and recommended approval of the zone change at its September 19, 2000 hearing. See file number ANX-2000-143 for specific findings of review.

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

That the City Council finds that the proposed rezone meets the criteria set forth in Section 2.6 of the Zoning and Development Code. In accordance therewith the following described parcel of land is hereby zoned PD with the following bulk standards:

| INDEPENDENCE RANCH 7-13  | BULK STANDARDS                  |       |
|--------------------------|---------------------------------|-------|
| Maximum Lot Coverage     | (per definition in former code) | 35%   |
| Maximum Structure Height |                                 | 32 ft |

|                              |   |           |
|------------------------------|---|-----------|
| Minimum Front Yard Setback   |   | 25 ft     |
| Minimum Side Yard Setback    | For lots with sides along open space  | 15 ft     |
|                              | For lots with sides NOT along open space  | 10 ft     |
| Minimum Rear Yard Setback    | For lots with rears along open space  | 25 ft     |
|                              | For lots with rears NOT along open space  | 20 ft     |
| Accessory Structure Setbacks | All structures 6-feet or less in height are not allowed in the front yard setback or within 3-feet of any lot line. |           |
| Minimum Lot Size             |   | 12,000 SF |
| Maximum Units per Gross Acre |   | 1.7       |

Under the Zoning and Development Code PD's are based on straight zones. The underlying straight zone for Independence Ranch Filings 7-13 Planned Development is RSF-2. The PD zoning when adopted is integral to and a part of the approved development plan. Most all of the bulk standards in this PD zone have been varied from the RSF-2 zone due to specific design considerations. Those design considerations were evaluated by the Planning Commission and City Development staff and were found to be appropriate. The Planning Commission and staff have recommended approval of the zoning.

The property being zoned includes the following:

A part of Lot 11 Block 1, Independence Ranch Subdivision Filing 5; being more particularly described as follows:

Beginning at the Northwest corner of said Lot 11;  
 Thence along the North line of said Lot 11, North 89°06'03" East, a distance of 1314.18 feet;  
 Thence along the North line of said Lot 11, North 88°51'56" East, a distance of 141.24 feet;  
 Thence along the North line of said Lot 11, North 88°51'30" East, a distance of 112.89 feet;  
 Thence along the East line of said Lot 11, South 00°48'05" West, a distance of 424.06 feet;  
 Thence along the East line of said Lot 11, South 75°12'30" West, a distance of 107.08 feet;  
 Thence along the East line of said Lot 11, South 37°13'37" West, a distance of 99.39 feet;  
 Thence along the East line of said Lot 11, South 09°06'13" East, a distance of 133.27 feet;  
 Thence along the East line of said Lot 11, South 33°23'16" East, a distance of 108.97 feet;  
 Thence along the East line of said Lot 11, South 53°21'53" East, a distance of 82.45 feet;  
 Thence South 02°02'58" West, a distance of 293.65 feet;  
 Thence South 32°46'32" West, a distance of 39.29 feet to the South line of said Lot 11;  
 Thence along the South line of said Lot 11, South 89°49'07" West, a distance of 151.29 feet;  
 Thence North 49°56'12" East, a distance of 133.63 feet;  
 Thence North 10°01'32" East, a distance of 250.04 feet;  
 Thence North 76°28'34" West, a distance of 115.70 feet;

Thence South 39°53'43" West, a distance of 137.36 feet;  
Thence 32.56 feet along the arc of a 48.00 foot radius non-tangent curve to the left, through a central angle of 38°52'10", with a chord bearing North 71°33'54" West, a distance of 31.94 feet;  
Thence North 34°08'50" East, a distance of 149.92 feet;  
Thence North 16°39'15" West, a distance of 56.46 feet;  
Thence North 07°56'52" West, a distance of 94.71 feet;  
Thence North 01°53'24" East, a distance of 104.93 feet;  
Thence North 78°19'19" West, a distance of 68.32 feet;  
Thence South 82°47'38" West, a distance of 113.32 feet;  
Thence 51.87 feet along the arc of a 202.00 foot radius non-tangent curve to the left, through a central angle of 14°42'41", with a chord bearing North 20°17'02" West, a distance of 51.72 feet;  
Thence North 27°38'22" West tangent to said curve, a distance of 51.41 feet;  
Thence South 62°21'38" West, a distance of 44.00 feet;  
Thence North 27°38'22" West, a distance of 49.37 feet;  
Thence South 40°25'54" West, a distance of 200.89 feet;  
Thence South 47°30'31" West, a distance of 102.35 feet;  
Thence South 59°43'45" West, a distance of 126.57 feet;  
Thence North 18°06'30" West, a distance of 123.95 feet;  
Thence 104.19 feet along the arc of a 222.00 foot radius non-tangent curve to the left, through a central angle of 26°53'25", with a chord bearing North 54°11'51" East, a distance of 103.24 feet;  
Thence North 49°14'51" West, a distance of 44.00 feet; to the beginning of a 178.00 foot radius curve concave to the northwest;  
Thence southwesterly 44.50 feet along the arc of said curve, through a central angle of 14°19'30", with a chord bearing South 47°54'54" West, a distance of 44.39 feet;  
Thence North 15°15'27" West, a distance of 214.56 feet;  
Thence South 65°30'22" West, a distance of 296.00 feet;  
Thence South 73°05'35" West, a distance of 76.46 feet;  
Thence South 06°45'32" West, a distance of 58.05 feet;  
Thence South 07°46'15" East, a distance of 9.48 feet;  
Thence South 88°12'47" West, a distance of 120.99 feet;  
Thence South 06°30'39" East, a distance of 100.00 feet;  
Thence South 62°52'30" West, a distance of 8.53 feet;  
Thence South 83°28'39" West, a distance of 36.00 feet;  
Thence South 06°31'21" East, a distance of 13.76 feet;  
Thence 32.13 feet along the arc of a 228.00 foot radius tangent curve to the right, through a central angle of 8°04'31", with a chord bearing South 02°29'05" East, a distance of 32.11 feet;  
Thence South 01°33'11" West tangent to said curve, a distance of 18.50 feet;  
Thence South 85°16'22" West, a distance of 152.47 feet to the West line of said Lot 11;  
Thence along the West line of said Lot 11, North 00°51'57" West, a distance of 647.39 feet; to the Point of Beginning.

Containing 17.767 Acres, more or less.

AND A parcel of land situated in the SE1/4 of Section 35, Township 1 North, Range 2 West of the Ute Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

Beginning at a point on the South line of the SE1/4 of said Section 35, whence the B.L.M. brass cap for the Southeast corner of said Section 35 bears North 89°06'03" East, a distance of 182.43 feet; Thence North 29°52'22" West, a distance of 89.91 feet; Thence North 71°11'09" West, a distance of 59.06 feet; Thence North 45°51'22" West, a distance of 68.42 feet; Thence South 87°41'18" West, a distance of 68.22 feet; Thence North 79°08'50" West, a distance of 108.28 feet; Thence North 64°02'25" West, a distance of 62.18 feet; Thence South 68°11'37" West, a distance of 66.06 feet; Thence North 15°53'43" West, a distance of 75.26 feet; Thence North 59°51'15" East, a distance of 54.25 feet; Thence North 08°15'53" West, a distance of 64.75 feet; Thence North 71°42'20" West, a distance of 475.17 feet; Thence North 12°12'56" West, a distance of 229.50 feet; Thence North 35°38'33" West, a distance of 566.09 feet; Thence North 16°58'57" East, a distance of 103.91 feet; Thence North 00°24'43" West, a distance of 13.41 feet to the North line of the SW1/4 SE1/4 of said Section 35; Thence South 89°35'17" West, a distance of 331.77 feet to the Northwest corner of the East 390.90 feet of the SW1/4 SE1/4 of said Section 35; Thence along the West line of the East 390.90 feet of the SW1/4 SE1/4 of said Section 35, South 00°58'05" East, a distance of 1296.85 feet to the South line of the SW1/4 of said Section 35; Thence North 89°06'03" East, a distance of 1533.90 feet to the Point of Beginning.

AND That part of the North ½ of Section 15, Township 11 South, Range 101 West of the 6th Principal Meridian, lying within the following description: From the Southwest corner of fractional Northeast ¼ Northwest ¼ of Section 15, Township 11 South, Range 101 West of the 6th Principal Meridian, and considering the North line of said Section 15 to bear West, as determined by the General Land Office in 1915 and 1918, with all bearings contained herein relative thereto; thence South 89°32' East 937.5 feet; thence North 00°00'00" East 25.00 feet to the True Point of Beginning, being a point on the North right-of-way line of F-3/4 Road; thence along the North right-of-way line of said F-3/4 Road, South 89°32'00" East 402.21 feet; thence leaving said right-of-way line, North 00°00'00" East 1084.70 feet to the North line of said Section 15; thence along the North line said Section 15, South 89°59'46" West 402.21 feet; from which point the Northwest corner of Lot 3 of said Section 15 bears South 89°59'46" West 929.85 feet; thence South 00°00'00" West 1081.40 feet to the True Point of Beginning. EXCEPT that part conveyed to County of Mesa for road right-of-way by instrument recorded June 2, 1995 in Book 2149 at Page 76.



INTRODUCED for FIRST READING and PUBLICATION this 4th day of October, 2000.

PASSED on SECOND READING this      day of      2000.

ATTEST:

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

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

**Attach 9**

**CITY COUNCIL AGENDA  
CITY OF GRAND JUNCTION**

| <i>CITY COUNCIL</i> |                                |                   |
|---------------------|--------------------------------|-------------------|
| Subject:            | Ephemeral Resources Annexation |                   |
| Meeting Date:       | October 4, 2000                |                   |
| Date Prepared:      | September 13, 2000             |                   |
| Author:             | Patricia Parish                | Associate Planner |
| Presenter Name:     | Patricia Parish                | Associate Planner |
|                     | Workshop                       | Formal Agenda     |

**Subject:** Zone of Annexation of the Ephemeral Resources property, #ANX-2000-144

**Summary:** First reading of the Zone of Annexation ordinance for the Ephemeral Resources Annexation located at 29 5/8 Road and D Road and including portions of the 29 Road and D Road rights-of-way.

**Background Information:** See attached.

**Budget:** N/A

**Action Requested/Recommendation:** It is recommended that City Council approve the first reading of the Zone of Annexation ordinance for the Ephemeral Resources Annexation and set a hearing for October 18, 2000.

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

|  |                                     |    |                          |     |              |  |
|--|-------------------------------------|----|--------------------------|-----|--------------|--|
| <b>Report results back to Council:</b> | <input checked="" type="checkbox"/> | No | <input type="checkbox"/> | Yes | <b>When:</b> |  |
|--|-------------------------------------|----|--------------------------|-----|--------------|--|

|                             |                                     |         |                          |                      |                          |          |
|-----------------------------|-------------------------------------|---------|--------------------------|----------------------|--------------------------|----------|
| <b>Placement on Agenda:</b> | <input checked="" type="checkbox"/> | Consent | <input type="checkbox"/> | Indiv. Consideration | <input type="checkbox"/> | Workshop |
|-----------------------------|-------------------------------------|---------|--------------------------|----------------------|--------------------------|----------|

| <b>BACKGROUND INFORMATION</b>       |              |  |            |
|-------------------------------------|--------------|--|------------|
| <b>Location:</b>                    |              | <b>29 5/8 Road and D Road</b>  |            |
| <b>Applicants:</b>                  |              | <b>Ephemeral Resources, LLC, Owner<br/>Ben Kilgore, Developer<br/>Thomas Logue, Representative</b> |            |
| <b>Existing Land Use:</b>           |              | <b>Vacant Farmland</b>   |            |
| <b>Proposed Land Use:</b>           |              | <b>Gravel Mine</b>   |            |
| <b>Surrounding Land Use:</b>        | <b>North</b> | <b>Vacant Farmland, Single Family Residential</b>  |            |
|                                     | <b>South</b> | <b>Vacant Farmland, Single Family Residential</b>  |            |
|                                     | <b>East</b>  | <b>Vacant Farmland, Single Family Residential</b>  |            |
|                                     | <b>West</b>  | <b>Vacant Farmland, Single Family Residential</b>  |            |
| <b>Existing Zoning:</b>             |              | <b>RSF-R (1 unit/5 acres)</b>  |            |
| <b>Proposed Zoning:</b>             |              | <b>RSF-R (1 unit/5 acres)<br/>Effective Annexation Date: 11/19/00</b>                              |            |
| <b>Surrounding Zoning:</b>          | <b>North</b> | <b>RSF-R (Residential Single Family Rural-County)</b>  |            |
|                                     | <b>South</b> | <b>RSF-R (Residential Single Family Rural-County)</b>  |            |
|                                     | <b>East</b>  | <b>RSF-R (Residential Single Family Rural-County)</b>  |            |
|                                     | <b>West</b>  | <b>RSF-R (Residential Single Family Rural-County)</b>  |            |
| <b>Growth Plan Designation:</b>     |              | <b>Estate (2-5 units/acre)</b>   |            |
| <b>Zoning within density range?</b> |              | <b>X</b>   | <b>Yes</b> |
|                                     |              |  | <b>No</b>  |

**Staff Analysis:**

**ZONE OF ANNEXATION:**

Under the 1998 Persigo Agreement with Mesa County, the City is allowed to zone newly annexed areas the same as existing County zoning. The proposed zoning of RSF-R is identical to or nearly identical to corresponding Mesa County zoning for the properties. The density for the zone RSF-R lies on the lower end of the Future Land

Use Map’s recommended densities. Future development on these properties may include rezoning to higher densities supported by the Growth Plan’s Future Land Use Map.

Ephemeral Resources has seven parcels being annexed into the City of Grand Junction. The existing Mesa County zoning for the Ephemeral Resources parcels is Residential Single Family. The proposed Zone of Annexation for the Ephemeral Resources Annexation is RSF-R (Residential Single Family-Rural). The 110.86 acres of land owned by Ephemeral Resources is being annexed in accordance with the Persigo Agreement as a result of the plan to develop the vacant parcel into a gravel mining operation, which is concurrently undergoing a review for a Conditional Use Permit and a Vacation of Right-of-Way and Easement process.

**ZONING AND DEVELOPMENT CODE CRITERIA:**

**Section 2.14.F:** “Land annexed to the City shall be zoned in accordance with Section 2.6 to a district that is consistent with the adopted Growth Plan or consistent with existing County zoning.”

**Section 2.6:** Approval Criteria. In order to maintain internal consistency between this Code and the Zoning Maps, map amendments must only occur if:

1. The existing zoning was in error at the time of adoption;
2. There has been a change of character in the neighborhood due to installation of public facilities, other zone changes, new growth trends, deterioration, development transitions, etc.
3. The proposed rezone is compatible with the neighborhood and will not create adverse impacts such as: capacity or safety of the street network, parking problems, storm water or drainage problems, water, air or noise pollution, excessive nighttime lighting, or other nuisances;
4. The proposal conforms with and furthers the goals and policies of the Growth Plan, other adopted plans, and the policies, the requirements of this Code, and other City regulations and guidelines.
5. Adequate public facilities and services are available or will be made available concurrent with the projected impacts of the proposed development;
6. There is not an adequate supply of land available in the neighborhood and surrounding area to accommodate the zoning and community needs; and
7. The community or neighborhood will benefit from the proposed zone.

| <i>ANNEXATION SCHEDULE</i> |  |
|----------------------------|--|
| <b>Sept. 6,<br/>2000</b>   | Referral of Petition (30 Day Notice), First Reading, Exercising Land Use |
| <b>Sept. 12,<br/>2000</b>  | Planning Commission considers Zone of Annexation                         |

|                          |  |
|--------------------------|--|
| <b>Oct. 4,<br/>2000</b>  | First Reading on Zoning by City Council  |
| <b>Oct. 18,<br/>2000</b> | Acceptance of Petition and Public hearing on Annexation and Zoning by City Council |
| <b>Nov. 19,<br/>2000</b> | Effective date of Annexation and Zoning  |

**STAFF RECOMMENDATION:**

Approval of the zone of annexation to Residential Single Family-Rural (RSF-R).

**PLANNING COMMISSION RECOMMENDATION:**

Zone of Annexation:

Recommendation of approval of Residential Single Family-Rural (RSF-R) on File #ANX-2000-144, for the following reasons:

- RSF-R zone district is similar to the existing Mesa County zoning RSF-R.
- RSF-R zone district meets the criteria found in Section 2.14.F and Section 2.6 of the Zoning and Development Code.

**Attachments:**

1. Zoning Ordinance
2. Summary Sheet
3. Annexation Boundary Map (2)

**CITY OF GRAND JUNCTION, COLORADO**

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

**Zoning the Ephemeral Resources Annexation to  
Residential Single Family - Rural (RSF-R)**

**Located at 29 5/8 Road and D Road**

Recitals.

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of applying an RSF-R zone district to this annexation.

After public notice and public hearing before the Grand Junction City Council, City Council finds that the RSF-R zone district be established for the following reasons:

- This zone district meets the criteria of Section 2.14.F of the Zoning and Development Code by being identical to or nearly identical to the former Mesa County zoning for each parcel and conforms to the adopted Growth Plan Future Land Use Map.
- This zone district meets the criteria found in Section 2.6 of the Zoning and Development Code.

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

**The following property shall be zoned the Residential Single Family - Rural (RSF-R) zone district**

Includes the following tax parcels: 2943-202-00-037, 2943-202-00-039, 2943-202-00-045, 2943-202-00-006, 2943-202-00-074, 2943-203-00-097, 2943-203-00-098.

A parcel of land situate in Section 20, Township 1 South, Range 1 East of the Ute Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

Beginning at the North 1/4 corner of Section 20; thence S 00°01'52" W along the east line of the NE 1/4 NW 1/4 of said Section 20 a distance of 1324.46 feet to the CN 1/16 corner of said Section 20; thence S 00°00'25" W along the east line of the SE 1/4 NW 1/4 of said

Section 20 a distance of 1325.57 feet to the C 1/4 corner of said Section 20; thence S 00°00'25" W along the east line of the NE 1/4 SW 1/4 of said Section 20 a distance of 569.60 feet to a point; thence S 89°57'49" W a distance of 673.54 feet to a point; thence S 43°05'57" W a distance of 950.26 feet to a point on the west line of said NE 1/4 SW 1/4; thence N 00°08'02" E along the west line of the NE 1/4 SW 1/4 of said Section 20 a distance of 1264.15 feet to the CW 1/16 corner of said Section 20; thence N 00°03'51" E along the west line of the SE 1/4 NW 1/4 of said Section 20 a distance of 1322.85 feet to the NW 1/16 corner of said Section 20; thence S 89°53'36" W along the south line of the NW 1/4 NW 1/4 of said Section 20 a distance of 791.67 feet to a point; thence N 22°51'01" E a distance of 1004.19 feet to a point; thence N 90°00'00" E a distance of 1050.95 feet to a point; thence N 00°04'35" E a distance of 398.00 feet to a point 5 feet south of the north line of the NW 1/4 of said Section 20; thence S 90°00'00" W along a line 5 feet south of and parallel with the north line of said NW 1/4 a distance of 372.00 feet to a point; thence S 00°04'35" W a distance of 5.00 feet to a point; thence S 90°00'00" W along a line 10 feet south of and parallel with the north line of the NW 1/4 of said Section 20 a distance of 1583.56 feet to a point; thence S 00°07'18" W along a line 10 feet east of and parallel with the west line of the NW 1/4 NW 1/4 of said Section 20 a distance of 1245.02 feet to a point; thence S 89°52'42" E a distance of 5.00 feet to a point; thence S 00°07'18" W along a line 15 feet east of and parallel with the west line of said NW 1/4 NW 1/4 a distance of 74.37 feet to a point on the south line of said NW 1/4 NW 1/4; thence S 00°07'18" W along a line 15 feet east of and parallel with the west line of the SW 1/4 NW 1/4 of said Section 20 a distance of 1320.13 feet to a point on the south line of said SW 1/4 NW 1/4; thence S 00°07'00" W along a line 15 feet east of and parallel with the west line of the NW 1/4 SW 1/4 of said Section 20 a distance of 40.06 feet to a point; thence N 89°38'24" W a distance of 5.00 feet to a point; thence N 00°07'00" E along a line 10 feet east of and parallel with the west line of said NW 1/4 SW 1/4 a distance of 40.04 feet to a point on the north line of the NW 1/4 SW 1/4 of said Section 20; thence N 00°07'18" E along a line 10 feet east of and parallel with the west line of the SW 1/4 NW 1/4 of said Section 20 a distance of 1320.13 feet to a point on the north line of said SW 1/4 NW 1/4; thence N 00°07'18" E along a line 10 feet east of and parallel with the west line of the NW 1/4 NW 1/4 of said Section 20 a distance of 69.37 feet to a point; thence N 89°52'42" W a distance of 5.00 feet to a point; thence N 00°07'18" E along a line 5 feet east of and parallel with the west line of said NW 1/4 NW 1/4 a distance of 1255.01 feet to a point; thence N 90°00'00" E along a line 5 feet south of and parallel with the north line of the NW 1/4 of said Section 20 a distance of 1583.56 feet to a point; thence N 00°04'35" E a distance of 5.00 feet to a point on the north line of the NW 1/4 of said Section 20; thence N 90°00'00" E along the north line of said NW 1/4 a distance of 1046.56 feet to the point of beginning.

Introduced on first reading this 4<sup>th</sup> day of October, 2000.

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

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

ATTEST:

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



**Attach 10**

**CITY COUNCIL AGENDA  
CITY OF GRAND JUNCTION**

| <i>CITY COUNCIL</i>    |   |                               |
|------------------------|---|-------------------------------|
| <b>Subject:</b>        | 2000 CDBG Sub-recipient contract with Catholic Outreach |                               |
| <b>Meeting Date:</b>   | October 4, 2000   |                               |
| <b>Date Prepared:</b>  | September 26, 2000                                      |                               |
| <b>Author:</b>         | Dave Thornton   | Principal Planner             |
| <b>Presenter Name:</b> | <b>David Varley</b>                                     | <b>Assistant City Manager</b> |
|                        | Workshop  | Formal Agenda                 |

**Subject:** Approval of the sub-recipient contract with the Grand Valley Catholic Outreach for the Homeless Day Center located at 302 Pitkin Avenue for the City's Community Development Block Grant (CDBG) 2000 program year.

**Summary:** This contract formalizes the City's award of \$130,000 to the Catholic Outreach for acquisition of the Homeless Day Center located at 302 Pitkin Avenue. These funds come from the City's 2000 Community Development Block Grant Program.

**Background Information:** The City Council has awarded \$130,000 to the Catholic Outreach allotment of Federal Community Development Block Grant Program funds. This money will be used for the acquisition of the Homeless Day Center. This is the fifth consecutive year the City has given funding to Catholic Outreach for the Day Center. The main mission of the Day Center is to provide services to the homeless population of our community. Services provided include, but are not limited to the provision of shower and laundry facilities, storage of personal belongings, telephone and message services and counseling.

The Catholic Outreach is considered a "sub-recipient" to the City. The City will "pass through" a portion of its 2000 Program CDBG funds to the Catholic Outreach but the City remains responsible for the use of these funds. This sub-recipient contract outlines the duties and responsibilities of each party and is used to ensure that the Catholic Outreach will comply with all federal rules and regulations governing the use of these funds. This contract must be approved before any of these 2000 federal funds can be spent. Exhibit "A" of the contract (see below) contains the specifics of the project and how the money will be used.

**Budget:** \$130,000 (2000 CDBG funds)

**Action Requested/Recommendation:** Recommend City Council authorizes the City Manager to sign the sub-recipient contract with the Catholic Outreach.

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

|  |                                     |           |                          |            |              |  |
|--|-------------------------------------|-----------|--------------------------|------------|--------------|--|
| <b>Report results back to Council:</b> | <input checked="" type="checkbox"/> | <b>No</b> | <input type="checkbox"/> | <b>Yes</b> | <b>When:</b> |  |
|--|-------------------------------------|-----------|--------------------------|------------|--------------|--|

|                             |                                     |                |                          |                             |                          |                 |
|-----------------------------|-------------------------------------|----------------|--------------------------|-----------------------------|--------------------------|-----------------|
| <b>Placement on Agenda:</b> | <input checked="" type="checkbox"/> | <b>Consent</b> | <input type="checkbox"/> | <b>Indiv. Consideration</b> | <input type="checkbox"/> | <b>Workshop</b> |
|-----------------------------|-------------------------------------|----------------|--------------------------|-----------------------------|--------------------------|-----------------|

**2000 SUBRECIPIENT CONTRACT FOR  
CITY OF GRAND JUNCTION  
COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS  
WITH  
GRAND VALLEY CATHOLIC OUTREACH**

**EXHIBIT "A"  
SCOPE OF SERVICES**

1. The City agrees to pay Grand Valley Catholic Outreach \$130,000 from its 2000 Program Year CDBG Entitlement Funds for the acquisition of the Homeless Day Center located at 302 Pitkin Avenue. The general purpose of the Day Center is to provide services to the homeless in Grand Junction. The services to be provided include, but are not limited to the provision of showers and laundry facilities, storage of personal belongings, telephone and message services and counseling.
2. Grand Valley Catholic Outreach certifies that it shall meet the CDBG National Objective of low/mod limited clientele benefit (570.208(a)(2)). It shall meet this objective by providing the above-referenced services to homeless persons in Grand Junction, Colorado.
3. CDBG funds shall be used for building acquisition costs of no more than \$130,000. All additional costs shall be borne by Catholic Outreach. Money to run the Center shall be raised or provided by Grand Valley Catholic Outreach. Catholic Outreach was awarded \$30,000 for operational funding from the City's 1996 Program Year CDBG Entitlement Funds, \$10,000 from 1997 funds, \$17,131 from 1998 funds and \$16,000 from 1999 CDBG funds.
4. Catholic Outreach estimates the Day Center may serve up to 50 or more people per day and also estimates that more than 4,000 persons will be served by the Center each year.
5. Catholic Outreach will purchase the building at 302 Pitkin Avenue, Grand Junction, Colorado, for the operation of the Day Center. The Day Center is open and operational, and shall remain open and operational at least through December 31, 2007. If operation of the Day Center ceases before December 31, 2007, Catholic Outreach will refund the City of Grand Junction CDBG funding at the rate of \$1500 per month for each month that it is not open and serving clientele to December 31, 2007.
6. The Day Center shall be open for business Monday through Friday from morning until early afternoon.

7. Grand Valley Catholic Outreach agrees to submit a progress report to the City on a monthly basis. This report shall detail in accordance with generally accepted accounting principles the monthly and year-to-date expenses and revenues for the Day Center. It shall also describe the services provided and the number of clientele served on a monthly and year-to-date basis. A final, year-end report detailing all services provided shall also be submitted by March 30<sup>th</sup> of the following year. All required reports shall be sent to David Thornton, Principal Planner, 250 North Fifth Street, Grand Junction, Colorado 81501.

8. A blanket fidelity bond equal to cash advances as referenced in Paragraph V.(E) will not be required as long as no cash advances are made and payment is on a reimbursement basis or paid at property closing. Catholic Outreach shall notify the City two weeks in advance of the closing date.

9. A formal project (Close Out) notice will be sent to Grand Valley Catholic Outreach once the City receives a final year-end report for project year 2007. This final report shall be prepared by Catholic Outreach and submitted to the City on or before March 30, 2008 unless a later date is agreed to in writing by the Grand Valley Catholic Outreach and the City.

Attach 11

**Grand Junction Area**



**Memo to: Grand Junction City Council**  
**From: Existing Industry Incentive Committee**  
**Date: September 1, 2000**  
**Subject: Request for award of incentive funds**

The Existing Business Expansion Incentive Committee requests the following item be considered by the Council at workshop on October 2, 2000 and possible action be taken at the Council Meeting on October 4th. This company needs to a fairly long lead-time to order machinery and equipment.

**Project Description**

Hamilton Sundstrand, a United Technologies Company intends to create a cost-competitive and strategically critical in-house manufacturing option for radial-flow and (as an option) axial flow Auxiliary Power Unit (APU) turbine wheels that are used in aircraft.

The project will create a total of ten new manufacturing jobs (average \$15 per hour) and 2-3 planning/engineering jobs (average \$25 per hour). Estimated capital investment is \$1.7 million. In addition, this manufacturing cell will provide additional product diversification and fixed cost absorption, strengthening the Grand Junction plant site's position the competitive marketplace and ensuring current job retention.

**Incentive Committee Recommendation:**

The Committee is recommending that the Company receive \$47,200 in existing business expansion funds from the City for this project.

**Attach 12**

**CITY COUNCIL AGENDA  
CITY OF GRAND JUNCTION**

| <i>CITY COUNCIL</i>    |  |                       |
|------------------------|--|-----------------------|
| <b>Subject:</b>        | Garret Estates – Right of Way Vacation |                       |
| <b>Meeting Date:</b>   | October 4, 2000                        |                       |
| <b>Date Prepared:</b>  | September 29, 2000                     |                       |
| <b>Author:</b>         | Bill Nebeker                           | Senior Planner        |
| <b>Presenter Name:</b> | <b>Bill Nebeker</b>                    | <b>Senior Planner</b> |
|                        | Workshop                               | 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 second reading.

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

|  |                                     |    |                          |     |              |  |
|--|-------------------------------------|----|--------------------------|-----|--------------|--|
| <b>Report results back to Council:</b> | <input checked="" type="checkbox"/> | No | <input type="checkbox"/> | Yes | <b>When:</b> |  |
|--|-------------------------------------|----|--------------------------|-----|--------------|--|

|                             |                                     |         |                          |                      |                          |          |
|-----------------------------|-------------------------------------|---------|--------------------------|----------------------|--------------------------|----------|
| <b>Placement on Agenda:</b> | <input checked="" type="checkbox"/> | Consent | <input type="checkbox"/> | Indiv. Consideration | <input type="checkbox"/> | Workshop |
|-----------------------------|-------------------------------------|---------|--------------------------|----------------------|--------------------------|----------|

| <b>BACKGROUND INFORMATION</b>       |              |  |            |
|-------------------------------------|--------------|--|------------|
| <b>Location:</b>                    |              | <b>NEC 25 &amp; F ½ Roads</b>                    |            |
| <b>Applicant:</b>                   |              | <b>Sonshine Construction</b>                     |            |
| <b>Existing Land Use:</b>           |              | <b>Single family home and vacant</b>             |            |
| <b>Proposed Land Use:</b>           |              | <b>Single family homes (55)</b>                  |            |
| <b>Surrounding Land Use:</b>        | <b>North</b> | <b>Vacant (Country Crossing)</b>                 |            |
|                                     | <b>South</b> | <b>Mesa County Sheriff's Posse</b>               |            |
|                                     | <b>East</b>  | <b>Single family residential (Diamond Ridge)</b> |            |
|                                     | <b>West</b>  | <b>Low density residential</b>                   |            |
| <b>Existing Zoning:</b>             |              | <b>RMF-8 (formerly RSF-8)</b>                    |            |
| <b>Proposed Zoning:</b>             |              | <b>No change proposed</b>                        |            |
| <b>Surrounding Zoning:</b>          | <b>North</b> | <b>PD (planned development - residential)</b>    |            |
|                                     | <b>South</b> | <b>I-O (Industrial Office Park)</b>              |            |
|                                     | <b>East</b>  | <b>PD (Planned Development - residential)</b>    |            |
|                                     | <b>West</b>  | <b>RMF-8</b>                                     |            |
| <b>Growth Plan Designation:</b>     |              | <b>Residential Medium: 4 to 8 units per acre</b> |            |
| <b>Zoning within density range?</b> |              | <b>X</b>   | <b>Yes</b> |
|                                     |              |  | <b>No</b>  |

**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 1/2 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 1/2 Road. Currently 25 Road has 40 feet of right-of-way on the east side and F 1/2 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 1/4 NW 1/4 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 1/4 corner of said Section 3, the basis of bearing being N00°03'01"E along the west line of said SW 1/4 NW 1/4 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 20th day of September, 2000

PASSED on SECOND READING this 4<sup>th</sup> day of October, 2000.

ATTEST:

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

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

