

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

WEDNESDAY, JULY 18 , 2001, 7:30 P.M.

CALL TO ORDER

Pledge of Allegiance
Invocation - Joe Jones
Redlands Pentecostal Church of God

APPOINTMENTS

APPOINTMENTS TO RIDGES ARCHITECTURAL CONTROL COMMITTEE

RATIFY APPOINTMENT TO BUILDING AND FIRE CODE BOARD OF APPEALS

CERTIFICATES OF APPOINTMENT

CERTIFICATES OF APPOINTMENT WILL BE PRESENTED TO NEWLY APPOINTED MEMBERS OF THE BOARD OF APPEALS, DOWNTOWN DEVELOPMENT AUTHORITY BOARD OF DIRECTORS AND WALKER FIELD AIRPORT AUTHORITY

CITIZEN COMMENTS

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

1. **Setting a Hearing on an Optional Premises License for Redlands Mesa Golf Course** [Attach 1](#)

Redlands Mesa Golf Course has requested that it be permitted to serve alcohol on the newly opened golf course. Section 12-47-310 Colorado Revised Statutes permits a municipality to pass an ordinance to provide optional premises licenses for restaurants that serve liquor on their premises to include an adjacent recreational facility in their license. Service of liquor on the Redlands Mesa Golf Course would benefit the City by an increase in revenue.

Proposed Ordinance Regarding an Optional Premises License for Redlands Mesa Golf Course

*** *Indicates New Item*
* *Requires Roll Call Vote*

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for August 1, 2001

Staff presentation: Stephanie Rubinstein, City Staff Attorney

2. **Award of Contract for Playground Equipment in Pine Ridge Park** [Attach 2](#)

Award a contract to Miracle Recreation Equipment Company to provide the play equipment and safety surface materials for the renovation of the playground at Pine Ridge Park. Miracle Recreation Equipment Company was the best-qualified proposal of the six received and publicly read at 2:00 p.m. on June 26, 2001 at the City's purchasing department. The renovation of the playground is needed because of the age and deteriorating condition of the existing equipment.

Action: Award Contract to Purchase Playground Equipment For Pine Ridge Park to Miracle Recreation Equipment Company in the Amount of \$55,000.

Staff presentation: Shawn Cooper, Parks Planner

3. **Setting a Hearing on Rezoning Arrowhead Acres II, Filing 2 , Located at B 1/2 Road and Arlington Drive, to PD** [File # RZ-2001-108] [Attach 3](#)

Request to rezone the Arrowhead Acres II, Filing 2 Subdivision from RMF-5 (Residential Multi-family, 5 units per acre) to PD (Planned Development).

Proposed Ordinance Rezoning Arrowhead Acres II, Filing 2, from RMF-5 to PD

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for August 1, 2001

Staff presentation: Kathy Portner, Planning Manager

4. **Skyway Area Sewer Design Services Contract** [Attach 4](#)

This project calls for the design and preparation of bid documents as outlined in the "Request for Proposals" for the extension of 24,000 linear feet of 8" sewer main to benefit 230 properties in the Skyway Area. The subdivision is located northeast of Broadway and east of 23 Road on the Redlands as shown on the map below. This work is preparatory to the creation of a sewer improvement district to eliminate septic systems.

The following qualified, lump sum fee proposals were received on July 9, 2001:

Consultant	From	District	Sewer Fund (for Scenic Lift Station Elimination)	Total Lump Sum Fee
Williams	Fruita	\$130,000	\$15,500	\$145,500
Sear-Brown	Denver	\$146,200	\$6,800	\$153,000

Action: Award Contract for Design Services for the Skyway Area Sewer Design to Williams Engineering in the Amount of \$145,500 Contingent upon County Commissioner approval.

Staff presentation: Greg Trainor, Utilities Manager

5. **Setting a Hearing on an Ordinance Creating the City of Grand Junction Rimrock Marketplace General Improvement District** [Attach 5](#)

First Reading of the ordinance to create a general improvement district for Rimrock Marketplace that will lead to an election in November of 2001 of effected property owners (only the owners and developers of Rimrock) to issue Special Assessment Bonds to cover costs of public improvements at the development site. These improvements are estimated to cost \$2.8 million.

Proposed Ordinance Creating the City of Grand Junction Rimrock Marketplace General Improvement District; and Providing Other Details Relating Thereto

Action: Adopt Prposed Ordinance on First Reading and Set a Hearing for August 1, 2001

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

6.*** **Executive Session Procedures** [Attach 9](#)

HB 01-1359 amended the Colorado Open Meetings Law and Open Records Act relative to executive sessions. Staff has drafted a set of procedures, including sample motions and forms, to assist City Council.

Action: Adopt the Procedures and Forms for Use for Executive Sessions

Staff presentation: John Shaver, Assistant City Attorney

7.*** **Downtown Parking Fees and Fines** [Attach 10](#)

The Resolution authorizes and directs staff to purchase and install 139 additional meters and change the time limits of other meters as requested by the DDA. Change the one and two hour meters from 25 cents and hour to 50 cents, the four and ten hour meters to 10 cents per hour from 5 cents per our. Additionally they recommend the formal adoption of an annual parking pass program at \$300 a year, to be restricted to use at four and ten hour meters. Fines for overtime parking to be increased from \$3 to \$10 and other restricted parking from \$5 to \$15. The only other change is a recommendation to increase all fines by \$10 per week the violation remains unpaid instead of the past practice of all fines doubling each week. With the higher proposed fines to start with staff believes this change is appropriate. All changes in fines and fees are to become effective no earlier than 1/01/02, to allow time for education and implementation.

Resolution No. 71-01 – A Resolution Adopting the Municipal Court Fine Schedule for Overtime Parking, Restricted Parking and Handicapped Parking Violations and Setting Meter Rates

**Action: Adopt Resolution No. 71-01*

Staff presentation: Barbara Creasman, DDA Director
Ron Lappi, Administrative Services Director

8.*** **Condemnation of Property at Southeast corner of 29 Road and North Avenue** [Attach 11](#)

As part of the 29 Road reconstruction a small ara of land is needed from the property located at the SE corner of the intersection of 29 Road and North Avenue. City staff has negotiated in good faith with the owner and has made a final offer for the acquisition of the land. The owner and the City have been unable to agree on terms.

Resolution No. 72-01 – A Resolution Determining the Necessity of, and Authorizing the Acquisition of, Certain Property by Either Negotiation or Condemnation, for Municipal Public Facilities

**Action: Adopt Resolution No. 72-01*

Staff presentation: John Shaver, Assistant City Attorney

*** END OF CONSENT CALENDAR ***

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

9. **Storm Event and Storm Water and Sewage Flows**

Staff will present additional information on the storm water and sewage flows that occurred during the last Tuesday and Saturday storm evens. There are citizens that wish to speak on this issue.

Staff presentation: Greg Trainor, Utilities Manager

10. **Public Hearing - Laser Junction Annexation, Located at 2547 River Road** [File #ANX-2001-099] [Attach 6](#)

Referral of petition to annex and second reading of the annexation ordinance for the Laser Junction Annexation located at 2547 River Road and includes a portion of the River Trail. The 3.606-acre Laser Junction Annexation consists of one parcel of land.

a. Resolution Accepting Petition

Resolution No. 70-01 – A Resolution Accepting a Petition for Annexation, Making Certain Findings and Determining Property Known as the Laser Junction Annexation Located at 2547 River Road Including a Portion of the River Trail, is Eligible for Annexation

**Action: Adopt Resolution No. 70-01*

b. Ordinance Annexing

Ordinance No. 3357 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Laser Junction Annexation, Approximately 3.606 Acres Located at 2547 River Road and including a portion of the River Trail

**Action: Adopt Ordinance No. 3357 on Second Reading*

Staff presentation: Pat Cecil, Development Services Supervisor

11. **Public Hearing - Zoning Laser Junction Annexation to I-1 and CSR, Located at 2547 River Road** [File #ANX-2001-099] [Attach 7](#)

CONTINUED FROM THE JULY 11, 2001 MEETING

Request to zone the Laser Junction Annexation to I-1 and CSR, located at 2547 River Road and including a portion of the River Trail. This approximately 3.606-acre annexation consists of one parcel of land.

Ordinance No. 3358 – An Ordinance Zoning Laser Junction Annexation to I-1 and CSR, Located at 2547 River Road Including a Portion of the River Trail

**Action: Adopt Ordinance No. 3358 on Second Reading*

Staff presentation: Pat Cecil, Development Services Supervisor

12. **Update from “STEAM” for the Public Service Steam Plant Property** [Attach 8](#)

“STEAM” will update City Council on the status of this project for the steam plant property.

Action: Decision on Update

Staff presentation: Tim Woodmansee, Real Estate Manager

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

14. **OTHER BUSINESS**

15. **ADJOURNMENT**

City of Grand Junction, Colorado
Ordinance No. _____

AN ORDINANCE FOR AN OPTIONAL PREMISES
LICENSE FOR REDLANDS MESA GOLF COURSE

The City Council of Grand Junction makes the following findings:

1. Section 12-47-310 Colorado Revised Statutes permits a municipality to pass an ordinance to provide optional premises licenses for restaurants that serve liquor on their premises to include an adjacent recreational facility in their license.
2. Service of liquor on the Redlands Mesa Golf Course would benefit the City by an increase in revenue.
3. This ordinance refers to the Redlands Mesa Golf Course only, and does not effect the status of any other liquor licenses or lack thereof, of any other golf course.

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

Section 1. Definitions. For the purposes of this ordinance, the following words or phrases shall have the meanings set forth.

- a. *Optional premises* means the same as that defined in the Colorado Liquor Code under § 12-47-103 (22) and 12-47-310, C.R.S. The only type of license authorized in this ordinance, is a “restaurant with optional premises,” which may be referred to as “optional premises” unless otherwise stated.
- b. *Licensee*, for the purpose of this license means "Redlands Junction Service Company LLC" with a trade name of "the Golf Club at Redlands Mesa".

Section 2. Standards. The following standards are for the issuance of an optional premises license for the Redlands Mesa Golf Course that holds a liquor license and has an outdoor sports and recreational facility, namely the Redlands Mesa Golf Course, adjacent to its facility. The standards are adopted pursuant to the provisions of § 12-47-310 C.R.S. The standards adopted shall be considered in addition to all other standards applicable to the consideration and/or issuance of licenses under the Colorado Liquor Code and any and all applicable local laws, rules and regulations.

Section 3. Form of Application. Application for the optional premises license shall be made to the City Clerk on forms, which shall contain the following information in addition to information, required by the State. The application shall be heard publicly by the local hearing officer.

- (1) A map or other drawing illustrating the optional premises boundaries and the location of the proposed optional premises license requested; and
- (2) Proposed location(s) for permanent, temporary or movable structure(s) which are proposed to be used for the sale or service of alcohol beverages and a statement as to whether mobile carts will be used for the sale or service of alcohol beverages; and
- (3) A description of the method which shall be used to identify the boundaries of the optional premises license when it is in use and how the licensee will ensure alcohol beverages are not removed from such premises; and
- (4) Proof of the applicant's right to possession of the optional premises including a legal description and supporting documentation to the satisfaction of the local licensing authority; and
- (5) A description of provisions, including a description of facilities, which have been made for storing the alcohol beverages in a secured area on or off the optional premises and for future use on the optional premises if or when alcohol beverages are not served.
- (6) A description of the provisions which will be implemented to control over service and prevent underage service of alcohol beverages.

Section 4. Eligibility. The licensee is a holder of a hotel-restaurant license which is located on or adjacent to an 18-hole golf course.

Section 5. Size of Premises. There is no minimum size, other than being a regulation 18-hole course, of the optional premises license or number of optional premises licenses for the licensee.

Section 6. Additional Conditions. Nothing contained in this ordinance shall preclude the Licensing Authority in its discretion, from imposing conditions, restrictions, or limitations on any optional premises license in order to serve the public health, safety and welfare. Any such conditions may be imposed when the license is initially issued, issued for any specific event, or renewed. The Authority shall have the right to deny any request for an optional premises license or it may suspend or revoke the optional premises license in accordance with the procedures specified by law.

Section 7. Notice filed with the Liquor Licensing Authority. It shall be unlawful for alcohol beverages to be served on the optional premises until the optional premises licensee has filed written notice with the State and the Authority stating the specific days and hours during which the optional premises will be used. Notice must be recorded with the Liquor Licensing Authority 48 hours prior to serving alcohol beverages

on the optional premises. No notice shall specify any period of use in excess of 180 days nor shall it specify any date more than 180 days after the date of the original notice. The licensee may file with the Liquor Licensing Authority more than one such notice during a calendar year; however, should any special or unusual event be anticipated to occur during any extended period of time, no less than 48 hours written notice should be given to the Liquor Licensing Authority, which shall have authority to impose any conditions reasonably related toward serving the public health, safety and welfare or it may deny the use after hearing.

INTRODUCED ON FIRST READING THIS 18th day of July, 2001.

PASSED AND ADOPTED ON SECOND READING THIS ____ day of August, 2001.

Mayor

ATTEST:

City Clerk

Attach 2

Playground Equipment in Pine Ridge Park

**CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION**

CITY COUNCIL		
Subject:	Award purchase of play equipment for Pine Ridge Park to Miracle Recreation Equipment Company.	
Meeting Date:	July 18, 2001	
Date Prepared:	July 11, 2001	
Author:	Shawn W. Cooper	Title Park Planner
Presenter Name:	Shawn W. Cooper	Title Park Planner
	Workshop	X Formal Agenda

Subject:

Award contract to Miracle Recreation Equipment Company. Located at 7174 Four Rivers Road, Boulder, Colorado 80301, to supply play equipment and safety surfacing for the renovation of the playground at Pine Ridge Park, in the amount of \$55,000.

Summary:

Council is requested to authorize the City Manager to sign a contract with Miracle Recreation Equipment Company to provide the play equipment and safety surface materials for the renovation of the playground at Pine Ridge Park. Miracle Recreation Equipment Company was the best-qualified proposal of the six received and publicly read at 2:00 p.m. on June 26, 2001 at the City's purchasing department. The renovation of the playground is needed because of the age and deteriorating condition of the existing equipment.

Background Information:

The renovation of Pine Ridge Park's playground is another phase in upgrading the City's park facilities. The department has been replacing one or two of the old play structures in the parks every year as part of the annual CIP budget. The old equipment has deteriorated and weathered over the years and no longer meet safety regulations. New current safety and accessibility regulations require the replacement of the older equipment. The proposed equipment was selected from six proposals and graded on a value ranking/weighted matrix. Total number of play features proposed, reliability, color selection, layout, level of accessibility, creativity and diversity of ages are some of the criteria that were utilized in making this selection.

Budget:

Current funding is allocated from the 2001 budget for these improvements within the “Park Development – Existing Parks” acct. #2011-711-80350-G23200.

Action Requested/Recommendation:

Authorize the City Manager to enter into a contract on behalf of the City of Grand Junction with Miracle Recreation Equipment Company in the amount of \$55,000 to supply play equipment and safety surfacing materials as specified for the renovation of the playground at Pine Ridge Park.

Citizen Presentation:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Yes	If Yes,
Name:						
Purpose:						

Report results back to Council:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Yes	When:	
--	-------------------------------------	--------------------------	--------------------------	--------------------------	------------	--------------	--

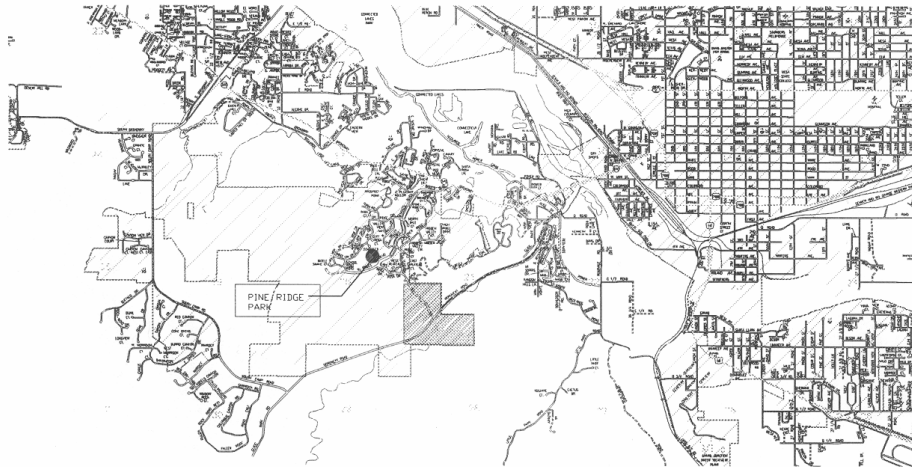
Placement on Agenda:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
-----------------------------	-------------------------------------	--------------------------	--------------------------	--------------------------	--------------------------	--------------------------	--------------------------	--------------------------	--------------------------

Pine Ridge Park Play Equipment

Proposals were received from the following Vendors:

- A Yard of Fun (Colorado Springs, Co.) \$50,343.50
- Recreation Plus (Evergreen, Co.) \$51,821.00
- Churchich Recreation (Boulder, Co.) \$55,000.00
- Ermold Recreation (Eastlake, Co.) \$42,995.00
- Children's Playstructures (Littleton, Co.) \$54,300.00
- Made in the Shade (Evergreen, Co.) \$41,255.00

Selection of the recommended vendor was partly determined by comparing all of the proposed equipment on a matrix utilizing a weighted grading system. The matrix was developed prior to the opening of the proposals and has been used in helping to determine other equipment selections. In addition to the matrix method of grading, members of the department's staff were also asked to present their opinions and comments of the submitted proposals. The recommended vendor was not only the highest grade in the matrix, but also, unanimously, the favorite among staff.



**Attach 3
Rezoning Arrowhead Acres**

**CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION**

CITY COUNCIL		
Subject:	Arrowhead Acres II, Filing 2 Rezone	
Meeting Date:	July 18, 2001	
Date Prepared:	July 11, 2001	
Author:	Kathy Portner	Planning Manager
Presenter Name:	Kathy Portner	Planning Manager
<input type="checkbox"/>	Workshop	<input checked="" type="checkbox"/> Formal Agenda

Subject: RZ-2001-108 Rezone—Arrowhead Acres II, Filing 2

Summary: Request to rezone the Arrowhead Acres II, Filing 2 Subdivision from RMF-5 (Residential Multi-family, 5 units per acre) to PD (Planned Development)

Background Information: See Attached

Budget: N/A

Action Requested/Recommendation: Consideration of the 1st reading of the rezoning ordinance.

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

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

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

AGENDA TOPIC: RZ-2001-108 Rezone – Arrowhead Acres II, Filing 2

SUMMARY: Request to rezone the Arrowhead Acres II Subdivision, Filing 2 from RMF-5 (Residential Multi-Family 5 units/ac) to PD (Planned Development).

BACKGROUND INFORMATION			
Location:		B ½ and Arlington Drive	
Applicants:		HW Grace Building and Development	
Existing Land Use:		Residential	
Proposed Land Use:		Same	
Surrounding Land Use:	North	Residential	
	South	Undeveloped	
	East	Residential	
	West	Undeveloped	
Existing Zoning:		RMF-5	
Proposed Zoning:		PD (Planned Development)	
Surrounding Zoning:	North	RMF-5	
	South	RMF-5	
	East	RMF-8	
	West	RMF-8	
Growth Plan Designation:		Residential Medium, 4 – 8 units/acre	
Zoning within density range?		X	Yes
			No

ACTION REQUESTED: Approval of the ordinance to rezone from RMF-5 to PD (Planned Development)

Staff Analysis:

Arrowhead Acres II, Filing 2 was approved and platted in October of 2000. The zoning of the property is RMF-5 (Residential Multi-family, 5 units per acre). In February of 2001 a Planning Clearance was issued for a proposed house at 2826 B.4 Road (lot 1, block 2). The lot is on the corner of B.4 Road and Arlington Drive, although the sketch plan

submitted with the Planning Clearance did not identify either of the streets. The house is oriented toward B.4 Road with driveway access to B.4 Road.

The RMF-5 zoning requires a 20' front yard setback. Section 3.2.E.1 of the Zoning and Development Code requires that structures meet the front yard setback from all abutting streets. The sketch that was submitted with the Planning Clearance application shows a setback of 14' along the west property line, but it does not show the right-of-way dedicated for Arlington Drive.

Arlington Drive (as shown on the plat for this filing of the subdivision adjacent to the property) was not clearly or carefully described on the application or the plat. Because Arlington Drive was platted as a multipurpose easement, then was "re-dedicated" as a right-of-way and is depicted differently than other right-of-way on the plat, the error in the application and in the issuance of the Planning Clearance was inadvertent. However, the 14' setback, as approved and built, is in violation of the requirements of the RMF-5 zoning.

Given the set of circumstances, and because the house is all but complete, the applicant, on the advice of the staff, is proposing a rezone of filing 2 from RMF-5 to PD (Planned Development). The PD zone would maintain the RMF-5 zoning as an underlying zone district with all the same requirements with the following exceptions:

- Front yard setback along Arlington Drive for lot 1, block 2; lots 1 and 16, block 3; lot 1, block 4 would be 14'.
- Front yard setback along Maverick Drive for lots 8 and 9, block 3 would be 14'.

The change is recommended for those lots because they are the most similar in size and location with lot 1, block 2. Garages or carports with driveway access from Arlington Drive or Maverick Drive would require a 20' setback.

In considering a rezone the following criteria must be considered (section 2.6 of the Zoning and Development Code), however, some of the listed criteria is not applicable to this type of zone change since it does not change uses or density.

1. The existing zoning was in error at the time of adoption.

The existing zoning was not in error at the time of adoption. The rezone is proposed to rectify a mistake.

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.

Not applicable.

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.*

The proposed change in setbacks will only impact the character of the subdivision. Front yard setbacks of 20' are generally to create a pleasing streetscape where houses might front the street and provide adequate room to park a car in a driveway in front of a garage. The side streets where the 14' setbacks are proposed will likely not have houses fronting on them because they are only two lots deep and the garage would still have to be 20' back if accessed from that street.

4. *The proposal conforms with and furthers the goals and policies of the Growth Plan, other adopted plans and policies, the requirements of this Code and other City regulations and guidelines.*

Setbacks can be varied in a PD zone district.

5. *Adequate public facilities and services are available or will be made available concurrent with the projected impacts of the proposed development.*

Adequate public facilities are available and this proposed change has no additional impact.

6. *There is not adequate supply of land available in the neighborhood and surrounding area to accommodate the zoning and community needs.*

Not applicable.

7. *The community or neighborhood will benefit from the proposed zone.*

The owner of lot 1, block 2 will certainly benefit from the rezone since the house is already constructed. Also, the owners of the other 5 lots will benefit with additional design flexibility for those corner lots.

This is not a typical application for PD zoning. Chapter 5 of the Zoning and Development Code describes the purpose of a PD zone to apply to mixed-use or unique single-use projects where design flexibility is desired. The request to change the front yard setback on select corner lots is to achieve design flexibility, but it's difficult to determine a "community benefit", as is required by the Code, for a project that is already approved and built. In this case the PD zoning would be applied to correct an error that was made and would appear to not have any negative impact on the subdivision or surrounding area.

STAFF RECOMMENDATION: Staff recommends approval of the rezone from RMF-5 to PD as proposed.

PLANNING COMMISSION RECOMMENDATION:

At their June 19, 2001 hearing, the Planning Commission recommended approval of the rezone.

ATTACHMENTS:

1. Location Map
2. Subdivision Plat
3. Letter to Bill Grace regarding setback issue
4. Letter from Bill Grace regarding setback issue
5. Photograph of 2825 B.4 Road house encroaching in Arlington Drive setback
6. Property owner list for filing 2

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

AN ORDINANCE REZONING ARROWHEAD ACRES II, FILING 2 FROM RMF-5 TO PD

RECITALS:

The Arrowhead Acres II, Filing 2 Subdivision was originally platted and developed under the RMF-5 zoning district. The owners of the lots within Filing 2 have requested a rezone to PD (Planned Development) to allow for a 14' frontyard setback for corner lots on side streets.

The Planning Commission has reviewed the request and found it consistent with the rezoning criteria of section 2.6 of the Zoning and Development Code and recommends approval.

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

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

Arrowhead Acres II, Filing 2 as recorded in Plat Book 18, Pages 17 and 18, Mesa County Clerk and Recorder

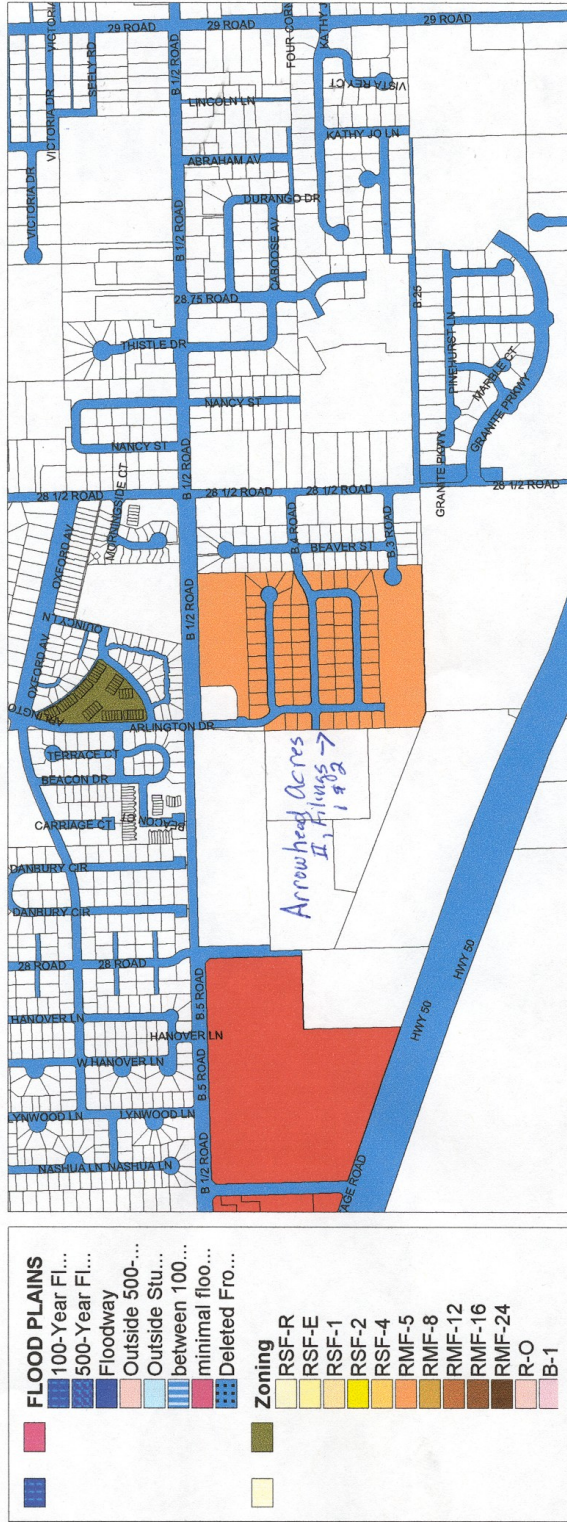
be and is hereby rezoned to PD with RMF-5 as the underlying zone district and the following deviations:

- Front yard setback along Arlington Drive for lot1, block 2; lots 1 and 16, block 3; lot 1, block 4 shall be 14'.
- Front yard setback along Maverick Drive for lots 8 and 9, block 3 shall be 14'.
- Garages or carports with driveway access from Arlington Drive or Maverick Drive shall require a 20' setback.

INTRODUCED on first reading on the 18th day of July, 2001.

ADOPTED and ordered published this ____ day of _____, 2001.

City of Grand Junction GIS Map



City of Grand Junction

Community Development Department
Planning • Zoning • Code Enforcement
250 North 5th Street
Grand Junction, CO 81501-2668

Phone: (970) 244-1430
FAX: (970) 256-4031



May 11, 2001

Bill Grace
H.W. Grace Building and Development
Pinnacle Homes
518 28 Road, Suite A107
Grand Junction, CO 81501

Sent Via Certified Mail Return Receipt Requested

Re: 2826 B.4 Road

Dear Mr. Grace:

It has come to my attention that the house being built at 2826 B.4 Road (Lot 1, Block 2, Arrowhead Acres II Filing 2) does not meet the required 20' setback along Arlington Drive.

The property located at 2826 B.4 Road is zoned RMF-5, which requires a 20' front yard setback. Section 3.2.E.1 of the Zoning and Development Code requires that structures meet the front yard setback from all abutting streets. The sketch that was submitted with the Planning Clearance application shows a setback of 14' along the west property line but it does not show either the former easement or the right of way dedicated with the plat. Rights of way must be shown on Planning Clearance applications.

Arlington Drive (as shown on the plat for this filing of the subdivision adjacent to the property) is not clearly or carefully described on the application or the plat. Because Arlington Drive was platted as a multipurpose easement, then was "re-dedicated" as a right of way and is depicted differently than other right of way on the plat, I find that the error in the application and in the issuance of the Planning Clearance was inadvertent and in the totality of the circumstances excusable, however, for the home to be lawful some form of correction is required.

Section 2.16 of the Zoning and Development Code allows for the Director of Community Development to vary a setback up to 10% for a construction error. Because the set back infringement at 2826 B.4 is greater than 2' the Director has no authority to remedy the problem.

Grace Homes may apply for a variance but the Board of Appeals is legally constrained in granting the same. A variance may only be approved when it is necessitated by conditions peculiar to the property and not as a result of the action of the applicant.



Printed on recycled paper

Grace Homes
May 11, 2001
Page 2

Given the circumstances of this setback violation I believe it would be impossible for the Board to lawfully grant a variance.

After consultation with City Manager Kelly Arnold and John Shaver of the City Attorneys Office, I am authorized to propose a solution short of requiring removal of the structure. That solution would be to rezone Filing 2 of Arrowhead Acres II to a planned development zone. By effecting a change in zoning the setbacks may lawfully be adjusted. If you and other affected owners agree, it would be my recommendation that the setbacks and other bulk standards (lot coverage, minimum lot area and all setbacks except as provided herein remain the same with the PD zoning except for the front yard setback along Arlington Drive for Lot 1, Block 2; Lots 1 and 16, Block 3; Lot 1, Block 4 and the front yard setback along Maverick Drive for Lots 8 and 9, Block 3.

While the City would prepare and process the application it would be your responsibility to secure signatures from the lot owners. The City would waive the rezone application fee.

The Planning Clearance issued on February 21, 2001 for 2826 B.4 Road will remain revoked until such time as the rezoning is approved by the City Council and the ordinance becomes effective (*i.e.*, 30 days after the second reading approval by Council). As we discussed you may finish the home but it shall not be sold or offered for sale unless and until the rezoning ordinance becomes effective. The home may be used as a model home. Any additional work that you perform is done at your sole cost and jeopardy; there is no guarantee that the problem will be resolved and if not the City may order the home to be removed/reconstructed to meet current zoning.

You are required to elect and provide to the City, by the close of business on May 25, 2001, either the necessary information for a rezoning application, the necessary information for a variance application or a schedule and financial guarantee for bringing the structure into compliance with the zoning. Failing one of these options being pursued, enforcement action will begin on Monday May 21, 2001. While the staff cannot guarantee that the Planning Commission and/or City Council will agree, the rezone option is preferred.

If you have questions, please call me at 244-1446. Thank you.

Sincerely,



Katherine M. Portner
Acting Director of Community Development

May 11, 2001

Attention: Kathy Portner
Acting Director of Community Planning
250 N. 5th Street
Grand Junction, CO 81501

RECEIVED

MAY 16 2001

**COMMUNITY DEVELOPMENT
DEPT.**

Pinnacle Homes
518 28 Road
Suite A107
Grand Junction, CO 81501

Dear Kathy,

I, Bill Grace, Vice-President of Pinnacle Homes (formerly known as HW Grace Builders and Development), here by guarantee as signer for Pinnacle Homes, that the property and house at 2826 B.4 Road in Arrowhead Acres II will not be sold until all issues pertaining to the setbacks are resolved in accordance with the Planning Department. With your permission, this house will only be used as a 'show' house until setback issues are resolved. Thank you for your help in resolving this matter.

Sincerely,



Bill Grace
Vice-President Pinnacle Homes



I, the undersigned, am a property owner within Arrowhead Acres II Filing #2 and understand and agree to the information stated in the preceding paragraph.

<i>Geo. A. Breidenbach</i> GEORGE SINGER BREIDENBACH	<i>Anna Margaret Breidenbach</i> ANNA MARGARET	2943-303-67-008	2839 MAVERICK DR	GRAND JUNCTION CO	81501-2262
GERALD G SLAUGH		2943-303-64-015	2830 MAVERICK DR	GRAND JUNCTION CO	81503-2262
<i>Michael D Mallory</i> MICHAEL DEAN MALLORY	SANDRA A MALLORY	2943-303-67-009	2839 1/2 MAVERICK DR	GRAND JUNCTION CO	81504
PINNACLE HOMES INC	<i>Michael D Mallory</i>	2943-303-66-005	233 ARLINGTON DR	GRAND JUNCTION CO	81503-2262
<i>Bill Young</i>		2943-303-66-004	235 ARLINGTON DR	GRAND JUNCTION CO	81504
<i>Bill Young</i>		2943-303-66-002	239 ARLINGTON DR	GRAND JUNCTION CO	81503
<i>Bill Young</i>		2943-303-67-001	2825 MAVERICK DR	GRAND JUNCTION CO	81503
<i>Bill Young</i>		2943-303-64-016	2828 MAVERICK DR	GRAND JUNCTION CO	81503
<i>Bill Young</i>		2943-303-64-014	2832 MAVERICK DR	GRAND JUNCTION CO	81503
<i>Bill Young</i>		2943-303-64-012	2836 MAVERICK DR	GRAND JUNCTION CO	81503
<i>Bill Young</i>		2943-303-67-007	2837 MAVERICK DR	GRAND JUNCTION CO	2262
<i>Bill Young</i>		2943-303-67-011	2841 1/2 MAVERICK DR	GRAND JUNCTION CO	81504
<i>Bill Young</i>		2943-303-67-012	2843 MAVERICK DR	GRAND JUNCTION CO	81504
<i>Bill Young</i>		2943-303-67-013	2843 1/2 MAVERICK DR	GRAND JUNCTION CO	81504
<i>Bill Young</i>		2943-303-63-002	2826 B 4/10 RD	GRAND JUNCTION CO	81504
<i>Bill Young</i>		2943-303-64-002	2827 B 4/10 RD	GRAND JUNCTION CO	2262
<i>Bill Young</i>		2943-303-63-003	2828 B 4/10 RD	GRAND JUNCTION CO	81504
<i>Bill Young</i>		2943-303-63-004	2830 B 4/10 RD	GRAND JUNCTION CO	2262
<i>Bill Young</i>		2943-303-64-010	2840 B 4/10 RD	GRAND JUNCTION CO	81504
<i>Bill Young</i>		2943-303-64-009	2841 B 4/10 RD	GRAND JUNCTION CO	2262
<i>Sheila A. Groninger</i> SHEILA A GRONINGER		2943-303-67-010	2841 MAVERICK DR	GRAND JUNCTION CO	81501-6867

**Attach 4
Skyway Area Sewer Design**

**CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION**

<i>CITY COUNCIL</i>			
Subject:	Award of Contract for Skyway Area Sewer Design Services		
Meeting Date:	July 18, 2001		
Date Prepared:	July 9, 2001		
Author:	Trent Prall	Utility Engineer	
Presenter Name:	Greg Trainor	Utilities Manager	
	Workshop	X	Formal Agenda

Subject: Award of a design services Contract for the Skyway Area Sewer Improvement District to Williams Engineering in the amount of \$145,500

Summary: Lump sum fee proposals were received and opened on July 9, 2001 for the Skyway Area Sewer Improvement District. The lowest qualified, lump sum fee proposal was submitted by Williams Engineering in the amount of **\$145,500**.

Background Information: This project calls for the design and preparation of bid documents as outlined in the "Request for Proposals" for the extension of 24,000 linear feet of 8" sewer main to benefit 230 properties in the Skyway Area. The subdivision is located northeast of Broadway and east of 23 Road on the Redlands as shown on the map below. This work is preparatory to the creation of a sewer improvement district to eliminate septic systems.

The following qualified, lump sum fee proposals were received on July 9, 2001:

Consultant	From	District	Sewer Fund (for Scenic Lift Station Elimination)	Total Lump Sum Fee
Williams	Fruita	\$130,000	\$15,500	\$145,500
Sear-Brown	Denver	\$146,200	\$6,800	\$153,000

Williams Engineering has completed the design for past City sewer improvement districts such as Country Club Park, Mays, Northfield Estates #1, Rosevale, Glen Caro/Northfield Estates #2, Columbine, and more recently Redlands Village North Sewer Improvement Districts. Williams Engineering has met or exceeded all previous work schedules while

providing a high quality set of bid documents. Although this project represents the largest district to date for the Septic System Elimination Program, Williams Engineering has the team with the ability to met the schedule.

Another higher fee proposal was submitted by Balaz and Associates of Grand Junction. This proposal was disqualified primarily due to the magnitude of the job for the small, three person, firm. Staff concerns included insufficient experience on similar work and municipal reference checks that verified that this project may be beyond the capacities of the firm. Staff did encourage him to submit on future smaller projects to build some municipal experience.

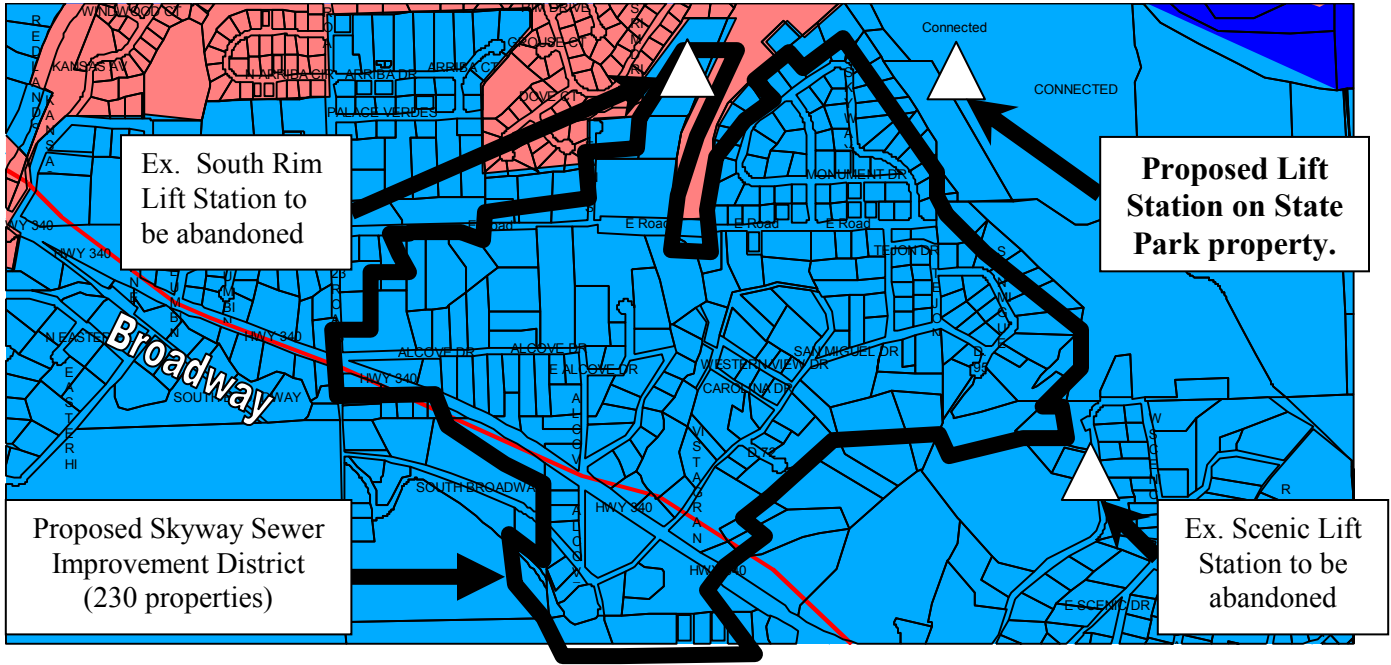
SSEP Process Background Information:

On April 17, 18, 19, staff met with the residents of Skyway Area to discuss the creation of a sewer improvement district in their neighborhood. An informal petition was submitted to Pete Baier of Mesa County on June 8, 2001, where 120 of 230 (52%) of the property owners requested that the City/County move forward with design and bid out the proposed sanitary sewer improvements. 169 of the 230 properties signed the survey. The remaining properties either refused to sign either in favor or against or else various attempts at contact failed. All have been notified of the Septic System Elimination Program specifics through newsletters. Three public meetings were held.

As has been done on the last few sewer IDs, staff is requesting to award the design and receive bids PRIOR to actual formation of the improvement district. There is some risk that the bids may be higher than anticipated and that the owners within the proposed district may elect to not move forward with the district. However, everyone will know actual costs prior to formation of the district.

The design is to be completed by February 8, 2002 with the construction bids scheduled to be received on February 26, 2002. The final petition and easement documents will be created with the actual bid numbers. Pending submittal of the petition by April 2, 2002, County Commissioner formation of the district and contract award for the construction could happen as soon as May 15, 2002. Construction would then occur June 2002 through February 2003.

As this will be a County Local Improvement District, the award is contingent upon County Commissioner approval.



Proposed Skyway Area Sewer Improvement District Boundaries

**Attach 5
Laser Junction Annexation**

**CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION**

<i>CITY COUNCIL</i>			
Subject:	Laser Junction Annexation (ANX-2001-099)		
Meeting Date:	July 18, 2001		
Date Prepared:	June 25, 2001		
Author:	Pat Cecil	Development Services Supervisor	
Presenter Name:	Pat Cecil	Development Services Supervisor	
	Workshop	X	Formal Agenda

Subject: Annexation of the Laser Junction site located at 2547 River Road, containing approximately 3.606 acres.

Summary: Resolution for Referral of Petition to Annex and Second Reading of the annexation ordinance for the Laser Junction Annexation (ANX-2001-099) located at 2547 River Road and includes a portion of the River Trail. This approximately 3.606 acre annexation consists of one parcel of land.

Background Information: See Attached

Budget: N/A

Action Requested/Recommendation: It is recommended that City Council accept the Petition to Annex, and conduct a public hearing for the Second Reading of the annexation ordinance.

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 type="checkbox"/>	Consent	<input checked="" type="checkbox"/>	Indiv. Consideration	<input type="checkbox"/>	Workshop
-----------------------------	--------------------------	----------------	-------------------------------------	-----------------------------	--------------------------	-----------------

BACKGROUND INFORMATION			
Location:		2547 River Road	
Applicants:		Niel and Donna Riddle	
Existing Land Use:		Residential	
Proposed Land Use:		Commercial/light industrial	
Surrounding Land Use:	North	Commercial/Industrial	
	South	Commercial/Industrial	
	East	Commercial	
	West	The Colorado River	
Existing Zoning:		Industrial (County)	
Proposed Zoning:		General Industrial (I-2, requested, I-1 recommended)	
Surrounding Zoning:	North	Industrial (County)	
	South	I-1 and CSR (City)	
	East	C-1 (City)	
	West	The Colorado River	
Growth Plan Designation:		Commercial/Industrial	
Zoning within density range? N/A		<input type="checkbox"/>	Yes
		<input type="checkbox"/>	No

Staff Analysis:

ANNEXATION:

This annexation area consists of annexing approximately 3.606 acres of land including a portion of the River Trail. The property owner has requested annexation into the City as the result of needing a rezone in the County in order to construct a commercial development. Under the 1998 Persigo Agreement all new development within the Persigo 201 boundary requires annexation and processing in the City.

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

- a) A proper petition has been signed by more than 50% of the owners and more than 50% of the property described;
- b) Not less than one-sixth of the perimeter of the area to be annexed is contiguous with the existing City limits;

- c) A community of interest exists between the area to be annexed and the City. This is so in part because the Central Grand Valley is essentially a single demographic and economic unit and occupants of the area can be expected to, and regularly do, use City streets, parks and other urban facilities;
- d) The area is or will be urbanized in the near future;
- e) The area is capable of being integrated with the City;
- f) No land held in identical ownership is being divided by the proposed annexation;
- g) No land held in identical ownership comprising 20 contiguous acres or more with an assessed valuation of \$200,000 or more for tax purposes is included without the owners consent.

The following annexation and zoning schedule is being proposed.

<i>ANNEXATION SCHEDULE</i>	
May 16th	Referral of Petition (30 Day Notice), First Reading, Exercising Land Use
June 12th	Planning Commission considers Zone of Annexation
June 20th	First Reading on Zoning by City Council
July 18th	Acceptance of Petition and Public hearing on Annexation by City Council and Public hearing on Zoning by Council
Aug 12th	Effective date of Annexation and Effective date of Zoning

Action Requested/Recommendation: It is recommended that City Council approve the Laser Junction Annexation.

Attachments:

1. Laser Junction Annexation Summary
2. Resolution of Referral of Petition
3. Annexation Ordinances
4. Annexation Map

LASER JUNCTION ANNEXATION SUMMARY

File Number:		ANX-2001-099
Location:		2547 River Road
Tax ID Number:		2945-152-00-095 & northern part of 2945-152-05-945 (City owned)
Parcels:		1
Estimated Population:		0
# of Parcels (owner occupied):		0
# of Dwelling Units:		1 (to be removed)
Acres land annexed:		3.606 acres for annexation area
Developable Acres Remaining:		Approx. 2.5 acres
Right-of-way in Annexation:		None
Previous County Zoning:		I-2 (County)
Proposed City Zoning:		Light Industrial (I-1)
Current Land Use:		1 house
Future Land Use:		Laser Junction Business and other light industrial/commercial businesses
Values:	Assessed:	= \$ 8,600
	Actual:	= \$ 93,970
Census Tract:		9
Address Ranges:		2547 River Road
Special Districts:	Water:	Ute Water
	Sewer:	
	Fire:	Grand Junction Rural Fire
	Drainage:	Grand Junction Drainage District
	School:	District 51
	Pest:	

RESOLUTION NO. __-01

A RESOLUTION ACCEPTING PETITIONS FOR ANNEXATION, MAKING CERTAIN FINDINGS, DETERMINING THAT PROPERTY KNOWN AS

LASER JUNCTION ANNEXATION

IS ELIGIBLE FOR ANNEXATION

LOCATED at 2547 River Road, including a portion of the River Trail

WHEREAS, on the 18th day of July, 2001, a petition was submitted to the City Council of the City of Grand Junction, Colorado, for annexation to said City of the following property situate in Mesa County, Colorado, and described as follows:

A parcel of land situated in the N ½ of the NW ¼ of Section 15, Township 1 South, Range 1 West of the Ute Meridian, being more particularly described as follows: Beginning at a point whence the Northeast corner of said Section 15 bears 734.32 feet North 0°40' West along the west line of the NE ¼ of the NW ¼ of said Section 15 and 3967.8 feet South 89°50' East along the North line of said section 15; thence North 84°29' East 170.54 feet, more or less, to the County Road; Thence South 40°47' East 160.48 feet along the County Road; Thence South 84°29' West 1176.54 feet, more or less, to the Colorado River; thence North 46°10' West 203.10 feet along the Colorado River; thence South 89°52' East 234.27 feet; Thence North 84°29' East 812.51 feet, more or less, to the Point of Beginning; as described in Book 2775 at Page 344 Mesa County records and including that parcel of land conveyed to the City of Grand Junction in the instrument recorded January 10, 1994 in Book 2040 at Page 526, Mesa County records.

WHEREAS, a hearing on the petition was duly held after proper notice on the 18th day of July, 2001; and

WHEREAS, the Council has found and determined and does hereby find and determine that said petition is in substantial compliance with statutory requirements therefor; that one-sixth of the perimeter of the area proposed to be annexed is contiguous with the City; that a community of interest exists between the territory and the City; that the territory proposed to be annexed is urban or will be urbanized in the near future; that the said territory is integrated or is capable of being integrated with said City; that no land held in identical ownership has been divided without the consent of the landowner; that no land held in identical ownership comprising more than twenty acres which, together

with the buildings and improvements thereon, has an assessed valuation in excess of two hundred thousand dollars is included without the landowner's consent; and that no election is required under the Municipal Annexation Act of 1965.

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

The said territory is eligible for annexation to the City of Grand Junction, Colorado, and should be so annexed by Ordinance.

ADOPTED this 18th day of July, 2001.

President of the Council

Attest:

City Clerk

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

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

LASER JUNCTION ANNEXATION

APPROXIMATELY 3.606 ACRES

Located at 2547 River Road and including a portion of the River Trail

WHEREAS, on the 18th day of July, 2001, the City Council of the City of Grand Junction considered a petition for the annexation of the following described territory to the City of Grand Junction; and

WHEREAS, a hearing on the petition was duly held after proper notice on the 18th day of July, 2001; and

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

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

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

A parcel of land situated in the N ½ of the NW ¼ of Section 15, Township 1 South, Range 1 West of the Ute Meridian, being more particularly described as follows: Beginning at a point whence the Northeast corner of said Section 15 bears 734.32 feet North 0°40' West along the west line of the NE ¼ of the NW ¼ of said Section 15 and 3967.8 feet South 89°50' East along the North line of said section 15; thence North 84°29' East 170.54 feet, more or less, to the County Road; Thence South 40°47' East 160.48 feet along the County Road; Thence South 84°29' West 1176.54 feet, more or less, to the Colorado River; thence North 46°10' West 203.10 feet along the Colorado River; thence South 89°52' East 234.27 feet; Thence North 84°29' East 812.51 feet, more or less, to the Point of Beginning; as described in Book 2775 at Page 344 Mesa

County records and including that parcel of land conveyed to the City of Grand Junction in the instrument recorded January 10, 1994 in Book 2040 at Page 526, Mesa County records.

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

INTRODUCED on first reading on the 16^h day of May, 2001.

ADOPTED and ordered published this 18th day of July, 2001.

President of the Council

Attest:

City Clerk

**Attach 6
Zoning Laser Junction Annexation**

**CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION**

<i>CITY COUNCIL</i>			
Subject:	Laser Junction Annexation (ANX-2001-099)		
Meeting Date:	July 18, 2001		
Date Prepared:	June 26, 2001		
Author:	Pat Cecil	Development Services Supervisor	
Presenter Name:	Pat Cecil	Development Services Supervisor	
	Workshop	X	Formal Agenda

Subject: Zone of Annexation for the Laser Junction site located at 2547 River Road, containing approximately 3.606 acres.

Summary: Request to zone the Laser Junction Annexation (ANX-2001-099) located at 2547 River Road and includes a portion of the River Trail. This approximately 3.606 acre annexation consists of one parcel of land.

Background Information: See Attached

Budget: N/A

Action Requested/Recommendation: It is recommended that City Council conduct a public hearing for the Second Reading of the zoning ordinance and approve a zoning of I-1 for the annexation area with a CSR zoning for the River Trail.

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 type="checkbox"/>	Consent	<input checked="" type="checkbox"/>	Indiv. Consideration	<input type="checkbox"/>	Workshop
-----------------------------	--------------------------	----------------	-------------------------------------	-----------------------------	--------------------------	-----------------

AGENDA TOPIC: Zone of Annexation (ANX-2001-099) Laser Junction

SUMMARY: Request to rezone approximately 2.65 acres as part of the Laser Junction Annexation from the County Industrial zone district to City General Industrial zone district.

ACTION REQUESTED: Second reading of the zoning ordinance and adoption of a zoning of I-1 for the annexation area with a CSR zoning for the River Trail.

<i>BACKGROUND INFORMATION</i>			
Location:		2547 River Road	
Applicants:		Niel and Donna Riddle	
Existing Land Use:		Residential	
Proposed Land Use:		Commercial/light industrial	
Surrounding Land Use:	North	Commercial/Industrial	
	South	Commercial/Industrial	
	East	Commercial	
	West	The Colorado River	
Existing Zoning:		Industrial (County)	
Proposed Zoning:		General Industrial (I-2, requested, I-1 and CSR recommended)	
Surrounding Zoning:	North	Industrial (County)	
	South	I-1 and CSR (City)	
	East	C-1 (City)	
	West	The Colorado River	
Growth Plan Designation:		Commercial/Industrial	
Zoning within density range? N/A		Yes	No

Staff Analysis: The petitioner has requested annexation to the City in order to develop the site with industrial uses. As part of the annexation request, the City must zone the site either with a zone district consistent with County zoning or with a zone district consistent with the Growth Plan.

The applicant has requested that the site be placed in the General Industrial (I-2) zone district. In reviewing the types of adjacent uses and zoning applied to other annexation projects in the immediate vicinity, staff recommends that the site be placed in the Light Industrial (I-1) zone district consistent with the Growth Plan designation of Commercial/Industrial. Included in this request is a portion of the City's River Trail. That portion of the annexation is recommended to be zoned to the Community Services and Recreation (CSR) zone district.

The petitioner has requested that his Site Plan Review for the project be put on hold at this time while they work with the water district on options dealing with providing adequate water flow and pressure for fire protection. The City has already taken land use authority, so the annexation and zone of annexation must proceed.

In order for the rezoning to occur, the following questions must be answered and a finding of consistency with the Zoning and Development Code must be made per Section 2.6 as follows:

1. The existing zoning was in error at the time of adoption;

The property is being annexed. The proposed zoning will be consistent with zoning of other properties within the City in the immediate area.

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, ect.;

The petitioner desires to develop the property commercially. In order to accomplish this annexation and rezoning is necessary.

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 nuisances;

The proposed zoning will be consistent with the zoning of other properties in the area that are in the City. The proposed rezoning will not create adverse impacts as identified above.

4. The proposal conforms with and furthers the goals and policies of the Growth Plan, other adopted plans, and policies, the requirements of this Code, and other City regulations and guidelines;

The project as submitted is consistent with the Growth Plan and other plans, policies, codes and other regulations of the City.

5. Adequate public facilities and services are available or will be made available concurrent with the projected impacts of the proposed development;

Public water and sewer are currently available to the project site. The petitioner is working with the water district on options for providing sufficient water with adequate pressure to meet fire flow.

6. There is not an adequate supply of land available in the neighborhood and surrounding area to accommodate the zoning and community needs; and

While there may be adequate land available, the proposed rezoning is not for additional density, but to maintain project consistency.

7. The community or neighborhood will benefit from the proposed zone.

There will be a benefit to the community and neighborhood by providing a consistent zoning pattern and as a result of improvements that are required of the project.

Planning Commission Recommendation: Approval of the zoning to the I-1 and CSR zone districts.

City Council Motion: On item ANX-2001-099 for the Laser Junction zone of annexation, I move that we find the zoning to the I-1 zone district and the CSR zone districts to be consistent with the Growth Plan, Section 2.6 of the Zoning and Development Code and adjacent property zoning.

- Attachments:
- a. General location map
 - b. City Council Ordinance

CITY OF GRAND JUNCTION, COLORADO

Ordinance No. _____

ZONING A PARCEL OF LAND KNOWN AS
THE LASER JUNCTION ANNEXATION, LOCATED
AT 2547 RIVER ROAD INCLUDING A PORTION OF THE RIVER TRAIL

Recitals.

A rezone from the County Industrial zone district to the Light Industrial zone district and the Community Services and Recreation zone district has been requested for the properties located at 2547 River Road, including a portion of the River Trail. The City Council finds that the request meets the goals and policies and future land use set forth by the *Growth Plan* (Commercial/Industrial). City Council also finds that the requirements for a rezone as set forth in Section 2.6 of the Zoning and Development Code have been satisfied.

The Grand Junction Planning Commission, at its June 19, 2001 hearing, recommended approval of the rezone request from the County Industrial zone district to the Light Industrial and Community Services and Recreation zone districts.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT THE PARCELS DESCRIBED BELOW IS HEREBY ZONED TO THE LIGHT INDUSTRIAL (I-1) AND COMMUNITY SERVICES AND RECREATION (CSR) ZONE DISTRICTS:

A parcel of land situated in the N ½ of the NW ¼ of Section 15, Township 1 South, Range 1 West of the Ute Meridian, being more particularly described as follows:
Beginning at a point whence the Northeast corner of said Section 15 bears 734.32 feet North 0°40' West along the west line of the NE ¼ of the NW ¼ of said Section 15 and 3967.8 feet South 89°50' East along the North line of said section 15; thence North 84°29' East 170.54 feet, more or less, to the County Road; Thence South 40°47' East 160.48 feet along the County Road; Thence South 84°29' West 1176.54 feet, more or less, to the Colorado River; thence North 46°10' West 203.10 feet along the Colorado River; thence South 89°52' East 234.27 feet; Thence North 84°29' East 812.51 feet, more or less, to the Point of Beginning; as described in Book 2775 at Page 344 Mesa County records and including that parcel of land conveyed to the City of Grand Junction in the instrument recorded January 10, 1994 in Book 2040 at Page 526, Mesa County records.

INTRODUCED for FIRST READING and PUBLICATION this 20th day of June, 2001.

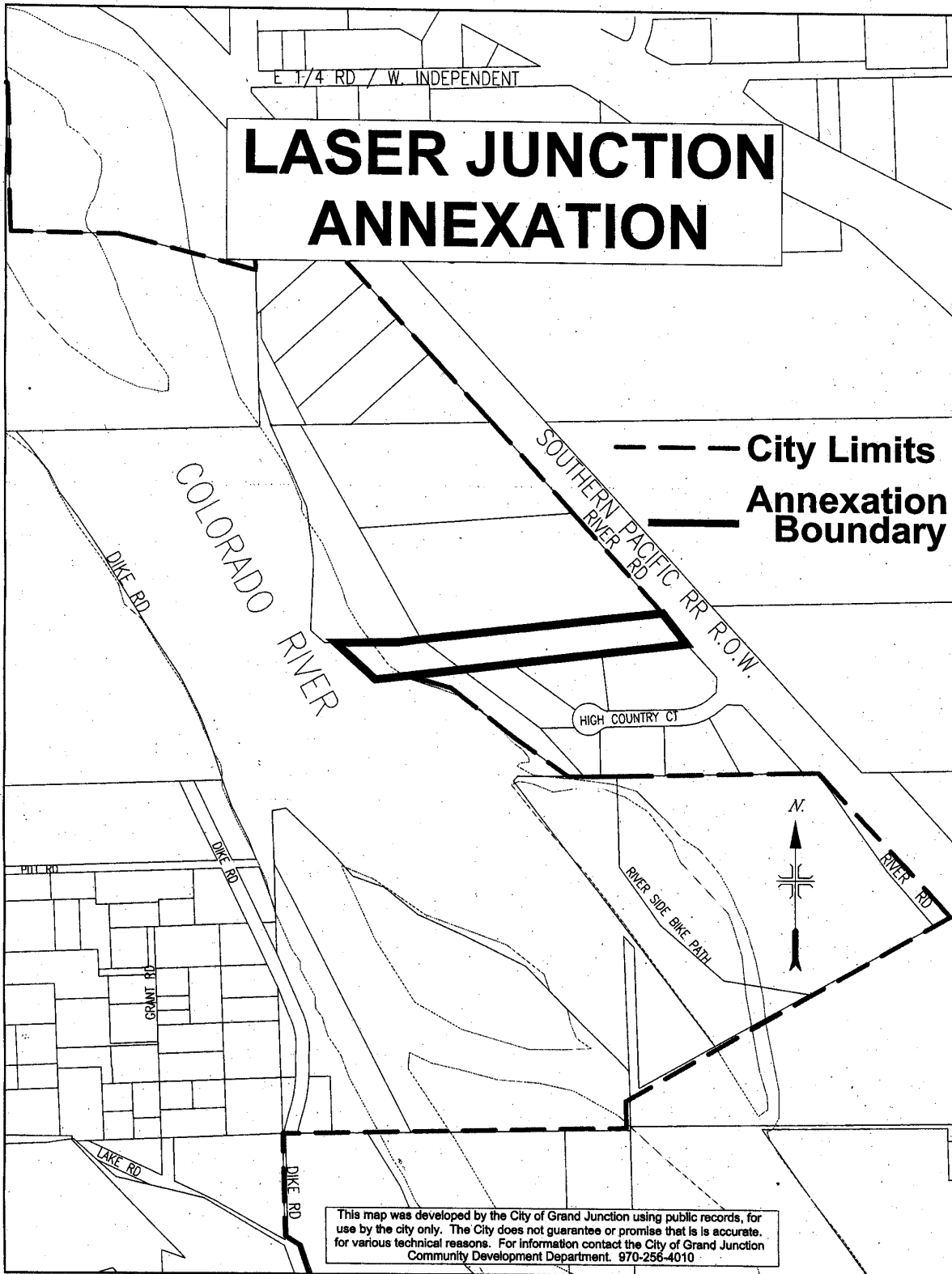
PASSED on SECOND READING this 18th day of July, 2001.

President of Council

ATTEST:

City Clerk

LASER JUNCTION ANNEXATION



This map was developed by the City of Grand Junction using public records, for use by the city only. The City does not guarantee or promise that it is accurate, for various technical reasons. For information contact the City of Grand Junction Community Development Department. 970-256-4010

Attach 8
Update from “TEAM” for the Public Service Steam Plant Property

Attach 8

**CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION**

CITY COUNCIL		
Subject:	Laser Junction Annexation (ANX-2001-099)	
Meeting Date:	July 18, 2001	
Date Prepared:	June 26, 2001	
Author:	Pat Cecil	Development Services Supervisor
Presenter Name:	Pat Cecil	Development Services Supervisor
<input type="checkbox"/> Workshop	<input checked="" type="checkbox"/> X	Formal Agenda

Subject: Zone of Annexation for the Laser Junction site located at 2547 River Road, containing approximately 3.606 acres.

Summary: Request to zone the Laser Junction Annexation (ANX-2001-099) located at 2547 River Road and includes a portion of the River Trail. This approximately 3.606 acre annexation consists of one parcel of land.

Background Information: See Attached

Budget: N/A

Action Requested/Recommendation: It is recommended that City Council conduct a public hearing for the Second Reading of the zoning ordinance and approve a zoning of I-1 for the annexation area with a CSR zoning for the River Trail.

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

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

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

The applicant has requested that the site be placed in the General Industrial (I-2) zone district. In reviewing the types of adjacent uses and zoning applied to other annexation projects in the immediate vicinity, staff recommends that the site be placed in the Light Industrial (I-1) zone district consistent with the Growth Plan designation of Commercial/Industrial. Included in this request is a portion of the City's River Trail. That portion of the annexation is recommended to be zoned to the Community Services and Recreation (CSR) zone district.

The petitioner has requested that his Site Plan Review for the project be put on hold at this time while they work with the water district on options dealing with providing adequate water flow and pressure for fire protection. The City has already taken land use authority, so the annexation and zone of annexation must proceed.

In order for the rezoning to occur, the following questions must be answered and a finding of consistency with the Zoning and Development Code must be made per Section 2.6 as follows:

1. The existing zoning was in error at the time of adoption;

The property is being annexed. The proposed zoning will be consistent with zoning of other properties within the City in the immediate area.

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, ect.;

The petitioner desires to develop the property commercially. In order to accomplish this annexation and rezoning is necessary.

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 nuisances;

The proposed zoning will be consistent with the zoning of other properties in the area that are in the City. The proposed rezoning will not create adverse impacts as identified above.

4. The proposal conforms with and furthers the goals and policies of the Growth Plan, other adopted plans, and policies, the requirements of this Code, and other City regulations and guidelines;

The project as submitted is consistent with the Growth Plan and other plans, policies, codes and other regulations of the City.

5. Adequate public facilities and services are available or will be made available concurrent with the projected impacts of the proposed development;

Public water and sewer are currently available to the project site. The petitioner is working with the water district on options for providing sufficient water with adequate pressure to meet fire flow.

6. There is not an adequate supply of land available in the neighborhood and surrounding area to accommodate the zoning and community needs; and

While there may be adequate land available, the proposed rezoning is not for additional density, but to maintain project consistency.

7. The community or neighborhood will benefit from the proposed zone.

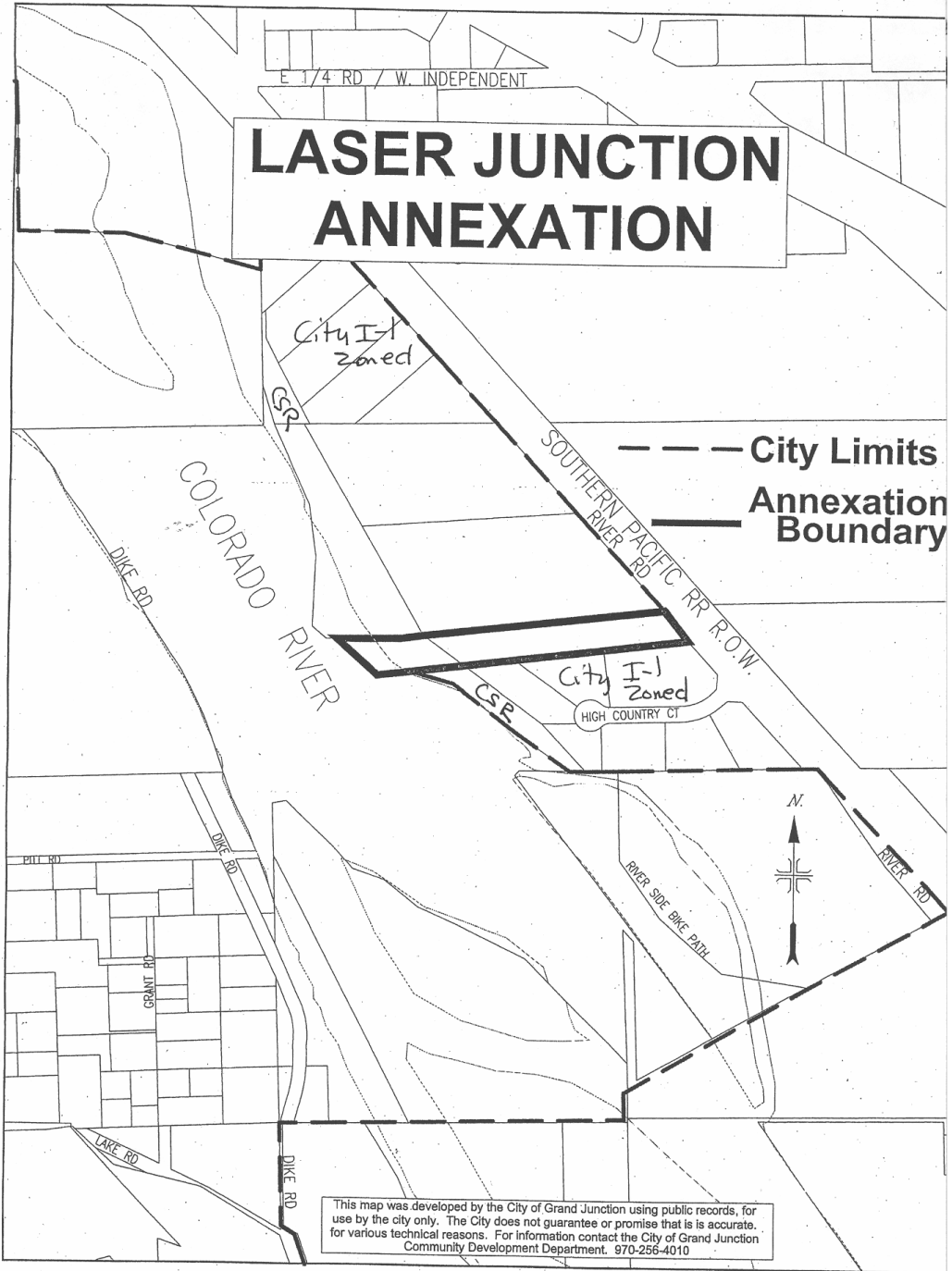
There will be a benefit to the community and neighborhood by providing a consistent zoning pattern and as a result of improvements that are required of the project.

Planning Commission Recommendation: Approval of the zoning to the I-1 and CSR zone districts.

City Council Motion: On item ANX-2001-099 for the Laser Junction zone of annexation, I move that we find the zoning to the I-1 zone district and the CSR zone districts to be consistent with the Growth Plan, Section 2.6 of the Zoning and Development Code and adjacent property zoning.

Attachments: a. General location map
b. City Council Ordinance

LASER JUNCTION ANNEXATION



This map was developed by the City of Grand Junction using public records, for use by the city only. The City does not guarantee or promise that it is accurate, for various technical reasons. For information contact the City of Grand Junction Community Development Department. 970-256-4010

CITY OF GRAND JUNCTION, COLORADO

Ordinance No. _____

ZONING A PARCEL OF LAND KNOWN AS
THE LASER JUNCTION ANNEXATION, LOCATED
AT 2547 RIVER ROAD INCLUDING A PORTION OF THE RIVER TRAIL

Recitals.

A rezone from the County Industrial zone district to the Light Industrial zone district and the Community Services and Recreation zone district has been requested for the properties located at 2547 River Road, including a portion of the River Trail. The City Council finds that the request meets the goals and policies and future land use set forth by the *Growth Plan* (Commercial/Industrial). City Council also finds that the requirements for a rezone as set forth in Section 2.6 of the Zoning and Development Code have been satisfied.

The Grand Junction Planning Commission, at its June 19, 2001 hearing, recommended approval of the rezone request from the County Industrial zone district to the Light Industrial and Community Services and Recreation zone districts.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT THE PARCELS DESCRIBED BELOW IS HEREBY ZONED TO THE LIGHT INDUSTRIAL (I-1) AND COMMUNITY SERVICES AND RECREATION (CSR) ZONE DISTRICTS:

A parcel of land situated in the N ½ of the NW ¼ of Section 15, Township 1 South, Range 1 West of the Ute Meridian, being more particularly described as follows: Beginning at a point whence the Northeast corner of said Section 15 bears 734.32 feet North 0°40' West along the west line of the NE ¼ of the NW ¼ of said Section 15 and 3967.8 feet South 89°50' East along the North line of said section 15; thence North 84°29' East 170.54 feet, more or less, to the County Road; Thence South 40°47' East 160.48 feet along the County Road; Thence South 84°29' West 1176.54 feet, more or less, to the Colorado River; thence North 46°10' West 203.10 feet along the Colorado River; thence South 89°52' East 234.27 feet; Thence North 84°29' East 812.51 feet, more or less, to the Point of Beginning; as described in Book 2775 at Page 344 Mesa County records and including that parcel of land conveyed to the City of Grand Junction in the instrument recorded January 10, 1994 in Book 2040 at Page 526, Mesa County records.

INTRODUCED for FIRST READING and PUBLICATION this 20th day of June, 2001.

PASSED on SECOND READING this 18th day of July, 2001.

President of Council

ATTEST:

City Clerk

Attach 9
Executive Session Procedures

**CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION**

Attach 9

CITY COUNCIL		
Subject:	Executive Session Procedures	
Meeting Date:	July 18, 2001	
Date Prepared:	July 17, 2001	
Author:	Stephanie Nye	City Clerk
Presenter Name:	John Shaver	Assistant City Attorney
<input type="checkbox"/>	Workshop	<input checked="" type="checkbox"/> Formal Agenda

Subject: Procedures and forms for the City Council to use for executive sessions to ensure compliance with new State law taking affect on August 8, 2001.

Summary: HB 01-1359 amended the Colorado Open Meetings Law and Open Records Act relative to executive sessions. Staff has drafted a set of procedures, including sample motions and forms, to assist City Council in complying with the new law which will become effective on August 8, 2001.

Background Information: HB 01-1359 was advocated during the 2001 legislative session by the Colorado Press Association. The primary purpose of the new legislation was to "police" local public bodies in their compliance with the Open Meetings Law concerning executive sessions. Specifically, the press association and other lobbying groups wanted to ensure that closed sessions by the local public bodies, particularly governing bodies, were indeed being held for the specific purposes allowed by the then current law.

Budget: The additional recording costs will be minimal.

Action Requested/Recommendation: Adopt and utilize the procedures and forms proposed.

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
-----------------------------	---	---	-----------------------------------

EXECUTIVE SESSION PROCEDURES

July 18, 2001

PROCEDURES FOR EXECUTIVE SESSIONS

- A. The City Clerk and/or City Attorney shall prepare a proposed motion to assist the Council in adjourning to executive session. The sample motion will generally be in the form of the attached motion(s).
- B. A record of each executive session shall be kept. The City Council determined that executive sessions shall be tape-recorded and the City Clerk keep written minutes only when directed by Council or required in response to an Open Records request.
- C. The tape recorder shall be tested before going into executive session to determine whether it is operating. The tape shall be labeled with the name of the body and the date with the necessary opening, closing and opinion announcements generally in the form attached being made.
- D. If executive session minutes are kept by tape recording, unless otherwise directed by Council, they shall stand approved with no further action. If written minutes are made, they shall be approved at a future executive session.
- E. Upon completion of the executive session, the label on the tape recording shall be initialed or signed by the Mayor/Mayor Pro Tem.
- F. The tape recording and any written minutes of the executive session shall be maintained by the City Clerk or if she was the subject of the executive session or did not participate in the executive session, the tape recording and any written minutes shall be maintained by the City Attorney.
- G. The tape recording and any written minutes of the executive session shall be maintained for 90 days after the date of the executive session and shall not be disclosed to any person except as required by law.

EXECUTIVE SESSION PROCEDURES
July 18, 2001

EXECUTIVE SESSION MOTION FORM

(Note: 2/3 quorum present must vote yes; the session may only occur at a regular or special meeting of the Council)

Language in bold-face is for inclusion in the motion as applicable; if the stated purpose of the executive session is to receive legal advice, do not combine it with any other purpose:

I MOVE TO GO INTO EXECUTIVE SESSION:

For a conference with legal counsel for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b);

For the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators, under C.R.S. Section 24-6-402(4)(e);

To discuss the purchase, acquisition, lease, transfer, or sale of real, personal, or other property interest under C.R.S. Section 24-6-402(4)(a);

For discussion of a personnel matter under C.R.S. Section 24-6-402(2)(f) and not involving: any specific employees who have requested discussion of the matter in open session; any member of this body or any elected official; the appointment of any person to fill an office of this body or of an elected official; or personnel policies that do not require the discussion of matters personal to particular employees;

For discussion of a matter required to be kept confidential by the following federal or state law, rule or regulation: _____ under C.R.S. Section 24-6-402(4)(c);

For discussion of specialized details of security arrangements or investigations under C.R.S. Section 24-6-402(4)(d);

For consideration of documents protected by the mandatory nondisclosure provisions of the Open Records Act under C.R.S. Section 24-6-402(4)(g);

Other (specify):

AND THE FOLLOWING ADDITIONAL DETAILS ARE PROVIDED FOR IDENTIFICATION PURPOSES: (IF ANY)

EXECUTIVE SESSION PROCEDURES
July 18, 2001

ANNOUNCEMENT TO BE MADE BY MAYOR
AT THE BEGINNING OF THE EXECUTIVE SESSION
(MAKE SURE THE TAPE RECORDER IS TURNED ON)
DO NOT TURN IT OFF DURING THE EXECUTIVE SESSION
UNLESS SO ADVISED BY CITY ATTORNEY)

It's _____(date) and the time is _____. For the record, I am _____ the Mayor of the City of Grand Junction. As required by the Colorado Open Meetings Law, a record is being kept of this executive session.

Present at this executive session are the following persons: (state each person's name)

This is an executive session for the following purpose:

(Repeat the language of the motion, including the statutory citation)

I remind each participant to confine all discussion to the stated purpose of the executive session and that no formal action may occur in the executive session.

If at any point in the executive session any participant believes that the discussion is going outside the proper scope of the executive session, please interrupt the discussion and make an objection.

EXECUTIVE SESSION PROCEDURES
July 18, 2001

ANNOUNCEMENT TO BE MADE BY THE MAYOR
BEFORE CONCLUDING THE EXECUTIVE SESSION
(WHILE THE TAPE RECORDER IS STILL ON)

I hereby attest that this recording reflects the actual contents of the discussion at the executive session and that it and any written minutes made will satisfy the requirements of the Open Meetings Law.

I will retain the tape for a 90-day period.

The time is now _____ and we now conclude the executive session and (return to the open meeting) (will not return to the open meeting).

EXECUTIVE SESSION PROCEDURES
July 18, 2001

ANNOUNCEMENTS TO BE MADE
AT THE BEGINNING OF AN EXECUTIVE SESSION FOR LEGAL ADVICE,
OR FOR THE DISCUSSION OF LEGAL ADVICE
DURING AN EXECUTIVE SESSION WHOSE STATED PURPOSE
IS A SUBJECT OTHER THAN LEGAL ADVICE

By City Attorney:

As the attorney advising the City Council, it is my opinion that the discussion of the matter announced in the motion to go into executive session constitutes a privileged attorney-client communication. I am therefore recommending that no further record be kept of this executive session.

By Mayor:

The City Attorney has recommended that no further record be kept of this executive session. The time is now _____ and I am turning off the tape recorder at this time.

(If the attorney-client communication has finished, but the executive session continues, TURN THE TAPE RECORDER BACK ON).

By Mayor:

The time is now _____ and I have turned the tape recorder back on because the privileged attorney-client communication is finished. I state that the discussion that was not recorded stayed on the topic of matters covered by the attorney-client privilege as described to me by the City Attorney.

(AT THE END OF THE EXECUTIVE SESSION, MAKE SURE TAPE RETENTION STATEMENT (from previous page) IS MADE BEFORE TURNING OFF THE TAPE RECORDER).

EXECUTIVE SESSION PROCEDURES
July 18, 2001

STATEMENT TO BE MADE BY THE MAYOR
UPON RETURNING TO THE OPEN MEETING FROM EXECUTIVE SESSION

The time is now _____, and the executive session has been concluded. The participants in the executive were:

For the record, if any person who participated in the executive session believes that any substantial discussion of any matters not included in the motion to go into the executive session occurred during the executive session, or that any improper action occurred during the executive session in violation of the Open Meetings Law, I would ask that you state your concerns for the record.

Seeing none, the next agenda item is . . .

Ss: sue/john/excesession2 07/18/01

Attach 10
**Downtown Parking Fees and
Fines**

Attach 10

CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION

CITY COUNCIL			
Subject:		Resolution on Parking Fees and Fines	
Meeting Date:		July 18, 2001	
Date Prepared:		July 6, 2001	
Author:		Ron Lappi	Title: Admin. Srvs. Director
Presenter Name:		Ron Lappi Barbara Creasman	Title: Admin. Srvs. Director Title: DDA Exec. Director
X	Workshop	X	Formal Agenda

Subject: A Resolution Adopting the Municipal Court Fine Schedule for Overtime Parking and Restricted Parking Violations and Setting Meter Rates.

Summary: The attached Resolution of the City of Grand Junction authorizes and directs staff to purchase and install 139 additional meters and change the time limits of other meters as requested by the DDA. Change the one and two hour meters from 25 cents and hour to 50 cents, the four and ten hour meters to 10 cents per hour from 5 cents per hour. Additionally they recommend the formal adoption of an annual parking pass program at \$300 a year, to be restricted to use at four and ten hour meters. Fines for overtime parking to be increased from \$3 to \$10 and other restricted parking from \$5 to \$15. The only other change is a recommendation to increase all fines by \$10 per week the violation remains unpaid instead of the past practice of all fines doubling each week. With the higher proposed fines to start with staff believes this change is appropriate. All changes in fines and fees are to become effective no earlier than 1/01/02, to allow time for education and implementation. Meters will have to be modified over a period of time, creating some inconsistencies during the implementation months of January and February 2002.

Background Information: The City Staff and the DDA were requested by the City Council to analyze and make recommendations to increase revenues to the Parking Fund by increasing both parking violation fines and meter rates throughout the City. Most restricted city parking is in the downtown area with some around Mesa State College. Based on a report presented to the City Council and the DDA board in August 2000, and subsequent discussions between the City Council and the DDA board recommendations for additional meters, fine increases and meter rates are now being presented to the City Council for adoption and implementation. The annual pass program was implemented on a limited basis some years ago, but the new more formal option should be attractive to downtown workers and owners for its convenience; while encouraging their use of the long-term parking now available in and around the downtown.

Budget: The net increase in revenues to the Parking Fund from all the proposed changes are estimated to be close to \$100,000 the second year of implementation. We have estimated the cost the first year to purchase and install additional new meters at approximately \$50,000.

Action Requested/Recommendation: Approve the Resolution and direct staff to implement the changes to fines and fees, and further direct staff to modify the Parking budget to accommodate the purchase in 2001 of the 139 additional meters.

Citizen Presentation:	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes	If Yes,
Name:	DDA Board and Staff		
Purpose:	To present their recommendations to the City Council		

Report results back to Council:	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes	When:	Jan 2003
---------------------------------	-----------------------------	---	-------	----------

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

RESOLUTION NO. _____

A RESOLUTION ADOPTING THE MUNICIPAL COURT FINE SCHEDULE FOR OVERTIME PARKING, RESTRICTED PARKING AND HANDICAPPED PARKING VIOLATIONS AND SETTING METER RATES

Recitals:

The City Council recently adopted the 1995 Model Traffic Code for Municipalities. As part of the process that led up to the adoption of that Code various interested persons and entities discussed regulation of parking and the associated fees, fines and charges.

Consistent with the City's law the City Council has established a range of fines for municipal offenses and the Judge sets, for the convenience of the Court, a fine schedule for violations. Penalties for parking violations are fines, which if unpaid increase and if unpaid beyond 30 days, a warrant issues and the automobile may be booted. All as determined by the Judge of the municipal court, according to Section 1-9 of the City of Grand Junction Code of Ordinances. The Court does not set parking fees/meter rates.

Because parking, especially in the Downtown area is a concern of many interested citizens, the Downtown Development Authority, the Downtown Association and the City Council, the Council agreed to review parking fines and meter rates. This Resolution confirms and adopts as appropriate the Court's established penalties for parking violations and sets meter rates.

To the extent that this resolution conflicts with an existing resolution, this resolution shall control.

It is a further purpose of this resolution that the Council expresses its policy that:

- (a) any person violating any parking law, ordinance or regulation shall be prosecuted to the fullest extent of the law; and
- (b) every person convicted of a violation shall be punished pursuant to and not in excess of the penalties specified herein, unless and until the fine schedule is amended by the Court or as otherwise determined in the sound discretion of the Court or the municipal prosecutor.

This resolution shall be interpreted and construed so as to effectuate the general purpose of the parking and traffic Code as adopted by the City, consistent with law and

authority of the Court and City Council as provided by Charter and Ordinance. This resolution shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or jurisdiction of any article or section thereof.

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

THAT the FINES for:

Overtime parking is \$10.00 for each violation;

Restricted parking is \$15.00 for each violation; and

Handicapped parking is \$50.00 for each violation.

Overtime and restricted parking violations increase by \$10.00 each week that the violation remains unpaid up to 30 days at which time the Court may issue a warrant and/or immobilize the vehicle consistent with existing law and as determined in the sound discretion of the Court.

BE IT FURTHER RESOLVED THAT the HOURLY RATE for:

One and two hour metered parking is \$.50 per hour; and

Four and ten hour metered parking is \$.10 per hour; and that

An annual parking pass for 4 and 10 hour meters be offered at \$300 annually.

The fines and fees listed above will not become effective prior to 1/01/02.

PASSED and ADOPTED this ___th day of July 2001.

President of the Council

Attest:

City Clerk

DDA Suggestion	Eliminate 2 hour free	Eliminate Unlimited Free	Add 10 hour	Add 4 hour	Add 2 hour
Keep all 4 hour meters					
2 nd Street Ute-Colorado		-14	14		
3 rd Street Ute-Colorado			11		
200 Block of Colorado	-3	-11	17		12
4 th Street Ute-Colorado	-14		7		7
5 th Street-Museum (west)	-12			12	
7 th Street-Enstroms (west)		-8	8		
200 Block of Rood		-12	12		
White 1 st -3 rd		-30	30		
2 nd Street White-Grand		-9	9		
	-29	-84	108	12	19
					139

Attach 11

Condemnation of Property at Southeast Corner of 29 Road and North Avenue

Attach 11

**CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION**

CITY COUNCIL			
Subject:	Resolution Authorizing Condemnation		
Meeting Date:	July 18, 2001		
Date Prepared:	July 17, 2001		
Author:	John Shaver	Assistant City Attorney	
Presenter Name:	John Shaver	Assistant City Attorney	
	Workshop	<input checked="" type="checkbox"/>	Formal Agenda

Subject: Resolution authorizing the condemnation of real property (202.82 sq.ft. and a temporary construction easement) and an interest in real property at 2903 North Avenue.

Summary/Background Information: As part of the 29 Road reconstruction a small area of land is needed from the property located at the SE corner of the intersection of 29 Road and North Avenue. City staff has negotiated in good faith with the owner and has made a final offer for the acquisition of the land. The owner and the City have been unable to agree on terms.

Budget: The just compensation to be paid the landowner (estimated at approximately \$2100.00) will be included in the 29 Road budget.

Action Requested/Recommendation: Public Works and legal staff recommend adoption of the resolution.

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

NORTH



RESOLUTION NO. _____

**A RESOLUTION DETERMINING THE NECESSITY OF,
AND AUTHORIZING THE ACQUISITION OF, CERTAIN PROPERTY
BY EITHER NEGOTIATION OR CONDEMNATION,
FOR MUNICIPAL PUBLIC FACILITIES**

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

Section 1. It is hereby determined that it is necessary to the public health, safety and welfare that certain property be acquired for street, sidewalk, utility and drainage purposes. The necessary property as hereafter described in Section 3, is to be acquired by negotiation and purchase if possible; provided, however, the condemnation of said property is hereby specifically approved and authorized. The property sought to be acquired is to be used for municipal, public purposes.

Section 2. The City Attorney is hereby specifically authorized and directed to take all necessary legal measures, including condemnation, to acquire the property which is legally described and set forth in the following section, which is hereby determined to be necessary to be used for street, sidewalk, utility and drainage purposes. The City Attorney is further authorized to request immediate possession of the parcels hereinafter set forth.

Section 3. Interests to be acquired: fee simple absolute and temporary use.

Owner of record: C-Store Holdings, LTD., a Texas limited partnership,
SuperMart Convenience Store 2998 North Avenue

Legal Descriptions:

Public Roadway & Utilities Right-of-Way: Commencing at the Northwest corner of the Northwest $\frac{1}{4}$ (NW $\frac{1}{4}$) of Section 17, Township 1 South, Range 1 East of the Ute Meridian, City of Grand Junction, County of Mesa, State of Colorado, and considering the north line of said NW $\frac{1}{4}$ of Section 17 to bear S 89°57'43" E with all bearings contained herein being relative thereto; thence along said north line of the NW $\frac{1}{4}$ of said Section 17, S 89°57'43" E a distance of 76.25 feet; thence leaving said north line of the NW $\frac{1}{4}$ of said Section 17, S 00°02'17" W a distance of 40.00 feet to a point on the south right-of-way line for North Avenue as described by instrument recorded in Book 779 and Page 155 in the office of Mesa County Clerk and Recorder, said point being the **True Point of Beginning**; thence leaving south right-of-way line for said North Avenue, S 49°31'52" W a distance of 34.18 feet to a point on the east right-of-way line for 29 Road as described by instrument recorded in Book 1808 and Page 123 in the office of Mesa County Clerk and Recorder;

thence along east right-of-way line for said 29 Road, N 00°12'24" W a distance of 2.13 feet;
thence continuing along said right-of-way line for 29 Road, 31.48 feet along the arc of a curve concave to the southeast, having a radius of 20.00 feet, a central angle of 90°10'18", and a long chord bearing N 44°54'45" E a distance of 28.34 feet to a point on south right-of way line for said North Avenue;
thence continuing along south right-of-way line for said North Avenue, S 89°57'43" E a distance of 6.01 feet to the **True Point of Beginning**, containing 202.82 square feet, more or less.

Interest to be acquired: fee simple absolute

A drawing depicting the same labeled Exhibit "A" is attached and incorporated by this reference.

AND ALSO

Temporary Construction Easement: an irregular parcel or area of land along the west and northwest boundary of the property located at 2998 North Avenue containing 1420.00 square feet, more or less.

Interest to be acquired: temporary use

A drawing depicting the same labeled Exhibit B is attached and incorporated by this reference.

Section 4. The parcels designated for acquisition as a temporary construction easement and fee simple are for and a part of the construction of street, sidewalk and utility facilities all a part of the 29 Road improvement project. To that end the City Engineer is hereby authorized to determine the commencement date and necessary duration of such easement to be acquired on the basis of the anticipated construction schedule as it exists at the time of acquisition.

Section 5. The City Engineer is hereby authorized to amend the legal descriptions of the parcels to be acquired and the nature of the interests to be acquired, if necessary in the course of construction.

Section 6. The City Council hereby finds and resolves, in the event that acquisition by condemnation of any parcel described in this resolution is commenced, that immediate possession is necessary for the public health, safety and welfare, due to bidding and construction deadlines.

Section 7. The Charter authorizes this resolution and the actions described. The resolution shall be effective upon an affirmative vote of a majority of the City Council considering it.

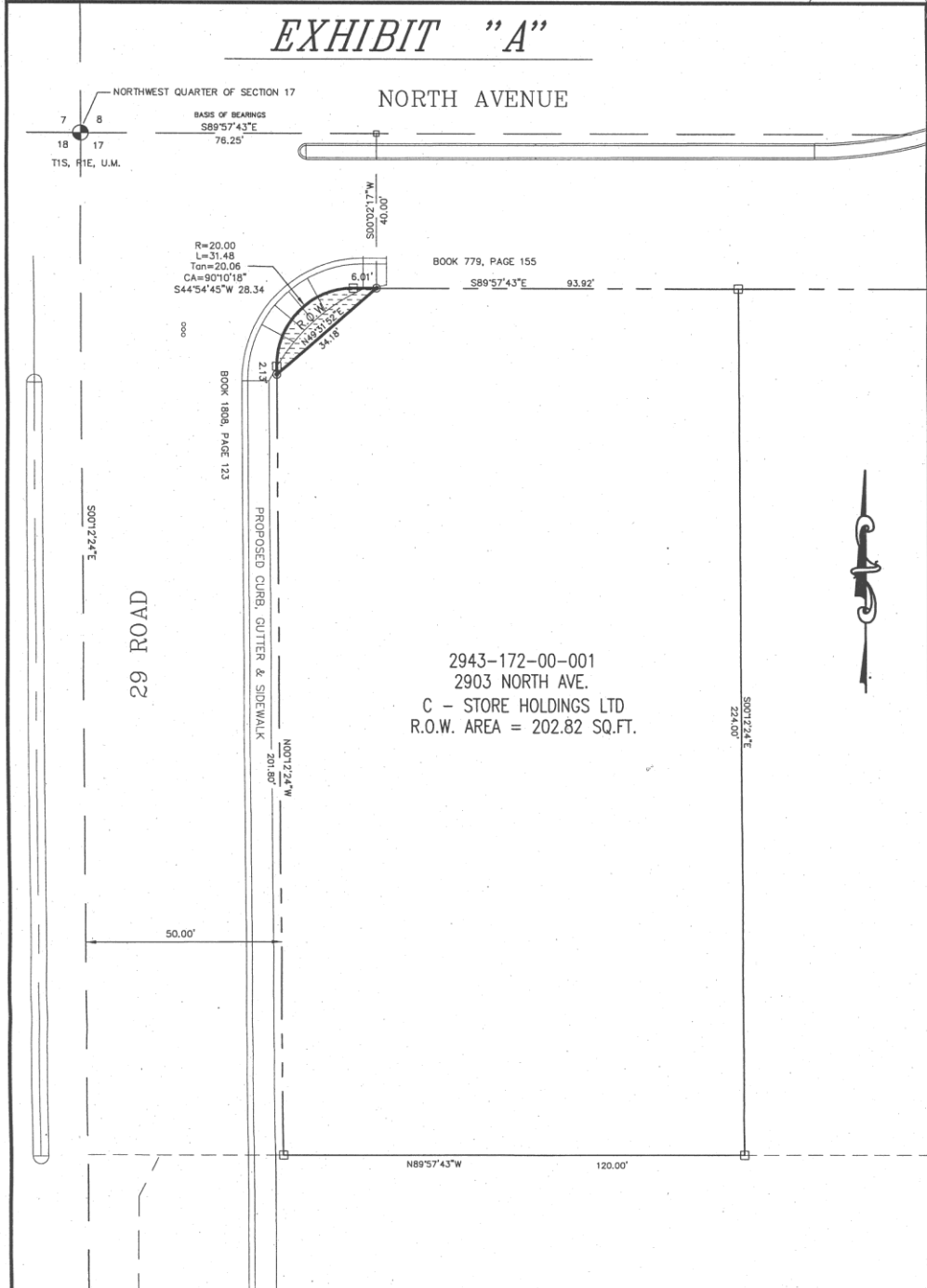
DONE this 18th day of July 2001.

Cindy Enos-Matinez, Mayor

ATTEST:

Stephanie Nye
City Clerk

EXHIBIT "A"



29 ROAD

2943-172-00-001
 2903 NORTH AVE.
 C - STORE HOLDINGS LTD
 R.O.W. AREA = 202.82 SQ.FT.

DRAWN BY: P.I.K.
 DATE: 06-06-2001
 SCALE: 1" = 30'
 APPR. BY: IW
 FILE NO: 29ROAD7A.DWG

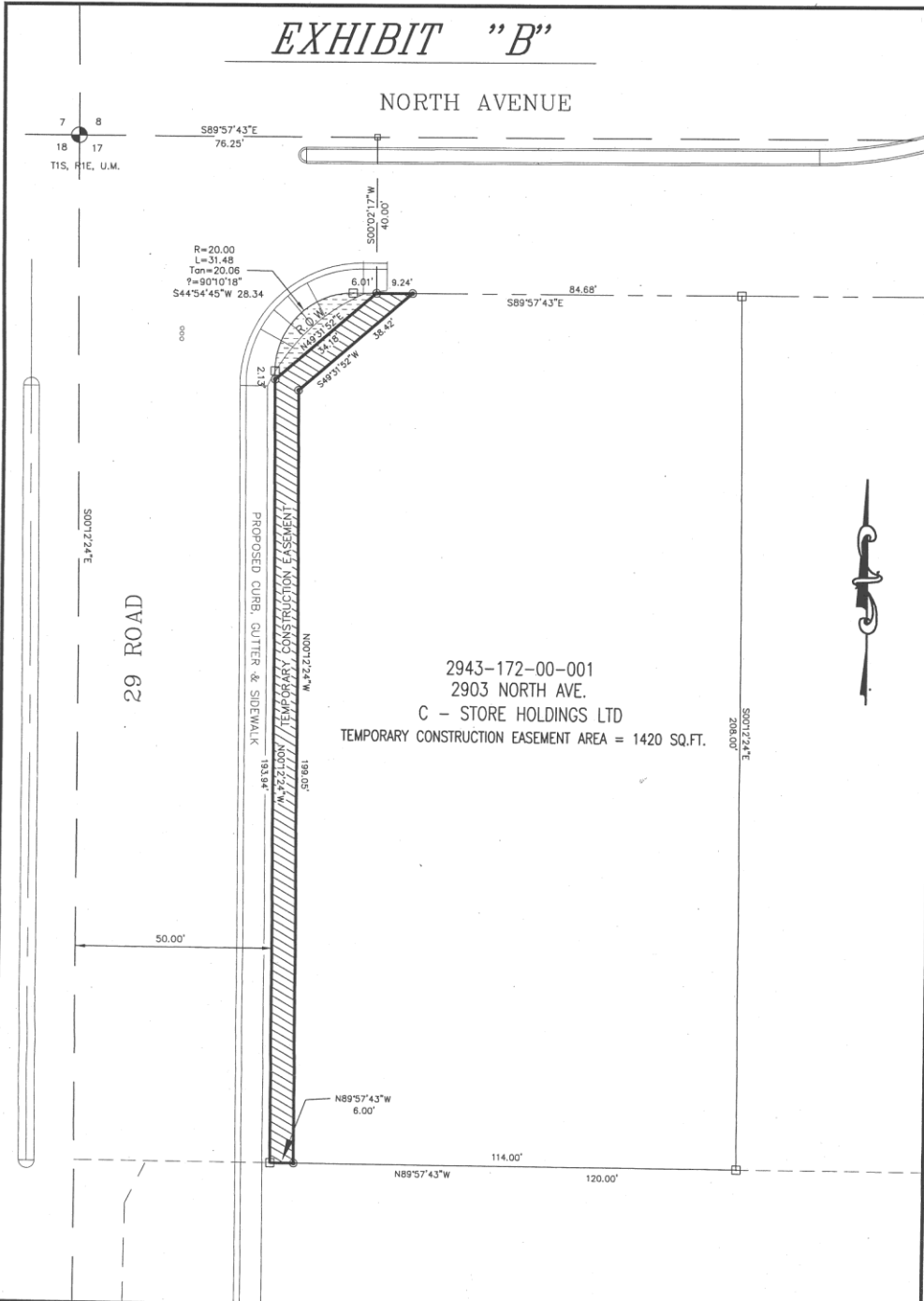
RIGHT-OF-WAY DESCRIPTION MAP

29 ROAD - 1708 TO BUNTING AVENUE

DEPARTMENT OF PUBLIC WORKS
 ENGINEERING DIVISION
 CITY OF GRAND JUNCTION

EXHIBIT "B"

NORTH AVENUE



DRAWN BY: P.I.K.
DATE: 06-01-2001
SCALE: 1" = 30'
APPR. BY: TW
FILE NO: 29ROAD7AB.DWG

RIGHT-OF-WAY DESCRIPTION MAP
29 ROAD - 170B TO BUNTING AVENUE
REVISED: 06-01-2001

DEPARTMENT OF PUBLIC WORKS
ENGINEERING DIVISION
CITY OF GRAND JUNCTION

