

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

WEDNESDAY, SEPTEMBER 5, 2001, 7:30 P.M.

CALL TO ORDER

Pledge of Allegiance
Invocation - Jim Hale
Spirit of Life Christian Fellowship

PROCLAMATIONS / RECOGNITIONS

PROCLAMATION DECLARING SEPTEMBER 17-24, 2001 AS "CONSTITUTION WEEK"
IN THE CITY OF GRAND JUNCTION

APPOINTMENTS

APPOINTMENT TO THE COMMISSION ON ARTS & CULTURE

REAPPOINTMENT TO THE FORESTRY BOARD

RATIFICATION OF REAPPOINTMENT OF URBAN TRAILS COMMITTEE MEMBERS

CITIZEN COMMENTS

*** * CONSENT CALENDAR * * ***

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

Action: Approve the Summary of the August 13, 2001 Workshop and the Minutes of the August 15, 2001 Regular Meeting

2. **Intergovernmental Agreement for the Consolidated Planning Grant and Certifications for the Unified Planning Work Program** [Attach 2](#)

Approve and sign Joint Resolutions with Mesa County and the City of Grand Junction accepting (1) the Intergovernmental Agreement/Consolidated Planning Grant between this MPO and CDOT; and (2) the certifications and assurances for the UPWP.

Resolution No. 88-01 – A Joint Resolution of the County of Mesa and the City of Grand Junction Concerning the Intergovernmental Agreement Between CDOT and the Grand Junction/Mesa County Metropolitan Planning Organization Regarding the FY 2002 Consolidated Planning Grant (CPG)

Resolution No. 89-01 – A Joint Resolution of the County of Mesa and the City of Junction Concerning the Signing of the Fiscal Year 2002 Unified Planning Work Program Certifications and Assurances

**Action: Adopt Resolution No. 88-01 and Resolution No. 89-01*

Staff presentation: Tim Moore, Public Works Manager

3. **Use of the 1% Fund to Underground Overhead Utilities for Two Rivers Convention Center** [Attach 3](#)

Undergrounding funds have been programmed for undergrounding the power lines on the Two Rivers project beginning 85' east of S. 2nd Street and ending at the northeast corner of 1st Street and the alley.

Resolution No. 90-01 – A Resolution Authorizing the Use of Xcel Energy Undergrounding Funds for the Alley between 1st Street and 2nd Street, and between Colorado Avenue and Ute Avenue

**Action: Adopt Resolution No. 90-01*

Staff presentation: Tim Moore, Public Works Manager

4. **Setting a Hearing on Apportionment of Costs for Alley Improvement District 2000, Phase B** [Attach 4](#)

Reconstruction of the alley running from 10th Street to 11th Street between Colorado Avenue and Ute Avenue has been completed as petitioned by a majority of the owners of the property to be assessed. A public hearing and second reading of the proposed ordinance will be conducted by the City Council on September 19, 2001.

Proposed Ordinance Approving the Assessable Cost of the Improvements Made in and for Alley Improvement District No. ST-00, Phase B, in the City of Grand Junction, Colorado, Pursuant to Ordinance No. 178, Adopted and Approved the 11th day of June, 1910, As Amended; Approving The Apportionment of Said Cost to Each Lot or Tract of Land or Other Real Estate in said District; Assessing the Share of Said Cost Against Each Lot or Tract of Land or Other Real Estate In Said District; Approving the Apportionment of Said Cost and Prescribing the Manner for the Collection and Payment of Said Assessment

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for September 19, 2001

Staff presentation: Rick Marcus, Real Estate Technician

5. **Setting a Hearing on Apportionment of Costs for Alley Improvement District 2001, Phase A** [Attach 5](#)

Reconstruction of the following alleys have been completed as petitioned by a majority of the owners of the property to be assessed:

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

A public hearing and second reading of the proposed ordinance will be conducted by the City Council on September 19, 2001.

Proposed Ordinance Approving the Assessable Cost of the Improvements Made in and for Alley Improvement District No. ST-01, Phase A, in the City of Grand Junction, Colorado, Pursuant to Ordinance No. 178, Adopted and Approved the 11th day of June, 1910, As Amended; Approving The Apportionment of Said Cost to Each Lot or Tract of Land or Other Real Estate in said District; Assessing the Share of Said Cost Against Each Lot or Tract of Land or Other Real Estate In Said District; Approving the Apportionment of Said Cost and Prescribing the Manner for the Collection and Payment of Said Assessment

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for September 19, 2001

Staff presentation: Rick Marcus, Real Estate Technician

6. **Setting a Hearing on Apportionment of Costs for Sanitary Sewer Improvement District SS-44-00 for the Northfield Estates/ Glen Caro Subdivisions** [Attach 6](#)

Sanitary sewer facilities have been installed as petitioned by the owners of 50 properties in the vicinity of North 7th Street and G Road (Glen Caro and Northfield Estates). The proposed ordinance will levy assessments in the amount of \$5,620.69 upon each parcel. A public hearing and second reading of the proposed ordinance will be conducted by the City Council on September 19, 2001.

Proposed Ordinance Approving the Assessable Cost of the Improvements Made in and for Sanitary Sewer Improvement District No. SS-44-00, in the City of Grand Junction, Colorado, Pursuant to Ordinance No. 178, Adopted and Approved the 11th day of June, 1910, As Amended; Approving The Apportionment of Said Cost to Each Lot or Tract of Land or Other Real Estate in said District; Assessing the Share of Said Cost Against Each Lot or Tract of Land or Other Real Estate In Said District; Approving the Apportionment of Said Cost and Prescribing the Manner for the Collection and Payment of Said Assessment

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for September 19, 2001

Staff presentation: Rick Marcus, Real Estate Technician

7. **Vacation of Drainage and Utility Easement, Rattlesnake Court** [Attach 7](#)

The petitioners are requesting a vacation of a drainage and utility easement that was created with the recording of Lots 31A and 32A, inclusive, Block 25 of The Ridges Filing No. 5 and Lots 48A through 60A, inclusive, Block 25 of the Replat of Lots 22A through 30A, The Ridges Filing No. 5.

Resolution No. 91-01 - A Resolution Vacating a Drainage and Utility Easement Located Along the Southerly Boundaries of Lots 31A and 32A, Inclusive, Block 25 of the Ridges Filing No. 5 and Lots 48A Through 60A, Inclusive, Block 25 of the Replat of Lots 22A Through 30A, The Ridges Filing No. 5

**Action: Adopt Resolution No. 91-01*

Staff presentation: Pat Cecil, Development Services Supervisor

8. **Vacation of a Portion of a Utility Easement, Northgate Drive** [Attach 8](#)

Vacation of a 1.5-Foot portion of a dedicated 6-foot wide utility easement that was created with the recording of the Plat for the Westgate Park No. 2 subdivision on the north side of the subject property adjacent to the Grand Valley Irrigation Co. ditch that parallels Patterson Road in this location.

Resolution No. 92-01 – Vacating a 1.5 foot Portion of a 6 Foot Wide Easement Located East of Northgate Drive and South of the Grand Valley Irrigation Company Ditch

**Action: Adopt Resolution No. 92-01*

Staff presentation: Pat Cecil, Development Services Supervisor

9. **Grant and Co-sponsorship Agreement for Electrical Equipment Building and Runway End Lights at Walker Field Airport** [Attach 9](#)

The Walker Field Airport Authority has applied for an FAA Airport Improvement Program Grant, AIP-22, to help fund the Construction of an Airfield Electrical Equipment Building and the installation of Runway End Identifier Lights system (REILs) on Runway 4/22. This is an AIP grant with FAA picking up \$649,800 (90% of the total project cost of \$722,000) and the Airport Authority picking up the required 10%, or \$72,200, using Authority Funds.

Action: Approve the Grant and Co-sponsorship Agreement for the Equipment Building and Runway End Lights

Staff presentation: Dan Reynolds, Walker Field Airport Operations & Facilities Manager

10. **Intergovernmental Agreement with Mesa County for Participating in the November 6, 2001 Coordinated Election** [Attach 10](#)

On August 24, 2001, the City Clerk finalized the inspection of the Initiative Petition for the Recreation Center, initiated by Jack Scott. The petitions had the requisite number of signatures to require a special election (1493 were required, 1602 were verified). The most cost-effective way of getting this ballot initiative to the voters is to place the matter on the general election ballot for November 6, 2001.

Action: Authorize the City Clerk as the City's Election Official to Sign the Intergovernmental Agreement with Mesa County for the Coordinated November 6, 2001 Mail Ballot Election and Certify the Ballot Title to the County Clerk

Staff presentation: Stephanie Nye, City Clerk

11. **Purchase of a Sculpture for the Two Rivers Convention Center through the 1% for the Arts Program** [Attach 11](#)

The Commission on Arts and Culture recommends that City Council authorize the City Manager and the Commission to enter into negotiations with sculptor Ivan Kosta to create and install his sculpture "The Song of Two Rivers" as the 1% for the Arts purchase at Two Rivers Convention Center.

Action: Authorize the City Manager and the Commission on Arts and Culture to enter into negotiations with sculptor Ivan Kosta to create and install his sculpture "The Song of Two Rivers" through the 1% for the Arts program at Two Rivers Convention Center for \$36,000.

Staff presentation: Allison Sarmo, Cultural Arts Coordinator

* * * END OF CONSENT CALENDAR * * *

* * * ITEMS NEEDING INDIVIDUAL CONSIDERATION * * *

12. **Public Hearing – Appleton Corners Veterinary Clinic Annexations No. 1, No. 2 and No. 3 Located at 797 24 Road and Including a Portion of the 24 Road Right-of-Way** [File #ANX-2001-154] [Attach 12](#)

Resolution for Acceptance of Petition to Annex and second reading of the annexation ordinance for the Appleton Corners Veterinary Clinic Annexation located at 797 24 Road and including a portion of the 24 Road right-of-way. The 2.731-acre Appleton Corners Veterinary Clinic Annexation consists of one parcel of land.

A. Acceptance of Petitions

Resolution No. 93-01 - A Resolution Accepting Petitions for Annexation, Making Certain Findings and Determining that Appleton Corners Veterinary Clinic Annexations No. 1, No. 2 and No. 3. A Serial Annexation, are Eligible for Annexation Located at 797 24 Road and including a Portion of the 24 Road Right-of-way

B. Annexation Ordinances

Ordinance No. 3368 - An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Appleton Corners Veterinary Clinic Annexation No. 1, Approximately 0.004 Acres, Located in the 24 Road Right-of-Way South of 797 24 Road

Ordinance No. 3369 - An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Appleton Corners Veterinary Clinic Annexation No. 2, Approximately 0.008 Acres, Located in the 24 Road Right-of-Way South of 797 24 Road

Ordinance No. 3370 - An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Appleton Corners Veterinary Clinic Annexation No. 3, Approximately 2.719 Acres, Located at 797 24 Road and Including a Portion of the 24 Road Right-of-Way

**Action: Adopt Resolution No. 93 -01 and Ordinances No. 3368, No. 3369 and No. 3370 on Second Reading*

Staff presentation: David Thornton, Principal Planner

13. **Public Hearing on Zoning the Appleton Corners Veterinary Clinic Annexation No. 1, No. 2 and No. 3, Located at 797 24 Road, to RSF-R**

[File #ANX-2001-154]

[Attach 13](#)

The 2.731 acre Appleton Corners Veterinary Clinic Annexation area located at 797 24 Road consists of 1 parcel of land. State law requires the City to zone newly annexed areas within 90 days of the annexation. The proposed City zoning is identical to the current Mesa County zoning for this property and conforms to the Growth Plan's Future Land Use map and recommendation for Estate, residential land uses between 2 and 5 acres per dwelling unit for this area.

Ordinance No. 3371 - An Ordinance Zoning the Appleton Corners Veterinary Clinic Annexation to Residential Single Family Rural (RSF-R), Located at 797 24 Road

**Action: Adopt Ordinance No. 3371 on Second Reading*

Staff presentation: David Thornton, Principal Planner

14. **Public Hearing on Transferring the City's 2001 Private Activity Bond Allotment**

[Attach 14](#)

The City of Grand Junction received a Private Activity Bond allocation from the State of Colorado Department of Local Affairs for the fifth time in 2001 as a result of the City reaching a 40,000 population level in 1997. The bond authority can be issued on a tax-exempt basis for various private purposes. The City can reserve this authority for future housing benefits by ceding the authority to CHFA at this time.

Ordinance No. 3372 - An Ordinance Authorizing Assignment to the Colorado Housing and Finance Authority of a Private Activity Bond Allocation of City of Grand Junction Pursuant to the Colorado Private Activity Bond Ceiling Allocation Act

**Action: Ordinance No. 3372 on Second Reading*

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

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

16. **OTHER BUSINESS**

A. Rimrock Marketplace General Improvement District Board of Directors Meeting: City Council will convene as the Board of Directors for the Rimrock Marketplace General Improvement District created in August. [Attach 15](#)

- i. Calling a Special Mail Ballot Election and Setting a Ballot Title
- ii. Approving an Intergovernmental Agreement with Mesa County for Coordinating the TABOR Notice
- iii. ***Approving a Mail Ballot Plan for a Special Election

17. **EXECUTIVE SESSION** to Discuss Personnel: Discussion of an evaluation process regarding the City Manager, the City Attorney and the Municipal Judge's positions. The evaluation will occur later. No staff will be present.
18. **ADJOURNMENT**

Attach 1
Minutes of Previous Meetings

GRAND JUNCTION
CITY COUNCIL WORKSHOP

AUGUST 13, 2001

The City Council of the City of Grand Junction, Colorado, met on Monday, August 13, 2001 at 7:07 p.m. in the City Hall Auditorium to discuss workshop items. Those present were Harry Butler, Dennis Kirtland, Bill McCurry, Jim Spehar and Acting President of the Council Reford Theobald. Councilmember Janet Terry and President of the Council Cindy Enos-Martinez were absent.

Summaries and action on the following topics:

1. **MUNICIPAL COURT OPERATIONS:** Staff updated Council on the current operations of Municipal Court including two new operations, the Warrant Plan and Teen Court. Staff also outlined the need for a witness box in the Municipal Hearing Room and the advantages of having a video arraignment system.
Action Summary: Council appreciated the update provided by Staff and directed them to explore the option of using courtrooms at the new Justice Center which are not being utilized at this time.

2. **TRAFFIC STANDARDS:** Staff provided an update on the adoption of the new the Traffic Engineering Design Standards (TEDS) manual that would make evaluating and measuring the standards and exception process of traffic engineering more objective and specific. Staff asked for Council's approval to move ahead on the adoption of these standards.

Action Summary: Council directed Staff to clarify the impact of adopting these standards and to present examples of what has happened or what could happen using these standards through different scenarios. City Manager Arnold stated he would explore this through the Community Development site plan review process.

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

AUGUST 15, 2001

The City Council of the City of Grand Junction convened into regular session the 15th day of August, 2001 at 7:32 p.m., in the City Auditorium. Those present were Harry Butler, Dennis Kirtland, Bill McCurry, Jim Spehar, Mayor Pro Tem Janet Terry and Reford Theobald. Mayor Cindy Enos-Martinez was absent. Also present were City Manager Kelly Arnold, City Attorney Dan Wilson and Senior Administrative Assistant Chris English.

Mayor Pro Tem Terry called the meeting to order and Councilmember Harry Butler led in the Pledge of Allegiance. The audience remained standing for the invocation by Pastor Scott Hogue of the First Baptist Church.

CERTIFICATES OF APPOINTMENT

A Certificate of Appointment was presented to Dennis Pretti, newly appointed board member of the Historic Preservation Board.

Gregg Palmer was not present to accept his Certificate of Appointment for appointment to the Downtown Development Authority Board of Directors.

CITIZEN COMMENTS

Ron Stoneburner, 653 Longhorn in Westwood Subdivision, stated that he had previously distributed a letter to Council, which listed problems with the subdivision. He assured Council that he has met with developer and with a City Engineer. He also stated that he has met with the developer three times to solve problems, but there has been no resolution. On 10/31 the warranty runs out. Because of the high water level and alkali there are blacktop problems.

Mayor Pro Tem Terry stated that Engineer Rick Dorris is working on this problem. Councilmember Spehar indicated that it is in the City's interest also to solve this problem. He stated that the City is in this with the homeowners but that legally it can't be tied to a different project.

City Attorney Dan Wilson recommended the homeowners talk to a private attorney to protect their rights, and that the City does not have a role in all issues, specifically property values and alkalinity of soils are not dealt with in the City Code.

Darryl Stokes, 657 Longhorn St., stated that the soil is bad, and can't be planted. The County extension service did a survey of the soil and stated that the results are off the charts where alkali is concerned. Their recommendation is to scrape off the present soil and bring in new topsoil. He feels the Developer should help with the costs. He also stated that water is backing up underneath his house, some neighbors have five or six inches of water under their house, because of bad drainage and the clay layer.

Councilmember Kirtland asked Mr. Stokes if his house was a slab or crawlspace. Mr. Stokes said his was a crawlspace, which is where the water is accumulating. He stated that he is surprised these houses were given a certificate of occupancy in their present condition.

Mark Wells, 2534 Brenna Way, said his home backs up to the canal. He feels this is not only a resale value issue but a health issue as well. He sells building materials and knows what standing water can do to these materials. The neighborhood needs to know what legal action they can take. Mayor Pro Tem Terry stated that the homeowners should stay in contact with Mr. Stoneburner for current updates. Mr. Wells agreed and stated that Mr. Stoneburner spoke very well for all him and most of the homeowners.

Charles Busell, 2536 Brenna Way, advised that mold is definitely a health issue. The footings will sink and could create a sinkhole. He stated that he has about \$10,000 in his yard. He wondered why the houses were approved with the problem with the water table. He inquired as to whom does the inspector report to.

Sue Love, 661 Longhorn, said her house is next to the corner, which is supposed to be a nature park, instead it is weeds. The City requires it to be Nature Park. She asked if this could be reviewed.

Mayor Pro Tem Terry requested that Public Works Director Mark Relph please summarize what the City has done and what they intend to do in the future on this issue.

Mr. Relph stated that the City trying to work with the developer and Community Development; looking for solutions. This has been on a daily basis and with urgency because of the warranty issue. There have been some leaks in the irrigation system, which it is believed to be part of the problem. There is a pretty solid plan to address these issues. Staff has been available for the homeowners to talk to and will keep them informed.

Councilmember Spehar stated that it is his belief that as a last resort the City needs to make claim before warranty runs out, which will keep the issue current. City Attorney Dan Wilson stated that the City's warranty is with improvements to the infrastructure and not the homes. High water levels are affecting streets and therefore affect the City's infrastructure. The City has no jurisdiction on dampness in homes and the other issues.

Public Works Director Mark Relph indicated that solving the ground water problem would help to lower water table and help with the water in the crawlspaces.

Ron Stoneburner stated that the irrigation system was shut down and there were tests done which indicated that there are no leaks in the system.

Mayor Pro Tem Terry thanked everyone for coming to the meeting and giving their input to the Council. She also informed those present for this current issue that when the issue

of Rezoning Colonial Heights Subdivision comes up on this agenda, they could be included in the speakers. However, their comments would have to deal only with the Colonial Heights Subdivision and not on the Westwood Ranch Subdivision.

CONSENT ITEMS

Councilmember Terry announced that the next item would be the approval of the Consent Calendar. Councilmember Spehar stated that it was his understanding that Item #14 was to be tabled and therefore moved to approve Consent Items 1 through #13. The motion was seconded by Councilmember Theobald and carried by a roll call vote.

1. **Minutes of Previous Meetings**

Action: Approved the Summary of the July 30, 2001 Workshop and the Minutes of the August 1, 2001 Regular Meeting

2. **Country Club Park #2 Sewer Improvement District**

The owners of real estate located in the vicinity south of Highway 340, west of Glade Park Road, and east of Country Club Park Road have petitioned the Mesa County Commissioners to create an improvement district for the installation of sanitary sewer facilities. The public hearing for the proposed resolution to create the sewer improvement district will be held on August 29, 2001 at which time the Mesa County Commissioners will vote on formation of the improvement district. The public hearing and proposed resolution (Mesa County) and contract award (City of Grand Junction) are the final steps in the formal process required to create the proposed improvement district.

The following bids were received on June 12, 2001:

<u>Contractor</u>	<u>From</u>	<u>Bid Amount</u>
R.W. Jones	Fruita, CO	\$494,811.33
Palisade Constructors	Palisade, CO	\$502,277.20
Skyline Construction	Grand Jct.	\$556,153.30
Sorter Construction	Grand Jct.	\$595,834.00
M.A. Concrete Construction	Grand Jct.	\$617,502.50
Engineer's Estimate		\$472,033.50

Action: Award Contract for Country Club Park #2 Sewer Improvement District to R.W. Jones Construction in the Amount of \$494,811.33 Contingent on the Formation of Sewer Improvement District by Mesa County Commissioners on August 29, 2001

3. **Request for Federal Funds for 29 Road, Phase 2**

The Regional Transportation Planning Organization has allocated Federal funds in the amount of \$370,017 in the Statewide Transportation Improvement Program for this project. The grant requires local matching funds in the amount of \$76,929 and local agency non-participation costs of \$14,310.

Resolution No. 76-01 – A Resolution Accepting a Grant for Federal-Aid Funds from the Transportation Equity Act of 1998 for the 21st Century (Tea-21) for the Project Identified as STE M555-016, 29 Road Phase 2, Sub = 13664 for Small Urban Roadway Improvements on 29 Road North of North Avenue to the Grand Valley Canal.

Action: Adopt Resolution No. 76-01

4. **Request for Federal Funds for South Camp Trail, Phase 2**

A City Council Resolution is required for the City to enter into a contract with the Colorado Department of Transportation (CDOT) and to participate in a Federally funded project to construct a Bike/Ped Trail on both sides of South Camp Road. The grant includes 80%(\$251,200) Federal-aid funds and requires 20% (\$62,800) local matching funds.

Resolution No. 77-01 – A Resolution Accepting a Grant for Federal-Aid Funds from the Transportation Equity Act of 1998 for the 21st Century (Tea-21) for the Project Identified as STE M555-015, South Camp Phase II, Sub=13659 for a Bike Ped Trail in Various Locations from South Broadway to Monument Road along South Camp Road

Action: Adopt Resolution No. 77-01

5. **Accepting the Improvements and Setting a Hearing for the Glen Caro and Northfield Estates No. 2 Sewer Improvement District (SSID SS-44-00)**

Sanitary sewer facilities have been installed as petitioned by the owners of fifty properties located in the vicinity of North 7th Street and G Road. The proposed resolution is the required first step in the process to levy assessments against the benefiting properties.

Resolution No. 78-01 – Approving and Accepting the Improvements Connected with Sanitary Sewer Improvement District No. SS-44-00 and Giving Notice of a Public Hearing

Action: Adopt Resolution No. 78-01 and Set a Hearing for September 19, 2001

6. **Accepting the Improvements and Setting a Hearing for Alley Improvement District 2000, Phase B**

Reconstruction of the alley running from 10th Street to 11th Street between Colorado Avenue and Ute Avenue has been completed as petitioned by a majority of the adjoining property owners. The proposed resolution is the required first step in the process to levy assessments against the benefiting properties.

Resolution No. 79-01 – Approving and Accepting the Improvements Connected with Alley Improvement District No. ST-00, Phase B

Action: Adopt Resolution No. 79-01 and Set a Hearing for September 19, 2001

7. **Accepting the Improvements and Setting a Hearing for Alley Improvement District 2001, Phase A**

Reconstruction of the following alleys have been completed as petitioned by a majority of the adjoining property owners:

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

Resolution No. 80-01 – Approving and Accepting the Improvements Connected with Alley Improvement District No. ST-01, Phase A

***Action:** Adopt Resolution No. 80-01 and Set a Hearing for September 19, 2001*

8. **Issuance of a Revocable Permit Located at the Southeast Corner of UnawEEP Avenue and State Highway 50** [File #RVP-2001-090]

The petitioner is requesting approval and issuance of a revocable permit for a chain link fence being constructed within the City right-of-way for UnawEEP Avenue and a portion of an unimproved alley.

Resolution No. 81-01 – A Resolution Concerning the Issuance of a Revocable Permit to Barbara J. Martinez

Action: Adopt Resolution No. 81-01

9. **Setting a Hearing on Zoning the Appleton Corners Veterinary Clinic Annexation No. 1, No. 2 and No. 3, Located at 797 24 Road, to RSF-R** [File #ANX-2001-154]

The 2.731-acre Appleton Corners Veterinary Clinic Annexation area located at 797 24 Road consists of 1 parcel of land. State law requires the City to zone

newly annexed areas within 90 days of the annexation. The proposed City zoning is identical to the current Mesa County zoning for this property and conforms to the Growth Plan's Future Land Use map and recommendation for Estate, residential land uses between 2 and 5 acres per dwelling unit for this area.

Proposed Ordinance Zoning the Appleton Corners Veterinary Clinic Annexation to Residential Single Family Rural (RSF-R), Located at 797 24 Road

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for September 5, 2001

10. **Setting a Hearing on the Ruby Meadows Annexation, Located at 3063 Gunnison Avenue** [File #ANX-2001-147]

Referral of petition to annex, first reading of the annexation ordinance and exercising land use authority immediately for the Ruby Meadows Annexation located at 3063 Gunnison Avenue. The Ruby Meadows Annexation consists of 5.666 acres.

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

Resolution No. 82-01 – A Resolution Referring a Petition to the City Council for the Annexation of Lands to the City of Grand Junction, Colorado, Setting a Hearing on Such Annexation and Exercising Land Use Control – Ruby Meadows Annexation Located at 3063 Gunnison Avenue

Action: Adopt Resolution No. 82-01

b. Set a Hearing on Proposed Ordinance

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Ruby Meadows Annexation, Approximately 5.666 Acres, Located at 3063 Gunnison Avenue

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for October 3, 2001

11. **Designating the Kaiser Residence Located at 1685 Clymer Way in the City Register of Historic Sites, Structures and Districts**

David and Connie Kaiser, owners of the home at 1685 Clymer Way, are requesting that the residence be designated as historic in the City Register of Historic Sites, Structures and Districts.

Resolution No. 83-01 - A Resolution Designating the Residence at 1685 Clymer Way in the City Register of Historic Sites, Structures and Districts

Action: Adopt Resolution No. 83-01

12. **Setting a Hearing on an Ordinance Transferring the City's 2001 Private Activity Bond Allotment**

The City of Grand Junction received a Private Activity Bond allocation from the State of Colorado Department of Local Affairs for the fifth time in 2001 as a result of the City reaching a 40,000-population level in 1997. The bond authority can be issued on a tax-exempt basis for various private purposes. The City can reserve this authority for future housing benefits by ceding the authority to CHFA at this time.

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

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for September 5, 2001

13. **Recommendation for the Purchase of a Sculpture for the New Traffic Engineering Building**

After reviewing slides and proposals from four local artists for eight different works of art, the Grand Junction Commission on Arts and Culture recommends the City Council approve the purchase of "Wire Jamb I" by GJ sculptor David Berry for the new Traffic Engineering Building on River Road.

Action: Approve the Purchase of "Wire Jamb I" Sculpture by David Berry for \$2,000 through the 1% for the Arts Program for the New Traffic Engineering Building

14. **Mariposa Road Reimbursement Agreement**

In 1999 the City and the Developer entered into a road reimbursement agreement as a part of the approval of the Redlands Mesa development. That agreement needs to be updated to reflect the work that has occurred on Mariposa and to provide for the second stage of Mariposa improvements.

Action: This item was removed from this agenda.

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

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

Public Hearing - Rezoning Colonial Heights Subdivision, Located at SE Corner of 25 Road and G Road to RMF-5 [File #RZP-2001-034]

Rezone the Colonial Heights Subdivision from Planned Development, 4.4 units per acre (PD 4.4) zone district, to Residential Multi-Family-5 (RMF-5), located at SE corner of 25 Road and G Road.

Mayor Pro Tem Terry opened the public hearing.

Senior Planner Lisa Gerstenberger reviewed this item. She stated that the criteria have been met and it is eligible for rezone. Staff recommends approval.

Mayor Pro Tem Terry asked if there were any comments from the audience.

Rich Livingston was present representing the petitioner. This project was before the Council a couple of years ago. At that time there was a lot of neighborhood opposition to this plan, in particular the multi-family dwellings. The Growth Plan suggested that this was an area that could be considered for both higher density and multi-family zoning. Neighborhood opposition was rather significant. Since then the developer has spent better than a year working with Staff and the neighborhood, and at the Planning Commission meeting there was no opposition. From a zoning perspective, all criteria for the Code has been addressed, and the neighborhood is supportive of rezone that limits this area to the 4.4 units per acre area and the single family residence development.

Councilmember Theobold inquired why the zoning proposed is multi-family when the development is all single family.

Senior Planner Lisa Gerstenberger responded that the zoning allows for mixed use, including attached and detached dwelling units and a transition from single-family to multi-family with medium density and lower impact multi-family. Mr. Livingston stated that in order to get the number of units that both the developer and the Growth Plan needed in this area, RMF-5 was the only zoning that qualified. No single-family zoning was available that would work.

Councilmember Theobold questioned the method of manipulating zoning of the new Code that was supposed to be modern and efficient and yet it is being manipulated just to cover this type of development. Mr. Livingston stated that while this does constitute manipulation, it does, if read carefully, allow for this development.

Mayor Pro Tem Terry asked if there were any other comments from the audience, either for or against this proposal. There were no further comments.

The hearing was closed.

Ordinance No. 3362-A Ordinance Rezoning the Colonial Heights Subdivision from Planned Development, 4.4 units per acre (PD 4.4) to Residential Multi-Family-5 (RMF-5), Located at SE Corner of 25 Road and G Road.

Upon motion by Councilmember Spehar, seconded by Councilmember McCurry, and carried by roll call vote Ordinance No. 3362 was adopted on second reading.

Public Hearing - Zoning the Parham Annexation, Located at 2960 D Road to RMF-8 [File #ANX-2001-061]

Second reading of the Zoning Ordinance to zone the Parham Annexation Residential Multi-Family-8 (RMF-8) located at 2960 D Road.

Mayor Pro Tem Terry opened the public hearing.

Senior Planner Lisa Gerstenberger reviewed this item. This annexation meets all of the criteria set forth in the Zoning and Development Code. The density will be 6.3 units per acre. Staff recommends approval of this zoning.

Councilmember Theobald asked what the zoning is on the Travers Annexation. Ms. Gerstenberger stated that the zoning on the Travers annexation is RMF-4, and is located to the east of this annexation. Councilmember Theobald also asked about the zoning for the Scottish Range. Ms. Gerstenberger replied that the Scottish Range is zoned in Mesa County.

Mayor Pro Tem Terry asked what the growth plan shows on the east and west of this area. Ms. Gerstenberger stated that it shows a residential medium zoning. In 1999 it showed a lower density, but the growth plan was amended at that time. The development trend was for a higher density and it was recommended by both the County and City Staff that the zoning be changed and it was changed by Council.

Mayor Pro Tem Terry asked for comments from Mr. Atkinson, the project representative.

Richard Atkinson of _____ & Associates of Grand Junction, Colorado. This zoning is in compliance with the Growth Plan and meets the basic requirements.

Councilmember Terry asked if these are attached units on individual lots. Mr. Atkinson answered that they are attached units.

Mayor Pro Tem Terry asked if there were any more comments or questions. There were none. She closed the hearing.

Ordinance No. 3363 - An Ordinance Zoning the Parham Annexation Located at 2960 D Road to RMF-8

Upon motion by Councilmember McCurry, seconded by Councilmember Kirtland, and carried by roll call vote, Ordinance No. 3363 was approved on second reading.

Public Hearing - Zoning the Grand Meadows Annexation, Located at 30 Road and Gunnison Way to RMF-5 [File #ANX-2001-080]

Zoning the Grand Meadows Annexation located at 30 Road, south of Gunnison Way, from County RSF-R to City RMF-5 (Residential Multi-Family-5).

The public hearing was opened.

Senior Planner Lisa Gerstenberger reviewed this item. The annexation criteria have been met. Staff recommends approval.

Councilmember Theobald asked why there is a plat map attached if this only deals with zoning. Ms. Gerstenberger stated that it was included for information only.

Mayor Pro Tem Terry asked about the County RSF-4 zone on the properties to the south and east. Ms. Gerstenberger stated that it is converted from the County AFT and is the equivalent of the City zone Single Family Rural.

Mayor Pro Tem Terry asked if there were any further comments. There were none. The hearing was closed.

Ordinance No. 3364 - Zoning the Grand Meadows Annexation to Residential Multi-Family-5 (RMF-5), Located at 30 Road South of Gunnison Way

Upon motion by Councilmember Kirtland, seconded by Councilmember Spehar, and carried by roll call vote, Ordinance No. 3364 was approved on second reading.

Public Hearing - Monument Valley, Filing 7 Annexation, Located on the East Side of South Camp Road East of Wingate Elementary School

[File #ANX-2001-125]

The 56.789-acre Monument Valley, Filing 7 Annexation consists of one parcel of land located on the East Side of South Camp Road east of Wingate Elementary School.

The hearing was opened.

Senior Planner Bill Nebeker reviewed this item and stated that it meets all criteria. Staff recommends approval of Ordinance No. 3365.

Mayo Pro Tem Terry asked if there were any comments on annexation only. There were no comments. The public hearing was closed.

Resolution No. 84-01 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as Monument Valley, Filing 7 Annexation is Eligible for Annexation, Located on the East Side of South Camp Road East of Wingate Elementary School

Ordinance No. 3365 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Monument Valley Filing 7 Annexation, Approximately 56.789 Acres Located on the East Side of South Camp Road East of Wingate Elementary School

Upon motion by Councilmember Kirtland, seconded by Councilmember Spehar, and carried by roll call vote, Resolution 84-01 was adopted and Ordinance No. 3365 was approved on second reading.

Public Hearing – Zoning of Monument Valley, Filing 7 to RSF-2
[File #ANX-2001-125]

The applicant proposes a zone of annexation from County PD to City RSF-2 for the 56.7 acre Monument Valley, Filing 7 Annexation. A preliminary plan to subdivide the parcel into 87 single-family lots was approved by the Planning Commission at its July 24, 2001 hearing. The Planning Commission recommends approval.

The public hearing was opened.

Senior Planner Bill Nebeker reviewed this item. The ordinance meets the criteria. Staff recommends approval.

Councilmember Theobald asked about the zoning on the south, east and west. Mr. Nebeker stated that the south is the same as is proposed by the Growth Plan. Property around this area is privately owned although the map shows it as a park.

City Attorney Dan Wilson clarified that the land to the north is privately owned.

Councilmember Spehar noted that this proposal is actually a reduction in the number of lots. Mr. Nebeker said that it is a reduction in the number of lots from the original, but matches the Growth Plan.

Councilmember Kirtland asked if this plan addresses the rain concerns. This particular area has some opportunity for problems.

John Thomas, 325 Wheel Drive, Grand Junction and the developer were present. One of the benefits of this project is that in the past flooding from the east side of the road overflowed South Camp Road and caused damage to some public facilities and also private driveways. Crews have been out repairing driveways during these monsoon rains. A benefit of this project is that it will be able to control the drainage from this site. The County allowed the drainage problems to be pushed forward from one filing to the next. This property is impacted by those drainage problems. The developer has hired a consulting hydrologist to help solve the drainage problem.

Mayor Pro Tem Terry stated that it is not a part of the zoning decision, but what, if any, thought has gone into the pedestrian traffic issue. Mr. Thomas stated that in the proposed plan there are concrete pedestrian urban trails on the east side for a half-mile of path then from the pedestrian path along a historic path to Wingate School. Then they will be participating with the City to build a school crossing from the east side of the path to the west side.

Councilmember Terry asked if there were any comments on zoning only. There were no comments. The hearing was closed.

Ordinance No. 3366 - An Ordinance Zoning the Monument Valley, Filing 7
Annexation Residential Single Family – 2 (RSF-2), Located on the East Side of
South Camp Road, East of Wingate School

Upon motion by Councilmember Spehar, seconded by Councilmember Kirtland, and carried by roll call vote, Ordinance No. 3366 was approved.

Public Hearing - Rezoning Elm Avenue PD to Allow an Additional Use
[File #RZ-2001-124]

The applicant/owner requests to amend the final plan for the site at 704 Elm Avenue to add a beauty salon as an approved use. Currently only office use is allowed in this Planned Development zone. The Planning Commission recommends approval.

The public hearing was opened.

Doug Skelton, 706 Eider Place, was present. Mr. Skelton owns the property at 704 Elm Avenue and has decided to sell. He would like to change the zoning to accommodate a Beauty Shop since that is what the potential buyer prefers to do with the property.

Senior Planner Bill Nebeker reviewed the proposal. The property does meet the rezone criteria.

Councilmember Theobold asked about the history of this property and if there was a less intense use available. Mr. Nebeker said that in the past uses requested have been granted.

Mayor Pro Tem Terry asked about the Residential/Office (RO) Zone, if it allows a variety of uses. Mr. Nebeker indicated that it does. The zoning is residential to the north and south. Community Development prefers to keep a narrow focus under the PD zone so that the east side of 7th street does not expand. Mayor Pro Tem Terry stated that she thought the whole corridor was zoned RO. Mr. Nebeker indicated that only the west side is.

Mayor Pro Tem Terry asked if there were any comments on this rezoning. There were no comments. She closed the hearing.

Ordinance No. 3367 - Zoning a Planned Development Located at 704 Elm Avenue to Add an Additional Allowed Use

Upon motion by Councilmember Kirtland, seconded by Councilmember Theobold, and carried by roll call vote, Ordinance No. 3367 was approved on second reading.

Conveyance of a Utilities Easement Across Columbine Park to the Public Service Company of Colorado

The Public Service Company of Colorado is requesting an easement for an existing overhead facility located along the northern boundary of Columbine Park. The proposed easement will allow Public Service to install a lateral underground crossing for the purposes of providing electric power to Garden Grove Subdivision, located on the north side of Orchard Avenue.

Public Works Director Mark Relph reviewed this item.

Councilmember Theobold asked what the City would get in consideration of the easement. Mr. Relph replied there is no consideration. Council-member Theobold asked if there is anything the City might want in exchange for the easement in Orchard Mesa.

Mayor Pro Tem Terry stated that her position would be to keep this issue separate from other transactions. There could be a request for some compensation or trade in the future.

Mayor Pro Tem Terry asked if there were any comments on annexation only. There were no comments.

Resolution 85-01 – Concerning the Granting of a Nonexclusive Electric Utility Easement to the Public Service Company of Colorado

Upon motion by Councilmember Kirtland, seconded by Councilmember Theobold, and carried by roll call vote to adopt Resolution 85-01.

Conveyance of Two Utilities Easements Across District Open Space in the Ridges to the Public Service Company of Colorado

Public Service Company is requesting two small easements to accommodate new facilities being installed in conjunction with the Ridges electrical system upgrade.

Public Works Director Mark Relph reviewed this item. Staff recommends approval.

Mayor Pro Tem Terry stated that Councilmember Harry Butler raised the question of whether the company is Public Service or XCel as both names are being used.

Public Works Director Mark Relph explained that XCel is the parent company but they go by both names. XCel bought Public Service.

Councilmember Kirtland asked what exactly was to be placed on the property.

Mr. Relph answered that it would be a transformer. Mayor Pro Tem Terry asked about the number of transformers and the placement of the transformers. Mr. Relph stated that some of the green boxes perceived as transformers are, in reality, telephone company switching cabinets.

Mayor Pro Tem Terry asked how the placement of the transformers is regulated. Mr. Relph stated that Public Service has always been willing to adjust the location of the transformers if requested.

Councilmember Theobold noted that they are an eyesore and there seems to be a large number of them. There have been some cases where some landscaping was done to screen these cabinets.

City Attorney Dan Wilson stated that Public Service tends to be responsive to this issue, but other local utility companies are not.

Councilmember Spehar wondered if this issue is one that can be researched and possibly a precedent set on the aesthetics of these utility boxes, but did not want to hold up a decision on this particular item.

Resolution 86-01 – Concerning the Granting of Two Nonexclusive Electrical Utility Easements to the Public Service Company of Colorado

Upon motion by Councilmember Spehar, seconded by Councilmember McCurry, and carried by roll call to approve Resolution 89-01.

Authorization for Staff to Apply for a Colorado Water Conservation Board Construction Loan to Fund the Combined Sewer Elimination Program

Staff is proposing to apply for a loan to help fund the Combined Sewer Elimination Project. Although the level of funding is yet to be determined by City Council, a loan would allow the improvements to be constructed now rather than later. The deadline to apply to the Colorado Water Conservation Board for any 2002 loan funds is August 31, 2001. This does not commit the City to the loan, only allows Staff to apply for it.

Councilmember McCurry asked if there is federal funding to mitigate this problem. Mr. Relph stated that federal funding is much more difficult to come by. There is a possibility that by 2004 there will be some changes, but that the Federal Government has not offered funding in long time for these types of projects.

City Manager Kelly Arnold indicated that other options are being explored.

Councilmember Spehar indicated that finding funding could shorten the time considerably for accomplishing the separation of these sewer lines. He inquired what impact this would have on the TABOR funds.

City Manager Kelly Arnold stated that Staff simply doesn't know all the variables yet and discussion will probably begin in September at the CIP meetings.

City Manager Arnold asked Mr. Relph to sketch as close as possible where the combined lines run. He then asked if they were in the alleys or on major streets would there be paving rehabilitation.

Public Works Director Mark Relph stated that they would leave the current lines in the alleys then run new lines for the storm drains through the streets to the catch basins, thereby, leaving the alleys intact. All of the work would be in the streets.

Councilmember Spehar stated if there was success in this funding it would leave the money already budgeted to do that project earlier and still have the budgeted money available. The project would then be two-thirds done instead of one-third. Mr. Relph said that Staff needs to spend some time on this issue before coming to any conclusions. City Manager Arnold said there needs to be multiple options discussed before a decision is made.

Councilmember Spehar asked if the storm water would still go out to Persigo. Mr. Relph stated that the new lines would not go to Persigo but instead would go down 8th Street to Los Colonias Park and into the Colorado River. Federal regulations are forthcoming that will require water quality basins before discharging into the river. There will be meetings with the Corps of Engineers and the Division of Wildlife before a final decision is made.

Resolution No. 87-01 – A Resolution Authorizing an Application for a Loan of State Funds for the Project Identified as the Combined Sewer Elimination Project

Upon motion by Councilmember Butler, seconded by Councilmember Kirtland, and carried by roll call vote to approve Resolution 87-01.

NON-SCHEDULED CITIZENS & VISITORS

Mayor Pro Tem Terry asked that statements be limited to five minutes.

Gerald McKeel, 1512 County Road 129, Glenwood Springs, asked about the progress report on Judge David Palmer. Mr. McKeel was promised a letter from City Attorney Dan Wilson regarding Mr. McKeel's motion to return items seized without a warrant. The real problem with Judge Palmer is the lack of an Oath of Office, which should give the citizens a method to correct errors made by court personnel. Judge Palmer's denial of access to the court system to resolve a serious problem was Mr. McKeel's primary concern.

Mayor Pro Tem Terry stated that, as Mr. McKeel has been informed before, the Council has no jurisdiction in this matter and Judge Palmer has no jurisdiction to deal with the case. Mayor Pro Tem Terry stated that this fact should be put in writing to Mr. McKeel for clarification. The City Council hopes that Mr. McKeel can, though the aid of his attorney, find a satisfactory solution to the problem.

City Attorney Dan Wilson stated that his office would write down Council's position in a letter to Mr. McKeel. Mr. Wilson also requested that Mr. McKeel's attorney contact his office.

OTHER BUSINESS

There was no other business.

ADJOURNMENT

The meeting was adjourned at 9:22 p.m.

Stephanie Nye, CMC
City Clerk

Attach 2
IGA Consolidated Planning Grant

CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION

CITY COUNCIL

Subject:	Joint Resolutions for The MPO
Meeting Date:	September 5, 2001
Date Prepared:	August 10, 2001

Author:	Ken Simms	RTPO Transportation Planner
Presenter Name:	Tim Moore	Public Works Manager
	X	Formal Agenda

Subject: Approval of two Joint Resolutions. One is a 'signature of acceptance' from the MPO for the FY 2002 Intergovernmental Agreement/Consolidated Planning Grant (CPG) with CDOT, the other acknowledges certifications for the Unified Work Program (UPWP) portion of the CPG.

Summary: Approve and sign Joint Resolutions with Mesa County and the City of Grand Junction accepting (1) the Intergovernmental Agreement/Consolidated Planning Grant between this MPO and CDOT; and (2) the certifications and assurances for the UPWP.

Background Information: The Amended FY 2002 Unified Planning Work Program was adopted by the City of Grand Junction (GJCC # 73-01) and the Mesa County Board of County Commissioners (MCM #2001-91-1) on August 1, 2001 and August 6, 2001 respectively. This document is attached to the Intergovernmental Agreement, which is the one-year contract between the MPO and CDOT which sets the policies, procedures, federal rules and guidelines to be followed by the MPO and CDOT. Included in the Intergovernmental Agreement, is the amount of Consolidated Planning Grant funding CDOT will distribute. The resolution accepts the Intergovernmental Agreement/Consolidated Planning grant between this MPO and CDOT.

The FY 2002 annual CPG certifications and assurances for the MPO are required for adherence to the stipulations in the Consolidated Planning Grant and are required for each annual contract. The first certification establishes the certification of the urban transportation planning process, the second certification establishes that the MPO has not used federal funds to pay for lobbying services, and the third certification establishes that the MPO is working within the

constraints of Title VI (civil rights/service equity) regulations. The resolution acknowledges the required certifications for the UPWP.

Mesa County is a co-signer to these agreements.

Budget: Approved previously with adoption of the Amended FY 2002 Unified Planning Work Program.

Action Requested/Recommendation: Approve and sign the Joint Resolutions; and authorize the Mesa County Administrator, who is also the MPO Acting Director, to sign the Intergovernmental Agreement.

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

MCM# _____
GJCC# _____

RESOLUTION

A JOINT RESOLUTION OF THE COUNTY OF MESA AND THE CITY OF GRAND JUNCTION CONCERNING THE SIGNING OF THE FISCAL YEAR 2002 UNIFIED PLANNING WORK PROGRAM CERTIFICATIONS AND ASSURANCES.

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

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

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

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

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

That the Fiscal Year 2002 Unified Planning Work Program Certifications and Assurances, hereunto attached, was approved for signature by the Board of County Commissioners of the County of Mesa, Colorado on _____, and by the City Council of the City of Grand Junction, Colorado on _____.

CITY OF GRAND JUNCTION

COUNTY OF MESA

Mayor
Grand Junction City Council

Chair of the Board
Mesa County Board of Commissioners

_____ day of _____, 2001
2001

_____ day of _____,

Attest:

City Clerk

Attest:

County Clerk

INTERGOVERNMENTAL AGREEMENT

This AGREEMENT, made this _____ day of _____, 2001, by and between the State of Colorado for the use and benefit of THE COLORADO DEPARTMENT OF TRANSPORTATION, hereinafter referred to as the "Department", and the GRAND JUNCTION/MESA COUNTY, hereinafter referred to as the "Planning Agency," created under powers set forth in Article XIV, Section 18 (2) of the Colorado Constitution and Part 2 of Article 1 of Title 29, CRS, as amended.

WHEREAS, authority exists in the Law and Funds have been budgeted, appropriated and otherwise made available and a sufficient unencumbered balance thereof remains available funds from federal fiscal year 2002 for payment in **Fund 400, Organization 9890, Appropriation Code 417, Program 5000, Function 1510, Object 5180 1N, GBL CD92, Reporting Category 0510, FIEN # 846000783** for a total of **\$ 130,168**. The maximum amount payable by the Department shall not exceed **\$ 106,738**, which is 82% of the total available funds. The local match will be **\$ 23,430**, which is 18% of the total available funds. The Catalog Federal Domestic Assistance number (CFDA) which relates to contract audit procedures is 20.205.

WHEREAS, Section 104 (f) Title 23 USC and Section 5303 of 49 USC provides metropolitan transportation planning funds, hereinafter referred to as "planning" funds, to Metropolitan Planning Organizations (MPOs) to conduct Comprehensive and Transportation Planning Programs in the urbanized areas of the State of Colorado as defined by the U.S. Census; and

WHEREAS, the Governor of the State of Colorado and general purpose local governments within the Grand Junction metropolitan area have agreed that the GRAND JUNCTION/MESA COUNTY, the "Planning Agency", shall be the MPO and, as such, is the recipient of "planning" funds for the Grand Junction urbanized area; and

WHEREAS, the Planning Agency and the Department will cooperatively prepare a mutually acceptable Unified Planning Work Program (UPWP) which must be adopted by the Planning Agency and accepted by the Department as the document describing the total regional planning and management program for the Grand Junction urbanized area.

WHEREAS, the U.S. Department of Transportation has created the Consolidated Planning Grant program and the Metropolitan Planning Organizations, the Department, the Federal Transit Administration and the Federal Highway Administration have mutually agreed to participate; and

WHEREAS, the Department and the Planning Agencies have mutually cooperated in developing this intergovernmental agreement and have agreed to the consolidation of these funds, the distribution formula and the matching ratio.

NOW, THEREFORE, the parties hereto mutually agree as follows:

1. PURPOSE AND SCOPE

- 1.1 Work to be performed under this Agreement and the compensation for such work shall be identified in a Unified Planning Work Program (UPWP), prepared on an annual basis for each fiscal year. The UPWP (Exhibit A) shall consist of the tasks for the year as accepted by the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA).
- 1.2 The Planning Agency shall not commence work to be performed in the UPWP until the date specified by a written notice to proceed by the Department (which may be an electronic notice) and shall complete the work by the date specified in the UPWP, unless the time thereof is extended by mutual agreement of the parties hereto evidenced by letters or electronic notice.
- 1.3 By preparing and submitting the annual UPWP, the Planning Agency agrees to perform such services within the total annual planning funds made available for that purpose. The UPWP shall be deemed incorporated herein.

2. FUNDING

The amount of federal funds available to pay for services performed by the Planning Agency in any one year is limited by the amount of the unused portion of the allocated funds for the Urbanized Area made available through Section 104 (f) Title 23 US Code and any amendments thereto and Section 5303 of 49 US Code and any amendments thereto.

- 2.1 The Department shall not be obligated to use State funds under this agreement. The Department's use of federal planning funds to pay for costs shall be limited to the costs which are actually incurred by the Planning Agency and which are allowable, as defined in Paragraph 6 of this agreement. The Planning Agency shall be solely responsible for all costs incurred which are either not allowable or which exceed the funds available in the agreement.
- 2.3 As per 23 CFR Section 420.111(b), the UPWP shall include a description of work to be accomplished and cost estimates for each activity. For

expenditures, federal planning revenues (PL and 5303) do not have to be identified by sources; however, local match revenues should be identified.

- 2.4 By June 30 of each year the Department shall notify the Planning Agency, in writing, of the level of federal planning funds which are expected to be available for programming in the annual UPWP for the following fiscal year, which will commence October 1 of each year and end September 30 of the following year.
- 2.5 FEDERAL FUNDING. This agreement is subject to and contingent upon the continuing availability of Federal funds for the purposes hereof. The parties hereto expressly recognize that the contractor is to be paid, reimbursed, or otherwise compensated with funds provided to the State by the Federal Government for the purpose of contracting for the services provided for herein, and therefore, the contractor expressly understands and agrees that all its rights, demands, and claims to compensation arising under this agreement are contingent upon receipt of such funds by the State. In the event that such funds or any part thereof are not received by the State, the State may immediately terminate this agreement without liability, including liability for termination costs.

3. PERSONNEL

- 3.1 The Planning Agency shall take all reasonable steps to obtain the necessary staff or consultant services required to carry out all tasks described and identified in the UPWP. The Planning Agency shall be responsible to select such staff/consultant services in compliance with all applicable federal procurement requirements including 23 CFR 172 and 49 CFR 18.36. In addition, any Request for Proposal (RFP) used by the Planning Agency to secure consultant services must be reviewed by the Department before the Planning Agency releases the RFP. The Department shall have 15 days from the date of receiving the RFP in which to return comments. Responses to the Department's comments will be provided by the Planning Agency within 15 days of receipt of the comments. The Planning Agency shall notify the Department before executing any contract for consultant services which utilizes planning funding.

4. TERM – OPTION CLAUSE TO EXTEND SERVICES

- 4.1 The term of this agreement shall be from the effective date through September 30, 2002.
- 4.2 The Department and the Planning Agency shall have the Option to renew the Agreement, subject to the annual budgeting and availability of sufficient funds, as described below. The Department may exercise the Option by

written notice to the Planning Agency using a form substantially equivalent to Exhibit B.

- 4.3 Financial obligations of the State of Colorado payable after the current fiscal year are contingent upon funds for that purpose being appropriated, budgeted, and otherwise made available.

5. BILLING

5.1 The Planning Agency shall request reimbursement from the State for the allowable cost of those tasks eligible for Planning funds identified in the UPWP as described in Paragraph 6 of this agreement. Reimbursement requests shall be submitted by the Planning Agency to the Department on a regular basis, provided that such basis shall be at least quarterly and no greater than monthly. The Planning agency should bill the State by the 30th of the month following the end of their billing cycle. Billings should be itemized in the same categories as the work program.

5.2 Reimbursement request vouchers will be issued by CDOT to each Planning Agency. Upon signing the voucher and requesting reimbursement, the designated representative of the Planning Agency has certified that:

- 1. The costs are allowable, and therefore reimbursable; and**
- 2. The expenditure amount for that time period is correct; and**
- 3. The agreed upon work has been performed and/or products have been produced; and**
- 4. All Requests for Proposals have been forwarded to the Department for review and comment.**
- 5. Reimbursements will be in accordance with terms of this agreement..**

5.3 The Department shall pay the Planning Agency's voucher for expenditures incurred in performance of tasks described in Paragraph 1.1 of this agreement, up to the maximum amount described above, subject to conditions specified in Paragraph 6 of this agreement.

6. ALLOWABLE COSTS

6.1 Allowable costs shall be limited to those actual costs necessary to carry out the tasks described in the UPWP and in Paragraph 1.1 of this agreement, and as provided in applicable Federal Regulations, as determined by the Department. This includes direct costs such as the costs of computer services, salaries, car rental, technical supplies, and reproduction. Also

included are indirect costs such as the cost of proportionate share of rent, postage, insurance, maintenance and repair, utilities, communications, and administrative staff personnel. Indirect costs must be substantiated by audit, and reimbursement will be limited to the indirect cost rate contained in the approved indirect cost allocation plan. The indirect cost allocation plan must be approved by the Federal cognizant agency. The Planning Agency must also have an audit of their entity financial statement in accordance with OMB Circular A-133. A copy of the audit shall be submitted to CDOT within 180 days of the close of your fiscal year. All billings requesting reimbursement for indirect costs shall be in accordance with OMB Circular A-87.

- 6.2 tasks** If the Planning Agency bills indirect costs, the Planning Agency must have an indirect cost plan in accordance with OMB Circular A-87. An A-87 audit is required to support the indirect cost rate proposed in the UPWP. Determination of indirect costs will follow those guidelines set forth in the Federal Procurement regulations (41 CFR 1-15.7), and OMB Circular A-87. The Planning Agency must also have an audit of their financial statement.

With regard to memberships, subscriptions, and professional tasks (OMB Circular No. A-87, Attachment B, Item 30):

1. Costs of the governmental unit's memberships in business, technical, and professional organizations are allowable.
2. Costs of the governmental unit's subscriptions to business, professional, and technical periodicals are allowable.
3. Costs of meetings and conferences where the primary purpose is the dissemination of technical information, including meals, transportation, rental of meeting facilities, and other incidental costs are allowable.
4. Costs of membership in civic and community, social organizations are allowable as a direct cost with the approval of the Federal awarding agency.
5. Costs of membership in organizations substantially engaged in lobbying are unallowable.

- 6.3** In determining the amount of federal assistance, the Department will exclude:

1. Any project costs incurred by the Planning Agency before the execution of the Agreement, Change Order Letter (See Section 19) or Option Letter.
2. Any costs incurred by the Planning Agency that is not included in the UPWP.

3. Any cost incurred by the Planning Agency after the termination date of this Agreement or Amendment.

The Planning Agency agrees that reimbursement of any cost under this Agreement does not constitute a final Department decision about the allowability of the cost and does not constitute a waiver of any violation by the Planning Agency of the terms of this Agreement.

7. PROGRAM MONITORING, REPORTING AND PERFORMANCE

7.1 Tasks described in the UPWP and in paragraph 1 shall be monitored by the Department in accordance with the provisions of 23 CFR Part 450 and any amendments and this agreement. The provisions of this paragraph do not constitute a waiver of legal and administrative appeals available to the Planning Agency or the State.

The Department will monitor all the tasks of the Planning Agency supported by transportation planning funds to assure that the work is being managed and performed satisfactorily and to enable the submission of appropriate reports that will contain as a minimum (23 CFR Part 420.117):

1. Comparison of actual performance with established goals;
2. Progress in meeting schedules;
3. Comparison of budgeted (approved) amounts and actual costs incurred;
4. Cost overruns/underruns;
5. Approved planning program revisions; and
6. Other pertinent supporting data.

In responding to these requirements, the Department will utilize the following steps and procedures to ensure that assigned responsibilities are carried out.

1. Monitoring Documents

The Department will use the current UPWP and approved study designs in reviewing the progress being made by the Planning Agency to meet the commitments in the planning contract. The issue of reasonable costs will be addressed during UPWP development.

2. Monitoring Meetings

Meetings between Department and Planning Agency representatives will be conducted biannually at the Department's discretion for the purpose of reviewing progress, resource allocations, and billings. Planning Agency representatives will provide an expenditure summary to the Department at least one week prior to the meeting.

3. Progress and Financial Reports

The Department will submit biannual progress and quarterly financial reports to the federal agencies.

7.2 The Planning Agency is responsible for the timely production of all the products, which it has committed to in the UPWP. The products are considered acceptable if developed and/or approved in accordance with the local MPO process. The UPWP, TIP and Transportation Plan will be reviewed and/or approved by state and federal agencies, as defined in CFR 23 Part 420.

7.3 Within 30 days after the end of the Program Period, the Planning Agency will provide to the Department a final accomplishment report of the tasks performed under this agreement for the completed fiscal year. It shall include, but not be limited to:

1. Final accomplishments by tasks;
2. Status of uncompleted products; and
3. Actual expenditures for the Program Period.

The Department has the right to disallow any costs incurred by the Planning Agency, which are not consistent with paragraph 6 or on any task not in compliance with the authorized tasks of the UPWP.

7.4 If any product that the Planning Agency has committed to in the UPWP is not produced and the area does not have an approved long-range transportation plan or Transportation Improvement Program (TIP) and reasonable justification was not provided, the following steps will be implemented by the department:

1. The Department representative will meet with the Planning Agency representative to discuss performance.
2. The Department representative will report the progress to the Division of Transportation Development Director.

3. The Director will issue a decision as to whether performance is satisfactory or unsatisfactory. If performance was determined to have been unsatisfactory, the Department shall determine if a reduction in allocation is appropriate. The Planning Agency will be notified of any decisions made.

7.5 The Planning Agency is responsible for monitoring the work tasks of subcontractors.

8. RECORDS, ACCOUNTS, REPORTS, AND AUDITS

8.1 The Planning Agency and any consultants shall maintain all books, records, and other documentation pertaining to authorized UPWP tasks and to completely substantiate all costs incurred and billed to CDOT during the current Program Period and for a period of three years from the date of final payment under the terms of this agreement.

These records shall be made available for inspection and audit to the Department, FHWA, FTA, or the Comptroller General of the United States, and copies thereof shall be furnished, if requested. The Planning Agency shall include this record keeping/audit requirement in any contract with any consultant employed to perform UPWP tasks by expressly requiring the consultant to comply with this requirement.

8.2 The Department, FHWA and FTA are specifically authorized to review and inspect at all reasonable times all such records, and all technical and financial aspects of the tasks described in the UPWP. FHWA and FTA will arrange such review and inspections through the Department.

9. OWNERSHIP OF DATA AND COPYRIGHTS

9.1 Data, studies, surveys, drawings, maps, models, photographs, reports, and any other materials produced or developed pursuant to this agreement shall become the property of the Planning Agency, except as set forth herein, also, the Planning Agency is hereby authorized to copyright and market computer software produced under this agreement. All proceeds from the sale of products or services developed under this agreement must be returned to the Planning Agency for transportation planning purposes.

Notwithstanding the foregoing, the Department, FHWA and FTA shall, without cost to them, have the royalty-free, nonexclusive and irrevocable right to reproduce, publish, or otherwise use and to authorize others to use, all such materials for Department and U.S. Government purposes. In addition, the Department and U.S. Government shall have the right to use, duplicate, or disclose technical data and computer software produced under this agreement in whole or in part, in any manner and for any purpose whatsoever, and to have or permit others to do so. However, should the

Planning Agency choose to market computer files and/or software produced under this project, the Department agrees to refer inquiries concerning such materials to the Planning Agency.

9.2 All information, data, reports, and maps which are developed by the Planning Agency for carrying out the tasks in the Annual UPWP shall be made available in sufficient copies to the Department, FHWA and FTA (not to exceed fifteen), as directed by the Department.

9.3 All reports pertaining to the performance of this agreement shall be reviewed by CDOT, and made available to FHWA, and FTA for review, but no report will be published without the prior approval of FHWA and FTA. Any published material shall acknowledge the financial participation of the Department and/or the FHWA and FTA in recognition of the cooperative nature of the 3C Transportation Planning Process. Also, any published material shall include appropriate federal disclaimer statements.

10. INTEREST OF PARTIES

10.1 The parties aver that to their knowledge, their employees have no interests and shall not acquire any interests, directly or indirectly, which would conflict in any manner or degree with the performance and services required to be performed under this agreement. The parties further promise that they will not employ any person having an outside interest in the performance of this agreement.

11. COVENANT AGAINST CONTINGENT FEES

11.1 Officers, members, or employees of the parties and members of the governing body of the localities in which the planning program is situated or being carried out, who exercise any function or responsibility in the review or approval of the undertaking or carrying out of this agreement, shall not:

1. Participate in any decision related to this agreement which affects their personal interest or the interest of any corporation, partnership, or association in which they are directly or indirectly interested; or,
2. Have any interest, directly or indirectly, in this agreement or the proceeds thereof.

12. ASSIGNMENT OF RIGHTS

12.1 Neither party may assign its rights or duties under this agreement without the prior written consent of the other party.

13. CLAIMS AND LIABILITY

13.1 The Planning Agency warrants that it has the authority to enter into this agreement under its Articles of Association, and that it has taken all appropriate actions to lawfully execute such authority. The Planning Agency shall be responsible for all claims and liabilities resulting from the Planning Agency's acts or the acts of consultants, subcontractors, agents, or employees of the Planning Agency.

14. TERMINATION OF AGREEMENT

14.1 Either party has the right to withdraw from this agreement by giving written notice to the other party at least sixty (60) days, except as provided in Section 19.1.3, in advance of such withdrawal, whereupon the agreement shall terminate at the expiration of the period of notice. In that event, the Department shall pay the Planning Agency only for its share of the Annual UPWP work completed by the date of termination.

15. DESIGNATED REPRESENTATIVES

15.1 For the purpose of this agreement, the individuals identified below are hereby-designated representatives of the respective parties.

**Department: Jeff Walker
Division of Transportation Development
Planning Agency: Agency Designee
GRAND JUNCTION/MESA COUNTY**

16. NOTICES

16.1 All notices required to be given by the parties hereunder shall be to the individuals at the addresses set forth below. Either party may from time to time designate in writing substitute addresses or persons to whom such notices shall be sent:

**Department: Jeff Walker
Division of Transportation Development
Planning Agency: Agency Designee
GRAND JUNCTION/MESA COUNTY**

17. PRIORITIES

17.1 The attached Special Provisions are made a part of this agreement. Also, all of the circulars and regulations and statutes, as amended, that are cited in this agreement are incorporated herein by reference and made a part of this agreement. If a conflict occurs between the provisions of this Agreement proper or the attachments hereto, the priority to be used to resolve such conflict shall be as follows:

- 1. State Special Provision attached to this Agreement; then**
- 2. Incorporated material; then**

3. This Agreement proper; then
4. Exhibit A (UPWP).

18. INTEGRATION

18.1 This Agreement is intended as the complete integration of all understandings between the parties. No prior or contemporaneous addition, deletion or other amendment hereto, other than any Change Order Letter approved by the State Controller or his designee, shall be considered unless embodied herein by writing. No subsequent novation, renewal, addition, deletion, or other amendment hereto, other than any Change Order Letter approved by the State Controller or his designee, shall have any force or effect unless embodied in a written contract executed and approved pursuant to the State Fiscal Rules.

19. CHANGE ORDER LETTER

19.1 The State may prospectively increase or decrease the amount payable under this Agreement through a "Change Order Letter," approved by the State Controller or his designee, to the form attached hereto as Exhibit C, subject to the following conditions:

1. The Change Order Letter ("Letter") includes the following:
 - a. Identification of agreement by agreement number and affected paragraph number(s);
 - b. Types of services or programs increased or decreased and the new level of each service or program;
 - c. Amount of the increase or decrease in the level of funding, including the possible rollover of funds, for each service or program and the total;
 - d. Intended effective date of the funding change;
 - e. A provision stating that the Change shall not be valid until approved by the State Controller or such assistant as he may designate.
2. Upon proper execution and approval, such letter shall become an amendment to this Agreement and, except for the General and Special Provisions of the Agreement, the letter shall supersede the Agreement in the event of a conflict between the two. It is understood and agreed that the letter may be used only for increased or decreased funding, and corresponding adjustments to service levels and any budget line items.

3. **If the Planning Agency agrees to and accepts the change, the Planning Agency shall execute and return the letter to the Department by the date indicated in the letter. In the event the Planning Agency does not accept the change, or fails to timely return the executed letter, the Department may, upon notice to the Planning Agency, terminate this Agreement effective at any time after twenty (20) days following the return deadline specified in the letter. Such notice shall specify the effective date of termination.**

In the event of termination, the parties shall not be relieved of their obligations up to the effective date of termination.

4. **Increases or decreases in the level of contractual funding made through the letter process during the term of this agreement may be made under the following circumstances:**
 - a. **If necessary to fully utilize Colorado State appropriations and/or non-appropriated federal grant awards.**
 - b. **Adjustments to reflect current year expenditures.**
 - c. **Supplemental appropriations or non-appropriated federal funding changes resulting in an increase or decrease in the amounts originally budgeted and available for the purposes of this program.**
 - d. **Closure of programs and/or termination of related contracts.**
 - e. **Delay or difficulty in implementing new programs or services.**
 - f. **Other special circumstances as deemed appropriate by the State.**

20. GRANT ASSURANCES.

- 20.1 **Since this grant agreement involves the expenditure of federal funds, the grantee/local agency/contractor shall at all times during the execution of this agreement strictly adhere to and comply with all applicable federal laws and regulations, as they currently exist and may hereafter be amended, which are incorporated herein by this reference as terms and conditions of this agreement. The grantee/local agency/contractor shall also require compliance with these statutes and regulations in subgrant agreements entered into under this agreement. Federal laws and regulations that may be applicable include:**

20.2 The Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments” (Common Rule), at 49 Code of Federal Regulations, Part 18, or the "Uniform Administrative Requirements for Grants and Agreements with Non-Profit Organizations”, at 49 Code of Federal Regulations, Part 19, as applicable. The requirements of 49 CFR Part 18, or Part 19, include, without limitation:

- 1) the Contractor shall follow applicable procurement procedures, as required by section 18.36(d) or 19.36(d);
- 2) the Contractor shall request and obtain prior CDOT approval of changes to any subcontracts in the manner, and to the extent required by, applicable provisions of section 18.30 or section 19.30;
- 3) the Contractor shall comply with section 18.37 or section 19.37 concerning any subgrants;
- 4) to expedite any CDOT approval, the Contractor's attorney, or other authorized representative, shall also submit a letter to CDOT certifying Contractor compliance with section 18.30 or section 19.30 change order procedures, and with 18.36(d) or section 19.36(d) procurement procedures, and with section 18.37 or section 19.37 subgrant procedures, as applicable;
- 5) the Contractor shall incorporate the specific agreement provisions described in section 18.36(i) or section 19.36(i) (which are also deemed incorporated herein) into any subcontract(s) for such services as terms and conditions of those subcontracts.

20.3. Title 23, United States Code, Part 172, and Title 23, Code of Federal Regulations, Part 172, if the contract work includes professional engineering or architectural services.

20.4. Title 23, United States Code, Part 112, and Title 23, Code of Federal Regulations, Parts 633 and 635, if the contract work includes construction services.

20.5. Provided, however, that to the extent that other applicable federal requirements (including the provisions of Title 23) are more specific than provisions of Title 49, Part 18 or 19, those requirements shall supersede such Part 18 or 19 provisions.

IN WITNESS WHEREOF, the parties hereto have executed this agreement the day and year first above written.

ATTEST:

STATE OF COLORADO
BILL OWENS, GOVERNOR

By _____

Chief Clerk

By _____

THOMAS E. NORTON
Executive Director
DEPARTMENT OF TRANSPORTATION

By _____

Jennifer Finch
Division Director
Division of Transportation
Development

APPROVED:
ARTHUR L. BARNHART
State Controller

KEN SALAZAR
Attorney General

By _____

By _____

James E. Martin
Assistant Attorney General
Civil Litigation Section

GRAND JUNCTION/MESA COUNTY

ATTEST:

By _____

Administrative Officer

By _____

Executive Director

EXHIBIT B

SAMPLE OPTION FORM LETTER

Date: _____

TO: [Contractor]
[Address]

Subject:

Option Exercise Letter

In accordance with Paragraph ____ of agreement routing number _____, FAA ADA _____, between the State of Colorado Department of _____ (_____ division) and

[Contractor]

covering the period of _____, 20__ through _____, 20__ the State hereby exercises the option for

[maintenance services for three additional 486 CPUs at the prices specified in Exhibit ____]; or

[an additional one year's performance period at the (cost) (price) specified in paragraph ____.]

The maximum amount payable by the State in Paragraph __ is (increased/decreased) by (\$ amount of change) to a new total of (\$____). The first sentence in Paragraph ____ is hereby modified accordingly.

State of Colorado:
Bill Owens, Governor

For the Executive Director
Colorado Department of _____

By: _____
Title

APPROVALS:

FOR THE STATE CONTROLLER
Arthur L. Barnhart

By: _____
For _____ Division

By: _____
State Controller or Designee

EXHIBIT C

Sample Change Order Letter

Date: _____

Fiscal year: _____

Change Order Letter No. ____

In accordance with Paragraph ____ of Intergovernmental Agreement number _____, between the State of Colorado Department of Transportation and the _____, covering the period of _____ through _____, the undersigned agree that the maximum amount payable by the Department for eligible services as outlined in Paragraph ____ is (increased/decreased) by (\$ _____) to a new total of (\$ _____).

The budget is revised accordingly, as set forth in the Unified Planning Work program, Exhibit A, attached and incorporated herein by reference.

This amendment to the agreement is intended to be effective as of _____, but in no event shall it be deemed valid until it shall have been approved by the State Controller or such assistant as he may designate.

Please sign, date, and return all copies of this letter on or before _____, 20 ____.

Contractor Name:

State of Colorado:
Bill Owens, Governor

By: _____
Planning Agency Representative

By: _____
For the Executive Director
Colorado Dept. of Transportation

APPROVALS:

FOR THE STATE CONTROLLER
Arthur L. Barnhart

By: _____
George McCullar
Department Controller

**STATEMENT CERTIFYING
The Urban Transportation Planning Process
In the Grand Junction Urbanized Area**

By the

**Grand Junction/Mesa County Metropolitan Planning Organization
and the
State of Colorado**

This statement establishes certification of the Urban Transportation Planning Process in the Grand Junction Urbanized Area by the Grand Junction/Mesa County Metropolitan Planning Organization, as the designated Metropolitan Planning Organization, and the State of Colorado as required under Title 23, Section 450.334 United States Code of Federal Regulations (US CFR). The planning process addresses the major issues facing the region, includes all federally required activities, and is being conducted in accordance with all applicable federal laws and regulations.

Section 134 of Title 23 and Section 5303 of Title 49, US CFR, address the continuing, cooperative, and comprehensive metropolitan transportation planning process. MPO responsibilities under the metropolitan transportation planning process include development of a long-range transportation plan, a transportation improvement program (TIP), a Unified Planning Work Program (UPWP), and a congestion management system (for TMA's) in cooperation with the State and in accordance with applicable requirements of:

- (1) Section 134 of 23 U.S.C., Sections 5303-5306 and 5323(k) of the Federal Transit Act (Title 49 U.S.C.) and Subpart C of 23 CFR 450, Metropolitan Transportation Planning and Programming;
- (2) Sections 174 and 176(c) and (d) of the Clean Air Act (42 U.S.C. 7504, 7506(c) and (d));
- (3) Title VI of the Civil Rights Act of 1964 and the Title VI assurance executed by the State of Colorado under 23 U.S.C. 324 and 29 U.S.C. 794;
- (4) Section 1101 of the Transportation Equity Act for the 21st Century (Public Law 105-178) regarding the involvement of disadvantaged business enterprises in the FHWA and the FTA funded planning projects (Sec. 105(f), Public Law 97-242, 96 Stat. 2100; 49 CFR Part 23);
- (5) Americans with Disabilities Act of 1990 (Public Law 101-336, 42 U.S.C. 12101 et. seq., as amended) and U.S. DOT regulations "Transportation for Individuals with Disabilities" (49 CFR parts 27, 37 and 38);
- (6) Older Americans Act, as amended (42 U.S.C. 6101); and

- (7) The provisions of 49 CFR part 20 regarding restrictions on influencing certain Federal activities.

The Grand Junction/Mesa County Metropolitan Planning Organization has been designated by the Governor of the State of Colorado to carry out urban transportation planning and programming responsibilities mandated by the U.S. Department of Transportation (USDOT). These responsibilities include preparation of a long-range (20 to 25 years) transportation plan and transportation improvement program (TIP) and accomplishing other planning activities as required of urban areas by Federal legislation. The organization formally designated to serve as the Metropolitan Planning Organization (MPO) is the Mesa County Regional Transportation Planning Office (RTPO) and the Transportation Policy Advisory Committee (TPAC) whose membership includes elected officials from Mesa County, the City of Grand Junction; and representatives of the Colorado Department of Transportation (CDOT), Federal Highway Administration, and the Colorado Department of Health and Environment. The geographic area addressed by the MPO's Urban Transportation Planning Program includes the City of Grand Junction and portions of Mesa County surrounding the City of Grand Junction's city boundaries.

The MPO provides citizens, affected public agencies, representatives of transportation agency employees, private providers of transportation, and other interested parties with reasonable notice and provides them an opportunity to comment on the proposed plans and programs. The GJ/MC MPO has prepared a Public Involvement Plan for the Regional Transportation Planning Process that addresses these requirements. The Public Involvement Plan explicitly considers the requirements of the Civil Rights Act of 1964 in addressing the involvement of minorities in the transportation planning and programming processes.

The Grand Junction/Mesa County Metropolitan Planning Organization (GJ/MC MPO) maintains a Memorandum of Agreement with the Mesa County and the City of Grand Junction. This agreement specifies planning tasks with regard to transportation planning activities and service provision to be carried out by the respective parties. This MOA, dated 1984, is in the process of being revised and is expected to be signed by the parties by the end of fiscal year 2002.

Mesa County, in cooperation with the Grand Junction/Mesa County Metropolitan Planning Organization, has prepared Americans with Disabilities Act (ADA) and Disadvantaged Business Enterprise (DBE) Plans. The City of Grand Junction, Mesa County, Fruita, and Palisade adopted a Transit Development Plan in 1998. These plans address the requirements of federal DBE regulations and the provision of fixed-route transit service, ADA para-transit, and transportation services by human service providers in the Grand Junction Urbanizing area.

Ongoing GJ/MC MPO activities consistent with Title VI of the Civil Rights Act, citizen involvement, and coordination of transportation services for elderly persons and persons with disabilities are:

1. Periodic meetings of the Para-transit Coordination Committee (PCC), a citizens group consisting of persons representing a variety of disabled citizens' interests;
2. Weekly meetings of the RTPO staff and Grand Valley Transit (GVT) personnel;
3. Monthly Transportation Policy Advisory Committee (TPAC) and Transportation Technical Advisory Committee (TTAC) meetings open to the public; and
4. Annual review and update of the Public Involvement Plan for transportation planning activities.

The Grand Junction Urbanizing Area has not been designated a maintenance area for carbon monoxide. As such, the RTPO, the Federal Highway Administration, the Federal Transit Administration and the U.S. Environmental Protection Agency have determined the region's long-range transportation plans and transportation improvement programs are in conformity with the Clean Air Act Amendments of 1990 and does not require a Carbon Monoxide Maintenance Plan for the Grand Junction Urbanizing Area.

The GJ/MC MPO adopted its fiscally constrained, conforming 2020 Regional Transportation Plan (RTP) in November, 1999, and approved the latest fiscally constrained, conforming Transportation Improvement Program on May 22, 2001. Amendments to the TIP are considered on a regular basis and are reviewed by GJ/MC MPO, Colorado Department of Transportation (CDOT), Federal Highway Administration (FHWA), and Federal Transit Administration (FTA) staffs. Both the 2020 RTP and the TIP address the provision of multi-modal transportation facilities and services. The 2020 RTP contains a Congestion Management System Plan. Plans and programs prepared by GJ/MC MPO are developed through an extensive, interactive public review process.

The GJ/MC MPO as the Metropolitan Planning Organization for the Grand Junction Urbanizing Area, and the State of Colorado certify that the urban transportation planning process is conducted in accordance with the metropolitan transportation planning process set forth in Section 134, Title 23 and Section 5303, Title 49, U.S.C. The GJ/MC MPO and the State of Colorado certify that the metropolitan transportation planning process complies with Title VI of the Civil Rights Act, is consistent with applicable provisions of the Americans With Disabilities Act, and meets conformity with the requirements of the Clean Air Act Amendments of 1990.

Robert Jasper, Mesa County Administrator
Grand Junction/Mesa County Metropolitan Planning Organization

Date

Thomas E. Norton, Executive Director
Colorado Department of Transportation

Date

CERTIFICATION OF RESTRICTIONS ON LOBBYING

I, Robert Jasper, Mesa County Administrator, hereby certify on behalf of the Grand Junction/Mesa County Metropolitan Planning Organization that:

- (5) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
- (6) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
- (7) The undersigned shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including subcontracts, sub-grants, and contracts under grants, loans, and cooperative agreements) and that all sub-recipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance is placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code.

Executed this _____ day of _____, 2001.

Robert Jasper, Mesa County Administrator
Grand Junction/Mesa County Metropolitan Planning Organization

GRAND JUNCTION/MESA COUNTY
METROPOLITAN PLANNING ORGANIZATION
ANNUAL TITLE VI ASSURANCES

1. There have been no lawsuits or complaints alleging discrimination on the basis of race, color, or national origin filed against the Grand Junction/Mesa County Metropolitan Planning Organization (GJ/MC MPO) within the last year, July 1, 2000, through June 30, 2001.
2. There are no pending applications to any federal agency by the GJ/MC MPO other than to the FTA.
3. There were no civil rights compliance reviews performed on the GJ/MC MPO by any local, state, or federal agency during the period July 1, 2000, through June 30, 2001.
4. Title VI will be enforced by the GJ/MC MPO for all contractors. All contracts with the GJ/MC MPO include compliance measures that, in effect, state that failure to comply with Title VI requirements will result in termination of the contract. A copy of the standard contract language regarding Title VI is attached as Appendix A.

Dated: _____

Robert Jasper, Mesa County Administrator
Grand Junction/Mesa County Metropolitan Planning Organization

APPENDIX A TO TITLE VI ASSURANCE

During the performance of this contract, the contractor, for itself, its assignees and successors in the interest (hereinafter referred to as the “contractor” agrees as follows:

1. Compliance with Regulations: The contractor shall comply with the Regulations relative to nondiscrimination in federally assisted programs of the Department of Transportation (hereinafter, ADOT@) Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.
2. Nondiscrimination: The contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.
3. Solicitations for Subcontracts, Including Procurements of Materials and Equipment: In all solicitations either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the contractor of the contractor’s obligations under this contract and the Regulations relative to nondiscrimination on the grounds of race, color, or national origin.
4. Information and Reports: The contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by Mesa County or the Federal Transit Administration, to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information the contractor shall so certify to Mesa County, or the Federal Transit Administration, as appropriate, and shall set forth what efforts it has made to obtain the information.
5. Sanctions for Noncompliance: In the event of the contractor’s noncompliance with nondiscrimination provisions of the contract, Mesa County shall impose contract sanctions as it or the Federal Transit Administration, may determine to be appropriate, including, but not limited to:

1. Withholding of payments to the contractor under the contract until the contractor complies; and/or
 2. Cancellation, termination, or suspension of the contract, in whole or in part.
6. Incorporation of Provisions: The contractor shall include the provisions of paragraphs (1) through (6) in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. The contractor shall take such action with respect to any subcontract or procurement as Mesa County or the Federal Transit Administration, may direct as a means of enforcing such provisions including sanctions for noncompliance: Provided, however, that in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the contractor may request Mesa County to enter into such litigation to protect the interests of Mesa County, and, in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

Attach 3
1% Fund for TRCC

CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION

CITY COUNCIL			
Subject:	Resolution Authorizing the use of Xcel Energy Undergrounding Funds		
Meeting Date:	Wednesday, September 5, 2001		
Date Prepared:	August 28, 2001		
Author:	Jim Shanks	Project Engineer	
Presenter Name:	Tim Moore	Public Works Manager	
	Workshop	X	Formal Agenda Discussion Item

Subject: City Council Resolution authorizing Xcel Energy to use City of Grand Junction 1% funds for under grounding power lines in the 100 Block of the Colorado/Ute Avenue alley in Grand Junction for the **Two Rivers Project**.

Summary: Undergrounding funds have been programmed for undergrounding the power lines on the Two Rivers project will begin 85' east of S. 2nd Street and end at the northeast corner of 1st Street and the alley.

Background Information: Xcel Energy will provide all trenching and backfill w/95% compaction and will replace asphalt for sections in 200 block alley and across S. 2nd Street. City of Grand Junction is to be responsible for concrete in the 100 block. Xcel will require a 10'x20' easement at the southeast corner of Two Rivers.

The Franchise agreement with Xcel (PSCO) requires a Council resolution to authorize the use of underground funds. There are sufficient resources available in the fund (see attached spreadsheet).

Budget:

Under grounding Cost Estimate

\$62,248

Proposed Funding Sources:

City of Grand Junction 1 % Under grounding Funds

\$ 62,248

Action Requested/Recommendation: City Council resolution authorizing Xcel Energy to use City of Grand Junction 1 % funds in the amount of \$62,248 for undergrounding power lines on Two Rivers Project.

Citizen Presentation:	<input type="checkbox"/>	No	<input type="checkbox"/>	Yes	If Yes,
Name:					
Purpose:					
Report results back to Council:	<input type="checkbox"/>	No	<input type="checkbox"/>	Yes	When:

Placement on Agenda:	<input type="checkbox"/>	Conse nt	<input type="checkbox"/>	Indiv. Consideration	<input type="checkbox"/>	Worksho p
-----------------------------	--------------------------	---------------------	--------------------------	---------------------------------	--------------------------	----------------------

RESOLUTION NO. _____

Authorizing the use of Xcel Energy undergrounding funds for the alley between 1st Street and 2nd Street, and between Colorado Avenue and Ute Avenue.

WHEREAS, The City of Grand Junction City Council has scheduled the improvement of the alley between 1st and 2nd Streets and between Colorado and Ute Avenues beginning in 2001 and there exists overhead power facilities along the corridor; and

WHEREAS, the City Council believes the undergrounding of these existing power lines is necessary for the overall upgrade of the alley corridor; and

WHEREAS, the alley project is within the City limits for its entire length; and

WHEREAS, under the Xcel Energy franchise, funds are allotted for such purposes.

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

That the use of undergrounding funds to underground utilities along the alley between 1st and 2nd Streets and between Colorado and Ute Avenues is hereby approved in the amount of \$62,248.

ADOPTED AND APPROVED THIS _____ DAY OF _____ - ,2001.

ATTEST:

APPROVED:

City Clerk

President of the Council

Attach 4
Hearing on Apportionment for Alley Improvement, Phase B

CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION

<i>CITY COUNCIL</i>			
Subject:	First Reading of a Proposed Assessing Ordinance for Alley Improvement District No. 2000, Phase B		
Meeting Date:	September 5, 2001		
Date Prepared:	August 27, 2001		
Author:	Rick Marcus	Real Estate Technician	
Presenter Name:	Rick Marcus	Real Estate Technician	
	Workshop	X	Formal Agenda

Subject: First reading of a Proposed Assessing Ordinance for Alley Improvement District 2000, Phase B.

Summary: Reconstruction of the alley running from 10th Street to 11th Street between Colorado Avenue and Ute Avenue has been completed as petitioned by a majority of the owners of the property to be assessed. A public hearing and second reading of the proposed ordinance will be conducted by the City Council on September 19, 2001.

Background Information: This alley was petitioned for construction by more than 50% of the owners of the property to be assessed. The proposed assessments are based on the rates stated in the petition, as follows: \$8 per abutting foot for residential single-family properties, \$15 per abutting foot for residential multi-family properties, and \$31.50 per abutting foot for all other properties. The published assessable costs include a one-time charge of 6% for costs of collection and other incidentals. This fee will be deducted for assessments paid in full by October 22, 2001. Assessments not paid in full will be turned over to the Mesa County Treasurer for collection under a 10-year amortization schedule with simple interest at the rate of 8% accruing against the declining balance.

Budget:

Carry forward from 2000 Phase A Alleys	\$ 59,099
Cost to Construct 2000 Phase B Alley	(\$ 40,500)
Balance	\$ 18,599

Action Requested/Recommendation: Conduct First Reading of Proposed Assessing Ordinance and set a hearing for September 19, 2001.

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

ORDINANCE NO. ____

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

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

WHEREAS, the City Council has heretofore caused to be published the Notice of Completion of said local improvements in said Alley Improvement District No. ST-00, Phase B, and the apportionment of the cost thereof to all persons interested and to the owners of real estate which is described therein, said real estate comprising the district of land known as Alley Improvement District No. ST-00, Phase B, in the City of Grand Junction, Colorado, which said Notice was caused to be published in The Daily Sentinel, the official newspaper of the City of Grand Junction (the first publication thereof appearing on August 17th, 2001, and the last publication thereof appearing on August 19th, 2001); and

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

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

WHEREAS, the City Council has fully confirmed the statement prepared by the City Engineer and certified by the President of the Council showing the assessable cost of said improvements and the apportionment thereof heretofore made as contained in that certain Notice to property owners in Alley Improvement District No. ST-00, Phase B, duly published in the Daily Sentinel, the official newspaper of the City, and has duly ordered that the cost of said improvements in said Alley Improvement District No. ST-00, Phase B, be assessed and apportioned against all of the real estate in said District in the portions contained in the aforesaid Notice; and

WHEREAS, from the statement made and filed with the City Clerk by the City Engineer, it appears that the assessable cost of the said improvements is \$13,130.75; and

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

10TH TO 11TH, COLORADO TO UTE:

TAX SCHEDULE NO.: 2945-144-26-001 LEGAL DESCRIPTION: Lots 3 & 4,
Block 131, City of Grand Junction.
ASSESSMENT..... \$ 795.00

TAX SCHEDULE NO.: 2945-144-26-002 LEGAL DESCRIPTION: Lots 1 & 2,
Block 131, City of Grand Junction.
ASSESSMENT..... \$ 424.00

TAX SCHEDULE NO.: 2945-144-26-003 LEGAL DESCRIPTION: Lots 5 & 6,
Block 131, City of Grand Junction.
ASSESSMENT..... \$ 424.00

TAX SCHEDULE NO.: 2945-144-26-004 LEGAL DESCRIPTION: Lots 7 & 8,
Block 131, City of Grand Junction.
ASSESSMENT..... \$ 424.00

TAX SCHEDULE NO.: 2945-144-26-005 LEGAL DESCRIPTION: Lots 9 & 10,
Block 131, City of Grand Junction.
ASSESSMENT..... \$ 424.00

TAX SCHEDULE NO.: 2945-144-26-006 LEGAL DESCRIPTION: Lots 11 & 12,
Block 131, City of Grand Junction.
ASSESSMENT..... \$ 424.00

TAX SCHEDULE NO.: 2945-144-26-007 LEGAL DESCRIPTION: Lots 13 & 14,
Block 131, City of Grand Junction.
ASSESSMENT..... \$ 795.00

TAX SCHEDULE NO.: 2945-144-26-008 LEGAL DESCRIPTION: Lots 15 & 16,
Block 131, City of Grand Junction.
ASSESSMENT..... \$ 1,669.50

TAX SCHEDULE NO.: 2945-144-26-009 LEGAL DESCRIPTION: West 15 ft. of
Lot 31 and all of Lot 32, Block 131, City of Grand Junction.
ASSESSMENT..... \$ 339.20

TAX SCHEDULE NO.: 2945-144-26-010 LEGAL DESCRIPTION: West 21 ft. of
Lot 30 and the east 10 ft of Lot 131, Block 131, City of Grand Junction.
ASSESSMENT..... \$ 266.27

TAX SCHEDULE NO.: 2945-144-26-011 LEGAL DESCRIPTION: Lot 29 and the
east 3.6 ft. of Lot 30, Block 131, City of Grand Junction.
ASSESSMENT..... \$ 242.53

TAX SCHEDULE NO.: 2945-144-26-012 LEGAL DESCRIPTION: Lots 27 & 28,
Block 131, City of Grand Junction.
ASSESSMENT..... \$ 424.00

TAX SCHEDULE NO.: 2945-144-26-013 LEGAL DESCRIPTION: Lot 26, Block
131, City of Grand Junction.
ASSESSMENT..... \$ 212.00

TAX SCHEDULE NO.: 2945-144-26-014 LEGAL DESCRIPTION: Lot 25, Block
131, City of Grand Junction.
ASSESSMENT..... \$ 212.00

TAX SCHEDULE NO.: 2945-144-26-015 LEGAL DESCRIPTION: Lot 24, Block
131, City of Grand Junction.
ASSESSMENT..... \$ 212.00

TAX SCHEDULE NO.: 2945-144-26-951 LEGAL DESCRIPTION: Lots 17
through 22, inclusive, Block 131, City of Grand Junction.
ASSESSMENT..... \$ 5,008.50

TAX SCHEDULE NO.: 2945-144-26-952 LEGAL DESCRIPTION: Lot 23, Block
131, City of Grand Junction.
ASSESSMENT..... \$ 834.75

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

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

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

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

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

Section 5. That the failure to pay any installments, whether of principal or interest, as herein provided, when due, shall cause the whole unpaid principal to become due and payable immediately and the whole amount of the unpaid principal and accrued interest shall thereafter draw interest at the rate of 8 percent per annum until the day of sale, as by law provided; but at any time prior to the date of sale, the owner may pay the amount of such delinquent installment or installments, with interest at 8 percent per annum as aforesaid, and all penalties accrued, and shall thereupon be restored to the right thereafter to pay

in installments in the same manner as if default had not been suffered. The owner of any piece of real estate not in default as to any installments may at any time pay the whole of the unpaid principal with interest accrued.

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

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

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

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

Introduced on First Reading this 5th day of September, 2001.

Passed and Adopted on the _____ day of _____, 2001

Attest:

City Clerk

President of the Council

SUMMARY SHEET

ALLEY IMPROVEMENT DISTRICT 10th STREET TO 11th STREET COLORADO AVENUE TO UTE AVENUE

FOOTAGE	COST/FOOT	OWNER	ASSESSMENT		
GRNDPROP UNITS, LLC			50.00	\$15.00	\$ 750.00
• DAVID & BEATRICE MARTINEZ			50.00	\$ 8.00	\$ 400.00
• KIMBERLY GISNER			50.00	\$ 8.00	\$ 400.00
• MARGARET WATSON			50.00	\$ 8.00	\$ 400.00
LARRY HUMPHREY			50.00	\$ 8.00	\$ 400.00
• MIKE & E. J. CHESNICK			50.00	\$ 8.00	\$ 400.00
• MARK SHAFFER			50.00	\$15.00	\$ 750.00
• ROGER WARREN			50.00	\$31.50	\$1,575.00
CARLE WEINGARDT & AMY MILLER			40.00	\$ 8.00	\$ 320.00
TERRY RETHERFORD			31.40	\$ 8.00	\$ 251.20
LAVERN WATSON & JOLENE BEAGLEY			28.60	\$ 8.00	\$ 228.80
CELESTER ATHERTON & MELBA HOOPINGARNER			50.00		\$ 8.00
400.00					\$
WILLIAM & DINA HAYWORTH			25.00	\$ 8.00	\$ 200.00
• CLOWELL & ROBERTA STACY			25.00	\$ 8.00	\$ 200.00
• CLOWELL & ROBERTA STACY			25.00	\$ 8.00	\$ 200.00
• SALVATION ARMY			150.00	\$31.50	\$4,725.00
• SALVATION ARMY			25.00	\$31.50	<u>\$ 787.50</u>
TOTAL					\$12,387.50
ASSESSABLE FOOTAGE			800.00		

Estimated Cost to Construct	\$ 40,500.00
Absolute Cost to Owners	<u>\$ 12,387.50</u>
Estimated Cost to City	\$ 28,112.50

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

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

- Indicates Property Owners Signing Petition = 10/17 or 59% of Owners & 66% of Abutting Footage

Attach 5
Apportionment for Alley Improvement, Phase A

CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION

<i>CITY COUNCIL</i>		
Subject:	First Reading of a Proposed Assessing Ordinance for Alley Improvement District No. 2001, Phase A	
Meeting Date:	September 5, 2001	
Date Prepared:	August 27, 2001	
Author:	Rick Marcus	Real Estate Technician
Presenter Name:	Rick Marcus	Real Estate Technician
	Workshop	X Formal Agenda

Subject: First reading of a Proposed Assessing Ordinance for Alley Improvement District 2001, Phase A.

Summary: Reconstruction of the following alleys have been completed as petitioned by a majority of the owners of the property to be assessed:

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

A public hearing and second reading of the proposed ordinance will be conducted by the City Council on September 19, 2001.

Background Information: These alleys were petitioned for reconstruction by more than 50% of the owners of the property to be assessed. The proposed assessments are based on the rates stated in the petition, as follows: \$8 per abutting foot for residential single-family properties, \$15 per abutting foot for residential multi-family properties, and \$31.50 per abutting foot for non-residential uses. The published assessable costs include a one-time charge of 6% for costs of collection and other incidentals. This fee will be deducted for assessments paid in full by October 22, 2001. Assessments not paid in full will be turned over to the Mesa County Treasurer for collection under a 10-year amortization schedule with simple interest at the rate of 8% accruing against the declining balance.

Budget:

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

Action Requested/Recommendation: Conduct First Reading of Proposed Assessing Ordinance and set a hearing for September 19, 2001.

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	Workshop

ORDINANCE NO. _____

AN ORDINANCE APPROVING THE ASSESSABLE COST OF THE IMPROVEMENTS MADE IN AND FOR ALLEY IMPROVEMENT DISTRICT NO. ST-01, PHASE A, IN THE CITY OF GRAND JUNCTION, COLORADO, PURSUANT TO ORDINANCE NO. 178, ADOPTED AND APPROVED THE 11TH DAY OF JUNE, 1910, AS AMENDED; APPROVING THE APPORTIONMENT OF SAID COST TO EACH LOT OR TRACT OF LAND OR OTHER REAL ESTATE IN SAID DISTRICT; ASSESSING THE SHARE OF SAID COST AGAINST EACH LOT OR TRACT OF LAND OR OTHER REAL ESTATE IN SAID DISTRICT; APPROVING THE APPORTIONMENT OF SAID COST AND PRESCRIBING THE MANNER FOR THE COLLECTION AND PAYMENT OF SAID ASSESSMENT.

WHEREAS, the City Council and the Municipal Officers of the City of Grand Junction, in the State of Colorado, have complied with all the provisions of law relating to certain improvements in Alley Improvement District No. ST-01, Phase A, in the City of Grand Junction, pursuant to Ordinance No. 178 of said City, adopted and approved June 11, 1910, as amended, being Chapter 28 of the Code of Ordinances of the City of Grand Junction, Colorado, and pursuant to the various resolutions, orders and proceedings taken under said Ordinance; and

WHEREAS, the City Council has heretofore caused to be published the Notice of Completion of said local improvements in said Alley Improvement District No. ST-01, Phase A, and the apportionment of the cost thereof to all persons interested and to the owners of real estate which is described therein, said real estate comprising the district of land known as Alley Improvement District No. ST-01, Phase A, in the City of Grand Junction, Colorado, which said Notice was caused to be published in The Daily Sentinel, the official newspaper of the City of Grand Junction (the first publication thereof appearing on August 17th, 2001, and the last publication thereof appearing on August 19th, 2001); and

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

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

WHEREAS, the City Council has fully confirmed the statement prepared by the City Engineer and certified by the President of the Council showing the assessable cost of said improvements and the apportionment thereof heretofore made as contained in that certain Notice to property owners in Alley Improvement District No. ST-01, Phase A, duly published in the Daily Sentinel, the official newspaper of the City, and has duly

ordered that the cost of said improvements in said Alley Improvement District No. ST-01, Phase A, be assessed and apportioned against all of the real estate in said District in the portions contained in the aforesaid Notice; and

WHEREAS, from the statement made and filed with the City Clerk by the City Engineer, it appears that the assessable cost of the said improvements is \$62,962.94; and

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

8TH TO 9TH, CHIPETA TO OURAY:

TAX SCHEDULE NO.: 2945-141-34-018 LEGAL DESCRIPTION: Lots 1 & 2, Block 63, City of Grand Junction.
ASSESSMENT..... \$ 795.00

TAX SCHEDULE NO.: 2945-141-34-003 LEGAL DESCRIPTION: Lots 3 & 4, Block 63, City of Grand Junction.
ASSESSMENT..... \$ 424.00

TAX SCHEDULE NO.: 2945-141-34-004 LEGAL DESCRIPTION: Lots 5 & 6, Block 63, City of Grand Junction.
ASSESSMENT..... \$ 424.00

TAX SCHEDULE NO.: 2945-141-34-005 LEGAL DESCRIPTION: Lots 7 & 8, Block 63, City of Grand Junction.
ASSESSMENT..... \$ 424.00

TAX SCHEDULE NO.: 2945-141-34-006 LEGAL DESCRIPTION: Lots 9 & 10, Block 63, City of Grand Junction.

ASSESSMENT..... \$ 424.00

TAX SCHEDULE NO.: 2945-141-34-007 LEGAL DESCRIPTION: Lots 11 & 12, Block 63, City of Grand Junction.

ASSESSMENT..... \$ 424.00

TAX SCHEDULE NO.: 2945-141-34-008 LEGAL DESCRIPTION: Lots 13 & 14, Block 63, City of Grand Junction.

ASSESSMENT..... \$ 424.00

TAX SCHEDULE NO.: 2945-141-34-009 LEGAL DESCRIPTION: Lots 15 & 16, Block 63, City of Grand Junction.

ASSESSMENT..... \$ 424.00

TAX SCHEDULE NO.: 2945-141-34-010 LEGAL DESCRIPTION: Lots 31 & 32, Block 63, City of Grand Junction.

ASSESSMENT..... \$ 424.00

TAX SCHEDULE NO.: 2945-141-34-011 LEGAL DESCRIPTION: Lots 29 & 30, Block 63, City of Grand Junction.

ASSESSMENT..... \$ 424.00

TAX SCHEDULE NO.: 2945-141-34-012 LEGAL DESCRIPTION: Lots 27 & 28, Block 63, City of Grand Junction.

ASSESSMENT..... \$ 424.00

TAX SCHEDULE NO.: 2945-141-34-013 LEGAL DESCRIPTION: Lots 25 & 26, Block 63, City of Grand Junction.

ASSESSMENT..... \$ 424.00

TAX SCHEDULE NO.: 2945-141-34-014 LEGAL DESCRIPTION: Lots 23 & 24, Block 63, City of Grand Junction.

ASSESSMENT..... \$ 424.00

TAX SCHEDULE NO.: 2945-141-34-015 LEGAL DESCRIPTION: Lots 21 & 22, Block 63, City of Grand Junction.

ASSESSMENT..... \$ 424.00

TAX SCHEDULE NO.: 2945-141-34-016 LEGAL DESCRIPTION: Lots 19 & 20, Block 63, City of Grand Junction.

ASSESSMENT..... \$ 424.00

TAX SCHEDULE NO.: 2945-141-34-017 LEGAL DESCRIPTION: Lots 17 & 18, Block 63, City of Grand Junction.

ASSESSMENT..... \$ 424.00

9TH TO 10TH, COLORADO TO UTE:

TAX SCHEDULE NO.: 2945-144-27-001 LEGAL DESCRIPTION: Lots 1 & 2, Block 130, City of Grand Junction.

ASSESSMENT..... \$ 424.00

TAX SCHEDULE NO.: 2945-144-27-002 LEGAL DESCRIPTION: Lots 4 & 5, Block 130, City of Grand Junction.

ASSESSMENT..... \$ 424.00

TAX SCHEDULE NO.: 2945-144-27-003 LEGAL DESCRIPTION: Lots 6 & 7, Block 130, City of Grand Junction.

ASSESSMENT..... \$ 795.00

TAX SCHEDULE NO.: 2945-144-27-004 LEGAL DESCRIPTION: Lot 3, Block 130, City of Grand Junction.

ASSESSMENT..... \$ 212.00

TAX SCHEDULE NO.: 2945-144-27-005 LEGAL DESCRIPTION: Lots 8 & 9, Block 130, City of Grand Junction.

ASSESSMENT..... \$ 795.00

TAX SCHEDULE NO.: 2945-144-27-006 LEGAL DESCRIPTION: Lots 10 & 11, Block 130, City of Grand Junction.

ASSESSMENT..... \$ 424.00

TAX SCHEDULE NO.: 2945-144-27-007 LEGAL DESCRIPTION: Lots 12 & 13 and the west ½ of Lot 14, Block 130, City of Grand Junction.

ASSESSMENT..... \$ 993.75

TAX SCHEDULE NO.: 2945-144-27-008 LEGAL DESCRIPTION: East ½ of Lot 14 and all of Lots 15 & 16, Block 130, City of Grand Junction.

ASSESSMENT..... \$ 993.75

TAX SCHEDULE NO.: 2945-144-27-942 LEGAL DESCRIPTION: Lots 17 through 32, inclusive, Block 130, City of Grand Junction.

ASSESSMENT..... \$ 13,356.00

10TH TO 11TH, MAIN TO COLORADO:

TAX SCHEDULE NO.: 2945-144-23-002 LEGAL DESCRIPTION: Lots 5 & 6, Block 112, City of Grand Junction.

ASSESSMENT..... \$ 1,669.50

TAX SCHEDULE NO.: 2945-144-23-003 LEGAL DESCRIPTION: Lots 7 & 8, Block 112, City of Grand Junction.

ASSESSMENT..... \$ 1,669.50

TAX SCHEDULE NO.: 2945-144-23-004 LEGAL DESCRIPTION: Lots 8 & 10, Block 112, City of Grand Junction.
ASSESSMENT..... \$ 424.00

TAX SCHEDULE NO.: 2945-144-23-005 LEGAL DESCRIPTION: Lots 11 & 12, Block 112, City of Grand Junction.
ASSESSMENT..... \$ 424.00

TAX SCHEDULE NO.: 2945-144-23-006 LEGAL DESCRIPTION: Lots 13 & 14, Block 112, City of Grand Junction.
ASSESSMENT..... \$ 424.00

TAX SCHEDULE NO.: 2945-144-23-007 LEGAL DESCRIPTION: Lots 15 & 16, Block 112, City of Grand Junction.
ASSESSMENT..... \$ 1,669.50

TAX SCHEDULE NO.: 2945-144-23-008 LEGAL DESCRIPTION: Lots 31 & 32, Block 112, City of Grand Junction.
ASSESSMENT..... \$ 424.00

TAX SCHEDULE NO.: 2945-144-23-009 LEGAL DESCRIPTION: Lots 29 & 30, Block 112, City of Grand Junction.
ASSESSMENT..... \$ 424.00

TAX SCHEDULE NO.: 2945-144-23-011 LEGAL DESCRIPTION: Lots 25 & 26, Block 112, City of Grand Junction.
ASSESSMENT..... \$ 424.00

TAX SCHEDULE NO.: 2945-144-23-012 LEGAL DESCRIPTION: Lots 21 through 24, inclusive, Block 112, City of Grand Junction.
ASSESSMENT..... \$ 1,590.00

TAX SCHEDULE NO.: 2945-144-23-013 LEGAL DESCRIPTION: Lots 19 & 20, Block 112, City of Grand Junction.
ASSESSMENT..... \$ 424.00

TAX SCHEDULE NO.: 2945-144-23-014 LEGAL DESCRIPTION: Lots 17 & 18, Block 112, City of Grand Junction.
ASSESSMENT..... \$ 795.00

TAX SCHEDULE NO.: 2945-144-23-015 LEGAL DESCRIPTION: Lots 27 & 28, Block 112, City of Grand Junction.
ASSESSMENT..... \$ 424.00

TAX SCHEDULE NO.: 2945-144-23-977 LEGAL DESCRIPTION: Lots 1 through 4, inclusive, Block 112, City of Grand Junction.
ASSESSMENT..... \$ 3,339.00

10TH TO 11TH, HILL TO TELLER:

TAX SCHEDULE NO.: 2945-141-17-002 LEGAL DESCRIPTION: South ½ of Lots 1 through 4, inclusive, Block 24, City of Grand Junction.

ASSESSMENT..... \$ 848.00

TAX SCHEDULE NO.: 2945-141-17-003 LEGAL DESCRIPTION: Lots 5 & 6, Block 24, City of Grand Junction.

ASSESSMENT..... \$ 795.00

TAX SCHEDULE NO.: 2945-141-17-004 LEGAL DESCRIPTION: Lots 7 & 8, Block 24, City of Grand Junction.

ASSESSMENT..... \$ 424.00

TAX SCHEDULE NO.: 2945-141-17-005 LEGAL DESCRIPTION: Lots 9 & 10, Block 24, City of Grand Junction.

ASSESSMENT..... \$ 424.00

TAX SCHEDULE NO.: 2945-141-17-006 LEGAL DESCRIPTION: Lots 11 & 12, Block 24, City of Grand Junction.

ASSESSMENT..... \$ 424.00

TAX SCHEDULE NO.: 2945-141-17-007 LEGAL DESCRIPTION: Lots 13 & 14, Block 24, City of Grand Junction.

ASSESSMENT..... \$ 795.00

TAX SCHEDULE NO.: 2945-141-17-008 LEGAL DESCRIPTION: Lots 15 & 16, Block 24, City of Grand Junction.

ASSESSMENT..... \$ 424.00

TAX SCHEDULE NO.: 2945-141-17-009 LEGAL DESCRIPTION: Lots 31 & 32, Block 24, City of Grand Junction.

ASSESSMENT..... \$ 424.00

TAX SCHEDULE NO.: 2945-141-17-010 LEGAL DESCRIPTION: Lots 29 & 30, Block 24, City of Grand Junction.

ASSESSMENT..... \$ 424.00

TAX SCHEDULE NO.: 2945-141-17-011 LEGAL DESCRIPTION: Lots 27 & 28, Block 24, City of Grand Junction.

ASSESSMENT..... \$ 795.00

TAX SCHEDULE NO.: 2945-141-17-012 LEGAL DESCRIPTION: Lots 25 & 26, Block 24, City of Grand Junction.

ASSESSMENT..... \$ 424.00

TAX SCHEDULE NO.: 2945-141-17-013 LEGAL DESCRIPTION: Lots 23 & 24, Block 24, City of Grand Junction.
ASSESSMENT..... \$ 424.00

TAX SCHEDULE NO.: 2945-141-17-014 LEGAL DESCRIPTION: Lots 21 & 22, Block 24, City of Grand Junction.
ASSESSMENT..... \$ 424.00

TAX SCHEDULE NO.: 2945-141-17-015 LEGAL DESCRIPTION: Lots 19 & 20, Block 24, City of Grand Junction.
ASSESSMENT..... \$ 424.00

TAX SCHEDULE NO.: 2945-141-17-016 LEGAL DESCRIPTION: Lots 17 & 18, Block 24, City of Grand Junction.
ASSESSMENT..... \$ 424.00

18TH TO 19TH, ELM TO BUNTING:

TAX SCHEDULE NO.: 2945-123-27-001 LEGAL DESCRIPTION: Lot 1, Block 5, Elmwood Plaza Refile, City of Grand Junction.
ASSESSMENT..... \$ 491.84

TAX SCHEDULE NO.: 2945-123-27-002 LEGAL DESCRIPTION: Lot 2, Block 5, Elmwood Plaza Refile, City of Grand Junction.
ASSESSMENT..... \$ 508.80

TAX SCHEDULE NO.: 2945-123-27-003 LEGAL DESCRIPTION: Lot 3, Block 5, Elmwood Plaza Refile, City of Grand Junction.
ASSESSMENT..... \$ 508.80

TAX SCHEDULE NO.: 2945-123-27-004 LEGAL DESCRIPTION: Lot 4, Block 5, Elmwood Plaza Refile, City of Grand Junction.
ASSESSMENT..... \$ 508.80

TAX SCHEDULE NO.: 2945-123-27-005 LEGAL DESCRIPTION: Lot 5, Block 5, Elmwood Plaza Refile, City of Grand Junction.
ASSESSMENT..... \$ 508.80

TAX SCHEDULE NO.: 2945-123-27-006 LEGAL DESCRIPTION: Lot 25, Block 5, Elmwood Plaza Refile, City of Grand Junction.
ASSESSMENT..... \$ 1,177.87

TAX SCHEDULE NO.: 2945-123-27-008 LEGAL DESCRIPTION: Lot 24, Block 5, Elmwood Plaza Refile, City of Grand Junction.
ASSESSMENT..... \$ 534.24

TAX SCHEDULE NO.: 2945-123-27-010 LEGAL DESCRIPTION: Lot 23, Block 5, Elmwood Plaza Refile, City of Grand Junction.
ASSESSMENT..... \$ 534.24

TAX SCHEDULE NO.: 2945-123-27-012 LEGAL DESCRIPTION: Lot 22, Block 5, Elmwood Plaza Refile, City of Grand Junction.
ASSESSMENT..... \$ 534.24

TAX SCHEDULE NO.: 2945-123-27-014 LEGAL DESCRIPTION: Lot 21, Block 5, Elmwood Plaza Refile, City of Grand Junction.
ASSESSMENT..... \$ 534.24

TAX SCHEDULE NO.: 2945-123-27-016 LEGAL DESCRIPTION: Lot 20, Block 5, Elmwood Plaza Refile, City of Grand Junction.
ASSESSMENT..... \$ 534.24

TAX SCHEDULE NO.: 2945-123-27-018 LEGAL DESCRIPTION: Lot 19, Block 5, Elmwood Plaza Refile, City of Grand Junction.
ASSESSMENT..... \$ 534.24

TAX SCHEDULE NO.: 2945-123-27-020 LEGAL DESCRIPTION: Lot 18, Block 5, Elmwood Plaza Refile, City of Grand Junction.
ASSESSMENT..... \$ 534.24

TAX SCHEDULE NO.: 2945-123-27-022 LEGAL DESCRIPTION: Lot 17, Block 5, Elmwood Plaza Refile, City of Grand Junction.
ASSESSMENT..... \$ 534.24

TAX SCHEDULE NO.: 2945-123-27-024 LEGAL DESCRIPTION: Lot 16, Block 5, Elmwood Plaza Refile, City of Grand Junction.
ASSESSMENT..... \$ 1,001.70

TAX SCHEDULE NO.: 2945-123-27-007 LEGAL DESCRIPTION: Lot 6, Block 5, Elmwood Plaza Refile, City of Grand Junction.
ASSESSMENT..... \$ 1,179.57

TAX SCHEDULE NO.: 2945-123-27-009 LEGAL DESCRIPTION: Lot 7, Block 5, Elmwood Plaza Refile, City of Grand Junction.
ASSESSMENT..... \$ 534.24

TAX SCHEDULE NO.: 2945-123-27-011 LEGAL DESCRIPTION: Lot 8, Block 5, Elmwood Plaza Refile, City of Grand Junction.
ASSESSMENT..... \$ 534.24

TAX SCHEDULE NO.: 2945-123-27-013 LEGAL DESCRIPTION: Lot 9, Block 5, Elmwood Plaza Refile, City of Grand Junction.
ASSESSMENT..... \$ 534.24

TAX SCHEDULE NO.: 2945-123-27-015 LEGAL DESCRIPTION: Lot 10, Block 5, Elmwood Plaza Refile, City of Grand Junction.

ASSESSMENT..... \$ 534.24

TAX SCHEDULE NO.: 2945-123-27-017 LEGAL DESCRIPTION: Lot 11, Block 5, Elmwood Plaza Refile, City of Grand Junction.

ASSESSMENT..... \$ 534.24

TAX SCHEDULE NO.: 2945-123-27-019 LEGAL DESCRIPTION: Lot 12, Block 5, Elmwood Plaza Refile, City of Grand Junction.

ASSESSMENT..... \$ 534.24

TAX SCHEDULE NO.: 2945-123-27-021 LEGAL DESCRIPTION: Lot 13, Block 5, Elmwood Plaza Refile, City of Grand Junction.

ASSESSMENT..... \$ 1,001.70

TAX SCHEDULE NO.: 2945-123-27-023 LEGAL DESCRIPTION: Lot 14, Block 5, Elmwood Plaza Refile, City of Grand Junction.

ASSESSMENT..... \$ 534.24

TAX SCHEDULE NO.: 2945-123-27-025 LEGAL DESCRIPTION: Lot 15, Block 5, Elmwood Plaza Refile, City of Grand Junction.

ASSESSMENT..... \$ 1,001.70

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

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

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

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

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

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

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

Section 7. That the monies remaining in the hands of the City Finance Director as the result of the operation and payments under Alley Improvement District No. ST-01, Phase A, shall be retained by the Finance Director and shall be used thereafter for the purpose of further funding of past or subsequent improvement districts which may be or may become in default.

Section 8. That all provisions of Ordinance No. 178 of the City of Grand Junction, as amended, being Chapter 28 of the Code of Ordinances of the City of Grand Junction, Colorado, shall govern and be taken to be a part of this Ordinance with respect to the creation of said Alley Improvement District No. ST-01 Phase A, the construction of the improvements therein, the apportionment and assessment of the cost thereof and the collection of such assessments.

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

Introduced on First Reading this 5th day of September, 2001.

Passed and Adopted on the _____ day of _____, 2001

Attest:

City Clerk

President of the Council

SUMMARY SHEET

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

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

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

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

- Indicates Property Owners Signing Petition = 5/9 or 56% of Owners & 77% of Abutting Footage

SUMMARY SHEET

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

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

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

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

- Indicates Property Owners Signing Petition = 8/14 or 57% of Owners & 50% of Abutting Footage

SUMMARY SHEET

OWNER	FOOTAGE	COST/FOOT	ASSESSMENT
• JOHN GRIBBEN	58.00	\$ 8.00	\$ 464.00
• VERA & H. PEARCE	60.00	\$ 8.00	\$ 480.00
• TONY & EUDORA MARTINEZ	60.00	\$ 8.00	\$ 480.00
• AMY & BRIAN JARVIS	60.00	\$ 8.00	\$ 480.00
CALVIN & ANNE REED	60.00	\$ 8.00	\$ 480.00
• JUAN & JUANITA SERNA	138.90	\$ 8.00	\$1,111.20
• ROSE TOWNE	63.00	\$ 8.00	\$ 504.00
ADOLF & MARGARET KEEL	63.00	\$ 8.00	\$ 504.00
• MARK & TERESA LAMBERT	63.00	\$ 8.00	\$ 504.00
• DEARL & LISA BEAM	63.00	\$ 8.00	\$ 504.00
NANCY BOLLIG, DILBERT & SHIRLEY GILBERT	63.00	\$ 8.00	\$ 504.00
GEORGE & SHARON PETTIT	63.00	\$ 8.00	\$ 504.00
• KEN & LYNN LUBALL	63.00	\$ 8.00	\$ 504.00
• STEVE WYNNE	63.00	\$ 8.00	\$ 504.00
CHRIS OTTO & CARYN PENN	63.00	\$15.00	\$ 945.00
BRUCE WIUFF	139.10	\$ 8.00	\$1,112.80
• ALVIS GOOLSBY	63.00	\$ 8.00	\$ 504.00
• ROBERT & ANN SHOPBELL	63.00	\$ 8.00	\$ 504.00
CAROLYN KOSTELC	63.00	\$ 8.00	\$ 504.00
LYSIE & CHARLA WILSON	63.00	\$ 8.00	\$ 504.00
DELBERT & SHIRLEY GILBERT	63.00	\$ 8.00	\$ 504.00
• FLOYD & LORRAINE O'NAN	63.00	\$15.00	\$ 945.00
R & J WASIELEWSKI	63.00	\$ 8.00	\$ 504.00
WILLIAM & JOAN BOND	63.00	\$15.00	\$ 945.00
TOTAL			\$14,499.00
ASSESSABLE FOOTAGE	1,647.00		

Estimated Cost to Construct \$ 90,137.70

Absolute Cost to Owners \$ 14,499.00

Estimated Cost to City \$ 75,638.00

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

- Indicates Property Owners Signing Petition = 13/24 or 54% of Owners & 54% of Abutting Footage

Attach 6
Apportionment for Sanitary Sewer Improvement

CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION

CITY COUNCIL			
Subject:	First Reading of a Proposed Assessing Ordinance for Sanitary Sewer Improvement District No. SS-44-00 for Glen Caro and Northfield Estates		
Meeting Date:	September 5, 2001		
Date Prepared:	August 27, 2001		
Author:	Rick Marcus	Real Estate Technician	
Presenter Name:	Rick Marcus	Real Estate Technician	
	Workshop	X	Formal Agenda

Subject: First Reading of a Proposed Assessing Ordinance for Sanitary Sewer Improvement District No. SS-44-00.

Summary: Sanitary sewer facilities have been installed as petitioned by the owners of 50 properties in the vicinity of North 7th Street and G Road (Glen Caro and Northfield Estates). The proposed ordinance will levy assessments in the amount of \$5,620.69 upon each parcel. A public hearing and second reading of the proposed ordinance will be conducted by the City Council on September 19, 2001.

Background Information: The petition requesting the improvements provides that all costs associated with this District be assessed against and upon the benefiting properties. Assessable costs include design, construction, inspection, administrative costs and compensation for easements.

The published assessable costs of \$5,957.93 per parcel include a one-time charge of 6% for costs of collection and other incidentals. This fee will be deducted for assessments paid in full by October 22, 2001. Assessments not paid in full will be turned over to the Mesa County Treasurer for collection under a 10-year amortization schedule with simple interest at the rate of 8% accruing against the declining principal balance.

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

Action Requested/Recommendation: Conduct First Reading of Proposed Assessing Ordinance and set a hearing for September 19, 2001.

Citizen Presentation:	X	No	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"/>	Consent	<input type="checkbox"/>	<input type="checkbox"/>	Indiv. Consideration	<input type="checkbox"/>	Workshop

ORDINANCE NO. _____

AN ORDINANCE APPROVING THE ASSESSABLE COST OF THE IMPROVEMENTS MADE IN AND FOR SANITARY SEWER IMPROVEMENT DISTRICT NO. SS-44-00, IN THE CITY OF GRAND JUNCTION, COLORADO, PURSUANT TO ORDINANCE

NO. 178, ADOPTED AND APPROVED THE 11TH DAY OF JUNE, 1910, AS AMENDED;

APPROVING THE APPORTIONMENT OF SAID COST TO EACH LOT OR TRACT OF LAND OR OTHER REAL ESTATE IN SAID DISTRICT; ASSESSING THE SHARE OF SAID COST AGAINST EACH LOT OR TRACT OF LAND OR OTHER REAL ESTATE IN SAID DISTRICT; APPROVING THE APPORTIONMENT OF SAID COST AND PRESCRIBING THE MANNER FOR THE COLLECTION AND PAYMENT OF SAID ASSESSMENT

WHEREAS, the City Council and the Municipal Officers of the City of Grand Junction, in the State of Colorado, have complied with all the provisions of law relating to certain improvements in Sanitary Sewer Improvement District No. SS-44-00, in the City of Grand Junction, pursuant to Ordinance No. 178 of said City, adopted and approved June 11, 1910, as amended, being Chapter 28 of the Code of Ordinances of the City of Grand Junction, Colorado, and pursuant to the various resolutions, orders and proceedings taken under said Ordinance; and

WHEREAS, the City Council has heretofore caused to be published the Notice of Completion of local improvements in said Sanitary Sewer Improvement District No. SS-44-00, and the apportionment of costs thereof to all persons interested and to the owners of real estate which is described therein, said real estate comprising the district of lands known as Sanitary Sewer Improvement District No. SS-44-00, in the City of Grand Junction, Colorado, which said Notice was caused to be published in the Daily Sentinel, the official newspaper of the City of Grand Junction (the first publication thereof appearing on August 17, 2001, and the last publication thereof appearing on August 19, 2001); and

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

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

WHEREAS, the City Council has fully confirmed the statement prepared by the City Engineer and certified by the President of the Council showing the assessable cost of said improvements and the apportionment thereof heretofore made as contained in that certain Notice to property owners in Sanitary Sewer Improvement District No. SS-44-00, duly published in the Daily Sentinel, the official newspaper of the City, and has duly ordered that the cost of said improvements in said Sanitary Sewer Improvement District No. SS-44-00 be assessed and apportioned against all of the real estate in said District in the portions contained in the aforesaid Notice; and

WHEREAS, from the statement made and filed with the City Clerk by the City Engineer, it appears that the assessable cost of the said improvements is \$297,896.61, said sum including a one-time charge of six percent (6%) for costs of collection and other incidentals; and

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

TAX SCHEDULE NO.	LEGAL DESCRIPTION	ASSESSMENT
2945-022-03-001	Lot 1, Glen Caro Subdivision, City of Grand Junction.	\$5,957.93
2945-022-03-002	Lot 2, Glen Caro Subdivision, City of Grand Junction.	\$5,957.93
2945-022-03-003	Lot 3, Glen Caro Subdivision, City of Grand Junction.	\$5,957.93
2945-022-03-004	Lot 4, Glen Caro Subdivision, City of Grand Junction.	\$5,957.93
2945-022-03-005	Lot 5, Glen Caro Subdivision, City of Grand Junction.	\$5,957.93
2945-022-04-001	Lot 14, Glen Caro Subdivision, City of Grand Junction.	\$5,957.93
2945-022-04-002	Lot 19, Glen Caro Subdivision, City of Grand Junction.	\$5,957.93
2945-022-04-003	Lot 15, Glen Caro Subdivision, City of Grand Junction.	\$5,957.93
2945-022-04-006	Lot 16, Glen Caro Subdivision, City of Grand Junction.	\$5,957.93
2945-022-04-007	Lots 17 & 18, Glen Caro Subdivision, City of Grand Junction.	\$5,957.93
2945-022-05-001	Lot 11, Glen Caro Subdivision, City of Grand Junction.	\$5,957.93
2945-022-05-003	Lot 10, Glen Caro Subdivision, City of Grand Junction.	\$5,957.93
2945-022-05-006	Lot 7, Glen Caro Subdivision, City of Grand Junction.	\$5,957.93
2945-022-05-007	Lot 6, Glen Caro Subdivision, City of Grand Junction.	\$5,957.93
2945-022-05-009	Lot 13, Glen Caro Subdivision, City of Grand Junction.	\$5,957.93
2945-022-05-010	Lot 12, Glen Caro Subdivision, City of Grand Junction.	\$5,957.93
2945-022-05-011	Lots 8 & 9, Glen Caro Subdivision, City of Grand Junction.	\$5,957.93
2945-022-08-002	Lot 6, Northfield Estates Subdivision, City of Grand Junction.	\$5,957.93
2945-022-08-004	Lot 7, Northfield Estates Subdivision, and also that portion beginning at the NW corner of the SE ¼ of the NW ¼ of Section 2, 1S 1W, thence south 228.58 feet along the west lot line of said Lot 7 to the north line of the Grand Valley Canal, thence N32° 30'W 270.23 feet along the north line, thence N89° 44'E 145 feet to the point of beginning, City of Grand Junction.	\$5,957.93
2945-022-06-009	Lot 8, Northfield Estates Subdivision, City of Grand Junction.	\$5,957.93
2945-022-00-047	BEG S 0DEG07' W 2.75FT FR SW COR LOT 15 REPLAT OF LOTS4-10-11-12-15-16 CREST RIDGE SUB S 89DEG51'15SEC W165.27FT TO CUL-DE-SAC CH BEARS 5DEG40'19SEC W 91.01FT N0DEG05'45SEC E 338.68FT S 89DEG58'27SEC E36.58FTS 0DEG05'45SEC W 74FT SDEG58'27SECE 103FT S 5DEG30'49SEC E 127.66FT S65DEG49'49SEC E 133.66FT S 23DEG46' W 186FT N89DEG58'27SEC W 25FT TO SW COR SD LOT 15S0DEG07' W 2.75FT TO BEG, City of Grand Junction.	\$5,957.93

2945-022-06-010	LOT 9 NORTHFIELD ESTATES SUB SEC 2 1S 1W & ALSO BEG S 89DEG44' W 25.26FT FR NECOR SD LOT 9 S 89DEG44' W 80FT N 08DEG04'33SEC E 2.83FT N 89DEG44'E 80.14FT S08DEG04'33SEC W 3.79FT TO POB, City of Grand Junction.	\$5,957.93
2945-022-00-034	The west 218 feet of the following described tract. Beginning 1127 feet south of the north ¼ corner of Section 2, 1S 1W, thence south 200 feet, thence west 544.5 feet, thence north 200 feet, thence east to the point of beginning, City of Grand Junction.	\$5,957.93
2945-022-00-033	Beginning 1127 feet south of the north ¼ corner of Section 2, 1S 1W, thence south 200 feet, thence west 326.5 feet, thence north 200 feet, thence east to the point of beginning; except 30 feet for road right-of-way, City of Grand Junction.	\$5,957.93
2945-022-02-007	Lot 4, Hermanns Subdivision, City of Grand Junction.	\$5,957.93
2945-022-00-041	Beginning 917 feet south of the NE corner of the NE ¼ of the NW ¼ of Section 2, 1S 1W, thence west 320.5 feet, thence south 200.0 feet, thence east 320.5 feet, thence north 200.0 feet to the point of beginning; except the east 30 feet for road right-of-way, City of Grand Junction.	\$5,957.93
2945-022-02-020	LOT 2 HERMANN'S SUB + ALL OF LOT 1 HERMANN'S SUB EXCBEG S 0DEG06' E 40FT + S89DEG58' E 50FT FR NW CORNE4NW4 SEC 2 1S 1W ALG CVE SW CENTRAL ANG 30DEG RAD93.3FT ARC LGTH 48.85FT CHORD S 14DEG54' W 48.3FT CVELT CENTRAL ANG 30DEG RAD 93.3FT ARC LGTH 8.85FT CHORDS 14DEG54' W 48.3FT S0DEG06' E 126.63FT S 89DEG58' E156.5FT N0DEG 06' W 220FT N 89DEG58' W 131.5FT TO BEG, City of Grand Junction.	\$5,957.93
2945-022-02-006	Lot 3, Hermanns Subdivision, City of Grand Junction.	\$5,957.93
2945-022-06-011	Replat of Lot 16, Crest Ridge Subdivision, except beginning S89° 44'W 25.26 feet from the NW corner of Lot 9, Northfield Estates Subdivision, thence S89° 44'W 80 feet, thence N8° 04'33"E 2.83 feet, thence N89° 44'E 80.14 feet, thence S8° 04'33"W 3.79 feet to the point of beginning, City of Grand Junction.	\$5,957.93
2945-022-00-040	Beginning 917 feet south and 320.5 feet west of the NE corner of the NE ¼ of the NW ¼ of Section 2, 1S 1W, thence west 224.0 feet, thence south 200.0 feet, thence east 224.0 feet, thence north 200.0 feet to the point of beginning; except that portion lying within the right-of-way of Step-A-Side Dr., City of Grand Junction.	\$5,957.93
2945-022-14-001	Lot 1, Emily Estates Subdivision, City of Grand Junction.	\$5,957.93
2945-022-14-002	Lot 2, Emily Estates Subdivision, City of Grand Junction.	\$5,957.93
2945-022-10-004	Lot 14, Northfield Estates Subdivision, City of Grand Junction.	\$5,957.93
2945-022-10-003	Lot 15, Northfield Estates Subdivision, City of Grand Junction.	\$5,957.93
2945-022-10-002	Lot 16, Northfield Estates Subdivision, City of Grand Junction.	\$5,957.93
2945-022-10-001	Lot 17, Northfield Estates Subdivision, City of Grand Junction.	\$5,957.93
2945-022-09-002	Lot 11, Northfield Estates Subdivision, City of Grand Junction.	\$5,957.93
2945-022-09-001	Lot 10, Northfield Estates Subdivision, City of Grand Junction.	\$5,957.93
2945-022-07-001	Replat of Lot 4, Crest Ridge Subdivision, City of Grand Junction.	\$5,957.93
2945-022-06-008	Lot 15 of the replat of Lots 4, 10, 11, 12 and 15, Crest Ridge Subdivision, and also beginning S0° 07'W 2.75 feet from the SW corner of Lot 15, thence N5° 30' 49"W 356.41 feet, thence N89° 58' 27"W 103 feet, thence N0° 5'45"E 74 feet, thence, S89° 58'27"E 138 feet to the NW corner of Lot 15, thence S0° 07'W 428.75 feet to the point of beginning; except beginning at the SW corner of said Lot 15, thence S0° 07'W 2.75 feet, thence N5° 30' 49"W 228.75 feet, thence S65° 49'49"E 133.66 feet, thence S 23° 46'W 186 feet, thence N89° 58'27"W 25 feet to the point of beginning, City of Grand Junction, Mesa County, Colorado.	\$5,957.93
2945-022-06-002	Replat of Lot 11, Crest Ridge Subdivision, City of Grand Junction.	\$5,957.93
2945-022-02-022	Lot 9, Crest Ridge Subdivision, and also the south ½ of the vacated street on the north, and also that portion beginning at the NE corner of Lot 13, Crest Ridge Subdivision, thence N48° 47'W 27feet, thence S26° 54'E 178 feet, thence N54° E 25 feet, thence N32° 45'W 150 feet to the point of beginning, City of Grand Junction, Mesa County, Colorado.	\$5,957.93
2945-022-02-017	Lot 8, Crest Ridge Subdivision, and also the north ½ of the vacated street adjacent to the lot on the south, except that portion beginning at the NW corner of said Lot 8, thence south along the west line of said Lot 8 to the centerline of the vacated street, thence N69° 45'E along the centerline of the street, thence northwesterly 70 feet to the point of beginning, City of Grand Junction, Mesa County, Colorado.	\$5,957.93
2945-022-02-013	Replat of Lot 12, Crest Ridge Subdivision, City of Grand Junction.	\$5,957.93
2945-022-02-010	Replat of Lot 10, Crest Ridge Subdivision, City of Grand Junction.	\$5,957.93
2945-022-02-012	Lot 6, Hermanns, Subdivision, City of Grand Junction.	\$5,957.93
2945-022-02-011	Lot 5, Hermanns, Subdivision, City of Grand Junction.	\$5,957.93

2945-022-01-005	Lot 3, Crest Ridge Subdivision, City of Grand Junction.	\$5,957.93
2945-022-01-004	Lot 5, Crest Ridge Subdivision, City of Grand Junction.	\$5,957.93
2945-022-01-002	Lot 6, Crest Ridge Subdivision, City of Grand Junction.	\$5,957.93

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

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

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

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

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

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

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

Section 7. That the monies remaining in the hands of the City Finance Director as the result of the operation and payments under Sanitary Sewer Improvement District No. SS-44-00 shall be retained by the Finance Director and shall be used thereafter for the purpose of further funding of past or subsequent improvement districts which may be or may become in default.

Section 8. That all provisions of Ordinance No. 178 of the City of Grand Junction, as amended, being Chapter 28 of the Code of Ordinances of the City of Grand Junction, Colorado, shall govern and be taken to be a part of this Ordinance with respect to the creation of said Sanitary Sewer Improvement District No. SS-44-00, the construction of the improvements therein, the apportionment and assessment of the cost thereof and the collection of such assessments.

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

Introduced on First Reading this 5th day of September, 2001.

Passed and Adopted on the _____ day of _____, 2001

Attest:

City Clerk
President of the Council

OWNERSHIP SUMMARY

SANITARY SEWER IMPROVEMENT DISTRICT No. SS-44-00

SCHEDULE NO.	OWNERSHIP	PROPERTY ADDRESS	ESMT REQ.?
2945-022-03-001	• James Victor Hammond	2623 G Road	No
2945-022-03-002	Gary & Barbara Plsek	696 Cloverdale Drive	No
2945-022-03-003	• Stephen & Judith Axthelm	694 Cloverdale Drive	No
2945-022-03-004	James Pommier & Julie Pearson	690 Cloverdale Drive	No
2945-022-03-005	• Bena Maes	686 Glen Caro Drive	No
2945-022-04-001	Thomas & Elaine Kukulian	698 Glen Caro Drive	No
2945-022-04-002	• Ronnie & Cheryl Greenhow	699 Cloverdale Drive	No
2945-022-04-003	• Steven & Nancy Don	696 Glen Caro Drive	No
2945-022-04-006	• Howard & Janice Hall	694 Glen Caro Drive	No
2945-022-04-007	• Gilbert & Doris Madison	695 Cloverdale Drive	No
2945-022-05-001	Michael Schoede & Nancy Knanishu	695 Glen Caro Drive	No
2945-022-05-003	R.R. Frohock	693 Glen Caro Drive	No
2945-022-05-006	• James & Von Diamanti	683 Glen Caro Drive	No
2945-022-05-007	• John & Irene Green	681 Glen Caro Drive	No
2945-022-05-009	Thomas & Ailene Maddalone	699 Glen Caro Drive	No
2945-022-05-010	• Michael & Jean Klobberdanz	697 Glen Caro Drive	No
2945-022-05-011	• Alice McGregor	691 Glen Caro Drive	Yes
2945-022-08-002	• Daniel & Grace Ward	673 Larkspur Lane	Yes
2945-022-08-004	• Newell & Marlene Hoskin	675 Larkspur Lane	Yes
2945-022-06-009	• Robert & Louise Sammons	2636 Dahlia Drive	No
2945-022-00-047	• Robert & Louise Sammons	676 Larkspur Lane	Yes
2945-022-06-010	Mark & Darsie Huber	2638 Dahlia Drive	Yes
2945-022-00-034	• Barbara Trowbridge	676 Stepside Drive	Yes
2945-022-00-033	• Richard & Linda Pryor	675 26 ½ Road	Yes
2945-022-02-007	• William & Mildred Erwin	690 Myrtle Lane	Yes
2945-022-00-041	• Dorothy Burgess	679 26 ½ Road	No
2945-022-02-020	• Larry & Norma Wheeler	694 Jasmine Lane	No
2945-022-02-006	• Lloyd & Anne Davis	691 Myrtle Lane	No
2945-022-06-011	Vernon & Alice Nelson	679 Stepside Lane	No
2945-022-00-040	• Gaynell & Douglas Colaric	680 Stepside Drive	No

2945-022-14-001	• Christine Brown	Vacant Land	No
2945-022-14-002	• Christine Brown	677 Larkspur Lane	No
2945-022-10-004	Danny & Rene Romero	2645 Dahlia Drive	No
2945-022-10-003	Alice Martin	2643 Dahlia Drive	No
2945-022-10-002	Jack & E.N. Williams	2639 Dahlia Drive	No
2945-022-10-001	• Gerald & Shirley Quinn	672 Larkspur Lane	No
2945-022-09-002	Larry & Sylvia Porter	2646 Dahlia Drive	No
2945-022-09-001	Charles Mitchell	2642 Dahlia Drive	No
2945-022-07-001	• Thomas & Linda Todd	685 Crest Ridge Drive	No
2945-022-06-008	• Patrick & Maura Griggs	685 Stepside Lane	No
2945-022-06-002	• Charles & Karen Moore	687 Stepside Drive	No
2945-022-02-022	Paul & Laura Stidham	689 Crest Ridge Drive	No
2945-022-02-017	• William Merrill & Mary Hughes	695 Crest Ridge Drive	No
2945-022-02-013	• Kenneth & Catherine Hamon	686 Stepside Drive	No
2945-022-02-010	• Hamon Family, LLC	687 Crest Ridge Drive	No
2945-022-02-012	• Edward & Glenna Maurin	688 Myrtle Lane	No
2945-022-02-011	William & Debra Deonier	684 Glen Caro Drive	No
2945-022-01-005	Sherwood & Carolyn Fox	688 Crest Ridge Drive	No
2945-022-01-004	• Paul & Gertrude Lundberg	686 Crest Ridge Drive	No
2945-022-01-002	• John & Lou Stark	696 Crest Ridge Drive	No
Total Assessable Parcels = 50			
Additional Easements are required from Grand Valley Irrigation, David B. Palo, Jr., Joseph & Dana Elliott, and Paula White, whose properties are not included in the improvement district.			

- Indicates property owners signing petition = 34/50 or 68%

Attach 7

Vacation of Drainage & Utility Easement, Rattlesnake Court

**CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION**

<i>CITY COUNCIL</i>			
Subject:	Vacation of Easement, Rattlesnake Court		
Meeting Date:	September 5, 2001		
Date Prepared:	August 20, 2001		
Author:	Pat Cecil	Development Services Supervisor	
Presenter Name:	Pat Cecil	Development Services Supervisor	
	Workshop	X	Formal Agenda

Subject: Vacation of Easement (VE-2001-141), Rattlesnake Court

Summary: The petitioners are requesting a vacation of a drainage and utility easement that was created with the recording of Lots 31A and 32A, inclusive, Block 25 of The Ridges Filing No. 5 and Lots 48A through 60A, inclusive, Block 25 of the Replat of Lots 22A through 30A, The Ridges Filing No. 5.

Background Information: See attached.

Budget: There is no impact to the budget.

Action Requested/Recommendation: Approval of a resolution to vacate a drainage and utility easement.

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

Report results back to Council:	X	No		Yes	When:	
--	----------	-----------	--	------------	--------------	--

Placement on Agenda:	X	Consent		Indiv. Consideration		Workshop
-----------------------------	----------	----------------	--	-----------------------------	--	-----------------

CONSENT ITEM

AGENDA TOPIC: Vacation of Easement, VE-2001-141

SUMMARY: The petitioners are requesting a vacation of a drainage and utility easement that was created with the recording of Lots 31A and 32A, inclusive, Block 25 of The Ridges Filing No. 5 and Lots 48A through 60A, inclusive, Block 25 of the Replat of Lots 22A through 30A, The Ridges Filing No. 5.

ACTION REQUESTED: Approval of the vacation of an easement.

BACKGROUND INFORMATION	
Location:	South of Rattlesnake Court and west of School Ridge Road
Applicants:	Sandra Osmus, James Cook, Sharon Gardner, Ira Sarkistian, Christine Tuthill, Edwin Libbert, Richard Thurtle, Richard Wevill, Glenn McClelland, Brad Yenter, Glen Carlsrud, Carol Maier, Randall Ballew, Lizette Barber, John Sparks
Existing Land Use:	Residential
Proposed Land Use:	Same
Surrounding Land Use:	North Residential
	South Undeveloped residential
	East Residential
	West Residential
Existing Zoning:	PD
Proposed Zoning:	Same
Adjacent Zoning	North PD
	South PD
	East PD
	West PD
Growth Plan	Residential Medium Low 2-4

Staff Analysis: The applicants who own lots on the south side of Rattlesnake Court are requesting that a easement that was established along their south

property lines for drainage be vacated. The easement was created with the filing of the plat that created the lots and dedicated to The Ridges Metropolitan Water District, which was taken over by the City.

The easement is identified as a drainage and utility easement on the plat, but there are no drainage or utility facilities existing within the easement. All lots that contain the easement have the building sites graded to drain toward Rattlesnake Court, and all utilities that serve the lots are within the road right-of-way for Rattlesnake Court.

Vacation of Easement Criteria:

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

1. The Growth Plan, major street plan and other adopted plans and policies of the City;

The proposed vacation is consistent with the Growth Plan, Major Street plan and other adopted plans and policies of the City.

2. No parcel shall be landlocked as a result of the vacation;
No parcel will be landlocked as a result of the vacation.

3. Access to any parcel shall not be restricted to the point where access is unreasonable, economically prohibitive, or reduces or devalues any property affected by the proposed vacation;

The proposed vacation will not effect access to any parcel or reduce or devalue any property affected by the vacation.

4. There shall be no adverse impacts on the health, safety, and/or welfare of the general community, and the quality of public facilities and services provided to any parcel of land shall not be reduced (e.g. police/fire protection and utility services);

The easement is located in steep and rocky terrain, which would make construction of any drainage or utility facilities within it difficult. If there is a need to solve drainage problems on the undeveloped lots to the south, this

could occur at the time that these lots are developed. Vacation of the easement will not impact the public health, safety of welfare or limit the ability to provide quality public facilities or services to any parcel of land.

5. The provisions of adequate public facilities and services shall not be inhibited to any property as required in Chapter Six of this Code; and

Vacation of the easement shall not inhibit the provision of adequate public services to any lot.

6. The proposal shall provide benefits to the City such as reduced maintenance requirements, improved traffic circulation, ect.

The vacation of the easement shall reduce the overall maintenance responsibility of the City.

Condition:

1. Applicants shall pay all recording/documentary fees for the vacation.

Planning Commission recommendation: **That the City Council approve VE-2001-141 based on the findings that the proposed vacation is consistent with the Growth Plan and Section 2.11 of the Zoning and Development Code, subject to the condition listed above.**

Attachments: a. Resolution

- b. General location map
- c. Project narrative

CITY OF GRAND JUNCTION

Resolution No. 00-

VACATING A DRAINAGE AND UTILITY EASEMENT
LOCATED ALONG THE SOUTHERLY BOUNDARIES OF Lots 31A and 32A,
INCLUSIVE, BLOCK 25 OF THE RIDGES FILING NO. 5 AND LOTS 48A
THROUGH 60A, INCLUSIVE, BLOCK 25 OF THE REPLAT OF LOTS 22A
THROUGH 30A,
THE RIDGES FILING NO. 5

RECITALS:

The vacation of the drainage and utility easement located South of Rattlesnake Court and west of School Ridge Road, has been requested by the property owners.

The City Council finds that the requested vacation is consistent with the Growth Plan and section 2.11 of the Zoning and development Code.

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

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

The following described drainage and utility easements are hereby vacated subject to the that the applicants shall pay all recording/documentary fees for the vacation:

Dedicated drainage and utility easement to be vacated:

That certain 10-foot wide drainage easement located along and adjacent to the southerly boundary lines of Lots 31A and 32A, inclusive, Block 25 of The Ridges Filing No. 5, situated in the SE ¼ of the NW ¼ of section 20, Township 1, Range 1 West of the Ute Meridian, City of Grand Junction, County of Mesa, State of Colorado, as recorded in Plat Book 12 at Pages 316 through 320 in the office of the Mesa County Clerk and Recorder,

And Also

That certain 10-foot wide drainage and utility easement located along and adjacent to the southerly boundary lines of Lots 48A through 60A, inclusive, Block 25 of the Replat of Lots 22A through 30A, The Ridges Filing No. 5, situated in the SE ¼ of the NW ¼ of Section 20, Township 1 South, Range 1 West of the Ute Meridian, City of Grand Junction, County of Mesa, State of Colorado, as recorded in Plat Book 12 at Page 348 in the office of the Mesa County Clerk and Recorder.

PASSED and ADOPTED this day of , 2001.

ATTEST:

City Clerk

President of City Council

GENERAL PROJECT REPORT

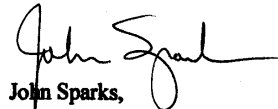
The owners of several adjoining properties in the Ridges P.D. Subdivision are joining together to ask for a vacation of easement on the rear property line. This easement was originally put in place during the initial development of the Ridges as shown on the plat for the Ridges Filing No. Five, Block Twenty-five, affecting lots (among others) 25A through 32A, defined as a 10' drainage easement along the rear (south) property lines of these lots.

Subsequently, a replat of lots 22A through 30A of block twenty-five was approved, changing several property lines to divide certain lots, and changing the lot numbers of affected lots 25A through 30A to the new lot numbers of 48A through 60A, but leaving lots 31A and 32A as originally platted. At this time, the rear easement on the south property lines of lots 48A through 60A was now shown as a "10' drainage and utility easement", but the original easement on lots 31A and 32A was left intact as a "drainage easement". All this was done through the appropriate departments of Mesa County.

We now ask for this entire easement to be vacated on lots 48A through 60A; also lots 31A and 32A as shown on the site map, herewith included, for the following reasons:

1. All of the utilities to support homes or buildings along Rattlesnake Court are carried in the public right-of-way (street) or in the established 5' utility easement co-joining the street. The utilities for the lots fronting the newly constructed street of West Ridges Blvd. are also similarly established and in place through similar co-joining easements. These lots on our south property lines are consequently provided with all normal utility applications. Therefore, we consider the 10' utility portion behind lots 48A through 60A to be moot.
2. The drainage easement portion on lots 48A through 60A and including lots 31A and 32A can serve no useful function due to the extreme topography along its route. Elevation changes of 35' to 40' in three locations, along with portions of hillsides with steeply sloping downhill faces along the easement, large rock formations, etc., make the danger of destabilization of the areas of the easement a very real possibility if trenching should occur at some future date.
3. The removal of an easement as "an impediment to title" as defined by many states improves the salability of the property to the owner, and permits them the assurance that property improvements within the scope of setback and other requirements will be stable in the future, prompting them to add refinements that add to the total neighborhood value.
4. We believe this action complies with vacation easement criteria as outlined in 8-3 General Criteria, 8-3-1 through 8-3-5, in all respects.

Therefore, we do make this request as permitted by city code, that this vacation of easement be considered on its merits, and granted if found meritorious.



John Sparks,
Group Representative

Attach 8
Vacation Portion of Utility Easement, Northgate Drive

CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION

<i>CITY COUNCIL</i>			
Subject:	Vacation of Easement, Northgate Drive		
Meeting Date:	September 5, 2001		
Date Prepared:	August 21, 2001		
Author:	Pat Cecil	Development Services Supervisor	
Presenter Name:	Pat Cecil	Development Services Supervisor	
	Workshop	X	Formal Agenda

Subject: Vacation of Easement (VE-2001-142)

Summary: Vacation of a 1.5-foot portion of a dedicated 6-foot wide utility easement that was created with the recording of the Plat for the Westgate Park No. 2 subdivision on the north side of the subject property adjacent to the Grand Valley Irrigation Co. ditch that parallels Patterson Road in this location.

Background Information: See attached.

Budget: There is no impact to the budget.

Action Requested/Recommendation: **Approval of the resolution vacating a portion of the easement.**

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

Report results back to Council:	X	No		Yes	When:	
--	----------	-----------	--	------------	--------------	--

Placement on Agenda:	X	Consent		Indiv. Consideration		Workshop
-----------------------------	----------	----------------	--	-----------------------------	--	-----------------

CONSENT ITEM

AGENDA TOPIC: Vacation of Easement, VE-2001-142

SUMMARY: Vacation of a 1.5-foot portion of a dedicated 6-foot wide utility easement that was created with the recording of the Plat for the Westgate Park No. 2 subdivision.

ACTION REQUESTED: City Council approval of the vacation.

BACKGROUND INFORMATION			
Location:		598 Northgate Drive	
Applicants:		John Maloney	
Existing Land Use:		Retail building	
Proposed Land Use:		Same	
Surrounding Land Use:	North	Grand Valley Irrigation Canal with industrial/office development north of Patterson Road	
	South	Commercial uses	
	East	Commercial uses	
	West	Commercial uses	
Existing Zoning:		Light commercial (C-1)	
Proposed Zoning:		Same	
Surrounding Zoning:	North	I-O	
	South	C-1	
	East	C-1	
	West	C-1 and PD (residential)	
Growth Plan Designation:		Commercial	
Zoning within density range? N/A		Yes	No

Staff Analysis: The petitioner is requesting a vacation of a 1.5-foot by 170-foot (262.5 square feet) portion of a 6-foot wide utility easement that runs along the project site's northerly property line. The vacation is being requested due to the existing retail building having been constructed 1.5

feet into the existing easement. Only that portion of the easement that the building encroaches over is being requested to be vacated.

The utility providers and the Canal Company have indicated that the vacation will not affect their facilities and can therefore support the requested vacation.

Vacation of Easement Criteria:

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

7. The Growth Plan, major street plan and other adopted plans and policies of the City;

The proposed vacation conforms to the Growth Plan, major street plan and other adopted plans and policies of the City.

8. No parcel shall be landlocked as a result of the vacation;

The vacation area is an unused utility easement and does not provide access to other properties.

9. Access to any parcel shall not be restricted to the point where access is unreasonable, economically prohibitive, or reduces or devalues any property affected by the proposed vacation:

No access will be restricted. All involved properties are accessed via improved streets.

4. There shall be no adverse impacts on the health, safety, and/or welfare of the general community, and the quality of public facilities and services provided to any parcel of land shall not be reduced (e.g. police/fire protection and utility services);

The proposed vacation will not impact the quality of life, and will not impact any quality of services to the general community. No utilities exist within the easement or proposed, and all adjoining properties do not rely upon the easement for services.

5. The provisions of adequate public facilities and services shall not be inhibited to any property as required in Chapter Six of this Code; and

The proposed vacation does not inhibit any properties from receiving adequate public facilities or services.

6. The proposal shall provide benefits to the City such as reduced maintenance requirements, improved traffic circulation, ect.

The proposed vacation will have no affect on any City maintenance or circulation.

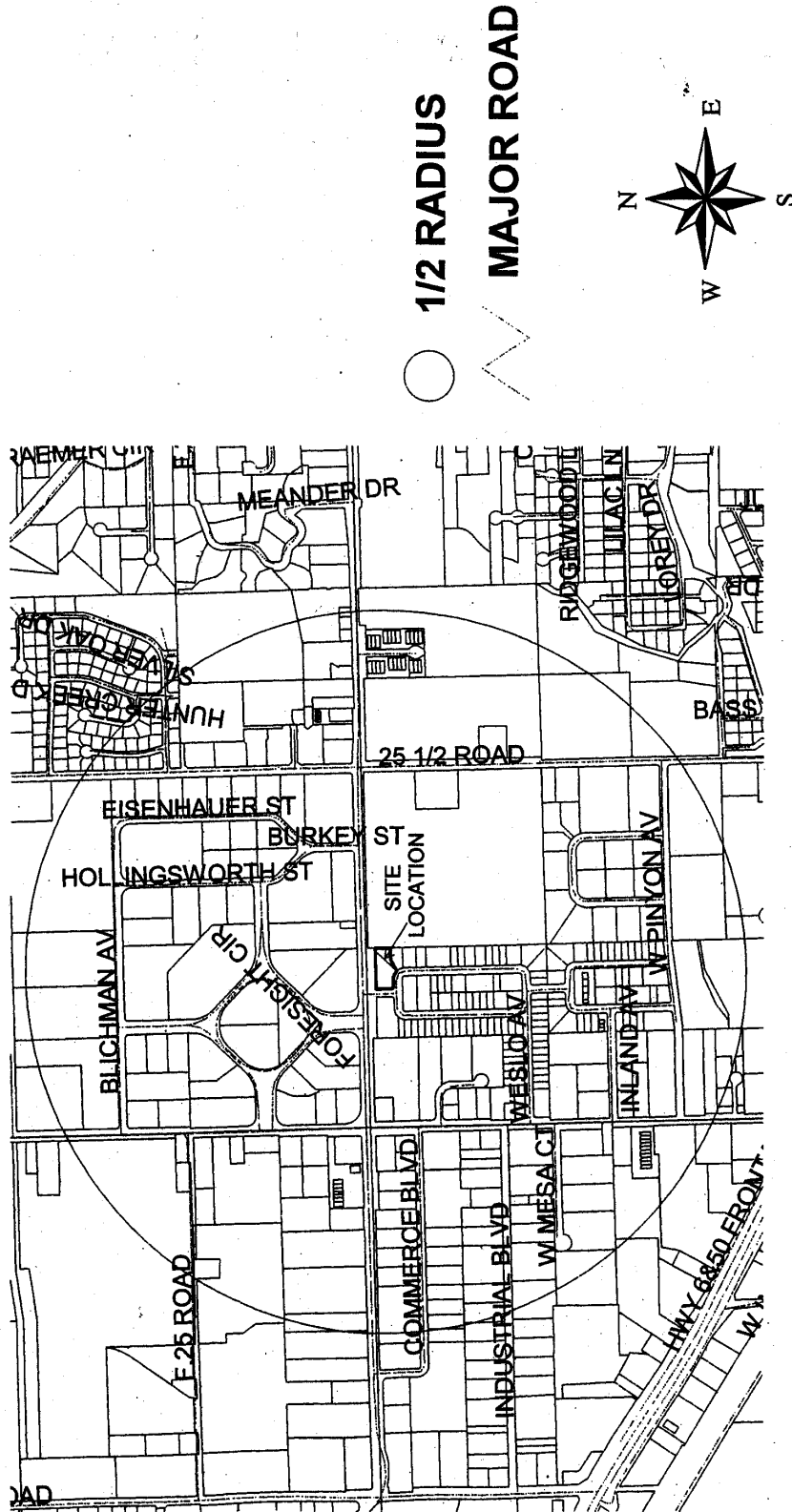
Conditions:

2. Applicants shall pay all recording/documentary fees for the vacation.

Planning Commission Recommendation: That the City Council find the vacation to be consistent with the Growth Plan and Section 2.11 of the Zoning and Development Code and approve the vacation of a portion of an easement subject to the condition.

- Attachments:**
- a. Resolution with vacation plat (Exhibit "A")
 - b. General location map
 - c. Project narrative

MESA COUNTY ASSESSOR'S MAP



Narrative for the vacation of the 6' Utility Easement involving Lot 1,2 and 3 in Block 3 of Westgate Park No. 2.

The proposed vacation is that portion of the 6' perimeter utility easement along the North boundary of Lots 1,2 and 3 in Block 3 of Westgate Park No. 2 located near Northgate Drive and F Road.

The property is presently occupied by a retail sales complex housed by a single story building. Approximately 1.5 feet of the North side of the building was constructed within the previously mentioned easement resulting for the request for the vacation of said easement.

In researching local utility companies it has been determined no utilities have been constructed or are proposed within the easement. There is a 50' Grand Valley Irrigation Company maintenance right of way lying North of the Easement and F road lies North of the Grand Valley Irrigation right of way.

Said Lot 1,2 and 3 presently receive their services along adjoining Northgate Drive and North Commercial Drive which includes a 15' utility easement along the frontage of said Lots.

General Criteria for Approval:

8-3-1 The vacation is for an unused utility easement and will not land lock the property

8-3-2 No access will be restricted . All involved properties are accessed via improved streets.

8-3-3 The vacation will not impact any quality of services to the general community. No utilities exist within the easement or proposed and all adjoining properties do not rely upon the easement for services.

8-3-4 The vacation does not conflict with any adopted plans of the City.

8-3-5 The vacation will have no affect on any City or County maintenance.

CITY OF GRAND JUNCTION

Resolution No. 00-

VACATING A 1.5 FOOT PORTION OF A 6 FOOT WIDE UTILITY EASEMENT
LOCATED EAST OF NORTHGATE DRIVE AND SOUTH OF THE GRAND
VALLEY IRRIGATION CO. DITCH

RECITALS:

The vacation of a portion of the utility easement located east of Northgate Drive and south of the Grand Valley Irrigation Co. ditch has been requested by the property owners.

The City Council finds that the requested vacation is consistent with the Growth Plan and section 2.11 of the Zoning and development Code.

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

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

The following described portion of the utility easement and further described in Exhibit "A" is hereby vacated subject to the that the applicants shall pay all recording/documentary fees for the vacation:

Dedicated right-of-way to be vacated:

A Tract or Parcel of land situated in Lots 1, 2 and 3 of Westgate Park NO. 2 as recorded in Plat Book 11 at Page 225 in the Mesa County Clerk and recorder's office and being more particularly described as follows: Commencing at the Northwest corner of Lot 1 in Block 3 of said Westgate Park NO. 2; thence S00°06'00" E 6.00 feet; thence N 90°00'00" E 43.66 feet; to the Point of Beginning; thence N 00°01'44" W 1.50 feet; thence N 90°00'00" E 170.90 feet; thence S 00°01'44" E 1.50 feet; thence S 90°00'00" W 170.90 feet; to the point of beginning. Said real property contains 248.5 square feet more or less.

PASSED and ADOPTED this day of , 2001.

ATTEST:

City Clerk

President of City Council

Attach 9
Agreement for Electrical Equipment Building & Runway Lights

CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION

CITY COUNCIL			
Subject:	FAA Grant Agreement & Supplemental Co-Sponsorship		
Meeting Date:	September 5, 2001		
Date Prepared:	August 28, 2001		
Author:	FAA		
Presenter Name:	Daniel L. Reynolds	Operations & Facilities Manager	
	Workshop	X	Formal Agenda

Subject: Approval of Grant Agreement and Supplemental Co-Sponsorship Agreement from the Federal Aviation Administration for the Walker Field, Colorado Public Airport Authority.

Summary: Construction of Airfield Electrical Equipment Building and Installation of Runway End Identifier Lights on Runway 4/22

Background Information: The Walker Field Airport Authority has applied for an FAA Airport Improvement Program Grant, AIP-22, to help fund the Construction of an Airfield Electrical Equipment Building and the installation of Runway End Identifier Lights system (REILs) on Runway 4/22. This is an AIP grant with FAA picking up \$649,800 (90% of the total project cost of \$722,000) and the Airport Authority picking up the required 10%, or \$72,200, using Authority Funds.

No additional funding is being asked for from either the City of Grand Junction or the County of Mesa for this project. This Grant Agreement is the final step in securing Federal funds.

Budget: N/A

Action Requested/Recommendation: Approve the Grant Agreement and Supplemental Co-Sponsorship Agreement for AIP-22 with the Federal Aviation Administration.

Citizen Presentation:	X	No	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"/>	Individual. Consideration	<input type="checkbox"/>	Workshop
-----------------------------	-------------------------------------	----------------	--------------------------	--------------------------------------	--------------------------	-----------------

**CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION**

<i>CITY COUNCIL</i>			
Subject:	Intergovernmental Agreement with Mesa County for Participating in the November 6, 2001 Coordinated Election		
Meeting Date:	September 5, 2001		
Date Prepared:	August 31, 2001		
Author:	Stephanie Nye	City Clerk	
Presenter Name:	Stephanie Nye	City Clerk	
	Workshop	X	Formal Agenda

Subject: An Intergovernmental Agreement with the Mesa County Clerk to Participate in the Coordinated Election scheduled for November 6, 2001

Summary: On August 24, 2001, I finalized my inspection of the Initiative Petition for the Recreation Center, initiated by Jack Scott. The petitions had the requisite number of signatures to require a special election (1493 were required, 1602 were verified). The most cost-effective way of getting this ballot initiative to the voters is to place the matter on the general election ballot for November 6, 2001.

Background Information: Since the County has an election scheduled for November 6, State Law would prohibit the City from holding a special election prior to or for 32 days afterward. The other option is to "opt out" of the coordinated election and conduct our own mail ballot but the TABOR Pro/con Statement would still have to be coordinated. The cost estimate for participating on the County ballot is \$12,000. The cost estimate for conducting our own would be in excess of \$26,000.

The Intergovernmental Agreement (IGA) being proposed outlines the responsibilities and the duties between the two entities when coordinating the election and requires that we certify the ballot title to the County by September 11. The IGA is due to the County no later than September 7th.

Budget: The estimated amount according the formula employed by the County is \$12,000. Since this election was unanticipated for this year, a supplemental appropriation will be needed.

Action Requested/Recommendation: Authorize the City Clerk as the City's Election Official to Sign the Intergovernmental Agreement with Mesa County for the Coordinated November 6, 2001 Mail Ballot Election and Certify the Ballot Title to the County Clerk

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

**INTERGOVERNMENTAL AGREEMENT
CITY OF GRAND JUNCTION
COORDINATED MAIL BALLOT ELECTION - NOVEMBER 6, 2001**

The following shall represent the Intergovernmental Agreement between Mesa County Clerk and Recorder ("Clerk") and the CITY OF GRAND JUNCTION, hereinafter referred to as "Political Subdivision", in Mesa County, as required by CRS 1-7-116(2):

1. PURPOSE: Pursuant to the terms of this agreement, the Clerk and Political Subdivision agree to the scheduling of a Coordinated Mail Ballot Election on **November 6, 2001**. The Coordinated Election may involve more than one Political Subdivision with overlapping boundaries, and the Clerk shall serve as the Coordinated Election Official (CEO) for all political subdivisions involved in this election. The Political Subdivision agrees to designate an "Election Official" (DEO) who will have primary responsibility for election procedures that are the responsibility of the Political Subdivision. The election shall be held under the provisions of Title I of the Colorado Revised Statutes.

2. PRECINCTS & POLLING PLACE LOCATIONS: Precincts shall remain as currently established and polling place locations for the deposit of voted ballots not returned through the United State Postal Service will be those designated by the Clerk as follows: Mesa Mall Elections Office, Clerk's branch at Clifton Peach Tree Shopping Center, Clerk's branch at the Fruita Civic Center, Clerk's branch at the Tri-River Cooperative at the County Fairgrounds, and the Recording Office at the County Courthouse. The Walk-in Ballot Distribution site shall be conducted at the Clerk's Mesa Mall Office beginning on Tuesday, **October 30th, 2001** and ending at 7:00 pm election day, **November 6th, 2001** (Secretary of State Rule 10.10.2).

3. APPOINTMENT OF ELECTION JUDGES: All election judges and/or deputy clerks shall be appointed and trained by the Clerk.

4. LEGAL NOTICES: Publication of any required legal notices concerning the Political Subdivision's election, which are to be published prior to certification of the ballot content to the Clerk, shall be the responsibility of the Political Subdivision. A copy of the published legal notice shall be submitted to the Clerk.

Publication of legal notices concerning the Coordinated Election, which are to be published after certification of the ballot contents to the Clerk, shall be the responsibility of the Clerk.

5. RECEIVING AND PROCESSING OF PETITIONS: Any necessary petition process for the Political Subdivision shall be the responsibility of same. The Clerk shall provide voter registration lists as required and requested by the Political Subdivision.

6. BALLOT CONTENTS: In accordance with CRS 1-1-110(3) and 1-5-203(3), the ballot contents must be certified to the Clerk by the Political Subdivision, in its exact form, no later than 4:30 p.m. on **September 11, 2001**. The ballot contents may be delivered to the Clerk at 2424 Highway 6 & 50, Mesa Mall Unit #414 (East Wing), Grand Junction, Colorado.

**INTERGOVERNMENTAL AGREEMENT
COORDINATED MAIL BALLOT ELECTION NOVEMBER 6, 2001
CITY OF GRAND JUNCTION
PAGE 2**

7. RECEIVING OF WRITTEN COMMENTS AS COVERED BY SECTION 20 OF ARTICLE X OF THE COLORADO CONSTITUTION: The process of receiving written comments and summarizing such comments, as required by Section 20 of Article X, shall be solely the responsibility of the Political Subdivision (see CRS 1-7-901 and Secretary of State Rules and Regulations 5.4.4.3 - Legislation establishes this date as the Friday prior to 45th day before the election, which would be **September 21, 2001.**)

8. RECEIVING OF PETITION REPRESENTATIVE'S SUMMARY OF COMMENTS: Receipt of the summary shall be solely the responsibility of the Political Subdivision, as covered by CRS 1-7-903(3). (Legislation establishes this date at 43 days prior to the election, which would be **September 24, 2001.**)

9. PREPARATION AND MAILING OF NOTICES FOR BALLOT ISSUE ELECTIONS: The Political Subdivision shall certify the "Tabor Notice" information and the final and exact summary of comments concerning its ballot issues to the Clerk no later than **September 25, 2001**, (per CRS 1-7-904) for inclusion in the ballot issue mailing as required by Section 20, Article X, of the Colorado Constitution. Time is of the essence. Data shall be transmitted to the Clerk on a 3.5 (high density) diskette in WordPerfect 6.1 or greater or MS Word. The Clerk shall coordinate the text for the ballot issue mailing for all participating Mesa County political subdivisions into one notice. Said ballot issue mailing shall be prepared and mailed by the Clerk in accordance with Article X, Section 20 (3)(b) of the Colorado Constitution at least 30 days prior to the election, which shall be no later than **Friday, October 5, 2001.**

10. PREPARATION FOR COORDINATED ELECTION: The Clerk shall be responsible for preparing and printing the sample ballot for the Coordinated Election, as well as ballot pages. The Clerk shall also be responsible for providing, preparing delivering, and collecting sealed ballot boxes for all five (5) designated polling place locations. The Clerk shall be responsible for implementing a walk-in distribution site at the Mesa Mall Elections Office for replacement ballots in accordance with 10.10.2 of the Rules and Regulations of the Secretary of State.

11. CONDUCT OF COORDINATED ELECTION: The Clerk shall be responsible for the conduct of the Coordinated Election. The Coordinated Election shall be conducted under the provisions of Title I - Colorado Revised Statutes.

12. ABSENTEE VOTING: All requests and/or completed applications for absentee ballots shall be transmitted for processing to the County Clerk, c/o the Mesa County Elections Office, P.O. Box 20000, Grand Junction, CO 81502-5009. The physical office of the Clerk is Unit #414, Mesa Mall (east wing), 2424 Highway 6 & 50, Grand Junction, Colorado.

13. TABULATION OF BALLOTS: All processes relating to and tabulation of ballots shall be the responsibility of the Clerk. An unofficial abstract of votes will be provided to the Political Subdivisions upon completion of the counting of all ballots.

**INTERGOVERNMENTAL AGREEMENT
COORDINATED MAIL BALLOT ELECTION NOVEMBER 6, 2001
CITY OF GRAND JUNCTION
PAGE 3**

14. CANVASS OF VOTES: Canvass of votes will be the responsibility of the Clerk and will be completed no later than **Tuesday, November 13, 2001**. Official results will be provided to Political Subdivisions participating in the 2001 Coordinated Election. Certificates of Election of candidates should be issued by the Political Subdivisions upon receipt of the official results from the Clerk.

15. ALLOCATION OF COST OF ELECTION: In accordance with CRS 1-7-116 (2)(b), the Clerk shall determine a reasonable cost allocation for each Political Subdivision participating in the Coordinated Election. The Political Subdivision shall reimburse the Clerk for the "TABOR" notice, if included in said notice, and/or election costs allocated to the Political Subdivision. Such reimbursement shall be made to the Clerk within thirty days of receipt of billing from the Clerk. The Clerk's determination regarding allocation of costs shall be final and at her sole discretion and shall not be subject to dispute unless clearly unreasonable.

16. INDEMNIFICATION: The Political Subdivision agrees to indemnify, defend and hold harmless the Clerk from any and all loss, costs, demands or actions, arising out of or related to any actions, errors or omissions of the Political Subdivision in completing its responsibilities relating to the November 6, 2001 Coordinated Election.

17. AGREEMENT NOT EXCLUSIVE: The Clerk may enter into other substantially similar agreements with other Political Subdivisions for conduct of the Coordinated Election.

18. VENUE: Venue for any dispute hereunder shall be in the District Court of Mesa County.

THIS AGREEMENT has been executed by the parties hereto as of the dates and year written below.

MESA COUNTY CLERK AND RECORDER

CITY OF GRAND JUNCTION

Monika Todd Date

D.E.O. City of Grand
Junction

Date

ATTEST _____

(Signature)

Date

Attach 11
TRCC Sculpture

CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION

CITY COUNCIL			
Subject:	Recommendation for the purchase of a sculpture for the Two Rivers Convention Center through the 1% for the Arts program.		
Meeting Date:	September 5, 2001		
Date Prepared:	August 13, 2001		
Author:	Allison Sarmo	Cultural Arts Coordinator	
Presenter Name:	Allison Sarmo	Cultural Arts Coordinator	
X	Workshop	X	Formal Agenda

Subject: Two Rivers Convention Center 1% for the Arts sculpture.

Summary: The Commission on Arts and Culture recommends that City Council authorize the City Manager and the Commission to enter into negotiations with sculptor Ivan Kosta to create and install his sculpture "The Song of Two Rivers" as the 1% for the Arts purchase at Two Rivers Convention Center.

Background Information: The Arts Commission advertised throughout Colorado during the summer for sculpture which could be purchased through the 1% for the Arts program for Two Rivers. Submittals were received from 28 different artists (including six local artists) offering 54 possible sculptures, either available for direct purchase or drawings of proposed artwork to be created. From these ideas the Commission, with the help of two City Council persons, two local sculptors, and three members of the Parks and Recreation Department, chose the ten foot tall stainless steel sculpture/water feature submitted by Colorado Springs artist Ivan Kosta as the top choice. Although the proposal is ambitious, Kosta is confident he can produce the fountain within the stated \$36,000 budget, since most of the work he will do himself. A copy of Kosta's resume and proposal are attached. (FYI - second and third choices are also large, contemporary works of art: A 22' tall circular steel mobile by Golden sculptor Charles Sturrock and a 25' tall stainless steel sculpture by Loma artist Harlan Mosher.)

Budget: \$36,000 for sculpture/water feature, plus up to \$2,673 for additional electricity, plumbing, etc. (total 1% for the Arts funds equal \$38,673)

Action Requested/Recommendation: Authorize the City Manager and the Commission on Arts and Culture to enter into negotiations with sculptor Ivan Kosta to create and install his sculpture “The Song of Two Rivers” through the 1% for the Arts program at Two Rivers Convention Center for \$36,000.

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

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

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



Grand Junction Commission
on Arts and Culture
1340 Gunnison Avenue
Grand Junction, CO 81501

IVAN KOSTA

SCULPTURES



August 3rd 2001

Enclosed please find the material according to your request for submission of a proposal for your project: "Two Rivers Convention Center Renovation".

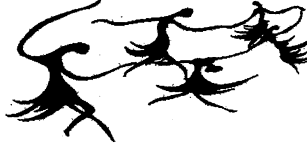
The rendering of my proposal is also attached, under the title "THE SONG OF TWO RIVERS". The sculpture which is also a water feature (water fountain) consists of two interlocked broken circles fabricated from stainless steel. The "circles" emit a steady, low powered stream of water meandering down on stretched strings, interlaced (or strung) with stainless steel beads. This arrangement will give an impression of a musical instrument (harp) with watery, sparkling beads going the whole length of the strings, and it would prevent the wind blowing the water away from the intended area of the sculpture. In winter time, it will be a sculpture, pretty much of the same impression to the viewer as in summer, when the streams of water are on. \$36000⁰⁰

2569 Diamondback Drive, Colorado Springs, CO 80921 fax/tel.: (719) 481-3718
e-mail: Kst408@cs.com

Attn.: Allison Saruw

IVAN KOSTA

SCULPTURES



I am enclosing some details about my proposal "The Song of Two Rivers" as you requested by phone. The material, as originally described I will fabricate from stainless steel probably about 11 ga (approx. 1/8" thickness). The surface of the metal will be "brushed". The circles I am planning to be max 10 feet in diameter each. They should not be larger especially when you would like to place them closer to the building which is fairly low. When the two circles are interlocked, their overall width would be expected to be about 15-17 feet maximum, so a 24 x 25 size planter would be more than sufficient large pool. At this time I am thinking of not even having a pool per se, but a "confined" circle (about the size of the planter) which would be constructed so that the water will drain without much waste in the center of the circle and there would be no pool with defined walls, as such. The water could drain either in the middle or if a convex base (with no walls) is built, it would drain at the outside perimeter of the convex circle, and this way the leaves and other debris would also mostly be eliminated from getting into the return reservoir. The maintenance would consist of occasional hosing down the debris. There would be no need of large volume of water or powerful pump, because I want the water to trickle down the "strings" which is a little more than making them wet. The stretched "strings" will be round stainless steel rods of about 1/4 inch wide, interspersed with some "bumps" over the whole length, giving the impression of pearls, especially when wet.

All I would need from you a good, enthusiastic support base, which in a community like yours can still be found as I have experienced it during one of the very early "sculpture on the street" events I've participated in.

2569 Diamondback Drive, Colorado Springs, CO 80921 Fax/tel.: (719) 481-3718

IVAN KOSTA

SCULPTURES

R E S U M E

Most of my sculptural creations, especially the monumental ones are sometimes of "minimalistic" appearance; made in simple lines and curves, are intended to speak to and complement the surrounding environment and the qualities of the place where they are installed - be it a public park setting or the interior or exterior of a corporate building.



Working mostly in metals such as bronze, steel, stainless steel, copper, brass etc., which left to rust naturally, patined, painted or with whatever surface treatment selected for them, usually establish a harmonious and lively relationship with the surroundings and provide - in combination with the landscape and the total area - a needed integration with the space and people. Sometimes the medium of choice is wood or masonry and stone. My works, monumental in size, tend to be designed to become a study of temporal and spatial relationships of human understanding and even homage to a skyline or the horizon - but remaining on human scale, because it's foremost the humans I am preoccupied with. It has been a life long, world wide spiritual as well as physical itinerary since my art studies in Prague, Czechoslovakia and Rome, Italy, bringing me to the point I am now.

The more notable locations of my large work are cities of Prague, Bratislava, Kosice (of former Czechoslovakia), Vicenza (Italy), HongKong, Dunaujvaros (Hungary), Panama City (Panama), Aman (Jordan), Pueblo and Denver (CO), the USAFA, Los Altos (CA) in the US. I had solo and group exhibitions in the above cities, among others, beginning in 1965 to the present, adding Switzerland and Spain in the year 2000.

Focusing on large scale commissions, sometimes in collaboration with an architect, mechanical engineer and the like, is my primary thrust for the past few years and it gives me the necessary creativity "boost", artistic sustenance and spiritual nourishment. At least in some part, I want to transfer that to the viewer and to make his moment, hour or day a more pleasurable one.

All my works are installed under my close supervision and participation (no exceptions), regardless of the needed frequency of my presence and of distance, which may be a continent away.

A large, monumental size sculpture to be installed for the Art for the Mountain Community in Evergreen, CO in September 2001.

2569 Diamondback Drive, Colorado Springs, CO 80921 fax/tel.: (719) 481-3718
e-mail: Kst408@cs.com

ANNOTATED SLIDE LIST

From: Ivan KOSTA
2569 Diamondback Dr.
Colorado Springs, CO 80921
Fax/Tel.:(719)481-3718

- | | | |
|---|--|--------------|
| 1) MOTHER AND CHILD I. - 1991
180"x 72"x 72" | fabricated - polished
stainless steel | \$ 67,000.00 |
| 2) GLEAM OF LIFE - 2000
144"x 96"x 20" | fabricated stainless
steel on black granite | \$105,000.00 |
| 3) SPIRIT OF THE ROCKIES - 2001
180"x 84"x 36" | fabricated stainless
steel and steel | \$ 50,000.00 |
| 4) SAILFISH - 1995
64"x 64"x 24" | cast stainless steel
on granite | \$ 26,700.00 |
| 5) THE MICROCHIP PUZZLE - 2000
180"x 78"x 12" | steel and stainless
steel on a granite base | \$ 70,000.00 |

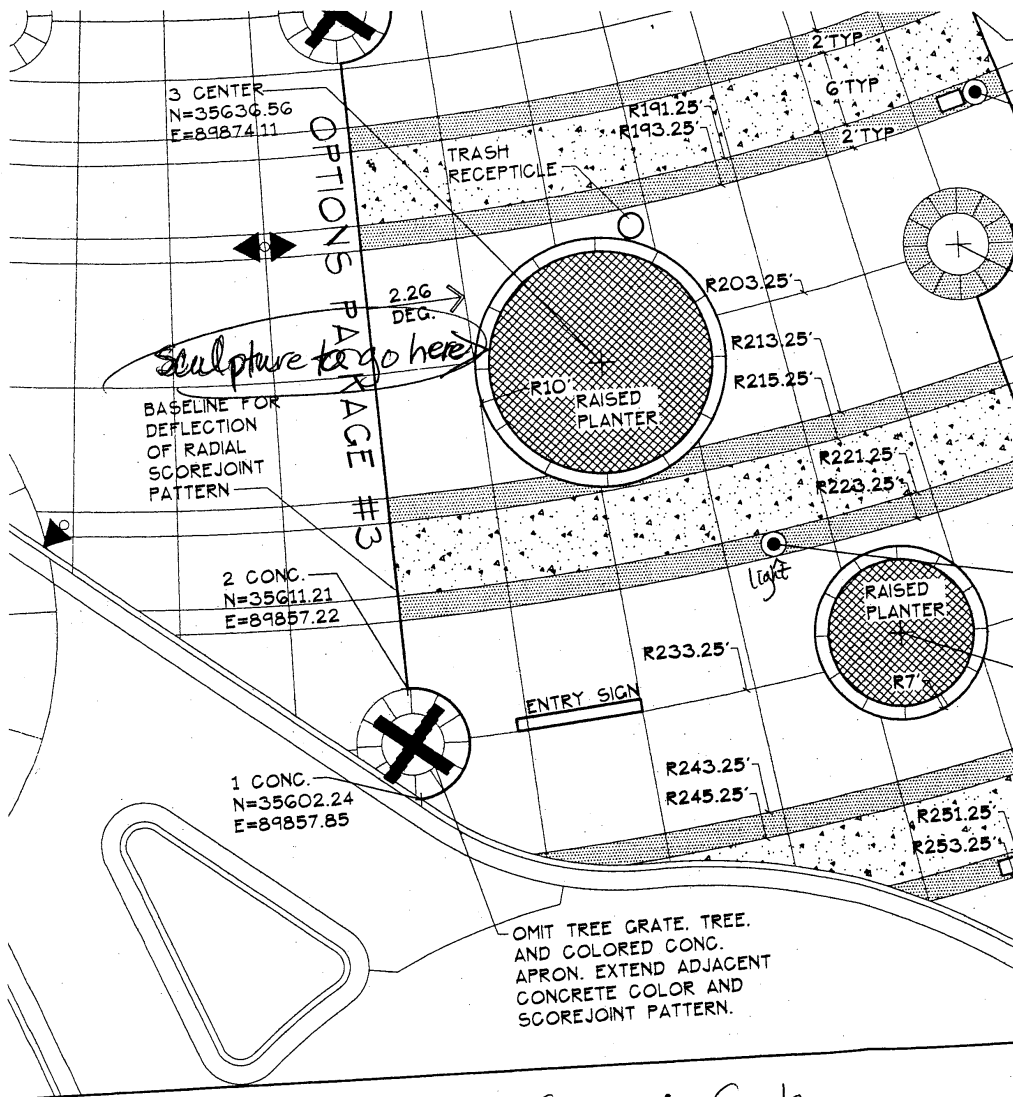
All the above are commissioned pieces which can be reproduced.

Submitted to : Grand Junction Commission on Arts and Culture
1340 Gunnison Avenue
Grand Junction, CO 81501

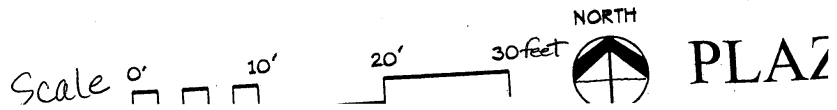
(No previous experience with large water features only small.)

August 3rd 2001

Reference: Art for the Mountain Community
Evergreen CO (15' stainless steel sculpture
being installed 9/7/01) Michael Jacobi (retired architect)
303-674-6745
Kosta's piece chosen from 74 entries nationwide for \$50,000 -
Jacobi highly recommended - completed ahead of schedule.



Two Rivers Convention Center



Attach 12
Appleton Corners Annexations

CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION

CITY COUNCIL			
Subject:	Appleton Corners Veterinary Clinic Annexation		
Meeting Date:	September 5, 2001		
Date Prepared:	August 29, 2001		
Author:	Dave Thornton	Principal Planner	
Presenter Name:	Dave Thornton	Principal Planner	
	Workshop	X	Formal Agenda

Subject: Annexation of the Appleton Corners Veterinary Clinic Annexation, a serial annexation comprising Appleton Corners Veterinary Clinic Annexations No. 1, No. 2 and No. 3, #ANX-2001-154

Summary: Resolution for Acceptance of Petition to Annex and second reading of the annexation ordinance for the Appleton Corners Veterinary Clinic Annexation located at 797 24 Road and including a portion of the 24 Road right-of-way (#ANX-2001-154). The 2.731-acre Appleton Corners Veterinary Clinic Annexation consists of one parcel of land.

Background Information: See Attached

Budget: N/A

Action Requested/Recommendation: It is recommended that City Council approve the resolution for the acceptance of petition to annex and approve on second reading the annexation ordinance for the Appleton Corners Veterinary Clinic Annexation.

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

Report results back to Council:	X	No		Yes	When:	
--	----------	-----------	--	------------	--------------	--

Placement on Agenda:		Consent	X	Individual Consideration		Workshop
----------------------	--	---------	---	--------------------------	--	----------

BACKGROUND INFORMATION						
Location:		797 24 Road				
Applicant:		Richard Pennington				
Existing Land Use:		Single Family Residential				
Proposed Land Use:		Veterinary Clinic				
Surrounding Land Use:	North	Residential				
	South	Residential/Commercial - vacant				
	East	Residential/Commercial				
	West	Residential				
Existing Zoning:		RSF-R				
Proposed Zoning:		RSF-R				
Surrounding Zoning:	North	Business (County)				
	South	RSF-R (County)				
	East	RSF-R (County)				
	West	PUD – Residential (County)				
Growth Plan Designation:		Residential Estate				
Zoning within density range?		X	Yes			No

Staff Analysis:

ANNEXATION:

This annexation area consists of annexing 2.731 acres of land including portions of the 24 Road right-of-way. Owners of the property have signed a petition for annexation as part of their request to develop the site for a veterinary clinic, pursuant to the 1998 Persigo agreement with Mesa County.

It is staff's professional opinion, based on review of the petition and knowledge of applicable state law, including the Municipal Annexation Act Pursuant to C.R.S. 31-12-104, that the Appleton Corners Veterinary Clinic 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.

APPLETON CORNERS VETERINARY CLINIC ANNEXATION No. 1, No. 2, and No. 3 SUMMARY		
File Number:		ANX-2001-154
Location:		797 24 Road
Tax ID Number:		2701-321-00-087
Parcels:		1
Estimated Population:		0
# of Parcels (owner occupied):		0
# of Dwelling Units:		1
Acres land annexed:		2.731 acres for annexation area
Developable Acres Remaining:		2 acres
Right-of-way in Annexation:		24 Road, See Map
Previous County Zoning:		RSF-R (County)
Proposed City Zoning:		(RSF-R) Residential Single Family Rural not to exceed 1 unit per 5 acres
Current Land Use:		Single Family Residential
Future Land Use:		Veterinary Clinic
Values:	Assessed:	= \$ 5,710
	Actual:	= \$ 62,430
Census Tract:		16
Address Ranges:		797 and 799 24 Road & 2395, 2397, and 2399 H Road
Special Districts:	Water:	Ute Water
	Sewer:	
	Fire:	Grand Junction Rural Fire

	Drainage:	Grand Junction Drainage District
	School:	District 51
	Pest:	

The following annexation and zoning schedule is being proposed.

<i>ANNEXATION SCHEDULE</i>	
Aug 1st	Referral of Petition (30 Day Notice), First Reading, Exercising Land Use
Aug 14th	Planning Commission considers Zone of Annexation
Aug 15th	First Reading on Zoning by City Council
Sept 5th	Acceptance of Petition and Public hearing on Annexation and Zoning by City Council
Oct 7th	Effective date of Annexation and Zoning

Action Requested/Recommendation: It is recommended that City Council approve the Appleton Corners Veterinary Clinic Annexations No.1, No. 2 and No. 3.

Attachments:

- Resolution of Acceptance of Petition
- Annexation Ordinances
- Annexation Map

(Staff Report September 5 for CC.doc)

RESOLUTION NO. __-01

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

APPLETON CORNERS VETERINARY CLINIC ANNEXATION

A SERIAL ANNEXATION COMPRISING:

**APPLETON CORNERS VETERINARY CLINIC ANNEXATION NO. 1,
APPLETON CORNERS VETERINARY CLINIC ANNEXATION NO. 2 &
APPLETON CORNERS VETERINARY CLINIC ANNEXATION NO. 3**

IS ELIGIBLE FOR ANNEXATION

**LOCATED AT 797 24 ROAD
AND INCLUDING A PORTION OF THE 24 ROAD RIGHT-OF-WAY**

WHEREAS, on the 1st day of August, 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:

APPLETON CORNERS VETERINARY CLINIC ANNEXATION NO. 1

A certain parcel of land for Annexation purposes located in the Northeast Quarter of the Northeast Quarter (NE ¼ NE ¼) of Section 32 and the Northwest Quarter of the Northwest Quarter (NW ¼ NW ¼) of Section 33, Township 1 North, Range 1 West of the Ute Principal Meridian, Mesa County, Colorado, being more particularly described as follows:

BEGINNING at the Southeast corner of the Northeast Quarter of the Northeast Quarter (NE ¼ NE ¼) of Section said 32, and considering the East line of the Northeast Quarter of the Northeast Quarter (NE ¼ NE ¼) of said Section 32 to bear S 00°00'30" E with all bearings contained herein being relative thereto; thence S 89°58'53" W along the South line of the Northeast Quarter of the Northeast Quarter (NE ¼ NE ¼) of said Section 32, a distance of 30.00' to a point on the West line of the open, used and historical right-of-way for 24 Road; thence N 00°00'30" W along said West right-of-way, a distance of 119.00 feet; thence N 89°59'30" E, a distance of 1.00 feet; thence S 00°00'30" E along a line 1.00 feet East of and parallel with said West right-of-way, a distance of 118.00 feet; thence N 89°58'53" E along a line 1.00 feet North of and parallel with the South line of the Northeast Quarter of the Northeast Quarter (NE ¼ NE ¼) of said Section 32,

a distance of 29.00 feet to a point on the East line of the Northeast Quarter of the Northeast Quarter (NE ¼ NE ¼) of said Section 32; thence S 89°49'31" E along a line 1.00 feet North of and parallel with the South line of the Northwest Quarter of the Northwest Quarter (NW ¼ NW ¼) of said Section 33, a distance of 30.00 feet to a point on the East line of the open, used and historical right-of-way for 24 Road; thence S 00°00'30" E along said East right-of-way, a distance of 1.00 feet to a point on the South line of the Northwest Quarter of the Northwest Quarter (NW ¼ NW ¼) of said Section 33; thence N 89°49'31" W along said South line of the Northwest Quarter of the Northwest Quarter of said Section 33, a distance of 30.00 feet to the POINT OF BEGINNING.

Containing 178.0 square feet or 0.004 acres, more or less, as described, all of which is located within the open, used and historical right-of-way for 24 Road.

APPLETON CORNERS VETERINARY CLINIC ANNEXATION NO. 2

A certain parcel of land for Annexation purposes located in the Northeast Quarter of the Northeast Quarter (NE ¼ NE ¼) of Section 32, Township 1 North, Range 1 West of the Ute Principal Meridian, Mesa County, Colorado, being more particularly described as follows:

COMMENCING at the Southeast corner of the Northeast Quarter of the Northeast Quarter (NE ¼ NE ¼) of Section said 32, and considering the East line of the Northeast Quarter of the Northeast Quarter (NE ¼ NE ¼) of said Section 32 to bear S 00°00'30" E with all bearings contained herein being relative thereto; thence N 00°00'30" W along the East line of the Northeast Quarter of the Northeast Quarter (NE ¼ NE ¼) of said Section 32, a distance of 1.00 feet; thence S 89°58'53" W along a line 1.00 feet North of and parallel with the South line of the Northeast Quarter of the Northeast Quarter (NE ¼ NE ¼) of said Section 32, a distance of 28.00 feet to the **TRUE POINT OF BEGINNING**; thence continuing S 89°58'53" W along said parallel line, a distance of 1.00 feet: thence N 00°00'30" W along a line 1.00 feet East of and parallel with the West line of the open, used and historical right-of-way for 24 Road, a distance of 352.00 feet; thence N 89°59'30" E, a distance of 1.00 feet; thence S 00°00'30" E along a line 2.00 feet East of and parallel with said West right-of-way, a distance of 352.00 feet to the **POINT OF BEGINNING**.

Containing 352.0 square feet or 0.008 acres, more or less, as described, all of which is located within the open, used and historical right-of-way for 24 Road.

APPLETON CORNERS VETERINARY CLINIC ANNEXATION NO. 3

A certain parcel of land for Annexation purposes located in the Northeast Quarter of the Northeast Quarter (NE ¼ NE ¼) of Section 32 and the Northwest Quarter of the Northwest Quarter (NW ¼ NW ¼) of Section 33, Township 1 North, Range 1 West of the Ute Principal Meridian, Mesa County, Colorado, being more particularly described as follows:

COMMENCING at the Southeast corner of the Northeast Quarter of the Northeast Quarter (NE ¼ NE ¼) of Section said 32, and considering the East line of the Northeast Quarter of the Northeast Quarter (NE ¼ NE ¼) of said Section 32 to bear S 00°00'30" E with all bearings contained herein being relative thereto; thence N 00°00'30" W along the East line of the Northeast Quarter of the Northeast Quarter (NE ¼ NE ¼) of said Section 32, a distance of 1.00 feet to the TRUE POINT OF BEGINNING; thence S 89°58'53" W along a line 1.00 feet North of and parallel with the South line of the Northeast Quarter of the Northeast Quarter (NE ¼ NE ¼) of said Section 32, a distance of 28.00 feet; thence N 00°00'30" W along a line 2.00 feet East of and parallel with the West line of the open, used and historical right-of-way for 24 Road, a distance of 352.00 feet; thence S 89°59'30" W, a distance of 1.00 feet; thence S 00°00'30" E along a line 1.00 feet East of and parallel with said West right-of-way, a distance of 234.00 feet; thence S 89°59'30" W a distance of 1.00 feet to a point on said West right-of-way for 24 Road; thence N 00°00'30" W, along said West right-of-way, a distance of 881.35 feet to a point being the Southeast corner of that certain parcel of land entitled "R. A. Pennington", being a 'not-included' parcel of land as shown on the Plat of Appleton Ranchettes, as same is recorded in Plat Book 13, Page 464, Reception No. 1540539, Public Records of Mesa County, Colorado; thence S 89°58'39" W, along the South line of said parcel of land, said line also being the North line of a portion of Lot 4 of said Appleton Ranchettes, a distance of 281.40 feet to the Southwest corner of said parcel; thence N 01°47'00" E, along the West line of said parcel, also being the East line of said Lot 4, a distance of 290.64 feet to a point on the South line of the open, used and historical right-of-way for H Road, said point also being the Northeast corner of said Lot 4; thence N 89°58'34" E along said South right-of-way, being a line 30.00 feet South of and parallel with the North line of the Northeast Quarter of the Northeast Quarter (NE ¼ NE ¼) of said Section 32, a distance of 302.41 feet to a point on the East line of the Northeast Quarter of the Northeast Quarter (NE ¼ NE ¼) of said Section 32, said point lying S 00°00'30" E a distance of 30.00 feet from the Northeast corner of said Section 32; thence S 89°52'25" E along a line 30.00 feet South of and parallel with the North line of the Northwest Quarter of the Northwest Quarter (NW ¼ NW ¼) of said Section 33, a distance of 30.00 feet to a point on the East line of the open, used and historical right-of-way for 24 Road; thence S 00°00'30" E along said East right-of-way, a distance of 300.15 feet; thence S 89°58'39" W along a line being the Easterly extension of the South line of said Lot 4 of said Appleton

Ranchettes, a distance of 59.00 feet; thence S 00°00'30" E along a line 1.00 feet East of and parallel with said West right-of-way for 24 Road, a distance of 636.62 feet; thence N 89°59'30" E, a distance of 2.00 feet: thence S 00°00'30" E along a line 3.00 feet East of and parallel with said West right-of-way for 24 Road, a distance of 23.79 feet; thence N 89° 58'53" E, a distance of 57.00 feet to a point on the East line of said East right-of-way for 24 Road; thence S 00°00'30" E along said East right-of-way, a distance of 329.31 feet; thence N 89°49'31" W along a line 1.00 feet North of and parallel with the South line of the Northwest Quarter of the Northwest Quarter (NW ¼ NW ¼)of said Section 33, a distance of 30.00 feet, more or less, to the POINT OF BEGINNING.

Containing 118,457.5 square feet or 2.719 acres, more or less, as described.

WHEREAS, a hearing on the petition was duly held after proper notice on the ____ day of _____, 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 ____ day of _____, 2001.

Attest:

President of the Council

City Clerk

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

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

APPLETON CORNERS VETERINARY CLINIC ANNEXATION No. 1

APPROXIMATELY 0.004 ACRES

LOCATED IN THE 24 ROAD RIGHT-OF-WAY SOUTH OF 797 24 ROAD

WHEREAS, on the 1st day of August, 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 ____ day of _____, 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 situate in Mesa County, Colorado, and described to wit:

APPLETON CORNERS VETERINARY CLINIC ANNEXATION NO. 1

A certain parcel of land for Annexation purposes located in the Northeast Quarter of the Northeast Quarter (NE ¼ NE ¼) of Section 32 and the Northwest Quarter of the Northwest Quarter (NW ¼ NW ¼) of Section 33, Township 1 North, Range 1 West of the Ute Principal Meridian, Mesa County, Colorado, being more particularly described as follows:

BEGINNING at the Southeast corner of the Northeast Quarter of the Northeast Quarter (NE ¼ NE ¼) of Section said 32, and considering the East line of the Northeast Quarter of the Northeast Quarter (NE ¼ NE ¼) of said Section 32 to bear S 00°00'30" E with all bearings contained herein being relative thereto; thence S 89°58'53" W along the South line of the Northeast Quarter of the Northeast Quarter (NE ¼ NE ¼) of said Section 32, a distance of 30.00' to a point on the West line of

the open, used and historical right-of-way for 24 Road; thence N 00°00'30" W along said West right-of-way, a distance of 119.00 feet; thence N 89°59'30" E, a distance of 1.00 feet; thence S 00°00'30" E along a line 1.00 feet East of and parallel with said West right-of-way, a distance of 118.00 feet; thence N 89°58'53" E along a line 1.00 feet North of and parallel with the South line of the Northeast Quarter of the Northeast Quarter (NE ¼ NE ¼) of said Section 32, a distance of 29.00 feet to a point on the East line of the Northeast Quarter of the Northeast Quarter (NE ¼ NE ¼) of said Section 32; thence S 89°49'31" E along a line 1.00 feet North of and parallel with the South line of the Northwest Quarter of the Northwest Quarter (NW ¼ NW ¼) of said Section 33, a distance of 30.00 feet to a point on the East line of the open, used and historical right-of-way for 24 Road; thence S 00°00'30" E along said East right-of-way, a distance of 1.00 feet to a point on the South line of the Northwest Quarter of the Northwest Quarter (NW ¼ NW ¼) of said Section 33; thence N 89°49'31" W along said South line of the Northwest Quarter of the Northwest Quarter of said Section 33, a distance of 30.00 feet to the POINT OF BEGINNING.

Containing 178.0 square feet or 0.004 acres, more or less, as described, all of which is located within the open, used and historical right-of-way for 24 Road.

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

INTRODUCED on first reading on the 1st day August, 2001.

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

Attest:

President of the Council

City Clerk

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

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

APPLETON CORNERS VETERINARY CLINIC ANNEXATION No. 2

APPROXIMATELY 0.008 ACRES

LOCATED IN THE 24 ROAD RIGHT-OF-WAY SOUTH OF 797 24 ROAD

WHEREAS, on the 1st day of August, 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 ____ day of _____, 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 situate in Mesa County, Colorado, and described to wit:

APPLETON CORNERS VETERINARY CLINIC ANNEXATION NO. 2

A certain parcel of land for Annexation purposes located in the Northeast Quarter of the Northeast Quarter (NE ¼ NE ¼) of Section 32, Township 1 North, Range 1 West of the Ute Principal Meridian, Mesa County, Colorado, being more particularly described as follows:

COMMENCING at the Southeast corner of the Northeast Quarter of the Northeast Quarter (NE ¼ NE ¼) of Section said 32, and considering the East line of the Northeast Quarter of the Northeast Quarter (NE ¼ NE ¼) of said Section 32 to bear S 00°00'30" E with all bearings contained herein being relative thereto; thence N 00°00'30" W along the East line of the Northeast Quarter of the Northeast Quarter (NE ¼ NE ¼) of said Section 32, a distance of 1.00 feet; thence S 89°58'53" W along a line 1.00 feet North of and parallel with the South line of the Northeast Quarter of

the Northeast Quarter (NE ¼ NE ¼) of said Section 32, a distance of 28.00 feet to the TRUE POINT OF BEGINNING; thence continuing S 89°58'53" W along said parallel line, a distance of 1.00 feet; thence N 00°00'30" W along a line 1.00 feet East of and parallel with the West line of the open, used and historical right-of-way for 24 Road, a distance of 352.00 feet; thence N 89°59'30" E, a distance of 1.00 feet; thence S 00°00'30" E along a line 2.00 feet East of and parallel with said West right-of-way, a distance of 352.00 feet to the POINT OF BEGINNING.

Containing 352.0 square feet or 0.008 acres, more or less, as described, all of which is located within the open, used and historical right-of-way for 24 Road.

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

INTRODUCED on first reading on the 1st day August, 2001.

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

Attest:

President of the Council

City Clerk

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

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

APPLETON CORNERS VETERINARY CLINIC ANNEXATION No. 3

APPROXIMATELY 2.719 ACRES

**LOCATED AT 797 24 ROAD AND
INCLUDING A PORTION OF THE 24 ROAD RIGHT-OF-WAY**

WHEREAS, on the 1st day of August, 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 ____ day of _____, 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 situate in Mesa County, Colorado, and described to wit:

APPLETON CORNERS VETERINARY CLINIC ANNEXATION NO. 3

A certain parcel of land for Annexation purposes located in the Northeast Quarter of the Northeast Quarter (NE ¼ NE ¼) of Section 32 and the Northwest Quarter of the Northwest Quarter (NW ¼ NW ¼) of Section 33, Township 1 North, Range 1 West of the Ute Principal Meridian, Mesa County, Colorado, being more particularly described as follows:

COMMENCING at the Southeast corner of the Northeast Quarter of the Northeast Quarter (NE ¼ NE ¼) of Section said 32, and considering the East line of the Northeast Quarter of the Northeast Quarter (NE ¼ NE ¼) of said Section 32 to bear S 00°00'30" E with all bearings contained herein being relative thereto; thence N 00°00'30" W along the East line of the Northeast Quarter of the Northeast Quarter

(NE ¼ NE ¼) of said Section 32, a distance of 1.00 feet to the TRUE POINT OF BEGINNING; thence S 89°58'53" W along a line 1.00 feet North of and parallel with the South line of the Northeast Quarter of the Northeast Quarter (NE ¼ NE ¼) of said Section 32, a distance of 28.00 feet; thence N 00°00'30" W along a line 2.00 feet East of and parallel with the West line of the open, used and historical right-of-way for 24 Road, a distance of 352.00 feet; thence S 89°59'30" W, a distance of 1.00 feet; thence S 00°00'30" E along a line 1.00 feet East of and parallel with said West right-of-way, a distance of 234.00 feet; thence S 89°59'30" W a distance of 1.00 feet to a point on said West right-of-way for 24 Road; thence N 00°00'30" W, along said West right-of-way, a distance of 881.35 feet to a point being the Southeast corner of that certain parcel of land entitled "R. A. Pennington", being a 'not-included' parcel of land as shown on the Plat of Appleton Ranchettes, as same is recorded in Plat Book 13, Page 464, Reception No. 1540539, Public Records of Mesa County, Colorado; thence S 89°58'39" W, along the South line of said parcel of land, said line also being the North line of a portion of Lot 4 of said Appleton Ranchettes, a distance of 281.40 feet to the Southwest corner of said parcel; thence N 01°47'00" E, along the West line of said parcel, also being the East line of said Lot 4, a distance of 290.64 feet to a point on the South line of the open, used and historical right-of-way for H Road, said point also being the Northeast corner of said Lot 4; thence N 89°58'34" E along said South right-of-way, being a line 30.00 feet South of and parallel with the North line of the Northeast Quarter of the Northeast Quarter (NE ¼ NE ¼) of said Section 32, a distance of 302.41 feet to a point on the East line of the Northeast Quarter of the Northeast Quarter (NE ¼ NE ¼) of said Section 32, said point lying S 00°00'30" E a distance of 30.00 feet from the Northeast corner of said Section 32; thence S 89°52'25" E along a line 30.00 feet South of and parallel with the North line of the Northwest Quarter of the Northwest Quarter (NW ¼ NW ¼) of said Section 33, a distance of 30.00 feet to a point on the East line of the open, used and historical right-of-way for 24 Road; thence S 00°00'30" E along said East right-of-way, a distance of 300.15 feet; thence S 89°58'39" W along a line being the Easterly extension of the South line of said Lot 4 of said Appleton Ranchettes, a distance of 59.00 feet; thence S 00°00'30" E along a line 1.00 feet East of and parallel with said West right-of-way for 24 Road, a distance of 636.62 feet; thence N 89°59'30" E, a distance of 2.00 feet: thence S 00°00'30" E along a line 3.00 feet East of and parallel with said West right-of-way for 24 Road, a distance of 23.79 feet; thence N 89° 58'53" E, a distance of 57.00 feet to a point on the East line of said East right-of-way for 24 Road; thence S 00°00'30" E along said East right-of-way, a distance of 329.31 feet; thence N 89°49'31" W along a line 1.00 feet North of and parallel with the South line of the Northwest Quarter of the Northwest Quarter (NW ¼ NW ¼) of said Section 33, a distance of 30.00 feet, more or less, to the POINT OF BEGINNING.

Containing 118,457.5 square feet or 2.719 acres, more or less, as described.

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

INTRODUCED on first reading on the 1st day August, 2001.

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

Attest:

President of the Council

City Clerk

APPLETON CORNERS VETERINARY CLINIC ANNEXATION #1,2 & 3

--- CITY LIMITS
— ANNEXATION
BOUNDARY



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, Technical Services Div. 970-256-4010

APPLETON CORNERS VETERINARY CLINIC ANNEXATION #1,2 & 3

— — CITY LIMITS
— ANNEXATION
BOUNDARY



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 is is accurate. for various technical reasons. For information contact the City of Grand Junction Community Development Department, Technical Services Div. 970-256-4010

APPLETON CORNERS VETERINARY CLINIC ANNEXATION #1,2 & 3

— — CITY LIMITS
— ANNEXATION
BOUNDARY



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 is is accurate. for various technical reasons. For information contact the City of Grand Junction Community Development Department, Technical Services Div. 970-256-4010

Attach 13
Appleton Corners Annexations Zoning

CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION

<i>CITY COUNCIL</i>			
Subject:	Appleton Corners Veterinary Clinic Annexation Nos. 1, 2 & 3 Zone of Annexation		
Meeting Date:	September 5, 2001		
Date Prepared:	August 29, 2001		
Author:	David Thornton	Principal Planner	
Presenter Name:	David Thornton	Principal Planner	
	Workshop	X	Formal Agenda

Subject: Consideration of the zone of annexation to Residential Single Family Rural with a maximum density of one unit per five acre (RSF-R) for the Moore Annexation. #ANX-2001-154.

Summary: The 2.731 acre Appleton Corners Veterinary Clinic Annexation area located at 797 24 Road consists of 1 parcel of land. State law requires the City to zone newly annexed areas within 90 days of the annexation. The proposed City zoning is identical to the current Mesa County zoning for this property and conforms to the Growth Plan's Future Land Use map and recommendation for Estate, residential land uses between 2 and 5 acres per dwelling unit for this area.

Background Information: See Attached

Budget: N/A

Action Requested/Recommendation: Planning Commission recommended approval of the RSF-R zone district for the Appleton Corners Veterinary Clinic Annexation. It is recommended that City Council approves the zoning ordinance on second reading for the Appleton Corners Veterinary Clinic Annexation.

Citizen Presentation:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<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:		797 24 Road				
Applicant:		Richard Pennington				
Existing Land Use:		Single Family Residential				
Proposed Land Use:		Veterinary Clinic				
Surrounding Land Use:	North	Residential				
	South	Residential/Commercial - vacant				
	East	Residential/Commercial				
	West	Residential				
Existing Zoning:		RSF-R				
Proposed Zoning:		RSF-R				
Surrounding Zoning:	North	Business (County)				
	South	RSF-R (County)				
	East	RSF-R (County)				
	West	PUD – Residential (County)				
Growth Plan Designation:		Residential Estate				
Zoning within density range?		<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No	

Staff Analysis:

ZONE OF ANNEXATION:

Under the 1998 Persigo Agreement with Mesa County, the City is allowed to zone newly annexed areas with a zone that is identical to existing County zoning or conforms to the City’s Growth Plan’s Future Land Use Map. Please note that this proposed zoning of RSF-R conforms to either of these requirements.

RSF-R ZONE DISTRICT

- This property is currently zoned RSF-R in Mesa County and is proposed as RSF-R in the City.
- The RSF-R which requires 5 acres per lot does conform to the recommended densities found on the Growth Plans Future Land Use map currently designated as Estate: 2 to 5 acres per dwelling unit.

Zoning and Development Code criteria:

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

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

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

<i>ANNEXATION SCHEDULE</i>	
Aug 1st	Referral of Petition (30 Day Notice), First Reading, Exercising Land Use
Aug 14th	Planning Commission considers Zone of Annexation
Aug 15th	First Reading on Zoning by City Council
Sept 5th	Acceptance of Petition and Public hearing on Annexation and Zoning by City Council
Oct 7th	Effective date of Annexation and Zoning

Attachments:

1. Zoning Ordinance
2. Annexation Map
3. Mesa County Zoning Map

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO. _____

**ZONING THE APPLETON CORNERS VETERINARY CLINIC ANNEXATION TO
RESIDENTIAL SINGLE FAMILY RURAL (RSF-R)**

LOCATED AT 797 24 ROAD

Recitals.

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

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

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

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

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

Includes the following tax parcel 2701-321-00-087

Beg at a pt 30' W of the NE cor of Sec 32, T1N, R1W UM S 320.5' W 281.4', N1Deg47'E to the N ln of Sec 32, E 260' to the POB.

Introduced on first reading this 15th day of August, 2001.

PASSED and ADOPTED on second reading this ____ day of _____, 2001.

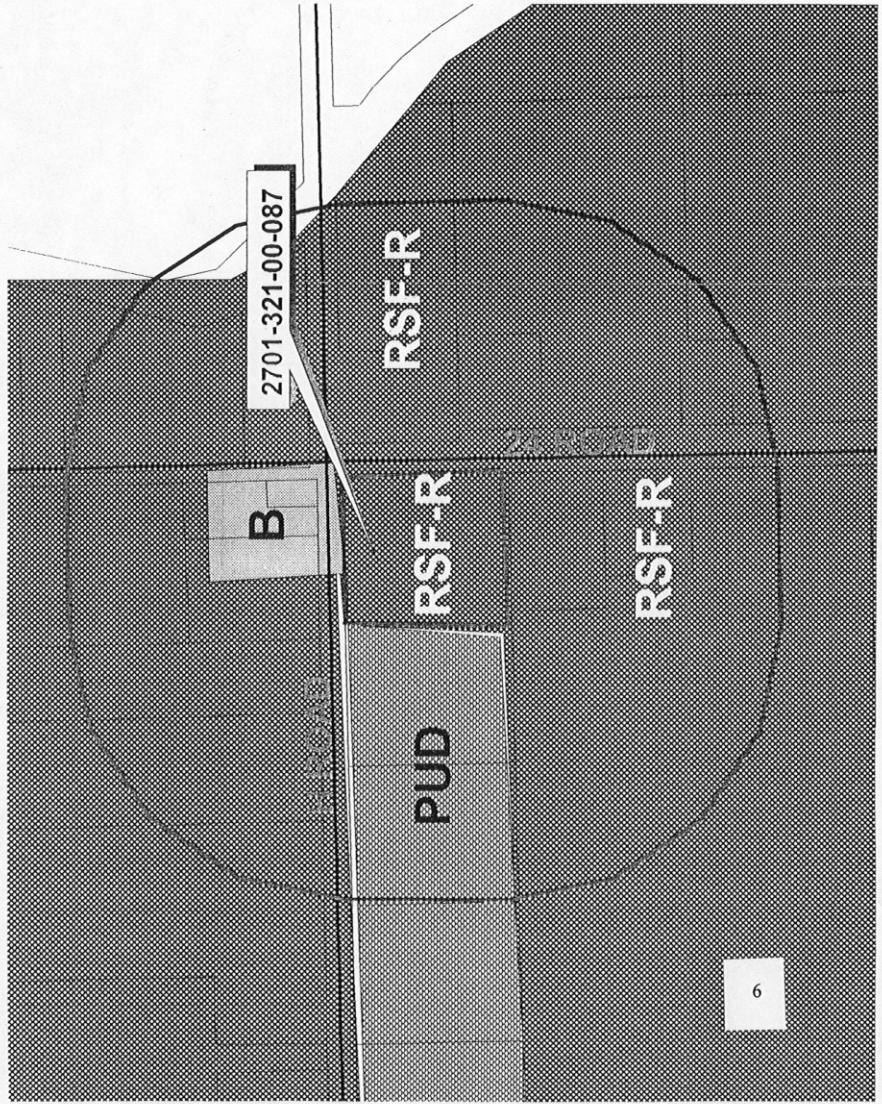
Attest:

President of the Council

City Clerk

Mesa County Planning and Development
Zoning Map

Projected File New
 Pre-Submittal
 Site F
 June 26



- Parcel.shp
- Mrgd_rds.shp
- Highway
- Interstate
- Local
- Rivers.shp
- Zoningbase.shp
- AFT
- B-2
- B-1
- C-2
- C-1
- I-2
- I-1
- PUD
- RSF-1
- RSF-2
- RMF-5
- RSF-4
- RSF-E
- RMF-8
- AFT-35
- RSF-R

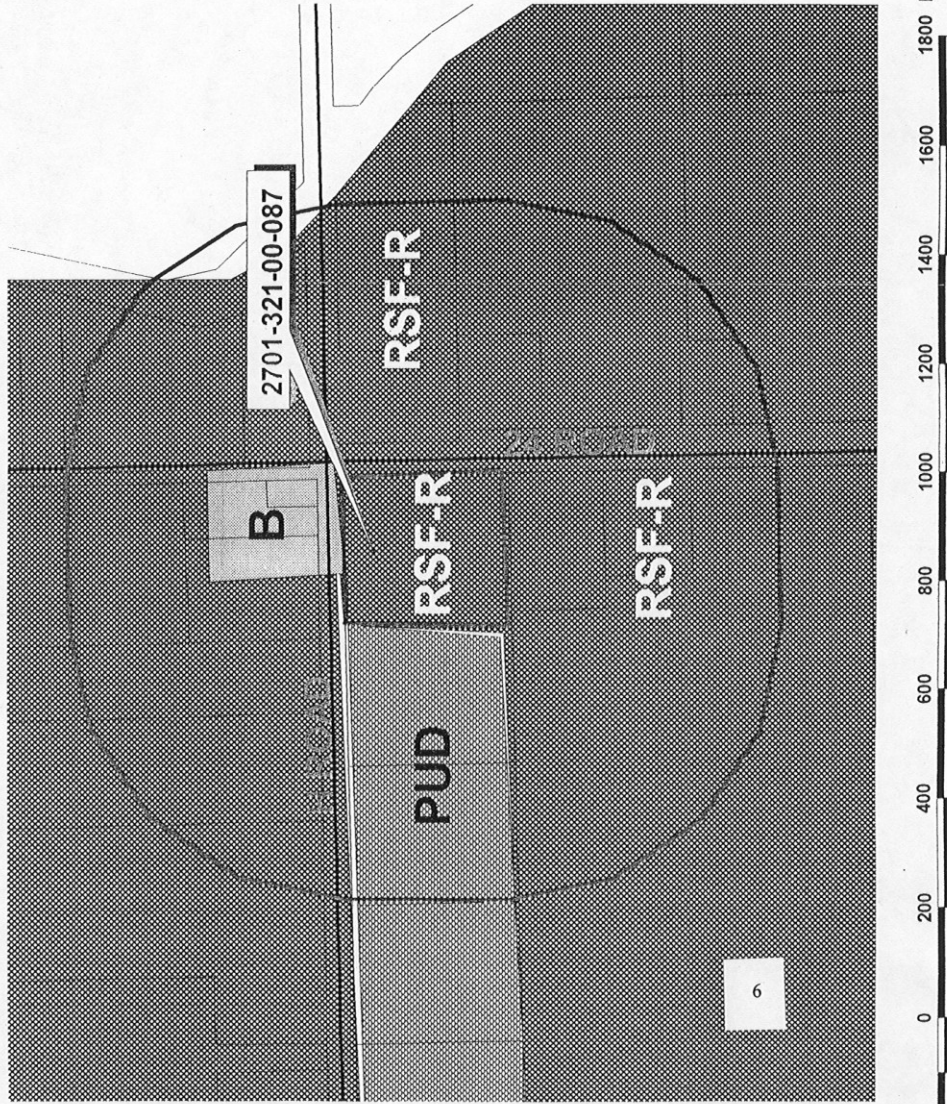
The Geographic Information System (GIS) data is a reference for planning purposes only. It is not a legal description of land and should not be used for legal purposes. In addition, the representation of the information is subject to the accuracy of the data and the responsibility of the user for its use.

The information contained herein is for informational purposes only and is not intended to constitute an offer of any financial product or service. The information is provided as a general overview and is not intended to be used as a basis for any investment decision.



Mesa County Planning and Development
Zoning Map

Project File New
 Pre-Submittal
 Site F
 June 26



- Parcel.shp
- Mrgd_rds.shp
- Highway
- Interstate
- Local
- Rivers.shp
- Zoningbase.shp
- AFT
- B-2
- B-1
- C-2
- C-1
- I-2
- I-1
- PUD
- RSF-1
- RSF-2
- RMF-5
- RSF-4
- RSF-E
- RMF-8
- AFT-35
- RSF-R

The Geographic Information System (GIS) data is a reference for zoning purposes only. It is not a legal description of any parcel and should not be used in lieu of a legal description. The information contained herein is for informational purposes only and is not intended to be used as a legal description of any parcel. The user assumes all responsibility for any and all errors or omissions in this information.

Attach 14
Ordinance Transferring City's 2001 PAB

CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION

<i>CITY COUNCIL</i>			
Subject:	An Ordinance to Transfer the City's 2001 PAB Allotment		
Meeting Date:	September 5, 2001		
Date Prepared:	August 30, 2001		
Author:	Ron Lappi	Admin Svcs Director	
Presenter Name:	Ron Lappi & Dan Wilson	Admin Svcs Director & City Attorney	
	Workshop	X	Formal Agenda

Subject: An Ordinance Authorizing the City Manager to Sign an Assignment Agreement with the Colorado Housing and Finance Authority to Transfer the City's \$1,275,656 in 2001 Private Activity Bond Allotment from the City to CHFA.

Summary: The City of Grand Junction received a Private Activity Bond allocation from the State of Colorado Department of Local Affairs for the fifth time in 2001 as a result of the City reaching a 40,000 population level in 1997. The bond authority can be issued on a tax exempt basis for various private purposes. We can reserve this authority for future housing benefits by ceding the authority to CHFA at this time.

Background Information: The City has until September 15, 2001 to commit our tax exempt PAB allotment to a project or it will automatically go to the State for utilization state wide. This year we had several firms interested in using these funds for expansion but none materialized. This authority can be used for small issue manufacturing, single family mortgage revenue bonds, redevelopment bonds, residential rental projects, student loans, exempt facility bonds, and qualified 501 (c) (3) bonds for non-profit hospitals and private universities. CHFA approached us, as well as Mesa County and other local governments, relative to a process to bank our allocation for future housing needs. The Grand Junction Housing Authority Executive Director, Jody Kole, supports this reserving process at this time.

Budget:

Action Requested/Recommendation: Hold a public hearing and adopt after second reading on September 5, 2001.

Citizen Presentation:	<input checked="" type="checkbox"/> X	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> 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 checked="" type="checkbox"/> X	<input type="checkbox"/> Consent	<input type="checkbox"/> Indiv. Consideration	<input type="checkbox"/> Workshop

ORDINANCE NO.

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

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

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

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

WHEREAS, pursuant to an allocation under Section 24-32-1706 of the Allocation Act, the City has an allocation of the 2001 State Ceiling for the issuance of a specified principal amount of Private Activity Bonds prior to September 15, 2001 (the "2001 Allocation"); and

WHEREAS, the City has determined that, in order to increase the availability of adequate affordable housing for low- and moderate-income persons and families within the City and elsewhere in the State, it is necessary or desirable to provide for the utilization of all or a portion of the 2001 Allocation; and

WHEREAS, the City has determined that the 2001 Allocation, or a portion thereof, can be utilized most efficiently by assigning it to the Authority to issue Private Activity Bonds for the purpose of providing single-family mortgage loans to low- and moderate-income persons and families; and

WHEREAS, the City Council of the City has determined to assign \$1,275,656 of its 2001 Allocation to the Authority, which assignment is to be evidenced by an Assignment of Allocation between the City and the Authority attached hereto as Exhibit A (the "Assignment of Allocation").

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

1. The assignment to the Authority of \$1,275,656 of the City's 2001 Allocation be and hereby is approved.
2. The form and substance of the Assignment of Allocation be and hereby are approved; provided, however, that the City Manager be and hereby is authorized to make such technical variations, additions or deletions in or to such Assignment of Allocation as he shall deem necessary or appropriate and not inconsistent with the approval thereof by this ordinance.
3. The City Manager of the City be and hereby is authorized to execute and deliver the Assignment of Allocation on behalf of the City and to take such other steps or actions as may be necessary, useful or convenient to effect the aforesaid assignment in accordance with the terms and intent of this ordinance.
4. If any section, paragraph, clause, or provision of this ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect any of the remaining provisions of this ordinance.
5. This ordinance shall be in full force and effect upon its passage and approval or as otherwise required by home rule charter.

INTRODUCED ON FIRST READING this 15th day of August, 2001.

PASSED, ADOPTED AND APPROVED this 5th day of September, 2001.

ATTEST:

City Clerk

President of the Council

EXHIBIT A
ASSIGNMENT OF ALLOCATION

This Assignment of Allocation (the "Assignment"), dated this 5th day of September 2001, is between the City of Grand Junction (the "Assignor") and the Colorado Housing and Finance Authority (the "Assignee").

WITNESSETH:

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

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

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

WHEREAS, pursuant to an allocation under Section 24-32-1706 of the Allocation Act, the Assignor has an allocation of the 1999 State Ceiling for the issuance of a specified principal amount of Private Activity Bonds prior to September 15, 2001 (the "2001 Allocation"); and

WHEREAS, the Assignor has determined that, in order to increase the availability of adequate affordable housing for low and moderate income persons and families within the City of Grand Junction and elsewhere in the State, it is necessary or desirable to provide for the utilization of all or a portion of the 2001 Allocation; and

WHEREAS, the Assignor has determined that the 2001 Allocation, or a portion thereof, can be utilized most efficiently by assigning it to the Assignee to issue Private Activity Bonds for the purpose of providing single-family mortgage loans to low- and moderate-income persons and families ("Revenue Bonds") and the Assignee has expressed its willingness to attempt to issue Revenue Bonds with respect to the 2001 Allocation; and

WHEREAS; the City Council of the Assignor has determined to assign to the Assignee \$1,275,656 of its 2001 Allocation, and the Assignee has agreed to accept such assignment, which is to be evidenced by this Assignment.

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

1. The Assignor hereby assigns to the Assignee \$1,275,656 of its 2001 Allocation, subject to the terms and conditions contained herein. The Assignor represents that it has received no monetary consideration for said assignment.
2. The Assignee hereby accepts the Assignment to it by the Assignor of \$1,275,656 of Assignor's 2001 Allocation, subject to the terms and conditions contained herein. The Assignee agrees to use its best efforts to issue and sell Revenue Bonds, in one or more series, and to provide mortgage loans in at least the amount of \$1,275,656 to finance single-family housing facilities located in the City of Grand Junction. (The mortgage loans will be subject to all applicable current requirements of Assignee's mortgage revenue bond program, including Assignee's income and purchase price limit.)
3. The Assignor hereby consents to the election by the Assignee, if the Assignee in its discretion so decides, to treat all or any portion of the assignment set forth herein as an allocation for a project with a carry forward purpose.
4. The Assignor and Assignee each agree that it will take such further action and adopt such further proceedings as may be required to implement the terms of this Assignment.
5. Nothing contained in this Assignment shall obligate the Assignee to finance mortgage loans in any particular amount or at any particular interest rate or to use any particular percentage of the proceeds of its Revenue Bonds to provide mortgage loans to finance single-family housing facilities located in City of Grand Junction.
6. This Assignment is effective upon execution and is irrevocable.

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

CITY OF GRAND JUNCTION

By:

City Manager

ATTESTS:

By: _____
City Clerk

COLORADO HOUSING AND FINANCE
AUTHORITY

By:

By: _____
Assistant Secretary

Executive Director

**RIMROCK MARKETPLACE GENERAL IMPROVEMENT DISTRICT
BOARD OF DIRECTORS
CITY HALL AUDITORIUM, 250 NORTH 5TH STREET
AGENDA**

WEDNESDAY, SEPTEMBER 5, 2001, 9:00 P.M. (est.)

CALL TO ORDER

1. **Calling a Special Mail Ballot Election and Setting a Ballot Title**

A general improvement district for Rimrock Marketplace has been approved with City Council members acting as the Board of Directors. Financing will be required for a portion of the costs of street and other necessary improvements. This requires the approval of the voters to incur debt and waive any limits established by TABOR. The adoption of this Resolution will place this issue on the November 6, 2001 ballot and also approve a ballot title. Three proposed ballot questions are included in the Resolution to provide flexibility to the financing and repayment process. The only voters in this election will be the property owners.

Resolution No. 94-01 - A Resolution Calling a Special Election in the City Of Grand Junction Rimrock Marketplace General Improvement District; and Providing Other Details Relating Thereto

**Action: Adopt Resolution No. 94-01*

Staff presentation: Ron Lappi, Administrative Services Director

2. **Intergovernmental Agreement with Mesa County for Coordinating a TABOR Notice for a November 6, 2001 Special Election**

In August, 2001, the City Council created a General Improvement District for the Rimrock Marketplace. The City Council now acts as the Board of Directors for this District. It is being proposed that the Board of Directors place before its voters (the property owners only) three debt and tax related questions. State law requires that even though the City can "opt-out" of the coordinated election for the mail ballot, the TABOR notice must still be coordinated with the County.

Action: Approve the Intergovernmental Agreement with Mesa County for the TABOR Notice

Staff presentation: Ron Lappi, Administrative Services Director

ADJOURN

CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION

CITY COUNCIL			
Subject:	A Resolution Calling a Special Election in the City of Grand Junction Rimrock Marketplace General Improvement District; and Providing Other Details Relating Thereto.		
Meeting Date:	September 5, 2001		
Date Prepared:	August 29, 2001		
Author:	Ron Lappi	Title: Director of Admin Svcs	
Presenter Name:	Ron Lappi	Title: Director of Admin Svcs	
	Workshop	X	Formal Agenda

Subject: Adoption of a Resolution calling a special mail ballot election and setting a ballot title.

Summary: A general improvement district for Rimrock Marketplace has been approved with City Council members acting as the Board of Directors. Financing will be required for a portion of the costs of street and other necessary improvements. This requires the approval of the voters to incur debt and waive any limits established by TABOR. The adoption of this Resolution will place this issue on the November 6, 2001 ballot and also approve a ballot title. Three proposed ballot questions are included in the Resolution to provide flexibility to the financing and repayment process. The only voters in this election will be the property owners.

Background Information: The formation of the Rimrock Marketplace General Improvement District was approved by Council on July 18, 2001. Approved for development by the Planning Commission, this 53-acre parcel of land located south of SAMS Club across Highway 6 & 50 requires street improvements as well as other enhancements before actual construction can begin.

Budget: The City of Grand Junction Rimrock Marketplace General Improvement District will incur a debt not to exceed \$4 million with a repayment cost of approximately \$7.6 million.

Action Requested/Recommendation: Approval of the Resolution.

Citizen Presentation:	X	No	Yes	If Yes,
Name:				
Purpose:				
Report results back to Council:	Page 160	of 172	Yes	When:
Placement on Agenda:	Consent	X	Indiv. Consideration	Workshop

RESOLUTION NO. -01

**A RESOLUTION CALLING A SPECIAL ELECTION IN THE
CITY OF GRAND JUNCTION RIMROCK MARKETPLACE
GENERAL IMPROVEMENT DISTRICT; AND PROVIDING
OTHER DETAILS RELATING THERETO**

Recitals.

1. The City of Grand Junction Rimrock Marketplace General Improvement District (the "District"), located in the City of Grand Junction, Mesa County, Colorado, is a quasimunicipal corporation duly organized and existing under the Constitution and laws of the State of Colorado.
2. The members of the City Council of the City of Grand Junction (the "Council") have been duly elected and qualified and serve ex officio as the Board of Directors of the District (the "Board").
3. Article X, Section 20 of the Constitution ("TABOR") requires voter approval for incurring debt, the creation of any tax, and for spending certain moneys above limits established by TABOR.
4. The interest of the District and the public interest and necessity demand and require financing a portion of the costs of street improvements and other necessary and related appurtenant facilities.
5. TABOR requires the District to submit ballot issues (as defined in TABOR) and spending questions to the District's electors on limited election days before action can be taken on such ballot issues and spending questions.
6. November 6, 2001, is one of the election dates at which ballot issues and spending questions may be submitted to the District's eligible electors pursuant to TABOR.
7. It is necessary to submit to the electors of the District, at the election to be held on November 6, 2001, the question of authorizing the Board to incur debt, increase taxes and spend the revenues thereof and the question of authorizing the Board to collect, keep and spend all revenues it receives as a voter approved revenue change under Article X, Section 20 of the Colorado Constitution.
8. It is necessary to set forth certain procedures concerning the conduct of the election.

9. The Board elects to utilize the provisions of the Municipal Election Code, Title 31 Article 10 and Section 1-7.5-101 *et seq*, C.R.S., in order to conduct a mail ballot election on November 6, 2001.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO, AS THE EX OFFICIO BOARD OF DIRECTORS OF THE CITY OF GRAND JUNCTION RIMROCK MARKETPLACE GENERAL IMPROVEMENT DISTRICT THAT:

Section 1. All action heretofore taken (consistent with the provisions of this resolution) by the District and the officers thereof, directed toward the election and the objects and purposes herein stated is hereby ratified, approved and confirmed.

Section 2. Unless otherwise defined herein, all terms used herein shall have the meanings defined in Title 31, Article 10, C.R.S., Title 31, Article 25, Part 6, C.R.S. and TABOR.

Section 3. Pursuant to TABOR, Title 31, Article 10, C.R.S., Title 31, Article 25, Part 6, C.R.S., and the Section 1-7.5-101 *et seq*, C.R.S., the Board hereby determines to call a special election to be conducted on November 6, 2001, as a mail ballot election (the "election"). The Board hereby determines that at the election to be held on November 6, 2001, there shall be submitted to the eligible electors of the District the questions set forth in Section 4 hereof. Because the election will be a mail ballot election, the Board hereby authorizes the Secretary of the District to file a mail ballot election plan with the Secretary of State. If necessary, the officers of the District are authorized to enter into an intergovernmental agreement with the County Clerk pursuant to Section 1-7-116, C.R.S. Any such intergovernmental agreement heretofore entered into in connection with the election is hereby ratified, approved and confirmed.

Section 4. The Council hereby authorizes and directs the designated election official to submit to the eligible electors of the District at the election questions in the substantially the following forms:

QUESTION NO. 201

"SHALL CITY OF GRAND JUNCTION RIMROCK MARKETPLACE GENERAL IMPROVEMENT DISTRICT DEBT BE INCREASED \$3,980,000 WITH A REPAYMENT COST OF \$7,545,200 AND SHALL DISTRICT TAXES BE INCREASED \$523,800 ANNUALLY SUBJECT TO THE FOLLOWING:

(1) THE PROCEEDS OF SUCH DEBT SHALL BE USED FOR THE PURPOSE

OF FINANCING A PORTION OF THE COSTS OF STREET IMPROVEMENTS AND ALL OTHER NECESSARY, INCIDENTAL, APPURTENANT, AND CONVENIENT FACILITIES, EQUIPMENT, LAND AND PROPERTY RIGHTS OR REFUNDING DEBT ISSUED FOR SUCH PURPOSES;

(2) SUCH TAX INCREASE SHALL BE GENERATED BY A PROPERTY TAX MILL LEVY WITHOUT LIMITATION AS TO RATE OR AMOUNT OR SPECIAL ASSESSMENTS, AS DETERMINED BY THE BOARD, THE PROCEEDS OF WHICH SHALL BE USED TO PAY THE PRINCIPAL OF, PREMIUM, IF ANY, AND INTEREST ON SUCH DEBT OR ANY REFUNDING DEBT (OR TO CREATE A RESERVE FOR SUCH PAYMENT);

(3) SUCH DEBT MAY BE EVIDENCED BY BONDS, NOTES, CONTRACTS, LOAN AGREEMENTS OR OTHER FORMS OF INDEBTEDNESS BEARING INTEREST AT A MAXIMUM NET EFFECTIVE INTEREST RATE NOT TO EXCEED 8.00%;

(4) SUCH DEBT MAY BE SOLD IN ONE SERIES OR MORE, ON TERMS AND CONDITIONS AS THE BOARD OF DIRECTORS OF THE DISTRICT MAY DETERMINE, INCLUDING PROVISIONS FOR REDEMPTION OR PREPAYMENT PRIOR TO MATURITY WITH OR WITHOUT PAYMENT OF THE PREMIUM;

AND SHALL THE EARNINGS FROM THE INVESTMENT OF THE PROCEEDS OF SUCH DEBT AND TAX REVENUES BE COLLECTED AND SPENT WITHOUT LIMITATION OR CONDITION, AS A VOTER-APPROVED REVENUE CHANGE UNDER ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION OR ANY OTHER LAW?"

QUESTION NO. 202

"SHALL CITY OF GRAND JUNCTION RIMROCK MARKETPLACE GENERAL IMPROVEMENT DISTRICT DEBT BE INCREASED \$3,980,000 WITH A REPAYMENT COST OF \$7,545,200 AND SHALL DISTRICT TAXES BE INCREASED \$523,800 ANNUALLY SUBJECT TO THE FOLLOWING:

(1) THE PROCEEDS OF SUCH DEBT SHALL BE USED FOR THE PURPOSE OF REFUNDING, PAYING, OR DEFEASING, IN WHOLE OR IN PART, BONDS, NOTES, CONTRACTS, LOAN AGREEMENTS OR OTHER FORMS OF INDEBTEDNESS OF THE DISTRICT;

(2) SUCH TAX INCREASE SHALL BE GENERATED BY A PROPERTY TAX MILL LEVY WITHOUT LIMITATION AS TO RATE OR AMOUNT OR SPECIAL ASSESSMENTS, AS DETERMINED BY THE BOARD, THE PROCEEDS OF

WHICH SHALL BE USED TO PAY THE PRINCIPAL OF, PREMIUM, IF ANY, AND INTEREST ON SUCH DEBT OR ANY REFUNDING DEBT (OR TO CREATE A RESERVE FOR SUCH PAYMENT);

(3) SUCH DEBT MAY BE EVIDENCED BY BONDS, NOTES, CONTRACTS, LOAN AGREEMENTS OR OTHER FORMS OF INDEBTEDNESS BEARING INTEREST AT A MAXIMUM NET EFFECTIVE INTEREST RATE NOT TO EXCEED 8.00%;

(4) SUCH DEBT MAY BE SOLD IN ONE SERIES OR MORE, ON TERMS AND CONDITIONS AS THE BOARD OF DIRECTORS OF THE DISTRICT MAY DETERMINE, INCLUDING PROVISIONS FOR REDEMPTION OR PREPAYMENT PRIOR TO MATURITY WITH OR WITHOUT PAYMENT OF THE PREMIUM;

AND SHALL THE EARNINGS FROM THE INVESTMENT OF THE PROCEEDS OF SUCH DEBT AND TAX REVENUES BE COLLECTED AND SPENT WITHOUT LIMITATION OR CONDITION, AS A VOTER-APPROVED REVENUE CHANGE UNDER ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION OR ANY OTHER LAW?"

QUESTION NO. 203

SHALL CITY OF GRAND JUNCTION RIMROCK MARKETPLACE GENERAL IMPROVEMENT DISTRICT BE AUTHORIZED TO COLLECT, KEEP AND SPEND ALL REVENUES IT RECEIVES AS A VOTER APPROVED REVENUE CHANGE UNDER ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION?

Section 5. The City Clerk is hereby appointed as the designated election official of the District for purposes of performing acts required or permitted by law in connection with the election.

Section 6. Any authority to contract general obligation indebtedness or to levy ad valorem property taxes to pay such indebtedness, if conferred by the results of the election, shall be deemed and considered a continuing authority to contract the general obligation indebtedness and levy the ad valorem taxes so authorized at any one time, or from time to time, and neither the partial exercise of the authority so conferred, nor any lapse of time, shall be considered as exhausting or limiting the full authority so conferred.

Section 7. The officers of the District are hereby authorized and directed to take all action necessary or appropriate to effectuate the provisions of this resolution.

Section 8. If any section, subsection, paragraph, clause, or provision of this

resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, subsection, paragraph, clause, or provision shall in no manner affect any remaining provisions of this resolution, the intent being that the same are severable.

Section 8. All orders, resolutions, bylaws, ordinances or regulations of the City, or parts thereof, inconsistent with this resolution are hereby repealed to the extent only of such inconsistency.

ADOPTED AND APPROVED this September 5, 2001.

Mayor ex officio
President of the District

(SEAL)

ATTESTED:

City Clerk ex officio
Secretary of the District

STATE OF COLORADO)
)
COUNTY OF MESA) SS.
)
CITY OF GRAND JUNCTION)
)
RIMROCK MARKETPLACE)
GENERAL IMPROVEMENT DISTRICT)

I, Stephanie Nye, City Clerk of the City of Grand Junction, Colorado, and ex officio as Secretary of the City of Grand Junction Rimrock Marketplace General Improvement District (the "District") do hereby certify that:

1. The foregoing is a true and correct copy of a resolution (the "Resolution") passed and adopted at the regular meeting of the City Council serving ex officio as the Board of Directors of the District (the "Board") on September 5, 2001. A quorum of the Board was in attendance at the meeting.
2. The members of the Board voted on passage and adoption of the Resolution on September 5, 2001, as follows:

Those Voting Aye: _____

Those Voting Nay: _____

Those Absent: _____

Those Abstaining: _____

3. The Resolution was approved and authenticated by the signature of the Mayor,

ex officio President of the Board, sealed with the City seal, attested by the City Clerk, ex officio Secretary of the Board, and recorded in the minutes of the Board.

4. Attached hereto as Exhibit A is a copy of the notice of the meeting of September 5, 2001, which was posted at Grand Junction City Hall not less than 24 hours in advance of the meeting.

IN WITNESS WHEREOF, I have hereto set my hand and the seal of the City this _____ day of , 2001.

City Clerk ex officio
Secretary of the District

(SEAL)

EXHIBIT A
(Attach Notice of Meeting on September 5, 2001)

**CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION**

CITY COUNCIL			
Subject:	Intergovernmental Agreement with Mesa County for Coordinating a TABOR Notice for a November 6, 2001 Special Election		
Meeting Date:	September 5, 2001		
Date Prepared:	August 31, 2001		
Author:	Stephanie Nye	City Clerk/District Secretary	
Presenter Name:	Ron Lappi	Administrative Services and Finance Director	
	Workshop	X	Formal Agenda

Subject: An Intergovernmental Agreement with the Mesa County Clerk to Coordinate the TABOR Notice for the November 6, 2001 Special Election on the Rimrock Marketplace General Improvement District.

Summary: In August, 2001, the City Council created a General Improvement District for the Rimrock Marketplace. The City Council now acts as the Board of Directors for this District. It is being proposed that the Board of Directors place before its voters (the property owners only) three debt and tax related questions. State law requires that even though the City can "opt-out" of the coordinated election for the mail ballot, the TABOR notice must still be coordinated with the County.

Background Information: The Intergovernmental Agreement (IGA) simply sets forth the duties of each entity in relation to coordinating the TABOR notice. Since it will be more cost-effective for the City to conduct a mail ballot election on its own with the number of qualified electors being only four, it is being recommended that we conduct the Mail Ballot election ourselves. However, we cannot separate the TABOR notice from the coordinated package for the November 6 election. The cost estimate for our own election including the TABOR notice with the County is \$3,000. This election was unanticipated for this year so a supplemental appropriation will be needed.

The IGA is due to the County no later than September 7th.

Budget: The amount for the TABOR notice will be \$250.

Action Requested/Recommendation: Authorize the City Clerk as the District's Election Official to Sign the Intergovernmental Agreement with Mesa County for the Coordinated November 6, 2001 TABOR Notice

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

**INTERGOVERNMENTAL AGREEMENT
RIMROCK MARKET PLACE GENERAL IMPROVEMENT DISTRICT
TABOR NOTICE ONLY - NOVEMBER 6, 2001**

The following shall represent the Intergovernmental Agreement between Mesa County Clerk and Recorder ("Clerk") and the RIMROCK MARKET PLACE GENERAL IMPROVEMENT DISTRICT, ("Political Subdivision"), in Mesa County, as required by Secretary of State Rule 5.1.2 and CRS 1-7-116(2)(2000):

1. PURPOSE: Pursuant to the terms of this agreement, the Clerk and Political Subdivision agree to the scheduling and coordination of a "TABOR" notice as required by the Colorado Constitution Article X, Section 20, the Colorado Revised Statutes and Secretary of States Rules for a Coordinated Election to be conducted by the Clerk on November 6, 2001. The "TABOR" notice may involve more than one Political Subdivision with overlapping boundaries, and the Clerk shall serve as the Coordinated Election Official (CEO) for all political subdivisions involved in this notice. The Political Subdivision agrees to appoint a "Designated Election Official" (DEO) who will have primary responsibility for election procedures that are the responsibility of the Political Subdivision.

2. LEGAL NOTICES: Publication of any required legal notices concerning the Political Subdivision's election, other than the "TABOR" notice required by Article X, Section 20, shall be the responsibility of the Political Subdivision. A copy of the published legal notice shall be submitted to the Clerk.

3. RECEIVING AND PROCESSING OF PETITIONS: Any necessary petition process for the Political Subdivision shall be the responsibility of The Political Subdivision. The Clerk shall provide voter registration lists as required and requested by the Political Subdivision.

4. RECEIVING OF WRITTEN COMMENTS AS COVERED BY SECTION 20 OF ARTICLE X OF THE COLORADO CONSTITUTION: Pursuant to CRS 1-7-901 and Secretary of State Rules and Regulations 5.4.4.3, the process of receiving written comments and summarizing such comments, as required by Section 20 of Article X, shall be solely the responsibility of the Political Subdivision. The deadline for filing all comments pertaining to a ballot issue is **September 21, 2001**.

5. RECEIVING OF PETITION REPRESENTATIVE'S SUMMARY OF COMMENTS: Pursuant to CRS 1-7-903(3)(2000), receipt of the summary shall be solely the responsibility of the Political Subdivision. The deadline for receipt of the summary by Clerk from Political Subdivision is **September 24, 2001**.

6. PREPARATION AND MAILING OF NOTICES FOR BALLOT ISSUE ELECTIONS: The Political Subdivision shall certify the "TABOR" notice information and the final and exact summary of comments concerning its ballot issues to the Clerk no later than **September 25, 2001**, (per CRS 1-7-904) for inclusion in the ballot issue mailing as required by Section 20, Article X, of the Colorado Constitution. Time is of the essence. Data shall be transmitted to the Clerk on a 3.5 (high density) diskette in WordPerfect 6.1 or greater or MS Word. The Clerk shall coordinate the text for the ballot issue mailing for all participating Mesa County political subdivisions into one notice. Said ballot issue mailing shall be prepared and mailed by the Clerk in accordance with Article X, Section 20 (3)(b) of the Colorado Constitution at least 30 days prior to the election, which shall be no later than **Friday, October 5, 2001**.

**INTERGOVERNMENTAL AGREEMENT
COORDINATED MAIL BALLOT ELECTION NOVEMBER 6, 2001
RIMROCK MARKET PLACE GENERAL IMPROVEMENT DISTRICT
PAGE 2**

7. ALLOCATION OF COST OF NOTICE FOR BALLOT ISSUE ELECTIONS: The Political Subdivision shall reimburse the Clerk for the "TABOR" notice. In no event shall said cost of the "TABOR" notice be less than \$250.00, and/or election costs allocated to the Political Subdivision. Such reimbursement shall be made to the Clerk within thirty days of receipt of billing from the Clerk. The Clerk's determination regarding allocation of costs shall be final and at her sole discretion and shall not be subject to dispute unless clearly unreasonable.

8. INDEMNIFICATION: The Political Subdivision agrees to indemnify, defend and hold harmless the Clerk from any and all damages, loss, costs, demands or actions, arising out of or related to any actions, errors or omissions of the Political Subdivision in completing its responsibilities as set forth in this agreement.

9. AGREEMENT NOT EXCLUSIVE: The Clerk may enter into other substantially similar agreements with other political subdivisions for conduct of the Coordinated Election.

10. VENUE: Venue for any dispute hereunder shall be in the District Court of Mesa County.

THIS AGREEMENT has been executed by the parties hereto as of the dates written below.

MESA COUNTY CLERK AND RECORDER RIMROCK MARKET PLACE GENERAL IMPROVEMENT DISTRICT

Monika Todd Date

D.E.O., Rimrock Market Place General Improvement District Date

ATTEST _____
(Signature) Date