

**GRAND JUNCTION CITY COUNCIL  
CITY HALL AUDITORIUM, 250 NORTH 5<sup>TH</sup> STREET  
AGENDA**

**WEDNESDAY, OCTOBER 3, 2001, 7:30 P.M.**

**CALL TO ORDER**

Pledge of Allegiance  
Invocation - Michael Torphy, Grand Junction Church of  
Religious Science

**PROCLAMATIONS/RECOGNITIONS**

PROCLAMATION DECLARING OCTOBER 7 THROUGH OCTOBER 31, 2001 AS  
"KNIGHTS OF COLUMBUS DAYS FOR THE MENTALLY HANDICAPPED" IN THE  
CITY OF GRAND JUNCTION

PROCLAMATION DECLARING THE WEEK OF OCTOBER 7 THROUGH OCTOBER  
13, 2001 AS "NATIONAL FIRE PREVENTION WEEK"

PRESENTATION OF FOUR MARKETING AND COMMUNICATION AWARDS  
PRESENTED TO THE CITY OF GRAND JUNCTION FROM 3CMA

**CITIZEN COMMENTS**

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

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

*Action: Approve the Summary of the September 17, 2001 Workshop and the  
Minutes of the September 19, 2001 Regular Meeting*

2. **Award of Contract for 29 Road Paving Improvements, Phase I** [Attach 2](#)

Bids were received and opened on September 25, 2001 for 29 Road Paving  
Improvements Phase 1. United Companies submitted the low bid in the amount of  
\$431,298.45.

The following bids were received for this project:

Contractor

From

Bid Amount

|                                |                    |              |
|--------------------------------|--------------------|--------------|
| United Companies               | Grand Junction, CO | \$431,298.45 |
| MA Concrete Construction, Inc. | Grand Junction, CO | \$477,237.00 |
| Sorter Construction, Inc.      | Grand Junction, CO | \$512,098.50 |
| Engineer's Estimate            |                    | \$452,669.25 |

*Action: Authorize the City Manager to Execute a Construction Contract for the 29 Road Paving Improvements Phase 1 with United Companies in the Amount of \$431,298.45.*

Staff presentation: Tim Moore, Public Works Manager

3. **Award of Contract for 2001 Curb, Gutter and Sidewalk Replacement**

[Attach 3](#)

Bids were received and opened on September 25, 2001, for the 2001 Curb, Gutter, and Sidewalk Replacement. The low bid was submitted by BPS Concrete in amount of \$232,206.26.

The following bids were received for this project:

| <u>Contractor</u>        | <u>From</u>    | <u>Bid Amount</u> |
|--------------------------|----------------|-------------------|
| Reyes Construction       | Grand Junction | \$297,068.50      |
| G and G Paving           | Grand Junction | \$250,965.00      |
| Vista Paving Corporation | Grand Junction | \$243,829.95      |
| BPS Concrete             | Grand Junction | \$232,206.26      |
| Engineer's Estimate      |                | \$215,389.81      |

*Action: Authorize the City Manager to Execute a Construction Contract for the 2001 Curb, Gutter and Sidewalk Replacement with BPS Concrete in the Amount of \$232,206.26.*

Staff presentation: Tim Moore, Public Works Manager

4. **Setting a Hearing on Alley Improvement District 2002, Phase A**

[Attach 4](#)

Successful petitions have been submitted requesting a Local Improvement District be created to reconstruct the following seven alleys:

- East/West Alley from 2<sup>nd</sup> to 3<sup>rd</sup>, between Hill Avenue and Gunnison Avenue
- East/West Alley from 3<sup>rd</sup> to 4<sup>th</sup>, between Hill Avenue and Teller Avenue
- East/West Alley from 4<sup>th</sup> to 5<sup>th</sup>, between Colorado Avenue and Ute Avenue

- East/West Alley from 11<sup>th</sup> to 12<sup>th</sup>, between Grand Avenue and Ouray Avenue
- East/West Alley from 12<sup>th</sup> to 13<sup>th</sup>, between Kennedy Avenue and Bunting Avenue
- East/West Alley from 15<sup>th</sup> to 16<sup>th</sup>, between Hall Avenue and Texas Avenue
- “T” shaped Alley from 7<sup>th</sup> to Cannell, between Kennedy Avenue and Bunting Avenue

The proposed resolution is the first step in the formal process of creating the proposed Improvement District. A hearing to allow public comment for or against the proposed Improvement District is scheduled for the November 7<sup>th</sup>, 2001, City Council meeting.

Resolution No. 99-01 - Declaring the Intention of the City Council of the City of Grand Junction, Colorado, to Create Within Said City Alley Improvement District No. ST- 02, Phase A, and Authorizing the City Engineer to Prepare Details and Specifications for the Same

*\*Action: Adopt Resolution No. 99 -01 and Set a Hearing for November 7, 2001*

Staff presentation: Rick Marcus, Real Estate Technician

5. **Setting a Hearing on Rezoning St. Mary’s Campus, 776 Bookcliff Avenue**  
[File #RZF-2001-146] [Attach 5](#)

First reading of the Rezoning Ordinance to rezone a portion of St. Mary’s Hospital property from Neighborhood Business (B-1) zone district, to Planned Development (PD) zone district, located south of Wellington Avenue and east of 7<sup>th</sup> Street.

Proposed Ordinance Rezoning a Portion of St. Mary’s Hospital Property from Neighborhood Business (B-1) to Planned Development, Located South of Wellington Avenue and East of 7<sup>th</sup> Street

*Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for October 17, 2001*

Staff presentation: Lisa Gerstenberger, Senior Planner

6. **Setting a Hearing on Rezoning Rocky Heights Estate Subdivision, Off Escondido Circle** [File #RZP-2001-155] [Attach 6](#)

First reading of the Rezoning Ordinance to rezone the Rocky Heights Estates Subdivision from Residential Single Family Rural (RSF-R) zone district, to Planned Development, 1.32 units per acre (PD 1.32) zone district and Community Services and Recreation (CSR) zone district, located off Escondido Circle.

Proposed Ordinance Rezoning the Rocky Heights Estates Subdivision from Residential Single Family Rural (RSF-R) to Planned Development, 1.32 units per acre (PD 1.32) and Community Services and Recreation (CSR), Located off Escondido Circle

*Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for October 17, 2001*

Staff presentation: Lisa Gerstenberger, Senior Planner

7. **Setting a Hearing on Vacation of Right-of-Way in Tuscany Village, 641 27 ½ Road** [File #VR-2001-145] [Attach 7](#)

First reading of the ordinance vacating a portion of the 27 ½ Road right-of-way located at 641 27 ½ Road.

Proposed Ordinance Vacating a Portion of 27 ½ Road Right-of-Way Located at 641 27 ½ Road

*Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for October 17, 2001*

Staff presentation: Lisa Gerstenberger, Senior Planner

8. **Setting a Hearing on Vacation of Right-of-Way, Village Park, Medians in 28 ¼ Road Right-of-Way** [File #VR-2001-144] [Attach 8](#)

The applicant requests to vacate portions of 28 ¼ Road right-of-way north of F Road that constitute the future landscaped medians in the center of the street. The purpose of the vacation is to transfer ownership and maintenance responsibility for the landscaping in the median islands to the Village Park Homeowner's/Property Owner's Association. A public ingress-egress easement and multi-purpose easement for future utilities or traffic control devices will be retained in the medians.

Proposed Ordinance Vacating Portions of the Center Medians in 28 ¼ Road Right-of-Way North of F Road to Allow Maintenance Responsibility by the Village Park Home/Property Owner's Association

*Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for October 17, 2001*

Staff presentation: Bill Nebeker, Senior Planner

9. **Vacation of Easements, Redlands Marketplace Filing #2, 2516 Broadway**  
[File #VE-2001-143] [Attach 9](#)

In conjunction with a request to construct a Wendy's drive through restaurant in the Redlands Marketplace, the applicant proposes to vacate a public ingress-egress easement and a utility easement. There are no utilities in the easements to be vacated. The easements will be rededicated in an alternate location.

Additionally, the applicant has requested to vacate a public right-of-way and recreational easement for the riverfront trail that was dedicated on the Redlands Marketplace final plat. When the trail was reconstructed as part of the improvements to the subdivision and shopping center, it was placed outside of the easement. A new easement is being dedicated by separate instrument. The vacation will not become effective until the new easement is dedicated.

**A. Resolution for Easement Vacation**

Resolution No. 100-01 – Vacating a Public Ingress-Egress Easement and a Utility Easement Located in Redlands Marketplace Subdivision at Highway 340 (Broadway) and Power Road

**B. Set a Hearing on Ordinance to Vacate Right-of-Way**

Proposed Ordinance Vacating a Public Right-of-Way and Recreational Easement Located in Redlands Marketplace Subdivision at Highway 340 (Broadway) and Power Road

*\*Action: Adopt Resolution No. 100-01, the Proposed Ordinance and Set a Hearing for October 17, 2001*

Staff presentation: Bill Nebeker, Senior Planner

10. **Barrier Free Lift System/Arjo Tub Purchase & Installation for Mesa Developmental Services** [File # CDBG-2001-6] [Attach 10](#)

This contract formalizes the City's Award of \$40,000 to MDS for purchase and installation of barrier free equipment for an accessible group home. These funds were allocated from the City's 2001 Community Development Block Grant Program.

*Action: Authorize the City Manager to Sign the Subrecipient Contract with Mesa Developmental Services (MDS) for the City's 2001 Program Year*

Staff presentation: Kristen Ashbeck, Senior Planner

11. **Setting a Hearing on Amending the Zoning and Development Code Regarding Transit Shelters and Benches Standards** [File #TAC-2001-175] [Attach 11](#)

The proposed amendments will clarify the allowable exemptions to the sign regulations for signs located on City-approved transit shelters and benches and establish specific standards relating to the installation and maintenance of and allowable advertising on transit shelters and benches.

Proposed Ordinance Amending the Zoning and Development Code Standards for Transit Shelters and Benches

*Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for October 17, 2001*

Staff presentation: Bob Blanchard, Community Development Director

12. **Re-authorize the VCB to Enter into Contracts for Marketing Services with Lodging Properties Outside the City Limits** [Attach 12](#)

Participation to date has included bed and breakfasts located in Palisade and Fruita. Owners of those properties have benefited from the VCB's promotional efforts and the VCB has been able to meet visitors' needs by offering additional lodging choices. The original program will expire October 16, 2001 unless reauthorized.

Resolution No. 101-01 – A Resolution Authorizing the VCB to Enter into Contracts for Marketing Services

\**Action: Adopt Resolution No. 101-01*

Staff presentation: Debbie Kovalik, Executive Director of VCB

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

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

13. **Free Parking Downtown – Thanksgiving to January 2, 2002** [Attach 13](#)

The previous two years the City Council agreed to suspend parking meters and fines for the holiday season. The merchants thought it was a great success and both the DTA and DDA support the request again this year. Staff feels the request will facilitate the installation of the new meters and the recalibrating of the existing meters in conjunction with the increase in fees previously approved so the change effective January 1, 2002 is as smooth as possible.

*Action: Approval of Suspended Fines and Fees Thanksgiving to January 2, 2002*

Staff presentation: Ron Lappi, Administrative Services Director

14. **Temporary Access Agreement with Evertson Oil Company for Somerville Ranch** [Attach 14](#)

Short term access agreement allowing Evertson Oil Company transit through the City's Somerville Ranch property to drill two exploratory wells in Sections 13 and 12. The agreement is short term and applies to access during the short time period required for drilling and completion of wells 13-1A and 12-11. Should recoverable quantities of gas be discovered and long-term operation be required, another, longer-term, agreement will be negotiated in good faith. This short term agreement does not allow permission for long term operational access or permission to cross City lands with collection system gas pipelines, either on City lands or on the TransColorado Natural Gas Pipeline right-of-way where it crosses City lands.

No compensation is required of Evertson except to protect the City as outlined in the attached draft agreement.

*Action: Authorize the City Manager to Negotiate and Sign an Access Agreement Based on the Summary Points.*

Staff presentation: Mark Relph, Public Works & Utilities Director

15. **Public Hearing on the Ruby Meadows Annexation, Located at 3063 Gunnison Avenue** [File #ANX-2001-147] [Attach 15](#)

Resolution accepting a petition to annex and second reading of the annexation ordinance for the Ruby Meadows Annexation (ANX-2001-147 ) located at 3063 Gunnison Avenue. This approximately 5.666 acre annexation consists of 1- parcel of land.

**A. Accepting Petition**

Resolution No. 102-01 – A Resolution Accepting Petitions for Annexation, Making Certain Findings, Determining Property Known as Ruby Meadows Annexation is Eligible for Annexation Located at Gunnison Avenue between East Valley Street and 30 ¼ Road

**B. Annexation Ordinances**

1) Ordinance No. 3376 - An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Ruby Meadows Annexation No. 1, Approximately 2.883 Acres, Located at 3063 Gunnison Avenue

2) Ordinance No. 3377 - An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Ruby Meadows Annexation No. 2, Approximately 2.883 Acres, Located at 3063 Gunnison Avenue

*\*Action: Adopt Resolution No. 102-01, and Ordinances No. 3376 and 3377 on Second Reading*

Staff presentation: Pat Cecil, Development Services Supervisor

16. **Public Hearing Zoning the Ruby Meadows Annexation Located at 3063 Gunnison** [File #ANX-2001-147] [Attach 16](#)

Second Reading of the Zoning Ordinance for the Ruby Meadows Annexation located at 3063 Gunnison Avenue. This approximately 5.666 acre annexation consists of 1- parcel of land.

Ordinance No. 3378 - An Ordinance Zoning a Parcel of Land Located at 3063 Gunnison Avenue

*\*Action: Adopt Ordinance No. 3378 on Second Reading*

Staff presentation: Pat Cecil, Development Services Supervisor



17. **Public Hearing Vacating a Portion of the B.3 Road Right-of-Way Arrowhead Acres II, Filing 3** [File #VR-2001-159] [Attach 17](#)

Request for approval of vacation of the cul-de-sac turnaround at the end of B.3 Road.

Ordinance No. 3379 - An Ordinance Vacating a Portion of the B.3 Road Right-of-Way in Arrowhead Acres II, Filing 3

*\*Action: Adopt Ordinance No. 3379 on Second Reading*

Staff presentation: Kristen Ashbeck, Senior Planner

18. **Traffic Calming Project on Rana Road** [Attach 18](#)

Residents of Rana Road have been working with city staff for the past year and are seeking approval and funds to install three speed humps on Rana Road to reduce speeding on the streets.

*Action: Approval of the Expenditure of Approximately \$3600 for Speed Humps on Rana Road*

Staff presentation: Jody Kliska, Transportation Engineer

19. **Resolution Authorizing Rental Agreements for Various Fire Vehicles and Equipment** [Attach 19](#)

The City Manager will be authorized to sign rental agreements for September, October, November and December, 2001 with the Bank and the Lessor, each of which asserts that it has a security interest in the thirteen pieces of fire equipment that was donated to the City by the EMS Foundation through its representative Rob Dixon. Only four months of payments are proposed in the hope that the Foundation will finish its promised efforts to convert its investments so that it can make all of the required payments, by December 31, 2001. At the same time, the City Manager will be negotiating for permanent lease-purchase arrangements and/or pay-off of some or all of the vehicles/equipment in the event the Foundation does not pay the Bank and the Lessor as it has promised it will do. Further, these are proposed as short-term agreements to give the Manager time to evaluate the fair market value of the equipment, and whether any equipment is not essential.

Resolution No. 103-01 – A Resolution Approving Short Term Rental Agreements with Kansas State Bank and Federal Signal Leasing for Certain Fire Vehicles and Equipment, and the Colorado EMS Payment Guarantee

*\*Action: Adopt Resolution No. 103-01*

Staff presentation: Kelly Arnold, City Manager

19. **NON-SCHEDULED CITIZENS & VISITORS**
20. **OTHER BUSINESS**
21. **ADJOURNMENT**

**Attach 1**  
**Summary of Workshop and Council Minutes**

**GRAND JUNCTION**  
**CITY COUNCIL WORKSHOP**

**September 19, 2001**

The City Council of the City of Grand Junction, Colorado, met on Monday, September 19, 2001 at 6:15 p.m. in the City Auditorium to discuss the proposed Ten-year Capital Improvement Plan. Those present were Harry Butler, Dennis Kirtland, Bill McCurry, Jim Spehar, Reford Theobold, Janet Terry and President of the Council Cindy Enos-Martinez.

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

**SEPTEMBER 19, 2001**

The City Council of the City of Grand Junction convened into regular session the 19<sup>th</sup> day of September, 2001 at 7:36 p.m. in the City Auditorium. Those present were Harry Butler, Dennis Kirtland, Bill McCurry, Janet Terry, Reford Theobold, and President of the Council Cindy Enos-Martinez. Councilmember Jim Spehar was absent. Also present were City Manager Kelly Arnold, City Attorney Dan Wilson and City Clerk Stephanie Nye.

Council President Enos-Martinez called the meeting to order and Councilmember McCurry led in the pledge of allegiance. The audience remained standing for the invocation by Reverend Eldon Coffey, Retired Minister.

**PROCLAMATIONS**

Proclamation Declaring October 6, 2001, as "OKTOBERFEST AND GERMAN-AMERICAN DAY" in the City of Grand Junction.

**PRESENTATION OF CERTIFICATES OF APPOINTMENT**

To reappointed Forestry Board Member Stephen Gerow.

To newly appointed Commission on Arts and Culture member Douglas Cleary.

To reappointed Urban Trails Committee members Clark Rieves and Judy Craddock.

**CITIZEN COMMENTS**

Councilmember Theobold informed the audience that anyone who wanted to speak before the Council, but who had not signed up before the meeting started could still do so.

Lynn Phillips, Mack, Co. commented on Homeless Shelter issues. He feels that there has been no community involvement and community input was not solicited and this is not right. They live within a block of the proposed shelter so this action affects his parents' residence value. Mr. Phillips is a general contractor in the area and was involved in the building of the Rescue Mission on South 5<sup>th</sup> Avenue a few years ago. It took two years to accomplish the project because there was a lot of input from the community. Changing the Knights of Columbus building from a meeting place to a "hotel" and it being a homeless shelter is something that is being slipped in by the City. It is inappropriate for this building to be a homeless shelter and it is in an inappropriate place. There has never been anything like a homeless shelter in the middle of North Avenue, there is no transportation for the homeless so how are they going to get there. Mr. Phillips feels there should have input by the neighborhood. He feels this was done for the good of the City, not the good of the neighborhood.

Mayor Enos-Martinez clarified that the Housing Authority has purchased the building, not the City of Grand Junction.

David Smith, 2866 Belford Ave., lives right behind where this homeless shelter will be. Mr. Smith is speaking on behalf of those against this project. He would like to know why the Planning Department made the decision they did, if they did or did not break any rules and he would like Council to investigate this project. Mr. Smith asked Councilmember Theobold to lead the investigation because he represents that area and he would understand what to ask. Councilmember Theobold stated that investigating this project is out of his purview as a member of the City Council. Mr. Smith stated that he would like to see the rules change so it doesn't happen again.

Louise Phillips, 2859 Belford, has lived in the neighborhood ten years. She read a previously composed letter into record stating that they were not informed, that the shelter is not in the best interest of the residents or businesses in the neighborhood.

Mayor Enos-Martinez announced that there will be a meeting at 6:30 at the Knights of Columbus Hall with the Housing Authority Board and staff. Mayor Enos-Martinez extended an invitation to all residents of the neighborhood to attend. Along with members of the Housing Authority there will persons from the Catholic Outreach and City Market.

Councilmember Theobold stated that some of these issues are also in his memo, which has not been distributed yet. Councilmember Theobold also stated that he would like Council to have answers in advance regarding what would be the authority of Council if the staff decision is in error.

## **CONSENT ITEMS**

It was moved by Councilmember McCurry, seconded by Councilmember Terry and carried by a roll call vote to approve the Consent Calendar items #1 through 5.

1. **Minutes of Previous Meetings**

*Action: Approve the Summary of the September 5, 2001 Workshop and the Minutes of the September 5, 2001 Regular Meeting*

2. **Designation of Seventh Day Adventist Church as a Historic Structure** [File #HBD 2001-02.03]

Joseph Maruca, owner of the Seventh Day Adventist Church located at 800 Colorado Avenue, is requesting that the building be designated as historic in the City Register of Historic Sites, Structures and Districts

Resolution No. 96-01 – A Resolution Designating the Seventh Day Adventist Church Located at 800 Colorado Avenue in the City Register of Historic Sites, Structures, and Districts

*Action: Adopt Resolution No. 96-01*

3. **Vacation of Right-of-Way and Easements in Arrowhead Acres II, Filing 3** [File #VR-2001-159]

Request for approval of vacation of the cul-de-sac turnaround at the end of B.3 Road and vacation of irrigation and drainage easements

a. Vacation of Right-of-Way Ordinance

Proposed Ordinance Vacating a Portion of the B.3 Road Right-of-Way in Arrowhead Acres, Filing 3

b. Vacating Easements

Resolution No. 97-01 – A Resolution Vacating Irrigation and Drainage Easements in Arrowhead Acres II, Filing 3

*Action: Approve Resolution No. 97-01 and Proposed Ordinance on First Reading and Set a Hearing for October 3, 2001*

4. **12<sup>th</sup> Street Reconstruction, Change Order No. 3**

Change Order No. 3 includes the removal and replacement of the bottom 2 inches of asphalt pavement in the traffic lanes and bike lanes on the section of North 12<sup>th</sup> Street which was reconstructed 1999.

*Action: Authorize the City Manager to Approve Change Order No. 3 in the Amount of \$51,944 and Authorize the Transfer of this Amount from the Contract Street Maintenance Fund to the 12<sup>th</sup> Street Reconstruction Project*

5. **Setting a Hearing on Zoning Ruby Meadows Annexation**

[File #ANX-2001-147]

Request to zone the Ruby Meadows Annexation area to an RMF-8 (Residential Multi-family – 8 dwelling units per acre) zone district.

Proposed Ordinance Zoning the Ruby Meadows Annexation Nos. 1 and 2 to a Residential Multi-Family-8 dwellings per acre Zone District

*Action: Adopt Proposed Ordinance and Set a Hearing for October 3, 2001*

**END OF CONSENT CALENDAR**

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**ITEMS NEEDING INDIVIDUAL CONSIDERATION**

**Public Hearing - Assessing the Cost of the Improvements 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 and for the special benefit of fifty properties located in the vicinity of North 7<sup>th</sup> Street and G Road. The proposed ordinance would levy assessments in the amount of \$5,620.69 upon each of the fifty benefiting parcels.

The public hearing was opened at 7:55 p.m.

Real Estate Technician Rick Marcus reviewed this item.

Councilmember Theobold asked who circulated the petition for this item. Mr. Marcus said that a citizen by the name of Hammond did the circulating of the petition.

Councilmember Kirtland asked if this assessment is about average. Mayor Enos-Martinez stated that she believed this assessment is a little higher than what Council has seen in past years.

Mayor Enos-Martinez asked for any public comments. There were none.

The hearing was closed at 7:59 p.m.

Ordinance No. 3373 - 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 11<sup>th</sup> day of June, 1910, as Amended; Approving the Apportionment of Said Cost to Each Lot or Tract of Land or Other Real Estate in Said District; Assessing the Share of Said Cost Against Each Lot or Tract of Land or Other Real Estate in Said District; Approving the Apportionment of Said Cost and Prescribing the Manner for the Collection and Payment of Said Assessment

Upon motion by Councilmember Kirtland, seconded by Councilmember Theobold, and carried by roll call vote, Ordinance No. 3373 was approved.

**Public Hearing – Assessing the Cost of Improvements for Alley Improvement District 2000, Phase B**

Reconstruction of the alley running from 10<sup>th</sup> Street to 11<sup>th</sup> Street between Colorado Avenue and Ute Avenue has been completed as petitioned by a majority of the owners of the property to be assessed.

The public hearing was opened at 8:00 p.m.

Real Estate Technician Rick Marcus reviewed this item

Councilmember Theobold confirmed that this item was a citizen carried petition and that the City only facilitated the documents.

There were no public comments.

The public hearing was closed at 8:01 p.m.

Ordinance No. 3374 - 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

Upon motion by Councilmember Theobold, seconded by Councilmember McCurry, and carried by roll call vote, Ordinance No. 3374 was approved.

**Public Hearing - Assessing the Cost of the Improvements for Alley Improvement District 2001, Phase A**

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

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



The public hearing opened at 8:01 p.m. Mayor Enos-Martinez asked for questions from the public.

Real Estate Technician Rick Marcus reviewed this item.

Councilmember Theobald asked about the City's involvement in this petition. Mr. Marcus explained the process.

There were no public comments on this issue.

The public hearing was closed at 8:03 p.m.

Ordinance No. 3375 - 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

Upon motion by Councilmember Terry, seconded by Councilmember Kirtland, and carried by roll call vote, Ordinance No. 3375 was approved.

**Public Hearing – Amending CDBG 2000 Action Plan and Lease for the Head Start Facility Located at 134 West Avenue**

- 1) The proposed amendment to the lease agreement will extend the term of the lease and incorporate a new provision which clearly specifies that all improvements installed on the property will become and remain part of the property upon expiration or termination of the lease.
- 2) The amendment of the City's CDBG Consolidated Plan 2000 Action Plan is to reflect the revision to the grant dollars awarded Head Start to construct a new facility rather than remodel and add on to the existing facility.
- 3) The subrecipient contract formalizes the City's Award of \$104,000 to Rocky Mountain SER Western Slope Head Start for construction of a new daycare facility at 134 West Avenue. These funds were allocated from the City's 2000 Community Development Block Grant Program.

The public hearing was opened at 8:04 p.m.

Kristen Ashbeck, Community Development Department, reviewed this item. The first item is Real Estate Manager Tim Woodmansee's item. The reason for the public hearing is the amendment to the CDBG Consolidated Plan for 2000.

There were no public comments.

The public hearing closed hearing at 8:06 p.m.

Resolution No. 98-01- Amending and Extending the Lease of City Property at 134 West Avenue to Rocky Mountain SER Western Slope Head Start Program

Upon motion by Councilmember Theobald, seconded by Councilmember Butler, and carried by roll call vote, Resolution No. 98-01, the Amendment to the CDBG Consolidated 2000 Action Plan and the Authorization for the City Manager to Sign the Subrecipient Contract were approved.

### **Contingency Transfer for Two Rivers Convention Center Audio Equipment Replacement**

Funds for the replacement of the existing audio equipment in Two Rivers Convention Center was not included in the Two Rivers construction budget. City staff asked Shaw Construction to evaluate the existing audio equipment and submit a price to replace it. A plan was developed by Commercial Specialists from Grand Junction and reviewed by Sonics, Inc., the City's acoustic and audio consultant for the Two Rivers project. The estimated price is to replace all of the audio equipment, except the speakers in the exhibit hall which the consultant said are in good working order, and to install the necessary conduit for future video in the meeting rooms.

Public Works Director Mark Relph reviewed this item.

Councilmember Dennis Kirtland is refusing himself because he is an employee of Shaw Construction.

Upon motion by Councilmember McCurry, seconded by Councilmember Terry, and carried by roll call vote, the expenditure of \$172,000 for Two Rivers Construction Project was approved.

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

There were no non-scheduled citizens or visitors.

### **OTHER BUSINESS**

Councilmember Janet Terry talked about the tragedy in New York City. She proposed that \$10,000 be sent to the relief fund on behalf of the citizens of Grand Junction.

City Manager Kelly Arnold said it might go a long way to send it directly to Mayor Guilliani. Council agreed. It was agreed that Council will work out the details after doing some research.

Upon motion by Councilmember Terry, seconded by Councilmember Theobald, and carried, the expenditure of \$10,000 to be sent to Mayor Guilliani for the tragedy relief fund on behalf of the citizens of the City of Grand Junction was approved.

It was announced by Council that all employees will receive a lapel pin of the American flag and a postcard with their paychecks on Friday, September 21, 2001.

### **ADJOURNMENT**

The meeting was adjourned at 8:20 p.m.

Stephanie Tuin, CMC  
City Clerk

**Attachment 2**  
**29 Road Paving Improvements**

**CITY COUNCIL AGENDA**  
**CITY OF GRAND JUNCTION**

| <i><b>CITY COUNCIL</b></i> |   |                             |               |
|----------------------------|---|-----------------------------|---------------|
| <b>Subject:</b>            | <b>Award of Construction Contract for 29 ROAD PAVING IMPROVEMENTS PHASE 1</b> |                             |               |
| <b>Meeting Date:</b>       | <b>October 3, 2001</b>  |                             |               |
| <b>Date Prepared:</b>      | <b>September 25, 2001</b>   |                             |               |
| <b>Author:</b>             | <b>James H. Taylor</b>  | <b>Project Engineer</b>     |               |
| <b>Presenter Name:</b>     | <b>Tim Moore</b>  | <b>Public Works Manager</b> |               |
| <b>Meeting Type:</b>       | Workshop  | <b>X</b>                    | Formal Agenda |

**Subject:** Award of a Construction Contract for **29 ROAD PAVING IMPROVEMENTS PHASE 1** to **United Companies** in the amount of **\$431,298.45**.

**Summary:** Bids were received and opened on September 25, 2001 for **29 ROAD PAVING IMPROVEMENTS PHASE 1**. United Companies submitted the low bid in the amount of **\$431,298.45**.

**Background Information:** This project involves the use of Federal Aid funds to construct 914 LF of arterial street consisting of curb, gutter and sidewalk on both sides, 2 traffic lanes in each direction, double left turn lanes and pavement tapers on each end. North Avenue will also be widened at the intersection to include right turn lanes and the medians on both sides of the intersection will be removed and replaced.

In addition to City Council approval, the Construction Contract award is contingent upon approval and authorization from the Federal Highway Administration and CDOT. Work is scheduled to begin on or about October 15, 2001 and continue for 7 weeks with an anticipated completion date of November 28, 2001.

The following bids were received for this project:

| <u>Contractor</u>              | <u>From</u>        | <u>Bid Amount</u> |
|--------------------------------|--------------------|-------------------|
| United Companies               | Grand Junction, CO | \$431,298.45      |
| MA Concrete Construction, Inc. | Grand Junction, CO | \$477,237.00      |
| Sorter Construction, Inc.      | Grand Junction, CO | \$512,098.50      |
| Engineer's Estimate            |                    | \$452,669.25      |

**Budget:**  
Funding

|                         |                       |
|-------------------------|-----------------------|
| 2001 Budget – Fund 2011 |                       |
| City                    | \$685,072.00          |
| County                  | \$757,402.00          |
| Federal                 | \$359,051.00          |
| <b>Total Funding</b>    | <b>\$1,801,525.00</b> |

|   |                       |
|---|-----------------------|
| <u>Project Costs:</u>                         |                       |
| Phase 1 Utilities                             | \$1,145,950.00        |
| Phase 2 Engineering & Administration          | \$150,000.00          |
| Phase 1 Street - Engineering & Administration | \$43,000.00           |
| City Furnished Materials                      | \$22,575.00           |
| <u>Street Construction Contract</u>           | <u>\$431,298.45</u>   |
| <u>Total</u>                                  | <u>\$1,792,823.45</u> |
| <br><u>Remaining Balance</u>                  | <br><b>\$8,701.55</b> |

**Rights-of-way and easements:** The City has legal possession of all real estate interests required to install the project improvements.

**Action Requested/Recommendation:** City Council motion authorizing the City Manager to execute a Construction Contract for the **29 ROAD PAVING IMPROVEMENTS PHASE 1** with **United Companies** in the amount of **\$431,298.45**.

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

**Attachment 3**  
**2001 Curb, Gutter and Sidewalk Replacement**

**CITY COUNCIL AGENDA**  
**CITY OF GRAND JUNCTION**

| <b>CITY COUNCIL</b>    |   |                                      |
|------------------------|---|--------------------------------------|
| <b>Subject:</b>        | <b>2001 Curb, Gutter and Sidewalk Replacement</b> |                                      |
| <b>Meeting Date:</b>   | <b>Wednesday, October 3, 2001</b>                 |                                      |
| <b>Date Prepared:</b>  | <b>September 25, 2001</b>                         |                                      |
| <b>Author:</b>         | <b>Mike Best</b>                                  |                                      |
| <b>Presenter Name:</b> | <b>Tim Moore</b>                                  |                                      |
|                        | <b>Workshop</b>                                   | <b>X</b>                             |
|                        |   | <b>Formal Agenda Discussion Item</b> |

**Subject:** Award the construction contract for the **2001 Curb, Gutter and Sidewalk Replacement to BPS Concrete** in the amount of **\$232,206.26**.

**Summary:** Bids were received and opened on September 25, 2001, for the **2001 Curb, Gutter, and Sidewalk Replacement**. The low bid was submitted by **BPS Concrete** in amount of **\$232,206.26**.

**Background Information:** This project will replace concrete curb, gutter, and sidewalk through out the City. The concrete maybe broken, causing a tripping hazards or displaced, causing a drainage problem. This contract will repair approximately 84 location within the City.

This project will start on October 10, 2001 and continue for 140 contract days with anticipated completion date of June 15, 2002. The contractor may elect to shut down construction activities during the winter with a spring start up in March 2002

The following bids were received for this project:

| <u>Contractor</u>        | <u>From</u>    | <u>Bid</u>   |
|--------------------------|----------------|--------------|
| <u>Amount</u>            |                |              |
| Reyes Construction       | Grand Junction | \$297,068.50 |
| G and G Paving           | Grand Junction | \$250,965.00 |
| Vista Paving Corporation | Grand Junction | \$243,829.95 |
| BPS Concrete             | Grand Junction | \$232,206.26 |
| Engineer's Estimate      |                | \$215,389.81 |

**Budget:**

|  |                     |
|--|---------------------|
| <u>Project Costs:</u>                        |                     |
| Construction                                 | \$232,206.26        |
| <u>City inspection and Admin. (Estimate)</u> | <u>\$ 23,000.00</u> |
| Total Project Costs                          | \$255,206.26        |

|  |              |
|--|--------------|
| <u>Funding:</u>                        |              |
| Curb Gutter and Sidewalk Repair F00900 | \$246,206.26 |
| Accessibility F02000                   | \$ 8,573.27  |
| Water Department                       | \$ 426.73    |
| Total                                  | \$255,206.26 |

**Action Requested/Recommendation:** City Council motion authorizing the City Manager to execute a construction contract for the **2001 Curb, Gutter and Sidewalk Replacement** with **BPS Concrete** in the amount of **\$232,206.26**.

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

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

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

**Attachment 4**  
**Intention to Create Alley Improvement District 2002, Phase A**

**CITY COUNCIL AGENDA**  
**CITY OF GRAND JUNCTION**

| <b>CITY COUNCIL</b>    |   |                               |
|------------------------|---|-------------------------------|
| <b>Subject:</b>        | <b>A resolution declaring the intent to create Alley Improvement District 2002, Phase A</b> |                               |
| <b>Meeting Date:</b>   | <b>October 3<sup>rd</sup>, 2001</b>   |                               |
| <b>Date Prepared:</b>  | <b>September 25<sup>th</sup>, 2001</b>  |                               |
| <b>Author:</b>         | <b>Rick Marcus</b>  | <b>Real Estate Technician</b> |
| <b>Presenter Name:</b> | <b>Rick Marcus</b>  | <b>Real Estate Technician</b> |
|                        | <b>Workshop</b>   | <b>X    Formal Agenda</b>     |

**Subject:** A resolution declaring the intent of the City Council to create Alley Improvement District ST-02, Phase A, and giving notice of a hearing.

**Summary:** Successful petitions have been submitted requesting a Local Improvement District be created to reconstruct the following seven alleys:

- East/West Alley from 2<sup>nd</sup> to 3<sup>rd</sup>, between Hill Avenue and Gunnison Avenue
- East/West Alley from 3<sup>rd</sup> to 4<sup>th</sup>, between Hill Avenue and Teller Avenue
- East/West Alley from 4<sup>th</sup> to 5<sup>th</sup>, between Colorado Avenue and Ute Avenue
- East/West Alley from 11<sup>th</sup> to 12<sup>th</sup>, between Grand Avenue and Ouray Avenue
- East/West Alley from 12<sup>th</sup> to 13<sup>th</sup>, between Kennedy Avenue and Bunting Avenue
- East/West Alley from 15<sup>th</sup> to 16<sup>th</sup>, between Hall Avenue and Texas Avenue
- "T" shaped Alley from 7<sup>th</sup> to Cannell, between Kennedy Avenue and Bunting Avenue

The proposed resolution is the first step in the formal process of creating the proposed Improvement District. A hearing to allow public comment for or against the proposed Improvement District is scheduled for the November 7<sup>th</sup>, 2001, City Council meeting.

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

**Budget:**

|   |           |
|---|-----------|
| 2002 Alley Budget                               | \$346,000 |
| Carry in from 2001 Budget                       | \$ 65,000 |
| Estimated Cost to construct 2002 Phase A Alleys | \$397,290 |
| Estimated Balance                               | \$ 13,710 |



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

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

# SUMMARY SHEET

## PROPOSED ALLEY IMPROVEMENT DISTRICT 2<sup>ND</sup> STREET TO 3<sup>RD</sup> STREET GUNNISON AVENUE TO HILL AVENUE

| OWNER                             | FOOTAGE | COST/FOOT | ASSESSMENT       |
|-----------------------------------|---------|-----------|------------------|
| MICHAEL & MARCELLA VASQUEZ        | 50.00   | \$ 8.00   | \$ 400.00        |
| • JASON & KARALEE PARSONS         | 50.00   | \$ 8.00   | \$ 400.00        |
| • ROBERT MCGEE                    | 50.00   | \$ 8.00   | \$ 400.00        |
| • DONALD & BONNIE DAVIS           | 50.00   | \$ 8.00   | \$ 400.00        |
| • ROBERT & EDWARD SMITHSON        | 50.00   | \$ 8.00   | \$ 400.00        |
| VA REGIONAL OFFICE                | 50.00   | \$ 8.00   | \$ 400.00        |
| ELUID & THELMA ARCHULETA          | 100.00  | \$ 8.00   | \$ 800.00        |
| • SEAN & TERRY LARVENZ            | 50.00   | \$ 8.00   | \$ 400.00        |
| LARRY LOY                         | 50.00   | \$15.00   | \$ 750.00        |
| MARIA SERAFINO-NOBLE              | 50.00   | \$15.00   | \$ 750.00        |
| • GEORGE & CLARA BLANKA           | 50.00   | \$15.00   | \$ 750.00        |
| • ALFONSO & LAURA ALIVA           | 50.00   | \$15.00   | \$ 750.00        |
| ANNA & NINA KIRK & L. A. WASINGER | 50.00   | \$ 8.00   | \$ 400.00        |
| • AARON & KAREN DEROSE            | 50.00   | \$ 8.00   | \$ 400.00        |
| • BOB FAITH                       | 50.00   | \$ 8.00   | <u>\$ 400.00</u> |
| TOTAL                             |         |           | \$7,800.00       |
| ASSESSABLE FOOTAGE                | 800.00  |           |                  |

|                             |                    |
|-----------------------------|--------------------|
| Estimated Cost to Construct | \$ 42,750.00       |
| Absolute Cost to Owners     | <u>\$ 7,800.00</u> |
| Estimated Cost to City      | \$ 34,950.00       |

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

- Indicates Property Owners Signing Petition = 9/15 or 60% of Owners & 56% of Abutting Footage

# SUMMARY SHEET

## PROPOSED ALLEY IMPROVEMENT DISTRICT 3<sup>rd</sup> STREET TO 4<sup>th</sup> STREET B. HILL AVENUE TO TELLER AVENUE

| OWNER                          | FOOTAGE | COST/FOOT | ASSESSMENT |
|--------------------------------|---------|-----------|------------|
| • RICHARD TRAFTON              | 50.00   | \$ 8.00   | \$ 400.00  |
| • EDWARD & LOUISE WESTERMIRE   | 50.00   | \$ 8.00   | \$ 400.00  |
| ELIZABETH MARKS                | 50.00   | \$ 8.00   | \$ 400.00  |
| SAM HAMER & AMY GUY            | 50.00   | \$ 8.00   | \$ 400.00  |
| DEBORAH WILSON                 | 50.00   | \$ 8.00   | \$ 400.00  |
| • TRACEY & YVONNE CLARK        | 50.00   | \$ 8.00   | \$ 400.00  |
| • BARBARA JONES                | 100.00  | \$ 8.00   | \$ 800.00  |
| • MARVIN & ELEANORE WALWORTH   | 50.00   | \$ 8.00   | \$ 400.00  |
| • MADGE & LORNA BOWERSOX       | 50.00   | \$ 8.00   | \$ 400.00  |
| • MARTHA EVANS & AMBER BENSON  | 50.00   | \$ 8.00   | \$ 400.00  |
| JEFFERY STOCKER & APRIL GRAHAM | 50.00   | \$ 8.00   | \$ 400.00  |
| GERALD MCKEEL                  | 50.00   | \$ 8.00   | \$ 400.00  |
| • ROBERT & DIANE ROWIN         | 50.00   | \$ 8.00   | \$ 400.00  |
| • SUSAN POWERS                 | 50.00   | \$ 8.00   | \$ 400.00  |
| • NOEL & MARY WELCH            | 50.00   | \$ 8.00   | \$ 400.00  |
| TOTAL                          |         |           | \$6,400.00 |
| ASSESSABLE FOOTAGE             | 800.00  |           |            |

Estimated Cost to Construct                      \$ 42,750.00

Absolute Cost to Owners                              \$ 6,400.00

Estimated Cost to City                                \$ 36,350.00

**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 = 10/15 or 67% of Owners & 69% of Abutting Footage

# SUMMARY SHEET

PROPOSED ALLEY IMPROVEMENT DISTRICT  
**4th STREET TO 5th STREET**  
**C. COLORADO AVENUE TO UTE AVENUE**

| OWNER                            | FOOTAGE | COST/FOOT | ASSESSMENT         |
|----------------------------------|---------|-----------|--------------------|
| • DONNA & ROLLIN BITTING         | 24.46   | \$31.50   | \$ 770.49          |
| • DONNA & ROLLIN BITTING         | 25.00   | \$31.50   | \$ 787.50          |
| DALE & EVA PARK                  | 50.00   | \$31.50   | \$1,575.00         |
| • JOHN & MARIE WOHLFAHRT         | 25.00   | \$31.50   | \$ 787.50          |
| BILLY & PATRICIA THOMPSON        | 75.00   | \$31.50   | \$2,362.50         |
| JOANNE COSTANZO                  | 25.00   | \$31.50   | \$ 787.50          |
| WILLFRED SHEETZ                  | 75.00   | \$31.50   | \$2,362.50         |
| • DOWNTOWN DEVELOPMENT AUTHORITY | 75.00   | \$31.50   | \$2,362.50         |
| GEORGE & MONIKA TODD             | 25.54   | \$31.50   | \$ 804.51          |
| • MUSEUM OF WESTERN COLORADO     | 200.00  | \$31.50   | \$6,300.00         |
| • MUSEUM OF WESTERN COLORADO     | 200.00  | \$31.50   | <u>\$6,300.00</u>  |
| TOTAL                            |         |           | <u>\$25,200.00</u> |
| ASSESSABLE FOOTAGE               | 800.00  |           |                    |

|                             |                     |
|-----------------------------|---------------------|
| Estimated Cost to Construct | \$ 42,750.00        |
| Absolute Cost to Owners     | <u>\$ 25,200.00</u> |
| Estimated Cost to City      | \$ 17,550.00        |

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 = 6/11 or 55% of Owners & 69% of Abutting Footage

## SUMMARY SHEET

### PROPOSED ALLEY IMPROVEMENT DISTRICT 7<sup>TH</sup> STREET TO CANNELL AVENUE BUNTING AVENUE TO KENNEDY AVENUE

| OWNER                                       | FOOTAGE  | COST/FOOT | ASSESSMENT        |
|---|----------|-----------|-------------------|
| THEODORE & LINDA KOEMAN                     | 130.27   | \$15.00   | \$1,954.05        |
| KIMBERLY LYNCH                              | 64.00    | \$15.00   | \$ 960.00         |
| DOROTHY STORTZ                              | 64.00    | \$ 8.00   | \$ 512.00         |
| • BARBARA GALE                              | 64.00    | \$ 8.00   | \$ 512.00         |
| • NORVAL & D. LARSEN                        | 64.00    | \$ 8.00   | \$ 512.00         |
| SHARON KOCH                                 | 64.00    | \$ 8.00   | \$ 512.00         |
| • CHARLES & V. WHITT                        | 64.00    | \$ 8.00   | \$ 512.00         |
| • CHARLES & E. HOWARD                       | 64.00    | \$ 8.00   | \$ 512.00         |
| • SIGRID CARLSON                            | 64.00    | \$ 8.00   | \$ 512.00         |
| • KERRY & JOY MURDOCK                       | 64.00    | \$ 8.00   | \$ 512.00         |
| MICHAEL & NANCY DERMODY                     | 64.00    | \$ 8.00   | \$ 512.00         |
| MARY MCCALLISTER                            | 66.27    | \$ 8.00   | \$ 530.16         |
| LESTER LANDRY, et.al.                       | 66.67    | \$ 8.00   | \$ 533.36         |
| LOUIE & PHYLLIS BARSLUND                    | 64.00    | \$ 8.00   | \$ 512.00         |
| • CHARLES & PATRICIA DOSS                   | 64.00    | \$ 8.00   | \$ 512.00         |
| KENNETH & A. BULLEN                         | 64.00    | \$ 8.00   | \$ 512.00         |
| • JANET MUYSKENS (Trustee)                  | 64.00    | \$ 8.00   | \$ 512.00         |
| • RICHARD BROADHEAD                         | 64.00    | \$ 8.00   | \$ 512.00         |
| • ADELE CUMMINGS                            | 64.00    | \$ 8.00   | \$ 512.00         |
| • MARJORY MOON                              | 64.00    | \$ 8.00   | \$ 512.00         |
| • ETHAN & TINA CLOUTIER                     | 64.00    | \$ 8.00   | \$ 512.00         |
| • ROXANA & JOHN WOLCOTT                     | 64.00    | \$ 8.00   | \$ 512.00         |
| • DOROTHY JACKSON & D. AUBREY<br>(Trustees) | 64.00    | \$15.00   | \$ 960.00         |
| • WILNA RESS (Trustee)                      | 64.00    | \$ 8.00   | \$ 512.00         |
| CRISS OTTO & CARYN PENN                     | 146.48   | \$15.00   | \$2,197.20        |
| AMERICAN LUTHERN CHURCH                     | 185.13   | \$31.50   | \$5,831.60        |
| AMERICAN LUTHERN CHURCH                     | 103.41   | \$31.50   | <u>\$3,257.42</u> |
| TOTAL                                       |          |           | \$25,951.79       |
| ASSESSABLE FOOTAGE                          | 2,042.23 |           |                   |

Estimated Cost to Construct                      \$ 114,045.60

Absolute Cost to Owners                         \$ 25,951.79

Estimated Cost to City                             \$ 88,093.81

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 = 15/27 or 56% of Owners & 47% of Abutting Footage

## SUMMARY SHEET

**PROPOSED ALLEY IMPROVEMENT DISTRICT  
11<sup>th</sup> STREET TO 12<sup>th</sup> STREET  
GRAND AVENUE TO OURAY AVENUE**

| <b>OWNER</b>                     | <b>FOOTAGE</b> | <b>COST/FOOT<br/>T</b> | <b>ASSESSMENT</b> |
|----------------------------------|----------------|------------------------|-------------------|
| • PENNY HILLS                    | 50.00          | \$8.00                 | \$400.00          |
| MICHAEL & JOAN MESARCH           | 50.00          | \$8.00                 | \$400.00          |
| • BRAD & PAM FERGUSON            | 50.00          | \$8.00                 | \$400.00          |
| GRETA JONES                      | 50.00          | \$8.00                 | \$400.00          |
| • TRACY & MATTHEW CONSTABLE      | 50.00          | \$8.00                 | \$400.00          |
| • PAM BOWKER                     | 50.00          | \$8.00                 | \$400.00          |
| ANDRES ASLAN & ELIZABETH COLLINS | 50.00          | \$8.00                 | \$400.00          |
| • CHRISTOPHER KRABACHER          | 50.00          | \$8.00                 | \$400.00          |
| • LORA & BURTON BURCKHALTER      | 50.00          | \$8.00                 | \$400.00          |
| LILLIAN HOUGH (TRUSTEE)          | 51.15          | \$8.00                 | \$409.20          |
| VERONICA MOSS                    | 37.50          | \$8.00                 | \$300.00          |
| • VERLYN ROSS                    | 37.50          | \$8.00                 | \$300.00          |
| • HAL & JULIE SANBERG            | 50.00          | \$8.00                 | \$400.00          |
| EDMUND SCHENCK                   | 50.00          | \$8.00                 | \$400.00          |
| • NATALIE POGUE                  | 50.00          | \$8.00                 | \$400.00          |
| • RALPH & BRIGITTE POWER         | 50.00          | \$8.00                 | \$400.00          |
| HARRY & ETHEL BUTLER             | 50.00          | \$8.00                 | \$400.00          |
| TERRY DOEKSEN                    | 76.15          | \$8.00                 | \$609.20          |
| TOTAL                            |                |                        | <u>\$7,218.40</u> |
| ASSESSABLE FOOTAGE               | 902.30         |                        |                   |

Estimated Cost to Construct \$ 47,595.00

Absolute Cost to Owners \$ 7,218.40

Estimated Cost to City \$ 40,376.60

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

- Indicates Property Owners Signing Petition = 10/18 or 56% of Owners & 54% of Abutting Footage

## SUMMARY SHEET

**PROPOSED ALLEY IMPROVEMENT DISTRICT  
12<sup>th</sup> STREET TO 13<sup>th</sup> STREET  
BUNTING AVENUE TO KENNEDY AVENUE**

| OWNER                      | FOOTAGE | COST/FOOT | ASSESSMENT  |
|----------------------------|---------|-----------|-------------|
| • CHRIS & JULIE SUSEMIHL   | 125.00  | \$15.00   | \$1,875.00  |
| • TERRY & CHRISTIE RUCKMAN | 50.00   | \$15.00   | \$ 750.00   |
| BARRY & FATIMA THARAUD     | 50.00   | \$ 8.00   | \$ 400.00   |
| G. GONZALES                | 50.00   | \$ 8.00   | \$ 400.00   |
| • MARY MCCANDLESS          | 50.00   | \$ 8.00   | \$ 400.00   |
| • STEPHEN KESSBERGER       | 50.00   | \$15.00   | \$ 750.00   |
| • DAVID WARD               | 50.00   | \$ 8.00   | \$ 400.00   |
| DONNA BELTZ                | 100.00  | \$15.00   | \$1,500.00  |
| JAMES & BONNIE KARP        | 75.00   | \$15.00   | \$1,125.00  |
| JAMES & ANDREA PENDLETON   | 50.00   | \$15.00   | \$ 750.00   |
| • JUASEK UNITS, LLC        | 50.00   | \$15.00   | \$ 750.00   |
| • CARL STRIPPEL            | 50.00   | \$15.00   | \$ 750.00   |
| • CARL STRIPPEL            | 50.00   | \$ 8.00   | \$ 400.00   |
| • WALTER & BETTY ROLES     | 50.00   | \$ 8.00   | \$ 400.00   |
| TOTAL                      |         |           | \$10,650.00 |
| ASSESSABLE FOOTAGE         | 850.00  |           |             |

|                             |                     |
|-----------------------------|---------------------|
| Estimated Cost to Construct | \$ 45,125.00        |
| Absolute Cost to Owners     | <u>\$ 10,650.00</u> |
| Estimated Cost to City      | \$ 34,475.00        |

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



accrue at the rate of 8% per annum on the declining balance.

- Indicates Property Owners Signing Petition = 9/14 or 64% of Owners & 62% of Abutting Footage

# SUMMARY SHEET

PROPOSED ALLEY IMPROVEMENT DISTRICT  
**15<sup>th</sup> STREET TO 16<sup>th</sup> STREET**  
**TEXAS AVENUE TO HALL AVENUE**

| OWNER                          | FOOTAGE  | COST/FOOT | ASSESSMENT  |
|--------------------------------|----------|-----------|-------------|
| THELMA KATHREIN                | 74.85    | \$ 8.00   | \$ 598.80   |
| ALAN BARKER                    | 72.20    | \$ 8.00   | \$ 577.60   |
| • HENRY & PATSY MILLER         | 74.00    | \$ 8.00   | \$ 592.00   |
| • GENEVA HICKS                 | 74.00    | \$ 8.00   | \$ 592.00   |
| LIBBY SCHWAB & WILLIAM MILLER  | 65.00    | \$ 8.00   | \$ 520.00   |
| • STANIFORD & ELAINE SPECK     | 65.00    | \$ 8.00   | \$ 520.00   |
| • MICHAEL & SARAH JOHNSON      | 75.00    | \$ 8.00   | \$ 600.00   |
| CHARLES & LINDA CARPENTER      | 72.20    | \$ 8.00   | \$ 577.60   |
| MONICA CARPENTER               | 65.00    | \$ 8.00   | \$ 520.00   |
| HUNT FAMILY TRUST              | 65.00    | \$ 8.00   | \$ 520.00   |
| HENRY & DONNA BOSTLEMAN        | 58.00    | \$ 8.00   | \$ 464.00   |
| WILLIAM & GLADYS PHILLIPS      | 58.00    | \$ 8.00   | \$ 464.00   |
| • ED HOKANSON & SAMUEL BALDWIN | 52.00    | \$ 8.00   | \$ 416.00   |
| • HARRY & E. BUTLER            | 55.00    | \$ 8.00   | \$ 440.00   |
| • DANIEL & DEBRA HARSH         | 55.00    | \$ 8.00   | \$ 440.00   |
| • RICHARD & JOY SWERDFEGER     | 45.00    | \$ 8.00   | \$ 360.00   |
| • RICHARD & JOY SWERDFEGER     | 45.00    | \$ 8.00   | \$ 360.00   |
| ALAN YOUKER                    | 52.00    | \$ 8.00   | \$ 416.00   |
| • ERROL & LINDA MECHEM         | 50.00    | \$15.00   | \$ 750.00   |
| • SAMUEL & DEBBIE JOHNSON      | 40.00    | \$ 8.00   | \$ 320.00   |
| TOTAL                          |          |           | \$10,048.00 |
| ASSESSABLE FOOTAGE             | 1,212.25 |           |             |

|                             |                     |
|-----------------------------|---------------------|
| Estimated Cost to Construct | \$ 62,320.00        |
| Absolute Cost to Owners     | <u>\$ 10,048.00</u> |
| Estimated Cost to City      | \$ 52,272.00        |

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 = 11/20 or 55% of Owners & 52% of Abutting Footage

# RESOLUTION NO. \_\_\_\_\_

**DECLARING THE INTENTION OF THE CITY COUNCIL  
OF THE CITY OF GRAND JUNCTION, COLORADO, TO CREATE  
WITHIN SAID CITY ALLEY IMPROVEMENT DISTRICT NO. ST- 02, PHASE A, AND  
AUTHORIZING THE CITY ENGINEER TO PREPARE  
DETAILS AND SPECIFICATIONS FOR THE SAME.**

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

**Location of Improvements:**

- East/West Alley from 2<sup>nd</sup> to 3<sup>rd</sup>, between Hill Avenue and Gunnison Avenue
- East/West Alley from 3<sup>rd</sup> to 4<sup>th</sup>, between Hill Avenue and Teller Avenue
- East/West Alley from 4<sup>th</sup> to 5<sup>th</sup>, between Colorado Avenue and Ute Avenue
- East/West Alley from 11<sup>th</sup> to 12<sup>th</sup>, between Grand Avenue and Ouray Avenue
- East/West Alley from 12<sup>th</sup> to 13<sup>th</sup>, between Kennedy Avenue and Bunting Avenue
- East/West Alley from 15<sup>th</sup> to 16<sup>th</sup>, between Hall Avenue and Texas Avenue
- "T" shaped Alley from 7<sup>th</sup> to Cannell, between Kennedy Avenue and Bunting Avenue

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

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

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

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

Lots 1 through 12, inclusive, and the south ½ Lots 13 through 16, inclusive, and the north 78.1 feet of Lots 17 and 18, and Lots 19 through 32, inclusive, Block 35, City of Grand Junction;

AND ALSO, Lots 1 through 12, inclusive, and the south ½ Lots 13 through 16, inclusive, and Lots 17 through 32, inclusive, Block 31, City of Grand Junction;

AND ALSO, Lots 1 through 32, inclusive, Block 125, Grand Junction;

AND ALSO, Lots 1 through 3, inclusive, and the east 53.6 feet of Lot 4, and Lots 5 through 30, inclusive, Block 2, Rose Park Subdivision, City of Grand Junction;

AND ALSO, Lots 1 through 17, inclusive, and Lot 19, Block 67, Grand Junction;

AND ALSO, The south ½ of Lots 1 through 5, inclusive, and Lots 6 through 30, inclusive, and the north ½ of Lots 31 through 34, inclusive, Block 3, Henderson Heights Subdivision,  
City of Grand Junction;  
AND ALSO, Lots 1 through 8, inclusive, Block 2, Sunnyvale Acres Subdivision; and Lots 1 through 8, inclusive, Avalon Gardens Subdivision; and Lots 1 through 4, inclusive, Belaire Subdivision, City of Grand Junction,  
All in the City of Grand Junction, and Mesa County, Colorado.

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

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

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

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

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

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

The total amount of assessable footage for properties receiving the single-family residential rate is estimated to be 5,113.49, feet and the total amount of assessable footage for properties receiving the multi-family residential rate is estimated to be 1,204.75 feet; and the total amount of assessable footage receiving the non-residential rate is 1,088.54.

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

annual installments, the first of which shall be payable at the time the next installment of general taxes, by the laws of the State of Colorado, is payable, and each annual installment shall be paid on or before the same date each year thereafter, along with simple interest which has accrued at the rate of 8 percent per annum on the unpaid principal, payable annually.

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

5. That Notice of Intention to Create said Alley Improvement District No. ST-02, Phase A, and of a hearing thereon, shall be given by advertisement in one issue of The Daily Sentinel, a newspaper of general circulation published in said City, which Notice shall be in substantially the form set forth in the attached "**NOTICE**".

## NOTICE

### OF INTENTION TO CREATE ALLEY IMPROVEMENT DISTRICT NO. ST-02, PHASE A, IN THE CITY OF GRAND JUNCTION, COLORADO, AND OF A HEARING THEREON

**PUBLIC NOTICE IS HEREBY GIVEN**, pursuant to the request of a majority of the affected property owners, to the owners of real estate in the district hereinafter described and to all persons generally interested that the City Council of the City of Grand Junction, Colorado, intends to create Alley Improvement District No. ST-02, Phase A, in said City for the purpose of reconstructing and paving certain alleys to serve the property hereinafter described, which lands are to be assessed with the cost of the improvements, to wit:

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

Lots 1 through 12, inclusive, and the south  $\frac{1}{2}$  Lots 13 through 16, inclusive, and the north 78.1 feet of Lots 17 and 18, and Lots 19 through 32, inclusive, Block 35, City of Grand Junction;

AND ALSO, Lots 1 through 12, inclusive, and the south  $\frac{1}{2}$  Lots 13 through 16, inclusive, and Lots 17 through 32, inclusive, Block 31, City of Grand Junction;

AND ALSO, Lots 1 through 32, inclusive, Block 125, Grand Junction;

AND ALSO, Lots 1 through 3, inclusive, and the east 53.6 feet of Lot 4, and Lots 5 through 30, inclusive, Block 2, Rose Park Subdivision, City of Grand Junction;

AND ALSO, Lots 1 through 17, inclusive, and Lot 19, Block 67, Grand Junction;

AND ALSO, The south  $\frac{1}{2}$  of Lots 1 through 5, inclusive, and Lots 6 through 30, inclusive, and the north  $\frac{1}{2}$  of Lots 31 through 34, inclusive, Block 3, Henderson Heights Subdivision,

City of Grand Junction;

AND ALSO, Lots 1 through 8, inclusive, Block 2, Sunnyvale Acres Subdivision; and Lots 1 through 8, inclusive, Avalon Gardens Subdivision; and Lots 1 through 4, inclusive, Belaire Subdivision, City of Grand Junction,

All in the City of Grand Junction, and Mesa County, Colorado.

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

- East/West Alley from 2<sup>nd</sup> to 3<sup>rd</sup>, between Hill Avenue and Gunnison Avenue
- East/West Alley from 3<sup>rd</sup> to 4<sup>th</sup>, between Hill Avenue and Teller Avenue
- East/West Alley from 4<sup>th</sup> to 5<sup>th</sup>, between Colorado Avenue and Ute Avenue
- East/West Alley from 11<sup>th</sup> to 12<sup>th</sup>, between Grand Avenue and Ouray Avenue
- East/West Alley from 12<sup>th</sup> to 13<sup>th</sup>, between Kennedy Avenue and Bunting Avenue
- East/West Alley from 15<sup>th</sup> to 16<sup>th</sup>, between Hall Avenue and Texas Avenue
- "T" shaped Alley from 7<sup>th</sup> to Cannell, between Kennedy Avenue and Bunting Avenue

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

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

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

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

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

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

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

The total amount of assessable footage for properties receiving the single-family residential rate is estimated to be 5,113.49 feet and the total amount of assessable footage for properties receiving the multi-family residential rate is estimated to be 1,204.75 feet; and the total amount of assessable footage receiving the non-residential rate is 1,088.54.

To the total assessable cost of \$ 93,268.19 to be borne by the property owners, there shall be added six (6) percent for costs of collection and incidentals. The said assessment shall be due and payable, without demand, within thirty (30) days after the ordinance assessing such cost shall have become final, and if paid during such period, the amount added for costs of collection and incidentals shall be deducted; provided however, that failure by any owner(s) to pay the whole assessment within said thirty (30) day period shall be conclusively considered as an election on the part of said owner(s) to pay the assessment, together with an additional six percent (6%) one-time charge for cost of collection and other incidentals which shall be added to the principal payable in ten (10) annual installments which shall become due upon the same date upon which general taxes, or the first installment thereof, are by the laws of the State of Colorado, made payable. Simple interest at the rate of eight (8) percent per annum shall be charged on unpaid installments.

On November 7<sup>th</sup>, 2001, at the hour of 7:30 o'clock P.M. in the City Council Chambers in City Hall located at 250 North 5th Street in said City, the Council will consider testimony that may be made for or against the proposed improvements by the owners of any real estate to be assessed, or by any person interested.



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

Dated at Grand Junction, Colorado, this 3<sup>rd</sup> day of October, 2001.

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

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

**PASSED** and **ADOPTED** this 3<sup>rd</sup> day of October, 2001.

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

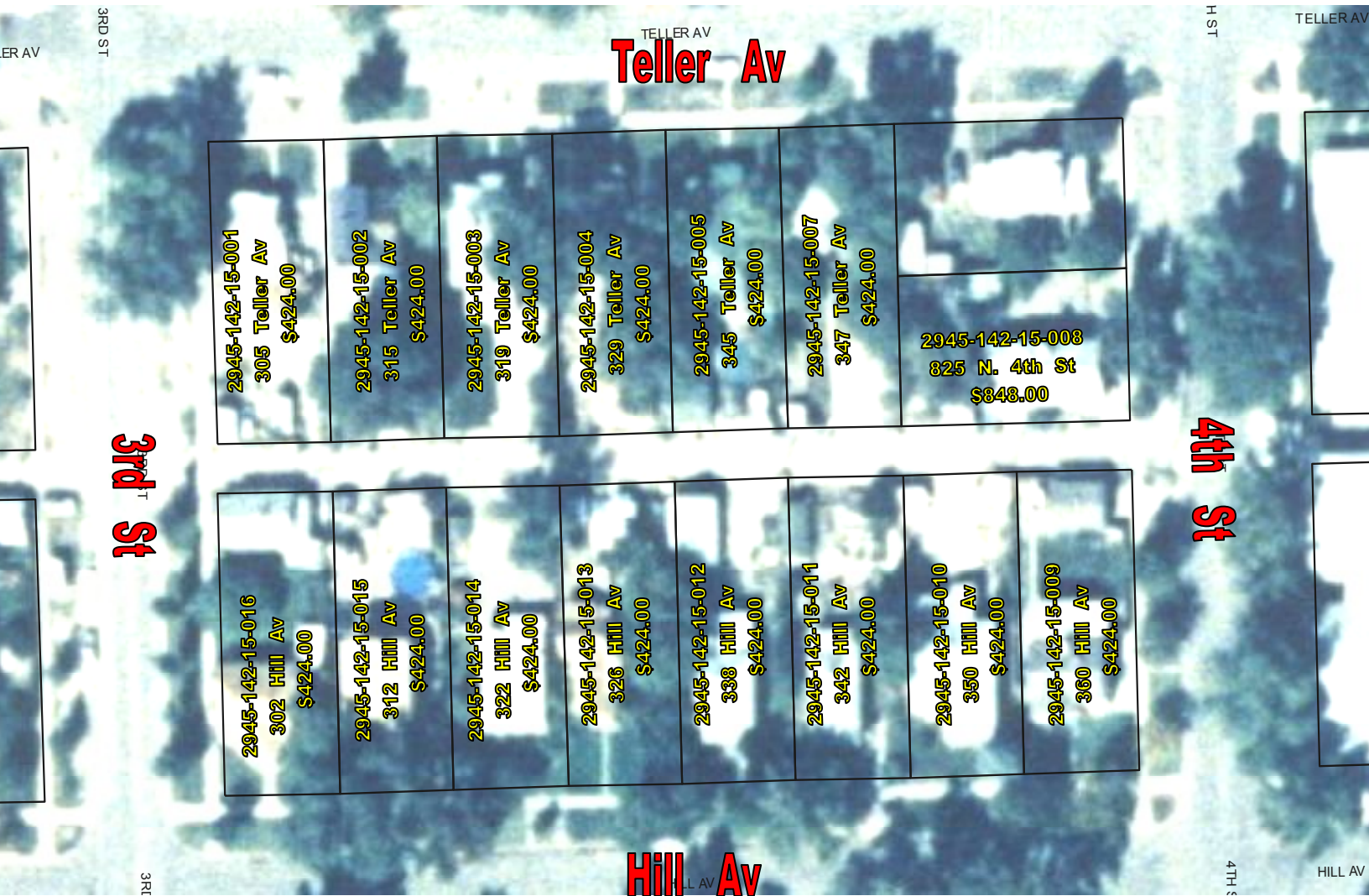
**Attest:**

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

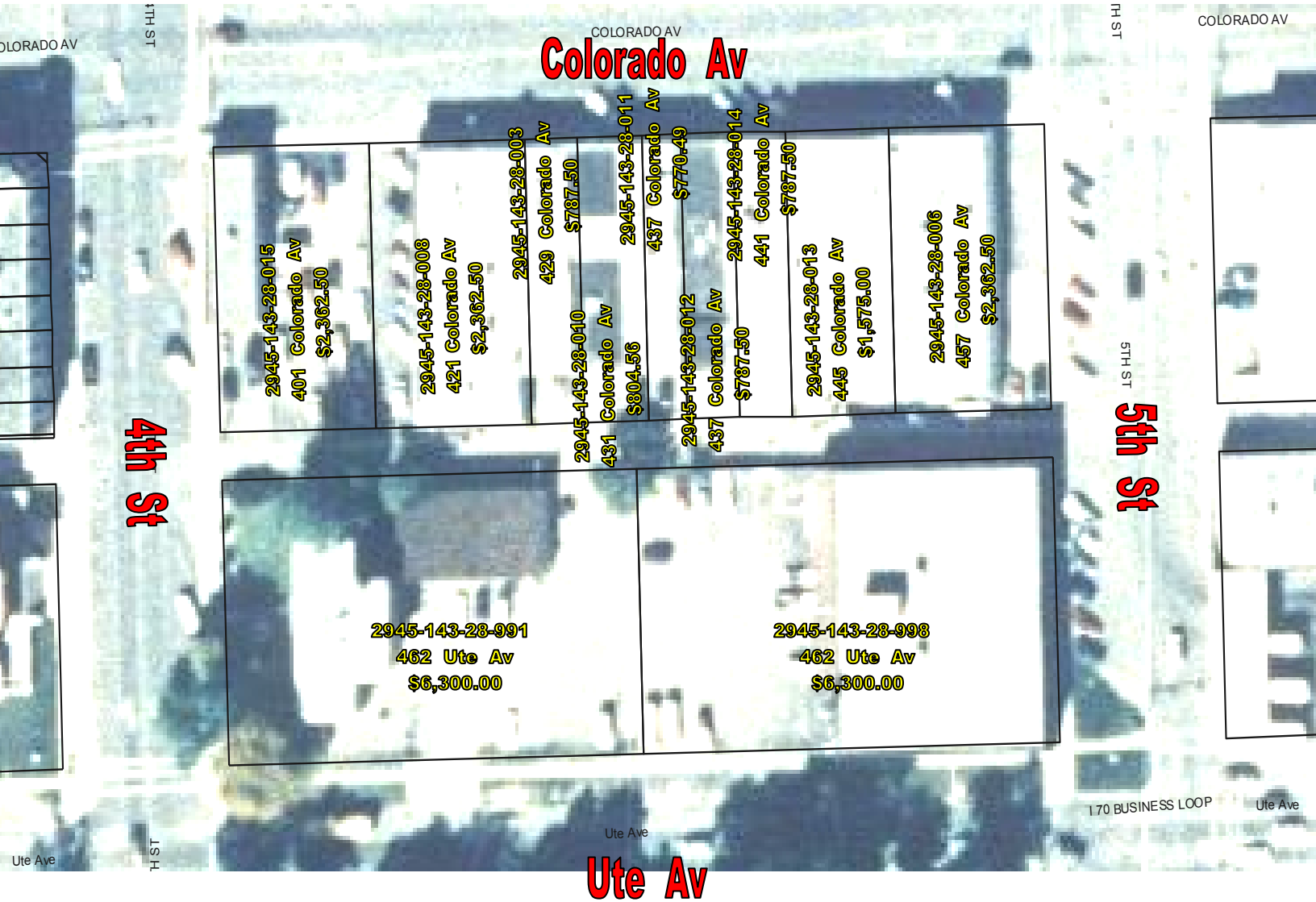
# 2nd to 3rd, Hill Av to Gunnison Av



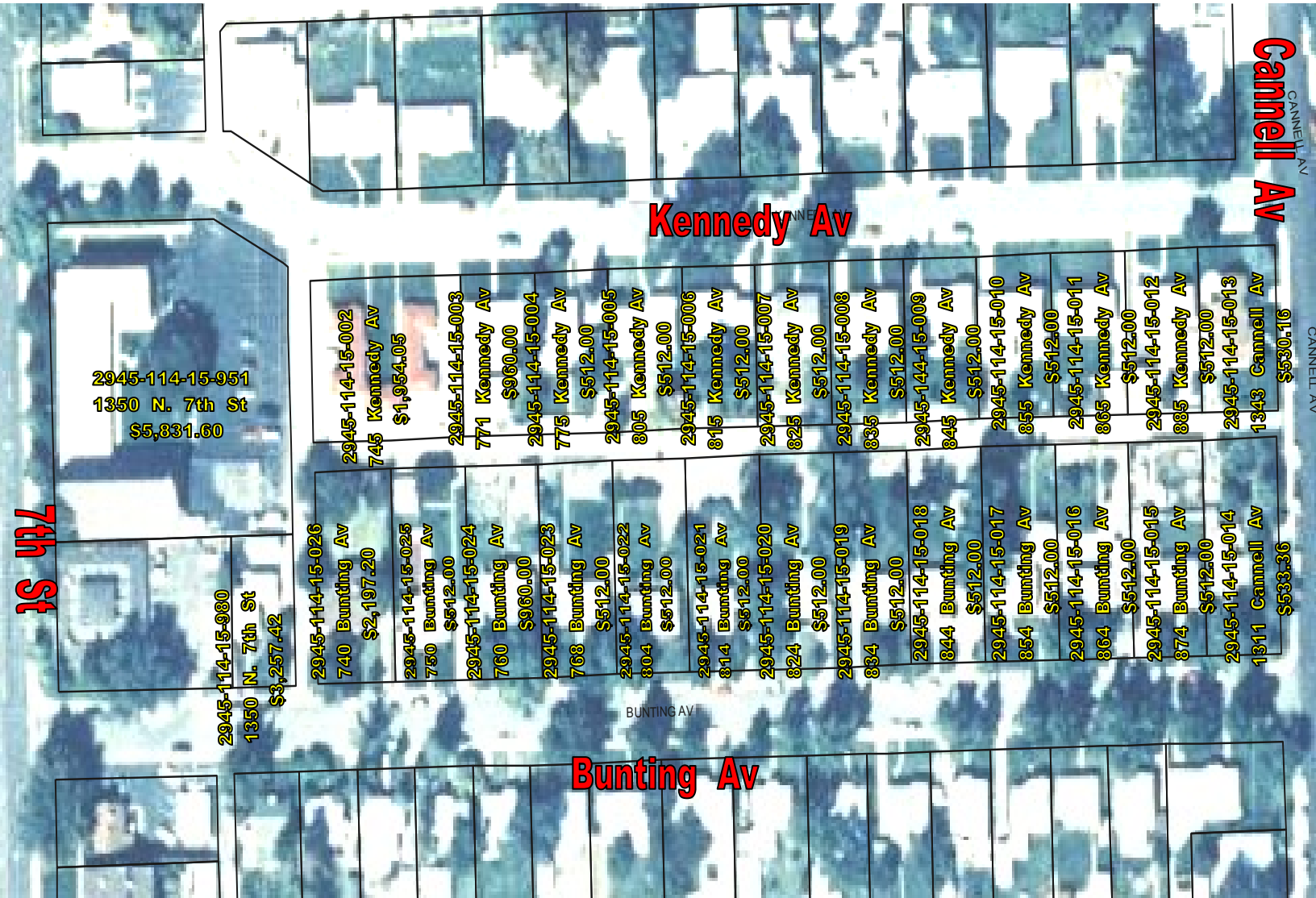
# 3rd to 4th, Hill Av to Teller Av



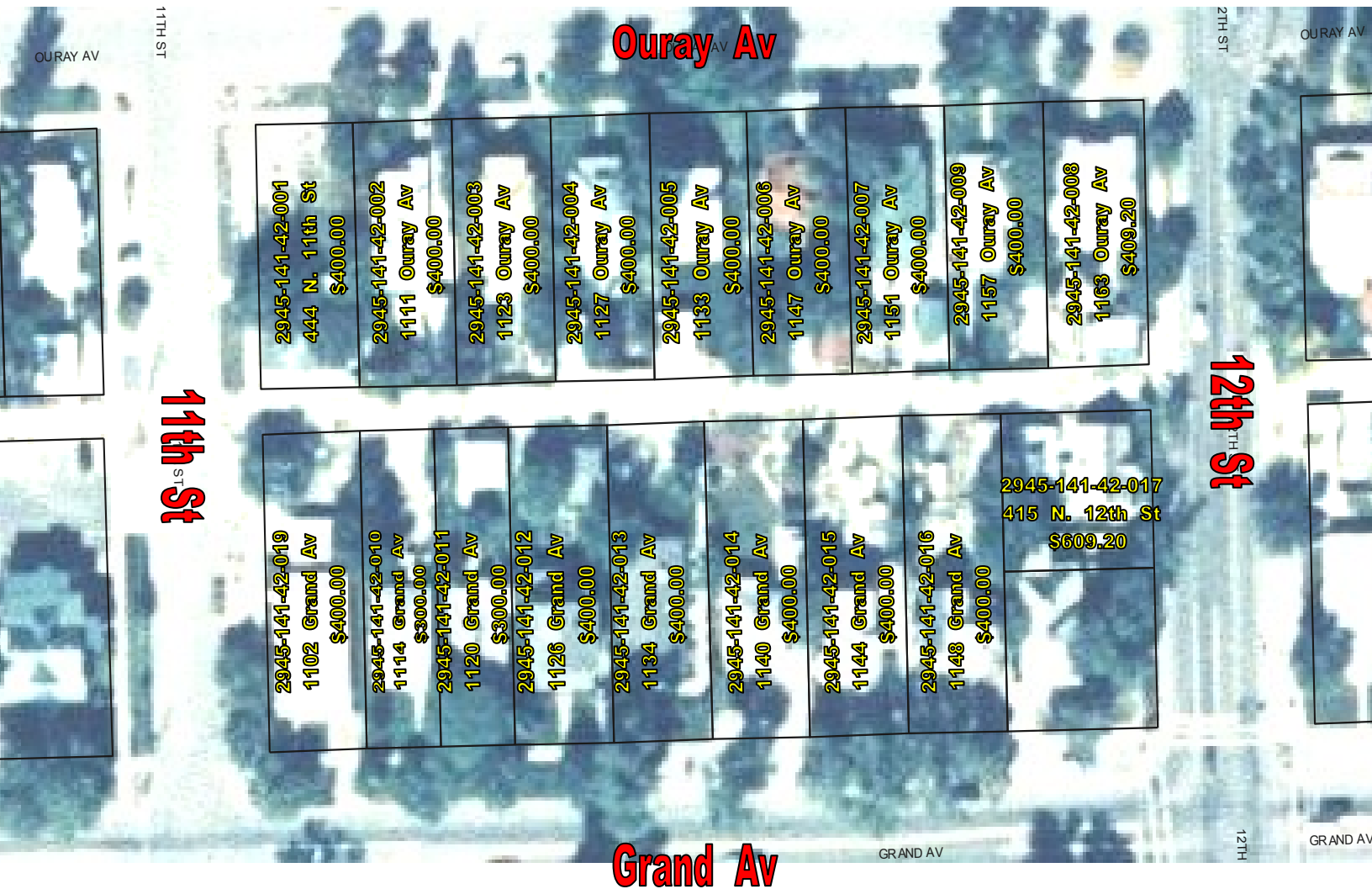
# 4th to 5th, Colorado to Ute



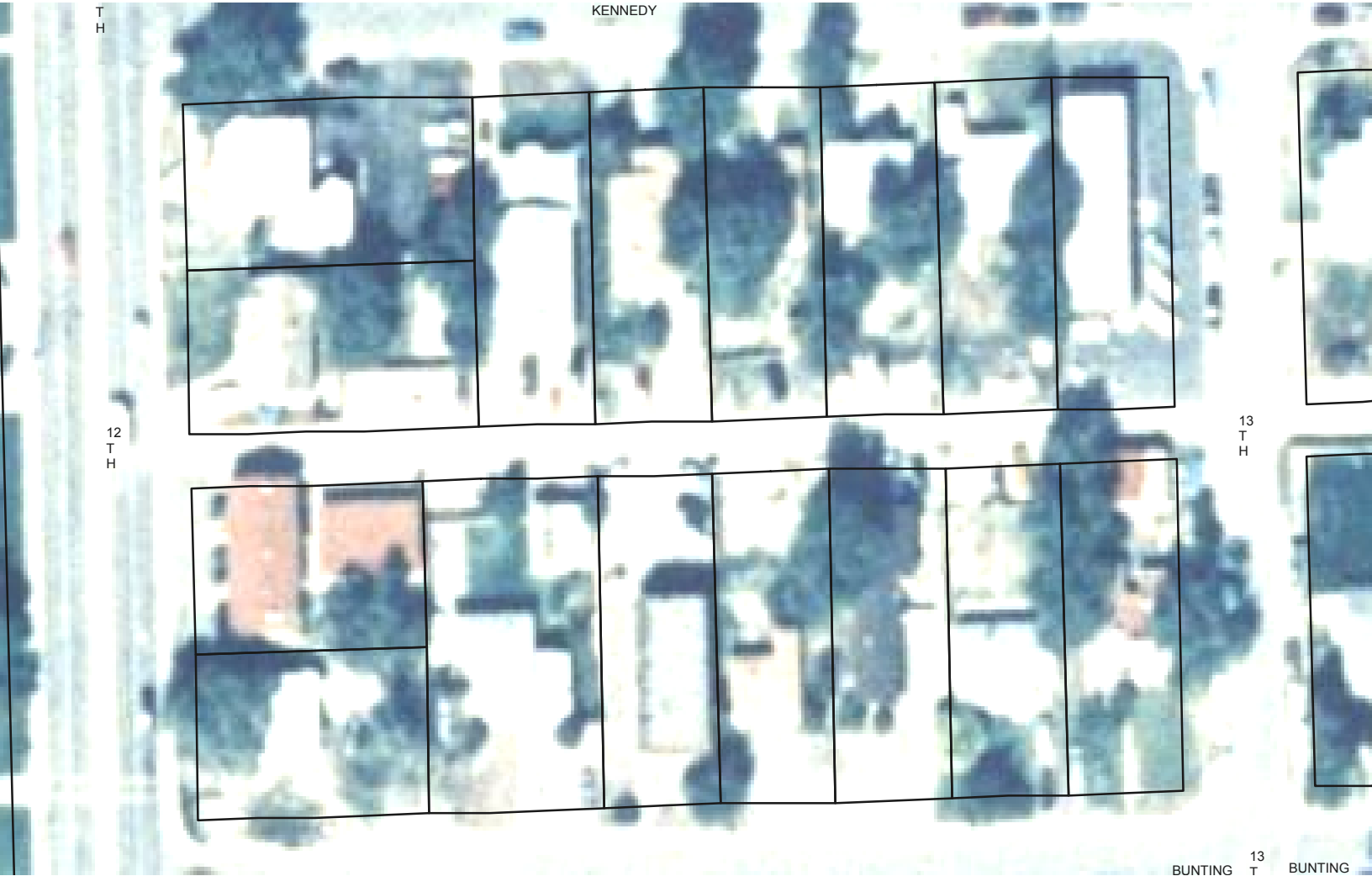
# 7th to Cannell, Bunting to Kennedy



# 11th to 12th, Grand to Ouray



# 12th to 13th, Kennedy to Bunting



## Bunting Av

# 15th to 16th, Texas to Hall

**Hall Av**  
HALL AV

HALL AV



15th St

15th St

**15th St**

15th St

15th St

**16th St**

|  |
|--|
| 2945-123-06-002<br>1720 N. 15th St<br>\$598.80 |
| 2945-123-06-003<br>1704 N. 15th St<br>\$592.00 |
| 2945-123-06-006<br>1664 N. 15th St<br>\$521.00 |
| 2945-123-06-007<br>1654 N. 15th St<br>\$600.00 |
| 2945-123-06-009<br>1644 N. 15th St<br>\$520.00 |
| 2945-123-06-011<br>1634 N. 15th St<br>\$464.00 |
| 2945-123-06-013<br>1630 N. 15th St<br>\$416.00 |
| 2945-123-06-014<br>1616 N. 15th St<br>\$440.00 |
| 2945-123-06-022<br>1610 N. 15th St<br>\$750.00 |
| 2945-123-06-021<br>1602 N. 15th St<br>\$320.00 |

|  |
|--|
| 2945-123-06-001<br>1739 N. 16th St<br>\$577.60 |
| 2945-123-06-004<br>1731 N. 16th St<br>\$592.00 |
| 2945-123-06-005<br>1717 N. 16th St<br>\$520.00 |
| 2945-123-06-008<br>1703 N. 16th St<br>\$577.60 |
| 2945-123-06-010<br>1657 N. 16th St<br>\$520.00 |
| 2945-123-06-012<br>1647 N. 16th St<br>\$464.00 |
| 2945-123-06-020<br>1637 N. 16th St<br>\$416.00 |
| 2945-123-06-015<br>1627 N. 16th St<br>\$440.00 |
| 2945-123-06-017<br>1617 N. 16th St<br>\$360.00 |
| 2945-123-06-019<br>1611 N. 16th St<br>\$360.00 |

MESA AV

TEXAS AV

TEXAS AV

TEXAS AV

**Texas Av**



**Attachment 5**  
**Rezone St. Mary's Campus**

**CITY COUNCIL AGENDA**  
**CITY OF GRAND JUNCTION**

| <i>CITY COUNCIL</i>    |                            |                           |
|------------------------|----------------------------|---------------------------|
| <b>Subject:</b>        | <b>St. Mary's Hospital</b> |                           |
| <b>Meeting Date:</b>   | <b>October 3, 2001</b>     |                           |
| <b>Date Prepared:</b>  | <b>September 25, 2001</b>  |                           |
| <b>Author:</b>         | <b>Lisa Gerstenberger</b>  | <b>Senior Planner</b>     |
| <b>Presenter Name:</b> | <b>Lisa Gerstenberger</b>  | <b>Senior Planner</b>     |
|                        | <b>Workshop</b>            | <b>X    Formal Agenda</b> |

**Subject:** First reading of the Rezoning Ordinance for a portion of St. Mary's Hospital property, RZF-2001-146.

**Summary:** First reading of the Rezoning Ordinance to rezone a portion of St. Mary's Hospital property from Neighborhood Business (B-1) zone district, to Planned Development (PD) zone district, located south of Wellington Avenue and east of 7th Street.

**Background Information:** See Attached

**Budget:** N/A

**Action Requested/Recommendation:** It is recommended that City Council approve first reading of the Rezoning Ordinance.

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

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

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

**AGENDA TOPIC:** RZF-2001-146, St. Mary's Hospital.

**SUMMARY:** First reading of the Rezoning Ordinance to rezone a portion of St. Mary's Hospital property from Neighborhood Business (B-1) zone district, to Planned Development (PD) zone district, located south of Wellington Avenue and east of 7th Street.

| <b>BACKGROUND INFORMATION</b>       |              |  |            |
|-------------------------------------|--------------|--|------------|
| <b>Location:</b>                    |              | <b>South of Wellington Ave, east of 7<sup>th</sup> Street</b>        |            |
| <b>Applicants:</b>                  |              | <b>St. Mary's Hospital, Owner<br/>Robert Jenkins, Representative</b> |            |
| <b>Existing Land Use:</b>           |              | <b>Institutional: Hospital/Clinic</b>                                |            |
| <b>Proposed Land Use:</b>           |              | <b>Institutional: Hospital support</b>                               |            |
| <b>Surrounding Land Use:</b>        | <b>North</b> | <b>Residential</b>   |            |
|                                     | <b>South</b> | <b>Institutional/Commercial</b>                                      |            |
|                                     | <b>East</b>  | <b>Residential</b>   |            |
|                                     | <b>West</b>  | <b>Institutional/Residential</b>                                     |            |
| <b>Existing Zoning:</b>             |              | <b>Neighborhood Business (B-1)</b>                                   |            |
| <b>Proposed Zoning:</b>             |              | <b>Planned Development (PD)</b>                                      |            |
| <b>Surrounding Zoning:</b>          | <b>North</b> | <b>Planned Development, Neighborhood Bus.</b>                        |            |
|                                     | <b>South</b> | <b>Neighborhood Business, RMF-16</b>                                 |            |
|                                     | <b>East</b>  | <b>RMF-16</b>  |            |
|                                     | <b>West</b>  | <b>Planned Development, Neighborhood Bus.</b>                        |            |
| <b>Growth Plan Designation:</b>     |              | <b>Commercial</b>  |            |
| <b>Zoning within density range?</b> |              | <b>X</b>   | <b>Yes</b> |
|                                     |              |  | <b>No</b>  |

**ACTION REQUESTED:** Consideration of request to rezone from Neighborhood Business (B-1) zone district to Planned Development (PD) zone district.

**Staff Analysis:**

**REZONING CRITERIA:**

The request to rezone must be evaluated using the criteria noted in Section 2.6(A) of the Zoning and Development Code. The criteria and responses are as follows:

1. **The existing zoning was in error at the time of adoption.** There was not an error at the time of adoption in establishing the current zoning of Neighborhood Business (B-1). St. Mary's Hospital has acquired the property and now wishes to develop it in a manner compatible and in support of the hospital services that are currently provided on its main campus located to the west. The rezone request is made in an effort to establish permitted uses for this property and to be consistent with the zoning of the primary campus properties.
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. **St. Mary's Hospital has recently acquired the property for which the rezone is requested. The church that was previously located on the site has been relocated to a new location. The hospital wishes to develop the property in a manner which is consistent with its main campus uses and in support of new patient services which the hospital will be providing in the future on the property located immediately to the north.**
3. The proposed rezone is compatible with the neighborhood and will not create adverse impacts such as: capacity or safety of the street network, parking problems, storm water or drainage problems, water, air or noise pollution, excessive nighttime lighting, or other nuisances. **The requested rezone will be compatible with existing and surrounding land uses, and will not create adverse impacts. All development standards of the Zoning and Development Code and other City regulations have been considered and incorporated into the design of the proposed parking lots to ensure that there are no adverse impacts. Upgrades to existing parking facilities have been included in the design of the proposed improvements.**
4. The proposal conforms with and furthers the goals and policies of the Growth Plan, other adopted plans, and the policies, the requirements of the Code and other City regulations and guidelines. **The proposal is in conformance with the Growth Plan, and the policies and requirements of the Code and other City regulations and guidelines. The rezone request has been made to establish consistent and appropriate land uses with the primary campus of St. Mary's Hospital.**
5. Adequate public facilities and services are available or will be made available concurrent with the projected impacts of the proposed development. **Adequate public facilities and services are available at this time or will be installed with development of the site.**

6. There is not an adequate supply of land available in the neighborhood and surrounding area to accommodate the zoning and community needs. **This property has recently been acquired by St. Mary's Hospital in an effort to expand patient services and to meet the parking demands of existing hospital staff and patients. The rezone request is an effort to incorporate the recently acquired property into the St. Mary's Hospital campus and to establish appropriate land uses.**
7. The community or neighborhood will benefit from the proposed zone. **The surrounding neighborhood and community would benefit from the proposed rezone by providing development which meets the goals and policies of the Growth Plan.**

**STAFF RECOMMENATION:**

Staff recommends approval of the request to rezone from Neighborhood Business (B-1) zone district, to Planned Development (PD) zone district, with the finding that the proposed zone district is consistent with the Growth Plan land use designation, and with Section 2.6 of the Zoning and Development Code.

**PLANNING COMMISSION RECOMMENDATION**

Recommend approval of the Planned Development (PD) zone district for the following reasons:

- Planned Development (PD) zone district meets the recommended land use categories as shown through the Growth Plan, as well as the Growth Plan's goals and policies.
- Planned Development (PD) zone district meets the criteria found in Section 2.6(A) of the Zoning and Development Code.

Attachments: Site location map

**CITY OF GRAND JUNCTION, COLORADO**

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

**Ordinance Rezoning a portion of St. Mary's Hospital Property from  
Neighborhood Business (B-1) to  
Planned Development,  
Located South of Wellington Avenue and East of 7th Street**

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 rezoning a portion of St. Mary's Hospital property to the Planned Development (PD) zone district for the following reasons:

The zone district meets the recommended land use category as shown on the future land use map of the Growth Plan and the Growth Plan's goals and policies and/or are generally compatible with appropriate lands uses located in the surrounding area. The zone district meets the criteria found in Section 2.6 of the Zoning and Development Code.

After public notice and public hearing before the Grand Junction City Council, City Council finds that the Planned Development (PD) zone district be established.

The Planning Commission and City Council find that the Planned Development (PD) zoning is in conformance with the stated criteria of Section 2.6 of the Grand Junction Zoning and Development Code.

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

The following property shall be rezoned to the Planned Development (PD) zone district:

**ST. MARY'S HOSPITAL**

BEG S 0DEG39' E 577FT & S 63DEG31' E 225.4FT & S 0DEG04'W 292FT FR N4 COR SEC11 1S 1W S 89DEG26' E 951FT SWLY ALG WLY ROW LITTLE BOOKCLIFF RR TO S LINW4NE4 SD SEC 11 W TO PT S OF BEG N TO BEG & S 12 2/3FT LOT 2 & ALL LOTS 3THRU 9 INC YOCUM SUBDIVISION & E 150FT N 74.67FT SD LOT 2 & E 150FT LOT 1 SDSUB TOGETHER WITH VAC STREET ADJ LOTS 1 THRU 4 SD YOCUM SUB ORD 1130 B-1038P-786 EXC ROWS B-873 P-650 B-1035 P-601 B-1051 P-568 - 11.77AC and also BEG 922.27FT E & 340FT N OF SW COR S2NE4NW4 SEC 11 1S 1W N 0DEG15' W 323FT N73DEG35' E 303.8FT S 56FT E 259.35FT TO W LI 7TH ST S 268.85FT TO N LI CENTERAVE W 308.35FT S 0DEG05' W 50FT N 89DEG55' W 241.13FT TO BEG EXC N 154.85FT OFE 120.1FT THEREOF - 3.29AC

The underlying default zone shall be Neighborhood Business (B-1) with modifications to be approved with Final Plans. Final Plans will be approved in accordance with the St. Mary's Master Plan.

Introduced on first reading this 3rd day of October, 2001.

PASSED and ADOPTED on second reading this \_\_\_\_ day of October, 2001.

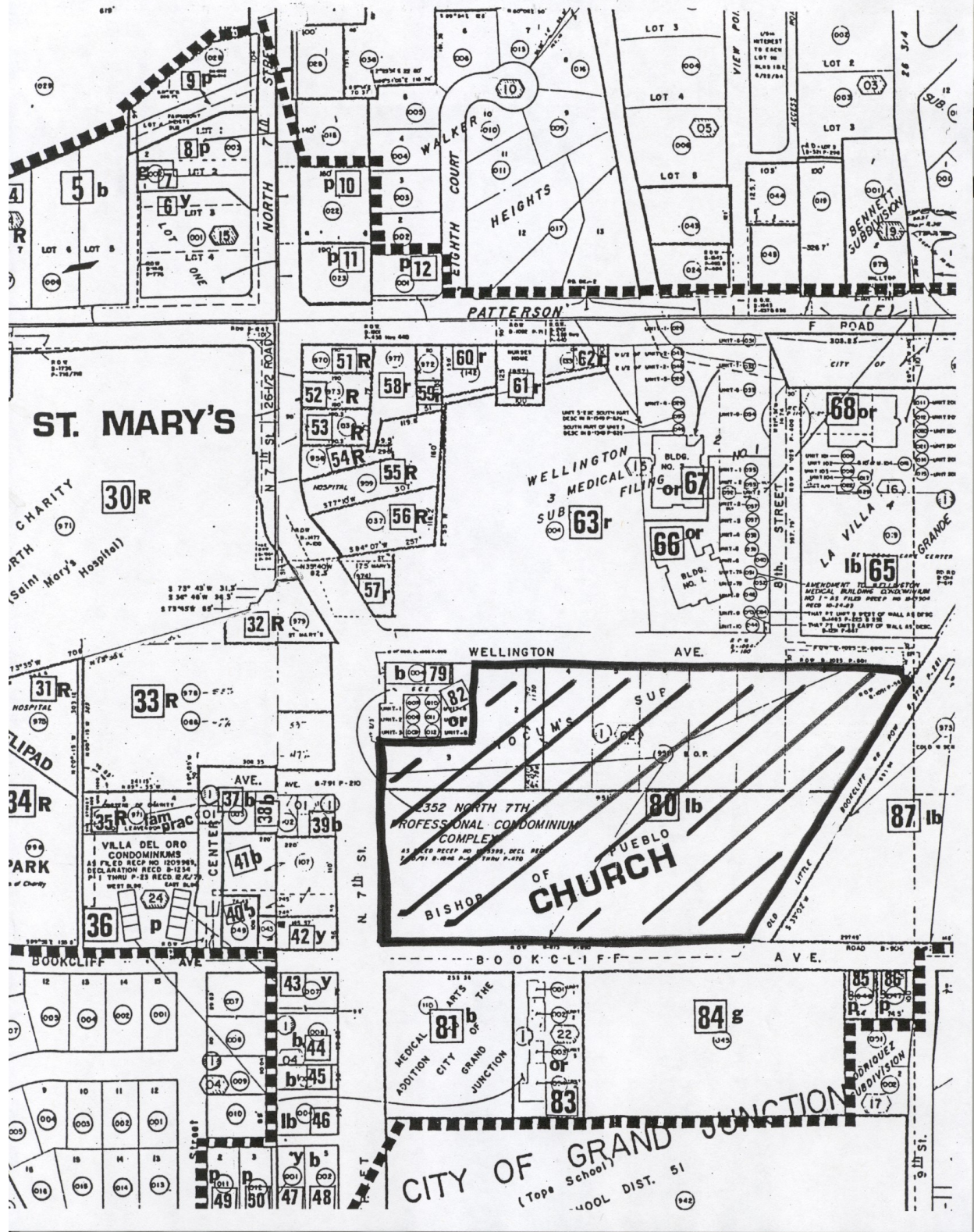
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Mayor

ATTEST:

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City Clerk



**Attachment 6**  
**Rezoning Rocky Heights Estate Subdivision**

**CITY COUNCIL AGENDA**  
**CITY OF GRAND JUNCTION**

| <i>CITY COUNCIL</i>    |  |                       |                      |
|------------------------|--|-----------------------|----------------------|
| <b>Subject:</b>        | <b>Rocky Heights Estates Subdivision</b> |                       |                      |
| <b>Meeting Date:</b>   | <b>October 3, 2001</b>                   |                       |                      |
| <b>Date Prepared:</b>  | <b>September 25, 2001</b>                |                       |                      |
| <b>Author:</b>         | <b>Lisa Gerstenberger</b>                | <b>Senior Planner</b> |                      |
| <b>Presenter Name:</b> | <b>Lisa Gerstenberger</b>                | <b>Senior Planner</b> |                      |
|                        | <b>Workshop</b>                          | <b>X</b>              | <b>Formal Agenda</b> |

**Subject:** First reading of the Rezoning Ordinance for the Rocky Heights Estates Subdivision, RZP-2001-155.

**Summary:** First reading of the Rezoning Ordinance to rezone the Rocky Heights Estates Subdivision from Residential Single Family Rural (RSF-R) zone district, to Planned Development, 1.32 units per acre (PD 1.32) zone district and Community Services and Recreation (CSR) zone district, located off Escondido Circle.

**Background Information:** See Attached

**Budget:** N/A

**Action Requested/Recommendation:** It is recommended that City Council approve first reading of the Rezoning Ordinance.

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

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

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



**AGENDA TOPIC:** First reading of the Rezoning Ordinance for the Rocky Heights Estates Subdivision, RZP-2001-155.

**SUMMARY:** First reading of the Rezoning Ordinance to rezone the Rocky Heights Estates Subdivision from Residential Single Family Rural (RSF-R) zone district, to Planned Development, 1.32 units per acre (PD 1.32) zone district and Community Services and Recreation (CSR) zone district, located off Escondido Circle.

| <b>BACKGROUND INFORMATION</b>       |              |   |            |
|-------------------------------------|--------------|---|------------|
| <b>Location:</b>                    |              | <b>Off Escondido Circle</b>                                 |            |
| <b>Applicants:</b>                  |              | <b>Marilyn Shively, Owner<br/>LANDesign, Representative</b> |            |
| <b>Existing Land Use:</b>           |              | <b>Vacant</b>   |            |
| <b>Proposed Land Use:</b>           |              | <b>Residential</b>  |            |
| <b>Surrounding Land Use:</b>        | <b>North</b> | <b>Residential</b>  |            |
|                                     | <b>South</b> | <b>Vacant/Museum of Western Colorado</b>                    |            |
|                                     | <b>East</b>  | <b>Residential</b>  |            |
|                                     | <b>West</b>  | <b>Residential</b>  |            |
| <b>Existing Zoning:</b>             |              | <b>RSF-R, not more than 3 lots</b>                          |            |
| <b>Proposed Zoning:</b>             |              | <b>Planned Development, 1 du/3.2 acres</b>                  |            |
| <b>Surrounding Zoning:</b>          | <b>North</b> | <b>PD-1 du/2.5 acres</b>                                    |            |
|                                     | <b>South</b> | <b>CSR</b>  |            |
|                                     | <b>East</b>  | <b>County R-2</b>   |            |
|                                     | <b>West</b>  | <b>PD-1 du/2.5 acres</b>                                    |            |
| <b>Growth Plan Designation:</b>     |              | <b>Residential Estate, 2-5 acres per unit</b>               |            |
| <b>Zoning within density range?</b> |              | <b>X</b>  | <b>Yes</b> |
|                                     |              |   | <b>No</b>  |

**Action Requested/Recommendation:** Recommend that City Council approve first reading of the Rezoning Ordinance.

**Staff Analysis:**

**REZONING CRITERIA:**

The rezone request must be evaluated using the criteria noted in Section 2.6(A) of the Zoning and Development Code. The criteria are as follows:

**1. The existing zoning was in error at the time of adoption.** The existing zoning was not in error, it was based on a request for a Growth Plan Amendment from the applicant which was granted in 1999. City Council determined that the RSF-R zone district was the most appropriate zoning for the property in the absence of a Preliminary Plan that supported a higher density. The applicants have now developed a Preliminary Plan which they feel supports their request for the higher density and dedicates substantial open space for use by the public.

**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.** The property is located in an area that is developing, which has made utilities available at the northern boundary of the proposed development. The internal street network in the Desert Hills Estates subdivision was designed to accommodate the additional traffic that would be generated by the proposed Rocky Heights Estates subdivision.

**3. The proposed rezone is compatible with the neighborhood and will not create adverse impacts such as: capacity or safety of the street network, parking problems, storm water or drainage problems, water, air or noise pollution, excessive nighttime lighting, or other nuisances.** The proposed subdivision would be compatible with the adjacent Desert Hills Estates subdivision and would not cause adverse impacts. The subdivision has been designed to comply with minimal City design standards and proposes a large amount of open space for public benefit.

**4. The proposal conforms with and furthers the goals and policies of the Growth Plan, other adopted plans, and the policies, the requirements of the Code and other City regulations and guidelines.** The proposed density is in keeping with the Growth Plan and provides substantial open space. The applicant proposes to give a large amount of open space to the Audubon Society for the use and enjoyment of the public.

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

**6. There is not an adequate supply of land available in the neighborhood and surrounding area to accommodate the zoning and community needs.** There is other land available which would accommodate the needs of the community, however, this area is developing with residential uses and is shown on the Growth Plan as future residential use. The proposed subdivision is an

appropriate use of the property in accordance with the Growth Plan and will provide compatible residential development with adjacent properties and subdivisions.

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

The proposed rezone could provide the developing neighborhood with additional property to be developed at compatible residential densities and will provide additional open space for the community.

**STAFF RECOMMENDATION**

Staff recommends approval of the request to rezone from Residential Single Family Rural (RSF-R) zone district, to Planned Development, 1.32 units per acre (PD 1.32) zone district and Community Services and Recreation (CSR) zone district, with the finding that the proposed rezone is consistent with the Growth Plan land use designation, and with Section 2.6(a) and Chapter 5 of the Zoning and Development Code.

**PLANNING COMMISSION RECOMMENDATION**

Recommend approval of the Planned Development, 1.32 units per acre (PD 1.32) zone district and Community Services and Recreation (CSR) zone district, for the following reasons:

- Planned Development, 1.32 units per acre (PD 1.32) zone district and Community Services and Recreation (CSR) zone district meets the recommended land use categories as shown through the Growth Plan, as well as the Growth Plan's goals and policies.
- Planned Development, 1.32 units per acre (PD 1.32) zone district and Community Services and Recreation (CSR) zone district meets the criteria found in Section 2.6(A) and Chapter 5 of the Zoning and Development Code.

Attachments:

- **Rezoning Ordinance**
- Preliminary Plan

**CITY OF GRAND JUNCTION, COLORADO**

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

**Ordinance Rezoning the Rocky Heights Estates Subdivision from  
Residential Single Family Rural (RSF-R) to  
Planned Development, 1.32 units per acre (PD 1.32) and  
Community Services and Recreation (CSR),  
Located off Escondido Circle**

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 rezoning the Rocky Heights Estates Subdivision to the Planned Development, 1.32 units per acre (PD 1.32) zone district and Community Services and Recreation (CSR) zone district for the following reasons:

The zone districts meet the recommended land use category as shown on the future land use map of the Growth Plan and the Growth Plan's goals and policies and/or are generally compatible with appropriate lands uses located in the surrounding area. The zone district meets the criteria found in Section 2.6 and Chapter 5 of the Zoning and Development Code.

After public notice and public hearing before the Grand Junction City Council, City Council finds that the Planned Development, 1.32 units per acre (PD 1.32) zone district and Community Services and Recreation (CSR) zone district be established.

The Planning Commission and City Council find that the Planned Development, 1.32 units per acre (PD 1.32) and Community Services and Recreation (CSR) zoning is in conformance with the stated criteria of Section 2.6 of the Grand Junction Zoning and Development Code.

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

The following property shall be rezoned to the Planned Development, 1.32 units per acre (PD 1.32) zone district:

A parcel of land being part of Lot 1, Rump subdivision, as recorded in Plat Book 18, at Page 140, Mesa County records, being more particularly described as follows:

BEGINNING at the Northeast Corner of Lot 1, Rump Subdivision, being the South Quarter Corner of Section 23, Township 11 South, Range 101 West of the 6th Principal Meridian; whence the southeast corner of the Northeast Quarter of the Northwest

Quarter of Section 26, bears S 00°24'00" E, a distance of 1325.11 Feet for a basis a bearings with all bearings be relative thereto;  
thence S 00°24'48" E, a distance of 613.45 feet;  
thence S 50°54'44" W, a distance of 171.50 feet;  
thence S 72°49'10" W, a distance of 132.27 feet;  
thence N 75°52'06" W, a distance of 122.81 feet;  
thence N 89°04'52" W, a distance of 223.68 feet;  
thence S 79°50'43" W, a distance of 173.17 feet;  
thence N 23°33'26" E, a distance of 92.54 feet;  
thence along a curve to the right, with an arc length of 139.97 feet, a radius of 379.00 feet, with a chord bearing of N 34°08'14" E, and a chord length of 139.18 feet;  
thence N 44°43'02" E, a distance of 70.46 feet;  
thence along a curve to the right, with an arc length of 340.37 feet, a radius of 360.00 feet, with a chord bearing of N 70°28'28" E, and a chord length of 327.83 feet;  
thence S 82°26'23" E, a distance of 143.16 feet;  
thence along a curve to the left, with an arc length of 254.10 feet, a radius of 213.50 feet, with a chord bearing of N 63°27'53" E, and a chord length of 239.37 feet;  
thence N 29°22'09" E, a distance of 162.53 feet;  
thence N 31°00'04" E, a distance of 66.86 feet to the POINT of BEGINNING.  
The above described parcel contains 8.966 acres, more or less.

The following property shall be rezoned to the Community Services and Recreation (CSR) zone district:

TRACT A

A parcel of land being part of Lot 1, Rump subdivision, as recorded in Plat Book 18, at Page 140, Mesa County records, being more particularly described as follows:

Commencing at the Northeast Corner of Lot 1, Rump Subdivision, being the South Quarter Corner of Section 23, Township 11 South, Range 101 West of the 6th Principal Meridian; whence the southeast corner of the Northeast Quarter of the Northwest Quarter of Section 26, bears S 00°24'00" E, a distance of 1325.11 Feet for a basis a bearings with all bearings be relative thereto; thence S 00°24'48" E, a distance of 613.45 feet to the True Point of Beginning; thence S 00°24'48" E, a distance of 401.35 feet to a point on the south line of said Lot 1; thence the following 6 courses along said south line;

- 1)thence S 89°55'07" W, a distance of 686.87 feet;
  - 2)thence N 24°50'00" W, a distance of 222.64 feet;
  - 3)thence N 57°43'57" W, a distance of 121.84 feet;
  - 4)thence S 34°35'47" W, a distance of 332.76 feet;
  - 5)thence S 05°32'07" W, a distance of 354.33 feet;
  - 6)thence S 19°25'37" W, a distance of 159.26 feet to a point on a non-tangent curve; thence along a curve to the left, with an arc length of 29.38 feet, a radius of 325.00 feet, and a chord bearing of N 08°44'39" W, with a chord length of 29.37 feet;
- thence N 11°20'03" W, a distance of 185.15 feet;

thence along a curve to the right with an arc length of 60.89 feet, a radius of 276.24 feet, and a chord bearing of N 04°59'28" W, with a chord length of 60.76 feet;  
thence N 01°21'06" E, a distance of 122.05 feet;  
thence along a curve to the right, with an arc length of 79.33 feet, a radius of 275.00 feet, with a chord bearing of N 09°36'57" E, and a chord length of 79.06 feet;  
thence N 17°52'48" E, a distance of 39.63 feet;  
thence along a curve to the right, with an arc length of 102.95 feet, a radius of 275.00 feet, with a chord bearing of N 28°36'16" E, and a chord length of 102.35 feet;  
thence N 39°19'45" E, a distance of 120.81 feet;  
thence along a curve to the left, with an arc length of 192.42 feet, a radius of 1046.00 feet, with a chord bearing of N 28°49'38" E, and a chord length of 192.15 feet;  
thence N 23°33'26" E, a distance of 19.96 feet;  
thence S 57°43'57" E, a distance of 207.68 feet;  
thence N 79°50'43" E, a distance of 173.17 feet;  
thence S 89°04'52" E, a distance of 223.68 feet;  
thence S 75°52'06" E, a distance of 122.81 feet;  
thence N 72°49'10" E, a distance of 132.27 feet;  
thence N 50°54'44" E, a distance of 171.50 feet to the POINT of BEGINNING.  
The above described parcel contains 7.037 acres, more or less.

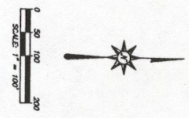
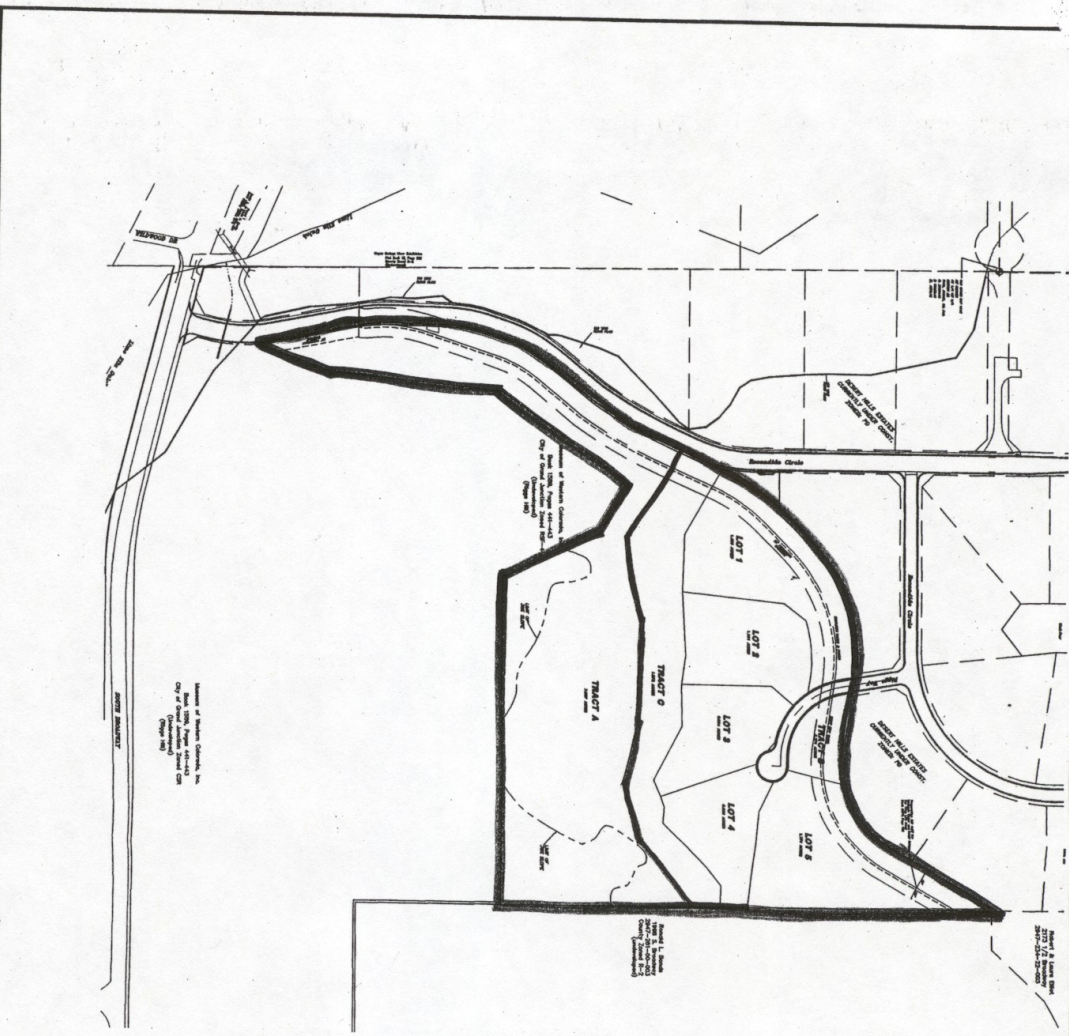
Housing type, density and bulk standards shall be for the Planned Development, 1.32 units per acre (PD 1.32) zone district as noted on the recorded final plat and building envelope plan.

Introduced on first reading this 3rd day of October, 2001.  
PASSED and ADOPTED on second reading this \_\_\_ day of October, 2001.

\_\_\_\_\_  
Mayor

ATTEST:

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



**PRELIMINARY  
NOT FOR  
CONSTRUCTION**  
AUGUST 21, 2001

DATE: 8-21-01  
DRAWN: RLC  
CHECKED: BCH

3  
6

**LANDesign**  
ENGINEERS • SURVEYORS • PLANNERS  
244 NORTH 7th STREET  
GRAND JUNCTION, COLORADO 81501 (870) 245-6099

ROCKY HEIGHTS SUBDIVISION

PRELIMINARY OVERALL  
PLAN

PROJECT NO.: 200077

FILE NAME: 200093-PRELM-OVER

DATE: 8-21-2001

DRAWN: RLC  
CHK'D: BCH

| DATE | NO. | REVISION | BY |
|------|-----|----------|----|
|      |     |          |    |
|      |     |          |    |
|      |     |          |    |
|      |     |          |    |
|      |     |          |    |

**Attachment 7**  
**Vacation of Right-of-Way Tuscany Village**

**CITY COUNCIL AGENDA**  
**CITY OF GRAND JUNCTION**

| <b>CITY COUNCIL</b>    |                                     |                       |                      |
|------------------------|-------------------------------------|-----------------------|----------------------|
| <b>Subject:</b>        | <b>Tuscany Village, VR-2001-145</b> |                       |                      |
| <b>Meeting Date:</b>   | <b>October 3, 2001</b>              |                       |                      |
| <b>Date Prepared:</b>  | <b>September 24, 2001</b>           |                       |                      |
| <b>Author:</b>         | <b>Lisa Gerstenberger</b>           | <b>Senior Planner</b> |                      |
| <b>Presenter Name:</b> | <b>As above</b>                     | <b>As above</b>       |                      |
|                        | <b>Workshop</b>                     | <b>X</b>              | <b>Formal Agenda</b> |

**Subject:** First reading of the ordinance vacating a portion of the 27 ½ Road right-of-way located at 641 27 ½ Road.

**Summary:**

**Background Information:** See attached

**Budget:** N/A

**Action Requested/Recommendation:** It is recommended that City Council approve first reading of the ordinance and set a hearing for October 17, 2001.

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

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

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



**AGENDA TOPIC:** VR-2001-145, Tuscany Village.

**SUMMARY:** First reading of the ordinance vacating a portion of the 27 ½ Road right-of-way located at 641 27 ½ Road.

| <b>BACKGROUND INFORMATION</b>       |              |   |            |
|-------------------------------------|--------------|---|------------|
| <b>Location:</b>                    |              | <b>641 27 ½ Road</b>  |            |
| <b>Applicants:</b>                  |              | <b>Grand Junction Development, Owners<br/>Don Hickman, Representative</b> |            |
| <b>Existing Land Use:</b>           |              | <b>Vacant</b>   |            |
| <b>Proposed Land Use:</b>           |              | <b>Residential</b>  |            |
| <b>Surrounding Land Use:</b>        | <b>North</b> | <b>Residential</b>  |            |
|                                     | <b>South</b> | <b>Residential and Institutional</b>                                      |            |
|                                     | <b>East</b>  | <b>Residential</b>  |            |
|                                     | <b>West</b>  | <b>Residential</b>  |            |
| <b>Existing Zoning:</b>             |              | <b>RMF-8</b>  |            |
| <b>Proposed Zoning:</b>             |              | <b>N/A</b>  |            |
| <b>Surrounding Zoning:</b>          | <b>North</b> | <b>RMF-8 and PD</b>   |            |
|                                     | <b>South</b> | <b>RMF-8</b>  |            |
|                                     | <b>East</b>  | <b>PD</b>   |            |
|                                     | <b>West</b>  | <b>RMF-8</b>  |            |
| <b>Growth Plan Designation:</b>     |              | <b>Residential Medium, 4-8 units/acre</b>                                 |            |
| <b>Zoning within density range?</b> |              | <b>X</b>  | <b>Yes</b> |
|                                     |              |   | <b>No</b>  |

**ACTION REQUESTED:** Consideration of the request to vacate a portion of the right-of-way for 27 ½ Road.

**Staff Analysis:**

VACATION OF RIGHT-OF-WAY

The City recently completed construction of the widening of 27 ½ Road from two lanes to three lanes. 27 ½ Road is classified as a collector street with a 60 foot right-of-way. During the widening project, the street was not constructed in the center of the original right-of-way, which left an excess of land on the west side of the street. The applicant is requesting that a ten foot portion of the right-of-way on the west side of 27 ½ Road be vacated.

The vacation of the road right-of-way must be reviewed for conformance with the criteria established in 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:**  
27 ½ Road is a collector street with an existing cross-section of 60 feet which is required for a collector street. The street was not constructed in the center of the original right-of-way of 27 ½ Road, therefore leaving an excess of land on the west side of the constructed street.

At the direction of Rick Dorris (Grand Junction Development Engineer), I wrote the vacation description to be one foot west of the west back of sidewalk of the constructed street which would result in a 60 foot wide right-of-way as is required for a collector street.

2. **No parcel shall be landlocked as a result of the vacation:**  
The requested vacation is adjacent to the proposed development Tuscan Village only, and when platted, will have a public street accessing the property. No other parcel is involved in 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 platting of the proposed subdivision will add another access point to the property to the South. The vacated part of 27 ½ Road will be landscaped and maintained which should have a favorable impact on surrounding property.
4. **There shall be no adverse impacts on the health, safety, and/or welfare of the general community, and the quality of public facilities and services provided to any parcel of land shall not be reduced (e.g. police/fire protection and utility services):**  
The platting of the proposed subdivision will add another access point to the property to the South. The vacated part of 27 ½ Road will be landscaped and maintained which should have a favorable impact on surrounding property.
5. **The provisions of adequate public facilities and services shall not be inhibited to any property as required in Chapter Six of this Code:**  
Easements will be provided for public utilities existing within the vacated right-of-way as a 14 foot wide multi-purpose easement which encompasses said utilities.
6. **The proposal shall provide benefits to the City such as reduced maintenance requirements, improved traffic circulation, etc..**  
If the vacation is allowed, the Home Owner's Association and private land owners will maintain the vacated portion, rather than the City of Grand Junction.

**STAFF RECOMMENATION:**

Staff recommends approval of the request to vacate approximately a ten foot portion on the west side of 27 ½ Road right-of-way with the finding that the request satisfies the criteria of Sec. 2.11 of the Zoning and Development Code, and meets the policies of the Growth Plan and the City's Major Street Plan.

**PLANNING COMMISSION RECOMMENDATION**

Recommend approval of the request to vacate approximately a ten foot portion on the west side of 27 ½ Road right-of-way for the following reasons:

- The request to vacate meets the criteria found in Section 2.11 of the Zoning and Development Code.
- The request to vacate does not conflict with the requirements of the City of Grand Junction Major Street Plan and Standard Contract Documents.

Attachments: Ordinance  
Map-Exhibit A

H:Projects2001\VR-2001-145\CityVacateOrd1.doc

**CITY OF GRAND JUNCTION**

**Ordinance No.**

**VACATING A PORTION OF 27 ½ ROAD RIGHT-OF-WAY  
LOCATED BETWEEN AT 641 27 ½ ROAD**

RECITALS:

A vacation of a portion of the dedicated right-of-way of 27 ½ Road has been requested by the property owner.

The City Council finds that the request 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, found the criteria of the Code to have been met, and recommends that the vacation be approved.

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

The following described dedicated right-of-way is hereby vacated subject to the following conditions:

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

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

Dedicated right-of-way to be vacated:

ROW Vacation: A parcel of land lying E of and adjacent to Lot 27 of Crest View Sub, City of Grand Jct, & being more particularly desc as follows: Beg at a pt which bears N00°02'40"E 483.00' & S88°15'00"W 40.00' from the SE cor of the NE1/4SW1/4 Sec 1 T1S R1W of the UM, Mesa Co, CO; N00°02'40"E 356.11' along the E line of Lot 27 of Crest View Sub, leaving line S89°56'14"E 20.83'; along a line 1' W of & parallel to the W back of sidewalk of 27 1/2 Rd, the following 3 courses: 1) S00°25'10"W 4.79'; 2) S2°04'56"W 302.85'; 3) S00°05'32"W 48.35'; leaving line S88°15'00"W 10.00' to the POB, cont. 0.121 ac. more or less.

PASSED and ADOPTED this      day of      , 2001.

ATTEST:

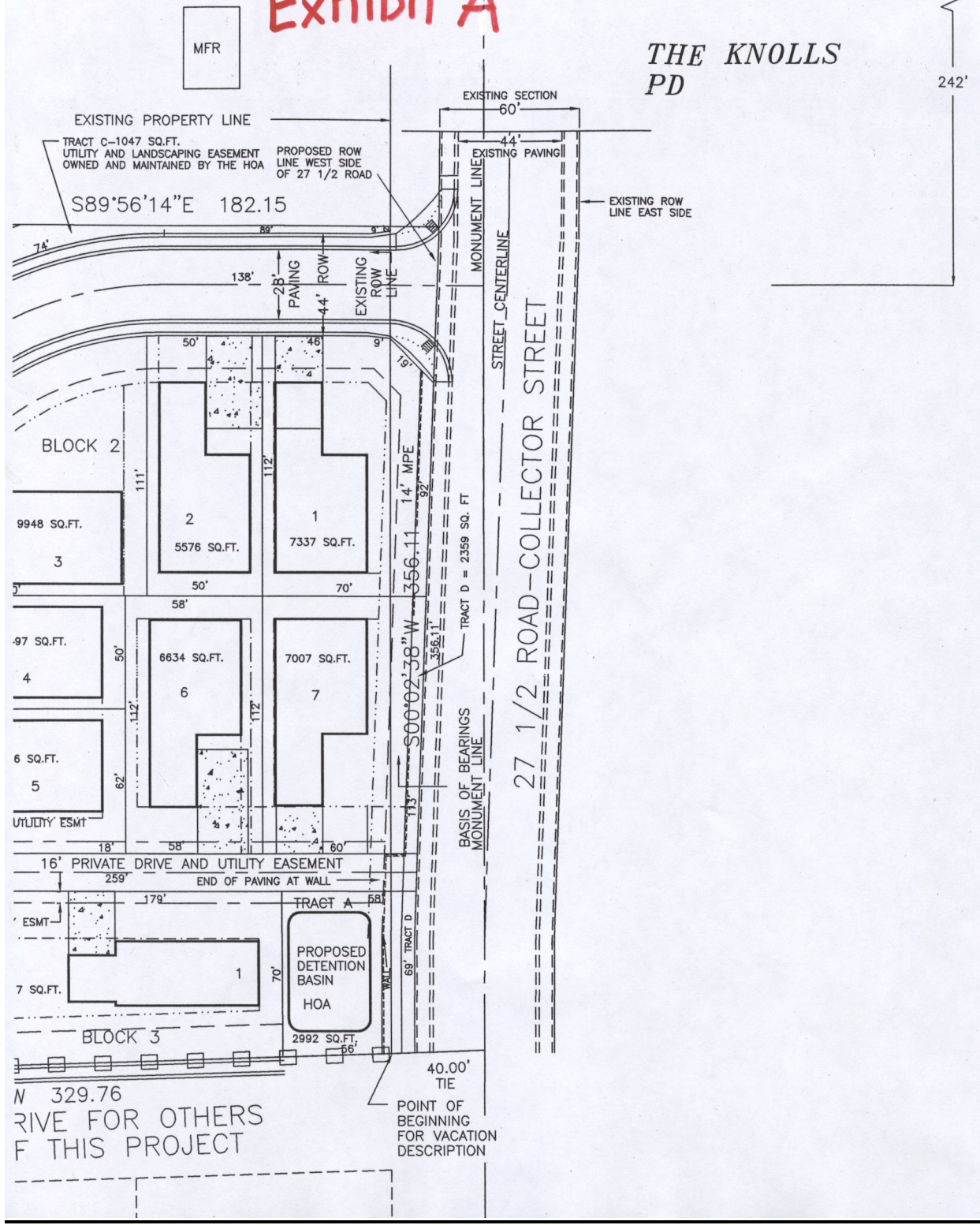
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City Clerk

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President of City Council

# "Exhibit A"



**Attachment 8**  
**Vacation of Right-of-Way Village Park**

**CITY COUNCIL AGENDA**  
**CITY OF GRAND JUNCTION**

| <b>CITY COUNCIL</b>    |  |                       |                      |
|------------------------|--|-----------------------|----------------------|
| <b>Subject:</b>        | <b>Right-of-Way Vacation in Village Park</b> |                       |                      |
| <b>Meeting Date:</b>   | <b>October 3, 2001</b>                       |                       |                      |
| <b>Date Prepared:</b>  | <b>September 26, 2001</b>                    |                       |                      |
| <b>Author:</b>         | <b>Bill Nebeker</b>                          | <b>Senior Planner</b> |                      |
| <b>Presenter Name:</b> | <b>Bill Nebeker</b>                          | <b>Senior Planner</b> |                      |
|                        | <b>Workshop</b>                              | <b>X</b>              | <b>Formal Agenda</b> |

**Subject:** Vacation of Right-of-Way – Medians in 28 ¼ Road - Village Park; File #VR-2001-144.

**Summary:** The applicant requests to vacate portions of 28 ¼ Road right-of-way north of F Road that constitute the future landscaped medians in the center of the street. The purpose of the vacation is to transfer ownership and maintenance responsibility for the landscaping in the median islands to the Village Park Homeowner's/Property Owner's Association. A public ingress-egress easement and multi-purpose easement for future utilities or traffic control devices will be retained in the medians.

**Background Information:** See Attached

**Budget:** N/A

**Action Requested/Recommendation:** Adopt ordinance on first reading and schedule a hearing for October 17, 2001.

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

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

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

| BACKGROUND INFORMATION              |              |   |                             |
|-------------------------------------|--------------|---|-----------------------------|
| <b>Location:</b>                    |              | NWC 28 ¼ & Patterson Roads                              |                             |
| <b>Applicant:</b>                   |              | LANDesign for Peak Properties                           |                             |
| <b>Existing Land Use:</b>           |              | Vacant  |                             |
| <b>Proposed Land Use:</b>           |              | 19 acre mixed use Planned Development                   |                             |
| <b>Surrounding Land Use:</b>        | <b>North</b> | Single family residential (Grand View)                  |                             |
|                                     | <b>South</b> | Single family & assisted living                         |                             |
|                                     | <b>East</b>  | Vacant (future church)                                  |                             |
|                                     | <b>West</b>  | Single family residential (Dawn Subdivision) and church |                             |
| <b>Existing Zoning:</b>             |              | PD  |                             |
| <b>Proposed Zoning:</b>             |              | No change proposed                                      |                             |
| <b>Surrounding Zoning:</b>          | <b>North</b> | RMF-5   |                             |
|                                     | <b>South</b> | RSF-5 & PD  |                             |
|                                     | <b>East</b>  | RMF-8   |                             |
|                                     | <b>West</b>  | RSF-4   |                             |
| <b>Growth Plan Designation:</b>     |              | Commercial & Residential High 12+ du/ac                 |                             |
| <b>Zoning within density range?</b> |              | <input checked="" type="checkbox"/> Yes                 | <input type="checkbox"/> No |

**STAFF ANALYSIS:** With the final approval of Village Park planned development the developer was required to provide landscaping in the right-of-way along the west side of 28 ¼ Road adjacent to their property. It was determined at that time that this developer was not responsible for the landscaping or maintenance of the center medians in 28 ¼ Road since the purpose of the medians is to provide a landscaped boulevard entrance into future Matchett Park.

The City Parks Department indicated that they had neither the manpower nor the resources available to install or maintain any landscaping in the medians until such time as the park was developed. Since it was unknown when the park would be developed, the Parks Department recommended that the medians be constructed with asphalt and irrigation sleeves installed for future irrigating of landscaping.



Recently the applicant has entered into an agreement with the City to install and maintain the landscaping in the medians in exchange for the City landscaping and maintaining the detention facility for Village Park. This detention facility is connected to and located directly east of the regional detention facility west of Village Park and south of the Dawn Subdivision. To provide a means whereby the center medians are the responsibility of the future Homeowner's/Property Owner's association it was decided that the right-of-way be vacated and ownership of the medians be transferred to them. A public ingress-egress easement and multi-purpose easement for future utilities or traffic control devices will be retained in the medians to protect the public interest in these areas.

The developer will install irrigation, and landscaping including trees and grass in the medians, which will then be maintained by the homeowner/property owners association.

Upon vacation, the right-of-way will be deeded to the Village Park Homeowner's/Property Owner's Association by separate agreement since the vacated area is surrounded by public right-of-way and will not revert to adjacent property owners from which the right-of-way was dedicated, as it customary for typical vacations.

**REVIEW CRITERIA:** At its hearing of September 17, 2001 the Planning Commission found that the proposed vacation conforms to the review criteria set forth in Section 2.11C as follows:

1. Granting the right-of-way vacation does not conflict with applicable sections of the Growth Plan, major street plan and other adopted plans and policies of the City. The vacation is for the center landscaped medians only and should not affect the functioning of the street for traffic purposes.
2. No parcel becomes landlocked as a result of the vacations.
3. Access to any parcel is not restricted.
4. There are no known adverse impacts on health, safety or welfare of the general community. The quality of public facilities and services provided to any parcel is not reduced due to this vacation.
5. The provision of adequate public facilities and services will not be inhibited to any property as required in Chapter 6 of this Code. Easements will be retained in the vacated right-of-way to allow public ingress/egress and to install traffic control devices.
6. The proposal provides benefits to the City by allowing the center medians to be landscaped and maintained by the Village Park Homeowner's/Property Owner's Association. The medians are located within the entrance boulevard to the future Matchett Park.

7. Granting the easement vacations do not conflict with applicable Sections of the Growth Plan, major street plan and other adopted plans and policies of the City.
8. No parcel becomes landlocked as a result of the vacations.
9. Access to any parcel is not restricted.
10. There are no adverse impacts on health, safety or welfare of the general community. The quality of public facilities and services provided to any parcel is not reduced due to these vacations.
11. The provision of adequate public facilities and services will not be inhibited to any property as required in Chapter 6 of this Code. The applicant will relocate any utilities in the easements. The applicant is relocating the public accessway. The applicant has previously relocated the riverfront trail.
12. The proposal provides benefits to the City by allowing more efficient use of Lot 4 of Redlands Marketplace Subdivision.

**PLANNING COMMISSION RECOMMENDATION:** Approval of the vacation with the following conditions:

1. A public ingress/egress easement and a multi-purpose easement shall be retained over the vacated right-of-way.
2. The vacated right-of-way shall be deeded to the Village Park Homeowner's/Property Owner's Association by separate agreement. The agreement shall contain a provision for continual maintenance of the landscaping in the medians by the owner's association and other provisions deemed necessary by the City Attorney's office.

**Attachments:**

1. Vicinity map
2. Village Park landscape plan
3. Vacation exhibit (2 pages)

CITY OF GRAND JUNCTION

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

VACATING PORTIONS OF 28 ¼ ROAD RIGHT-OF-WAY NORTH OF F ROAD TO  
ALLOW MAINTENANCE OF THE VACATED AREA BY THE VILLAGE PARK  
HOME/PROPERTY OWNER'S ASSOCIATION

Recitals.

The applicant has proposed to vacate portions of 28 ¼ Road North of F Road. The vacated area will as the adjacent property develops be landscaped medians in the street. The vacation transfers ownership and consequently maintenance responsibility for the landscaping to be installed in the medians to the Village Park Homeowner's/Property Owner's Association. The applicant and the City have agreed as part of the development review and approval process that the applicant will install and maintain the landscaping in the medians in exchange for the City landscaping and maintaining the detention facility for Village Park, which is connected to part of the regional detention facility to the West of the Village Park development. A public ingress-egress easement and multi-purpose easement for future utilities and traffic control devices, if needed, will be retained in the medians. The existence of those easements will serve to protect the future public interest.

Upon vacation, the vacated area will be deeded to the Village Park Homeowner's/Property Owner's Association by separate conveyance. The separate conveyance is necessitated because the vacated area is surrounded by public right-of-way and will not revert to adjacent property owners from which the right-of-way was dedicated, as it customary for typical vacations. That agreement will further provide that if the property owners association and the City agree in writing that the association be relieved from the maintenance obligations that the vacated area be re-conveyed to the City at no cost.

At its September 11, 2001 hearing the Grand Junction Planning Commission found that the request to vacate the right-of-way conforms to the review criteria set forth in Section 2.11C of the Zoning and Development Code and recommended approval of the vacation.

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

City Council finds that the vacation meets the criteria set forth in Section 2.11C of the Grand Junction Zoning and Development Code and in accordance therewith the

following described right-of-way is hereby vacated, subject to the use and conveyance agreement with terms as described herein and subject to reservation unto the City of Perpetual Public Ingress/Egress Easements and Multi-Purpose Easements for the use and benefit of the City and for the use and benefit of the Public Utilities, as approved by City, as perpetual easements for the installation, operation, maintenance, repair and replacement of utilities and appurtenances related thereto, as approved by the City, including, but not limited to, electric lines, cable television lines, natural gas pipelines, sanitary sewer lines, storm sewers and storm water drainage facilities, water lines, telephone lines, and also for the installation, operation maintenance, repair and replacement of traffic control facilities, street lighting, landscaping, trees and grade structures, as approved by the City, on, along, over, under, through and across said vacated rights-of-way, together with the right of ingress and egress for workers and equipment to survey, maintain, operate, repair, replace, control and use said easements, and to remove objects interfering therewith, including the trimming of trees and bushes as may be required to permit the operation of standard utility construction and repair machinery. The Petitioner shall not burden or overburden said easements by the installation, construction or placement of any structures or any other item or fixture which might be detrimental to the facilities of the City and/or the Public Utilities or which might act to prevent reasonable ingress and egress for workers and equipment on, along, over, under, through and across the easement areas:

Being three tracts for medians in the Right-of-Way for 28 $\frac{1}{4}$  Road as dedicated on the plat of Patterson Road Minor Subdivision, as recorded in Plat Book 15, Page 188, of Mesa County Records, located in the Southwest Quarter of Section 6, Township 1 South, Range 1 East of the Ute Meridian, and more particularly described as follows:

### **Median A**

Commencing at the Southwest corner of the SE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 6, whence the South Quarter corner of said Section 6 bears South 89 degrees 59 minutes 34 seconds East, a distance of 1351.45 feet for a basis of bearings, with all bearings contained herein relative thereto; thence South 89 degrees 59 minutes 34 seconds East, a distance of 81.90 feet; thence, along the centerline of said 28 $\frac{1}{4}$  Road right-of-way the following three (3) courses: (1) North 00 degrees 00 minutes 30 seconds East, a distance of 136.37 feet to the point of beginning of the arc of a curve to the left (2) having a delta angle of 14 degrees 21 minutes 56 seconds, a radius of 670.00 feet, an arc length of 167.99 feet, and a chord that bears North 07 degrees 10 minutes 28 seconds West, a distance of 167.55 to the point of beginning of the arc of a curve to the right (3) having a delta angle of 02 degrees 05 minutes 06 seconds, a radius of 670.00 feet, an arc length of 24.38 feet, and a chord that bears North 13 degrees 18 minutes 53 seconds West, a distance of 24.38 feet to the beginning of the arc of a curve to the right, having a delta angle of 90 degrees, a radius of 6.00 feet, an arc length of 9.45 feet, and a chord that bears North 56 degrees 53 minutes 15 seconds West, a distance of 8.50 feet to the POINT OF BEGINNING; thence along the arc of a curve to the right,

having a delta angle of 11 degrees 46 minutes 05 seconds, with a radius of 676.00 feet, an arc length of 138.84 feet, a chord bearing of North 05 degrees 52 minutes 31 seconds West, and a chord length of 138.60 feet; thence North 00 degrees 00 minutes 32 seconds East, a distance of 150.65 feet; thence South 89 degrees 59 minutes 31 seconds East, a distance of 2.48 feet; thence along the arc of a curve to the left, having a delta angle of 09 degrees 47 minutes 50 seconds, with a radius of 91.11 feet, an arc length of 15.58 feet, a chord bearing of South 15 degrees 12 minutes 51 seconds East, and a chord length of 15.56 feet; thence along the arc of a curve to the right, having a delta angle of 20 degrees 07 minutes 18 seconds, with a radius of 89.11 feet, an arc length of 31.29 feet, a chord bearing of South 10 degrees 03 minutes 07 seconds East, and a chord length of 31.13 feet; thence South 00 degrees 00 minutes 32 seconds West, a distance of 104.98 feet; thence along the arc of a curve to the left, having a delta angle of 11 degrees 46 minutes 05 seconds, with a radius of 664.00 feet, an arc length of 136.38 feet, a chord bearing of South 05 degrees 52 minutes 31 seconds East, and a chord length of 136.14 feet; thence along the arc of a curve to the right, having a delta angle of 180 degrees 00 minutes 00 seconds, with a radius of 6.00 feet, an arc length of 18.85 feet, a chord bearing of South 78 degrees 14 minutes 27 seconds West, and a chord length of 12.00 feet to the POINT OF BEGINNING.

### **Median B**

Commencing at the Southwest corner of the SE1/4 SW1/4 of Section 6, whence the South Quarter corner of said Section 6 bears South 89 degrees 59 minutes 34 seconds East, a distance of 1351.45 feet for a basis of bearings, with all bearings contained herein relative thereto; thence South 89 degrees 59 minutes 34 seconds East, a distance of 81.90 feet; thence, along the centerline of said 28 $\frac{1}{4}$  Road right-of-way the following four (4) courses: (1) North 00 degrees 00 minutes 30 seconds East, a distance of 136.37 feet to the point of beginning of the arc of a curve to the left (2) having a delta angle of 14 degrees 21 minutes 56 seconds, a radius of 670.00 feet, an arc length of 167.99 feet, and a chord that bears North 07 degrees 10 minutes 28 seconds West, a distance of 167.55 to the point of beginning of a curve to the right (3) having a delta angle of 14 degrees 21 minutes 58 seconds, a radius of 670.00 feet, an arc length of 167.99 feet, and a chord that bears North 07 degrees 10 minutes 27 seconds West, a distance of 167.55 feet; (4) North 00 degrees 00 minutes 32 seconds West, a distance of 347.69 feet; thence along the arc of a curve to the right, having a delta angle of 90 degrees 00 minutes 00 seconds, having a radius of 6.00 feet, an arc length of 9.42 feet, and a chord that bears North 44 degrees 59 minutes 28 seconds West, a distance of 8.49 feet to the POINT OF BEGINNING; thence North 00 degrees 00 minutes 32 seconds East, a distance of 283.29 feet; thence South 89 degrees 59 minutes 28 seconds East, a distance of 2.48 feet; thence along the arc of a curve to the left, having a delta angle of 09 degrees 47 minutes 50 seconds, with a radius of 91.11 feet, an arc length of 15.58 feet, a chord bearing of South 15 degrees 12 minutes 51 seconds East, and a chord length of 15.56 feet; thence along the arc of a curve to the right, having a delta angle of 20 degrees 07 minutes 18 seconds, with a radius of 89.11 feet, an arc

length of 31.29 feet, a chord bearing of South 10 degrees 03 minutes 07 seconds East, and a chord length of 31.13 feet; thence South 00 degrees 00 minutes 32 seconds West, a distance of 237.62 feet; thence along the arc of a curve to the right, having a delta angle of 180 degrees 00 minutes 00 seconds, with a radius of 6.00 feet, an arc length of 18.85 feet, a chord bearing of North 89 degrees 59 minutes 28 seconds West, and a chord length of 12.00 feet to the POINT OF BEGINNING.

### Median C

Commencing at the Southwest corner of the SE1/4 SW1/4 of Section 6, whence the South Quarter corner of said Section 6 bears South 89 degrees 59 minutes 34 seconds East, a distance of 1351.45 feet for a basis of bearings, with all bearings contained herein relative thereto; thence South 89 degrees 59 minutes 34 seconds East, a distance of 81.90 feet; thence, along the centerline of said 28 $\frac{1}{4}$  Road right-of-way the following four (4) courses: (1) North 00 degrees 00 minutes 30 seconds East, a distance of 136.37 feet to the beginning of a curve to the left (2) having a delta angle of 14 degrees 21 minutes 56 seconds, a radius of 670.00 feet, an arc length of 167.99 feet, and a chord that bears North 07 degrees 10 minutes 28 seconds West, a distance of 167.55 to the point of beginning of a curve to the right (3) having a delta angle of 14 degrees 21 minutes 58 seconds, a radius of 670.00 feet, an arc length of 167.99 feet, and a chord that bears North 07 degrees 10 minutes 27 seconds West, a distance of 167.55 feet; (4) North 00 degrees 00 minutes 32 seconds West, a distance of 749.02 feet; thence along the arc of a curve to the right, having a delta angle of 90 degrees 00 minutes 00 seconds, having a radius of 6.00 feet, an arc length of 9.42 feet, and a chord that bears North 44 degrees 59 minutes 28 seconds West, a distance of 8.49 feet to the POINT OF BEGINNING; thence North 00 degrees 00 minutes 32 seconds East, a distance of 97.87 feet; thence South 89 degrees 58 minutes 30 seconds East, a distance of 12.00 feet; thence South 00 degrees 00 minutes 32 seconds West, a distance of 97.87 feet; thence along the arc of a curve to the right, having a delta angle of 180 degrees 00 minutes 00 seconds, with a radius of 6.00 feet, an arc length of 18.85 feet, a chord bearing of North 89 degrees 59 minutes 28 seconds West, and a chord length of 12.00 feet to the POINT OF BEGINNING.

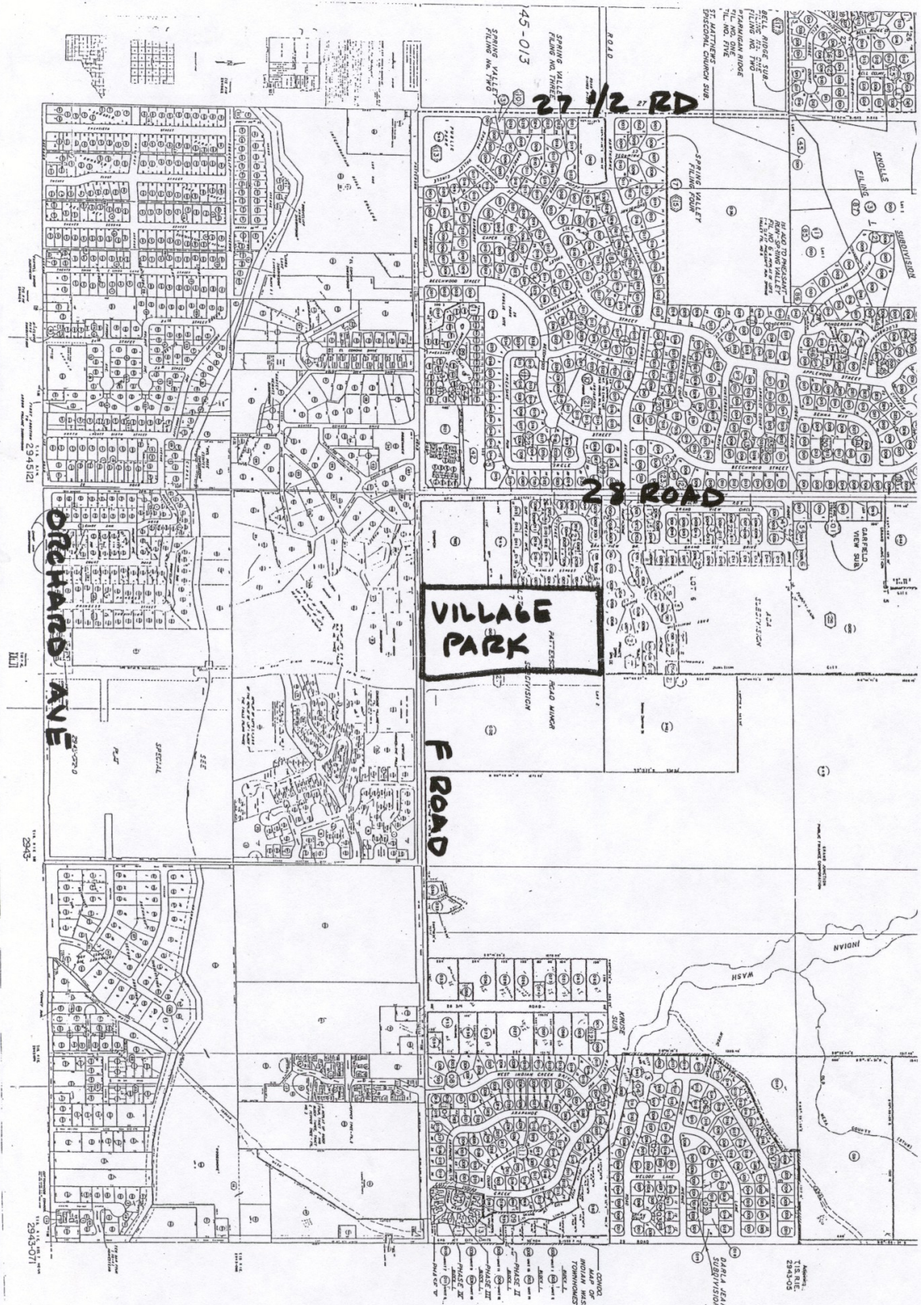
As shown on attached exhibit B and C.

PASSED and ADOPTED this     day of     , 2001.

ATTEST:

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

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



45-013  
SPRING VALLEY  
FLORA AND FAUNA

**27 1/2 RD**

**28 ROAD**

**VILLAGE  
PARK**

**F ROAD**

**ORCHARD AVE**

RECORD  
THE R.E.  
284-505

SARAK JEAN  
SUBDIVISION

CONDOMINIUM  
AFFIRMATION  
TOWNSHIP  
SUBDIVISION

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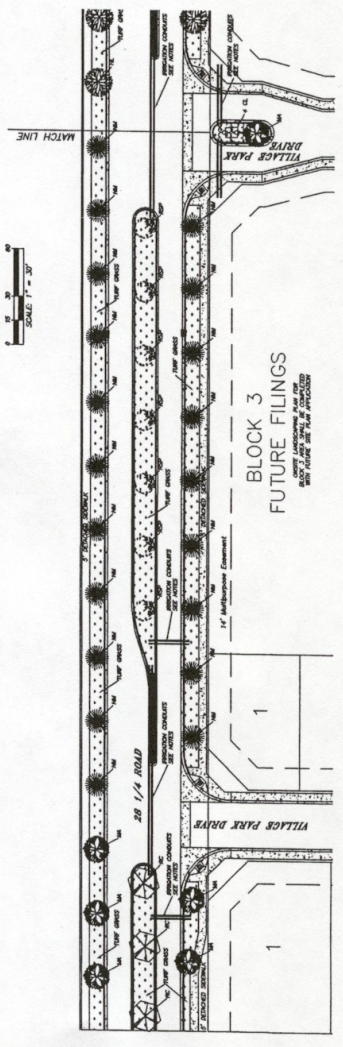
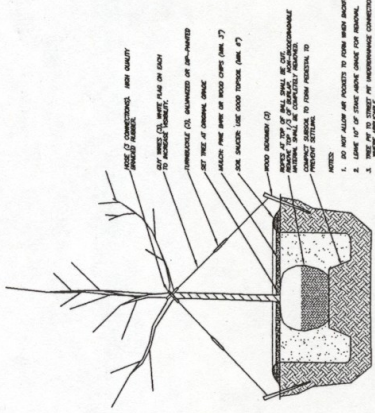
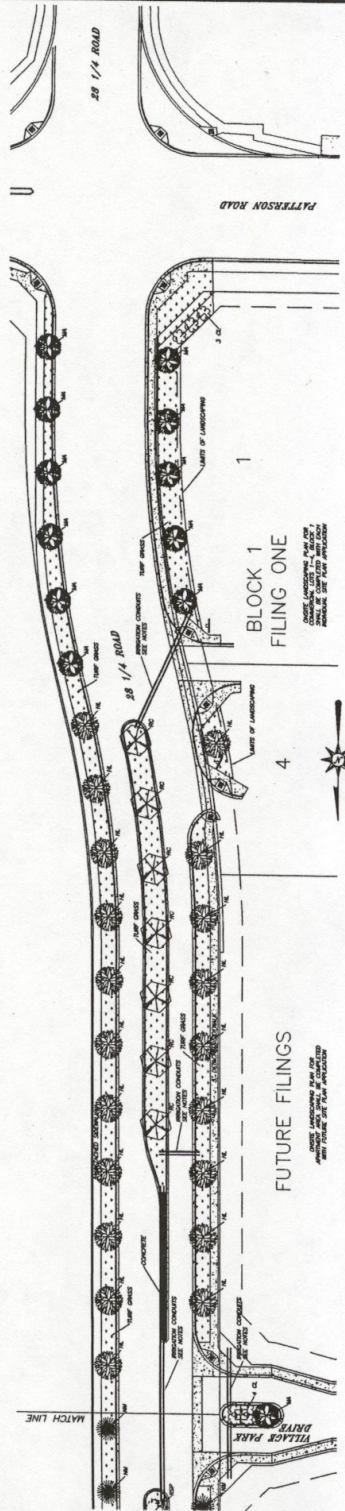
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- NOTES:**
- LANDSCAPING FOR THIS PROJECT IS LIMITED TO THE WEST SIDE OF 28 1/4 ROAD AND THE AREAS LOCATED WITHIN THE 28 1/4 ROAD RIGHT-OF-WAY.
  - THE ESTIMATION OF LANDSCAPING OR SOFT SIDE OF 28 1/4 ROAD TO BE MAINTAINED AND NOT TO BE REPLACED OR REMOVED. SEE PLAN SHEETS FOR FUTURE PHASES.
  - GENERAL PLANTING NOTES:
    - PLANTS THAT ARE NOT SPECIFIED WILL BE REPLACED.
    - THE SPECIES WITHIN EACH PLANTING AREA AND OPEN SPACE WILL BE LIMITED TO THE SPECIES WITH A DBH OF 4 INCHES OR SMALLER AT MATURE GROWTH.
    - ALL LANDSCAPING, INCLUDING IRRIGATION SYSTEMS, SHALL BE PROVIDED BY ALL RESPONSIBLE PARTY.
  - IRRIGATION SYSTEMS:
    - 1-1/2" SOIL AND 1-1/2" DIA. 48" AT EACH LOCATION.
    - SPRING SHALL BE 18" INTO TOP OF CURB DIRECTLY ABOVE CL OF CURB.
    - SPRING SHALL BE 18" INTO TOP OF CURB DIRECTLY ABOVE CL OF CURB.
    - SIZE OF EACH SPRING SHALL BE 1/2" DIA. OF CONCRETE W/CAPS CURED TO FINISH.

**28 1/4 ROAD PLANT LIST**

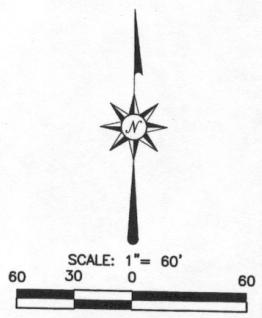
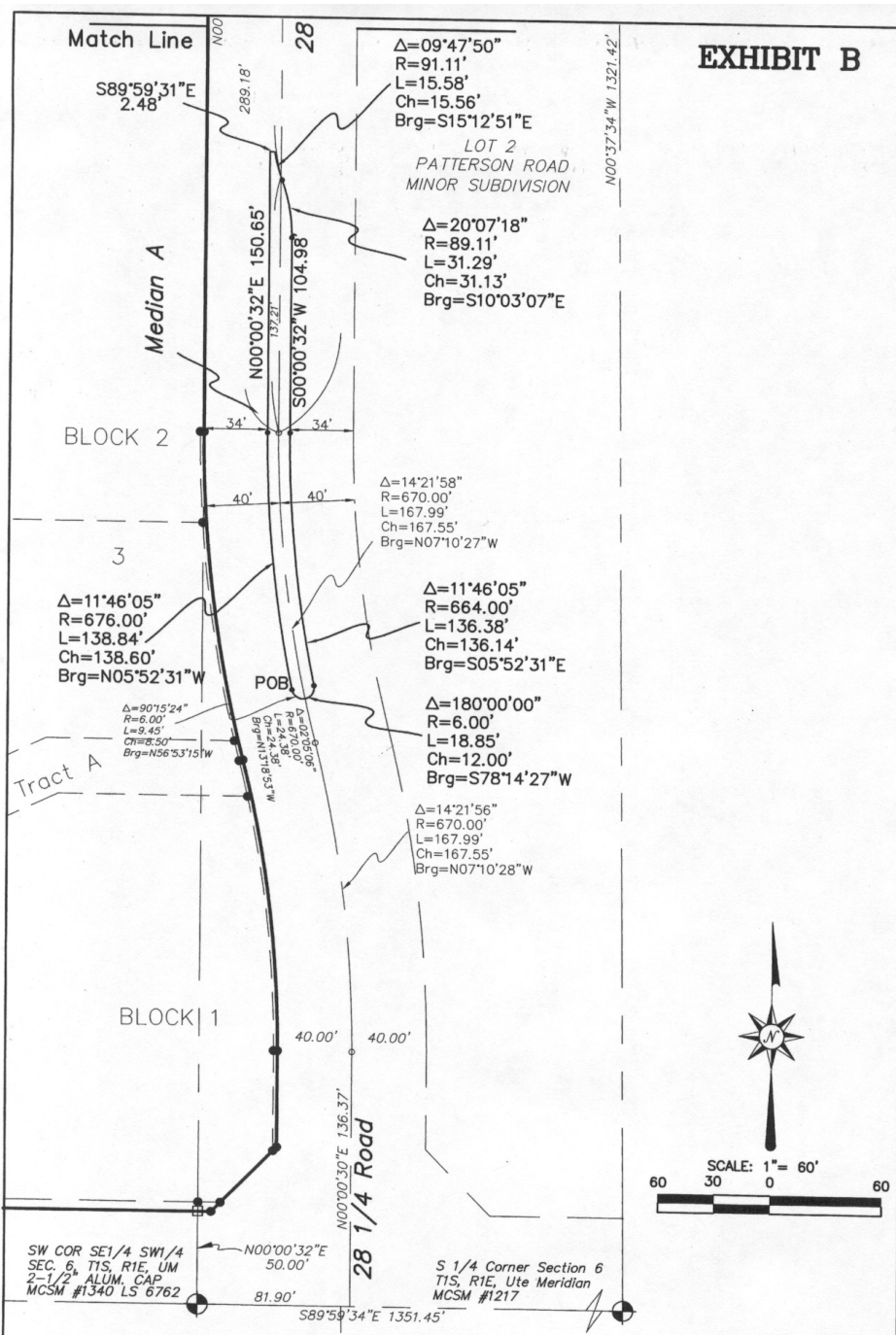
| SYMBOL | SCIENTIFIC NAME    | COMMON NAME        | NO. | SIZE |
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| 99     | FRAXINUS AMERICANA | RED BARKED DOGWOOD | 20  | 2"   |
| 100    | FRAXINUS AMERICANA | RED BARKED DOGWOOD | 20  | 2"   |

CALL BEFORE YOU DIG 1-800-522-1982  
 A MESSAGE OF AN HOUR PRIOR TO CONSTRUCTION.

PROPERTY OWNER: [Name]  
 PROJECT NO.: [Number]  
 CITY OF GRAND JUNCTION COMMUNITY DEVELOPMENT  
 244 NORTH 7th STREET  
 GRAND JUNCTION, CO 81501  
 DATE: 1/23/01  
 DRAWN BY: [Name]  
 CHECKED BY: [Name]



# EXHIBIT B



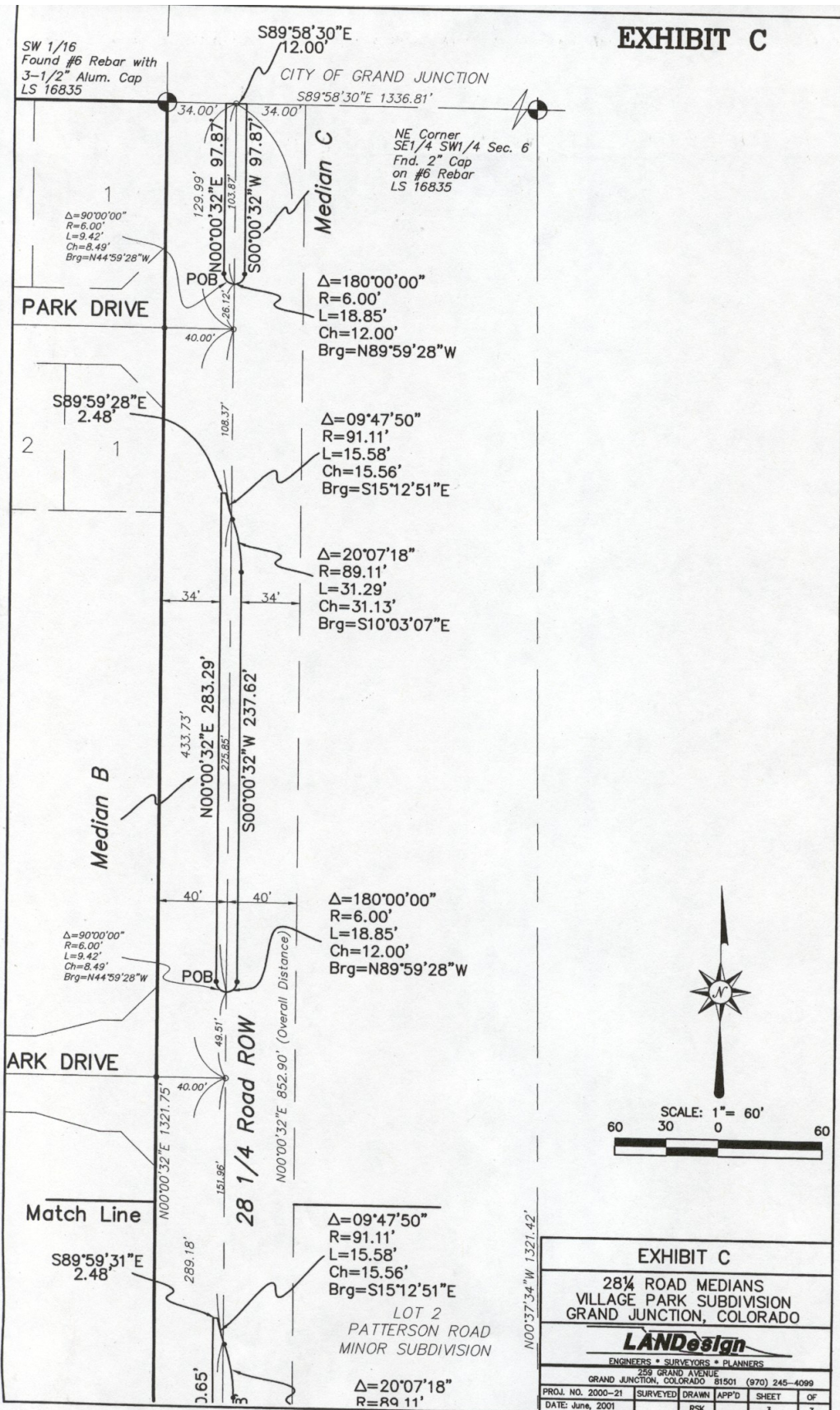
**EXHIBIT B**

**28 1/4 ROAD MEDIANS  
 VILLAGE PARK SUBDIVISION  
 GRAND JUNCTION, COLORADO**

**LANDesign**  
 ENGINEERS • SURVEYORS • PLANNERS  
 259 GRAND AVENUE  
 GRAND JUNCTION, COLORADO 81501 (970) 245-4099

|                   |          |       |       |       |    |
|-------------------|----------|-------|-------|-------|----|
| PROJ. NO. 2000-21 | SURVEYED | DRAWN | APP'D | SHEET | OF |
| DATE: June, 2001  |          | RSK   |       | 2     | 3  |

# EXHIBIT C



|   |          |       |       |
|---|----------|-------|-------|
| <b>EXHIBIT C</b>  |          |       |       |
| 28 1/4 ROAD MEDIANS<br>VILLAGE PARK SUBDIVISION<br>GRAND JUNCTION, COLORADO |          |       |       |
| <b>LANDesign</b><br>ENGINEERS • SURVEYORS • PLANNERS                        |          |       |       |
| 229 GRAND AVENUE<br>GRAND JUNCTION, COLORADO 81501 (970) 245-4099           |          |       |       |
| PROJ. NO. 2000-21   | SURVEYED | DRAWN | APP'D |
| DATE: June, 2001  | RSK      |       |       |
|   |          | SHEET | OF    |
|   |          | 3     | 3     |

**Attachment 9**

**Vacation of Easements, Redlands Marketplace File #2**

**CITY COUNCIL AGENDA  
CITY OF GRAND JUNCTION**

| <i>CITY COUNCIL</i>    |                           |                       |                      |
|------------------------|---------------------------|-----------------------|----------------------|
| <b>Subject:</b>        | <b>Easements Vacation</b> |                       |                      |
| <b>Meeting Date:</b>   | <b>October 3, 2001</b>    |                       |                      |
| <b>Date Prepared:</b>  | <b>September 26, 2001</b> |                       |                      |
| <b>Author:</b>         | <b>Bill Nebeker</b>       | <b>Senior Planner</b> |                      |
| <b>Presenter Name:</b> | <b>Bill Nebeker</b>       | <b>Senior Planner</b> |                      |
|                        | <b>Workshop</b>           | <b>X</b>              | <b>Formal Agenda</b> |

**Subject:** Vacation of Easements – Redlands Marketplace Filing 2; File #VE-2001-143.

**Summary:** In conjunction with a request to construct a Wendy’s drive through restaurant in the Redlands Marketplace, the applicant proposes to vacate a public ingress-egress easement and a utility easement. There are no utilities in the easements to be vacated. The easements will be rededicated in an alternate location.

**Background Information:** See Attached

**Budget:** N/A

**Action Requested/Recommendation:** Adopt resolution.

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

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

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

| BACKGROUND INFORMATION             |       |                                    |    |
|------------------------------------|-------|------------------------------------|----|
| Location:                          |       | 2516 Broadway                      |    |
| Applicant:                         |       | LANDesign for Regency Realty Group |    |
| Existing Land Use:                 |       | Improved parking lot               |    |
| Proposed Land Use:                 |       | Fast food restaurant               |    |
| Surrounding Land Use:              | North | Commercial                         |    |
|                                    | South | Commercial                         |    |
|                                    | East  | Commercial                         |    |
|                                    | West  | Commercial                         |    |
| Existing Zoning:                   |       | C-1                                |    |
| Proposed Zoning:                   |       | No change proposed                 |    |
| Surrounding Zoning:                | North | C-1                                |    |
|                                    | South | C-1                                |    |
|                                    | East  | C-1                                |    |
|                                    | West  | C-1                                |    |
| Growth Plan Designation:           |       | Commercial                         |    |
| Zoning within density range?<br>NA |       | Yes                                | No |

**ACTION REQUESTED:** Adopt resolution vacating easements.

**STAFF ANALYSIS:** In conjunction with a request to construct a Wendy’s restaurant with a drive-through window in the Redlands Marketplace, the applicant proposes to vacate a public ingress-egress easement and a utility easement.

In order to fit the Wendy’s restaurant on Lot 4 of the Redlands Marketplace Subdivision the north property line is being moved about 15 feet to the north. The “boot” portion of Lot 4 that extends up to Lot 3 is being eliminated so the acreage within the lot remains about the same. With the relocation of the lot line, a 25-foot wide public ingress-egress easement and utilities easement must be vacated and relocated. These easements were dedicated to allow for public ingress and egress and utility access into the shopping center’s parking lot to landlocked parcels within the subdivision. The parking lot landscape islands to the north of the present accessway will also be relocated. All landscaping changes, as well as

the relocation of the accessway will be made in conjunction with the site plan review for the Wendy's restaurant. For more information on that request please consult file #CUP-2001-139. It is the applicant's responsibility to relocate utilities in the easement, if there are any. A new public ingress-egress easement and utilities easement will be rededicated on the replat that reconfigures Lot 4. The replat, known as Redlands Marketplace Filing 2, is being reviewed administratively.

**REVIEW CRITERIA:** At its hearing of September 11, 2001 the Planning Commission found that the proposed easement vacation conforms to the review criteria set forth in Section 2.11C as follows:

13. Granting the easement vacations do not conflict with applicable Sections of the Growth Plan, major street plan and other adopted plans and policies of the City.
14. No parcel becomes landlocked as a result of the vacations.
15. Access to any parcel is not restricted.
16. There are no adverse impacts on health, safety or welfare of the general community. The quality of public facilities and services provided to any parcel is not reduced due to these vacations.
17. The provision of adequate public facilities and services will not be inhibited to any property as required in Chapter 6 of this Code. The applicant will relocate any utilities in the easements. The applicant is relocating the public accessway.
18. The proposal provides benefits to the City by allowing more efficient use of Lot 4 of Redlands Marketplace Subdivision.

**PLANNING COMMISSION RECOMMENDATION:** Approval with the following condition:

1. The resolution vacating the easements shall not become effective until the Redlands Marketplace Filing 2 plat is recorded.

**ATTACHMENTS:**

1. Vicinity Map/Alta Survey – Existing conditions map
2. Easement Vacation Exhibit

CITY OF GRAND JUNCTION

Resolution No. \_\_\_\_\_

**VACATING A PUBLIC INGRESS-EGRESS EASEMENT AND A UTILITY EASEMENT  
LOCATED ON REDLANDS MARKETPLACE SUBDIVISION  
AT HIGHWAY 340 (BROADWAY) AND POWER ROAD**

Recitals.

In conjunction with a request to develop Lot 4 of the Redlands Marketplace Subdivision, the applicant proposes to vacate a public ingress-egress easement and a utility easement. A portion of the 25-foot wide public ingress-egress easement and a utility easement that straddle lots 2 and 4 of this subdivision are to be vacated and rededicated on Filing 2 to allow for a larger lot area on lot 4. The vacation is not to become effective until the plat and instrument dedicating the new easements is recorded.

At its September 11, 2001 hearing the City Planning Commission found that the request to vacate the easements conforms to the review criteria set forth in Section 2.11C and recommended approval of the easement vacation.

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

City Council finds that the vacation meets the criteria set forth in Section 2-11C of the Grand Junction Zoning and Development Code and in accordance therewith the following described easements are hereby vacated with the condition that the vacation shall not become effective until a new easement in an alternate location as shown on the Redlands Marketplace Subdivision Filing Two is recorded:

Being an easement located in portions of Lots 2 and 4 of Redlands Marketplace Subdivision, as described in Plat Book 17, Pages 232 and 233, Mesa County records, and more particularly described as follows:

Commencing at the Southeast corner of Lot 4, Redlands Marketplace Subdivision, as described in Plat Book 17, Pages 232 and 233, Mesa County records; thence North 17 degrees 59 minutes 09 seconds West, a distance of 36.27 feet; thence North 00 degrees 00 minutes 00 seconds East, a distance of 14.95 feet; thence South 90 degrees 00 minutes 00 seconds West, a distance of 15.00 feet to the POINT OF BEGINNING; thence along a curve to the left, having a delta angle of 97 degrees 24 minutes 32 seconds, with a radius of 15.00 feet, an arc length of 25.50 feet, a chord bearing of North 48 degrees 42 minutes 16 seconds West, and a chord length of 22.54 feet; thence along a curve to the left, having a delta angle of 9 degrees 35 minutes 28

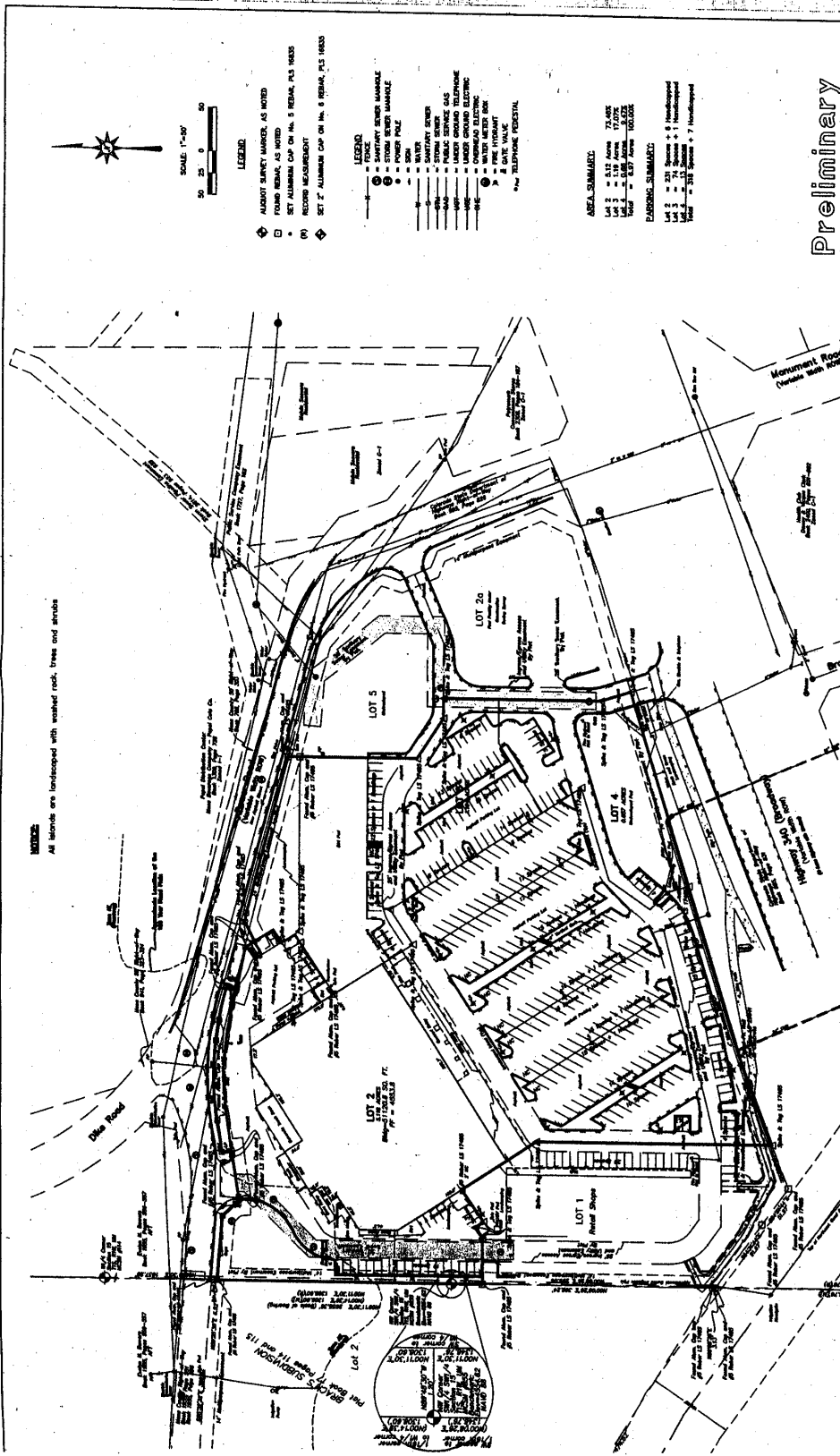
seconds, with a radius of 30.00 feet, an arc length of 5.02 feet, a chord bearing of South 77 degrees 47 minutes 44 seconds West, and a chord length of 5.02 feet; thence South 73 degrees 00 minutes 00 seconds West, a distance of 137.39 feet; thence along a curve to the left, having a delta angle of 39 degrees 07 minutes 32 seconds, with a radius of 100.00 feet, an arc length of 68.29 feet, a chord bearing of South 53 degrees 26 minutes 14 seconds West, and a chord length of 66.97 feet; thence along a curve to the right, having a delta angle of 39 degrees 27 minutes 02 seconds, with a radius of 98.00 feet, an arc length of 67.48 feet, a chord bearing of South 53 degrees 35 minutes 59 seconds West, and a chord length of 66.15 feet; thence South 73 degrees 19 minutes 30 seconds West, a distance of 47.96 feet; thence North 16 degrees 40 minutes 30 seconds West, a distance of 25.00 feet; thence North 73 degrees 19 minutes 30 seconds East, a distance of 47.96 feet; thence along a curve to the left, having a delta angle of 39 degrees 27 minutes 02 seconds, with a radius of 73.00 feet, an arc length of 50.26 feet, a chord bearing of North 53 degrees 35 minutes 59 seconds East, and a chord length of 49.28 feet; thence along a curve to the right, having a delta angle of 39 degrees 07 minutes 32 seconds, with a radius of 125.00 feet, an arc length of 85.36 feet, a chord bearing of North 53 degrees 26 minutes 14 seconds East, and a chord length of 83.71 feet; thence North 73 degrees 00 minutes 00 seconds East, a distance of 137.39 feet; thence along a curve to the right, having a delta angle of 15 degrees 24 minutes 60 seconds, with a radius of 55.00 feet, an arc length of 14.80 feet, a chord bearing of North 80 degrees 42 minutes 30 seconds East, and a chord length of 14.75 feet; thence along a curve to the left, having a delta angle of 88 degrees 24 minutes 60 seconds, with a radius of 15.00 feet, an arc length of 23.15 feet, a chord bearing of North 44 degrees 12 minutes 30 seconds East, and a chord length of 20.92 feet; thence South 00 degrees 00 minutes 00 seconds East, a distance of 55.10 feet to the POINT OF BEGINNING.

PASSED and ADOPTED this     day of     , 20001.

ATTEST:

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

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



**Preliminary**

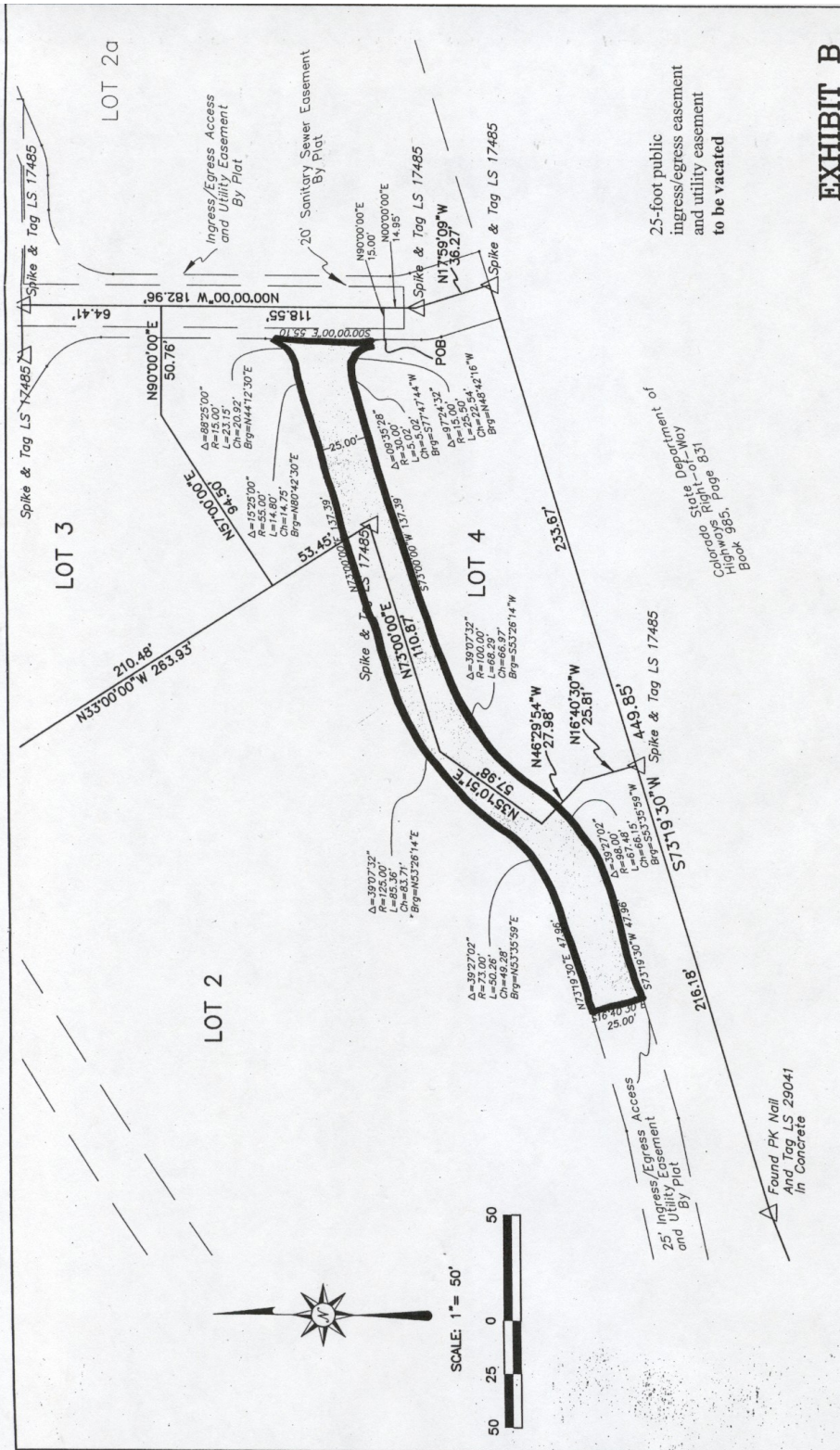
**ALFA SURVEY**  
 SUBDIVISION OF  
 DELANOS MARSHPLACE SUBDIVISION  
 GRAND JUNCTION, MESA COUNTY, COLORADO

**LANDEIGN**

Professional Engineer  
 License No. 10000  
 1000 North 10th Street, Suite 100  
 Grand Junction, Colorado 81505

**NOTICE:**  
 This sheet shows the relationship of the lot configuration created by the plat of Roadside Marshplace Subdivision to the existing subdivision.





**CITY COUNCIL AGENDA  
CITY OF GRAND JUNCTION**

| <b>CITY COUNCIL</b>    |   |                       |                      |
|------------------------|---|-----------------------|----------------------|
| <b>Subject:</b>        | <b>Right-of-Way Vacation in Redlands Market Place</b> |                       |                      |
| <b>Meeting Date:</b>   | <b>October 3, 2001</b>                                |                       |                      |
| <b>Date Prepared:</b>  | <b>September 26, 2001</b>                             |                       |                      |
| <b>Author:</b>         | <b>Bill Nebeker</b>                                   | <b>Senior Planner</b> |                      |
| <b>Presenter Name:</b> | <b>Bill Nebeker</b>                                   | <b>Senior Planner</b> |                      |
|                        | <b>Workshop</b>                                       | <b>X</b>              | <b>Formal Agenda</b> |

**Subject:** Vacation of Public Right-of-Way and Recreational Easement – Redlands Marketplace; File #VE-2001-143.

**Summary:** The applicant has requested to vacate a public right-of-way and recreational easement for the riverfront trail that was dedicated on the Redlands Marketplace final plat. When the trail was reconstructed as part of the improvements to the subdivision and shopping center, it was placed outside of the easement. A new easement is being dedicated by separate instrument. The vacation will not become effective until the new easement is dedicated.

**Background Information:** See Attached

**Budget:** N/A

**Action Requested/Recommendation:** Adopt ordinance on first reading and schedule a hearing for October 17, 2001.

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

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

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

| BACKGROUND INFORMATION             |       |                                    |     |  |    |
|------------------------------------|-------|------------------------------------|-----|--|----|
| Location:                          |       | 2516 Broadway                      |     |  |    |
| Applicant:                         |       | LANDesign for Regency Realty Group |     |  |    |
| Existing Land Use:                 |       | Shopping center & riverfront trail |     |  |    |
| Proposed Land Use:                 |       | No change proposed                 |     |  |    |
| Surrounding Land Use:              | North | Commercial                         |     |  |    |
|                                    | South | Commercial                         |     |  |    |
|                                    | East  | Commercial                         |     |  |    |
|                                    | West  | Commercial                         |     |  |    |
| Existing Zoning:                   |       | C-1                                |     |  |    |
| Proposed Zoning:                   |       | No change proposed                 |     |  |    |
| Surrounding Zoning:                | North | C-1                                |     |  |    |
|                                    | South | C-1                                |     |  |    |
|                                    | East  | C-1                                |     |  |    |
|                                    | West  | C-1                                |     |  |    |
| Growth Plan Designation:           |       | Commercial                         |     |  |    |
| Zoning within density range?<br>NA |       |                                    | Yes |  | No |

**ACTION REQUESTED:** Adopt ordinance on first reading and schedule a hearing for October 17, 2001.

**STAFF ANALYSIS:** The applicant has requested to vacate a 12-foot wide public right-of-way and recreational easement for the riverfront trail that was dedicated on the Redlands Marketplace final plat. When the riverfront trail in the southwest corner of this shopping center was reconstructed, it was placed in the wrong location, outside of the easement that was dedicated on the plat. Rather than remove and replace the trail it was decided to leave it in its current location, vacate the existing easement and rededicate a new one. Approval of this vacation will eliminate the easement where it exists now. A new easement will be rededicated by separate easement in the current location of the trail.

**REVIEW CRITERIA:** At its hearing of September 11, 2001 the Planning Commission found that the proposed easement vacations conform to the review criteria set forth in Section 2.11C as follows:

19. Granting the vacation does not conflict with applicable Sections of the Growth Plan, major street plan and other adopted plans and policies of the City.
20. No parcel becomes landlocked as a result of the vacation.
21. Access to any parcel is not restricted.
22. There are no adverse impacts on health, safety or welfare of the general community. The quality of public facilities and services provided to any parcel is not reduced due to the vacation.
23. The provision of adequate public facilities and services will not be inhibited to any property as required in Chapter 6 of this Code. The applicant has previously relocated the riverfront trail. A new easement will be dedicated concurrently with this vacation.
24. The proposal provides benefits to the City by eliminating an unneeded right-of-way and placing the riverfront trail in a new one.

**PLANNING COMMISSION RECOMMENDATION:** Approval with the following condition:

2. The ordinance vacating the right-of-way shall not become effective until a separate instrument for the riverfront trail right-of-way is recorded.

**ATTACHMENTS:**

3. Vicinity Map/Alta Survey – Existing conditions map
4. Easement Vacation Exhibit
5. Easement Dedication Exhibit

CITY OF GRAND JUNCTION

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

**VACATING A PUBLIC RIGHT-OF-WAY AND RECREATIONAL EASEMENT  
LOCATED ON REDLANDS MARKETPLACE SUBDIVISION  
AT HIGHWAY 340 (BROADWAY) AND POWER ROAD**

Recitals.

The applicant has requested to vacate a 12-foot wide public right-of-way and recreational easement for the riverfront trail that was dedicated on the Redlands Marketplace final plat. When the riverfront trail in the southwest corner of this shopping center was reconstructed, it was placed in the wrong location, outside of the easement that was dedicated on the plat. Rather than remove and replace the trail it was decided to leave it in its current location, vacate the existing easement and rededicate a new one. Approval of this vacation will eliminate the easement where it exists now. A new easement will be dedicated concurrently with this vacation so the public interest will be protected.

At its September 11, 2001 hearing the City Planning Commission found that the request to vacate the right-of-way conforms to the review criteria set forth in Section 2.11C and recommended approval of the vacation.

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

City Council finds that the vacation meets the criteria set forth in Section 2-11C of the Grand Junction Zoning and Development Code and in accordance therewith the following described right-of-way is hereby vacated with the condition that the vacation shall not become effective until a new right-of-way dedicated by separate instrument is recorded:

A 12-foot strip of land being part of Lots 1 and 2, Redlands Marketplace Subdivision, as recorded in Plat Book 17, Pages 232 and 233 of the Mesa County Records, in Section 15, Township 1 South, Range 1 West of the Ute Meridian, said easement extending 6 feet parallel on each side of herein described centerline:

Commencing at the Northwest corner of the Southwest Quarter Southwest Quarter (SW1/4 SW1/4) of Section 15, Township 1 South, Range 1 West, of the Ute Meridian, whence the Southwest corner of said Section 15 bears South 00 degrees 08 minutes 26 seconds East, a distance of 1346.76 feet for a basis of bearings, with all bearings contained herein relative thereto; thence South 33 degrees 33 minutes 55 seconds East, a distance of 415.00 feet to a point on the Northeasterly right-of-way line of

Highway 340 and the POINT OF BEGINNING; thence North 83 degrees 54 minutes 43 seconds West, a distance of 17.47 feet; thence South 89 degrees 49 minutes 22 seconds West, a distance of 93.78 feet to POINT A and continuing for a total distance of 147.52 feet; thence North 54 degrees 37 minutes 51 seconds West, a distance of 59.53 feet; thence North 40 degrees 30 minutes 58 seconds West, a distance of 24.17 feet to POINT B and continuing for a total distance of 25.76 feet to the POINT OF TERMINUS; whence the Northwest corner of the SW 1/4 SW1/4 of said Section 15 bears North 00 degrees 08 minutes 26 seconds East, a distance of 290.37 feet. Extending and shortening sidelines to meet the existing boundary line.

AND BEGINNING at POINT A; thence North 00 degrees 00 minutes 00 seconds West, a distance of 32.72 feet to the POINT OF TERMINUS and being 5 feet parallel and offset on each side. Extending and shortening sidelines to meet the existing boundary line;

AND BEGINNING at POINT B; thence North 63 degrees 46 minutes 17 seconds East, a distance of 35.64 feet to the POINT OF TERMINUS and being 6 feet parallel and offset on each side. Extending and shortening sidelines to meet the existing boundary line.

PASSED and ADOPTED this     day of     , 2001.

ATTEST:

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

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

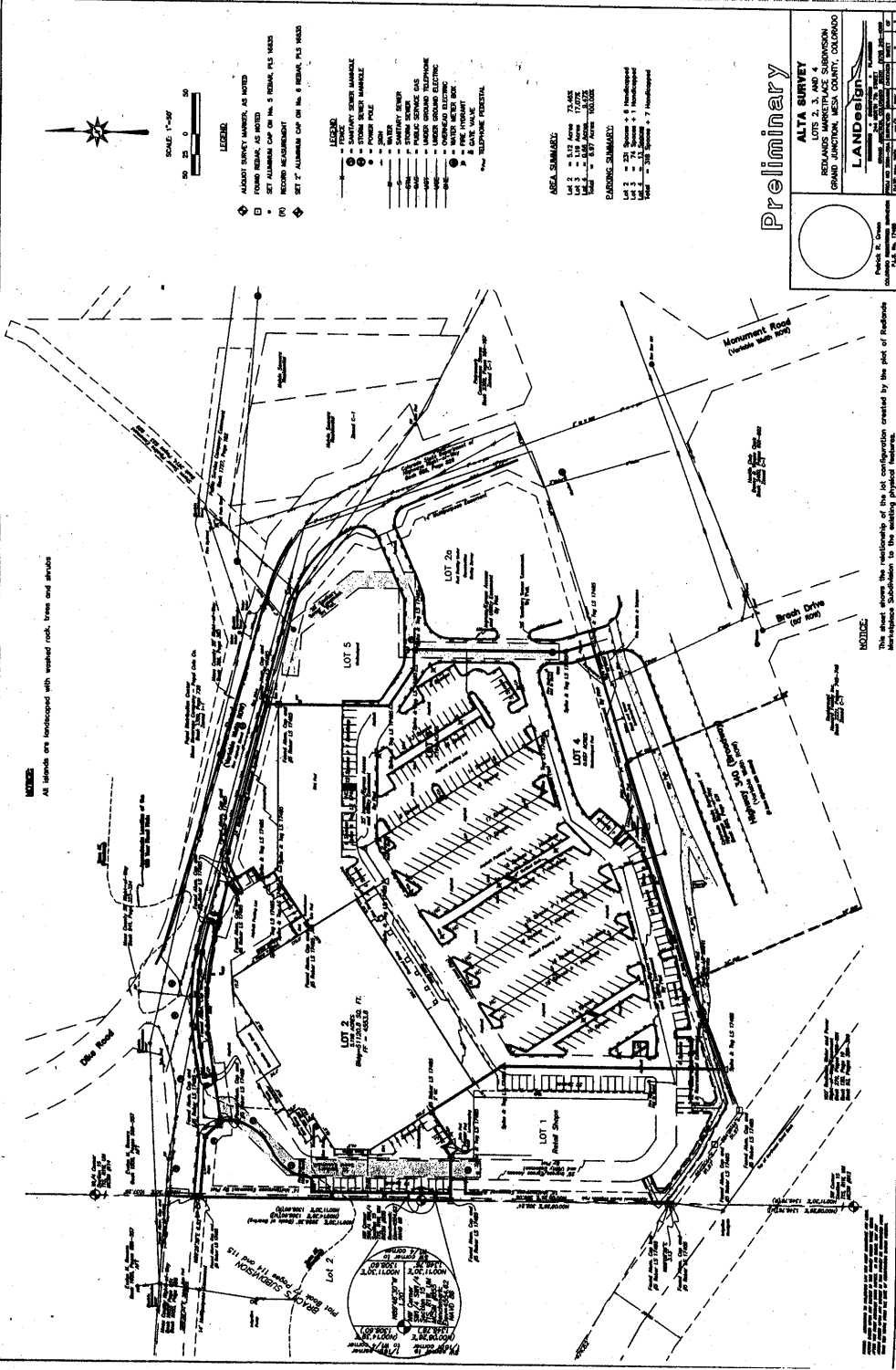
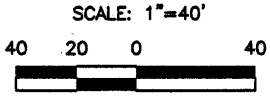
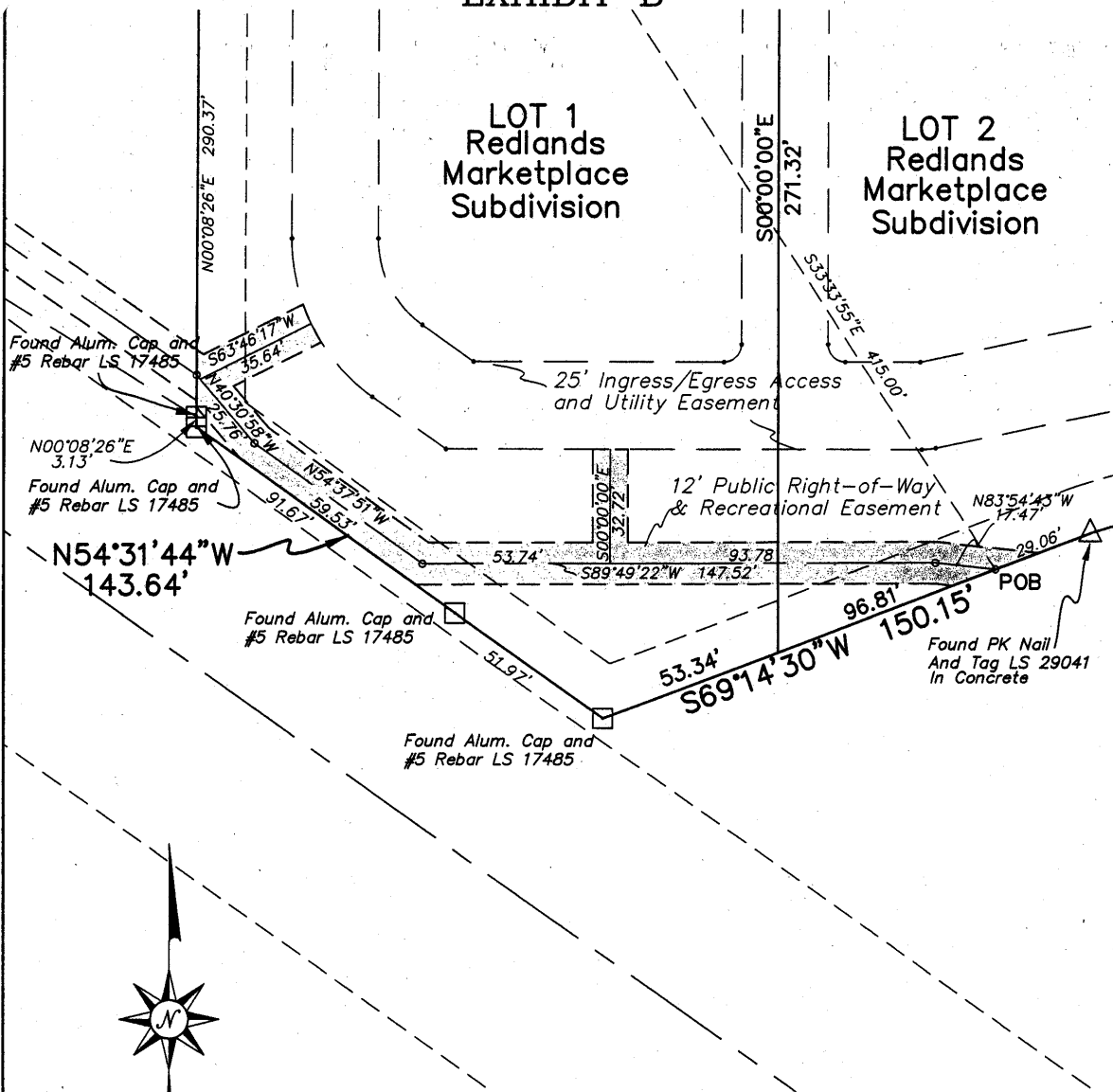


EXHIBIT B

LOT 1  
Redlands  
Marketplace  
Subdivision

LOT 2  
Redlands  
Marketplace  
Subdivision



LEGEND

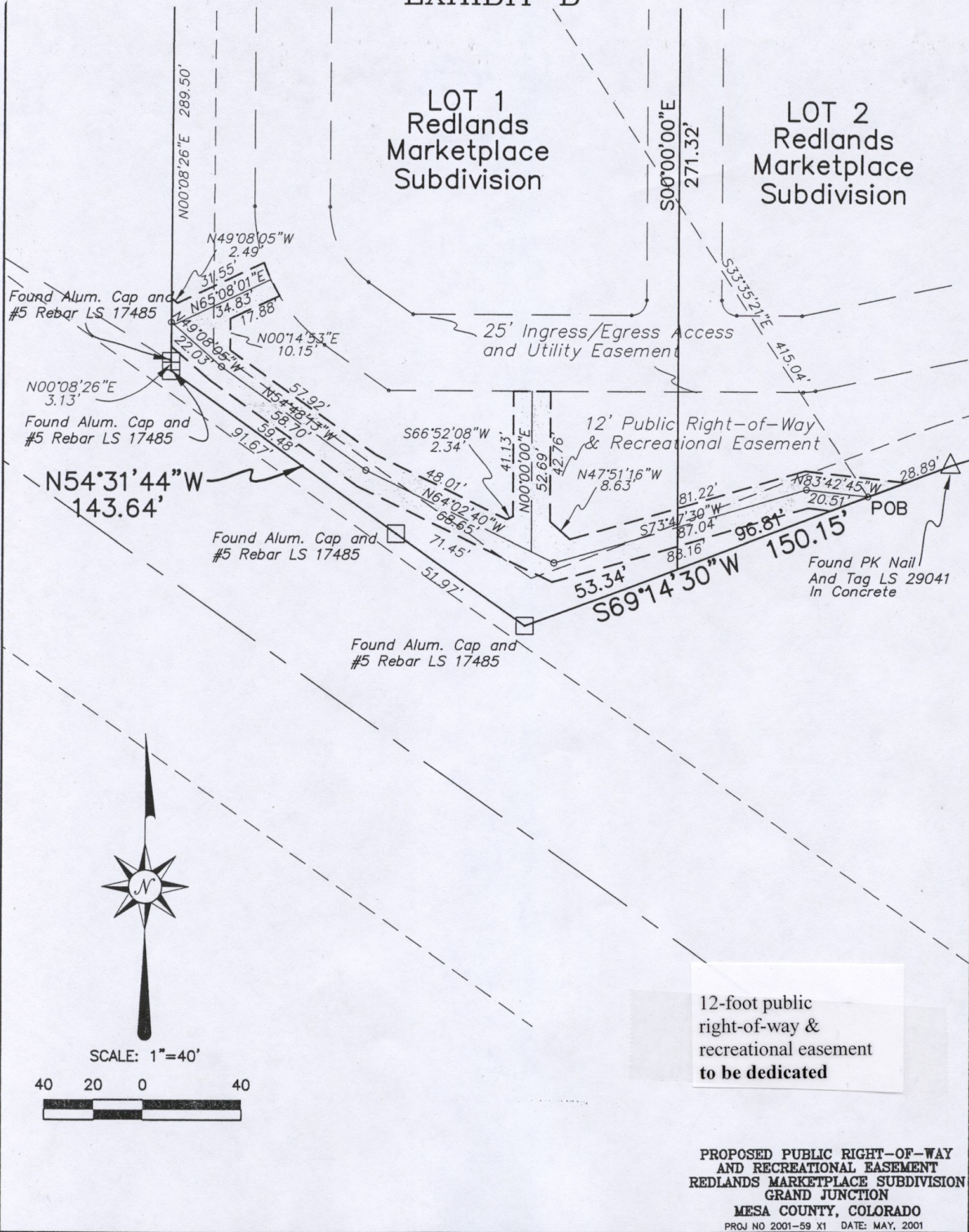
EXISTING PUBLIC RIGHT-OF-WAY  
AND RECREATIONAL EASEMENT  
REDLANDS MARKETPLACE SUBDIVISION  
GRAND JUNCTION  
MESA COUNTY, COLORADO  
PROJ NO 2001-59 X1 DATE: MAY, 2001



# EXHIBIT B

LOT 1  
Redlands  
Marketplace  
Subdivision

LOT 2  
Redlands  
Marketplace  
Subdivision



**Attachment 10**  
**Mesa Development Services Lift System/Arjo Tub Purchase**

**CITY COUNCIL AGENDA**  
**CITY OF GRAND JUNCTION**

| <b>CITY COUNCIL</b>      |  |                           |
|--------------------------|--|---------------------------|
| <b>Subject:</b>          | <b>CDBG 2001-6 Barrier Free Lift System/Arjo Tub Purchase &amp; Installation</b> |                           |
| <b>Meeting Date:</b>     | <b>October 3, 2001</b>   |                           |
| <b>Date Prepared:</b>    | <b>September 26, 2001</b>  |                           |
| <b>Author:</b>           | <b>Kristen Ashbeck</b>   | <b>Senior Planner</b>     |
| <b>Presenters Names:</b> | <b>Same</b>  |                           |
|                          | <b>Workshop</b>  | <b>X    Formal Agenda</b> |

**Subject:** Approval of the subrecipient contract with Mesa Developmental Services (MDS) for the City’s 2001 Program Year, Community Development Block Grant Program.

**Summary:** This contract formalizes the City’s Award of \$40,000 to MDS for purchase and installation of barrier free equipment for an accessible group home. These funds were allocated from the City’s 2001 Community Development Block Grant Program.

**Background Information:** The City has awarded MDS \$40,000 to purchase and install a Barrier Free Lift System (a ceiling-mounted motorized track system for mobility of patients) and an Arjo Tub (a hydrosonic bathtub used for therapeutic purposes) at an accessible group home which is currently under construction at 1444 North 23rd Street. MDS is considered a “subrecipient” to the City. The City will “pass through” a portion of its 2001 Program year CDBG funds to MDS but the City remains responsible for the use of these funds. This subrecipient contract with MDS outlines the duties and responsibilities of each party and is used to ensure that MDS will comply with all Federal rules and regulations governing the use of these funds. This contract must be approved before the subrecipient may spend any of these Federal funds. Exhibit A of the contract (attached) contains the specifics of the project and how the money will be used by MDS for the accessible group home at 1444 North 23<sup>rd</sup> Street.

**Recommendation:** It is recommended that City Council authorize the City Manager to sign the subrecipient contract with Mesa Developmental Services.

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

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

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

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

Attachments: a) Exhibit A, Subrecipient Contract  
b) Project Location Map

**2001 SUBRECIPIENT CONTRACT FOR  
CITY OF GRAND JUNCTION  
COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS  
WITH  
MESA DEVELOPMENTAL SERVICES**

**EXHIBIT "A", SCOPE OF SERVICES**

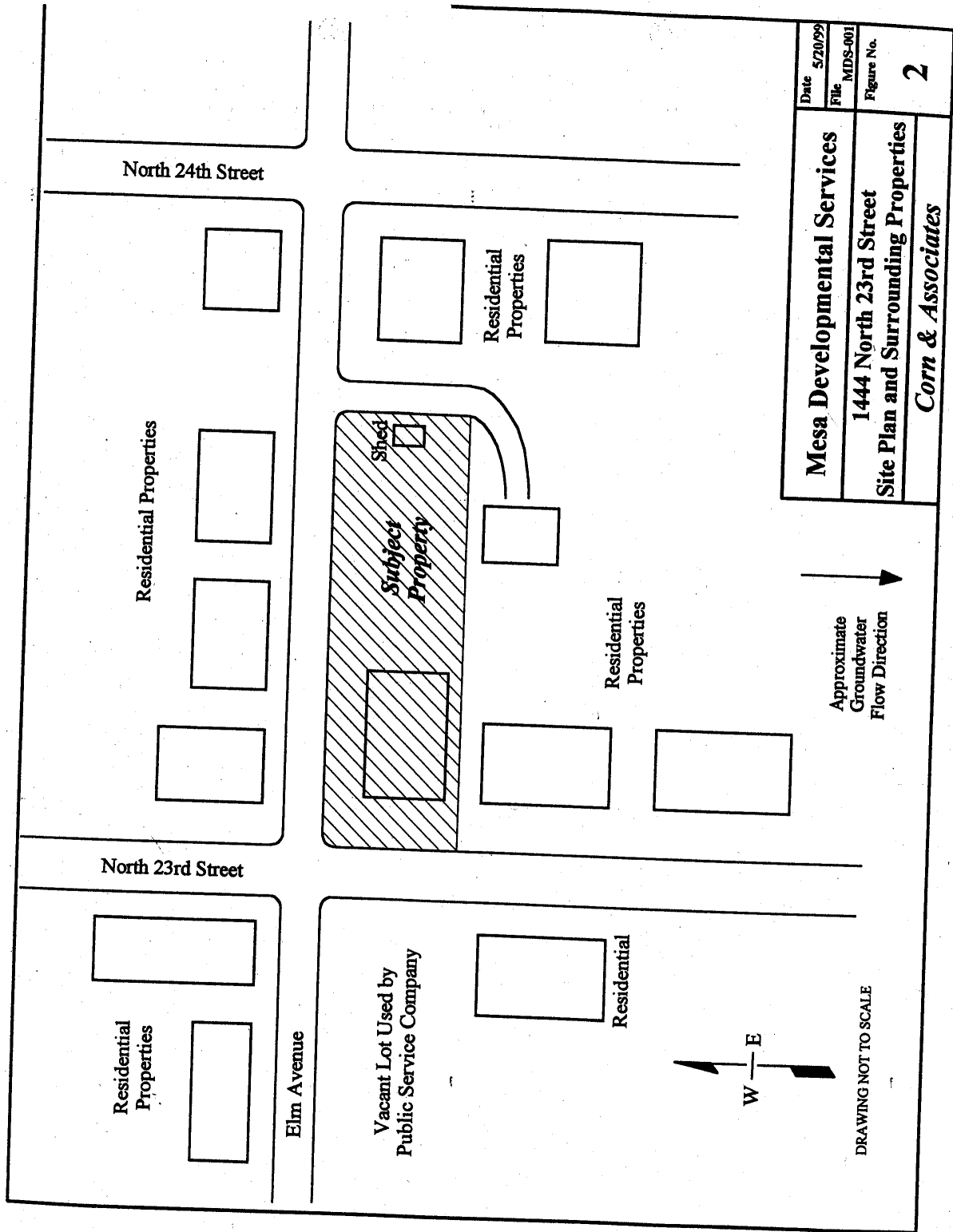
1. The City agrees to pay subject to the subrecipient agreement Mesa Developmental Services (MDS) \$40,000 from its 2001 Program Year CDBG Entitlement Funds for purchase and installation of a Barrier Free Lift System (a ceiling mounted motorized track system for mobility of patients) and an Arjo Tub (a hydrosonic bathtub used for therapeutic purposes) at an accessible group home which is currently under construction at 1444 North 23rd Street in Grand Junction, Colorado. The general purpose of the project is to provide housing for an increasing number of people with multiple handicaps requiring specialized care and equipment.
2. Mesa Developmental Services certifies that it will meet the CDBG National Objective of low/moderate limited clientele benefit (570.208(a)(2)). It shall meet this objective by providing the above-referenced services to low/moderate income persons in Grand Junction, Colorado.
3. The entire project consists of construction of a new accessible group home, including site improvements in accordance with the Grand Junction Zoning and Development Code. The site and home under construction are owned by Mesa Developmental Services, who will continue to operate the new home. It is understood that the City's grant of \$40,000 in CDBG funds shall be used only for the purchase and installation of the equipment mentioned above. Costs associated with the other elements of the project shall be paid for by other funding sources obtained by Mesa Developmental Services.
4. This project shall commence upon the full and proper execution of the 2001 Subrecipient Agreement and the completion of any appropriate environmental, Code and permit review and approval. The project shall be completed on or before April 30, 2003.

5. The budget for the entire project is as follows:

| <u>Project Activity</u> | <u>Cost</u> | <u>Source of Funds</u>       |
|-------------------------|-------------|------------------------------|
| Construction Hard Costs | \$247,859   | MDS                          |
| Overhead                | \$ 19,053   | MDS                          |
| Construction Soft Costs | \$ 90,854   | MDS                          |
| Non-cash Developer Fee  | \$ 14,175   | MDS                          |
| Land                    | \$ 94,000   | MDS                          |
| Equipment               | \$ 62,000   | \$40,000 2001 CDBG Funds/MDS |

6. Mesa Developmental Services estimates that it will provide services for 240 resident years of specialized housing when the home is completed and in full operation.
7. The City of Grand Junction shall monitor and evaluate the progress and performance of Mesa Developmental Services to assure that the terms of this agreement are being satisfactorily met in accordance with City and other applicable monitoring and evaluating criteria and standards. Mesa Developmental Services shall cooperate with the City relating to monitoring, evaluation and inspection and compliance.
8. Mesa Developmental Services shall provide quarterly financial and performance reports to the City. Reports shall describe the progress of the project, what activities have occurred, what activities are still planned, financial status, compliance with National Objectives and other information as may be required by the City. A final report shall also be submitted once the project is completed.
9. During a period of five (5) years following the date of completion of the project the use or planned use of the property improved may not change unless 1) the City determines the new use meets one of the National Objectives of the CDBG Program, and 2) Mesa Developmental Services provides affected citizens with reasonable notice and an opportunity to comment on any proposed changes. If Mesa Developmental Services decides, after consultation with affected citizens that it is appropriate to change the use of the property to a use which the City determines does not qualify in meeting a CDBG National Objective, Mesa Developmental Services must reimburse the City a prorated share of the City's \$40,000 CDBG contribution. At the end of the five-year period following the project closeout date and thereafter, no City restrictions on use of the property shall be in effect.
10. Mesa Developmental Services understands that the funds described in the Agreement are received by the City of Grand Junction from the US Department of Housing and Urban Development under the Community Development Block Grant Program. Mesa Developmental Services shall meet all City of Grand Junction and federal requirements for receiving Community Development Block Grant funds, whether or not such requirements are specifically listed in this Agreement. Mesa Developmental Services shall provide the City of Grand Junction with documentation establishing that all local and federal CDBG requirements have been met.
11. A blanket fidelity bond equal to cash advances as referenced in Paragraph V.(E) will not be required as long as no cash advances are made and payment is on a reimbursement basis.

12. A formal project notice will be sent to Mesa Developmental Services once all funds are expended and a final report is received.



**Attachment 11**

**Amending Zoning and Development Code Regarding Transit Shelter and Benches**

**CITY COUNCIL AGENDA  
CITY OF GRAND JUNCTION**

| <b>CITY COUNCIL</b>    |  |                                       |                      |
|------------------------|--|---------------------------------------|----------------------|
| <b>Subject:</b>        | <b>Text Amendment – Bus Shelters/Benches</b> |                                       |                      |
| <b>Meeting Date:</b>   | <b>October 2, 2001</b>                       |                                       |                      |
| <b>Date Prepared:</b>  | <b>September 26, 2001</b>                    |                                       |                      |
| <b>Author:</b>         | <b>Bob Blanchard</b>                         | <b>Community Development Director</b> |                      |
| <b>Presenter Name:</b> | <b>Bob Blanchard</b>                         | <b>Community Development Director</b> |                      |
|                        | <b>Workshop</b>                              | <b>X</b>                              | <b>Formal Agenda</b> |

**Subject:** TAC-2001-175, Text Amendment – Amending the Zoning and Development Code Section 4.2.C.1.I, Sign Regulation, Exemptions, Transit Shelter Signs and adding Section 4.3.S, Use Specific Standards, Transit Shelters and Benches

**Summary:** The proposed amendments will clarify the allowable exemptions to the sign regulations for signs located on City-approved transit shelters and benches and establish specific standards relating to the installation and maintenance of and allowable advertising on transit shelters and benches.

**Background Information:** See Attached

**Budget:** N/A

**Action Requested/Recommendation:** Approval of the text amendment ordinance on 1<sup>st</sup> reading.

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

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

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



## BACKGROUND

On February 12, 2001, an agreement was signed between Mesa County (representing Grand Valley Transit) and Outdoor Promotions, Inc. (contractor) to allow the contractor to sell, install and maintain advertising on transit shelters and benches in return for their installation at designated transit stops. 10% of all gross revenues collected from the advertising sales is to go directly to Grand Valley Transit.

Shortly after this agreement was signed, the contractor placed benches at various locations within the GVT service area both inside and outside the City limits. Benches in the City were placed without going through any permitting process. As shown on Attachment 1, there was no consistency with where benches were placed with the exception of selected Dial-A-Ride locations: some were placed on existing or approved routes, some were not; some were placed at existing or future stops, some were not. Shelters were constructed at the Mesa State College transfer station located on the southwest corner of 12 Street and Orchard Avenue which were not required to go through the City permitting process.

After realizing that the benches had not gone through any permitting process and the haphazard manner in which they were placed, the City Manager contacted the contractor and notified him that all benches that were not located on existing or proposed (at that time) transit routes be removed. This included all benches placed at the Dial-A-Ride locations since they are not on mapped GVT routes. At the time this staff report was prepared, approximately 35 benches have been removed.

Recognizing that shelters and benches are significant amenities to the GVT system and that advertising is a legitimate use of these structures, Mesa County, Grand Junction, Fruita and Palisade, all located in the GVT service area, are pursuing common Code amendments to address these issues. With the exception of one issue, allowing advertising on benches and shelters in residential areas, the proposed amendments to the Zoning and Development Code are consistent with language proposed by Mesa County.

## ISSUES

In considering the impacts of both shelters and benches and the appropriate level of regulation, proposed Code amendments focus on safety, location and maintenance. These issues are addressed both in the agreement between Mesa County and Outdoor Promotions, Inc. as well as the proposed Code amendments.

### Safety

The proposed Code amendments require that both shelters and benches be located in the public right-of-way. If this is impossible, location on private property may be allowed by the City Engineer provided written authorization of the private landowner is demonstrated. When structures are located in the public right-of-way, a revocable permit is required by the City (If these proposed changes to the Zoning and Development Code are approved, a single revocable permit will be processed for all proposed shelter and bench locations). Review of this request includes consideration of the physical placement of the shelter or bench to ensure sight distances from the traffic lanes are not compromised, adequate setbacks from traffic flow are maintained and that the placement of the shelter or bench does not impede pedestrian flow on sidewalks. Benches are required to be secured to a concrete pad utilizing a breakaway anchor design to limit the impacts of being hit by a vehicle.

### Maintenance

Maintenance issues involve two areas: maintenance of the site around benches and shelters and maintenance of the bench and shelter itself. The proposed Code amendments require that a maintenance schedule be provided by the contractor that includes general repair, painting, graffiti removal and maintenance of the lawn or landscaping around the shelter area and bench locations. Failure to maintain the facilities is grounds for removal. The agreement with the County requires that cleaning and maintenance of shelters occur twice a week and benches once a week. In addition, cleaning and maintenance must occur within 24 hours when requested by the County. Repair of damaged shelters or benches must occur within 72 hours of notification. Both shelters and benches are required to be placed on concrete pads that will facilitate maintenance of the grounds around the facilities.

### Location

Locational considerations for both shelters and benches focus on the physical location of the structure and limitations on where they can be placed if they have advertising. Both shelters and benches are to be located in the right-of-way, unless physically impossible; and, they are to have minimum setbacks from the curb or edge of pavement depending on the presence of curb and gutter and the posted speed limit

The major issue with the proposed Code amendments, and the major concern of Mesa County and Grand Valley Transit, relate to limitations on where transit shelters and benches can be placed if they have advertising. Both structures are allowed only at designated bus stops on designated bus routes. Additionally, shelters and benches with advertising will only be allowed on principal arterials, minor arterials and major collectors as designated on the Grand Valley Circulation Plan that are not in residentially zoned areas of the City (Attachment 2 is a copy of the proposed Grand Valley Circulation Plan. Attachment 3 highlight arterials and collectors where this limitation would apply – note that the proposed limitation would only apply within the City limits). The restriction in residential areas deviates from proposed Code

amendments in Mesa County which allow shelters and benches on arterials and collectors without restriction.

In addition to transit routes affected by the proposed amendments, Dial-A-Ride locations within residential neighborhoods would also be limited.

The proposed Code amendments also specifically prohibit advertising on Main Street between 2<sup>nd</sup> Street and 7<sup>th</sup> Street (the Downtown Shopping Park) and within the North 7<sup>th</sup> Street Residential Historic District.

If advertising is restricted in residential areas, it is unlikely the contractor will place any benches or shelters. This creates an obvious conflict with many of the transit system's users not having access to these amenities near their homes. In order to provide these facilities, it would likely fall to either GVT or the City. Based on the cost estimates from the contractor, financial impacts of taking over the installation and maintenance of shelters and benches along these road segments would cost approximately \$10,000 per shelter and \$1,000 per bench (including the concrete pad). Maintenance costs are estimated at \$1,000 per year for each shelter and \$300 per year for each bench.

#### **STAFF RECOMMENDATION:**

Staff recommended approval of the text amendments to the Zoning and Development Code with the following differences from the Planning Commission recommendation:

- Section 4.3.S.2.k: Lighting references used foot candles as a measurement of illumination. The Planning Commission included a general statement that restricts the creation of glare and hazards to pedestrians and motorists.
- Sections 4.3.S.2.m and 4.3.S.3.p: The Planning Commission added an area description to limit advertising in the Main Street Shopping Park to the area between 2<sup>nd</sup> and 7<sup>th</sup> Streets.
- Sections 4.3.S.2.l and 4.3.S.3.o: Staff had limited the restriction on the location of shelters and benches with advertising to major collectors in residentially zoned areas. The Planning Commission extended the restriction to include principal and minor arterials as well as major collectors in residentially zoned areas.

#### **PLANNING COMMISSION RECOMMENDATION:**

On Tuesday, September 26, 2001, the Planning Commission unanimously voted (6 – 0) to recommend that the City Council approve the amendments to the Zoning and

Development Code as attached (the attached ordinance includes the changes noted above).

**CITY OF GRAND JUNCTION, COLORADO**

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

**AMENDING THE ZONING AND DEVELOPMENT CODE  
STANDARDS FOR TRANSIT SHELTERS AND BENCHES**

Recitals.

These proposed amendments to the Zoning and Development Code clarify the exemption to the sign regulations to include transit bench signs as well as transit shelter signs and establishes specific regulations for the siting of transit shelters and benches and the allowance of advertising on transit shelters and benches.

The Planning Commission, at their September 18, 2001 hearing, recommended approval of the amendments.

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

The Zoning and Development Code be amended to amend Section 4.2.C.1.I and add a new Section 4.3.S.

**4.2.C.1.I Transit Shelter and bench\_Signs.** Signs on or incorporated within City-approved transit shelters or transit benches erected and constructed in accordance with City specifications for the comfort and convenience of the users of public transit. See Section 4.3.S., Transit Shelters and Benches for use specific standards.

**4.3.S Transit Shelters and Benches**

**1. Purpose.**

This section establishes specific regulations for the siting of transit shelters and benches and the allowance of advertising on transit shelters and benches.

**2. Transit Shelters**

- a. Bus shelters are to be located only at designated bus stops on designated bus routes. As routes or stops change bus shelters that are no longer on a designated route or bus stop must be removed within 30 days from notice by the City or County requesting removal.

- b. All bus shelters shall be located on and anchored to a concrete pad or equivalent.
- c. Shelters must be located in the public right-of-way; in situations where the shelter is required to be located outside the public right-of-way the City Engineer may allow such location, provided written authorization of the owner of the private land has been obtained and any costs associated with obtaining the authorization has been paid.
- d. A planning clearance is required for each bus shelter as well as a revocable permit if the shelter is located in the public right-of-way; all ADA requirements must be met.
- e. Prior to the issuance of any planning clearance for a bus shelter, a maintenance schedule must be provided to the City. At a minimum, the contractor shall provide cleaning and maintenance services twice each week for each shelter location. At a minimum, the contractor shall be responsible for all maintenance of the shelter including general repair, painting, removal of graffiti, and maintenance of lawn or landscaping around the shelter area. The contractor shall clean and maintain shelters within twenty-four (24) hours when requested by the City. If a safety hazard exists at the shelter, the problem shall be remedied within eight (8) hours of when the Contractor is notified by the City. Failure to properly maintain the shelter or shelter area is cause for removal.
- f. A site plan of the bus shelter, meeting the requirements of this section, shall be submitted to the City Engineer for review and approval prior to construction. Additionally, all requests to locate a shelter on State roads shall be submitted to the Colorado Department of Transportation for review and approval.
- g. Where curb and gutter are present and the posted speed limit is 35 miles per hour or less, the front of the shelter shall be set back a minimum of 5 feet from the curb, unless otherwise authorized by the City Engineer; in no case shall the setback be less than 3 ½ feet from the curb.
- h. Where there is no curb and gutter or the posted speed limit is greater than 35 miles per hour the front of the shelter shall be set back a minimum of 10 feet from the edge of pavement, unless otherwise authorized by the City Engineer; in no case shall the setback be less than 5 feet from the edge of pavement.
- i. Shelters shall not be located in a way which impedes pedestrian, bicycle, wheelchair, or motor vehicle travel - including the limitation of vehicular sight distance; vertical supports for the shelter shall be located no closer than 1 foot from any sidewalk.
- j. No transit shelters will be placed on City park property without review and approval by the Department of Parks and Recreation.

- k. Advertising on transit shelters shall be limited to two side panels (two sign faces) on the bus shelter, each not more than 48" wide and 72" high; the advertising panels may be illuminated by "back lighting" using fluorescent bulbs. Shelter lighting shall be operated and maintained so as not to shine, create glare or a hazard to pedestrians or motorists. A third advertising panel may be provided along the rear of the bus shelter for public service messages or other public purposes.
- l. Bus shelters with advertising are limited to principal arterials, minor arterials and major collectors, as designated on the Grand Valley Circulation Plan, including designated Dial-A-Ride stops, provided the adjoining property is not zoned for residential use.
- m. In no instance shall bus shelters with advertising be allowed within the Main Street Shopping Park between 2<sup>nd</sup> Street and 7<sup>th</sup> Street or within the North 7<sup>th</sup> Street Residential Historic District.

### 3 Transit Benches

- a. A single bench may be located only at designated bus stops along designated bus routes, subsequent to issuance of a permit by the City Engineer. A second bench may be allowed based on rider-ship data which demonstrates such a need. As routes or stops change, bus benches that are no longer along a designated route or bus stop must be removed within 30 days of notice by the City or County.
- b. A site plan of the bench location, meeting the requirements of this section, shall be submitted to the City Engineer for review and approval prior to placement of any bench. Additionally, all requests to locate a bench on State roads shall also be submitted to the Colorado Department of Transportation for review and approval.
- c. A Planning Clearance is required for each bus bench as well as a revocable permit if the bench is located in the public right-of-way. All ADA requirements must be met.
- d. Prior to the issuance of any planning clearance for a bus bench, a maintenance schedule must be provided to the City. At a minimum, the contractor shall provide cleaning and maintenance services once each week for each bench location. At a minimum, the permittee shall be responsible for all maintenance of the shelter including general repair, painting, removal of graffiti, and maintenance of lawn or landscaping around the shelter area. The contractor shall clean and maintain benches within twenty-four (24) hours when requested by the City. If a safety hazard exists at the bench location, the problem shall be remedied within eight (8)

- hours of when the Contractor is notified by the City. Failure to properly maintain the bench or bench area is cause for removal.
- e. Benches shall be located on concrete pads sufficient in size to accommodate the bench supports and 2 feet of foot space along the front of the bench. All ADA requirements must be met.
  - f. Benches must be located within the public right-of-way; in situations where the bench is required to be located outside the public right-of-way the City Engineer may allow such location provided written authorization of the owner of the private property has been obtained, and any costs associated with obtaining the authorization has been paid.
  - g. Benches may be oriented towards approaching traffic at an angle not to exceed 30 degrees from parallel to the street frontage.
  - h.. Where curb and gutter are present and the posted speed limit is 35 miles per hour or less, the front of the bench shall be set back a minimum distance of 5 feet from the curb. The 5 feet minimum distance may not be reduced. To the greatest extent possible benches should be located within the parkway between the curb and gutter and sidewalk.
  - i. Where no curb and gutter is present or the posted speed limit exceeds 35 miles per hour the bench may be located a distance no closer than 10 feet from the edge of pavement, unless authorized by the City Engineer; in no case shall the distance be reduced to less than 5 feet from the street pavement. Bus benches must be located within 20 feet of a bus stop.
  - j. Benches may not be located in a manner which impedes pedestrian, bicycle, wheelchair, or vehicle travel - including the limitation of vehicular sight distance. The bench shall be set back a minimum distance of 1 foot from an adjacent sidewalk at it's nearest point.
  - k. The contractor shall be responsible for all maintenance of the bench including general repair, painting, removal of graffiti, and maintenance of lawn or landscaping around the bench area. Failure to properly maintain the bench or bench area is cause for removal.
  - l. The design of benches obtained by the contractor subsequent to the adoption of this amendment shall be approved by the City. The design shall include securing the bench to concrete pads utilizing a "break-away" anchor design.
  - m. No transit benches will be placed on City park property without review and approval by the Department of Parks and Recreation.
  - n. If the bench includes advertising, the advertising panel shall be limited to a single face which must be oriented to the street. The sign face shall not exceed 12 square feet in size with a maximum sign height of 2 feet; the sign shall be non-illuminated and non-reflective.



- o. Transit benches with advertising are limited to principal arterials, minor arterials and major collectors, as designated on the Grand Valley Circulation Plan, including designated Dial-A-Ride stops provided the adjoining property is not zoned for residential use.
- p. In no instance shall transit benches with advertising be allowed within the Main Street Shopping Park between 2<sup>nd</sup> Street and 7<sup>th</sup> Street or within the North 7<sup>th</sup> Street Residential Historic District.

Introduced on first reading this 3rd day of October, 2001.

PASSED and ADOPTED on second reading this \_\_\_\_ day of \_\_\_\_\_, 2001.

ATTEST:

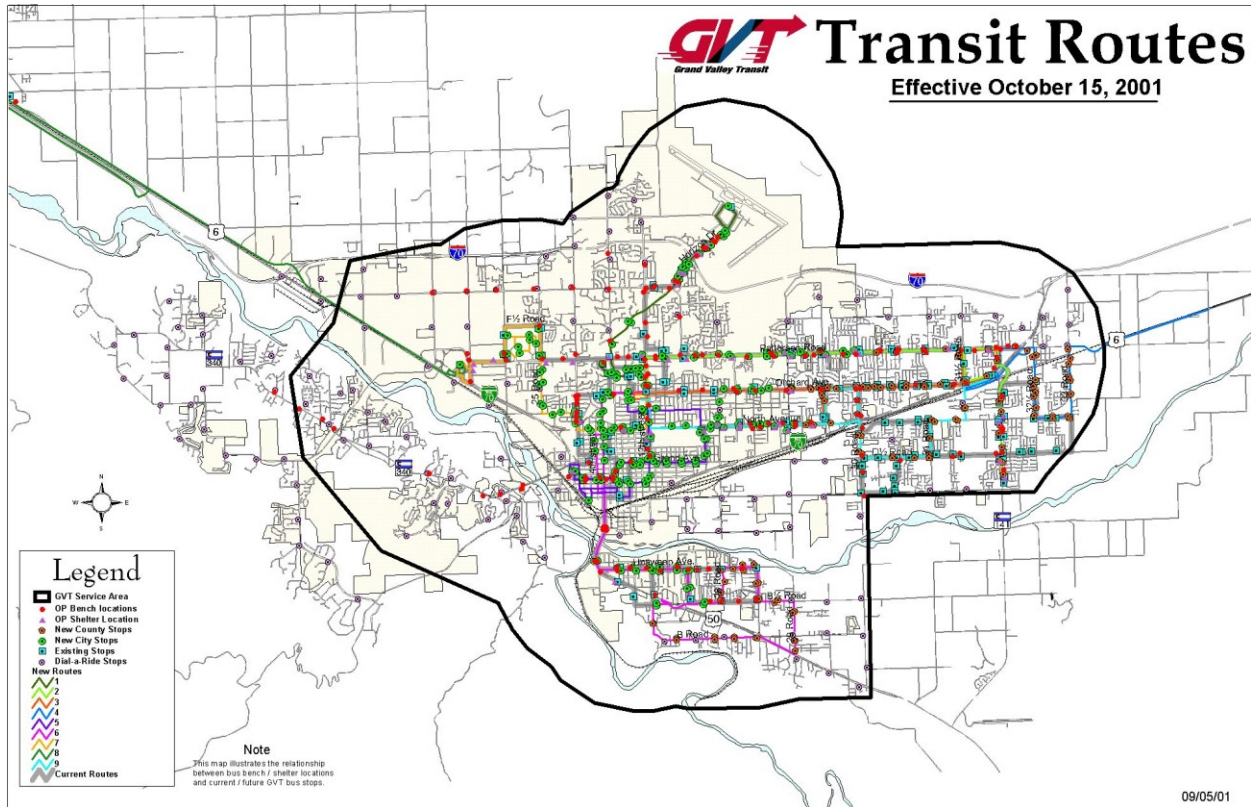
\_\_\_\_\_  
**City Clerk**

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

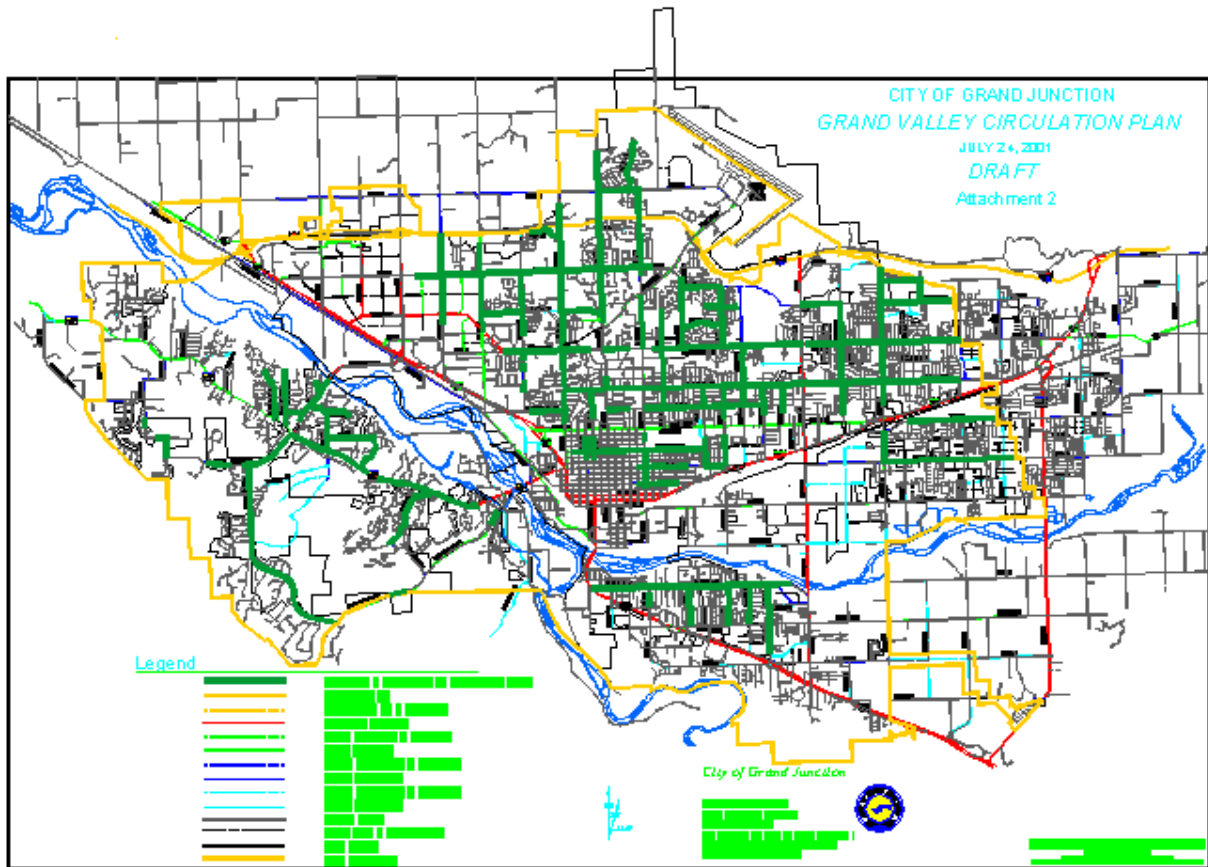


# Transit Routes

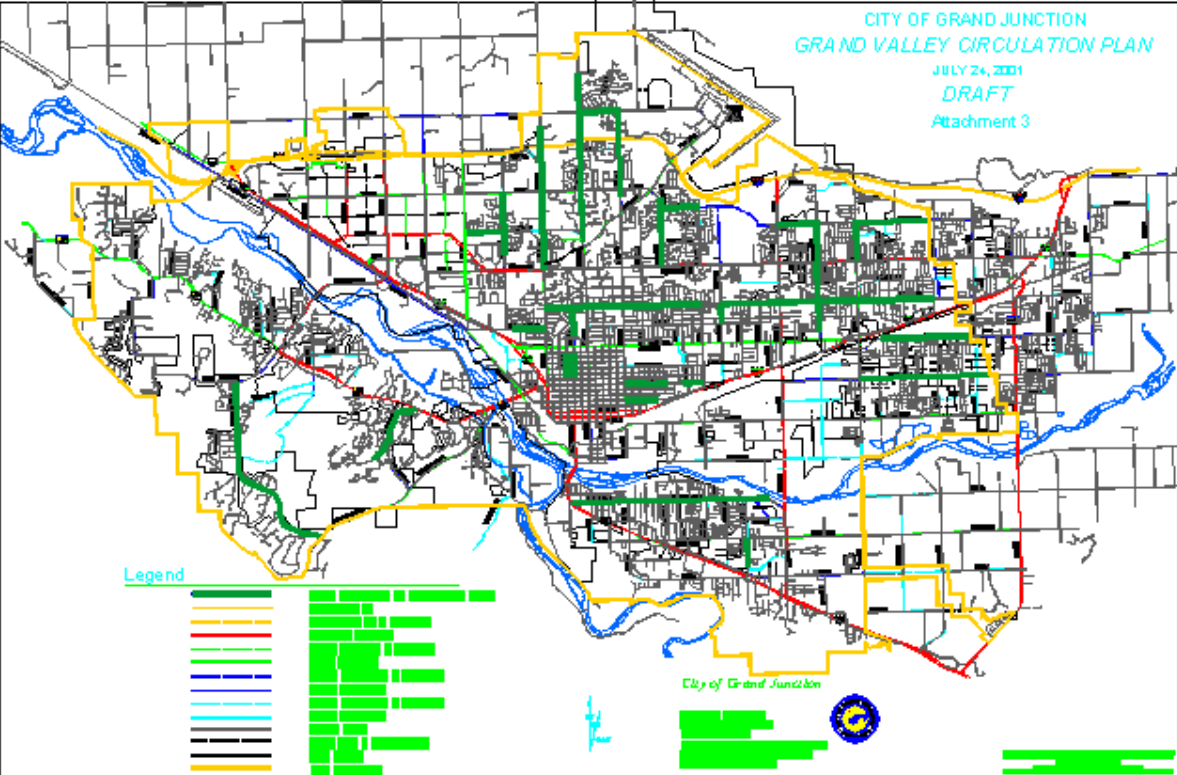
Effective October 15, 2001



09/05/01



CITY OF GRAND JUNCTION  
GRAND VALLEY CIRCULATION PLAN  
JULY 24, 2001  
DRAFT  
Attachment 3





1048 Independent Avenue, Suite A-109 • Grand Junction, CO 81505  
(970) 241-6400 • Fax (970) 241-3800

September 18, 2001

Mesa County Plan Commission  
Grand Junction, CO 81501

Dear Commission Members,

On a regular basis, my family drives on Patterson Avenue between Mesa Mall and 32 Road. In recent months, we have closely observed the Grand Valley Transportation benches that have been placed at regular intervals along this thoroughfare. We have made a number of observations about these benches which we would like to share with the members of this board, especially in light of the fact that we understand that Grand Valley Transportation is attempting to have the sign code changed in order to sell space on these benches for advertising.

However, before I begin, I would like to say that I am a sign maker and could aggressively go after the contract to letter these benches. If successful, my company, or any sign company, could make a lot of money on such a venture. Despite the potential for profit, we believe that advertising on these benches is not in the community's best interests.

My company has been in business since January, 1992 and for nearly 10 years we have worked hard to build our business on quality products which will enhance the business community, as a whole. While we have disagreed with the sign code on occasion, we have a basic respect for the planners and the code because the aim of the code and the commission is to keep the community from an overwhelming and chaotic noise of signs and billboards. Or, if you will, "advertising pollution". We have seen this disorder elsewhere: overly large signs, which scream and distract motorists and pedestrians alike, so ultimately, no message can be read clearly. Each week, larger and more obnoxious messages appear to overwhelm the previous month's offering. The overwhelming message is "This community is cluttered and disorganized."

With this in mind, our criticism of these benches includes these points:

- The advertising messages on these benches will be designed to "blast" messages to motorists who are often traveling down busy arterials. One message, early in the GV Transportation campaign, clearly indicated that motorists who read those signs (a billboard, I believe) were good candidates for reading their future benches. We wondered if that was really a message they wanted to convey since it seemed to advocate the distraction of motorists.
- If advertising on these benches is allowed, how do you control individuals who decide to install their own benches? Who will control the messages on all these signs? Will the commission get exactly what they are trying to avoid – chaotic and competing messages, shouting and distracting motorists and ultimately, creating "advertising pollution."
- Our community is already battling graffiti; these advertising benches will be wonderful targets for budding "artists" to turn simple slogans into rude messages or advertising their own uncivilized vocabulary.
- This is not the only form of advertising. Individuals and businesses sell and purchase advertising on their buildings, vending machines, business windows, vehicles – from passenger cars and trucks to buses and taxi cabs. Denying this form of advertising does not deny an advertiser the ability to market his product or service.
- One of the unintended results of "Advertising Pollution" or loose sign codes that perpetuate an overabundance of advertising is that eventually, there is so much clutter, no message gets through. As an example, try to read a paragraph of text in all capital letter, all bold text. Nothing gets through despite the writer's attempt to make it urgent.
- Furthermore, we wonder whether anyone has reviewed these bench locations? Our sign code specifies the distance signs must be from the street and how a sign may be situated so as not to block the view of oncoming traffic, or traffic trying

*Signs for Business... Banners for Events... **The Sign Gallery***  
INC.

**Attachment 12**  
**VCB Contracts for Marketing Services**

**CITY COUNCIL AGENDA**  
**CITY OF GRAND JUNCTION**

| <i><b>CITY COUNCIL</b></i> |   |              |                           |
|----------------------------|---|--------------|---------------------------|
| <b>Subject:</b>            | <b>Re-authorize the VCB to enter into contracts for marketing services with lodging properties outside the City limits.</b> |              |                           |
| <b>Meeting Date:</b>       | <b>October 3, 2001</b>  |              |                           |
| <b>Date Prepared:</b>      | <b>September 24, 2001</b>   |              |                           |
| <b>Author:</b>             | <b>Debbie Kovalik</b>   | <b>Title</b> | <b>Executive Director</b> |
| <b>Presenter Name:</b>     | <b>Debbie Kovalik</b>   | <b>Title</b> | <b>Executive Director</b> |
|                            | <b>Workshop</b>   | <b>X</b>     | <b>Formal Agenda</b>      |

**Subject:** Re-authorize the VCB to enter into contracts for marketing services with lodging properties outside the City limits, within Mesa County

**Summary:** Participation to date has included bed and breakfasts located in Palisade and Fruita. Owners of those properties have benefited from the VCB's promotional efforts and the VCB has been able to meet visitors' needs by offering additional lodging choices. The original program will expire October 16, 2001 unless reauthorized.

**Background Information:** Resolution 101-96 authorized the VCB to expand its marketing programs while offering visitors a variety of lodging accommodations to choose from. Mesa County lodging properties located outside the Grand Junction City limits are offered the opportunity to be included in the VCB's promotional programs. The major benefits are:

- Inclusion in 250,000 Visitor Guides published annually
- A page on the VCB's website with a direct link to the property's website
- Access to sales leads
- Ability to display printed material in the Visitor Center

Properties that choose to participate pay 3% of their gross revenues from lodging sales. Collection of those fees is overseen by the Administrative Services Department.

General managers representing numerous City lodging properties voiced continued support for the program at a quarterly hotel meeting with the Board Chair and Director on August 28, 2001. At its regular monthly meeting September 11, 2001 the VCB Board of Directors reviewed the program and voted unanimously to recommend its continuation.

**Budget:** This program does generate modest revenue, representing 11 lodging rooms.

**Action Requested/Recommendation:** Approve recommendations to re-authorize the VCB to enter into contracts for marketing services.

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

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

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

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

AUTHORIZING THE VCB TO ENTER INTO CONTRACTS FOR ITS SERVICES

Recitals.

On October 16, 1996, City Council adopted Resolution 101-96, authorizing the expansion of the Visitor & Convention Bureau's (VCB) marketing programs to include lodging properties outside the Grand Junction City limits for a period of five (5) years.

At each annual review of the program, the VCB Board of Directors recommended to the City Council that the program be continued. The VCB reported to the Council at its workshop meeting on October 1, 2001 that some lodging properties outside the city limits have participated every year the program has been in existence and that those participants were pleased with the response to the VCB's marketing effort on their behalf. Based on the positive response from the participants, the Board recommended to the City Council that the program be continued.

The Board and the Council have concluded that marketing lodging properties, and making marketing available to lodging properties not within the city limits, is in the best interest of the VCB and the City. Therefore, the City Council determines that the expanded marketing effort, including authorizing the VCB to contract for its services, shall be continued in accordance with and pursuant to the conditions stated herein.

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

That the Director of the Visitor & Convention Bureau is authorized to contract with person(s) owning property outside the City's limits to exchange the efforts of the VCB in return for three percent (3%) of gross revenues received from lodging sales.

Such contract(s) shall be subject to the following terms and conditions:

1. All lodging properties in Mesa County will be offered the opportunity to contract with the VCB for its services. The services offered or provided to any or all owners so contracting shall be determined by the VCB in its sole and absolute discretion and shall be generally equivalent to those provided other lodging properties.
2. The VCB shall be authorized to provide its services for a period not to exceed five (5) years. The Board shall evaluate the program annually in September of each year of its existence. The success of the program shall be evaluated based on at least the following factors:
  - a. groups booked as a result of VCB sales leads;
  - b. impact on occupancy of lodging businesses within and without the City;



c. consumer response, if any, to the addition of extra-city lodging properties in the visitor information included in the visitor guide.

3. A deposit of \$500.00 will be required of each contracting owner.

4. Failure to comply with the terms of the contract may result in the VCB discontinuing or removing a property from the VCB's marketing efforts for the next year, with future marketing being subject to application by the owner and approval by a majority of the VCB Board to renew or reinstate marketing.

5. The contract shall contain provisions allowing the City to audit the books and records of an owner to ensure compliance.

6. Notwithstanding any provision to the contrary, the Director may, without cause or reason being stated, decline to enter into any contract authorized by this resolution.

7. If the VCB Board or its Director determines, at any time during the five (5) years that the VCB is authorized to contract its services to lodging properties outside the city, based on the foregoing criteria or others developed by the Director or the Board, that the continuation of expanded marketing efforts is not in the best interest of the VCB, the City of Grand Junction and/or the lodging properties located within the then existing city limits, the Board and/or the Director shall request that the City Council reconsider and rescind the authorization in this resolution.

8. At the end of five (5) years, if not sooner terminated, the authorization provided for herein shall expire.

PASSED and ADOPTED, this \_\_\_\_\_ day of \_\_\_\_\_, 2001.

Attest:

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

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

**Attachment 13**  
**Holiday Free Parking**

**CITY COUNCIL AGENDA**  
**CITY OF GRAND JUNCTION**

| CITY COUNCIL           |                          |   |
|------------------------|--------------------------|---|
| <b>Subject:</b>        | <b>Holiday Parking</b>   |   |
| <b>Meeting Date:</b>   | <b>October 3, 2001</b>   |   |
| <b>Date Prepared:</b>  | <b>December 16, 2011</b> |   |
| <b>Author:</b>         | <b>Stephanie Tuin</b>    | <b>City Clerk</b>                       |
| <b>Presenter Name:</b> | <b>Ron Lappi</b>         | <b>Administrative Services Director</b> |
| <b>Workshop</b>        | X                        | <b>Formal Agenda</b>                    |

**Subject:** Free parking downtown Thanksgiving to January 2, 2002

**Summary:** The previous two years the City Council agreed to suspend parking meters and fines for the holiday season. The merchants thought it was a great success and both the DTA and DDA support the request again this year. Staff feels the request will facilitate the installation of the new meters and the recalibrating of the existing meters in conjunction with the increase in fees previously approved, so that the change effective January 1, 2002 is as smooth as possible.

**Background Information:** This is the third year that the suspension of meters and fines has been proposed. The positive feedback both in our office and to merchants was outstanding. Therefore, the merchants purpose that we repeat the "Free Holiday Parking" this year. They also recognize the concern about potential employee abuse and are committed to again monitoring the situation. In previous years a letter from the DDA was developed as well as a second notice to put on cars of identified abusers. Also letters from the DDA were sent to all businesses asking them to explain to their employees the importance of saving customer parking for customers. Once again the Association will advertise "Free Holiday Parking" in their overall holiday promotions. The DDA and Association are committed to increasing revenue to the parking fund. However, they are all striving to make Downtown parking positive for the community and this short period of suspended fees and fines goes a long way towards that end.

**Budget:** This could result in a loss of revenue of approximately \$10,000.

**Action Requested/Recommendation:** Approval of suspended fines and fees Thanksgiving to January 2, 2002.

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

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

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

**Attachment 14**

**Temporary Access Evertson Oil Company for Somerville Ranch**

**CITY COUNCIL AGENDA  
CITY OF GRAND JUNCTION**

| <b>CITY COUNCIL</b>    |   |   |                      |
|------------------------|---|---|----------------------|
| <b>Subject:</b>        | <b>Temporary Access Agreement Between the City of Grand Junction and Evertson Oil Company for Access Through Somerville Ranch</b> |   |                      |
| <b>Meeting Date:</b>   | <b>October 3, 2001</b>  |   |                      |
| <b>Date Prepared:</b>  | <b>September 20, 2001</b>   |   |                      |
| <b>Author:</b>         | <b>Greg Trainor</b>   | <b>Utility Manager</b>                        |                      |
| <b>Presenter Name:</b> | <b>Mark Relph</b>   | <b>Director, Public Works &amp; Utilities</b> |                      |
|                        | <b>Workshop</b>   | <b>x</b>                                      | <b>Formal Agenda</b> |

**Subject:** Temporary Access Agreement Between City of Grand Junction and Evertson Oil Company for Access Through Somerville Ranch.

**Summary:** Short term access agreement allowing Evertson Oil Company transit through the City's Somerville Ranch property to drill two exploratory wells in Sections 13 and 12. (Please see attached map.) The agreement is short term and applies to access during the short time period required for drilling and completion of wells 13-1A and 12-11. Should recoverable quantities of gas be discovered and long-term operation be required, another, longer-term, agreement will be negotiated in good faith. This short term agreement does not allow permission for long term operational access or permission to cross City lands with collection system gas pipelines, either on City lands or on the TransColorado Natural Gas Pipeline right-of-way where it crosses City lands.

No compensation is required of Evertson except to "keep the City whole" from damages as outlined in the attached draft agreement.

**Background Information:** During 1999 the Bureau of Land Management issued mineral leases on public lands, (1) adjacent to property owned by the City in the Whitewater Creek basin, and, (2) on lands which surface is owned by the City and minerals owned by the United States.

Evertson Oil Company subsequently acquired the leases and proposes to drill two exploratory wells on these leases. However, the initial two wells are on surface owned by the United States.

Access through the Somerville Ranch not only affects the City-owner property, roads, culverts, fences, gates, etc., but also the ranching, cattle and hunting operations of City-leasees, Cliff and Judy Davis.

Since the first two Evertson wells are exploratory, the recommended access agreement is also structured to be simplified and short term.

**Budget:** No impact is expected on City budget.

**Action Requested/Recommendation:** That the City Manager be authorized to negotiate and sign an access agreement based on the summary points in the attached.

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

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

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

City of Grand Junction  
Access License  
To Evertson Operating Company, Inc.

The City of Grand Junction ("City"), 250 North 5<sup>th</sup> Street, Grand Junction, CO 81501, hereby issues a revocable license to Evertson Operating Company, Inc. P.O. Box 397, Kimball, NE 69145.

1. This license is in effect only so long as EOC, and its agents, employees, contractors, and permitted assigns ("EOC"), and each of them, at all times abides by and fully complies with the letter and spirit of the conditions, representations, covenants and agreements set forth below regarding access through City property to drill one gas well in section 12 (No. 12-1A) and one gas well in section 13 (No. 13-11), both sections in Township 12 South, Range 98 West of the 6<sup>th</sup> P.M., Mesa County, CO.
  2. This license does not authorize nor permit EOC regarding pipes and pipelines, or any longer-term operation, maintenance or other access through City property for drilling other than for the two described exploratory wells. This license only authorizes the drilling of the described two wells but not any pumping, or other production activity or production planning and preparation.
3. EOC shall not be on or obtain access from, across or to the Ranch property (as described on the attached Exhibit "Somerville Ranch description") for any purpose from 12:01 a.m., October 12<sup>th</sup> through 11:59 p.m., October 26<sup>th</sup>, 2001; except that if EOC drills on Section 12 on or before October 11, 2001, EOC may drive one one-ton or lighter vehicle to the well site and back through the Ranch property once per day if required to monitor the well or to make certain that no venting occurs, or to record pressures and similar data required by industry standards.
  4. Before any vehicular traffic of EOC travels upon any portion of the Ranch, EOC shall:
    - (a) See that its drilling superintendent and its owner's representative meets with the City's lessees to review the terms of this license, and to avoid disruption of the City's lessees' businesses;
    - (b) Install a culvert across the Brandon Ditch, the length and diameter of which shall be specified by the City's Utility Manager, and according to the specifications and requirements of the City. The culvert is expected to be four (4) feet in diameter and 20 feet in length;
    - (c) Replace the existing culvert across the Lumbardy/Massey water supply ditch with equal or better culvert, the length and specifications of which shall be determined by the City Utility Manager;
    - (d) Treat each road on the Ranch to be used by EOC with magnesium chloride and/or water, as required by the City, to suppress dust within a one-half mile of Ranch headquarters and from the Headquarters on all roads, whether or not on the Ranch property, to the drilling site of proposed well 12-1A. If EOC pays the City \$500.00, EOC may take a reasonable amount of water from the City's shares in the Brandon Ditch to be used in EOC's dust suppression efforts.

5. EOC shall take such steps as it deems necessary so that each and every vehicle operated by EOC, or any agent, employee, contractor, or other person acting for the benefit of or at the direction of EOC shall not exceed the most restrictive of the following:
  - (a) 25 mph speed limit on the Whitewater Creek Road east to the Somerville gate;
  - (b) Observance of all posted speed limit signs, including the 15 mph limits within the Somerville Ranch; and,
  - (c) Right of way to animals, livestock and ranch equipment while on the Ranch property.
  
6. EOC agrees that it is responsible to ensure that every agent or employee is aware of these terms.
  
7. It is expected that EOC will enforce these requirements but if not, and to make it realistic for the City's lessee, the Davises, to enforce these speeding limitations, EOC acknowledges and agrees that the Davises may measure one or several set distances and Davises may measure the time it takes for a vehicle of EOC's to travel the set distance, in order to conclusively establish the speed of EOC's vehicles. If any of EOC's vehicles violates this provision, the City will terminate the license unless EOC pays the lessee \$100.00 for each such offense or instance.
  8. EOC shall place identifying numbers or logos on each vehicle that uses access across the Ranch so that it is easily identifiable from 100 yards to the City's lessees. EOC shall maintain a log or other evidence, easily accessible to and by the City' lessees, so that each vehicle can be identified as to the driver and VIN, to corroborate the City's lessees' observations.
  9. EOC agrees that it shall be strictly liable for the death or injury of any animal that occurs as a consequence of EOC's activities on the Ranch property relating to any vehicular use on the Ranch and/or its drillings and related activities. EOC shall pay the City or the City's lessee the fair market value of each such animal.
  10. EOC shall maintain and repair to original condition, as determined by the City's Utility Manager, the Whitewater Creek Road and all other roads on the Ranch roads. EOC shall warrant any such work, repairs and/or maintenance work for 12 months after the work is completed.
  11. EOC shall exercise all reasonable efforts to kill and control noxious weeds on each EOC well site and every other area disturbed by EOC's activities, including road work, culvert work and all other disturbances made by EOC on the Ranch property. EOC shall follow the reasonable directions of the City in this regard, and EOC shall cooperate with the local weed control agencies to control noxious weeds on well site during exploration and thereafter until the disturbed land(s) are fully reclaimed.

12. EOC shall abide by the reasonable requirements of the City's lessee regarding the Ranch property, including EOC's obligations to close every gate found closed, and the requirements regarding livestock. EOC shall give 20 hours advance notice to the City's lessee before any heavy equipment uses any City access or road on the Ranch Property. This provision requires EOC to keep the City's lessees informed so that cooperation between the City's lessee and EOC may be maximized.

13. EOC shall cause all litter, trash and other debris to be routinely removed from the Ranch Property during vehicular access, drilling and completion operations. EOC shall keep and maintain each well location, including all disturbed ground within a mile of any City property, in a good and workmanlike manner, at least to a minimum standard of local operations, customs and regulations.

14. EOC shall pay to the City, or the City's lessee as determined by the City's Utility Manager, \$100 per incident, breach or violation of this agreement, per day, so that EOC has a significant incentive to avoid violating this agreement.

15. EOC's access shall be limited to five semi-trailer loads of drilling equipment, plus for a total of five (5) calendar days per well pickup and car traffic for three (3) daily shift changes, unless EOC has first obtained the oral permission of the City's Utility Manager. After the drilling rig and equipment demobilizes on the BLM, access to the Ranch would be allowed for a completion rig to operate one shift during daylight hours. During this period a "frac contractor" would enter the property and operate for one day.

16. The access pursuant to this license expires on the fourteenth day following EOC's first use of or operation relating to drilling within section 12.

17. EOC shall deposit \$5,000.00 with the City's Finance Director, to be invested by him as he invests other short-term assets of the City, with interest thereon to inure to the benefit of the City. The City may use any portion of said deposit, plus accrued interest, to pay any amount or penalty due hereunder, to secure the compliance with the terms hereof. If the City spends said deposit, or any portion, it shall notify EOC of said fact and of the requirement that EOC shall replace said money so that the full \$5000 is always available while this agreement is in effect, or during all periods that the City is making any claim hereunder.

18. EOC shall reimburse the City for the costs of City engaged consultant(s) to identify issues, propose solutions and generally educate the City regarding oil and gas, access and related issues thereto. EOC's reimbursement shall not exceed \$1,000.00 in this regard. EOC shall make such reimbursement payments within thirty days of the mailing by the City of the request.



19. The City Manager may suspend, and the City Council may revoke, this License if EOC does not fully comply with every term hereof. If the City Manager suspends this license, the matter shall be set for consideration by the City Council at its next available meeting.

20. EOC agrees to pay the City's or the City's lessees' reasonable attorneys fees, or equivalent value if the City Attorney's Office is used, plus court costs, to enforce the City's or the City's lessees' rights or decisions hereunder.

21. EOC shall not convey, transfer, or assign all or any part of this agreement without the express written consent of the City.

22. This Agreement shall be governed by the laws of the State of Colorado; Venue shall be exclusively in Mesa County.

23. This Agreement may be executed in counterparts, each of which shall have full force and effect.

24. EOC shall abide by the terms hereof without cost, liability or obligation to the City.

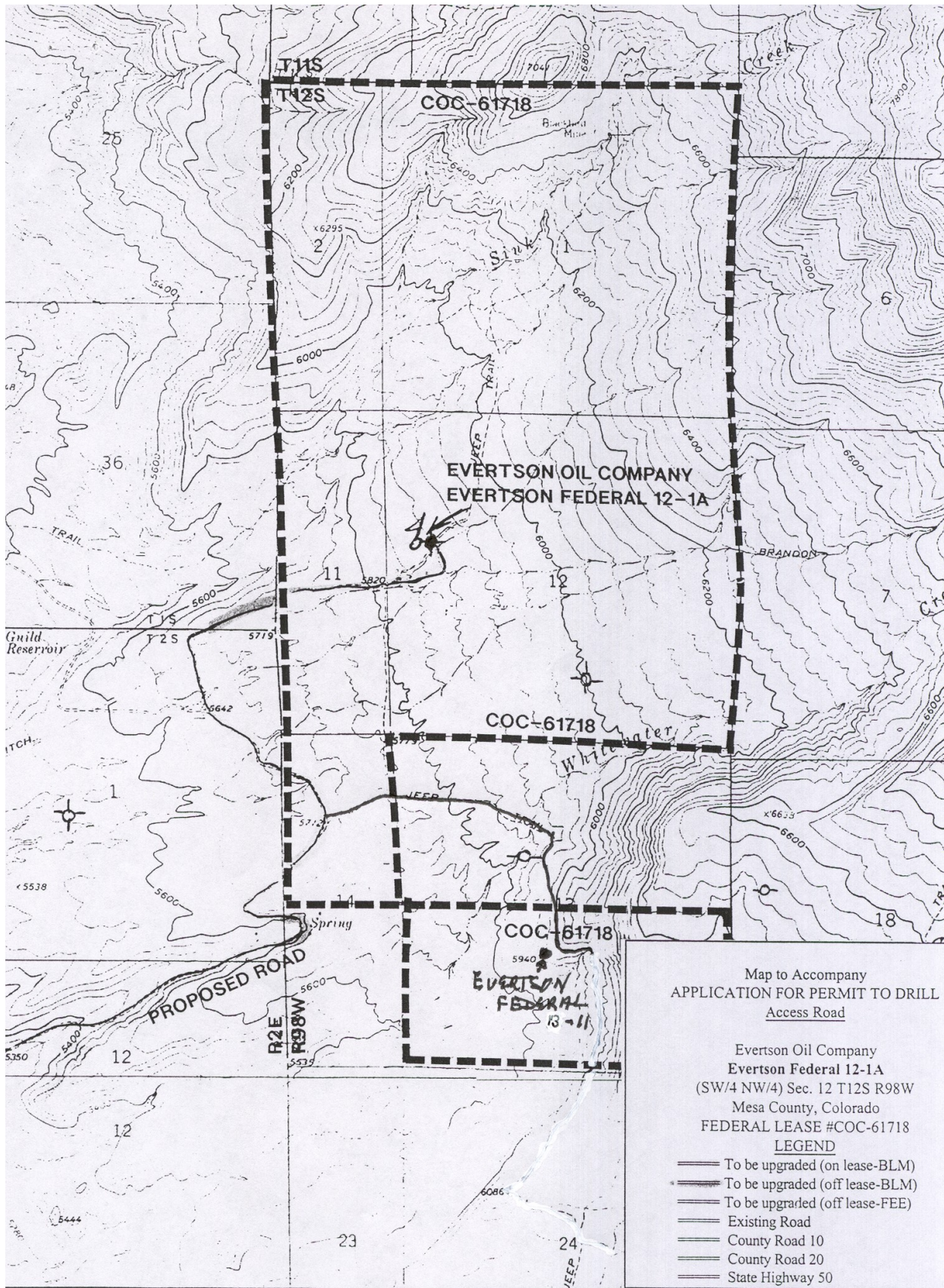
25. The City is subject to Colorado's Open Records Act. Thus, this agreement is a public record.

26. This Agreement constitutes the entire agreement between the parties. There are no oral, other written or any other agreements between the Parties if not written in this agreement.

EVERTSON OPERATING CO., INC. CITY OF GRAND JUNCTION

\_\_\_\_\_  
James G. Stephen  
Vice President

\_\_\_\_\_  
Kelly Arnold  
City Manager



Map to Accompany  
 APPLICATION FOR PERMIT TO DRILL  
Access Road

Evertson Oil Company  
 Evertson Federal 12-1A  
 (SW/4 NW/4) Sec. 12 T12S R98W  
 Mesa County, Colorado  
 FEDERAL LEASE #COC-61718

LEGEND

- ==== To be upgraded (on lease-BLM)
- ==== To be upgraded (off lease-BLM)
- ==== To be upgraded (off lease-FEE)
- ==== Existing Road
- ==== County Road 10
- ==== County Road 20
- ==== State Highway 50

**Attachment 15**  
**Ruby Meadows Annexation**

**CITY COUNCIL AGENDA**  
**CITY OF GRAND JUNCTION**

| <i>CITY COUNCIL</i>    |   |  |                      |
|------------------------|---|--|----------------------|
| <b>Subject:</b>        | <b>Ruby Meadows Annexation ANX-2001-147</b> |  |                      |
| <b>Meeting Date:</b>   | <b>October 3, 2001</b>                      |  |                      |
| <b>Date Prepared:</b>  | <b>September 25, 2001</b>                   |  |                      |
| <b>Author:</b>         | <b>Pat Cecil</b>                            | <b>Development Services Supervisor</b> |                      |
| <b>Presenter Name:</b> | <b>Pat Cecil</b>                            | <b>Development Services Supervisor</b> |                      |
|                        | <b>Workshop</b>                             | <b>X</b>                               | <b>Formal Agenda</b> |

**Subject:** Annexation of the Ruby Meadows Subdivision, containing approximately 5.666 acres.

**Summary:** Resolution for Acceptance of Petition to Annex and Second Reading of the Annexation Ordinance for the Ruby Meadows Annexation (ANX-2001-147 ) located at 3063 Gunnison Avenue. This approximately 5.666 acre annexation consists of 1- parcel of land.

**Background Information:** See Attached

**Budget:** N/A

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

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

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

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

| BACKGROUND INFORMATION       |       |   |     |  |  |    |
|------------------------------|-------|---|-----|--|--|----|
| Location:                    |       | 3063 Gunnison Avenue  |     |  |  |    |
| Applicants:                  |       | Woods 1992 Trust<br>Bruington Family Trust<br>Grace Homes Inc. and Darter LLC |     |  |  |    |
| Existing Land Use:           |       | Undeveloped land  |     |  |  |    |
| Proposed Land Use:           |       | Residential subdivision   |     |  |  |    |
| Surrounding Land Use:        | North | Residential/agricultural  |     |  |  |    |
|                              | South | Residential   |     |  |  |    |
|                              | East  | Residential   |     |  |  |    |
|                              | West  | Residential   |     |  |  |    |
| Existing Zoning:             |       | PR 4.4 (County)   |     |  |  |    |
| Proposed Zoning:             |       | RMF-8   |     |  |  |    |
| Surrounding Zoning:          | North | RMF-5 (County)  |     |  |  |    |
|                              | South | PD (City)   |     |  |  |    |
|                              | East  | RSF-4 (County)  |     |  |  |    |
|                              | West  | RMF-5 (County)  |     |  |  |    |
| Growth Plan Designation:     |       | Residential Medium 4-8 dwellings per acre                                     |     |  |  |    |
| Zoning within density range? |       | X   | Yes |  |  | No |

**Staff Analysis:**

**ANNEXATION:**

This annexation area consists of annexing approximately 5.666 acres of land. The property owner has requested annexation into the City as the result of needing a rezone in the County in order to develop a residential subdivision. Under the 1998 Persigo Agreement all new development within the Presigo 201 boundary requires annexation and processing in the City.

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

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

The following annexation and zoning schedule is being proposed.

| <b><u>ANNEXATION SCHEDULE</u></b> |  |
|-----------------------------------|--|
| <b>Aug. 15<sup>th</sup></b>       | Referral of Petition (30 Day Notice), First Reading, Exercising Land Use           |
| <b>Sept 11<sup>th</sup></b>       | Planning Commission considers Zone of Annexation                                   |
| <b>Sept 19<sup>th</sup></b>       | First Reading on Zoning by City Council  |
| <b>Oct 3<sup>rd</sup></b>         | Acceptance of Petition and Public hearing on Annexation and Zoning by City Council |
| <b>Nov 4<sup>th</sup></b>         | Effective date of Annexation and Zoning  |

**Action Requested/Recommendation:** It is recommended that City Council approve the annexation petition resolution and adopt the Ruby Meadows Annexation Ordinance.

**Attachments:**

- 1. Ruby Meadows Annexation Summary
- 2. Resolution of Referral of Petition
- 3. Annexation Ordinance
- 4. Annexation Map



**RUBY MEADOWS ANNEXATION SUMMARY**

|                                       |  |   |
|---------------------------------------|--|---|
| <b>File Number:</b>                   | <b>ANX-2001-147</b>  |   |
| <b>Location:</b>                      | <b>Approx. 30 ¾ Road at Gunnison Avenue (3063 Gunnison Avenue)</b>                 |   |
| <b>Tax ID Number:</b>                 | <b>2943-161-00-007</b>   |   |
| <b>Parcels:</b>                       | <b>1</b>   |   |
| <b>Estimated Population:</b>          | <b>0</b>   |   |
| <b># of Parcels (owner occupied):</b> | <b>0</b>   |   |
| <b># of Dwelling Units:</b>           | <b>0</b>   |   |
| <b>Acres land annexed:</b>            | <b>5.666 acres for annexation area</b>   |   |
| <b>Developable Acres Remaining:</b>   | <b>5.666 acres</b>   |   |
| <b>Right-of-way in Annexation:</b>    | <b>None</b>  |   |
| <b>Previous County Zoning:</b>        | <b>PUD 4.4 units per acre (County)</b>   |   |
| <b>Proposed City Zoning:</b>          | <b>(RMF-8) Residential Multi-Family with a maximum density of 8 units per acre</b> |   |
| <b>Current Land Use:</b>              | <b>Vacant</b>  |   |
| <b>Future Land Use:</b>               | <b>Residential</b>   |   |
| <b>Values:</b>                        | <b>Assessed:</b>   | <b>= \$ 640.00</b>                            |
|                                       | <b>Actual:</b>   | <b>= \$ 2,190.00</b>                          |
| <b>Census Tract:</b>                  | <b>8</b>   |   |
| <b>Address Ranges:</b>                | <b>3063 to 3066 Gunnison Avenue</b>  |   |
| <b>Special Districts:</b>             | <b>Water:</b>  | <b>Clifton Water District &amp; Ute Water</b> |
|                                       | <b>Sewer:</b>  | <b>Central Grand Valley</b>                   |
|                                       | <b>Fire:</b>   | <b>Clifton Fire District</b>                  |
|                                       | <b>Drainage:</b>   | <b>Grand Junction Drainage District</b>       |
|                                       | <b>School:</b>   | <b>District 51</b>                            |
|                                       | <b>Pest:</b>   | <b>Upper Grand Valley Pest Control</b>        |

**RESOLUTION NO. \_\_-01**

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

**RUBY MEADOWS ANNEXATION**

**D. IS ELIGIBLE FOR ANNEXATION**

**E. LOCATED at Gunnison Avenue between East Valley Street and 30 <sup>3</sup>/<sub>4</sub> Road**

**WHEREAS**, on the 15th 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:

**Ruby Meadows Annexation No. 1**

A certain parcel of land located in the Northwest Quarter of the Northeast Quarter (NW <sup>1</sup>/<sub>4</sub> NE <sup>1</sup>/<sub>4</sub>) of Section 16, Township 1 South, Range 1 East of the Ute Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

BEGINNING at the Southeast corner of Austin Acres, as same is recorded in Plat Book 12, Page 248, Reception No. 1219400, Public Records of Mesa County, Colorado, and considering the South line of the Northwest Quarter of the Northeast Quarter (NW <sup>1</sup>/<sub>4</sub> NE <sup>1</sup>/<sub>4</sub>) of said Section 16 to bear S 89°55'02" W with all bearings contained herein being relative thereto; thence N 00°00'20" W, along the East line of said Austin Acres, a distance of 276.50 feet; thence N 89°55'02" E along a line 276.50 feet North of and parallel with, the South line of the Northwest Quarter of the Northeast Quarter (NW <sup>1</sup>/<sub>4</sub> NE <sup>1</sup>/<sub>4</sub>) of said Section 16, a distance of 446.30 feet to a point on the West line of Sunridge Subdivision-First Addition, as same is recorded in Plat Book 12, Page 220, Reception No. 1209281, Public Records of Mesa County, Colorado; thence S 00°00'07" E, along the West line of said Sunridge Subdivision-First Addition, a distance of 276.50 feet to the Southwest corner of said Sunridge Subdivision-First Addition, said point lying on the South line of the Northwest Quarter of the Northeast Quarter (NW <sup>1</sup>/<sub>4</sub> NE <sup>1</sup>/<sub>4</sub>) of said Section 16; thence S 89°55'02" W, along said South line, also being a portion of the North line of Orchard View Subdivision, as same is recorded in Plat Book 13, Pages 90 and 91, Reception No. 1305750, Public Records of Mesa County, Colorado, a distance of 446.28 feet to the POINT OF BEGINNING.

CONTAINING 2.833 Acres, more or less, as described.



## **Ruby Meadows Annexation No. 2**

A certain parcel of land located in the Northwest Quarter of the Northeast Quarter (NW  $\frac{1}{4}$  NE  $\frac{1}{4}$ ) of Section 16, Township 1 South, Range 1 East of the Ute Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

COMMENCING at the Southeast corner of Austin Acres, as same is recorded in Plat Book 12, Page 248, Reception No. 1219400, Public Records of Mesa County, Colorado, and considering the South line of the Northwest Quarter of the Northeast Quarter (NW  $\frac{1}{4}$  NE  $\frac{1}{4}$ ) of said Section 16 to bear S 89°55'02" W with all bearings contained herein being relative thereto; thence N 00°00'20" W, along the East line of said Austin Acres, a distance of 276.50 feet to the TRUE POINT OF BEGINNING; thence continue N 00°00'20" W along the East line of said Austin Acres, a distance of 276.50 feet; thence N 89°55'02" E along a line 553.00 feet North of and parallel with, the South line of the Northwest Quarter of the Northeast Quarter (NW  $\frac{1}{4}$  NE  $\frac{1}{4}$ ) of said Section 16, a distance of 446.31 feet to a point on the West line of Sundridge Subdivision-First Addition, as same is recorded in Plat Book 12, Page 220, Reception No. 1209281, Public Records of Mesa County, Colorado; thence S 00°00'07" E, along the West line of said Sundridge Subdivision-First Addition, a distance of 276.50 feet; thence S 89°55'02" W along a line 276.50 feet North of and parallel with, the South line of the Northwest Quarter of the Northeast Quarter (NW  $\frac{1}{4}$  NE  $\frac{1}{4}$ ) of said Section 16, a distance of 446.30 feet to the POINT OF BEGINNING.

CONTAINING 2.833 Acres, more or less, as described.

**WHEREAS**, a hearing on the petition was duly held after proper notice on the 3rd day of October, 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 3rd day of October, 2001.

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

**Attest:**

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

**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

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

**RUBY MEADOWS ANNEXATION NO. 1**

**APPROXIMATELY 2.883 ACRES**

**Located at 3063 Gunnison Avenue**

**WHEREAS**, on the 15<sup>th</sup> 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 3rd day of October, 2001; and

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

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

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

**Ruby Meadows Annexation No. 1**

A certain parcel of land located in the Northwest Quarter of the Northeast Quarter (NW ¼ NE ¼) of Section 16, Township 1 South, Range 1 East of the Ute Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

BEGINNING at the Southeast corner of Austin Acres, as same is recorded in Plat Book 12, Page 248, Reception No. 1219400, Public Records of Mesa County, Colorado, and considering the South line of the Northwest Quarter of the Northeast Quarter (NW ¼ NE ¼) of said Section 16 to bear S 89°55'02" W with all bearings contained herein being relative thereto; thence N 00°00'20" W, along the East line of said Austin Acres, a distance of 276.50 feet; thence N 89°55'02" E along a line 276.50 feet North of and

parallel with, the South line of the Northwest Quarter of the Northeast Quarter (NW ¼ NE ¼) of said Section 16, a distance of 446.30 feet to a point on the West line of Sunridge Subdivision-First Addition, as same is recorded in Plat Book 12, Page 220, Reception No. 1209281, Public Records of Mesa County, Colorado; thence S 00°00'07" E, along the West line of said Sundridge Subdivision-First Addition, a distance of 276.50 feet to the Southwest corner of said Sunridge Subdivision-First Addition, said point lying on the South line of the Northwest Quarter of the Northeast Quarter (NW ¼ NE ¼) of said Section 16; thence S 89°55'02" W, along said South line, also being a portion of the North line of Orchard View Subdivision, as same is recorded in Plat Book 13, Pages 90 and 91, Reception No. 1305750, Public Records of Mesa County, Colorado, a distance of 446.28 feet to the POINT OF BEGINNING.

CONTAINING 2.833 Acres, more or less, as described.

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

**INTRODUCED** on first reading on the 15<sup>h</sup> day of August, 2001.

**ADOPTED** and ordered published this \_\_\_ day of \_\_\_\_\_, 2001.

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

Attest:

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

**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

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

**RUBY MEADOWS ANNEXATION NO. 2**

**APPROXIMATELY 2.883 ACRES**

**Located at 3063 Gunnison Avenue**

**WHEREAS**, on the 15<sup>th</sup> 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 3rd day of October, 2001; and

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

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

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

**Ruby Meadows Annexation No. 2**

A certain parcel of land located in the Northwest Quarter of the Northeast Quarter (NW ¼ NE ¼) of Section 16, Township 1 South, Range 1 East of the Ute Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

COMMENCING at the Southeast corner of Austin Acres, as same is recorded in Plat Book 12, Page 248, Reception No. 1219400, Public Records of Mesa County, Colorado, and considering the South line of the Northwest Quarter of the Northeast Quarter (NW ¼ NE ¼) of said Section 16 to bear S 89°55'02" W with all bearings contained herein being relative thereto; thence N 00°00'20" W, along the East line of

said Austin Acres, a distance of 276.50 feet to the TRUE POINT OF BEGINNING; thence continue N 00°00'20" W along the East line of said Austin Acres, a distance of 276.50 feet: thence N 89°55'02" E along a line 553.00 feet North of and parallel with, the South line of the Northwest Quarter of the Northeast Quarter (NW ¼ NE ¼) of said Section 16, a distance of 446.31 feet to a point on the West line of Sunridge Subdivision-First Addition, as same is recorded in Plat Book 12, Page 220, Reception No. 1209281, Public Records of Mesa County, Colorado; thence S 00°00'07" E, along the West line of said Sunridge Subdivision-First Addition, a distance of 276.50 feet; thence S 89°55'02" W along a line 276.50 feet North of and parallel with, the South line of the Northwest Quarter of the Northeast Quarter (NW ¼ NE ¼) of said Section 16, a distance of 446.30 feet to the POINT OF BEGINNING.

CONTAINING 2.833 Acres, more or less, as described.

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

**INTRODUCED** on first reading on the 15<sup>h</sup> day of August, 2001.

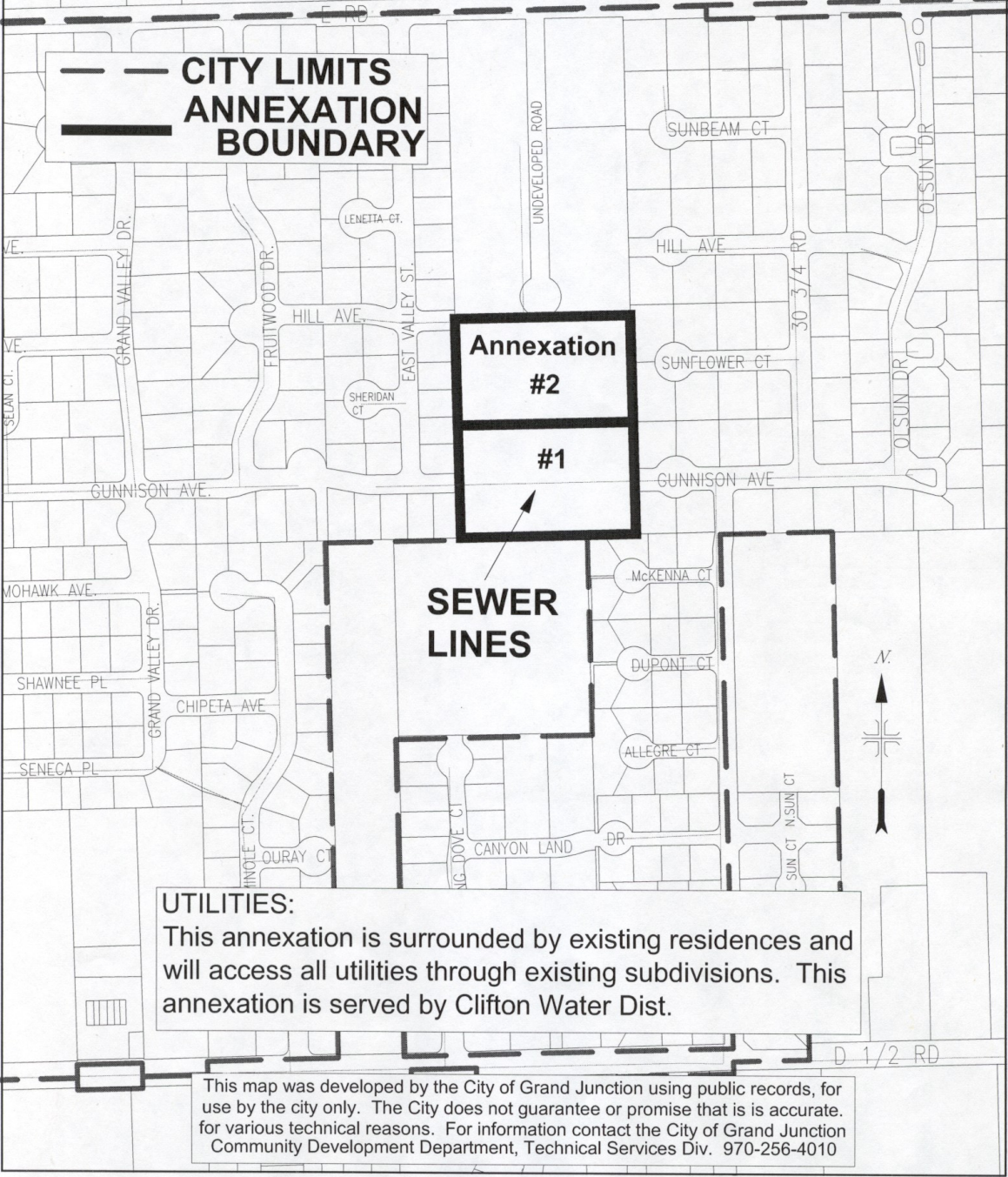
**ADOPTED** and ordered published this \_\_\_ day of \_\_\_\_\_, 2001.

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

Attest:

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

# RUBY MEADOWS ANNEXATION NO.1



**--- CITY LIMITS**  
**—— ANNEXATION BOUNDARY**

**Annexation #2**  
**#1**

**SEWER LINES**

**UTILITIES:**  
This annexation is surrounded by existing residences and will access all utilities through existing subdivisions. This annexation is served by Clifton Water Dist.

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

**Attachment 16**  
**Zoning Ruby Meadows Annexation**

**CITY COUNCIL AGENDA**  
**CITY OF GRAND JUNCTION**

| <i>CITY COUNCIL</i>    |   |  |
|------------------------|---|--|
| <b>Subject:</b>        | <b>Ruby Meadows Annexation ANX-2001-147</b> |  |
| <b>Meeting Date:</b>   | <b>October 3, 2001</b>                      |  |
| <b>Date Prepared:</b>  | <b>September 25, 2001</b>                   |  |
| <b>Author:</b>         | <b>Pat Cecil</b>                            | <b>Development Services Supervisor</b> |
| <b>Presenter Name:</b> | <b>Pat Cecil</b>                            | <b>Development Services Supervisor</b> |
|                        | <b>Workshop</b>                             | <b>X Formal Agenda</b>                 |

**Subject:** Zone of Annexation for the Ruby Meadows Subdivision, containing approximately 5.666 acres.

**Summary:** Second Reading of the Zone Ordinance for the Ruby Meadows Annexation (ANX-2001-147) located at 3063 Gunnison Avenue. This approximately 5.666 acre annexation consists of 1- parcel of land.

**Background Information:** See Attached

**Budget:** N/A

**Action Requested/Recommendation:** It is recommended that City Council conduct a public hearing for the Second Reading of the Zone Ordinance for the Ruby Meadows Annexation.

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

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

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



**AGENDA TOPIC:** Zone of Annexation 2001-147, Ruby Meadows annexation

**SUMMARY:** The petitioners are requesting that the City Council adopt a Zone of Annexation for the Ruby Meadows annexation of Residential Multi-Family district-8 dwelling units per acre (RMF-8)

**ACTION REQUESTED:** City Council adoption of a zone of annexation to the RMF-8 zone district.

| BACKGROUND INFORMATION              |              |   |            |  |           |
|-------------------------------------|--------------|---|------------|--|-----------|
| <b>Location:</b>                    |              | <b>Gunnison Avenue between East Valley Street and 30 ¾ Road (3063 Gunnison Avenue)</b>  |            |  |           |
| <b>Applicants:</b>                  |              | Woods 1992 Trust (owner)<br>Bruington Family Trust (owner)<br>Grace Homes Inc. and Darter LLC (developer)<br>PA/DS, Bryan Sims (representative) |            |  |           |
| <b>Existing Land Use:</b>           |              | <b>Undeveloped</b>  |            |  |           |
| <b>Proposed Land Use:</b>           |              | <b>Residential development</b>  |            |  |           |
| <b>Surrounding Land Use:</b>        | <b>North</b> | <b>Agricultural/residential</b>   |            |  |           |
|                                     | <b>South</b> | <b>Residential under development</b>  |            |  |           |
|                                     | <b>East</b>  | <b>Residential</b>  |            |  |           |
|                                     | <b>West</b>  | <b><u>Residential</u></b>   |            |  |           |
| <b>Existing Zoning:</b>             |              | PUD (County)  |            |  |           |
| <b>Proposed Zoning:</b>             |              | RMF-8   |            |  |           |
| <b>Surrounding Zoning:</b>          | <b>North</b> | RMF-5 (County)  |            |  |           |
|                                     | <b>South</b> | PD (City)   |            |  |           |
|                                     | <b>East</b>  | RSF-4 (County)  |            |  |           |
|                                     | <b>West</b>  | RMF-5 (County)  |            |  |           |
| <b>Growth Plan Designation:</b>     |              | Residential Medium 4-8  |            |  |           |
| <b>Zoning within density range?</b> |              | X   | <b>Yes</b> |  | <b>No</b> |

**Rezoning:** The petitioners are requesting that a Zone of Annexation to the RMF-8 zone district be applied to the project site. The RMF-8 district does implement the Growth Plan designation density of 4-8 dwelling units per acre.

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

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

The existing zoning which was placed on the site by the County was there to implement a project that is no longer valid. The proposed rezoning to the RMF-8 implements the densities envisioned by the Growth Plan.

2. There has been a change of character in the neighborhood due to installation of public facilities, other zone changes, new growth trends, deterioration, development transitions, ect.;

The area is going through a transition from County to City jurisdiction. With the adoption of the Presigo Agreement, new developments will be incorporated into the City and appropriate zoning applied to the sites as they are annexed.

3. The proposed rezone is compatible with the neighborhood and will not create adverse impacts such as: capacity or safety of the street network, parking problems, storm water or drainage problems, water, air or noise pollution, excessive nighttime lighting, or nuisances;

The proposed zoning and development is similar to the developments that are adjacent to the site on the east, west and south. The proposed rezoning will not adversely impact adjacent developments.

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

The proposed zoning is consistent with the Growth Plan and other adopted plans and Policies, the Code and other 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;

There are adequate services available to the site.

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

The project is an infill project that is surrounded on three sides by existing residential subdivisions and is the logical extension of residential development in the area.

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

The community will benefit from the construction of a middle “leg” of Gunnison Avenue thereby improving area circulation and providing neighborhood interconnectivity.

The petitioners are requesting the zone of annexation in order to subdivide approximately 5.67 acres into 27 lots. Four of the proposed lots are planned for single family attached (zero side yard on one side) development. The total density of the project is 4.76 units per acre, consistent with the Growth Plan density of 4-8 units per acre and the RMF-8 density range of 4-8 units per acre.

**Planning Commission Recommendation:** The Planning Commission recommended approval of the requested zoning to the City Council, finding the zoning to the RMF-8 district to be consistent with the Growth Plan and Section 2.6 of the Zoning and Development Code.

Attachments: 1. City Council Ordinance  
2. Annexation Map

CITY OF GRAND JUNCTION, COLORADO

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

ZONING A PARCEL OF LAND LOCATED  
**AT 3063 Gunnison Avenue**

Recitals.

A rezone from the County Industrial zone district to Residential Multiple Family-8 dwelling units per acre (RMF-8) zone district has been requested for the property located at 3063 Gunnison Avenue. The City Council finds that the request meets the goals and policies and future land use set forth by the *Growth Plan* (Residential Medium 4-8 units per acre). City Council also finds that the requirements for a rezone as set forth in Section 2.6 of the Zoning and Development Code have been satisfied.

The Grand Junction Planning Commission, at its September 12, 2001 hearing, recommended approval of the rezone request from the County Planned Unit Development (PR 4.4) district to the Residential Multiple Family-8 dwelling units per acre (RMF-8) zone district.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT THE PARCELS DESCRIBED BELOW IS HEREBY ZONED TO THE Residential Multiple Family-8 dwelling units per acre (RMF-8) zone district:

**Ruby Meadows Annexation No. 1**

A certain parcel of land located in the Northwest Quarter of the Northeast Quarter (NW ¼ NE ¼) of Section 16, Township 1 South, Range 1 East of the Ute Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

BEGINNING at the Southeast corner of Austin Acres, as same is recorded in Plat Book 12, Page 248, Reception No. 1219400, Public Records of Mesa County, Colorado, and considering the South line of the Northwest Quarter of the Northeast Quarter (NW ¼ NE ¼) of said Section 16 to bear S 89°55'02" W with all bearings contained herein being relative thereto; thence N 00°00'20" W, along the East line of said Austin Acres, a distance of 276.50 feet; thence N 89°55'02" E along a line 276.50 feet North of and parallel with, the South line of the Northwest Quarter of the Northeast Quarter (NW ¼ NE ¼) of said Section 16, a distance of 446.30 feet to a point on the West line of Sunridge Subdivision-First Addition, as same is recorded in Plat Book 12, Page 220, Reception No. 1209281, Public Records of Mesa County, Colorado; thence S 00°00'07"

E, along the West line of said Sundridge Subdivision-First Addition, a distance of 276.50 feet to the Southwest corner of said Sunridge Subdivision-First Addition, said point lying on the South line of the Northwest Quarter of the Northeast Quarter (NW ¼ NE ¼) of said Section 16; thence S 89°55'02" W, along said South line, also being a portion of the North line of Orchard View Subdivision, as same is recorded in Plat Book 13, Pages 90 and 91, Reception No. 1305750, Public Records of Mesa County, Colorado, a distance of 446.28 feet to the POINT OF BEGINNING.

CONTAINING 2.833 Acres, more or less, as described.

### **Ruby Meadows Annexation No. 2**

A certain parcel of land located in the Northwest Quarter of the Northeast Quarter (NW ¼ NE ¼) of Section 16, Township 1 South, Range 1 East of the Ute Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

COMMENCING at the Southeast corner of Austin Acres, as same is recorded in Plat Book 12, Page 248, Reception No. 1219400, Public Records of Mesa County, Colorado, and considering the South line of the Northwest Quarter of the Northeast Quarter (NW ¼ NE ¼) of said Section 16 to bear S 89°55'02" W with all bearings contained herein being relative thereto; thence N 00°00'20" W, along the East line of said Austin Acres, a distance of 276.50 feet to the TRUE POINT OF BEGINNING; thence continue N 00°00'20" W along the East line of said Austin Acres, a distance of 276.50 feet; thence N 89°55'02" E along a line 553.00 feet North of and parallel with, the South line of the Northwest Quarter of the Northeast Quarter (NW ¼ NE ¼) of said Section 16, a distance of 446.31 feet to a point on the West line of Sunridge Subdivision-First Addition, as same is recorded in Plat Book 12, Page 220, Reception No. 1209281, Public Records of Mesa County, Colorado; thence S 00°00'07" E, along the West line of said Sundridge Subdivision-First Addition, a distance of 276.50 feet; thence S 89°55'02" W along a line 276.50 feet North of and parallel with, the South line of the Northwest Quarter of the Northeast Quarter (NW ¼ NE ¼) of said Section 16, a distance of 446.30 feet to the POINT OF BEGINNING.

CONTAINING 2.833 Acres, more or less, as described.

INTRODUCED for FIRST READING and PUBLICATION this 19th day of September, 2001.

PASSED on SECOND READING this 3rd day of October, 2001.

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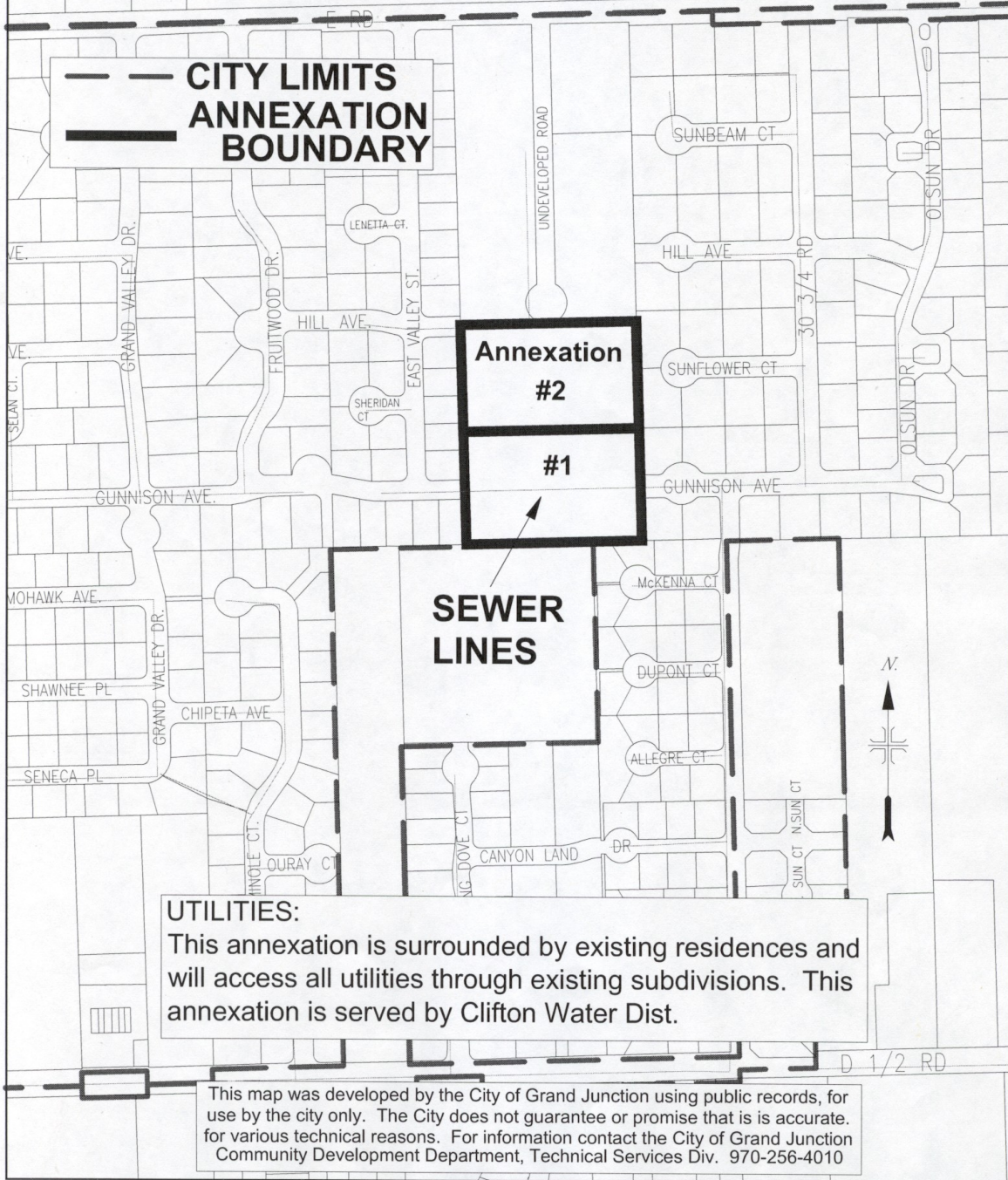
President of Council

ATTEST:

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City Clerk

# RUBY MEADOWS ANNEXATION NO.1



**Attachment 17**  
**Vacating a Portion of B.3 Road Right-of –Way**

**CITY COUNCIL AGENDA**  
**CITY OF GRAND JUNCTION**

| <b>CITY COUNCIL</b>    |  |                       |                      |
|------------------------|--|-----------------------|----------------------|
| <b>Subject:</b>        | <b>VR-2001-159 Arrowhead Acres II Filing 3</b> |                       |                      |
| <b>Meeting Date:</b>   | <b>October 3, 2001</b>                         |                       |                      |
| <b>Date Prepared:</b>  | <b>September 26, 2001</b>                      |                       |                      |
| <b>Author:</b>         | <b>Kristen Ashbeck</b>                         | <b>Senior Planner</b> |                      |
| <b>Presenter Name:</b> | <b>Same</b>                                    |                       |                      |
|                        | <b>Workshop</b>                                | <b>X</b>              | <b>Formal Agenda</b> |

**Subject:** Arrowhead Acres II, Filing 3 Vacation of cul-de-sac on B.3 Road .

**Summary:** Request for approval of vacation of the cul-de-sac turnaround at the end of B.3 Road.

**Background:** See attached staff report.

**Budget:** N/A

**Action Requested/Recommendation:** It is recommended that City Council approve the ordinance vacating the right-of-way.

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



**AGENDA TOPIC:** VR-2001-159 Arrowhead Acres II, Filing 3

**SUMMARY:** Approval of vacation of the B.3 Road cul-de-sac within the proposed Arrowhead Acres II, Filing 3. The proposed development consists of 39 single family lots on approximately 9.5 acres in an existing Residential Multifamily 5 units per acre (RMF-5) zone district.

| <b>BACKGROUND INFO</b>              |              |   |
|-------------------------------------|--------------|---|
| <b>Location:</b>                    |              | B-1/2 Road and Arlington Drive  |
| <b>Applicant:</b>                   |              | <b>A.C. Rinderle Trust – Leo Rinderle</b>   |
| <b>Existing Land Use:</b>           |              | Vacant  |
| <b>Proposed Land Use:</b>           |              | 39 Detached Single Family Lots  |
| <b>Surrounding Land Use:</b>        | <b>North</b> | Residential (Townhomes and Arrowhead Acres II Filing 2)   |
|                                     | <b>South</b> | Single Family Residential (Arrowhead Acres II Filing 1) and Large Vacant Commercial Parcel  |
|                                     | <b>East</b>  | Single Family Residential   |
|                                     | <b>West</b>  | Large Lot Single Family Residential   |
| <b>Existing Zoning:</b>             |              | Residential Multifamily 5 units per acre (RMF-5)  |
| <b>Proposed Zoning:</b>             |              | Same  |
| <b>Surrounding Zoning:</b>          | <b>North</b> | PD (Mesa County)  |
|                                     | <b>South</b> | Commercial (C - Mesa County) and RMF-5  |
|                                     | <b>East</b>  | PD (Mesa County)  |
|                                     | <b>West</b>  | RSF-4 (Mesa County)   |
| <b>Relationship to Growth Plan:</b> |              | The Arrowhead Acres II property is shown in two land use categories on the Future Land Use Map of the Growth Plan. The northern 8 acres of the site is within the residential medium development area with a density from 4 to 7.9 units per acre. The southern 18 acres is within the residential medium low development area with a density from 2 to 3.9 units per acre. The developer has attempted to average this density over the entire 26 acres, which resulted in the proposed density of 4.5 units per acre. |

|                              |   |     |  |    |
|------------------------------|---|-----|--|----|
| Zoning within density range? | X | Yes |  | No |
|------------------------------|---|-----|--|----|

**STAFF ANALYSIS**

**Project Background/Summary:** The applicant is proposing to subdivide the remaining 9.5-acre portion of the Arrowhead Acres II development into 39 detached single family residential lots. This will constitute the third and final filing of the project. The Preliminary Plan for the subdivision was approved in March 1999 and Final Plats for Filings 1 and 2 were approved in approved in 1999 and 2000.

**Access:** The northern portion of Filing 3 will be accessed from the existing Arlington Drive that was constructed with Filing 1. The southern portion of Filing 3 will be accessed by an extension on Arlington Drive south as well as from the east with a connection to B.3 Road which presently dead-ends in a cul-de-sac on this property. In addition, a street stub will be provided to the vacant parcel to the south.

**Utilities/Irrigation.** Since this is the third and final filing of an existing subdivision, all utilities are available and can be extended in the rights-of-way and easements of the proposed streets within Filing 3. The various utilities made no comments of significance regarding the proposed project. The site is to be irrigated with existing rights and systems in place for the property.

**Drainage.** A detention pond for the entire subdivision was completed with Filing 1 in the northwestern portion of the Arrowhead Acres II site. Water will be released from the pond at a historic rate into an existing ditch along the northern property line. The ditch is under the jurisdiction of the Orchard mesa Irrigation District. A letter from the District approving of the release into the ditch was provided with the Preliminary Plan.

**VACATION OF RIGHT-OF-WAY**

When the subdivisions to the west of this property were platted, turnarounds for the extension of B.3 and B.4 Roads were required to be dedicated on the Arrowhead Acres II property. The Final Plat for Arrowhead Acres II Filing 3 will dedicate B.3 Road as a through street and the developer will be required to construct the street to City standards.

The 10-foot irrigation easement along the south boundary corresponds to a ditch along the property line to the south. OMID has determined that the easement is not needed and has agreed to its vacation. In its place is an irrigation easement dedicated to the Arrowhead Acres II Homeowners' Association for operation of the subdivision's irrigation system.

The vacation ordinance is subject to recordation of the Final Plat for Arrowhead Acres II Filing 3. The ordinance will be recorded concurrent with the Final Plat.

## **FINDINGS OF REVIEW**

Section 8-3 of the Zoning and Development Code lists the criteria by which a vacation of right-of-way is reviewed. Staff has the following findings for this right-of-way vacation request.

**Landlocking.** The vacated right-of-way will be replaced by dedication of new right-of-way for an extension of B.3 Road. Thus, the vacation will not landlock any parcel of land.

**Restrictive Access.** The vacation of right-of-way will not restrict access to any parcel.

**Quality of Services.** The proposed vacation will not have adverse impacts on the health, safety, and/or welfare of the community and will not reduce the quality of public services provided to any parcel of land.

**Adopted Plans and Policies.** General policies of providing neighborhood connections for pedestrian and vehicular travel will be achieved by vacating the right-of-way and allowing for B.3 Road to be constructed as a through street.

**Benefits to City.** As stated above, the vacation will allow for extension of B.3 Road as a through street, which will provide additional neighborhood access for the existing and proposed subdivisions.

**PLANNING COMMISSION RECOMMENDATION:** Planning Commission recommended approval of the vacation request at its September 18, 2001 meeting.

Attachments:

- a) Ordinance Vacating the B.3 Road Cul-de-Sac Right-of-Way
- b) Aerial Photo Location Map
- c) Proposed Plat – Arrowhead Acres II Filing 3

CITY OF GRAND JUNCTION, COLORADO  
Ordinance No. \_\_\_\_\_  
VACATING A PORTION OF THE B.3 ROAD RIGHT-OF-WAY

Recitals.

The applicant is proposing to construct Filing 3 of the Arrowhead Acres II Subdivision on vacant parcels west of the southwest corner of B-1/2 and 28-1/2 Roads. When the subdivision to the west of this property were platted, dedication of turnarounds for B.3 and B.4 Roads was required on this property. The B.3 Road cul-de-sac is improved with a gravel surface and the right-of-way encumbers lots proposed within Filing 3 of Arrowhead Acres II. The applicant is proposing to vacate the right-of-way for the turnaround cul-de-sac for B.3 Road and replace it with dedication and construction of B.3 Road as a through street from 28-1/2 Road west to Arlington Drive.

The Grand Junction Planning Commission, having heard and considered the request at its September 18, 2001 hearing and found the criteria of Section 8-3 of the Zoning and Development Code to have been met, recommended approval of the vacation request.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT THE TURNAROUND CUL-DE-SAC FOR B.3 ROAD WEST OF 28-1/2 ROAD DESCRIBED BELOW AND IDENTIFIED ON EXHIBIT A ATTACHED IS HEREBY VACATED SUBJECT RECORDATION OF THE FINAL PLAT FOR FILING 3 OF THE ARROWHEAD ACRES II SUBDIVISION:

A cul-de-sac on B.3 Road, located in Lot 1, Block 6, Arrowhead Acres II, a subdivision of the County of Mesa, being described as follows:

Commencing at the southeast corner of said Lot 1, Block 6, the basis of bearing being North 89 degrees 58 minutes 03 seconds West along the south line of said Lot 1, Block 6; thence North 07 degrees 16 minutes 24 seconds West a distance of 141.16 feet to a point on the southerly right-of-way of said B.3 Road and the point of beginning; thence along the arc of a curve to the right 263.73 feet, having a central angle of 302 degrees 13 minutes 04 seconds and a radius of 50 feet, the chord which bears North 02 degrees 15 minutes 03 seconds West a distance of 48.31 feet to the northerly right-of-way of said B.3 Road and the point of terminus. Said cul-de-sac contains 0.18 acres more or less. It is the intent of this description to describe the entire cul-de-sac as dedicated on the recorded subdivision plat of Orchard Villa Estates.

INTRODUCED for FIRST READING and PUBLICATION this 19<sup>th</sup> day of September, 2001.  
PASSED on SECOND READING this 3<sup>rd</sup> day of October, 2001.

ATTEST:

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

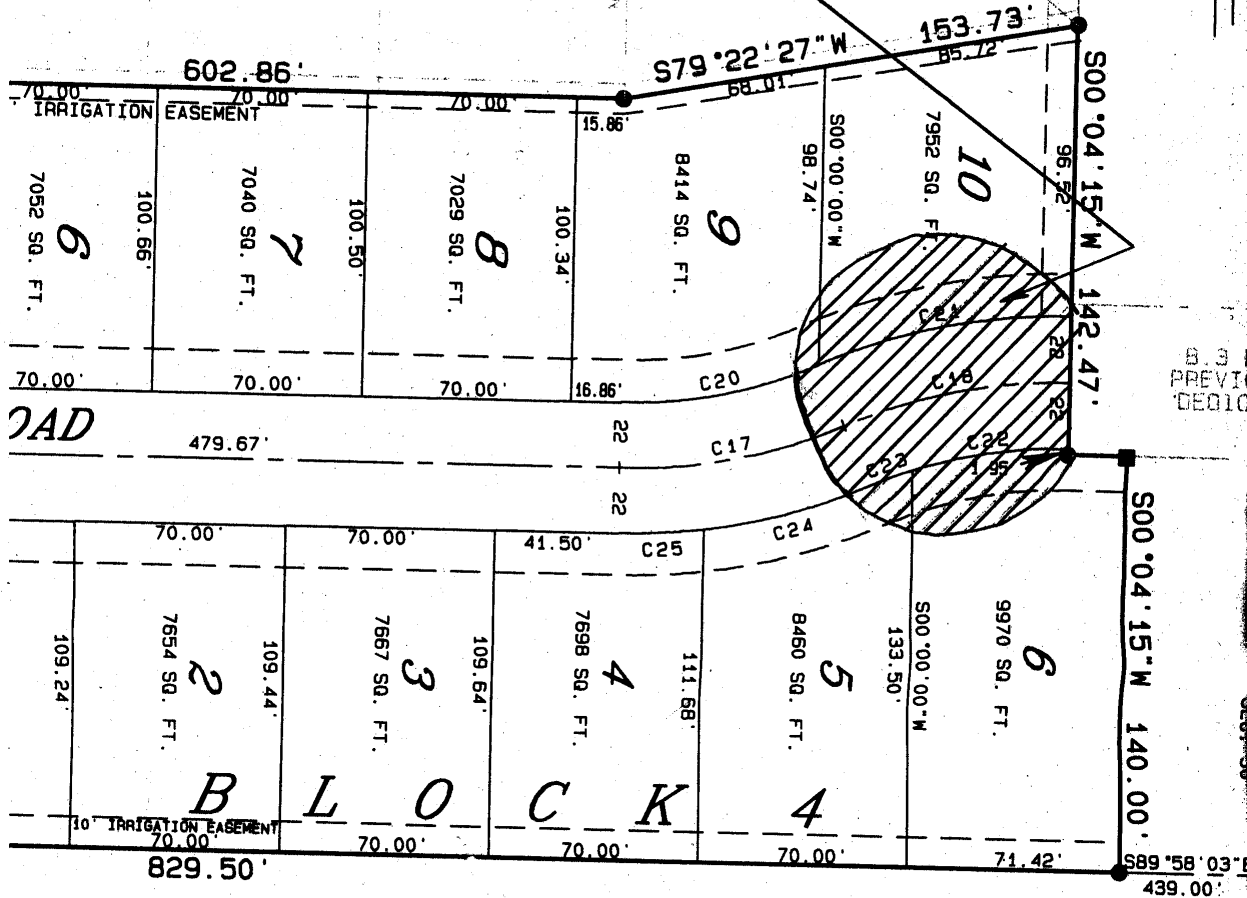
\_\_\_\_\_  
President of Council





EXHIBIT A

B.3 ROAD TURNAROUND  
CUL-DE-SAC TO BE VACATED



ARROWHEAD ACRES II FILING THRU



**Attach 18**  
**Traffic Calming on Rana Road**

**CITY COUNCIL AGENDA**  
**CITY OF GRAND JUNCTION**

| <b>CITY COUNCIL</b>    |   |                                |
|------------------------|---|--------------------------------|
| <b>Subject:</b>        | <b>Traffic Calming Project on Rana Road</b> |                                |
| <b>Meeting Date:</b>   | <b>October 3, 2001</b>                      |                                |
| <b>Date Prepared:</b>  | <b>September 14, 2001</b>                   |                                |
| <b>Author:</b>         | <b>Jody Kliska</b>                          | <b>Transportation Engineer</b> |
| <b>Presenter Name:</b> | <b>Jody Kliska</b>                          | <b>Transportation Engineer</b> |
|                        | <b>Workshop</b>                             | <b>x Formal Agenda</b>         |

**Subject:**  
 Traffic Calming project on Rana Road in the Ridges.

**Summary:**  
 Residents of Rana Road have been working with city staff for the past year and are seeking approval and funds to install three speed humps on Rana Road to reduce speeding on the streets.

**Background Information:**

City staff has been working with a small group of residents to understand and resolve traffic issues within the subdivision for more than a year. Both Transportation Engineering staff and Police Department staff attended a meeting with residents and the residents' group held several subsequent meetings. As a result of these meetings, the residents' group decided to pursue traffic calming devices. In accordance with the city's traffic calming process, the residents have approached this with the three E's – education, enforcement, and engineering.

Process for Initiating Traffic Calming Projects

- Step 1:* City receives notification from neighborhood of problem. City does basic data collection - volumes, speeds, accidents, geometrics. The problem is scored and assigned a priority.
- Step 2:* Hold neighborhood information session. Identify, quantify problems. Solicit volunteers for project traffic committee.
- Step 3:* Staff/project traffic committee develop plan for traffic calming of the project area.
- Step 4:* Public information meeting to present plan to neighborhood.
- Step 5:* Circulate neighborhood petition. 60% approval required to continue.
- Step 6:* Petition brought to Council along with Public Works staff report. Council action on temporary installation of traffic calming in accordance with the plan developed by staff/project traffic committee.
- Step 7:* Installation and monitoring of test project. City collection of appropriate traffic data.
- Step 8:* Survey neighborhood for acceptance and present results of data collection.

Step 9: Request council action for installation of permanent improvements.

Step 10: Design and construction.

**H. Data Collection**

The standard road tubes were used to collect speed and volume data on Rana Road. The data is summarized below.

| <i>Street</i> | <i>85<sup>th</sup> Mile Speed</i> | <i>Highest Speed</i> | <i>Volume</i> |
|---------------|-----------------------------------|----------------------|---------------|
| Rana Road     | 26                                | 37                   | 409           |

**I. Residents' Efforts**

The residents' group composed a petition and passed out the traffic calming brochures designed by city staff to all residents of the Rana Road area. The group decided with the aid of staff that they wanted to pursuing installation of speed humps. The residents held a meeting at Scenic Elementary School on April 5, 2001, followed up with mailers, and went door-to-door with flyers to follow up with non-responsive mailers. The committee members were able to get to know their neighbors and explain the problems they see with speeding in their subdivision, as well as the potential consequences. These educational efforts have increased awareness of the problems associated with speeding. The results of the petition are as follows.

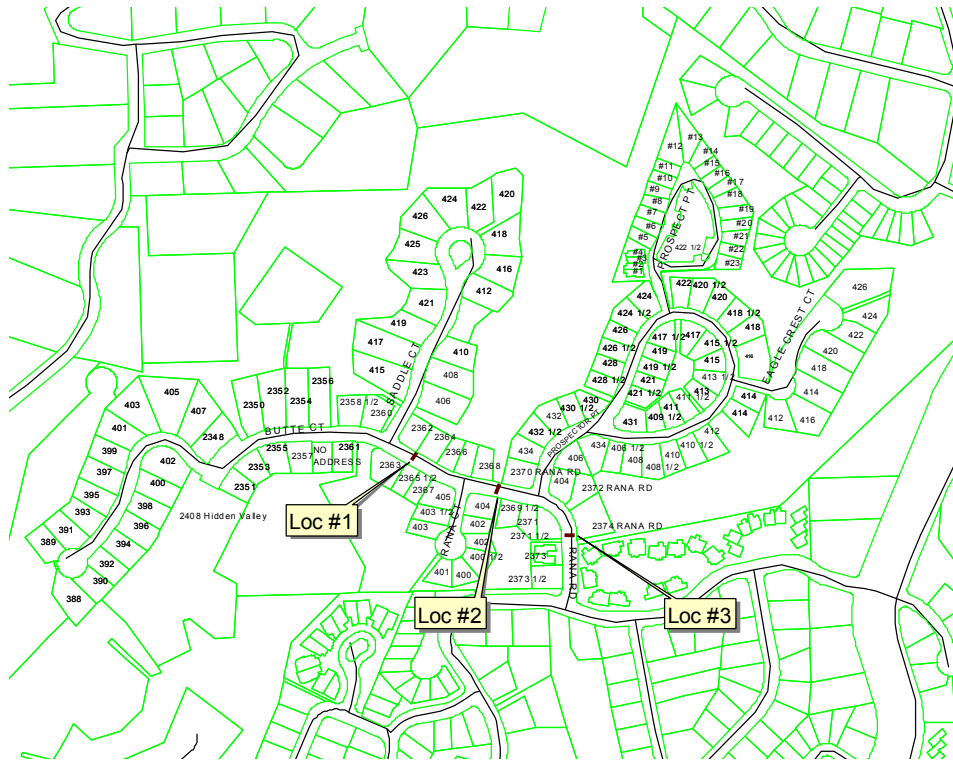
There are 120 possible properties with homes polled (there are 28 vacant lots):

- Yes 84
- No 24
- No Response 12

This represents 70% of the residents of Rana Road in favor of installation of speed humps. The proposal is for three speed humps, shown on the map below.

## J. Recommended Speed Hump Placement

Rana Road Traffic Calming Request For Speed Bump Installations  
Properties to be Petitioned (highlighted)



Speed Bump Locations are approximate and may vary upon installation.

— Speed Bump

**Budget:**

The CIP contains project F25600, where \$25,000 is budgeted for traffic calming projects. Staff proposes construction of the speed humps by the City Streets Division at an estimated cost of \$1200 each, or \$3600. Staff anticipates more requests for traffic calming from other neighborhoods in the city.

**Action Requested/Recommendation:**

Approval of the expenditure of approximately \$3600 for speed humps on Rana Road, with the understanding that this will be monitored and evaluated during the next six to twelve months in accordance with the traffic calming procedures.

|                              |  |           |                                     |            |                |
|------------------------------|--|-----------|-------------------------------------|------------|----------------|
| <b>Citizen Presentation:</b> | <input type="checkbox"/>                           | <b>No</b> | <input checked="" type="checkbox"/> | <b>Yes</b> | <b>If Yes,</b> |
| <b>Name:</b>                 | <b>Patti Stubler</b>                               |           |                                     |            |                |
| <b>Purpose:</b>              | <b>Detail residents' efforts, present petition</b> |           |                                     |            |                |

|  |                          |           |                                     |            |              |               |
|--|--------------------------|-----------|-------------------------------------|------------|--------------|---------------|
| <b>Report results back to Council:</b> | <input type="checkbox"/> | <b>No</b> | <input checked="" type="checkbox"/> | <b>Yes</b> | <b>When:</b> | <b>1 Year</b> |
|--|--------------------------|-----------|-------------------------------------|------------|--------------|---------------|

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



**Attach 19**  
**EMS Rental Equipment**

**CITY COUNCIL AGENDA**  
**CITY OF GRAND JUNCTION**

| <b>CITY COUNCIL</b>    |   |                                     |                      |
|------------------------|---|-------------------------------------|----------------------|
| <b>Subject:</b>        | <b>Resolution Authorizing Short-term Rental Payments/Agreements for Various Fire Vehicles and Equipment</b> |                                     |                      |
| <b>Meeting Date:</b>   | <b>October 3, 2001</b>  |                                     |                      |
| <b>Date Prepared:</b>  | <b>September 24, 2001</b>   |                                     |                      |
| <b>Author:</b>         | <b>Ron Lappi</b>  | <b>Title: Admin. Svcs. Director</b> |                      |
| <b>Presenter Name:</b> | <b>Kelly Arnold</b>   | <b>Title: City Manager</b>          |                      |
|                        | <b>Workshop</b>   | <b>X</b>                            | <b>Formal Agenda</b> |

**Subject:** A Resolution authorizing the signing of agreements relating to certain fire vehicles and equipment previously donated to the City by the Colorado EMS Foundation (“EMS”): 1. A short-term rental agreement with Kansas State Bank of Manhattan (“Bank”); 2. A short-term rental agreement with Federal Signal Leasing (Lessor); and 3. EMS's guarantee agreement to repay the City for the rental payments, and any lease purchase arrangements we may enter into for the subject equipment.

**Summary:** The City Manager will be authorized to sign rental agreements for September, October, November and December, 2001 with the Bank and the Lessor, each of which asserts that it has a security interest in the thirteen pieces of fire equipment that was donated to the City by the EMS Foundation through its representative Rob Dixon. Only four months of payments are proposed in the hope that the Foundation will finish its promised efforts to convert its investments so that it can make all of the required payments, by December 31, 2001. At the same time, the City Manager will be negotiating for permanent lease-purchase arrangements and/or pay-off of some or all of the vehicles/equipment in the event the Foundation does not pay the Bank and the Lessor as it has promised it will do. Further, these are proposed as short-term agreements to give the Manager time to evaluate the fair market value of the equipment, and whether any equipment is not essential.

**Background Information:** Over the past two years the Colorado EMS Foundation, through its trustee and president, Rob Dixon, donated thirteen vehicles and related emergency equipment valued at approximately \$2.3 million to the City. As this equipment was delivered and accepted the then “front line” equipment was donated to smaller departments or otherwise disposed of. Thus, the donated equipment is now vital to the fire fighting abilities of the City.

Early in 2001, Mr. Dixon approached the City asking if the City would assist the Foundation by entering into a lease purchase for the donated equipment, thus complying with IRS requirements. City staff indicated that the City would be happy to assist, so long as the City did not have to pay any money to keep the donated equipment. Mr. Dixon promised that no City money would be required to solve his problem. Later, it became apparent that the Foundations gifts to Walker Field, the Mesa County Sheriff, the Lower Valley Fire Protection District, and others were in similar situations. The full extent of the problems, and the full extent of the involved dollars was not apparent until just recently when the bank, lessor and other local entities began sharing information. The Foundation’s attorney has indicated that the Foundation

can make its payments if all involved can wait until December 31, 2001. The Foundation has not made required payments to either the bank or the lessor since the Foundation made its contracts. There is very limited information regarding the solvency of the Foundation and the status of its investments and/or assets. We do believe that very little has been paid on the Foundation's obligations and we now know that the investments of the Foundation are very illiquid.

**Budget:** The cost of the rental agreements to get us to December 31, 2001 is \$206,517.27. None of this money has been budgeted. We are requesting the use of General Fund Contingency to meet these obligations. The contingency account balance as of this writing is approximately \$314,000, so the account does have adequate resources to fund this unexpected event. Any amounts needed in the next two years to meet rental/lease purchase obligations of the City, if any, will be included in the City Manager's recommended biennial budget for 2002 and 2003. If the City ends up having to use its resources either permanently or temporarily the payments will probably switch from monthly to twice a year, like most long-term financial arrangements of the City.

**Action Requested/Recommendation:** Approve the Resolution authorizing the City Manager to enter into the described agreements.

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

|  |                          |                          |                                     |                          |              |                 |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|--------------|-----------------|
| <b>Report results back to Council:</b> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <b>When:</b> | <b>Dec.2001</b> |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|--------------|-----------------|

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

## RESOLUTION NO \_\_\_\_\_

A RESOLUTION APPROVING SHORT TERM RENTAL AGREEMENTS WITH KANSAS STATE BANK AND FEDERAL SIGNAL LEASING FOR CERTAIN FIRE VEHICLES AND EQUIPMENT, AND THE COLORADO EMS PAYMENT GUARANTEE

### **Recitals.**

The Colorado EMS Foundation (Foundation) donated 13 pieces of fire apparatus to the City over the last couple of years. In February of this year the foundation Trustee and President, Rob Dixon informed the City that the foundation wasn't paying the bank and lessor, due to concerns regarding IRS regulations.

As it turns out, the real problem is that the foundation has not made the required payments, totaling approximately \$2.3 million, on the equipment donated to the City of Grand Junction. To avoid threatened litigation by the bank and leasing company that assert a lien on the title to the equipment, the City has negotiated these short-term rental agreements. The City's position throughout has been that the donations to it are complete; the bank and lessor need to address these questions directly with the Foundation.

In order to give the Foundation every opportunity to make good on its promises to pay the bank and leasing company, the City Manager has negotiated short-term rental agreements with both institutions through December 31, 2001. Between now and then the City will further evaluate it's options, determine if any equipment is not essential, and whether the City should finance or purchase this equipment if the foundation does not pay as it has promised.

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

The two short-term rental agreements attached hereto with Federal Signal Leasing and Kansas State Bank (Manhattan) dated September 15, 2001 are in the best interest of the City.

The City Manager is hereby authorized and directed to enter into the agreements on behalf of the City.

The City Manager is directed to evaluate other options for the retention and financing of all or a portion of the equipment as appropriate and necessary to recommend appropriate agreements or actions.

The City Manager is directed to enter into a guarantee agreement with the Foundation in substantially the form attached hereto.

ADOPTED AND APPROVED this 3rd day of October, 2001.

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



ATTEST:

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

Letter of Agreement between Federal Signal Corporation ("Lessor") and the City of Grand Junction ("City")

**Re: Colorado EMS Foundation/donated trucks and equipment**

First, we agree to briefly state the background of our current situation. Rob Dixon representing the Colorado EMS Foundation ("Foundation") "donated" vehicles and equipment to the City. The City now understands that title to that equipment was subject to a lien in favor of the Lessor. However, the City believes it has defenses to the Lessor's claims to repossess the vehicles or to require the City to pay for the vehicles and/or equipment.

We each acknowledge the position of the other party. The City position is that the trucks/equipment are a completed donation. The Lessor's position is that all equipment is subject to the Lessor's lien and that the Lessor has received no payments. The City must either return the vehicles, sign a mutually agreeable lease, or pay-off the equipment.

We agree that the Foundation has currently promised to convert its investments to liquid assets by December 31, 2001. One purpose of this letter is to agree that by signing this letter agreement, we do not give up any of our legal defenses and legal positions, nor do we make admissions that would later be used in litigation. We agree to provide time for the Foundation to implement its promise to liquidate so that it might meet its obligations, the Lessor can receive payment(s), and the City can keep its "donated" equipment.

Another purpose of this agreement is to get from today's date through December 31, 2001 without having to make any tough final decision(s) which could put us in an adversarial position and could lead to litigation over substantially differing positions and theories.

Therefore, the City will pay the Lessor "rental payments" for the months of September, October, November and December of 2001 as stated in Attachment A "Schedule of Payments", dated September 15, 2001. Regardless of whether or not Foundation pays its obligations and regardless of whether or not the City enters into an agreement with the Lessor, we agree that these rental payments will be applied to reduce the then current principal balance as shown on Attachment B "List of Leased Equipment."

The City will require that the Foundation guarantee to repay to the City all amounts paid to Lessor, including the rentals per month plus any amounts under an eventual lease purchase.

We agree that we have not negotiated the terms of any lease, lease-purchase or pay-off at this time. The Lessor and the City agree that we will do so, to the best of our good faith abilities, reach an agreement by October 31, 2001. The City Manager will schedule any such tentative agreement for the City Council's review in early November, to be effective January 1, 2002.

We both agree that these negotiations, this letter agreement, and our other discussions will not be used as admission(s) or used against the other if we end up having to litigate.

Both parties also agree that the "at fault" party is the Colorado EMS Foundation and/or its representative Rob Dixon. Both parties agree that to the extent that we can, we should stay allied in our efforts to pursue being made whole against the EMS Foundation and Mr. Dixon.

We have agreed that the rental payments will apply against the current principal amount at 4.5% interest as set forth on Attachment A.

We both agree that these trucks and equipment are essential to the City's mission. We also

agree that while the trucks and equipment are in our possession the City will continue to insure them and properly maintain them.

The other issues that the Lessor and the City have agreed to not address at this time:

(a) What will be the principal amount of any City's refinancing, lease or pay-off and what equipment will be involved?

The City desires that the City/Lessor agreement reflect the current fair market value of all of trucks and equipment.

Date: \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
Kelly Arnold, City Manager  
City of Grand Junction  
250 N. 5<sup>th</sup> St.  
Grand Junction CO 81501

\_\_\_\_\_  
Robert Racic, President  
Federal Signal Leasing Corporation  
1415 W. 22<sup>nd</sup> St.  
Oak Brook IL 60523

**ATTACHMENT A**  
**September 15, 2001**

Letter Agreement between Federal Signal Leasing (Lessor) and City of Grand Junction ("City").

|                           |                        |
|---------------------------|------------------------|
| Lessee:                   | City of Grand Junction |
| Date of First Payment:    | September 15, 2001     |
| Original Balance:         | \$1,028,198.00         |
| Total Number of Payments: | 4                      |

**PAYMENT SCHEDULE**

| PMT # | DUE DATE   | TOTAL PAYMENT | APPLIED TO INTEREST | APPLIED TO PRINCIPAL | BALANCE         |
|-------|------------|---------------|---------------------|----------------------|-----------------|
| 1     | 09/15/2001 | \$ 21,600.00  | \$ 3,856.00         | \$ 17,744.00         | \$ 1,010,454.00 |
| 2     | 10/15/2001 | \$ 21,600.00  | \$ 3,789.00         | \$ 17,811.00         | \$ 992,643.00   |
| 3     | 11/15/2001 | \$ 21,600.00  | \$ 3,722.00         | \$ 17,878.00         | \$ 974,765.00   |
| 4     | 12/15/2001 | \$ 21,600.00  | \$ 3,655.00         | \$ 17,945.00         | \$ 956,820.00   |

Note: The 12/15/2001 payment includes interest through 1/15/2002.

**ATTACHMENT B**  
**September 15, 2001**

Letter Agreement between Federal Signal Leasing (Lessor) and City of Grand Junction ("City").

**EQUIPMENT LIST**  
**September 15, 2001**

| Collateral Description    | Serial/ID#  | Cost                   |
|---------------------------|---|------------------------|
| 3 E-1 Pumpers             | 5020672/1000672<br>5020673/1000673<br>5020674/1000674 | \$ 787,425.00          |
| International Tanker 2674 | 1HTGLAHT4YH250481                                     | \$ 240,773.00          |
| <b>TOTALS</b>             |   | <b>\$ 1,028,198.00</b> |

## **FIRE EQUIPMENT AGREEMENT**

This Equipment Agreement ("Agreement") is entered into by and between Kansas State Bank of Manhattan (the "Bank") and the City of Grand Junction, Colorado ("Grand Junction").

### **RECITALS**

- A. Whereas the Bank has financed the purchase of fire trucks and other equipment (collectively the "Fire Equipment") by the Colorado EMS Foundation ("EMS");
- B. Whereas Grand Junction has possession of the Fire Equipment and has deployed the Fire Equipment for its use;
- C. Whereas EMS has defaulted on its financing agreements with the Bank for the Fire Equipment;
- D. Whereas the Bank asserts that it has a perfected security interest and lien on the Fire Equipment; and
- E. Whereas Grand Junction disputes the Bank's assertion of a security interest and lien on the Fire Equipment;

NOW, THEREFORE, in consideration of the foregoing, the covenants and agreements contained herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

### **AGREEMENT**

1. Grand Junction shall make four monthly lease payments to the Bank on the dates and in the amounts set forth in the Payment Schedule attached to this Agreement as **Attachment A**. The payments shall be credited to the outstanding principal and interest on the Fire Equipment as set forth in the Payment Schedule. A list of the Fire Equipment, including serial numbers, is attached hereto as **Attachment B**. The parties have specifically not agreed as to the principle amount of any future financing for the Fire Equipment or which Fire Equipment may be included in any such financing.
2. The Bank agrees that, absent a breach of this Agreement by Grand Junction, it will not seek to repossess any of the Fire Equipment or otherwise file any claim against Grand Junction prior to December 31, 2001. The Bank may, however, take any other action to maintain or protect its asserted security interest and lien on the Fire Equipment including, but not limited to, asserting a claim against EMS in a court of competent jurisdiction.
3. Notwithstanding paragraph 2 above, in the event that Grand Junction fails to make a full or timely scheduled payment to the Bank as required by this Agreement, the Bank may immediately seek to repossess the Fire Equipment or pursue any of its rights in law or equity unless the Bank receives the payment in full within 10 days of its due date.
4. Grand Junction agrees to properly maintain and insure the Fire Equipment through December 31, 2001, and during all subsequent periods while Grand Junction has possession of the Fire Equipment.
5. Nothing in this Agreement shall be construed as an admission by either party. Neither party waives any legal or equitable claim or defense as a result of this Agreement.
6. This Agreement represents the entire agreement of the parties and supersedes any prior agreements, negotiations, or communications among the parties.
7. The terms of this Agreement may be modified, amended, or any provisions thereof waived only by mutual consent of the parties hereto as reflected in a writing executed by all parties.

8. This Agreement may be executed in counterparts and by facsimile, each of which shall be deemed an original and all of which, taken together, shall constitute one agreement.

**The City of Grand Junction**

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
Kelly Arnold, City Manager

**Kansas State Bank of Manhattan**

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
Mike Daniels, President

**ATTACHMENT A**  
**September 15, 2001**

Letter Agreement between Kansas State Bank of Manhattan (Bank) and City of Grand Junction ("City").

Lessee: City of Grand Junction  
Date of First Payment: September 15, 2001  
Original Balance: \$1,138,131.00  
Total Number of Payments: 4

**PAYMENT SCHEDULE**

| PMT # | DUE DATE   | TOTAL PAYMENT | APPLIED TO INTEREST | APPLIED TO PRINCIPAL | BALANCE         |
|-------|------------|---------------|---------------------|----------------------|-----------------|
| 1     | 09/15/2001 | \$ 33,729.41  | \$ 0.00             | \$ 33,729.41         | \$ 1,104,401.59 |
| 2     | 10/15/2001 | \$ 33,729.41  | \$ 4,141.51         | \$ 29,587.90         | \$ 1,074,813.69 |
| 3     | 11/15/2001 | \$ 33,729.41  | \$ 4,030.55         | \$ 29,698.86         | \$ 1,045,114.83 |
| 4     | 12/15/2001 | \$ 18,929.04  | \$ 5,983.52         | \$ 12,942.52         | \$ 1,032,169.31 |

Note: The 12/15/2001 payment includes interest through 12/31/2001.



**ATTACHMENT B**  
**September 15, 2001**

Letter Agreement between Kansas State Bank of Manhattan (Bank) and City of Grand Junction (Lessee).

**EQUIPMENT LIST**  
**September 15, 2001**

| Collateral Description                                      | Serial/ID#         | Cost                   |
|---|--------------------|------------------------|
| 1998 Freightliner Med Rescue - SVI                          | 1FV6HFAA9WH911066  |                        |
| 1999 Wells Cargo Trailer - SVI                              | 1WC200F27X4036852  | \$ 128,654.00          |
| 2000 Spartan Heavy Rescue - SVI                             | 4S7AT329XYC032410  | \$ 312,971.00          |
| 2000 Haulmark Air Trailer - SVI                             | 4XSPB1625YG018474  |                        |
| 2000 Wells Cargo Trailer - SVI                              | 1WC200G25Y4039460  | \$ 98,293.00           |
| 2000 International Grizzly - Eone                           | 1HTSDAAR2YH254292  | \$ 117,534.00          |
| 2000 Ford Jackrabbit - Eone                                 | 1FDXF47FXEYEB11549 | \$ 83,093.00           |
| 1999 International - SVI                                    | 1HTSDADN6XH655917  | \$ 192,858.00          |
| Equipment (see attached list)                               |                    | \$ 144,728.00          |
| 3 Cairns Iris II, Model 52-IR01,<br>Thermal Imaging Cameras | 2001, 2027 & 2039  | \$ 60,000.00           |
| <b>TOTALS</b>   |                    | <b>\$ 1,138,131.00</b> |

**City of Grand Junction Contract with EMS  
Foundation  
Miscellaneous Equipment**

| <b>ITEM</b>   | <b>SERIAL/ITEM #</b> | <b>QTY</b> | <b>UNIT PRICE</b> | <b>TOTAL PRICE</b> |
|---|----------------------|------------|-------------------|--------------------|
| Pedsco RMI-9WT Remote Mobile Investigator<br>with Tracks - Bomb Robot | #0200802             | 1          | \$59,730.00       | \$59,730.00        |
| Rotating Claw with Camera   |                      | 1          | \$2,000.00        | \$2,000.00         |
| Large Claw  |                      | 1          | \$3,700.00        | \$3,700.00         |
| Satellite Phone   |                      | 1          | \$6,659.27        | \$6,659.27         |
| Bomb Suit   |                      | 1          | ?                 | ?                  |
| Back-Up Camera  |                      | 1          | \$5,900.00        | \$5,900.00         |
| Awning  |                      | 1          | ?                 | ?                  |
| Pol-Da-Tank PDT-2100 22 oz., Hypalon RED                              |                      | 1          | \$928.00          | \$928.00           |
| TNT BT-5.5 Power Unit   |                      | 5          | \$3,735.00        | \$18,675.00        |
| TNT CC-28 Coabl Tool  |                      | 5          | \$2,695.00        | \$13,475.00        |
| TNT R-30 Ram  |                      | 5          | \$1,255.00        | \$6,275.00         |
| TNT R-10 EXT Extensions w/f/p   |                      | 5          | \$144.00          | \$720.00           |
| TNT EXTH-30RED 30' Red Hose   |                      | 5          | \$445.00          | \$2,225.00         |
| TNT EXTH-30BLU 30' Blue Hose  |                      | 5          | \$445.00          | \$2,225.00         |
| Zuaro Baalc Air Bag Set   | 5 Model 22 #1323     | 5          | \$3,450.00        | \$17,250.00        |
|   | 5 Model 35 #1129     |            |                   |                    |
|   | 5 Controller #1443   |            |                   |                    |
|   | 5 Controller #1427   |            |                   |                    |
|   | 5 16' Hoses #1535    |            |                   |                    |
|   | 5 16' Hoses #1528    |            |                   |                    |

|  |                                     |  |  |  |
|--|-------------------------------------|--|--|--|
|  | 5 Model #4500 Pressure Reducer 4500 |  |  |  |
|  | 5 Carrying Bags #1612               |  |  |  |

| ITEM   | SERIAL/ITEM #                       | QTY | UNIT PRICE | TOTAL PRICE         |
|--|-------------------------------------|-----|------------|---------------------|
| 36" CONES W/COLLAR                               | SALES CD# 401-02                    | 30  | \$19.75    | \$592.50            |
| 12" CONE   | SALES CD# 401-02                    | 20  | \$4.15     | \$83.00             |
| BARD TAPE CLIP                                   | SALES CD# 401-02                    | 80  | \$0.60     | \$48.00             |
| FREIGHT  |                                     |     |            | \$88.47             |
| REFURBISH CAB CONSOLE                            |                                     | 1   | \$1,007.00 | \$1,007.00          |
| REARRANGE SWITCHES, INSTALL<br>HEADLIGHT FLASHER |                                     | 1   | \$325.00   | \$325.00            |
| REFURBISH/FABRICATE BACKBOARD<br>DOLLY           |                                     | 1   | \$1,135.00 | \$1,135.00          |
| MCS2000 HIGH SPEC MOBILE                         | MODEL #M01HX, SERIAL #'S 623AAG0562 | 1   | \$707.40   | \$707.40            |
| VHF2 50-110W (146-174 MHZ) HIGH PWR              | MODEL #427W                         | 1   | \$749.00   | \$749.00            |
| ENH: CONVENTIONAL SOFTWARE                       | MODEL #H35                          | 1   | \$162.00   | \$162.00            |
| ADD: IGNITION SWITCH CABLE                       | MODEL #B113                         | 1   | \$-        | \$-                 |
| ENH: EXPRESS SERVICE PLUS (ESP)                  | MODEL #G397                         | 1   | \$70.00    | \$70.00             |
| ADD: 1/4 WAVE ROOF TOP                           | MODEL #B776                         | 1   | \$-        | \$-                 |
| <b>TOTAL</b>                                     |                                     |     |            | <b>\$144,729.64</b> |

## AGREEMENT

This Agreement is made by and between the Colorado Emergency Medical Services Foundation, hereinafter known as the "Foundation," and the City of Grand Junction, hereinafter referred to as "City."

Recitals. The Foundation was created with the purpose of enhancing the quality and availability of emergency services in the State of Colorado. The Foundation has met its purpose by donating fire trucks and other equipment to the City. However, the Foundation entered into various agreements with certain banks and leasing companies in which the Foundation agreed to pay for the donated trucks and equipment. The Foundation has promised, consistently with its donation to the City, to make all such required payments so that its gift to the City can be fulfilled.

The Foundation's investments are such that it is now attempting to liquidate enough of its assets to make the past due and current payments.

Meanwhile, the bank and leasing company have indicated that the City must make some payments towards the Foundation's obligations to avoid litigation and other actions on their behalf. The City Manager has negotiated two agreements the essence of which are that the City will make certain rental payments, to allow the Foundation time to obtain the cash to make its required payments.

Because the Foundation wishes to stand behind its donations, it supports the City in this regard, and it renews its promises to hold the City harmless for any such payments.

Based on these recitals, and in consideration of the forbearances, promises, and other consideration the adequacy of which is confessed, the Foundation and the City agree as follows:

1. The Foundation donated and caused to be delivered to the City the following fire apparatus, hereinafter known as the "Vehicles," to the City:
  - a) One Freightliner FL70  
VIN#1FV6HFAA9WH911066
  - b) Three E-1 Pumpers  
VIN# 4ENRAAA83X1000674  
VIN# 4ENRAAA81X1000673  
VIN# 4ENRAAA8XX1000672
  - c) One International 2674  
VIN# 1HTGLAHT4YH250481
  - d) One IHC 4900  
VIN# 1HTSDAAR2YH254292
  - e) One Haulmark K716BT-WT  
VIN#4XSPB162546018474
  - f) One Wells Cargo Trailer  
VIN# 1WC200625Y4039460
  - g) One Spartan Fire Truck  
VIN#4S7AT329XYCO32410
  - h) One Ford F450  
VIN#1FDXF47FXEYB11549

- i) One IHC4900  
VIN#1HTSDADN6YH655917
- j) One SVI Wells Cargo Trailer  
VIN#C200F27X4036852
- k) Three Cairns Iris II, Model 52-1R01, Thermal Imaging  
Cameras  
Serial #'s 2001, 2027 & 2039
- l) Other Equipment-Robot/Camera etc. (See Attached)
- m) One Urban Interface Vehicle ICH 4900  
VIN: 1HTSEADNO1H301444

2. So that the City may continue to possess, and receive the benefit of all and any of the Vehicles, the City may enter into one or more short- and long- term rental and/or lease or lease-purchase agreements with one or more banks and/or lessors.
3. The City shall continue to use and retain possession of the Vehicles. The City states that each Vehicle is essential to the City's mission.
4. The City shall continue to insure and maintain each of the Vehicles, according to the policies of the City and, as applicable, as required by any lien holder.
5. The City shall not sell, gift, trade or otherwise dispose of any of the Vehicles for value without arranging for payment or credit of such value against any asserted lease or lien; notwithstanding the foregoing, the City may dispose of any Vehicle if it is destroyed or only has salvage value, without payments to any person, and further, the City may take steps to own and retain all or any of the Vehicles.
6. The City acknowledges that the Foundation is not involved in nor responsible for the use and operation of the Vehicles during such time as the City has the use and benefit of the Vehicle(s).
7. The Foundation agrees to take whatever steps are necessary to become current with respect to its prior obligations relating to the Vehicles.
8. On or before the sixtieth (60<sup>th</sup>) day before each lease payment due date, the Foundation agrees that it shall deposit with the City an amount equal to the next due lease payment or other obligation due to a bank or lessor relating to the Vehicles.
9. The Foundation agrees to reimburse to the City any money the City pays to any other person so that the City may retain the Vehicles without resorting to litigation or other City options. Specifically within thirty (30) days of mailing of notice by the City to the Foundation, the Foundation agrees to reimburse the City for all rental or similar payments the City has made to date.
10. The Foundation agrees that its duty to fulfill its donation to the City, and any related liability to the City, is not affected by this Agreement. The parties hereto agree to not decide such questions in this agreement.

IN WITNESS WHEREOF, the parties hereto have executed this contract as set forth next to the respective signatures.

THE CITY OF GRAND JUNCTION

COLORADO EMS FOUNDATION

\_\_\_\_\_  
Kelly Arnold, City Manager

\_\_\_\_\_  
Rob Dixon, President

Date: \_\_\_\_\_

Date: \_\_\_\_\_

ATTEST: \_\_\_\_\_  
City Clerk

Sec/Treas.: \_\_\_\_\_